



REPUBLIC OF CROATIA  
**Ombudswoman**

# Women in Prison: Croatia

Analysis from the National Preventive Mechanism

| July 2024



association pour la prévention de la torture  
asociación para la prevención de la tortura  
association for the prevention of torture



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# Croatia



UNCAT Ratification  
12 October 1992

OPCAT Ratification  
25 April 2005

National Preventive Mechanism (NPM)  
Ombudswoman of the Republic of Croatia

NPM legal framework  
Act on National Preventive Mechanism (2 February 2011), amended in April 2015.

NPM operationalisation  
Since 2012

According to the NPM Act, in carrying out the work of the NPM, the Ombudswoman cooperates with special ombudsmen (Ombudswoman for gender equality, the Ombudswoman for children and the Ombudsman for persons with disabilities), associations and independent experts as necessary.

NPM structure  
Department within the Ombudswoman

NPM composition  
8 advisors (6 women)

## I. Facts and Figures

### Prison population

Total prison population<sup>1</sup>

**4,091**

Women in prison (total)

**219 | 5.35%**

Source: *Report on the condition and work of penitentiaries, prisons, correctional facilities and centers submitted by Croatian government to the Croatian Parliament for 2022*

### Prisons for women

Total number of women's prisons

**15**

Correctional facility exclusively for women<sup>2</sup>

**1**

Mixed prisons with separate units for women<sup>3</sup>

**14**

Source: *National Preventive Mechanism, November 2023*

<sup>1</sup> As of 31 December 2022

<sup>2</sup> Požeška Penitentiary is the only prison exclusively for women, to which women sentenced to imprisonment of more than 6 months are sent.

<sup>3</sup> Remand prisons and prisons for people sentenced to less than 6 months.

## II. Recommendations

### Body searches

- + The Ministry of Justice and Public Administration should inform all penal institutions about the necessity of keeping records of all undertaken comprehensive searches which will show who was searched, when, by whom, for what reason and what did the search find.

### Contact with the outside world

- + Provide conditions for women to serve prison sentences longer than 6 months in prisons closer to their place of residence. Until then, it would be desirable to allow them longer (family) visits, increase the number of video visits, etc.

### Mental Health

- + Intensify the monitoring of the mental health of women in the prison system, especially taking into account specific risk factors (for example, pregnancy, time after childbirth, etc.).

### Healthcare

- + Respect patients' right to privacy during medical examinations of the inmates. Prison officers can only be present when this is requested by the physician.

### Life in prison: regime and activities

- + Enable women in prisons who have not completed primary education to participate in adult education programmes.

## III. Detention Issues

### Body searches

#### a. Legal and regulatory framework

Searches are regulated by the Act on Execution of Prison Sentences and the Rulebook on Security work in the Prison. Searches can be partial<sup>4</sup> or thorough and they should be performed by a judicial police officer of the same gender as the person being searched, unless technical equipment such as a detector are used (in accordance with rules 19 and 20 of the Bangkok Rules).

[The Rulebook on Security work in the Prison System](#) also contains provisions on examination of body cavities (performed by a doctor in a separate room, in the presence of a judicial police officer of the same gender as the person deprived of liberty).

The norms regulating thorough searches go too wide and not clearly enough when defining the situations in which the inmates (both women and men) can be searched. Thus, searches can be conducted at different moments such as: during admission; at the moment of release; before and after escorting; prior to accommodation in a specially secured room devoid of dangerous objects; during the separation from other inmates; before being accommodated at a ward with a higher level of monitoring and isolation from other inmates; before being put into solitary confinement; every time

<sup>4</sup> Partial body searches do not involve undressing. They include an insight into the contents of clothes, shoes and other movable things that a person has with them, and is carried out in such a way that a judicial police officer goes over the clothes of the person who is searched with open palms and a uniform movement, i.e. a light touch, without stopping, and inspecting inside shoes and things.



prior to leaving a prison, a closed or a semi-open penitentiary and after every return; prior to and after receiving an unmonitored visit; following the return from a workplace to a prison, closed or a semi-open penitentiary if there are grounds to suspect that the inmate has in their possession or is concealing objects or matter the possession of which is not allowed.

#### b. In practice

During visits conducted by the NPM, some women prisoners complained about the same inmate being subjected to thorough searches several times a day. The NPM continues to point to this problem and keeps requesting the harmonization of the national norms with the international standards.

A thorough search of a person is carried out by at least two judicial police officers of the same gender as the person being searched, in a separate room, without the presence of other persons, with a detailed examination of the person and an insight into the contents of the clothes, shoes and belongings of the person being searched. When undressing, a person first takes off the upper part, after which they put on their shoes, and then the lower part. When searching a person and their belongings, technical equipment (detectors, X-ray devices, mirror system, etc.) may be used.

The NPM's recommendation on the necessity of keeping records of performed thorough searches was accepted, and a record is drawn up of each performed search, regardless of whether illegal items were found.

In practice, thorough searches of women are always carried out by women, without the presence of male judicial police officers. Intimate body cavity searches are carried out extremely rarely.

### Solitary confinement

#### a. Legal and regulatory framework

All forms and duration of separation from the collective method of serving the sentence are prescribed by the [Act on Execution of Prison Sentences](#). In addition, the conditions of the premises in which the person is kept during such isolation are also prescribed. Also, judicial control is prescribed (appeal to the competent enforcement judge).

The Act on Execution of Prison Sentences does not limit or impose a ban on the use of solitary confinement as disciplinary measure nor on the use of isolation from other inmates or solitary confinement as special measures for the maintenance of order and security when it comes to pregnant or nursing women, or to women detained with young children.

In line with the Act on Execution of Prison Sentences, prior to being subjected to solitary confinement as disciplinary measure, the inmate must be examined by a physician. Additionally, the monitoring by a physician at least twice a week is mandatory during the execution of this measure.

#### b. In practice

During its visits to penal institutions, the NPM has not recorded nor received any complaints on the use of isolation or solitary confinement on pregnant or nursing women, women detained with young children, women with psychosocial disabilities or girls. The NPM is nevertheless considering recommending the introduction of limitations on the use of these measures on the aforementioned groups of inmates with the first upcoming amendments to the Act on Execution of Prison Sentences.

In general, the accommodation conditions for solitary confinement or isolation are not sufficiently harmonized with the international standards.

### Means of restraint

#### a. Legal and regulatory framework

The Act on Execution of Prison Sentences and the Rulebook on Security work in the Prison System prescribe the using of the means of restraint. The aforementioned regulations do not prescribe the possibility of using medical restraint (chemical restraint) or restraining (tying) to a hospital bed.

However, in the Zagreb Prison Hospital, in case of clinical indications for the use of chemical restraint, the procedure is carried out in accordance with the [Act on the Protection of Persons with Mental Disorders](#) and the [Rulebook on the Types and Methods of Coercive Measures against Persons with Severe Mental Disorders](#).

The Rulebook on Security work in the Prison System stipulates that judicial police officers will not tie/use mechanical restraint on a minor, a visibly pregnant woman, an older person, a visibly ill person and a person with disabilities, except in the event that they threaten or endanger their own life or the lives of other persons.

#### b. In practice

The use of physical restraint measures is recorded in the Records of the Use of the special measures for the maintenance of order and security as well as in the inmates' personal files. CCTV recordings of the use of restraint measures are not filed into records. Physical restraint used during the escorting of the inmates is not entered into the Records, either.

### Access to mental healthcare

Under the Act on Execution of Prison Sentences, the medical examination of the inmate must be undertaken within 24 hours of them being entered into the Prisoners' Record. In practice, this means that up to 96 hours can pass before the inmate is examined. The NPM finds this delay unacceptable and considers that this practice can result in a public health problem. The NPM thus continuously recommends that every inmate be medically examined as soon as possible upon admission and, at the latest, within 24 hours from their arrival at a penal institution.

As it is not uncommon for inmates to arrive at the prison with scarce medical documentation, the data on their mental health that the physician is able to gather during the first examination depend, to a large extent, on the inmate themselves and the amount of data they share.

During treatment programmes with women prisoners, including work, education, organisation of women prisoners' free time, group and individual psychosocial treatment for rehabilitation and resocialisation, their mental health should also be monitored.

Psychosocial support should be available to women in the prison system as part of the treatment work, and, if necessary, they should also be referred for psychiatric examinations (upon request or with the person's consent). However, since there are not enough psychiatrists even in the public health system, women prisoners often wait a long time for psychiatric examinations. Also, the lack of treatment officers in the prison system, among other things, negatively affects the possibility of providing adequate psychosocial support.

### Contact with the outside world

In comparison with male inmates, women face greater difficulties when it comes to family visits. This is due to the fact that only the Penitentiary in Požega accommodates women inmates sentenced to prison sentences of six months or higher. When it comes to inmates with family members living in other parts of the country, the duration of the travel imposes an obstacle on the exercise of the right to visits, especially when it comes to (young) children.

## IV. Women in special situations of vulnerability

### Pregnant and nursing women

The Act on the Execution of Prison Sentences contains provisions related to the protection of motherhood. It is regulated that pregnant women and mothers with the child they gave birth to while serving a prison sentence are provided with comprehensive health care related to pregnancy, childbirth and motherhood.

## Mothers with children in prison

According to the Act on the Execution of Prison Sentences<sup>5</sup>, the child stays with the imprisoned mother at the request of the mother, if, according to the assessment of the competent centre for social welfare, this is in the best interest of the child, until the child reaches the third year of life, and exceptionally until the end of the prison sentence if the remaining part of the sentence is no longer than six months, after which the centre for social welfare takes the necessary measures within its jurisdiction. During the stay of the child with the imprisoned mother, the penal institution (i.e. prison) ensures that the child stays in a pre-school outside the penitentiary or prison.

According to the [report](#) of the Ombudswoman for children from 2021, there is a difference in treatment in relation to the (non) separation of children from their mothers, i.e. there is a difference whether the mothers are convicted prisoners or remand prisoners. Children born while their mothers are in prison can stay until they turn three, while young children born shortly before their mothers are sent to pre-trial detention or prison must be separated from their mothers. As set out in the Convention on the Rights of the Child, children must have equal rights regardless of the legal basis for the deprivation of liberty of their mother.

## V. Alternatives to detention

Alternative sanctions are still not satisfactorily represented, as pointed out in the NPM's annual reports. This pertains to all, women included. In 2022, as part of the Electronic Surveillance Project, equipment for electronic surveillance was acquired and a Supervisory Centre for Electronic Surveillance was established in the Ministry of Justice and Administration. In addition, the Ministry has started drafting the prerequisites for the application of electronic surveillance and pre-trial detention, and the Draft Rulebook on pre-trial detention in a home with electronic surveillance has also been drafted.

The NPM considers that these measures will contribute to greater application of alternatives to detention, and will continue monitoring progress, including the existence and implementation of alternative measures specifically for women or any discrimination in application of existing alternatives.

## VI. Other Relevant NPM Information on Women in Prison

+ [NPM's annual reports](#), in particular the 2018 annual report and 2022 annual report

This report is part of the Global NPM report on Women in Prison.  
Access the full report here: [www.apr.ch/global-report/](http://www.apr.ch/global-report/)

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<sup>5</sup> Art. 119 para. 3.