



MOTHERS IN PRISON – BETWEEN GUARANTEED AND ATTAINABLE RIGHTS

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Zagreb 2015

Legum corrector usus.
(Practice is the improver of laws)

Titus Livius (Livy)

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INTRODUCTION

Detaining a parent significantly limits their right to family life, consequently affecting the rights of other family members who themselves have not committed any crimes, including their children.¹ In practice, then, detainment includes large group of people. For example, on 31 December 2011 the Croatian Prison System was home to a total of 1190 parent-prisoners who had a total of 1932 underage children.² On the same date in 2012 there were 1263 parent-prisoners with a total of 2323 underage children³, in 2013 there were 1242 parent-prisoners with a total of 2119⁴ children and in 2014 there were 1080 parent-prisoners with a total of 1927 underage children.^{5,6}

The protection of prisoners' rights, supervision of the prison sentence system, encouraging and professionally supporting them in their role as parents and the responsibilities it brings with it, as well as defining the rights of the children of prisoners are all defined in numerous conventions, recommendations and legislation. These include universal legal acts (e.g. The UN Charter and UN General Declaration on Human Rights, UN Standard Minimum Rules for the Treatment of Prisoners, Convention on the Rights of the Child)^{7,8,9,10} European acts (e.g. The New European Prison Rules, the European Convention on the Protection of Human Rights and Fundamental Freedoms)^{11,12} and finally internal domestic laws^{13,14} (e.g. The Constitution of the Republic of Croatia, The Family Act, The Social Services Act, The National Strategy for Children's' Rights in Croatia 2014-2020, The Execution of Prison

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- 1 Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. The Croatian Annual of Criminal Law and Practice, 13(2), 685–743.
 - 2 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.
 - 3 Ministry of Justice, Prison System Directorate (2013) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2012.
 - 4 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.
 - 5 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.
 - 6 In 2011, the Croatian prison system housed a total of 2132 parent-prisoners, in 2012 the same number was 2213 parent prisoners, during 2013 the number was 3039 prisoners and during 2014 it was 2775 parent-prisoners. Source: Ministry of Justice, Prison System Directorate (2012-2015). Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.-2014.
 - 7 United Nations Charter. Accessed 6. January 2015. Available at: <https://treaties.un.org/doc/Publication/CTC/uncharter-all-lang.pdf>
 - 8 General Declaration on Human Rights, Official Gazette 28/96.
 - 9 Standard Minimal Rules for Working with Prisoners. The First Congress of the United Nations on Crime Prevention and Working with Violators, Geneva, 1955, with the approval of the Economic and Social Committee, Res. 663 (XXIV) 1957 and Res. 2076 (LXII) 1977.
 - 10 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.
 - 11 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/View-Doc.jsp?id=955747#>
 - 12 European Convention on the Protection of Human Rights and Fundamental Freedoms, International Treaties 18/97, 6/99, 14/02, 13/03, 9/05, 1/06, 2/10.
 - 13 Pleić, M. (2010) European Characteristics and Difficulties in the Croatian Penal System. The Croatian Annual of Criminal Law and Practice, 17 (1), 301–500.
 - 14 Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. The Croatian Annual of Criminal Law and Practice, 13(2), 685–743.
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Sentence Act (hereinafter referred to as the EPSA) and subsidiary legislation such as the Prisoners' Privileges Rules).^{15,16,17,18,19,20}

The existence of these pieces of legislation does not have to mean that the rights of parent-prisoners and their children are always respected.²¹ In 2014 alone, 231 complaints were filed by prisoners to various ombudspersons' offices, including the Ombudsperson, the Ombudsperson for Gender Equality, the Ombudsperson for Children and international human rights organisations Croatia is a member of.^{22,23,24} Between 2010 and 2014²⁵ the Ombudsperson for Children took action in 103 general initiatives regarding the children of imprisoned parents, including sending recommendations to relevant bodies in the areas of improving rights, awareness, and recognising the unique needs of these children. The Ombudsperson for Children has received between 32 (2010) and 40 (2014) individual applications from parent-prisoners.^{26,27}

The purpose of this analysis is to present a view of and question the current situation regarding guaranteed and attainable rights of incarcerated mothers and their (underage) children in Croatia. This analysis will estimate the degree to which the rights of these groups are attainable in practice and examine the barriers and challenges to attaining them. This will be done by analysing relevant, available legislation and publications, national and international documents, qualitative and quantitative Croatian research as well as statistical data.²⁸ The drawbacks and causes of problems in attaining the prescribed rights will be examined to the extent in which the availability of data allows. Furthermore, this work will define challenges and provide recommendations including a framework of guidelines for future work in the field of improving the attainable rights of incarcerated mothers and their (underage) children.

15 The Constitution of the Republic of Croatia, Official Gazette 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14.

16 The Family Act, Official Gazette 103/15.

17 The Social Services Act, Official Gazette 157/13, 152/14, 99/15.

18 The Working Group for the Expert Analysis and Preparation of the Final Draft of the National Strategy for the Rights of Children in the Republic of Croatia (2014) National Strategy for the Protection and Promotion of Children's Rights in Croatia 2014-2020. Draft. Zagreb: Ministry of Social Policies and Youth. www.mspm.hr, accessed 28 November 2015.

19 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.

20 Regulations on Prisoner Benefits, Official Gazette 66/10, 126/13.

21 Croatian legislation meets European standards in its compliance with the Convention on the Rights of the Child. Difficulties, however, come about when the laws have to be implemented in practice because this requires numerous experts who are ready and capable, that is trained, to implement these norms in everyday practice. Source: Marijan, R. (2009) Children with Imprisoned Parents – criminal and legal aspects. Found in: M. Gabelica Šupljika (ed.) The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion, 57–62. Zagreb: Ombudsperson for Children.

22 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

23 This includes all imprisoned persons in Croatia, not just those who are parents.

24 All correspondence with the Ombudsperson, the Ombudsperson for Gender Equality and the Ombudsperson for Children as well as international human rights organisations is confidential. Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.

25 For 2010 (15), for 2011 (12), for 2012 (31) for 2013 (36) and for 2014 (9). Source: Ombudsperson for Children (2011) Ombudsperson for Children Annual Report 2010. Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011. Ombudsperson for Children (2013) Ombudsperson for Children Annual Report 2012. Ombudsperson for Children (2014) Ombudsperson for Children Annual Report 2013. Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

26 Ombudsperson for Children (2011) Ombudsperson for Children Annual Report 2010.

27 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

28 A clear lack of reliable and available data presents limits to this analysis.

INCARCERATED MOTHERS AND THEIR UNDERAGE CHILDREN'S RIGHT TO HEALTHCARE

The Požega Penitentiary has had a Dedicated Mother and Child Unit since 1985, the only of its kind in the Croatian penal system.²⁹ Incarcerated women at the Požega Penitentiary feel it is fair to have pregnant women and young mothers accommodated in a special unit, and do not consider these mothers to be privileged as a result (70% of women, out of a total of 97% surveyed).³⁰ The EPSA includes special ordinances on maternity protection^{31,32} and as such after giving birth mothers and their infants are placed in a special unit. Despite the fact that the Convention on the Rights of the Child³³ states that every underage mother serving should serve her prison sentence do so in a unit without any adults,³⁴ separating pregnant women from mothers, as well as underage pregnant women from adult pregnant women and mothers is not the practice in the Požega Penitentiary, and both underage and adult pregnant women and mothers stay in the same unit.³⁵ Incarcerated pregnant women move to the Mother and Child Unit from six weeks before their estimated due date, and the mother and child remain there after birth until the child's third birthday. The Mother and Child Unit in Požega housed between four (2013)³⁶ and seven underage and adult mothers and their children (2011).³⁷ Due to the relatively small number of underage and adult pregnant women and mothers, there were no problems with the unit being over capacity. Prison employees do their best to keep mothers and children in their own rooms, without sharing with others, within the spatial and organisational limits at the Požega Penitentiary. As a result of this, perhaps the greater problem is the social isolation of these mothers as opposed to them being accommodated at the same unit as other mothers.

29 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

30 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

31 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

32 EPSA does not regulate the status of women in remand prison; their rights are regulated by the judge who is overseeing the case and the House Rules for remand prisoners.

33 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.

34 Unless this is decided differently in the child's well-being.

35 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

36 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

37 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

All prisoners can defer serving their sentence by a maximum of 12 months, unless the deferment is due to a grave illness that cannot be treated in the prison itself.³⁸ The EPSA³⁹ includes special regulations on deferring sentences for mothers with children under one year of age for whom they are the primary carers, as well as for those who have a high-risk pregnancy or are sentenced less than six months before their estimated due date. This is in accordance with the prisoners' preferences as confirmed in a 2014 survey, where 90% of surveyed prisoners (of a total of 97 included in the survey) stated that if a woman becomes pregnant during criminal proceedings her sentence should be deferred.⁴⁰ Prison sentence deferral is possible up to a child's first birthday, and in the case of caring for an underage child, for up to six months. However, this means that due to the above-mentioned constraints, even in the case of maximum deferral convicted mothers often cannot fulfil the 20-month maximum and must go to prison before their child's third birthday. They are therefore unable to spend this most sensitive development period with their children. On the other hand mothers in slightly different circumstances, who give birth while serving their prison sentence, are not separated from their young children while they serve their prison sentence. As a result it is necessary to harmonise legislation in order to offer both categories of women the same right to being accommodated with their young child.

The EPSA⁴¹ states that pregnant women and mothers with children who have given birth while serving their sentence must be provided with full and complete healthcare for pregnancy, birth and motherhood. This means that their health care must have equivalent access and availability of health care provided by the public state healthcare system, without any discrimination.⁴² When considering the health of women it is important to have access to a women's health specialist. Furthermore, protecting maternity means providing pregnant women and mothers with medical care including physician visits and medicines but also regular health monitoring. Although all health-related tests are currently conducted in a healthcare facility,⁴³ recently prisoners have reported that it is the practice at the Požega Penitentiary that pregnant inmates take their own cervical smears using the penitentiary restroom, holding on to the sample for a few days before being able to submit it for lab analysis, which has resulted in false positive lab results.⁴⁴ It is not surprising then that in 2011 the Ombudsperson appealed for immediate health inspections in all prisons, penitentiaries

38 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 54.

39 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 54.

40 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

41 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13., art. 111.

42 Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. The Croatian Annual of Criminal Law and Practice, 13(2), 685–743.

43 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.

44 Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda. The experiences noted from this source are subjective, and do not necessarily reflect the real state of affairs, since this is a period within ten years of the book's release. For this reason information from these sources should be used carefully and interpreted in their limited scope.

and correctional institutions.^{45,46} At the request of the Prison System Directorate, in 2011 the Ministry of Health and Social Services conducted health inspections in a number of criminal facilities, with inspections being carried out again in 2013⁴⁷ at the Ombudsperson's request. In order to maintain the quality of healthcare in the prison system, inspections should be held continually and if possible, more than once every two years. In 2014 further complaints by prisoners were made to the Ombudsperson regarding healthcare, especially regarding long waiting periods for appointments with certain medical specialists.⁴⁸ This negative practice is mostly the result of a lack of physicians and other health professionals in the prison system.⁴⁹ A lack of interest during calls for applications and the emigration of physicians to other EU countries has resulted in the need for physicians in the prison system has resulted in collaboration with the Prison Hospital in Zagreb or, to a lesser extent, through service contracts with public health institutions.⁵⁰ This surely complicates timely and continual access to healthcare continuity and care for prisoners.

Healthcare is further complicated by the fact that part of the prison population does not have (supplemental) health insurance⁵¹ and as a result the cost of care must be covered by the prison system. It is therefore necessary to implement various positive measures to encourage and stimulate the employment of physicians in the prison system.

Regular specialist examinations and births take place in specialised health facilities that are part of the public health system.^{52,53} Medical examinations of pregnant prisoners that take place in public health institutes include a law-enforcement escort as defined in the Ordinance on Security Unit Work in Penitentiaries and Prisons⁵⁴ and must be conducted in a manner that protects the prisoners' health and dignity.⁵⁵ In other words, pregnant prisoners are taken to antenatal care appointments and to birth escorted by a female judicial police officer.⁵⁶ This escort is necessary for security reasons, but the requirement that the escort be in uniform should be revised when pregnant prisoners are being escorted to an antenatal appointment or birth. The practice that the escort be out of uniform in other

45 Ombudsperson (2012) Annual Report 2011.

46 Ombudsperson (2013) Annual Report 2012.

47 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

48 Ombudsperson (2015) Annual Report 2014.

49 Kavain, M. (19 NOVEMBER 2013). Physicians Do Not Want to Go to Prison: Croatian penal institutions short of 80 medical professionals. (Newspaper article from Slobodna Dalmacija). Accessed 20 December 2015. Available at: <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/227796/Default.aspx>

50 Kavain, M. (19 NOVEMBER 2013). Physicians Do Not Want to Go to Prison: Croatian penal institutions short of 80 medical professionals. (Newspaper article from Slobodna Dalmacija). Accessed 20 December 2015. Available at: <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/227796/Default.aspx>

51 By going to prison part of the prison population loses their right to health insurance because they become unemployed or lose unemployment benefits, and their healthcare cannot be provided according to existing social service regulations (Source: Kavain, M. (19 NOVEMBER 2013). Physicians Do Not Want to Go to Prison: Croatian penal institutions short of 80 medical professionals. (Newspaper article from Slobodna Dalmacija). Accessed 20 December 2015. Available at: <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/227796/Default.aspx>)

52 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.

53 Regulations on House Rules in Prisons with Remand Prisons, Official Gazette 008/2010., art. 16.

54 Regulations on Security Work in Penitentiaries and Prisons, Official Gazette 48/09.

55 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 33.

56 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.

emotionally-sensitive situations (e.g. escorting a prisoner to a funeral) is already in existence, so this should not be difficult. Having the escorting officer be out of uniform when escorting a pregnant prisoner to an antenatal appointment would ensure the prisoner's dignity and decrease her chances of being labelled as a prisoner in public, thus making the situation much less stressful for her.

In 2011 the Ombudsperson officially found the presence of a judicial police officer during a prisoner's doctor visits unacceptable.⁵⁷ The Ombudsperson further generally found that the presence of a uniformed escort (that is not a health professional) in a physician's surgery during a gynaecological exam, and especially during a birth, is often unnecessary from a security standpoint but could also be extremely uncomfortable and stressful for the pregnant / birthing woman, harmful for the doctor-patient relationship and disruptive to a physician's work. According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment there is no justification for the constant presence of non-health personnel during a prisoner's visit to a physician. The presence of non-health personnel at a doctor's visit, if not due to security reasons, infringes on the provisions of the Patients' Rights Act which states that a patient's privacy must be ensured during examinations, treatment and especially when personal care is being provided.⁵⁸ The Patients' Rights Act guarantees the respect for the human person, protecting their physical and mental integrity and privacy when providing healthcare. The 2014⁵⁹ the complaints had to do with the presence of a judicial police officer during a health exam at the prison clinic and were dealt with by issuing a directive from the Prison System Directorate Headquarters stating that the presence of the judicial police was necessary only for security reasons or at the physician's request. When healthcare visits take place in public health facilities, the requirement for a patient's privacy and security assessments must be coordinated and every escort decision should be made in the form of an advance written order. This order then contains a risk and danger assessment, restraint procedures and measures for maintaining the peace, outlined based on recommendations made by correctional treatment specialists or other experts at the penitentiary who have worked with the prisoner in question. Pregnant prisoners are informed of the escort procedures in advance.

During health visits in public health facilities including a physician's surgery, the prisoner is accompanied by an official in uniform so that the official cannot see any physical exams.⁶⁰ While a prisoner is birthing at Petrova Hospital in Zagreb, the official is located in the birthing room, and if the birth is taking place at Požega General Hospital, the official is located just outside the birthing room, even though neither the Požega Penitentiary and Prison nor the Prison Hospital in Zagreb require the official escort to be present in the birthing room.⁶¹

57 Ombudsperson (2012) Annual Report 2011.

58 The Patient Rights Act, Official Gazette 169/04, 37/08, art. 28.

59 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

60 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

61 After giving birth a new mother-prisoner is hospitalised with other new mothers, with a judicial police officer located in the Ward hallway. (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02).

However, the risk assessment and certain security measures at that level are at the discretion of the warden. As a result, they should be included in considering that incarcerated pregnant women and new mothers be allowed to be alone with their attending physician during physical examinations and while they birth, with the judicial police officer located in front of the surgery and only in extreme cases (for security reasons) be present in the surgery itself.

Spending time outdoors, exercise and a good diet are especially important for pregnant and breastfeeding women and new mothers in general. Every prisoner has the right to spend time outdoors in the area around the penitentiary or prison for two hours per day.⁶² Even though prisoners at the Požega Penitentiary feel that pregnant women and new mothers should have extra privileges⁶³ these are mostly defined based on their crime and their success in fulfilling their individual sentence program, or the organisation and house rules of the individual prison, not with the fact that the woman is pregnant or has a young child. The House Rules state that prisoners accommodated at Mother-Baby Units spend time outdoors more frequently, in accordance with the conditions at the unit the prisoner was transferred in from.⁶⁴ Pregnant prisoners should also have special varied and quality food provided to them, abundant in vitamins and minerals and especially folic acid⁶⁵ as part of the maternity protection measures. The EPSA states that prisoners have the right to regular meals and water and that pregnant women, new and breastfeeding mothers should have meals provided in accordance with their physician's recommendations.⁶⁶ A breastfeeding mother's meal plan recommendations include five daily meals,⁶⁷ which is the practice at the Požega Penitentiary.⁶⁸ Prisoners participate in preparing a meal plan through the Prisoner's Representative (chosen every three months from each unit) who is on the Menu Planning Committee, which meets at least once per month.⁶⁹ With regard to the nutrition of infants, exclusive breastfeeding is recommended up to six months of age, without the need to add other foods or liquids.⁷⁰ When the infant is over six months of age, recommendations state that he/she should be provided with varied, soft foods with no added salt, sugar or other spices.⁷¹ At the Požega Penitentiary, when a child is five months of age, together with his/her chosen paediatrician, soft foods appropriate for the infant's age are introduced into his/her diet, and checked by the Penitentiary's health service.⁷² The health service and chefs meet and discuss the preparation of meals and procurement of foods every few days, and infant foods are prepared separately,

62 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 14.

63 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

64 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 20.

65 Zdrav život (Healthy Living) – a family health magazine. Accessed 8 December 2015. Available at: <http://www.zdrav-zivot.com.hr/izdanja/prehrana-u-trudnoci/prehrana-u-trudnoci/>

66 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary.

67 Website Moje zdravlje (My Health). Accessed 8 December 2015. Available at: <http://www.mojezdravlje.net/Bolesti/663/trudnoca/Preporuke-za-prehranu-dojilja.aspx>

68 Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda.

69 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 14.

70 World Health Organisation. Accessed 15 January 2016. Available at: <http://www.who.int/mediacentre/factsheets/fs342/en/>

71 World Health Organisation. Accessed 15 January 2016. Available at: <http://www.who.int/mediacentre/factsheets/fs342/en/>

72 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.

without adding salt or sugar, and depending on the paediatrician's recommendations, the food is blended until the child is six months old.⁷³

Mothers with children at the Požega Penitentiary are provided with the child's necessities including personal hygiene items, food and clothing, toys and medical care for the child free of charge. As with many topics, the individual experiences of imprisoned mothers vary, with some mothers being very pleased with the food available in prison and thankful that they had food for their infants and young children prepared specially for them, as with the large variety of foods available, while others felt the opposite was true.⁷⁴ Given that the prisoners cannot organise the food available themselves, the procurement of food and other personal use items is possible at prison shops, in accordance with the EPSA.⁷⁵ Since 2015 group public tenders have been implemented and the prices of items available in prison shops are formed in accordance with the tender rules, without the possibility of any input from the prisons themselves.⁷⁶ The Požega Penitentiary shop, which has a wide variety of items, does not offer baby food or fresh fruits and vegetables in its standard product assortment⁷⁷ and instead non-standard products must be ordered twice per month in writing, one week in advance of the order⁷⁸ at the warden's discretion. The question remains as to how often the prisoners actually order fresh, "healthy" foods and special children's foods. The European Prison Rules⁷⁹ recommend that prisoners be able to prepare their own meals. There is a kitchenette available in the Požega Penitentiary's Mother and Child Unit but the prisoners do not use it to prepare food.⁸⁰ The precise reasons for this should be investigated – is it because the prisoners believe their children receive enough food from the prison kitchen or is it perhaps that they are not aware, not motivated or do not know how to use the kitchen, or perhaps is this the result of the fact that children's meal planning is difficult due to the long bi-monthly food procurement process at the prison shop? Regardless of the reason, prisoners should be encouraged to prepare (additional) meals for themselves and their children independently, and cookery workshops should be organised in prisons, designed by experts from outside the penal system where mothers are taught how to prepare healthy meals. This would improve their parenting skills, help them develop a sense of responsibility and care, allow them to bond with their children and develop positive habits.

At the initiative of the MA#ME project, the first workshop on reproductive health was held in collaboration with a physician from the Požega General Hospital and the penal system at the Požega Penitentiary was held in 2015. Five women attended, and the workshop will

73 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

74 Borovac, M. (2015) *Parenting Behind Bars – the stories of former inmates*. Zagreb: Roda.

75 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.

76 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

77 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

78 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). *House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary*, art. 15.

79 Babić, V., Josipović, M. and Tomašević, G. (2006) *The Croatian Prison System and Protecting Prisoners' Human Rights*. *The Croatian Annual of Criminal Law and Practice*, 13(2), 685–743.

80 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.

continue to be held twice per year in order to teach mothers and future mothers about their healthcare rights and how to realise them.⁸¹ Mothers in prison should be able to attend free antenatal classes, otherwise organised by local city health units in healthcare facilities⁸² or hospital antenatal classes⁸³ and have regular visits from health visitors (community nurses) before and after giving birth.⁸⁴

Every prison system must protect children located within it from unprofessional conduct and ensure their security during all activities.⁸⁵ Furthermore, a nurse's scope of work includes children's healthcare.⁸⁶ As such, when visiting the paediatrician for regular visits and immunisations the child is accompanied by a nurse⁸⁷ and since 2004 and in accordance with the Road Traffic Safety Act,⁸⁸ car seats are used to in their transport.^{89,90} The Požega Penitentiary currently has two children's car seats, which is an adequate given the current number of children who are accommodated with their mothers at the Penitentiary. The car seats have an expiry date of five years from their date of production,⁹¹ and should they be older than this they should be replaced by a newer model should be procured; furthermore, a larger number of age-appropriate car seats should be made available.⁹²

81 Oral communication with Ivana Zanze, executive director of Roda – Parents in Action, 4 January 2016.

82 Official website of the City of Zagreb. <http://www.zagreb.hr/default.aspx?id=453> (4 January 2016).

83 Rodilišta.Roda.hr. <http://rodilista.roda.hr/rodiliste/26> (15 January 2016)

84 Mazzi, B. (2011) Community Health Nurses and the Family Doctor. http://www.hdod.net/rad_drustva/Patronazna_i_doktor.pdf (6 January 2016).

85 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

86 The Nursing Act, Official Gazette 121/03, 117/08, 57/11.

87 Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda.

88 The Road Traffic Safety Act, Official Gazette 67/08, 48/10, 74/11, 80/13, 158/13, 92/14, 64/15, art. 163.

89 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.). Although the stories of imprisoned mothers have been recorded in: Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda, stating that children in certain situations was not fastened in a car seat, instead the mother or nurse held the child in her arms.

90 Children's car seats must be installed on the back seat of a vehicle in accordance with the manufacturer's instructions. These regulations are also applicable to vehicles owned by the Ministry of Internal Affairs, as the Ordinance exempts only the vehicles used by the military. (Source: Ordinance on the Technical Conditions for Road Traffic Vehicles, Official Gazette 51/10, 84/10, 145/11, 140/13, 85/14 and 83/15.)

91 Autosjedalice.info. What to do with an expired car seat? http://autosjedalice.info/cms/index.php?option=com_content&task=view&id=65&Itemid=61 (10 January 2016.)

92 autosjedalice.info. http://autosjedalice.info/cms/index.php?option=com_content&task=view&id=16&Itemid=63 (12 November 2015.)

MOTHERS' LABOUR RIGHTS IN PRISON

Even when incarcerated, a parent can continue to provide financial support for their children and families as the EPSA⁹³ stipulates that every prisoner has the right to work in accordance with his or her health status, knowledge and the prison's facilities. The EPSA⁹⁴ further states that the work appropriate for a pregnant woman, new mother and mother of a young child (up to three years old) is recommended by a physician. Furthermore, prisoners can continue to operate their own business or work for the same employer while they are serving their sentence (for sentences one year and under). To do so they must personally apply to the Prison Directorate's Central Office for approval, and their employment contract must be modified to be between the prison and the employer.⁹⁵

Compensation for working in prison is the basic calculation for remuneration multiplied by the coefficient for that position.⁹⁶ In 2014, the average compensation was 535 HRK (approx. 70 EUR) for regular work hours, and 654 HRK (approx. 90 EUR) for regular work hours and overtime per month.⁹⁷ This amount is decreased by mandatory savings of 30%, which is deposited in a bank account with the remaining amount made available for the prisoner to spend as he/she sees fit, in accordance with the prison's House Rules.⁹⁸ At the prisoner's request, part of the funds held in savings can be used to support their family.⁹⁹ Prisoners can also receive money from family members and other persons with the prison administration acting as intermediary.¹⁰⁰

It is important to note that all the labour provisions in the European Prison Rules¹⁰¹ have been implemented in the EPSA¹⁰² and as a result work voluntary, and is never used as a form of punishment. Work is considered a positive element in the organisation and individual sentence program whereby prisoners can adapt to the prison community but also prepare for

93 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 80.

94 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

95 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 81.

96 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 84.

97 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

98 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 85.

99 Money Management Regulations, Official Gazette 2002, art. 1, art. 3.

100 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 127.

101 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/ViewDoc.jsp?id=955747#>

102 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.

life outside of prison by increasing their chances labour integration, maintaining their skills and/or learning a new work ethic while being able to earn some money.^{103,104} In addition, working while serving a prison sentence has further positive elements – it is a form of indirect communication between incarcerated mothers and their children on the outside, who, by receiving money from their mother, know that their mother cares about their wellbeing. By financially contributing to a child's welfare, the mother remains included in caring for the child, which contributes to her self-confidence and motivates her to successfully complete her sentence program.

All the prisoners (N=30) at the Požega Penitentiary were engaged in work activities 15 years ago,¹⁰⁵ while in 2013 the majority of them were engaged (of 80 prisoners, only four, or 5%, did not work).^{106,107} Although this high number of working inmates is very good, they continue to be employed at the sewing workshop, outside manufacturing or sales, kitchen, laundromat, at the agricultural workshop and in cleaning and maintaining the prison's gardens, just and as they were 15 years ago.^{108,109} These jobs reflect the daily needs of the prison system, and in other penal facilities are also done by male prisoners. However, these jobs can generally be classified as domestic work with elements of traditional gender roles^{110, 111,112,113} and as such are not equally useful for the labour market after a prisoner has served her/his sentence. As a result this type of work is more useful for women to become adapted to prison routines, keep busy and learn good work habits as opposed to increasing their chances for success outside of prison by providing them with new qualifications that will increase their employability.¹¹⁴ Additionally, the variety of jobs offered to prisoners has not changed much over the past few decades, nor are there any plans to introduce new or varied jobs for female prisoners (e.g. administrative ones). The Action Plan for Improving the Prison System in the Republic of Croatia 2009-2014¹¹⁵ states that prisons need to be provided with training equipment and work opportunities including machines in workshops and vocational training for prisoners, but at the same time does not include any guidelines on increasing prisoners' employment.¹¹⁶ A study conducted among prisoners at the Požega Penitentiary in 2005¹¹⁷ (N=30) showed that almost 25% of prisoners felt that they would

103 Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. *The Croatian Annual of Criminal Law and Practice*, 13(2), 685–743.

104 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

105 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

106 Ombudsperson for Gender Equality (2014). Annual Report 2013.

107 In 2014, only eight imprisoned women did not work. (Source: Župan, S. (14 April 2014) The Average Imprisoned Women is married, 45 Years Old, a High School Graduate and has been Convicted of Theft. (Article in Glas Slavonije.) <http://www.glas-slavonije.hr/232379/1/Prosjecna-zatvorenica-je-u-braku-ima-45-godina-srednju-skolu-i-presudu-za-kradju> (27 December 2015)

108 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

109 Ombudsperson for Gender Equality (2014) Annual Report 2013.

110 Župan, S. (14. 4. 2014.) The Average Imprisoned Women is married, 45 Years Old, a High School Graduate and has been Convicted of Theft. (Article in Glas Slavonije) <http://www.glas-slavonije.hr/232379/1/Prosjecna-zatvorenica-je-u-braku-ima-45-godina-srednju-skolu-i-presudu-za-kradju> (27. 12. 2015.)

111 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

112 Ombudsperson for Children (2014). Annual Report 2013.

113 Ombudsperson for Gender Equality (2014). Annual Report 2013.

114 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

115 Vlada Republike Hrvatske (2009) Action Plan for Improving the Prison System in the Republic of Croatia 2009-2014.

116 Matajija, A. (2015) Prisoner Employment and Social Reintegration. Zagreb: Roda. <http://www.roda.hr/udruga/projekti/mame/zaposljavanje-zatvorenika-i-socijalna-reintegracija.html> (22 December 2015)

117 Sućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

not have any source of income upon prison release, and 33% felt that their employability upon leaving prison was very uncertain. It is interesting to note that in 2013, the majority of prisoners surveyed at the Požega Penitentiary (71 of 80) had plans for the time after their prison release that included employment, and 50% of them stated that they wanted to get a job or continue working.¹¹⁸

Prison treatment includes work, but also educational programs. Education and vocational training programs are organised in penitentiaries and prisons, most often for basic jobs, emphasising practical learning. The selection of programs available is limited by the number of verified programs and the prison's facilities. Prisoners can study for secondary (high school) and higher education, but only at their own expense and only if the education program can be coordinated with security requirements.¹¹⁹ Prisoners who regularly meet the targets of their educational program receive payment in the amount of 25% of the base amount as set out in Article 84, Section 1 of the EPSA, multiplied by the coefficient of one.¹²⁰ A prisoner who cannot continue to work at her previous position due to the constraints of her educational program is entitled to this payment.¹²¹ In 2013 it was evident that only a very small number of prisoners at the Požega Penitentiary (5 of 80, or 6.25%) attended a new-skills program.¹²² This is not surprising due to the relatively low levels of education of the prison population (11% university, 5% college, 49% secondary school, 15% qualified workers, 14% unqualified workers)^{123,124,125} and the fact that the programs available are for very simple or exclusively "women's" jobs.¹²⁶ It is clear that the most highly educated prisoners are the most affected, which in the Croatian prison system is the majority of prisoners, because they cannot further develop and practice their professional interests.¹²⁷ As a result, the Požega Penitentiary must begin implementing workshops and training programs that are intellectually stimulating and appropriate for prisoners with a secondary and university education. A good example of encouraging labour market competition was including the prisoners in a computer operator training program, which 20 prisoners completed between 2012 and 2014.¹²⁸ Unfortunately, because the program was organised within a larger program for the resocialisation of drug

118 Ombudsperson for Gender Equality (2014). Annual Report 2013.

119 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

120 If education cannot be organised with work. (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.)

121 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, art. 26.

122 For example, one for a cook, another for a carer, one for a computer operator and another took a workshop from the Prisoner as Parent Program. It is especially good to see one of the prisoners holding Italian lessons, which were unfortunately attended by only one other prisoner. (Source: Ombudsperson for Gender Equality (2014) Annual Report 2013.)

123 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

124 A 2014 study on 97 female prisoners in Požega showed that more than half of those surveyed had graduated high school (59.14%) (Source: Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>)

125 According to the results of a 2013 survey at the Prisoners and their Status at the Požega Penitentiary, of 80 female prisoners, only 1 (1.25%) had not completed elementary school, 12 completed elementary school (15%), 40 (50%) held a high-school diploma, 9 had a college-level education (11.2%) and 16 (20%) had a university level education. (Source: Ombudsperson for Gender Equality (2014). Annual Report 2013.)

126 Šućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. Social Research, 14 (6), 1055-1079.

127 Šućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. Social Research, 14 (6), 1055-1079.

128 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.

addicts, it was not possible for all the prisoners who were interested to participate because they were not part of the target group. There was a further positive example in four cycles of four workshops each held at the Požega Prison in 2015 with the goal of training prisoners to take on an active role on the labour market. This was held as part of the MA#ME program, organised by Croatian Employment Service – Požega Office.¹²⁹ At these workshops the prisoners (N=29) learned how to find job postings, how to write a resume and job application as well as how to prepare for an interview with a potential employer. They stated that the most positive aspect of these workshops was the increased likelihood of employment, especially once they were released from prison. The MA#ME project also included financial planning trainings for prisoners which included a lecture and two individual consultations for 13 prisoners.¹³⁰

Upon release from prison, former prisoners are eligible for a number of state employment subsidies, including public works, employment and self-employment support.¹³¹ Depending on their age, experience, education level and amount of time they have been unemployed, a person can be eligible for various measures, but most often the conditions for inclusion for these measures are linked to the length of time a person was unemployed. For certain measures, all that is necessary is that the person be registered with the Employment Service, while for others the period of employment must be longer and fulfil certain criteria (e.g. education level).¹³² For currently unknown reasons, only a small number of former prisoners have benefited from these measures. Between 2011 and 2014 the public works measure was used by a total of 18 prisoners, while the employment support measure was used by 28 former inmates.¹³³ In 2015,¹³⁴ the employment measures were used by 19 former prisoners, while the public works measure was used by only 9 former inmates.¹³⁵ A detailed analysis of the reason for such low uptake is required, the results of which must be used to promote or change the measures. For example, if a small number of former prisoners, especially those who were addicted to drugs, use these measures because they feel that it would give them the stigma of a former prisoner, perhaps with the addition of the fact that they were also addicted to drugs, providing them with more of a hindrance than a help. This belief is false, since the information on what the reason for a person's eligibility in using an employment subsidy measure is confidential and never revealed to the employer, known only by the case worker at the Employment Service. This confidentiality is ensured in order for people who fall under a certain category (e.g. women who are victims of domestic violence) do not have to identify with that category in front of a potential employer. The potential employer only knows that the person comes from one of a large number of vulnerable groups. In either case, prisoners' and employers' awareness on the existence and use of these employment measures must be increased.

129 Roda - Parents in Action. <http://www.roda.hr/article/read/radionice-o-zaposljavanju-u-pozeskoj-kaznionici> (6 January 2016).

130 Personal Communication with Ivana Zanze, executive director of Roda (3 February 2016).

131 The Croatian Employment Service. <http://www.hzz.hr/default.aspx?id=11697> (6 January 2016).

132 The Croatian Employment Service. <http://www.hzz.hr/default.aspx?id=10023> (8 January 2016).

133 Matijaš, A. (2014) Employing Prisoners and Social Integration. Zagreb: Roda <http://www.roda.hr/udruga/projekti/mame/zaposljavanje-zatvorenika-i-socijalna-reintegracija.html> (21 December 2015)

134 In the period from January to November.

135 The Croatian Employment Service (2015) Statistics. <https://statistika.hzz.hr/> (7 January 2015)

In order to allow prisoners to adequately prepare for inclusion on the job market and to find a job once they are released from prison, the model of prison work and education where women are offered only “domestic” jobs must be changed. Female prisoners must be given opportunities to learn new skills and qualifications which will ensure gender equality and equal employment opportunities and include skills that are in demand on the job market. For example, in 2014¹³⁶ most Croatians (86%) stated that they felt that prisoners serving sentences working and manufacturing products was positive. The same survey showed that most Croatians (68%) would be likely or very likely to purchase a product that they knew was manufactured by prisoners (e.g. umbrellas, souvenirs, cloth bags, furniture), and just over one-third (35 to 44%) stated that they would use services provided by prisoners (e.g. cleaning and maintaining tombstones, gardens and courtyards, splitting logs). Therefore instead of the annual exhibition and sale of items prisoners have made in their free time (approved by the prisoners who have made the items)¹³⁷ perhaps the prison system should plan to engage the prisoners in work activities. This would increase their employability upon release and should also encourage them to produce some of the products that the public has shown interest in purchasing. Furthermore, jobs that provide benefits for the community but do not require significant financial costs and are not difficult to organise should be encouraged (e.g. translating books into Braille). One example of a positive initiative was the Bars are not Barriers workshop held in 2015 during the MA#ME project.¹³⁸ During this five-day social innovation workshop, eight products for pregnant women, parents and young children were designed through a participative process that included Penitentiary inmates, students and mentors from the Zagreb School of Design and parents from the NGO Roda – Parents in Action. The goal of the workshop was to find an innovative solution to the problem of a small, inadequate number of children visiting their incarcerated parents through a social enterprise producing products that could be manufactured in the Požega Penitentiary under a special brand. This brand would be marketed to consumers as having an added value, since the profits from the sale of the products would be paid into a fund that would finance travel expenses for children to visit their incarcerated parents. Manufacturing is expected to begin during 2016.¹³⁹

Improving employability upon release from prison should encourage the increased availability of educational programs, courses and workshops, as would encouragement and rewards for participating in them. Prisoners must continually be educated on job market trends and be offered concrete knowledge on how to find a job (resume writing, preparing for interviews etc.), and they must be aware of the employment subsidies available to them and their employers.¹⁴⁰ Furthermore, the rigidity of prison policies must be reduced and changes to legislation that will improve the situation for inmates must be suggested, including removing

136 Research was conducted for the needs of the Ministry of Justice and Roda on a nationally-representative sample of people from the Republic of Croatia (N=1000), in households using a CAPI survey method. IPSOS Puls (2014) Citizens' Opinions on Prisoner Employment During Incarceration. (Source: Roda - Parents in Action. <http://www.roda.hr/article/read/stavovi-graanki-i-graana-o-proizvodnji-i-uslugama-zatvorenika> 13 December 2015)

137 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 102.

138 Roda - Parents in Action <http://www.roda.hr/article/read/rezultati-radionice-provedene-u-okviru-razvoja-drustvene-inovacije-reset-ke-nisu-prepreke> (12 November 2015)

139 Oral communication with Ivana Zanze, executive director of Roda (4 January 2016).

140 Ombudsperson for Children (2014) Ombudsperson's Annual Report 2013.

limits for the use of portable communications devices¹⁴¹ for educational purposes¹⁴² (e.g. for online learning) and making the prison system adapt more quickly to changes in society and raising public awareness and interest for this issue.¹⁴³ Whenever possible, the possibility for prisoners to gain or maintain employment outside the prison itself should be encouraged, as many prisoners continue to work with that employer upon release from prison, which should be encouraged as it has been found to be very positive.¹⁴⁴

141 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 125.

142 Brkić, L. (2013) Children of Imprisoned Parents. *Social Policies and Social Work*, 1(1), 8–37.

143 Šućur, Z. and Žakman-Ban, V. (2005) The Features of Life and Treatment of Imprisoned Women. *Social Research*, 14 (6), 1055-1079.

144 Mataija, A. (2014) Employing Prisoners and Social Integration. Zagreb: Roda. <http://www.roda.hr/udruga/projekti/mame/zaposljavanje-zatvorenika-i-socijalna-reintegracija.html> (22. 12. 2015.)

THE PARENTAL RIGHTS OF INCARCERATED MOTHERS

The EPSA stimulates that a child born while his/her mother is serving a prison sentence can stay with the mother at her request (sent to the relevant body)¹⁴⁵ until the child's third birthday, after which the Centre for Social Services will undertake the measures for finding carers and accommodation for the child. Monitoring the realisation of parental rights in accordance with the EPSA¹⁴⁶ is the responsibility of both the Ministry of Labour and the Ministry of Social Services. A representative of the Centre for Social Services is required to visit the prison and inquire about the mother-child relationship at least once every three months (and more frequently if necessary) and to take any measures if and when they are necessary. While they are in prison, mother and child have the right to weekly visits from family members.

Accommodating a mother and child in prison together up until the child's third birthday is only possible at the Požega Penitentiary, and has been possible since 1985.¹⁴⁷ This decision and the child's presence at the prison is burdened with a number of problems. Public and professional opinion on whether and to what age a child should be able to live with his/her mother while she is incarcerated are divided.¹⁴⁸ While 16% of the Croatian public believes that children born in prison should immediately be separated from their mothers, 37% believe that the length of time a child stays with their mother in prison should be inversely proportional to the gravity of her crime; 47% of people believe that the child should be taken from the incarcerated mother only once the legislated time period is over (after the child's third birthday).¹⁴⁹ A survey conducted in 2014 that included 97 prisoners at the Požega Penitentiary found that 45% of them felt that children who grow up in prison are denied normal growth and development, and that 51% of them would never allow their child to grow up in prison, even for a short time.¹⁵⁰

145 In practice the decision is made by the warden taking into account the prisoner's individual sentence program; the warden informs the relevant social service centre about the decision. (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

146 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

147 Brkić. L. (2013) Children of Imprisoned Parents. Social Policies and Social Work, 1(1), 8–37.

148 With regard to the length of a child living alongside its imprisoned mother, there are similar legislative frameworks to Croatia's, although the time the child can live with the mother in prison is often limited and short, or only in certain extreme circumstances after the child's third birthday (e.g. Estonia, Latvia) (Source: The Quaker Council for European Affairs (2007) Women in Prison – A Review of the Conditions in Member States of the Council of Europe.)

149 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

150 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

It is obvious to most people that a prison environment is not an (appropriate) place for a child to grow, develop and be raised¹⁵¹ especially if these surroundings do not offer mothers adequate support and do not encourage children's physical, cognitive, emotional, social and cultural development as outlined in the Convention on the Rights of the Child.¹⁵² Research conducted in Croatia on the effects of social context on kindergarten-aged children's cognitive development showed that children who grow up in institutions (children's homes) consistently achieve lower results in cognitive development measurements than children who live with both parents,¹⁵³ while another survey showed significant links between the subjective well-being of the mother of kindergarten-aged children and high-quality child rearing measures in early childhood.¹⁵⁴

In 2006 the recommendations from the European Prison Rules were implemented regarding specially organised services for children living in prisons alongside their imprisoned parent. These services included a space for children supervised by trained prison employees when parents had to attend activities that the child could not partake in.¹⁵⁵ Recommendations to include these rules in legislation, policies and practices were made to the governments of Council of Europe countries¹⁵⁶ and governments were invited to make all relevant stakeholders aware of the recommendations. Over the past nine years Croatia has only partially satisfied the Council of Europe's recommendations in that if the mother chooses so, the prison will secure the child a place in a kindergarten outside the prison¹⁵⁷ after the child's first birthday. Securing the child a place in a kindergarten is a good practice because it allows for the child to attain its right to contact with the outside world and at least partially neutralise the negative consequences to a child's development caused by living in the prison environment. In addition, spending time with children their own age helps and encourages socialisation. According to statements made by numerous counsellors at the Treatment Unit of the Požega Penitentiary the possibility of children attending kindergartens and crèches outside of the penitentiary is used regularly¹⁵⁸ and in 2014 more than 80% of prisoners in Požega felt that that the children attending the local kindergarten or crèche was a good thing.¹⁵⁹

151 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper. Pg. 188.)

152 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.

153 Miljević-Ridički, R. and Pavin Ivanec, T. (2009) The Importance of Social Context for the Cognitive Development of Preschool Aged Children – a comparison of cognitive success between children growing up in various familial and institutional surroundings, *Modern Psychology*, 12 (2), 309–322.

154 Brajša-Žganec, A. and Hanzec, I. (2012) Socio-emotional Development in Early Childhood – positive and negative child rearing practices and dealing with children's negative emotions for parents of kindergarten-aged children. In: I. Pehlić, E. Vejo and A. Hasanagić (ed.) *Modern Trends in Early Education: A Scientific Monograph*, pg. 513–528. Zenica: The Islamic Faculty of Pedagogy, Zenica University.

155 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/View-Doc.jsp?id=955747#>

156 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

157 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

158 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

159 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

The Požega Penitentiary's House Rules¹⁶⁰ state that a prisoner must take care of her child herself, with the professional assistance of health and other services as necessary. It is important to note that although the prison system must ensure that the child has professional care.¹⁶¹ Care for the child, even if the child is located in a prison, is not in the scope of work of the prison system but is instead in the scope of social services. Currently, the Požega Penitentiary does not employ specialised employees who can provide continual care for children when their mother is absent. The former position of prisoner-carers who would care for the children of other prisoners overnight was abolished when the new House Rules were adopted on 1 January 2014.¹⁶² Based on the reports by former prisoners¹⁶³ prisoner-carers did not have the necessary professional competencies to care for children and entrusting the care of children to them broke a number of child care regulations, for example the one that regulates non-conviction status.^{164,165} Today, depending on the capacity of the Mother and Child Unit¹⁶⁶ children are located in a room together with their mother day and night. Should it be necessary (due to the mother's absence or illness), the Penitentiary can assist mothers in caring for their children and housekeeping of the Mother and Child Unit by assigning these to other prisoners.^{167,168} As a result of occasionally having other prisoners care for the children housed in the prison, the degree to which the Penitentiary has organised child care by having the children cared for by trained employees, as stated in the European Prison Rules, is questionable.^{169,170} In order for practices in Croatia to be fully harmonised with the stated recommendations¹⁷¹ the possibility of hiring a professional who is not a prison official and who would care for children if their mother is absent for some reason must be considered. The social services and prison systems would then have to make a detailed analysis of the most effective way for providing care for children within the Prison and a new professional would have to be hired or contracted in some other manner to do this work in accordance with licensed programs and relevant legislation (e.g. The Nanny Act).¹⁷²

On the other hand, since the alternatives to having a child stay in prison with its mother are intermittent visits, and above all else the parent¹⁷³ has the right, duty and responsibility

160 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 20.

161 In addition to healthcare and social services. The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

162 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.

163 Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda.

164 The Nanny Act, Official Gazette, 37/13, art. 8.

165 Also, the Public Servants and Employees Act states that persons who are in criminal proceedings or who have been charged with a criminal act cannot be employed in the public service. (Source: Public Servants and Employees Act, Official Gazette 27/01.)

166 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 20.

167 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 20.

168 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.)

169 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, article 20.

170 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/View-Doc.jsp?id=955747#>

171 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/View-Doc.jsp?id=955747#>

172 The Nanny Act, Official Gazette 37/13.

173 The Family Act, Official Gazette 103/15.

to live and care for her child, having the child stay with its mother in prison has its benefits despite its drawbacks. Sometimes it is “ironic that the first three years of a child’s life are possibly the best years it will have because after that it will spend time in children’s homes, left to deal with the crude system.”¹⁷⁴ A 2014 survey that included 97 female prisoners at the Požega Penitentiary¹⁷⁵ showed that regardless of the fact that 70% of prisoners felt that a prison was not the setting a child should grow up in, at the same time over 30% of prisoners felt that a safe and healthy environment could be created for a child inside the prison, and almost 50% believe that for some children, growing up in a prison is much better than being left to the devices of the system after being abandoned. It is interesting that for now, legislation is very rigid and does not include any conditions under which a child could stay in prison with its mother after its third birthday.¹⁷⁶ In 2008, the Ombudsperson for Children¹⁷⁷ made an appeal stating that in individual cases there should be a chance for the child to stay with its mother in prison even after its third birthday, making the case for considering extending this period for a few months if it is in the child’s best interest.

As has already been stated, every female prisoner who has received her final judgement or who has signed a statement that she wants to begin serving her sentence before the judgment is final and gives birth while in prison, juvenile prison or juvenile corrections will, at her request and with the decision of the relevant body, be allowed to have her child with her until that child’s third birthday.¹⁷⁸ However, in 2009¹⁷⁹ the Ombudsperson for Children suggested that the same possibility should exist for a young child born soon before its mother is sent to serve her prison sentence, in order to protect that child’s interests and to equate their rights with those of children born while their mother is serving her prison sentence. Additionally, in 2014, 45% of female prisoners at the Požega Prison¹⁸⁰ agreed that young children born outside the prison system should be allowed to grow up with their mothers in the Penitentiary. Unfortunately, to date these appeals have not been met¹⁸¹ nor can a prisoner who gives birth while being held in remand prison be sent to the Požega Penitentiary together with her child to continue her remand custody.¹⁸²

Legislation does not define how and when a child and mother are prepared for upcoming

174 Marina Paulenka, photographer (2014) <http://www.express.hr/drustvo/zivot-u-zenskom-zatvoru-iza-resetaka-odgajaju-djecu-1629> (13 November 2015)

175 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

176 The child shall stay with the mother at her request made to a relevant body, up to its third birthday, after which the centre for social services will take measures necessary to find the child a home. (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.)

177 For example, if a mother is released from prison a few months after the child’s third birthday there should be a way for the child and mother to stay together and not be separated unnecessarily, which seven years later has still not been implemented in the legislative / normative framework. . In Gabelica Supljika (ed.) The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion, 47-57. Zagreb: Ombudsperson for Children.)

178 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

179 Ombudsperson for Children (2010) Ombudsperson’s Annual Report 2009.

180 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

181 Novosel, T. (2014) Protecting the Rights of Parent-Prisoners in Croatian Legislation. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/prava-zatvorenika-roditelja-zatvorenika-u-pravnom-poretku-rh.html> (12. 11. 2015.)

182 To date, in practice it was not the case that very pregnant prisoners would be put in remand prison. (Formal correspondence Ministry of Justice, Prison System Directorate Headquarters, 1 February 2016 CLASS: 730-04/16-04//15, REG.NO.: 514-07-01-02-02-116-02)

separation.¹⁸³ However, it is known that separating a child from its parents has a number of negative consequences. For example, the younger the child is when it is separated from its mother, the more susceptible it is to anxiety and depression as an adult.¹⁸⁴ According to a European Commission Assembly resolution, the separation process must take place slowly, in order to make it as painless as possible and in order to be as non-threatening to the child as possible.¹⁸⁵ Female prisoners at the Požega Penitentiary were aware of the fact that the separation process can hurt the child more than growing up in the prison when they were surveyed in 2014, and 64% of them believed that separating a child from its mother after its third birthday was not justified.¹⁸⁶

Children who are accommodated with their mothers in prison have the right to weekly visits from family members, just as pregnant prisoners and prisoners who are mothers do.¹⁸⁷ Furthermore, these children can be visited by their father or other family members regardless of the mother's visits, in accordance with the institution's House Rules.¹⁸⁸ On the one hand children who are housed in prisons together with their incarcerated mothers are recognised by the prison system as a vulnerable group and as a result can have more frequent contact with the outside world, while on the other hand that same system needlessly treats them like prisoners, limiting their freedom by restricting family members from actively participating in their lives. According to the Convention on the Rights of the Child, children who are separated from one or both of their parents have the right to maintain regular personal and direct relations with both parents if this does not compromise the children's well-being.¹⁸⁹ As a result situations where the father or other family members show interest in more frequent visits and/or taking the child out of the Penitentiary (for now there have been no such cases)¹⁹⁰ must be regulated with adequate legal provisions.¹⁹¹ Furthermore, adequate provisions should regulate exactly who can visit the child without the mother being present, define the ways in which the child will come into contact with other inmates¹⁹² and prison system officials and regulate the special situation in which both a child's parents are incarcerated. This begs the question about how to make it as easy as possible for children who live in a prison with their mother to attain their right to contact with their father who is serving a prison sentence

183 The work of the Požega Penitentiary in 2011 and 2012 is laudable, when they hired a clinical psychologist in preparing a mother and child for separation, in order to estimate the effects of the separation on the child. (Source: Formal correspondence Ministry of Justice, Prison System Directorate Headquarters, 1 February 2016 CLASS: 730-04/16-04//15, REG.NO.: 514-07-01-02-02-116-02)

184 Liu, Z., Li, H. and Ge, H. (2009) Left Too Early: The Effects of Age at Separation from Parents on Chinese Rural Children's Symptoms of Anxiety and Depression. *American Journal of Public Health*, 99 (11), 2049–2054.

185 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

186 Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>

187 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

188 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

189 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.

190 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

191 The opinion of the Prison System Directorate is that in these cases, individual assessments should be made with the necessary opinion of the Centre for Social Services. (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

192 The child can have contact with other prisoners. (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15, REG.NO.: 514-07-01-02-02-116-02)

at another facility.¹⁹³ The National Strategy for Children's Rights¹⁹⁴ also emphasises how the social service system must use positive parenting support to ensure the better protection of the rights and interests of a child, especially for children who live in at-risk circumstances.¹⁹⁵ As a result, in addressing these issues the Centre for Social Services must be included in a much greater capacity, as it is their responsibility to monitor the mother-child relationship and take action as necessary.¹⁹⁶

193 The frequency of visits is regulated in the EPSA, although the warden can approve an additional temporary release for fathers for the birth of their child, up to five days per year. (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.)

194 The Working Group for the Expert Analysis and Preparation of the Final Draft of the National Strategy for the Rights of Children in the Republic of Croatia (2014) National Strategy for the Protection and Promotion of Children's Rights in Croatia 2014-2020. Draft. Zagreb: Ministry of Social Policies and Youth. www.mspm.hr, accessed 28 November 2015.

195 The Working Group for the Expert Analysis and Preparation of the Final Draft of the National Strategy for the Rights of Children in the Republic of Croatia (2014) National Strategy for the Protection and Promotion of Children's Rights in Croatia 2014-2020. Draft. Zagreb: Ministry of Social Policies and Youth. www.mspm.hr, accessed 28 November 2015.

196 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 111.

AN INCARCERATED MOTHER'S RIGHT TO CONTACT WITH THE OUTSIDE WORLD

On the one hand a child's right to contact with its parent is defined by the Convention on the Rights of the Child¹⁹⁷ and the Family Act¹⁹⁸, according to which a child who is separated from one or both parents has the right to maintain personal and direct contact with both parents if this does not endanger the child's well-being.¹⁹⁹ On the other hand, the European Prison Rules²⁰⁰ and EPSA²⁰¹ state that when serving a prison sentence, every person has the right to contact with the outside world including communication and visits, which should be allowed as often as possible, with minimum restrictions that are necessary for maintaining the security of other prisoners and the prison facility, preventing criminal acts and protecting the victims of criminal acts. Direct contact between parents and children is achieved through visits, while indirect contact can be by telephone, written communication and mail.

DIRECT CONTACT BETWEEN INCARCERATED MOTHERS AND (UNDERAGE) CHILDREN

Prisoners can take advantage of more frequent contact with the outside world by successfully fulfilling their individual program. This is awarded by more frequent and longer family visits, temporary release to visit the city the prison is located in with family for two to eight hours, temporary release outside the prison without accompaniment for two to four hours, home visit temporary release to visit family members lasting from 120 to 144 hours per month as well as using (part) of their annual holiday leave outside the prison.^{202,203} It is assumed that by approving these extra temporary releases the prisoner will have the "opportunity for intense contact with the outside world and in maintaining and initiating family relations, which increases their family members' attainment of rights, and is an important element in motivating the prisoner to successfully complete their individual sentence program."²⁰⁴ A survey conducted in 2015 found that 14% of parent-prisoners²⁰⁵

197 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.

198 The Family Act, Official Gazette 103/15.

199 Brkić, L. (2013) Children of Imprisoned Parents. *Social Policies and Social Work*, 1(1), 8–37.

200 European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/View-Doc.jsp?id=955747#>

201 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 17.

202 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 130.

203 Regulations on Prisoner Benefits, Official Gazette 66/10, 126/13, article 4.

204 Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. *The Croatian Annual of Criminal Law and Practice*, 13(2), 685–743.

205 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. *The Social and Legal Position of Children with Imprisoned Parents*. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

used the full hours allotted for temporary release days and that they all use them to live with and spend time with their children, making up for their absence. It is also important to note that there are no legal barriers for a female prisoner to have a child staying with her in prison accompany her on a temporary home visit or annual temporary home visit release and have the child return to the Penitentiary with her.²⁰⁶ Taking into account the fact that the prisoner maintains custody of the child, she as the mother has the right to make decisions about the child in accordance with general ordinances.²⁰⁷ It seems that the personal reports of a number of mothers who did not take advantage of this possibility because they believed that taking the child out of the Penitentiary would mean that the child would not be allowed to return to the it²⁰⁸ are a consequence of incorrect interpretations of the fact that their request for temporary release benefits was denied to some prisoners for security reasons and/or generally not being aware of their rights.²⁰⁹

Consequently, because the need for physical contact and closeness in the parent-child relationship has no substitute, the importance of maintaining these relationships has also been recognised in the frequency and duration of visits depending on whether the prisoner's child or another family member is visiting.²¹⁰ Specifically, the EPSA²¹¹ states that a prisoner's family members have the right to visit twice monthly and on holidays, while underage children²¹² can visit their incarcerated parent once a week and on holidays. Furthermore, the Požega Penitentiary's House Rules clearly state that visits by underage children are not counted in the total number of visits a prisoner receives, and in one day the prisoner can have a maximum of one visit with underage children and one visit with adults.²¹³ According to recommendations prepared by the Prison System Directorate, a longer visit outside the regular hours is possible for children who live far away from the prison. Visiting prisoners at the Požega Penitentiary is possible Tuesdays and Saturdays²¹⁴ which is very important for schoolchildren who live far away from the Penitentiary and can only visit their mothers on weekends.

206 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

207 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

208 Borovac, M. (2015) *Parenting Behind Bars – the stories of former inmates*. Zagreb: Roda.

209 Through double analysis of the personal information of all the female prisoners who were housed in the Mother and Child Unit between 2002-2016, the information that no mothers housed in this Unit with their child were granted temporary release benefit due to security assessment (negative police opinion, centre for social services, assessed escape risk, drug addiction risk etc.). In addition, only one prisoner had procedures for temporary release benefits at all, in July 2007, and this was not approved due to the negative opinion and assessment of the police department because of the likelihood of criminal regression, not because she was not allowed to leave the prison with her child. As a result it is not fair to say that there is a discrepancy between guaranteed and attained rights for imprisoned mothers, whereby they are not allowed to take their child with them on temporary leave benefits and return later to the Penitentiary with the child. (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15, REG.NO.: 514-07-01-02-02-116-02)

210 Of course, nobody can force the child to have contact with its parent if it does not want. Jelavić, M. (2008) *Family, legal and social protection for the child of an imprisoned parent*. U: M. Gabelica Šupljika (ed.) *Gabelica Šupljika (ed.) The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion*, 47-57. Zagreb: Ombudsperson for Children.

211 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 117.

212 Underage children up to 14 years old must be accompanied by an adult or guardian during prison visits. The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 117.

213 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). *House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary*, art. 31.

214 Ministry of Justice. Accessed 6 January 2016. Available at: <https://pravosudje.gov.hr/kaznionica-i-zatvor-u-pozegi/6573>

Despite these legal possibilities, a survey conducted in 2008 at the Lipovica Prison and Turopolje Penitentiary²¹⁵ found that children mostly visit their parents once per month, but also that 75-78% of parent-prisoners do not receive visits from their children. A 2014 survey conducted at the Požega Penitentiary²¹⁶ found that if prisoners qualified for temporary release they would then not take advantage of their right to have children visit them in prison at all. A more recent study conducted in 2015 found a more optimistic situation regarding the frequency of contact between parent-prisoners and their children, although in general the data on the frequency of contact continues to be very discouraging.²¹⁷ A survey conducted on 85% (N=145) of the female prisoners in Croatia²¹⁸ further attests to this: it found that more than 50% of mothers in penitentiaries and prisons and around 60% of mothers in remand prison did not receive visits from their underage children. Only 19% of mothers in remand prison received regular or occasional contact with their underage children, and 21% of children had not visited their mother at the penitentiary in more than three or six months. At the Zagreb Prison, all mothers who are visited by their underage children received visits within the last ten days at most, while in other prisons underage children visit at least every three months. The results of a survey that included 64 parent-prisoners in the Zagreb Prison and the Lepoglava and Požega Penitentiaries²¹⁹ showed that only 23% of children do not visit their incarcerated parents, and the children who do visit their incarcerated parents do so about twice a month. According to official statistics for 2011, that year 2132 parent-prisoners received 6265 visits from their underage children, which is an average of three visits per year per prisoner.²²⁰ In 2012, 2213 parent-prisoners received 9168 visits from their children²²¹ which is about four visits per prisoner per year. The following year, 2013, saw 3039 parent-prisoners receive 7384 visits from their children, an average of two to three visits per prisoner.^{222,223} Finally, during 2014, 2881 prisoner-parents received 9291 visits from their children, which is an average of three visits for that year.²²⁴

There are numerous reasons for such rare contact between parents and children. Research conducted in 2008 showed that children do not visit their parents because the prisoners do not want their children to visit them in prison and rather use the temporary release benefit for visits, children are located in an children's homes, children are living with a foster family or the

215 Vukota, Lj. (2009) A Program for Promoting Parenting Competencies and Lowering the Negative Effects on Separating Imprisoned Fathers and Their Children - Prorok. Found in: M. Gabelica Šupljika (ed.) The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion, 70-82. Zagreb: Ombudsperson for Children.

216 Bašić, M. (2014) A Mother in Prison – Personal Experience and Support. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>

217 Considering the variety in the sample, and the use of comparison methods this research is only illustrative.

218 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

219 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

220 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

221 Ministry of Justice, Prison System Directorate (2013) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2012.

222 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

223 The Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Centres 2014 did not state how many parent-prisoners had visits from their children. The only data mentioned is the general number of visitors in comparison to 2013, with a decrease of 10.26% noted.

224 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

prison is located far from their home and they cannot afford the travel expenses.²²⁵ Data from a survey conducted in 2014²²⁶ found that mothers at the Požega Penitentiary follow the same pattern and more than 50% stated that the reason their child does not visit them is because of their personal choice (a portion of the mothers keep in contact by using the temporary release benefit and meet with children outside the prison), while 30% stated that the travel expenses are a financial burden for their families. Similar findings were reported that same year in research conducted among female prisoners²²⁷ who stated that their underage children do not visit them because in 31% of cases the mothers do not want them too (they believe that being in a prison would be stressful for the child and 25% of women only meet with their children outside the prison, during temporary releases). Finally, in 13% of cases children are not even aware of the fact that their mothers are serving a prison sentence. The reasons given for circumstances where children do not visit their incarcerated mother are a lack of financial means (41% of prisoners), a contact ban (19%), nobody available to accompany the child travelling to meet their mother (19%), the fact that the child does not live with their mother under normal circumstances (9%) and the Penitentiary being too far (6%). The results of a survey conducted with parent-prisoners in 2015 showed similar results, finding that children do not visit their incarcerated parents because of financial hardship, not being allowed by the other parent or third person that the child is staying with, the lack of interest on the part of the incarcerated parent to receive a visit from the child and because of the awkward and often rough procedures that come before and after visiting an imprisoned parent.²²⁸ The above-stated survey results are in accordance with the most frequent reports made to the Ombudsperson for Children by incarcerated parents²²⁹ which are mostly about difficulties in maintaining contact between a child and their imprisoned parent. The most common reasons for this are a lack of financial means for travel expenses, especially if the parent is serving their prison sentence in a town that is quite far from their place of residence and issues the second parent has on taking the child to visit the child's other parent in prison.²³⁰ The vast majority of adult women serving a prison sentence in Croatia (82% of them)²³¹ are serving their prison sentence at the Požega Penitentiary.²³² The children of half the mothers who are

225 Vukota, Lj. (2009) A Program for Promoting Parenting Competencies and Lowering the Negative Effects on Separating Imprisoned Fathers and Their Children - Prorok. Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion*, 70-82. Zagreb: Ombudsperson for Children.

226 Bašić, M. (2014) *A Mother in Prison – Personal Experience and Support*. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenika.html>

227 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) *Children's Contact with their Imprisoned Mothers*. Unpublished paper.

228 Jačmenica Pušenjak, D. and Krakan, A. (2015) *Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents*. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

229 In 2014 the Ombudsperson for Children received 39 complaints on breaches in the rights of children with imprisoned parents, and over the past five years the complaints have ranged from 32 (2010) to 40 (2012) annually. (Source: Ombudsperson for Children (2015) *Ombudsperson for Children Annual Report 2014*.)

230 Ombudsperson for Children (2015) *Ombudsperson for Children Annual Report 2014*.

231 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) *Children's Contact with their Imprisoned Mothers*. Unpublished paper.

232 When serving an up to six-month long sentence, a prisoner is sent to the prison closest to his/her place of residence. The prisoner can also serve a longer sentence at a prison if there are good reasons for this (e.g. continuing to work for the same employer, young children, a sentence of about one year and above all, the conditions at the prison and their adequacy for female prisoners). (Source: Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15, REG.NO. 514-07-01-02-02-116-02). According to their security level and degree to which they limit prisoners' movements, penitentiaries are classified as having closed, semi-open and open units. Regardless of their security level and degree to which they limit prisoners' movements, penitentiaries and prisons can have closed, semi-open and open units. (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 22.)

serving their sentence at the Penitentiary must travel more than 200 km²³³ in order to visit them in Požega. This means that even when the incarcerated mother is able to meet with her child, the child is often exhausted after a long trip. There is also the question of significant cost of travel expenses. A worthy action was proposed by the Prison System Directorate in 2013²³⁴ via the Ministry of Justice, who sent the Ministry of Social Policies and Youth a suggestion for the new Social Services Act – including in it a section on the possibility of approving a one-time payment to assist children who are visiting their incarcerated parent in cases where there is no other way of covering the cost. Furthermore, the MA#ME project secured co-financing for the travel expenses of underage children who were visiting their mother if she was serving her prison sentence at the Požega Penitentiary. The amount of financing approved depended on the distance from the child / children's place of residence to the Penitentiary and varied between 15 EUR to a maximum of 125 EUR. From May to December 2015, 85 visits were enabled thanks to this measure, involving underage children and an accompanying adult. The funding allowed 14 families to make between 1 and 17 visits to their incarcerated mothers over the eight month period. More specifically, the Roda Association's funding made 152 visits between incarcerated mothers and their underage children possible²³⁵ of the total 299 visits noted in that same period. Roda also conducted an evaluation of the visits for which co-financing was provided. The evaluation form was sent by mail to the families who had used the travel expense funding.²³⁶ Of the 14 families who used the funding, the survey was sent to 11 families, of whom 7 families participated in the survey. Its purpose was to gauge the child's reaction to visiting his/her mother in prison, find out how satisfied they were with Roda's project and give the families the opportunity to make suggestions on how improve the children's visits. All those surveyed stated that the child was happy with the visit and that he/she would like to continue visiting their mother, and that it was important to them to be able to see their mother in person. The families felt that the visits were good for the children and that the majority of children did not show any negativity towards visiting their mother in prison.

A further difficulty in making visits a reality is legislation that states that children under 14 years of age must have a family member or guardian²³⁷ accompany them during their visit, even though the results of the above-described survey showed that it is precisely these persons who prevent the child from visiting their incarcerated parent in the first place. One positive aspect is that the Centre for Social Services can affect these visits if they assess that a lack of visits would be against the child's best interests and can give the parent or guardian measures to protect the child's personal rights and wellbeing. Additionally, the new Social Services Act²³⁸ includes among its users families where relations are strained, and the new

233 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

234 Ministry of Justice, Prison System Directorate (2014) Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

235 Roda - Parents in Action. <http://roda.hr/article/read/sufinanciranje-putnih-troskova-za-posjete-djeteta-majci-u-kaznionici-u-poze-gi-podaci-za-obitelj-i-skrbnike> (22 November 2015). Unfortunately, due to the study's methodological deficiencies, accurate comparison of the data is not possible to draw the conclusion about whether this measure has significantly increased the number of underage children visiting their mothers at the Požega Penitentiary.

236 Roda - Parents in Action, formal correspondence 27 January 2016.

237 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 117.

238 The Social Services Act, Official Gazette 157/13, 152/14, 99/15.

Family Act²³⁹ among other changes also makes changes to the institute of relations between parents and children, the child's legal status, parental care, visits and time spent with the child as well as measures for the protection of the child's personal interests and wellbeing, which further improves the child protection system.

However, these generally positive introductions have been criticised by experts including the Ombudsperson for Children because they are not well written, are at times in conflict and have potential implementation issues.²⁴⁰ Parent-prisoners' awareness about legislation that can increase contact with their children should be assessed and they should be made aware of their rights as necessary. As a result experts working in the prison and social service systems should prepare and distribute brochures with comprehensive, easy to understand information on basic legislation and rights and how to achieve them. Although this is a very specific topic, it is important to note that the public knows very little about legislation that governs contact between a child and their incarcerated parent and their rights (only 1% of 930 persons believe they know enough about the topic).²⁴¹ Increased public awareness and education is necessary.

Regarding the technical side of planning and conducting visits, although positive legislation exists, this legislation is at times ambiguous and at times extremely strict while at other times being impossible to implement in practice, further burdening the possibility of contact between child and incarcerated parent. Legislation stipulates that visits must not be limited to less than one hour of uninterrupted time together²⁴² (prisoners can also have more frequent and longer visits approved, up to three times per month lasting five hours)²⁴³ and that visits take place under the same conditions – without glass or plastic barriers^{244,245,246} – for all children regardless of their parents' criminal or legal status. The EPSA²⁴⁷ also states that prisons must have special rooms set aside for children's visits, which can be equipped with toys, games and learning materials²⁴⁸ as the prison's budget allows and that the number of visitors can be limited to the number that allows for security and order for prisoners

239 The Family Act, Official Gazette 103/15.

240 Ministry of Social Policies and Youth, Report on Consultations with Interested Public on the Draft of the Family Act. Accessed 2 December 2015. Available at: http://www.mspm.hr/novosti/vijesti/izvjesce_o_provedenom_savjetovanju_sa_zainteresiranom_javnoscju_o_nacrtu_prijedloga_obiteljskog_zakona.

241 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

242 But in general, the practice is been to do so at once, for a maximum of 60 minutes. (Source: Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.)

243 In the open penitentiary. (Source: Regulations on Prisoner Benefits, Official Gazette 66/10, 126/13).

244 Požega Penitentiary House Rules for Female Prisoners includes regulations on the possibility of having visits without physical contact, for security reasons. (Source: Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.)

245 In 2013 a recommendation made by the Ombudsperson for Children was implemented whereby visits for all children, regardless of their parents' criminal-legal status take place under the same conditions, without a glass barrier. The said procedure is in accordance with the Regulations on the House Rules for Remand Prisons, which in article 20 state that visits by underage children up to 14 years of age take place in rooms which allow for immediate contact. (Source: Ministry of Justice, Prison System Directorate (2014) Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.)

246 The barriers were removed at the Zagreb Penitentiary in 2012, after a warning from the Ombudsperson.

247 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 117.

248 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

and visitors.²⁴⁹ Furthermore, the Prison System Directorate²⁵⁰ recommends that children's visits take place separately from adult's visits, that children experience long waiting times before visits and that prison employees act supportively towards them. In 2014 the Prison System Directorate sent prisons and penitentiaries a number of sets of instructions for handling children's visits, after the Ombudsperson for Children²⁵¹ received numerous complaints from parents. These state that children's visits must take place in special rooms with toys and games, that all visitors under 18 years of age must be reported as children, that immediate contact between parent and child must be assured, and that children are only rarely searched. However, these are only recommendations, not binding legislation and unfortunately we must be aware of the fact that sometimes the prison system does not succeed in implementing them in their entirety. Furthermore, legislation is oftentimes interpreted in very different ways.²⁵² Prisons specify the schedule, organisation and rules for visits²⁵³ within the legislative framework and within their needs and means. In 2014 complaints made to the Ombudsperson for Children, included insensitive behaviour of prison employees towards children and inappropriate discussions with the child during visits, waiting times of a few hours, shortening the time provided for visits because of a large number of visitors, banning hugs and kisses between parents and children and contact over a barrier with children under 14 years of age with a parent being held in remand prison.²⁵⁴ The headquarters of the Prison System Directorate cannot react promptly to general or anonymous complaints and therefore prisoners and their families have to be made aware of how to attain their rights.

Due to the distance some children must travel to visit their parents, the time they must spend waiting and the frequency of visits allowed, considerations should be made to change current legislation that states that a visit can be a minimum of one hour to providing the right to longer visits. The opinion of the headquarters of the Prison System Directorate is such that visits that are less frequent than those foreseen by legislation, mostly due to distance and travel expenses, should be made longer in accordance with a prison's organisational capacities and that longer visits should be considered by wardens in every individual case when a parent-prisoner makes such a request.²⁵⁵ In order to increase the quality of the time a parent and child spend together during visits, foreign practices are interesting to consider. In some countries parent-prisoners are allowed an extra monthly visit from children, can combine a number of unused visits and permitted visits into one longer visit.²⁵⁶ As already mentioned, extra visits during which children can always be present can be approved and

249 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 117.

250 Novosel, T. (2014) Protecting the Rights of Parent-Prisoners in Croatian Legislation. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/prava-zatvorenika-roditelja-zatvorenika-u-pravnom-poretku-rh.html> (12. 11. 2015.)

251 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

252 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

253 Jačmenica Pušnjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

254 The described actions are not in accordance with the Regulations on the House Rules for Remand Prisons which in article 20 state that visits from underage children up to 14 years old take place in rooms that allow for immediate contact. (Source: Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.)

255 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.)

256 European Commission (2011) Strengthening mutual trust in the European Judicial Area – a Green Paper on the application of EU criminal justice legislation in the field of Detention, pg. 11. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0327:-FIN:en:PDF> (6. 1. 2015.)

thus increase the number of visits per prisoner in Croatia, to a maximum of ten visits per month.²⁵⁷

As a result of the work of officials from the penal system and encouraged by collaboration between institutions and civil society organisations, special visiting rooms for children's visits have been renovated and equipped (e.g. at the Požega Penitentiary). In certain penal facilities, outdoor spaces for parent-child visits have also been designed and built.²⁵⁸ In 2013, UNICEF supplied all prisons in Croatia with toys, colouring books, board games and furniture, a donation worth 142 thousand HRK (approx. 19,400 EUR)²⁵⁹ and in 2014 Roda – Parents in Action provided the Požega Penitentiary with three computers and children's board games.²⁶⁰ Renovations and improvements over the past five years (e.g. colourful carpets, painted walls, child-sized furniture, decorations, posters etc.) have made the children's visiting rooms more child-friendly. Despite the fact that the Prison System Directorate has continually worked to adapt the visiting rooms to be more child-friendly²⁶¹ it is still obvious that these are only changes to existing spaces and that only limited materials and resources were invested, meaning that issues such as limited space (e.g. at the Požega Penitentiary) and worn out inventory and equipment remain. Additionally, there continues to be a lack of educational materials and/or toys available, and the issue of providing items and materials appropriate for older children in visiting rooms must be addressed (e.g. at the Zagreb Prison and Lepoglava Penitentiary).^{262,263,264} Although efforts and initiatives by prison officials and parent-prisoners to decorate the interiors are laudable, as are the efforts of NGOs, the fact remains that the spaces should be equipped by professionals who will be able to combine the facility's security requirements with the need for close contact between parent and child. This requires continued financial support which would allow for quality standards for the interiors and their contents to be upheld. Furthermore, it is necessary to increase prison employees' awareness of the needs of visiting children.

Assuming that most underage children and the adults that accompany them will more easily organise visits on weekends and holidays due to other commitments during the work week, current spatial and security constraints mean that children will have to spend a period of time waiting before they can see their parent. Prison officials have made special efforts to make sure that parents with underage children have precedence over other visitors, as much as this is possible considering the total number of visitors. In some prisons, this has been organised in such a way that children's visits are organised only on certain days in order

257 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.)

258 Ministry of Justice, Prison System Directorate (2014) Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

259 UNICEF (2014) Annual Report 2013. http://www.unicef.hr/upload/file/397/198940/FILENAME/Unicef_godisnje_izvjesce_2014_21x21_web.pdf (26 December 2015)

260 <http://objektivno.hr/pozega-projekt-mame-za-osnazivanje-zatvorenica-za-roditeljsku-ulogu-37965> (21 December 2015)

261 Ministry of Justice, Prison System Directorate (2014). Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

262 Radio vallis aurea. <http://www.rva.hr/vijest/2014/1274-ravnopravni-i-sretni> (21 December 2015.)

263 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

264 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

to avoid these long wait times.²⁶⁵ However, the parent-child visits are oftentimes negative and stressful due to the fact that the waiting rooms are not child-friendly (at the Požega Penitentiary they are small, ill-equipped, boring spaces, for example)²⁶⁶ and that the flow of visitors is still not adequately organised.

Further discouraging parents from organising children's visits is the fact that children are searched before their visit. A detailed search is needed in the case that there is reason to believe that the child is carrying prohibited items or drugs²⁶⁷ and although this is usually only a visual search, it sometimes includes partially or fully undressing the child by a prison official of the same gender as the child.²⁶⁸ In order to maintain the child's privacy, searches are conducted in special rooms, which are oftentimes small, dark almost unfurnished rooms, as is the case at the Požega Penitentiary (where the room has only a carpet and chair).²⁶⁹ For security reasons visits can be monitored (e.g. a judicial police officer in the visit room or in front of the door).²⁷⁰ In the Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Centres 2014 there are criteria for cases in which searching children is obligatory based on an assessment made by a treatment and security official that knows the prisoners but also understands children's developmental needs.²⁷¹ Instructions from the Headquarters of the Prison System Directorate state that the emphasis should be on detailed searches of prisoners before and after visits, while searching children should be avoided as often as possible.²⁷² Unfortunately, these searches are still used in practice and a survey must be conducted to see the extent to which detailed searches of children have been replaced by detailed prisoner searches after visits are over. For example, in a survey conducted on underage children visiting their mothers at the Požega Penitentiary between May and November 2015 conducted by Roda – Parents in Action²⁷³ four of seven surveyed families stated that when visiting its mother the child's clothing was removed for search purposes, while the remaining two stated that they experienced an uncomfortable search by prison body officials. Further training and awareness-raising activities on searching children and monitoring prisoners' visits must be organised for judicial police officers (e.g. explaining procedures using language that children can understand), in addition to making changes to the rooms where children's searches are conducted. These improvements would surely decrease the stress of the procedures. In addition, a more clear and detailed description within the EPSA²⁷⁴ would contribute to improved protections and respect for children and their right to privacy.²⁷⁵

265 Ministry of Justice, Prison System Directorate (2014) Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

266 Jačmenica Pušanjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

267 Ombudsperson for Children (2013) Ombudsperson for Children Annual Report 2012.

268 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 120.

269 Jačmenica Pušanjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

270 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 119.

271 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

272 Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15; REG. NO.: 514-07-01-02-02-116-02.)

273 Roda - Parents in Action, formal correspondence dated 27 January 2016.

274 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 120.

275 Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011.

Considering the number of visits of underage children to incarcerated parents allowed by law and the number of visits actually realised as well as the procedures required to make the visit (travel, search, waiting etc.), an analysis should be made of measures that would improve the quality of visits - making them longer and less frequent – and research on how solving the outstanding issues and practical changes would increase the frequency of parent-child contact. Since the greatest factor for infrequent visits between incarcerated parents and their children is the decision on the part of the parent that the child not visit them in prison (almost one-third of parents)²⁷⁶ and that parents visit their children almost exclusively when using temporary release benefits, further research is required on why the parents choose to forgo prison visits, especially considering that the process of completing their individual sentence program includes individual sessions on discussing the importance of regular contact with children while their parent is in prison.²⁷⁷ Based on existing information^{278,279,280} where incarcerated mothers describe their visits with their children very positively and emotionally, we can only guess that the reason parents do not want their children to visit them in prison is to protect them from the unfavourable prison conditions; stress due to their mother being in prison, feeling shame, guilt and discomfort because of the crime they committed and consequences it has on their child and family, perceived parental incompetence and lack of participation in the child's life as well as the desire to avoid confronting a child's possible negative emotions, experiencing separation at the end of the visit again etc. If research shows that these are the reasons why parents do not want their children to visit them in prison, then the parent-prisoners need further education on the benefits of maintaining regular contact with children while parents are incarcerated. Furthermore, they should be educated on how to recognise, deal with and get past their own negative emotions, putting the child's needs ahead of their own.

To conclude, although children generally benefit greatly from maintaining contact with an incarcerated parent, those same benefits depend on the support the child gets in the form of explanations and understanding the situation which they and the parent are in (e.g. some children are not even aware that their mother is incarcerated), as well as the support the child has in communicating with their imprisoned parent (e.g. when preparing for the visit).^{281,282}

276 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

277 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

278 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

279 Bašić, M. (2014) A Mother in Prison – Personal Experience and Support. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>

280 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

281 Profaca, B. (2013) Supporting a Child with an Imprisoned Parent: when to seek professional help. The Child Protection Centre of Zagreb. Accessed 18 December 2015. Available at: <http://www.poliklinika-djeca.hr/za-roditelje/stresni-dogadaji/podrska-djetetu-ci-ji-je-roditelj-u-zatvoru-kada-je-potrebna-strucna-pomoc/> (18 December 2013)

282 Franjić-Nadž, B., Badurina-Sertić, Đ. and Špoljarić, J. (2013, May) Opinions on Enabling Contact Between Children and their Imprisoned Parent. Round table Prisoners as Parents – the psychological perspective. Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

The stipulations of the Family Act²⁸³ guarantee children the right to information about important circumstances regarding their parents and in compliance with the Convention on the Rights of the Child²⁸⁴ when requested the state should provide the child information on the parent's incarceration (unless this information could harm the child's wellbeing). The European Convention the Exercise of Children's Rights²⁸⁵ includes the term relevant information, where the relevance is defined by the child's age, capacity to understand and attaining the child's rights and wellbeing, stating that not every piece of information should be communicated to every child.²⁸⁶

However, the opinions of the prisoners at Požega Penitentiary in 2014²⁸⁷ on whether children should be aware that their mother is in prison were divided and showed that the younger the child is, the less likely they are to know that their mother is in prison. Results of the 2014 survey on parent-prisoners (N=64) found that 11% of their children did not know the truth about their parents being incarcerated²⁸⁸ while a survey conducted among female prisoners in 2015 found that 13% of them had not told their underage children that their mother was in prison.²⁸⁹ Parents do not tell their children that they are in prison but instead say that they are working abroad, on an extended trip or on vacation out of shame and fear of their child being judged and stigmatised by the community, but also because they do not have enough knowledge on how to explain their incarceration to their children.²⁹⁰ In 2014, a survey conducted on the Croatian public (N=930)²⁹¹ found that not one person surveyed felt that a parent's incarceration and the reason for it should be kept secret from a child. Furthermore, 51% of those surveyed stated that regardless of their age children have the right to know the truth, explained to them in an age-appropriate manner, while 43% of those surveyed felt that children should be told about their parent being incarcerated only if they are over a certain age.

Experts believe that accurate information on their parent's prison status helps a child deal with this traumatic experience, learn from it and later integrate that experience into their life experience and that it is important that children feel included, that they are taken seriously and are not the subject of lies and secrecy but are instead equal participants in the new family situation.^{292,293} Furthermore, experts believe it is important for the parent to tell the

283 The Family Act, Official Gazette 103/15.

284 Convention on the Rights of the Child, International Treaties 12/1993, 20/1997.

285 The Act Confirming the European Convention on the Achievement of Children's Rights, Official Gazette 1/10.

286 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

287 Bašić, M. (2014) A Mother in Prison – Personal Experience and Support. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>

288 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

289 Franjić-Nadž, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Barančec, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

290 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

291 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

292 Gabelica Šupljika, M. (2009) The Childhood of a Child with an Imprisoned Parent – Psychological aspects and European experiences. In: M. Gabelica Šupljika (ed.). The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion, 11-32. Zagreb: Ombudsperson for Children.

293 Franjić-Nadž, B., Badurina-Sertić, Đ. and Špoljarić, J. (2013, May) Opinions on Enabling Contact Between Children and their Imprisoned Parent. Round table Prisoners as Parents – the psychological perspective. Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

child about their incarceration and the reasons for it themselves as this will help the child to accept the situation.²⁹⁴ As such, parents who wish to keep the truth from their children must be made aware of the importance of taking responsibility of their own actions, dealing with the consequences of their own actions, the harm in keeping the truth from the child and the child's right to true, clear and unambiguous information about their own parent, provided to them by the parent themselves.²⁹⁵

In the end it is important to keep in mind that the effects of a parent's incarceration on a child depend on a number of factors, including the child's age when it was separated from its parent, the length of the separation, earlier experiences of separation, the parent's crime and the stigma associated with that particular crime.²⁹⁶ Quality time between the parent-prisoner and child can oftentimes be diminished when the parent is not prepared for the child's possible negative reactions during visits (e.g. exhaustion, nervousness due to a long trip and waiting for the visit to commence, anger towards the parent due to being separated, sadness and fear as a reaction to this unknown, stressful situation etc.)²⁹⁷ in addition to a lack of knowledge of the parents themselves on how to organise the visit to spend quality time with the child.²⁹⁸ A positive example of teaching prisoners about this is the poster and brochure *Parenting from Prison – How to Use Visits*, which was prepared as part of the MA#ME project and gives very clear tips on how to spend time children's visits in an age-appropriate manner, including illustrations.²⁹⁹ There is a huge need for training experts on the issues faced by parent-child visits during a parent's incarceration.³⁰⁰ The child, imprisoned parent and the people who live with the child must have professional support for the visits³⁰¹ since a lack of such support can make visits upsetting and difficult, making the end of the visit especially difficult and saddening for both the child and the parent.³⁰² At the Prisoners as Parents – the psychological perspective round table event organised by the Association for the Prison System and the Croatian Chamber of Psychologists in 2013, which brought together over 80 experts, the preparation of a brochure on how to prepare a child for a parent's impending incarceration, which would be made available to all interested stakeholders, has not yet been realised.³⁰³

294 Franjić-Nad, B., Badurina-Sertić, D. and Špoljarić, J. (2013, May) *Opinions on Enabling Contact Between Children and their Imprisoned Parent. Round table Prisoners as Parents – the psychological perspective.* Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

295 Jačmenica Pušenjak, D. and Krakan, A. (2015) *Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents.* Zagreb: Zagreb University Faculty of Law. Unpublished paper.

296 Profaca, B. (2013) *Supporting a Child with an Imprisoned Parent: when to seek professional help.* The Child Protection Centre of Zagreb. Accessed 18 December 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html> (18 December 2015)

297 Bašić, M. (2014) *A Mother in Prison – Personal Experience and Support.* Zagreb: Roda. Accessed 12 November 2015. Available at: http://roda.hr/uploads/mame_zatvori/MAME_MonikaBasic-Majka_u_zatvoru-osobno_iskustvo_i_podrska.pdf.

298 Jačmenica Pušenjak, D. and Krakan, A. (2015) *Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents.* Zagreb: Zagreb University Faculty of Law. Unpublished paper.

299 Roda - Parents in Action <http://www.roda.hr/udruga/projekti/mame/projekt-mame-udruga-roda-predstavljen-u-pozeskoj-kaznionici.html> (12 January 2016)

300 Statement by attorney Deniza Antić at the forum *The Rights of Children with Imprisoned Parents* held in 2008 (Source: Ombudsperson for Children, <http://www.dijete.hr/websites/dijete.hr/index.php/hr/vijesti-othermenu-98/295-prava-djece-iji-su-roditelji-u-zatvoru.html> (8. 1. 2015)

301 Profaca, B. and Buljan Flander, G. (2009) *Supporting the Child of an Imprisoned Parent.* Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion*, 32–47. Zagreb: Ombudsperson for Children.

302 Jačmenica Pušenjak, D. and Krakan, A. (2015) *Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents.* Zagreb: Zagreb University Faculty of Law. Unpublished paper.

303 *Round table Prisoners as Parents – the psychological perspective* Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb. <https://pravosudje.gov.hr/vijesti/okrugli-stol-zatvorenik-kao-roditelj-psiholoska-perspektiva/164> (6 January 2016).

Throughout these processes it is expected that officials from the prison authorities provide incarcerated parents assistance and guidance, which will require special employee training and awareness-raising activities.³⁰⁴ As an example, during 2015 the MA#ME project included two all-day trainings for prison treatment staff and judicial police officers who work on preparing and realising parent-child prison visits, organised at the Požega Penitentiary.³⁰⁵ In order to at least partially lower the burden of work on prison body officials, it will be necessary to begin recruiting specially-trained volunteers who would alongside parents and guardians or instead of them accompany children when visiting their incarcerated parent, offering the children adequate information, assistance in solving potential difficulties and facilitating communication between parent and child.^{306,307} An example of a good initiative in this area is Vida, the Association for Assisting Addicts from Rijeka. During the Family Support Club project in 2015 they offered the possibility of organising and accompanying children and parent-guardians to visit incarcerated parents, and of the 23 families involved in the project one of them used this service.³⁰⁸

INDIRECT CONTACT BETWEEN INCARCERATED MOTHERS AND (UNDERAGE) CHILDREN

The results of a survey conducted among prisoners (N=80) by the Office of the Ombudsperson for Gender Equality in 2013³⁰⁹ and the results of interviews with eight incarcerated mothers at the Požega Penitentiary in 2014³¹⁰ showed that the prisoners communicated with their families and therefore children mostly by telephone, letters and to a lesser extent, during visits. Research conducted among 64 parents in 2014³¹¹ showed that almost all of them have regular telephone communications with their families (98% of those surveyed), written communication (95%) and that 38% of them send money to their children and families.

Prisoners have the right to unlimited correspondence at their own expense, and to telephone calls in accordance with the institution's House Rules (e.g. the minimum allowed for prisoners in the closed unit is ten minutes per week with the possibility of getting additional minutes approved if they apply for them, while prisoners in the semi-open and open units can use the telephone all day³¹² to call people who have been reported, approved and noted in the prison log). Once per month and on holidays they can receive a package of approved items from family members as well as received money from their family members and other people with the prison acting as an intermediary.^{313,314}

304 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

305 Roda - Parents in Action. <http://roda.hr/article/read/odrzane-radionice-za-zaposlenike-koji-sudjeluju-u-pripremi-ili-realizaciji-posjeta-maloljetne-djece-roditeljima-na-izdrzavanju-zatvorske-kazne> (13 December 2015)

306 Children of prisoners Europe. www.childrenofprisoners.eu/about-us/custom-widgets/ (26. 12. 2015.)

307 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

308 Udruga Vida. <http://www.droga-online.com.hr/završeni-projekti-u-2015/programi-i-projekti-1/> (5 January 2016.)

309 Surveys were completed by 80 female prisoners out of a total of 115 (69.5% of the total). (Source: Ombudsperson for Gender Equality (2014) Annual Report 2013.)

310 Bašić, M. (2014) A Mother in Prison – Personal Experience and Support. Zagreb: Roda. Accessed 12. 11. 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>

311 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

312 The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, art. 35.

313 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 125, art.126, art. 127.

314 Regulations on Prisoner Benefits, Official Gazette 66/10, 126/13.

After receiving a well-argued request from a prisoner, the warden can approve additional telephone time outside of the time set aside by the daily schedule. Indirect contacts are subject to certain limits which range from the availability of the telephone box³¹⁵ to the daily approved amount of money he/she has to use to make calls and send letters and the approved telephone time in the schedule. Furthermore, letter contents and telephone calls are monitored³¹⁶ or can be monitored³¹⁷ and the warden can choose to limit correspondence for security reasons.³¹⁸ Those sending packages must include a list of the package's contents, and packages are opened and examined by officials in the presence of the prisoner. Prisoners are not allowed to use portable communications devices in the prison.³¹⁹

Monitoring telephone calls, correspondence and packages, as necessary as they may be necessary and/or required for security reasons and/or due to fears that they may be used inappropriately damages spontaneous communication and confidences in the parent-child relationship. It is also necessary to analyse the real possibility of legally guaranteed telephone communications access (e.g. the availability and quality of existing telecommunications infrastructure in relation to the number of prisoners) and whether the minimum ten minutes per week³²⁰ are sufficient to maintain quality and quantity in communications between parent and child.

Legislation which states that the cost of communications and correspondence falls almost exclusively on the incarcerated parent³²¹ should be questioned and the possibility of finding a way for parent-child communications to be at least partially co-financed should be found.³²² Even³²³ though this requires changes to legislation as well as organisational efforts inside the prison system, in accordance with positive experiences and proven economic benefits observed in other countries^{324, 325} the (limited and monitored) use of mobile telephones as well as the possibility of receiving and not just making phone calls (e.g. by exchanging the existing telephone boxes with those who have caller ID) with should be considered achieving parent-child communications. This would ensure reciprocal contact between parent and child. Modernising indirect communications to include new technologies that allow fast and economical audio-visual interaction between parent and child, which is much

315 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

316 In the prison, closed penitentiary and closed unit of the penitentiary.

317 In the semi-open and open penitentiary and unit.

318 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 124.

319 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 145.

320 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

321 However, when there are good reasons for this, prisoners can have extraordinary telephone calls with family members or other persons approved, with the cost covered by the institution where the prisoner is serving their sentence. (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 125.)

322 The recommendation states that the financing comes from the state budget. (Source: Novosel, T. (2014) Protecting the Rights of Parent-Prisoners in Croatian Legislation. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/prava-zatvorenika-roditelja-zatvorenika-u-pravnom-poretku-rh.html>)

323 The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13, art. 125.

324 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

325 Novosel, T. (2014) Protecting the Rights of Parent-Prisoners in Croatian Legislation. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/prava-zatvorenika-roditelja-zatvorenika-u-pravnom-poretku-rh.html>

closer in quality to live meetings (e.g. Skype, video conferencing) has already been partially recognised in the IPA project IPA TAIB 2012–2013 Supporting the Prison System in Croatia. One component of this project includes the implementation of computer systems in the Prison System Directorate of the Ministry of Justice, where the possibility of ensuring contact between prisoners and their family members over secure video links is being considered.³²⁶

As opposed to one-way telephone calls, communicating through sending and receiving letters, greeting cards, packages etc. involves reciprocity in communications between children and parents and provides a lasting physical record of communications, a memento. Because of these advantages parents and children should be encouraged to write letters and send packages to each other.

³²⁶ Formal correspondence Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. (CLASS: 730-04/16-04//15, REG.NO.: 514-07-01-02-02-116-02)

THE EXTENT OF INTER-INSTITUTIONAL COLLABORATION IN ENCOURAGING PARENTING COMPETENCIES IN PRISONS

Over the past five years collaboration between the Prison System Directorate and the Office of the Ombudspersons for Children and Gender equality have intensified. The quality of their collaboration has also improved which has resulted in improvements in areas such as protecting the rights of children and their incarcerated parents.³²⁷

Further to this, in 2010 the Prison System Directorate began to collect data on children visiting their parents in prison, and their annual reports began to include the number of incarcerated parents,³²⁸ the number of visits and number of mothers who gave birth to children in prison (the number of mothers serving sentences in the mother and child ward at the Požega Penitentiary). Furthermore, the reports began to include examples of good practices with incarcerated parents and collaboration with other institutions and organisations. The question remains whether the problem of recognising the existence of incarcerated parents and their children, at least through data collection and reporting, would have happened if the Ombudsperson for Children had not continually sent the Prison System Directorate complaints from 2007 onwards.³²⁹ Including these statistical indicators and describing activities being undertaken with incarcerated parents and their children is laudable because through this at least their visibility grew.³³⁰ However, despite recommendations made by the Ombudsperson for Children^{331,332} and even though data exists and can be accessed upon request, public reports made by the Prison System Directorate still do not include detailed, systematic and complete data on the children of incarcerated parents,³³³ nor do they include information on the children's visits to their parents in prison. Recent, comprehensive and uniformly applied indicators monitored over a period of years are necessary to monitor the implementation of measures and plan future measures and activities for the protection of these children. Furthermore, collaboration between the Prison System Directorate and the

327 Ministry of Justice, Prison System Directorate (2014) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013.

328 Ministry of Justice, Prison System Directorate (2011) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2010.

329 Šoher, R. (2013, May) Prisoners as Parents – a view of the state of the prison system. Round table Prisoners as Parents – the psychological perspective Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

330 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Imprisoned Mothers. Unpublished paper.

331 Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011.

332 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

333 A comprehensive record should be kept of the exact number of children prisoners have, their socio-demographic characteristics (e.g. gender, age), the number of children distributed by the legislated basis and status of persons detained in prison (prisoners, remand prisoners, convict), age until which the child was with its mother at the Požega Penitentiary, the individual frequency of visits depending on the child's age.

Ombudsperson for Gender Equality has also been implemented with regard to analysing the conditions and lives of female prisoners at the Požega Penitentiary.³³⁴

The greatest positive step taken by the prison system to protect the rights of children of imprisoned parents is the implementation programs that develop prisoners' parenting competencies (e.g. Responsible Parenting, Prisoners as Parents). Research conducted on the general population in Croatia in 2001 showed that parents with young children mostly needed basic knowledge and skills that would empower them for quality, responsible parenting, while a smaller segment of parents needed much more knowledge and direct assistance in realising children's rights and needs in the home.³³⁵ A further study conducted in 2010 that included a representative sample of Croatian adults showed that those with lower levels of education and elderly persons with lower incomes had opinions relating to children under three years of age that are not in accordance with modern scientific knowledge about the ways parents can support the achievement of a child's developmental potential.³³⁶

As early as 2008³³⁷ the Head of Treatment at the Headquarters of the Prison System Directorate emphasised that many incarcerated parents needed additional knowledge and skills in order to help them make decisions and take steps that would further the wellbeing of their children. That same year prisoners stated that they did not have any difficulty in communicating (with children) and that they did not need the professional support.³³⁸ Interestingly, quality contacts between incarcerated parents and their children have a positive benefit on the incarcerated parents and their children, but also positively affect the emotions of prison personnel and the general conditions at the prison. Constructive emphasis on the family decreases a prisoner's tendencies towards delinquent behaviour, improves the behaviour in prison facilities and the psycho-social climate, improves resocialisation and decreases the risk of criminal offences upon release and leaves a good impression on the public.³³⁹

Motivated by the desire to decrease the negative effects of separating parents and children when a parent is imprisoned, an educational-development program that would improve parenting competencies among prisoners located at penal facilities was created. The program provides counselling through workshops with imprisoned parents who have underage children. In 2010 the Ministry of Justice and the Ministry of Families, Veterans and Intergenerational Solidarity signed the Collaboration on Implementing the Responsible Parenting Program Agreement with the goal of providing psychological and social support to parents serving prison sentences and their families.³⁴⁰ The program was implemented in

334 Ombudsperson for Gender Equality (2014) Annual Report 2013.

335 Bašić, J., Ferić, M. and Kranželić V. (2001) From Primary Prevention to Early Interventions. Zagreb: Faculty of Education and Rehabilitation Sciences.

336 Pečnik, N., Radočaj, T. and Tokić, A. (2011) Public Opinion on Properly Parenting the Youngest Children, *Social Research*, 20(3), 625–646.

337 Introductory lecture at the forum The Rights of Children with Imprisoned Parents held in 2008. (Source: Ombudsperson for Children, <http://www.dijete.hr/websites/dijete.hr/index.php/hr/vijesti-othermenu-98/295-prava-djece-iji-su-roditelji-u-zatvoru.html> 8. 1. 2015.)

338 Vukota, Lj. (2009) A Program for Promoting Parenting Competencies and Lowering the Negative Effects on Separating Imprisoned Fathers and Their Children - Prorok. Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Imprisoned Parents – conference proceedings from the expert discussion*, 70-82. Zagreb: Ombudsperson for Children.

339 Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011.

340 For example, in 2012 this was implemented in the Penitentiaries in Gina and Lepoglava and the Prison in Šibenik as well as the Prisons in Split and Zagreb. (Source: Ministry of Justice, Prison System Directorate (2013) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2012.)

prison facilities by psychologists, social workers and social pedagogues from family centres, through a cycle of eight 90-minute workshops that took place once per week and included 12 to 15 prisoners according to the location of the prison and the location of the prisoners' families. Participant evaluation showed that the project was very useful and had achieved its goals. In 2011 it was implemented³⁴¹ at 19 prison facilities and included about 210 male and female prisoners.³⁴² In 2013 Family Centres, whose work was counselling and family support services, were absorbed by Social Service Centres located in regional centres³⁴³ and since then the work of these 19 centres, who had until then been pivotal in providing parenting support, has become much more difficult. Their new human resource and material capacities meant that they could no longer implement the Responsible Parenting programs in the penal system and counselling work with members of prisoners' families is available only when the families seek it out themselves. The Prison System Directorate supported the Ombudsperson for Children's recommendation and continued to run the program on its own³⁴⁴ and created the Prisoners as Parents³⁴⁵ program with accompanying handbook and trained prison officials to implement the program. In 2013 the Prisoners as Parents began implementation as a pilot program, and since 2014 has been implemented by 24 specially trained prison treatment and security officers with the support and organisation of the Headquarters of the Prison System Directorate.³⁴⁶ The program is implemented in cycles of fourteen 60-minute workshops. Program evaluations³⁴⁷ after the first two cycles have shown that the officials are happy with the training and that they felt it was useful for their future work. They also stated that they had obtained knowledge that they could use in raising their own children, questioned their own views and beliefs, improved their communications skills and group leading skills. The program facilitators have regular supervision sessions as well as continual prisoner satisfaction and program efficiency assessments. During 2014, the Prisoner as Parent program included 184 male and female prisoners.³⁴⁸ The prisoner-participants had high expectations of the program and its facilitators and evaluations have shown that their satisfaction is beyond even those high first expectations.³⁴⁹ Although it is good that the program is being evaluated and supervised, information about the program's success would be more precise if an external evaluation were conducted. Special attention should be paid to challenges and barriers officials face in implementing the program (e.g.

341 Ministry of Justice, Prison System Directorate (2011) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2010.

342 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

343 The Social Services Act does not list family centres as social service institutes (article 124) and in article 276, section I the Act states that the date the Act came into force the rights and responsibilities of existing family centres were to be taken up by social service centres closest to them in the manner that the social service centre take on the work, employees, financing, equipment, archives, documentation and work materials from the family centre. Ministry of Social Policies and Youth of the Republic of Croatia. http://www.mspm.hr/djelokrug_aktivnosti/podrska_obitelji (7 June 2015)

344 Ombudsperson for Children (2013) Ombudsperson for Children Annual Report 2012.

345 Šoher, R. (2013, May) Prisoners as Parents – a view of the state of the prison system. Round table Prisoners as Parents – the psychological perspective Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

346 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

347 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

348 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

349 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

maintaining prisoner motivation for workshop participation) and at the same time work to adapt the program to prisoners' with participants' actual (changing) needs, recommendations and suggestions. Furthermore, the measure to which male and female prisoners who have completed the program have implemented their knowledge and skills in their own contact with their families should also be evaluated.

A kind of external program evaluation can be provided by data from a 2014 survey conducted among 64 parent-prisoners³⁵⁰ which showed that 31% of them had been involved in the parenting competencies program and that they were interested in participating further. A further 69% stated they were aware of the program but did not participate and of these 84% said they would join the program in the future. Similar results were obtained by a 2014 survey which included 97 female prisoners from the Požega Penitentiary.³⁵¹ Of them, 38% stated that they do not know if incarcerated mothers have enough professional support in developing their parenting competencies (36% feel that the support exists) while 40% do not know if the penitentiary offers good enough conditions for prisoners to learn how to take care of a child (36% believe it exists). This data shows the need for additional promotion of supportive parenting programs. Roda – Parents in Action also directly contributed to the education of male and female prisoners on parenting by donating 100 sets of books on parenting to all prison facilities in Croatia in 2014.³⁵²

The parenting support programs at prison facilities (e.g. Responsible Parenting and Prisoner as Parent) recommend maintaining contact with family members, and in cases where there are issues in family relations or children seem to have certain difficulties, the program recommends that families seek help from social service centres, family centres or child psychologists.³⁵³ During the Responsible Parenting Program's implementation (2009-2012) family members of both male and female prisoners were encouraged to use the services of the family centre in their local area, but, based on available data, the family members of prisoners only used the services of four family centres.³⁵⁴ As already mentioned, since 2013 family centres have only provided counselling for prisoners' families if they ask for it themselves. As a result, even though parenting support programs exist at penal facilities (e.g. Responsible Parenting and Prisoner as Parent) it is troubling that prisoner's families are not being provided assistance through the system, especially in the cases of prisoners with underage children on the outside.³⁵⁵ Unfortunately, it is clear that family and social service centres do not have the human or material resources to fully take on the care of these families

350 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

351 Keeping in mind that all the female prisoners surveyed do not have underage children and as such the results must be interpreted carefully since part of them account for prisoners for whom these issues are currently not pressing and they are therefore not aware of the existence of these programs. (Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>)

352 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

353 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

354 Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011.

355 According to statements made by the Director of the Treatment Centre of the Turopolje Penitentiary Radovan Tatalović and psychologist at the Turopolje Penitentiary Ljiljana Vukota, at the forum The Rights of Children of Imprisoned Parents held in 2008. (Source: Ombudsperson for Children, <http://www.dijete.hr/websites/dijete.hr/index.php/hr/vijesti-othersmenu-98/295-prava-djece-iji-su-rodite-lji-u-zatvoru.html> 8. 1. 2015.)

and continually provide programs for them.³⁵⁶ Even though the National Strategy for the Rights of Children in Croatia 2014 to 2020³⁵⁷ puts special emphasis on measures whose goal it is to strengthen parenting and implements programs supporting early development and supportive parenting (e.g. Growing Together³⁵⁸ and Telefončić³⁵⁹), these are intended for the general population and are not adapted to the specific needs of the families of incarcerated persons and children of incarcerated parents.

A special hotline should be created for counselling and assisting the families of male and female prisoners that would provide information and support to these families and from their first contact with the judicial system all the way until the parent is released. Additionally, it would be useful to have former prisoners who have successfully reintegrated into society included in such a counselling program, where they could share and offer their own positive experiences and assistance to prisoners' families.

Other activities that can affect a positive relationship between children and their incarcerated parents are also present in prisons. Male and female prisoners participate in them, as do their children during their visits (e.g. celebrations and celebrating specific days such as children's birthdays, holidays). At the recommendation of the Ombudsperson for Children, days that are celebrated in prisons include Prisoners' Family Day, International Day of the Child³⁶⁰ (since 2011) and European Prisoners' Children Week (since 2012).³⁶¹ Over the years children's visiting rooms have been renovated and equipped and as such these rooms have been used for social gatherings and workshops on various topics where for example, parent-prisoners have made children's greeting and post cards, literary works, decorative items and toys to gift to children in addition to organising and participating in music, art and drama workshops. During Prisoners' Family Day, International Day of the Child and European Prisoners' Children Week, parent-prisoners are often allowed additional visits from their children and during their visit children are encouraged to draw or write messages for their mothers and fathers, gift them the items they created together, mutual reading and storytelling sessions are organised as well as theatrical productions and animated film viewings. During visits in that week, children are gifted sweets. At these times, as when children who live in the Mother Child Unit celebrate birthdays, photographs can be taken with families and children, which are later available for purchase for family photo albums.³⁶²

356 According to statements made by Tomislav Orović, director of the Social Services Centre in Zadar and Dorica Nikolić, state secretary from the Ministry of Health and Social Services, at the forum The Rights of Children of Imprisoned Parents held in 2008. (Source: Ombudsperson for Children. <http://www.dijete.hr/websites/dijete.hr/index.php/hr/vijesti-othermenu-98/295-prava-djece-iji-su-rodite-lji-u-zatvoru.html> 8. 1. 2015.)

357 The Working Group for the Expert Analysis and Preparation of the Final Draft of the National Strategy for the Rights of Children in the Republic of Croatia (2014) National Strategy for the Protection and Promotion of Children's Rights in Croatia 2014-2020. Draft. Zagreb: Ministry of Social Policies and Youth. www.mspm.hr, accessed 28 November 2015.

358 UNICEF (2010) parenting in a Child's Best Interests and Supporting Parents of the Youngest Children, Zagreb: UNICEF Office for Croatia.

359 The telephone helpline is intended for parents and all those who care for the youngest children founded by the UNICEF Office for Croatia in collaboration with the Government of Croatia and the City of Zagreb (Source: <http://telefoncic.hr/> 17 January 2015)

360 Ministry of Justice, Prison System Directorate (2012) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011.

361 Ministry of Justice, Prison System Directorate (2013) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2012.

362 It used to be the practice that a Penitentiary employee be the photographer and the photographs were free; in 2011 at the prisoners' request a town photographer is called in whose photographs are then paid for. (Source: Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014 and Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04/15, REG.NO.: 514-07-01-02-02-116-02)

During these special days expert teams take extra care to encourage prisoners to have contact with their children and offer individual support in improving the quality of contact with their children, as well as organising additional thematic parenting workshops (e.g. in 2014 this was How to Answer a Child's Questions about their Parent's Incarceration).³⁶³ According to the State and Work of Penitentiaries, Prisons and Juvenile Corrections Centres 2014 Annual Report³⁶⁴ prisoners found the workshops to be very helpful and pleasant.

Since 2008 the Office of the Ombudsperson for Children³⁶⁵ has continually and very actively worked to affirm the rights and interests of the children with incarcerated parents, and starting and presenting the MA#ME project at the Požega Penitentiary in 2014 initiated a number of very valuable activities, mentioned in this paper, which have further assisted to improve the rights of incarcerated mothers and their (underage) children.

363 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

364 Ministry of Justice, Prison System Directorate (2015). Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

365 Round-table discussion The Rights of Children of Imprisoned Parents held in 2008. (Source: Ombudsperson for Children, <http://www.dijete.hr/hr/component/content/article/295-prava-djece-iji-su-roditelji-u-zatvoru.html> 22 November 2015)

CONCLUSIONS AND RECOMMENDATIONS

Na Based on available data and legislation in the areas of labour, health, parenting rights and the right to contact with the outside world, this analysis has looked at the difference between the guaranteed and attainable rights of imprisoned mothers and their underage children.

The rights of male and female prisoners are regulated by conventions, recommendations and legislation, from those that are universally applicable in all the country-signatories to domestic law decrees in the Republic of Croatia. Female prisoners, especially mothers, are considered a vulnerable group and as a result there are additional decrees and procedures intended to protect them and their children (and children of all imprisoned parents). The existence of these legal acts, documents, decrees and recommendations is the first step to protecting incarcerated mothers and motherhood. There is space for advancing these protections, raising public awareness but also training officials working in the penal system, especially when we take into account the 231 complaints sent to the Ombudsperson, Ombudsperson for Gender Equality, and Ombudsperson for Children and international human rights organisations by prisoners in 2014.³⁶⁶

Pregnant women and new mothers require additional healthcare. Although “isolating” a mother and her child by keeping them in a special unit has its negative implications, separating them from the other prisoners is also a security measure that is required legally and for other reasons. Unfortunately, as a result of a shortage of physicians in the prison system in general, the continual presence of a specialist in women’s reproductive health and obstetrics and continual monitoring of pregnant prisoners is not possible; as a result, we recommend that incentives be provided to attract physicians to work in the prison system. Although the practice that uniformed prison officials be present during healthcare visits in prison clinics has been abolished except for security reasons, the presence of uniformed officers should also be brought to a minimum when accompanying pregnant prisoners and new mothers to specialist physician’s appointments outside the prison, without compromising necessary security measures.

A the initiative of the MA#ME project in 2015 the first lectures on women’s reproductive health were held at the Požega Penitentiary, and in the future antenatal classes and visits from community nurses before and after a prisoner gives birth should also be organised so that future mothers can attain the same services mothers on the outside are guaranteed free of charge. This would be a minimal step towards achieving equal health care for female prisoners as women outside prison have from the public health system, providing unhindered access

366 Ministry of Justice, Prison System Directorate (2015) Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014.

to all available state health services without discrimination. When discussing the safety of children who are living with their mothers at the Mother and Child Unit, the prison must ensure their protection and implement activities while minimising the danger of accidents.³⁶⁷ As a result the Požega Penitentiary must allow and continue to provide an adequate number of modern child car seats for children of various ages, and ensure that these are used when transporting infants and young children.

Working in prison is considered a measure that should help prisoners complete their individual sentence execution program, but also to assist them in reintegrating and resocialising after being released from prison. The fact that almost one hundred percent of prisoners work while incarcerated shows their impressive motivation to work. Unfortunately, the jobs available to them at the Požega Penitentiary are mostly domestic work necessary for the functioning of the prison facility and are not cognitively stimulating. Therefore this “busywork” fills the prisoners’ days, provides them the opportunity to learn about responsibility and to earn some money, but does not stimulate them or increase their employability after being released from prison.³⁶⁸ Improvements in the education and training aspects of serving a prison sentence are necessary. The small number of available education programs are applicable only to persons with no education or very low levels of education and they do not meet the needs of the relatively high levels of education that female prisoners in Croatia have.³⁶⁹ As a result, additional workshops, education and training programs adapted to the needs of the modern labour market.³⁷⁰ Furthermore, the reasons for low levels of uptake of existing state measures for the employment of former prisoners (e.g. public works, employment and self-employment support) must be considered and the public interest in products made by prisoners and the services³⁷¹ they can provide and how these can be used in a socially beneficial manner should be tested.³⁷² The efforts of the Headquarters of the Prison System Directorate in encouraging and finding training and education programs for female prisoners through inter-ministerial collaboration and collaboration with state bodies, institutions and non-profit organisations must be further stimulated and supported.

A child born to a mother serving a prison sentence at the Požega Penitentiary can stay with their mother up to their third birthday, should the mother make a request for this and it be approved by the relevant body. Penal officials should collaborate with officials from social service centres and with other experts as necessary (e.g. psychologist, social pedagogue) to slowly and appropriately prepare the mother and child before separation. Furthermore, legislation that allows the child to continue living with its mother in prison

367 Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Imprisoned Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.

368 Except in cases when the prisoner works for an “outside” employer and during her prison sentence (Source: The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13.).

369 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children’s Contact with their Imprisoned Mothers. Unpublished paper.

370 Ombudsperson for Gender Equality (2014). Ombudsperson for Gender Equality Annual Report 2013.

371 IPSOS Puls (2014) Public opinions on the employment of prisoners while serving prison sentences. (Source: Roda - Parents in Action. <http://www.roda.hr/article/read/stavovi-graanki-i-graana-o-proizvodnji-i-uslugama-zatvorenika> 13 December 2015)

372 Roda - Parents in Action. <http://www.roda.hr/article/read/rezultati-radionice-provedene-u-okviru-razvoja-drustvene-inovacije-reset-ke-nisu-prepreke> (12. 11. 2015.)

for a longer period of time, if it is in the child's best interest, should be considered.³⁷³ The rights of children who are born while a mother is serving her prison sentence and those born immediately before she begins serving her sentence should urgently be equalized. According to the recommendations of the European Prison Rules, since 2006 incarcerated mothers should have access to trained employees who will care for their child when they are away (e.g. trip to the doctor, during work hours). In order to ensure this, after its first birthday a space must be made for the child at a licensed kindergarten outside the prison, but also ensure that a trained professional is available within the prison (e.g. professional educators, nannies) to take care of the children of imprisoned mothers (e.g. through volunteer centres and NGOs, employment measures etc.). These people could also be present during family visits to take care of children who are visiting.

Underage children have the right to visit their incarcerated mothers once a week and on holidays and their visits do not count towards the total number of visits each female prisoner is allowed. However, data on visit frequency show that this possibility is not used to its full extent.^{374,375} Reasons for this are the prisoners' personal preference that their children do not visit them in prison, using (only) temporary release privileges to meet with their children and/or hiding the fact that they are in prison as well as the distance from the child's place of residence to the prison, that is the high travel costs to visit their incarcerated mother. Although there are co-financing measures available to cover travel expenses for children visiting their incarcerated mothers at the state level and in the MA#ME project,³⁷⁶ the prisoners often don't know about these programs and their level of information about the existence and manner of obtaining this assistance must be increased. Oftentimes, children's visits are rare because their partner, spouse or guardian, who has the legal obligation to accompany children under 14 years of age to visit their mother in prison, does not want or cannot accompany the child. Having volunteers who could act as legal accompaniment during visits would partially mitigate this barrier. Also, other technical, organisational and implementation aspects of organising visits should be improved (e.g. further decreasing children's waiting times, encouraging them to take advantage of the maximum time for visiting as opposed to the minimum time, provide adequate interiors for the waiting and visiting rooms that adapt to all age groups of children, deal with children in a supportive manner, search only prisoners after visits etc.) in order to improve the quality and increase the frequency of visits between children and their incarcerated parents. In order for children to gain maximum benefits from visiting their incarcerated parents, children and their parents should have professional support when explaining to the child that their parent is incarcerated and in helping the child deal with this fact. This support should continue on to help prepare the child for visits, for communicating with the parent during visits and for taking leave from the parent at the end

373 Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.

374 Bašić, M. (2014) *A Mother in Prison – Personal Experience and Support*. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>

375 Franjić-Nad, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Barančec, S., Barzelatto Bukva S. and Bračulj, A. (2015) *Children's Contact with their Imprisoned Mothers*. Unpublished paper.

376 The Social Services Act, Official Gazette 157/13, 152/14, 99/15.

of the visit.^{377,378} This type of support could be undertaken by expert teams and volunteers from outside the prison system, in close collaboration with prison system officials and social service centres, with the support of the Headquarters of the Prison System Directorate.

The possibility of indirect communication between parent and incarcerated mother (e.g. by telephone, through letters and packages) should also be improved. Technical limits put on these indirect communications (e.g. inadequate availability of call boxes,³⁷⁹ inability to receive calls, the majority of communications expenses being borne by the prisoners) should be significantly decreased. Reciprocity in contacts between parent and child should be encouraged by using traditional means (e.g. sending letters and packages) but also by using modern communications channels (e.g. secure video links), which are currently being considered.

Intensifying inter-institutional collaboration and collaboration between the public and NGO sector have resulted in visible and significant advances in increasing awareness about the needs and protecting the rights of prisoners and their children. Improvements are among other areas, also visible in the implementation of registries of children “born in prison” and children’s visits. This has improved data availability and made this population more visible. Positive steps are also visible in the furnishing of special rooms for children’s visits, organising communal activities for incarcerated parents and their children and especially through implementing educational and developmental programs for improving prisoners’ parenting competencies. All these activities have served to increase public awareness and education, increase expert (scientific) interest for this topic as well as to bring about changes and supplements to legislation with the goal of improving the prison system, improving prisoners’ rights and work with prisoners.³⁸⁰ However, in each of these segments there is also room for improvements and advancement.

Currently, it is especially alarming that supportive parenting programs being conducted within the penal system (e.g. Prisoner as Parent) have not been expanded to deal with prisoners’ families and underage children located on the outside at a systems level. As a result further work is needed with the public and some experts to change stereotypes that women who have committed crimes have broken their social role, social norms and the law at the same time³⁸¹ and that incarcerated mothers use their children in order to gain increased benefits. Improvements must be made in reducing ambiguity and increasing mutual corroboration in legislation as well as removing potential implementation problems. Experts must attain a uniform understanding of legal frameworks and recommendations, and include a training on the rights and needs of children with incarcerated parents in the regular

377 Profaca, B. (2013) Supporting a Child with an Imprisoned Parent: when to seek professional help. The Child Protection Centre of Zagreb. Accessed 18 December 2015. Available at: <http://www.poliklinika-djeca.hr/za-roditelje/stresni-dogadaji/podrska-djetetu-ci-ji-je-roditelj-u-zatvoru-kada-je-potrebna-strucna-pomoc/> (18. 12. 2015.)

378 Franjić-Nad, B., Badurina-Sertić, Đ. and Špoljarić, J. (2013, May) Opinions on Enabling Contact Between Children and their Imprisoned Parent. Round table Prisoners as Parents – the psychological perspective. Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.

379 Ombudsperson for Children (2014) Ombudsperson for Children Annual Report 2013.

380 Rešković, V. (8 April 2015.) Together Behind Bars They Seek to Have Their Rights Respected. (Published in the online weekly Forum – Pišemo ne prepisujemo). Accessed 10 December 2015. Available at: <http://www.forum.tm/vijesti/ujedinjeni-iza-resetaka-traze-postivanje-svojih-prava-3071>

381 Mejovšek, M. and Žakman-Ban, V. (1986) the Differences between Underage Delinquents in Deviant Behaviour in the Post-Penal Period a Based on Gender and the Gravity of their Sentence, the Journal of Defectology, 22 (2), 43-56.

training and education program for penal system officials.

At the public policy level, more attention must be directed to the availability of parental support services and the possibility of increasing various parenting resources through better post-penal inclusion. To begin with, this would be useful through collaboration of experts from a few institutions in creating a free and publically available brochure describing the rights³⁸² of prisoners and their children using appropriate language. In this way the prisoners would get assistance in learning about their rights, how and where they can attain them, who and in what manner they can get assistance and support as well as who they can contact if they feel their rights have been violated. The continuation and intensification of positive collaboration between various penal system services, social services, implementation judges, ombudspersons and civil society as well as strengthening inter-sectoral collaboration and networking are an excellent way of decreasing the differences between the guaranteed and attainable rights of incarcerated mothers.

382 Although a copy of the Act, implementation ordinances regarding prison sentence execution and House Rules are located with the on-call person at the unit and at the Penitentiary library and must be available to prisoners while they are serving their prison sentence, a copy can be made at the prisoner's expense (Source: The Požega Penitentiary Warden, with the approval of the Assistant Minister for the Prison System Directorate (2014). House Rules for Prisoners Serving their Prison Sentence at the Požega Penitentiary, art. 3.) The complexity and details of these documents often hinder transparent, quick and simple access to the necessary information.

WORKS CITED

SCIENTIFIC ARTICLES AND PUBLICATIONS

1. Babić, Babić, V., Josipović, M. and Tomašević, G. (2006) The Croatian Prison System and Protecting Prisoners' Human Rights. *The Croatian Annual of Criminal Law and Practice*, 13(2), 685–743.
2. Bašić, M. (2014) A Mother in Prison – Personal Experience and Support. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/majka-u-zatvoru-osobno-iskustvo-zatvorenica.html>
3. Bašić, J., Ferić, M. and Kranželić V. (2001) From Primary Prevention to Early Interventions. Zagreb: Faculty of Education and Rehabilitation Sciences.
4. Borovac, M. (2015) Parenting Behind Bars – the stories of former inmates. Zagreb: Roda
5. Bračulj, A. (2015) Children Behind bars – respecting or endangering their basic rights? Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/djeca-iza-reetaka-potivanje-ili-ugroavanje-njihovih-temeljnih-prava.html>
6. Brajša-Žganec, A. and Hanzec, I. (2012) Socio-emotional Development in Early Childhood – positive and negative child rearing practices and dealing with children's negative emotions for parents of kindergarten-aged children. In: I. Pehlić, E. Vejo and A. Hasanagić (ed.) *Modern Trends in Early Education: A Scientific Monograph*, pg. 513–528. Zenica: The Islamic Faculty of Pedagogy, Zenica University
7. Brkić, L. (2013) Children of Incarcerated Parents. *Social Policies and Social Work*, 1(1), 8–37
8. Franjić-Nađ, B., Badurina-Sertić, Đ. and Špoljarić, J. (2013, May) Opinions on Enabling Contact Between Children and their Incarcerated Parent. Round table Prisoners as Parents – the psychological perspective. Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.
9. Franjić-Nađ, B., Badurina-Sertić, Đ., Pavešić-Herkov, Đ., Baranček, S., Barzelatto Bukva S. and Bračulj, A. (2015) Children's Contact with their Incarcerated Mothers. Unpublished paper
10. Gabelica Šupljika, M. (2009) Growing up with an Incarcerated Parent – a psychological view and European experiences. Located in: M. Gabelica Šupljika (ed.) *The Rights of Children with Incarcerated Parents – conference proceedings from the expert discussion*, 11–32. Zagreb: Ombudsperson for Children.
11. Jačmenica Pušenjak, D. and Krakan, A. (2015) Children in the Shadows – from marginalisation to actualisation. The Social and Legal Position of Children with Incarcerated Parents. Zagreb: Zagreb University Faculty of Law. Unpublished paper.
12. Jelavić, M. (2009) Familial, Legal and Social Protections for Children with Incarcerated Parents. Found in M. Gabelica Šupljika (ed.) *The Rights of Children with Incarcerated Parents – conference proceedings from the expert discussion*, 47–57. Zagreb: Ombudsperson for Children
13. Liu, Z., Li, H. and Ge, H. (2009) Left Too Early: The Effects of Age at Separation from Parents on Chinese Rural Children's Symptoms of Anxiety and Depression. *American Journal of Public Health*, 99(11), 2049–2054.
14. Marijan, R. (2009) Children with Incarcerated Parents – criminal and legal aspects. Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Incarcerated Parents – conference proceedings from the expert discussion*, 57–62. Zagreb: Ombudsperson for Children.
15. Mataija, A. (2014) Employing Prisoners and Social Reintegration. Zagreb: Roda. Accessed 22 December 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/zaposljavanje-zatvorenika-i-socijalna-reintegracija.html>
16. Miljević-Ridički, R. and Pavin Ivanec, T. (2009) The Importance of Social Context for the Cognitive Development of Preschool Aged Children – a comparison of cognitive success between children growing up in various familial and institutional surroundings, *Modern Psychology*, 12 (2), 309–322.
17. Mejovšek, M. and Žakman-Ban, V. (1986) the Differences between Underage Delinquents in Deviant Behaviour in the Post-Penal Period a Based on Gender and the Gravity of their Sentence, *the Journal of Defectology*, 22 (2), 43-56.

18. Novosel, T. (2014) Protecting the Rights of Parent-Prisoners in Croatian Legislation. Zagreb: Roda. Accessed 12 November 2015. Available at: <http://www.roda.hr/udruga/projekti/mame/prava-zatvorenika-roditelja-zatvorenika-u-pravnom-poretku-rh.html>
19. Pećnik, N., Radočaj, T. and Tokić, A. (2011) Public Opinion on Properly Parenting the Youngest Children, *Social Research*, 20(3), 625–646.
20. Pleić, M. (2010) European Characteristics and Difficulties in the Croatian Penal System. *The Croatian Annual of Criminal Law and Practice*, 17 (1), 301–500.
21. Profaca, B. and Buljan Flander, G. (2009) Supporting the Child of an Incarcerated Parent. Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Incarcerated Parents – conference proceedings from the expert discussion*, 32–47. Zagreb: Ombudsperson for Children.
22. Šoher, R. (2013, May) Prisoners as Parents – a view of the state of the prison system. Round table Prisoners as Parents – the psychological perspective Organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb.
23. Šućur, Z. and Žakman-Ban, V. (2005) Characteristics of the Life and Treatment of Incarcerated Women. *Social Research*, 14 (6), 1055–1079
24. UNICEF (2010) *Parenting in the Best Interests of the Child and Supporting the Parents of the Youngest Children*. Zagreb: UNICEF Office for Croatia
25. Vukota, Lj. (2009) A Program for Promoting Parenting Competencies and Lowering the Negative Effects on Separating Incarcerated Fathers and Their Children - Prorok. Found in: M. Gabelica Šupljika (ed.) *The Rights of Children with Incarcerated Parents – conference proceedings from the expert discussion*, 70-82. Zagreb: Ombudsperson for Children.

LEGISLATION AND DOCUMENTS

1. European Commission (2011) *Strengthening mutual trust in the European Judicial Area – a Green Paper on the application of EU criminal justice legislation in the field of Detention*, pg. 11. Accessed 14 December 2015. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0327:FIN:en:PDF>
2. European Convention on the Protection of Human Rights and Fundamental Freedoms, *International Treaties* 18/97, 6/99, 14/02, 13/03, 9/05, 1/06, 2/10.
3. European Prison Rules, Recommendations (2006) 2, Council of Europe. Accessed 12 November 2015 at: <https://wcd.coe.int/ViewDoc.jsp?id=955747#>
4. Convention on the Rights of the Child, *International Treaties* 12/1993, 20/1997.
5. Mazzi, B. (2011) *Community Nurses and the Family Doctor*. Accessed 6 January 2016. Available at: http://www.hdod.net/rad_drustva/Patronazna_i_doktor.pdf
6. Ministry of Justice, Prison System Directorate (2011) *Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities for 2010*.
7. Ministry of Justice, Prison System Directorate (2012) *Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2011*.
8. Ministry of Justice, Prison System Directorate (2013) *Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2012*.
9. Ministry of Justice, Prison System Directorate (2014) *Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2013*.
10. Ministry of Justice, Prison System Directorate (2015) *Annual Report on the State and Work of Penitentiaries, Prisons and Juvenile Corrections Facilities 2014*.
11. Ministry of Social Policies and Youth, *Report on Consultations with Interested Public on the Draft of the Family Act*. Accessed 2 December 2015. Available at: http://www.mspm.hr/novosti/vijesti/izvjesce_o_provedenom_savjetovanju_sa_zainteresiranom_javnoscju_o_naertu_prijedloga_obiteljskog_zakona.
12. The Family Act, *Official Gazette* 103/15.
13. Universal Declaration on Human Rights, *Official Gazette* 28/96.
14. United Nations Charter. Accessed 6. January 2015. Available at: <https://treaties.un.org/doc/Publication/CTC/uncharter-all-lang.pdf>
15. Regulations on House Rules in Prisons with Remand Prisons, *Official Gazette* 008/2010

16. Regulations on Security Work in Penitentiaries and Prisons, Official Gazette 48/09.
17. Regulations on Prisoner Benefits, Official Gazette 66/10, 126/13.
18. Regulations on Use of Money, Official Gazette 2002.
19. Regulations on the Technical Conditions for Motor Vehicle Road Traffic, Official Gazette 51/10, 84/10, 145/11, 140/13, 85/14 and 83/15
20. Ombudsperson for Children (2011) Ombudsperson for Children Annual Report 2010.
21. Ombudsperson for Children (2012) Ombudsperson for Children Annual Report 2011.
22. Ombudsperson for Children (2013) Ombudsperson for Children Annual Report 2012.
23. Ombudsperson for Children (2014) Ombudsperson for Children Annual Report 2013.
24. Ombudsperson for Children (2015) Ombudsperson for Children Annual Report 2014.
25. Ombudsperson for Gender Equality (2012) Annual Report 2011
26. Ombudsperson for Gender Equality (2014) Annual Report 2013
27. Ombudsperson (2012) Annual Report 2011.
28. Ombudsperson (2013) Annual Report 2012.
29. Ombudsperson (2015) Annual Report 2014
30. Working Group for the Expert Analysis and Preparation of the Final Draft of the National Strategy for Children's Rights in the Republic of Croatia (2014) National Strategy for the Protection and Promotion of Children's Rights in the Republic of Croatia 2014 to 202. Draft. Zagreb: Ministry of Social Policies and Youth.
31. Formal correspondence Ministry of Justice, Prison System Directorate, Headquarters dated 1 February 2016. CLASS: 730-04/16-04//15; REG. NO.: 514-07-01-02-02-116-02.
32. Standard Minimal Rules for Working with Prisoners. The First Congress of the United Nations on Crime Prevention and Working with Violators, Geneva, 1955, with the approval of the Economic and Social Committee, Res. 663 (XXIV) 1957 and Res. 2076 (LXII) 1977.
33. The Quaker Council for European Affairs (2007) Women in Prison – A Review of the Conditions in Member States of the Council of Europe. Brussels, Belgium. Accessed 11 February 2016. Available at: <http://www.qcea.org/wp-content/uploads/2011/04/rprt-wip1-main-en-feb-2007.pdf>
34. UNICEF (2014) Annual Report 2013. Accessed 26 December 2015. Available at: http://www.unicef.hr/upload/file/397/198940/FILENAME/Unicef_godisnje_izvjesce_2014_21x21_web.pdf
35. Warden of the Požega Penitentiary with the permission of the Deputy Minister, Prison System Directorate (2014) House Rules for Female Prisoners Serving Sentences at the Požega Penitentiary.
36. The Constitution of the Republic of Croatia, Official Gazette 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14.
37. Government of the Republic of Croatia (2009) Action Plan for Improving the Prison System in the Republic of Croatia 2009-2014
38. The Nanny Act, Official Gazette 37/13
39. Public Servant and Employee Act, Official Gazette 27/01
40. The Execution of Prison Sentence Act, Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13
41. The Confirmation of the European Convention on the Adoption of Children's Rights Act, Official Gazette 1/10
42. The Nursing Act, Official Gazette 121/03, 117/08, 57/11
43. The Road Traffic Safety Act, Official Gazette 67/08, 48/10, 74/11, 80/13, 158/13, 92/14, 64/15.
44. The Social Services Act, Official Gazette 157/13, 152/14, 99/15.
45. The Patient Rights Act, Official Gazette 169/04, 37/08.

INTERNET RESOURCES

1. Autosjedalice.info. Accessed 12 November 2015. Available at: http://autosjedalice.info/cms/index.php?option=com_content&task=view&id=16&Itemid=63
2. Children of Prisoners Europe. Accessed 26 December 2015. Available at: www.childrenofprisoners.eu/about-us/custom-widgets/
3. Objektiv: A Croatian Political News Portal. Accessed 8 December 2015. Available at: <http://objektivno.hr/pozega-projekt-mame-za-osnazivanje-zatvorenica-za-roditeljsku-ulo-gu-37965>
4. The Croatian Employment Service. Accessed 6 January 2016. Available at: <http://www.hzz.hr/default.aspx?id=1169>
5. The Croatian Employment Service (2015) Statistics. Accessed 7 January 2016. Available at: <https://statistika.hzz.hr/>
6. Kavain, M. (19 NOVEMBER 2013). Physicians Do Not Want to Go to Prison: Croatian penal institutions short of 80 medical professionals. (Newspaper article from Slobodna Dalmacija). Accessed 20 December 2015. Available at: <http://www.slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/227796/Default.asp>
7. Marina Paulenka, photographer (2014) Accessed 13 November 2015. Available at: <http://www.express.hr/drustvo/zivot-u-zenskom-zatvoru-iza-resetaka-odgajaju-djecu-1629>
8. Ministry of Justice. Accessed 6 January 2016. Available at: <https://pravosudje.gov.hr/kaznionica-i-zatvor-u-pozegi/6573>
9. Ministry of Social Policies and Youth of the Republic of Croatia. Accessed 7 January 2016. Available at: http://www.mspm.hr/djelokrug_aktivnosti/podrska_obitelji
10. Round table Prisoners as Parents – the psychological perspective organised by the Association for the Prison System and the Croatian Chamber of Psychologists, Zagreb. Accessed 6 January 2016. Available at: <https://pravosudje.gov.hr/vijesti/okrugli-stol-zatvorenik-kao-roditelj-psiholoska-perspektiva/16>
11. Website Moje zdravlje (My Health). Accessed 8 December 2015. Available at: <http://www.mojezdravlje.net/Bolesti/663/trudnoca/Preporuke-za-prehranu-dojilja.aspx>
12. Ombudsperson for Children. Accessed 8 January 2016. Available at: <http://www.dijete.hr/websites/dijete.hr/index.php/hr/vijesti-othermenu-98/295-prava-djece-iji-su-roditelji-u-zatvoru.html>
13. Announcement from the Meeting of Family Centre Directors after the Announcement to “Transform” Family Centres. Accessed 7 June 2015. Available at: <http://www.oegz.hr/?id=30>
14. Profaca, B. (2013) Supporting a Child with an Incarcerated Parent: when to seek professional help. The Child Protection Centre of Zagreb. Accessed 18 December 2015. Available at: <http://www.poliklinika-djeca.hr/za-roditelje/stresni-dogadaji/podrska-djetetu-ciji-je-roditelj-u-zatvoru-kada-je-potrebn-strucna-pomoc/>
15. Radio Vallis Aurea. Accessed 21 December 2015. Available at: <http://www.rva.hr/vijest/2014/1274-ravnopravni-i-sretni>
16. Rešković, V. (8 April 2015.) Together Behind Bars They Seek to Have Their Rights Respected. (Published in the online weekly Forum – Pišemo ne prepisujemo). Accessed 10 December 2015. Available at: <http://www.forum.tm/vijesti/ujedinjeni-iza-resetaka-traze-postivanje-svojih-prava-307>
17. Rodilišta.Roda.hr. Accessed 15 January 2016. Available at: <http://rodilista.roda.hr/rodiliste/26>
18. Official Website of the City of Zagreb. Accessed 4 January 2016. Available at: <http://www.zagreb.hr/default.aspx?id=453>
19. World Health Organisation. Accessed 15 January 2016. Available at: <http://www.who.int/mediacentre/factsheets/fs342/en/>
20. Roda - Parents in Action. Accessed 13 December 2015. Available at: <http://roda.hr/article/read/odrzane-radionice-za-zaposlenike-koji-sudjeluju-u-pripremi-ili-realizaciji-posjeta-maloljetne-djece-roditeljima-na-izdrzavanju-zatvorske-kazne>
21. Roda - Parents in Action. Accessed 13 December 2015. Available at: <http://www.roda.hr/article/read/stavovi-graanki-i-graana-o-proizvodnji-i-uslugama-zatvorenika>
22. Roda - Parents in Action. Accessed 22 November 2015. Available at: <http://roda.hr/article/read/sufinanciranje-putnih-troskova-za-posjete-djeteta-majci-u-kaznionici-u-pozegi-podaci-za-obitelj-i-skrbnike>
23. Roda - Parents in Action. Accessed 6 January 2016. Available at: <http://www.roda.hr/artic->

- le/read/radionice-o-zaposljavanju-u-pozeskoj-kaznionici
24. Roda - Parents in Action. Accessed 12 November 2015. Available at: <http://www.roda.hr/article/read/rezultati-radionice-provedene-u-okviru-razvoja-drustvene-inovacije-reset-ke-nisu-preprek>
 25. Association Vida. Accessed 5 January 2016. Available at: <http://www.droga-online.com.hr/zavrzeni-projekti-u-2015/programi-i-projekti-1/>
 26. Counselling Hotline for Early Childhood Development. Accessed 17 January 2016. Available at: <http://telefncic.h>
 27. Zdrav život (Healthy Living) – a family health magazine. Accessed 8 December 2015. Available at: <http://www.zdrav-zivot.com.hr/izdanja/prehrana-u-trudnoci/prehrana-u-trudnoci/z>
 28. Župan, S. (14 April 2014) The Average Incarcerated Women is married, 45 Years Old, a High School Graduate and has been Convicted of Theft. (Article in Glas Slavonije.) Accessed 27 December 2015. Available at: <http://www.glas-slavonije.hr/232379/1/Prosjecna-zatvorenica-je-u-braku-ima-45-godina-srednju-skolu-i-presudu-za-kradju>

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