

## **Human rights of female prisoners in the Croatian prison system**

*The crime of women is the subject of interest of a relatively small number of researchers due to their “marginal” representation in criminality, and this interest is even less when we talk about women in the prison system. The aim of this paper was to analyse the implementation of human rights laws and standards for female prisoners in the Croatian prison system and to assess current practice with special focus on the Bangkok Rules. In order to achieve the aim of this paper, three research questions were set up: 1) What do we know about female offenders and prisoners in Croatia from official statistics? 2) Does Croatia have a sufficient legal framework to protect the rights of prisoners, especially women's? 3) What is the situation regarding the rights of female prisoners from the perspective of national and international protection and monitoring bodies? Results showed that although the official data of the National Bureau of Statistics on the number of reported, accused and convicted adults in Croatia show decreasing trend in the period from 2000 to 2022, there has been an increase in the proportion of women in the number of reported, accused and convicted persons in that period. In terms of the implementation of international standards, it can be concluded that Croatian national legislation has reached a satisfactory level. Analysis of the reports of the protection and monitoring bodies showed negative effects of the problem of overcrowding, the insufficient co-operation between the Ministry responsible for the penitentiary sentences and the one responsible for health care, and the inadequate application of mechanisms for the protection of prisoners' rights.*

*Keywords: human rights, female prisoners, Bangkok rules, Croatia*

### **Introduction**

The crime of women is the subject of interest of a relatively small number of researchers due to their “marginal” representation in criminality, and this interest is even less when we talk about women in the prison system. The fact that women are underrepresented in crime and in penal systems cannot be a justification for their marginalization in a scientific, professional, and political sense, as feminist criminologists have been warning since the 1960s (Adler, 1975; Chesny-Lind, 1997; Heidensohn, 1968, 1985; Pollock, 1999; Simon, 1976). Today, the field of feminist criminology, which has evolved from one variable (the gender of the offender) to the entire field, can be viewed within the framework of three “lines” of interest: one line deals with the criminality of women (which also includes the issues of criminal sanctions imposed on women), the second deals with the victimization of women, while the third deals with the experts employed in the criminal justice system (Britton, 2000). Looking back at the development of criminological research in this area, Heidensohn (2012) recognizes, among other things, that considerable development is noticeable in some specific areas, such as women's experiences in criminal courts and the penological treatment of women.

One of the main initial criticisms of criminologists who focused on explaining male criminality and creating responses to it based on scientifically verified findings from

research on male criminality was that female criminality and the response to it cannot be based on findings about men due to the different nature of female criminality (Carrington & Death, 2014). The same remark applies to criminal sanctions imposed on offenders, especially imprisonment. Imprisonment is the ultimate measure with which all societies respond to criminality. Its severity stems from the fact that it represents the deprivation of a fundamental human right to liberty and indirectly leads to the restriction of a whole range of other rights as a result of imprisonment (Babić et al., 2006). This underlines the importance that national legislations and prison systems must attach to the human rights of prisoners. There are more than 11.5 million people in prison worldwide, 7% of them are women and girls. Since 2000, the number of female prisoners<sup>1</sup> has been increasing at faster rate than male prisoners (60% for women, and 22% for men). Around 120 countries have overcrowded prison systems (Penal Reform International, 2023). Given that in most modern societies the resocialization of prisoners (i.e. preparing prisoners for a life in accordance with social norms), which includes respecting the constitutionally guaranteed rights of the citizens of that particular society, is one of the purposes of serving a prison sentence, it is important that this process is based on respecting the human rights of the prisoners.

The protection of prisoners' rights today is achieved in three ways: 1. by protecting general human rights, which apply to everyone, including prisoners; 2. by protecting the rights of prisoners in general; and 3. by providing special protection for certain categories of prisoners (such as women, minors, patients, etc.) (Šeparović, 2003, p. 36). The human rights of male and female prisoners derive from three categories of sources: international treaties<sup>2</sup>, international instruments<sup>3</sup> and domestic laws (Krabbe & van Kempen, 2017). The main human rights instruments at the global level are the UN International Covenant on Civil and Political Rights (ICCPR)<sup>4</sup> and UN International Covenant on Economic, Social and Cultural Rights<sup>5</sup>. In addition, there are several instruments that have been developed specifically for the protection of persons deprived of their liberty. The UN Standard Minimum Rules for the Treatment of Prisoners<sup>6</sup> were adopted by the 1st UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and revised in 2015, now better known as "the Nelson Mandela Rules"<sup>7</sup>. This instrument is the main global document that sets out minimum standards that each country should develop for the detention of prisoners. There are other specific documents for specific prisoner population or conditions: The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

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<sup>1</sup> It is worth noting that Europe is the only region documenting decrease in the number of women in prison (from 99.9000 in 2000 to 87.324 in 2020 which is decrease of 12.6%) (Penal Reform International, 2023)

<sup>2</sup> Legally binding obligations

<sup>3</sup> So-called "soft-law", non-legally binding standards

<sup>4</sup> [https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch\\_iv\\_04.pdf](https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf)

<sup>5</sup> [https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch\\_iv\\_03.pdf](https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf)

<sup>6</sup> [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf)

<sup>7</sup> <https://documents.un.org/doc/undoc/gen/n15/443/41/pdf/n1544341.pdf?token=NDmFJLIX1HX1ZpH8g5&fe=true>

(1988)<sup>8</sup>, The Basic Principles for the Treatment of Prisoners (1990)<sup>9</sup>, the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (2010)<sup>10</sup>, the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (1985)<sup>11</sup>, and UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)<sup>12</sup>. These developed standards are important because, although they fall into the category of so-called soft instruments, they represent an important tool for monitoring and improving prison conditions (Barberet & Jackson, 2017). At regional level, the main human rights instrument is the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950)<sup>13</sup>. This convention is important because it established the European Court of Human Rights (Article 19), which is an important legal remedy for prisoners who think that the state has violated their human rights<sup>14</sup>. From the prisoners' perspective, the European Minimum Rules for the Treatment of Prisoners<sup>15</sup> (1973) and the European Prison Rules (1973, 1987, 2006, 2020) are important documents. The latest revisions of European Prison Rules<sup>16</sup> have implemented improved standards of the UN Mandela Rules and the Bangkok Rules, specifically in the following eight areas: 1. separation and solitary confinement; 2. women; 3. foreign nationals; 4. instruments of restraint; 5. requests and complaints; 6. adequate prison staffing levels and minimum service guarantees; 7. records and file management; and 8. inspections and monitoring (Van Zyl Smit & Slade, 2020, p. 213). Van Zyl Smit and Slade (2020, p. 220) explained that amendments to the rule on women addressed weakness in the 2006 Rules with the general clause<sup>17</sup> and recognise the need for more systematic standard regulation on this topic by the Council of Europe.

Beside human rights international instruments, there are other important instruments that prohibit torture and other cruel, inhuman or degrading treatment or punishment as serious human rights violations. At the global level, there is the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984)<sup>18</sup> with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)<sup>19</sup>. The Optional Protocol established “a system of regular

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<sup>8</sup> <https://digitallibrary.un.org/record/53865?v=pdf>

<sup>9</sup> <https://digitallibrary.un.org/record/105348?v=pdf>

<sup>10</sup> [https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf)

<sup>11</sup> [https://www.unodc.org/pdf/compendium/compendium\\_2006\\_part\\_01\\_02.pdf](https://www.unodc.org/pdf/compendium/compendium_2006_part_01_02.pdf)

<sup>12</sup> <https://digitallibrary.un.org/record/105555?v=pdf>

<sup>13</sup> <https://rm.coe.int/1680063765>

<sup>14</sup> The violation of Article 3 is the most common article in prisoners' applications (Article 3: Prohibition of torture: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”).

<sup>15</sup> <https://rm.coe.int/16804fac9a>

<sup>16</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809ee581)

<sup>17</sup> Rule 34.1. “Specific gender sensitive policies shall be developed and positive measures shall be taken to meet the distinctive needs of women prisoners in the application of these rules”

<sup>18</sup> [https://legal.un.org/avl/pdf/ha/catcidtp/catcidtp\\_e.pdf](https://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf)

<sup>19</sup> [https://treaties.un.org/doc/source/docs/A\\_RES\\_57\\_199-E.pdf](https://treaties.un.org/doc/source/docs/A_RES_57_199-E.pdf)

visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment” (Article 1) and obliges each state party to designate visiting bodies – national preventive mechanisms. At regional level, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2002)<sup>20</sup> was created with regard to Article 3 of the CoE Convention for the Protection of Human Rights and Fundamental Freedoms, with the idea that “the protection of persons deprived of their liberty against torture and inhuman or degrading treatment or punishment could be strengthened by non-judicial means of a preventive character based on visits” (European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, p. 4) through the establishment of a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (known as CPT: Committee for Prevention of Torture). These supranational bodies are important when prisoners find that their complaints have not been adequately addressed at national level. In addition to the aforementioned instruments and standards that prescribe the protection of fundamental human rights and the rights of prisoners, there is also a “line” of general instruments aimed at the application of fundamental human rights for women. In this context, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) is a fundamental document. At European level a document that, among other issues, addresses all forms of discrimination against women is CoE Convention on Preventing and Combating Violence Against Women and Domestic Violence<sup>21</sup> (2011), known as the Istanbul Convention.

### ***The Bangkok Rules***

As it has been noted in preliminary observations, the Bangkok Rules are consistent with various UN conventions and declarations and their main idea is to complement and supplement the Mandela Rules to assist prison authorities and criminal justice agencies in administering criminal sanctions and community-based measures. They apply to all categories of women deprived of liberty, regardless of their age, type of procedure, the stage of procedure, and the measure or sanction imposed. The Bangkok Rules consists of four sections. Section 1 comprises generally applicable rules, section 2 the rules for special categories, section 3 the application of non-custodial sanctions and measures, while section 4 comprises rules for research, evaluation, public awareness-raising and sharing of information. The distinctive needs of women prisoners are set as a basic principle and the topics covered in each section are listed in Table 1. It is assumed that providing specific needs of women will enhance the principle of non-discrimination in the Mandela Rules and thus increase gender equality (Barberet & Jackson, 2017).

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<sup>20</sup> <https://rm.coe.int/16806dbaa3>

<sup>21</sup> <https://rm.coe.int/168008482e>

Table 1. Topics covered in the Bangkok Rules

<b>Section I: general application</b>	<b>Section II: special categories</b>	<b>Section III: noncustodial measures</b>	<b>Section IV: research, planning, evaluation and public awareness-raising</b>
Admission Register Allocation Personal hygiene  Health-care services: Medical screening on entry Gender-specific health care Mental health and care HIV prevention, treatment, care and support Substance abuse treatment programmes Suicide and self-harm prevention Preventive health-care services Safety and security: Searches Discipline and punishment Instruments of restraints Information to and complaints by prisoners; inspections Contact with the outside world Institutional personnel and training Juvenile female prisoners	A. Prisoners under sentence Classification and individualization Prison regime Pregnant women, breastfeeding mothers with children in prison Foreign nationals Minorities and indigenous peoples B. Prisoners under arrest or awaiting trial	Post-sentencing dispositions Pregnant women and women with dependent children Juvenile female offenders Foreign nationals	Research, planning and evaluation Raising public awareness, sharing information and training

Although the Bangkok Rules have been welcomed with applause, Barberet and Jackson (2017) offered a critique from a queer and critical feminist perspective. They noted that the Bangkok Rules “represent an unusual but important tension in mainstream human rights for women: protection versus protectionism” and asked following questions: “Are we protecting women, or do we assume women need protection based on sexist stereotypes? Are we asking women what types of protections they want and need, or a state officials, academics, and NGOs assuming that their plans for protection are sound and moral?” (Barberet & Jackson, 2017, p. 222). They found that the Bangkok Rules are based on stereotypes and a cisgender definition of “woman” as well as heteronormative assumptions about sexual identity and family and focus their critique on three themes: “a) real gendered needs and

heteronormative gender role expectations, b) fragile femininity and women's specialness as victims of crime and circumstance, and c) absence of gender diversity and intersectionality” (Barberet & Jackson, 2017, p. 223). This is connected to the paternalistic hypothesis of the treatment of women in the criminal justice system.

### ***Human rights frame and prison system in Croatia***

The Constitution of the Republic of Croatia is the fundamental document in which respect for human rights is stated as one of the highest values of the constitutional order. Article 14 of the Constitution describes the principle of equality<sup>22</sup> and Article 16 the limitation of freedoms and rights<sup>23</sup>. The prohibition of forced and compulsory labour is described in Article 23<sup>24</sup>, while the treatment of convicted persons is addressed in Article 25<sup>25</sup>. In the context of the topic of this paper, it is important to mention Article 46, which states that “everyone has the right to submit petitions and complaints, make proposals to state and other public bodies, and receive responses from them”. The Constitution establishes two institutions that guarantee the enforcement of the rights guaranteed by the Constitution: The Ombudsman and the Constitutional Court. The Ombudsman<sup>26</sup> is the authorised representative of the Croatian Parliament for the promotion and protection of human rights and freedoms established by the Constitution, laws and international legal instruments on human rights and freedoms accepted by the Republic of Croatia. “Everyone may file a complaint to the Ombudsman if he/she deems that his/her constitutional or legal rights have been threatened or violated as a result of any illegal or irregular act by state bodies, local and regional self-government bodies and bodies vested with public authority” (Article 93 of the Constitution). The Constitutional Court, among other things, “decide on constitutional complaints against individual decisions taken by state bodies, bodies of local and regional self-government and legal persons vested with public authority where such decisions violate human rights and fundamental freedoms” (Article 125).

The fundamental law that regulates the enforcement of prison sentences is the Law on Enforcement of Prison Sentence<sup>27</sup> (NN 14/21, 155/23). When drafting this law, special attention was given to integrating international standards and decisions into national

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<sup>22</sup> Article 14: “All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. All persons shall be equal before the law.”

<sup>23</sup> Article 16: “Freedoms and rights may only be curtailed by law in order to protect the freedoms and rights of others, the legal order, and public morals and health. Any restriction of freedoms or rights shall be proportionate to the nature of the need to do so in each individual case.”

<sup>24</sup> Article 23: “No one may be subjected to any form of abuse or to medical or scientific experimentation with his or her consent. Forced and compulsory labour shall be forbidden.”

<sup>25</sup> Article 25: “Any arrested and convicted person shall be accorded humane treatment, and the dignity of such individual shall be respected.”

<sup>26</sup> Besides the “general” Ombudsman, Croatia also has special ombudsman for children, persons with disabilities, and gender equality.

<sup>27</sup> This law regulates the enforcement of prison sentence for adults, while the enforcement of prison sentence for juveniles is regulated by the Law on Enforcement of Sanctions to Juveniles for Crimes and Misdemeanours (NN 133/12).

legislation: the Convention for the Protection of Human Rights and Fundamental Freedoms, the Mandela Rules, the European Prison Rules, decisions of the European Court of Human Rights, recommendations and warnings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the National Preventive Mechanism and the Ombudsman (Nacrt prijedloga zakona o izvršavanju kazne zatvora, 2020). Although the explanatory memorandum cites the implementation of all relevant international standards, it is evident that some previously existing standards have been “abandoned” (e.g. the provisions on spatial standards of 4m<sup>2</sup> or medical supervision during the disciplinary measure of solitary confinement, which has been reduced from once every 24 hours to twice a week, etc.), as the Ombudsman noted in his 2019 report (Pučki pravobranitelj, 2020). This “abandonment” of previous provisions can be understood as a kind of expression of powerlessness when it comes to addressing systemic issues within the prison system – overcrowding and numerous challenges in providing prisoners with adequate medical care.

Prison sentences are carried out in penitentiaries<sup>28</sup> and prisons<sup>29</sup>. Prisoners serve their sentences collectively. The basic classification of prisoners in penal institutions<sup>30</sup> relates to gender (men and women serve their sentences separately), age (young adults usually serve their sentences separately from adults), legal status (prisoners convicted of criminal offences are sentenced separately from those on remand or in misdemeanour proceedings) and recidivism (first-time convicts usually serve their sentences separately from those who have already served a prison sentence). According to the level of security and the restrictions on prisoners' freedom of movement, there are closed, semi-open and open penitentiaries, while prisons are of the closed type<sup>31</sup>. The prison system in Croatia is under the authority of the Ministry of Justice and Public Administration, Directorate for Prison System and Probation. Besides the Central Office, it includes six penitentiaries, a prison hospital, 14 prisons, two juvenile correctional institutions<sup>32</sup> and two centres (the Diagnostic Centre in Zagreb and the Centre for Education and Training of Prison Staff). Prison sentences imposed on adult women (in closed, semi-open and open conditions) is served in Požega Penitentiary, the only penitentiary for women. The women's penitentiary in Požega has existed in its present form since 1946 (Geber, 1986). Due to the poor physical conditions, the women's penitentiary was completely renovated in 2023<sup>33</sup> in accordance with legal and international standards. The Law on Enforcement of Prison Sentence defines the enjoyment of fundamental rights<sup>34</sup> and

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<sup>28</sup> In penitentiaries, imprisonment sentences are executed, and exceptionally, a special department for the enforcement of pretrial detention may be established.

<sup>29</sup> In prisons, pretrial detention, detention ordered in misdemeanour proceedings, imprisonment sentences or monetary fines substituted with imprisonment are executed.

<sup>30</sup> The term “penal institutions” is used as a collective term for penitentiaries and prisons.

<sup>31</sup> Penitentiaries and prisons can have closed, semi-open, and open wards.

<sup>32</sup> In juvenile correctional institutions, the educational measure of referral to correctional institution is enforced. This is the only educational measure for juveniles that is carried out within the judicial system.

<sup>33</sup> <https://www.ombudsman.hr/hr/pravobraniteljica-i-zamjenik-obi-li-novoure-enu-kaznionicu-za-ene-u-po-egi/>

<sup>34</sup> Prisoners enjoy the protection of fundamental rights established by the Constitution of the Republic of Croatia, international treaties and laws.

prescribes the circumstances in which they can be restricted<sup>35</sup> (Article 4). The fundamental principles of executing imprisonment sentences include the prohibition of any unlawful treatment<sup>36</sup> (Article 11) and the prohibition of discrimination<sup>37</sup> (Article 12).

Prisoner rights in Croatia include (Article 16): accommodation respecting human dignity and health standards, protection of personality and ensuring confidentiality of personal data, regular portions of food and water in compliance with medical standards, work, training, expert legal assistance and legal remedies for protection of his or her rights, medical care and protection of maternity, contacts with the outside world, a minimum of two hours a day to be spent outdoors within the prison or penitentiary, correspondence and conversation his/her attorney, exercise of religion and contacts with authorized religious representatives, getting married in prison or penitentiary, the right to vote on general elections.

The protection of prisoners' rights falls within the jurisdiction of the enforcement judge and is enforced through the submission of appeals or complaints. Oversight of compliance with human rights and fundamental freedoms is carried out by the Ombudsman and special ombudsmen, as well as by international bodies on the basis of international agreements to which the Republic of Croatia is a party (Article 20). The enforcement judge was introduced into the penal system by the law of 1999 as a mechanism for judicial oversight of the enforcement of imprisonment sentences (Josipović & et al., 2001). The enforcement judge protects the rights of prisoners, oversees the legality of the enforcement of imprisonment sentences and ensures the equality and equal treatment of prisoners before the law (Article 49), as well as undertakes actions and decides on a range of activities, starting with referring them to serve the imprisonment sentence. In the context of prisoners' rights in the penal system, it is important to mention the mechanism of professional supervision carried out by Central Office of the Directorate for the Prison System and Probation. The Central Office monitors, improves and supervises the legality of the work and conduct in penal institutions, conducts professional supervision over the work of penal institutions, monitors and examines the application of regulations in the prison system, takes and proposes measures to improve the prison system and collects and processes statistical data (Article 30). The implementation is determined by the Ordinance on the Professional Supervision in the Prison System (NN 137/21).

Parliamentary oversight of the protection of human rights of prisoners in Croatia is carried out by the Ombudsman and special ombudspersons through the examination of complaints about illegalities and irregularities in the work of state bodies, bodies of local and

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<sup>35</sup> Fundamental rights of a prisoner may be restricted by the enforcement of a prison sentence only to the extent necessary for the achievement of the purpose of punishment and restrictions of fundamental rights must be proportionate to the reasons for their application.

<sup>36</sup> Prisoners are guaranteed respect for human dignity of prisoners and any treatment submitting prisoners to any form of torture, maltreatment or humiliation, or medical or scientific experiments, shall be prohibited and punishable. A prisoner who suffered from prohibited practices shall be entitled to the compensation of damages.

<sup>37</sup> It is prohibited to discriminate against prisoners based on race or ethnic origin, colour, sex, language, religion, political or other beliefs, national or social origin, property status, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity, expression or sexual orientation.



regional self-government and legal entities with public authority (Article 4) (Zakon o pučkom pravobranitelju NN 76/12). In terms of authority, the Ombudsman provides recommendations, opinions, proposals, and warnings (Article 15) and submits regular annual reports to the Croatian Parliament on the assessment of the state of protection of rights and freedoms in the Republic of Croatia.

In addition to the aforementioned ways and mechanisms for protecting the rights of prisoners, there are two other important mechanisms that need to be briefly described. The first of these is the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (NPM), which was established in 2011 (in accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and whose activities are prescribed by the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (NN 18/11, 33/15). The activities of the NPM are: visits to premises occupied by or potentially occupied by persons deprived of liberty for the purpose of strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment, offering recommendations to competent authorities and institutions, offering proposals of and comments about laws and other regulations, cooperation with UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The activities of the NPM are performed by the Ombudsman in cooperation with associations registered to perform activities in the field of human rights protection, as well as with independent experts and specialized ombudsmen (Article 2).

The second important mechanism for overseeing rights of prisoners is the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), a specialized independent body of the Council of Europe. It was established in 1989 in accordance with Article 1 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The CPT (consisting of impartial experts – “persons of high moral character, known for their competence in the field of human rights or having professional experience in this area”, Article 4) visits countries and examine the treatment of persons deprived of their liberty<sup>38</sup>. The main idea is to prevent torture and inhuman and degrading treatment or punishment. Visits are conducted on a periodic (regular) or ad hoc (unannounced) and the CPT delegation has unlimited access to places of detention and can move around the places without restrictions and communicate freely with anyone who can provide relevant information. The CPT have a preventive, not investigative function. After a visit, the CPT delegation provides feedback to the management staff and relevant authorities and writes a report to which the national authorities are requested to provide a response. The reports and states' responses are published on the CPT website<sup>39</sup> and are a valuable resource for evaluation of the human rights of persons deprived of their liberty.

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<sup>38</sup> Common facilities visited by the CPT are police stations, prisons, juvenile correctional institutions, detention centres, psychiatric hospitals and social care homes.

<sup>39</sup> <https://www.coe.int/en/web/cpt/home>

## **Aim and methods**

Official statistics on women in prison do not provide information on the state's compliance with human rights standards (both for males and females). Beside quantitative or qualitative studies with prisoners, the analysis of human rights protection in the prison system can also be carried out using a “proxy” approach – by analysing existing data from different sources about prisoners' complaints or analysis of the conditions in the prison system. In this paper we took the second approach in answering the question of the protection of women's human rights in the Croatian prison system. The aim of this paper is therefore to analyse the implementation of human rights laws and standards for female prisoners<sup>40</sup> in the Croatian prison system and to assess current practice with special focus on the Bangkok Rules. In order to achieve the aim of this paper, three research questions were set up:

1) What do we know about female offenders and prisoners in Croatia from official statistics?

2) Does Croatia have a sufficient legal framework to protect the rights of prisoners, especially women's?

3) What is the situation regarding the rights of female prisoners from the perspective of national and international protection and monitoring bodies?

In answering to these questions, several analyses were conducted:

analysis of crime and prison statistics for female offenders

analysis of the implementation of human rights of (female) prisoners in the Croatian Law on Enforcement of Prison Sentence

analysis of the reports of Croatian Ombudsman, National Preventive Mechanism, CPT visits reports and European Court of Human Rights decisions.

## **Results**

### ***What do we know about female offenders in Croatia from official crime and prison statistics?***

The fundamental question in the field of monitoring crime trends of women is their visibility in official statistics. Official crime data in Croatia can be obtained from the annual reports of the Ministry of the Interior, the Croatian Bureau of Statistics (which consolidates data from public prosecutors' offices and courts) and the annual reports of the Ministry of Justice (Central Office for the Prison System and the Central Office for Probation). Each of these sources has its own advantages and disadvantages regarding the type and quality of data they provide. When it comes to women in crime, the question of their visibility in official statistics arises. Kovčo Vukadin (2019) conducted an analysis of the visibility of women in official crime statistics and concluded that, in general, there is a noticeable development in the statistical representation of crime (measured by the increase in the

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<sup>40</sup> In this paper we are focusing on adult female prisoners.

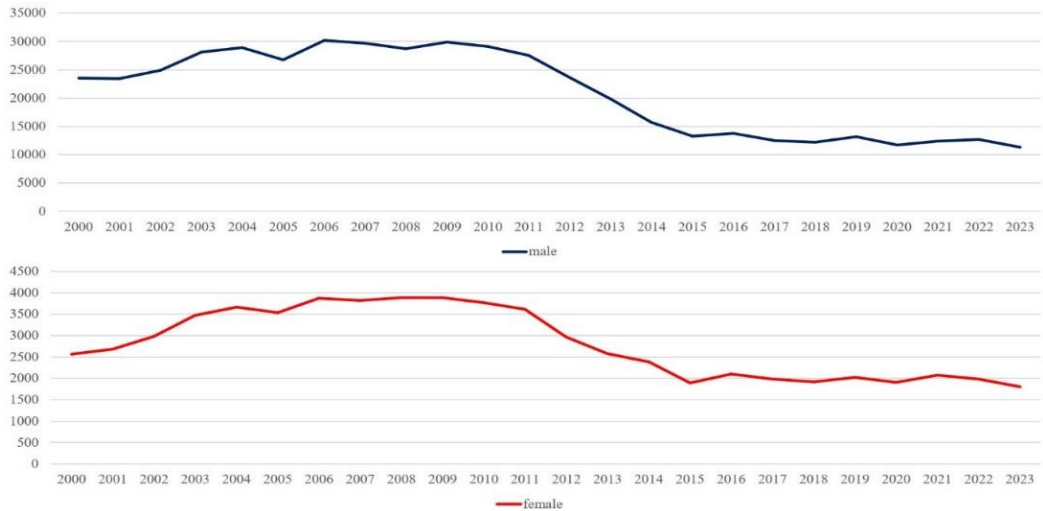
number of pages in the annual reports of the Ministry of the Interior, the Croatian Bureau of Statistics, and the Central Office of the Prison System). There has also been an increase in the number of characteristics relating to the gender of offenders. Data from the Croatian Bureau of Statistics on the number of reported, accused and convicted adult men and women from 2000 to 2023 are presented in graphs 1, 2 and 3. These graphs show that the crime trends for men and women (regardless of whether we look at the data on reports, accusations, or convictions) show very similar patterns. The data indicates a decline in the number of reports, accusations, and convictions that is particularly pronounced in the data on accusations and convictions for both males and females. This may suggest that the same factors influence male and female criminality according to the official data.

When interpreting the statistical data on crime, it should be borne in mind that a new Criminal Code came into force on 1 January 2013, bringing with it a certain change to the individual incriminations, the classification of certain offences in other groups of offences, etc., which makes it difficult to compare the data over time.

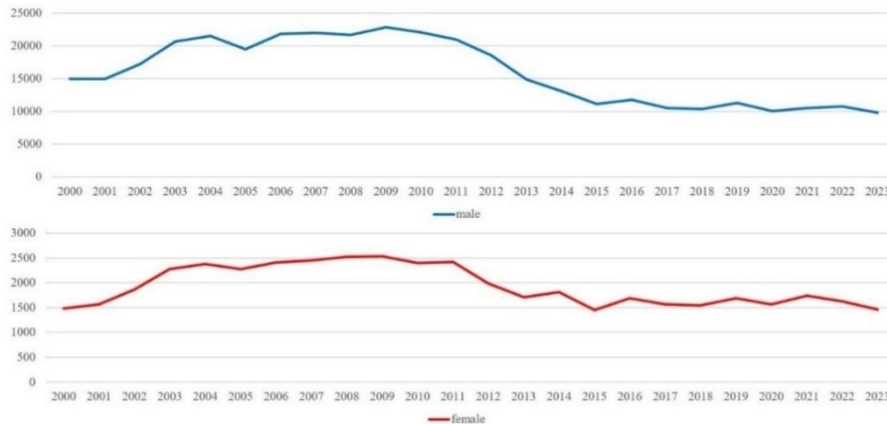
*Graph 1. Number of reported (known) adult individuals by gender (Source: CBS)*



Graph 2. Number of accused adult individuals by gender (Source: CBS)



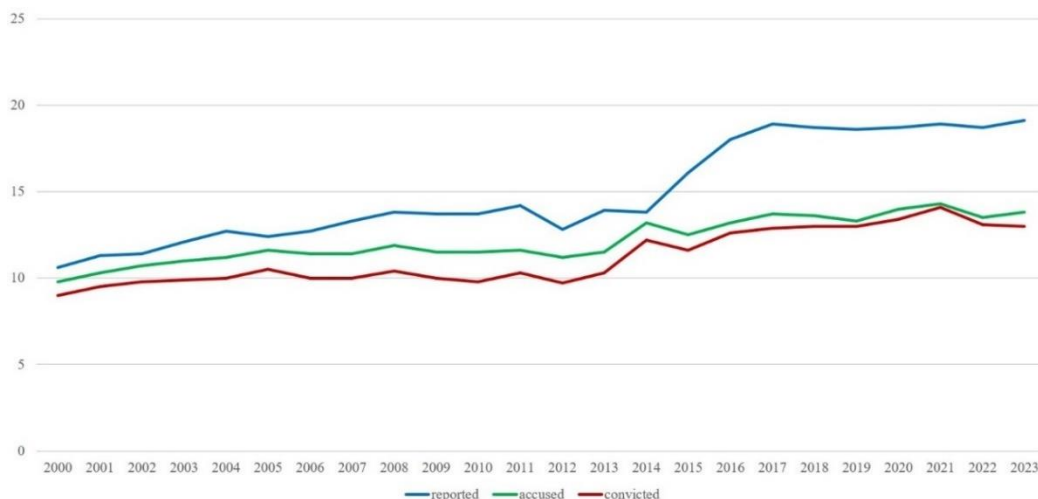
Graph 3. Number of convicted adult individuals by gender (Source: CBS)



Data from the Croatian Bureau of Statistics on the proportion of women in the total number of reported, accused, and convicted adults shows that the proportion of women in all three groups has increased significantly. A significant increase in the proportion of women can be observed from 2015 to 2017, while similar upward trends can also be observed in the other categories. These changes lead us to question the possible reasons for the increase in female involvement in crime. This increase in the proportion of women can, among other factors, be analysed in the context of the hypotheses discussed by Belknap (2007) about the position or treatment of women within the criminal justice system: the equal treatment hypothesis, the chivalrous treatment hypothesis (paternalistic hypothesis) and the “evil”

women hypothesis. Unlike the equal treatment hypothesis, which posits no differential treatment between male and female offenders within the criminal justice system, the chivalrous treatment hypothesis suggests more lenient treatment towards women. It is based on the idea that women are victims and that a male-structured criminal justice system must protect women. The “evil” women hypothesis explains the harsher treatment of female offenders by their “double” deviance – they not only commit a criminal offence, but also violate the social expectations associated with their gender. In addition to the question of actual changes in the extent of female criminality, the question of changes in attitudes (and consequently treatment) towards female offenders also deserves additional attention. In Croatia, there is a noticeable feminization of the criminal justice system<sup>41</sup>, which raises the specific question of how experts in the criminal justice system perceive women in crime.

*Graph 4. Percentage of females in total number of reported, accused, and convicted adults (Source: CBS)*



The dominant group of criminal offences in Croatia are property crimes, followed by offences against the public safety of persons and property and safety of traffic, and in third place are drug-related offences.

Data on females in the Croatian prison system are presented in Table 2. The table contains data on women serving a prison sentence, women in pre-trial detention and the total number of women in the prison system on 31 December of each year (stock data). The total number of women includes those sentenced in misdemeanour proceedings, women whose fine was replaced by a prison sentence, those subjected to detention, as well as minors sentenced to juvenile prison sentences and correctional measures. The data on the proportion

<sup>41</sup> Kovčo Vukadin (2018) notes that the number of women employed in public prosecution' offices and women judges at all levels increased from 2000 to 2019.

of women in the total number of people serving prison sentences imposed as part of criminal proceedings shows a relatively stable participation ranging from 4 to 5.5 %.

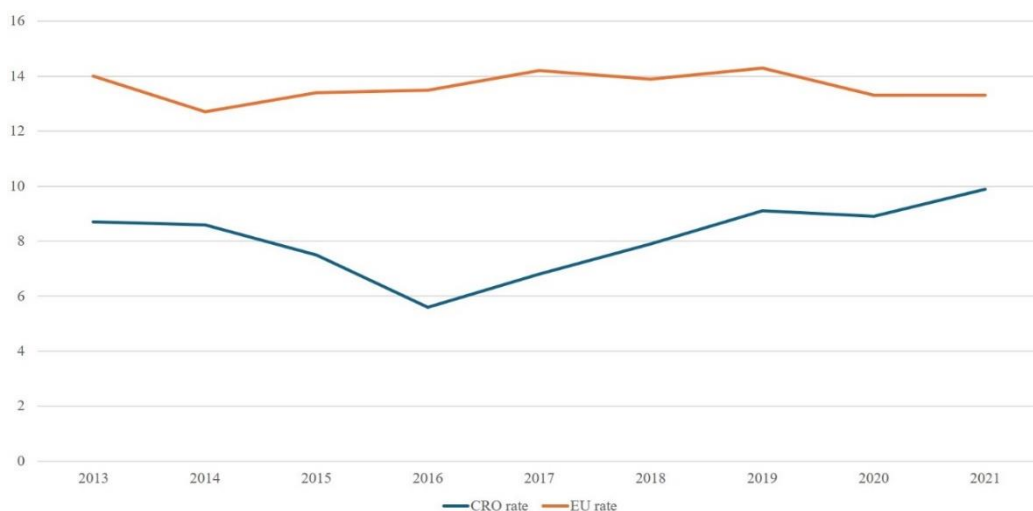
*Table 2. Women in Croatian prison system according to legal status (frequencies and percentage in relation to total number of persons in prison system) (Source: Prison administration statistics)*

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>% in relation to the total number in a certain category</b>	f %	f %	f %	f %	f %	f %	f %	f %	f %	f %
<b>Prison sentence</b>	127 4.0	140 5.0	134 5.4	89 4.0	105 4.9	108 5.2	111 5.2	105 4.9	135 5.5	130 5.2
<b>Investigative imprisonment</b>	56 5.9	42 5.2	25 3.4	27 3.5	35 3.9	55 5.5	71 5.7	73 5.7	57 4.3	78 5.2
<b>Total</b>	194 4.4	190 5.0	164 4.9	123 3.9	147 4.6	170 5.3	194 5.5	188 5.3	207 5.3	219 5.3

According to the United Nations Office on Drugs and Crime (UNODC), the incarceration rate of women in Croatia for a comparable period (2013 – 2021) is below the average rate of EU countries (Graph 5) and ranges from 5.6 to 9.9.

Rate per 100.000 population. The data is collected from national authorities as part of the annual United Nations Crime Trends Survey (UN-CTS). Further data is sourced from the World Prison Brief - Institute for crime and justice research (WPB-ICPR). All data is submitted to UN member states for verification and validation. The female rates are calculated based on the female population of the corresponding age.

*Graph 5. Female incarceration rate in Croatia and average female incarceration rate in EU countries (Source: UNODC, data UNODC: <https://dataunodc.un.org/dp-prisons-persons-held>)*



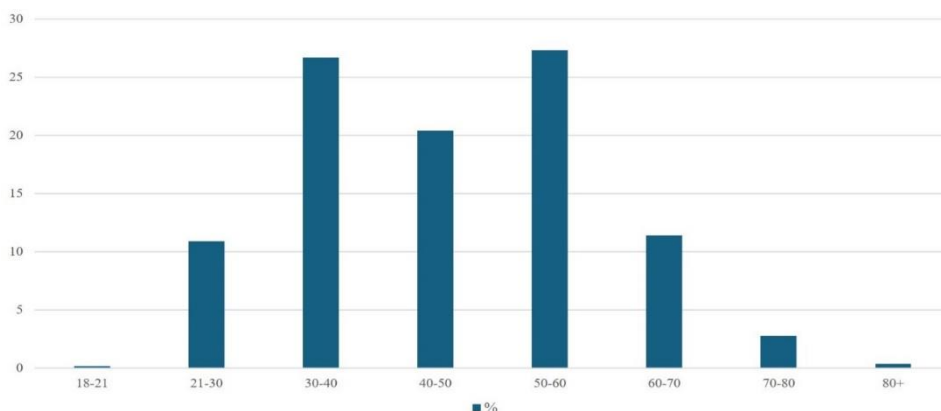
The data (all data pertains to so-called stock data.) on the structure of female prisoners' criminality, length of prison sentences imposed, age of prisoners and education are presented for the period from 2013 to 2018, as in 2019 the structure of the report was changed so these data are no longer shown by prisoner gender.

According to stock data, from 2013 to 2018, female prisoners most frequently served prison sentences for criminal offenses against property (N=293), criminal offenses against life and limb (N=102), criminal offenses of drug abuse (N=71) and criminal offenses against marriage, family and youth – most frequently the crime of violating the rights of the child (in the previous Criminal Code, this criminal offense was titled “child abuse and neglect”). (N=41).

Aggregated data on the length of prison sentences imposed on female prisoners from 2013 to 2018 show that the most common length of prison sentences was 1 to 3 years (45.8%), followed by sentences between 3 and 5 years (18.3%), 6 months to 1 year (13.2%) and 5 to 10 years (12.6%). All other sanctions imposed accounted for less than 5% of the total amount. It is noteworthy that a relatively large proportion of the sentences imposed were so-called short prison sentences – those of up to one year (15.4%). This raises the question of whether it was possible in such cases to impose alternative sanctions, such as community sanctions, instead of an unconditional prison sentence. For some time now, the Criminal Code has permitted the execution of prison sentences of up to one year at home.

The aggregated average data (2014 – 2018) on the age of female prisoners shows that female prisoners are most frequently in the age range of 50 to 60 years (27.3%), followed by 30 to 40 years (26.7%) and 40 to 50 years (20.4%). However, it is noticeable that a certain number of female prisoners are older.

*Graph 6. Average age of female prisoners in period 2014 – 2018 (Source: Prison administration statistics)*



In terms of education, the average data (2013 – 2018) shows that female prisoners mostly have a secondary or vocational school qualification (48.7%) or a primary school qualification (19.8%).

This gives us following “picture” of female prisoners in Croatia: there is low rate of female prisoners. They are middle aged, with secondary education, serving shorter prison sentence for property crimes.

### ***Is the Croatian Law on Enforcement of Prison Sentence gender-sensitive?***

The Law on Enforcement of Prison Sentence was written in gender-neutral language. In the introductory part of the Act (Meaning of terms, Article 2) there is a provision stating that terms with a gender significance apply equally to both male and female genders unless the law stipulates otherwise. The fundamental principles of dealing with prisoners are described in the previous chapters. This chapter outlines the procedure for referral for enforcement of a prison sentence and the process of enforcement of a prison sentence with particular reference to the Bangkok Rules.

The enforcement judge refers a person to serve a prison sentence. The sentenced person, his/her authorised representative or a family member (with their consent) may apply to the enforcement judge for a postponement of the enforcement of the prison sentence. The reasons for postponement are outlined in Article 61: 1) serious acute illness or substantial escalation of an existing chronic illness which cannot be treated in prison or penitentiary; 2) death of convict’s family member; 3) necessity of performance or completing indispensable seasonal works and works caused by natural catastrophe or other disaster, if there is no other person in convict’s family who is capable to work; 4) obligation of convict to complete works if non-completion could cause substantial damage; 5) end of a school year or examination; 6) custody of child younger than one year; 7) pregnancy – less than six months before delivery; 8) risky pregnancy; 9) upbringing and care for minors or for another family member who is without income and unable to care for themselves, and whom the convict has been caring for (as determined by the competent social welfare centre). All postponements of the enforcement of the sentence (except for reasons of serious acute illness or substantial escalation of an existing chronic illness) can last for a total maximum of 20 months. The reasons for postponement mentioned (such as custody of a child younger than one-year, advanced pregnancy, hazardous pregnancy and caring for other family members) testify to the gender-sensitive nature of the Croatian legal solution (Bangkok Rule 2).

Convicted persons sentenced to prison sentence up to six months' or convicted persons who have to serve the remainder of their prison sentence of not more than six months shall be sent to the nearest prison to his/her place of residence. Other convicts are sent to the Diagnostic Centre in Zagreb for the purpose of the performance of expert tasks, for the purpose of proposing individual sentence plan and proposing of penitentiary or prison in which the sentence is going to be executed (Article 56). The classification of prisoners in penal institutions or prisons is based on criminological and other characteristics, as well as the specific needs of the individual sentence plan, such as security measures imposed, vocational training and education, general health and treatment, length of sentence and other factors (Article 13). There is a limitation to this provision with regard to women, as there is only one penitentiary for women in Croatia (Bangkok Rule 4).

The law prescribes procedures for handling prisoners on admission to serve a prison sentence (Bangkok Rule 2). On arrival to serve a prison sentence, the identity of the person



shall be established (Article 64) and a thorough search of the prisoner and a body check are conducted (the search and body check are carried out by an officer of the same gender). The prisoner shall be photographed, his/her height and weight measured, a personal description and biometric data recorded (Article 65). The admission report contains the date and time of admission of the prisoner, the decision on referral, and any important observations about the prisoner. The admission report is kept in the prisoner's file. A prisoner's personal file is also created (Article 78), which contains information and documents necessary for monitoring the legal course of the enforcement of prison sentence and for the implementation of individual sentence plan. This file contains information about the prisoner, the judgement and sentence, findings and opinions of the treatment staff, medical care and other duties, the individual sentence plan and its amendments, as well as other information and documentation<sup>42</sup>. The prisoner's medical file is part of the personal file but is kept separately from other documents (Bangkok Rule 8). The information from the personal file is official and professional secrets (Article 80) (data confidentiality protection). After inclusion in the register, the prisoner is examined by a doctor (Article 71) (Bangkok Rule 6a). Upon admission to the prison, the prisoner receives a written notice of his/her rights and obligations while serving the prison sentence and, if requested, a copy of the relevant part of the law on serving the prison sentence and a copy of the house rules of the prison (Article 72). On arrival, prisoners are placed in a designated reception area where they can stay for up to 30 days (Article 74). This provision is based on the recognition of the importance of adjustment to serving a prison sentence (Bangkok Rule 13).

An individual sentence plan is developed for each prisoner in order to fulfil the purpose of the prison sentence<sup>43</sup>. This plan consists of psychosocial, socio-educational, educational, vocational, health and safety measures that correspond to the risks, needs and characteristics of the prisoner, according to the possibilities of the penal institution<sup>44</sup>. This plan is reviewed regularly while the prisoner is serving his/her sentence (Article 75).

The provisions of the law relating to the accommodation, equipment and nutrition of prisoners guarantee accommodation that meets health, hygiene and spatial standards as well as climatic conditions (Article 81). Prisoners with disabilities shall be provided with accommodation appropriate to the kind and degree of their disability (Article 82). Penal institutions must have sanitary facilities that allow for the fulfilment of physiological needs in clean and appropriate conditions, and drinking water must always be accessible to prisoners. Prisoners shall have the opportunity to wash themselves daily and shower at least twice a week. The penal institutions shall provide water and toiletries for personal hygiene and the cleanliness of laundry, clothing, footwear and bedding (Article 83). The penal institutions shall provide prisoners with clothing, footwear and bedding appropriate to the

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<sup>42</sup> The documentation and records maintained in penal institutions are further defined by the Ordinance on Registers, Personal Records, Registers, Personal Files, and Records Kept in the Prison System (NN 133/22).

<sup>43</sup> "The main purpose of enforcement of prison sentence is, in addition to human treatment and respect of dignity of the person serving prison sentence, to enable him/her for life in freedom in accordance with law and social rules, thus contributing to the protection of the social community." (Article 3)

<sup>44</sup> The rehabilitation aspect of serving a prison sentence in Croatia is based on the assessment of prisoners' risks and needs.

climatic conditions, but prisoners may also wear their own clothing and footwear and use their own bedding (Article 84)<sup>45</sup>. Prisoners receive at least three meals a day that meet nutritional and hygiene standards in terms of quality and quantity and are appropriate to their age, health, nature of work and religious preferences. A doctor or other medical professional may prescribe a modification of a prisoner's diet if this is necessary for health reasons. For pregnant prisoners, nursing mothers and sick prisoners, food shall be prepared according to the type and quantity determined by the doctor (Article 85). The accommodation and nutritional standards for prisoners are further specified by a special regulation (Pravilnik o standardima smještaja i prehrane zatvorenika NN 78/22).

Health care for prisoners is regulated in a separate chapter of the law (Chapter XVI: Medical Service and Treatment of Patients) (Bangkok Rule 10). Prisoners who do not have health insurance receive it at the expense of the Ministry of Justice and Public Administration. Within the framework of health care, the legal provisions cover the following: mandatory medical examination, orthopaedic and other devices, accommodation for purpose of medical treatment, specialist medical examination, dental care, biomedical research and treatment, donation of cells, tissues or organs, procedure in case of refusal of food, protection of maternity, procedure for mentally ill prisoners, notice of illness, right to medical documentation and procedure in case of death of the prisoner. The Croatian system does not allow female prisoners to choose the gender of their doctor or other medical staff (Rule 10/2), but all medical procedures are carried out in accordance with the standards of medical care, without the presence of non-medical staff of the penal institution (Rule 11/2).

The law guarantees gender-specific health care, i.e. comprehensive health care for female prisoners regarding pregnancy, childbirth and maternity (Article 119)<sup>46</sup>. Six months before childbirth (and on the doctor's recommendation), the pregnant woman is placed in the maternity ward. After childbirth she is transferred to the mother and child unit, where she (usually) remains until the child reaches the age of three (at the mother's request and based on the social welfare centre's assessment that this is in the best interests of the child – Bangkok Rule 49)<sup>47</sup>. If a pregnant woman is serving a prison sentence in a penal institution that does not have a maternity ward, she will be transferred to a facility with such a ward (or to the nearest specialised public health facility on the doctor's recommendation). The childbirth of the pregnant woman is conducted in a specialised public health institution outside the penal system. The equipment for the child and the appropriate care and health protection for the child will be provided by the penal institution (Bangkok rule 51/1). The penal institution cooperates with the relevant social welfare centre regarding the care of the child. The pregnant prisoner, as well as the mother and child, have the right to weekly visits from family members. The doctor suggests tasks that the pregnant woman, the new mother and the mother caring for the child can undertake. The penal institution will ensure that the

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<sup>45</sup> The provisions regarding clothing, attire, footwear, and bedding for prisoners are further described in the Ordinance on Clothing, Attire, Footwear, and Bedding for Prisoners (NN 66/22).

<sup>46</sup> For real-life stories of mothers prisoners, see Zanze (2015)

<sup>47</sup> In 2022, five children under the age of three were accommodated with their mothers in the Parenting and Mother-Child Unit at the Požeška prison (Vlada Republike Hrvatske, 2024).

child is placed in a pre-school institution outside the penal system (Bangkok rule 51/2). These provisions apply appropriately to female detainees and minors.

The protection of prisoners' mental health (Bangkok rule 12) is not gender-specific in the law and mainly refers to dealing with cases of mental illness or serious mental disorders while serving a prison sentence. In such situations, the enforcement judge initiates proceedings in accordance with the provisions of the Law on Protection of Persons with Mental Disorders (Article 120). In the context of the Bangkok Rules on Mental health and care (Rule 12), it is relevant to briefly describe the treatment of prisoners as prescribed by special regulations. The treatment of prisoners includes a range of general and specific treatment interventions and programmes based on the assessment of criminogenic and security risks and treatment needs, aimed at reducing the risk factors that contributed to the commission of the offence and strengthening the protective factors that allow positive changes to occur and be maintained in order to achieve the purpose of serving the prison sentence (Article 3 of the Ordinance on Treatment of Prisoners NN 123/21). Treatment is provided as part of an individual sentence plan for the enforcement of prison sentence, based on the assessment of criminogenic and security risks and treatment needs, ensuring compliance with the principle of individualisation (Bangkok rule 40). The general treatment programmes include work and work-related activities, education, as well as creative, cultural, artistic, sports and recreational and other leisure activities aimed at achieving the principle of normalisation<sup>48</sup>. In addition to the general programmes, there are specialised treatment interventions within the treatment framework that are implemented through group and individual work in various formats, such as special treatment programmes, educational-development programmes, psychoeducation, motivational interviewing, psychotherapeutic counselling, cognitive-behavioural interventions and others. Specialised treatment programmes include, for example, drug and alcohol treatment programmes<sup>49</sup>, the pilot programme Psychosocial Treatment of Gambling Addicts, the treatment of sex offenders, the treatment of offenders with characteristics of violent crime, aggression control training, the treatment of offenders of criminal acts in traffic and social skills training. Examples of educational-development programmes include the Prisoner as Parent programme and the Driver – Traffic Safety Factor programme. In addition to these formats, the prison system also provides psychosocial support for prisoners with post-traumatic stress disorder<sup>50</sup>. This brief overview of treatment options proves that there are specific treatment programmes that are gender neutral. Therefore, it would be advisable to conduct an analysis of the adaptation, i.e. the differences in the application of these programmes based on the gender of the prisoners.

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<sup>48</sup> Article 14 of the Law on Enforcement of Prison Sentence: “Penitentiaries and prisons shall do everything possible in order to make life of prisoners serving their prison sentence as similar to actual general life conditions as possible.”

<sup>49</sup> These are the oldest treatment programs in the Croatian prison system. For each type of addiction, there are two programs – a program that functions as a modified therapeutic community and newly created structured treatment programs.

<sup>50</sup> During the year 2022, a total of 787 prisoners participated in the aforementioned programs.

Under Croatian law, contacts with the outside world (Bangkok Rules 26, 27, 28 & 43) include visits to prisoners, correspondence, telephone conversations, receiving packages, special leave and visits of consular and diplomatic representatives. Children (up to the age of 18) can visit an incarcerated parent once a week and on holidays. Visits take place in areas specifically set up for child visits (Article 124), which is in accordance with Bangkok rule 28 for all prisoners. The current law, enacted in 2021, has implemented “pandemic experience”. Thus, the law contains a provision that allows visits to be conducted via audio-video conferencing, which is particularly important for female prisoners (Bangkok rule 26). Other family members can visit twice a month and on holidays, with each visit lasting at least one hour.

In the context of contacts with outside world, it is necessary to mention the benefits, which are defined as a set of encouraging measures aimed at reducing the detrimental effects of confinement and promoting the implementation of the prison sentence program (Article 137). The benefits are divided into two groups: benefits to mitigate the consequences within the penal institution and benefits of more frequent contact with the outside world. The benefits of more frequent contacts with the outside world are: 1) more frequent and longer visits of family members and third persons, either supervised or not supervised; 2) telephone conversations without supervision; 3) stay with a spouse or a common law spouse in a separate room without supervision; 4) going out for the purpose of participating in a specific program conducted in the community; 5) going out to local community with a visitor; 6) going out without a visitor; 7) going out to the place of residence; and 8) annual leave at the place of residence. In the Ordinance on the treatment of prisoners (NN 123/21), within the framework of benefits, the disadvantaged position of female prisoners is recognized (due to the fact that there is only one prison for women). Therefore, the conditions for allowing more frequent interactions with the outside world are equalised between departments and penitentiaries of different security levels (Article 26).

A special chapter of the Bangkok Rules deals with security, in which there are rules on body searches, discipline and punishment, instruments of restraint and information to and complaints from prisoners; inspections. It is stipulated by law that only an officer of the same gender may search a prisoner (Article 142, Bangkok Rule 19). The Croatian legal provisions on close confinement and disciplinary segregation do not contain specific provisions regarding pregnant women, women with infants, and breastfeeding mothers in prison (Bangkok Rule 22). Regarding instruments of restraint (Bangkok Rule 24), there are provisions that are gender-sensitive, prohibiting the use of restraints and the application of force against visibly pregnant women (Ordinance on Security Measures in the Prison System NN 16/22). The complaints procedures (Bangkok Rule 25) have already been described in the previous chapter, so it is not necessary to further elaborate on them.

The conducted analysis of the gender sensitivity of the Croatian legal framework for the enforcement of prison sentences shows that the existing norms are largely in line with the Bangkok Rules. However, the trauma-informed approach<sup>51</sup> emphasised in the Bangkok

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<sup>51</sup> There are several terms currently in use: trauma-informed correctional care (Lehrer, 2021; Levenson & Willis, 2019; Miller & Najavits, 2012), trauma-informed corrections (Kubiak et al., 2017), trauma-informed practise (Mueller et al., 2023), to name a few.

Rules has not yet been implemented in Croatian legislation. This approach is relatively new to the Croatian prison system and considering contemporary knowledge about the negative effects of adverse childhood experiences, it should be applied to all prisoners, not just women. This valuable approach should be implemented throughout the criminal justice system, not only in the prison system, which requires a paradigm shift in the common view of criminal offending (Kridler et al., 2024; Levenson et al., 2022).

### ***Reports of national and international human rights protection and monitoring bodies***

Regardless of the existence of international standards and national laws that protect the rights of prisoners, it is important that in every society there are institutions outside the criminal justice system whose task it is to protect or supervise the enjoyment of the rights of prisoners. Precisely for this reason, in this part of the paper we will refer to the reports of such bodies, starting with the report of the ombudsman who carries out parliamentary supervision of the protection of human rights, including the rights of prisoners (the Ombudsman's report also includes the reports of the National Preventive Mechanism), the report of the CPT, as well as the practice of the European Court of Human Rights.

#### *Ombudsman's reports*

Respect for dignity and the prevention of torture and other forms of ill-treatment of prisoners are two fundamental principles on which the work of the Ombudsman's Office in this area is based. The Ombudsman's Office carries out regular visits and follow-up visits. We have analysed the Ombudsman's reports since the adoption of the Bangkok Rules.

Table 3 lists the fundamental objections to respect for the human rights of prisoners in Croatia. Looking at the continuity of the remarks, it can be concluded that the main problems of the Croatian penal system are problems of overcrowding, as well as all other problems resulting from overcrowding. The second most important problem is health care of prisoners, which is largely inadequate due to poor equipment and systemic problems in cooperation with the ministry in charge of health care. The third problem is the legal protection of prisoners and the fourth is the treatment of the staff towards the prisoners. The rights of female prisoners were rarely the subject of observations (marked in italics in the table), but it can be assumed that the inadequate conditions for serving a prison sentence apply equally to female prisoners, especially in view of the inadequate accommodation conditions. The Bangkok Rules were not mentioned in these comments. Considering that the full renovation of the women's penitentiary has just been completed, it remains to be seen (in future reports by the Ombudsman's Office) whether it was really built in accordance with international standards.

Table 3. Ombudsman observations about human rights of prisoners

<b>Year</b>	<b>Prison system visits and prisoners' complaints</b>
<b>2010</b>	The Ombudsman examined 4 prisons and 2 penitentiaries: overcrowding (150% occupancy level) and lack of adequate equipment for persons with disabilities (wheelchair users). Persons deprived of their liberty lodged 217 complaints (excluding gender specification): most complaints referred to accommodation conditions and health protection.
<b>2011</b>	The Ombudsman examined (regularly or for monitoring purposes) 5 prisons and 2 penitentiaries: overcrowded conditions (135% occupancy level – expansion of the prison system's capacity – newly opened facility in Glina). Persons deprived of their liberty filed 212 complaints: most complaints concerned accommodation conditions and health protection. The Constitutional Court (2010) for establishment and efficient monitoring of the quality of health care in a prison system has not been established. Overcrowding jeopardises treatment programmes (lack of space and staff).
<b>2012</b>	Similar number of complaints as in 2011: accommodation conditions, health care, failure to exercise prisoner privileges, transfers and similar problems. Recommendations: The prison administration needs to make effort to reduce the negative effects of overcrowding. The Ministry of Health must establish and conduct an inspection of health care in all penal institutions. The prison administration needs to ensure the privacy for prisoners during medical examinations if this does not pose a security risk.
<b>NPM</b>	Visits to 2 prisons. Joint recommendations.
<b>2013</b>	Visits to 2 prisons and 2 penitentiaries. Prisoners' complaints: accommodation conditions, health protection, conduct of judicial police, non-approval of the use of privileges and transfers.
<b>NPM</b>	Visits to 2 penitentiaries, 2 prisons and a prison hospital. Remarks: the protection of prisoners' rights can be significantly strengthened. Overcrowded accommodation is one of the main causes of violations or restrictions of prisoners' rights and freedoms. Health protection: problems with availability and quality. Questionable efficiency of legal remedies to protect their rights.
<b>2014</b>	Main complaints about the quality of health care and the conduct of judicial police officers. Recommendations: align accommodation conditions with international and legal standards; separate health care system from the judicial system and include it into the health care system; ensure sufficient numbers of health care workers and improve the quality of health care; harmonise law on prison sentence with other relevant legislation; carry out systematic education of correctional officers on the protection of prisoners from all cruel, inhuman or degrading treatment.
<b>NPM</b>	No visits to penal institutions.
<b>2015</b>	165 prisoners' complaints: overcrowded accommodation, health care, legal protection, measures taken by judicial police and violation of the right to contact with the outside world.
<b>NPM</b>	Visits to 9 prisons and 2 penitentiaries. Recommendations: full investigation of all allegations of possible torture and inhuman or degrading treatment; adoption of a new Prison sentence law; provision of additional health insurance for all prisoners who do not have a regular income; adaptation of the space and equipment in the medical facilities of penal institutions to the prescribed minimum requirements; adoption of a protocol for dealing with hunger strikes.

<b>2016</b>	156 prisoners' complaints: health care, judicial police officers' behaviour and accommodation conditions.
<b>NPM</b>	Visit to 5 prisons and 3 penitentiaries. Joint visit with the Ombudsman for persons with disabilities and the Ombudsman for children. Issued 13 warnings and 77 recommendations. There were no significant changes in the prison system in 2016 and the human rights situation of prisoners is similar to the previous year.
<b>2017</b>	136 prisoners' complaints: health care, treatment by officers and accommodation conditions. Occupancy level 82.7% (in 7 high-security institutions 159%). Insufficient number of treatments by officials.
<b>NPM</b>	Visits to 7 prisons and 2 penitentiaries: 20 warnings and 132 recommendations. Systematic problems still exist. Lack of psychiatrists (out of 8 employed psychiatrists, only one has remained), contracts with external specialists.
<b>2018</b>	169 complaints, visits to 6 penal institutions: health care (lack of physicians and specialists), treatment by officers of the Security and Treatment Department, accommodation conditions, transfer to other prisons and prisoners' benefits. <i>One female prisoner complained about the possibility of having family member visits (distance of the penitentiary from her home), the recommendation for a transfer to penal institution closer to her family remained unaddressed.</i> Prison violence represents a problem.
<b>NPM</b>	Visits to 3 prisons and 3 penitentiaries, Zagreb prison hospital (4 follow-up visits): 27 warnings and 58 recommendations. Occupancy rate in high security units 100% and more (161% in Osijek prison), lack of treatment officials. Positive opinion about judicial policeman's conduct with some exceptions (unprofessional and humiliating behaviour). <i>Treatment officials inform female prisoners verbally (not in writing) about decisions on the type and scope of benefits. A female judicial police officer is not present during medical examinations in penitentiary, but is present during all examinations and small scale surgeries in healthcare facilities outside the prison system. Female prisoners feel particularly disturbed by this presence during gynaecological examinations, which is tantamount to degrading treatment. The presence of a female judicial police officer may only be ensured at the physician's request. There is only one isolation room for female prisoners, so if this measure is applied to two female prisoners, one of them is placed in a solitary confinement room in much worse conditions, which contributes to a feeling of injustice and arbitrariness among the prisoners. Female prisoners complained about unclear criteria for conducting searches of prisoners after labour (randomly selected), some prisoners are more likely to be searched than others. Institution does not keep records of searches carried out (this practise is against Mandela Rules). The results of a survey have shown that 57% of female prisoners in the high security unit have been attacked or threatened by other prisoners, and 19% have been threatened. A national plan against violence in prison should be developed.</i>
<b>2019</b>	203 cases, 35 warnings, recommendations and suggestions: health care, conditions of accommodation, prisoners' benefits, non-efficient legal remedies.
<b>NPM</b>	Visits to 5 prisons: 11 warnings and 44 recommendations. increased overcrowding (in 6 penal institutions occupancy level above 120%), lack of prison staff. The results of a survey of prison staff showed concerns about inadequate equipment, too many administrative tasks, lack of staff and exhaustion. Violence between prisoners is still not properly addressed.

<b>2020</b>	In 183 cases, in addition to “regular” complaints, new complaints related to preventive epidemiological measures were filed. Requests to maintain the possibility of video conferencing for “visits” with family members in order to avoid transportation fees. Inadequate response of Head of prisons in case of complaints – responses are “uninformed” and without valid argumentation.
<b>NPM</b>	Limited visits due to the pandemic. Prisons and penitentiaries were contacted via phone call to check the implementation of the epidemiological measures and the challenges. In September, an anonymous survey was conducted among prisoners in Glina on issues related to the pandemic: 2/3 of prisoners believe that protective supplies are sufficient, but perceive prison staff as a risk so they watched if the prison staff wear protective masks. The protective masks have affected the quality of communication during visits. During the pandemic, activities in prison were restricted, prisoners were bored and felt that some of their rights were restricted. In addition to the pandemic, there was also an earthquake in parts of Croatia. The Prison in Zagreb suffered a minor material damage, while the damage of Prison in Sisak was significant, which led to the closure of this prison. All prisoners (and some of the prison staff) were transferred to other penal institutions. The Prison in Karlovac and the Prison Hospital were also affected.
<b>2021</b>	210 cases: 20 warnings, recommendations and suggestions. In 2021, all prisoners and staff had the opportunity to be vaccinated. Complaints: health care, treatment (limited activities, high charges for telephone calls, limited opportunities for video calls), accommodation conditions (overcrowding – occupancy rate 104%, in high-security units 123%), legal protection (reactions of heads of institutions and the Head of the prison system to complaints; the duration of measures taken by the enforcement judge), behaviour of judicial police officers.
<b>NPM</b>	Inspection of 1 prison– thematic visit in relation to health care and timely detection of COVID-19: appropriate cooperation between prison physician and relevant health authorities (epidemiological measures). The time for testing for COVID-19 is not harmonised in the prison system. Anonymous survey among prisoners (N=49): ¾ of prisoners think they are well informed about COVID-19, 44% is satisfied with the quantity of protective means, complaints about overcrowding.
<b>2022</b>	176 cases, 17 warnings, recommendations and suggestions. Main issues: health care and accommodation conditions. Additional issues: conduct of officials, the use of benefits and requests for assistance regarding transfers. Overcrowding: occupancy level: 108%, in high security units 125%. Lack of correctional treatment officers; inconsistent practices of penal institutions. Recommendations: ensure the prerequisites for providing healthcare services within the prison system in accordance with the Healthcare Act; enhance professional capacity in penal institutions, particularly in the areas of security, correctional treatment and health care, to increase the level of human rights protection for persons deprived of their liberty.
<b>NPM</b>	Visits to 2 penitentiaries and 1 prison. Overcrowded conditions; <i>female prisoners (in closed ward) were accommodated in a dilapidated building that is more than 100 years old</i> ; inappropriate conditions in the premises designated for the disciplinary measure of solitary confinement for female prisoners.
<b>2023</b>	156 cases, most of the complaints concern health care, accommodation conditions and the conduct of prison officials. The situation in the prison system is largely unchanged and has unfortunately worsened compared to the previous year.



	Overcrowded conditions, questionable quality of medical care, staff shortages in prisons, normative shortcomings of the relevant legislation (Law on Enforcement of a Prison Sentence, Criminal law, Law on Criminal Proceedings), violence among prisoners is still present without valid data on prevalence due to the high number of unreported cases.
<b>NPM</b>	Visits to 2 prisons and 1 penitentiary; 14 warnings and 22 recommendations. Overcrowding is a constant problem, lack of prison staff, insufficient standards on special measures to maintain order and security.

*Reports of the Committee for prevention of torture (CPT)*

The CPT visits countries to examine the treatment of persons deprived of their liberty. These visits can be periodic (regular) or ad hoc (unannounced). After a visit, the CPT delegation gives feedback to the management staff and relevant authorities and writes a report to which the national authorities are asked to respond. To date, the CPT has visited the Republic of Croatia a total of seven times, including one ad hoc visit. As regards the institutions under the authority of the Ministry of Justice and Public Administration of the Republic of Croatia, in 2003 the delegation visited Lepoglava Penitentiary, Požega Juvenile Correctional Institution, Split Prison (where nine female prisoners were being held at the time of the visit) and Osijek Prison (with five female prisoners). In 2007, follow-up visits were made to Lepoglava Penitentiary and Osijek Prison, as well as visits to Rijeka prison (with two female prisoners) and Požega Juvenile Correctional Institution. During the visit in 2012, there were a total of 20 female prisoners in Zagreb Prison, one in Sisak Prison and five in the Prison Hospital. Besides the mentioned institutions, the CPT also visited Glina Penitentiary. In 2017, the CPT delegation visited Osijek Prison (one female prisoner), Split Prison (two female prisoners), Zagreb Prison (27 female prisoners), the Prison Hospital (six female prisoners) and Turopolje Juvenile Correctional Institution. An ad hoc visit was carried out in 2020, which did not include facilities under the jurisdiction of the Ministry of Justice. Lepoglava Penitentiary, Zagreb Prison (with 34 female prisoners) and the Prison Hospital (with 12 female prisoners) were visited in 2022, and that year the CPT visited the only women's prison in Croatia, Požega Penitentiary, for the first time. Based on the observations made during the visit, the CPT provided a series of recommendations to the Republic of Croatia, and Table 4 highlights those concerning female prisoners. The recommendations aim to improve the living conditions of female prisoners, increase the range of meaningful activities tailored to their needs, increase the presence of women prison officers and ensure that all staff involved in the management of women's prisons receive comprehensive training, including on the gender-specific needs and respect for the human rights of women prisoners, etc.

Table 4. Recommendations of CPT

Year	CPT's recommendations
2007	<p>The CPT's delegation received several allegations of physical ill-treatment of prisoners at Rijeka Prison, one of which was reported by a female prisoner. The CPT therefore recommended that the management of Rijeka Prison send a clear message to prison staff that both physical ill-treatment and verbal abuse of prisoners, as well as psychological pressure, are unacceptable and will have serious consequences.</p> <p>In Osijek Prison, male staff were responsible for various tasks related to female prisoners, such as escorting them to the showers. In view of this observation, the Committee suggests increasing the presence of female staff in the prisons visited.</p>
2012	<p>Women (both prisoners and detainees) in Zagreb Prison were locked in their cells 22 hours a day and had minimal activities. Unlike male prisoners, they did not have access to the indoor basketball court and could only exercise in the outdoor parking area. In addition, female prisoners could not participate in the theatre and music groups. In view of the above, the CPT recommended "that the Croatian authorities take immediate measures in order to allow female prisoners access to a properly dedicated exercise yard as well as the basketball court. Further, the recommendation made in paragraph 40<sup>52</sup> concerning the programme of activities applies equally to female prisoners."</p>
2017	<p>Although some cells at Zagreb Prison have been renovated in accordance with the CPT's recommendations from the 2012 visit, some cells, including the female prisoners' section (Unit 10), remain inadequate. In particular, the sanitary facilities are only partially separated from the rest of the cell, the toilets are dilapidated and the communal showers are in poor condition. The CPT's recommendation was aimed at ensuring that the Croatian authorities step up their efforts to improve conditions in the prisons visited. In particular, they should press ahead with the complete renovation of the unrenovated cells in Zagreb Prison, focussing on the dormitories for offenders in Module 7 and the improvement of the sanitary facilities and communal showers in Module 10.</p> <p>Compared to the CPT's previous visit to Zagreb Prison and taking into account the recommendations made at that time, improvements were noted during this visit with regard to outdoor recreation for women. However, apart from paid work (two jobs), no meaningful activities were offered to female prisoners. Of particular concern was the situation of two female prisoners in Split Prison and one female prisoner in Osijek Prison, as they were held in conditions similar to solitary confinement and were not offered any meaningful activity other than the right to regular outdoor exercise. In cases where there was only one female prisoner in the institution, she could <i>de facto</i> be subjected to a regime similar to solitary confinement. The CPT therefore advised the Croatian authorities to step up their efforts to prevent the <i>de facto</i> solitary confinement of women prisoners. They should ensure that these prisoners have purposeful activities, regular access to a psychologist and adequate human contact.</p> <p>In the Prison Hospital, female patients did not take part in group activities and could only benefit from individual therapy sessions. However, they could take part in board</p>

<sup>52</sup> Paragraph 40: "The CPT calls upon the Croatian authorities to improve the programme of activities, including work and vocational training opportunities, for prisoners at Glina State Prison, Zagreb and Sisak County Prisons and, where appropriate, at other prisons in Croatia... Further, the CPT invites the Croatian authorities to consider extending the period of outdoor exercise, until such a time as a programme of meaningful activities is put in place."

	<p>games, read books and attend theatre performances by other patients. The CPT's recommendation was "that further efforts should be made to develop the range of rehabilitative psychosocial activities and to ensure that all psychiatric patients may access them. In this connection particular attention should be given to the situation of female patients, who could, for example, be allowed to participate in some of the activities offered to male patients under appropriate supervision. Where required, additional qualified staff should be recruited. Further, individual treatment plans should be established for all patients."</p>
<p>2022</p>	<p>At the beginning of the visit, the Croatian authorities discussed plans to build a new prison in Gospić with a separate unit for female prisoners in order to facilitate family visits for female prisoners from southern Croatia. The CPT requested information on additional detention units for women in order to overcome their geographical isolation. It also requested a copy of the prison administration's strategy for the treatment of female prisoners and emphasised the importance of using non-custodial measures to address prison overcrowding, including for female prisoners.</p> <p>The CPT delegation visited Požega Penitentiary for the first time. Most of the female prisoners at Požega Penitentiary with whom the members of the CPT delegation spoke reported fair treatment by prison staff. However, the CPT received some allegations of physical ill-treatment (slapping, occasional hits with hands) by prison staff towards prisoners. Several prisoners complained about the excessive use of force in the form of pushing and sudden arm pulling during escorting or in cases of disobedience. Prisoners in the closed section of the penitentiary mentioned that prison staff often addressed them in a rude and derogatory manner and frequently shouted at them in order to maintain order. The CPT recommended that the Croatian authorities clearly communicate to prison staff that physical ill-treatment, excessive use of force and disproportionate use of restraints are unacceptable and will be addressed accordingly. In order to manage high-risk situations without unnecessary force, prison staff should be trained in crisis prevention, tension reduction and safe control methods. This training should also include elements of anti-discrimination, particularly in relation to Roma prisoners. In addition, the proportionality of force and the causes of injuries should be rigorously assessed in reports to the Ministry of Justice. Special training modules should also be developed for the supervisory staff of Požega Penitentiary to deal appropriately with unruly behaviour and unrest among women prisoners.</p> <p>Violence among female prisoners (in particular physical fights and derogatory shouting) was commonplace in the closed wards of Požega Penitentiary, which was exacerbated by their placement in large cells and lack of activities. The CPT recommended the development of a national strategy to prevent inter-prisoner violence, taking into account the poor material conditions at Požega Penitentiary, the accommodation in the dormitories and the underlying tensions between prisoners, based on specific risk assessments and criminological profiles.</p> <p>The conditions in the closed and semi-open sections of Požega Penitentiary were inadequate: impersonal dormitories, poorly maintained and inadequate communal sanitary facilities and mold and water leaks due to hail damage. In section Z1, 36 prisoners shared 2 toilets and 2 showers. The CPT was informed that extensive renovation work is planned for sections Z1 and Z2, including the creation of smaller dormitory units with individual sanitary facilities and an increase in the number of showers and toilets. The CPT emphasised the need for personal lockers for prisoners, improved sanitary facilities and additional access to washing facilities, especially for</p>

women. The CPT requested updates and photographic evidence of the progress of the renovation.

Despite adequate recreational activities and work opportunities, factors such as the architectural environment and the lack of treatment staff had a negative impact on the quality of life and rehabilitation of female prisoners. The CPT recommends that the Croatian authorities assist the management of Požega Prison in remedying these shortcomings by renovating the closed wards (Z1 and Z2), providing adequate personal space in smaller rooms and allowing female prisoners to personalise their living areas. Each department should have a common room and weather protection in the inner courtyard. Restrictions on personal belongings and clothing should be based on an individualised security risk assessment so that women can wear their own clothes outside of working hours. Vacancies for treatment officers should be filled and the semi-open unit should be relocated outside the prison grounds, replacing the existing open regime unit.

Special attention was paid to the mother-child unit in Požega Penitentiary. The hygienic conditions in this unit are acceptable, but the walls are damp and traces of peeling paint were found in one of the rooms. The unit is poorly equipped with cots and prams. As far as the mothers' diet is concerned, they were offered the same menu as the others prisoners. Prisoners mothers complained that they only had two sets of trousers and short-sleeved shirts. In view of this, the CPT recommended “that the management of Požega Prison upgrade the equipment of pushchair and baby carriers of the mother and child unit as well as to provide adequate access to stocks of clothing to mothers. Further, additional efforts should also be made to ensure that a wide variety of food is made available in the right proportions to enable nursing mothers and their children to maintain an adequately nutritious, sufficiently calorific and well-balanced diet.” Furthermore, the CPT recommended increasing the outdoor time for female prisoners in the mother and child unit to at least four hours per day and providing additional staff where necessary. The CPT also suggested repairing and adequately maintaining the swing in the courtyard, as well as providing and installing additional play equipment.

Immunisation against hepatitis B was not proactively offered, and there was no injury register or screening for gender-based violence. The CPT recommended that the Croatian authorities improve prison admission procedures for female prisoners, including comprehensive screening for prior gender-based violence and the implementation of proactive hepatitis B vaccination alongside the establishment of an injury register.

The infirmary was also adequately equipped, but did not have a defibrillator. Medication was mostly administered by nurses, except during night shifts and at weekends when prison staff were responsible for this. The CPT therefore recommends that an automatic external defibrillator be made available in Požega Prison, that staff be trained in its use and that, as a rule, medication be prepared and administered only by qualified health-care staff.

Some female prisoners complained about the inadequate communication skills of prison staff and a lack of empathy towards women. In view of this, the CPT recommended that all staff involved in the management of women's prisons receive training on the gender-specific needs and human rights of women prisoners, including the prohibition of discrimination. The Croatian authorities were urged to ensure gender-sensitive and trauma-informed treatment and care of women prisoners as an integral part of the curriculum for prison staff in women's prisons. Furthermore, the Committee emphasised that the open carrying of batons is not conducive to the development of

positive relationships between staff and prisoners and recommended that the Croatian authorities establish a timetable for the phasing out of batons as standard equipment for prison officers working in the detention areas at Požega Prison. Finally, the Committee requested information on the special training modules for prison staff working with female prisoners offered at the Prison Staff Training Centre in Vukomerec.

In the cell, where female prisoners are under increased surveillance to maintain order and security, there is a metal grille on the windows that restricts natural light. The prisoners spend the whole day reading and have no other activities apart from two hours of yard time. The decision on placement lacks information on duration and appeal options. The CPT recommends modernising the cell in Unit Z1 by removing the triple bars above the window and repairing the sanitary facilities. In addition, prisoners under enhanced supervision should receive a written decision detailing the duration and appeal options. They should also be provided with a more substantial regime.

The material conditions in the two isolation cells in the basement were inadequate. The cells were 4 square metres in size, extremely dark and damp and had one washbasin and one toilet without partitioning. “At the end of the visit, the delegation invoked Article 8, paragraph 5, of the Convention establishing the CPT and requested that the two disciplinary cells be taken out of use and that the adjacent cell intended for the separation of prisoners be used as an alternative. By letter of 21 November 2022 the Croatian authorities informed the Committee that the two above-mentioned disciplinary cells at Požega Prison had been put out of service as of 30 September 2022.”

The cells in the Zagreb prison where female prisoners are held are more overcrowded than those of the male prisoners. Eight women are housed in a 19.5 m<sup>2</sup> cell, which means less than 2.4 m<sup>2</sup> per person. The communal shower can be used twice a week. The observations on the material conditions and occupancy of Zagreb Prison set out in paragraph 42<sup>53</sup> also apply in this context. Furthermore, the Committee considers that the cumulative detrimental conditions of severe overcrowding, combined with the poor regime and lack of activities on offer, may well amount to inhuman and degrading treatment.

Female prisoners at Zagreb Prison were only allowed to spend 2 hours a day in the transportation vehicle parking lot, spending the rest of the day in cells with no activities. The CPT considered that they should have had access to a comprehensive programme of activities, including work, training, education and sport. Despite the small number of female prisoners, setting up workshops exclusively for them might not have been sustainable and could have reinforced outdated stereotypes about the social role of women. The CPT called on the Croatian authorities to develop a programme that guarantees female prisoners at least eight hours of out-of-cell activities, including work, vocational training, education, recreation and sport.

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<sup>53</sup> Paragraph 42: “The CPT recommends that rigorous action is required to bring the prison population down below the number of places available within the prison estate and to put an end to overcrowding. In this respect, emphasis should be placed on the full range of non-custodial measures capable of providing judicial supervision during the period preceding the imposition of a sentence, as well as on measures to accelerate a prisoner’s release, including through supervisory means tailored, inter alia to the prisoner’s personality and the nature of the sentence.”

### *Decisions of the European Court of human rights*

As regards the rights of women prisoners, an examination of the practise of the European Court of Human Rights has revealed two cases of women prisoners against the Republic of Croatia. In both cases, a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms was found. Here is presented a brief overview of the violations of prisoners' rights and the court's judgement.

*Table 5. Decisions of the European Court of Human Rights*

<b>Year</b>	<b>Short description and type of decision</b>
<b>2007</b>	The applicant was serving a prison sentence in Požega Penitentiary, where she did not receive adequate medical care despite suffering from hepatitis C: she was not allowed to rest without a doctor's permission and was not examined by a hepatologist. Furthermore, the applicant was not accommodated in appropriate conditions: the spatial capacities were below the recommended standards, the sanitary conditions were inadequate, and there was a lack of or insufficient furniture, among other things. The ECHR found that there had been a violation of Article 3 of the Convention and the Republic of Croatia was ordered to pay the applicant: 1. 15,000 euros for non-pecuniary damage; 2. 3,200 euros for costs and expenses; and 3. all taxes that may be levied on the aforementioned amounts.
<b>2023</b>	The applicant was serving a prison sentence in Prison in Zagreb where conditions were inadequate: overcrowding, lack of privacy for toilets, lack of fresh air, lack of or insufficient furniture, lack of or insufficient physical exercise in the fresh air, insufficient hygiene conditions, limited access to showers, lack of hygiene supplies. Similar conditions prevailed at Požega Penitentiary, where the applicant was also serving a prison sentence. The ECHR found that there had been a violation of Article 3 of the Convention and the Republic of Croatia was ordered to pay her compensation: 1. 8,300 euros for non-pecuniary damage, 2. 250 euros for costs and expenses and 3. all taxes that may be levied on the aforementioned amounts.

### **Conclusion**

The aim of this paper was to analyse the implementation of human rights laws and standards for female prisoners in Croatia and to assess current practice, with a particular focus on the Bangkok Rules. For this purpose, specific questions were asked to which the following answers can be given:

1. What do we know about female offenders and prisoners in Croatia from official statistics? Although the official data of the National Bureau of Statistics on the number of reported, accused and convicted adults in Croatia show decreasing trend in the period from 2000 to 2022, there has been an increase in the proportion of women in the number of reported, accused and convicted persons in that period. This is information that deserves a more detailed criminological analysis. Women are often sentenced to prison for property crime (average length 1 – 3 years). They are mostly in the 50 to 60 age group and have a secondary or vocational education.

2. Does Croatia have a sufficient legal framework to protect the rights of prisoners, especially women's? Generally speaking, it can be stated that the implementation of international standards for the protection of prisoners' rights in Croatian national legislation

has reached a satisfactory level (although there are some areas where improvements can be made, as pointed out by the Ombudsman's Office). Nevertheless, it is worrying that the "previously adopted standards for the protection of prisoners' rights have been "abandoned" in the new Law on the Enforcement of Prison Sentence.

3. What is the situation regarding the rights of female prisoners from the perspective of national and international protection and monitoring bodies? Although the analysis of the Croatian national provisions on respect for the human rights of prisoners may lead to an optimistic conclusion, the real verification of the state of human rights of this sensitive group can be seen from the reports of the bodies responsible for monitoring and protecting the human rights of prisoners. The reports of the Ombudsman's Office shed light on the actual situation of the Croatian penal system. They show the negative effects of the problem of overcrowding, the insufficient co-operation between the Ministry responsible for the penitentiary sentences and the one responsible for health care, and the inadequate application of mechanisms for the protection of prisoners' rights.

All of the above leads to the conclusion that the human rights of prisoners are an issue that requires constant monitoring and continuous improvement. Permanently raising awareness and educating all employees of the prison system about the importance of human rights and the application of international standards (the Mandela Rules and the Bangkok Rules), as well as the appropriate application of national regulations, is the fundamental task of a society that takes care of all its citizens, including this sensitive one in particular - a group that is expected to live in accordance with social norms after completing their prison sentence.

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