

THE CURRENT STATE OF HUMAN RIGHTS

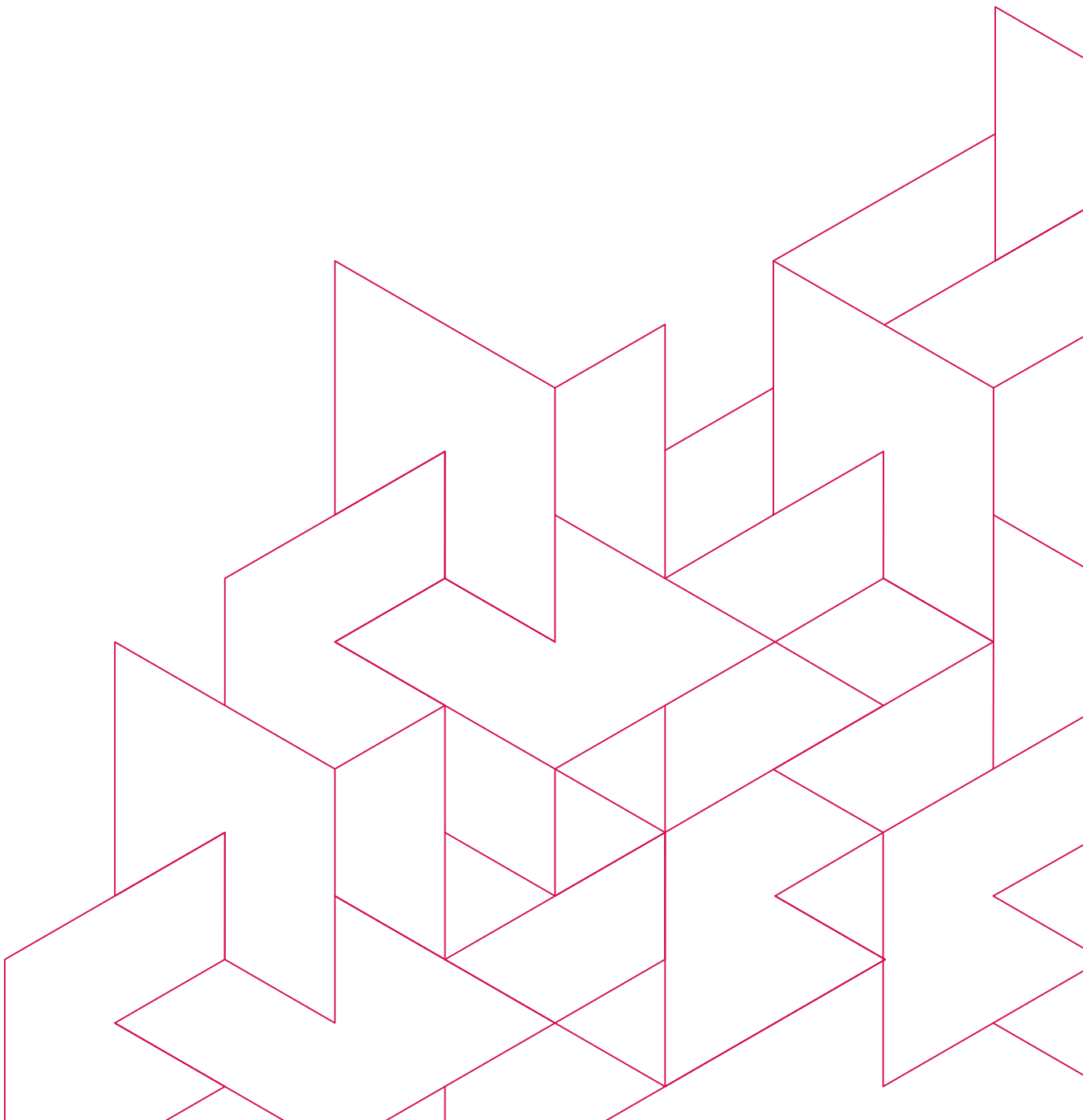
FOR PERPETRATORS
OF OFFENSES
WITH AN EMPHASIS
ON THE RESOCIALIZATION
OF PRISONERS



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1. Introduction and methodology

The thematic report titled “The Current State of Human Rights of Perpetrators of Offences with an Emphasis on the Resocialization of Prisoners” is the result of research which the Human Rights House Zagreb undertook in terms of the project “Moto#R – Motivation and Empowerment for Resocialization” in the period from July – December 2020. The aim of the thematic research is to facilitate a better understanding of resocialization and the effects of resocialization on preparing prisoners for freedom after prison, not just at a normative level but also in practice, as well as addressing challenges and obstacles that prisoners and relevant state bodies encounter in implementing resocialization. The research also endeavored to identify good practices in implementing resocialization of prisoners with the aim of conducting an analysis and drafting recommendations for improving existing practices.

To get an overall insight into the current state of human rights of perpetrators of offenses with an emphasis on their resocialization, the research was conducted in three phases. The first phase of the research covered an overview and analysis of the existing legal framework relating to resocialization of prisoners, their rights, obligations and opportunities within the prison system. The second phase of the research involved developing interview protocols, mapping relevant stakeholders involved in implementing the resocialization of prisoners. The third phase required conducting 18 semi-structured interviews with seven bodies of the criminal justice system, four public authorities (Ministry of Justice and Public Administration as well as social welfare centers), two independent institutions and five civil society organizations working on facilitating the resocialization of prisoners and their families.

To protect the identities of interviewed persons, certain codes in the form of acronyms were used in referring to their statements or citing them, such as BCJS, PA, II and CSO. The acronyms mean the following:

BCJS designates bodies of the criminal justice system

PA designates public administration

II designates independent institutions

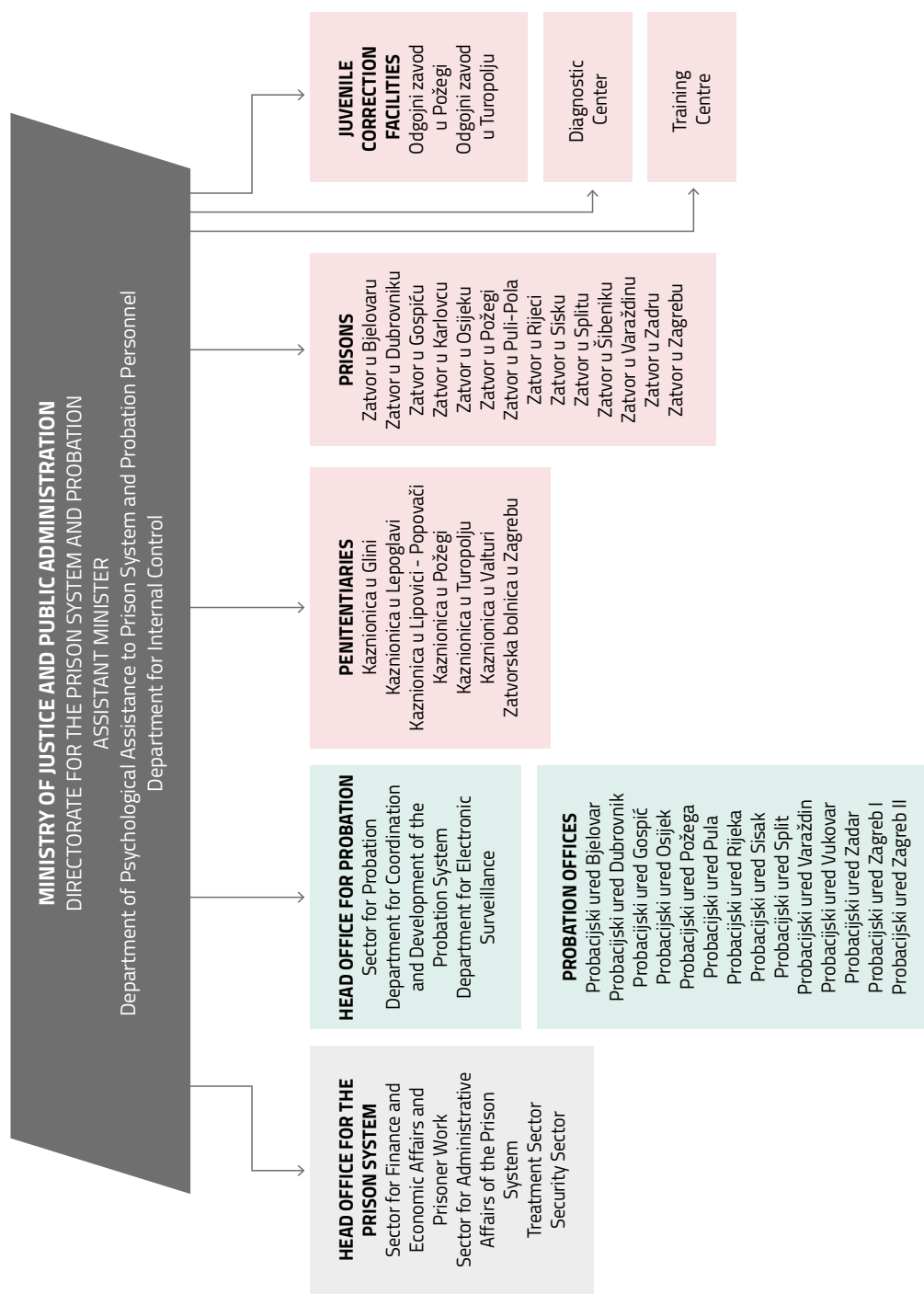
CSO designates civil society organizations

The expressions used in this Report that have a gender meaning, regardless of whether they are used in the male or female gender, equally cover the male and female gender.

2. Legislative framework

A/ Organizational structure of the Directorate for the Prison System and Probation

Graphical presentation of the organizational structure of the Directorate for the Prison System and Probation:



The Directorate for the Prison System and Probation, which is a central administrative organization within the Ministry of Justice and Public Administration, undertakes administrative and professional tasks relating to the serving of prison sentences. The organizational units of the Directorate for the Prison System and Probation comprise the Head Office, fourteen prisons,¹ seven penitentiaries² which includes the Prison Hospital in Zagreb, two correction facilities,³ the Diagnostic Center in Zagreb and the Training Center.

Pre-trial detention, prison sentences imposed in criminal proceedings lasting up to six months, prison sentences imposed in misdemeanor proceedings and prison sentences replacing imposed monetary fines are served in **prisons**, whereas four prisons (Gospić, Pula-Pola, Zagreb and Šibenik) have separate wards for serving prison sentences lasting longer than six months.

Prisoners serving prison sentences exceeding six months generally first report to the Diagnostic Center in Zagreb and after the diagnostic examination, they are then referred to serve their prison sentence in open, semi-open or closed conditions in penitentiaries and prisons.

Men and women serve prison sentences segregated. Younger adults serve prison sentences segregated from older adults. Younger adult men and women receiving prison sentences (who at the time of committing the offense were at least 18 years of age but younger than 21 years of age, serve their sentences segregated from adults, whereas adults serving prison sentence in a juvenile prison who have reached 23 years of age, serve their sentences segregated from other adults.⁴

Security measures requiring psychiatric treatment and imposed together with a prison sentence are served in the **Prison Hospital in Zagreb**, where sick prisoners are also treated.

A **juvenile prison sentence** is served in closed and semi-closed conditions in separate wards within the Penitentiary in Požega, whereas the ward for serving juvenile prison sentences in open conditions is set up in the Penitentiary in Valtura. Correctional measures referring perpetrators to a juvenile correctional facility which the courts impose on juvenile perpetrators of offenses are served by men at the Juvenile Correctional Facility in Turopolje, and by women at the Juvenile Correctional Facility in Požega.⁵

Serving a prison sentence begins by directing the prisoner to a penitentiary or prison, whereas undergoing a correctional measure begins by directing the juvenile to a juvenile correctional facility. Directing the prisoner to serving a prison sentence comes under the jurisdiction of the sentencing judge from the county court given jurisdiction in the matter. Based on the court decision, the judge directs persons sentenced to prison terms exceeding six months to the Diagnostic Center in Zagreb, while persons sentenced to prison terms shorter than six months or persons with remaining prison terms less than six months, are directed to a prison closest to the prisoner's place of residence. All persons who are sentenced to juvenile prisons, persons who receive a prison sentence along with an imposed security measure requiring mandatory psychiatric treatment and persons whose sentences are to be served in accordance with international agreements or special laws are directed to the Diagnostic Center regardless of the prison term duration.⁶

¹ Prison in Bjelovar, Prison in Dubrovnik, Prison in Gospić, Prison in Karlovac, Prison in Osijek, Prison in Požega, Prison in Pula-Pola, Prison in Rijeka, Prison in Sisak, Prison in Split, Prison in Šibenik, Prison in Varaždin, Prison in Zadar and the Prison in Zagreb.

² Penitentiary in Glina, Penitentiary in Lepoglava, Penitentiary in Lipovica-Popovača, Penitentiary in Požega, Penitentiary in Turopolje, Penitentiary in Valtura and the Prison Hospital in Zagreb.

³ Juvenile Correction Facility in Požega and Juvenile Correction Facility in Turopolje

⁴ Article 11 of the Act on Serving Prison Sentences

⁵ Ministry of Justice and Public Administration, Prison System, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/6150>

⁶ Ministry of Justice, Prison System, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/6150>

The **Diagnostic Center** performs the centralized diagnostic procedure in which resocialization treatments are devised, and which serve as the basis for further work with prisoners. The Diagnostic Center is considered a body of the criminal justice system where prison sentences are served given that stays at the Diagnostic Center are counted as time in serving prison sentences. Though prisoners at the Diagnostic Center formally achieve all rights guaranteed by the Act on Serving Prison Sentences,⁷ the prisoner does not enjoy certain benefits given that a particular prison sentence serving program has not yet been prepared in that phase. However, though criminal justice system bodies note that prisoners enjoy all rights while at the Diagnostic Center, in reality prisoners during the multidisciplinary examination do not have the opportunity to work or continue their education given that their work and learning capacity has not as yet been evaluated in that particular phase. In other words, in that phase of the process, prisoners enjoy almost all free activities offered by the Prison in Zagreb and contact with the outside world through visits, video calls, telephone calls and correspondence.

Prisoners stay at the Diagnostic Center on average four weeks during which experts from various specializations perform psychiatric and social evaluations (medical, social, psychological, pedagogical and criminological evaluation of prisoners), for the purpose of preparing a proposal of a customized prison sentence serving program. The Diagnostic Center also provides proposals on directing the prisoner to a specific penitentiary or prison where the prisoner continues serving his or her prison sentence, concerning which the decision is ultimately made by the Head Office of the Directorate for the Prison System and Probation.

According to statements from the BCJS, the purpose and goal of the Diagnostic Center is to create and adapt a particular prison sentence serving program to the needs and risks of each prisoner in order to generate changes in behavior which will help the person to not commit crimes once they leave prison. The goal is to perform a comprehensive diagnostic procedure viewed from various professions and accordingly propose a basic customized prison sentence serving program.

In practice, the admission and evaluation of prisoners at the Diagnostic Center is performed in three phases (BCJS):

Prisoners, as a rule, are admitted when their sentence becomes final, and with exception in cases when a sentence has not become final if the detainee is in pre-trial detention, but at their request, and upon approval of the court of jurisdiction.

In the first phase after admission and evaluation at the Diagnostic Center, health and medical examinations are performed and, in those first few days, treatment counselors are in contact with the prisoners. In this first phase, prisoners are explained all their rights and obligations in the form of individual and group discussions. They are assisted in making contacts with their families and record of visits and telephone calls are created.

The second phase includes a diagnostic procedure in the stricter sense where an interview is held with each prisoner by a psychologist, social worker, lawyer, physician (participating in the part of evaluation of the prisoner's fitness for work) and, if necessary, a psychiatrist. Each of the experts conducts a diagnostic procedure in terms of their professional role.

The third phase includes a specific finding and opinion by each of the experts, after which an expert team meets to discuss and prepare the report for each prisoner with a proposed and customized sentence serving program, a recommendation for a specific prison or penitentiary, evaluation of the prisoner as a security risk as to how the person will function while serving their sentence. These reports are sent to the Directorate for the Prison System and Probation based upon which the Committee for Directing Prisoners makes its final decision and, in addition to the needs and risks of each individual prisoner, takes into account the actual organizational and security status of the system.

⁷ Act on Serving Prison Sentences (OG 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, 98/19, hereinafter: Act on Serving Prison Sentences)

Therefore, Head Office makes its final decision on directing the prisoner to a body of the criminal justice system for serving the prison sentence, and once the prisoner has arrived at the respective criminal justice system body, the warden of that body will, based on the recommendation of the Diagnostic Center and situation at the respective body, create a specific sentence serving program.

With regards to criteria used by the Diagnostic Center for providing its opinion on which body of the criminal justice system the prisoner is sent to, the criminal justice system stakeholder cites *that a large number of criteria will be taken into account such as the length of the sentence, type of offense, earlier convictions, manner of arriving to serve the sentence, needs for special programs, family closeness, specific medical needs, characteristics of the actual criminal body (e.g., if the prisoner needs a special program, but a specific body does not have the required program, the prisoner will be sent to that criminal justice system body which conducts the respective program), evaluation of behavioral risks while serving the sentence and other criteria defined in the Framework Measures for Directing and Classifying Prisoners to Serve Prison Sentences as provided by the Ministry of Justice and Public Administration.*

3. Resocialization of prisoners



Pursuant to the Act on Serving Prison Sentences, the purpose of serving a prison sentence is, besides having a humane approach and respecting the dignity of the person serving the prison sentence, to prepare the person for life in freedom based on the law and social rules.⁸

According to official statements from bodies of criminal justice system, *the fundamental goal is inclusion into a social environment as well as one's functioning in society and behavior in line with the law and standards. These are, in fact, the basic goals of treatment. Our goals are short-term and long-term, using a group and individual approach.*

CSO: Resocialization is a process of empowering persons and their families to successfully cope with handling the experience of serving a prison sentence, and upon returning to the community, organize one's life in a socially acceptable manner. Successful resocialization and reintegration requires support from the community for the individual and family, including strong cooperation and exchanging information among all relevant stakeholders with an emphasis on those directly involved in the work.

In recognizing the importance of preparing prisoners for living in freedom, the emphasis of the respective law is on a rehabilitative approach. This rehabilitative approach presumes individualization of sentences by preparing specific prison sentence serving programs and implementing a series of specialized treatment programs.⁹

To achieve this, the law stipulates implementing general and particular programs for prisoners aimed at their resocialization and rehabilitation. **General programs**¹⁰ refer to work, education and organization of free time for prisoners which take place for all prisoners, whereas the **particular programs**¹¹ imply group and individual psychosocial treatment of prisoners and includes certain categories of prisoners.¹²

The law stipulates that for every prisoner, the director of a criminal justice system body, at the recommendation of the expert team, is to prepare an individual prison sentence serving program, comprising pedagogical, work, healthcare, psychological, social and security procedures suitable to the prisoner's characteristics and specific needs, as well as the type of penitentiary or prison and its capabilities.

8 Article 2 of the Act on Serving Prison Sentences

9 Ministry of Justice and Public Administration, Treatment of Prisoners, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/tretman-zatvorenika/6159>

10 General treatment programs are implemented in collaboration with departments for treatment and departments for work and professional training, departments for security and departments for healthcare. (Ministry of Justice and Public Administration, Treatment of Prisoners, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/tretman-zatvorenika/6159>)

11 Those responsible for the specific treatment programs are professionals from the department for treatment at the penitentiaries and prisons (social workers, social pedagogues, and psychologists), who conduct the programs in collaboration with other personnel from the department for treatment and other departments (department for security, department for prisoner healthcare). (Ministry of Justice and Public Administration, Treatment of Prisoners, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/tretman-zatvorenika/6159>)

12 Ministry of Justice and Public Administration, Prison System, Treatment of Prisoners, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/tretman-zatvorenika/6159>

An **individual sentence serving program** contains the following elements: accommodation in the ward, work, use of free time, special procedures (mandatory addiction treatment, as well as social, psychological and psychiatric help, group and individual work), professional education and training, contact with the outside world, benefits, specific security measures and preparatory release program as well as release assistance. The prison sentence serving program is changeable and is changed based on the prisoner's behavior and success of the sentence serving program. The prison or penitentiary warden reviews the specific prison sentence serving program at least once every three months for sentences lasting up to five years, and every six months for prisoners serving prison sentences longer than five years.¹³

According to statements from the public administration bodies, *specific prison sentence serving programs are the most important act stipulated for all those activities that are carried out with prisoners with the aim of achieving social rehabilitation and life as a free person. Each prisoner has their own assigned treatment officer. These officers are assigned a group of prisoners depending on the size of the criminal justice body and they are "led through the sentence". They are contacted by prisoners when establishing contact with the outside world, seeking information regarding court proceedings and the situation with their families. The officer receives the request and then, at the expert meeting which takes place every week, they present each request/complaint which is then discussed in a multidisciplinary manner.*

A more detailed overview of general and specific prisoner programs directed to their resocialization is given further in this report.

A/ Prisoner work

The right to work is one of the fundamental rights of prisoners where prisoners are encouraged to acquire new skills, work habits, experience and competences, thereby increasing their employment opportunities once finishing their prison sentence. Work is not obligatory. Prisoners have the right to work in accordance with the condition of their health, acquired knowledge and opportunities in penitentiaries or prisons. Prisoner work is mostly organized in workshops in penitentiaries and prisons.¹⁴ In accordance with Act on Serving Prison Sentences, prisoners may continue to work at another employer where the criminal justice system body concludes an agreement with the employer with whom the prisoner is employed under the condition that the prisoner is serving a prison sentence lasting up to one year, and with approval from the Head Office of the Directorate for the Prison System. Also, prisoners who autonomously undertake economic or other activities may receive approval to continue such activities in the penitentiary or the prison or outside of it, under the condition that the prisoner's prison term does not exceed one year, and subject to prior approval from the Head Office of the Directorate for the Prison System.¹⁵

Particular bodies of the criminal justice system have concluded agreements with employers, whereby prisoners, as a rule, work in roles to assist in loading/unloading tasks, relocating jobs, assisting in construction works, forestry maintenance, jobs in agriculture and other similar jobs. In such cases, prisoners are not employed by the employers, but they are recommended for work at an "outside" employer based on the specific prison sentence serving program, where such work can take place both within the body of the criminal justice system and outside of it.

¹³ Article 69 of the Act on Serving Prison Sentences

¹⁴ Central Government Portal, Serving Prison Sentences, 2 December 2021, accessible on : <https://gov.hr/moja-uprava/pravna-drzava-i-sigurnost/pravna-zastita/izvrsavanje-kazne-zatvora/1711>

¹⁵ Article 681, Act on Serving Prison Sentences

According to the Croatian Government Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, it is evident that the average number of prisoners in penitentiaries and prisons is 3,366, of which a total of 1,009 prisoners are involved in work (30% of the total average number). The largest proportion of prisoners do regular maintenance jobs¹⁶ (a total of 590 or 58% of all employed prisoners), and this is followed by jobs taking place in prison workshops¹⁷ (338 prisoners or 33% of all employed prisoners), and jobs outside of the criminal justice system body (81 prisoners or 8% of all employed prisoners). Though not evident in the Government Report, some prisoners are not work capable, which has otherwise been a small proportion in previous years (e.g. 4% of prisoners in 2014). In comparing information from 2014, the conclusion is that more than 50% of prisoners, though available for work, are not involved in work-related activities.¹⁸ In addition, what should be pointed out is that the number of prisoners engaged in work over the period from 2015 to 2019 has significantly decreased, by 17% over the last four years.

BCJS: Work is the number one value which we should be promoting and we are working on it. At this moment, we have only 5% of prisoners who are not employed, and who could otherwise be working or want to work, but are not working. These are the prisoners for whom we are waiting to become work capable or are a security risk, so we have placed them into other frameworks. They can visit the library and fill their time in some other way. Other prisoners are offered employment and given the opportunity to work.

During work time, prisoners achieve their rights in line with the Labor Act and receive remuneration for their work, receive annual leave and have the right to sick leave.

The amount of pay for work is a multiple of the base rate for calculating pay for work and the job complexity coefficient ranging from 0.5 to 1.0.¹⁹ In 2019, the average pay for work by a prisoner was HRK 614.00 a month for regular working hours, and HRK 660.00 for regular work and work exceeding full working time.²⁰

What should be pointed out is that 30% of the prisoner's wages is set aside as mandatory savings and deposited in a bank or building society (i.e. protected part of the prisoner's monetary deposit), while the prisoner is permitted to dispose of the remainder as he or she likes. After having served the prison sentence, the prisoner receives the paid amount of his or her mandatory savings.²¹

BCJS: Mandatory savings may be used in exceptional circumstances, which has happened in practice, when fixing teeth and financial assistance for children, meaning only for social and healthcare purposes, if necessary. Otherwise, we are very rigorous on the matter as we want to teach the prisoner to save and use money in a rational way. For instance, the prisoner is able to make a savings deposit in a bank for the entire amount.

¹⁶ Regular maintenance jobs refer to jobs involving maintaining cleanliness and order in premises and the surroundings of criminal justice system bodies, washing vehicles, painting, ancillary jobs in the laundry, kitchen, warehouse, prison workshop, prison shop and the like.

¹⁷ Workshops in criminal justice system bodies cover such jobs as agriculture, maintenance, metal and wood processing, stone exploitation, graphics, tailoring jobs, car repair jobs and technical inspection of vehicles as well as other jobs in the workshops.

¹⁸ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, pp. 56-57, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

¹⁹ The base rate for calculating a work wage is 20% of the gross base rate when calculating wages for state officials and employees.

²⁰ Croatian Government, Report on Conditions and Operation of Penitentiaries, Prisons and Juvenile Correction Facilities for 2019, p. 58, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

²¹ Article 85, Act on Serving Prison Sentences

In accordance with the law, prisoners who are older than 65 and have no income or are permanently work incapable are ensured a quarterly cash assistance equivalent to 20% of the multiple of the base wage for work and the job complexity coefficient of 1, which is sourced from the state budget. These prisoners are ensured cash assistance regardless of the length of their prison sentences, and which is renewed every three months.

The practice has shown that work undertaken within criminal justice system bodies is mostly based on various ancillary jobs which vary depending on the size and opportunities within a particular criminal justice system body. To engage a prisoner in work, he or she has to undergo a medical evaluation of their fitness for work, interests and motivation as well as earlier acquired skills. After determining their work competences, the criminal justice system body defines the need and the working position in which the prisoner can work.

The responses from interviews show that in most criminal justice system bodies we have talked to, there is a lot of interest in working and in most cases these bodies believe they can fulfill the prisoners' needs for filling a working position which suits their interests and skills. On the other hand, certain civil society organizations and independent institutions consider the opposite to be true – that work opportunities for prisoners are limited, given that jobs offered are based on simple ancillary jobs (II) and are mostly directed to sustaining everyday life and premises within the bodies, meaning that prisoners do not acquire skills to make them competitive on the labor market once they are freed from prison (CSO).

CSO: It often happens that prisoners want to work but have no opportunity to do so. Jobs that are offered are basic and do not lead to further opportunities, and the work does not enable prisoners to acquire skills that will help them on the labor market after release. Female prisoners at the Penitentiary in Požega can only do stereotypical women's work, such as cooking and sowing, which further discriminates them. Obsolete models of organizing work and training into which little investment is made lead to less motivation for changing one's behavior.

II: Regarding the types of professions, it involves those that are necessary for daily functioning – cooking, baking bread, washing clothes, horticultural work, work on outsourced production or sales.

II notes that persons with a higher education or university education, for instance a physician, are not able to work within the criminal justice system body in line with their acquired knowledge and skills. *Regulations stipulate which jobs persons deprived of freedom may be involved in (mostly the more simpler jobs, jobs in service and trade occupations, crafts and similar) and they may not be engaged in other jobs, regardless of the needs of the criminal justice system body, but there should be consideration of employing highly educated prisoners.*

Based on information obtained from the interviews, it becomes evident that when compared to penitentiaries, prisons have limited opportunities for prisoners to do work given that prisons typically house prisoners with relatively short prison sentences, have less capacities on premises, and there is a large fluctuation of convicted prisoners and prisoners in pre-trial detention, so in particular cases prisons are not able to organize adequate work arrangements.

As to the question of what happens with prisoners who want to work within a criminal justice system body, but there are no available working positions at a particular time, most stakeholders within the criminal justice system said that practically such situations exist, but they are resolved in various ways, from waiting lists to reduced working hours for all prisoners in order to ensure that everyone gets a chance to work.

Interestingly, there has been a positive step that particular criminal justice system bodies with whom we have spoken provide work even to those remanded in pre-trial detention as opposed to other bodies which we have interviewed, and which do not foresee any opportunities in providing work to prisoners in pre-trial detention. The reasons for engaging prisoners in pre-trial detention in BCJS in work are reduced capacities on premises and overcrowding of prisoners in pre-trial detention, on account of which they have received a recommendation from the Head Office to also include that category of prisoners in as many programs as possible, more specifically engaging them into some form of work. In the mentioned criminal justice system body, most of those engaged in work do so with outside employers with whom the body has a concluded agreement, which has become very well accepted within the community, given the fact that prisoners later on have been offered jobs by those same employers.

BCJS: We assign those accused with final convictions to all available working positions, because by law we have an obligation to rehabilitate them through working arrangements, whereas those in pre-trial detention are also involved due to their large numbers. In particular cases, pre-trial detention may last up to two years, so we believe they should be included in various activities to make time pass more quickly for them. Prisoners who work at an outside employer have been recognized due to their work, we have received positive feedback from the community for these types of work arrangements, meaning that prisoners are later offered employment by those same businesses.

Giving prisoners opportunities to gain employment in jobs outside of prison certainly contributes to their resocialization, given that such work offers them contact with the outside world and an environment with people who are not serving a prison sentence, which may have a positive effect on their social reintegration and preparation for living a free life.

Almost all interviewed stakeholders responded that in the lockdowns during the coronavirus epidemic, there were no significant changes with respect to work and work tasks taking place within the criminal justice system. Additional obligations meant that prisoners had to adhere to all epidemiological measures – wearing masks, disinfecting hands and social distancing as much as possible. The most important changes are evident in working arrangements outside of the criminal justice system and continuing work with employers, which due to safety and epidemiological reasons could not be continued.

B/ Prisoner training

Prisoner education, along with work and professional training represents the most important treatment procedures in achieving the purpose of serving a sentence i.e. the rehabilitation of prisoners, which also leads to reducing recidivism.²²

In accordance with the law, criminal justice system bodies organize primary school education for prisoners younger than 21 years of age and who have not finished primary school, whereas literacy education of the illiterate is provided to prisoners regardless of age. The types of education are determined in the individual prison sentence serving program, and depend on the prisoner's competences and interests, duration of the prison term, other circumstances which are important in fulfilling the purpose of the sentence as well as possibilities of the penitentiary and prison in organizing education. After completing education, the prisoner receives a certificate which must not indicate that the person received education in a penitentiary or prison.

²² Ministry of Justice and Public Administration, Prisoner Work and Professional Training, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/rad-zatvorenika-i-strukovna-izobrazba/6162>

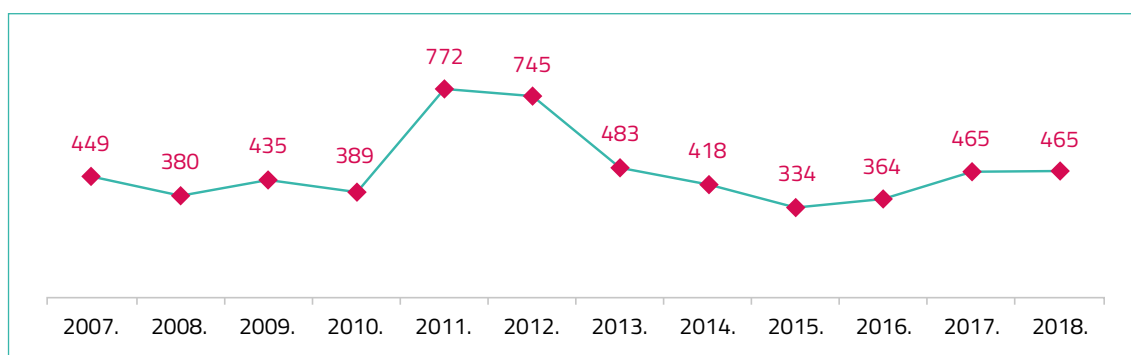
According to the Croatian Government Report on the Condition and Operation of Prisons and Juvenile Correction Facilities, the following forms of prisoner education are offered:

- Completion of primary school education for those younger than 21 years of age,
- Literacy education regardless of age,
- Training for basic, supporting jobs,
- Secondary school education for certain occupations,
- Various courses, and
- Ongoing commenced education at the level of secondary schooling, higher and university education, which is foreseen by individual sentence serving programs with the aim of facilitating social inclusion after release.²³

The Ordinance on Primary School Education and Vocational Training of Prisoners²⁴ stipulates that the training of prisoners implies regularly attending classes and that prisoners may receive their training by passing exams in consultative-instructional, correspondence-consultative or multimedia learning in accordance with provisions on adult education (Article 4). In other words, education can be undertaken in collaboration with external educational institutions. Education is provided by prison system personnel who have fulfilled conditions in accordance with the Primary School Act, Secondary School Act and accompanying regulations, or by external associates.

As a rule, training is organized for certain occupations in the penitentiaries (such as jobs involving preparation of grilled food, preparation of simple foods, burek and pizza, simple cooking jobs, simple bartender jobs, parquetry fitter, woodworker-carpenter, woodworker-cooper, pig and cattle breeder, fruit-grape grower, farmer-vegetable grower, metal structure assembler, computer operator, forklift operator, painter, welder, assistant bricklayer, machine and structure assembler, tractor driver), whereas if acquiring higher or university education, prisoners are given the opportunity to acquire such an education at their own cost if the program can be adapted to security reasons.²⁵

Given below is a graphical presentation of the number of prisoners and juveniles included in the education program in the period 2007–2018.



Source: Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 35, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

23 Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 35, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

24 Ordinance on Basic and Vocational Training of Prisoners (OG 113/02)

25 Croatian Government, Report on the State and Operation of Prisons and Juvenile Correctional Facilities for 2019, p. 36, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

The above graph shows that the number of prisoners included in the education program was greater in 2011 and 2012 after which the numbers fell dramatically. Also, in 2013, the number of prisoners included in the education program stagnated and was on average 421 prisoners per year.

The 2019 Ombudswoman Report pointed out that, based on data from the Ministry of Justice and Public Administration from 2018, ten prisoners, of which eight are women, do not have any basic reading and writing skills and/or do not have any knowledge of basic computer work, and 237 (11%) of prisoners have not completed primary school. Consequently, the ombudswoman recommends that, in accordance with Mandela's rules (rule no. 104), prisoners should be given the opportunity, regardless of their age, to receive free education and complete primary school education.²⁶

In practice, implementing education activities varies depending on the criminal justice system body, where based on the personal involvement of treatment officers, particular criminal justice system bodies regularly conduct education activities and literacy education for prisoners, while other bodies attribute less importance to this specific part of the general program. This is supported by statements from a civil society organization: *Certain criminal justice system bodies offer different schooling and work programs, and have established collaboration with various outside learning institutes – for example, the Prison in Split, thereby significantly widening opportunities for education and training in various occupations. The range of opportunities and established collaboration often depends on initiatives from employees and administration of the actual criminal justice system body. The Prison in Bjelovar, for instance, has enough prisoners who have retained their prior jobs and continue working in them while in prison. The openness for cooperation and motivation to advance is not present on a systematic level, but rather relies on leadership and motivated individuals within each criminal justice system body (CSO).*

Some of the comments from BCJS are: *We research the market and are then focus according to the identified occupations. For instance, we have noticed that the market lacks metalworkers, so then we direct our attention to professional training for the metalworking profession. The practice part of the course is held by lecturers, some of which are from Varaždin high school, while the rest are from our ranks. This takes place within the body of the criminal justice system. (BCJS)*

All stakeholders agree that completing education, literacy training and professional training is an important element in resocializing prisoners and gives them greater potential competitiveness on the labor market. Hence, II points out *the need to ensure education because resocialization cannot be successful for those prisoners who have not completed at least primary school. A certain number of prisoners have not completed primary school, so the criminal justice system body is perhaps their only opportunity to complete primary school or occupational training. A good example is collaboration established with the Public College in Karlovac, which has established excellent collaboration with the Penitentiary in Glina and offered everyone who has the motivation to complete primary school.*

In response to the question of challenges and obstacles in carrying out education activities within the criminal justice system body, particular participants in the research cited indifference and lack of motivation by prisoners to get involved in education (BCJS), with some noting an insufficient number of treatment officers and judicial police who must be present during any activity (II, CSO), and finding a school and college willing to carry out the activities in criminal justice system bodies (CSO). On the other hand, based on experience from another criminal justice system body, prisoner responsiveness and interest for education is quite large, but the problem lies in the limited number of attendees. In such cases, the body overcomes the problem by offering other educational programs in another criminal justice system body if they are being conducted at that particular time, or the interested prisoner is directed to partake in the education in the following calendar year.

²⁶ 2019 Ombudswoman's Report, March 2020, p. 148, accessible on: <https://www.ombudsman.hr/wp-content/uploads/2020/03/Izvešće-pučke-pravobraniteljice-za-2019.pdf>

What is noticeable is that several criminal justice system bodies conduct educational activities in terms of project activities provided by civil society organizations who have concluded partnerships with colleges. Thanks to this form of cooperation, BCJS has concluded a three-year agreement with the Public Open College in Karlovac directed to completion of primary school education, which is certainly an example of good practice.

Given the coronavirus pandemic, carrying out the educational activities was halted due to safety and health reasons and the potential breakthrough of the virus into criminal justice system bodies. A positive step was noticed in one of the bodies where attempts were made to adapt to the new and uncertain situation by organizing educational activities to take place remotely (online). For that purpose, CSOs equipped particular criminal justice system bodies with computers, while the bodies equipped the classrooms with projectors and an Internet connection in order to continue with the educational activities.

PA: The coronavirus pandemic will place conditions on future education models in the prison system. The expectation is that in the future, we will endeavor to organize as much online educational content for prisoners as possible by ensuring the appropriate platform for remote (distance) learning. Before that, the infrastructure in criminal justice system bodies must be tested, including development of organizational models, licensing of platforms and other technical issues.

C/ Organizing free time, pastoral work and practicing one's religion

Penitentiaries and prisons, based on their possibilities, should ensure the premises and equipment for purposeful use of free time and organize various types of sporting recreational, cultural arts and religious events.

Based on legal stipulations, prisoners have the right to practice their religion using their own religious literature and items for religious use, and also have the right to contact religious ministers of their own religious community.

Free time available to prisoners is organized to be spent in various workshops, such as the fine arts, technical, musical, literary, drama, journalism, information technology and other workshops, debate clubs, gyms and alike.

In 2019, various types of sporting recreational, cultural and religious events were held. Most of the activities refer to various sporting activities such as football, table tennis, basketball, badminton, chess, bowling or exercising in a gym.²⁷

²⁷ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, p. 25, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

The table below shows the number and types of activities involving free time available to prisoners and juveniles in 2019.

CULTURAL AND RELIGIOUS EVENTS	Concerts	21
	Theatre performances	6
	Events, exhibitions	52
	Galleries, museums	0
	Religious events	496
SPORTING EVENTS	Football (tournament)	35
	Table tennis (tournament)	50
	Basketball (tournament)	16
	Other (badminton, chess, basketball, bowling, weight lifting, gym)	900

Source: Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, p. 24, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

Regarding cultural events, prisons and penitentiaries organize concerts, meetings with writers and public figures, theatre events, music listening, journalism group, exhibitions, talks and forums on current events. Also, prisoners are able to purchase books, journals and daily print from the prison shop using their own money. In April 2019, criminal justice system bodies were actively organized marking the occasion of the Book Night event by holding various activities including reading excerpts from books, holding storytelling workshops, presenting literary works from prisoners and declaring the best readers among prisoners – those who had read the most titles during the year. Accordingly, most of the criminal justice system bodies had their lights left on longer allowing prisoners to read longer.²⁸

In the area of culture and education, very important is the role of civil society organizations that conduct various activities contributing to raising the quality of free time spent by prisoners. The important role of civil society within the prison system is testified by the fact that all bodies of the criminal justice system with which we spoke put exceptional emphasis on collaboration with associations in terms of spending free time and introducing structured content into general and special programs: from preparing prisoners for postpenal release, to developing parenting competences, arranging premises for children visits, strengthening family bonds between parents and children, direct psychological work with prisoners (anger management programs, counselling for addicts and their families), setting up various interactive workshops (cartoon and comic book workshops, fine arts workshops, creative writing workshops, setting up the book club), all the way to carrying out educational activities and procuring equipment. Prisoner interest is great and the associations receive positive feedback from them.

²⁸ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, p.25, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

Obstacles and challenges faced by civil society organizations are described in more detail in the section of the report titled "Challenges and obstacles in prisoner resocialization", but the greatest obstacle at the time of writing this report is that all associations have had their work suspended for the duration of the coronavirus epidemic. Therefore, since March 2020, the associations have not been able to enter the criminal justice system bodies, which has certainly had a negative effect on stakeholders: from prisoners who have been denied structured content to civil society organizations that are not able to implement their project activities, all the way to the fact that most of the activities have 'fallen' on treatment officers and the judicial police.

To overcome this problem, in cooperation with bodies of the criminal justice system as well as the Ministry of Justice and Public Administration, associations have devised an online approach in order to continue carrying out their activities. One such example is the reading club which has continued in one of the bodies where prisoners organized themselves despite the fact that association which otherwise runs the reading club has not been able to do so.

However, practice has shown that despite the work undertaken by criminal justice system bodies and certain civil society organizations which endeavor to supplement the content of free time spent by prisoners, there is still the problem of an insufficient number of organized activities in spending free time.

The 2019 Ombudswoman Report points out that significant limiting factors are premises and personnel. This is supported by a certain BCJS mentioning that *we have a lot of ideas what to do, but not enough personnel with whom to work. If systematized working positions were filled, we could achieve 50% more than what we are currently doing.*

Insufficient numbers of treatment officers and judicial police have been a problem within the prison system for many years, which will be further covered in the section of the report titled "Challenges and Obstacles in Prisoner Resocialization".

Another problem which occurs in practice is the status of prisoners in pre-trial detention while being imprisoned. Though the prisoners in pre-trial detention have the same rights as regular prisoners, activities intended for detained prisoners are very limited, meaning that they most often remain 22 hours a day in their cells, generally lying around or watching television. Therefore, prisoners in pre-trial detention *de facto* have worse conditions than convicted prisoners given that they are either totally denied participation in any such activities or participate in a significantly reduced volume and in a smaller number of activities. The response of criminal justice system bodies to this problem is an attempt to justify this under the presumption of innocence and the fact that for prisoners in pre-trial detention, specific prison sentence serving programs are not devised and such programs are the basis for organizing free time, work, education and carrying out other treatment procedures. On the other hand, it is evident that the practice of criminal justice system bodies concerning prisoners in pre-trial detention varies. So, there are some criminal justice system bodies in which detained prisoners are allowed to work, and other bodies that allow detained prisoners to participate in cultural, drama and musical events which are organized within a particular criminal justice system body.

According to international documents, including European prison rules, prisoners in pre-trial detention may be allowed to participate in organized activities together with other prisoners, so prisons should be guided by the mentioned rules and in situations when segregated activities cannot be organized, allow them to participate along with other prisoners.²⁹

29 2019 Ombudswoman Report, March 2020, p. 147, accessible on: <https://www.ombudsman.hr/wp-content/uploads/2020/03/Izveštaje-pučke-pravobraniteljice-za-2019.pdf>

It points out that existing programs within the prison system which are not specifically related to the nature of the committed offense, should also begin to be systematically applied for prisoners in pre-trial detention: *There is no reason why prisoners in pre-trial detention should not be allowed to participate in preventive programs, which offer the opportunity to adopt various knowledge and skills, such as those directed to improving communication skills, parenting skills and the like. In that case, they receive the benefit of that instead of being locked and lying in a cell 22 hours a day.*

D/ Supporting the preservation of family bonds

Preserving family bonds while serving out a prison sentence greatly contributes to reducing negative effects of long-term isolation and separation from the outside world. For resocialization to be successful, it is essential that prisoners and their families receive support from the entire community. All the more, "prisoners who remain in contact with their families while serving their sentence, will more easily accept life in prison as well as freedom after having served the prison term.³⁰ It is for this reason that when serving a sentence, it becomes necessary to strengthen family bonds in order to successfully cope with the challenges and stigma which is inherently part of living in freedom once outside of prison.

Prisoners are entitled to visits from family members twice a month and on holidays which last for at least one hour, while minors may visit their parents each week and on holidays.

According to research conducted by the association Parents in Action (Roda), it has been estimated that approx. 13,000 children in the Republic of Croatia each year for shorter or longer durations are separated from one or both parents due to the parent serving a prison sentence. Taking into account that children's visits to prisons can be traumatic and stressful for children, criminal bodies must meet the needs of children for additional assistance and support in an adequate manner, in order to help children maintain their relationship with the parent who is serving a sentence, in surroundings adapted to the child's development and needs.³¹

For this reason, the task of criminal justice system bodies is that premises used for visits should be adapted to children's needs (so called child friendly areas) where the interior is adapted to children and equipped with didactic content and games. Special attention should also be given to the interior of such premises with the use of lighter and lively colors, decorated with various pictures and cartoon characters from films, animals and alike, some of which the prisoners have prepared.³² An important role in this is given to civil society organizations who are continually contributing to improving conditions for the children of prisoners. Thanks to work and actions of associations, most criminal justice system bodies have succeeded in refurbishing premises to meet the needs of children and equipped them with various finishing touches. However, practice has shown that despite the endeavors of criminal justice system bodies and support from civil society associations in ensuring adequate child friendly premises, there are premises that continue to be in a poor state. All criminal justice system bodies must invest additional efforts in refurbishing premises and adapt them to children's requirements in order for their stay to be as least traumatizing as possible.

³⁰ Parents in Action - Roda: "Uninterrupted Relationship – A Bonding Parenthood Behind Prison Bars", accessible on: https://www.roda.hr/media/attachments/udruga/projekti/mame/povezujuce_roditeljstvo_iza_resetaka.pdf

³¹ Ibid, p. 5

³² Ibid, p. 8

CSO says: *The interior design of children's areas means that we raise the quality of visits and generate a feeling of dignity which consequently improves self-respect and a sense of responsibility. Through various direct and indirect activities, our intention is to strengthen family bonds because the family and family support are one of the strongest protective factors of reintegration and rehabilitation.*

Despite the coronavirus epidemic, on account of which associations have not been able to work with prisoners, certain associations in collaboration with criminal justice system bodies have designed and refurbished waiting rooms, visit areas and areas for conducting special treatment programs (BCJS).

Also, the CSO cites that despite the inability to enter criminal justice system bodies, it has continued to organize accommodation (in the form of organized stays or therapeutic communities) for particular prisoners who have received approval for parole and establish contact with their families. *We have positive examples where we succeeded in resolving all issues over the telephone and have been able to accommodate a prisoner in the "Halfway House".*

Also, association Parents in Action (Roda) in cooperation with UNICEF office in Croatia and the Directorate for the Prison System and Probation have refurbished premises for children to visit their incarcerated parents and have installed so-called videoconferencing with the help of digital technologies, by creating virtual rooms in 13 bodies operating within the criminal justice system via the Pexip software platform.³³ It is these videocalls that have become a key tool during the epidemic, which will be addressed later on.

In Croatia, approx. one third of all prisoners are parents with minor children.³⁴ According to data for 2019, a total of 1,580 parents of minor children were serving prison sentences, mostly fathers (1,464), whereas during that year prisoners and juvenile parents serving a prison sentence, juvenile prison or correction measures of referring perpetrators to a juvenile correction facility had altogether 3,271 children. According to the same data, only 33% of minor children visited their parent in prison.³⁵

³³ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 39, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

³⁴ Ombudswoman for Children, Commencement of the June Campaign for Children Whose Parents Are in Prison, 29 May 2020, accessible on: <http://dijete.hr/pocinje-lipanjaska-kampanja-za-djecu-ciji-su-roditelji-u-zatvoru/>

³⁵ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 39, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

The table below shows visits by minor children in 2019.

VISITS BY MINOR CHILDREN IN 2019	Prisoners		Juvenile prison		Juvenile correction facility		TOTAL	
	M	F	M	F	M	F	M	F
Number of prisoners and juveniles who have minor children	1148	116	3	0	3	0	1464	116
Number of minor children of prisoners and juveniles	3023	238	6	0	4	0	3033	238
Number of parents who had at least one visit from a minor child	583	55	0	0	2	0	585	55
Number of minor children who came to visit a prisoner or a juvenile	959	115	0	0	35	0	962	115
Number of minor children visits to prisoners and juveniles	4868	263	0	0	65	0	4874	263
Number of children younger than 3 years of age who in 2019 were with their mothers in the Penitentiary in Požega	0	3	0	0	0	0	0	3

Source: Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, p. 27, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

Though the year 2019 saw an increase in the number of child visits to parents serving prison sentences, there continues to be a high percentage of children who do not visit their parents. The reason is the distance of criminal justice system bodies from the family's place of residence, including the family's material conditions, interpersonal family relationships as well as decisions by prisoners as to the child coming to the prison. The research conducted by the Roda association at the Prison in Požega shows that 50% of prisoners answered that their children do not visit them because their families cannot afford the travel arrangements.³⁶ Another problem which families face is the waiting prior to the actual visit. Specifically, families often wait for hours prior to entering a criminal justice system body, and in some bodies the wait takes place out in the open under all weather conditions. In addition to these problems, there are also problems associated with too short visits, unsuitable rooms in particular criminal justice system bodies for children's needs, limited manner of communicating, the searching of children as well as inadequate support from the Social Welfare Center, schools, foster parents and insensitive media reporting of cases in which children are involved.

CSO: Visit times and entry procedures are inflexible and stressful, waiting prior to the visit is long and unnecessary, rules for contact with the outside world are limited. A greater number of opportunities should be offered for maintaining contact between children and parents. This involves easing established procedures

³⁶ https://www.roda.hr/media/attachments/udruga/projekti/mame/povezujuce_roditeljstvo_iza_resetaka.pdfh
Parents in Action - Roda: "Uninterrupted Relationship – A Bonding Parenthood Behind Prison Bars", accessible on: https://www.roda.hr/media/attachments/udruga/projekti/mame/povezujuce_roditeljstvo_iza_resetaka.pdf

and routines. Children's visits are of a short duration (though the law does allow for up to three-hour visits, this rarely happens), hence a short visit of 15 minutes (pre-trial detention) or 30-60 minutes means that a parent and children undergo strenuous and often expensive travel arrangements.

All these circumstances additionally effect the further psychophysical development of children given that separation from one or both parents in a child's life often brings with it stigma, a sense of shame and social exclusion.³⁷ Therefore, it is essential that the community is ready to meet the needs and support children who encounter such challenges when a parent is serving a prison sentence. Having identified this problem, associations continue carrying out various activities to strengthen parental competences, maintain and encourage contact with families and children, and also activities to raise awareness of this problem. One such activity involved producing a cartoon film which shows the experiences, difficulties and needs of children whose parents serve prison sentences, as well as advising in what way parents can tell their children that the parent has to go to prison (CSO).

CSO: We organize individual counselling and workshops on the topic of strengthening parent, partner and personal resources for ex-prisoners and perpetrators of offenses and improving the quality of relationships in families of ex-prisoners because in a large number of cases, it has been shown that family relationships are broken and there is a need to improve the quality of communication and work on oneself. Using brochures, manuals, workshops and individual counselling, we want to help persons handle symptoms stemming from uncomfortable emotions towards ex-prisoners and perpetrators of offenses. One of the problems in working with the perpetrators of offenses is how to talk to their children about serving a prison sentence. For that purpose we have created a brochure with advice and guidelines in order to overcome these problems. This is often the topic of our workshops.

When it comes to preserving the family bond with a partner of a person serving a prison sentence, a number of problems appear with respect to having visits with a spouse or extra-marital partner in special areas without supervision. Additionally, criminal justice system bodies continue to lack proper areas for stays with spouses or extra-marital partners without supervision. For this reason, all such bodies must invest additional efforts to prepare special areas and adapt them to stays for prisoners with their spouse or extra-marital partner. A positive example is the Prison in Šibenik which, despite lacking areas, has prepared an appropriate area and commenced with approving conjugal visits.³⁸ Another problem is that due to a lack of such visits, prisoners and their spouses are prevented from having children, which in some cases is one of the main reasons for divorce, and possibly limiting rights to respecting private and family life. The Ombudswoman's Report states that research has shown the significant positive effect of stable family relationships and social relationships in reducing the risk of repeating offenses and the risk of committing suicide and self-harm during stay in prison. Therefore, to achieve the mentioned goals, all criminal justice system bodies should be encouraging the preservation of family relationships.³⁹

³⁷ Ombudswoman for Children, Commencement of the June campaign for children whose parents are in prison, 29 May 2020, accessible on: <http://dijete.hr/pocinje-lipanjka-kampanja-za-djecu-ciji-su-roditelji-u-zatvoru/>

³⁸ 2019 Ombudswoman Report, March 2020, p. 144, accessible on: <https://www.ombudsman.hr/wp-content/uploads/2020/03/Izvješće-pučke-pravobraniteljice-za-2019.pdf>

³⁹ Ibid, pp. 147-148

E/ Preparation for release and assistance after release (postpenal reception)

Preparing prisoners for release is an integral part of the individual prison sentence serving program and already begins with the arrival of the prisoner to the criminal justice system body. During the serving of the sentence, these bodies are obliged to undertake everything to make sure life in prison is as similar as possible to the general living conditions. For this reason, penitentiaries and prisons assist prisoners in removing harm inflicted due to the perpetrated offense as well as encourage and help them in making peace with victims of offenses. When serving the sentence, prisoners are encouraged to develop a sense of personal responsibility and strengthen their social skills for the purpose of preparing, as best as possible, for a life of freedom.⁴⁰

During the serving of a prison sentence, penitentiaries and prisons prepare prisoners for living in freedom in cooperation with institutions, other legal persons⁴¹ and associations, whereby the process is intensified no later than three months prior to release when the prisoner is included in individual or group counselling work.⁴²

After being released to a free life, for the purpose of getting help and assistance, the prisoner may contact the competent sentencing judge with whom the Social Welfare Center collaborates in order to undertake the necessary measures⁴³ or the probation office to provide assistance. Even though post-penal reception covers all interventions for providing help to released prisoners in overcoming the stigma and numerous obstacles encountered when freed, very often such assistance is not sufficient.

Given that the lack of support to convicted prisoners after release from prison is one of the most significant risk factors for recidivism, institutional collaboration is crucially important in improving the post-penal system.

PA: The purpose of serving a sentence will be achieved when post-penal protection / acceptance becomes a standardized procedure viewed as the responsibility of the entire community. Whenever possible, the plan for making preparations for release and providing assistance after release requires including as many stakeholders as possible: criminal justice system bodies, probation offices, state institutions, public services, local community bodies, non-government organizations and other institutions.

Our interlocutors from PA and some CSOs believe that intensive work on postpenal reception should begin much earlier, and not three months prior to release so that prisoners can much more easily and quickly integrate into the community when gaining their freedom again.

CSO: There is probably a need for the preparation to last three months or more. Perhaps it would be more useful to commence preparations earlier given that treatment procedures are exceptionally important. The ex-prisoners themselves, when in the phase of postpenal reception, come for counselling to us, they say that they find the treatments useful and have learnt a lot during those groups and treatment work.

⁴⁰ Article 12, Act on Serving Prison Sentences

⁴¹ Article 13, Act on Serving Prison Sentences

⁴² Article 164 of the Act on Serving Prison Sentences

⁴³ Article 165 of the Act on Serving Prison Sentences

In social welfare centers, prisoners are entitled to receive information on the rights and services and they have the right to overcoming communication difficulties, assistance in identifying needs as well as assistance in selecting rights and services from the social welfare system (Croatian Government, Report of the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 41, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf).

Based on estimates from the Directorate for the Prison System, there are about one hundred prisoners a year who face the problem of accommodation and organizing their lives after having served their sentence or during their time on parole, meaning that they require intensive assistance and support.⁴⁴ One of the greatest problems is that prisoners do not have anywhere to return to because they do not have family or their families refuse to accept them, while it is not advisable that they return to the environment from which they came as it may have a criminogenic effect on them. Hence, for these persons, it becomes opportune to accommodate them in new surroundings, which incentivizes them. In that process, an important role is attributed to the Directorate for the Prison System which collaborates with relevant institutions and, along with civil society organizations, undertakes activities directed to strengthening postpenal reception.

CSO: Work on postpenal reception is beneficial during the actual prison term because it not only creates a professional relationship but also a human relationship on account of which prisoners feel more secure and open. They know that there is someone they can contact after being released.

To overcome this transitional period between life in prison and a free life in society, a community housing project has been initiated, financed by the European Social Fund called "Halfway House", in which ex-prisoners are offered suitable accommodation and a structured program to help them find housing, employment, psychosocial assistance, learn to accept personal responsibility and also social integration. The court decides on directing prisoner released on parole to the housing community, but also prisoners who after having served their sentences cannot return to their families or do not have secured housing. The planned duration for this form of housing is six to twelve months (CSO).

CSO: A frequent problem facing ex-prisoners is that while in prison they find themselves in a system that is too large and too predictable, and after leaving prison (even those who had functioned very well in prison) they simply lose their way. That is why our goal is to have a structure within the residential community, not as strict as in prisons, to ease that transition. All tenants, besides having psychotherapy sessions, also participate in various workshops for acquiring communication skills, anger management skills, skills related to seeking employment, resolving administrative issues and the like, while during that time we endeavor to link them up with their families through informal and therapeutic talks.

In situations when accused persons have no permanent or temporary place of residence, criminal justice system bodies collaborate and contact the local Social Welfare Center where the penitentiary or prison is located, and where the prisoner's place of residence is then registered. One of these bodies has asserted that it has good relations with the local Social Welfare Center, given that without registering the prisoner's place of residence, the prisoner would not be able to receive certain benefits and gain certain status rights. A positive example cited by another criminal justice system body is good cooperation with the faith community providing postpenal reception of prisoners in cases involving approved parole for prisoners who do not have their own temporary or permanent place of residence.

⁴⁴ Pet Plus association, The First Halfway House has Opened in Croatia, 31 December 2019, accessible on: <https://petplus.hr/otvorena-je-prva-kuca-na-pola-puta-u-hrvatskoj/>

F/ Special treatment program

Special treatment programs are conducted with the aim of reducing the risk of repeating perpetration of offenses and eliminating psychological difficulties among prisoners by directly acting on dynamic criminogenic factors, which is done for specific groups of prisoners who have an addiction to drugs or alcohol, are violent delinquents, sexual delinquents, perpetrators of traffic offenses and the like.⁴⁵

The mentioned treatments can be implemented in groups, but also individually using various psychosocial and pedagogic interventions. Special treatment programs are part of the individual prison sentence serving programs and are not obligatory. In addition to a prison sentence, the presiding court may impose additional security measures, obligating the particular criminal justice system body to include the prisoner in special programs, but the prisoner may decide against participating in them.

PA: Treatment is the umbrella program of all other particular programs implemented in the prison system. They are directed to mitigating the risk of committing again an offense by attempting to change the criminogenic factors acting as the underlying causes of criminal behavior. Besides implementing mandatory security measures imposed by the courts, participation in all other special programs is voluntary. Therefore, while serving the sentence, the most important task of the prison system is to maintain prisoners "alert" and motivated for change and offer them assistance in changing the manner of their thinking, attitudes and behavior.

In prisons, penitentiaries and juvenile correction facilities, the following programs are implemented: drug addiction treatment (PORTOs), alcohol addiction treatment (TALK), treatment for perpetrators of violent crimes (NAS), treatment for perpetrators of sex crimes (PRIKIP), treatment of prisoners diagnosed with post-traumatic stress disorder (PTSD), treatment for prisoners how have committed traffic offenses and treatment for social skills (JUST-TSV). There are also educational-developmental programs, conducted with the aim of bringing on behavioral changes in order to improve quality of life of the prisoners as well as that of their narrower and wider social environment – "Prisoner as Parent" and "Driver – Safety Factor in Traffic".⁴⁶

Therefore, by eliminating risk factors and gaining insight into one's behavior, the aim of these programs is to influence changes in the prisoner's behavior, attitudes and values, in order to align the prisoner's behavior with norms and laws once they are released from prison. On the other hand, these programs directly affect the purpose of serving prison sentences.

In 2019, individual addiction treatment was conducted with 171 prisoners, and individual drug addiction treatment was conducted with 244 prisoners. In the frame of individual treatment with a psychiatrist, a total of 17 prisoners were treated for gambling addiction, i.e., problems related to gambling.⁴⁷

BCJS: Prisoners are being motivated to get involved in some of the programs. They are organized on the principle of behavioral-cognitive therapy. They also last a certain duration. Training for anger management lasts ten weeks and takes place in three workshops. But some of the programs, e.g. working with addicts, is done on the principle of the Clubs of Alcoholics in Treatment where the aim is to maintain abstinence. After

⁴⁵ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2018, p. 41, accessible on: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-01-03/162702/IZVJESCE_KAZNIONICE_2018.pdf

⁴⁶ Ministry of Justice and Public Administration, Directorate for the Prison System – Treatment Sector, 7 February 2017, accessible on: <https://pravosudje.gov.hr/vijesti/uprava-za-zatvorski-sustav-sektor-tretmana/14279>

⁴⁷ Croatian Government, Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, p. 29, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

completing addiction treatment, they join abstinence workshops. Prisoners are evaluated on a monthly and tri-monthly basis. The success of particular sentence serving programs is evaluated and the evaluation is used as the basis for providing certain benefits. We have to be conscious of the fact that they are all there involuntarily because no one comes to prison to improve him/herself; they are here because they have to. Most of them are not even aware of the difficulties they are facing, their responsibilities, consequences of their behavior. This is a space where one must work in the frame of serving a prison sentence. To help persons become aware of their actual problems and what area they should be working on.

G/ Healthcare and maternity protection

The right to healthcare and maternity protection is one of the basic prisoner rights. Healthcare is offered to prisoners in outpatient clinics within penitentiaries and prisons and, when necessary for medical checkups or hospital treatment, prisoners are sent to the Prison Hospital in Zagreb. If it involves urgent cases or cases in which treatment or an examination cannot be done within the prison system, the prisoner is sent to a public hospital.⁴⁸

Prisoners are entitled to healthcare to the extent covered by compulsory medical insurance under the condition that the prisoner has a compulsory medical insurance, while for those prisoners who do not have medical insurance the cost of medical treatment is covered by criminal justice system bodies.⁴⁹ The Human Rights House Zagreb has over a long number of years been bringing attention to the problem of access to primary healthcare which is primarily a consequence of the lack of medical personnel, resulting in the untimely provision of medical services. For some healthcare examinations, prisoners wait a number of weeks or even months, and must bear the cost of transport to the respective healthcare institutions.⁵⁰ Additionally, the Ombudswoman Report highlights the increase in complaints due to prisoners not being referred to specialist checkups or the failure to act in line with the recommendations of medical specialists.⁵¹ Not even in 2019 has the Act on Compulsory Healthcare Insurance been amended with the aim of enabling contracts on the provision of healthcare between physician surgeries and prison system institutions. An insufficient number of physicians, especially psychiatrists, is especially alarming.⁵²

48 Ministry of Justice and Public Administration, Rights of Prisoners and Their Protection, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/prava-zatvorenika-i-njihova-zastita/6158>

49 Ministry of Justice and Public Administration, Rights of Prisoners and Their Protection, accessible on: <https://pravosudje.gov.hr/zatvorski-sustav/prava-zatvorenika-i-njihova-zastita/6158>

50 Human Rights House Zagreb, Human Rights in Croatia: Overview of 2019, March 2020, para. 80-81, accessible on: https://www.kucaljudskihprava.hr/wp-content/uploads/2020/04/KLJP_godisnjelzvjescce2019_web.pdf

51 2019 Ombudswoman Report, March 2020, p. 141, accessible on: <https://www.ombudsman.hr/wp-content/uploads/2020/03/Izvješće-pučke-pravobraniteljice-za-2019.pdf>

52 Human Rights House Zagreb, Human Rights in Croatia: Overview of 2019, March 2020, para. 80-81, accessible on: https://www.kucaljudskihprava.hr/wp-content/uploads/2020/04/KLJP_godisnjelzvjescce2019_web.pdf

3.1. Coronavirus epidemic

The onset of the COVID-19 epidemic in 2020 also affected the prison population as well as rights and benefits which prisoners enjoy. The Croatian Ministry of Health declared on 11 March 2020 the COVID-19 disease epidemic caused by the SARS-CoV-2 virus⁵³, after which the Civil Protection Headquarters started implementing measures limiting human rights and basic freedoms (banned gatherings, movement, introduced limitations to work hours and public transport as well as other measures), with the aim of preventing the spread of the infectious disease. This also had an effect on the prison system.

The Ministry of Justice and Public Administration, in accordance with the recommendations of the Croatian Institute of Public Health and the National Civil Protection Headquarters, on 16 March passed health protection measures for all incarcerated persons and prison personnel, which limited the rights to prison visits. In exceptional circumstances, visits may be allowed solely upon special approval of the prison warden when necessary in order to protect prisoner rights in court proceedings or in other unforeseeable cases (e.g. death of a family member, extreme weather and the like). The opportunity for prisoners to temporarily leave criminal justice system bodies to visit the town/place where the penitentiary or prison is located or their place of residence was not allowed, all activities otherwise undertaken by civil society organizations in such bodies were halted, and the use of video calls with the relevant courts was intensified.⁵⁴ Sending prisoners to work outside of criminal justice system bodies was also halted, and protocols were established for prisoners to receive packages in criminal justice system bodies.

To mitigate harmful psychological consequences of the stated measures and facilitate maintaining contact between prisoners and members of their families, especially with their children, prisoners received approval for longer and more frequent telephone calls, and opportunities to make video calls were expanded with the support of UNICEF. Additionally, the Ministry of Justice and Public Administration also states that prisoners were allowed more frequent stays outside in fresh air, in accordance with possibilities that the criminal justice system bodies were able to provide, as well as that activities of the structured and purposeful use of free time by prisoners were intensified.⁵⁵ According to the official Recommendations of the Croatian Institute of Public Health of 26 March, prison system bodies were recommended to cancel prisoner group activities within institutions or organize such activities while adhering to social distancing so that the group does not have more than five persons (for group therapy, recreational activities, work therapy, meals), and that this kind of work is organized in as large as possible areas or out in the open so that persons are positioned as far as possible from one another.⁵⁶

⁵³ Decision of the Minister of Health on declaring the epidemic of COVID-19 disease caused by the SARS-CoV-2 virus from 11 March 2020, Reference: 011-02/20-01/143, no.: 534-02-01-2/6-20-01

⁵⁴ Ministry of Justice and Public Administration, Prison System Measures from 14 March to 1 April 2020, 16 March 2020, accessible on: <https://pravosudje.gov.hr/vijesti/mjere-u-zatvorskome-sustavu-od-14-ozujka-2020-godine-do-01-travnja-2020-godine/21710>

⁵⁵ Ministry of Justice and Public Administration, Prison System Measures and Activities Directed to Preventing the Spread of Coronavirus, 25 March 2020, accessible on: <https://pravosudje.gov.hr/vijesti/mjere-i-aktivnosti-u-zatvorskome-sustavu-usmjerenje-prevenciji-sirenja-koronavirusa/21722>

⁵⁶ Croatian Institute of Public Health, Instructions for Preventing and Combatting the Coronavirus Epidemic within Prison System Bodies, 26 March 2020, accessible on: <https://pravosudje.gov.hr/UserDocImages/slike/novi%20osj/Postupnik-Zatvorski-sustav.pdf>

Also, protocols have been established for situations when prisoners showed respiratory tract difficulties and/or other symptoms that may indicate the onset of the disease, while every criminal justice system body set aside special rooms for isolation of persons with symptoms indicating the onset of the disease.⁵⁷ Regarding social distancing within prisons, the recommendation is to maintain a distance of at least two meters in closed spaces and one meter in open spaces between persons when talking and during social interaction, as well as avoiding close contact with anyone showing symptoms of an acute respiratory illness.⁵⁸ From 25 May, criminal justice system bodies began the first phase of easing the measures aimed at preventing the transmission and combating the coronavirus epidemic. Access to those bodies for the purpose of visiting prisoners is allowed but subject to the wearing of protective equipment (masks and gloves). The number of visitors a prisoner may receive is limited to a maximum of two adults, whereas the maximum is four persons (two adults and two children) for prisoners who are parents. It was mandatory to measure the body temperature of all visitors at the entrance to criminal justice system bodies using a contactless thermometer. During stays in criminal justice system bodies, visitors are required to use personal protection (masks and gloves), as well as disinfectant for hands and footwear located at the entrance to visitor premises. During such visits, physical contact between prisoners and their visitors is not permitted, while visitor premises must be disinfected in the time between each group of visitors.⁵⁹

3.2. Maternity protection

In accordance with provisions on maternity protection in the Act on Serving Prison Sentence, pregnant women and mothers with their child whom they had given birth to while serving a prison sentence are to be ensured comprehensive healthcare in relation to the pregnancy, birth and maternity.⁶⁰ In other words, this implies that their healthcare should be brought to levels equivalent to healthcare in the public healthcare system in terms of access to medical services available within the country. Though today all medical checkups are performed within healthcare institutions, a few years ago female prisoners testified to the practice of pregnant women in the Penitentiary in Požega having to take vaginal swabs themselves in the penitentiary toilet facilities and keeping them for a number of days, resulting in false positive results in laboratory diagnostics. However, thanks to intervention from the Ombudswoman Office and healthcare inspections in all criminal justice system bodies, this practice has been discontinued.⁶¹

The Act on Serving Prison Sentence stipulates that pregnant women, prior to giving birth, stay six weeks in the maternity ward, and after that in the ward for mothers with child up to their third year of life. Pregnant prisoners and those that are mothers with a child are entitled to weekly visits from family

⁵⁷ Ministry of Justice and Public Administration, Prison System Measures and Activities Directed to Preventing the Spread of Coronavirus, 25 March 2020, accessible on: <https://pravosudje.gov.hr/vijesti/mjere-i-aktivnosti-u-zatvorskome-sustavu-usmjerene-prevenciji-sirenja-korona-virusa/21722>

⁵⁸ Croatian Institute of Public Health, Instructions for Preventing and Combatting the Coronavirus Epidemic within Prison System Bodies, 26 March 2020, accessible on: <https://pravosudje.gov.hr/UserDocsImages/slike/novi%20osj/Postupnik-Zatvorski-sustav.pdf>

⁵⁹ Ministry of Justice and Administration, First Phase of Easing Measures in the Prison System, 23 May 2020, accessible on: <https://pravosudje.gov.hr/vijesti/prva-faza-ublazavanja-mjera-u-zatvorskome-sustavu/21970>

⁶⁰ Article 111 of Act on Serving Prison Sentence

⁶¹ Parents in Action – RODA, Ines Sučić, Marija Knežević i Marijana Matijaš, Mothers in Prison – Between Stipulated and Achieved Rights, accessible on: https://www.roda.hr/media/attachments/udruga/projekti/mame/MAME_Sucis-Knezevic-Matijas-Majke-u-zatvoru.pdf

members.⁶² However, if the mother gives birth to her child prior to serving the sentence, she cannot take the child with her, and if she is sent to serve a prison sentence while pregnant, the child remains with the mother until the child reaches three years of age the latest, after which the Social Welfare Center takes measures necessary for accommodating the child. The problem here is that the mother and child are separated when the child reaches three years of age, regardless of how much longer the mother is required to serve the term of her prison sentence. This situation reflects rigidity of the penal system, and the situation is even worse when the mother gives birth prior to commencing a sentence in a criminal justice system body, because then she does not have the opportunity to take the child with her at all.⁶³

BCJS: There is always an effort, if in any way possible, to try and find a way to release the female prisoner on parole at the time of the child's third year of life or somewhat sooner. It has been known to happen that due to a longer sentence, this has not been possible. In that case, the child is taken by the father or a member of the family or ultimately, in cooperation with the Social Welfare Center, the child is placed with a foster family or in a children's home.

Given the fact that separating a minor child from its mother after reaching three years of age is exceptionally stressful, not only for the child but also the mother, criminal justice system bodies prepare the child and mother for the separation. The child is taken to a county general hospital to see a psychologist, whereas the mother is prepared from the start, given that based on the individual prison sentence serving program, the necessary course of action is already known in advance (BCJS).

Pregnant women and those women who have given birth while serving their sentence, serve their sentence in the Penitentiary in Požega in the maternity ward. Depending on the mother's desires, the child may attend the local children's nursery while the Social Welfare Center supervises the child's development and wellbeing, in order for the child to achieve social inclusion with its peers. The criminal justice system ensures that pregnant women and mothers who have given birth while serving a sentence receive the necessary items – children's clothes, nappies, food, children's hygiene items, creams, wet wipes, toys and other essential items. If mothers have special needs in terms of cosmetics and other hygienic items or children's toys, they can order them at the small shop in the penitentiary (BCJS). In 2019, the Maternity Ward had a total of three female prisoners with children.⁶⁴

62 Article 111 of Act on Serving Prison Sentence

63 Parents in Action – RODA, Ines Sučić, Marija Knežević i Marijana Matijaš, Mothers in Prison – Between Stipulated and Achieved Rights, accessible on:
https://www.roda.hr/media/attachments/udruga/projekti/mame/MAME_Sucis-Knezevic-Matijas-Majke-u-zatvoru.pdf

64 Croatian Government, Report on the Condition and Operation of Penitentiaries, Prisons and Juvenile Correction Facilities for 2019, p. 26, accessible on:
https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf



4. Examples of good practice

A/ The UZOR Community

BCJS: *It is a way of serving a prison sentence in terms of a basic program with somewhat different rules and working model in which all general and special sentence serving programs are implemented. The important aspect is that fifty prisoners do not reside one next to the other in a single ward, but they actually function as a single community with a clear structure and norms.*

The UZOR Community (U – “*uspjeh*” or success, Z – “*zajedništvo*” or community, O – “*odgovornost*” or responsibility, R – “*rad*” or work) is a pilot project begun in November 2017 in six bodies of the criminal justice system – Penitentiary in Lepoglava, Penitentiary in Glina, Treatment Ward for prisoners at the Penitentiary and Prison in Požega, Prison in Zagreb, Penitentiary in Lipovica-Popovača and the Penitentiary in Valtura. The UZOR Community is a means of organizing the life of prisoners while they serve their prison sentences, thereby encouraging the development of social skills, ability to make autonomous decisions as well as assume personal responsibility for making decisions. Also encouraged is the full activity of prisoners through work, maintaining common areas and other activities to supplement their everyday life while serving out their sentences. The main goal of the community is the resocialization of prisoners through the acquisition of knowledge, skills and system of values which will help them continue living in freedom in accordance with social rules.⁶⁵ The UZOR Community has its own Committee for Prisoner Admission, Committee for Coliving and Committee for Activities. Each of the prisoners has their own responsibilities and assigned tasks which they need to observe. To become eligible to join the UZOR Community, the prisoner must fulfill previously determined criteria – success in completing the individual prison sentence serving program, readiness to change one’s behavior, willingness to cooperate, but it also depends on the actual evaluation by the professional team as to what extent the individual prisoner is willing to adhere to community rules (BCJS).

BCJS: *The task of the Committee for Prisoner Admission is to accept each new prisoner in the Community, explain the rules to the prisoner, and the like. The Committee for Activities takes care that each prisoner is included in as many activities as possible. Their structure includes a president, secretary, they hold regular meetings to discuss and reach agreement on matters, they are divided into groups in which they have their own work tasks, and they have a leader. They themselves maintain the room in which they stay – everyone knows whose task it is to maintain the living room, kitchen. Prisoners take turns in these tasks. They themselves choose a president in democratic elections (anonymous voting in boxes). They are encouraged to be autonomous in making decisions and assuming responsibility for the consequences of their decisions. All the more, prisoners are encouraged to autonomously organise certain activities, e.g. if someone speaks English, then this person will organise a workshop for learning English. The point is that efforts are made to structure the day for prisoners as much as possible given that often they have not learnt to adapt to structures, which is one of the problems they encounter.*

BCJS: *When problems occur within interpersonal relationships, this is where the Committee for Coliving comes*

⁶⁵ Ministry of Justice and Administration, UZOR Communities Marking the First Year of Implementing the Project, accessible on: <https://pravosudje.gov.hr/zajednice-uzor-obiljezavaju-prvu-godinu-provodjenja-projekta/21052>

in. The Committee for Coliving endeavors to resolve such problems. This has shown to be useful. If more serious problems arise, prison officials decide on the steps to take. The relocating of prisoners has occurred in the past, but this is not the usual approach.

A great majority of stakeholders with whom we have spoken have highlighted the UZOR Community as the most important example of good practices in the resocialization of prisoners, given that the UZOR Community facilitates creating a psychosocial climate which is encouraging for prisoners, providing a strong motivator for behavioral changes in line with social norms. Evaluation of the project after the first six months has shown that the UZOR Community is successful because prisoners have more easily coped with serving their prison sentences, and it has helped prison officials undertake everyday activities with prisoners.⁶⁶

B/ Video calls

As already mentioned in the earlier section of the report, an exceptionally successful example of good practices is the introduction of video calls for prisoners enabling them to communicate with families and the outside world. Though the project run by Roda in collaboration with the UNICEF office in Croatia and the Directorate for the Prison System was first envisaged as a means of establishing prisoners' contact with their children, during the COVID-19 epidemic this possibility was extended to include all prisoners. Video calls have become a key tool for prisoners in maintaining contact with their children and other family members, which in turn has mitigated harmful psychological consequences due to the banning of visits. An additional factor is that criminal justice system bodies have shown a willingness to continue with this manner of communication even after the epidemic.

BCJS: Video calls have been of great help during the coronavirus crisis. They have been initially devised to establish contact with children, but they were also extended to replace banned visits during the coronavirus crisis. Extended in general to make contact with families, which will continue until further notice. An excellent way of communicating.

BCJS: We have many foreigners in our criminal justice system bodies as well as prisoners whose families are financially disadvantaged, on account of which they cannot come and visit, so the video calls enable them to remain in contact.

However, though the mentioned communication tool certainly facilitates bonding with family members and maintaining regular contact, one should be aware that not all families of prisoners have the technical capacity or technical know-how to make video calls. Specifically, some family members of prisoners perhaps do not have smart devices or computers, or do not have access to an Internet connection, meaning that these families are not able to participate in this form of communication.⁶⁷

⁶⁶ Ministry of Justice and Administration, UZOR Communities Marking the First Year of Implementing the Project, accessible on: <https://pravosudje.gov.hr/zajednice-uzor-obiljezavaju-prvu-godinu-provodjenja-projekta/21052>

⁶⁷ Though the project recommendations envisage that families who do not have capacities for establishing video calls should contact the specific criminal justice system body or Parents in Action (Roda) in order to organize conditions for making video calls (through the Social Welfare Center, civil society organizations, city library in the local community), there have not been such requests to date.

C/ Cooperation between civil society organizations and criminal justice system bodies

Since 2017, the prison system has had programs and projects run by associations financed from a share of the revenue from lottery games allocated to the Ministry of Justice and Public Administration. However, besides programs and projects financed from the budget of the Ministry of Justice and Public Administration, civil society organizations operate within the prison system by running activities financed from other sources, relating to various areas, such as: Improving the life skills of prisoners and juveniles, creative development, development of knowledge and skills, working with drug and alcohol addicts, participating in the rehabilitation of prisoners-addicts and postpenal reception and treatment of addicts, support for developing and maintaining relationships between prisoners and their families – especially their children, psychosocial support, personal growth and development, as well as spiritual renewal.⁶⁸

CSO: Prisoners feel that it is important that someone comes from outside and works with them because then they do not feel as though the outside world has excluded them, and I think that the role of civil society is important in this regard, to raise the quality of spending their time and to socialize with them in certain activities.

Criminal justice system bodies and civil society organizations with whom we have spoken highlight the good collaboration which is primarily reflected in the good responsiveness of prisoners due to the content and activities offered to them. *Associations have really gotten involved in the system, especially in the last few years. Associations as such relieve us of some of the burden concerning implementing some parts of the programs, offering their qualities and content which is definitely an example of good practices. They indeed ease a part of everyday life of prisoners because people from outside are coming in with different content that we can't offer them.*

CSO: We have established excellent cooperation with criminal justice system bodies, treatment officials and judicial police who work there are well motivated and through joint actions, we have become a real team, we become their extended hand.

BCJS: We have established exceptional collaboration with civil society organizations and received excellent feedback from prisoners.

Despite positive and good collaboration between civil society organizations and criminal justice system bodies, challenges continue to remain in organizing activities that are encountered both by criminal justice system bodies and associations. On the one hand, associations greatly supplement the content of time spent within the prison system but, on the other hand, due to the lack of treatment officers, all activities that they run require their (that of treatment officers) additional effort in the form of communicating and organizing all activities (BCJS). Associations encounter problems associated with an overbearing bureaucracy and administration through which they are required to pass, especially with respect to matters of accounting.

CSO: The Ministry of Justice and Public Administration has really gone out of its way in relation to running activities relating to postpenal reception. However, they have complicated our arrival to prison due to the increased number of procedures we must go through. Moreover, we had to send our accounting service into the accounting department of a criminal justice system body with which we work because they did not understand accounting procedures within associations. But they showed a lot of good will and willingness to learn, which is certainly a positive example of good collaboration.

⁶⁸ Croatian Government, Report on the Condition and Operation of Penitentiaries, Prisons and Juvenile Correction Facilities for 2019, p. 29-31, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

The problem pointed out by the CSO relates to poor cooperation with the Ministry of Justice and Public Administration, whereas collaboration with the prisons and penitentiaries has been evaluated as very good, except for one penitentiary which was assessed as being uninterested.

CSO: We have poor communication with the Ministry of Justice and Public Administration. They inundate us with papers and excessive administration. We proposed transferring some of the activities online during the coronavirus crisis, which two criminal justice system bodies immediately accepted whereas another body rejected the idea. However, the Ministry of Justice and Public Administration subsequently sent a letter saying that it cannot give approval because it would put an additional burden on treatment personnel, who would have nonetheless had to do that work with us had there not been any coronavirus. The Ministry is exceedingly inflexible.

D/ Halfway house

Almost all stakeholders pointed out the importance of postpenal reception and the housing community Halfway House as one of the very important factors of social integration for those prisoners who do not have any accommodation upon release.

BCJS: What is important for these people after release is that they have someone to contact and seek assistance during that period after having served their prison sentence.

In Croatia, there are currently two Halfway House communities – one organized by the Terra and Oaza associations and the other by the Pet plus association in partnership with the Institute Pula association and Callidus, which began working on the housing communities at the start of 2020. This fairly new concept of postpenal reception requires raising awareness not just in the entire community concerning the importance of postpenal reception, but also raising awareness among all relevant bodies (from criminal justice system bodies, probation services, social welfare centers, civil society organizations and other stakeholders) of this specific form of housing, with the aim of providing temporary housing to persons who do not have any housing opportunities once released on parole or upon having completed serving their prison sentence.

CSO: Awareness among treatment officers should be raised in order to remember us and to direct some of them to us because sometimes they forget about us or they are not informed that we exist.

E/ Other aspects

Another example of good practice that should be highlighted is the Penitentiary in Lepoglava which organized on-call treatment officers during children's visits where prisoners can get feedback as to their relationship with their children and support after visits. Specifically, treatment officers are not present during visits in other criminal justice system bodies, so they miss out on information on the relationship between prisoners and their families. Furthermore, encouragement to get involved in educational activities and offering various schooling and work programs within particular criminal justice system bodies who have established collaboration with various outside colleges – e.g. the Prison in Split, Penitentiary in Glina which collaborates with the Public Open College in Karlovac, thereby significantly expanding education and training opportunities for various occupations (CSO and II).

Also, interviewees pointed out the importance of special treatment programs which offer a wide range of different programs for prisoners and specially trained treatment officers who work with the prisoners.



5. Challenges and obstacles in conducting resocialization

A/ Lack of treatment officers and judicial police

The greatest obstacle and challenge within the criminal justice system is undoubtedly the lack of treatment officers and judicial police assigned to work and supervise prisoners. The lack of personnel undoubtedly affects the performance of particular prison sentence serving programs, success of the special treatment programs and their further resocialization.

BCJS: We lack the personnel – we have ideas, the associations have ideas and we could be doing a lot more for the prisoners. We have a lot of administration, in addition to a lot of practical work with prisoners. In fact, it all comes down to the enthusiasm of a few people.

This is due to the fact that years have gone by without filling systematized working positions. Specifically, treatment officers along with the judicial police and other personnel/employees within criminal justice system bodies are civil servants for whom the Decision on Prohibiting New Recruitment of Civil Servants and State Employees with State Administration Bodies, Professional Services and Offices of the Croatian Government applies.⁶⁹ This means that treatment officers and judicial police were placed on the same level as all other civil servants. Due to the mentioned restrictions, criminal justice system bodies and the Ministry of Justice and Public Administration are not permitted to publish a sufficient number of job posts in order to recruit for systematized working positions.

II: Treatment officers receive outstanding training and undergo continual training, meaning that they are competent in handling treatment procedures. However, the question remains as to the time they have at their disposal to run such programs. The success of resocialization greatly depends on the number of treatment officers. For instance, we have a situation in a prison in which seven working positions are systematized, while only one leading position has been filled. It then becomes absolutely clear what to expect of treatment work if that one person has to do administrative work, respond to court enquiries, and hold conversations with prisoners and the like.

Hence, based on information from the Report on the Condition and Operation of Prisons and Juvenile Correction Facilities for 2019, there were a total of 3,558 systematized working positions in penitentiaries, prisons, juvenile correction facilities and centers as of 31 December 2019, with 2,607 positions filled, which means 73.21% of available positions filled.⁷⁰

⁶⁹ Decision on Prohibiting New Recruitment of Civil Servants and State Employees with State Administration Bodies, Professional Services and Offices of the Croatian Government, OG 70/2016

⁷⁰ Croatian Government, Report on Conditions and Operation of Penitentiaries, Prisons and Juvenile Correction Facilities for 2019, p. 47, accessible on: https://sabor.hr/sites/default/files/uploads/sabor/2020-10-01/102313/IZVJ_KAZNIONICE_2019.pdf

The Ombudswoman has highlighted this problem in her reports over a number of years where the need for recruitments in criminal justice system bodies cannot be viewed in terms of need for a reduction in the number of civil servants in state administration bodies. Therefore, the recommendation was given that when recruiting in criminal justice system bodies, exceptions shall be made to the Decision on Prohibiting New Recruitment of Civil Servants and State Employees with State Administration Bodies, Professional Services and Offices of the Croatian Government.⁷¹ Despite warnings and recommendations from the Ombudswoman, the Decision is still in force for employees of criminal justice system bodies.

Also, it was pointed out that the insufficient numbers of treatment officers and judicial police reflect negatively on the ability of prisoners to exercise their human rights, as well as on the safety of prison personnel. Specifically, to undertake all administrative tasks within the stipulated deadline, treatment officers are insufficiently available in prison wards: *the less prisoners talk with treatment officers, the greater the dissatisfaction among prisoners* (II).

This is supported in the report of the European Committee for Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) published in October 2018, which recommends filling vacant and systematized working positions in criminal justice system bodies, given that numerous international documents identified the link between the degree to which human rights of incarcerated persons are respected and respecting the rights of those employed in criminal justice system bodies.⁷²

B/ Education and work

Given the different experience among various criminal justice system bodies, the issue of primary school education has still not been systematically resolved, which the criminal justice system body is obliged to organize in line with the Act on Serving Prison Sentence (primary school education for prisoners younger than 21 years of age and who have not completed primary school, as well as literacy education of illiterate persons regardless of their age). However, in those criminal justice system bodies in which it exists, education continues to be based on more simpler occupations.

Therefore, almost all participants in the research state that there is much room for improvement in the area of professional training and education of prisoners.

Regarding work-related activities, the prisons find it much harder to organize work primarily due to the capacity of premises and large fluctuation of prisoners. Besides lacking space and workshops, working positions are generally very simple. Persons who are serving a longer prison term do not have the opportunity to develop and preserve their working skills. Also, there is a need to make additional investments in all criminal justice system bodies in order to ensure adequate work safety for prisoners in all working positions.

71 2018 Ombudswoman Report, p. 242 accessible on: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2018-godinu/?wpdmdl=4747&refresh=60046f3dbf29c1610903357>

72 2019 Ombudswoman Report, p. 145, accessible on: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2019-godinu/?wpdmdl=7580&refresh=60053c74030341610955892>

C/ Postpenal reception

Though preparations for postpenal reception already begin once serving a prison sentence has commenced, based on information obtained from the interviews, it is to be concluded that most of the space for improvements and work can actually be found in this area. Specifically, despite preparations for life outside of prison while serving one's sentence, a certain period is necessary to make adjustments to the outside world, especially when serving a long-term prison sentence (examples cited by a PA and one BCJS involve prisoners who when leaving prison encountered for the first time ATMs, contactless payment, tablets and smart devices). Accordingly, a certain period of time is necessary to adapt to freedom through achieving the benefits of parole in order for resocialization to be as successful as possible.

Though the Halfway House is a positive step in housing prisoners who do not have accommodation, this type of housing is not sufficient. Specifically, for postpenal reception to achieve its full purpose, coordination and interdepartmental collaboration is necessary among the entire community into which particular prisoners return. In addition, BCJS, PA and CSO believe that intensive work on postpenal reception should begin much earlier.

PA: What we are lacking, especially in the postpenal reception phase, is that we should all be entering the prisons earlier. We should begin postpenal reception much earlier. So that the person, once completing his or her prison sentence, has welfare assistance waiting for them, and not that they should be lodging applications for welfare assistance upon leaving prison. The prisoner must have something to live off from the very beginning. Efforts are being made in that regard. People should be released earlier regardless of how much it poses a security risk, but the risk is greater when releasing them upon completing the full prison term, when no one has any authority over the prisoner.

Namely, one of the problems faced by prisoners is that they have no personal documents which they need to exercise certain rights, for instance, the right to lump sum cash assistance from the Social Welfare Center. Therefore, participants in the interview propose that such preparations begin while still serving the prison sentence.

PA: Ex-prisoners who are released without documents are immediately upon release from prison found in a situation in which they are not able to access any procedures for exercising their rights, finding themselves in further problems because the actual procedure for issuing documents lasts a certain period of time which the released person does not in fact have. Therefore, criminal justice system bodies should as soon as possible detect prisoners who after being released will not have a registered place of residence so that the procedure to obtain a personal identity card is initiated on time.

Another problem which has been noticed with postpenal reception is the (lack of) motivation among ex-prisoners to get involved in psychotherapy work in order to ease that transitional period of coping with obligations and responsibilities once released from prison. Civil society organizations offering therapy work and getting involved in sociotherapy groups to ex-prisoners point out the need and importance of such work for the social inclusion of prisoners and establishing family bonds, something which is poorly recognized among ex-prisoners.

CSO: Lack of motivation among perpetrators of offenses/ex-prisoners for therapy and counselling in the form of psychosocial work represents somewhat of a difficulty in general work. It is possible that more intensively/frequently highlighting the role of psychosocial work/obtaining psychosocial support from treatment officers while serving prison sentences may motivate users for such work upon leaving prison. Based on experience gained from our work with prisoners, we see that this kind of psychosocial work is necessary, however, most of them upon release from prison can hardly wait to distance themselves from all institutions and bodies

which may have any ties to their stay in prison. Therefore, we as an association, as well as other involved institutions (penitentiaries, probation office, Diagnostic Centre) should take steps to motivate ex-prisoners and point out the importance of continued psychosocial support and counselling upon leaving prison.

BCJS: When prisoners leave prison, that continuity of work with them disappears, and that is a real problem. Working with them and in parallel with members of their families should continue.

Though the idea of postpenal reception is well conceived, in practice there is still much room for work and improvement. Primarily, a big problem are those prisoners who are released after serving their entire prison sentence and are not obliged to report to the probation office, to the police nor the Social Welfare Center. They are totally free and 'outside of the system', left to themselves. There is no systematic assistance and support for ex-prisoners in this part, but it is based on their willingness and motivation for proactive efforts in achieving their rights.



6. Conclusions and recommendations

Changes in prisoner behavior are achieved through continual work on criminogenic factors and supplementing structured content and activities which are done while serving the sentence. General and special treatment programs have been well devised and as such should provide a good basis for successful resocialization of prisoners and their successful social integration. Also, collaboration between civil society organizations and the local community enables prisoners to make contact with the outside world and adapt more easily to what is outside after their release.

However, the fact is that despite a well-established system for serving prison sentences, there is non-uniform practice among particular criminal justice system bodies in implementing resocialization and rehabilitation of perpetrators of offenses, and which is mostly caused by a lack of officers inside the prison system. Practical experience by respondents with whom we have spoken testifies to the fact that the scope of opportunities and achieved collaboration very often also depends on the initiatives of employees and management at the criminal justice system body.

An additional problem is postpenal assistance for those prisoners who served long-term prison sentences and their adjustment to living a free life. Specifically, the fact is that ex-prisoners are burdened with numerous difficulties when released outside, from the stigma they and their families experience to not being able to find work, and in some cases housing, which consequently in some cases leads to recidivism. A large and important role here is the one of probation offices, which in collaboration with other relevant state bodies (social welfare center, criminal justice system bodies, Croatian Employment Service, legal entities and associations) facilitate social integration of ex-prisoners in society.

Therefore, there is a need for further intensive interdepartmental work, exchanging information, experience and know-how, so that ex-prisoners can more easily return to society with deterrent effect from perpetrating new offenses.

Consequently, the following recommendations are directed to relevant bodies on improving the prisoner resocialization and rehabilitation system while serving prison sentences:

- The recommendation of the Ombudswoman directed to the Croatian Government and Ministry of Justice and Public Administration to fill vacant working positions in criminal justice system bodies, in order to respect the rights of employees and increase the level of protection of human rights for incarcerated persons;⁷³
- The recommendation of the Ombudswoman directed to the Croatian Government to exempt recruitment in criminal justice system bodies from the Decision on Prohibiting New Recruitment of Civil Servants and State Employees with State Administration Bodies, Professional Services and Offices of the Croatian Government.⁷⁴

⁷³ Ombudswoman 2019 Report, recommendation number 110, p. 167, accessible on: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2019-godinu/?wpdmdl=7580&refresh=60053c74030341610955892>

⁷⁴ Ombudswoman 2018 Report, recommendation number 176, p. 268, accessible on: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2018-godinu/?wpdmdl=4747&refresh=60053c76902421610955894>

- The recommendation to the Ministry of Justice and Public Administration and the Ministry of Health to propose amendments to the Act on Mandatory Healthcare Insurance which will lead to enabling the signing of contracts on providing healthcare between physician surgeries and prison system institutions;
- Recommendation to improve conditions for exercising the right to work by investing into existing work tasks, organizing existing work tasks on which the emphasis will be made in the individual prison sentence serving program;
- Recommendation to improve conditions in exercising the right to education by encouraging and investing into implementing educational activities, especially in cases involving completion of primary school education for prisoners and their literacy education;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System to devise as soon as possible online ways so to continue educational and other activities within the prison system, which have been halted due to the coronavirus epidemic;
- Recommendation to all relevant state bodies (courts, Ministry of Justice and Public Administration, Directorate of the Prison System and criminal justice system bodies) to standardize the approach where prisoners in pre-trial detention are permitted to participate in organized activities with other prisoners when separate activities cannot be organized for them, and when it is not possible to include them in educational content, work assignments and other preventive workshops directed to acquiring new knowledge and skills, development of personal responsibility and family bonds, and which have no connection with the nature of the perpetrated offense for which the prisoner is accused;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System to continue investing additional efforts in refurbishing certain areas and in adaptations for prisoners' stays with their spouse or extra-marital partner;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System to continue investing in the refurbishing of areas which have been adapted to the needs of children (child-friendly areas);
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System that visiting times and the procedure for the entry of minor children become more flexible so that children are exposed as little as possible to searches upon entering criminal justice system bodies, and that the visiting period be extended to three hours;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System that video calls be retained in the future as one of the channels in making contact with the outside world, not only for those prisoners who have minor children, but for all categories of prisoners;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System to propose amendments to the Act on Serving of Prison Sentence, in order to revoke the restrictive provision whereby the child which the mother gave birth to while serving the sentence is taken away from her when it reaches three years of age, by allowing the mother to retain the child longer if the remaining part of the sentence left to serve is short;
- Recommendation to the Ministry of Justice and Public Administration, Directorate of the Prison System and Probation to intensify work on postpenal assistance and to include all stakeholders (criminal justice system bodies, probation offices, social welfare centers, civil society organizations) in the community so as to include prisoners into society as easily as possible and that intensive postpenal reception commence much earlier, and not three months prior to releasing the prisoner completing his or her prison sentence;
- Recommendation to intensify the work of all relevant stakeholders on postpenal reception from raising awareness of the possibility of temporary housing at a Halfway House to referral for counselling and therapy work with ex-prisoners;

- Recommendation to the Ministry of Justice and Public Administration to facilitate the work of civil society organizations which run activities within the prison system so as to reduce administrative burdens and to take into account the specificity of financial management of and reporting by the association;
- Recommendation to intensify work and exchange of information among criminal justice system bodies, probation offices, social welfare centers and civil society organizations.

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