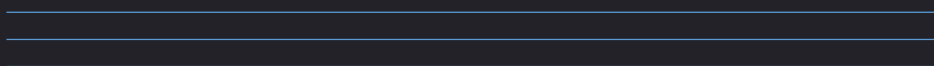




PROCEEDINGS

International Scientific Conference "LIFE IN PRISON" Belgrade, 2024



Science Fund
of the Republic of Serbia



PROCEEDINGS

**International Scientific Conference
“LIFE IN PRISON: Criminological, Penological,
Psychological, Sociological, Legal, Security,
and Medical Issues”**

**Institute of Criminological and Sociological
Research, Belgrade
December 2 and 3, 2024**

Edited by

**MILIĆEVIĆ Milena
STEVANOVIĆ Ivana
ILIJIĆ Ljeposava**

Belgrade, 2024

**PROCEEDINGS of the International Scientific Conference
“LIFE IN PRISON: Criminological, Penological, Psychological, Sociological,
Legal, Security, and Medical Issues”
Institute of Criminological and Sociological Research
Belgrade, December 2 and 3, 2024**

Publisher

Institute of Criminological and Sociological Research, Gračanička 18, Belgrade, Serbia

For Publisher

Stevanović Ivana, Director of Institute of Criminological and Sociological Research,
Belgrade, Serbia

Email: krinstitut@gmail.com

ISBN: 978-86-80756-73-8

DOI: 10.47152/PrisonLIFE2024

Number of Copies: 10

Copy: Institute of Criminological and Sociological Research, Belgrade

Editors

Milićević Milena, PhD, Institute of Criminological and Sociological Research, Serbia
Stevanović Ivana, PhD, Institute of Criminological and Sociological Research, Serbia
Ilijić Ljeposava, PhD, Institute of Criminological and Sociological Research, Serbia

Technical Editor

Pavlović Svetlana, Institute of Criminological and Sociological Research, Serbia

Technical Preparation, Editing and Cover Design

Milićević Milena

Acknowledgment

This document was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE). The Institute of Criminological and Sociological Research is responsible for the content, and that content does not express the views of the Science Fund of the Republic of Serbia.

Any opinions, claims or positions expressed in this publication are those of the papers' authors and do not necessarily represent an official position of the Institute of Criminological and Sociological Research.

All papers included in this proceedings volume have been prepared in accordance with the principles of good scientific research practice. The highest standards of academic publishing have been adhered to, including the implementation of a *double-blind* peer review process. While the editorial team has ensured compliance with these standards, the authors remain responsible for the accuracy and correctness of the references cited in their respective papers.



CONTENTS

About the LIFE IN PRISON Conference.....	<i>i</i>
Scientific Committee	<i>ii</i>
Organising Committee	<i>ii</i>
Review Board	<i>iii</i>
Editorial Board.....	<i>iv</i>
PREFACE	<i>v</i>

PART ONE: KEYNOTE SESSION

Anja Wertag & Ines Sučić PSYCHOSOCIAL CLIMATE IN CROATIAN PRISONS: PRISON OFFICERS' PERSPECTIVE.....	1
Eva Bertok MEASURING PRISON CLIMATE IN SLOVENIA: OVERVIEW OF THE RESULTS THROUGH THE DECADES.....	9
Rok Hacin & Gorazd Meško COMPETENCIES AND TRAINING OF PRISON STAFF: SIMILARITIES AND DIFFERENCES BETWEEN GROUPS OF PRISON WORKERS IN SLOVENIA	31
Nebojša Macanović RESOCIALIZATION AND REINTEGRATION OF CONVICTED INDIVIDUALS: POSSIBILITIES AND CHALLENGES.....	57
Cristina Nicorici LEGAL FRAMEWORK OF CRIMINAL LIABILITY OF JUVENILE CRIMINALS IN ROMANIA.....	63
Nebojša Macanović, Anel Ramić & Nadežda Gudelj MODELS OF RESOCIALIZATION OF CONVICTED INDIVIDUALS.....	71
Rok Hacin EUROPEAN PRISON WORKER?.....	79
Aleksandra Bulatović & Aleksandar Fatić THE VAGARIES OF RESTORATIVE JUSTICE: BORDERS BETWEEN RESTORATIVE JUSTICE AND JUSTICE AS PUNISHMENT	85

Aleksandra Marković	
NEOLIBERALISM AND THE PENAL TURN: REPRODUCTION OF CAPITALISM THROUGH THE PRISON SYSTEM.....	93
Dragana Bogičević & Branislava Popović-Čitić	
CONTRIBUTION OF THE CONCEPT OF CRIMINAL CAREER TO THE POLICY OF INSTITUTIONAL PUNISHMENT	101
Olga Tešović	
INTRODUCING PRE-SENTENCE REPORTS IN THE SERBIAN CRIMINAL JUSTICE SYSTEM: COMPARATIVE EXPERIENCES AND POTENTIAL BENEFITS	109
Nikola Vujičić	
WORK ENGAGEMENT, EDUCATION, AND VOCATIONAL TRAINING OF INMATES IN THE SREMSKA MITROVICA PENITENTIARY FACILITY	115
Marina Kovačević Lepojević	
RETHINKING EFFORTS IN BREAKING THE SCHOOL-TO-PRISON PIPELINE: WHAT SCHOOLS CAN DO	125
Nataša Tanjević	
THE ROLE AND IMPORTANCE OF TREATMENT IN THE RESOCIALIZATION PROCESS OF CONVICTS.....	133
Sanja Čopić	
WOMEN CRIME IN SERBIA AND SOCIAL RESPONSE	143

PART TWO: INVITED SESSION

Leonardo Simões Agapito, Matheus de Alencar e Miranda, Rodolfo Kruczewski Redies & Túlio Felipe Xavier Januário	
ON THE RELATIONSHIP BETWEEN ORGANIZED CRIME AND THE BRAZILIAN PRISON SYSTEM.....	159
Irma Kovčo Vukadin, Saša Rajić & Martina Pleško	
PROTECTION OF PRISONERS' HUMAN RIGHTS IN CROATIA: ANALYSIS OF LEGAL FRAMEWORK AND PRACTICE.....	165
Ljubinko Mitrović & Miloš Bukejlović	
SERVING A JUVENILE PRISON SENTENCE IN THE REPUBLIC OF SRPSKA	201
Lea Feuerbach	
CRIMINOLOGICAL INSIGHTS INTO RECIDIVISM TRENDS IN CROATIA.....	219

Vicko Ćudina, Katarina Sokić, Ines Sučić, Martina Barić & Renata Glavak Tkalić EXPLORING THE PROFILES OF OFFENDERS WITH SUBSTANCE USE DISORDERS	237
Angelina Stanojoska & Ice Ilijevski DIGITAL REHABILITATION OF INCARCERATED WOMEN: POSSIBILITIES AND FUTURE CHALLENGES FOR NORTH MACEDONIA	251
Ivana Stepanović COMMODIFICATION OF PRISON LIFE AND #PrisonTikTok: SELF-EXPOSURE AND DIGITAL LABOUR ON SOCIAL MEDIA.....	259
Sladana Đurić & Aleksandra Ilić THE PRINCIPLE OF VOLUNTARY PARTICIPATION OF PRISONERS IN SCIENTIFIC RESEARCH.....	267
Tijana Kovačević PRISON LABOUR – HISTORICAL, NORMATIVE AND PRACTICAL ASPECTS	275
Vera Petrović DISCIPLINARY OFFENCES IN THE PENAL SYSTEM: CAUSES AND METHODS OF PUNISHMENT	297
Marija Maljković & Sofija Dovijanić FAMILY FUNCTIONALITY UNDER CONDITIONS OF INCARCERATION: A SYSTEMIC PERSPECTIVE.....	307
Milica Kovačević INTER-PRISONER VIOLENCE AND THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS: PROTECTION OF VULNERABLE GROUPS OF PRISONERS	315
Darko Dimovski FEMALE CONVICTS' RIGHT TO BIOMEDICALLY ASSISTED CONCEPTION	323
Boro Merdović & Jelena Marinković THE TREATMENT NEEDS OF SEXUAL OFFENDERS IN PRISONS.....	339
Sofija Dovijanić & Marija Maljković PREPARATORY PHASE IN THE INSTITUTIONAL TREATMENT OF DELINQUENTS WITH PRONOUNCED PSYCHOPATHIC TRAITS ACCORDING TO THE CALDWELL'S DECOMPRESSION MODEL	351

PART THREE: PLENARY SESSION

Ljeposava Ilijić (POSTMODERNIST) / NEOLIBERAL INFLUENCE ON PENAL POLICY AND THE PRISON SYSTEM vs. PRISON LIFE QUALITY	359
Ana Paraušić Marinković PRISON ARCHITECTURE AND ITS IMPACT ON DIFFERENT ASPECTS OF QUALITY OF PRISON LIFE	373
Ana Batrićević PRISON SENTENCE AND THE CHALLENGES OF CONTEMPORARY TECHNOLOGICAL DEVELOPMENT	383
Ivana Stevanović PERCEPTION OF SECURITY AS ONE OF THE CENTRAL DIMENSIONS OF PRISON LIFE QUALITY IN THE CORRECTIONAL INSTITUTION FOR WOMEN IN POŽAREVAC	395
Olivera Pavićević SOME FEATURES OF THE EDUCATIONAL STRUCTURE OF CONVICTED INDIVIDUALS IN THE PrisonLIFE STUDY	407
Janko Međedović ADAPTING TO PRISON ENVIRONMENTS: DARK TETRAD TRAITS, COPING MECHANISMS, AND RESOCIALIZATION PROGRESS IN PRISONERS	417
Hajdana Glomazić & Stanislava Vidović GENDER DIFFERENCES AND SECONDARY TRAUMATIZATION IN HELPING PROFESSIONS.....	441
Jasmina Igrački SPORTS AND RECREATIONAL ACTIVITIES AS A MEANS OF REINTEGRATION OF FEMALE CONVICTS	451
Sanja Petkovska PRISON WRITINGS AS A SOURCE OF QUALITATIVE PRISON RESEARCH	463
Violeta Tadić THE CONTRADICTIONS OF PRISON LIFE AND THE RETURN TO THE HUMAN IN MAN	473

Nikola Drndarević	
REPERTORY GRID METHOD WITH OFFENDERS WITH ANTISOCIAL PERSONALITY DISORDER: TWO CASE EXAMPLES	481
Teodora Gojković	
RELIGION AS A FACTOR OF (SOCIAL) SUPPORT IN SERVING A PRISON SENTENCE.....	493
Maša Marković	
(UN)JUSTIFICATION OF APPLICATION OF VIDEO SURVEILLANCE IN CORRECTIONAL FACILITIES.....	501
Milena Milićević	
PRISON STUDY: A REVIEW OF RESEARCH GAPS AND FUTURE DIRECTIONS	507

About the LIFE IN PRISON Conference

*** **

INTERNATIONAL SCIENTIFIC CONFERENCE “LIFE IN PRISON: Criminological, Penological, Psychological, Sociological, Legal, Security and Medical Issues”

Venue and Date

Institute of Criminological and Sociological Research
Belgrade, December 2 and 3, 2024

Organiser

Institute of Criminological and Sociological Research, Serbia

Conference Topics

- Importance of different approaches and the specifics of conducting prison research
- Treatment, reintegration and prison re-entry: Evidence-based practices and strategies in the penological context
- Psychological well-being and mental health of inmates and prison staff
- Social dynamics within prison communities
- Legal frameworks and human rights considerations
- Security measures and risk management strategies
- Medical care and healthcare services in prisons
- Diversity in prisons: Navigating risks to embrace values
- Physical infrastructure, living conditions, and the dynamics of daily prison life
- The moral and social climate in prisons
- Informal prison systems and violence in penitentiary institutions
- Public opinion, societal attitudes, and social reactions toward convicts
- Other relevant topics.

Participation in the conference was free of charge.

All accepted papers were published in this proceedings volume.

Scientific Committee

STEVANOVIĆ Ivana, PhD, Institute of Criminological and Sociological Research, Serbia, *president*
AUTY Katherine, PhD, Institute of Criminology, University of Cambridge, United Kingdom
SEKOL Ivana, PhD, University of Sheffield, United Kingdom
Prof. MEŠKO Gorazd, PhD, University of Maribor, Slovenia
TADIĆ Darja, PhD, Institute of Criminology at the Faculty of Law and Department of Social Pedagogy at the Faculty of Education, Ljubljana, Slovenia
STEPANOVIĆ Ivana, PhD, Institute of Advanced Studies Kőszeg, Hungary
Prof. MACANOVIĆ Nebojša, PhD, University of Banja Luka, Republic of Srpska
WERTAG Anja, PhD, Ivo Pilar Institute of Social Sciences, Croatia
Prof. STANOJOSKA Angelina, PhD, University “St. Kliment Ohridski” – Bitola, Republic of North Macedonia
Prof. DOMACHOWSKA Agata, PhD, Nicolaus Copernicus University in Toruń, Poland
PAVIĆEVIĆ Olivera, PhD, Institute of Criminological and Sociological Research, Serbia
ĐUKANOVIĆ Anđela, PhD, Institute for Criminological and Sociological Research, Serbia
TEŠOVIĆ Olga, PhD, Research Fellow, Serbia
PETKOVSKA Sanja, PhD, Institute of Criminological and Sociological Research, Serbia
Prof. KOVAČEVIĆ Milica, PhD, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia
Prof. Dimovski Darko, PhD, University of Niš, Faculty of Law, Serbia

Organising Committee

MILIĆEVIĆ Milena, PhD, Institute of Criminological and Sociological Research, Serbia, *president*
ILJIĆ Ljeposava, PhD, Institute of Criminological and Sociological Research, Serbia, *general secretary*
PARAUŠIĆ MARINKOVIĆ Ana, PhD, Institute of Criminological and Sociological Research, Serbia
PETKOVSKA Sanja, PhD, Institute of Criminological and Sociological Research, Serbia
PAVLOVIĆ Svetlana, Institute of Criminological and Sociological Research, Serbia
DRNDAREVIĆ Nikola, Institute of Criminological and Sociological Research, Serbia
KUBIČEK Andrej, Institute of Criminological and Sociological Research, Serbia
STEVANOVIĆ Aleksandar, Institute of Criminological and Sociological Research, Serbia
GOJKOVIĆ Teodora, Institute of Criminological and Sociological Research, Serbia
MARKOVIĆ Maša, Institute of Criminological and Sociological Research, Serbia
MARIĆ Tiana Alexandra, Serbia
PETROVIĆ Vera, PhD, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia
MALJKOVIĆ Marija, Ass. Professor, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia
JANUÁRIO Túlio Felipe Xavier, Faculty of Sciences and Technology, University of Coimbra, Portugal

Review Board

BALJAK Miroslav, Academician Prof. Dr, European University Brčko District, Bosnia and Herzegovina
BANOVIĆ Jovana, PhD, Assistant Professor, University of Belgrade, Faculty of Security Studies, Serbia
BATRIĆEVIĆ Ana, PhD, Principal Research Fellow, Institute of Criminological and Sociological Research, Serbia
ĆERANIĆ Dimitrije, PhD, Associate Professor, Faculty of Law of University in East Sarajevo, Bosnia and Herzegovina
DINIĆ Bojana, PhD, Associate Professor, Faculty of Philosophy, University of Novi Sad, Serbia
DIZDAREVIĆ Sandi, Assoc. PhD, Kallos European University Tuzla, Faculty of Law and Forensics, Bosnia and Herzegovina
DOLEŽAL Dalibor, PhD, Associate Professor University of Zagreb, Faculty of Education and Rehabilitation Sciences, Croatia
ĐUKANOVIĆ Anđela, PhD, Research Associate, Institute of Criminological and Sociological Research, Serbia
DŽAMONJA IGNJATOVIĆ Tamara, PhD, Full Professor, Faculty of Philosophy, University of Belgrade, Serbia
GLOMAZIĆ Hajdana, PhD, Research Associate, Institute of Criminological and Sociological Research, Serbia
GRUJIĆ Zdravko, PhD, Associate Professor, University of Priština in Kosovska Mitrovica, Faculty of Law, Serbia
HRNČIĆ Jasna, PhD, Full Professor, University of Belgrade, Faculty of Political Sciences, Serbia
ILIĆ Aleksandra, PhD, Associate Professor, University of Belgrade, Faculty of Security Studies, Serbia
IVIČEVIĆ KARAS Elizabeta, PhD, Full Professor, University of Zagreb, Faculty of Law, Croatia
JOVANOVIĆ Slađana, PhD, Full Professor, Union University, Law School Belgrade, Serbia
KNEŽIĆ Branislava, PhD, Full Professor, Institute of Criminological and Sociological Research and University of Belgrade, Faculty of Philosophy, Serbia
KOLAKOVIĆ-BOJOVIĆ Milica, PhD, Senior Research Associate, Institute of Criminological and Sociological Research, Serbia
KOSTIĆ Jelena, PhD, Senior Research Associate, Institute of Comparative Law, Serbia
KOSTIĆ Miomira, PhD, Full Professor, University of Niš, Faculty of Law, Serbia
KOVAČEVIĆ LEPOJEVIĆ Marina, PhD, Research Associate, Institute for Educational Research, Serbia
KOVAČEVIĆ Ljubinka, PhD, Full Professor, University of Belgrade, Faculty of Law, Serbia
KOVAČEVIĆ Milica, PhD, Associate Professor, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia
KOVČO VUKADIN Irma, Full Prof. dr. sc, University of Zagreb, Faculty of Education and Rehabilitation Sciences, Croatia
LUKIĆ Natalija, PhD, Associate Professor, University of Belgrade, Faculty of Law, Serbia
MACANOVIĆ Nebojša, PhD, Full Professor, Faculty of Political Sciences Banja Luka, University of Banja Luka, Bosnia and Herzegovina

MALJKOVIĆ Marija, PhD, Assistant Professor, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia

MANIĆ Željka, PhD, Assistant Professor, Institute for Sociological Research, Faculty of Philosophy, University of Belgrade, Serbia

MARKOVIĆ Aleksandra, PhD, Research Associate, Institute for Sociological Research, Faculty of Philosophy, University of Belgrade, Serbia

MUNIVRANA Maja, PhD, Full Professor, University of Zagreb, Faculty of Law, Croatia

PARAUŠIĆ MARINKOVIĆ Ana, PhD, Research Associate, Institute of Criminological and Sociological Research, Serbia

PAVIĆEVIĆ Olivera, PhD, Senior Research Associate, Institute of Criminological and Sociological Research, Serbia

PETROVIĆ Irena, PhD, Assistant Professor, University of Belgrade, Faculty of Philosophy, Institute of Sociology, Serbia

POPOVIĆ-ĆITIĆ Branislava, PhD, Full Professor, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia

RADOVANOVIĆ Ivana, PhD, Associate Professor, University of Criminal Investigation and Police Studies, Serbia

RADULOVIĆ Danka, PhD, Full Professor, University of Belgrade, Faculty of Special Education and Rehabilitation, Serbia

RIZER Arthur, PhD, Adjunct Professor of Law, George Mason University, United States of America

STANOJOSKA Angelina, Assoc. Prof. Dr. sc, Faculty of Law, University “St. Kliment Ohridski” – Bitola, Republic of North Macedonia

STEPANOVIĆ Ivana, PhD, Research Fellow, Institute of Advanced Studies Kőszeg, Hungary

SUČIĆ Ines, PhD, Principal Research Fellow, Ivo Pilar Institute of Social Sciences, Croatia

TRIPKOVIĆ Milena, PhD, Senior Lecturer, Edinburgh Law School, University of Edinburgh, United Kingdom

WERTAG Anja, PhD, Senior Research Associate, Ivo Pilar Institute of Social Sciences, Croatia

Editorial Board

MILIĆEVIĆ Milena, PhD, Senior Research Associate, Institute of Criminological and Sociological Research, Serbia

STEVANOVIĆ Ivana, PhD, Senior Research Associate, Institute of Criminological and Sociological Research, Serbia

ILJIĆ Ljeposava, PhD, Senior Research Associate, Institute of Criminological and Sociological Research, Serbia

PREFACE

The Institute for Criminological and Sociological Research organised the International Scientific Conference “LIFE IN PRISON: Criminological, Penological, Psychological, Sociological, Legal, Security and Medical Issues” as part of the national scientific project PrisonLIFE, supported by the Science Fund of the Republic of Serbia. The conference, which took place in December 2024, gathered experts and practitioners from diverse fields to explore the multifaceted aspects of life in prison.

The event aimed to provide a comprehensive platform for researchers, practitioners, policymakers, and experts from various fields to exchange insights, discuss the latest research findings, and explore interdisciplinary approaches to enhance our understanding of different aspects of prison life. The resulting collection of papers includes contributions from those who presented their research at the conference and authors who were unable to attend.

All accepted papers were published in this Proceedings volume, which offers a comprehensive overview of the various challenges and advancements in the study of prison life. The contributions reflect the diverse perspectives of criminologists, penologists, psychologists, sociologists, legal experts, and other professionals, providing a multidisciplinary approach to understanding the complexities of the prison system.

The papers in this volume are organised into three parts: the keynote session, invited session, and plenary session, each addressing key issues in the field. Topics range from the psychosocial climate in prisons and the competencies of prison staff to the treatment and reintegration of offenders, mental health challenges, and legal frameworks. The volume also delves into the impact of prison architecture, the role of education and vocational training, and the influence of neoliberalism on penal policy. Each paper presents innovative research, evidence-based practices, and critical insights into the dynamics of incarceration, offering valuable perspectives on improving prison systems and the quality of life for inmates and staff alike.

The importance of this conference and the resulting publication cannot be overstated, especially in light of the global challenges facing prison systems today. The ongoing need for reform, the protection of human rights, and the implementation of evidence-based practices are all central to the discussions within this volume. By bringing together experts from various disciplines, the conference and this Proceedings aim to contribute to the ongoing dialogue about the future of the prison system and the reintegration of incarcerated individuals into society.

Anja WERTAG and Ines SUČIĆ presented findings on the psychosocial climate in Croatian prisons, emphasising the importance of understanding prison officers' perspectives and the impact of work-related stress, burnout, and job satisfaction on their well-being and performance. At the same time, Rok HACIN and Gorazd MEŠKO investigated the competencies and training needs of prison staff in Slovenia, revealing a consensus on the need for additional training, particularly in stress management, to improve professional standards.

Furthermore, Eva BARTOK reviewed the measurement of prison climate in Slovenia, discussing its historical significance, methodological challenges, and the importance of understanding discrepancies across different institutions. Moreover, Vicko ČUDINA, Katarina SOKIĆ, Ines SUČIĆ, Martina BARIĆ and Renata GLAVAK TKALIĆ explored the profiles of drug offenders in Croatian prisons, analysing parole decision-making reports for 111 male offenders. Their study aimed to identify characteristics and potential differences among subgroups but found no statistically significant differences concerning recidivism risk, suggesting the analytical approach holds promise for understanding offenders' profiles.

In addition, Janko MEĐEDOVIĆ examined the relationship between Dark Tetrad traits, coping mechanisms, and resocialisation progress in Serbian prisoners. His findings indicated that Machiavellianism and psychopathy were linked to different coping styles and resocialisation outcomes, with adaptive coping facilitating progress, particularly in women. However, Olivera PAVIČEVIĆ analysed the educational structure of incarcerated individuals in Serbia, highlighting the predominance of high school education among prisoners and discussing the implications for crime reduction and societal development.

Next, Nebojša MACANOVIĆ, Anel RAMIĆ and Nadežda GUDELJ discussed various models of resocialisation for convicted individuals, highlighting the penal, therapeutic, social learning, and rights-based models. They emphasised the importance of these models in reintegrating offenders into society despite the challenges posed by the prison environment.

Additionally, Nataša TANJEVIĆ reviewed the role of treatment programmes in the resocialisation of prisoners, arguing for more comprehensive and personalised treatment approaches, particularly for those serving long sentences, to ensure the successful reintegration of offenders into society. Meanwhile, Marija MALJKOVIĆ and Sofija DOVIJANIĆ explored the impact of incarceration on family functionality, focusing on the systemic perspective. They highlighted the emotional, social, and economic challenges faced by families of incarcerated individuals, stressing the need for rehabilitation programmes that support family dynamics to enhance resocialisation outcomes.

Continuing, Nikola VUJIČIĆ reviewed the role of work engagement, education, and vocational training in the resocialisation of inmates in the Sremska

Mitrovica Penitentiary Facility. His qualitative study, based on focus group discussions, found that while these treatments generally achieved their intended goals, practical challenges remained in facilitating successful reintegration post-sentence. Correspondingly, Tijana KOVAČEVIĆ analysed the historical, normative, and practical aspects of prison labour, highlighting its educational value in shaping prisoners' behaviour and social norms. The study also examined the legal regulation of prison labour and the relationship between forced labour and rehabilitation.

Regarding the tension between restorative justice and punitive justice, Aleksandra BULATOVIĆ and Aleksandar FATIĆ noted that while restorative justice focuses on healing and reconciliation, its implementation faces challenges due to community expectations favouring punitive approaches. Furthermore, Aleksandra MARKOVIĆ examined the interplay between neoliberalism and the penal system, arguing that neoliberal rationality has shaped the expansion of the carceral state, with prison labour serving as a mechanism for reproducing capitalism through exploitation and forced consumption. On the other hand, Ljeposava ILIJIC critically examined the neoliberal influence on penal policy and its effects on prison life, particularly the shift towards more impersonal and distant relationships between inmates and staff and the importance of improving prison moral and social climate.

Dragana BOGIĆEVIĆ and Branislava POPOVIĆ-ĆITIĆ reviewed the criminal career paradigm and its implications for institutional punishment, suggesting that understanding the frequency and duration of criminal careers is crucial for determining the length and effectiveness of prison sentences, while Lea FEUERBACH provided insights into recidivism trends in Croatia, emphasising the challenges of defining and measuring recidivism within the country's criminal justice system. The study found a decline in reoffending rates but highlighted the lack of clear legal definitions and measurement methods, which complicates comparisons with other nations.

Irma KOVČO VUKADIN, Saša RAJIĆ, and Martina PLEŠKO analysed the legal framework and practices surrounding the protection of prisoners' human rights in Croatia, focusing on the implementation of European Prison Rules and the role of national and international monitoring bodies. They concluded that while Croatian legislation aligns with European standards, challenges such as overcrowding and staff shortages continue to affect the protection of prisoners' rights.

Building on the theme of prison systems, Rok HACIN examined the diversity of European prison systems, noting differences in their organisation, punishment goals, and staff characteristics. He concluded that while universal human rights standards must be upheld, other aspects of prison systems should be tailored to each country's specific needs. Olga TEŠOVIĆ reviewed the absence of pre-

sentence reports in the Serbian criminal justice system, highlighting their potential benefits based on international experiences. She argued that their introduction could improve sentencing decisions, promote rehabilitation, and reduce reliance on custodial sentences.

Turning to the issue of secondary trauma, Hajdana GLOMAZIĆ and Stanislava VIDOVIĆ explored secondary traumatisation in helping professions, focusing on gender differences in stress responses. They found that women experienced more symptoms of secondary traumatisation, particularly anxiety and dissociation, due to socially conditioned gender roles.

Concerning offender rehabilitation, Nebojša MACANOVIĆ discussed the challenges of resocialising convicted individuals, emphasising the importance of both institutional and post-penal support for successful reintegration. He highlighted that effective resocialisation requires a comprehensive approach from all stakeholders to address the criminogenic factors in offenders. In another study, Sofija DOVIJANIĆ and Marija MALJKOVIĆ explored the preparatory phase of the Decompression Model for treating delinquents with psychopathic traits. They argued that this phase, which reduces antagonism and improves interactions, is crucial for the success of treatment programmes, particularly for adolescents resistant to conventional methods.

Shifting the focus to the school context, Marina KOVAČEVIĆ LEPOJEVIĆ reviewed research on the school-to-prison pipeline, focusing on the effectiveness of school disciplinary practices. She found that restorative and proactive practices, such as positive behavioural support and social-emotional learning, were more effective in preventing delinquency and reducing inequalities than punitive approaches. In a related context, Cristina NICORICI provided an overview of the criminal liability of juvenile offenders in Romania, analysing the legal framework and sanctions applicable to minors. She discussed the challenges and solutions related to the treatment of juvenile offenders, stressing the need for a system that balances punishment with education and rehabilitation.

Comparatively, Ljubinko MITROVIĆ and Miloš BUKEJLOVIĆ examined the execution of juvenile prison sentences in the Republic of Srpska, discussing the legal framework for juvenile offenders and the specific rules governing their imprisonment. They highlighted juvenile prison as the most severe sanction for older juvenile offenders, emphasising the need for proper execution of these sentences.

Milica KOVAČEVIĆ, meanwhile, focused on inter-prisoner violence and the protection of vulnerable prisoners, reviewing the case law of the European Court of Human Rights. She stressed the state's responsibility to prevent violence among prisoners and ensure the thorough investigation and sanctioning of such behaviour. Vera PETROVIĆ explored the causes and methods of punishment for disciplinary offences in the penal system, presenting research on the frequency of

such offences and the individual characteristics of offenders. She found that while minor offences were most common, solitary confinement was the most frequent sanction, and significant differences existed between offenders who committed disciplinary violations and those who did not.

On the other hand, Leonardo Simões AGAPITO, Matheus de Alencar e MIRANDA, Rodolfo Kruczewski REDIES and Túlio Felipe Xavier JANUÁRIO analysed the influence of organised crime on the Brazilian prison system. They examined the rise of criminal organisations, arguing that governmental efforts to control prison violence are ineffective and proposing that penal abolitionism offers a more suitable theoretical framework for addressing these issues.

At the intersection of prison architecture and the experiences of those living and working within prison environments, Ana PARAUŠIĆ MARINKOVIĆ explored how the design of prison buildings influences various aspects of prison life. She highlighted how the architecture of correctional facilities impacts prisoners' well-being, security, and social connections, arguing that humane architectural choices could improve the prison environment for both inmates and staff. In a related vein, Maša MARKOVIĆ examined the use of video surveillance in correctional facilities, critically analysing its legal framework and the balance between security needs and privacy rights. She pointed out the shortcomings in current regulations and advocated for updated legal measures to ensure the ethical and effective use of surveillance technologies in prisons.

Turning to the role of religion in prison life, Teodora GOJKOVIĆ reviewed its significance as a form of social support for incarcerated individuals. She suggested that religious engagement could aid in rehabilitation, reduce recidivism, and enhance the social and moral climate within prisons, calling for further research into religion's transformative potential for convicted individuals.

In another area of exploration, Ivana STEPANOVIĆ investigated the commodification of prison life through social media, particularly on TikTok. She focused on how prisoners share their personal experiences online to build post-penal identities and gain financial benefits while also discussing the challenges of self-exposure and the digital labour involved in this process, which can impact resocialisation. Next, Angelina STANOJOSKA and Ice ILIJEVSKI addressed the digital divide faced by incarcerated women in North Macedonia, noting the significant lack of digital skills and access to technology. They proposed a digital skills training programme to bridge this gap, which would help enhance women's prospects for successful reintegration into society post-release.

When it comes to challenges and rights in female incarceration, Darko DIMOVSKI explored the hypothetical case of a female convict in Serbia seeking biomedically assisted fertilisation while serving a prison sentence. He examined the legal frameworks governing assisted fertilisation and the potential barriers faced by female prisoners, referencing the European Court of Human Rights to

highlight issues surrounding this right. Furthermore, Sanja ČOPIĆ examined the unique challenges faced by female convicts in Serbia, focusing on the dynamics and structure of female crime. She argued for the broader use of non-custodial sanctions for women, aligning with international standards for the treatment of female prisoners, to improve their reintegration prospects and overall welfare.

In a related area, Ivana STEVANOVIĆ focused on the dimension of security in the prison life of women inmates, specifically in the Correctional Institution for Women in Požarevac. Her research, part of the PrisonLIFE project, emphasised the importance of security in fostering a humane prison environment, recognising the power dynamics between staff and Prisoners as crucial to the effective execution of sentences. Similarly, Jasmina IGRAČKI discussed the role of sports and recreational activities in the reintegration of female convicts. She noted the positive impact of physical activity on both the mental and physical health of women in prison, highlighting the significant benefits of sports for their social reintegration and well-being.

Exploring prison dynamics, Slađana ĐURIĆ and Aleksandra ILIĆ discussed the ethical and legal challenges of ensuring voluntary participation in scientific research involving prisoners. Their paper examined the evolution of ethical and normative frameworks that govern such participation, proposing improvements to research standards to enhance the validity of findings. Similarly, Sanja PETKOVSKA highlighted the value of prison writings as a qualitative research tool, offering insights into the effects of imprisonment. She provided an overview of qualitative research methods based on prison writings, advocating for their increased use in criminology and penology to inform prison reforms.

From the point of view of prison life in the 21st century, Ana BATRIĆEVIĆ explored the role of technology in modern penitentiary systems, highlighting its benefits for security, education, and maintaining family contact while cautioning against replacing prison staff with artificial intelligence due to potential ethical and privacy concerns. Violeta TADIĆ, on the other hand, critically questioned the role of prisons in society, focusing on the contradictions inherent in prison life, advocating for respect and opportunities for personal development within prisons to support successful resocialisation.

Lastly, Boro MERDOVIĆ and Jelena MARINKOVIĆ focused on the treatment needs of sexual offenders in prisons. Their paper reviewed treatment programs worldwide, advocating for specialised treatment to reduce recidivism and improve resocialisation. Nikola DRNDAREVIĆ reviewed the use of the repertory grid method with offenders, showing its potential in assessing personality structures. However, he also noted challenges such as the method's complexity and the need for specialised training. Finally, Milena MILIĆEVIĆ reviewed the research gaps and future directions in prison studies, focusing on prison climate. She identified the need for longitudinal and cross-cultural studies,

qualitative research on inmate and staff experiences, and improved measurement tools to better assess prison climate and its impact on rehabilitation.

We hope that this collection of conference papers will provide meaningful insights and inspire further research and action to address the pressing issues in prison life, with the ultimate goal of improving the moral and social climate in prisons and quality of prison life, but also conditions, well-being, and rehabilitation of those affected by the penal system.

On behalf of the Editorial Board

Milena Milićević

Principal Investigator, PrisonLIFE Project

Chairperson, Organising Committee

Psychosocial Climate in Croatian Prisons: Prison Officers' Perspective*

Anja Wertag¹  and Ines Sučić² 

The psychosocial climate in prison refers to the extent to which the whole institution is perceived safe for prisoners and prison officers and supportive of rehabilitation and behaviour change. It encompasses the institution's social, emotional, organisational, and physical determinants and is important for prisoners and prison officers. Moreover, tracking the psychosocial climate can be used to indicate changes and evaluate treatment programs. Compared to other countries, there is a lack of systematic research on the psychosocial climate in Croatian prisons, and the existing research focuses more on the prisoners than the prison officers' perspective. The perceived psychosocial climate in prison officers is, among others, related to attitudes about work tasks, interactions with co-workers and prisoners, job satisfaction, well-being, motivation and job performance, stress, and burnout. Thus, this paper aims to provide an overview of research on the psychosocial climate in Croatia from the prison officers' perspective. Furthermore, the findings from the project *Psychosocial climate in prisons – prisoners' and prison officers' perspective* conducted in 2017 in Croatian penal institutions (seven penitentiaries and 14 prisons), focusing on prison officers' perspective (N = 699), will be discussed. Finally, methodological and practical issues related to research on the psychosocial climate in Croatian prisons will be considered.

KEYWORDS: psychosocial climate / Croatia / prison officers' perspective

* This paper was presented by Anja Wertag and Ines Sučić as part of their keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Wertag, A., & Sučić, I. (2024). Psychosocial Climate in Croatian Prisons: Prison Officers' Perspective. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 1–7). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.17>

¹ Ivo Pilar Institute of Social Sciences, Zagreb, Croatia; <https://orcid.org/0000-0003-1418-4923>

² Ivo Pilar Institute of Social Sciences, Zagreb, Croatia; <https://orcid.org/0000-0002-3533-3660>

Correspondence: Anja Wertag, Ivo Pilar Institute of Social Sciences, Marulićev trg 19, Zagreb, Croatia. Email: anja.wertag@pilar.hr

Introduction

The psychosocial climate in prison refers to the extent to which the whole institution is perceived safe for prisoners and prison officers and supportive of rehabilitation and behaviour change (e.g., Liebling et al., 2011). It encompasses social, emotional, organisational, and physical determinants of the institution (Ross et al., 2008) and is important both for prisoners and prison officers. The concept of (psycho)social climate originates from Murray's (1938) hypothesis that social environments are significant determinants of behaviour and represent a set of characteristics that "(a) distinguish the organisation from other organisations, (b) are relatively enduring, and (c) affect the behaviour of people in the organisation" (Forehand & von Haller, 1964, p. 362). Ross et al. (2008, p. 447) define prison climate as the enduring "social, emotional, organisational and physical characteristics of a correctional institution as perceived by inmates and staff". Psychosocial climate is a relational social phenomenon (Lewis, 2017; Liebling et al., 2011; Mann et al., 2019), and the most important determinants of prison psychosocial climate are considered to be: staff-prisoner relationships (e.g., Liebling et al., 1999; Beijersbergen et al., 2016), inmate (peer-to-peer) relationships (e.g., van Ginneken & Palmen, 2022), and perceived safety (e.g., Auty & Liebling, 2020; Mann et al., 2019; Schalast et al., 2008).

Tracking of the psychosocial climate can be used to indicate changes and evaluate treatment programs (e.g., Barquín et al., 2019; Liebling, 2011). Compared to other countries, there seems to be a lack of systematic research on the psychosocial climate in Croatian prisons, and the existing research seems to focus more on the prisoners than the prison officers' perspective (e.g., Ajduković, 1990; Ajduković et al., 1992; Mejovšek et al., 2008). Thus, this paper aims to provide an overview of research on the psychosocial climate in Croatia from the prison officers' perspective.

Research on Psychosocial Climate from the Prison Officers' Perspective in Croatian Prisons³

Following Moos' work from 1970s and the Correctional Institutions Environment Scale (CIES; Wenk & Moos, 1972), Ajduković et al. (1990; as cited in Mejovšek et al., 2007) developed psychosocial climate scales named Skale psihosocijalne klime (PSK-B); however, it was criticised due to poor metric characteristics (Mejovšek et al., 2007). Further research from Ajduković et al.

³ Although there are several qualifications work (i.e., master or doctoral thesis) and conference presentations related to psychosocial climate in Croatian prisons, we opted to focus here on published papers and projects we are aware of.

(1992) showed that Croatian prisoners consider the psychosocial climate less favourable than prison staff. In a comparative study of burnout among American and Croatian prison staff, Roy et al. (2010) showed that the American prison staff experienced more depersonalisation, while the Croatian prison staff more often perceived a lack of personal achievement at work and emotional exhaustion, compared to the American prison staff. Moreover, a study conducted by Kišak Gverić et al. (2015) indicated that compared to their colleagues from the hospitals, employees in helping professions in the prison system in Croatia are more dissatisfied with the nature and organisation of their work, which may be attributed to some objective characteristics of the prison system, such as stricter rules related to security, and the high-risk clients. Although these studies were conducted on a convenience sample of prison officers only from several penal institutions in Croatia, they indicate that prison officers experience high stress, workload, and exhaustion levels.

To assess the psychosocial climate in Croatian prisons more systematically, we conducted a project *Psychosocial climate in prisons – prisoners' and prison officers' perspectives* (Sučić, 2017) in all penal institutions in Croatia (7 penitentiaries and 14 prisons) and on a large sample of prison officers (N = 699; 53% male; 44% from security unit, 21% from treatment unit, 15% from the administrative unit). The psychosocial climate among prison officers was assessed with the Living Group Working Climate Inventory (Dekker et al., 2019). The results showed that, compared to prison officers from the Netherlands, prison officers in Croatia considered positive team functioning to be lower, negative team functioning higher, are less satisfied with their job, and consider the importance of work tasks lower. Analyses of the answers of employees of specific units showed that the prison officers from security units considered management to be poorer. They assessed their job satisfaction as lower than employees from the other units. However, they considered safety higher than other employees.

On the other hand, prison officers from treatment units assessed their job satisfaction as higher than those from security units and the importance of their working tasks as higher than those from other units. More than 40% of prison officers witnessed (auto)aggressive behaviour of prisoners, 43% were threatened, and 10% reported being victimised by prisoners (Sučić, 2017). Finally, the research indicated that negative emotions predominated in prison officers in Croatia (Sučić, 2021).

Methodological and Practical Issues of Psychosocial Climate Research in Croatian prisons

As the psychosocial climate strongly impacts prisoners and prison officers, it is essential to assess both perspectives. The perceived psychosocial climate in

prison officers is, among others, related to attitudes about work tasks, interactions with co-workers and prisoners, job satisfaction, well-being, motivation, job performance, stress, and burnout (van Ginneken et al., 2020). It would be interesting to investigate the relationship between levels of perceived stress and some characteristics of the organisation, such as number of employees, number of prisoners, hours of overtime, sick leaves, absenteeism, and type of penal institution. However, such analyses are challenging due to differences in sample sizes from specific institutions (i.e., penitentiaries vs prisons) and the possibility of jeopardising the anonymity of results. Moreover, due to indications that there is a certain resistance of prison officers towards psychological support within the institution (Wills et al., 2021), the awareness regarding such support system and reasons for (not) reaching for it should be examined. Such data, together with the data regarding the prison officers' perspective on psychosocial climate, could be used to create guidelines for prison programs and politics. Thus, it is essential to conduct research on psychosocial climate from both prisoner's and prison officers' perspectives systematically and regularly.

Overview of the Project Psychosocial Climate and Individual Characteristics of Prisoners and Prison Officers in Penal Institutions in Croatia: A Multi-Method Approach (PRISCLIM)

The Project's main goal is to investigate the psychosocial climate (assessed with Measuring Quality of Prisoner Life – MPQL and Staff Quality of Life – (SQL; Liebling et al., 2011) in penal institutions in Croatia, compare the psychosocial climate in the Croatian penal institutions to those from other countries, and contrast prisoners' and prison officers' perceptions of the psychosocial climate. Moreover, the Project aims to investigate the relative contribution of the perception of the psychosocial climate and individual characteristics of prisoners to their sentence serving, criminal career, and relationship with significant others. The Project is being conducted from January 1st, 2024, to December 31st, 2027. The research is planned to include a convenience sample of prisoners (targeted $N \approx 800$) and prison officers (targeted $N \approx 800$) in all penal institutions of the Republic of Croatia (7 penitentiaries and 14 prisons), the Diagnostic Centre and the Training Centre. The multi-method approach will be employed – self-assessment (survey), prisoners' assessment by treatment officers, and documentation analysis (during the first two years of the Project), as well as repeated data collection on prisoners' behaviour while serving their sentence (during the third and fourth year of the Project). This Project is expected to contribute to clarifying the relationship between prisoners' individual differences and the perception of the psychosocial climate and behaviour in an institutional context by employing a comprehensive analysis and a multi-method approach to data collection. Moreover, project results are expected to contribute

to further developing the criminogenic risk and need assessment tools. Finally, it is anticipated that results collected from prison officers related to their perception of the psychosocial climate, stress and coping, and the engagement with prisoners will contribute to the creation of guidelines for strengthening the capacity and empowerment of prison officers in their work and relationship with prisoners, as well as the creation of guidelines for prison programs and politics.

Conclusion

Conducting psychosocial climate research in prisons systematically from prisoners' and prison officers' perspectives is important for identifying problems, tracking changes, and creating guidelines for prison programs and politics. With the Project *Psychosocial Climate and Individual Characteristics of Prisoners and Prison Officers in Penal Institutions in Croatia: A Multi-Method Approach (PRISCLIM)*, which can be considered an extension of the Project *Psychosocial climate in prisons – prisoners' and prison officers' perspective* conducted seven years ago, we hope to establish a good practice of conducting systematic research of psychological climate in Croatian prisons.

Acknowledgements

Project *Psychosocial climate in prisons – prisoners' and prison officers' perspective* was financed by the Institute of Social Sciences Ivo Pilar Annual Grant, and the Project *Psychosocial Climate and Individual Characteristics of Prisoners and Prison Officers in Penal Institutions in Croatia: A Multi-Method Approach (PRISCLIM)* is financed by European Union – NextGenerationEU (No. 01/08-73/23-2519-10)

References

- Ajduković, D. (1990). Psychosocial climate in correctional institutions: Which attributes describe it?. *Environment and Behavior*, 22(3), 420–432. <https://doi.org/10.1177/0013916590223006>
- Ajduković, M., Prišlin, R., & Ajduković, D. (1992). Raskorak u procjenama psihosocijalne klime u kaznenim ustanovama između osuđenika i osoblja-mogući indikator konflikata [Discrepancies in the assessments of the psychosocial climate in prisons made by inmates and staff]. *Zbornik Pravnog fakulteta u Zagrebu*, 42, 107–117.
- Auty, K. M. & Liebling, A. (2020). Exploring the Relationship between Prison Social Climate and Reoffending, *Justice Quarterly*, 37(2), 358–381. <https://doi.org/10.1080/07418825.2018.1538421>

- Barquín, J., Cano, M. Á., & Calvo, M. D. L. Á. (2019). Treatment, reintegration, and quality of prison life: Perception by inmates. *International Journal of Offender Therapy and Comparative Criminology*, 63(13), 2291–2317. <https://doi.org/10.1177/0306624X19851669>
- Beijersbergen, K. A., Dirkzwager, A. J., & Nieuwbeerta, P. (2016). Reoffending after release: Does procedural justice during imprisonment matter? *Criminal Justice and Behavior*, 43(1), 63–82. <https://doi.org/10.1177/0093854815609643>
- Dekker A. L., Van Miert V. S. L., & Van der Helm G. H. P. (2019). *Manual Living Group Working Climate Inventory*. Hogeschool Leiden.
- Forehand, G. A., & von Haller, G. (1964). Environmental variation in studies of organisational behavior. *Psychological Bulletin*, 62(6), 361–382. <https://doi.org/10.1037/h0045960>
- Kišak Gverić, N., Doležal, D., Mikšaj-Todorović, L., & Habazin, I. (2015). Zadovoljstvo poslom pomagačkih profesija u bolničkom i zatvorskom sustavu [Helping professions' job satisfaction in the hospital and prison systems]. *Kriminologija & socijalna integracija: časopis za kriminologiju, penologiju i poremećaje u ponašanju*, 23(1), 1–15. <https://hrcak.srce.hr/148694>
- Lewis, S. (2017). A campaign for climate change: The role of therapeutic relationships within a climate of control. In G. Akerman, A. Needs, and C. Bainbridge (Eds.), *Transforming Environments and Rehabilitation, A Guide for Practitioners in Forensic Settings and Criminal Justice* (pp. 115–131). London: Routledge. <https://doi.org/10.4324/9781315660813>
- Liebling, A. (2011). Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited. *European Journal of Criminology*, 8(6), 484–499. <https://doi.org/10.1177/1477370811413807>
- Liebling, A., Hulley, S., & Crewe, B. (2011). Conceptualising and Measuring the Quality of Prison Life. In: Gadd, D., Karstedt, S. and Messner, S. (Eds.) *The Sage Handbook of Criminological Research Methods* (pp. 358–372). London: Sage. <https://doi.org/10.4135/9781446268285.n24>
- Liebling, A., Price, D., & Elliott, C. (1999). Appreciative Inquiry and Relationships in Prison. *Punishment & Society*, 1(1), 71–98. <https://doi.org/10.1177/1462474992222711>
- Mann, R., Barnett, G., Box, G., Howard, F. F., O'Mara, O., Travers, R., & Wakeling, H. (2019). Rehabilitative culture in prisons for people convicted of sexual offending. In N. Blagden, B. Winder, K. Hocken, R. Lievesley, P. Banyard, & H. Elliott (Eds.), *Sexual crime and the experience of imprisonment* (pp. 1–33). Palgrave Macmillan.
- Mejovšek, M., Lebedina-Manzoni, M., Lotar, M., & Šarić, J. (2007). Percepcija psihosocijalne klime i osobine ličnosti zatvorenika [Perception of psychosocial climate and prisoners' personality traits]. *Kriminologija i socijalna integracija: časopis za kriminologiju, penologiju i poremećaje u ponašanju*, 15(1), 1–12. <https://hrcak.srce.hr/99067>
- Murray, H. A. (1938). *Explorations in Personality*. New York: Oxford University Press.
- Ross, M. W., Diamond, P. M., Liebling, A., & Saylor, W. G. (2008). Measurement of prison social climate: A comparison of an inmate measure in England and the USA. *Punishment and Society*, 10(4), 447–474. <https://doi.org/10.1177/1462474508095320>
- Roy, S., Novak, T., & Mikšaj-Todorović, L. (2010). Job Burnout among Prison Staff in the United States and Croatia: A Preliminary Comparative Study. *International Journal of Criminal Justice Sciences*, 5(1), 189–202.

- Schalast, N., Redies, M., Collins, M., Stacey, J., & Howells, K. (2008). EssenCES, a short questionnaire for assessing the social climate of forensic psychiatric wards. *Criminal Behaviour and Mental Health*, 18(1), 49–58. <https://doi.org/10.1002/cbm.677>.
- Sučić, I. (2021). Emotional climate among prisoners and prison officers. In M. Videnović, D. Filipović Đurđević, M. Živanović, I. Stepanović Ilić, K. Damnjanović, & M. Rajić (Eds.), *Proceedings of the XXVII scientific conference Empirical studies in psychology* (pp. 90–94). Filozofski fakultet, Univerzitet u Beogradu.
- Sučić, I. (2017). *Psychosocial climate in prisons: prisoners' and prison officers' perspectives*, unpublished results of the Project.
- van Ginneken, E. F., Bosma, A. Q., Pasma, A., & Palmen, H. (2020). Unhappy staff, unhappy prisoners? The relation between work climate and prison climate in Dutch prisons. *Kriminologie-Das Online-Journal/ Criminology-The Online Journal*, (2), 182–200. <https://doi.org/10.18716/ojs/krimoj/2020.2.5>
- Wenk, E. A., & Moos, R. H. (1972). Social climates in prison: An attempt to conceptualise and measure environmental factors in total institutions. *Journal of Research in Crime and Delinquency*, 9(2), 134–148. <https://doi.org/10.1177/002242787200900206>
- Wills, C., Bates, K., Frost, N. A., & Monteiro, C. E. (2021). Barriers to help-seeking among correction officers: examining the influence of institutional culture and structure. *Criminal Justice Studies*, 34(4), 423–440. <https://doi.org/10.1080/1478601X.2021.1997276>

Measuring Prison Climate in Slovenia: Overview of the Results through the Decades*

Eva Bertok¹ 

This paper presents measuring prison climate in Slovenia, as well as its importance, rationale, historical significance, and methodological challenges. In it, prison climate dimensions of all 14 prisons under the Prison Administration of the Republic of Slovenia will be presented, some discrepancies delineated, and potential reasons for lower rates will be examined.

KEYWORDS: Slovenian prisons / social climate in prison

Introduction

As presented in a chapter about Ig prison (Bertok, 2024), Slovenia has relatively low imprisonment rates that are slowly rising; newest research (Fair & Walmsley, 2024, pp. 11–14) reports 85 prisoners per 100.000 inhabitants, which is still well below the rates of the rest of Southern, Central and Eastern European countries, but much higher than reported rates in the past decades (58 in 2000, 64 in 2010, 68 in 2015). Conditions in Slovenian prisons are also monitored by evaluating the social climate in prisons. Past measurements of social climate were conducted in 1980, 1985, 1990, 1995, 2000 (Brinc, 1995, 1997, 2000, 2001), 2005 (Brglez et al., 2006), 2010 (Brinc & Petrovec, 2011) and 2017 (Plesničar et al., 2019), which is rare even on a global level.

Moos's questionnaire has been preserved in its original form in Slovenian research from 1980 until the last wave of surveying in 2017. However, there were

* This paper was presented by Eva Bertok as part of her keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Bertok, E. (2024). Measuring Prison Climate in Slovenia: Overview of the Results through the Decades. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 9–30). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.18>

¹ Institute of Criminology at the Faculty of Law Ljubljana, Slovenia
<https://orcid.org/0000-0003-3757-2849>

Correspondence: Eva Bertok, Institute of Criminology at the Faculty of Law Ljubljana, Poljanski nasip 2, 1000 Ljubljana, Slovenia. Email: eva.bertok@inst-krim.si

proposals for changes and updating, some of which were well-founded since the questionnaire is long and repetitive in some parts. The researchers found that, nevertheless, the questions in their original form still gave a good enough picture of the prison climate that allowed planning changes and improvements (Plesničar et al., 2019, p. 12). The strongest argument for utilising the same questionnaire was the possibility of a more accurate comparison with past results, thus negating a frequent comment of the prison administration that past (usually very good) results in some prisons could not be compared with newer ones. What has changed (legislation, social system, etc.) may be a lot to be considered, but the comparison was still possible with the same questionnaire.

Petrovec (Plesničar et al., 2019, p. 13) also notes that the results were informally backed up by what the staff told in their briefings with what was once called "Criminal Sanctions Enforcement Service" (Služba za izvrševanje kazenskih sankcij, today's Prison Administration), that is – the picture that the staff gave of the individual prison matched the picture given by the analysis.

The justification of the staff in prisons where poor conditions were assessed was connected to low incomes, too much work with what they called "problematic" people, and occasionally also to feelings of subordination of certain jobs compared to others (Plesničar et al., 2017, p. 15).

Researchers also comment on how they were first more restrained in evaluating the assessment of the conditions given by convicted adults and minors since their appraisal could be significantly affected by the dissatisfaction already experienced during criminal proceedings. However, they have learned over time that the evaluations were sufficiently objective and that most of what was written could be relied upon (Plesničar et al., 2019, p. 15).

The dimensions of the social climate (for more on this topic, please refer to the paper in this publication, made by dr. Darja Tadić) that prisoners and staff assessed were: ANG – Engagement; POM – Help and support; OIZ – Openness of expression; AVT – Autonomy; PUS – Practical orientation; ROP – Solving personal problems; ROR – Order and organisation; JAS – Clarity and lastly, NAD – Control. Presented are the graphs that show the fluctuation of each dimension through time – and it should be noted that in some instances the measurements were conducted from 1980 onwards - newer prisons were understandably not included in the earlier studies, so pay special attention in the graphs to the year of each survey and the lowest and highest number of respondents in each establishment, marked by N_{\min} and N_{\max} .

In most prisons surveyed from the eighties onwards, the climate rates declined over time; Brinc (2001) attributes this to changes in supervisory policies or rehabilitation policy. In many ways, the period after 1980 is marked as the "golden" age of Slovenian social therapy, which positively influenced measured social climate.

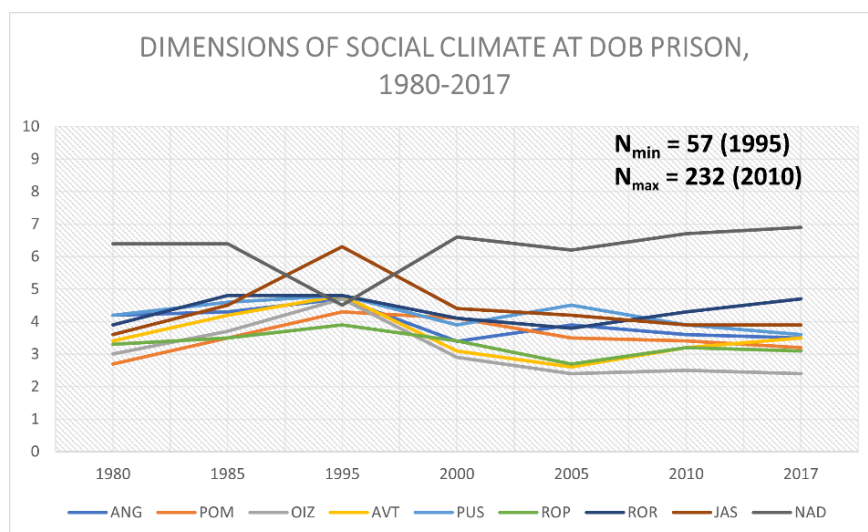
According to Brinc (2001), we were the closest to the ideal of punishment and execution of prison sentences in the year 2000, which saw improved accommodation and sanitary standards, as well as new rights and benefits for prisoners, and those rights and benefits were being monitored by the Human Rights Ombudsman. Moreover, prison staff saw working conditions and wages improving, and newly formed (that is, formed after 1991) and independent Prison Administration had strengthened its control over prisons (Brinc, 2001).

If we look more thoroughly – from 2010 to 2017 (or, as a matter of fact, from 1980 to 2017) negative changes prevail in the assessment averages made by prisoners at Dob Prison (Graph 1) across all social climate components, excluding two: Autonomy and Order and organisation, while the component of Clarity averaged almost the same.

Negative were also the changes in the *staff* assessment of the climate (Graph 2), bar the components of Practical orientation and Control, where the observed averages of staff grades were higher in 2017.

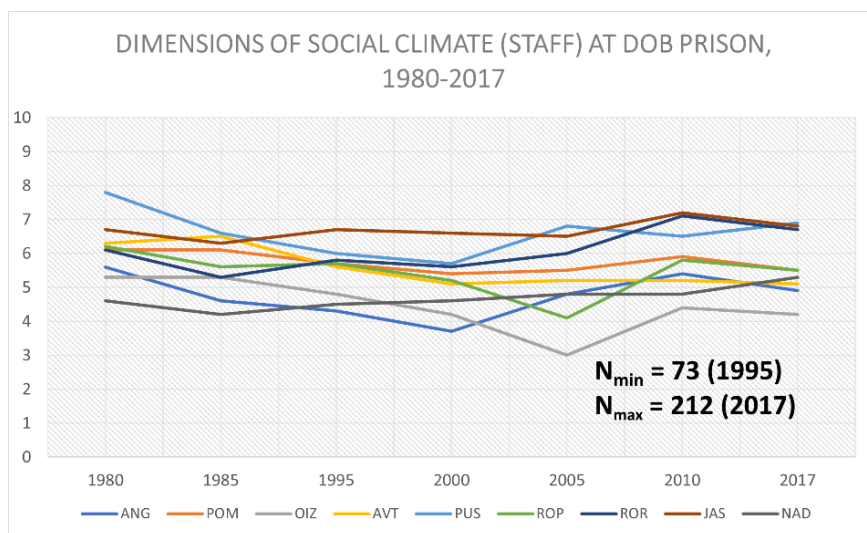
Graph 1

Prison climate components average at Dob prison, prisoners, 1980–2017

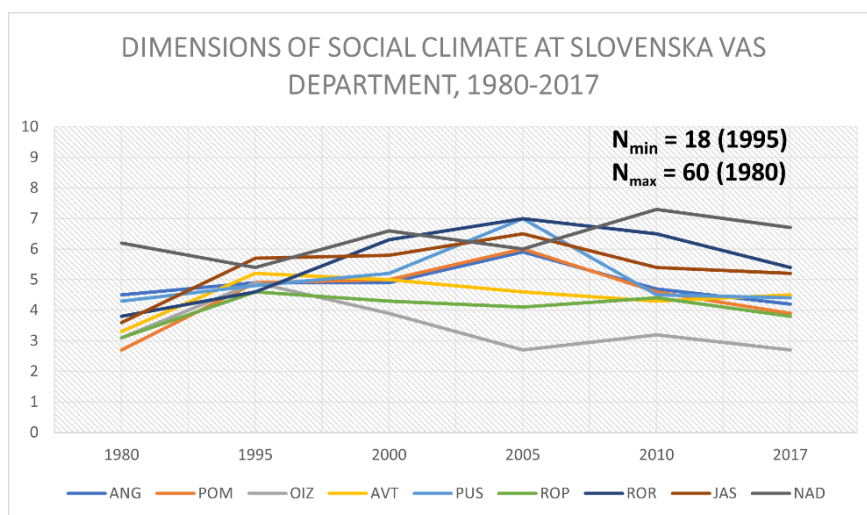


Graph 2

Prison climate components average at Dob prison, staff, 1980–2017

**Graph 3**

Prison climate components average at Slovenska vas semi-open department, prisoners, 1980–2017

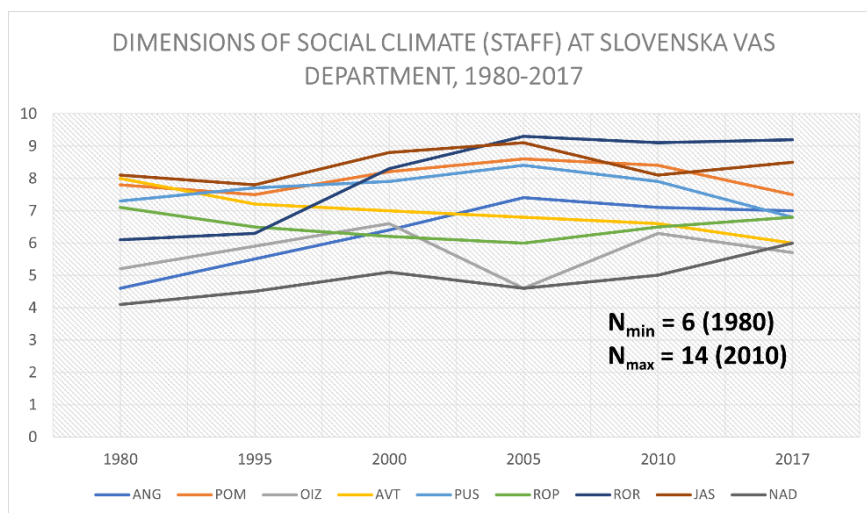


In Slovenska vas semi-open department, a branch of Dob Prison, all changes observed between 2010–2017 were negative bar Autonomy (Graph 3). From 1980 onwards, however, we can see a positive trend in Autonomy and Solving personal

problems; Order and organisation averages in 2017 were also relatively higher than in 1980, culminating in 2005. The averages of *staff* grades of climate there (Graph 4), except for Solving personal problems, Order and organisation and Clarity (of the program), were negative in 2010–2017 but have improved slightly over the whole observed period of 1980–2017.

Graph 4

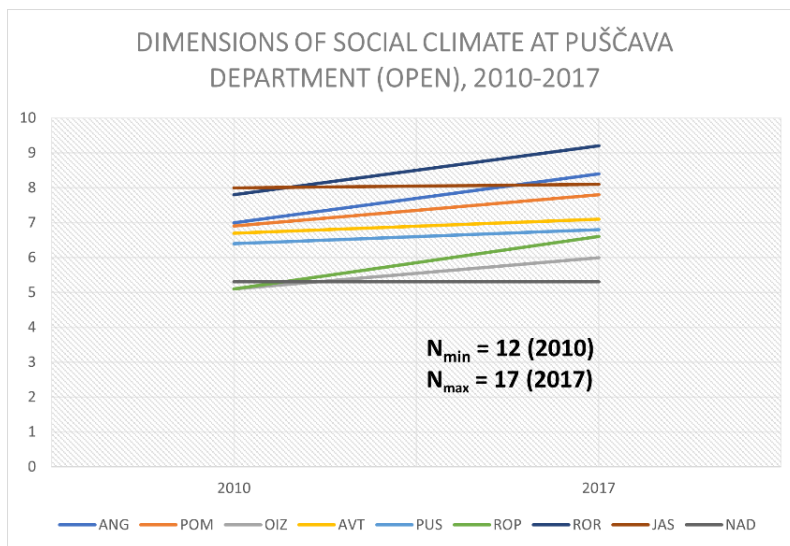
Prison climate components average at Slovenska vas semi-open department, staff, 1980–2017



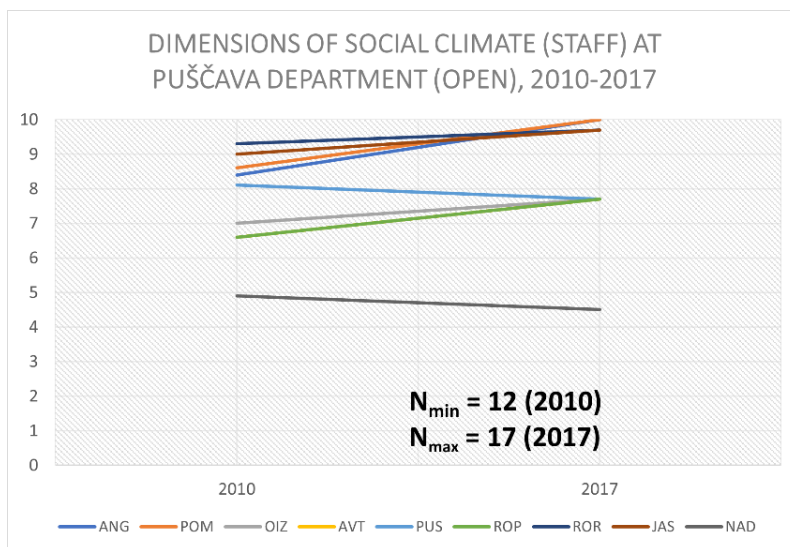
In another branch of Dob Prison, Puščava Open Department, the survey was conducted only in 2010 and 2017 (Graphs 5 and 6). All the changes in the social climate components were positive, although they were just barely in some cases (Graph 5). Puščava *staff* also reported more favourable averages in 2017 besides Practical orientation, where the changes were negative (Graph 6). Here, you can see the difference in the assessment of Control in an open department (where the averages are low, meaning that the prisoners and staff assess the control positively) and in large closed prisons like Dob (where the averages in the Control component are high, signalling bad appraisal).

Graph 5

Prison climate components average at Puščava open department, prisoners, 2010–2017

**Graph 6**

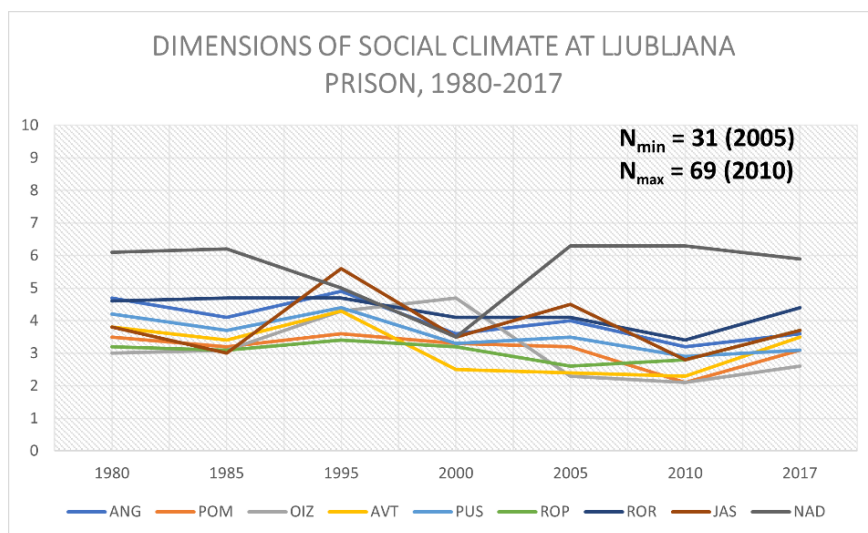
Prison climate components average at Puščava department, staff, 2010–2017



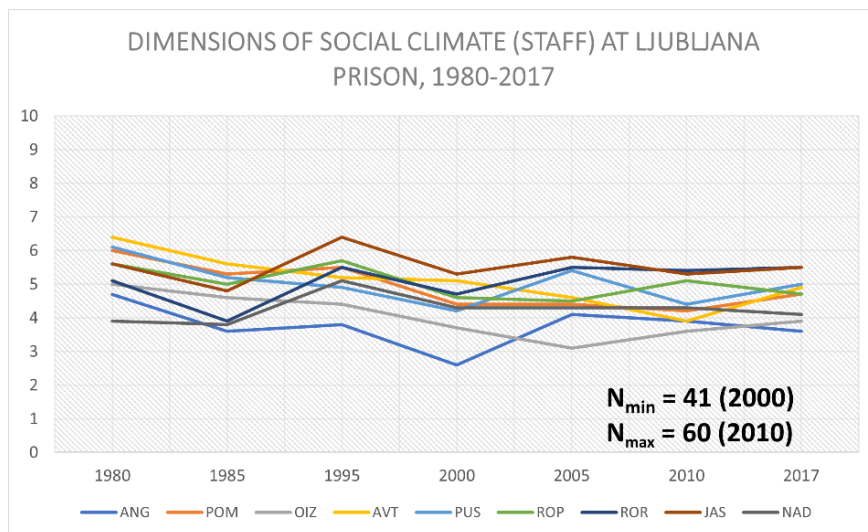
In the Ljubljana Prison, positive changes prevail (Graph 7), and the same can also be said for *staff* appraisal (Graph 8), barring Engagement, Solving personal problems and Control components.

Graph 7

Prison climate components average at Ljubljana prison, prisoners, 1980–2017

**Graph 8**

Prison climate components average at Ljubljana prison, staff, 1980–2017

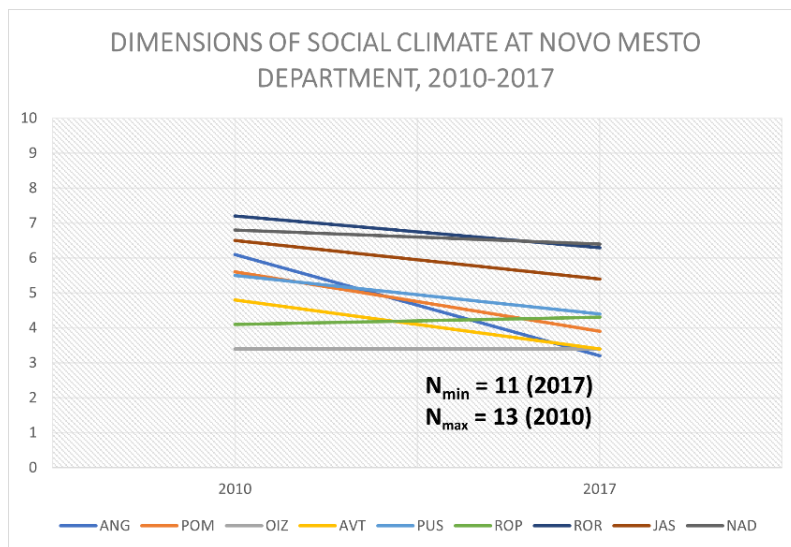


Novo Mesto Prison, a branch of Ljubljana prison where the survey was conducted only in 2010 and 2017, saw negative changes in the assessment, the only exception

being the component of Solving personal problems (Graph 9). On average, *staff* deemed the climate as more positive in 2017 across all components (Graph 10).

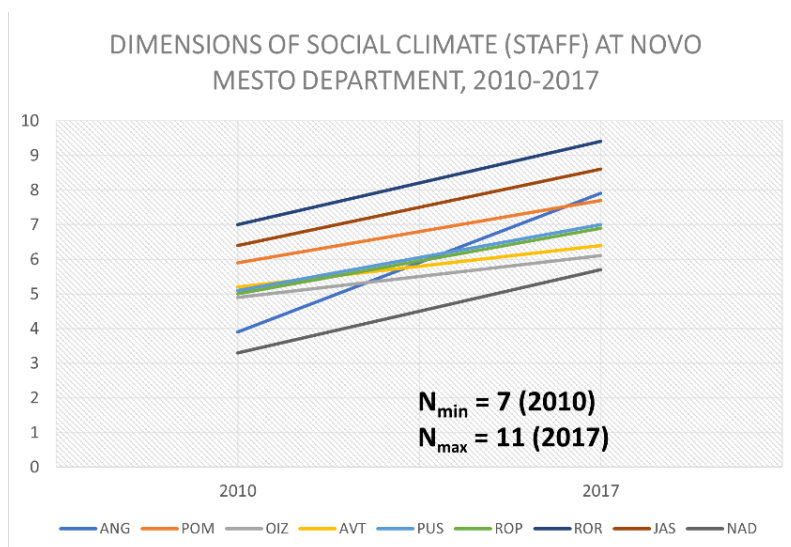
Graph 9

Prison climate components average at Novo Mesto Prison, prisoners, 2010–2017



Graph 10

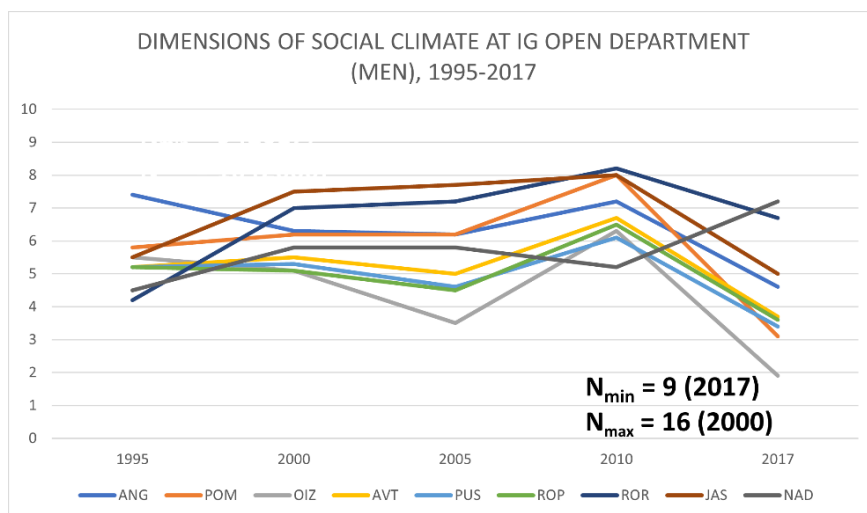
Prison climate components average at Novo Mesto Prison, staff, 2010–2017



In the second branch of Ljubljana Prison, Ig Open Department, negative changes were prevalent, especially in the Control component, where there was a considerable jump in the average – from just above 5 in 2010 to above 7 in 2017, signalling an increase in controlling behaviour of staff, which is harmful to the climate (Graph 11).

Graph 11

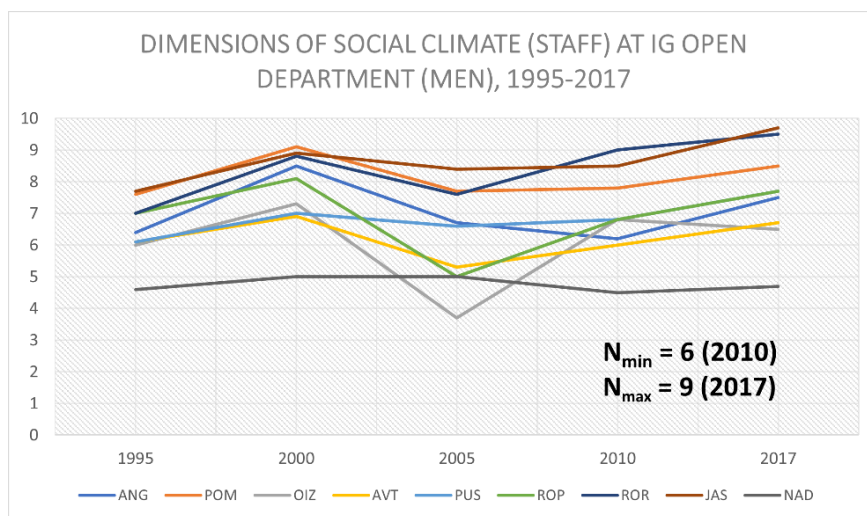
Prison climate components average at Ig open department, prisoners, 1995–2017



A matter of concern is also Openness of expression, where averages plummeted from a good 6 in 2010 to below 2 in 2017. In contrast, *staff* ratings (Graph 12) in the open department showed higher averages in grades, with only one exception: Openness of expression, where the averages were lower. Interestingly, their appraisal of the Control did not change through the observed period and was relatively low (unsurprisingly for open prison).

Graph 12

Prison climate components average at Ig open department, staff, 1995–2017

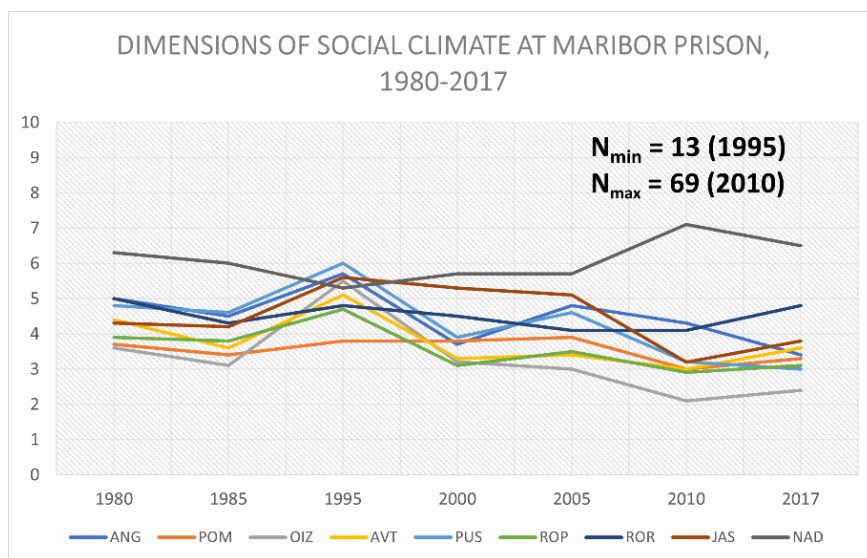


Positive changes were also apparent in the Maribor Prison in 2010–2017, except for Practical direction (Graph 13). From 1980, the changes are less favourable; there was a considerable positive jump in the climate, measured in 1995; that spike was just temporary and resulted in a significant drop in 2000 measurement; from then onwards, positive trends were observed in most components.

The *staff* at the Maribor Prison also, on average, assessed the climate more favourably in 2017, compared to 2010, except for the Control component (Graph 14). However, from 1980, their appraisal on average became much more negative.

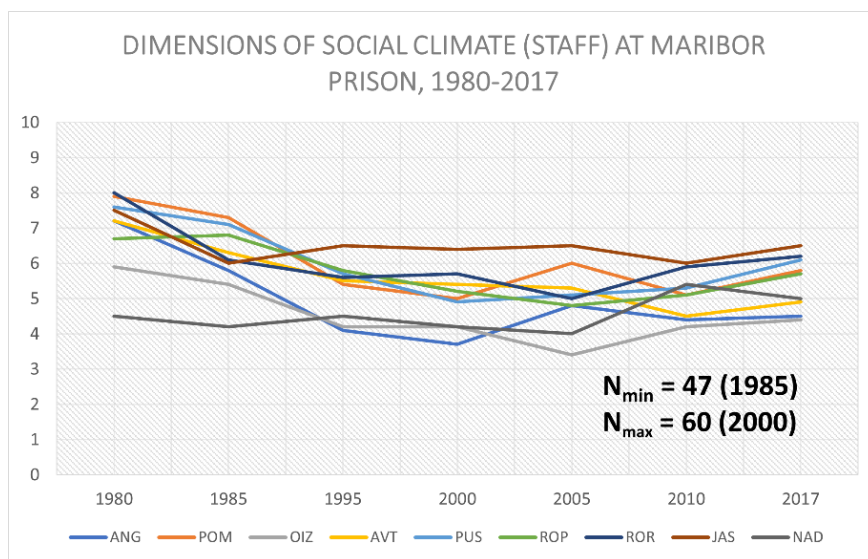
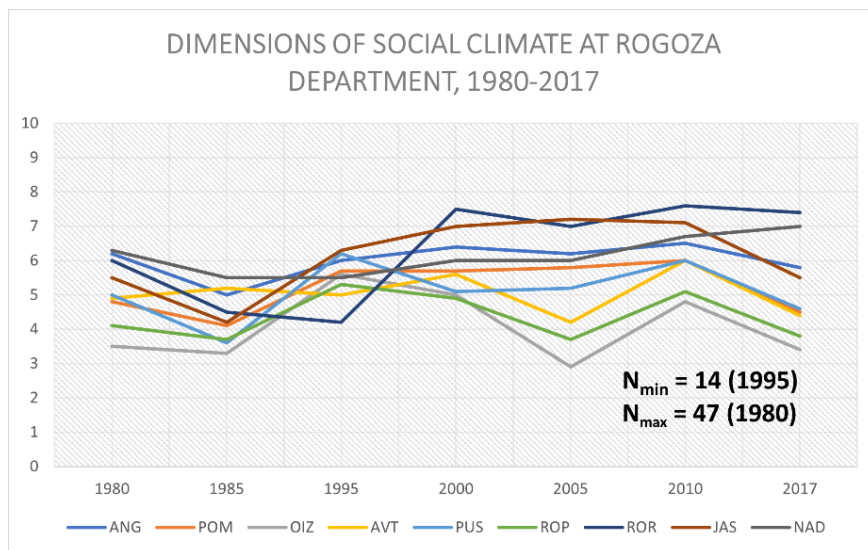
Graph 13

Prison climate components average at Maribor prison, prisoners, 1980–2017



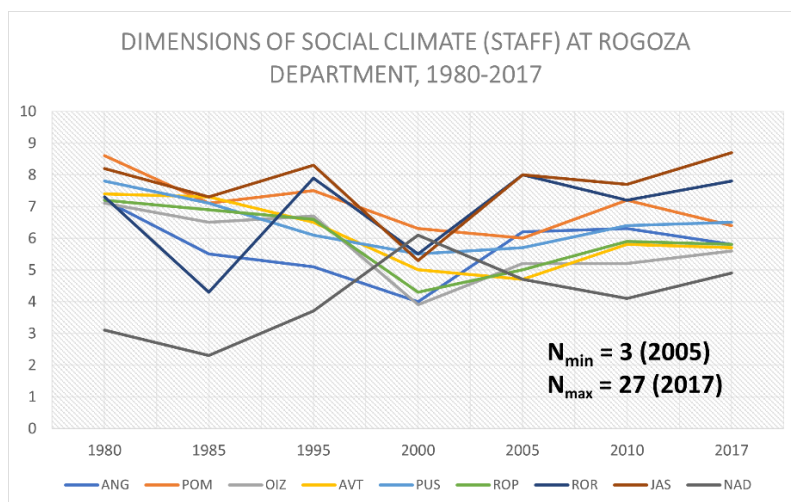
In the Rogoza Open Department, negative changes were present in all social atmosphere components (Graphs 15 and 16). A slightly less pessimistic grade was delivered by *the staff* of Rogoza (Graph 16), who, on average, reported less favourably, but in the case of Openness of expression, Autonomy, Order and organisation, the changes were positive.

If we look at the whole observed period 1980–2017, only Clarity and Order and discipline were assessed more positively at the end; moreover, the Control component was assessed very positively on average with a score of 3 (meaning low controlling behaviour, which was partly substantiated by the relatively low score of prisoners – 6) culminated in an average of 6 (double the average!) in 2000 and dropped to just below 5 in 2017 (Graph 15).

Graph 14*Prison climate components average at Maribor prison, staff, 1980–2017***Graph 15***Prison climate components average at Rogoza open department, prisoners, 1980–2017*

Graph 16

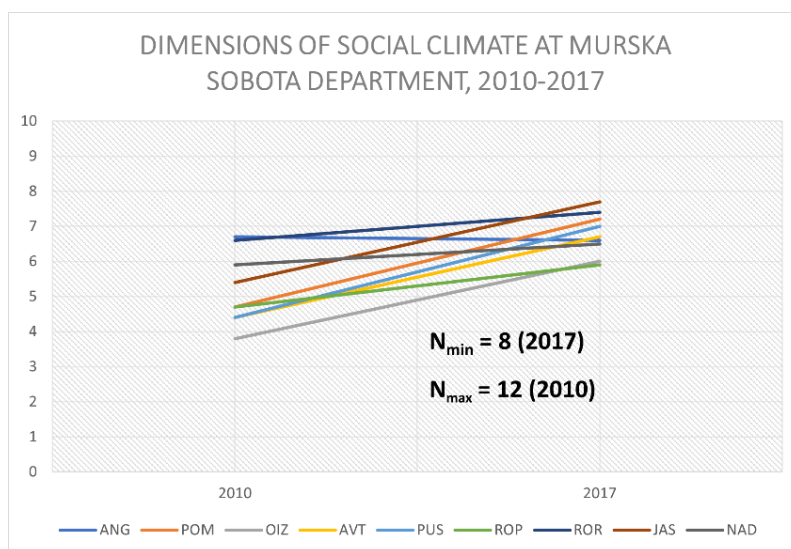
Prison climate components average at Rogoza open department, staff, 1980–2017



In the Department of Murska Sobota, the second branch of Maribor Prison, there was a negative change observed only in the scope of Engagement; all others were, on average, graded more positively (Graph 17); quite contrary, *staff* in the department assessed, on average, all of the components less favourably except Engagement and Order and organisation (Graph 18).

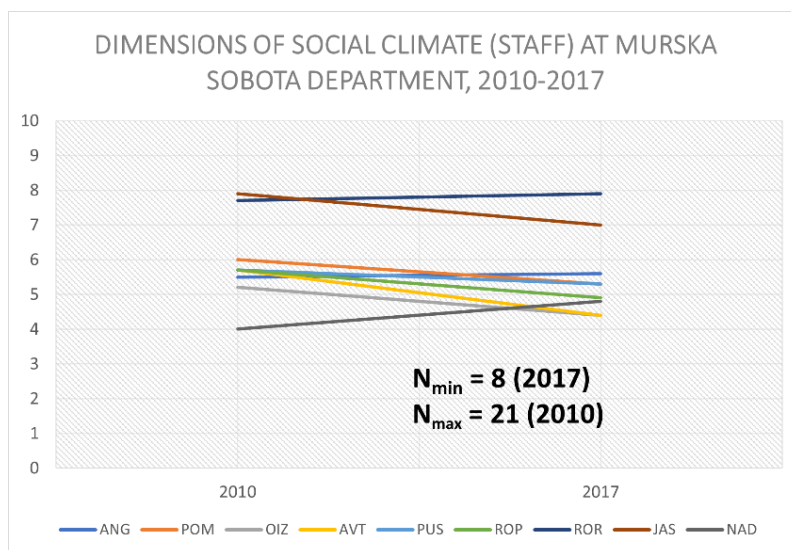
Graph 17

Prison climate components average at Murska Sobota Prison, prisoners, 2010–2017



Graph 18

Prison climate components average at Murska Sobota Prison, staff, 2010–2017

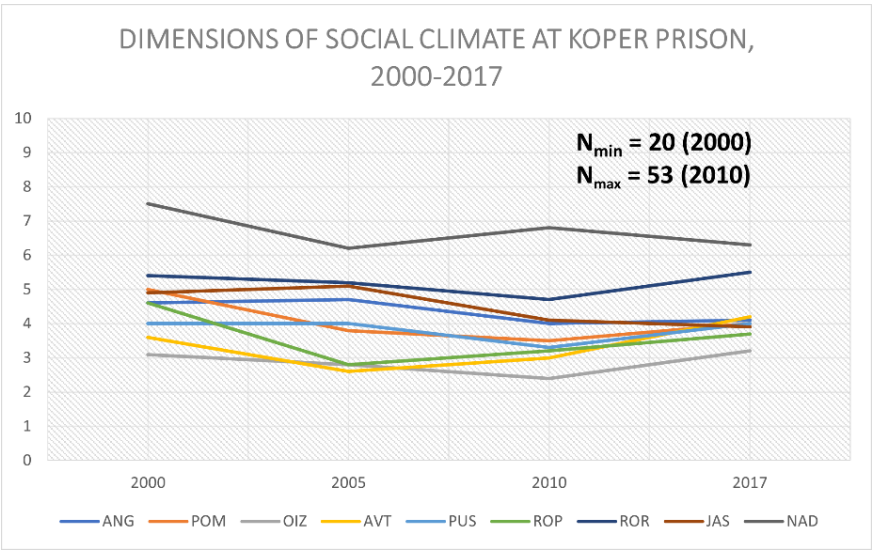


Positive changes were present in most climate categories in the Koper Prison, while unfavourable changes were present in the components Help and Clarity of the program from 2010–2017 (Graph 19).

The changes are minute but negative in the whole observed period 2000–2017. In the *staff* evaluation of the climate, all changes in averages from 2010 to 2017 were positive, whilst, from 2000, the majority of categories were slightly more negatively appraised, except Control (Graph 20).

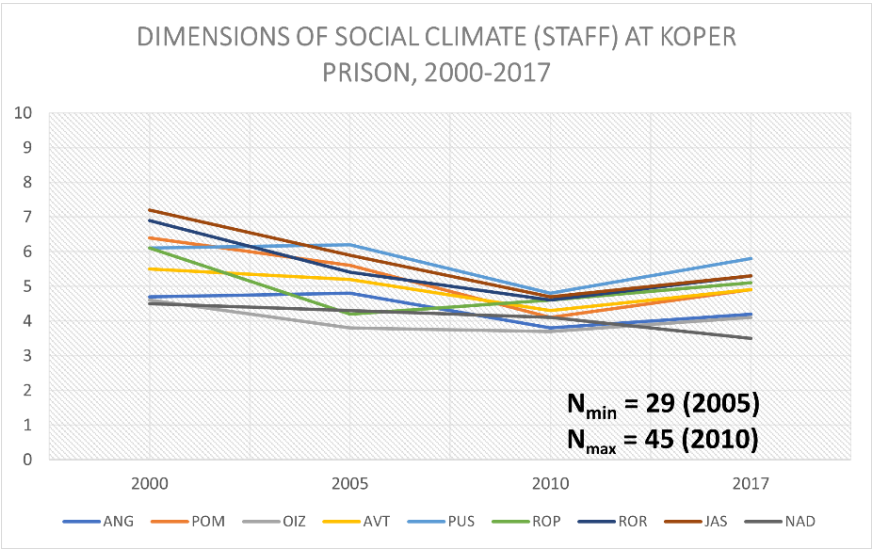
Graph 19

Prison climate components average at Koper Prison, prisoners, 2000–2017



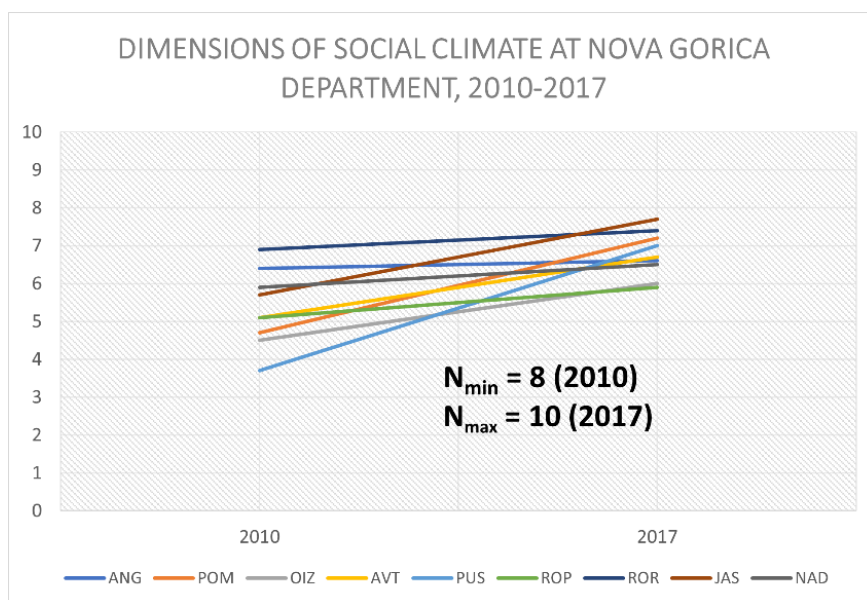
Graph 20

Prison climate components average at Koper Prison, staff, 2000–2017



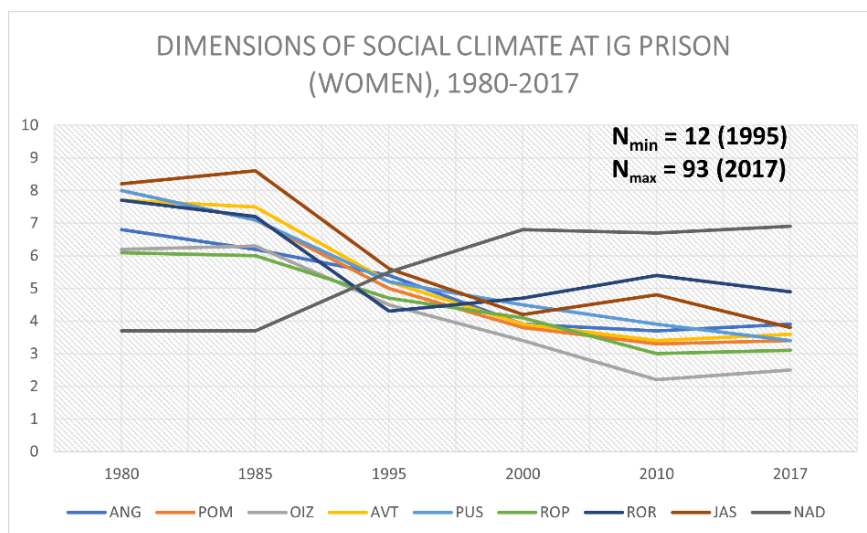
On the contrary, the *staff* there, on average, assessed the climate more negatively than seven years beforehand, the only exceptions being the components of Autonomy, Order and organisation and Control with positive changes (Graph 22).

Prison climate components average at Nova Gorica department, prisoners, 2010–2017

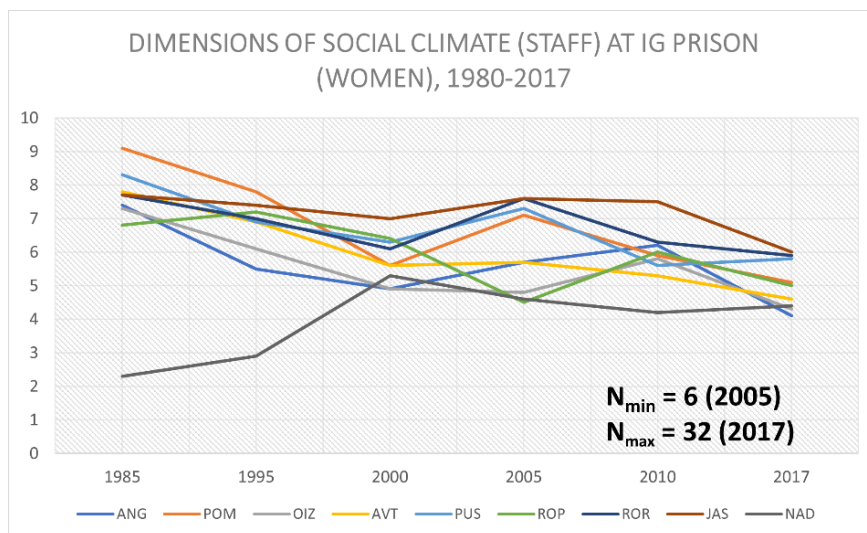


Graph 23

Prison climate components average at Ig prison, prisoners, 1980–2017

**Graph 24**

Prison climate components average at Ig prison, staff, 1980–2017

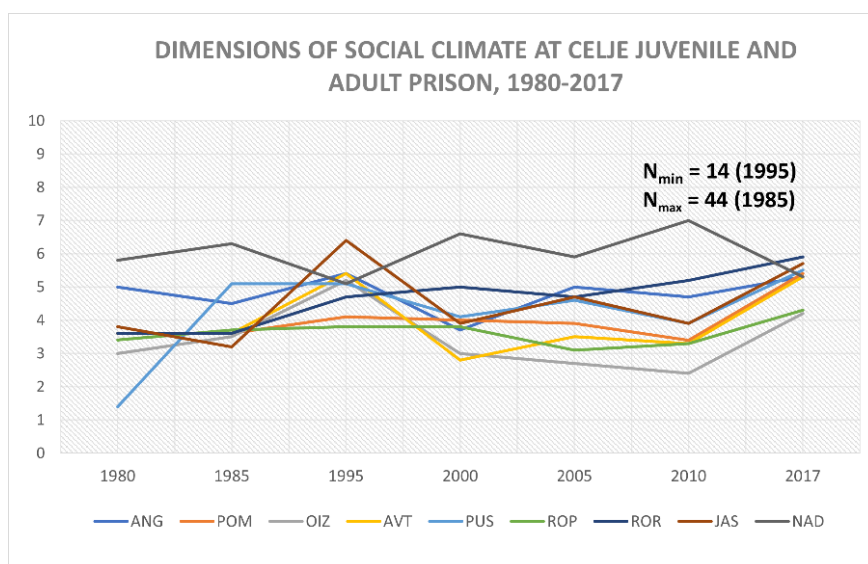


In the Celje Juvenile and Adult Prison, positive changes have been observed in all components of the social climate, as expressed by young inmates there. *Staff*: negative changes prevail, the only exception being the Practical orientation,

Solving personal problems, and program Clarity, while the Openness of expression is, on average, assessed similarly as before.

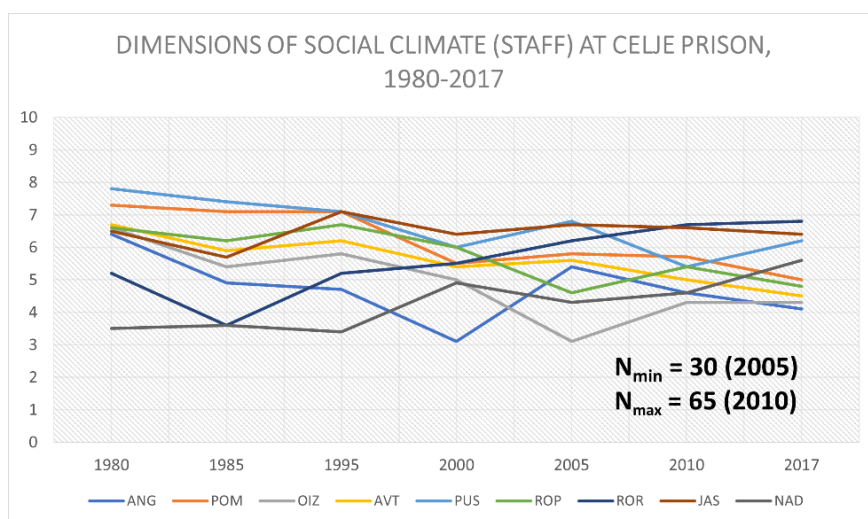
Graph 25

Prison climate components average at Celje juvenile and adult prison, prisoners, 1980–2017



Graph 26

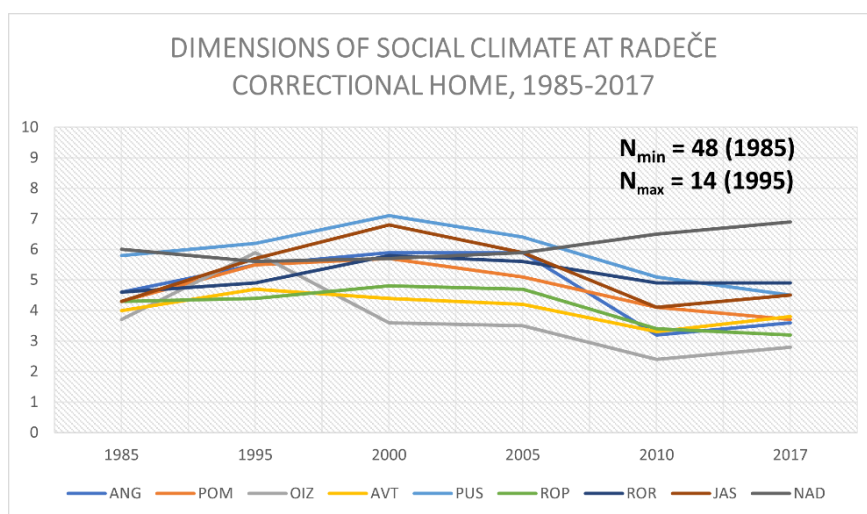
Prison climate components average at Celje juvenile and adult prison, staff, 1980–2017



In the Radeče re-education home, most of the changes are positive, with the exception of Help and support, Practical orientation, Solving personal problems and Control. At the same time, the assessment for the components of Order and organisation was similar to the previous one. *Staff* there also assessed more favourably between 2010–2017 all dimensions except Engagement and Control. When observing the whole period from 1985 onwards, the averages were slightly lower, and the Control component have risen from between 4 and 5 to 6, which marks significantly more controlling behaviour, as assessed by staff.

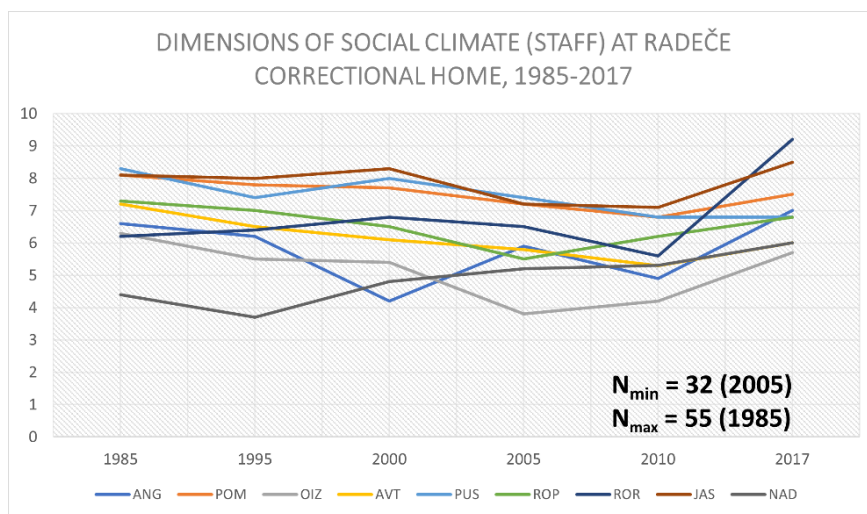
Graph 27

Prison climate components average at Radeče re-education home, juveniles, 1985–2017



Graph 28

Prison climate components average at Radeče re-education home, staff, 1985–2017



To summarise – the results offer us an insight on how the atmosphere appraisal fluctuated in different prisons in Slovenia, but even more importantly, it serves as a discussion point on how it is possible to achieve better (or worse) prison atmosphere even when the majority of conditions, including prison administration is the same.

The present short introduction to the topic of the social climate in Slovenian prisons is focused primarily on the results of the surveys through time and less on why the (sometimes sudden changes) in the measured climate happened. That question is better suited for each prison's (former) management. As mentioned, Brinc (2001) attributes this to changes in supervisory policies or rehabilitation policy; for instance, Ig prison saw the change from no monitoring via cameras in the eighties to cameras pointing at each entrance not even twenty years later. First was the result of the "socio-therapeutic approach", which was based on the idea that open prison should be an option for all prisoners. This concept was introduced in other Slovenian prisons but had varied results. Petrovec (2015) concludes that the staff were reluctant to relinquish their power and authority, the cornerstone of the prisons' traditional (t.i. hierarchical) structure. Nevertheless, when the socio-therapeutic approach was implemented, it positively affected both staff and prisoners (Petrovec, 2015).

In conclusion, according to Brinc (2001), we have already reached the zenith, that is, we have already reached the closest to the ideal of punishment and execution of prison sentences in the year 2000, and are seeing rights and benefits

for the prisoners and staff to be in decline. Our research mission is to help establish new guidelines and improve the prisons.

References

- Bertok, E. (2024). Women in prison in Slovenia: Ig prison through time. In S. Čopić & A. Batričević (Eds.), *Prison Environment: A Female Perspective* (pp. 106–123). Institute of Criminological and Sociological Research.
http://dx.doi.org/10.47152/PrisonLIFE.D4.7_7
- Brinc, F. (1995) *Družbeno vzdušje v zavodih za prestajanje kazni zapora* [Social atmosphere in prisons]. Inštitut za kriminologijo pri Pravni fakulteti.
- Brinc, F., & Petrovec, D. (2001) *Družbeno vzdušje v zavodih za prestajanje kazni zapora v Republiki Sloveniji: poročilo* [Social atmosphere in prisons in the Republic of Slovenia: report]. Inštitut za kriminologijo pri Pravni fakulteti.
- Brinc, F., & Petrovec, D. (2011) *Družbeno vzdušje v zavodih za prestajanje kazni zapora in v Prevzgojnem domu Radeče leta 2010: poročilo* [Social atmosphere in prisons and re-education centre Radeče in 2010: report]. Inštitut za kriminologijo pri Pravni fakulteti.
- Brglez, A. (2006). *Socialno vzdušje v zavodih za prestajanje kazni zapora in prevzgojnem domu leta 2005: poročilo* [Social atmosphere in prisons and re-education centre in 2005: report]. Inštitut za civilizacijo in kulturo.
- Petrovec, D. (1999). *Ideja in realnost socioterapevtske usmeritve: študija* [The idea and the reality of sociotherapeutic intervention: study] (Vol. 126). Inštitut za kriminologijo pri Pravni fakulteti.
- Petrovec, D. (2000). Konflikti med zahtevami po varnosti in resocializaciji [Conflicts between security requirements and resocialization]. In M. Pagon (Ed.), *Dnevi varstvoslovja* (conference proceedings). Visoka policijska varnostna šola.
- Petrovec, D. (2011). Sklepno razmišljanje o družbenem vzdušju [Concluding thoughts on social climate]. In *Družbeno vzdušje v zavodih za prestajanje kazni zapora in v Prevzgojnem domu Radeče leta 2010: študija* [The social atmosphere in prisons and the Prevzgojne dom Radeče in 2010: study]. Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.
- Petrovec, D. (2015). Penologija – zadnje poglavje kazenskega prava [Penology – the last chapter of criminal law]. In A. Šelih & K. Filipčič (Eds.), *Kriminologija*. GV Založba.
- Plesničar, M. M., Petrovec, D., Drobnjak, M., Brvar, B., & Cvikl, L. (2019). *Družbeno vzdušje v zavodih za prestajanje kazni zapora in v prevzgojnem domu Radeče leta 2017: poročilo* [Social atmosphere in prisons and re-education centre Radeče in 2017: report]. Inštitut za kriminologijo pri Pravni fakulteti.
- Walmsley, R., & Fair, H. (2024). *World prison population list. 14th edition*.
https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_13th_edition.pdf

Competencies and Training of Prison Staff: Similarities and Differences Between Groups of Prison Workers in Slovenia*

Rok Hacin¹  and Gorazd Meško² 

Introduction/Research Problem: Quality and comprehensive training of prison workers and the possession of appropriate competencies are crucial for maintaining a high level of professionalism in the prison environment. A study on the training and competencies of prison workers was carried out in 2022 in all Slovenian prisons and a correctional home. *Objectives:* The aim of the study was to identify specific competencies and training needed by an individual group of prison workers in Slovenia. *Methods:* The survey, using a hardcopy questionnaire, was administered in June 2022. Based on a sample of 309 prison workers, similarities and differences in the self-assessments of different groups of prison workers (prison officers, treatment workers, work instructors and managers) on the quality of training, their own competence to work in the prison system and the need for additional training were analysed. *Results:* The results of the statistical analyses showed that all groups of prison workers believe they possess the key knowledge and skills to perform the specific work tasks that are required of them according to their position in prison. At the same time, prison workers highlighted the need for additional training, especially regarding the knowledge of stress management techniques. *Conclusion:* The findings of the study highlighted the importance of specific training for each group of prison workers. In addition, the implications of findings for Slovenian penological practice are discussed in light of the current challenges faced by the prison administration.

KEYWORDS: competencies / training / prison workers / Slovenia

* This paper was presented by Rok Hacin as part of their keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Hacin, R., & Meško, G. (2024). Competencies and Training of Prison Staff: Similarities and Differences Between Groups of Prison Workers in Slovenia. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 33–55). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.16>

¹ Faculty of Criminal Justice and Security, University of Maribor, Slovenia
<https://orcid.org/0000-0003-2265-5422>

² Faculty of Criminal Justice and Security, University of Maribor, Slovenia
<https://orcid.org/0000-0001-7466-0042>

Correspondence: Rok Hacin, Faculty of Criminal Justice and Security, University of Maribor, Kotnikova 8, 1000 Ljubljana, Slovenia. Email: rok.hacin@um.si

Introduction

Work in prisons is demanding and highly specialised, requiring specific knowledge, skills, methods, techniques, and approaches for working with prisoners. Working in a stressful and dangerous prison environment with hostile clients requires selected staff that possess appropriate competencies. Brinc (1997) wrote that more care should be given to the selection and training of prison workers. For example, the (un)suitability of certain individuals (e.g., ex-soldiers) to work in prison is highlighted in the recommendations of international organisations, such as the Council of Europe Recommendation (97)12 on workers in penal institutions (Council of Europe Committee of Ministers, 1997), which are not always taken into account in practice due to the lack of [appropriate] candidates. Consequently, prison organisations must organise quality training and education that give (future) prison workers practical knowledge, skills and relevant competencies for working with prisoners.

The work performance of prison workers depends on the availability of appropriate training and organisation that allows for the integration of new techniques to improve work quality (Castle & Martin, 2006; Lugo, 2016), as prisons are inherently conservative institutions where changes are commonly undesirable. The training of prison workers has a positive effect on the understanding of prisoners and their behaviour, which is expressed in the quality of prison staff-prisoners relationships and prison workers' greater support for the resocialisation of prisoners (Beijersbergen et al., 2015; Burton et al., 1991; Lambert et al., 2009). The quality of training is essential to support the treatment of prisoners, as studies (e.g., Crouch & Alpert, 1982; Jurik et al., 1987) have not found any connection between the achieved education and prison workers' support for the resocialisation of prisoners. The latter highlights the importance of appropriate and quality training for prison workers in relevant fields, mainly within the prison organisation.

In addition to knowledge, skills and abilities acquired by formal education and training within the prison system, an individual's personality characteristics (values, motivation, self-image, emotions, thinking patterns, etc.) influence the competence of prison workers. Brinc (2001) pointed out that personality characteristics have a greater influence on the willingness or ability of prison workers to help prisoners than professional competence. An individual's role in prison, internalisation of norms of professional culture, and the perception of one's own position in wider society have a significant impact on prison workers' personalities (Garrihy, 2021). In addition, prison workers' personal characteristics, expressed in their competencies, affect their work and relations with prisoners.

Objectives

The study focuses on the training and professional competencies of prison workers in Slovenia, aiming to identify similarities and differences between different groups of prison workers. First, legal provisions for training prison staff in Slovenia are presented, followed by a delineation of the training courses for various groups of prison workers (prison officers, treatment workers, work instructors, and managerial staff). Key and specific competencies that Slovenian prison workers should possess are also described. Second, the findings of the empirical study on professional competencies and training of prison workers in Slovenia are presented. Specifically, the results of statistical analysis on different groups of prison workers' self-assessment of their own competence and the quality of training, as well as the need for additional training, are presented and interpreted. In conclusion, the importance of findings for penal practice and further development of prison workers' training in Slovenia is discussed.

Training and Competencies of Prison Workers in Slovenia

Prison Workers' Training

Quality and comprehensive training of prison workers is crucial for maintaining a high level of professionalism in the prison environment. The Enforcement of Criminal Sanctions Act (2006) is the primary legal document in Slovenia that regulates the training of prison staff following guidelines and recommendations of the United Nations and Council of Europe. While the Act in articles 231.-233.a precisely defines the form of training for prison officers, the training for treatment workers is described in more general terms in article 244, which foresees the organisation of training for a specific field and work methods (without precise provisions). The generality in legal provisions for the training of treatment workers is a result of the basic requirements for filling the position of a treatment worker in the Slovenian prison system, which requires higher education (a minimum vocational college) in sociology, social work, psychology, criminal justice etc. Work in prison is complex (Rules on the Implementation of Prison Sentences, 2019) and requires highly qualified workers. This need has been recognised by the Slovenian Prison Administration, which committed to the development of prison workers' training in the Strategy of the Prison Administration of the Republic of Slovenia (2017–2020) (2017).

Prison officers represent the largest group of employees in the Slovenian prison system, for whom comprehensive basic training comprises three program sections. This type of training aims to acquire versatile and interdisciplinary knowledge that enables professional work in prisons and a correctional home based on respect for the human rights and dignity of prisoners. The entire training

lasts nine months, which the prison officer must complete within 18 months of employment. The training covers the following areas: (1) enforcement of prison sentences, (2) international frameworks for the enforcement of prison sentences, (3) fundamental human rights, (4) techniques, skills and methods for working with prisoners, (5) criminality and social context, (6) fundamental values of the prison officer profession, and 7) techniques of managing prisoners (Prison Administration of the Republic of Slovenia, 2023). In the first part of the training program, which lasts one month, candidates for prison officers get acquainted with the system of enforcement of criminal sanctions and activities of the Slovenian Prison Administration. The second part, which lasts five months, includes acquiring basic theoretical and practical skills for performing tasks in prison. In the last, third program block, which lasts three months, candidates for prison officers consolidate the acquired theoretical knowledge in practice (mandatory practical work in prisons and a correctional home) under the supervision of the commander and learn about work in other Slovenian prisons – candidates for prison officers are rotated within the prison system. After completing basic training and a professional exam, prison officers take an oath before the Director General of the Slovenian Prison Administration. Prison officers who have a desire/need to acquire additional special skills or occupy management positions are offered a variety of further training courses (e.g., space invasion, shooting instructor, conflict management, training of heads of security departments, etc.) (Prison Administration of the Republic of Slovenia, 2023).

Despite the high work demands of treatment workers who are responsible for the implementation of treatment programs, the doctrinal development of prison work, the coordination of more demanding projects, management of prison statistics, etc. (Prevolšek et al., 2018), comprehensive basic training is not organised for them. It is assumed that treatment workers have acquired appropriate knowledge and competencies in sociology, social work, pedagogy, andragogy, psychology, theology, law, etc., for working with prisoners during their formal education at universities and colleges. Besides the appropriate education, treatment workers must pass the exam from provisions of the General Administrative Procedure Act (2006), which can also be taken after starting employment within the prescribed period. The systematisation of jobs requires psychologists and social workers to have appropriate education in psychology and social work, while there are no specific provisions for pedagogues. However, in practice, most of the latter have completed studies in social sciences. From a broader theoretical perspective, it can be argued that work instructors can be classified as treatment workers, as learning new work skills is an essential element of the resocialisation of prisoners. Work instructors are required to have an appropriate professional education (completed high school programs focusing on metal or wood processing), but some work instructors (mainly in the correctional home) also have obtained an additional pedagogical-andragogic qualification, as they believe that in contrast to work instructors in prisons, juveniles in a

correctional home are not only taught new skills but also raised (Meško & Hacin, 2023). Once a year, or when a sufficient number of newly hired treatment workers is reached, internal training is organised that includes the following areas: (1) professional treatment and employment of prisoners, (2) treatment of addiction and violence, (3) international and national legislation of enforcement of criminal sanctions, (4) work of educators, social workers and prison officers, and (5) specific treatments of prisoners (recognition of suicidality, personality disorders, sexual preference disorders, etc.). The induction of new treatment workers in prisons and a correctional home is implemented informally, as the formal mentoring program is not in place (Prison Administration of the Republic of Slovenia, 2023). More than 25 different additional training courses are available to treatment workers for further specialisation, including various forms of supervision, public speaking, leadership with social power, foreign languages, conflict resolution, etc. (Ministry of Justice, Prison Administration of the Republic of Slovenia, 2022; Prison Administration of the Republic of Slovenia, 2023).

Professionalism and high qualification of managerial staff are vital, as they influence the social climate and humanisation of relations between prison actors, as well as the pursuit of aims of punishment in prisons (Brinc, 2011; Schalast et al., 2008). The managerial staff comprises employees of the General Directorate of Slovenian Prison Administration, directors of prisons, and heads of departments. These employees represent highly educated individuals with many years of experience working as prison officers and/or treatment workers in the prison system. Internal promotion, which prevents recruiting external “staff” without adequate knowledge and expertise to higher positions, maintains a high level of professionalism in the prison system. The latter can be seen as a safeguard, as managerial staff lack specific training. Prison workers (prison officers and treatment workers) who have achieved the appropriate level of formal education and have the desire to occupy management positions are offered a number of additional training focusing on leadership, administration, and management of prisons (Prison Administration of the Republic of Slovenia, 2023).

Competencies of Prison Workers in Slovenia

Due to the specific treatment-oriented practice in Slovenian prisons, Hacin et al. (2022) highlighted key and specific competencies of individual groups of prison workers. They considered: (1) organization affiliation and work ethics, (2) respect for authority and the ability to function in a hierarchical system, (3) objective treatment of all prisoners based on respect for human rights, (4) support for the resocialization of prisoners and cooperation with colleagues from other departments in the prison, (5) principled behaviour at work and in private life (presenting an example to prisoners), (6) self-confidence and self-control including managing stress, (7) innovation, responsibility and reliability in

performing of daily tasks and communication skills, and (8) knowledge of legislation.

In addition, individual groups of prison workers should possess specific competencies that would enable them to effectively conduct the work tasks required of them. Prison officers as the largest group of prison workers should: (1) identify with the group (“collegiality”) and be conscientiousness and assist colleagues, (2) exercise authority and ability to command and pay attention to detail, (3) show tolerance towards prisoners and their daily demands, threats, manipulations, etc., and be willing to establish quality (sometimes informal) relations with prisoners, (4) be open to treatment ideas and control aggression and exercising restraint in the use of force (set “boundaries” in the use of discretion and non-violent conflict resolution), (5) be physical fit and possess the ability to work routine and shift work, (6) know how to multitask, make quick decisions and perform tasks that do not fall directly into one's field of work, and (7) have “street” knowledge to recognize manipulation in daily interactions with prisoners (Hacin et al., 2022; Meško et al., 2022).

Treatment workers have a demanding mission of resocialising prisoners for the implementation of which the following set of specific competencies are required: (1) in-depth knowledge of pedagogy, andragogy, psychology, penology, social work, etc., that enables understanding of prisoners' problems and offering appropriate help, (2) the ability to keep an emotional distance from prisoners and objective evaluation of prisoner's progress, (3) willingness to acquire new skills and find innovative solutions for prisoners' problems, (4) to give the impression of a trustworthy person and show empathy, kindness, determination and patience when working with prisoners, (5) active listening of prisoners, ability to recognise lying and manipulation, and willingness to reduce expectations regarding the resocialisation of prisoners to ensure safety in prison, (6) limited performance expectations at work (Hacin et al., 2022; Meško et al., 2022).

Managerial staff, in order to provide effective leadership and strategic planning, should be able to: (1) identify suitable qualities for appointing employees to managerial positions and assigning more demanding tasks to reliable prison workers, (2) understand the “wider” picture of the enforcement of criminal sanctions with an emphasis on the resocialization of prisoners, (3) provide fair and equal treatment of all employees, and constructively solve prison workers' problems, (4) implement changes in the prison system and cooperate with external organisation, (5) personally interact with prisoners, and (6) assign work tasks in the form of a conversation rather than a command. In addition, they should be self-initiative, charismatic, professional, and meticulous, and possess organizational skills and knowledge of legislation that would present them as a role model to other prison workers (Hacin et al., 2022; Meško et al., 2022).

The key competencies that all Slovenian prison workers should possess are similar to competencies expected/required from prison staff in other countries. Affiliation with the organisation (prison system) is formed as a fundamental characteristic of the personality of prison workers during training and is expressed in work ethics, moral behaviour, responsibility and reliability at work, self-control and self-confidence (Garrihy, 2021), presents one of the essential key competencies of prison workers. The relationship between prison workers and the prison organisation is mutual, as employees influence the operation of the prison. The prison environment affects the well-being of the prison workers (Lambert et al., 2021), or as Bennet wrote (in Rosenberg, 1951, p. 42), each institution is the extended shadow of a handful of individuals. Despite the presence of treatment orientation in the Slovenian prison system, the nature of prison work and the characteristics of prisoners (e.g., hostility, violence, manipulation) demands the presence of authority in the prison environment. Prison workers are required to respect the authority of superiors and operate in a hierarchical system (Morgan & Smith, 2009). In general, prison workers support different ideologies of punishment (resocialisation, retribution, incapacitation, special deterrence and general prevention; Tewksbury & Mustaine, 2008).

Consequently, support for resocialisation of prisoners can be seen as the most specific key competency of Slovenian prison workers compared to those in other countries. The support for treatment ideology is reflected in the objective treatment of all prisoners with respect for human rights and striving for their resocialisation, inevitably leading to cooperation between various services within the prison system. In other words, it is a comprehensive approach to treating prisoners that requires collaboration between prison officers and the treatment service (Hacin et al., 2022; Meško et al., 2022).

Despite the differences in possessed/required competencies of prison workers, all pursue the following key goals: (1) successful implementation of the treatment programs, (2) well-being of all employees, and (3) a high level of professionalism of all prison workers. Prison officers have traditionally been structurally embroiled in a conflict of roles – providing safety and security and resocialising prisoners (Thomas, 1972). As bearers of authority and individuals responsible for ensuring safety and security in prisons (Meško et al., 2004), they are required to be physically fit, conscientious, and help fellow prison officers (the presence of collegiality within the group and also subcultural norms; Weinrath, 2016), as well as the ability to perform routine work characteristic of authoritarian organisations. In the Slovenian resocialisation-oriented prison system, the use of force is rare and “undesirable”. It is used gradually and only in exceptional cases.

Consequently, prison officers have to exercise restraint. Hacin and Meško (2024) pointed out that the position of prison officers in modern prisons requires them to relinquish their traditional [coercive] power over prisoners and cooperate with treatment workers in the resocialisation of prisoners. It is expected from

prison officers that in addition to classic approaches of maintaining order and safety and safety, they would also (1) possess “street knowledge” to recognise prisoners’ manipulations, (2) use humour to prevent escalation of tense situations, and (3) strive to establish quality and sometimes even informal relations with prisoners (Liebling et al., 2011).

Härenstam (1989) argued that the introduction of new aims of punishment in the 20th century transformed prisons significantly. In addition to incapacitating criminals, prisons were given the “task” of their resocialisation, which led to the diversification of prison staff and increased the complexity of their work. New categories of prison workers have appeared, such as work instructors, social workers, pedagogues, psychologists, etc., which can be categorised as treatment workers. The specificity of the Slovenian prison system, which emphasises the resocialisation of prisoners, can be seen in the employment of a greater number of treatment workers compared to other countries (their share in Slovenia is above the European average; Aebi et al., 2023). Treatment workers must possess appropriate competencies that enable them to implement treatment programs with demanding individuals, that is, carrying out counselling and guidance as well as understanding prisoners’ problems. Appropriate competencies (e.g., high frustration tolerance, emotional distance to incarcerated persons) also help them to endure stress, as in the course of their work, treatment workers are often faced with: (1) lack of success (high recidivist rate), (2) ingratitude or even open hostility of prisoners, and (3) great responsibility, as they have the power to significantly influence the quality of prisoners’ life during imprisonment (i.e. deciding on benefits and sanctions). (Marshall, 2005; Prevolšek et al., 2018). In general, treatment workers are the main supporters of the resocialisation of prisoners, which means that they must have a sense of mission or calling, which they also transfer to other groups of prison workers (Gordon, 1999; Kifer et al., 2003).

Managerial staff presents the bridge between [theoretical framework of] penal policy (primarily the aims of punishment) and their implementation in practice. Goldberg (2019) pointed out that the managerial staff’s tasks differ according to organisational goals and institutional structure and practice, which includes management, employee evaluation, vision, goals, performance evaluation, etc. In addition to appropriate leadership competencies and charisma, they must set an example for prison workers and be experts in general management, event organisation, public administration and prison management (Bryans, 2000). Most of the managerial staff’s competencies are universal. Still, the specificity of the Slovenian prison system is visible in their daily contact with prison workers and prisoners, as well as partly decentralised management that is a consequence of the organisation of the prison system itself, which is based on small institutions. For example, only one prison in Slovenia can be considered a large prison with a capacity for 468 prisoners; however, by European/world standards, it would be

categorised as a small or medium-sized prison (Uprava Rpeublike Slovenije za izvrševanje kazenskih sankcij, n.d.). Decentralisation of management, a less hierarchical structure and good relations between managerial staff and other prison workers are the basis of a dynamic prison organisation, where communication occurs smoothly between different levels and departments (Coyle, 2007; Johnsen et al., 2011). In such a system, managerial staff does not represent some distant authority but individuals who instil confidence in prison workers that the welfare of the employees is their primary task. Coyle (2007, p. 496) wrote that the prisons with the most humane atmosphere and positive culture are those with the most visible leadership.

Methods

Research Procedure and Sample

The study on professional competencies and training of prison workers was conducted in 2022 in the entire Slovenian prison system. Prior to actual field work, the research plan and the questionnaire were forwarded to the General Directorate of the Slovenian Prison Administration, which gave its consent to conduct the study. The survey of prison staff took place in June 2022 in all six Slovenian prisons with departments and the correctional home (14 locations). All prison workers were invited to participate in the study, and 322 have decided to do so (response rate of 35.2%; Ministry of Justice, Prison Administration of the Republic of Slovenia, 2022). Before conducting the survey, the study was presented to prison workers, after which hard copies of the questionnaire were distributed to individuals who decided to participate; the “paper and pencil” method was used. Participation in the study was voluntary and anonymous. The surveying of prison staff took place in three forms: (1) simultaneous surveying of a large number of prison workers who gathered in common areas, (2) surveying individual prison workers in their offices or workstations, and (3) distributing questionnaires to individuals, together with an envelope, in which they put completed questionnaire, sealed it and left it at a pre-arranged place, where it was collected. The latter method was used rarely (less than 10% of all respondents), but was necessary in some cases, due to the work obligations of prison workers that prevented their participation in the study during the researcher’s visit.

Initially, the sample consisted of 322 prison workers, however, 13 respondents were excluded due to the inability to classify them into the four established groups of prison workers: prison officers, treatment workers, work instructors and managerial staff (directors of prisons, heads of departments and heads of specific sectors within institutions). In Table 1, the characteristics of the sample by groups of prison workers are presented. Prison officers (63.1%) represented more than half of all prison workers surveyed, followed by treatment workers (18.4%),

managerial staff (10.1%), and work instructors (8.4%). Men predominated in the groups of work instructors (96%), prison officers (84%) and managerial staff (61%), while women dominated the treatment workers group (75%). High school education prevailed among prison officers and work instructors, while all treatment workers and managerial staff achieved a higher level of education; the rules of the Slovenian Prison Administration demand that all treatment workers and managerial staff have completed at least a vocational college level. All groups of prison workers pointed out that they primarily work with prisoners, which was expected due to the prison population structure in Slovenia in 2022, where prisoners represented the largest group of incarcerated persons. Besides treatment workers, who mostly saw the resocialisation of prisoners as their primary task, a significant proportion of work instructors (40%) and managerial staff (20%) saw the resocialisation of prisoners as their mission, which indicates the presence of a treatment orientation not only in primary providers and implementers of treatment programs (i.e. treatment workers) but also in the field of prison work (as a form of activity that contributes to the resocialisation of an individual) and at the organisational level (leadership that supports the resocialisation of prisoners). The average age (with standard deviations [*SD*]) of prison officers was 43.80 years (*SD* = 8.33), treatment workers 41.30 (*SD* = 7.98), work instructors 47.73 (*SD* = 8.48) and managerial staff 46.89 years (*SD* = 6.93). The number and structure of prison workers in each institution or department reflect the structure of all employees by the institution at the time of the survey (Ministry of Justice, Prison Administration of the Republic of Slovenia, 2022).

Instrument and Data Analysis

The study on professional competencies and training of prison workers was conducted in 2022 in the entire Slovenian prison system. The questionnaire used was designed based on the modified questionnaires on the professional competencies of prison officers (Meško et al., 2004) and the training and competence of treatment workers (Prevolšek et al., 2018). The questionnaire included questions related to the prison workers' assessment of the quality of training (9 questions) and their own competence (19 questions), the need for additional training (16 questions), and the socio-demographic data of respondents (6 questions). All parts of the questionnaire were pre-tested (Meško et al., 2004; Prevolšek et al., 2018).

The responses of surveyed prison workers responses were entered into an SPSS database and analysed. All the observed variables were normally distributed (graphically tested using histograms, P-P plots and Q-Q plots). Descriptive statistics and One-way MANOVA analyses were performed.

Table 1*Sample Characteristics*

		Prison officers <i>n</i> = 195	Treatment workers <i>n</i> = 57	Work instructors <i>n</i> = 26	Managerial staff <i>n</i> = 31
Gender	Male	163 (84)	14 (25)	25 (96)	19 (61)
	Female	32 (16)	43 (75)	1 (4)	12 (39)
Education	High school	117 (60)	0 (0)	18 (70)	0 (0)
	Vocational college	27 (14)	2 (3)	4 (15)	3 (10)
	Bachelor degree	46 (23)	45 (79)	4 (15)	26 (87)
	Master's degree and/or Ph.D.	5 (3)	10 (18)	0 (0)	1 (3)
I mostly work with...	Prisoners	65 (33)	26 (46)	15 (58)	14 (45)
	Juveniles	8 (4)	5 (9)	0 (0)	2 (7)
	Remand prisoners	32 (17)	2 (4)	1 (4)	1 (3)
	Different types of imprisoned persons	90 (46)	23 (41)	10 (38)	14 (45)
Prison/department	Dob	51 (26)	17 (30)	8 (31)	8 (26)
	Slovenska vas	2 (1)	2 (4)	3 (12)	1 (3)
	Puščava	1 (1)	0 (0)	0 (0)	0 (0)
	Ig (women)	15 (8)	5 (9)	1 (4)	2 (6)
	Celje	13 (7)	9 (16)	3 (12)	5 (16)
	Ljubljana	33 (17)	5 (9)	0 (0)	1 (3)
	Novo mesto	6 (3)	2 (4)	1 (4)	1 (3)
	Ig	2 (1)	2 (4)	0 (0)	1 (3)
	Maribor	24 (12)	4 (7)	3 (12)	5 (16)
	Murska Sobota	14 (7)	0 (0)	1 (4)	1 (3)
	Rogoza	4 (2)	0 (0)	1 (4)	1 (3)
	Koper	11 (6)	5 (9)	5 (19)	2 (6)
	Nova Gorica	11 (6)	1 (2)	0 (0)	1 (3)
	Radeče	8 (4)	5 (9)	0 (0)	2 (6)
The main work task in prison	Administration	5 (3)	1 (2)	0 (0)	0 (0)
	Working with prisoners	14 (8)	4 (7)	4 (16)	2 (7)
	Resocialisation	8 (5)	46 (83)	10 (40)	6 (20)
	Safety and security	123 (70)	1 (2)	0 (0)	2 (7)
	Management	12 (7)	1 (2)	2 (8)	16 (53)

Note: Data are given in *n* (%) format.

Results

Statistical analyses of prison workers' responses showed that all groups (prison officers, treatment workers, work instructors and managerial staff) believe that they have adequate education for working in prison (ranging from 85% for prison officers to 100% for work instructors), but not all groups demonstrate sufficient competence (ranging from 32% of managerial staff to 85% for prison officers). An interesting paradox emerges, as the adequacy of achieved education is not as crucial for prison officers as it is for other groups, as comprehensive training is available for them before starting their job or during the trainee period, which is also reflected in their assessment of their own qualifications for the job. The comprehensive basic training for prison officers provides them with all the theoretical and [even more important] practical knowledge to carry out the daily tasks in prisons assigned to them, including how to establish proper relations with prisoners, while other groups receive no such training. The situation is the opposite for work instructors and treatment workers, and partly for managerial staff, as achieved [appropriate], education is crucial, as there is no comprehensive basic training available for them that would prepare them for work with prisoners and/or management of the institution. For example, treatment workers obtain theoretical knowledge of psychology, andragogy, social work, etc. that are crucial for prisoners' rehabilitation during their studies at the universities but lack practical knowledge of prison work, as there are no specialised university programs in Slovenia that would prepare them for working with prisoners. Similarly, work instructors possess theoretical knowledge and practical skills in metal working or carpentry, which have obtained during schooling but lack people skills that would enable them to more efficiently work with prisoners. Over half of prison workers in each group (ranging from 58% for prison officers to 65% for managerial staff) were satisfied with the quality of on-the-job training. We must point out the difference in the scope of training, which depends on the responsibilities and work tasks of each group (e.g. work instructors need less training to perform their work, as they have acquired most of the basic skills during schooling while performing the duties of a prison officer requires specific knowledge, which the individual cannot obtain through schooling outside the prison system). The majority of prison workers from all groups (ranging from 81% for managerial staff to 92% for work instructors) expressed satisfaction with the content of the training and also participated in additional training (76% of prison officers, 88% of treatment workers, 92% of work instructors, and 97% of managerial staff). Most of the employees (ranging from 81% for managerial staff to 96% for treatment workers and work instructors) were satisfied with the work tasks, but at the same time, they pointed out that they performed many additional tasks (43% of prison officers, 71% of treatment workers, 58% of work instructors, and 65% of managerial staff). In particular, treatment workers and managerial staff highlighted that they perform many tasks intending to help the organisation

(e.g., additional help to prisoners in the form of clothing and basic necessities, carrying out essential maintenance work in prisons, etc.), which indicates a sense of duty/belonging to the prison system. The need for additional training was present in all groups of prison workers (ranging from 37% for prison officers to 61% for treatment workers), but treatment workers expressed the greatest desire for additional knowledge. As case-bearers and persons responsible for the resocialisation of prisoners, there is [always] a need for additional knowledge (i.e. the latest discoveries in the field of resocialisation, addiction treatment, treatment of violence, etc.). In contrast to treatment workers, prison officers expressed a lesser interest in additional training since their primary task in prisons is to ensure safety and security, for which they are sufficiently trained. In Table 2, answers of the respondents by groups of prison workers are presented.

Table 2

Prison Workers' Assessment of the Quality of Training and Own Competencies

		Prison officers	Treatment workers	Work instructors	Managerial staff
Education adequacy for work in prison	Yes	161 (85)	56 (98)	25 (100)	30 (97)
	No	28 (15)	1 (2)	0 (0)	1 (3)
Qualifications for the position you hold	Yes	170 (88)	30 (53)	9 (35)	10 (32)
	No	24 (12)	27 (47)	17 (65)	21 (68)
Satisfaction with the quality of job training	Yes	110 (58)	35 (64)	13 (57)	20 (65)
	No	80 (42)	20 (36)	10 (43)	11 (35)
Additional training	Yes	149 (76)	50 (88)	24 (92)	30 (97)
	No	46 (24)	7 (12)	2 (8)	1 (3)
Satisfaction with the training content ^a	Dissatisfied	25 (13)	7 (18)	1 (8)	4 (19)
	Satisfied	164 (87)	32 (82)	12 (92)	17 (81)
	<i>M (SD)</i>	2.98 (0.56)	2.82 (0.51)	2.85 (0.56)	2.86 (0.79)
Work satisfaction ^a	Dissatisfied	18 (9)	2 (4)	1 (4)	5 (16)
	Satisfied	175 (91)	54 (96)	25 (96)	26 (84)
	<i>M (SD)</i>	3.02 (0.55)	3.18 (0.51)	3.00 (0.71)	3.10 (0.61)
Additional tasks not required by the position	Yes	82 (43)	40 (71)	14 (58)	20 (65)
	No	109 (57)	16 (29)	10 (42)	11 (35)
The need for additional skills due to new challenges	Yes	66 (37)	30 (61)	9 (45)	16 (42)
	No	113 (63)	19 (39)	11 (55)	12 (58)

Note: Values are *n* (%) or as otherwise indicated.

^a Scale: from 1 – I was not satisfied at all to 4 – I was completely satisfied. Categories “dissatisfied” (values 1 and 2) and “satisfied” (values 3 and 4) were formed.

In Table 3, the One-Way MANOVA model was employed to assess the differences in prison staff's self-assessment of work competencies between different groups of prison workers. Results (Wilks' lambda = .41; $p < .001$) confirmed the assumptions on the dependence of self-assessment of work competencies on work position, as statistically significant differences between

prison workers' self-assessment of their knowledge of: (1) self-defence, (2) communication, (3) andragogy, (4) pedagogy, (5) criminology, (6) criminalistics, (7) psychology, (8) penology, (9) treatment of addiction, (10) administrative procedures, (11) criminal law, (12) procedural rules and other legal documents, and (13) first aid, among observed groups were identified. Bonferroni post hoc test results revealed that statistically significant differences exist between: (1) prison officers and treatment workers ($p < .001$), and police officers and managerial staff ($p < .05$) in their knowledge of self-defence, (2) prison officers and treatment workers ($p < .001$) in their knowledge of first aid, (3) prison officers and treatment workers ($p < .05$), treatment workers and work instructors ($p < .01$), and treatment workers and managerial staff ($p < .05$) in their communicational skills, (4) prison officers and treatment workers ($p < .001$) and treatment workers and work instructors ($p < .001$) in their knowledge of andragogy, (5) prison officers and treatment workers ($p < .001$), treatment workers and work instructors ($p < .001$), and treatment workers and managerial staff ($p < .01$) in their knowledge of pedagogy, (6) prison officers and work instructors ($p < .001$), treatment workers and work instructors ($p < .05$), treatment workers and managerial staff ($p < .05$), and work instructors and managerial staff ($p < .001$) in their knowledge of criminology, (7) prison officers and treatment workers ($p < .01$), prison officers and work instructors ($p < .001$), treatment workers and managerial staff ($p < .05$), and work instructors and managerial staff ($p < .001$) in their knowledge of criminalistics, (8) prison officers and treatment workers ($p < .01$), prison officers and work instructors ($p < .05$) in their knowledge of psychology, (9) prison officers and work instructors ($p < .001$), treatment workers and work instructors ($p < .01$), and work instructors and managerial staff ($p < .001$) in their knowledge of penology, (10) prison officers and treatment workers ($p < .05$), treatment workers and work instructors ($p < .01$) in their skills to deal with addicts, (11) treatment workers and work instructors ($p < .01$) and work instructors and managerial staff ($p < .001$) in their knowledge of administrative procedures, (12) prison officers and work instructors ($p < .01$) and work instructors and managerial staff ($p < .01$) in their knowledge of criminal law, (13) prison officers and work instructors ($p < .001$), treatment workers and work instructors ($p < .001$), and work instructors and managerial staff ($p < .001$) in their knowledge of procedural rules and other legal documents, and (14) treatment workers and work instructions ($p < .05$) in their stress management.

A comparison of prison officers, treatment workers, work instructors and managerial staff showed that prison officers perceive their own competence in the areas of self-defence and first aid more positively than other groups of prison workers. In contrast, treatment workers had a more positive perception of their own competencies in communication skills, andragogy, pedagogy, psychology, treatment of addicts, and stress management techniques (Table 3).

Table 3

One-Way MANOVA Model: Prison Workers' Self-assessment of Work Competencies

Variables	Prison officers (<i>n</i> = 189)	Treatment workers (<i>n</i> = 57)	Work instructors (<i>n</i> = 21)	Managerial staff (<i>n</i> = 31)	<i>F</i>
I am in sufficient physical fitness.	3.84 (0.98)	4.00 (0.91)	4.05 (0.97)	4.03 (0.71)	0.88
I have sufficient knowledge of self-defence.	3.21 (1.12)	2.21 (1.11)	2.81 (1.25)	2.55 (1.23)	12.59***
I have sufficient knowledge of foreign languages.	3.14 (1.08)	3.09 (1.01)	3.10 (1.18)	2.74 (1.09)	1.24
I have sufficient communication skills.	3.93 (0.79)	4.26 (0.64)	3.52 (0.68)	3.81 (0.87)	5.78***
I have sufficient knowledge of andragogy.	2.95 (0.95)	3.68 (0.95)	2.67 (0.86)	3.35 (0.99)	11.08***
I have sufficient knowledge of pedagogy.	2.90 (0.99)	3.95 (0.93)	2.76 (0.94)	3.19 (1.14)	17.24***
I have sufficient knowledge of peaceful conflict resolution.	3.79 (0.77)	3.98 (0.67)	3.48 (0.60)	3.81 (0.87)	2.41
I have sufficient computer skills.	3.46 (1.03)	3.60 (0.90)	3.05 (1.12)	3.26 (0.86)	1.93
I have sufficient knowledge of criminology.	3.03 (1.04)	2.67 (0.93)	1.95 (0.92)	3.35 (1.14)	9.98***
I have sufficient knowledge of criminalistics.	2.95 (1.06)	2.44 (0.96)	1.95 (0.92)	3.13 (1.15)	9.24***
I have sufficient knowledge of psychology.	2.98 (0.98)	3.47 (0.89)	2.38 (0.67)	2.97 (1.08)	7.49***
I have sufficient knowledge of penology.	3.21 (0.97)	3.19 (0.89)	2.29 (1.06)	3.48 (1.06)	7.02***
I have sufficient knowledge to deal with addicts.	2.68 (0.96)	3.11 (0.94)	2.29 (0.64)	2.61 (1.09)	4.86***
I have sufficient knowledge of administrative procedures.	3.20 (1.00)	3.53 (0.87)	2.67 (0.86)	3.68 (0.95)	6.28***
I have sufficient knowledge of criminal law.	3.18 (0.99)	3.04 (0.80)	2.38 (0.97)	3.42 (1.15)	5.40***
I have sufficient knowledge of procedural rules and other legal documents.	3.53 (0.87)	3.42 (0.93)	2.14 (0.96)	3.68 (0.98)	16.07***
I have sufficient knowledge of psychiatry.	2.52 (0.99)	2.44 (0.98)	2.05 (0.81)	2.13 (0.92)	2.58
I have sufficient knowledge of first aid.	3.65 (0.86)	2.84 (0.96)	3.29 (0.64)	3.23 (0.92)	13.39***
I have sufficient knowledge of stress management techniques.	3.16 (1.02)	3.51 (0.87)	2.81 (0.87)	3.23 (0.85)	3.16*
Wilks' lambda	.41***				

Note: Data are given in *M* (*SD*) format. Scale: from 1 – strongly disagree to 5 – strongly agree.

* $p < .05$; ** $p < .01$; *** $p < .001$.

Compared to other groups, managerial staff perceived their own competencies in the fields of criminology, criminalistics, penology, administrative procedures, criminal law, procedural rules and other legal documents more positively. Differences between the groups appear mainly in the areas that comprise the specific tasks of each group, for example, the knowledge of self-defence is primarily intended for prison officers who take care of ensuring safety and security in prisons and the correctional home; specific knowledge in the fields of andragogy and pedagogy, as well as psychology, is required of treatment workers who implement treatment programs; and broader knowledge of legislation, administrative procedures and sciences related to the causes of criminality is required of managerial staff who are responsible for the management of institutions and prison workers, as well as strategic decisions. At the same time, all groups of prison workers perceived themselves as relatively well physically prepared for work, trained for peaceful conflict resolution and with sufficient computer skills, while their knowledge of foreign languages is average, and their psychiatric knowledge is relatively low, which is understandable, as it cannot be expected from prison workers to have advanced psychiatric knowledge (Table 3).

To assess the differences in the needs of individual groups of prison workers for additional training, the One-Way MANOVA model was employed (Table 4). Results (Wilks' lambda = .63; $p < .001$) confirmed the assumptions on the dependence of the need for additional training on work position, as statistically significant differences between prison workers' needs for additional training in: (1) self-defence, (2) stress management techniques, (3) communication skills, (4) psychology, (5) penology, (6) group dynamics, (7) treatment of drug addiction, (8) andragogy, and (9) law among observed groups were identified.

Bonferroni post-hoc test results revealed that statistically significant differences exist between: (1) police officers and work instructors ($p < .001$) in their needs for additional training of self-defence, (2) prison officers and treatment workers ($p < .01$) in their needs for additional communication skills, (3) prison officers and treatment workers ($p < .01$) in their needs for additional knowledge of andragogy, (4) prison officers and treatment workers ($p < .001$), prison officers and managerial staff ($p < .05$), and treatment workers and work instructors ($p < .01$) in their needs for additional knowledge of group dynamics, (5) prison officers and treatment workers ($p < .01$) and treatment workers and work instructors ($p < .01$) in their needs for additional knowledge of psychology, (6) prison officers and treatment workers ($p < .01$) and treatment workers and work instructors ($p < .01$) in their needs for additional knowledge of penology, (7) prison officers and treatment workers ($p < .001$) and treatment workers and work instructors ($p < .05$) in their needs for additional knowledge of treatment of drug addicts, (8) prison officers and treatment workers ($p < .01$) and treatment workers and work instructors ($p < .01$) their needs for additional knowledge of law, and (9) treatment

workers and work instructors ($p < .01$) and work instructors and managerial staff ($p < .01$) in their needs for additional skills of stress management (Table 4).

A comparison of prison officers, treatment workers, work instructors, and managerial staff showed that prison officers perceive self-defence as an area of additional training that would be most useful to them when working in a prison environment. Treatment workers highlighted: (1) communication skills (these were also highlighted as the most important by work instructors), (2) psychology, (3) law and penology, (4) group dynamics and andragogy, and (6) treatment of drug addictions, as fields where additional training would be appreciated. Compared to other groups, managerial staff singled out stress management techniques and computer skills as the most important topics of additional training. The desire for specific additional knowledge stems from the very nature of the work, where prison officers are primarily responsible for providing safety and security and well-being of prisoners, treatment workers and work instructors for the resocialisation of prisoners, and managerial staff for the management of prisons and the correctional home. Moreover, additional training in first aid, foreign languages, criminology and criminalistics, psychiatric knowledge, and administrative procedures would be desirable or even necessary for all prison workers, as the values are relatively high.

Table 4

One-Way MANOVA Model: Prison Workers' Assessment of Needs for Additional Training

Variables	Prison officers ($n = 184$)	Treatment workers ($n = 56$)	Work instructors ($n = 23$)	Managerial staff ($n = 30$)	F
Self-defence	4.28 (0.76)	4.04 (0.99)	3.48 (0.85)	3.87 (1.11)	7.61***
Stress management techniques	4.29 (0.77)	4.46 (0.66)	3.87 (0.92)	4.57 (0.63)	4.63*
Communication skills	4.19 (0.79)	4.57 (0.63)	4.09 (0.59)	4.47 (0.68)	4.98**
First aid	4.17 (0.81)	3.89 (1.02)	3.91 (0.59)	4.07 (0.74)	2.01
Psychology	4.01 (0.84)	4.43 (0.63)	3.74 (1.01)	4.20 (0.89)	5.32**
Knowledge of foreign languages	3.97 (0.85)	4.29 (0.89)	3.87 (0.87)	4.10 (0.61)	2.36
Penology	3.89 (0.83)	4.25 (0.75)	3.52 (0.95)	4.07 (0.98)	4.87*
Computer skills	3.86 (0.81)	3.98 (0.90)	3.91 (0.67)	4.07 (0.52)	0.79
Group dynamics	3.85 (0.81)	4.36 (0.69)	3.70 (0.77)	4.27 (0.83)	8.22***
Criminology	3.77 (0.88)	3.82 (0.92)	3.35 (1.07)	3.63 (0.89)	1.80
Criminalistics	3.73 (0.91)	3.75 (1.01)	3.30 (1.06)	3.47 (0.94)	1.97
Treatment of drug addiction	3.72 (0.90)	4.39 (0.76)	3.70 (0.88)	3.87 (1.17)	8.24***
Psychiatric knowledge	3.62 (0.93)	3.91 (1.08)	3.30 (0.97)	3.40 (1.07)	2.95
Andragogy	3.60 (0.88)	4.02 (0.79)	3.61 (0.72)	3.70 (0.84)	3.57*
Administration	3.41 (0.92)	3.43 (0.97)	3.35 (1.03)	3.43 (1.01)	0.05
Law	3.40 (0.93)	3.91 (0.86)	3.13 (1.10)	3.67 (0.99)	5.75***
Wilks' Lambda	.63***				

Note: Data are given in $M (SD)$ format. Scale: from 1 – strongly disagree to 5 – strongly agree.

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$.

Discussion

Archambeault and Archambeault (1982: xxii) wrote that prison workers are the primary resource available to prisons to fulfil their mission. Based on their writings and the fact that prison workers possess a high degree of discretionary power (Kifer et al., 2003), it is clear that quality training and their possession of appropriate competencies are crucial for successfully implementing the aims of punishment. Adequacy of training and competencies is critical in resocialisation-oriented prison systems, where prison staff [partially] have to give up the traditional coercive power over prisoners, as prisoners are subjugated to prison rules by using soft methods that are based on a humane approach to working with prisoners (Hacin & Meško, 2020). Soft power can be described as the essential component of the broader form of “neo-paternalism”, within which coercion in direct orders to prisoners or ‘hard power’ is unnecessary (Crewe, 2011; Nye, 2004). The current study focused on exploring similarities and differences between different groups of prison workers’ self-assessment of the quality of training and their own competence for work in prison, as well as the need for additional training.

Overall, work satisfaction among different groups of prison workers can be assessed as average. Besides the stressful and [occasionally] dangerous nature of prison work, the situation has worsened for Slovenian prison workers in recent years due to increased overcrowding, a large number of foreign prisoners from non-European countries that prevent the implementation of treatment programs and present a greater security risk due to lack of understanding of the language, inadequate wages (especially for prison officers), lack of prison workers, etc. (Hacin et al., 2022; Uprava Republike Slovenije za izvrševanje kazenskih sankcij, 2023). The differences in prison staff’s highlighting different forms of main tasks by individual groups were expected due to the nature and requirements of the job: prison officers (safety and security), treatment workers (resocialisation), work instructors (resocialisation), and managerial staff (management). The prior education of prison workers does not prepare them for work in the prison environment or with prisoners. This problem was reflected in prison workers’ expressed opinions regarding the needed qualifications for the position they occupy (viewed as a whole, only prison officers expressed confidence about appropriate qualifications, as they have to complete comprehensive basic training), but also in need for additional training, as a significant proportion of all groups of prison workers expressed a desire for additional skills (the most important proportion was observed among treatment workers – 61%), due to new challenges that appeared in recent years mentioned above. It has to be emphasised that in Slovenia, there are no secondary/high school programs that would at least partially relate to work in prison. Still, certain penological subjects are included in programs of some higher education institutions (e.g., Faculty of Criminal

Justice and Security, University of Maribor). However, only a handful of prison workers graduate from these programs. All groups of prison workers participated in additional training and mostly expressed satisfaction with its content, which indicated that the leadership of the Slovenian Prison Administration is aware of the problem of prison workers' lack of knowledge and skills, especially in recent years when they have faced new challenges. Consequently, additional training is carried out regularly, and the quality of the content can be described as informative and beneficial for prison workers. Bottoms (1999) argued that if training for prison workers is carried out sporadically rather than constantly, prisoners may begin to question prison workers' legitimacy, who must represent professionals familiar with the latest penological findings for their assigned areas (e.g., ensuring security, addiction treatment, psychological help, etc.).

Deriving from the prison staff's self-assessment of their own competence, it can be argued that most prison officers (88%) and approximately half of the treatment workers (53%) are adequately qualified for the work they perform. Slovenian prison officers possess most of the exemplary competencies characteristic of prison guards (e.g., physical fitness, ability to resolve disputes peacefully, communication skills, procedural rules, etc.), which have also been highlighted in foreign studies (Kriminalforsogens Uddannelsescenter, 1994; Liebling & Price, 1999). The findings showed that prison officers also have [at least] basic knowledge in fields that do not primarily relate to safety and security but basic knowledge in areas traditionally associated with treatment workers (andragogy, pedagogy, etc.). Treatment workers and work instructors highlighted a wide range of knowledge and skills (communication skills, pedagogy, penology, addiction treatment, psychology, etc.) necessary to implement treatment programs successfully (Bonta, 1995; Hulley et al., 2012; Marshall, 2005), and while treatment workers have obtained such knowledge and skills, the same cannot be said for work instructors resulting in low self-assessment of their own competence (35%). Compared to prison officers, the knowledge of treatment workers and work instructors is more focused, from which we can conclude that: 1) the work of prison officers is complex and requires all-round knowledge (the work process requires the involvement/presence of prison officers in almost all aspects of the implementation of prison sentences) and 2) treatment workers and work instructors focus predominantly on the work tasks they perform and have no desire for additional skills that could be useful but are of secondary importance for their work performance. There is also a possibility that prison officers have an excessively good idea of themselves as "experts" in all fields. Like prison officers, managerial staff expressed all-around competence resulting from their experience "on the job", as they have worked as prison officers or treatment workers before taking managerial positions. In addition, they possess key skills (administration, official procedures, legislation, etc.), which enable them to run institutions and work with (i.e., lead) other prison workers.

It has to be noted that relying [merely] on the values of the variables related to the suitability of the training of prison workers, which are mostly high, can lead to erroneous assumptions that there is no need to change/upgrade the existing forms of training. We estimate that high values in the self-assessment of competence reflect the current situation in Slovenian prisons (overcrowding, lack of staff, a large proportion of foreigners, etc.), where the implementation of traditional treatment programs is severely limited. Consequently, prison workers perform only “basic tasks” for which they are sufficiently qualified since implementing the resocialisation of prisoners requires greater engagement and advanced knowledge and skills from the individual that goes beyond the minimal performance of work tasks (Hacin & Meško, 2024). Prison workers’ self-assessment of the need for additional training confirms our assumptions, as all groups of prison workers highlighted the need for additional knowledge and skills. It has to be emphasised that all groups of prison workers highlighted a strong desire/need to learn stress management techniques, which indicates the seriousness of prison work and experiencing stress at the workplace. The nature of work in the prison environment [can] lead to negative consequences for the individual in the psychological and physical spheres (Dollard et al., 2001; Neveu, 2007), which results in the premature departure of the individual from the prison system. An occurrence that has, in recent years, become an increasing problem in Slovenia.

Limitations

As with all empirical studies based on convenience samples, the problem of representativeness of results should be acknowledged, as the answers of the participated prison workers may systematically vary from the answers of a representative sample. Due to the quantitative nature of the data, there is a possibility that prison workers gave socially desirable answers during the survey due to fear of disclosure and possible sanctions that would follow. We tried to prevent such behaviour by ensuring anonymity and confidentiality before the surveying.

Conclusion

The current study presents the continuation of wider research on prison workers’ competencies and legitimacy in Slovenia (Meško et al., 2022). It presents the first study on similarities and differences in training and required competencies of different groups of prison workers in Slovenia based on a convenience sample of prison workers. The results of statistical analyses highlighted key competencies and the importance of specific training for each group of prison workers, as well as similarities and differences in the self-

assessment of the competence of prison workers, which significantly complements the existing knowledge about the training, competencies and professionalism of prison workers; especially with treatment workers, work instructors, and managerial staff, as most studies focus on prison officers (e.g., Castle & Martin, 2006; Lambert et al., 2018; Liebling et al., 2011). Based on the findings, the following suggestions for practice, particularly for improving prison workers' training, can be made. For the future development of Slovenian penology and penal practice, it is necessary that comprehensive training for all groups of prison workers is introduced since basic training is only available to prison officers. As findings showed, despite achieving higher education, professional workers have acquired mostly theoretical knowledge in a wide variety of treatment programs. However, most do not focus on the treatment of prisoners. The same applies to work instructors since involving prisoners in work duties during imprisonment not only means teaching them new work skills but is also part of the resocialisation process of an individual (i.e., internalisation of work habits). By considering the current situation in the Slovenian prison system, the following recommendations could be made for an individual group of prison workers: (1) prison officers should have the possibility to improve their knowledge of self-defence, acquire knowledge of at least one foreign language and the basic knowledge of dealing with addicts, which would enable them to act appropriately in cases where prisoner experiences a crisis, (2) treatment workers (and work instructors) should gain additional knowledge of penology, and acquire [at least basic] knowledge of foreign languages and additional practical knowledge of addiction treatment (for work instructors, the last recommendation does not apply), and (3) managers should improve their knowledge of criminology and penology, legislation and foreign languages, which would enable them to have a comprehensive insight into the implementation of prison sentences in Slovenia.

Acknowledgement

The authors disclose receipt of the following financial support for the field research, authorship and/or publication of this article: the Slovenian Prison Administration under Grant (C2031–22–090000) entitled “Research on professional competencies of prison workers and relations in prisons”.

Declaration of Conflicting Interests

The authors affirm that their paper is in full compliance with ethical standards. They declare that no potential conflicts of interest are obtained with respect to the research, authorship, and/or separate publication of this article.

References

- Aebi, M. F., Cocco, E., & Molnar, L. (2023). *SPACE I – 2022 – Council of Europe Annual Penal Statistics: Prison populations*. Council of Europe. https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf
- Archambeault, W., & Archambeault, B. (1982). *Correctional supervisory management: Principles of organization, policy, and law*. Prentice Hall.
- Beijersbergen, K. A., Dirkzwager, A. J. E., Molleman, T., van der Laan, P. H., & Nieuwebeerta, P. (2015). Procedural justice in prison: The importance of staff characteristics. *International Journal of Offender Therapy and Comparative Criminology*, 59(4), 337–358. <https://doi.org/10.1177/0306624X13512767>
- Bonta, J. (1995). Responsivity principle and offender rehabilitation. *Forum on Corrections Research*, 7(3), 34–37. https://www.csc-scc.gc.ca/research/forum/e073/073k_e.pdf
- Bottoms, A. E. (1999). Interpersonal violence and social order in prisons. *Crime & Justice*, 26, 205–281. <https://www.jstor.org/stable/1147687>
- Brinc, F. (1997). Družbeno vzdušje v zavodih za prestajanje kazni zapora v Sloveniji [[Social climate in correctional institutions in Slovenia]. *Revija za kriminalistiko in kriminologijo* [Journal of Criminal Investigation and Criminology], 48(4), 357–373.
- Brinc, F. (2001). Družbeno vzdušje v zavodih za prestajanje kazni zapora in v Prevezgojnem domu v Radečah [Social climate in correctional institutions and Juvenile detention center Radeče]. *Revija za kriminalistiko in kriminologijo* [Journal of Criminal Investigation and Criminology], 52(4), 287–302.
- Brinc, F. (2011). Družbeno vzdušje v zavodih za prestajanje kazni zapora in v prevzgojnem domu Radeče leta 2010 [Social climate in correctional institutions and Juvenile detention center Radeče in 2010]. *Revija za kriminalistiko in kriminologijo* [Journal of Criminal Investigation and Criminology], 62(4), 295–311.
- Bryans, S. (2000). Governing prison: An analysis of who is governing prison and the competences to govern effectively. *The Howard Journal of Criminal Justice*, 39(1), 14–29. <https://doi.org/10.1111/1468-2311.00150>
- Burton, V. S., Ju, X., Dunaway, R. G., & Wolfe, N. T. (1991). The correctional orientation of Bermuda prison guards: An assessment of attitudes toward punishment and rehabilitation. *International Journal of Comparative and Applied Criminal Justice*, 15(1-2), 71–80. <https://doi.org/10.1080/01924036.1991.9688955>
- Castle, T. L., & Martin, J. S. (2006). Occupational hazard: Predictors of stress among jail correctional officers. *American Journal of Criminal Justice*, 31, 65–80. <https://doi.org/10.1007/BF02885685>
- Coyle, A. (2007). Governing, leadership and change. In V. Y. Jewkes (Ed.), *Handbook on prisons* (pp. 496–517). Willan Publishing.
- Council of Europe Committee of Ministers. (1997). *Recommendation No. R (97) 12 of the Committee of Ministers to member states on staff concerned with the implementation of sanctions and measures*. [http://www.antoniocasella.eu/archica/COE_recR\(97\)12.pdf](http://www.antoniocasella.eu/archica/COE_recR(97)12.pdf)
- Crewe, B. (2011). Soft power in prison: Implications for staff-prisoner relationships liberty and legitimacy. *European Journal of Criminology*, 8(6), 455–468. <https://doi.org/10.1177/147737081141380>

- Crouch, B. M., & Alpert, G. P. (1982). Sex and occupational socialization among prison guards: A longitudinal study. *Criminal Justice and Behavior*, 9(2), 159–176. <https://doi.org/10.1177/0093854882009002004>
- Dollard, M., Winefield, H., & Winefield, A. (2001). *Occupational strain and efficacy in human service workers: When the rescuer becomes the victim*. Kluwer Academic.
- Garrihy, J. (2021). 'That doesn't leave you': Psychological dirt and taint in prison officers' occupational cultures and identities. *The British Journal of Criminology*, 64(4), 982–999. <https://doi.org/10.1093/bjc/azab074>
- Goldberg, I. (2019). Prison management in Israel. *Israel Affairs*, 25(3), 514–534. <https://doi.org/10.1080/13537121.2019.1593659>
- Gordon, J. A. (1999). Do staff attitudes vary by position? A look at one juvenile correctional center. *American Journal of Criminal Justice*, 24(1), 81–93. <https://doi.org/10.1007/BF02887619>
- Hacin, R., & Meško, G. (2020). *The dual nature of legitimacy in the prison environment: An inquiry in Slovenian prisons*. Springer. <https://link.springer.com/book/10.1007/978-3-030-32843-6>
- Hacin, R., & Meško, G. (2024). Self-legitimacy of prison workers and treatment of correctional clients: A study in Slovenian prisons. *Criminal Justice and Behavior*, 51(1), 86–106. <https://doi.org/10.1177/0093854823120684>
- Hacin, R., Meško, G., & Eman, K. (2022). *Profesionalne kompetence zaporskih delavcev in odnosi v zavodih za prestajanje kazni zapora: raziskovalno poročilo* [Professional competencies of prison workers and relations in prisons: Research report]. Fakulteta za varnostne vede.
- Hulley, S., Liebling, A., & Crewe, B. (2012). Respect in prisons: Prisoners' experiences of respect in public and private sector prisons. *Criminology & Criminal Justice*, 12(1), 3–23. <https://doi.org/10.1177/1748895811423088>
- Johnsen, B., Granheim, P. K., & Helgesen, J. (2011). Exceptional prison conditions and the quality of prison life: Prison size and prison culture in Norwegian closed prisons. *European Journal of Criminology*, 8(6), 515–529. <https://doi.org/10.1177/1477370811413819>
- Jurik, N. C., Halemba, G. J., Musheno, M. C., & Boyle, B. (1987). Educational attainment, job satisfaction, and the professionalization of correctional officers. *Work and Occupations*, 14(1), 106–125. <https://doi.org/10.1177/0730888487014001006>
- Kifer, M., Hemmens, C., & Stohr, M. K. (2003). The goals of corrections: Perspectives from the line. *Criminal Justice Review*, 28(1), 47–69. <https://doi.org/10.1177/073401680302800104>
- Kriminalforsogens Uddannelsescenter. (1994). *Indstilling om konfliktforebyggelse og losnig*. Kriminalforsogens Uddannelsescenter.
- Lambert, E., Liu, J., Jiang, S., Zhang, J., & Kelley, T. M. (2018). The antecedents of job involvement: An exploratory study among Chinese prison staff. *International Journal of Law, Crime and Justice*, 54(2), 21–33. <https://doi.org/10.1016/j.ijlcj.2018.06.002>
- Lambert, E. G., Hogan, N. L., Barton, S. N., & Elechi, O. O. (2009). The impact of job stress, job involvement, job satisfaction, and organizational commitment on correctional staff support for rehabilitation and punishment. *Criminal Justice Studies*, 22(2), 109–122. <https://doi.org/10.1080/14786010902975374>

- Lambert, E. G., Tewksbury, R., Otu, S. E., & Elechi, O. O. (2021). The Association of Organizational Justice with Job Satisfaction and Organizational Commitment among Nigerian Correctional Staff. *International Journal of Offender Therapy and Comparative Criminology*, 65(2-3), 180-204.
<https://doi.org/10.1177/0306624X20946926>
- Liebling, A., & Price, D. (1999). *An exploration of staff-prisoners relationships at HMP Whitemoor*. Prison service research report no. 6.
- Liebling, A., Price, D., & Shefer, G. (2011). *The prison officer*. Willan Publishing.
- Lugo, M. (2016). Measuring organizational climate in prisons. *Journal of Contemporary Criminal Justice*, 32(4), 357–382. <https://doi.org/10.1177/1043986216665528>
- Marshall, W. L. (2005). Therapist style in sexual offender treatment: Influence on indices of change. *Sexual Abuse: A Journal of Research and Treatment*, 17(2), 109–116.
<https://doi.org/10.1007/s11194-005-4598-6>
- Meško, G., & Hacin, R. (2023). *Predstavitev rezultatov raziskave o profesionalnih kompetencah in samozaznani legittimnosti zaporskega osebja in izvedba usmerjenih skupinskih intervjujev v zavodih za prestajanje kazni zapora: raziskovalno poročilo* [Presentation of results of the study on professional competencies and self-legitimacy of prison staff and implementation of focus groups interviews in prison: Research report]. Fakulteta za varnostne vede.
- Meško, G., Eman, K., & Hacin, R. (2022). Competence in usposabljanje zaporskih delavcev: študija v slovenskih zaporih [Competencies and training of prison workers: A study in Slovene prisons]. *Revija za kriminalistiko in kriminologijo* [Journal of Criminal Investigation and Criminology], 73(3), 233–248.
- Meško, G., Valentinčič, D., & Umek, P. (2004). Self-assessment of professional capacity, competence and values of prison officers in Slovenian prisons. In G. Meško, M. Pagon, & B. Dobovšek (Eds.), *Policing in Central and Eastern Europe, dilemmas of contemporary criminal justice* (pp. 535–547). Faculty of Criminal Justice and Security.
- Ministrstvo za pravosodje, Uprava Republike Slovenije za izvrševanje kazenskih sankcij [Ministry of Justice, Prison Administration]. (2022). *Struktura zaposlenih v URSIKS (po zavodih) na dan 1. 6. 2022* [The employees structure in the Prison Administration (by prisons) on 1. 6. 2022]. Uprava Republike Slovenije za izvrševanje kazenskih sankcij.
- Morgan, M., & Smith, J. E. (2009). Hiring the right individual for your corrections staff. *Corrections Today*, 71(4), 22–26. <https://migima.com/wp-content/uploads/2021/09/migima-article1-hiring-correctional-staff.pdf>
- Neveu, J. P. (2007). Jailed resources: Conservation of resources theory as applied to burnout among prison guards. *Journal of Organizational Behavior*, 28(1), 21–42.
<https://doi.org/10.1002/job.393>
- Nye, J. (2004). *Soft power: The means to success in world politics*. Public Affairs.
- Pravilnik o izvrševanju kazni zapora [Rules on the Implementation of Prison Sentences]. (2019). *Official Gazette*, (46/19).
- Prevolšek, D., Lipec, J., & Hacin, R. (2018). Strokovna usposobljenost in osebnostne značilnosti strokovnih delavcev v slovenskih zaporih [Professional competences and personal characteristics of specialised staff in Slovenian prisons]. *Varstvoslovje* [Journal of Criminal Justice and Security], 20(1), 45–64.
- Rosenberg, H. T. (1951). Inservice training of prison employees. *Federal Probation*, 15, 37–42.

- Schalast, N., Redies, M., Collins, M., Stacey, J., & Howells, K. (2008). EssenCES, a short questionnaire for assessing the social climate of forensic psychiatric wards. *Criminal Behavior and Mental Health*, 18(1), 49–58. <https://doi.org/10.1002/cbm.677>
- Strategija Uprave Republike Slovenije za izvrševanje kazenskih sankcij (2017–2020) [Strategy of the Prison Administration of the Republic of Slovenia (2017–2020)]. (2017). https://www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/2017_STRA_TEGIJA-URSIKS-2017-20.pdf
- Tewksbury, R., & Mustaine, E. E. (2008). Correctional orientations of prison staff. *The Prison Journal*, 88(2), 207–233. <https://doi.org/10.1177/0032885508319163>
- Thomas, J. E. (1972). *The English prison officer since 1850*. Routledge and Kegan Paul.
- Uprava Republike Slovenije za izvrševanje kazenskih sankcij [Prison Administration of the Republic of Slovenia]. (n.d.). *Zasedenost zavodov za prestajanje kazni zapora in prevzgojnega doma – 12.02.2024 ob 00:00* [Occupancy of prisons and a correctional home – 12.02.2024 at 00.00]. <https://www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Zaporska-statistika/2024/Stevilo-zaprthih-oseb-in-zasedenost-zavodov-dne-12.-2.-2024.pdf>
- Uprava Republike Slovenije za izvrševanje kazenskih sankcij [Prison Administration of the Republic of Slovenia]. (2023). *Letno poročilo 2022* [Yearly report 2022]. Uprava Republike Slovenije za izvrševanje kazenskih sankcij.
- Weinrath, M. (2016). *Behind the walls: Inmates and correctional officers on the state of Canadian prisons*. University of British Columbia Press.
- Zakon o izvrševanju kazenskih sankcij [Enforcement of Criminal Sanctions Act]. (2006). *Official Gazette*, (110/06).
- Zakon o splošnem upravnem postopku [General Administrative Procedure Act]. (2006). *Official Gazette*, (24/06).

Resocialization and Reintegration of Convicted Individuals: Possibilities and Challenges*

Nebojša Macanović¹

The goal of every imposed prison sentence is resocialization of a convicted individual, but its effectiveness is often questionable and opens numerous dilemmas regarding which factors and reasons disrupt its success. Regardless of its success, convicted individuals will be reintegrated into the social environment, which in the case of unsuccessful resocialization during the serving of the prison sentence creates a high level of risk of recidivism after the release. Resocialization is possible regardless of the category of convicted individuals, but in order for it to be successful, all stakeholders participating in this process must give their maximum contribution in order to change the criminogenic structure of a prisoner's personality and get him to accept the system of proper values. In the phase of reintegration of a convicted person into the social environment, post-penal treatment is important, as a form of support and continuation of efficient work within the institutional re-education programme. Only such well-rounded process can be fully effective and lead to the final resocialization that we strive for from the moment the convicted individual starts serving the prison sentence. In this paper, we deal with the dilemma of whether resocialization, as well as re-education treatment in prisons, is possible and effective, and which factors may influence effective reintegration of convicts after their prison sentences have been served. This paper reviews the possibilities of what can affect the (in)efficiency of resocialization and how to overcome these problems during and after serving a prison sentence.

KEYWORDS: resocialization / reintegration / convicted individuals / re-education treatment / formal and informal system

* This paper was presented by Nebojša Macanović as part of his keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Macanović, N. (2024). Resocialization and Reintegration of Convicted Individuals: Possibilities and Challenges. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 57–62). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.20>

¹ Faculty of Political Sciences University of Banja Luka, Republic of Srpska

Correspondence: Nebojša Macanović, Faculty of Political Sciences University of Banja Luka, Bulevar vojvode Petra Bojovića 1A, Banja Luka 78000, Bosnia & Herzegovina.
Email: nebojsa.macanovic@fpn.unibl.org

Resocialization of Convicted Individuals and Re-Education Treatment

Successful resocialization and reintegration of convicted individuals into the social environment is the final goal of any imposed criminal sanction, but that path is not simple at all. The re-education treatment determined individually for each convicted individual goes through various phases, ups and downs, punishments and rewards, crises, passive and active resistance, but as such it must be built through the persistent work of educators and convicts, as well as other participating stakeholders in this process. All this happens to people outside prisons as well, i.e., crises, challenges, obstacles that prevent us from reaching our goal, but the most important thing is the desire to overcome it all, to persevere and achieve a positive result.

In the present conditions, due to the post-penal treatment not functioning, the resocialization process is reduced to institutional re-education treatment only. We will pay particular attention to it precisely because of the importance of this form of treatment. According to some authors (Macanović, 2023; Nadarević & Macanović, 2023; Radoman, 2003), re-education treatment implies elimination of individual causes of criminality. Others consider it a dynamic process, not defined by time. Treatment in penological andragogy primarily refers to dealing with criminal offenders, both in criminal proceedings and in the process of execution of criminal sanctions and also subsequently in the post-penal period. It is observed in all phases from the point of view of resocialization, as the most important goal of criminal sanctions. Accordingly, there is a distinction between judicial treatment and treatment of prisoners during the serving of a criminal sanction, including treatment in the post-penal period.

The treatment of prisoners while serving their sentences can be classified in several ways, namely: according to content, according to the category of prisoner and according to the approach to implementation of the treatment. Treatment includes individual therapy, work, general and vocational education, cultural and educational work and organisation of free time. Division by category of prisoners implies general and special treatment. General treatment of prisoners consists of individual work with the prisoner, work engagement, cultural-educational and recreational activities. Special re-education treatment refers to prisoners who cannot be included in general treatment successfully. These include: old and infirm prisoners, alcoholics and drug addicts, as well as people in need of general and vocational education. In contemporary penological practice, numerous approaches to the institutional re-education treatment of prisoners are applied, which are represented differently depending on the development of prison systems. In correctional-penitentiary institutions, the following approaches are most often used, which also represent institutional re-education treatment

components: moral-pedagogical upbringing and education, occupational therapy, free time, rewarding and punishing (Macanović & Nadarević, 2014).

The Importance and Role of Re-Education Treatment in the Resocialization of Convicted Individuals

The re-education treatment should be adapted to the individual during his stay in prison and the construction of a "new man", who will be removed from his criminal career and criminal behaviour, with the aim of successful reintegration into the family and society. Therefore, the treatment should be a comprehensive programme of activities and measures determined once the prisoner starts serving his sentence for each prisoner individually, with the aim of helping him adapt to the living and working conditions in the institution, to train him for a certain work activity, maintain his working and health capacity, and remove certain negative aspects in order to properly integrate him into the social environment he came from after his sentence has been served (Macanović, 2011).

Much is expected from re-education treatment in terms of resocialization of prisoners. In this regard, it can be concluded that re-education treatment is the central issue of penological andragogy today. "The process of re-educating convicted individuals starts in prison, where, through the application of various forms of treatment, the convicts' criminal value system starts to change. Certainly, the resocialization process does not end in prison, but continues through post-penal treatment after the convicted individual is released." (Konstantinović-Vilić & Kostić, 2006, p. 147).

Experiences from contemporary penology show that institutional resocialization alone is not sufficient, that adaptation to the living conditions in an institution cannot be achieved to the full extent in the absence of adequate treatment in the form of post-penal assistance once the prisoner is released. Such assistance and protection are necessary for two reasons. Firstly, it helps the former prisoner to reintegrate more easily into social life, and secondly, adequate post-penal protection greatly reduces repeated criminal behaviour (recidivism). Post-institutional assistance depends to a large extent on the successful application of treatment in the institution. The worse the treatment is, the need for post-penal assistance is greater (Maloić, 2020).

Factors Affecting the (In)Efficiency of Resocialization and Institutional Re-Education Treatment

In the prison environment, there are many criminogenic factors complicating the process of resocialization and implementation of institutional treatment. Unfortunately, in prisons there is an increasing number of psychoactive substances addicts who fail to solve their drug addiction problem in prison,

because in most prisons drugs are available through illegal channels organised and run by representatives of the informal system at the top of the prison pyramid (Radonjić & Vuković, 2024). Numerous deprivations (Jovanić et al., 2020) make social adaptation to a new environment difficult and are often frustrating for prisoners who often turn to the informal system for protection. Violence is a frequent occurrence in prisons, where the law of the strongest among convicts' rules (Luketić, 2024). Also, violence in prisons is a tool used by convicts in the informal system to prove themselves in a group, advance in the prison pyramid, racketeer other convicts, etc. Oftentimes, prisoners pay abusers for their peace of mind and safety during their prison sentence (Gudelj & Aladžić, 2024). All this reflects on the psychological atmosphere inside the prison, which is very important for the implementation of the institutional treatment itself (Ljeljak & Bubalo, 2018).

One of the most frequent issues which complicates the implementation of re-education treatment, and consequently the process of resocialization itself, is the criminogenic infection of prisoners. This problem is particularly serious in closed penitentiary institutions, where, due to pavilion-type accommodation and the impossibility of categorization by criminal offence and the length of punishment, as well as due to the large fluctuation of prisoners, often multiple returnees, foreign nationals, persons who are serving sentences for traffic violations and persons imprisoned for murder, drug addicts, etc. stay in the same dormitory. In addition to the problems mentioned, there are numerous deprivations in closed institutions. Quite often, younger prisoners find role models and identify themselves with recidivists or local "bosses", trying that way to draw attention to themselves and ensure the best possible status within the group. They are the ones who most often refuse re-education treatment and consistently adhere to the prison code principles. Unfortunately, with such prisoners, socialization deficits are the most obvious and re-education and resocialization are the most necessary (Macanović, 2023).

Often, the concept of resocialization is criticized and its success called into question due to the increasing number of returnees to prison institutions. Milojević (1984) points out that a part of the returnees is increasingly mired in crime, specializes in a certain type of crime, acquires special knowledge and techniques, cooperates with other criminals, having crime become the source of their material income. The way of life and social relations take on a special character. Social parasitism and underestimation of useful work and numerous negative habits accompany and seriously complicate the process of re-education of returnees, making it almost impossible to accomplish.

All these factors influence the (un)successful resocialization, but also the later reintegration of convicted individuals into the social environment.

Conclusion

The main purpose of resocialization is educating prisoners to respect social values and to re-join society based on that. They should become useful members of the community, although it should be known that this education process is not simple and without difficulties. On the contrary, numerous obstacles and hindrances are encountered. It is not possible to "teach" a prisoner to accept the behaviour of man as a cultural being, and to behave in the spirit of the demands of the social environment. Apart from that, during the resocialization process, there are also negative influences that hinder its successful implementation. During the serving of the prison sentence, the values and norms of the prison society, which we have talked about and which are contrary to the prevalent system of values, and therefore intensify the existing deviant tendencies and work against the goal of re-education treatment, very often come to light.

Numerous empirical research pieces, scientific publications, and experiences of colleagues in penology practice indicate that there is no simple recipe for successful resocialization. Its success depends on a number of exogenous and endogenous factors, but certainly also on those small, almost invisible steps (first meeting, look, contact, conversation, story, reward, mutual respect, support when approving benefits, perseverance to not succumb to the influence of the informal system and its rules, etc.).

The society's dysfunctionality, the crisis of the value system, the political and economic crisis are also often reflected on life in prison and the psychological atmosphere within the institution. That is why a balance between the formal and informal system is very important in order to create all the preconditions for the implementation of institutional re-education treatment, on which resocialization actually depends. In the end, resocialization is possible and we need to fight for every convict to get him back on the right track.

References

- Gudelj, N., & Aladžić, M. (2024). Reagovanje na nasilje i kriminal u postmodernom društvu [Reacting to violence and criminal in the post-modern society]. In J. Petrović & G. Jovanić (Eds.), *Ne nasilju – kroz sistem društvenih vrijednosti i kulturu* (pp. 319–324). Centar modernih znanja.
- Jovanić, G., Petrović, V., & Macanović, N. (2020). Freedom deprivation in prisons of Serbia. *Journal of Investigative Psychology and Offender Profiling*, 17(2), 173–190. <https://doi.org/10.1002/jip.1540>
- Konstantinović-Vilić, S., & Kostić, M. (2006). *Penologija* [Penology]. SVEN.
- Luketić, I. (2024). Nasilje u zatvorskom sustavu te analiza stegovnih prestupa zatvorenika u centru za dijagnostiku [Violence in the prison system and analysis of disciplinary offences of prisoners in the diagnostics centre]. In J. Petrović & G. Jovanić (Eds.), *Ne nasilju – kroz sistem društvenih vrijednosti i kulturu* (pp. 74–82). Centar modernih znanja.
- Ljeljak, H., & Bubalo, S. (2018). *Kazna i tretman zatvorenika iz ugla krivičnog prava i penologije* [Punishment and treatment of prisoners from the angle of criminal law and penology]. Centar modernih znanja.
- Macanović, N. (2011). *Resocijalizacija osuđenih lica* [Resocialization of convicted individuals]. Besjeda.
- Macanović, N. (2023). Obrazovanje i resocijalizacija osuđenih lica [Education and resocialization of convicted individuals]. In G. Jovanić & J. Petrović (Eds.), *Pravo na zdravlje i obrazovanje – univerzalna ljudska prava* (pp. 222–227). Centar modernih znanja.
- Macanović, N., & Nadarević, D. (2014). *Penološka andragogija* [Penological andragogy]. Defendologija.
- Maloić, S. (2020). Pojam i značaj poslijepenalne zaštite – koga štititi, zašto i kako? [Concept and importance of post-penal protection – whom to protect, why and how?]. *Kriminologija i socijalna integracija*, 28(1), 11–46.
- Milojević, S. (1984). *Osnovi penologije* [Fundamentals of penology]. Viša škola unutrašnjih poslova Zemun.
- Nadarević, D., & Macanović, N. (2023). Communication and Resocialisation Dimensions of Colours in Prison. *Medijski dijalozi*, 16(1), 25–38. <https://doi.org/10.14254/1800-7074/2022.16-12>
- Radonjić, M., & Vuković, J. (2024). Zatvorenici ovisnici i nasilje u zatvorima [Prisoners addicts and violence in prisons]. In J. Petrović & G. Jovanić (Eds.), *Ne nasilju – kroz sistem društvenih vrijednosti i kulturu* (pp. 262–269). Centar modernih znanja.

Legal Framework of Criminal Liability of Juvenile Criminals in Romania*

Cristina Nicorici¹ 

Although the level of life in society has evolved, the Romanian society, as the Western civilization in general, still faces a significant number of cases of juvenile crimes, and certainly this number is much higher than is desired by the authorities. This article has as a goal to provide an overview of the criminal liability of minors in Romania (defined as persons under the age of 18). This article will also provide a broad view of the criminal sanctions that can be applicable to minors who committed crimes. Of course, the current legal framework has resolved some issues that were faced in the past, but in some cases has generated others, which will be underlined, and, when possible, also solutions will be provided. The procedure of work and the methods for this article included the analysis of the legal national provisions, the read of the main legal authors that commented the relevant legal provisions. We have also included several psychology studies that have analyzed the particularities of the juvenile criminals, which differ in many aspects from adult criminals, and their needs that should be taken into consideration by the legal system that must, especially in their case, not only punish, but also educate and transform.

KEYWORDS: juvenile criminals / minor offender / educative measures / justice for minors

* This paper was presented by Cristina Nicorici as part of her keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Nicorici, C. (2024). Legal Framework of Criminal Liability of Juvenile Criminals in Romania. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 63–70). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.42>

¹ Faculty of Law, West University of Timisoara, Romania
<https://orcid.org/0009-0002-1437-9341>

Correspondence: Cristina Nicorici, Faculty of Law, West University of Timisoara, Bulevardul Eroilor de la Tisa 9A, Timișoara 300575, Romania. Email: cristina.nicorici@e-uvt.ro

Introduction – About Juvenile Crime and the States (Criminal Law) Response(s)

The Romanian society has, in comparison with adults, juveniles tend to be overrepresented as the perpetrators of certain crimes (e.g. graffiti, minor thefts, minor violence crimes) and under-represented as the perpetrators of others (e.g. fraud, road traffic offences and crimes of serious violence). In addition, by comparison with adults, minors are at increased risk of victimization (by adults and other juveniles), stigmatization by the criminal justice system and peer contagion. It should be noted, however, that while juvenile offenders differ from adults in relation to a range of factors, juvenile offenders are a heterogeneous population themselves.

General Lines of the Policies Regarding Juvenile Criminals

When talking about justice for minors the same author states that always two concepts are put into balance: the education of the minor offender and sanctioning the minor.

Firstly, the lawmaker must draw an age limit for criminal liability of persons who committed crimes – an although this aspect could seem like a well-established one (since the evolution of psychology and neurosciences), and maybe common to all European countries. We would think that the specialists have, so far, established a general age limit from when the minor has discernment, and most of the lawmakers have listened to them. Secondly, the lawmaker must establish special rules for sanctioning and also special sanctions for the juveniles who had discernment at the moment of the commitment of the crime. The need for a public attorney, the need for a specialized judge, the judgement to be not in a public but private organization, all these and others should be a part of the set of procedural rules that are specially designed considering all the juvenile criminal's particularities.

Regarding juvenile crimes, it was appreciated in the literature that around the world there are variable and inadequate legal frameworks that are not age-appropriate, there is a lack of age-appropriate services and establishments, and a lack of a specialist workforce, leading to challenges around training and supervision to work with this vulnerable population (Young et al., 2017).

In the Romanian legal literature (Mitrache & Mitrache, 2014, p. 440), it has been argued that the juvenile crime phenomenon rises complex problems regarding the prevention part but also, and especially, in the part of fighting against it.

Given all of the above, of course every country struggles to find the best system to deal with juvenile crimes, at the same time trying to stay aligned with the international trend. This article will offer an overview of the Romanian perspective, given that ten years have passed since a significant change in the criminal law legislation happened: the new Criminal Code of Romania entered into force ten years ago (in the 1st of February 2014), introducing a different approach for juvenile criminals. Therefore, the analysis will focus on the substantial problems of criminal law regarding the age limit of criminal responsibility and the special criminal law sanctions applicable to minors who committed crimes.

Legal Framework of Criminal Liability of Juvenile Criminals in Romania – The Sensitive Problem of the Age Limit of Criminal Liability

It was stated out that, when analyzing the most efficient ways of preventing and fighting the crime phenomenon in persons underage, one of the issues of significant importance is the age limit for criminal liability, this being, theoretically, the age from which, according to the psychological research, it is appreciated that the minor understands how dangerous his conduct (Mitrache & Mitrache, 2014, p. 440) is to society. Of course, an important element in determining the criminal responsibility is identifying the age of the child (Mousavi et al., 2012) and to establish if he passes the age limit. The age limit is established in order set a boundary: it is generally accepted in the society that a child under the age of “X” years does not have discernment, meaning he does not understand completely the consequences of his actions/inactions, or he cannot control them, and, therefore, should not be held criminally relevant.

Before talking about the specific limitation in Romania, it must be said that it could be argued that an age limitation is not necessary in order to establish the criminal liability, because in every case, a psychiatric evaluation of the discernment could be made. Given that every person is different, it could be said that in some cases, a minor that is under the age of 13 or 14 could have discernment while other maybe does not.

On the other hand, at least in Romania, such an approach would completely block the judicial system – given the fact that a psychiatric expertise requires a specialized trained doctor (with at least six years of medical school and another five of residency) which Romania does not have in a sufficient number, the trial would have such a long duration that, by the time the sanction would be applied, it would completely lose its purpose. This means that the lawmaker decided that if, in some cases, minors who committed the crime are under the age limit

although they had discernment, it is the risk that the state is willing to assume (considering the fact that these cases should be extremely rare).

In the present days, in Romania, after the age of 18, a person committing a crime is liable and a punishment with prison or a criminal law fine can be applied. If the offender is under the age of 14 at the moment of commitment of crime (not necessarily at the moment when the dangerous result of the crime is produced), he/she is absolutely presumed to have committed the crime without discernment. This is expressly regulated by article 113 of the Romanian Criminal Code, that states that the offence committed by the person under the age of 14 is not considered imputable.

More problematic is the age between 14 and 16 years old, when the Romanian law states a relative presumption of lack of discernment. In this case, an offender with the age between 14 and 16 at the moment of commitment of crime is presumed without discernment, but if, though a medical expertise, it is shown that, at that precise moment of the commitment of crime, discernment was present, meaning the minor knew and understood what he or she was doing, understood the consequences of his actions/inactions and controlled his actions/inactions, then he will be held criminally liable and a specific sanctions for minors will be applied.

A question that must be answered is whether the minor will commit the crime in the day where he turns 14 years old. Is he going to answer for its acts (if, of course, discernment is present, as established by article 113 of the Romanian Criminal Code)? Or, will he benefit from the absolute presumption of lack of discernment? The Supreme court of Justice already addressed this question since 1972 (decision nr. 569) concluding that he will be held liable if the crime is committed precisely the day the minor turns 14 years old.

Sanctions Applicable to Minors After 2014 – A Change in Paradigm

A shift in paradigm was brought by the new Criminal Code, that entered into force in Romania, in the 1st of February 2014. If the rules of criminal liability considering the age of the offender have not changed (the age limit remaining still 14 years old), not the same can be said about the types of sanctions that can be applicable in the case of juvenile crimes.

First of all, and considered a step ahead by the scholars and practitioners, no more criminal punishments could be applicable to minors anymore, no matter how serious the crime would be. In this innovative perspective, the lawmaker designed only educative measures that are the sanctions applicable if a minor is held criminally liable. The educative measures have, as a main goal, the education of the minor, making the offender understand that the criminal behavior is not a

socially accepted behavior, and trying to offer alternatives to the commitment of crimes.

Article 116 of the Romanian Criminal Code established that it is mandatory, during the course of the trial, if an educative measure is to be applied, for the Romanian authorities to file a report, called „evaluation report”. This report is not made by the judge, the prosecutor, or the lawyer, but by a specialized civil servant from the probation service, that, in the evaluation, must indicate all the social, family and educative background of the minor and the particular elements that probably made the minor commit the crime. This report is mandatory and its role is to help the judge in its process of evaluating all the circumstances of the case and to establish the proper educative measure. However, the judge can apply a different measure than the one proposed by the probation officer.

In the present days, the educative measures are divided into two main categories: the non-privative measures and the privative measures, and in the following lines, we will discuss them briefly. As a general perspective, it must be said that the non-privative educative measures have in the center the education and try to teach the minor the consequences of his acts and the rules of conduct in the society. Their regulations part from the supposition that the minor remains in the family, in his normal environment, but participates to some educational activities and programs that make him understand the consequences of his actions, why is it not desirable to commit crimes, and why and how should he act in the future. In the case of privative educative measures, the state, therefore, assumes, for a limited period of time, of course, the protection role that traditionally belongs to the family, and creates a mainly isolated system where the minor is held, protected, and again, thought about the consequences of committing crimes and about the society rules (Lefterache, 2016) that he should follow.

Firstly, it must be underlined that the general rule imposed by the Romanian Criminal Code is always try to apply a non-privative educative measure. This is an expression of the fact the minor can still be taught better inside his normal environment, together with his family and friends.

A privative educative measure is an exception, and can only be applied if one of the following conditions exists: the offender committed another crime for which an educative measure was applied and the execution of that measure was started and completed or only started (meaning a special form of recidivism), or if the law foresees for the offence committed for the adult prison time for 7 or more years (rules stated by article 114 of the Romanian Criminal Code).

The obligation to follow a course of civil education is a novelty if the Romanian legislation, regulated by article 117 of the Romanian Criminal Code. It is considered as the “softest” educative measure and, if the juvenile criminal is convicted to it, it supposes that he has the obligation to follow an educative program organized by the probation institutions with the duration of at most four

months. The surveillance is the following non-privative educational measure regulated by article 118 of the Romanian Criminal Code. A similar measure also existed in the Romanian legislation before 2014. It is the second most soft measure, and during its execution, the minor must participate in several educative and social reintegration programs that will be indicated by the probation officer. It is of a duration between two and six months, and its surveillance, contrary to the expected, is made by the parents of the minor or by another significant adult in his life.

The third non-privative educative measure is the „stay at home on weekends”, a novelty in the Romanian legislation (it is of Spanish inspiration). It can be imposed for a period between four and twelve weeks and it consists in the obligation of the minor to stay inside his home in the days of Saturday and Sunday. As the days are expressly mentioned by the law, they cannot be changed to other week days. It begins on the 00.00 on of Saturday and it expires from at 24:00 Sunday. The role of this measure is to modify the conduct of the minor by restricting its liberty of movement, but also this measure implies the participation of the minor to educative and social programs.

Article 120 regulates the last and most severe non-privative educative measure, called daily assistance. It is a new measure, that did not exist in the Romanian legislation until 2014, and it is of Spanish inspiration. It must have a duration between three and six months. It implies that the minor must respect a strict daily program that is established by the probation officer.

It is important to mention that, if the minor does not respect the conditions of one of the non-privative educative measures, the court can prolong the duration of the measure until the maximum time possible, or can apply another educative measure, more severe (according to article 123 of the Romanian Criminal Code). If the measure applied was the daily assistance on the maximum duration (6 months), the court can apply the private measure of internment in an educative center. These two situations will happen if the minor, with bad-intention, does not follow the programs, the rules or the obligations imposed by the court.

The privative educative measures are regulated in articles 124 and 125 of the Criminal Code are two: internment in an educative center and internment in a detention center. The educative center is the specialized institution that has as a goal „the social recovery” of the admitted persons, in which those persons follow the social and educative programs and participate in activities that have as a goal the same „the social recovery”. The activities must be educative, moral – religious, cultural, sportive, psychological, etc. Both types of centers must have specialized personnel to develop these activities and also medical personnel, security personnel, and administrative personnel. Internment in an educative center can be taken for a period from one up to three years, while internment in a detention center can be taken for a period from two up to five years, or, exceptionally, in

case of committing a very serious offence (for which the law states the life imprisonment or prison higher than 20 years for the person over 18) for a period of five to 15 years. The difference between the two types of centers is that in the detention center there is a permanent security line and permanent guards, and theoretically, the programs the minor follows are more intensive.

On the other hand, if the behavior of the minor in the detention center is not proper, if he does not respect the rules and influences other colleagues' recovery and development, only if the minor has turned 18, the court can decide that he will execute the rest of the sentence in an adult prison (according to article 126 of the Romanian Criminal Code). Although a similar measure also exists in the Spanish legislation, for instance, it can be argued that such a measure goes against the idea that in the center of the system the well development of the minor should be of most importance. Only if a person has turned 18, it is not necessarily to be that it has the mind of an adult and could respect prison rules and take the good lessons from an adult prison (rather than the not so beneficial ones). By a bad behavior or a behavior that could influence negatively other persons we could understand not – participating to educative and social programs and also determining others not to participate, owing or possessing guns or forbidden materials or substances, neglecting the daily program or lack of a respectful attitude regarding the persons he comes in contact to (as defined by article 182 and 82 of Law nr. 254/2013).

Conclusions

As it has been showed in the literature (Bećirović-Alić, 2018), we also consider that excellence in punishing juveniles are reflected in the application of diversion and educational measures aimed at minimal restrictions to achieve the best results. In this regard, it was argued, and we could not agree more, that the punishment of juvenile represents the ultimate means of applying re-social active treatment affects their re-education and training for life in freedom. Rather of being punitive, law enforcement agencies should take a reformative approach, based on educational programs. These programs must teach the juveniles to use their power and capabilities in a positive and helpful way in order to benefit society.

The major issue regarding criminal liability of minors from the substantial point of view of criminal law is the age limit that must be drawn for attracting criminal responsibility: of course, no limitation is perfect, and there will always be one case-law that contradicts the general rule. But, apart from this, a general rule is beneficial not only because of the savings in money and judicial time the states make, but mostly because it saves most minors from a traumatic experience of being at trial, being investigated, etc. Thus, we believe that instituting an age limit for criminal liability with an absolute presumption of lack of discernment is a desirable provision that all countries should adopt.

In what regards the criminal law sanctions imposed to minors that are held liable, many discussions can be made, and of course the Romanian system is far from being perfect. It is in the best interest of the minor to have as a rule the application of a non – privative educative system of sanctions, and to apply mainly a non-privative educative measure, because, as years of privation of liberty have proved, especially in the case of minors, privation liberty and prison time does not have as an effect lowering the number of juvenile crimes (but rather the opposite). The state should have strained specialists such as psychologists, social workers, probation officers etc. that can supervise the evolution of the minor who follows the educative measure, that can design educational programs with different varieties for different types of juvenile offender considering all their particularities.

References

- Bećirović-Alić, M. (2018). *Juvenile sanctions in comparative criminal law*. Paper presented at the conference *Scientific Challenges for Sustainable Development*, Struga, May 19, 2018. Retrieved October 4, 2024, from https://www.researchgate.net/publication/326088642_JUVENILE_SANCTIONS_IN_COMPARATIVE_CRIMINAL_LAW
- Lefterache, L. V. (2016). *Drept penal. Partea generală* (p. 492). Editura Hamangiu.
- Mitrache, C., & Mitrache, C. (2014). *Drept penal român. Partea generală*, editura Universul Juridic, București, 2019.
- Mousavi, S., Rastegari, B., & Nordin, R. (2012). Legal perspective of the criminal responsibility of children: Contemporary period. In *International Conference on Social Science and Humanities* (POGRES). Retrieved October 4, 2024, from https://www.academia.edu/download/31302026/Full_Paper_POGRES_Academia.pdf
- Young, S., Greer, B., & Church, R. (2017). Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective. *BJPsych Bulletin*, 41(1), 21–29. <https://doi.org/10.1192/pb.bp.115.052274>

Models of Resocialization of Convicted Individuals*

Nebojša Macanović¹, Anel Ramić² and Nadežda Gudelj³

Attempt is made to re-educate persons who violated legally defined social norms in prison conditions, an artificial social environment where it is difficult to establish normal social relations. Achievement of the purpose of the prison sentence i.e., resocialization of prisoners is attempted in adverse conditions and in the situation of an unfavourable criminal policy. The resocialization of convicted individuals implies a series of activities, whose aim is to re-integrate into society those individuals who, due to various reasons, have "lost" their place within it or who are, due to some of their characteristics or activities, rejected by said society. Resocialization is, therefore, a process of gradual reintegration of offenders from the criminal subgroup into the social community as a group. This goal is achieved through re-education, as a planned and systematic action aimed at personality of the offender. The idea of resocialization of prisoners has developed and evolved throughout history into various different models. Four models can be distinguished: the penal model, the therapeutic model, the social learning model and the model of resocialization as a prisoner's right. The models have complemented each other, they have been upgraded and preserved in a more or less changed form. In the paper, we will point out some of the basic characteristics of these models, as well as the role and importance of the resocialization of convicted individuals during the serving of their prison sentences.

KEYWORDS: resocialization models / convicted individuals / re-education treatment / social norms

* This paper was presented by Nebojša Macanović as part of this keynote address at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Macanović, N., Ramić, A., & Gudelj, N. (2024). Models of Resocialization of Convicted Individuals. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 71–77). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.19>

¹ Faculty of Political Sciences Banja Luka, University of Banja Luka

² Centre of Modern Knowledge, Banja Luka

³ Ministry of Interior of the Republic of Serbia

Correspondence: Nebojša Macanović, Faculty of Political Sciences University of Banja Luka, Bulevar vojvode Petra Bojovića 1A, Banja Luka 78000, Bosnia & Herzegovina.

Email: nebojsa.macanovic@fpm.unibl.org

Conceptual Discourse of Penological Theory and Practice

Resocialization has a long history and its beginnings were somewhat different than what we know and apply today in penology practice and in work with convicted individuals. At the start of the 20th century, resocialization became the dominant paradigm in the field of punishment and penal policy. The period up to the 1960s is characterized by discrepancies between theory, where resocialization dominated, and practice, which up until then did not apply the idea of resocialization.

In the early 1960s, resocialization started to be used in practice and became a generally accepted orientation in the treatment of prisoners. Regardless of the criticism that this idea suffered in the 1970s, resocialization is still the purpose, goal, method, and model of punishing criminal offenders. Resocialization is derived from the Latin words *re*-again, and *socius* – friend, sociable, which is usually translated as re-socialize (Macanović, 2011).

This still does not tell us anything about the resocialization process itself, its characteristics, subject and goal. Specifically, the object of interest in resocialization are persons who, according to Godina-Vuk (1986), are included in society in a "significantly different way", i.e., who, according to Bauman (Bauman, 1966), are in "social niches". We are therefore talking about individuals who are part of a society (often referred to as a subculture), who are undoubtedly socialized, meaning their instinctive biological potentials are "subordinated" to certain social requirements, however whose behaviour is unacceptable for a specific social community. That is, their "personality type" deviates from the "common personality type" of a given social community. Here we do not believe that all members of the community who deviate "from the average" should be resocialized, uniformed, conformed... on the contrary. We refer here to destructive behaviours that undoubtedly threaten the very survival of the community. Therefore, when we talk about the resocialization of prisoners, we expect to prevent the collapse of the (social) system (however big it may be) and ultimately cause a change in behaviour, as well as personality development.

Milutinović (1988) claims that a new structuring of the personality is done in such a way that the personality becomes socially acceptable (positive) and, consequently, society thereby ensures its survival. However, when we talk about structural changes in personality, we must be careful and not delude ourselves into thinking that we can achieve this exclusively during the resocialization process (more on this in Knežević, 1989, Uzelac, 1995).

With social-pedagogical methods and resources, primarily education, we only change the attitudes, habits, interests, and values of prisoners. Even here the possibilities and success are quite limited. In addition, and this will be discussed later in more detail, we must be aware of the specific features of the environment

in which resocialization takes place – prisons are, as a rule, total institutions, frustrating and depriving environments, they even go so far as to call them dysfunctional and counterproductive institutions, "crime colleges" (Kanduč, 2003, p. 50). Precisely because of this, the resocialization task would be, first of all, to prevent the "side effects" of punishment and preserve the prisoners' mental health, preserve their dignity and enable their proper return to society, even if that means returning to an environment that motivated them to commit a criminal offence (Macanović & Nadarević, 2014).

Resocialization activities should be aimed at increasing confidence, tolerance to frustration and comprehensive development of the prisoner, developing the ability to start thinking constructively, build one's own personality structure, and to mature (Javornik, 1990).

Often in literature, instead of the term resocialization, we come across the term psychosocial rehabilitation. Hebar (2001) explains the concept of psychosocial rehabilitation as a group of activities that affect the prisoner's physical, psychological, emotional and intellectual development trying to transform him into a person able to live in balance with himself and the environment. It includes the cognitive, moral and socio-political development of prisoners, development of the ability to empathize, change of life goals and values, teaches them to act within the community, respect the needs of others, and to be tolerant (Hebar, 2001).

Re-education in prison practice is usually understood as "a process that includes activities of correcting socially unacceptable habits, attitudes, opinions and other characteristics and activities with the aim to improve and finally structure one's personality" (Pantelić, 1983, p. 55). The term re-education is often associated with the concepts of repair, improvement, correction. Such definitions are unacceptable because we do not speak about the structural changes of the personality that should be the basis of the mentioned concepts as a goal but as a consequence of re-education (Macanović & Nadarević, 2014).

However, coercion is a characteristic of all mentioned terms. Namely, educational institutions (schools, religious institutions, prisons, etc.) are, by their very nature, focused on repressive (but at the same time progressive) methods. Repressiveness is derived from their (socially) productive task, ".../... because man is a 'product' of precisely those institutions, which restrict and suppress his freedom, liveliness, spontaneity...", and "progressiveness" is derived from the fact that society (through its institutions) enables individuals to develop their potential at all (Močnik, 1984, as cited in Javornik & Šebart, 1991).

Resocialization Models

The idea of resocialization of prisoners has developed and evolved throughout history into various different models. Kanduč (2003) distinguishes its four forms: the penal model, the therapeutic model, the social learning model and the model of resocialization as a prisoner's right.

The models have complemented each other, and have been upgraded and preserved in a more or less changed form. Their basic characteristics are as follows:

1. *The Penal Model* stems from the idea that the offender needs to be disciplined. There are two possible methods: the first one relies on forced discipline or isolation, the second on voluntary discipline. Isolating the prisoner would make him lonely and influence on him would be exerted through hard work and ideological indoctrination. With the voluntary method of discipline, we would achieve the improvement of prisoners through self-discipline and learning responsibility. This is a behavioural approach of positive reinforcement and expectation of reward.

2. *The Therapeutic Model* starts from the assumption that a criminal offence has pathological dispositions. It stems from biological and psychological explanations aimed at curing the criminal of his "criminality" by scientific methods. It uses medical terms: diagnosis, observation, prognosis, treatment and introduces individualized measures. It relies on the study of the prisoner's personality.

3. *The Social Learning Model* is conceived as re-education or resocialization, which would eliminate the errors of inadequate socialization. A criminal act is understood to be a consequence of inadequate learning in primary socialization. In that context, the idea has formed about a community that would replace the prison environment and in which the prisoners would solve the problem by interacting and cooperating with the staff. Such a method would contribute to strengthening self-responsibility, autonomy, self-respect, mutual trust and intensive communication between prisoners and staff.

4. *The Model of Rehabilitation as a Prisoner's Right* tries to avoid the shortcomings of the previous models and the criticism that resocialization delves into the prisoner's freedom, autonomy, and personal integrity without permission. It stems from the fact that the prisoner's rights are threatened both by coercive activities as well as by the harmful effects of imprisonment (stigmatization, depersonalization, desocialization, imprisonment...), therefore the goal of the new model is to reduce the negative effects of a prison sentence and offer prisoners the opportunity to join society as its useful members through various activities offered

such as social work, safe and healthy prison environment, removal of obstacles that hinder reintegration into society, education.

Therefore, the fundamental change in the understanding of the concept of resocialization is that it is understood exclusively as an activity that makes serving of a prison sentence easier for the prisoner. Numerous deprivations make serving of a prison sentence difficult and unpleasant, which also reflects on the psychological atmosphere in prison, as well as on resocialization in general (Jovanić et al., 2020). Resocialization is the prisoner's right to serve a more humane sentence, not the right and obligation of society, the state, and the goal of punishment. The purpose of the sentence is punishment for the committed crime, and resocialization is the content of the execution of the sentence. Resocialization activities, most often imposed by the institution, must be understood by prisoners as self-socialization and personal improvement. This is the only way staff activities can have an any effect. Additionally, resocialization must be undertaken as a "side effect" of punishment, as an effect of striving for some other goals, for example education, comportment of staff members towards prisoners, and comportment of the wider social community (Macanović & Nadarević, 2014).

Violence in prisons, the availability of intoxicants, the prison code, and deprivations have a negative impact on the implementation of re-education treatments and resocialization (Radonjić & Vuković, 2024). One of the most frequent issues which complicates the implementation of re-education treatment and consequently the process of resocialization itself, is the criminogenic infection of prisoners. This problem is particularly serious in closed penitentiary institutions, where, due to pavilion-type accommodation and the impossibility of categorization by criminal offence and the length of punishment, as well as due to the large fluctuation of prisoners, often multiple returnees, foreign nationals, persons who are serving sentences for traffic violations and persons imprisoned for murder, drug addicts, etc. stay in the same dormitory. In addition to the problems mentioned, there are numerous deprivations in closed institutions. Quite often, younger prisoners find role models and identify themselves with recidivists or local "bosses", trying that way to draw attention to themselves and ensure the best possible status within the group. They are the ones who most often refuse re-education treatment and consistently adhere to the prison code principles. Unfortunately, with such prisoners, socialization deficits are the most obvious and re-education and resocialization are the most necessary (Macanović, 2023).

Often, the concept of resocialization is criticized and its success is called into question due to the increasing number of returnees to prison institutions. (Nadarević & Macanović, 2023). Milojević (1984) points out that a part of the returnees is increasingly mired in crime, specializes in a certain type of crime, acquires special knowledge and techniques, cooperates with other criminals, having crime become the source of their material income. The way of life and social relations take on a special character. Social parasitism and underestimation

of useful work and numerous negative habits accompany and seriously complicate the process of re-education of returnees, making it almost impossible. Because of all this, when developing resocialization programmes for prisoners, one should take into account the limitations that very often cause failure, namely (Macanović & Nadarević, 2014, pp. 103–104):

- respecting the differences between prisoners, individualized programmes,
- many prisoners cannot be resocialized due to personality disorders,
- that is, they are not suitable or capable,
- they are not interested in improvement, they are not motivated to live without crime,
- some do not need resocialization,
- inappropriate environment which the prisoners come from and where they will return,
- the organisation of penal institutions, which sometimes act in a too totalitarian way,
- isolated social conditions, prisons deprive prisoners of too many basic human rights and thus take much more from prisoners than they give them in return,
- professional staff members do not have professional treatment methods available that would fully ensure success, inappropriate approaches and resocialization methods,
- there is no re-education programme that would achieve all the theoretically and practically intended goals of punishment and prison sentences,
- in case of returnees, the ability to resocialize should be used at the time of the first sentence, not later, since after each time the possibilities are decreasing (Brinc, 2007).

Therefore, the resocialization models are interconnected and supplemented, and upgraded with more effective re-education work programmes so that the effects of resocialization of convicted individuals are as effective as possible.

Conclusion

The main purpose of resocialization is educating prisoners to respect social values and to re-join society based on those values. They should become useful members of the community, although it should be known that this education process is not simple and without difficulties. On the contrary, numerous obstacles and hindrances are encountered. It is not possible to "teach" a prisoner to accept the behaviour of man as a cultural being, to behave in the spirit of the social environment demands. Apart from that, during the resocialization process, there are also negative influences that hinder its successful implementation. During the

serving of the prison sentence, the values and norms of the prison society, which we have talked about and which are contrary to the prevalent system of values, and therefore intensify the existing deviant tendencies and work against the goal of re-education treatment, very often come to light. Thus, the personality of prisoners can deteriorate and their resocialization become more difficult, if they do not manage to overcome their social level by the end of the execution of the criminal sanction.

References

- Bauman, Z. (1966). Kultura in vzgoja. *Teorija i praksa*, 3(8–9), 12731–1285.
- Brinc, F. (2007). *Penologija. Izbrane penološke teme – začasni učni pripomoček*. Univerza v Mariboru, Fakulteta za varnostne vede.
- Godina-Vuk, V. (1986). Soodvisnost temeljnih socializacijskih procesov. *Anthropos*, 1–2, 2021–220.
- Hebar, A. (2001). *Vzgoja zapornikov kot pot v njihovo psihosocialno rehabilitacijo*. Filozofska fakulteta.
- Javornik, M. (1990). Vzgoja zapornikov kot ohranjanje statusa quo. *Sodobna pedagogika*, 9–10, 5181–525.
- Javornik, M., & Šebart, M. (1991). O vlogi učitelja v pedagoškem procesu. *Sodobna pedagogika*, 11–2, 271–37.
- Jovanić, G., Petrović, V., & Macanović, N. (2020). Freedom deprivation in prisons of Serbia. *Journal of Investigative Psychology and Offender Profiling*, 17(2), 173–190. <https://doi.org/10.1002/jip.1540>
- Kanduč, Z. (2003). *Onkraj zločina in kazni*. Študentska založba.
- Knežević, M. (1989). *Odtujitev in poskus realizacije programa resocializacije obsojenih oseb*. Fakulteta za sociologijo, politične vede in novinarstvo.
- Macanović, N. (2011). *Resocijalizacija osuđenih lica* [Resocialization of convicted individuals]. Besjeda.
- Macanović, N. (2023). *Obrazovanje i resocijalizacija osuđenih lica* [Education and resocialization of convicted individuals]. In G. Jovanić & J. Petrović (Eds.), *Pravo na zdravlje i obrazovanje – univerzalna ljudska prava* (pp. 222–227). Centar modernih znanja.
- Macanović, N., & Nadarević, D. (2014). *Penološka andragogija* [Penological andragogy]. Defendologija.
- Milojević, S. (1984). *Osnovi penologije* [Fundamentals of penology]. Viša škola unutrašnjih poslova Zemun.
- Milutinović, M. (1988). *Penologija* [Penology]. Savremena administracija.
- Nadarević, D., & Macanović, N. (2023). Communication and Resocialisation Dimensions of Colours in Prison. *Medijski dijalozi*, 16(1), 25–38.
- Pantelić, D. (1983). *Penološka andragogija* [Penological andragogy]. Viša škola unutrašnjih poslova.
- Radonjić, M., & Vuković, J. (2024). *Zatvorenici ovisnici i nasilje u zatvorima* [Prisoners addicts and violence in prisons]. In J. Petrović & G. Jovanić (Eds.), *Ne nasilju – kroz sistem društvenih vrijednosti i kulturu* (pp. 262–269). Centar modernih znanja.
- Uzelac, S. (1995). *Osnove socijalne edukologije mladih s poremećajima u socijalnom ponašanju (socijalnopedagoški aspekti)*. Sarena.

European Prison Worker?*

Rok Hacin¹ 

Introduction/Research Problem: The diversity of the European countries is not only reflected in their distinct history and culture, but also in the organisation of prison systems, aims of punishment, size and conditions within prisons, characteristics of prison populations, and the structure of the prison staff. *Objectives:* The paper aims to present the development of punishment and prison services in Europe and highlight similarities and differences between European prison systems. *Methods:* Delineation of the historical development of prisons in European countries is based on a literature review, while a comparative method was used to highlight similarities and differences in the organisation of prison systems. *Results:* The organisation, structure, and characteristics of prison staff in European countries are complex and diverse. The Council of Europe, CPT, and ECHR provided strong foundations for the future development of “European penology”, however distinct historical, cultural and legal development in European countries present a counterweight for possible uniform development of prison services across Europe. *Conclusion:* Universal standards for protecting human rights in prisons must be adopted by European countries and respected in practice, but every other aspect of the implementation of prison sentences should be individually tailored to the specific needs of an individual country, including the organisation of the prison service.

KEYWORDS: prison workers / Europe / diversity / development

* This is an invited paper presented by Rok Hacin at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

The paper is based on a chapter written by Gorazd Meško and Rok Hacin entitled “Prison workers in Europe: Similarities and Differences”, which was submitted for publication with Routledge.

Recommended citation: Hacin, R. (2024). European Prison Worker?. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 79–84). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.23>

¹ Faculty of Criminal Justice and Security, University of Maribor, Slovenia
<https://orcid.org/0000-0003-2265-5422>

Correspondence: Rok Hacin, Faculty of Criminal Justice and Security, University of Maribor, Kotnikova 8, 1000 Ljubljana, Slovenia. Email: rok.hacin@um.si

One of the main characteristics of Europe is its diversity, which is not reflected only in history and culture, but also in the organization of criminal justice systems. Differences between prison systems of European countries reflected in the aims of punishment, size and conditions within prisons, characteristics of prison populations, and the structure of the prison staff are profound (Aebi & Cocco, 2024; Dünkel, 2017; Flander & Meško, 2016; Krajewski, 2014; Lappi-Seppälä, 2011). Regardless of the prison architecture, type of regime, and treatment orientation within the prison itself, the relationship between a prison organization and prison workers is mutual (Lambert et al., 2021), as the prison environment influences the well-being of employees, while prison workers enable the day-to-day running of prisons.

Prison workers, first as prison guards, have been present in different forms of “modern” correctional institutions since the 17th century. However, only in the 19th century, did the first formal training for prison workers emerge in Europe; penological schools for prison guards were opened in Belgium, Germany, France, Switzerland, and Italy (Sellin, 1934). In the 1870s two international congresses confirmed the crucial role of theoretical and practical training for prison workers (Schade, 1986). Despite the independent development of training for prison workers and managing prisons in Europe, which to a certain degree persist even today, after the Second World War standards were agreed upon, to which European countries adhere [or at least try to]; non-member states of the Council of Europe present an obvious exception. The common penological and human rights standards that are in force in all European prison systems are the result of activities of the European Court of Human Rights (ECHR), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and Committee of Ministers of the Council of Europe that are recognized as the primary institutions, which rulings and recommendations guide (or at least influence) the development of penology (including recommendations for selection and training of prison workers) and penal policy in European countries (Snacken & van Zyl Smit, 2013). While the minimum common standards for operating prisons were adopted by European states, making them the most progressive countries in the field of implementation of prison sentences in the world, the question remains whether we can speak of European prison workers.

Despite the above-mentioned standards that are mostly implemented in the national legislations and practices of European countries, these are general in nature. Consequently, significant differences occur between countries in the fields of penal policy, structure of the prison system, treatment of prisoners, etc. The development of penal policies goes beyond the scope of this work, but it has to be highlighted that differences between countries exist, which range from relatively mild (e.g., Scandinavian countries, Slovenia) to harsh penal policies (e.g., Central and Eastern European countries) (Dünkel et al., 2022; Flander et al., 2023; Hacin

et al., 2022; Lappi-Seppälä, 2011), which among others affect the treatment of prisoners, as well as the composition of the prison staff. At first glance, in most European countries the structure of the prison staff follows the classic division to managerial staff, prison officers, and treatment workers, however, the structure is much more complex, as authorities, work responsibilities, and even the level of training required, differs significantly. For example, the training of prison workers varies in length and form (i.e., curriculum); penological academies are operating in several European countries (e.g., Poland), while shorter versions of training are implemented in others (e.g., Slovenia) (European Penitentiary Training Academies Network, 2023).

Custodial staff (i.e., prison officers and other staff responsible for safety and security) is the largest group of prison workers in all European prison systems; on average they have presented more than 60% of all the prison staff from 2000 to 2023 (see SPACE I reports; Aebi & Cocco, 2024). It can be argued that this particular group of prison workers is the most similar among European countries, as their primary task is providing safety and security in prisons. However, differences can be seen in the level of hierarchical/militaristic nature of the service, involvement in the treatment programmes, perception of their role, etc. While prison officer service presents a hierarchical uniformized service, for which conservatism and subculture are characteristics, the levels of rigidity and military organization vary between the countries, ranging from the purely militaristic nature of the service that can be found in Russia and some other Eastern European countries to less militaristic [resembling more to police and treatment] services that can be found in Finland, Netherlands, etc. (Molleman & van der Broek, 2014; Omel'chenko et al., 2024; Symkovych, 2018). The organization of the service is also reflected in prison officers' role in the treatment programmes and perception of their role in prison. While more punitive countries restrict the role of prison officers to [solely] security-related tasks, other European countries are more flexible, as prison officers help with the implementation of the treatment programmes for prisoners or are directly involved in them (e.g., Norway, Slovenia) (Arnold et al., 2024; Meško et al., 2022).

With the rise of rehabilitative ideas, new types of prison workers appeared at the beginning of the 20th century. While there are different groups (e.g., psychologists, pedagogues, social workers, etc.), they can all be designated as treatment workers (Antonio & Price, 2021). Also, workshop staff should be mentioned, which can be [with some reservation] categorized as treatment workers, as teaching prisoners new work skills and enhancing their working habits is an integral part of the rehabilitation process. In contrast, to the proportion of prison officers, which is relatively similar, the percentage of treatment workers and workshop staff varies significantly among European countries; on average treatment workers and workshop staff have presented approximately 6% and 4% of all the prison staff from 2000 to 2023 (see SPACE I reports; Aebi & Cocco,

2024). The lowest percentages were detected in Greece, Italy, and Ireland, and the highest in Scandinavian countries, Slovenia, Serbia, Switzerland, and Czechia. However, one must not make a hasty conclusion that countries with a higher percentage of treatment workers and workshop staff are also more treatment-focused, as approximately half of the European countries outsource services to other governmental organisations, NGOs, and private companies (Aebi & Cocco, 2024; Daems & Vander Beken, 2018; Meško et al., 2022).

Managerial staff have traditionally presented a bridge between prison policy (i.e., aims of punishment) and its implementation in practice. Differences in the organization of the prison system in European countries have a profound influence on management. First, differences can be observed in the command structure, as the leadership style is strongly dependent on whether managers are in the role of officers ([para]militaristic approach) or directors (civilian approach). The former is usually more commanding and rigid while the latter is more democratic in nature and practice. The architectural design of prisons also presents an important factor that dictates the type of leadership. Small prisons characterized by treatment-oriented countries (e.g., Scandinavian countries, the Netherlands, and also Slovenia) enable managers to take a more dynamic and personal approach to governing, including a direct approach in dealing with prisoners, to which they start to present an actual present authority, and not some distant power holders. The same can be observed with prison workers, as they see their leaders with them “in the trenches” (Brookes et al., 2008; Keena et al., 2022). Also, the involvement of politics in the appointment of senior managers influences their leadership and professionalism greatly.

Diversity was always present in the development of Europe as countries jealously guarded their cultural heritage, despite attempts in recent history for unification of the continent (e.g., the European Union). Consequently, it would be illusionary to expect that criminal justice (prison) systems would be any different. As it was demonstrated, the organisation, structure, and characteristics of prison staff in European countries are complex and diverse, as well as their responsibilities and tasks. While the Council of Europe, CPT, and ECHR provided strong foundations for the future development of “European penology”, the differences in historical, cultural, legal and even situational development in European countries present a counterweight for possible uniformed development of prison services across Europe in the future. Even if we disregard the effects of the cultural environment and distinct development of criminal justice in European countries, the specific characteristics of the prison population (e.g., the size and composition of the prison population, percentage of foreign prisoners, number of drug addicts, number of dangerous prisoners, etc.) demand different work approaches (i.e., treatment) from the prison staff. Differences among countries also present a great opportunity for researchers to determine “what works” in individual cultural environments by conducting comparative research, and maybe

even more importantly not to make hasty generalisations in the sense that “nothing works” with dire consequences (see Martinson, 1974). Simply put, while universal standards for protecting human rights in prisons must be adopted by European countries and respected in practice, every other aspect of the implementation of prison sentences should be individually tailored to the specific needs of an individual country, including the organisation of the prison service. As all penal cultures are local (Tonry, 2007), the structure and organisation of the prison service and staff are the results of penal policy, in which historical and cultural values of individual society are reflected.

References

- Aebi, M. F., & Cocco, E. (2024). *SPACE I – 2023 – Council of Europe Annual Penal Statistics: Prison populations*. Council of Europe. https://wp.unil.ch/space/files/2024/06/SPACE_I_2023_Report.pdf
- Antonio, M. E., & Price, S. R. (2021). Experiences and interactions with treatment staff: Reactions from state prison inmates. *Journal of Offender Rehabilitation*, 60(7), 423–443. <https://doi.org/10.1080/10509674.2021.1966155>
- Arnold, H., Maycock, M., & Ricciardelli, R. (2024). *Prison officers: International perspectives on prison work*. Palgrave Macmillan.
- Brookes, S., Smith, K., & Bennett, J. (2008). The role of middle and first-line managers. In J. Bennett, B. Crewe, & A. Wahidin (Eds.), *Understanding prison staff* (pp. 263–267). Willan Publishing.
- Daems, T., & Vander Beken, T. (2018). *Privatising punishment in Europe: An agenda for research and policy*. Routledge.
- Dünkel, F. (2017). European penology: The rise and fall of prison population rates in Europe in times of migrant crises and terrorism. *European Journal of Criminology*, 14(6), 629–653. <https://doi.org/10.1177/1477370817733961>
- Dünkel, F., Harrendorf, S., & Van Zyl Smit, D. (2022). *The Impact of Covid-19 on Prison Conditions and Penal Policy* (1st ed.). Routledge. <https://doi.org/10.4324/9781003169178>
- European Penitentiary Training Academies Network. (2023). *Members*. <https://www.epta.info/our-members/>
- Flander, B., & Meško, G. (2016). Penal and prison policy on the “Sunny side of the Alps”: The swan song of Slovenian exceptionalism? *European Journal on Criminal Policy and Research*, 22(4), 565–591. <https://doi.org/10.1007/s10610-015-9299-1>
- Flander, B., Meško, G., & Hacin, R. (2023). Punishment in Slovenia: Seventy Years of Penal Policy Development. *European Journal on Criminal Policy and Research*, 29(3), 625–645. <https://doi.org/10.1007/s10610-022-09524-8>
- Hacin, R., Meško, G., Aebi, M. F., & Flander, B. (2022). From apparent unity to diversity: Penal policies of (former) Yugoslav republics. *European Journal of Crime, Criminal Law and Criminal Justice*, 30(3–4), 329–354. <https://doi.org/10.1163/15718174-bja10038>

- Keena, L. D., Lambert, E. G., Haynes, S. H., May, D., & Doty, P. A. (2022). Testing the job demands-resources model with organizational trust among prison staff. *Criminal Justice Review*, 47(2), 148–166. <https://doi.org/10.1177/07340168221076789>
- Krajewski, K. (2014). Different penal climates in Europe. *Kriminologijos Studijos*, 1, 86–111. <http://www.zurnalai.vu.lt/kriminologijos-studijos/article/view/3678/2637>
- Lambert, E. G., Tewksbury, R., Otu, S. E., & Elechi, O. O. (2021). The association of organizational justice with job satisfaction and organizational commitment among Nigerian correctional staff. *International Journal of Offender Therapy and Comparative Criminology*, 65(2–3), 180–204. <https://doi.org/10.1177/0306624X20946926>
- Lappi-Seppälä, T. (2011). Explaining imprisonment in Europe. *European Journal of Criminology*, 8(4), 303–328. <https://doi.org/10.1177/1477370811411459>
- Martinson, R. (1974). What works?: Questions and answers about prison reform. *The Public Interest*, 35, 22–54. <http://ereserve.library.utah.edu/Annual/SOC/3564/Bench/what.pdf>
- Meško, G., Eman, K., & Hacin, R. (2022). Competence in usposabljanje zaporskih delavcev: študija v slovenskih zaporih [Competencies and training of prison workers: A study in Slovene prisons]. *Revija za kriminalistiko in kriminologijo* [Journal of Criminal Investigation and Criminology], 73(3), 233–248.
- Molleman, T., & van der Broek, T. C. (2014). Understanding the links between perceived prison conditions and prison staff. *International Journal of Law, Crime and Justice*, 42(1), 33–53. <https://doi.org/10.1016/j.ijlcj.2014.01.001>
- Omel'chenko, E. L., Garifzyanova, A. R., & Pallot, J. (2024). 'Humiliation, shame and torment': Continuity and change in the statuses and power hierarchies in the post-Soviet prison system. *Incarceration*, 5. <https://doi.org/10.1177/26326663241257360>
- Schade, T. (1986). Prison officer training in the United States: The legacy of Jessie O. Stutsman. *Federal Probation*, 50, 40–46. <https://www.ojp.gov/pdffiles1/Digitization/111882NCJRS.pdf>
- Sellin, T. (1934). Historical glimpses of training for prison service. *Journal of Criminal Law, Criminology and Police Science*, 25(4), 594–600. <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=2497&context=jclc>
- Snacken, S., & van Zyl Smit, D. (2013). Distinctive features of European penology and penal policy-making. In T. Daems, D. van Zyl Smit, & S. Snacken (Eds.), *European Penology?* (pp. 3–26), Hart Publishing.
- Symkovych, A. (2018). Compromised power and negotiated order in a Ukrainian prison. *The British Journal of Criminology*, 58(1), 200–217. <https://doi.org/10.1093/bjc/azx012>
- Tonry, M. (2007). Determinants of penal policies. *Crime & Justice*, 36(1). <https://www.journals.uchicago.edu/doi/pdf/10.1086/518582>

The Vagaries of Restorative Justice: Borders Between Restorative Justice and Justice as Punishment*

Aleksandra Bulatović¹  and Aleksandar Fatić² 

This paper explores the complex interplay between restorative justice and traditional punitive justice systems. While proportional and rationalistic justice focuses on establishing some kind of disturbed equilibrium between crime and a normal state of affairs in society, or on preventing future crimes by increasing the costs of committing it for the offender, restorative justice focuses on the actual restoration of the type of social capital that has been degraded by time. Restorative justice thus works on healing and reconciliation, and tends to contrast sharply with punitive justice, which emphasizes retribution and deterrence. One of the main obstacles to a broad implementation of restorative justice is connected with community expectations. Most communities have been habituated to expect punitive justice and have internalized these expectations as their psychological way to achieve “closure” after a crime has victimized some members of the community or, indirectly, the community as a whole. Thus one of the challenges of modern restorative justice in practice is how to integrate it with more traditional views on punitive justice, which is the preoccupation of this brief paper.

KEYWORDS: justice system / restorative justice / retribution / accountability / community

* This paper was presented by Aleksandra Bulatović and Aleksandar Fatić as part of their keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Bulatović, A., & Fatić, A. (2024). The Vagaries of Restorative Justice: Borders Between Restorative Justice and Justice as Punishment. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 85–91). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.21>

¹ Institute for Philosophy and Social Theory, University of Belgrade, Serbia
<https://orcid.org/0000-0003-4273-8583>

² Institute for Philosophy and Social Theory, University of Belgrade, Serbia
<https://orcid.org/0000-0002-5672-7183>

Correspondence: Aleksandra Bulatović, Institute for Philosophy and Social Theory, University of Belgrade, Kraljice Natalije 45, 11000 Belgrade, Serbia. Email: aleksandra.bulatovic@ifdt.bg.ac.rs

Punitive Versus Restorative Justice

Punitive justice is exemplified in most modern legal systems, where courts assign prison sentences, fines or other penalties based on legal statutes and precedents. In the retributively conceptualized systems, the primary goal is to impose penalties proportionate to the crime, serving both as a deterrent to the individual offender and as a warning to society (von Hirsch, 1993). Retributive thinking sees punishment as a morally necessary response to a crime, meant to restore balance by "paying back" the harm done (Feinberg, 1970)

On utilitarian accounts, punishment is seen as a deterrent both for the individual (special prevention) and for others in society (general prevention), with the aim of preventing future crimes (Republic of Serbia, 2019).³ Utilitarianism, pioneered by Jeremy Bentham, posits that the morality of an action is determined by its contribution to overall happiness (Bentham, 2007). John Stuart Mill expanded on Bentham's ideas by emphasizing the quality of happiness, not just its quantity, in his work *Utilitarianism* (Mill, 2001). More recently, philosophers like Peter Singer have applied utilitarian principles to contemporary ethical dilemmas, advocating for actions that maximize well-being and minimize suffering on a global scale (Singer, 2011).

The prevention theory of crime in the strict sense is a sub-type of utilitarian reasoning on punishment, and it implies that offenders are removed from society through imprisonment, which isolates them and reduces immediate threats to the community.

The severity of the punishment is usually proportionate to the seriousness of the crime, based on the idea that the punishment should "fit the crime" (Kant, 2002, p. 7). The focus is on upholding the law and delivering justice through structured, institutional processes. This last point is exactly the crucial starting point for restorative justice, which has traditionally been associated with the abolitionist movement, in works of British theorists perhaps most ardently championed by Barbara Hudson (Hudson, 2003). Restorative justice does not consider institutionalism or procedure as key conveyors of either justice or reconciliation,

³ Republic of Serbia, *Criminal Code* (2019):

Article 1 - Basic Provisions: This article defines criminal law as a system of legal norms that prescribe criminal offenses, penalties, and other measures. It is governed by the principles of legality and justice.

Article 2 - Principle of Legality: Emphasizes that there can be no crime or punishment without law, ensuring that no one can be prosecuted without a prior legal provision.

Article 3 - Principle of Responsibility: This article states that criminal responsibility can only be determined by the law and that anyone who has committed a criminal offense must be held accountable.

Article 4 - Principle of Proportionality: Penalties must be proportional to the gravity of the criminal offense and the circumstances under which the offense was committed.

but rather considers the culture that underlies the community, particularly the culture of the treatment of use of pain, as key to understanding how the community will approach crime and deviance (Christie, 1981).

Restorative justice is a theory and practice of restoration of community values that emphasizes reparations of the harm caused by crime. Instead of focusing on punishment, restorative justice seeks to bring together the victim, offender, and community in a dialogue that encourages accountability, healing, and restitution. The central idea of restorative justice is that crime causes harm to people and relationships, and justice should aim to mend those harms rather than just punish the offender. Rather than isolating offenders, restorative justice seeks to reintegrate them into the community, often through reconciliation with the victim. Communities are seen as stakeholders in the justice process, with a role in supporting both victims and offenders.

Potential Integration of Restorative and Punitive Thinking on Punishment

This examination of the boundaries and integration of restorative and punitive justice systems draws on the contributions of several key authors who have significantly influenced contemporary discourse on this topic. Howard Zehr's pioneering work lays the foundation for understanding restorative justice principles, while Nils Christie's emphasis on the personal dimensions of crime challenges traditional punitive approaches (Christie, 1977; Zehr 2002). Additionally, the perspectives of David Van Ness and Karen Heetderks Strong (2014) provide crucial insights into the role of community and relationships in the justice process. All these ideas collectively inform a more holistic understanding of justice that prioritizes healing, accountability, and community involvement.

Traditional punitive justice (including the retributive, utilitarian, semantic, reformatory and any other type of theoretical conceptualization of punitive responses to crime) is grounded in the belief that crime should be met with punishment, serving as a mechanism for societal control and maintaining order. While these elements have been integral to the functioning of justice systems, they often fall short of addressing the underlying causes of crime and can lead to cycles of reoffending. As a result, contemporary discussions increasingly consider alternative approaches, such as restorative justice, which prioritize healing and community engagement over punishment alone. In this, theorists often recall practices by organic communities throughout history, which involved primarily restorative sentiments and values, rather than the institutionalized, detached approaches that are distant to the ordinary member of a community.

The tensions between restorative and punitive justice revolve around several key contrasts. Restorative justice focuses on healing and reconciliation among all

parties affected by crime, while punitive justice emphasizes punishment as the primary response to wrongdoing. This leads to a further distinction in their approaches to offender reintegration; restorative justice promotes the reintegration of offenders into the community to support rehabilitation, whereas punitive justice often results in social exclusion and stigmatization, making reintegration more difficult. Additionally, restorative justice emphasizes community involvement in the justice process, advocating for collective responsibility in addressing harm, while punitive justice is primarily state-controlled, marginalizing community voices. Lastly, restorative justice prioritizes repairing relationships and understanding the complexities of crime, whereas punitive justice is rule-based, concentrating on legal violations and enforcement. These fundamental differences highlight the challenges of integrating these approaches within contemporary justice systems, emphasizing the need for more holistic methods that balance healing with accountability.

Restorative justice in practice is increasingly applied in various real-world settings, particularly in youth justice and community-based reconciliation. In youth justice, diversion programs redirect first-time offenders away from formal criminal proceedings and into restorative practices that emphasize accountability and personal growth. Additionally, schools have adopted restorative justice practices to address conflicts among students.

Community-based reconciliation initiatives, such as community mediation, utilize restorative justice principles to resolve local disputes, enhancing social cohesion. Trained mediators facilitate discussions between parties involved in conflicts, allowing them to articulate their needs and reach mutually agreeable solutions. Restorative circles in community settings also enable residents to engage in meaningful conversations about past harms, such as violence or discrimination, promoting healing and reconciliation. In some cases, truth and reconciliation commissions are established in post-conflict societies to address historical injustices (Bachmann, 2014).

Indigenous communities have also integrated restorative justice practices that align with their cultural values. These practices emphasize healing and community involvement, often incorporating ceremonies and storytelling (Daly, 2002; Maxwell & Morris, 2001; McCold, 2003; Sherman & Strang, 2007).

Restorative justice has seen both success and challenges in its coexistence with punitive justice in various settings. One prominent example of success can be found in New Zealand's youth justice system, where restorative justice practices have been integrated alongside traditional punitive measures. In this system, first-time young offenders are often diverted to family group conferences, allowing them to take responsibility for their actions in a supportive environment.

Research by Maxwell and Morris highlights how family group conferences create a space for dialogue among offenders, victims, and their families,

facilitating accountability and healing (Maxwell & Morris, 2001). Additionally, a study by Daly indicates that these restorative practices have led to significantly lower recidivism rates among participants compared to those who underwent traditional punitive measures (Daly, 2002). Furthermore, Sherman and Strang provided empirical evidence that victims involved in restorative justice processes report higher levels of satisfaction with the outcomes, underscoring the effectiveness of these approaches in enhancing victim participation and emotional closure (Sherman & Strang, 2007).

Societal Perceptions of Justice and Implementation of Restorative Practices

Societal perceptions of justice significantly influence the implementation of restorative practices. Public expectations often favor punitive measures, driven by a desire for retribution and the belief that harsh penalties deter crime. This mindset can create challenges for restorative justice. When communities primarily view justice as a means of social control, restorative practices may be seen as insufficient or overly lenient. Victims might worry that these processes won't hold offenders accountable, leading to skepticism about their effectiveness. Additionally, media portrayals of crime can reinforce punitive attitudes, swaying public opinion towards harsher sentencing and diminishing support for restorative approaches.

Also, there are practical challenges like the handling of violent crime, addressing power imbalances, and institutional resistance that need to be carefully navigated to ensure fairness and effectiveness.

In cases of violent crime, the emotional intensity and severity of the offense often make it difficult for victims and their communities to embrace restorative approaches, which may be perceived as too lenient. Victims may feel that restorative justice does not adequately address their pain or provide sufficient accountability for offenders, leading to resistance against using these methods in more serious offenses. The public's perception that violent crimes warrant strong punitive responses further complicates efforts to introduce restorative practices in such cases. However, restorative justice in violent crime cases can be applied effectively by offering victims the choice to participate, ensuring their voices are heard, and providing them with ongoing support throughout the process. This approach needs to be trauma-informed, meaning that it focuses on healing while still maintaining accountability. The option to include restorative justice as a complementary process to traditional punishment—rather than a substitute—could help address victim concerns about the perceived leniency of restorative measures.

Power imbalances between victims and offenders also pose significant challenges. When offenders hold more social, economic, or political power, the restorative process may be skewed, with victims potentially feeling pressured to forgive or reconcile in ways that do not serve their interests. This can undermine the fairness and integrity of the process, leading to outcomes that are neither just nor restorative. To prevent power imbalances from distorting restorative justice processes, safeguards are needed.

Another practical issue is the existing structure of the criminal justice system, which is primarily designed for punitive measures that is deeply entrenched in punitive ideologies. Courts, law enforcement, and even the public are often unfamiliar with restorative principles, leading to inconsistencies in application or outright rejection of these practices. Overcoming institutional resistance requires a cultural shift, alongside education and training for legal professionals and communities alike.

Conclusion

While restorative justice has achieved notable successes in various settings, such as reducing recidivism and enhancing victim satisfaction, its coexistence with punitive justice often encounters challenges rooted in societal perceptions, systemic inequalities, and varying levels of acceptance among stakeholders (Daly, 2002; Sherman & Strang, 2007). Justice is not a one-size-fits-all solution; different circumstances require tailored responses that consider the needs of victims, offenders, and the community as a whole.

Emerging evidence suggests that a hybrid model, which integrates both punitive and restorative justice elements, may be more effective in addressing the complexities of justice (Bazemore & Schiff, 2005; Maxwell & Morris, 2001; McCold, 2003; Latimer et al., 2005; Strong, 2014; Van Ness; Ward & Maruna, 2007). This model facilitates accountability while also promoting healing and reintegration, ensuring that the diverse needs of all parties involved are adequately addressed. By combining these methodologies, stakeholders can create a more balanced justice system that not only administers punishment but also fosters understanding and reconciliation, ultimately contributing to a more equitable and cohesive society (Sherman & Strang, 2007).

In this framework, offenders are not only held accountable for their actions but are also encouraged to comprehend their impact, take responsibility, and make amends. Concurrently, the justice system implements necessary safeguards to protect the community and ensure that serious offenses are managed appropriately.

Therefore, it is imperative for policymakers, practitioners, and communities to engage with and support hybrid models of justice. Such an approach can facilitate a more nuanced and effective response to crime, emphasizing rehabilitation and restorative practices while maintaining the essential functions of traditional punitive measures.

References

- Bachmann, K. (2014). "Truth Commissions and the Construction of History." In *Truth Commissions and the Construction of History*. SpringerLink.
- Bazemore, G., & Schiff, M. (2005). *Juvenile justice reform and restorative justice: Building theory and policy from practice*. Willan Publishing.
- Bentham, J. (2007). *An introduction to the principles of morals and legislation* (J. H. Burns & H. L. A. Hart, Eds.). Oxford University Press.
- Christie, N. (1977). Conflicts as Property. *British Journal of Criminology*, 17(1), 1–15.
- Christie, N. (1981). *Limits to Pain*. Norwegian University Press.
- Criminal Code of the Republic of Serbia, RS Official Gazette, No. 55/2014, 35/2019 (2019).
- Daly, K. (2002). Restorative justice: The real story. *Punishment & Society*, 4(1), 55–79.
- Feinberg, J. (1970). The expressive function of punishment. In J. Feinberg (Ed.), *Doing and deserving: Essays in the theory of responsibility* (pp. 95–107). Princeton University Press.
- Hudson, B. (2003). *Justice in the interest of the victims*. In R. Matthews & J. P. Lee (Eds.), *Criminal Justice: The Key Concepts* (pp. 35–50). Routledge.
- Kant, I. (2002). *Groundwork for the Metaphysics of Morals*. Cambridge University Press.
- Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of Restorative Justice Practices: A Meta-Analysis. *The Prison Journal*, 85(2), 127–144. <https://doi.org/10.1177/0032885505276969>
- Maxwell, G., & Morris, A. (2001). *Restorative Justice for Juveniles: Conferencing, Mediation and Circles*. Hart Publishing.
- McCold, P. (2003). A survey of assessment research on mediation and conferencing. In J. Blad (Ed.), *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* (pp. 67–118). Bloomsbury Publishing.
- Mill, J. S. (2001). *Utilitarianism* (G. Williams, Ed.). Cambridge University Press. (Original work published 1863)
- Ness, D. W., & Strong, K. H. (2014). *Restoring Justice: An Introduction to Restorative Justice* (5th ed.). Routledge.
- Sherman, L. W., & Strang, H. (2007). *Restorative Justice: The Evidence*. The Smith Institute.
- Singer, P. (2011). *Practical ethics* (3rd ed.). Cambridge University Press.
- Von Hirsch, A. (1993). *Censure and sanctions*. Clarendon Press.
- Ward, T., & Maruna, S. (2007). *Rehabilitation*. Routledge. <https://doi.org/10.4324/9780203962176>
- Zehr, H. (2002). *The Little Book of Restorative Justice*. Good Books.

Neoliberalism and the Penal Turn: Reproduction of Capitalism through the Prison System*

Aleksandra Marković¹ 

This paper is based on the concepts of neoliberal rationality (Wendy Brown) and the punitive turn represented by the expansion of the carceral mode and the punitive politics of marginality (Loïc Wacquant). It aims to emphasise that neoliberalism encompasses not only the dominance of the free market but also the establishment of a neoliberal state that combines neoliberal and paternalistic interventions in various social domains. Viewing neoliberalism as a pervasive rationality rather than just an economic (market) rule or ideology, we will analyse the dual relationship between exploitative discipline and rehabilitative modes in the context of capitalism's reproduction. The punitive culture of the neoliberal form of capitalist regulation of social relations, characterised by individualisation of responsibility through risk management, reflects the contemporary shift in the dynamics between capital, labour, and the state. Furthermore, we will, in brief, explore the historical context of the emergence and transformation of capitalism to shed light on the class conditioning and functions of the prison institution, as each socio-historical epoch is marked by a penal system best suited for the prevailing mode of accumulation. We will demonstrate how market discipline as a means of domination and exploitation permeates correctional institutions, particularly evident in prison work programs that apply market principles to control and manage prisoners while also serving as an alternative source of cheap labour. Mass incarceration can also be viewed as a method of forced consumption, especially in post-industrial economies with economic precariousness and growing wealth inequalities where demand is lacking. In these economies, the lack of demand, rather than labour, is a significant crisis of modern capitalism, and spending in prisons is used to compensate for this shortage. In conclusion, we will highlight the intricate relationship between the prison and state systems, the labour

* This paper was presented by Aleksandra Marković as part of her keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Marković, A. (2024). Neoliberalism and the Penal Turn: Reproduction of Capitalism through the Prison System. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 93–100). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.22>

¹ Institute for Sociological Research, Faculty of Philosophy, University of Belgrade, Serbia
<https://orcid.org/0000-0001-5219-4220>

Correspondence: Aleksandra Marković, Institute for Sociological Research, Faculty of Philosophy, University of Belgrade, Čika Ljubina 18-20, 11000 Belgrade, Serbia.

Email: aleksandra.markovic1@hotmail.com

market, and the neoliberal form of capitalist regulation of social relations, wherein prison labour serves as a means of coercing consumption, sustaining economic growth, and creating cheap labour through a specific form of state-imposed non-free work.

KEYWORDS: neoliberal rationality / capitalism / punitive politics of marginality / precariousness / prison labour

Introduction

The relationship between penal systems and capitalism has been studied for over a century. Georg Rusche and Otto Kirchheimer noted in 1939 that every social period possesses a penal system that reflects society's economic needs and capital accumulation, asserting that prison labour is crucial for shaping the capitalist social order. Modern prisons and prison labour are integral components of the capitalist social framework, with prisons serving not only as tools for social control but also for the exploitation of the workforce. Their works had limited influence before 1945, but gained renewed popularity during the 1960s, impacting revisionist historiography and radical criminology. During this decade, revisionist historians challenged established narratives about prisons, arguing that their dominance is not a result of ethical considerations but rather a functional component of social control and the reproduction of capitalism. The ideas of Rusche and Kirchheimer also influenced radical criminology, which links the criminal justice system to the interests of the ruling class and serves to maintain social inequality. Radical criminologists have highlighted the connection between economic conditions and prison sentences, demonstrating that changes in economic relationships directly affect unemployment and incarceration rates (Ivanics, 2022). Furthermore, within the analysis of the history of the prison system in the United States, the issue of race has been examined through the lens of government policies, the concept of “racial formation”, and governance in the context of developing capitalism (Koros, 2010).

The first significant shift in the penal system at the turn of the 18th to the 19th century is described through the works of Michel Foucault. This shift led to a more efficient system of penal authority and the shaping of obedient individuals, employing discipline and control over the body. Foucault emphasises that this form of punishment is aligned with the development of capitalism (Fuko, 1997). His theory suggests that one should not only focus on the economy but also consider the complex power relations within society (Koros, 2010). The contemporary penal shift, particularly evident in mass incarceration, should be understood in the context of neoliberal globalisation and the crisis of capitalism, with the incarceration rate in the United States beginning to rise in 1976 (Delia Deckard, 2017), coinciding with the emergence of a neoliberal form of capitalist regulation of social relations. Undoubtedly, penal mechanisms are becoming

increasingly necessary for societal control, and incarceration does not necessarily reflect rising crime rates but rather changes in how the social elite defines and addresses social issues (Cassidy et al., 2020).

In the following section, special attention will be given to the reflections on the relationship between contemporary capitalism and the penal system as articulated by Wendy Brown and Loïc Wacquant. In this way, we aim to remind readers that neoliberalism does not merely entail the governance of a free market, but also encompasses the construction of a neoliberal state that combines neoliberal and paternalistic interventions across various social domains, including penal policies. Market discipline, as a mode of domination and exploitation, permeates the corrective institutions of the system, most evidently expressed in the context of prison labour programmes that apply market principles and practices to control and manage inmates, while also creating an alternative source of cheap labour. Ultimately, this further contributes to the successful reproduction of contemporary neoliberal capitalist relations.

Neoliberalism and the Penal System

The ethics of neoliberalism emphasises the individualisation of responsibility, confronting individuals with increasing economic and social risks. In this context, the moral autonomy of the individual is defined as the ability to care for one's own interests, while solidarity and social justice are regarded as „nurturing dependency“ (Pavićević et al., 2024, pp. 88–89). The idea of individual responsibility is often used as a justification for inequality and marginalises vulnerable groups, legitimising repressive state measures against them. Neoliberalism, as noted by Wendy Brown, transforms ways of doing business, democracy, and life culture, impacting all aspects of life. One significant transformation of neoliberalism is the privatisation of prisons, which alters both institutions and individual rationalities. Brown analyses neoliberal rationality as a form of governance that extends market principles to all spheres of life, reducing citizens to the status of economic actors and reshaping democratic ideals. She emphasises that this logic erodes public goods and democratic processes, placing emphasis on competition, efficiency, and individualism over collective welfare. Brown argues that this rationality depoliticises citizens, turning social and political issues into private, personal challenges that are addressed through market solutions. She expands on Foucault's idea of neoliberalism as a *new form of governing rationality*. While Foucault views neoliberalism as a transformation of governance that reconstitutes individuals as entrepreneurs of their own lives, Brown further underscores how this logic undermines democratic institutions and values. According to Brown, neoliberal rationality strips democracy of its essential nature, whereas Foucault focuses more on changes in power relations and individual subjectivity. This transformation, according to Brown, has affected

not only institutions but has also transformed individual rationality through neoliberalism at the micro level, influencing the lives of prisoners, their families, and the communities to which they belong (Brown, 2020; Clark, 2016). The justification for privatization is often based on claims of rehabilitation. However, in reality, this approach shifts the responsibility onto prisoners and their families, while allowing the state to absolve itself of any accountability.

French sociologist Loïc Wacquant, a proponent of change in the penal turn, also views neoliberalism not merely as an economic model but as a socio-political framework that shapes the ways in which societies manage deviance and marginalised groups. As Wacquant emphasises, hyper-incarceration (mass imprisonment and the expansion of penal institutions) is not a response to rising crime but rather a reaction to social insecurity stemming from economic changes, such as the deregulation of the labour market and the reduction of social protection. Even if we accept that there has been an increase in crime, this is a consequence of the neoliberal dismantling of the former welfare state and the introduction of mandatory work for social assistance (so-called workfare), which has led members of the deprived urban precariat to be more inclined towards violence. According to Wacquant's assertions, the prison system disproportionately affects certain populations (in the US, this would include members of the African American community) and represents nothing more than a continuation of historical patterns of racial discrimination, while neoliberal penal policy perpetuates and deepens existing social inequalities. In this sense, the penal system becomes a means of controlling and managing urban poverty (Lichtenstein, 2011; Pavićević et al., 2024; Petković, 2011).

According to Wacquant, the expansion of police, courts, and prisons cannot be viewed in isolation from the broader context of economic and social changes. The deregulation of the labour market and the reduction of social protection lead to increased social insecurity, which in turn drives the need for strengthening penal institutions. This dynamic creates a vicious cycle in which the penal system is employed as a tool for managing the consequences of economic inequalities and urban dislocations, further marginalising the most vulnerable segments of society. In other words, we must pay attention to the *extra-penological functions of penal institutions*. Furthermore, the connection between social and penal policy as two sides of the same coin opens up new perspectives for understanding contemporary poverty policies, which represent a new punitive regulation of poverty. The reduction of welfare and the shift towards workfare are interwoven strategies aimed at disciplining the poor. This “*double regulation of poverty*”, as Wacquant refers to it, indicates that penal and social systems are interconnected and operate according to the same philosophical principles of moral behaviourism. Finally, the phenomenon of “workfare” and “prison fare” as integral components of the neoliberal state further complicates the understanding of modern governance. Neoliberalism is often portrayed as an ideology that favours free markets and

minimal state intervention; however, Wacquant's analysis reveals that in practice, *the neoliberal state is highly interventionist when it comes to maintaining social order and controlling the poor* (Wacquant, 2011). This contradiction between ideological postulates and reality suggests that neoliberalism not only generates economic inequalities but also deepens social fragmentation and undermines democratic principles.

Prison Labor and the Economics of Exploitation

Even in the prison systems of European African colonies, we can observe how prisons were used as a means to address labour shortages and reduce the costs of paid labour for public projects such as railways and roads. Historical evidence shows that prison labour was crucial for colonial regimes, as African prisoners were viewed as a reserve army of labour (Archibong & Obikili, 2023). Therefore, it is not surprising that in contemporary discussions about penal systems, there are advocates for the idea that an increased reliance on prison labour can justify the rise in incarceration ('Climate Carceralism', 2023).

Historically, systems of slavery subjugated black individuals in order to compel them to participate in the market as labourers. However, some authors discuss a contemporary alternative form of subjugation, which is a highly racist form of domination and exploitation, linked to state strategies for maintaining a disciplined workforce and a market social order (LeBaron, 2018). In this context, prisoners even become forced consumers. In other words, the current crisis of capitalism is no longer a shortage of labour, but rather a lack of demand. Increased state expenditures on incarceration contribute to a rise in overall demand, where consumption within prisons plays a key role without inflationary consequences (Delia Deckard, 2017).

A particular concern is the exploitation of prisoners in correctional facilities. In fact, prisoners are viewed as a source of cheap labour, often performing so-called 3D jobs (dirty, dangerous, and demeaning). Numerous jobs available in the labour market find their way behind prison walls, thereby affecting the overall wage levels in the market (Cassidy et al., 2020; LeBaron, 2018). It is therefore not surprising that in some states, call centre employees are being replaced by prisoners who earn £3 a day (Cassidy et al., 2020). In certain states, such as Arizona (USA), able-bodied prisoners constitute a workforce of approximately 45,000 individuals, which is the size of a small town. Not only is this workforce substantial, but they operate in the shadows, engaging in what is termed "invisible labour" (Feldman, 2020).

Although declaratively, reformers of penal reforms may believe in the possibility of rehabilitating prisoners, the reforms are actually implemented within existing disciplinary structures. These structures are linked to broader social and

economic systems, such as the carceral state and racial capitalism. By deconstructing the binary relationship between exploitative and rehabilitative modes of discipline, some authors warn that rehabilitation (and the work in prisons that is primarily associated with rehabilitation and resocialisation in mainstream narratives), while an officially declared objective, is often used as a pretext for punitive practices that further marginalise certain groups (Chennault & Sbicca, 2023).

Understanding the impact of prison labour on inmates requires us to acknowledge the challenges that arise within the prison system and continue after their release. In this context, precarity represents a dual process, where individuals face various forms of labour exploitation while in correctional facilities, and upon re-entering society, they encounter stigma and discrimination, which further complicates their reintegration. In this way, the prison system not only creates precarious working conditions within its walls but also contributes to the ongoing marginalisation of former inmates, thereby perpetuating a cycle of poverty and criminalisation.

Conclusion

Punitive systems reflect and shape the social, economic, and political dynamics within the capitalist order. They function as instruments of social control, as well as means for the reproduction of economic inequality and the neoliberal form of capitalist regulation of social relations. Despite numerous changes that have occurred in the way punitive systems are organised and implemented, *the fundamental function of prisons as mechanisms for discipline and subjugation remains unchanged*. This function is particularly manifested through neoliberal reforms, which have led to an increase in incarceration rates and the transformation of prisons into instruments for controlling poverty and marginalised groups. There is a strong connection between the expansion of mass incarceration and the growth of the post-industrial and neoliberal economies. This is precisely what Mike Davis referred to as “carceral Keynesianism”, and we can observe a significant impact of mass state expenditure, particularly concerning the working class (Lichtenstein, 2011).

Prison labour emerges as a particularly salient aspect of this discussion. The historical exploitation of prison labour, from colonial contexts to contemporary practices, underscores the capitalist logic that underpins the penal system. While proponents of prison labour often frame it as a rehabilitative measure, the reality is that it serves to perpetuate economic exploitation and reinforce existing hierarchies of power. The challenges posed by mass incarceration, the commodification of prison labour, and the individualisation of responsibility within a neoliberal context necessitate a critical reassessment of the goals and

functions of the penal system. Future research should continue to explore the intersections of race, class, and economic policy within the penal system, as these factors are critical in understanding the complexities of contemporary punishment. Additionally, there is a pressing need for interdisciplinary approaches that draw on insights from sociology, economics, and political science to develop a comprehensive understanding of the penal system's role in society.

Acknowledgement

The article was made as part of scientific research at the University of Belgrade – Faculty of Philosophy (contract number 451-03-66/2024-03/200163), which was financially supported by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Aebi, M. F., Caneppele, S., Harrendorf, S., Hashimoto, Y. Z., Jehle, J.-M., Khan, T. S., Archibong, B., & Obikili, N. (2023). *Prison Labor: The Price of Prisons and the Lasting Effects of Incarceration* (Working Paper 31637). National Bureau of Economic Research. <https://doi.org/10.3386/w31637>
- Breysem, A. (2018). *Profiting from Punishment? Prison Privatization in a Globalized World* [Master thesis]. Lund University.
- Brown, W. (2020, March 24). *Ruins and Renewal: An Interview with Wendy Brown*. Tocqueville21. <https://tocqueville21.com/interviews/ruins-and-renewal-an-interview-with-wendy-brown/>
- Cassidy, K., Griffin, P., & Wray, F. (2020). Labour, carcerality and punishment: 'Less-than-human' labour landscapes. *Progress in Human Geography*, 44(6), 1081–1102. <https://doi.org/10.1177/0309132519869454>
- Chennault, C., & Sbicca, J. (2023). Prison agriculture in the United States: Racial capitalism and the disciplinary matrix of exploitation and rehabilitation. *Agriculture and Human Values*, 40(1), 175–191. <https://doi.org/10.1007/s10460-022-10346-x>
- Clark, K. (2016). Prisons for Profit: Neoliberal Rationality's Transformation of America's Prisons. *Senior Independent Study Theses*, Paper 7242.
- Climate Carceralism: The Future of Climate-Linked Prison Labor. (2023). *Harvard Law Review*, 137(2), 706–727.
- Delia Deckard, N. (2017). Prison, Coerced Demand, and the Importance of Incarcerated Bodies in Late Capitalism. *Social Currents*, 4(1), 3–12. <https://doi.org/10.1177/2329496516670186>
- Feldman, L. R. (2020). Anti-heroes, wildfire, and the complex visibility of prison labor. *Crime, Media, Culture: An International Journal*, 16(2), 221–238. <https://doi.org/10.1177/1741659019865309>
- Fuko, M. (1997). *Nadzirati i kažnjavati: Nastanak zatvora*. Izdavačka knjižarnica Zorana Stanojevića Sremski Karlovci.

- Ivanics, Z. (2022). Conceptual issues and theoretical considerations regarding the study of prison labour. *Belügyi Szemle*, 70(1. ksz.), 53–68. <https://doi.org/10.38146/BSZ.SPEC.2022.1.3>
- Koros, D.-L. S. (2010). *Prisons in the Neoliberal Era: Class and Symbolic Dimensions* [Master thesis]. University of Manchester.
- LeBaron, G. (2018). Prison Labour, Slavery, and the State. In L. Brace & J. O’Connell Davidson (Eds.), *Revisiting Slavery and Antislavery: Towards a Critical Analysis* (pp. 151–177). Springer International Publishing. https://doi.org/10.1007/978-3-319-90623-2_6
- Lichtenstein, A. (2011). A “Labor History” of Mass Incarceration. *Labor*, 8(3), 5–14. <https://doi.org/10.1215/15476715-1275217>
- Pavićević, O., Ilijić, Lj., & Batrićević, A. (2024). *Moralna i socijalna klima u zatvorima*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.2>
- Petković, K. (2011). Kažnjava li neoliberalna kaznena država siromašne?. *Političke analize*, 2(7), 50–53.
- Wacquant, L. (2011, January 8). *The punitive regulation of poverty in the neoliberal age* [openDemocracy.net]. openDemocracy. <https://www.opendemocracy.net/en/5050/punitive-regulation-of-poverty-in-neoliberal-age/>

Contribution of the Concept of Criminal Career to the Policy of Institutional Punishment*

Dragana Bogićević¹  and Branislava Popović-Čitić² 

Introduction: The criminal career paradigm, which became accepted in criminology in the mid-1980s, significantly improved knowledge about the patterns of criminal activities of individual delinquents and opened up a number of questions about crime control strategies, especially institutional punishment of offenders. *Objective:* The objective of this paper is to indicate, through a systematic review of literature, the importance of empirical findings on criminal careers for the policy of institutional punishment of offenders. *Methods:* Search of electronic databases within the service of the Serbian Library Consortium for Coordinated Acquisition (KOBSON) with key words and combinations thereof: criminal career paradigm, policy issues, crime control strategies, incapacitation, incarceration, law. *Results:* Data on the individual frequency and duration of a criminal career proved to be the most important parameters that need to be taken into account when deciding about the institutional punishment of offenders and the length of the prison sentence. *Conclusion:* Prison sentences for active offenders while taking into account the assessment of the frequency and duration of their criminal career can maximize the effects of institutional punishment of delinquents.

KEYWORDS: criminal career / institutional punishment / duration of criminal career / frequency / prison sentence

* This paper was presented by Dragana Bogićević and Branislava Popović-Čitić as part of their keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Bogićević, D., & Popović-Čitić, B. (2024). Contribution of the Concept of Criminal Career to the Policy of Institutional Punishment. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 101–107). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.28>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0009-0007-0388-2968>

² University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0002-1076-5838>

Correspondence: Dragana Bogićević, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: draganabogi@outlook.com

Introduction

A criminal career refers to a series of criminal acts committed by an offender. It is determined by several key parameters which describe various aspects of criminal behaviour. The following ones are particularly relevant for the institutional punishment policy: participation, frequency and duration. In addition to the above, criminal career is also comprised of parameters of specialization, escalation and intermittency (occasionality) (Blumstein et al., 1988).

The rate of participation is not necessarily and exclusively a parameter of a criminal career, but an important component that indicates the share of any segment of the population that participates in total criminality (Blumstein, 2016). There is a difference between cumulative and current participation. Cumulative participation refers to the part of the surveyed population that committed at least one criminal offence before a certain age, while current participation includes that part of the population criminally active during the observed period. Active offenders mean individuals who committed a criminal offence for the first time during the observed period (primary offenders), but also persistent offenders who started their criminal activities previously and actively committed criminal offences during the observed period (recidivists) (Piquero et al., 2003). The frequency of committing crimes is denoted by the Greek letter lambda - λ and refers to the average number of crimes committed by active offenders during their criminal career (Blumstein et al., 1988). When it comes to duration, a distinction is made between the duration of the criminal career and the duration of the remaining (residual) career. The duration, i.e., the length of a criminal career includes the period from the first to the last criminal offence, while the duration of the remaining (residual) career represents the expected time until the end of the criminal career after each committed criminal offence (Blumstein et al., 1986).

Knowledge about the long-term patterns of criminal activity of delinquents synthesized within the criminal career paradigm can influence the decision-making process in the criminal justice system, starting from arrest, through the abolition of detention and criminal prosecution, until the imposition of criminal sanctions and parole (Piquero et al., 2003).

Objective

The objective of the paper is to indicate the importance of following the findings obtained from the criminal career research in the context of the policy of institutional punishment of delinquents.

Methods

The paper provides a systematic review of relevant literature where the impact of the criminal career paradigm on crime control strategies through institutional punishment of offenders is discussed. The papers were searched and downloaded from the online service of the Serbian Library Consortium for Coordinated Acquisition (KOBSON). Several key words and combinations thereof were used for the search: criminal career paradigm, policy issues, crime control strategies, incapacitation, incarceration, law.

Results with Discussion

Based on the review of literature, it was concluded that research on criminal careers initiated two key problems related to the policy of punishing criminals - deciding on institutional punishment and determining the length of a prison sentence. These issues are briefly explained in the following section.

Adopting a Decision on Institutional Punishment

The philosophy of selective incapacitation is based on the assumption that delinquents with the highest frequency rate will continue to commit criminal offences at high rates for a long period of time if they are not incarcerated. However, from the perspective of incapacitation, incarceration of delinquents in order to prevent or deter crime is effective only when applied to active criminals. Therefore, the policy of institutional punishment should be based on the data about the duration of the criminal career. Institutionalizing offenders who are at the end of or whose criminal careers have already ended will not contribute to the purpose of punishment through incapacitation (Blumstein et al., 1982).

Estimating the length, and especially the length of the remaining (residual) criminal career may help in the process of institutional punishment of offenders by imposing prison sentences on individuals who are expected to have the longest remaining (residual) career (Blumstein, 2016; Kazemian et al., 2007). However, the problem with estimating the length of the remaining (residual) career is reflected in the fact that delinquents with the longest remaining (residual) criminal careers can usually be identified only after several years of their criminal activity have passed (Blumstein et al., 1982).

Consequently, institutional criminal sanctions are often applied to a significant number of delinquents who, in a short period of time, regardless of incapacitation by imprisonment, would end their criminal career (Kazemian, 2021). Therefore, the effectiveness of institutional punishment depends on the rate of frequency and

duration of the remaining (residual) career. Extending the prison sentence after the end of the criminal career of a delinquent limits the justification and purposefulness of the imposed sentence (Piquero et al., 2003).

Determining the Length of a Prison Sentence

Data on the individual frequency and length of criminal career of delinquents, apart from the decision to institutionalize the offender, are also significant in the context of determining the length of the prison sentence. In scientific circles, there is a belief about the general ineffectiveness of long prison sentences in reducing the crime rate (Gottfredson & Hirschi, 2016; Kazemian, 2021; National Research Council, 2014).

The greatest number of scientific discussions about adequate length of prison sentences is related to the *Three-strikes* law³. In research done in the ten largest Californian cities, the impact of the *Three-strikes* law was tested on the overall rate of serious crime and the results obtained indicated that the applied law did not contribute to the reduction of the crime rate below the level expected based on existing trends (Hawken & Greenwood, 2002; Stolzenberg & D'Alessio, 1997; Zimring et al., 2003). Similar data were obtained in a study comparing the data from official records on criminal offences before and after the *Three-strikes* law came into force in three Californian cities (Los Angeles, San Francisco and San Diego).

Two key findings were obtained. First, the average age of individuals who were previously convicted of two or more criminal offences was 34.6 years, which indicated that they were mostly older individuals who have had time to accumulate criminal offences during their careers. Those criminals had an almost 40% longer criminal career behind them (estimate is 16.6 years) than primary delinquents to whom this law did not apply. Hence, the binding long-term prison sentence imposed on returnees according to the *Three-strikes* law had less effect in the population of triple recidivists, compared to its application in the population of primary delinquents who, in proportion to their age, had a longer (residual) career. Secondly, by monitoring the trends in crime rates before and after the introduction of the *Three-strikes* law, no reduction was observed in the number of criminal offences committed by returnees this law targeted. Namely, the drop in criminality during 1994 and 1995, immediately after the adoption of the law, was recorded

³ *Three-strikes* law prescribes that each person convicted for the third time for certain (defined by law) criminal offences, usually of a violent character, must be sent to serve a long prison term, the minimum duration of which ranges from 25 years to life imprisonment. It was first applied in New York in 1993, and a year later, the law was also adopted in California. Today, 28 USA states has some form of the *Three-strikes* law.

both in the population of recidivists and primary delinquents, and therefore could not have been attributed to the introduction of the law (Zimring et al., 1999).

In addition, there was an opinion that the effectiveness of the *Three-strikes* law would be greater if the length of the prison sentence for delinquents convicted for the second or third time was reduced to six to 12 years (instead of the prescribed 10 to 20), with an increase in the length of the sentence for primary offenders expected to have a long residual career (Caulkins, 2001). Furthermore, the implementation of this law, in terms of imposing long-term prison sentences for recidivists, contributes to the aging of the prison population, thereby reducing its long-term effectiveness (Nagin, 2013). It is particularly emphasized that the imposition of long prison sentences leads to an overload of prison capacities, in addition to the fact that such sanctions under the *Three-strikes* law are imposed on older offenders, who are less likely to commit criminal acts in the future (Schmertmann et al., 1998).

In the Criminal Code of the Republic of Serbia (hereinafter referred to as: Criminal Code), the amendments that came into force on December 1, 2019, introduced a provision on multiple convictions (Article 55a), which could be equated with the *Three-strikes* law. Namely, the court could not impose a sentence shorter than half of the prescribed sentence if the offender: committed a new premeditated criminal offence for which a prison sentence was prescribed, had previously been sentenced at least twice to a prison sentence for premeditated criminal offence of at least one year and had committed a new criminal offence within a gap of less than five years from the day of release from prison (CC, 2019). This regulation narrows the penalty ranges within which the court determines punishment and the court's authority to assess mitigating and aggravating circumstances, and raises the question of the justification of automatically imposing long-term prison sentences on multiple returnees (Ćorović, 2020).

Imposing long prison sentences is justified when an individual is at the beginning of a criminal career and commits criminal offences with high frequency, but not when offenders are at an end of their criminal careers.

Conclusion

In the end, two important conclusions can be drawn. First, incarceration has no disabling effect after the offender's criminal career is over. It is more appropriate to use prison and its resources by imposing an institutional punishment on active offenders. Secondly, the length of the sentence should be adjusted to the duration of the remaining (residual) career. Imposing long prison sentences is expedient when an individual is at the beginning of his criminal career and commits criminal offences with high frequency, but not when offenders are at an end of their criminal careers. In addition to wasting prison capacities, a prison sentence that

exceeds the time remaining until the end of the career can also be labelled as "wasted time" since the stay of the offender in prison after the end of the career is completely unnecessary. In such situations, it is more appropriate to impose criminal sanctions of an extra-institutional nature. In addition, sending inactive offenders to penal institutions and imposing long prison sentences inevitably contributes to increase in number of prisoners and decrease in the quality of prison life.

Unfortunately, research on different parameters (dimensions) of a criminal career is insufficiently represented. Prospective identification of offenders with the highest frequency, the longest duration of the remaining (residual) criminal career and who commit the most serious criminal offences during their careers can positively influence the policy of institutional punishment by their timely referral to penitentiary institutions with sentences of adequate duration.

References

- Blumstein, A. (2016). From incapacitation to criminal careers. *Journal of Research in Crime and Delinquency*, 53(3), 291–205. <https://doi.org/10.1177/0022427815622020>
- Blumstein, A., Cohen, J., & Hsieh, P. (1982). *The duration of adult criminal careers*. National Institute of Justice.
- Blumstein, A., Cohen, J., Roth, J. A., & Visher, C. A. (1986). *Criminal Careers and "Career Criminals"*. National Academy Press. <https://doi.org/10.17226/922>
- Blumstein, A., Cohen, J., & Farrington, D. P. (1988). Criminal career research: Its value for criminology. *Criminology*, 26(1), 1–35. <https://doi.org/10.1111/j.1745-9125.1988.tb00829.x>
- Caulkins, J. P. (2001). How large should the strike zone be in Three strikes and you're out sentencing laws? *Journal of Quantitative Criminology*, 17(3), 227–246. <https://doi.org/10.1023/A:1011098100458>
- Criminal Code, Official Gazette of the Republic of Serbia no. 35/19. (2019).
- Ćorović, E. (2020). Povrat u Krivičnom zakoniku Srbije: kritički osvrt na njegovo normativno uređenje [Recidivism within the Criminal Code of Serbia: Critical Review of its Normative Regulation]. *Revija za kriminologiju i krivično pravo*, 20(1–2), 9–27. <https://doi.org/10.47152/rkkp.58.1.2.1>
- Gottfredson, M. R., & Hirschi, T. (2016). The criminal career perspective as explanation of crime and a guide to crime control policy. *Journal of Research in Crime and Delinquency*, 53(3), 406–419. <https://doi.org/10.1177/0022427815624041>
- Hawken, A., & Greenwood, P. (2002). *An Assessment of the Effects of California's Three Strikes Law*. Greenwood Consulting.
- Kazemian, L. 2021. *Pathways to desistance from crime among juveniles and adults: Applications to criminal justice policy and practice*. National Institute of Justice.
- Kazemian, L., LeBlanc, M., Farrington, D. P., & Pease, K. (2007). Patterns of residual criminal careers among a sample of adjudicate French-Canadian males. *Canadian Journal of Criminology and Criminal Justice*, 49(3), 307–340. <https://doi.org/10.3138/cjccj.49.3.307>

- Nagin, D. S. (2013). Deterrence in the twenty-first century. *Crime and Justice*, (42)1, 199–263. <https://doi.org/10.1086/670398>
- National Research Council. (2014). *The growth of incarceration in United States: Exploring causes and consequences*. The National Academies Press.
- Piquero, A. R., Farrington, D. P., & Blumstein, A. (2003). The criminal career paradigm. *Crime and Justice*, 30(1), 359–506. <https://doi.org/10.1086/652234>
- Schmertmann, C. P., Ambankwaa, A. A., & Long, R. D. (1998). Three strikes and you're out: demographic analysis of mandatory prison sentencing. *Demography*, 35(4), 445–463.
- Stolzenberg, L., & D'Alessio, S. J. (1997). Three-strikes and you're out: The impact of California's new mandatory sentencing law on serious crime rate. *Crime and delinquency*, 43(4), 457–469. <https://doi.org/10.1177/0011128797043004004>
- Zimring, F. E., Kamin, S., & Hawkins, G. (1999). *Crime and punishment in California: The impact of Three-strikes and you're out*. University of California – Institute of Governmental Studies Press.
- Zimring, F. E., Hawkins, G., & Kamin, S. (2003). *Punishment and democracy: Three strikes and you're out in California*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195171174.001.0001>

Introducing Pre-Sentence Reports in the Serbian Criminal Justice System: Comparative Experiences and Potential Benefits*

Olga Tešović¹ 

The Serbian criminal justice system currently lacks pre-sentence reports, a tool widely adopted in jurisdictions like the UK, USA, and several EU countries to inform sentencing decisions and promote offender rehabilitation. This absence hinders the ability to deliver individualized and appropriate sentencing, while limiting the assessment of offenders' risks and reintegration needs. This paper explores the concept of pre-sentence reports, drawing on international comparative experiences to evaluate their potential benefits for Serbia. By examining established practices in other countries, this study highlights how pre-sentence reports could improve sentencing outcomes, enhance rehabilitation efforts, and reduce the system's heavy reliance on custodial sentences. Additionally, it outlines the reforms needed to align Serbia's legal framework with modern restorative justice principles, offering insights into how the introduction of pre-sentence reports could contribute to a more effective and humane justice system.

KEYWORDS: pre-sentence reports / serbian criminal justice system / comparative experiences / rehabilitation / sentencing / restorative justice

* This paper was presented by Olga Tešović as part of her keynote address at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Tešović, O. (2024). Introducing Pre-Sentence Reports in the Serbian Criminal Justice System: Comparative Experiences and Potential Benefits. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 109–114). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.24>

¹ PhD, Research Fellow. <https://orcid.org/0009-0005-3121-8752>

Correspondence: Olga Tešović. Email: otol gates@gmail.com

The Role of Pre-Sentence Reports in Modern Criminal Justice Systems

Pre-sentence reports are vital tools used within criminal justice systems to assist judges in determining appropriate sentences for convicted individuals. These reports, typically prepared by probation officers, offer a comprehensive analysis of the offender's background, the circumstances surrounding the offense, and the potential for rehabilitation (van Kalmthout & Durnescu, 2008). The primary function of a pre-sentence report is to provide an informed recommendation to the court, balancing the interests of justice, public safety, and the potential for the offender's reintegration into society.

The content of a pre-sentence report often includes personal and family history, employment and educational background, mental and physical health assessments, and any previous criminal record. Additionally, it may contain victim impact statements and insights into the offender's attitude towards the crime. In some jurisdictions, pre-sentence reports may also suggest specific types of sentences, such as community service, probation, or custodial sentences, and may recommend tailored rehabilitation programs (HM Inspectorate of Probation, 2021). The objective is to ensure that sentencing is not solely punitive but also considers the offender's capacity for reform, aligning with modern principles of restorative justice.

The utilization of pre-sentence reports varies significantly across different criminal justice systems, reflecting diverse legal traditions, sentencing philosophies, and procedural frameworks.

In the United Kingdom, pre-sentence reports are integral to sentencing, particularly for serious offenses, and are prepared by probation officers to help tailor sentences that balance the severity of the crime with the offender's rehabilitation. The UK emphasizes individualized justice, with these reports playing a crucial role in reducing reoffending, and the Probation Service is legally required to provide them whenever needed (HM Inspectorate of Probation, 2021).

In the United States, pre-sentence reports are widely used in federal and state courts for felonies, prepared by federal or state probation officers. These reports often include a guideline calculation to assist in determining the sentencing range, though judges can depart from these guidelines based on the report's details. The accuracy of these reports is crucial, as they significantly influence decisions on imprisonment, fines, and supervised release (US Sentencing Commission, 2018).

Across the EU, the use of pre-sentence reports varies. In countries like Germany and the Netherlands, pre-sentence reports are integrated into the sentencing process, particularly for cases involving youth offenders or when the court is contemplating alternatives to incarceration. In Germany, for example,

these reports are often prepared by social workers who assess the offender's personal circumstances and the potential impact of different sentencing options. Meanwhile, in Sweden, pre-sentence reports are a standard part of the sentencing procedure for adult offenders, with a focus on assessing the likelihood of reoffending and the offender's needs for specific interventions (CEP Probation, 2018; Persson & Svensson, 2012).

Barriers to Integrating Pre-Sentence Reports in Serbia's Legal Framework

The Serbian criminal justice system is grounded in the principles outlined in the Criminal Procedure Code (CPC), which governs the process of criminal investigation, prosecution, trial, and sentencing. The current legal framework emphasizes procedural rights for defendants, the role of the judiciary, and the proportionality of criminal sanctions. However, Serbia's system, like many others in the region, is marked by a reliance on custodial sentences and a limited use of alternative sanctions, such as conditional sentence with protective measures or community service (Kolaković-Bojović et al., 2022; Tešović, 2020).

The CPC outlines thorough regulations for investigation and trial processes, but introducing pre-sentence reports would require comprehensive, systematic reforms to both the CPC and related regulations. These changes would need to formally integrate probation services into the pre-sentencing phase, representing a significant shift in the existing legal framework. Such reforms are necessary to align with the growing emphasis on rehabilitative and restorative justice practices, which are already being adopted in many parts of Europe and North America..

In the absence of pre-sentence reports, Serbian courts predominantly rely on the information presented during the trial and the investigation phases when determining sentences. Judges may consider the defendant's criminal history, the circumstances of the crime, and any mitigating or aggravating factors presented by the defense or prosecution. However, this process lacks the systematic evaluation of the defendant's background, psychological state, and social environment that is typical in jurisdictions where pre-sentence reports are used.

Probation in Serbia is largely considered after sentencing, with probation officers overseeing non-custodial sentences. Without pre-sentence reports, courts miss the opportunity to tailor sentences to individual circumstances, often defaulting to incarceration. This gap limits the use of alternative sanctions, contributing to prison overcrowding and reducing the focus on rehabilitation and reintegration.

Comparative Strategies for Implementing Pre-Sentence Reports: Lessons from International Practice

Countries such as the UK, USA, and various EU member states have demonstrated effective strategies for introducing pre-sentence reports, offering valuable insights for other jurisdictions considering similar reforms. A phased implementation, beginning with pilot programs, has been particularly successful in countries like Sweden and the UK (HM Inspectorate of Probation, 2021; Persson & Svensson, 2012). These pilot initiatives allowed for a gradual assessment and fine-tuning of the approach before broader adoption, providing the flexibility to address local challenges and refine procedures over time.

The quality of pre-sentence reports is closely tied to the training and expertise of probation officers. In both the UK and Germany, specialized training programs in risk assessment, interviewing techniques, and report writing ensure the reliability and consistency of reports (van Kalmthout & Durnescu, 2008). These programs emphasize professional development, enabling probation officers to offer comprehensive insights into offenders' backgrounds and needs, supporting judicial decision-making.

In Germany and the Netherlands, pre-sentence reports are integrated with rehabilitation services, frequently including recommendations for interventions such as vocational training or addiction treatment, aligning with restorative justice principles (Tešović & de Klerk, 2021). By focusing on long-term reintegration, these reports shift the emphasis from punishment to rehabilitation, offering a more sustainable approach to reducing recidivism.

Inter-agency collaboration enhances the effectiveness of pre-sentence reports. In Sweden, strong coordination between probation services, courts, and social services ensures that reports provide a holistic understanding of offenders' circumstances (CEP Probation, 2018). This multidisciplinary approach enriches the reports and contributes to more balanced sentencing outcomes.

The acceptance of pre-sentence reports hinges on judicial and public support. In the UK and USA, judicial training and public awareness campaigns have promoted the benefits of non-custodial sanctions and individualized justice (Webster, 2023). These efforts have fostered a cultural shift toward rehabilitative sentencing, emphasizing societal benefits such as reduced reliance on incarceration in favor of alternative sanctions.

International evidence consistently shows that pre-sentence reports improve sentencing practices, enhance rehabilitation outcomes, and alleviate prison overcrowding. By providing judges with detailed offender insights, these reports facilitate more individualized sentencing, reducing the use of imprisonment (Webster, 2023). In Sweden and the Netherlands, pre-sentence reports have

proven effective in reducing recidivism through targeted interventions like addiction treatment and vocational training (CEP Probation, 2018; Persson & Svensson, 2012). Furthermore, the application of alternative sanctions has contributed to alleviating prison overcrowding, improving the psychological well-being of both inmates and staff (Haney, 2006).

Conclusion

The potential benefits of introducing pre-sentence reports in Serbia's criminal justice system are highlighted by their proven effectiveness in enabling fairer and more individualized sentencing in other jurisdictions, such as the United Kingdom and the United States. These reports have been instrumental in promoting the use of alternative sanctions, reducing recidivism, and addressing prison overcrowding. In contrast, the absence of such reports in Serbia has led to a heavy reliance on custodial sentences, exacerbating these challenges.

Implementing pre-sentence reports would require comprehensive legal reforms, enhancement of probation services, and the establishment of standardized procedures. Aligning Serbia's criminal justice practices with international best practices through the adoption of pre-sentence reports could significantly improve justice outcomes, benefiting both offenders and society.

References

- Code of Criminal Procedure of the Republic of Serbia – CPC, Official Gazette of RS, no. 62/2021 (2021).
- Haney, C. (2006). The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions. *Washington University Journal of Law & Policy*, 22, 265-293.
- Kolaković-Bojović, M., Batričević, A., & Matić-Bošković, M. (2022). *Analysis of the impact of the application of alternative sanctions and measures in the Republic of Serbia in the period from 2015 to 2020*. Institute of Criminological and Sociological Research, Belgrade
- Persson, A., & Svensson, K. (2012). Shades of professionalism: Risk assessment in pre-sentence reports in Sweden. *European Journal of Criminology*, 9(3), 176–190. <https://doi.org/10.1177/1477370811424985>
- Tešović, O. (2020). *Manual for the application of alternative sanctions*. Forum of Judges of Serbia, Belgrade
- Tešović, O., & de Klerk, L. (2021). The alternative sanctions systems in Serbia and the Netherlands: comparative analysis with examples from case law. *Journal of Criminology and Criminal Law*, 59(3), 67–94. <https://doi.org/10.47152/rkkp.59.3.4>
- van Kalmthout, A. M., & Durnescu, I. (2008). European Probation Service Systems; A comparative overview. In A.M. van Kalmthout, & I. Durnescu (Eds.). *Probation in Europe* (pp. 1–42). Wolf Legal Publishers (WLP).

Web Pages

CEP Probation (2018). *Sweden – Pre-sentence reports and probation in Europe*.
<https://www.cep-probation.org/knowledgebases/sweden/>, accessed on August 8, 2024

Her Majesty's Inspectorate of Probation. 2021. *Court Reports*.
<https://www.justiceinspectors.gov.uk/hmiprobation/our-work/court-reports/>,
accessed on August 8, 2024

U.S. Sentencing Commission. (2018). *Guidelines Manual*. U.S. Sentencing Commission.
<https://www.ussc.gov/guidelines/guidelines-archive/2018-guidelines-manual-annotated>,
accessed on August 8, 2024

Webster, R. (2023). *The importance of pre-sentence reports*.
<https://www.russellwebster.com/the-importance-of-pre-sentence-reports/>, accessed
on August 8, 2024

Work Engagement, Education, and Vocational Training of Inmates in the Sremska Mitrovica Penitentiary Facility*

Nikola Vujičić¹ 

In this paper, the author analyses the importance of work engagement, education, and vocational training for the purpose of resocialising persons who serve prison sentence. The purpose of this paper is to observe the mentioned segments of treatment (their role in the process of resocialisation) from the point of view of correctional officers who work with the convicted persons, and at the same time to identify problems encountered in practice, as well as in the process of conducting treatment in terms of work engagement, education, and vocational training, and also following the expiry of prison term. Research, a qualitative study carried out with the application of the focus group method, was conducted during the year 2022 in the Sremska Mitrovica Penitentiary Facility. The main findings show that work, education, and training achieve their purpose in practice but also that there are still multiple stumbling blocks that stand in the way of successful integration into society once prison sentence has been served. Some recommendations relative to improvements in practice have been provided, these recommendations relying on the results of the performed survey, findings of some earlier research and legal standards that are of relevance for executing prison sentence and the position of convicted persons.

KEYWORDS: prison sentence / work engagement / education / vocational training

* This paper was presented by Nikola Vujičić as part of his keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

This paper presents and analyzes a selection of findings from the unpublished doctoral dissertation *Serving Time and Desistance from Crime*, defended by the author at the Faculty of Law, University of Belgrade, Serbia.

Recommended citation: Vujičić, N. (2024). Work Engagement, Education, and Vocational Training of Inmates in the Sremska Mitrovica Penitentiary Facility. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 115–124). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.25>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0001-6435-3639>

Correspondence: Nikola Vujičić, Union University Law School Belgrade, Bulevar maršala Tolbuhina 36, 11070 Novi Beograd, Serbia. Email: nikola.vujicic.law@gmail.com

Introduction

Work engagement of convicted persons serving prison sentence can be considered one of the most significant segments of treatment. In the context of executing prison sentence (*but also the purpose of punishment in general*) convicted persons' work can have multiple beneficial effects. As its two main features, we can identify a facilitated control of social order in daily prison life and contribution to (re)socialisation of inmates through various learning patterns which allow them to adjust their behaviour and adopt such values which are in accordance with socially acceptable norms (Alós et al., 2015).

Relative literature notes that creating and maintaining work habits is important and useful and, as pointed out by Bushway (2003), many inmates prior to the commencement of serving prison sentence were unemployed. Certain authors connect the absence of prior work experience (employment) to lower educational levels and slight professional expertise, which can be the main trigger for choosing to go on the path of criminal activity (Hunter & Boyce, 2009). The classical dynamic theories (rational choice theory, social control theory, etc.) imply that there is a structural relationship between committing crimes, employment, and welfare benefits (Mesters et al., 2016). On the other hand, the starting point of the integrative systemic theory of social behaviour is that employment stands for a protective factor which in addition to some other factors diminishes the risk of antisocial and criminal behaviour (Robinson, 2009). Therefore, work is significant as a protection factor, as a segment of correctional treatment, but also as a factor of desistance by those persons who after serving prison sentence gain employment and thus provide for themselves a reliable source of income.

In today's systems of execution, inmates' labour is complemented by education programmes, vocational training, and training for shortage occupations which are in high demand on the labour market (Vujičić, 2023), with the main objective of such programmes being, in addition to acquiring knowledge, to develop work skills and habits of persons serving prison sentence, along with them acquiring specialised qualifications (Ilijić et al., 2016). Besides the typical forms of education and training which are mainly aimed at crafts and trades (Knežić, 2017), there are also ground-breaking efforts which rely on "digital learning", which as such allows the convicted persons to acquire knowledge in the fields of information technologies, trading and business, as well as science and art (Farley & Pike, 2016). Even though enough time has not elapsed in order to perform evaluation of new forms of education and training in prisons, whereby positive effects could be measured through the success in finding employment once prison sentence has been served, we are of the opinion that such programmes should be supported.

As well, this topic has been investigated through some research in Serbia. A study that deals with the assessment of prison life has shown that work engaged convicted persons deem all aspects of prison life to be better than those inmates who did not perform any work in the facility (Ćopić et al., 2024). When the application of the institute of parole in practice was analysed, results have shown that the court take the fact of being works engaged as a decisive factor when evaluating the fulfilment of conditions for the application of the institute of parole (Stevanović & Vujičić, 2017; Vujičić et al., 2017). Contrary to work engagement, significance (impact) analysis relative to vocational training for shortage occupations on the labour market has shown that there is no substantial difference in recidivism rates between persons who during the prison sentence complete vocational training and those who do not (Stevanović et al., 2018; Vujičić, 2023). Regardless of the outcomes, work and vocational training are necessary in the system of executing, whereas problems could perhaps be seen through the (non-)functioning of admission and support to former inmates. The need for work and vocational training in prison is important not only from the aspect of resocialization of convicted persons and the functioning of the prison system, but also for economic reasons. Namely, the products of convict labor (for example food production) can reduce the financial costs of life of the convict population in prison (it contributes to the reduction of the state's budget funds that are directed to prisons).

The importance of work engagement and vocational training is also emphasised in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) which in Rules 96–103 address this issue. Thus, for example, Rule 98 envisages that the work provided should be such that it will maintain or increase the prisoners' ability to earn an honest living after release and also that vocational training in useful trades will be provided so as for prisoners to be able to profit, and finally that within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, prisoners will be able to choose the type of work they wish to perform. In the Law on Execution of Criminal Sanctions (LECS), as the *lex generalis* in this field, what underlies Article 98 of the LECS is that work of the convicted person is an integral part of the sentence programme and that the purpose of work is for the convicted person to acquire, maintain and increase his/her capacities for work, work habits and professional knowledge, with a view to providing conditions for successful reintegration. In addition to being able to work at the penitentiary institution itself, the enforcement judge may, at a proposal of the penitentiary institution warden, approve that the convicted person who has been categorised to a semi-open or open ward of the penitentiary institution work in a workplace outside of the penitentiary institution, provided that there are conditions for that, and the criminal offence of which the person has been convicted is not related to such job.

Although it is indisputable that success in the field of work engagement once prison sentence has been served is reflected on how treatment progresses in terms of subsequent categorisation to wards and/or treatment groups which offer a higher degree of benefits, then on parole or early release, there are potential problems with post-penal admission of former convicts.

With the above remarks as our starting points in mind, the purpose of this survey is to provide more in-depth information on how the employees of the Treatment Service at the Sremska Mitrovica Penitentiary Facility (the SMPF), as the institution with the highest number of inmates serving prison sentence in Serbia, see the role of work engagement, education, and vocational training in the process of resocialisation of the convicted persons. An additional purpose of this paper is to identify problems which are encountered in practice, while treatment itself is being carried out, in the segment thereof which is relative to work engagement and vocational training, as well as once prison sentence is served.

Method

Selection and Method of Data Collection

The qualitative study was conducted at the SMPF with the use of the focus group method, which entails the collecting of qualitative data and so by a certain number of respondents focusing on one topic and discussions on it (O'hEocha et al., 2012). The purpose of the group discussion is gaining an overview and scope of various opinions and views (Popadić et al., 2018), which in this particular case is the importance of work engagement, education and vocational training on the process of resocialisation of the convicted persons. A semi-structured protocol included questions from the following areas: work engagement, education and professional (vocational) training of the convicted persons, and problems encountered in practice.

Survey Sample

One focus group was created. It consisted of seven respondents, employees of the SMPF: Head of the Treatment Service and six correctional officers (educators) who work in the admission, closed, semi-open, and open wards of the penitentiary institution. The main criterion for respondent selection purposes was that they had performed the work of treatment officer for a period not shorter than ten years. The majority of the respondents already worked in all prison wards and are to date still working at the Treatment Service. As regards the educational profile of the focus group respondents, four of them are special pedagogues, two psychologists, and one is a social worker. When the focus group was first created, the respondents

were informed that anonymity was guaranteed and that they were able to suspend their participation at any time, should they be so inclined. All participants signed the informed consent form, thereby accepting to participate in the survey. Audio recordings of the discussions were made, from which a transcript was subsequently made, whereas the audio recordings were destroyed. The focus group was led by the author of this paper (focus group leader), whose role was unbiased, solely as discussion moderator, which entailed asking additional questions so as for answers to be explained in more detail, all the while not expressing his opinion.

Data Analysis

Once the focus group work was completed, the audio recordings were transcribed verbatim and prepared for further analysis. All personal data were removed as well as any data which might indicate who the participants of the focus group were, i.e., the transcripts were anonymised. For applied analytical approach purposes, the qualitative content analysis was also used (Mayring, 2014). We first identified transcript segments which matched the asked survey questions, as defined per the focus group protocol, and then we analysed their content and found supercategories which summarised the given content. Analysis units were words, phrases, sentence parts, entire sentences, and entire paragraphs.

Results and Discussion

Our survey has shown that the educators see work engagement as a very important segment of treatment, and as they note, the reason for this is “because inmates will return to society in which they are supposed to work, and it is hence important for them to acquire work skills and work habits”. In the educators’ view, treatment activities, but also directing towards performing work within the institution itself, has to be especially intensified if the convicted persons in question are those from closed and semi-open wards of the penitentiary institution.

Developing and maintaining work habits is crucial for the convicted persons to be better prepared for life outside the prison environment. Although this is indisputable that the focus group participants, they insist that work treatment is a group effort, i.e., that there is no possibility for every convicted person to be talked to individually regarding the significance of work in terms of the entire resocialisation process, and that “this is perhaps done by the instructors, sporadically or occasionally, but it is not a systemic effort”. They also note that “there is not enough room for such a form of interaction with the inmates”, which could perhaps also be interpreted as the Treatment Service being understaffed. Nevertheless, there has been some progress since some time ago the average

number entailed working with 120 convicted persons per educator, which number has now been decreased to 80. Although there is still a need for a higher number of staff in the Treatment Service, in order for treatment work with the inmates to be better quality, the focus group note that a potential increase in the number of staff would also have to go hand in hand with the provision of better working conditions, e.g., in the form of a larger number of offices which they (the employees) could occupy. Another problem has been identified in the segment of the educators' additional duties, which entail administrative and clerical work. In this connection, they note that if they fail to carry out all administrative activities, they could be held liable for a breach of work discipline, which is not the case if they fail to commit sufficiently to working with convicted persons. Consequently, this means that this is sometimes to the detriment of their main role – working on resocialisation of the inmates – that they have to perform other duties.

As a special problem we have identified that the persons serving prison sentence do not see any real benefit of work engagement but instead see it solely as a means of advancing in their treatment, in terms of receiving some perks. Although we can agree that it is indisputable that work is perceived in such a manner, we should also agree with the view that this is not enough. Accordingly, one of the focus group participants notes, with other participants agreeing with him, that “I personally need to talk to him about what benefits of him working here and maintaining work habits or developing work habits are [...] and what it means for him in the near future, once he is released and when on his third day out he won't know what to do with himself”. Such a view is in accordance with the position that programmes which focus on work are very important in the process of abandoning further committing of crimes. Even though prison work is typically simple, it is useful because it allows persons who never worked or could never keep a job, or persons with no formal education, knowledge and skills, to be involved in work and production process, i.e., to be productive. Discipline and self-respect become stronger in this manner, and it also strengthens the connection between working and work and earning a living (Alós et al., 2015).

A part of the convicted persons serving prison sentence in the SMPF are sent to work outside of the institution. In this case, they are the inmates who are housed in the open or semi-open wards of the penitentiary facility, and they also get paid for their work, by being paid a certain percentage of the agreed fee that the company pays to the prison. The focus group participants point out that the inmates are more motivated if they are given the opportunity to work outside of the prison environment. It is worth noting that there are some companies which are “satisfied with the quality of an inmate's work and are willing to give him a job, and they even suggest it” but problems occur in the segment which is relative to the distance between the place of residence of a (former) inmate and registered office of the company for which the inmate worked when he was serving prison sentence. As a result of this barrier, due to objective reasons, at times it is not

possible to make this idea happen, which would be a good indication of how former inmates are adequately accepted by the community. Although being given the possibility to conclude labour agreement is a good example, if we wish to be objective, this is still rather rare in practice. The correctional officers agree that the biggest problems are seen specifically in the field of post-penal support, since former inmates find it hard to get a job. In this relation, one of the focus group participants also notes that the former inmates “even if they try to become occupationally engaged, once information that they served prison sentence is obtained, they simply get fired”.

Vocational training is a segment of treatment which the focus group participants do not see as being isolated from education and work engagement, but as their complement – an addition which is not available to all convicted persons. Even though education and vocational training are not synonymous, there is a common thread which connects them in a broader sense, and it is that they should serve the purpose of the inmates acquiring knowledge and skills, and should contribute to their better position on the labour market, once they have served prison sentence.

Although primary education is compulsory, attending primary school is provided only to those persons who are in the closed ward of the penitentiary facility, which to an extent discriminates against those inmates who are categorised to the open and semi-open wards and thus cannot attend primary school. In practical terms, this means that it is only secondary education that is provided to all convicted persons, regardless of the assessed risk value, ward categorisation, and treatment group. Such practices in a way stand for a deviation from the Mandela Rules, specifically Rule 104, according to which the education of illiterate prisoners is compulsory, but also a deviation from the provision of Article 122 paragraph 1 of the LECS, which envisages that the convicted persons are entitled to primary and secondary education, which is to be organised in the penitentiary facility, in accordance with the regulations governing education. There is equality between all convicted persons in terms of education outside of the penitentiary facility. Hence, those convicted persons who have the status of a university student may sit exams, which in practice means *a special duly justified reason* based on which, pursuant to the provision of Article 129 paragraph 3 of the LECS, the warden may additionally grant to the convicted person an extraordinary pass or leave from the penitentiary institution for up to seven days.

What is worth mentioning, and what is also noted by the focus group participants, is that the situations are very common in which the same person receives work treatment and is also part of a specialised treatment programme. Vocational training for shortage occupations is carried out through various VET (*Vocational Education and Training Programs*) projects, some examples of such programmes – occupations being: baking, growing plants in a controlled environment, crop growing, screen printing, etc. A major part of these

programmes, according to what the educators say, “did not take momentum”. What is also pointed out is a very small number of convicted persons who take part in such forms of training. An additional problem is seen in the fact that some new vocational training programmes that have been introduced by the Ministry of Justice - Administration for the Enforcement of Penal Sanctions do not last long, up to six months, which is the “result of the need to adapt the programmes to large and small penitentiary institutions.” If we keep in mind the many differences between various types of penitentiary facilities, which are primarily reflected in the type of convicted persons serving prison sentence, type of crime and offence for which they have been sentenced to prison (Ćopić et al., 2024), it would also be necessary to make in practice a clear distinction in terms of the duration of specialised programmes.

As regards the importance of vocational advancement for successful resocialisation of convicted persons, the Treatment Service staff believe that such programmes yield better results in the closed ward of the penitentiary institution. In addition to this, they also note that such programmes are not enough if following his release, the former inmate does not find (suitable) employment. Research that has addressed the issue of the importance of vocational training shows that it has no positive effect either on finding a job (Bushway & Apel, 2012) or decreasing recidivism rates (Stevanović et al., 2018; Vujičić, 2023). Irrespective of such findings, specialised programmes, and vocational training should nonetheless be supported since they additionally motivate the convicted persons to accept treatment. They are a dynamic factor in the risk assessment questionnaires, which may reflect on further progress in treatment, in terms of reducing the overall score, with the inmates being downgraded to medium or lower risk, and which at the same time is of significance for the application of certain institutes of criminal law.

Based on the conducted survey, it is not possible to draw some general conclusions and give recommendations that could be applied uniformly by all penitentiary institutions in the country (especially if we take into account the peculiarities of all different types of penitentiary institutions and residential correctional facilities). On the other hand, these findings could provide a framework for further, more detailed research which would deal with the role of occupational engagement and vocational training in the very process of resocialisation. As regards the SMPF, it has been noted that there is not enough space to allow work with the convicted persons individually, since work treatment is a group effort. In practice, this would mean taking on a higher number of correction (treatment) officers, which would consequently result in a reduced number of convicts with whom every educator works, but also a higher possibility of better-quality individual work with the convicts. Furthermore, the correction officers should be relieved of administrative and clerical duties, but also be provided with better working conditions. In the very segment of work engagement

of persons serving prison sentence, the practice of concluding contracts between the penitentiary facility and companies should continue, which would contribute to a higher number of persons performing work outside of the penitentiary institution, and accordingly would potentially result in a possibility of them finding a job upon the expiry of prison sentence. With regard to education, it is necessary to ensure that primary school education is made available to all convicted persons, no matter what ward or treatment group they belong to, while the abovementioned good examples should be proceeded with. As for training for shortage occupations on the labour market, resources should be provided in order for the highest possible number of convicted persons, especially those with a low education level, to attend such trainings so as for them to earn appropriate certificates, which would make it possible for them to find jobs more easily once they have served prison sentence. Lastly, in order for work engagement and vocational training to be successful in the field of resocialisation, successful reintegration, and abandoning further committing of crimes, it is necessary to ensure appropriate post-penal support of the former inmates.

References

- Alós, R., Esteban, F., Jódar, P., & Miguélez, F. (2015). Effects of Prison Work Programmes on the Employability of Ex-prisoners. *European Journal of Criminology*, 12(1), 35–50. <https://doi.org/10.1177/14773708145387>
- Bushway, S. (2003). *Employment Dimensions of Reentry: Understanding the Nexus between Prisoner Reentry and Work*. New York University School.
- Bushway, S. D., & Apel, R. (2012). A Signaling Perspective on Employment-Based Reentry Programming: Training Completion as a Desistance Signal. *Criminology & Public Policy*, 11(1), 21–50. <https://doi.org/10.1111/j.1745-9133.2012.00786.x>
- Ćopić, S., Stevanović, I., & Vujičić, N. (2024). *Kvalitet života u zatvorima u Srbiji: norma, praksa i mere unapređenja* [Quality of life in prisons in Serbia: norm, practice and improvement measures]. Institut za kriminološka i sociološka istraživanja.
- Farley, H., & Pike, A. (2016). Engaging prisoners in education: reducing risk and recidivism. *Advancing corrections: Journal of the International Corrections and Prisons Association*, 1, 65–73.
- Hunter, G., & Boyce, I. (2009). Preparing for employment: Prisoners' experience of participating in a prison training programme. *The Howard Journal*, 48(2), 117–131. <https://doi.org/10.1111/j.1468-2311.2008.00551.x>
- Ilijić, Lj., Pavićević, O., & Glomazić, H. (2016). Potrebe i mogućnosti obrazovanja osuđenika [The needs and possibilities of convict education]. *Andragoške studije*, 11, 75–93.
- Knežić, B. (2017). *Obrazovanje osuđenika: način da se bude slobodan* [Convict education: a way to be free]. Institut za kriminološka i sociološka istraživanja.
- Mayring, P. (2014). *Qualitative content analysis: theoretical foundation, basic procedures and software solution*. Open Access Repository.
- Mesters, G., Geest, V., & Bijleveld, C. (2016). Crime, Employment and Social Welfare: An Individual-Level Study on Disadvantaged Males. *Journal of Quantitative*

- Criminology*, 32(2), 159–190. <https://doi.org/10.1007/s10940-015-9258-5>
- O'hEocha, C., Wang, X., & Conboy, K. (2012). The use of focus groups in complex and pressurised IS studies and evaluation using Klein & Myers principles for interpretive research. *Information Systems Journal*, 22(3), 235–256. <https://doi.org/10.1111/j.1365-2575.2011.00387.x>
- Popadić, D., Pavlović, Z., & Žeželj, I. (2018). *Alatke istraživača* [Researcher's Tools]. CLIO & Institut za psihologiju.
- Robinson, M. (2009). Integrativno-sistemska teorija antisocijalnog ponašanja [Integrative-systemic theory of antisocial behavior]. U Đ. Ignjatović (Ur.), *Teorije u kriminologiji* (str. 483–492). Pravni fakultet Univerziteta u Beogradu.
- Stevanović, I., & Vujičić, N. (2017). Uslovni otpust: norma, praksa i mere unapređenja [Parole: norm, practice and improvement measures]. U S. Bejatović (Ur.), *Reformski procesi i Poglavlje 23 (godinu dana posle) – krivičnopravni aspekti* (str. 114–128). Srpsko udruženje za krivičnopravnu teoriju i praksu & Intermex.
- Stevanović, I., Međedović J., Petrović, B., & Vujičić, N. (2018). *Ekspertska istraživanje i analiza povrata u Republici Srbiji* [Expert research and analysis of returns in the Republic of Serbia]. Institut za kriminološka i sociološka istraživanja.
- United Nations Office on Drugs and Crime (UNODC). (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. United Nations.
- Vujičić, N. (2023). Izvršenje kazne zatvora i odustajanje od kriminalnog ponašanja [Execution of prison sentence and desistance from criminal behavior; doktorska disertacija]. Pravni fakultet Univerziteta u Beogradu.
- Vujičić, N., Stevanović, Z., & Ilijić, Lj. (2017). *Primena instituta uslovnog otpusta od strane sudova u Republici Srbiji* [Application of the institute of parole by the courts in the Republic of Serbia]. Institut za kriminološka i sociološka istraživanja.
- Zakon o izvršenju krivičnih sankcija [Law on Execution of Criminal Sanctions]. *Službeni glasnik RS*, br. 55/2014 i 35/2019

Rethinking Efforts in Breaking the School-to-Prison Pipeline: What Schools Can Do*

Marina Kovačević Lepojević¹ 

The term "school-to-prison pipeline" describes a trend where students, especially those from marginalized communities, are funneled out of educational institutions into the criminal justice system. This phenomenon is frequently considered in relation to school zero-tolerance disciplinary practices, increased police presence in schools, and high rates of school suspensions. Unfortunately, besides ineffectiveness in misconduct reduction, these policies disproportionately impact vulnerable children, adolescents, and their families. The aim of this paper is to systematize research data on mechanisms beyond the cutting "school to prison pipeline" at school level. Eligible studies meet the following criteria: assessed school-based disciplinary practices (designed or related to lower misbehaviors or delinquency); focused on school-aged children up to 18 years old; published in English; dated between the years 2015–2025 and are directly accessible. Research data suggest that there is a scarcity of studies examining the effectiveness of disciplinary practices that are alternatives to punitive approaches. Restorative school-based practices have been found to be effective in decreasing in-school delinquency among reactive practices. Positive behavioral support and social-emotional learning as proactive practices, are recommended as effective strategies for preventing the school-to-prison pipeline and reducing inequality.

KEYWORDS: school / disciplinary practice / restorative justice / SEL / equity

* This paper was presented by Marina Kovačević Lepojević as part of her keynote address at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Kovačević Lepojević, M. (2024). Rethinking Efforts in Breaking the School-to-Prison Pipeline: What Schools Can Do. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 125–132). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.26>

¹ Institute for Educational Research, Belgrade, Serbia
<https://orcid.org/0000-0002-4780-1716>

Correspondence: Marina Kovačević Lepojević, Institute for Educational Research, Dobrinjska 11/III, 11000 Belgrade, Serbia. Email: marina.lepojevic@gmail.com

Introduction

Even comprehensive literature frequently references 2013. for the term "school-to-prison pipeline" (STPP) first use (Kang-Brown et al., 2013), more precisely, conference held at Northeastern University in 2003 yielded the first published use of the phrase (Crawley & Hirschfield, 2018). Widespread use initiated from civil rights and education organizations referenced the term in their organization (e.g. National Education Association). STPP concept was popularized in academic discussions around the early 2000s. One of the earliest considerations in a research context can be found in the report by the Civil Rights Project at Harvard University, titled "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies" (Auburn, 2000). STPP is a widely used metaphor that describes how schools can act as a pathway to the juvenile and criminal justice systems. This concept highlights how certain disciplinary policies and practices, for example labeling students as troublemakers, excluding them from school, and increasing their risk of delinquency can lead to their involvement in the justice system and eventual incarceration (Crawley & Hirschfield, 2018).

The post-Columbine era shifted the focus on school safety to a security-oriented perspective in schools around the world. However, evidence suggests that zero tolerance, is not as effective in reducing misconduct, as it was supposed to be. On the contrary, researchers suggests "zero tolerance – zero evidence" (Skiba, 2000), or "zero benefit" (Hoffman, 2014). For example, out-of-school suspensions are linked to higher rates of school dropout, misconducts, and justice system involvement (Liu, 2024). However, there is still a gap in research regarding what works in cutting STPP. Although punitive discipline can be effective for managing student behavior in the short term (Landrum & Kauffman, 2006), more democratic alternative disciplinary practices are found to be more effective in fostering students' self-discipline and promoting long-term positive developmental changes (Dray et al., 2017; Gueldner et al., 2020). Over the past two decades, improving school safety by promoting specific models, such as Positive Behavioral Interventions and Supports (PBIS) (Pas et al., 2019), Social and Emotional Learning (SEL) (Domitrovich et al., 2017; Green et al., 2021), and restorative justice practices (Schiff, 2018), has become both popular and effective.

Following a last year school shooting in Serbia, there is a concern that punitive policies may be adopted as a "promising" school-based approach. Government has expanded the presence of school police officers as one of its initial measures, stating that "hundreds of new officers will be recruited, and thousands more will be transferred from other positions to monitor schools" (Euronews, 2024). Also, mass arresting of children because of their behavior on social networks related to the tragedy and glorifying the perpetrator (Danas, 2023) demonstrated a zero tolerance policy. Available research from Serbia show that punitive disciplinary

practices are related to more school bullying perceived by students (Kovačević Lepojević et al., 2024).

The aim of this paper is identifying and systematizing school disciplinary practice that are evidenced as powerful in cutting the predictable pathways that many students follow en route to incarceration. Recognizing the models that are alternative to zero tolerance policies, methaphorically, can contribute to the breaking of the STPP.

Method

Comprehensive search to identify and analyze relevant studies reporting on the impact of school disciplinary practices on the prevention of misbehavior, incarceration and delinquency. Eligible studies meet the following criteria: assessed school-based disciplinary practices (designed or related to lower misbehaviors or delinquency); focused on school-aged children up to 18 years old; published in English; dated between the years 2015–2025, and are directly accessible. Documents such as conference proceedings, books, and dissertations were excluded. The following bases were searched: Web of Science, Science Direct, PubMed, APA PsycInfo, APA PsycArticles. The following keywords were used in the search: “school disciplinary practice”, “misconduct”, “delinquency”, “teachers”, “students”. The research process was conducted in the period between July 20 and August 20, concluding with the papers published by August 2024. At first, 72 articles met the inclusion criteria. After removing 8 research paper considering teachers’ misconduct, and 52 research paper exploring the effects of zero tolerance policies and practices, 12 article left for the final review.

Results with Discussion

Studies included in this review have been conducted mostly in the USA, UK, Australia. The people involved in the studies as participants were students, teachers, principals. Of the reviewed studies, five were literature reviews or qualitative research studies exploring school discipline at policy level (Ritter, 2018; Skiba, 2015; Steinberg, & Lacoë, 2018; Welsh, & Little, 2018; Zondo, & Mncube, 2024).

Thematic analysis of the identified research paper shows that school disciplinary practice can be divided into reactive and proactive one (Fissel, et al., 2019). Reactive practice can be punitive and non punitive (e.g. community service). Punitive reactive practice involves police or court action against students or parents, expulsion from school, suspension from school, etc. Non punitive reactive practice refers to community service, reward practices, plea-bargaining

frequency (school-mandated punishment for example for possession of alcohol, drug, knife...) (Fissel, et al., 2019).

Among reactive but not punitive school-based practices, restorative justice practice (RJP) affect improving the school climate, discipline, positive conflict management through actions that aim at preventing suspensions, exclusions, conflicts, and misbehaviours (e.g. bullying) (Anyon et al., 2014; Augustine et al., 2018; Buckmaster, 2016; Gregory et al, 2016; Huang et al., 2023; Kine, 2016; Rich et al., 2017; Schotland et al., 2016; Sopcak & Hood, 2022). RJ approaches conflict by viewing crime or harm as primarily a violation of individuals, relationships, and communities, which creates a duty to "make things right" (Zehr, 1990, p. 181). Additionally, RJP promote positive relationships between peers and between students and teachers, as well as to prosocial behaviours through the development of social and emotional skills. The most used RJP in school are circles, followed by restorative conferences, peer mediation, restorative conversations, mediation, community-building circles (Lodi et al., 2021). It is found that students who received RJP for consequences in the fall semester were less likely to be referred to the office or receive suspension in the spring semester than students who did not receive RJP (Anyon et al., 2014)

Following alternative practice are recognized and divided in two category: 1) specific interventions aimed at working with students with chronic, frequent, or violent behavioural issues (e.g. The behavioural education plan: Check-in/check-out, School survival group, Conflict resolution and social-cognitive skills training); and 2) school-wide interventions which usually involve the entire school community (Authoritative school discipline model, Democratic or student-driven school discipline model, RJP, Strength-based approach or the empowerment model; Positive discipline model (Jean-Pierre, & Parris, 2018). RJP, often is, aligned with other behavioral and disciplinary approaches such as (SW)Positive Behavior Interventions and Supports (PBIS), or Social Emotional Learning (SEL) (Kress & Elias, 2006). SWPBIS attempts to restructure disciplinary practices, SEL targets misbehavior via teaching students social and life skills, and RJ attempts to restore and repair relationships affected by misbehavior (Skiba, 2015).

Contemporary research identifies several school-based proactive practices that have the potential to disrupt the school-to-prison pipeline (STPP) and offer numerous benefits for the entire school community. Bradshaw et al. (2015) examined whether the effects of SWPBIS on student outcomes varied based on students' social-emotional characteristics. Their analysis of school-level data and latent profile analysis revealed that at-risk and high-risk students in SWPBIS schools were less likely to receive office disciplinary referrals compared to their peers in non-SWPBS schools. The Promoting Alternative Thinking Strategies (PATHS) program, which emphasizes social-emotional learning (SEL), student support teams, early identification, and planning centers, has been shown to improve school safety, discipline, and learning conditions. This program has

resulted in better learning environments for students in Grades 5 through 12, increased student attendance, reduced disobedient/disruptive behaviors, fewer out-of-school suspensions, and a decrease in various disciplinary incidents such as fighting, harassment, and serious bodily harm (Osher et al., 2015).

Research also indicates that perceived injustice can impact in-school delinquency, highlighting the importance of the nature of school disciplinary practices (punitive vs. positive) (Fissel et al., 2019). Implementing SEL with an equity-focused approach is crucial for enhancing school discipline (Gregory & Fergus, 2017). Transformative SEL is recommended for reducing inequality and fostering students' self-discipline (Jagers et al., 2019). Strengthening social-emotional competence (SEC) among educators is emphasized in models such as the Prosocial Classroom and the RULER program developed at Yale University, which assist teachers in this effort (Jennings et al., 2021). Teachers should receive support and encouragement to implement positive behavioral interventions tailored to their school's specific needs for addressing misbehavior (Zondo & Mncube, 2024).

Conclusion

Effective reform in school disciplinary practices should prioritize the connection between discipline and educational quality. A proactive, school-based approach, along with restorative justice practices, has the potential to close this often noticeable gap. However, a challenge remains in developing accurate measures for assessing student outcomes. To ensure reliable data on program effectiveness, the implementation quality of these programs in schools must be enhanced.

References

- Anyon, Y., Jenson, J., Altschul, I., Farrar, J., McQueen, J., Greer, E., . . . Simmons, J. (2014). The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Children and Youth Services Review*, 44, 379–386. <https://doi.org/10.1016/j.childyouth.2014.06.025>
- Auburn, M. (2000). *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies*. Report from the Civil Rights Projects, Harvard University.
- Augustine, C. H., Engberg, J., Grimm, G. E., Lee, E., Wang, E. L., Christianson, K., & Joseph, A. A. (2018). *Can restorative practices improve school climate and curb suspensions: An evaluation of the impact of restorative practices in a mid-sized urban school district*. National Institute of Justice.

- Buckmaster, D. (2016). From the Eradication of Tolerance to the Restoration of School Community: Exploring Restorative Practices as a Reform Framework for Ethical School Discipline. *Values and Ethics in Educational Administration*, 12(3), n3.
- Bradshaw, C. P., Waasdorp, T. E., & Leaf, P. J. (2015). Examining variation in the impact of school-wide positive behavioral interventions and supports: Findings from a randomized controlled effectiveness trial. *Journal of Educational Psychology*, 107, 546–557. <https://doi.org/10.1037/a0037630>
- Crawley, K., & Hirschfield, P. (2018, June 25). Examining the School-to-Prison Pipeline Metaphor. *Oxford Research Encyclopedia of Criminology*. Accessed on September 14 2024, from <https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-346>.
- Danas (2023, 11. maj). Da li je privođenje dece zbog objava na društvenim mrežama posle tragedije u „Ribnikaru“ opravdano i kako to utiče na njih? (Is the detention of children due to posts on social networks after the tragedy in "Ribnikar" justified and how does it affect them?). Accessed on August 21. <https://www.danas.rs/vesti/drustvo/da-li-je-privodjenje-dece-zbog-objava-na-drustvenim-mrezama-posle-tragedije-u-ribnikaru-opravdano-i-kako-to-utice-na-njih/>
- Domitrovich, C. E., Durlak, J. A., Staley, K. C., & Weissberg, R. P. (2017). Social-emotional competence: An essential factor for promoting positive adjustment and reducing risk in school children. *Child Development*, 88(2), 408–416. <https://doi.org/10.1111/cdev.12739>
- Dray, J., Bowman, J., Campbell, E., Freund, M., Wolfenden, L., Hodder, R. K., ... & Wiggers, J. (2017). Systematic review of universal resilience-focused interventions targeting child and adolescent mental health in the school setting. *Journal of the American Academy of Child & Adolescent Psychiatry*, 56(10), 813–82. <https://doi.org/10.1016/j.jaac.2017.07.780>
- Euronews. (2023, May 5th). Serbian president announces harsh anti-gun measures after second shooting spree. Accessed on August 25 2024. from <https://www.euronews.com/2023/05/05/8-fatally-shot-in-serbian-town-day-after-9-killed-at-school>
- Fissel, E. R., Wilcox, P., & Tillyer, M. S. (2019). School discipline policies, perceptions of justice, and in-school delinquency. *Crime & Delinquency*, 65(10), 1343–1370. <https://doi.org/10.1177/0011128718794186>
- Green, A. L., Ferrante, S., Boaz, T. L., Kutash, K., & Wheeldon-Reece, B. (2021). Social and emotional learning during early adolescence: Effectiveness of a classroom-based SEL program for middle school students. *Psychology in the Schools*, 58(6), 1056–1069. <https://doi.org/10.1002/pits.22487>
- Gregory, A., & Fergus, E. (2017). Social and emotional learning and equity in school discipline. In S. M. Jones, E. Doolittle, & S. McLanahan (Eds.) *The Future of Children*, 27(1), 117–136, special issue on Social-Emotional Learning.
- Gregory, A., Clawson, K., Davis, A., & Gerewitz, J. (2016). The promise of restorative practices to transform teacher-student relationships and achieve equity in school discipline. *Journal of Educational and Psychological Consultation*, 26(4), 325–353. <https://psycnet.apa.org/doi/10.1080/10474412.2014.929950>
- Gueldner, B. A., Feuerborn, L. L., & Merrell, K. W. (2020). *Social and emotional learning in the classroom: Promoting Mental Health and Academic Success*. Guilford Publications.

- Hoffman, S. (2014). Zero benefit: Estimating the effect of zero tolerance discipline policies on racial disparities in school discipline. *Educational Policy*, 28(1), 69–95. <https://doi.org/10.1177/0895904812453999>
- Huang, F. L., Gregory, A., & Ward-Seidel, A. R. (2023). The impact of restorative practices on the use of out-of-school suspensions: Results from a cluster randomized controlled trial. *Prevention Science*, 24(5), 962–973. <https://doi.org/10.1007/s11121-023-01507-3>
- Jagers, R. J., Rivas-Drake, D., & Williams, B. (2019). Transformative social and emotional learning (SEL): Toward SEL in service of educational equity and excellence. *Educational Psychologist*, 54(3), 162–184. <https://doi.org/10.1080/00461520.2019.1623032>
- Jean-Pierre, J., & Parris, S. (2018). Alternative school discipline principles and interventions: An overview of the literature. *McGill Journal of Education*, 53(3). <http://dx.doi.org/10.7202/1058410ar>
- Jennings, P. A., Hofkens, T. L., Braun, S. S., Nicholas-Hoff, P. Y., Min, H. H., & Cameron, K. (2021). Teachers as prosocial leaders promoting social and emotional learning. In N. Yoder & A. Skoog-Hoffman (Eds.), *In Motivating the SEL field forward through equity* (pp. 79–95). Emerald Publishing.
- Kang-Brown, J., Trone, J., Fratello, J., & Daftary-Kapur, T. (2013). *A generation later: What we've learned about zero tolerance in schools*. Vera Institute of Justice, Center on Youth Justice.
- Kovacevic Lepojevic, M., Trajkovic, M., Mijatovic, L., Popovic-Citic, B., Bukvic, L., Kovacevic, M., Parausic Marinkovic, A., & Radulovic, M. (2024). The relationship between teachers' disciplinary practices and school bullying and students' satisfaction with school: The moderated mediation effects of sex and school belonging. *PLOS ONE*, 19(5), e0303466. <https://doi.org/10.1371/journal.pone.0303466>
- Kress, J. S., & Elias, M. J. (2006). Building learning communities through social and emotional learning: Navigating the rough seas of implementation. *Professional School Counseling*, 10(1), 2156759X0601000105.
- Landrum, T. J., & Kauffman, J. M. (2006). Behavioral approaches to classroom management. In C. M. Evertson, & C. S. Weinstein (Eds.), *Handbook of classroom management: Research, practice, and contemporary issues* (pp. 47–71). Erlbaum.
- Liu, L. (2024). The unintended consequence of school suspension: How school suspension impacted future grades and misconduct. *Children and Youth Services Review*, 107871. <https://doi.org/10.1016/j.childyouth.2024.107871>
- Lodi, E., Perrella, L., Lepri, G. L., Scarpa, M. L., & Patrizi, P. (2021). Use of restorative justice and restorative practices at school: A systematic literature review. *International Journal of Environmental Research and Public Health*, 19(1), 96. <https://doi.org/10.3390/ijerph19010096>
- Osher, D., Poirier, J., Jarjoura, R., Brown, R., & Kendziora, K. (2015). Avoid simple solutions and quick fixes: Lessons learned from a comprehensive district-wide approach to improve conditions for learning. In D. J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion* (pp. 192–206). Teachers College Press.
- Pas, E. T., Ryoo, J. H., Musci, R. J., & Bradshaw, C. P. (2019). A state-wide quasi-experimental effectiveness study of the scale-up of school-wide positive behavioral interventions and supports. *Journal of School Psychology*, 73, 41–55. <https://doi.org/10.1016/j.jsp.2019.03.001>

- Rich, L., Mader, N., & Pacheco-Applegate, A. (2017). *Restorative justice programming and student behavioral and disciplinary outcomes*. Chapin Hall at the University of Chicago.
- Ritter, G. W. (2018). Reviewing the Progress of School Discipline Reform. *Peabody Journal of Education*, 93(2), 133–138.
<https://doi.org/10.1080/0161956X.2018.1435034>
- Schiff, M. (2018). Can restorative justice disrupt the ‘school-to-prison pipeline?’ *Contemporary Justice Review*, 21(2), 121–139. <https://doi.org/10.1080/10282580.2018.1455509>
- Schotland, M., MacLean, H., Junker, K., & Phinney, J. (2016). From punitive to restorative: One school’s journey to transform its culture and discipline practices to reduce disparities. In R. Skiba, K. Mediratta, & K. M. Rausch (Eds.), *Inequality in school discipline: Research and practice to reduce disparities* (pp. 225–242). Palgrave MacMillan.
- Skiba, R. J. (2000). *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*. Policy Research Report.
- Skiba, R. J. (2015). Interventions to address racial/ethnic disparities in school discipline: Can systems reform be race-neutral? In R. Bangs, L. E. Davis, R. Bangs, & L. E. Davis (Eds.), *Race and social problems: Restructuring inequality* (pp. 107–124). Springer Science + Business Media
- Sopcak, P., & Hood, K. (2022). Building a culture of restorative practice and restorative responses to academic misconduct. In *Academic integrity in Canada: An enduring and essential challenge* (pp. 553–571). Springer International Publishing.
- Steinberg, M. P., & Lacoe, J. (2018). Reforming school discipline: School-level policy implementation and the consequences for suspended students and their peers. *American Journal of Education*, 125(1), 29–77. <http://dx.doi.org/10.1086/699811>
- Welsh, R. O., & Little, S. (2018). The school discipline dilemma: A comprehensive review of disparities and alternative approaches. *Review of Educational Research*, 88(5), 752–794. <https://doi.org/10.3102/0034654318791582>
- Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottsdale. Herald Press.
- Zondo, S. S., & Mncube, V. S. (2024). Teachers’ challenges in implementing a learner’s code of conduct for positive discipline in schools. *South African Journal of Education*, 44(2), 1–10. https://hdl.handle.net/10520/ejc-educat_v44_n2_a15

The Role and Importance of Treatment in the Resocialization Process of Convicts*

Nataša Tanjević¹ 

The purpose of the execution of prison sentence is for the convicted individual to adopt socially acceptable values through the application of appropriate treatment programmes during the prison term. Their purpose is easier inclusion in living conditions after the execution of the sentence, so that said individual does not commit criminal acts in the future. The above mentioned raises the question of whether it is possible for a person to change while serving a sentence and, after leaving prison, turn into a free citizen, useful for himself and society, how different prison deprivations and other factors affect the resocialization effects, which forms of treatment may influence changes in attitude, habits and behaviour of prisoners, etc. Looking for the effects of treatment and answers to the above questions, this paper tries to indicate the actual situation, problems and challenges in the process of resocialization of prisoners, especially those serving long prison sentences, and possible ways to improve the situation in this area. With that objective, the role and importance of different forms of treatment in the realization of the resocialization process is particularly emphasized. The conclusion is that the execution of prison sentences must not be reduced to a minimum of prison routines and lack of planning and practice related to a wide range of treatment forms. Also, further efforts should be focused on hiring a sufficient number of trained treatment officers, investing in treatment facilities and programmes, developing a long-term policy towards prisoners serving long prison sentences and paying greater attention to their more intensive treatment, all in order to ensure the conditions that will contribute to the possibility of achieving the purpose of the prison sentence.

KEYWORDS: treatment / resocialization / prisoners / prison sentence

* This paper was presented by Nataša Tanjević as part of her keynote address at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Tanjević, N. (2024). The Role and Importance of Treatment in the Resocialization Process of Convicts. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 133–142). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.27>

¹ PhD, Deputy Protector of Citizens, Serbia

Correspondence: Nataša Tanjević. Email: natasa.tanjevic@ombudsman.rs

Introduction

The term *treatment* is a way of treating prisoners that aims to permanently eliminate criminal behaviour and reduce the percentage of recidivism (Korać, 2010) i.e., prepare the prisoners for reintegration into society without committing criminal acts. This is particularly emphasized in the new Standard Minimum Rules of the UN for the Treatment of Prisoners², which indicate that the goal of treatment is for these persons to choose, after leaving the institution, a peaceful and independent life and to stand by that decision. That is why the treatment should strengthen their self-esteem and develop a sense of responsibility. From the above mentioned, it can be deduced that treatment actually represents the most important segment of the execution of a prison sentence and at the same time is the obligation of the state. It must be accessible to all prisoners, since only through the implementation of treatment programmes and investment in treatment programmes and facilities can the purpose of the execution of the prescribed prison sentence prescribed by the law be achieved.

Prison Treatment and Resocialization Possibilities

The ultimate goal of prison treatment is resocialization, a process that consists of changing the prisoner's habits, attitudes and values deemed to have led him to commit a criminal offence and training the prisoner for a socially acceptable lifestyle (Macanović, 2011). It is a long and very complex process influenced by many factors, among which the most important are: length and conditions of prison stay, psychological structure of the prisoner, individual approach to each prisoner, treatment method, motivation of the prisoner and the expertise and approach of the person conducting the treatment. Above all, it can be acknowledged that successful resocialization leads to treatment adapted to personality characteristics, therefore the prisoner should be treated in a way that matches his personality as much as possible, in order to awaken and develop a sense of responsibility for his behaviour inside of him, to eliminate negative influences and encourage the acceptance of positive values and socially acceptable behavioural patterns (Macanović & Nadarević, 2014). That is why it is very important that treatment programmes be individualized, i.e., adapted to the risks and needs of each individual prisoner (Tanjević, 2018).

The importance of estimating criminogenic risks and needs is reflected in the possibility of adequate classification and use of various treatment interventions, but also in the prevention of any maladjusted behaviour in prison. In practice, this

² The United Nations Standard Minimal Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Vienna, adopted by the General Assembly of the UN Resolution on 17th December 2015, 70/175.

means that the prisoner should be directed to specific treatment programmes adequate to the estimated risk level, which programmes should reduce that risk. During the needs assessment, efforts should be made to identify personal needs and characteristics associated with his harmful behaviour and offences he has committed.

Finally, in order for an inmate to be able to live in the social community he will return to after his sentence is completed, it is necessary that all the activities a person from that community needs to function be provided to him to the largest extent possible during the serving of his sentence. From the above, it can be deducted that in order to achieve the process of resocialization and good social reintegration of prisoners after their release, corrective prison treatment needs to include the use of various educational, labour and leisure programmes, contents and activities (Jovanić & Ilijić, 2015).

Education and work engagement are very important resocialization tools and play a significant role in meeting individual needs, acquiring working habits, new abilities and knowledge, developing responsibility, activating potential, building social relationships and in training the prisoners to lead a law-abiding life after leaving prison (Tanjević, 2023)³. On the other hand, filling free time with adequate content is also a significant factor in re-education because it enables the development of abilities, positive habits, new emotions and ethical feelings in prisoners, and at the same time reduces their tensions and frustrations and enlivens their life inside the prison walls. Therefore, the possibility of recreation, including sports, culture, hobbies and other leisure activities must be provided, and to the greatest extent possible, prisoners should be allowed to participate in organising these activities themselves.

From all of the above mentioned, it may be deducted that the possibilities for resocialization within the prison will primarily depend on the variety of types of prison treatments, on the number, training and approach of the staff who conduct the treatments, motivation of prisoners to participate in the implementation of the treatment programmes, which are all factors that will contribute to the ultimate goal i.e., success of the treatment.

³ At the end of 2022, the author of this paper conducted research in the Niš and Požarevac Penitentiaries on a sample of 360 prisoners, which showed, among other things, that respondents most often see labour and education as an opportunity for personal development, an opportunity to find employment more easily after they leave prison, but also as an opportunity for advancement in treatment. The importance of education and labour in the resocialization process was pointed out by numerous authors. See e.g. B. Knežić "Education of convicts - a way to be free", Institute of Criminological and Sociological Research, Belgrade, 2017; Lj. Ilijić, "Education and professional training of convicted individuals as an important factor in reducing recidivism", RKK 1/14 et al.

Treatment Effects - Status, Problems and Challenges

The Protector of Citizens, performing the tasks of the National Mechanism for Torture Prevention (NPM), noted significant improvements in terms of treatment of prisoners in recent years⁴.

Above all, during visits to NPM prisons, it was observed that new specialized programmes for group work with prisoners were created and the capacities of prison officials to implement them strengthened. These include: a general cognitive-behavioural programme, a programme for perpetrators of violent crimes, a programme for perpetrators of domestic violence and specialized programmes for group work with alcohol and drug addicts⁵. The overall goal of these programmes is to reduce recidivism. Specific goals relate to developing cognitive and social skills, gaining insight into one's own addiction and treatment needs, understanding other people's feelings, changing the thinking patterns, resolving conflicts, controlling emotions, controlling anger, developing life skills, etc. Having the above mentioned programmes is important if one takes into account that many prisoners have addiction problems and that there is a problem of prevalence of domestic violence, criminal acts with elements of violence, etc. Also, the implementation of the mentioned programmes is important since it contributes to the achievement of individual goals, such as the adoption of socially acceptable behaviour models or the establishment/maintenance of abstinence. However, it has also been observed that development of specialized programmes is difficult in some prisons, primarily due to the insufficient number of treatment officers, lack of spatial capacities, but also due to certain difficulties in forming groups, which are conditioned, among other things, by the criteria for the selection of prisoners⁶. Therefore, further efforts should be focused on hiring a sufficient number of treatment officers trained to implement the mentioned programmes and including as many prisoners as possible in the same, especially in the general cognitive-behavioural programme, which we consider applicable to all categories of prisoners. Also, the needs of prisoners themselves for certain programmes must be examined, and new programmes developed and implemented (for example,

⁴ See the Report on the work of the National Mechanism for Torture Prevention for the year 2022, available at: <https://npm.ombudsman.org.rs/attachments/article/1213/GI%202022.pdf>

⁵ Programmes were prepared by a Working group consisting of treatment officers from several Serbian prisons, with professional support from a Council of Europe expert, within the Council of Europe project "Enhancing the human rights protection for detained and sentenced persons". More on that is available at <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/strategija/2022/142/1>

⁶ Some of the criteria are: established abstinence, motivation (willingness), length of sentence (being able to participate in the programme until the it is completed), cognitive capacities, i.e. a convict determined to have cognitive functioning at a level lower than the one necessary for inclusion in the programme, illiterate convict or convict not suitable for group work due to lower intellectual capacities.

self-harm and suicide prevention programme), as well as programmes intended for special categories of prisoners, such as women, minors, the elderly, etc.

In its individual reports on visits, the NPM noted improvements in the organisation of leisure activities, reflected in the fact that in many prisons, there are different clubs in which prisoners can participate (art, literature, IT, drama, etc.), various sports activities (tournaments and competitions in indoor football, basketball, table tennis, chess, etc.) and cultural and artistic events (visits of theatre groups, film screenings, literary creativity festivals, public speaking, imitations, etc.)⁷. Further efforts should be directed to providing as wide a spectrum of purposeful activities as possible in all prisons and motivating as many prisoners as possible to get involved.

Finally, even though some progress has been noted in the professional training and work engagement of prisoners, there is still a need to extend them to the entire prison system, and to provide conditions for the work engagement of as many prisoners as possible, especially those in closed prison wards⁸. Namely, availability and type of work usually differ depending on the type of security regime. Prisoners in open wards have more opportunities for work engagements, including work outside the prison.

However, although there may be understandable restrictions on the work engagement of persons in closed wards due to security reasons, we believe that purposeful work is especially important for these prisoners, considering the negative impact of the strict regime they are under. On the other hand, since a high percentage of prisoners with different educational needs are serving prison sentences, it is both necessary and important to professionally plan and implement various educational programmes and vocational training. Finally, as Knežić (2017) states, "education is good enough, whatever it is like, to add more to life behind bars than hope for a life without returning to crime" (p. 48).

International standards also point to the need to improve the treatment of individuals under the increased surveillance measure, taking into account that this measure is limited solely to the removal of persons from the regular regime - to confinement/locking in dormitories. In this regard, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) indicates that each unit where such a measure is implemented needs to have a permanent multidisciplinary team composed of bachelors of pedagogy, psychologists and social workers who should develop more detailed individual plans for each prisoner and increase direct interaction with them through

⁷ See the NPM Report about the visit to the Belgrade Penitentiary, Report about the visit to the Sremska Mitrovica Penitentiary, Report about the visit to the Pančevo Penitentiary, Report about the visit to the Valjevo Juvenile Penitentiary, all available at <https://npm.ombudsman.org.rs>.

⁸ NPM has pointed out this need for years in its reports. See for example, the NPM Operating report for 2022, op. cit., p. 30.

motivational interviews (CPT/Inf (2022)03). This requires the development of a purposeful regime for prisoners under a measure of increased surveillance in order to promote their easier reintegration into the regular regime.

A major issue in prisons is the absence of effective treatment for prisoners with mental disorders. Namely, persons who are serving prison sentences, and who, after the sentencing, suffer from severe mental disorders, are a particularly sensitive category within the general prison population. No treatment programme can be implemented with them, nor can the purpose of the prison sentence be achieved, in terms of the Law on the Execution of Criminal Sanctions ("Official Gazette RS", no. 55/2014, 35/2019). At the same time, the existing legal framework does not allow the imposed prison sentence to be replaced by the security measure of mandatory psychiatric treatment and custody in a healthcare facility, and prisons are not, in terms of organisation, staff or technical resources, equipped to provide adequate treatment to prisoners with severe mental disorders (Tanjević, 2023). The above mentioned category of prisoners requires adequate psycho-social rehabilitation treatment, not just pharmacotherapy. This would contribute to better control of mental disorder symptoms and functioning within the prison environment, improvement of the mental health of prisoners, and better reintegration.

Here we draw attention to the fact that the problem of organisation of treatment is also burdened by the problem of long detention, so for example, a person sentenced to three years in prison who spends a year or more in detention will not have the opportunity to actively participate in the re-education process and prepare for reintegration and return to the social community after the end of the prison sentence. However, it seems that the greatest challenge is the organisation of treatment work, i.e., implementation of the resocialization process for those sentenced to long prison sentences. Namely, long prison sentences, especially if the majority of these are served under a restrictive regime, de-socialize prisoners, i.e., make them lose their sense of social values and relationships, which makes their reintegration into society upon release more difficult⁹. In this regard, we believe that the system of execution of criminal sanctions should focus increased attention on the more intensive treatment of these prisoners, implementation of the resocialization process and finding ways to contribute to preserving the dignity, life and health of individuals sentenced to long prison sentences, as well as their easier reintegration in society, once their sentence has been served. In particular, their prison sentence plan should be sufficiently dynamic and allow them to participate in purposeful activities and adequate programmes and various forms of treatments. The implementation of specialized individual programmes for this category of prisoners could provide a more targeted and varied approach

⁹ The results of the mentioned research also point to this. Author's research shows that as many as 72% of respondents indicate that they feel that the longer they are in prison the more they distance themselves from the society.

to the progress and rehabilitation of prisoners. This is of great importance because practice has shown that prisoners serving long sentences have very few opportunities of transfer to a more favourable regime, one of the reasons being that the prison administration is unable to offer them a satisfactory range of suitable rehabilitation activities, access to work engagement, professional training, educational courses, etc. After all, in the report after the visit to the Republic of Serbia in 2021 (CPT/Inf (2022)), the CPT recommended that "Serbian authorities develop a long-term policy towards prisoners serving long sentences" (pp. 38-64).

Finally, in terms of current standards, individual plans – treatment programmes for convicts should aim to ensure gradual progression within the prison system (principle of progression). Therefore, it is necessary for individual plans to be revised at regular intervals and modified, if necessary, in order for resocialization to yield maximum results. We consider this to be very important, because the point of the rules on regular reviews is to consider whether there have been significant changes in the prisoner's life and behaviour, as well as whether progress in his resocialization has been achieved, and then to harmonize the decisions made by the competent authorities with those changes. That way, the goals of special prevention would also be achieved, because if the prisoner does not believe that there is hope that he will be able to progress in the treatment, despite the achieved change, dedication and improvement in the realization of the treatment programme, neither correction nor re-education can be expected, nor any other active attitude towards the treatment implemented with him. Also, in this way, the conditions would be created for the prisoner to spend some time outside the prison and interact with the outside world through the use of extended rights and benefits or work engagement. That would enable him to gradually integrate into the social community.

However, although with the adoption of the new Rulebook on treatment, action programme, classification and subsequent classification of convicted persons ("Official Gazette RS", no. 55/2015), the intention was to achieve a more effective application of individualized treatment programmes, and more successful progress in treatment, i.e., transition from closed to semi-open prison wards, we believe that no major progress has been made in this area. In relation to that, the Protector of Citizens, while performing the NPM duties, has been pointing out for years in his annual reports, that the prisoner classification procedure is deficient since it is insufficiently transparent, that the criteria for promotion to a more favourable educational group are not sufficiently explained to prisoners, that educators are mainly concerned with administering questionnaires, etc.¹⁰ The mechanism of progression in treatment according to existing criteria implies a

¹⁰ See for example, the Annual Report on the Work on the National Mechanism for the Prevention of Torture for the Year 2021, available at: [Izvestaj za 2021.pdf \(ombudsman.org.rs\)](#)

difficult transfer to more favourable educational groups, so that prisoners are often released from prison from the same educational group they were classified into immediately after being admitted. One of the main reasons is that there are not enough treatment officers in the prison system compared to the total number of the prisoners. Also, in some prisons there are 100 prisoners per one educator, which means that an educator, with their daily administrative tasks, cannot possibly dedicate themselves to each prisoner. The result of this is that work with prisoners is often formalized, which, among other things, is reflected in the possibility of their transfer to a more favourable treatment group.

Another problem lies in the fact that the Questionnaire for assessing the risk of convicts sentenced to more than 3 years, the so-called Big questionnaire, contains shortcomings that make its practical application difficult and affect the subsequent decision-making concerning the prisoners. The main shortcoming is that the questionnaire mainly estimates the prisoner's past and relies on static factors that cannot be changed, which makes it difficult to change the score during the execution of the prison sentence, i.e., to reduce the number of points and the degree of risk. On the other hand, it contains very little space for recording changes in the behaviour of prisoners during their sentence, i.e., indicators of success of educational and correctional work (the so-called dynamic factors), although dynamic factors themselves, which are closely related to criminal behaviour, indicate areas that should be targeted by treatment and can be corrected to some extent through effective interventions (Andrews & Bonta, 2010). Therefore, we believe that there is a need to improve the subject questionnaire in this part, in order to enable an essentially effective practice in the treatment of prisoners and achieve the purpose of serving the prison sentence.

Conclusion

Even though the answer to the question whether and what can be changed in people who are serving a prison sentence is very complex since it depends on a large number of factors, it is indisputable that only punishing and imprisoning criminal offenders is not enough for change to be observed, but that rehabilitation procedures are also necessary. They have the greatest effect on changes in behaviour, decrease of recidivism and reintegration of prisoners into society. However, the implementation of treatments is hampered by the problems of the prison system that we discuss in the paper, the biggest being the insufficient number of treatment officers (compared to the number and heterogeneity of prisoners), often without additional training, lack of spatial capacities, overcrowding of closed wards in prisons, but also lack of different programmes intended for particularly sensitive categories of prisoners.

On the other hand, it should be taken into account that, once they serve their sentences, the majority of prisoners will be free citizens again, who will return to their social community. Therefore, it is in the interest of that community to ensure the implementation of programmes that will reduce the negative effects of prison, have a positive impact on the change in behaviour of prisoners and contribute to the most successful social reintegration, and consequently, prevention of crime. This especially applies to those sentenced to long prison sentences, because imprisonment has a significantly different effect on this category of persons, considering the impact of deprivation is greater, and that they will spend most of their lives deprived of freedom, separated from the outside world, in conditions that are strictly defined by rules of conduct. If, at the same time, they do not have adequate family support, professional support from employees in the institution, sufficiently well-designed treatment programmes, opportunities for education and professional training, their chances for successful resocialization and social integration decrease.

We will conclude that the application of treatments for prisoners is not all-powerful and that it certainly will not have any or will have very small effects on a number of prisoners, but that the number of those whom its implementation can influence greatly and help with their resocialization and integration into society is significantly higher. Taking into account that the key factors of change are two basic things, namely the motivation of the prisoner to change and adequate and effective treatment, further efforts should focus on hiring a sufficient number of treatment officers, who will be carefully selected and trained to implement various treatment programmes. The officers, with their approach, will motivate prisoners to join the programmes, provide the widest possible spectrum of different treatment forms, but also develop and improve specialized treatment and rehabilitation programmes and evaluate the applied programmes. All this is important because conditions and opportunities must be created for people to be re-educated, to change their attitudes and previous behaviour, transforming them like that into people who can re-join society and continue their lives without committing criminal acts.

References

- Andrews, D. A., & Bonta, J. (2014). *The psychology of criminal conduct*. Routledge.
- CPT/Inf (2022)03. Report on the visit to Serbia in 2021, available at: <https://rm.coe.int/1680a5c8a6>
- Jovanić, G. & Ilijić, Lj. (2015). Obrazovne potrebe i edukativni tretman osuđenih [Educational needs and educational treatment of convicts]. U M. Vuković (Ur.), *Zbornik radova – Specijalna edukacija i rehabilitacija danas* (str. 157–168). Fakultet za specijalnu edukaciju i rehabilitaciju.
- Law on the Execution of Criminal Sanctions, "Official Gazette RS", no. 55/2014, 35/2019.
- Knežić, B. (2017). *Obrazovanje osuđenika – Način da se bude slobodan* [Education of convicts – A way to be free]. Institut za kriminološka i sociološka istraživanja.
- Korać, H. (2010). *Penologija* [Penology]. Izvršno krivično pravo.
- Macanović, N. (2011). *Resocijalizacija osuđenih lica* [Resocialization of convicted persons]. Besjeda.
- Macanović, N., & Nadarević, D. (2014). *Penološka andragogija* [Penological andragogy]. Evropski defendologija centar za naučna, politička, ekonomska, socijalna, bezbednosna i kriminološka istraživanja.
- Strategy for development of the system for execution of criminal sanctions in the RS for the period 2022–2027, "Official Gazette RS", no. 142/2022
- Tanjević, N. (2018). *Pogled kroz zatvorske rešetke* [View through prison bars]. Fakultet za menadžment.
- Tanjević, N. (2023). *Kazna i resocijalizacija – u neskladu ili sukobu?* [Punishment and resocialization – discrepancy or conflict?]. Zaštitnik građana.
- Report on the work of the National Mechanism for Torture Prevention for 2022, available at: <https://npm.ombudsman.org.rs/attachments/article/1213/GI%202022.pdf>.
- Report on the work of the National Mechanism for Torture Prevention for 2021, available at: [Izvestaj za 2021.pdf](https://npm.ombudsman.org.rs/attachments/article/1213/GI%202021.pdf) (ombudsman.org.rs)
- Rulebook on treatment, action programme, classification and subsequent classification of convicted persons, "Official Gazette RS", no. 66/2015.

Women Crime in Serbia and Social Response*

Sanja Čopić¹ 

Female convicts, particularly those imprisoned, constitute particularly vulnerable social group, whose vulnerability derives from unique pathways that lead women to crime, their overall position in the society and gender roles internalized through traditional socialization. This is reflected in the structure of women crime as well. Globally, women constitute minority in the total number of convicted and incarcerated persons. Consequently, specific needs and requirements of female convicts, both during the criminal proceedings and in prisons are neglected and marginalized, which negatively impacts women's mental and physical health, well-being, and welfare; diminishing opportunities for effective and efficient reintegration. Taking that as a starting point, the aim of the paper is to shed light on the crime of adult women in Serbia, its dynamics, structure and specificities during the last two decades, on the one hand, and penal policy, on the other. Particular focus is on analyzing the structure of criminal sanctions imposed to women, and percentage of custodial and non-custodial (alternative or community-based) sanctions. The paper is based on a triangulation of data collected from different sources, focusing on official (administrative) data. Based on standards foreseen in the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), the paper concludes with arguing for broader use of non-custodial sanctions for women in Serbia.

KEYWORDS: women / convicts / prison / crime / punishment / alternative sanctions / Serbia

* This paper was presented by Sanja Čopić as part of her keynote address at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Čopić, S. (2024). Women Crime in Serbia and Social Response. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 143–157). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.08>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0002-6581-0210>

Correspondence: Sanja Čopić, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: sanja.copic011@gmail.com

Introduction

During the 1980s feminist-oriented criminologists shed light on female crime and interconnection of victimization of women and their offending (Barberet & Jackson, 2017; Gehring, 2016; Nikolić-Ristanović & Konstantinović Vilić, 2018; Quiroga-Carrillo et al., 2024; Russel et al., 2020). This resulted in taking to the fore issues related to the position of women in the criminal justice system and in prisons. Later research suggested that imprisoned women constitute a particularly vulnerable social group, whose vulnerability derives from unique pathways of women to crime, their position in the society and gender roles internalised through traditional socialization (Nuytiens & Christiaens, 2012; Pavićević, 2020). Vulnerability of female convicts includes four key dimensions: the history of violent victimization, relationship issues, mental health problems, and substance abuse (Bloom et al., 2003).

Women constitute minority in the total number of convicted and incarcerated persons worldwide (Aebi et al., 2022, 2024; Fair & Walmsley, 2022). However, as pointed out in the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), prison facilities are designed primarily to address the needs of male prisoner; consequently, they neglect specific needs and requirements of female convicts, which stem from the specificities of women crime and their vulnerabilities. This negatively impacts women's mental and physical health, well-being, and welfare; decreasing the quality of life of convicted and imprisoned women, but also diminishing opportunities for effective and efficient reintegration, and preventing recidivism. Therefore, the Bangkok Rules advocates for a broader application of alternative sanctions, measures, and approaches to women offenders that can more adequately meet specific needs of female convicts.

Taking that as a starting point, the aim of the paper is to shed light on the crime of women in Serbia, its dynamics and structure, on the one hand, and social response to crime committed by adult women, i.e., penal policy towards women, focusing on the share of imprisonment, on the one hand, and non-custodial (alternative or community-based) sanctions on the other.

In most countries, the main source of data on crime, including crime committed by women, consists of data collected and recorded by the authorities, primarily the police, prosecution, and courts. Their records provide insight into reported crime, crime subject to charges and convictions. In addition to the police, prosecution, and conviction statistics, an important source of data on crime is also found in penitentiary statistics, which contain information on individuals serving prison sentences (Soković, 2012). Although state statistics (i.e., administrative data) have several limitations and shortcomings and are considered a secondary data source by nature (Ćopić & Stevković, 2012; Nikolić-Ristanović &

Konstantinović Vilić, 2018; Soković, 2012), they are nevertheless significant for understanding the scope and dynamics of crime and the social response to it. These data are also valuable for monitoring and evaluating the work of state institutions, assessing existing capacities for crime prevention and suppression, tracking the implementation and effects of legislative measures, and serving as a basis for advocating changes in laws, policies, and practice. Given that official data cannot measure actual crime rates, it is important to supplement this information with data from research. The paper is based on a triangulation of data collected from different sources, focusing on official (conviction) statistics collected by the Statistical Office of the Republic of Serbia and the data collected through the research on the European level: SPACE I (Custody) and SPACE II (Community Sanctions and Measures)², and the European Sourcebook on Crime and Criminal Justice Statistics³.

The Scope of Women Crime

To identify trends in women crime based on data collected by the Statistical Office of the Republic of Serbia, this section analyses conviction statistics for women offenders over the last two decades, from 2003 to 2022. Although convictions represent only the ‘top of the iceberg’, with data on reported criminal offenses being closer to actual scope of crime, for the purpose of this study, the focus will be on women crime that is subject to conviction. The reasoning behind this is the fact that conviction statistics can be more clearly linked to penal policy and penitentiary statistics, which “reflect the final phase of formal crime control and the extent to which the purpose of punishment is realized or not” (Soković, 2012, p. 84).

Women in Serbia accounted for an average of 9.6% of all convicted individuals for criminal offenses during the period from 2003 to 2022 (Table 1). With minor fluctuations, a relatively stable trend is noticed: the proportion of convicted women within the total number of convicted individuals during the observed period ranged from 8.6% in 2003 to 10.8% in 2020. Even in 2020, when the highest proportion of convicted women was recorded, this percentage remained below the European average of 14.5% (Aebi et al., 2022). If compared to earlier periods, such as the 1970s and 1980s, when the proportion of women among convicted individuals in Serbia accounted for around 15% (Nikolić-Ristanović & Mrvić, 1992, p. 19), it becomes evident that women crime subject to convictions has declined over the past two decades.

² The Council of Europe Annual Penal Statistics: SPACE I (Custody) and SPACE II (Community Sanctions and Measures). More information is available at <https://wp.unil.ch/space/history-of-the-project/>.

³ More information is available at <https://wp.unil.ch/europeansourcebook/>.

During the past two decades, increase in the share of women within the convicted individuals was visible from 2003 to 2010 (Table 1). This was followed by a declining trend, with minor fluctuations, until 2018. Subsequently, an increase in the proportion of convicted women was observed until 2020, after which there was a slight decrease until 2022. Over the last five years, the share of convicted women has remained relatively stable and slightly higher compared to the initial years of observation.

Table 1

Percentage of female convicts in the total number of convicted persons in Serbia in the period 2003–2022

Year	Convicted persons	Female convicts	
	<i>N</i>	<i>N</i>	%
2003	33017	2853	8.6
2004	34239	2973	8.8
2005	36901	3293	8.9
2006	41422	3930	9.5
2007	38694	3661	9.5
2008	42138	3817	9.1
2009	40880	3801	9.3
2010	21681	2189	10.1
2011	30807	2975	9.6
2012	31322	3108	9.9
2013	32241	3204	9.9
2014	35376	3351	9.5
2015	33189	3084	9.3
2016	32525	3048	9.4
2017	31759	2913	9.2
2018	29750	2968	10.0
2019	28112	2826	10.1
2020	25487	2750	10.8
2021	27508	2853	10.4
2022	26200	2690	10.3

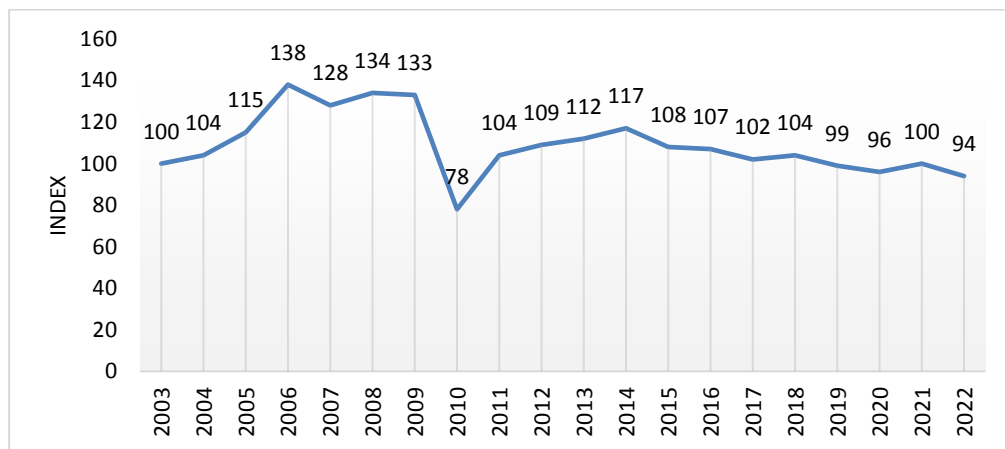
Source: Republički zavod za statistiku, 2006, 2006a, 2007, 2009, 2009a, 2010, 2010a, 2011, 2012, 2013, 2014, 2015, 2026, 2017, 2018, 2019, 2020, 2021, 2022, 2023

When observing the trends in the number of convicted women during the analysed period, fluctuations are evident (Graph 1). Compared to the starting year of 2003, a significant increase in the number of convicted women was recorded in 2006, amounting to 38%. Following a slight decline, the number remained at a similar level from 2007 to 2009. However, in 2010, there was a sharp decrease, with 22% fewer convicted women compared to 2003, and even 42% fewer female convicts compared to the previous year (2009). This aligns with a drop in the total number of convicts in 2010, which might be attributed to inefficiencies within the criminal justice system caused by judicial reforms during that period. Starting in 2011, there was a gradual increase in the number of convicted women, reaching its peak in 2014. This was followed by a consistent declining trend. In the most

recent years of observation, the number of convicted women has stabilized at a level nearly identical to that of the initial year of observation.

Graph 1

Convicted women in Serbia, 2003–2022 (index)



The Structure of Women Crime

To better understand the structure of women crime and observe similarities and differences, as well as changes during the past two decades, data on the structure of crime of convicted women will be analysed for three specific years: the beginning (2004), the midpoint (2013), and the end of the observed period (2022).

Table 2

Structure of crime of convicted women in 2004, 2013 and 2022 (selected groups of criminal offences)

Criminal offence	2004		2013		2022	
	N	%	N	%	N	%
Criminal offence against life and limb	310	10.4	199	6.2	74	2.8
Criminal offence against honour	368	12.4	165	5.1	93	3.5
Criminal offence against sexual freedom	1	0.03	9	0.3	14	0.5
Criminal offence against marriage and family	102	3.4	284	8.9	374	13.9
Criminal offence against property	578	19.4	1007	31.4	843	31.3
Criminal offence against trade	193	6.5	173	5.4	134	5.0
Criminal offence against health of people	37	1.2	169	5.3	288	10.7
Criminal offence against public traffic safety	404	13.6	296	9.2	251	9.3
Criminal offence against state institutions	-	-	334	10.4	37	1.4
Criminal offence against official duties	181	6.1	142	4.4	40	1.5

Source: Republički zavod za statistiku, 2006a, 2014, 2023

As shown in Table 2, property crimes dominated the structure of crime of convicted women in all three observed years. However, while property crimes constituted nearly one-third of criminal offenses for which women were convicted in 2013 and 2022, their share in 2004 was significantly lower – less than 20%.

Comparing these three years reveals a sharp decline in the proportion of crimes against life and limb: from 10.4% in 2004 to 2.8% in 2022. In all three years, minor bodily injuries accounted for the largest share of this form of crime (73.9% in 2004, 68.3% in 2013, and 74.3% in 2022). Additionally, a decrease is evident for criminal offence against honour: percentage of women convicted for this form of crime is almost four times less in 2022 comparing to 2004.

The data indicates increasing trend in the share of crimes against marriage and family in the structure of women crime subject to conviction: from 3.4% in 2004 to 13.9% in 2022, thus, almost four times. Within this category, there has been a steady increase in domestic violence cases women were convicted for: from 3.9% in 2004, to 49% in 2013, and 57% in 2022.

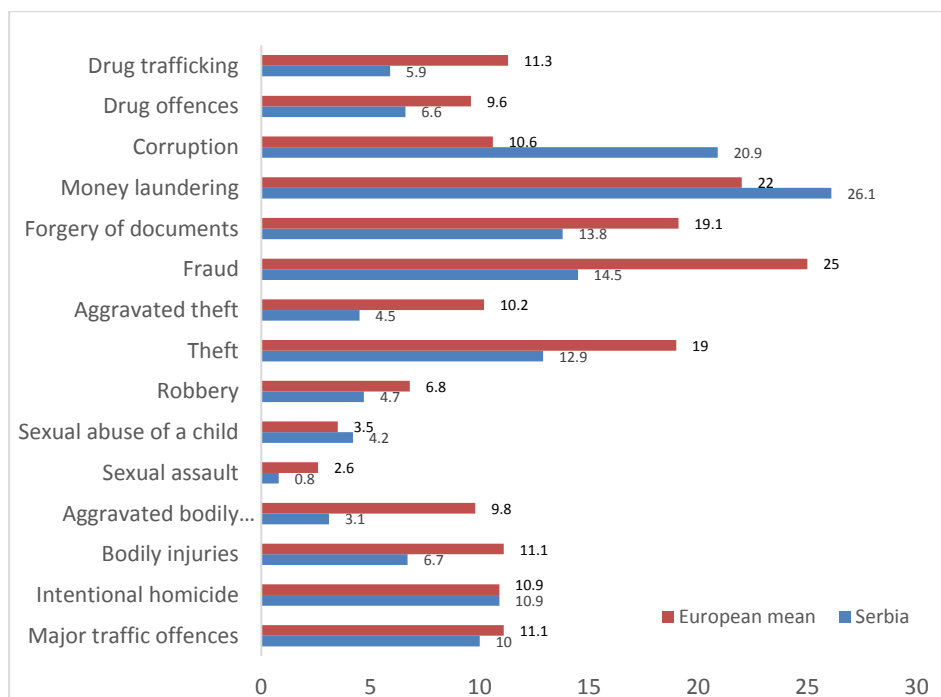
The increase in the share of crimes against public health, specifically drug-related offenses, reflects global trends. In 2022, the proportion of crimes against public health (primarily drug-related offenses) doubled to 10.7% of convicted females compared to 2013 (5.3%). Compared to 2004, there was a nine-fold increase by 2022.

The share of crimes against road traffic safety in 2013 and 2022 remained at the same level but showed a decline compared to the first observed year, when it was at 13.6%. Conversely, there was a significant drop in the share of crimes against state institutions in 2022 (1.4%) compared to 2013 (10.4%), as well as a decline in the proportion of crimes against official duty over the three observed years.

To compare Serbia with the rest of Europe, European Sourcebook on Crime and Criminal Justice Statistics is a valuable source of data (Aebi et al., 2024). As the data in Graph 2 suggests, in 2020 percentage of women among convicted persons in Serbia was below the European average for the majority of criminal offences included in this research: ten out of fifteen forms of crime. The biggest differences are evident for drug trafficking, fraud, theft, bodily injuries, including aggravated bodily injuries, and sexual assault, followed by forgery of documents, drug offences, and robbery. The difference is rather low for major traffic offences. As for the intentional homicide Serbia is on the European average. However, percentage of women among convicted persons in Serbia for corruption (20.9%) is far above the European average (10.6%) – it is as much as twice higher in Serbia compared to the European mean, while for money laundering although it is above the European average, the difference is lesser: 26.1% (Serbia) vs. 22% (European mean).

Graph 2

Percentage of women among convicted persons in 2020 in Europe (mean) and Serbia



Source: Aebi et al., 2024

Penal Policy Against Female Offenders

The penal policy against women in Serbia is analysed based on the data on criminal sanctions imposed to adult women for the five-year period (2019–2023). The data in Table 3 suggests that in the structure of criminal sanctions imposed to women, non-custodial sanctions dominate: they present between 82% in 2022 and 87.8% in 2019 of total convicted women. However, what is evident from the data is permanent increase of the share of imprisonment in the total number of criminal sanctions imposed to convicted women in the given period: from 11.7% in 2019, 13.1% in 2020, 13.4% in 2021, 15.8. in 2022, to 17.3% in 2023.

Table 3*Criminal sanctions imposed to adult women in Serbia, 2019–2023*

Year	Total convicted women	Prison	Total selected non-custodial sanctions	Non-custodial sanction				
				Fine	Suspended sentence	Home arrest	Community service	Admonition
2019	2826	331	2481	240	2007	156	21	57
2020	2750	361	2376	269	1879	190	13	25
2021	2853	381	2459	255	1902	245	17	40
2022	2690	425	2217	329	1588	279	18	34
2023	2920	504	2403	384	1667	307	10	35

When it comes to the structure of prison sentence, the data in Table 4 suggests that approximately two thirds of prison sentences in the given period comprise those up to one year: from 65.3% in 2019 to 74.8% in 2022. It is followed by 1-2 years of imprisonment: from 12% in 2022 to 17.7% in 2023. However, if we sum-up these data, we may argue that more than 80% of prison sentences are those below two years, suggesting that short-term incarceration dominates the structure of prison sentence for women convicts in Serbia in the last five years.

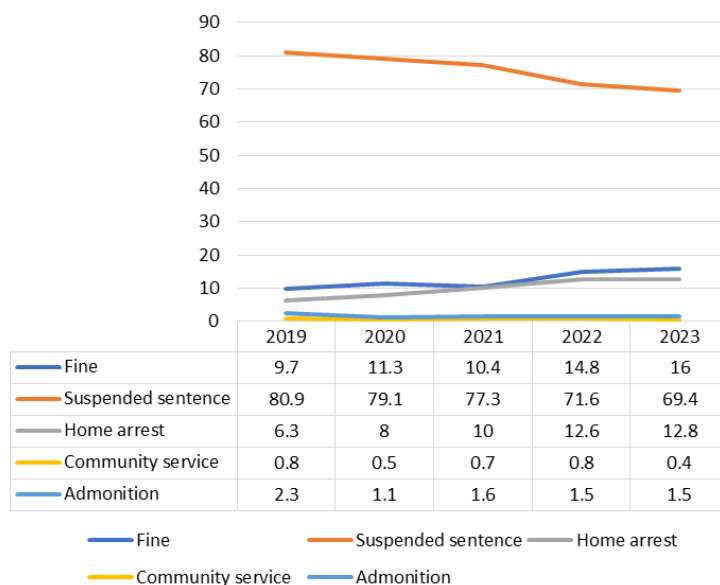
Table 4*Structure of prison sentence imposed to women in Serbia, 2019–2023*

Year	Prison Total	Up to 1 year	1–2 years	2–3 years	3–5 years	5–10 years	10–15 years	15 and above
2019	331	216	45	39	24	6	0	1
2020	361	252	45	32	23	4	5	0
2021	381	261	59	33	21	7	0	0
2022	425	318	51	24	28	2	1	1
2023	504	345	89	36	24	6	1	3

On the other hand, as the data in Graph 3 shows, suspended sentence dominate the structure of non-custodial sanctions for women in the period 2019–2023. It is followed by the fine and home arrest. However, a decreasing trend in imposing suspended sentence is evident: from 80.9% in 2019 to 69.4% in 2023. On the other hand, there is an increase in imposing fines: from 9.7% in 2019 to 16% in 2023. Increase is also noticed for the home arrest, which doubled during the five-year period: from 6.3% in 2019 to 12.8% in 2023, although it still remains on a rather low level of use. The use of admonition decreased during past years comparing to 2019, but it is rather stable. Finally, community service is the least used non-custodial sanction: it remains under 1% in all observed years.

Graph 3

The structure of non-custodial sanctions imposed to women in Serbia, 2019–2023

**Women in Prison**

Data available in the SPACE I database reveals that in Serbia, between 2005 and 2022, the average proportion of women in the total prison population - comprising both convicted inmates and those in pre-trial detention – was approximately 3.6%. The lowest share of women in the prison population was recorded in 2008 (2.6%), while the highest was observed in 2020 (4.2%). In the last observed year, the proportion was at 4.1%, placing Serbia among the countries with a lower share of women in the prison population compared to the European average of 5.1% for that year (Aebi et al., 2022).

When examining the number of incarcerated women in Serbia by years (*stock data*), an increasing trend is evident during the first three observed years (Graph 4). In 2007, the number of incarcerated women was almost 60% higher than in the first observed year (2005). A sharp decline followed in 2008, with the number of women in prison only 6% higher than in 2005. This was followed by a period of steady growth in the number of incarcerated women until 2012, when the prison population of women was 87% higher compared to 2005. Subsequently, oscillating trends emerged: a decline until 2014, an increase until 2016, and a slight decrease in 2018. Over the next three years, a growth trend was observed, culminating in 2020 and 2021, when the number of women in prison and detention was nearly 100% higher compared to 2005. Finally, in 2022, there was a slight

decrease compared to the preceding three years, but the number of incarcerated women remained approximately 90% higher than in the first observed year, reflecting global trends.

Table 5

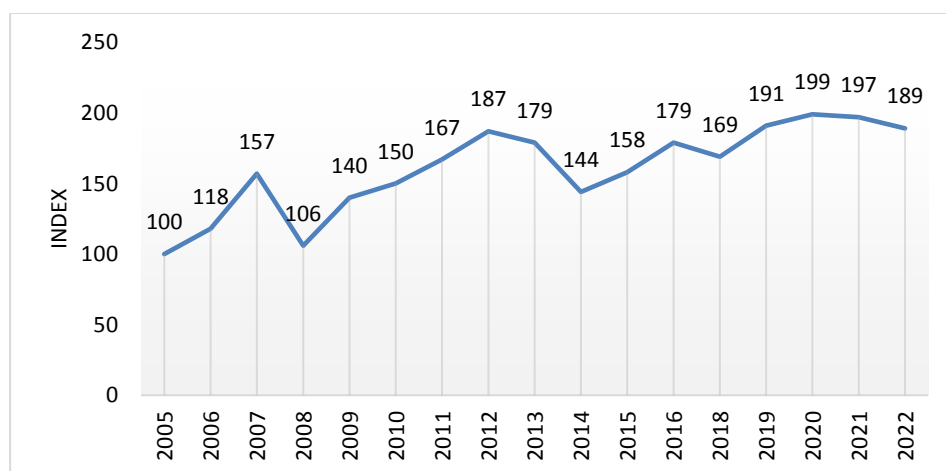
Percentage of women in total prison population in Serbia, 2005–2022

Year	Total Prisoners	Women in Prison	
	<i>N</i>	<i>N</i>	%
2005	7775	231	3.0
2006	8553	272	3.2
2007	8979	364	4.1
2008	9510	246	2.6
2009	10262	324	3.2
2010	11197	348	3.1
2011	10955	386	3.5
2012	11070	433	3.9
2013	10031	414	4.1
2014	10288	332	3.2
2015	10064	366	3.6
2016	10672	413	3.9
2018	10807	390	3.6
2019	10871	443	4.1
2020	11077	460	4.2
2021	10540	455	4.3
2022	10557	437	4.1

Note. Data for 2017 are missing.

Graph 4

Imprisoned women in Serbia in the period 2005–2022 (index)



Conclusion

As globally, women in Serbia present a minority in the population of convicted persons, with relatively stable trend during the past two decades, remaining below the European average (Aebi et al. 2022, 2024). Over the past two decades certain changes in the structure of women crime in Serbia have become evident, reflecting societal transformations, including shifts in women's societal positions. This is evident, for example, in data on involvement of women in corruption and money laundering in Serbia comparing to the European average. In addition, changes in the structure of women crime are also evident in the share of property crimes, decrease in violence crimes, particularly criminal offences against life and limb, and steady increase in drug-related offences, reflecting global trends.

Although the average proportion of women in the total prison population in Serbia remains below the European average and has been relatively stable in recent years, there is a noticeable trend of continuous growth in the number of incarcerated women, which aligns with the global and European trends (Aebi et al., 2022, 2024). This can be attributed to three main factors: an increase in the proportion of lesser property crimes, reflecting the feminization of poverty and economic vulnerability of women; a rise in drug-related offenses, indicating a public health concern and the escalating challenge of addiction among women, and an increase in the prevalence of short-term prison sentences (Acale Sánchez, 2019; Penal Reform International, 2022; Russell et al., 2020), which is evident in Serbia, too.

As the analysis suggests, the short-term prison sentences have dominated the structure of prison sentence during the last five years. This is, generally speaking, in line with the contemporary penal populism and crime control policy, which is directed towards strengthening repression, tightening penal policy and the growth of the prison population (Ćopić et al., 2024; Pavićević et al., 2024; Soković, 2012). On the other hand, although suspended sentence dominates the structure of criminal sanction imposed to women, which is in line with the overall penal policy in Serbia and the structure of women crime, it, however, records a decreasing trend, while, for example, community service is rarely imposed. Thus, community-based sanctions should have better utilisation in response to women crime in Serbia. They are alternatives to short-term imprisonment that could better suit women's specific needs and requirements, particularly having in mind women's pathways to crime and their vulnerability, on one hand, and negative effects of incarceration on women's mental and physical health, social contacts, overall well-being and quality of life, on the other. Additionally, there is less chance to organise and implement meaningful gender responsive treatment programs in situation of short-term imprisonment, particularly for imprisonment of up to one year, which can additionally strengthen negative effects of incarceration, and diminish opportunities for effective reintegration.

Therefore, suspended sentence with the protective surveillance, home arrest and community service should be better utilised for responding to women crime in Serbia, which would be also aligned with the Bangkok Rules. Effective application of alternative, particularly community-based sanctions, diminishes negative effects of prison deprivations, particularly deprivation of social contacts and motherhood, which is one of the specificities when it comes to female convicts (Kovačević et al., 2024; Nuytiens & Jehaes, 2022; Špadijer-Džinić et al., 2009; Tadić & Kordić, 2024). It reduces stigmatization, which is of immense relevance for women as imprisoned women are often faced with double stigmatization in the society (Barberet & Jackson, 2017; Radulović, 2023). Finally, through community-based sanctions individual responsibility is fostered, and offenders' personal and social development is promoted, which is particularly relevant for women and their effective reintegration keeping in mind their vulnerabilities.

Acknowledgment

This research was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

The work was supported by the Ministry of Science, Technological Development and Innovations of the Republic of Serbia (Contract No. 451-03-65/2024-03/ 200096).

References





- Acale Sánchez, M. (2019). Penal and Custodial Control of Female Criminality in Spain from a Gender Perspective. *Social Sciences*, 8(2), 52. <https://doi.org/10.3390/socsci8020052>
- Aebi, M. F., Cocco, E., Molnar, L., & Tiago, M. M. (2022). *Prisons and prisoners in Europe 2021: Key findings of the SPACE I report*. Council of Europe and University of Lausanne.
- Aebi, M. F., Caneppele, S., Harrendorf, S., Hacin, R., Hashimoto, Y. Z., Jehle, J.-M., Kensey, A., Khan, T. S., Molnar, L., Þórisdóttir, R., Smit, P., & national correspondents. (2024). *European Sourcebook of Crime and Criminal Justice Statistics 2024* (7th ed.). Preliminary publication. Series UNILCRIM, (3)2024.
- Barberet, R., & Jackson, C. (2017). UN Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders (the Bangkok Rules): A gendered critique. *Papers: Revista de Sociologia*, 102(2). <https://doi.org/10.5565/rev/papers.2336>
- Bloom, B., Owen, B., & Covington, S. (2003). *Gender-responsive strategies: Research, practice, and guiding principles for women offenders*. National Institute of Correction.

- Ćopić, S., & Stevković, Lj. (2012). Evidentiranje podataka o nasilju u porodici i značaj međusektorske saradnje: Neka strana iskustva. U V. Nikolić-Ristanović (Ur.), *Evidentiranje kriminaliteta: Iskustva iz sveta i Srbije* (pp. 159–176). Prometej-Beograd.
- Ćopić, S., Stevanović, I., & Vujičić, N. (2024). *Kvalitet života u zatvorima u Srbiji: Norma, praksa i mere unapređenja*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.9>
- Fair, H., & Walmsley, R. (2022). *World female imprisonment list* (5th ed.). World Prison Brief, Institute for Crime & Justice Research. https://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_imprisonment_list_5th_edition.pdf
- Gehring, K. (2016). A direct test of pathways theory. *Feminist Criminology*, 13(2), 115–137. <https://doi.org/10.1177/1557085116646195>
- Kovačević, M., Kovačević-Lepojević, M., Popović-Ćitić, B., & Bukvić, L. (2024). Motherhood in prison: Challenges and perspectives. In S. Ćopić & A. Batričević (Eds.), *Prison environment: A female perspective* (pp. 65–77). Institute of Criminological and Sociological Research. https://doi.org/10.47152/PrisonLIFE.D4.7_3
- Nikolić-Ristanović, V., & Mrvić, N. (1992). *Društvena kontrola i kriminalitet žena*. Draganić & Institut za kriminološka i sociološka istraživanja.
- Nikolić-Ristanović, V., & Konstantinović Vilić, S. (2018). *Kriminologija*. Izdavačko-grafičko preduzeće „Prometej“.
- Nuytiens, A., & Christiaens, J. (2012). Female offenders' pathways to prison in Belgium. *Temida*, 15(4), 7–22.
- Nuytiens, A., & Jehaes, E. (2022). When your child is your cellmate: The 'maternal pains of imprisonment' in a Belgian prison nursery. *Criminology & Criminal Justice: An International Journal*, 22(1), 132–149. <https://doi.org/10.1177/1748895820958452>
- Pavičević, O. (2020). Kriminalizacija marginalizovanih žena. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 39(2–3), 59–73.
- Pavičević, O., Ilijić, Lj., & Batričević, A. (2024). Morala i socijalna klima u zatvorima. *Institut za kriminološka i sociološka istraživanja*. <https://doi.org/10.47152/PrisonLIFE.D4.2>
- Penal Reform International. (2022). *Global Prison Trends 2022*. Penal Reform International.
- Quiroga-Carrillo, A., Ferraces Otero, M. J., & Lorenzo Moledo, M. (2024) Gender Discrimination in Prison: The Perception of Women Inmates and Prison Professionals. *Societies* 14(5), <https://doi.org/10.3390/soc14010005>
- Radulović, L. (2023). *(Ne)misle na Boga: Antropološka studija verskog života u zatvorima u Srbiji*. Univerzitet u Beogradu – Filozofski fakultet, Odeljenje za etnologiju i antropologiju.
- Republički zavod za statistiku (2006). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2003. – Prijave, optuženja i osude*. Bilten br. 443. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2006a). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2004. – Prijave, optuženja i osude*. Bilten br. 452. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2007). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2005. – Prijave, optuženja i osude*. Bilten br. 467. Beograd: Republički zavod za statistiku.

- Republički zavod za statistiku (2009). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2006. – Prijave, optuženja i osude*. Bilten br. 490. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2009a). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2007. – Prijave, optuženja i osude*. Bilten br. 502. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2010). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2008. – Prijave, optuženja i osude*. Bilten br. 514. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2010a). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2009. – Prijave, optuženja i osude*. Bilten br. 529. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2011). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2010. – Prijave, optuženja i osude*. Bilten br. 546. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2012). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2011. – Prijave, optuženja i osude*. Bilten br. 558. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2013). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2012. – Prijave, optuženja i osude*. Bilten br. 576. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2014). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2013. – Prijave, optuženja i osude*. Bilten br. 588. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2015). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2014. – Prijave, optuženja i osude*. Saopštenje br. LXV. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2016). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2015. – Prijave, optuženja i osude*. Bilten br. 617. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2017). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2016. – Prijave, optuženja i osude*. Bilten br. 629. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2018). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2017. – Prijave, optuženja i osude*. Bilten br. 643. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2019). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2018. – Prijave, optuženja i osude*. Bilten br. 653. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2020). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2019. – Prijave, optuženja i osude*. Bilten br. 665. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2021). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2020. – Prijave, optuženja i osude*. Bilten br. 677. Beograd: Republički zavod za statistiku.
- Republički zavod za statistiku (2022). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2021. – Prijave, optuženja i osude*. Bilten br. 689. Beograd: Republički zavod za statistiku.

- Republički zavod za statistiku (2023). *Punoletni učinioci krivičnih dela u Republici Srbiji, 2022. – Prijave, optuženja i osude*. Bilten br. 702. Beograd: Republički zavod za statistiku.
- Russell, T., Jeffries, S., Hayes, H., Thipphayamongkoludom, Y., & Chuenurah, C. (2020). A gender-comparative exploration of women's and men's pathways to prison in Thailand. *Australian & New Zealand Journal of Criminology*, 53(4), 536–562. <https://doi.org/10.1177/0004865820954463>
- Soković, S. (2012). Penitensijarne statistike: Mera kriminaliteta i/ili više od toga. In V. Nikolić-Ristanović (Ed.), *Evidentiranje kriminaliteta: Iskustva uz sveta i Srbije* (pp. 83–104). Prometej-Beograd.
- Špadijer-Džinić, J., Pavićević, O., & Simeunovic-Patić, B. (2009). Žena u zatvoru – deprivacije zatvoreničkog života. *Sociologija*, 51(3), 225–246.
- Tadić, V., & Kordić, B. (2024). Two sides of the same coin: Maternal imprisonment, trauma, and attachment in a prison child. In S. Ćopić & A. Batrićević (Eds.), *Prison Environment: A Female Perspective* (pp. 79–92). Institute of Criminological and Sociological Research. https://doi.org/10.47152/PrisonLIFE.D4.7_4

On the Relationship Between Organized Crime and the Brazilian Prison System*

Leonardo Simões Agapito¹ , Matheus de Alencar e Miranda² ,
Rodolfo Kruczewski Redies³  and Túlio Felipe Xavier Januário⁴ 

The aim of the present paper is to analyze how criminal organizations influence the daily life of Brazilian prisons and how ineffective the solution presented by the government is in terms of trying to control the conflicts and rebellions in which they are routinely involved. To this end, we will study the emergence of the main criminal organizations in Brazil, namely the “Comando Vermelho” and the “Primeiro Comando da Capital (PCC)”, in order to determine what factors influenced their founders to converge their interests and form these groups, which are currently no longer limited to the intra-prison space, but rather control entire slums in large Brazilian cities, controlling not only drug trafficking, but also the daily lives of their inhabitants. Subsequently, based on the theoretical framework of penal abolitionism, we will demonstrate that the solutions presented by the government are incapable of controlling the emergence and action of criminal organizations.

KEYWORDS: criminology / criminal organizations / organized crime / Brazilian prison system / Thomas Mathiesen

* This is an invited paper presented by Túlio Felipe Xavier Januário at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Agapito, L. S., Miranda, M. A., Redies, R. K., & Januário, F. X. J. (2024). On the Relationship Between Organized Crime and the Brazilian Prison System. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 159–163). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.30>

¹ Professor, São Paulo State University, Brazil; <https://orcid.org/0000-0002-8904-7766>

² PhD in Criminal Law, State University of Rio de Janeiro, Brazil; <https://orcid.org/0000-0003-0564-6807>

³ LLM, University of Coimbra, Portugal; <https://orcid.org/0000-0003-4419-193X>

⁴ PhD Candidate, University of Coimbra, Portugal; <https://orcid.org/0000-0003-0400-1273>

Correspondence: Túlio Felipe Xavier Januário, University of Coimbra, Portugal.
Email: tuliofxj@gmail.com

Introduction

Overview of the Brazilian Prison Crisis

In 2017, the already well-known Brazilian prison situation became even more evident, when, on January 1st, a conflict between organizations occurred in the Anísio Jobim Penitentiary Complex, in the city of Manaus, in which 60 (sixty) inmates were killed, becoming the second largest massacre in the history of the country. In the same week, in retaliation for the previous attack, 33 (thirty-three) people were executed in the agricultural penitentiary of Monte Cristo, in the state of Roraima. Later, another 26 (twenty-six) were executed on January 14th, in the penitentiary of Alcaçuz, in Rio Grande do Norte (Oliveira, 2017).

The policy commonly adopted by Brazil, regarding its prisons overcrowding is the constant investment in the construction of new prisons, an ineffective solution which has high economic and social costs. In the present paper, we specifically analyze the connection between the prison situation in Brazil and the emergence of the largest criminal organizations operating in the country.

The Brazilian Prison System and Organized Crime

Emergence of Criminal Organizations

During the Brazilian military regime, many people convicted of political crimes were sent to the “Ilha Grande” Prison, one of the poorest and most unhealthy penitentiaries in the State of Rio de Janeiro, where the most dangerous convicts were sent, due to a government policy that attempted to equate these crimes with the so-called “common crimes” (Amorim, 1993).

The convictions resulting from the National Security Law, regarding political crimes, had a strong influence on the origins of the “Comando Vermelho”. With the political prisoners, the inmates learned several techniques to increase the effectiveness of their ventures, such as escape techniques, organizing more elaborate robberies and assembling more effective devices at home. But, even more importantly, they realized that if they joined forces, they would have a strong power to gain traction with the prison administration (Amorim, 1993, p. 27–44).

The most important episode for its emergence occurred on September 17th, 1979, in an episode known as “Saint Barts' Night”. After a failed escape attempt, the Comando Vermelho ordered an attack and took control of the Ilha Grande Prison after eliminating the main leaders of the so-called “Falange Jacaré” (Amorim, 1993; Shimizu, 2011).

The Comando Vermelho’s policy was then established in the Ilha Grande Prison, an ideology that ended up spreading throughout the prison system in Rio

de Janeiro, which was aggravated by a poor judgment made by the government of Rio de Janeiro, who transferred inmates due to the incident. As a result, the group's policies gained notoriety, increasing its number of members (Amorim, 1993, p. 27–44).

It is important to note, therefore, that contrary to what is commonly reported in the press, Comando Vermelho was not always directly linked to drug trafficking, having been founded, on the contrary, with clear objectives of “self-defense” for the inmates, who saw in unity among themselves a possibility of improving conditions in prison (Shimizu, 2011, pp. 123–124).

Just as had happened with the Comando Vermelho, the so-called “Primeiro Comando da Capital (PCC)” emerged within the prisons of São Paulo, with the main purpose of protecting prisoners from the inhumanities committed against them by other inmates and also by the police and prison administration.

It originated in the Penitentiary Readaptation Center attached to the Taubaté Custody Center, in the state of São Paulo, popularly known as “Piranhão”, because it housed the most dangerous convicts in the state. This establishment soon gained notoriety for being one of the cruelest in the country, due to the atrocities committed there, such as daily beatings, isolation of inmates, difficulties in contacting lawyers and family members, and torture (Teixeira, 2006, pp. 119–126). The establishment operated similarly to a “strong cell”, with inmates locked up for up to 23 (twenty-three) hours a day and allowed to take short sunbaths in small groups, with communication between them prohibited. Visits were limited and prisoners were beaten with iron bars, and they also received poor and scarce food. Hygiene conditions were precarious, with insects being inserted into food and the toilet flushed by prison staff from outside the cell at their discretion (Dias, 2011, pp. 101–102).

It was in this context that, in 1993, the founding pact of the PCC was sealed, with the aim of seeking better prison conditions by directly combating those primarily responsible for the situation at the time. Among the organization’s declared objectives, taken from its own “manifesto” promulgated at the time, was the deactivation of the Taubaté Custody House and the protection of inmates in light of the recent events at Carandiru.

Despite the size and complexity that it acquired, the public authorities initially adopted a defensive position, denying any speculation in the press about the existence of a group that controlled the prisons in São Paulo. This situation was only changed with the mega-rebellion that occurred in 2001 (Shimizu, 2011, pp. 138–139). Using cell phones as the main means of organization, the group promoted a rebellion that affected 29 (twenty-nine) prisons in the State of São Paulo, which resulted not only in direct damage, namely deaths, injuries and damage to public and private property, but also in the dissemination of the PCC and its ideology (Dias, 2011, p. 171). It is estimated that the number of rebels was

close to 28,000 (twenty-eight thousand prisoners), in 19 (nineteen) different municipalities (Porto, 2007, p. 75).

In May 2006, however, an even larger rebellion occurred, once again organized by the PCC. On this occasion, between the 12th and the 20th, approximately 73 (seventy-three) prisons rebelled, and 439 (four hundred and thirty-nine) people died. These deaths were also accompanied by waves of violence and attacks against police officers and prison guards, private buildings, buses and civilians (Camilo, 2009, p. 63). It is speculated that the uprising only ended after an agreement between the faction's leaders and public authorities (Souza, 2007, pp. 230–231), being also speculated the existence of a possible arrangement regarding a division of internal control of the prisons, transforming the faction into a private manager of them (Caldeira, as cited in Shimizu, 2011, p. 144).

The Role of the State

Brazilian prisoners are subject to situations of extreme human degradation resulting from prison overcrowding and state abuse. The environment in which they live is conducive to revolt and the need to assert independence, which occurs in defiance of the social values responsible for the legitimacy of the functioning of the penal and penitentiary system (Shimizu, 2011, p. 188).

Few examples seem clearer than the Brazilian prison system when it comes to demonstrating the potential of the State to become a traumatic agent, since the “war against criminals” carried out by the Brazilian State ends up operating its penal system almost as a genocidal apparatus. It is against this “tyrannical” State that represses the people subjected to it that the founders of the criminal organizations sought to impose themselves while planning the founding of the resistance groups (Shimizu, 2011, pp. 195–199).

Policy Implications

The pro-incarceration policy adopted in the country and the degrading conditions of the Brazilian prison system are the origins of those groups, which are instruments of defense of the prisoners, who unite in the form of a mass, to resist the oppression of the “father”.

Conclusion

That being said, the Brazilian policy of building new prisons in order to control the penitentiary crisis and remedy the historical problem of controlling criminal factions in these spaces is shown to be irrational, since, as demonstrated, not only are they a favorable environment for the emergence of those groups, due to the

constant disrespect for human rights that are committed in them, but also because incarceration itself is an institution that is increasingly less sustainable as a way of solving crime.

References

- Amorim, C. (1993). *Comando vermelho: A história secreta do crime organizado*. Rio de Janeiro: Editora Record.
- Camilo, J. (2009). *O jornal e a prisão: Uma análise da cobertura dos ataques do PCC em 2006 pela Folha de S. Paulo e O Estado de S. Paulo* (Master's thesis, Cásper Líbero Faculty, São Paulo).
- Dias, C. C. N. (2011). *Da pulverização ao monopólio da violência: Expansão e consolidação do Primeiro Comando da Capital (PCC) no sistema carcerário paulista* (Doctoral dissertation, Faculty of Philosophy, Literature and Human Sciences, University of São Paulo, São Paulo). Retrieved from <http://www.teses.usp.br/teses/isponiveis/8/8132/tde-13062012-164151/pt-br.php>
- Oliveira, N. (2017). Entenda a crise no sistema prisional brasileiro. *Agência Brasil; TV Brasil. Rádio EBC*. Retrieved from <https://www.ebc.com.br/especiais/entenda-crise-no-sistema-prisional-brasileiro>
- Porto, R. (2007). *Crime organizado e sistema prisional*. São Paulo: Atlas.
- Shimizu, B. (2011). *Solidariedade e gregarismo nas facções criminosas: Um estudo criminológico à luz da psicologia das massas*. São Paulo: IBCCRIM.
- Souza, F. (2007). *PCC: A facção*. Rio de Janeiro: Record.
- Teixeira, A. (2006). *Do sujeito de direito ao estado de exceção: O percurso contemporâneo do sistema penitenciário brasileiro* (Master's dissertation, University of São Paulo), pp. 119–126.

Protection of Prisoners' Human Rights in Croatia: Analysis of Legal Framework and Practice*

Irma Kovčo Vukadin¹,  Saša Rajić²  and Martina Pleško³ 

Prisoners represent a specific group in terms of human rights protection. The aim of this paper was to contribute to this topic by analysing the legal framework and practise of the protection of prisoners' rights in Croatia, specifically implementation of European Prison Rules in domestic legislation and the protection of prisoners' human rights from the perspective of national and international monitoring bodies and the European Court of Human Rights. In order to achieve the aim of this paper, four research questions were set up: 1) Is the Croatian legislation harmonised with the European Prison Rules in terms of the selected provisions (basic principles and inspection and monitoring rules) on respect for the human rights of prisoners, 2) What does the protection of prisoners' rights look like in the practise of Croatian monitoring mechanisms, 3) What is the picture of prisoners' rights protection in Croatia from the perspective of Committee for Prevention of Torture (CPT), and 4) What are the most frequent violations of the rights of Croatian prisoners from the practise of the European Court of Human Rights? Results showed that Croatian legislation is harmonized with the European Prison Rules (in analysed topics) (1), and that the main challenges are material conditions, overcrowding and the shortage of the prison staff having a cascading effect on violation of prisoners' rights (2, 3, 4). While significant strides have been made, continuous efforts are necessary to address persistent challenges.

KEYWORDS: human rights / prisoners / Croatia

* This is an invited paper presented by Martina Pleško at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Kovčo Vukadin, I., Rajić, S., & Pleško, M. (2024). Protection of Prisoners' Human Rights in Croatia: Analysis of Legal Framework and Practice. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 165–200). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.37>

¹ University of Zagreb, Faculty of Education and Rehabilitation Sciences, Department of Criminology, Zagreb, Croatia; <https://orcid.org/0000-0003-2139-6748>

² Republic of Croatia, Office of the Ombudsman, Croatia; <https://orcid.org/0009-0004-9106-9253>

³ University of Zagreb, Faculty of Education and Rehabilitation Sciences, Department of Criminology, Zagreb, Croatia; <https://orcid.org/0009-0004-1136-7809>

Correspondence: Martina Pleško, University of Zagreb, Faculty of Education and Rehabilitation Sciences, University Campus Borongaj, Borongajska cesta 83f, 10000 Zagreb, Croatia. Email: martina.plesko@erf.unizg.hr

Introduction

Prisoners' rights are a very specific topic due to the specific context of their implementation. They can be viewed within the frame of correctional philosophy in modern society. Although prison as a criminal sanction has been widely criticised in terms of its potential to rehabilitate the offender (Mathiesen, 2006) and lead to a positive outcome, it is still dominant criminal sanction in contemporary society.

The development of prisoners' rights reflects a broader societal shift towards recognising the inherent dignity and humanity of all people, regardless of their incarceration status. Incarcerated individuals, despite their confinement, retain certain basic human rights, which are protected by various international legal frameworks and national laws. International treaties and instruments are important sources for prisoners' human rights (Krabbe & van Kempen, 2017), which are implemented in national laws.

At a global level, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) serve as cornerstones for the global recognition of prisoners' rights. They ensure that even those deprived of their liberty are treated with respect and protected from torture, inhumane treatment and discrimination (United Nations, 1948, 1966). Besides those, there are several instruments that have been created to set a standard for the treatment of prisoners. The main standards are set in the UN Standard Minimum Rules for the Treatment of Prisoners (originally created in 1955 and revised in 2015, currently called the Nelson Mandela Rules). Additional standards for specific prison population or conditions are set in many other documents, e.g. the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)⁴, the Basic Principles for the Treatment of Prisoners (1990)⁵, the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (2010)⁶, the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (1985)⁷, and the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)⁸. Beside human rights sources, there are other sources important for the protection of the human rights of prisoners in the context of monitoring prisoners' rights. One of the frequently cited documents is the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984)⁹ with the Optional Protocol to the Convention against Torture and Other Cruel,

⁴ <https://digitallibrary.un.org/record/53865?v=pdf>

⁵ <https://digitallibrary.un.org/record/105348?v=pdf>

⁶ https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf

⁷ https://www.unodc.org/pdf/compendium/compendium_2006_part_01_02.pdf

⁸ <https://digitallibrary.un.org/record/105555?v=pdf>

⁹ https://legal.un.org/avl/pdf/ha/catcidtp/catcidtp_e.pdf

Inhuman or Degrading Treatment or Punishment (2002)¹⁰. Article 3 of the Convention prohibits torture or inhuman or degrading treatment or punishment, which is particularly important in the prison context, while the Optional Protocol obliges state parties to establish visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment – national preventive mechanisms (Article 3).

At European level, the main human rights instrument is the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (1950)¹¹. The European Court of Human Rights was established according to the European Convention (Article 19) and serves as an important instrument for the protection of the prisoners' rights (Article 3 prohibits torture, inhuman and degrading treatment or punishment).

Another important instrument at European level is the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2002)¹², which is based on Article 3 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. This instrument established the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT: Committee for Prevention of Torture) with a mandate of visiting places of detention and assessing “how persons deprived of their liberty are treated in order to strengthen their protection from torture and inhuman or degrading treatment or punishment” (CPT, 2024).

In terms of standards for the treatment of prisoners, the main standards are set out in the European Minimum Rules for the Treatment of Prisoners¹³ (1973) and the European Prison Rules (1973, 1987, 2006, 2020). Standards developed for the treatment of prisoners, although they are so-called soft instruments (non-legally binding), are important because they are often used as indicators of the protection of prisoners' rights.

Based on all the above mentioned, it can be concluded that prisoners' rights are properly addressed and guaranteed. However, the implementation of prisoners' rights varies significantly across different jurisdictions, leading to major differences in the treatment of incarcerated individuals. Factors such as the political climate, legal framework, socio-economic conditions and cultural attitudes towards punishment and rehabilitation contribute to these variations (Penal Reform International, 2020). In some regions, prisoners' rights continue to be severely violated. These include overcrowded conditions, inadequate access to medical care and a lack of educational and rehabilitative opportunities. These conditions not only contravene international human rights standards, but also

¹⁰ https://treaties.un.org/doc/source/docs/A_RES_57_199-E.pdf

¹¹ <https://rm.coe.int/1680063765>

¹² <https://rm.coe.int/16806dbaa3>

¹³ <https://rm.coe.int/16804fac9a>

hinder the broader objectives of criminal justice systems, which are increasingly recognised as needing to focus on rehabilitation and reintegration, rather than mere retribution (Coyle et al., 2016; Penal Reform International, 2020; WHO, 2023).

The protection of prisoners' human rights in Croatia has not been the subject of a comprehensive analysis in the last 10 years, especially after adoption of a new Law on Enforcement of Prison Sentence and revised European Prison Rules¹⁴. This paper aims to analyse the legal framework and practise of the protection of prisoners' rights in Croatia, in particular implementation of the specific provisions¹⁵ European Prison Rules in domestic legislation and the protection of prisoners' human rights from the perspective of national and international monitoring bodies and the European Court of Human Rights. The main reason for this approach is that in the analysis of the compliance of the prison sentence execution system with European standards, it is not enough for the legislator to adopt the standards; it is necessary to determine whether mechanisms for the effective implementation of these provisions and the protection of prisoners' rights in practice have been established (Pleić, 2012a). The aim of this paper is also to draw more attention to the human rights of this specific group of citizens.

Croatian Prison System

This chapter provides an overview of the Croatian prison system, both in terms of organisational features and some basic characteristics of prisoners.

The Croatian Prison System (together with the Probation System) is one of nine directorates of the Croatian Ministry of Justice, Public Administration and

¹⁴ Several papers have been published on specific rights or specific aspects of certain rights. For example, Pleić (2014) analysed execution of the security measure of compulsory psychiatric treatment and security measure of compulsory treatment of addiction from the aspect of the protection of the rights of prisoners with mental health disorders, Ivičević Karas (2014) analysed specific prisoners' human rights through the judgements of the European Court of Human Rights and the recent practice of the Constitutional court, Pleić (2016) analysed the judgements of the European Court of Human Rights for the violation of Article 3, Zagorec (2018) analysed the right for appropriate accommodation, Novokmet et al. (2019) analysed ineffective investigation into allegations of ill-treatment by police officers and prison staff, Bukovac Puvača & Škorić (2023) published a paper on state liability for damage caused by inadequate conditions in prisons, Marochini Zrinski (2023) analysed the recent developments in the case-law of the European Court of Human Rights on the lack of effective access to the Constitutional Court due to the unpredictable and retroactive application of the admissibility criteria for filling a constitutional complaint, Đuras (2023) analysed a compensation for damages due to conditions in prison through the practice of the Croatian Constitutional court, and Horvat (2023) analysed Croatian experience of cruel, inhuman and degrading treatment of persons deprived of their liberty in the context of international human rights standards.

¹⁵ It is impossible to analyse all the rules in a single paper of limited scope; a more appropriate format for such analysis would be a dedicated publication.

Digital Transformation (Directorate for the Prison System and Probation). It is organised hierarchically with the Central Office for the prison system and correctional facilities. Correctional facilities consist of seven penitentiaries (one of which is the Zagreb Prison Hospital), 14 prisons, two reformatories¹⁶ and two centres (Diagnostic Centre and Training Centre).

Penitentiaries are established for convicted adult offenders (juveniles are placed in special units), and prisons for pre-trial detention, detention ordered in misdemeanour proceedings, prison sentences or fines that have been replaced by prison sentences imposed in criminal, misdemeanour or other court proceedings. The Prison Hospital is a penitentiary with the status of a healthcare institution. The Diagnostic Centre is a special unit with a task of performing professional medical, social, psychological, socio-pedagogical and criminological treatment of prisoners in order to assess criminogenic risks and treatment needs, classify them, propose an orientation programme for execution and propose a penitentiary or prison where the prisoner will continue to serve his prison sentence (Article 21 of the Law on Enforcement of Prison Sentence). Every convicted offender sentenced to imprisonment for a term longer than six months or whose unserved part of the sentence exceeds six months is referred to the Diagnostic Centre¹⁷. The Training Centre is a training facility for prison system employees.

According to the level of security and the restriction of prisoners' freedom of movement (security conditions), penitentiaries are closed, semi-open or open, while prisons are of the closed type. Nevertheless, penitentiaries, as well as prisons can have closed, semi-open and open wards (Article 26). Male and female prisoners are placed separately¹⁸, as are juvenile¹⁹ and adult prisoners. In prisons (where are pre-trial detainees and sentenced offenders) there are two separate regimes (due to their different legal status) and prisoners are separated.

The Croatian prisoner rate in 2022 was slightly below the European average (the European average rate was 108 and the Croatian 106) (Eurostat, 2024²⁰). In a five-year period (2018–2022), prison sentence was imposed to 17% of sentenced persons in Croatia (Mrčela, 2023). According to the report for the year 2022²¹, the

¹⁶ The correctional measure for juvenile offenders – referral to a reformatory is the only juvenile measure under the jurisdiction of the Ministry of Justice, Public Administration and Digital Transformation. All other correctional measures are under the authority of the Ministry of Labour, Pension System, Family and Social Policy.

¹⁷ Those sentenced to a prison sentence of up to six months or for who the unserved part of the sentence does not exceed six months are sent to the nearest prison according to their place of residence.

¹⁸ The only penitentiary for female prisoners is in Požega.

¹⁹ For female juveniles in special unit in Požega penitentiary, and for male juveniles in Penitentiary in Turopolje.

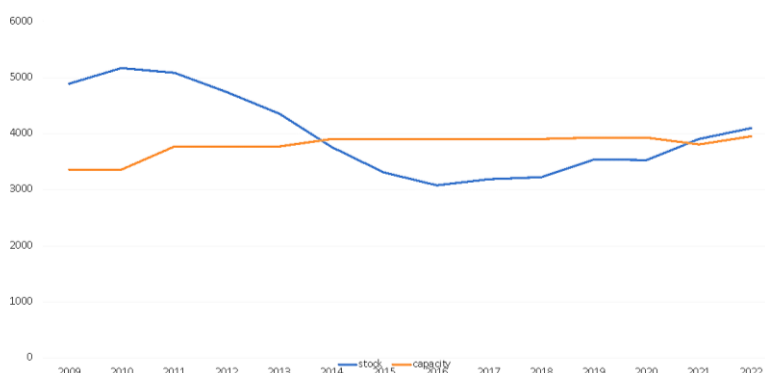
²⁰ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Prison_statistics

²¹ The report for 2023 has not yet been published.

total capacity of the prison system is 3953 (Vlada RH, 2024a). In 2022, the occupancy level was 76% in closed, 16% in semi-open and 8% in open conditions.

Graph 1

Number of prisoners (on December 31) and capacity (Vlada RH, 2017, 2024a)



The data in Graph 1²² provides a picture of overcrowding in the Croatian prison system. It can be seen that the Croatian prison system was struggling with overcrowding till 2014 and that overcrowding conditions are reemerging. Due to the earthquake, the prison in Sisak was closed and the capacity of Glinja penitentiary was reduced. Several adjustments and new capacities were made to prevent overcrowding in close conditions (Vlada RH, 2024a). Since 2010, several efforts have been made to prevent overcrowding in Croatian prison system – a new Criminal Code brought changes regarding alternative sanctions, earlier prisoners' release, changes in Criminal Procedure Law limited duration of the pre-trial detention and a probation system was developed (Vlada RH, 2017). Croatia introduced electronic monitoring with parole, based on the Law on Enforcement of Prison Sentence (Article 169) by passing the Ordinance on Parole with Electronic Monitoring (Pravilnik o uvjetnom otpustu uz elektronički nadzor, NN 78/22). A special office within the probation system was established for implementation of this measure (Vlada RH, 2024b). Electronic monitoring (which can be used in different parts of the criminal justice proceedings and sanctions) is attracting greater interest in the attempt to reduce overcrowding of the prison system²³.

²² The data presented in this chapter cover different time frames due to changes in the reporting format.

²³ Italy, for example, has introduced two decrees: on house arrest for prisoners with a final conviction and for those awaiting trial (Di Vita, 2020).

Table 1 presents data on different status of prisoners for the period 2018–2022. In less than 2/3 of cases, prisoners are serving their prison sentence for criminal offences, in 1/3 of cases they are in pre-trial detention²⁴. The rest of the prisoners are serving a prison sentence for misdemeanours, or the fine (in misdemeanour proceedings) has been replaced by a prison sentence, or they have been detained pursuant to Misdemeanour Law²⁵. The juveniles' share in prison population is very low.

Table 1

Prisoners' status on December 31 (frequencies and percentage)
(Vlada RH, 2020, 2022, 2024a)

	2018	2019	2020	2021	2022	2018–2022
Prison sentence	2080	2125	2128	2461	2492	11286
%	64.6	60.1	60.3	63.0	60.9	61.7
Pre-trial detention	998	1252	1281	1312	1488	6331
%	31.0	35.4	36.3	33.6	36.4	34.6
Misdemeanour	89	91	60	81	58	379
%	2.8	2.6	1.7	2.1	1.4	2.1
Juvenile prison	8	10	11	11	8	48
%	0.2	0.3	0.3	0.3	0.2	0.3
Juvenile reformatory	44	55	51	40	45	235
%	1.4	1.6	1.4	1.0	1.1	1.3
TOTAL	3219	3533	3531	3905	4091	18279
%	100.0	100.0	100.0	100.0	100.0	100.0

As in many other countries, dominant type of criminal offences are property crimes (on average 34.1%), followed by criminal offences against life and limb (on average 14.2%) and crimes against health²⁶ (on average 9.6%) (Vlada RH, 2020, 2021, 2022, 2024a). Share of female prisoners in Croatia is relatively stable (ranging from 4 to 5.5% in the period 2013 – 2022) (Kovčo Vukadin & Pleško, 2024) which is within European average (European average in 2021 and 2022 was 5.3%) (Eurostat, 2024). In 2022 (Vlada RH, 2024a), most prisoners were serving

²⁴ This share is higher than in previous period (Vukota & Žulj (2012) noted the average share of pre-trial detainees to be at about 24% in 2009 and 2010), and higher than the European average (one in five prisoners were untried) (Eurostat, 2024).

²⁵ The share of this group is much lower than in 2010 when their share in total prison population was 32% (Plečić, 2012a).

²⁶ Drug-related crimes belong to the group of criminal offences against health. In previous Criminal Code, they were in the group against values protected by international law. It is therefore not possible to make precise calculations for earlier periods when criminal offences were grouped and not presented individually.

a prison sentence of 1 to 3 years (31.9%) and 6 months to a year (28.8%)²⁷. Most prisoners belong to the age group between 30 and 40 years (29.6%), followed by the age group between 40 and 50 years (25.2%). The majority of prisoners have a secondary education (55.5%), followed by elementary education (25.7%).

Aim and Methods

The aim of this paper is to analyse the protection of human rights of prisoners in Croatia from two perspectives: from the perspective of the legal framework and from the perspective of practise. To achieve this aim, the following research questions were formulated:

1. Is the Croatian legislation harmonised with the European Prison Rules (2020)²⁸ in terms of the selected provisions on respect for the human rights of prisoners (basic principles and inspection and monitoring rules²⁹)?
2. What does the protection of prisoners' rights look like in the practise of Croatian protective and preventive mechanisms (ombudsmen and National Preventive Mechanism)?
3. What is the picture of prisoners' rights protection in Croatia from the perspective of Committee for Prevention of Torture (CPT)?
4. What are the most frequent violations of the rights of Croatian prisoners from the practise of the European Court of Human Rights?

For getting answers to research questions, following analysis are conducted:

1. analysis of the implementation of the European Prison Rules (2020) (provisions on basic principles and inspection and monitoring rules) into Croatian legislation;
2. analysis of the reports of the Ombudsman, the specialised ombudsmen and the National Preventive Mechanism in the period from 2014 to 2023 (parts of the reports regarding prisoners);
3. analysis of the reports of the Committee for the Prevention of Torture (CPT) on visits to Croatia in the period from 2014 to 2023.

²⁷ According to the Croatian Criminal Code, which was in force in the period from 1998 to 2012, there were two types of prison sentence: 1. prison sentence with a duration of 30 days to 15 years and 2. long-term prison sentences with a duration of 20 to 40 years. According to the current Criminal Code, the duration of prison sentences has been changed so that there are now: 1. prison sentence from 3 months to 20 years and 2. long-term prison sentences from 21 to 40 years (in exceptional circumstances up to 50 years). It is interesting to note that there was an attempt to introduce a life sentence in Croatia in 2003.

²⁸ The European Prison Rules are chosen because the latest revision is harmonised with the Mandela Rules.

²⁹ As mentioned in the introduction, it is impossible to analyse all provisions in a paper of limited scope. The selected provisions are those that describe fundamental rights and those related to the monitoring of prisoners' rights.

4. analysis of the judgements of the European Court of Human Rights in which prisoners sued Croatia for violations of the European Convention on Human Rights and Fundamental Freedoms in the period from 2014 to 2023.

We have focussed our analysis on adult prisoners who have been sentenced to prison sentence.

Results and Discussion

Implementation of the European Prison Rules (2020) into the Croatian Law on Enforcement of Prison Sentence

Human rights and their protection are very important in correctional system. Respectful and fair treatment of prisoners by prison staff has been shown to contribute to better prisoner behaviour, better mental health, less violence in prison and a lower recidivism rate after release (Beijersbergen et al., 2016; Beijersbergen et al., 2015; Beijersbergen et al., 2014; Bieri, 2013). International experts have recognised the need for setting (and constantly developing) standards for the protection of prisoners' human rights.

The first version of the European Prison Rules was adopted in 1973 under the influence of the UN Standard Minimum Rules for the Treatment of Prisoners with the intention of creating a unified framework for the humane treatment of prisoners in the member states (Council of Europe, 1973; Molleman & Van der Laan, 2016). Several revisions were made to this first version as the Council of Europe recognised the need to update the rules in line with contemporary human rights standards and evolving penal practises. The 1987 revision introduced more specific guidelines on prisoners' rights (e.g. access to legal representation, healthcare and educational opportunities) (Council of Europe, 1987) and emphasised the importance of individual treatment and the principle of normality with the intention of minimising the differences between life inside and outside prison (Coyle, 2009). The 2006 revision brought a paradigm shift towards a more rehabilitative approach to incarceration. More detailed provisions related to prison management, staff training and the treatment of vulnerable groups, including juveniles, women and those with mental health needs were included (Council of Europe, 2006). This revision was based on increasing criminological studies showing the importance of maintaining prisoners' ties to their families and communities, providing them with access to meaningful activities and promoting their reintegration into society after release (Liebling & Maruna, 2013). The last update was in 2020, and this revision emphasised the importance of dynamic security that focuses on building positive relationships between staff and prisoners rather than relying solely on physical security measures (Council of Europe,

2020). The European Prison Rules are an important tool for member states to align their penal policies with international standards and to ensure that the treatment of prisoners respects their dignity and fosters their rehabilitation potential. They are regularly used by the European Court of Human Rights and the Committee for the Prevention of Torture (CPT) (PRI & CoE, 2023). The current version of the European Prison Rules consists of nine parts³⁰. The first part contains basic principles and explains the scope and application of the rules, the second part contains rules related to conditions of imprisonment, the third to health, the fourth to good order, the fifth to management and staff, the sixth to inspection and monitoring, the seventh to untried prisoners, the eighth to sentenced prisoners and the ninth to updating the rules. It would be impossible to analyse all the rules in one paper so in this paper we are focusing on the basic principles and monitoring of the human rights of prisoners in Croatian legislation.

The main legal document related to prison sentence is the Law on Enforcement of Prison Sentence (Zakon o izvršavanju kazne zatvora, NN 14/21, 155/23). The original law was adopted in 1999 (in force from 2000 to 2021). It has been amended (changes and amendments) 13 times. Significant changes were made in 2001 and the current legislative reform of the execution of a prison sentence and a prison system due to harmonisation with international conventions and European Prison Rules. In the meantime, the law has been amended due to changes in some other relevant domestic laws (Ministarstvo pravosuđa i uprave, 2020). The law currently in force is in line with the relevant domestic legislation, but also with international standards (Mandela Rules and European Prison Rules) as well as with the judgements of the European Court of Human Rights, the recommendations of the CPT, the National Preventive Mechanism and the Ombudsman. In addition, implementation of new technologies is also defined in this law. In addition to the norms about prisoners, this law also contains norms for employees aimed at improving working conditions and encouraging the employment of young people in the prison system, given the shortage of officers and employees and the difficult working conditions in the prison system (e.g. elevated stress, the possibility of attacks on officers and their family members, exposure to infectious illnesses, etc.) (Ministarstvo pravosuđa i uprave, 2020).

In addition to the law, there are 14 ordinances that define certain aspects of life and work in the Croatian prison system in more detail. Prisoners' rights are listed in the Law on Enforcement of Prison Sentences (Article 16):

- accommodation respecting human dignity and health standards,
- protection of personality and ensuring confidentiality of personal data,
- regular portions of food and water in compliance with medical standards,
- work,
- training,

³⁰ More on revised areas in PRI & CoE (2023).

- expert legal assistance and legal remedies for protection of his or her rights,
- medical care and protection of maternity,
- contacts with the outside world,
- a minimum of two hours a day to be spent outdoors within the prison or penitentiary,
- correspondence and conversation his/her attorney,
- exercise of religion and contacts with authorized religious representatives,
- getting married in prison or penitentiary,
- the right to vote on general elections.

Within the prison system, the protection of prisoners' rights is the responsibility of the enforcement judge (Chapter 7 of the Law on Enforcement of Prison Sentence)³¹.

In order to get an answer to our first question, we have listed the basic principles and Part VI (Inspection and Monitoring) of the European Prison Rules and compared them with the Croatian legislation. As can be seen from Table 2, the Croatian legal framework is harmonised with the compared parts of the European Prison Rules. The main principle of humane and respectful treatment of persons deprived of their liberty is enshrined in the Constitution of the Republic of Croatia, and all others are clearly set in the Law on Enforcement of Prison Sentence. The only European principle that is not set in Croatian legislation is Basic Principle 4, as it is more in line with the political will³². As for the Part VI of the European Prison Rules, all rules are evident in the basic legal document (Law on Enforcement of Prison Sentence) or in legal norms of other independent bodies.

Therefore, we can conclude that Croatian legislation is harmonised with the European Prison Rules (in the analysed topics).

³¹ The enforcement judge was introduced in the 1999 amendments as a mechanism for judicial supervision over the enforcement of prison sentence (more on the enforcement judge in Babić et al., 2006, Josipović et al., 2001, Ljubanović, 2006, Tomašević et al., 2012a, Tomašević et al., 2012b). Apart from other duties, the enforcement judge visits prisoners at least once a year, talks to them and informs them about their legal rights and the possibilities of exercising their rights (Law on Enforcement of Prison Sentences, Article 54).

³² Several previous ministers of justice have announced the construction of new prison capacities in Croatia, but these plans were not realized due to financial constraints and administrative obstacles. The current minister has announced the construction of five new prisons in October 2024 - the first two prisons (in Varaždin and Lipovica) would be modular with a capacity for 150 prisoners, while the remaining three prisons would be in the municipality of Perušić (with a capacity for around 400 prisoners) and in the Sisak-Moslavina and Osijek-Baranja counties (<https://dnevnik.hr/vijesti/hrvatska/ministar-habijan-najavio-da-ce-se-graditi-pet-novih-zatvora---871682.html#lmState=4540021:2>).

Table 2

Comparative overview of basic principles and Part VI of the EPR and Croatian legislation

European Prison Rules	Croatian legislation
Basic principles	
1. All persons deprived of their liberty shall be treated with respect for their human rights.	<p>Every arrestee and convict must be treated humanely, and their dignity must be respected (Ustav RH, Article 25).</p> <p>The prison sentence is carried out in a way that guarantees respect for the prisoner's human dignity. Punishable procedures are also prohibited, including biomedical and other scientific research that subjects a prisoner to any form of torture, abuse or humiliation, as well as medical or scientific experiments (LEPS, Article 11/1).</p>
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.	The prisoner enjoys the protection of fundamental rights established by the Constitution of the Republic of Croatia, international treaties and this Law (LEPS, Article 4/1).
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.	<p>During the execution of the prison sentence, a prisoner may be restricted in his fundamental rights only to the extent necessary to achieve the purpose of the execution of the sentence and in the procedure prescribed by this Law (LEPS, Article 4/2).</p> <p>Restrictions on the fundamental rights of prisoners from this Act must be proportionate to the reasons for which they are applied (LEPS, Article 4/4).</p>
4. Prison conditions that infringe prisoners' human rights are not justified by lack of resources.	Not legally defined, depends on a political will.
5. Life in prison shall approximate as closely as possible to positive aspects of life in the community.	The penitentiary, or prison, does everything to make the life of the prisoner as similar as possible to life in freedom during the execution of the prison sentence (LEPS, Article 14/1).
6. All detention shall be managed so as far to facilitate the reintegration into free society of persons who have been deprived of their liberty.	The main purpose of serving a prison sentence is, along with humane treatment and respect for the dignity of a person serving a prison sentence, training him for life in freedom in accordance with the law and social rules, thus contributing to the protection of the social community (LEPS, Article 3).
7. Co-operation with outside social services and, as far as possible, the involvement of	In the execution of prison sentences, the administrative organization for the prison system cooperates with other state bodies, scientific and other institutions and institutions, professional associations and

civil society in prison life shall be encouraged.	other legal entities in order to improve the conditions of prison sentences and help prisoners after release (LEPS, Article 9/2). Preparation for release, if necessary, also includes taking measures to organize accommodation and food, organize treatment, regulate residence or place of residence, improve family relations, find employment, complete education, provide financial support to meet the most necessary needs, and other forms of support. In order to help the prisoner after his release, the penitentiary or the prison can ask the state authorities, institutions and associations to take measures within their jurisdiction (LEPS, Article 177/3).
8. Prison staff carry out an important public service and their recruitment, training and conditions of work shall enable them to maintain high standards in their care of prisoners.	The tasks of execution of a prison sentence are of particular interest to the Republic of Croatia (LEPS, Article 1/2). For civil servants and employees in penitentiaries, prisons, or centres, continuous professional training is mandatory in accordance with the rulebook on professional training in the prison system (LEPS, Article 38/1).
9. All prisons shall be subject to regular inspection and independent monitoring.	Supervision over respect for the human rights and fundamental freedoms of prisoners is carried out by the Ombudsman and special ombudsmen in accordance with special regulations and international bodies based on international treaties to which the Republic of Croatia is a party (LEPS, Article 20).
Part VI: Inspection and monitoring	
(Inspection) 92. Prisons shall be inspected regularly by a State agency in order to assess whether they are administered in accordance with the requirements of national and international law and the provisions of these rules.	Professional supervision (LEPS, Article 30): The Ministry responsible for judicial affairs, in addition to the authority from the general regulation regarding the performance of supervision, is authorised to cancel or abolish any irregular or illegal act of the penitentiary, prison or center and to order the adoption of a new act or just to pass an act (30/1). The central office monitors, improves and supervises the legality of work and actions in penitentiaries, prisons, or centers, carries out expert supervision over the work of penitentiaries, prisons, or centers, monitors and studies the application of regulations that apply in the prison system, directly undertakes or proposes measures for improvement to competent authorities of the prison system, collects and processes statistical data and performs other tasks prescribed by this Act and other regulations (30/2). Supervision over the provision of health care to persons deprived of liberty in the prison system is carried out by the ministry responsible for health, and over education programs for persons deprived of liberty and their implementation by the ministry responsible for education (30/3). The Ordinance on professional supervision in the prison system (Pravilnik o stručnom nadzoru u zatvorskom sustavu, NN 137/21) contains rules on regular and exceptional supervision.
(Independent monitoring) 93.1. To ensure that the conditions of detention and the treatment of prisoners meet the requirements of national and international law and the provisions of	Croatia has general ombudsman (Zakon o pučkom pravobranitelju, NN 76/12) and specialized ombudsmen: ombudsman for children (Zakon o pravobranitelju za djecu, NN 73/17), ombudsperson for gender equality (Zakon o ravnopravnosti spolova, NN 82/08, 69/17), and ombudsman for persons with disability (Zakon o pravobranitelju za osobe s invaliditetom, NN 107/07).

<p>these rules, and that the rights and dignity of prisoners are upheld at all times, prisons shall be monitored by a designated independent body or bodies, whose findings shall be made public.</p>	<p>The ombudsman and special ombudsmen are obliged to cooperate with each other in the field of promotion and protection of human rights, in accordance with the principles of complementarity, mutual respect and effectiveness in the protection and promotion of human rights (Zakon o pucdom pravobraniteljju, Article 32/1).</p> <p>Besides ombudsmen, Croatia established the National Preventive Mechanism in 2011 (Zakon o nacionalnom preventivnom mehanizmu, NN 18/11, 33/15) with the following activities:</p> <p>visits to premises occupied by or potentially occupied by persons deprived of liberty for the purpose of strengthening their protection against torture and other cruel, inhuman or degrading treatment or punishment, offering recommendations to competent authorities and institutions in order to ensure improvement of treatment of persons deprived of liberty as well as the conditions of their accommodation, for the purpose of preventing torture and other cruel, inhuman or degrading treatment or punishment, offering proposals of and comments about laws and other regulations, as well as draft laws and other regulations, in order to promote protection of persons deprived of liberty cooperation with United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: Subcommittee on Prevention of Torture), sending information to and organizing meetings with the Subcommittee on Prevention of Torture.</p>
<p>93.2. Such independent monitoring bodies shall be guaranteed:</p> <p>access to all prisons and parts of prisons, and to prison records, including those relating to requests and complaints, and information on conditions of detention and prisoner treatment, that they require to carry out their monitoring activities;</p> <p>the choice of which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview; and</p> <p>the freedom to conduct private and fully confidential interviews with prisoners and prison staff.</p>	<p>The Ombudsman Act (Article 28/1): The ombudsman can at any time without prior notice inspect places where persons deprived of liberty are located, places where persons whose freedom is restricted are found movements and places where individual groups whose rights and freedoms are located or reside the ombudsman protects. The ombudsman has the right to inspect all premises in bodies where performs an examination. (Article 28/4): The Ombudsman has the right to speak with all persons who can provide information related to the suspected violation of human rights by the conduct of the body or institution being inspected without the presence of officials from bodies or institutions from paragraphs 1 and 2 of this article.</p> <p>The Act on the National Preventive Mechanism (Article 5): Persons who participate in the performance of activities of the National Preventive Mechanism shall have the following powers: perform unannounced visits to bodies or institutions and inspect premises occupied by persons deprived of liberty; freely access information about bodies and institutions where persons deprived of liberty are situated; freely access information on the number of persons deprived of liberty placed in the visited body or institution; freely access all information about the manner in which persons deprived of liberty are treated, in accordance with the law; talk to persons deprived of liberty, having chosen such persons themselves and in the absence of the officers working in the body or institution being visited; talk to other persons that may provide them with necessary information in connection with suspected human rights violation resulting from the treatment received by such people from the body or institution being visited.</p>

93.3. No prisoner, member of the prison staff or any other person, shall be subject to any sanction for providing information to an independent monitoring body.	The Ombudsman Act (Article 20/4): No one may be prevented from submitting complaints to the ombudsman or placed in a disadvantageous position for addressing the ombudsman.
93.4. Independent monitoring bodies shall be encouraged to co-operate with those international agencies that are legally entitled to visit prisons.	National Preventive Mechanism cooperates with UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
93.5. Independent monitoring bodies shall have the authority to make recommendations to the prison administration and other competent bodies.	The Ombudsman Act (Article 15): The Ombudsman gives recommendations, opinions, suggestions and warnings to the bodies referred to in Article 4 hereof the Law. The Act on the National Preventive Mechanism (Article 8/3): If instances of torture and other cruel, inhuman or degrading treatment or punishment are established within a body or institution, the ombudsman shall duly warn the body or institution within which such a violation has been detected and provide related recommendations.
93.6. The national authorities or prison administration shall inform these bodies, within a reasonable time, on the action being taken in respect of such recommendations.	The Ombudsman Act (Article 27/1): The bodies referred to in Article 4 of this Act are obliged to inform the ombudsman within the time limit set by him determines, on the measures taken on the occasion of his recommendation or proposal. (Article 28/2): After the inspection, the ombudsman prepares a report, which he submits if necessary the body from paragraph 1 of this article and the body that supervises it. If there is in the report recommendations or remarks, the body from paragraph 1 of this article and the body that supervises it will notify the ombudsman immediately, and no later than within 30 days, of the action taken measures related to his report. The Act on the National Preventive Mechanism (Article 8/3): The body or institution where such a violation has been established is obligated to undertake measures in response to the ombudsman's warning or recommendations within the time limit specified in the report and notify the ombudsman without delay on the undertaken measures.
93.7. Monitoring reports and the responses thereto shall be made public.	The Ombudsman Act (Article 16/4): Annual and special reports are published on the Ombudsman's website and make it available to the public in another appropriate way. The Act on the National Preventive Mechanism (Article 9): The ombudsman shall prepare and publish the annual report on the performance of activities of the National Preventive Mechanism.

Protection and Supervision of Respect for the Human Rights of Prisoners from the Perspective of the Ombudsman and the National Preventive Mechanism

According to the Ombudsman Act, the Ombudsman is the representative of the Croatian Parliament for the promotion and protection of human rights and freedoms established by the Constitution, laws and other international legal acts on human rights and freedoms accepted by the Republic of Croatia. The Ombudsman also performs other tasks determined by special laws (the Anti-Discrimination Act, the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Act for the Protection of Persons Reporting Irregularities).

The Ombudsman in the Republic of Croatia has five mandates: 1) Ombudsman – protection against illegal and inappropriate actions of public authorities; 2) national institution for human rights; 3) central body for combating discrimination; 4) national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment; 5) external body for reporting irregularities – protection of the so-called “whistleblower”.³⁸

In accordance with the 2002 Optional Protocol to the UN Convention against Torture (OPCAT), in 2012 the Parliament of the Republic of Croatia authorised the Ombudsman to perform the tasks of the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Service for Persons Deprived of their Liberty and the National Preventive Mechanism within the Ombudsman office fulfil tasks related to the protection of the human rights of all persons deprived of their liberty, including prisoners, and it is important to emphasise their dual role. The first is protective, i.e. reactive, which refers to actions based on the Constitution of the Republic of Croatia and the Ombudsman Act, actions based on individual complaints of persons deprived of their liberty regarding violations of their constitutional, convention and legal rights. The second role is preventive and refers to actions based on the OPCAT and the Law on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The preventive role is carried out by unannounced visits to places where persons deprived of their liberty are or may be present and aims to prevent future violations and avoid torture. Representatives of the National Preventive Mechanism make recommendations to the facilities and/or competent authorities based on the observations made during the visits in order to improve the treatment of these persons and the conditions in which they are held.

³⁸ <https://www.ombudsman.hr/hr/>

According to Article 131, paragraph 4 of the Law on Enforcement of Prison Sentence, prisoners have the right to correspond with a lawyer, state authorities and organisations for the protection of human rights without restriction or control of the content of the correspondence. According to Article 20 of the Ombudsman Act, anyone who believes that their constitutional or legal rights and freedoms have been threatened or violated by the illegal or improper activities of the authority may file a complaint to the Ombudsman to initiate proceedings. Persons deprived of their liberty submit a complaint and receive a reply from the Ombudsman in a sealed envelope, without restrictions or monitoring of the contents.

Prisoners address individual and sometimes collective complaints to the ombudsman, in which they describe situations and circumstances in which they believe their rights have been violated. Table 3 shows the number of cases/complaints from prisoners submitted to the Ombudsman in the period from 2014 to 2023. To get an idea of the extent of prisoner complaints, a percentage has been calculated in relation to the number of prisoners in the prison system in each year.

Table 3

*Number of cases/complaints from prisoners submitted to the Ombudsman
(Source: annual reports of the Ombudsman)*

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of prisoners complaints	178	165	156	136	169	203	183	210	176	156
%	4.73	4.99	5.06	4.26	5.25	5.74	5.18	5.37	4.3	3.5
The number of prisoners on 31.12.	3763	3306	3079	3190	3217	3533	3531	3905	4091	4445

The most complaints were submitted in 2019 (203), the fewest in 2017 (136)³⁹, while the largest share of complaints submitted in relation to the number of prisoners was in 2019 (5.74%) and the smallest in 2023 (3.5%).

As regards the content of the complaints lodged, most of the prisoners' complaints concerned the insufficient availability and quality of medical care, the behaviour of the staff of the Security Department, the accommodation conditions

³⁹ The presented data differ from those cited by Pleić (2012b) based on the analysis of the Ombudsman's reports for the period from 2002 to 2010. According to the data on complaints from persons deprived of liberty, after an initially small number of complaints (39 in 2002 and 33 in 2003), there was a significant increase in the number of complaints from 2005 (85 complaints) to 2010 (217 complaints). The author explains this by the frequent visits to prison system institutions and the increasing awareness of prisoners about the Ombudsman's powers.

(overcapacity), the inadequate legal protection (ineffective legal remedies), the violation of the right to contact with the outside world, insufficient and too little available treatment programmes, the behaviour of the staff of the Treatment Department, the impossibility, i.e. disapproval of transfer to another institution to serve the sentence, disapproval of benefits, violence between prisoners, inconsistencies and contradictions in treatment between different institutions based on the same legal regulations, shortcomings and contradictions of existing legal regulations⁴⁰.

The preventive role of the Ombudsman within the National Preventive Mechanism is performed through regular visits to places where persons deprived of their liberty are or may be present. He makes recommendations to the competent authorities and institutions in order to improve the conditions in which persons deprived of their liberty are found and to improve the treatment of these persons in order to prevent them from being treated illegally. The Ombudsman is authorised to make unannounced visits to facilities, inspect premises, have free access to data and conduct confidential interviews with prisoners.

Table 4 shows the visits to penal institutions (prisons and penitentiaries) as part of the NPM's work in the period from 2014 to 2023.

Table 4

Visits of the National Preventive Mechanism to penal authorities

	2014*	2015	2016	2017	2018	2019	2020*	2021	2022	2023
Number of visits	/	11	8	9	7	4	/	1	3	3

*In 2014, the NPM's activities focussed on visits to psychiatric institutions for the purpose of preparing the Special Report on the Human Rights of Persons with Mental Disorders in Psychiatric Institutions; 2020/2021 – no visits – so-called “Covid” measures.

Based on the data collected and observations made during the visits, recommendations were made to penal authorities and/or the Ministry to address the deficiencies identified.

⁴⁰ Pleić (2012b) finds similar content in prisoners' complaints during the period from 2002 to 2010: accommodation conditions and healthcare, denial of privileges, work engagement, transfers, etc. Tomašević et al. (2012b), based on a survey of execution judges, also cite poor and inadequate accommodation and hygiene conditions as the main content of prisoners' complaints during prison visits.

The recommendations indicated:

- the need to quickly and thoroughly investigate all reported cases of possible cruel, inhuman or degrading treatment;
- the enactment of the new Law on Enforcement of Prison Sentences (until the adoption of the new law) and changes and additions of the new law from 2021;
- the provision of additional health insurance for all prisoners who do not have a regular income;
- the necessary space adaptation and equipping of the health departments in prison institutions in accordance with the prescribed minimum standards;
- adoption of a protocol for dealing with persons on hunger strike;
- the adoption of a national plan to combat violence in prisons, which seeks to address the widespread problem of inter-prison violence, which is increasing and is not sufficiently recognised;
- insufficient numbers of employees⁴¹ and exhaustion of existing ones, inadequate work equipment, heavy administrative workload;
- the overcapacity of accommodation capacities as a permanent problem that is not sufficiently addressed;
- the insufficiency of the regulations with regard to the implementation of special regulatory and security measures, which leads to inconsistent treatment of persons deprived of their liberty.

The quote from the Report of the National Preventive Mechanism for the year 2022 best describes the extent to which the recommendations made are observed and implemented (but also gives a clear picture of the prisoners' human rights protection): "Insufficient accessibility of health care and the quality of the accommodation conditions are still the biggest problems in the prison system. Overcrowding is increased, and the situation is further aggravated by the insufficient number of the prison officers. Despite the fact that we have been warning about them for years, the normative deficiencies, particularly of the Criminal Procedure Act and the Law on Enforcement of Prison Sentence, which result in varying treatment, have still not been eliminated."⁴² It is important to highlight that chronic overcrowding is a significant problem recognized by the European Court of Human Rights. The Court has changed its stance from considering overcrowding as an "undesirable" condition, but not a violation of

⁴¹ According to the last report for the prison system (Vlada RH, 2024a, p. 57) as of December 31, 2022, there are a total of 3 562 systematized workplaces in penitentiaries, prisons, correctional institutions and centres, and 2 558 are filled, which is 71.8% occupancy (the lowest occupancy level is in healthcare workplaces – 41.5%, then in treatment positions – 67.7% and then in security positions – 77.4%). There is a drop in number of employees from 2611 in 2018 to 2558 in 2022, although the number of prisoners is slightly higher (from 3558 in 2018 to 3562 in 2022).

⁴² <https://www.ombudsman.hr/hr/download/izvje-e-nacionalnog-preventivnog-mehanizma-za-2022-godinu/?wpdmdl=19765&refresh=66ddab667e2cc1725803366>

Article 3 of the European Convention on Human Rights, to the position that overcrowding in itself can create prison conditions that constitute inhuman and degrading treatment within the meaning of Article 3 (Van Zyl Smit & Snacken, 2009, as cited in Pleić, 2012b).

In addition to the institution of the ombudsman, there are three special ombudsman institutions in the Republic of Croatia. These are the Ombudsman for Persons with Disabilities, the Ombudsman for Children and the Ombudsman for Gender Equality. As part of their activities, these institutions also deal, among other things, with the protection of the human rights of persons deprived of their liberty, each in relation to the content and specificity of the mandate they fulfil. In view of possible overlaps in their activities, the Ombudsman and the specialised ombudsmen have concluded a Cooperation Agreement setting out the modalities of their cooperation.⁴³ In accordance with this Agreement, the institutions shall, when acting in individual cases where responsibilities may overlap or where two or more institutions are simultaneously responsible, exchange available information and, where appropriate, cooperate in the resolution of individual cases. In connection with the implementation of NPM visits, the ombudsman informs special ombudsman institutions about the annual plan of visits, and after the completion of individual visits, if necessary, he informs special ombudsmen about the situation found in the institutions for mutual exchange of information and coordination on possible further actions.

The areas of activity of special ombudsman institutions in relation to the rights of persons deprived of their liberty and the penal system are:

- the Ombudsman for Children – rights of children whose parents are in prison/visiting facilities; the conditions in which minors are held during pre-trial detention; conditions in institutions where minors are held while serving their sanctions (correctional institution, juvenile prison, Prison Hospital)⁴⁴
- the Ombudsman for Persons with Disabilities – accessibility of physical conditions/adapted treatment – taking measures to make penal institutions accessible to persons with disabilities, in particular through architectural adaptations of the premises where they are held; ensuring adequate support for persons with disabilities deprived of their liberty, taking into account the specificities of each type of disability, with a particular focus on persons with intellectual and psychosocial disabilities⁴⁵

⁴³ <https://www.ombudsman.hr/wp-content/uploads/2021/09/Sporazum-o-meduinstitucionalnoj-suradnji-pravobraniteljskih-institucija.pdf>

⁴⁴ <https://dijete.hr/hr/>

⁴⁵ <https://posi.hr/>

- the Ombudsman for Gender Equality – discrimination – gender equality; position of women in the penal system⁴⁶.

Respect for the Human Rights of Prisoners in Croatia from the Perspective of the Committee for Prevention of Torture (CPT)

To date, the CPT has visited the Republic of Croatia a total of seven times. The regular visits took place in 1998, 2003, 2007, 2012, 2017 and 2022, while the *ad hoc* visit was carried out in 2020. During this *ad hoc* visit, no institutions under the jurisdiction of the Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia (hereinafter: Ministry of Justice) were visited⁴⁷ (The Council of Europe, n.d.). The following is a summary of the main information, conclusions and recommendations of the CPT regarding the respect for the human rights of prisoners in the penal institutions visited by the delegation in the period from 2014 to 2023⁴⁸.

During the fifth regular visit of the CPT delegation in 2017, visits were made to county prisons in Osijek, Split and Zagreb, the Turopolje Juvenile Correctional Facility⁴⁹ and the Prison Hospital (Council of Europe, 2018). During the last visit to Croatia in 2022, the delegation again visited the Prison in Zagreb and the Prison Hospital, as well as the penitentiary in Lepoglava and, for the first time, the only women's penitentiary in Croatia, Požega Penitentiary (Council of Europe, 2023).

The right to adequate accommodation is one of the fundamental rights of prisoners, which is regulated in the Mandela Rules (UNODC, n.d.) and is often violated due to overcrowding in penal institutions (Zagorec, 2018). Since the CPT's visit in 2012 until the visit in 2017, the number of prisoners in Croatia has decreased. Nevertheless, in 2017, the number of prisoners in the visited prisons in Zagreb and Osijek still exceeded the available accommodation capacity (Council of Europe, 2018). At the time of the CPT's last visit in 2022, the number of prisoners in Croatia had increased significantly, while the available accommodation capacity of the penal institutions had decreased somewhat due to the 2020 earthquake (Council of Europe, 2023). This has led to overcrowding in certain penal institutions (particularly in Zagreb Prison). According to the "stock"

⁴⁶ <https://www.prs.hr/cms>

⁴⁷ More about the types of visits and how CPT works can be found on the official website: <https://www.coe.int/en/web/cpt>.

⁴⁸ Reports for each State Party to the Convention are available on the CPT website (<https://www.coe.int/en/web/cpt>). For the purposes of this study, the CPT reports on the Republic of Croatia from 2014 to 2023 were analysed. The analysis focused on the sections of the reports that relate to adult persons (both male and female) serving prison sentences in penal institutions in Croatia as regards the protection of their rights.

⁴⁹ When analysing the CPT report, the Turopolje Juvenile Correctional Facility was excluded, as it is a facility of the Ministry of Justice, Public Administration and Digital Transformation of the Republic of Croatia intended for the detention of juvenile offenders.

data of the Council of Europe Annual Penal Statistics (SPACE I) for 2022, Croatia falls into the “high” category in terms of prison density in relation to available accommodation capacity, which means that prison overcrowding is 5.1% to 25% higher than the European average. In Croatia, the density of penal institutions per 100 places is 102.6, while the European average is 88.2 (Aebi et al., 2023). The problem of overcrowding is also sustained by the fact that not all prisoners in multi-occupancy cells have the required 4 square metres of personal space, which is the minimum standard for the accommodation of prisoners according to the CPT⁵⁰ (Vijeće Europe, 2015). Overcrowding in Zagreb Prison is even higher in the wards where female prisoners are held (Council of Europe, 2018, 2023). In the period between the CPT's analysed visits, the Law on Enforcement of Prison Sentence was amended and the requirement of a minimum living space of 4 m² is no longer included in the legal framework (Kos, 2021). According to the delegation, this amendment brings the Croatian authorities to “the cusp of subjecting prisoners to conditions which may be considered as inhuman and degrading” (Council of Europe, 2023, p. 24). The CPT therefore recommends that the minimum standard of 4 m² of living space per person be respected, even this is no longer required by law (Council of Europe, 2023). The delegation also warned against the placement of prisoners in large-capacity cells (Council of Europe, 2018), as such dormitories imply a lack of privacy and are associated with a high risk of intimidation and violence among prisoners (Council of Europe, 2018; López & Maiello-Reidy, 2017). It is to be expected that the right of prisoners to accommodation respecting human dignity and health standards will be violated as long as the existing problem of overcrowding is not solved (Zagorec, 2018). Regarding the problem of overcrowding in Croatian penal institutions, it is worth mentioning the initiative of the Ministry of Justice to upgrade the existing infrastructure in the prisons in Varaždin and the penitentiary in Lipovica-Popovača, as well as to build a new penitentiary in Perušić (Ministarstvo pravosuđa, uprave i digitalne transformacije, 2024). In its response to the latest CPT report, the Government states that it will adhere to the minimum living space of 4 m² when building new accommodation capacity, even this is no longer required by law (CPT, 2023).

Overcrowding in penal institutions is reflected in the material conditions in the facilities (Darkwa Baffour et al., 2024; Pleić, 2014), which the CPT considers when assessing the treatment of prisoners. Keeping prisoners in inappropriate conditions can lead, among other things, to a violation of their rights to health and healthcare and consequently to degrading and inhuman treatment (Pleić, 2014). During the 2017 visit, it was noted that the material conditions in the penal institutions visited in Croatia varied depending on whether the premises had been

⁵⁰ The CPT has also warned of the problem of overcrowding in Croatian prisons in previous reports (Zagorec, 2018).

renovated. The renovated cells provide mostly satisfactory conditions, while some cells still offer unfavourable conditions (e.g. dilapidated walls, half-closed sanitary facilities in the cells, defective showers, etc.) (Council of Europe, 2018, 2023). The Croatian authorities are continuously endeavouring to comply with the CPT's recommendations and are making efforts to improve the material conditions in prisons, which the delegation assesses positively (Council of Europe, 2023). For example, during its last visit, the CPT delegation noted inadequate conditions at Požega Penitentiary (Council of Europe, 2023), but during 2023 the Penitentiary was completely renovated in accordance with legal and international standards (Pučka pravobraniteljica, 2024). On the other hand, the CPT has already suggested to the Croatian authorities in 2017 what needs to be improved in terms of material conditions in the Prison Hospital. However, as noted in the 2022 visit report, the living conditions in this facility have not improved since the last visit and they neither meet the minimum standards of a healthcare facility nor can they provide a suitable therapeutic environment (Council of Europe, 2023). In its response to the last CPT report, the Government states that measures have been taken in the Prison Hospital to improve the material conditions in the facility (e.g. new mattresses have been purchased, certain rooms have been repainted, etc.) (CPT, 2023). It is possible that the CPT's next visit to Croatia will show whether these changes have contributed to making the Prison Hospital an environment in which prisoners can be provided with adequate care.

The great majority of prisoners, both male and female, reported to the CPT delegation during the 2017 and 2022 visits that the prison staff treated them in a correct and professional manner. However, the delegation also received some allegations of physical abuse and excessive use of force by prison staff against prisoners (Council of Europe, 2018, 2023). In the report on the 2022 visit, the CPT points out that the majority of the alleged victims of physical abuse in the penal institutions visited were of Roma nationality (Council of Europe, 2023). Furthermore, during both visits, the delegation received several allegations about the informal and disproportionate use of coercive measures and security measures against prisoners (Council of Europe, 2018, 2023). Given that any form of abuse constitutes a violation of individual human rights (Bjelogrlić, 2013), the CPT repeatedly emphasises in its recommendations that physical ill-treatment, excessive use of force and unjustified use of coercive means are unacceptable. These CPT recommendations correspond to the European Prison Rules (Council of Europe, 2020), which state that such measures should only be applied in exceptional circumstances and considering the immediate risk posed by an individual prisoner at a given time. Among other things, CPT considers it necessary to take appropriate measures to improve the skills of prison staff in dealing with high-risk situations without using unnecessary force (Council of Europe, 2018, 2023). In its latest report, the CPT emphasises the importance of adequate training of prison staff to work with prisoners of Roma ethnicity and female prisoners (Council of Europe, 2023). These groups are among the most

vulnerable groups in the prison system, i.e. those in need of special attention from penal authorities (Penal Reform International, 2004). Furthermore, according to some prisoners, prison authorities did not take adequate measures after prisoners complained about physical abuse by staff (Council of Europe, 2018). Considering that conducting an effective official investigation in the case of a prisoner's complaint of ill-treatment by prison staff is the duty of the state (Novokmet et al., 2019; Pleić, 2010), the delegation emphasised the importance of conducting independent, prompt but thorough investigations and the importance of appropriately sanctioning such behaviour (Council of Europe, 2018, 2023), which is in line with the European Prison Rules, which state that complaints from prisoners should be resolved as quickly as possible (Council of Europe, 2020).

In addition to allegations of ill-treatment by prison staff, in 2017 the CPT delegation also received complaints from prisoners (including female prisoners and patients in the Prison Hospital) about physical violence by other prisoners (Council of Europe, 2018). During the 2022 visit, it was noted that incidents of violence between prisoners had decreased despite the overcapacity of penal institutions (Council of Europe, 2023). Despite the positive information, violent incidents between prisoners can still occur. As penal authorities are responsible for maintaining security within the institution and protecting prisoners from other prisoners who could harm them (Wulf-Ludden, 2013), the CPT in both reports recommended the establishment of an effective strategy to combat violence among prisoners at national level. In the CPT's view, an essential component of such strategy must be the introduction of an appropriate assessment of the risks and needs of each prisoner on entry to the penal institution before they are placed in a cell (Council of Europe, 2018, 2023). In its response, the Government of the Republic of Croatia stated that “risk assessment forms and instruments will be developed in the coming period, in cooperation with academic experts, in order to improve the system of assessment and classification of prisoners, including with a view to reducing the incidence of inter-prisoner violence” (CPT, 2023, p. 14).

Involvement of prisoners in work and education while serving a prison sentence can have a positive impact on their emotional well-being (Alós et al., 2014) and increase their knowledge and self-esteem (Tønseth & Bergsland, 2019). During the CPT delegation's visits, it was observed that a certain number of prisoners are engaged in paid work and participate in various programmes offered in penal institution. However, it is noticeable that some prisoners spend up to 22 hours a day in their cells without engaging in any meaningful activity (Council of Europe, 2018, 2023). The delegation therefore recommended that the Croatian authorities increase the necessary efforts to improve the programme of activities, work and vocational training for male and female prisoners, while emphasising that every prisoner must be offered at least two hours of outdoor time per day in appropriate conditions (Council of Europe, 2018, 2023). This recommendation is consistent with the European Prison Rules (Council of Europe, 2020), which

emphasise the importance of providing balanced activity programmes and ensuring that prisoners have sufficient time outside their cells to engage in meaningful social activities.

In the report on the 2022 visit, the delegation expressed dissatisfaction with the modest range of activities offered to prisoners (patients) in the Prison Hospital, but commended the Croatian authorities for introducing the concept of the so-called “module of respect” (UZOR community⁵¹) in certain penal establishments, in which positive relationships of prisoners with prison staff are encouraged, as well as involvement of prisoners in meaningful activities during the day (Council of Europe, 2023). The CPT considers it necessary to consider the development of treatment programmes for prisoners sentenced to long prison terms. The delegation cites a significant shortage of treatment staff as a noticeable challenge in the area of treatment of prisoners in general (Council of Europe, 2023).

The right to health care applies regardless of a person's legal status (Roscam Abbing, 2013), and the state is obliged not only to avoid physical abuse and inhuman and degrading treatment of prisoners, but also to protect their health by providing them with the necessary medical assistance (Pleić, 2010). During the CPT's visit in 2017, certain irregularities and difficulties in the provision of medical care to prisoners were noted, such as the insufficient number of medical staff⁵² in certain penal institutions. The delegation therefore recommended increasing the number of medical staff in penal institutions (Council of Europe, 2018), which is in line with the European Prison Rules, which require that each penal institution must have at least one qualified general practitioner and staff trained in healthcare (Council of Europe, 2020). The CPT also recommends that prison clinics be better equipped and that an effective mechanism be established to monitor the quality of healthcare in prisons and penitentiaries (Council of Europe, 2018). The numerical situation of the medical staff was not desirable even during the last visit and is quite worrying at Lepoglava Penitentiary, where the post of general practitioner has been vacant since 2020, and at the Prison Hospital, where the number of psychiatrists does not correspond to the needs of the institution. Accordingly, the CPT instructed the Croatian authorities to take all necessary steps to make the work of medical staff in prisons more attractive and, consequently, to increase the medical staff in penal institutions (Council of Europe, 2023). It seems that the recruitment of medical staff in penal institutions has improved somewhat (CPT, 2023), but it remains to be seen whether this is

⁵¹ More about the UZOR community in penal institutions in the Republic of Croatia can be found on the website of the Ministry of Justice, Public Administration and Digital Transformation.

⁵² There is a general shortage of prison staff (not only medical staff) in Croatian penal institutions. According to the SPACE I report for 2022, Croatia falls into the “high” category in terms of the ratio of inmates to staff compared to other Council of Europe member states, which means that this ratio is 5.1% to 25% higher than the European average (Aebi et al., 2023).

enough. Furthermore, the CPT expressed its concern about the superficial medical examinations of newly admitted prisoners, the lack of a protocol for reporting injuries, the failure to screen for infectious diseases, etc. (Council of Europe, 2018, 2023). As regards respect for prisoners' right to medical care, but also the protection of privacy and confidentiality of personal data, the delegation emphasised during both visits analysed the importance of respecting the confidentiality of prisoners' medical examinations, which, as noted during the visits, was not respected due to the systematic presence of a member of the prison staff during the medical examination of prisoners (with the exception of the Prison Hospital) (Council of Europe, 2018, 2023). The presence of prison staff during a prisoner's medical examination threatens medical confidentiality and the autonomy of medical staff (Edge et al., 2020) and can potentially discourage the prisoner from making a complaint about the violence they have experienced (Council of Europe, 2018, 2023).

Contact with the outside world is one of the fundamental human rights of prisoners enshrined in the Constitution of the Republic of Croatia, international legal acts and the Law on the Enforcement of Prison Sentences (Ministry of Justice, Public Administration and Digital Transformation, n.d.). Establishing and maintaining contact with the outside world is important to reduce the negative effects of institutionalisation (Barrios et al., 2023; Council of Europe, 2001), i.e. for the most successful rehabilitation and social integration of prisoners (Coyle, 2002; cites as, Maloić et al., 2015). According to the CPT's opinion, all prisoners should have the right to at least one hour of visiting time per week (Council of Europe, 2018, 2023). During both visits, the delegation gained a positive impression of the suitability of the penal authorities' premises to accommodate prisoner visits, which is not the case for prisoner-patients in the Prison Hospital (Council of Europe, 2018, 2023).

Violations of the Human Rights of Prisoners – Judgements of the European Court of Human Rights

The practise of the ECtHR in cases concerning the protection of prisoners' rights has become an important source of penitentiary law for Croatia through judgements confirming violations of prisoners' Convention rights (Pleić, 2010). An analysis of the judgements of the ECHR in which prisoners sued the Republic of Croatia for violations of the Convention rights in the period from 2014 to 2023⁵³

⁵³ The judgements of the ECtHR are available on the official website of the ECtHR (<https://www.echr.coe.int/>). For the purposes of this study, a key criterion for further analysis of ECtHR judgments was whether the case concerned a possible violation of a Convention right of a person (male or female) during their prison sentence in a penal institution in Croatia. Furthermore, the analysis focused on judgements from the period between 2014 and 2023. To ensure that all relevant judgements were considered for the purposes of this study, the official website of the Constitutional Court of the Republic of Croatia (<https://www.usud.hr/hr/pregled-prakse-esljp>),

shows that the most common violation of prisoners' human rights is related to the (inadequate) conditions in the penal institutions in which they are serving their sentences⁵⁴. Specifically, out of the 23 ECHR judgments analysed that concerned complaints from prisoners, 20 related to complaints about inadequate living conditions during imprisonment, including one complaint from a female prisoner. The penal institutions mentioned in these judgements are the penitentiaries in Glina, Lepoglava and Požega, as well as the prisons in Bjelovar, Osijek, Pula, Split, Varaždin, Zadar and Zagreb and the Hospital for Persons deprived of their Liberty. The inadequate conditions in these facilities generally relate to insufficient personal space for prisoners (overcrowding), poor sanitary and hygienic conditions, poor food quality, lack of or insufficient physical exercise in the fresh air and lack of or limited access to recreational and educational activities, etc. In those cases, the Court found 13 violations of Article 3 of the Convention, while in six cases no violation of the same article was found⁵⁵. In one case (*Pavlović v. Croatia*), an amicable settlement was reached between the applicant and Croatia as the respondent state, while one case (*Cerančević v. Croatia*) was removed from the list as the applicant did not pursue the complaint. When analysing ECHR judgments on the conditions for the accommodation of prisoners in penal institutions in Croatia, Zagorec (2018) concludes that there are serious problems in our penal system because the conditions for serving a prison sentence do not comply with the standards proclaimed by the Convention for the Protection of Human Rights and Fundamental Freedoms.

Two prisoners have lodged complaints with the ECHR regarding the ill-treatment by prison staff. In one case (*Vukušić v. Croatia*), the prisoner's complaint was declared unfounded and dismissed as there was no concrete evidence of the alleged ill-treatment by prison officers. Another prisoner (*Perkov v. Croatia*) stated that he had been beaten by prison guards and that no effective investigation had been carried out in this regard⁵⁶. In this case, the Court found that there had been a violation of the procedural aspect of Article 3 of the Convention, but no violation of the substantive aspect of the same article.

The analysis of judgements during the observed period revealed that some prisoners lodged complaints about the excessive length of civil proceedings related to their claims for compensation for inadequate prison conditions (cases: *Balicki v. Croatia*, *Jungić v. Croatia*, *Ladan v. Croatia*, *Jurić v. Croatia*). In these

which also contains ECtHR judgements related to Croatia, was consulted in addition to the official website of the ECtHR.

⁵⁴ In her article, Zagorec analysed the right to adequate accommodation of prisoners with particular reference to the judgement of the ECtHR in the *Muršić v. Croatia* case (Zagorec, 2018).

⁵⁵ In some cases (e.g. *Hanževački v. Croatia*), a violation of Article 3 of the Convention was found regarding inadequate conditions of accommodation while serving a prison sentence only for part of the claim.

⁵⁶ More details on previous ECHR judgements on ineffective investigations into ill-treatment by prison staff can be found in Novokmet et al. (2019).

cases, the applicants invoked Article 6, paragraph 1 of the Convention, which states: “In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.” In a recent judgement from 2023 (*Mafalani v. Croatia*), a prisoner complained about the legal costs he had to pay to the state, which exceeded the compensation he was awarded for the injuries he suffered while being transported in a police van – an incident that led to the civil proceedings in question. The Court ruled in favour of the prisoner.

All judgements and decisions of the Court in cases against a particular state are binding for that state, and the state is obliged to take all necessary measures to enforce the respective judgement and to ensure that such violations do not occur in the future (Konforta, 2017; Zagorec, 2018). The payment of financial compensation to the applicant is, along with the adoption of general measures (e.g. legislative amendments) and the adoption of individual measures (e.g. repetition of the proceedings before the national authority), one of the possible obligations of the member state that has caused a violation of the Convention (Zagorec, 2018). When analysing the ECHR's judgments regarding prisoners in the period from 2014 to 2023 alone, the Republic of Croatia had to pay more than 155.000 euros for violating the human rights of prisoners.

Summarising the CPT reports and ECtHR judgments analysed, it appears that the main violations of the European Prison Rules in Croatian penal institutions concern the accommodation of prisoners. Most complaints concern the unsatisfactory living conditions, which, as stated in the European Prison Rules (Council of Europe, 2020, p. 5), “shall respect human dignity and, as far as possible, privacy”. These problems are also related to Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment, thus emphasising the importance of humane conditions (Konvencija za zaštitu ljudskih prava i temeljnih sloboda, MU 18/97, 13/17). In addition, the European Prison Rules have been violated in certain areas, namely through a disproportionate use of security measures, a shortage of prison staff (especially medical staff) and limited meaningful activities for prisoners. These problems highlight the ongoing challenges in the Croatian penal system in maintaining humane conditions that are in line with international standards such as the European Prison Rules and recommendations from bodies such as the CPT. Despite the efforts made, it is clear that Croatia still has room for improvement when it comes to respecting prisoners' rights.

Conclusion

The aim of this paper was to analyse the protection of human rights of prisoners in Croatia from two perspectives: existing legal framework and its practical implementation through monitoring and preventive mechanisms. According to conducted analysis we can conclude that Croatian legislation is harmonized with the analysed provisions (basic principles and inspection and monitoring rules) of the European Prison Rules (research question 1). However, the main challenges (research questions 2, 3, and 4) in respecting prisoners' human rights in Croatia include the material conditions of penal facilities and overcrowding, which result in inadequate accommodation and limited rehabilitation activities. Additionally, there is a shortage of prison staff, particularly medical staff, leading to inadequate access to medical care and potential ill-treatment of prisoners. Other challenges identified in the analysed practices include prison staff behavior towards some prisoners, incidences of violence between prisoners, and the exercise of prisoners' legal rights.

Overall, the evolution of the Croatian Law on Enforcement of Prison Sentences reflects a progressive alignment with international human rights standards and a growing emphasis on rehabilitation and social reintegration. While significant strides have been made (on legislative⁵⁷ and practical level⁵⁸), continuous efforts are necessary to address persistent challenges. The priorities in addressing these challenges are certainly the problem of overcrowding and the lack of staff. In the context of overcrowding, it would be important to address the issue of the high participation of detainees and solve the problem of prison system capacity (by building new capacities that would be appropriate to the time we live in and the human rights of prisoners in all their physical and technological characteristics). An even more significant issue would be changing the societal attitude towards imprisonment. Namely, at the 12th Conference of Heads of Prison Systems held in 2002 (Coyle, 2006), it was discussed how prisons do not exist in a vacuum but largely reflect the values that each society upholds. It was recognized that the imprisonment rate is usually more influenced by political decisions than by the actual level of crime or its detection rate. It is the result of stricter legislation and

⁵⁷ The 1999 law introduced the execution judge into the Croatian prison sentence execution system as a significant step in protecting prisoners' rights (Josipović et al., 2001). The 2009 amendments aligned the penal execution legislation with the European Union's legal framework and strengthened judicial protection for prisoners (Tomašević et al., 2012b). The new 2021 law (among other things) expanded the range of complainants, and strengthened judicial protection for prisoners (Kos, 2021).

⁵⁸ For example, in 2009 the Ministry of justice published a document: Information about current situation in Croatian prison system and action plan for the enhancement of the Croatian prison system (Ministarstvo pravosuđa, 2009) and Action plan for the enhancement of the Croatian prison system from 2009 till 2014 (Ministarstvo pravosuđa, 2010). Also, several adaptations of prison facilities were made to improve accommodation conditions (evident from the annual reports of the Directorate for prison system).

political and media encouragement of the judiciary to send more people to prison for longer periods. An example of possible change is Finland and its reforms from the 1950s to 2000, which were the result of deliberate, long-term, and systematic political decisions. Perhaps the key to the success of the reform was the fact that crime control is not a partisan political issue in election campaigns. Such a context seems necessary for the development of an effective imprisonment policy based on the human rights of prisoners. In the context of staff shortages, it is important to first solve the problem of overcrowding because otherwise, the question of motivation for young people who want to build a career in the correctional system to work in overcrowded conditions arises. It is known that the development of technology leads to the development of new jobs and occupations. Work in the correctional system (especially if it does not implement modern technological solutions) falls into traditional jobs. An important question for Croatia is how to attract young people for employment and career development in the correctional system in the context of employment opportunities across the European area in less stressful and dangerous jobs and in the context of comparative advantages (especially for those with higher education) compared to possible jobs and positions outside the correctional system. This implies a significant step that needs to be taken if the Croatian penal system wants to develop. Only after addressing these priorities can we talk about the quality of the resocialization purpose of serving a prison sentence (in terms of permanent training and improvement of employees for the quality performance of their duties, the development of new treatment programs, policies, and procedures aimed at the resocialization of prisoners and the evaluation of the rehabilitative potential of a prison sentence).

References

- Aebi, M. F., Cocco, E., & Molnar, L. (2023). *SPACE I – 2022 – Council of Europe annual penal statistics: Prison population*. Council of Europe and University of Lausanne. https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf
- Alós, R., Esteban, F., Jódar, P., & Miguélez, F. (2014). Effects of prison work programmes on the employability of ex-prisoners. *European Journal of Criminology*, 12(1), 35–50. <https://doi.org/10.1177/1477370814538776>
- Babić, V., Josipović, M., & Tomašević, G. (2006). Hrvatski zatvorski sustav i zaštita ljudskih prava zatvorenika. *Hrvatski ljetopis za kazneno pravo i praksu*, 13(2), 685–743.
- Beijersbergen, K. A., Dirkzwager, A. J. E., & Nieuwbeerta, P. (2016). Reoffending after release: Does procedural justice during imprisonment matter? *Criminal Justice and Behavior*, 43(1), 63–82. doi: 10.1177/0093854815609643
- Beijersbergen, K. A., Dirkzwager, A. J. E., Eichelsheim, V. I., van der Laan, P. H., & Nieuwbeerta, P. (2014). Procedural justice and prisoners' mental health problems: A longitudinal study. *Criminal Behaviour and Mental Health*, 24(2), 100–112. doi: 10.1002/cbm.1881

- Beijersbergen, K. A., Dirkzwager, A. J. E., Eichelsheim, V. I., van der Laan, P. H., & Nieuwbeerta, P. (2015). Procedural justice, anger, and prisoners' misconduct: A longitudinal study. *Criminal Justice and Behavior*, 42(2), 196–218. doi: 10.1177/0093854814550710
- Bierie, D. M. (2013). Procedural justice and prison violence: Examining complaints among federal inmates (2000–2007). *Psychology, Public Policy, and Law*, 19(1), 15–29. doi: 10.1037/a0028427
- Bjelogrić, S. (2013). Pojam mučenja i drugih oblika zlostavljanja u međunarodnom pravu ljudskih prava. *Pravna misao*, 7(8), 7–33.
- Bukovac Puvača, M., & Škorić, M. (2023). Odgovornost države za štetu prouzročenu neodgovarajućim uvjetima u zatvorskim ustanovama. *Zbornik radova „Aktualnosti građanskog i trgovačkog zakonodavstva i pravne prakse“*, 20, 94–115. <https://doi.org/10.47960/2744-2918.20.23.94>
- Council of Europe. (1973). *European Prison Rules*. Council of Europe.
- Council of Europe. (1987). *European Prison Rules*. Council of Europe.
- Council of Europe. (2006). *European Prison Rules*. Council of Europe. <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>
- Council of Europe. (2018). *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 14 to 22 March 2017*. <https://rm.coe.int/16808e2a0e>
- Council of Europe. (2020). *Revised European Prison Rules*. Council of Europe. <https://rm.coe.int/16806f6f3d>
- Council of Europe. (2023). *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 19 to 29 September 2022*. <https://rm.coe.int/1680ad6168>
- Coyle, A. (2006). Revision of the European Prison Rules, a contextual report. In *European Prison Rules* (pp. 101–132), Council of Europe.
- Coyle, A. (2009). *A human rights approach to prison management: Handbook for prison staff*. International Centre for Prison Studies.
- Coyle, A., Fair, H., & Jacobson, J. (2016). *Imprisonment worldwide: the current situation and an alternative future*. Policy Press. doi: <https://doi.org/10.1111/hojo.12207>
- CPT (Committee for prevention of torture). (2023). *Response of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 19 to 29 September 2022*. <https://rm.coe.int/1680ad618b>
- CPT (Committee for prevention of torture). (2024). *About the CPT*. <https://www.coe.int/en/web/cpt> (23.08.2024.)
- Darkwa Baffour, F., Francis, A. P., Chong, M. D., & Harris, N. (2024). Prison overcrowding and harsh conditions: Health and human rights concerns to persons in custody, staff, and the community. *Criminal Justice and Behavior*, 51(3), 375–400.
- Di Vita, G. (2020). Recent legislative measures to reduce overcrowding of prisons in Italy: a preliminary assessment of their economic impact. *European Journal of Law and Economics*, 49(2), 277–299. doi: 10.1007/s10657-020-09639-5
- Đuras, I. (2023). Naknada štete zbog uvjeta u zatvoru kroz praksu Ustavnog suda Republike Hrvatske. *Hrvatski ljetopis za kaznene znanosti i praksu*, 30(2), 637–662. doi: 10.54070/hlj.30.2.15

- Edge, C., Stockley, R., Swabey, L., King, E., Decodts, F., Hard, J., & Black, G. (2020). Secondary care clinicians and staff have a key role in delivering equivalence of care for prisoners: A qualitative study of prisoner' experiences. *EClinicalMedicine*, 24, 1–9. 10.1016/j.eclinm.2020.100416
- European Court of Human Rights (ECHR). (2014). *Case of Muršić v. Croatia*. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-151828%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-151828%22]})
- European Court of Human Rights (ECHR). (2014). *Case of Pavlović v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-146556>
- European Court of Human Rights (ECHR). (2014). *Case of Lonić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-148284>
- European Court of Human Rights (ECHR). (2014). *Case of Pozaić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-148283>
- European Court of Human Rights (ECHR). (2017). *Case of Golubar v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-158424>
- European Court of Human Rights (ECHR). (2019). *Case of Ulemek v. Croatia*. <https://hudoc.echr.coe.int/eng?i=002-12644>
- European Court of Human Rights (ECHR). (2020). *Case of Srdoč v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-206748>
- European Court of Human Rights (ECHR). (2022). *Case of Cerančević v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-218245>
- European Court of Human Rights (ECHR). (2022). *Case of Huber v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-218126>
- European Court of Human Rights (ECHR). (2022). *Case of Perković v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-219203>
- European Court of Human Rights (ECHR). (2022). *Case of Katanović and Mihovilović v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-219503>
- European Court of Human Rights (ECHR). (2022). *Case of Kopic v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-219502>
- European Court of Human Rights (ECHR). (2022). *Case of Hrnčić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-219500>
- European Court of Human Rights (ECHR). (2023). *Case of Balicki v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-222902>
- European Court of Human Rights (ECHR). (2023). *Case of Prpić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-222913>
- European Court of Human Rights (ECHR). (2023). *Case of Jungić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-223293>
- European Court of Human Rights (ECHR). (2023). *Case of Ladan v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-224568>
- European Court of Human Rights (ECHR). (2023). *Case of Bošnjak v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-224569>
- European Court of Human Rights (ECHR). (2023). *Case of Jurić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-224008>
- European Court of Human Rights (ECHR). (2023). *Case of Hanževački v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-226419>
- European Court of Human Rights (ECHR). (2023). *Case of Mafalani v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-227632>
- European Court of Human Rights (ECHR). (2023). *Case of Vukušić v. Croatia*. <https://hudoc.echr.coe.int/eng?i=001-228849>

- Horvat, L. (2023). *Okrutno, nečovječno i ponižavajuće postupanje prema osobama lišenim slobode – hrvatsko iskustvo u kontekstu međunarodnih standarda zaštite ljudskih prava* [Doktorska disertacija, Sveučilište u Zagrebu, Pravni fakultet].
- Ivičević Karas, E. (2014). Ljudska prava i temeljne slobode u hrvatskom penitencijarnom pravu. U D. Krapac (Ur.), *Profili hrvatskog kaznenog zakonodavstva* (str. 175–205). Hrvatska akademija znanosti i umjetnosti.
- Josipović, M., Tomašević, G., & Tripalo, D. (2001). Nova uloga suca u izvršavanju kazne zatvora. *Hrvatski ljetopis za kazneno pravo i praksu*, 8(2), 85–116.
- Konforta, M. (2017). Implementacija presuda Europskog suda za ljudska prava. *Hrvatski ljetopis za kaznene znanosti i praksu*, 24(2), 271–292.
- Konvencija za zaštitu ljudskih prava i temeljnih sloboda [Convention for the Protection of Human Rights and Fundamental Freedoms]. MU 18/97, 6/99, 14/02, 13/03, 9/05, 1/06, 2/10, 13/17.
- Kos, D. (2021). *Što je novo u Zakonu o izvršavanju kazne zatvora*. <https://www.vsrh.hr/CustomPages/Static/HRV/Files/Radovi/DKos/%C5%A0to%20je%20novo%20u%20ZIKZ-u.pdf>
- Kovčo Vukadin, I., & Pleško, M. (2024). Human rights of female prisoners in the Croatian prison system. In S. Čopić & A. Batričević (Eds.), *Prison environment: a female perspective* (pp. 157–190). Institute of Criminological and Sociological Research, Belgrade. doi: 0.47152/PrisonLIFE.D4.7_9
- Krabbe, M. J. M., & van Kempen, P. H. P. H. M. C. (2017). Women in prison: a transnational perspective. In M. J. M. Krabbe & P. H. P. H. M. C. van Kempen (Eds.), *Women in prison: the Bangkok rules and beyond* (pp. 3–34). Intersentia Ltd.
- Liebling, A., & Maruna, S. (2013). *The Oxford handbook of criminology*. Oxford University Press.
- Ljubanović, B. (2006). Tijela državne uprave u sustavu izvršenja kazne zatvora. *Hrvatska javna uprava*, 6(4), 57–89.
- López, M., & Maiello-Reidy, L. (2017). *Prisons and the mentally ill: why design matters*. <https://cdn.penalreform.org/wp-content/uploads/2017/06/Prisons-and-the-mentally-ill-why-design-matters-2.pdf>
- Maloić, S., Rajić S., & Mažar, A. (2015). Značaj suradnje probacijskog i zatvorskog sustava u prevenciji kriminalnog povrata. *Kriminologija & socijalna integracija*, 23(1), 129–156.
- Marochini Zrinski, M. (2023). Recentna praksa Europskog suda za ljudska prava oko nedostatka djelotvornog pristupa Ustavnom sudu zbog nepredvidljive retroaktivne primjene kriterija dopuštenosti za podnošenje ustavne tužbe. *Hrvatski časopis za osiguranje*, (9), 23–52.
- Mathiesen, T. (2006). *Prison on trial* (3rd ed.). Waterside Press.
- Ministarsvo pravosuđa. (2009). *Informacija o aktualnom sustavu i akcijski plan za unaprjeđenje zatvorskog sustava Republike Hrvatske*. https://www.sabor.hr/sites/default/files/uploads/sabor/2024-07-19/182044/AKCIJSKI%20PLAN_ZATVORSKI%20SUSTAV.pdf
- Ministarstvo pravosuđa. (2010). *Revidirani akcijski plan za unaprjeđenje zatvorskog sustava od 2009. do 2014. godine*. <https://vlada.gov.hr/UserDocsImages/2016/Sjednice/Arhiva/60%20-%205b.pdf>
- Ministarstvo pravosuđa i uprave. (2000). *Nacrt prijedloga zakona o izvršavanju kazne zatvora*. Vlada Republike Hrvatske.

- Ministarstvo pravosuđa i uprave. (2020). *Nacrt prijedloga zakona o izvršavanju kazne zatvora*. Vlada Republike Hrvatske.
- Ministarstvo pravosuđa, uprave i digitalne transformacije. (2024). *Ministar Habijan najavio izgradnju standardiziranih modularnih aneksa za Zatvor u Varaždinu i za Kaznionicu u Lipovici-Popovači*. <https://mpudt.gov.hr/vijesti/ministar-habijan-najavio-izgradnju-standardiziranih-modularnih-aneksa-za-zatvor-u-varazdinu-i-za-kaznionicu-u-lipovici-popovaci/29392> (04.11.2024.)
- Ministry of Justice. (2008). *Action plan of the judicial reform strategy: 2008 revision. Government of the Republic of Croatia*. <https://rm.coe.int/government-of-the-republic-of-croatia-ministry-of-justice-action-plan-/168078f1d7> (30.08.2024.)
- Molleman, T., & Van der Laan, P. (2016). Explaining relative differences in prison population rates between and within European countries. *European Journal of Criminology*, 13(6), 751–771. <https://doi.org/10.1177/1477370815623562>
- Mrčela, M. (2023). Obrazlaganje kaznenopravnih sankcija. U Vrhovni sud RH i Pravosudna akademija (Ur.), *Novine u kaznenom zakonodavstvu – 2023*. Zbornik radova. https://www.pak.hr/wp-content/uploads/2023/05/PA_zbornik_2023-2.pdf (30.08.2024.)
- Novokmet, A., Kolesarić, I., & Livaja, D. (2019). Neučinkovita istraga zlostavljanja od policije i zatvorskog osoblja – izvršenje presuda Europskog suda za ljudska prava i hrvatska praksa. *Hrvatski ljetopis za kaznene znanosti i praksu*, 26(2), 357–387.
- Penal Reform International. (2004). *Human rights and vulnerable prisoners*. <https://cdn.penalreform.org/wp-content/uploads/2013/06/man-hr1-2003-vulnerable-prisoners-en.pdf>
- Penal Reform International. (2020). *Global prison trends 2020*. Penal Reform International. <https://www.penalreform.org/resource/global-prison-trends-2020/>
- Pleić, M. (2010). Međunarodni instrumenti zaštite prava zatvorenika i nadzora nad sustavom izvršavanja kazne zatvora. *Hrvatski ljetopis za kazneno pravo i praksu*, 17(1), 301–331.
- Pleić, M. (2012a). Zaključna razmatranja o hrvatskom sustavu izvršenja kazne zatvora. U G. Tomašević i M. Pleić (Ur.), *Zbirka radova suradnika na projektu „Europske značajke i dvojbe hrvatskog sustava izvršenja kazne oduzimanja slobode“* (str. 183–191). Sveučilište u Splitu, Pravni fakultet.
- Pleić, M. (2012b). Izvansudski nadzor nad hrvatskim sustavom izvršenja kazne zatvora. U G. Tomašević i M. Pleić (Ur.), *Zbirka radova suradnika na projektu „Europske značajke i dvojbe hrvatskog sustava izvršenja kazne oduzimanja slobode“* (str. 97–117). Sveučilište u Splitu, Pravni fakultet.
- Pleić, M. (2014). Izvršenje sigurnosnih mjera obveznog psihijatrijskog liječenja i obveznog liječenja od ovisnosti s aspekta zaštite prava zatvorenika s duševnim smetnjama. *Hrvatski ljetopis za kazneno pravo i praksu*, 21(2), 467–508.
- Pleić, M. (2016). Zabrana mučenja u praksi Europskog suda za ljudska prava s posebnim osvrtom na presude protiv Republike Hrvatske i praksu Ustavnog suda RH. *Hrvatski ljetopis za kaznene znanosti i praksu*, 23(2), 247–279.
- Pravilnik o stručnom nadzoru u zatvorskom sustavu. *Narodne novine*, 137/21.
- PRI (Penal Reform International) & CoE (Council of Europe). (2023). *Guidance document on the European Prison Rules*. <https://edoc.coe.int/en/european-prison-reform/11595-guidance-document-on-the-european-prison-rules.html> (28.08.2024.)

- Pučka pravobraniteljica. (2024). *Pravobranitelj i zamjenik obišli novouređenu kaznionicu za žene u Požegi*. Pravobraniteljica i zamjenik obišli novouređenu kaznionicu za žene u Požegi – Pučka pravobraniteljica (ombudsman.hr)
- Roscam Abbing, H. (2013). Prisoners right to healthcare, a European perspective. *European Journal of Health Law*, 20(1), 5–19. 10.1163/15718093-12341251
- The Council of Europe. (n.d.). *The CPT and Croatia*. <https://www.coe.int/en/web/cpt/Croatia>
- Tomašević, G., Carić, M., & Pleić, M. (2012a). Postupak izvršavanja kazne zatvora – neka pitanja o prvostupanjskoj nadležnosti suca izvršenja. U G. Tomašević i M. Pleić (Ur.), *Zbirka radova suradnika na projektu „Europske značajke i dvojbe hrvatskog sustava izvršenja kazne oduzimanja slobode“* (str. 119–151). Sveučilište u Splitu, Pravni fakultet.
- Tomašević, G., Carić, M., & Pleić, M. (2012b). Postupak izvršavanja kazne zatvora – sudska zaštita prava zatvorenika od postupak i odluke tijela penalne administracije. U G. Tomašević i M. Pleić (Ur.), *Zbirka radova suradnika na projektu „Europske značajke i dvojbe hrvatskog sustava izvršenja kazne oduzimanja slobode“* (str. 153–181). Sveučilište u Splitu, Pravni fakultet.
- Tønseth, C., & Bergsland, R. (2019). Prison education in Norway – The importance for work and life after release. *Cogent Education*, 6, 1–13. <https://doi.org/10.1080/2331186X.2019.1628408>
- United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations. (1966). *International Covenant on Civil and Political Rights*. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- UNODC. (n.d.). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- Ustav Republike Hrvatske. *Narodne novine*, 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14.
- Vijeće Europe. (2001). *Novi standardi CPT-a u pogledu izdržavanja zatvorske kazne*. <https://rm.coe.int/16806cd23d>
- Vijeće Europe. (2015). *Životni prostor po zatvoreniku u zatvorskim ustanovama: CPT standardi*. <https://rm.coe.int/16808ef58a>
- Vlada RH. (2017). *Izvešće o stanju i radu kaznionica, zatvora i odgojnih zavoda za 2016. godinu*. <https://www.sabor.hr/hr/izvjesce-o-stanju-i-radu-kaznionica-zatvora-i-odgojnih-zavoda-za-2016-godinu-podnositeljica-vlada> (24.8.2024.)
- Vlada RH. (2024a). *Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu*. <https://www.sabor.hr/hr/izvjesce-o-stanju-i-radu-kaznionica-zatvora-odgojnih-zavoda-i-centara-za-2022-godinu-podnositeljica> (23.08.2024.)
- Vlada RH. (2024b). *Izvešće o radu probacijske službe za 2022. godinu*. <https://www.sabor.hr/hr/izvjesce-o-radu-probacijske-sluzbe-za-2022-godinu-podnositeljica-vlada-republike-hrvatske> (26.08.2024.)
- Vukota, Lj., & Žulj, J. (2012). Jačanje rehabilitacijskog modela izvršavanja kazne zatvora. U G. Tomašević i M. Pleić (Ur.), *Zbirka radova suradnika na projektu „Europske značajke i dvojbe hrvatskog sustava izvršenja kazne oduzimanja slobode“* (str. 89–96). Sveučilište u Splitu, Pravni fakultet.

- World Health Organization (WHO). (2023). *Status report on prison health in the WHO European Region 2022*. WHO Regional Office for Europe. <https://iris.who.int/bitstream/handle/10665/365977/9789289058674-eng.pdf?sequence=1> (30.08.2024.)
- Wulf-Ludden, T. (2013). Interpersonal relationship among inmates and prison violence. *Journal of Crime and Justice*, 36(1), 116–136.
<https://doi.org/10.1080/0735648X.2012.755467>
- Zagorec, M. (2018). Pravo na odgovarajući smještaj zatvorenika s osvrtnom na presudu Europskog suda za ljudska prava „Muršić protiv Hrvatske“. *Policija i sigurnost*, 27(4), 407-434.
- Zakon o izvršavanju kazne zatvora. Narodne novine, 14/21, 155/23.*
- Zakon o nacionalnom preventivnom mehanizmu za sprečavanje mučenja i drugih okrutnih, neljudskih ili ponižavajućih postupaka ili kažnjavanja [Act on National Preventive Mechanism]. Narodne novine, 18/11, 33/15.*
- Zakon o pravobranitelju za djecu [Ombudsman for Children Act]. Narodne novine, 73/17.*
- Zakon o pravobranitelju za osobe s invaliditetom [Law on the Ombudsman for Persons with Disability]. Narodne novine, 107/07.*
- Zakon o pučkom pravobranitelju [The Ombudsman Act]. Narodne novine, 76/12.*
- Zakon o ravnopravnosti spolova [Gender Equality Act]. Narodne novine, 82/08, 69/17.*

Serving a Juvenile Prison Sentence in the Republic of Srpska*

Ljubinko Mitrović¹  and Miloš Bukejlović²

All three laws on juveniles in Bosnia and Herzegovina (i.e., the laws on the protection and treatment of children and minors in criminal proceedings of the Republic of Srpska, the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina) prescribe a completely identical system of alternative measures and criminal sanctions applied to juvenile perpetrators of criminal offences in criminal proceedings. Consequently, this system consists of: a) alternative measures, i.e.: 1) police reprimands and 2) educational recommendations and b) criminal sanctions for juvenile perpetrators of criminal offences, i.e.: 1) educational measures, 2) security measures and c) juvenile prison. Juvenile prison is the only punishment within that system and certainly the most severe criminal sanction prescribed by law exclusively for older juvenile perpetrators of the most serious criminal offences. With the provisions of the Law on Protection and Treatment of Children and Minors in Criminal Proceedings of the Republic of Srpska, additional rules on the execution of juvenile prison sentences are also prescribed by the Rulebook on the organisation of work and life of minors and young adults serving sentences in juvenile prisons. This paper will discuss the execution of juvenile prison sentences in the Republic of Srpska.

KEYWORDS: juvenile perpetrator of criminal offence / criminal sanctions for juveniles / execution of juvenile prison sentence

* This is an invited paper presented by Miloš Bukejlović at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Mitrović, Lj., & Bukejlović, M. (2024). Serving a Juvenile Prison Sentence in the Republic of Srpska. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 201–217). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.36>

¹ Faculty of Legal Sciences of the Pan-European University APEIRON in Banja Luka; <https://orcid.org/0000-0002-3809-4183>

² Ministry of Justice of the Republic of Srpska.

Correspondence: Ljubinko Mitrović, Faculty of Legal Sciences of the Pan-European University APEIRON in Banja Luka. Email: ljubinko58@gmail.com

Introduction

All three laws on juveniles in Bosnia and Herzegovina, or more precisely and correctly, in all three laws regulating the protection and treatment of children and minors in criminal proceedings³ (it should be noted that each of these laws has restrictions in territorial application: to the Republic of Srpska, the Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina) entitled “Measures, educational recommendations and criminal sanctions undertaken against minors” prescribe a system of alternative measures, i.e. criminal sanctions applied to minors who have broken the law. The above mentioned system consists of: a) alternative measures, i.e.: 1) police reprimands and 2) educational recommendations and b) criminal sanctions for minor perpetrators of criminal offences, i.e.: 1) educational measures, 2) security measures and c) juvenile prison.

Juvenile prison sentence⁴ is the only and certainly the most severe criminal sanction prescribed by juvenile laws exclusively for older juvenile perpetrators of the most serious criminal offences (Mitrović & Grbić-Pavlović, 2012, pp. 279–290). It is a special type of punishment i.e., depriving an individual of freedom, which consists of depriving an older juvenile perpetrator of a serious criminal offence of their freedom of movement for a period determined by the court decision and placing them in a specific penitentiary institution (Simović et al., 2013, pp. 244–245).

The purpose of imposing this sentence in the criminal sanctions system prescribed for minors referred to in Article 31 Paragraph 2 of the Law on Protection and Treatment of Children and Minors in Criminal Proceedings of the Republic of Srpska (hereinafter: LOJ RS) is to exert greater influence on minor perpetrators of criminal offences so that they do not commit criminal acts in the future, as well as to impact other minors in order to prevent them from committing criminal offences.

³ In terms of time, the Law on the protection and treatment of children and minors in criminal proceedings was first adopted in the Republic of Srpska at the beginning of 2010, and started to be applied on January 1, 2011 (Official Gazette of the Republic of Srpska, number 13/2010, amended - Official Gazette of the Republic of Srpska, no. 61/2013 and 68/2020), then in the Brčko District, where it was adopted in November 2011, and started to be applied towards the end of 2012 (Official Gazette of the Brčko District of Bosnia and Herzegovina, number 44/2011), and finally in the Federation of Bosnia and Herzegovina, where it was adopted in 2014, with implementation starting in 2015 (Official Gazette of the Federation of Bosnia and Herzegovina, number 7/2014, amended - Official Gazette Federation of Bosnia and Herzegovina, number 74/2020).

⁴ This sentence is prescribed by the criminal legislation of the Federation of BiH, Brčko District of BiH, Republic of Serbia, Republic of North Macedonia, Russian Federation, Republic of Slovenia, Republic of Montenegro, Republic of Croatia, Republic of Bulgaria and a number of other modern countries.

According to the letter of the law, a juvenile prison sentence can be imposed only on a criminally responsible older juvenile who has committed a criminal offence for which a prison sentence exceeding five years is prescribed, and due to the serious consequences of the offence and the high degree of criminal responsibility of the juvenile, imposing an educational measure would not be justifiable (Selman et al., 2012, p. 164).

The duration of the juvenile prison sentence is also determined by law, and according to the LOJ RS, this sentence of deprivation of freedom, imposed on a juvenile perpetrator of a criminal offence, cannot, as a rule, be shorter than six months or longer than five years (with one exception), and it is imposed in full-year or month-long terms (Mitrović, 2018, pp. 199–213). Namely, if an older juvenile offender commits a criminal offence punishable by life imprisonment (since 2022, the previous long prison sentence has been replaced by life imprisonment in the Republic of Srpska), or if there are at least two criminal offences for which a prison sentence exceeding ten years is prescribed, the juvenile prison term can be up to ten years (Selman et al., 2012, p. 164).

At the same time, the legislator prescribes in the provisions of Article 51 of the LOJ RS another restriction regarding the duration of this sentence according to which, when determining this sentence for a criminal offence to an older juvenile, the court cannot impose a juvenile prison sentence longer than the prison sentence prescribed for that criminal offence, however the court is not bound by the minimum prescribed measure of that punishment, taking into consideration all the circumstances that influence the punishment to be lower or higher, in accordance with the provisions of Article 52 para. 1 and 4 of the Criminal Code of the Republic of Srpska, especially taking into account the degree of maturity of the minor and the time required for their upbringing and professional training (Selman et al., 2010, pp. 152–154).

Juvenile prison sentences are executed in a special penitentiary institution for juveniles, which cannot have any contact with the penitentiary institution for adults (Selman et al., 2012, p. 164) (Mitrović, 2018, pp. 199–213). Also, juvenile prison sentences imposed on persons of the female sex are executed in a special penal juvenile institution for girls or in a special department of a penal institution for juveniles (Selman et al., 2010, pp. 152–154).

Convicted juveniles who become of age during the execution of their juvenile prison sentence continue to reside in a juvenile institution or in a department for young adults, except when their social reintegration would have a greater effect if they were to be placed in an institution for adults (Mitrović, 2018, pp. 199–213; Selman et al., 2012, p. 164). More detailed provisions on the organisation and

method of execution of juvenile prison sentences are prescribed by the Minister of Justice in a special rulebook⁵.

Execution of Criminal Sanctions of an Institutional Character in the Republic of Srpska

Institutions in which criminal sanctions of an institutional nature are executed in the Republic of Srpska are: Juvenile Prison East Sarajevo⁶ and the Correctional Centre at Banja Luka Penitentiary⁷.

The execution of institutional juvenile criminal sanctions in the Republic of Srpska is based, in addition to the already mentioned so-called juvenile criminal law, i.e., LOJ RS as the primary source, on the application of a range of other general principles and institutes of criminal law (substantive, procedural and executive), certainly under the condition that they do not contradict the above mentioned law on juveniles (Mitrović, 2018, pp. 199–213). Therefore, the normative basis for regulating the criminal status of minors in the Republic of Srpska is the Criminal Code of the Republic of Srpska⁸, followed by the Law on Criminal Procedure of the Republic of Srpska⁹ and the Law on the Execution of Criminal and Misdemeanour Sanctions of the Republic of Srpska¹⁰.

The following by-laws are also especially significant¹¹: Rulebook on the application of educational measures of special obligations towards juvenile perpetrators of criminal offences¹², Rulebook on the application of educational

⁵ Rulebook on the internal organisation and systematization of workplaces of the East Sarajevo Penitentiary, Official Gazette of the Republic of Srpska, number 15/2024.

⁶ Per Article 9 of the Rulebook on the internal organisation and systematization of workplaces of the East Sarajevo Penitentiary, Official Gazette of the Republic of Srpska, number 15/2024, the East Sarajevo Penitentiary has a special Department for the execution of sentences for minors, i.e. Juvenile Prison Department.

⁷ In the second entity, i.e. the Federation of Bosnia and Herzegovina, the number of these institutions in which criminal sanctions of an institutional or institutional nature are executed is somewhat higher, and they are: Public Institution Institution for the Education of Male Children and Youth Sarajevo, Cantonal Public Institution Disciplinary Centre for Juveniles Sarajevo, Educational Centre of Tuzla Canton, Detention Unit of the Sarajevo Penitentiary and the Educational-Correctional Center in Orašje.

⁸ Official Gazette of the Republic of Srpska, no. 64/2017; 104/2018 - decision of the Constitutional Court of the Republic of Srpska; 15/2021; 89/2021; 73/2023 and Official Gazette of BiH, number 9/2024 – decision of the Constitutional Court of Bosnia and Herzegovina.

⁹ Official Gazette of the Republic of Srpska, no. 53/2012; 91/2017; 66/2018 and 15/2021.

¹⁰ Official Gazette of the Republic of Srpska, no. 63/2018 and 55/2023.

¹¹ In the Federation of BiH those are the following acts: Regulation on the application of educational recommendations to minors, Rulebook on the disciplinary responsibility of juveniles undergoing institutional educational measures or serving a juvenile prison sentence, Rulebook on the application of educational measures of special obligations to juvenile offenders and others.

¹² Official Gazette of the Republic of Srpska, no. 101/2010.

recommendations to perpetrators of criminal offences¹³, Rulebook on the disciplinary responsibility of juveniles serving prison educational measures and juvenile prison sentences¹⁴, Rulebook on the organisation of work and life of minors and young adults serving juvenile prison sentences¹⁵, Rulebook on criminal records¹⁶, Instructions on keeping the records of imposed educational measures¹⁷, Regulation on the application of educational recommendations for minors¹⁸ and the Education programme on acquiring special knowledge and continuous professional training and improvement of persons who work in the areas of youth delinquency and criminal and legal protection of children and minors¹⁹ (Mitrović, 2018, pp. 199–213).

The Rulebook on the organisation of work and life of minors and young adults serving juvenile prison sentences (hereinafter referred to as: Rulebook on the organisation of work) is especially important for the contents of this paper).

Execution of a Juvenile Prison Sentence in the Republic of Srpska

The most important features of juvenile prison sentences in the Republic of Srpska refer to the following:

1) Corresponding application of the provisions of the Law on Protection and Treatment of Children and Minors in Criminal Proceedings and the Law on Execution of Criminal and Misdemeanour Sanctions of the Republic of Srpska

Per the provisions of paragraph 1 of Article 178 of LOJ RS, provisions of this law related to the execution of prison educational measures are applied during the execution of a juvenile prison sentence on the issues of admission of minors to serve a juvenile prison sentence, the rights of minors, benefits, disciplinary offences, disciplinary procedures and measures, the prohibition of carrying and using weapons and restrictions regarding the use of force and coercion, visiting a juvenile individual in a penitentiary institution for juveniles, suspension of the execution of a juvenile prison sentence and postponement of the execution of a juvenile prison sentence. It is a completely understandable and logical legal solution guaranteeing equal criminal-legal status of these individuals within the system of penitentiary institutions in the Republic of Srpska, as well as the equality of all people before the law (Simović et al, 2021, pp. 356–357). On the other hand, and according to paragraph 2 of the same provision, the provisions of

¹³ Official Gazette of the Republic of Srpska, no. 101/2010 and 52/2015.

¹⁴ Official Gazette of the Republic of Srpska, no. 101/2010.

¹⁵ Official Gazette of the Republic of Srpska, no. 52/2015.

¹⁶ Official Gazette of the Republic of Srpska, no. 6/2015.

¹⁷ Official Gazette of the Republic of Srpska, no. 66/2012.

¹⁸ Official Gazette of the Republic of Srpska, no. 10/2010.

¹⁹ Official Gazette of the Republic of Srpska, no. 101/2010.

the Law on the Execution of Criminal and Misdemeanour Sanctions of the Republic of Srpska are applied accordingly to other issues related to the execution of juvenile prison sentences, which otherwise regulate the manner and procedure of the execution of prison sentences imposed on adult offenders (Simović et al, 2021, pp. 356–357), provided that they do not contradict the provisions of the Law on Protection and Treatment of Children and Minors in Criminal Procedure of the Republic of Srpska (Mitrović, 2018, pp. 199–213).

2) Separate institution for execution – Separate penitentiary-correctional institutions

The Law on Protection and Treatment of Children and Minors in Criminal Procedure of the Republic of Srpska prescribes that an imposed juvenile prison sanction is to be executed in a separate penitentiary-correctional juvenile institution, meaning there is no alternatives regarding the selection of the institution where this sentence may be served (Simović et al., 2021, p. 352). It is currently the only institution established for minor boys and girls within the penitentiary system of the Republic of Srpska²⁰, completely separate from the penitentiary-correctional institution where adult individuals (of age) serve their prison sentences (Article 175 LOJ RS)²¹. Under the same conditions, young adults sentenced to juvenile prison are placed in a special department of this institution, as well as minors who become of age during the execution of their juvenile prison sentences. Simultaneously, law on juveniles in the Republic of Srpska expressly stipulates that persons sentenced to juvenile prison sentences, serve them, as a rule, together (therefore, in groups²²). On the other hand, when required by the

²⁰ According to the data from the Special report on the situation in institutions where child offenders are placed, the organisational structure of the institution consists of five services: security service, treatment service, economic instructor service, health service as well as service for legal, financial and joint affairs. The current profile of professional staff in the institution: the head of the East Sarajevo Juvenile Prison Department, the head of treatment, two educators, a bachelor of pedagogy, a psychologist, a social worker and a bachelor of law.

²¹ Per provisions of Article 241 of the Law on Execution of Criminal and Misdemeanor Sanctions of the Republic of Srpska, it is prescribed: Until the establishment and start of operation of penal and correctional institutions for the execution of juvenile prison sentences for male convicted individuals, juvenile prison sentences for female convicted individuals, penal and correctional institutions for serving the sentence prisons for female convicted individuals, correctional homes for the execution of educational measures, referral to a correctional home for male juveniles and a correctional home for female juveniles, these sanctions are implemented in special departments of penal institutions, namely: 1) juvenile prison sentence for male convicted individuals in the East Sarajevo Penitentiary, 2) juvenile prison sentence for female convicted individuals in the East Sarajevo Penitentiary, 3) prison sentence for female convicted individuals in the East Sarajevo Penitentiary, 4) educational referral measure to the correctional home for female juveniles in the East Sarajevo Penitentiary and 5) the educational measure of referral to the correctional home for male juveniles in the Correctional Institution in Banja Luka.

²² Group or collective serving of a prison sentence, i.e. collective execution of a prison sentence - prisoners, i.e. convicted persons, as a rule, serve a prison sentence as a group, or collectively. Only exceptionally, i.e. when required due to security reasons, health status, personal characteristics of

reasons prescribed in this law, such as, for example, health of a convicted person, the need to ensure security or the need to maintain order and discipline in the penitentiary-correctional institution – the convicted persons may serve the imposed juvenile prison sentence separately (Simović et al., 2021, p. 352). Juvenile prison sentences imposed on the persons of female sex are enforced in a separate, i.e., special department of the juvenile penitentiary-correctional institution²³.

3) Treatment of convicted juveniles

In accordance with the provisions of para. 2 and 3 of Article 150 of LOJ RS and the provisions of Article 6 of the Rulebook on the organisation of work, upon admission to a penitentiary-correctional institution, every juvenile shall be informed of their rights and obligations in a language and in a manner that they understand, and about the provisions of the Rulebook, which will be available to all juveniles during their stay in the institution.

The obligation to prepare an individual, i.e. a separate treatment programme for a convicted juvenile is prescribed by the provisions of Article 165 Paragraph 2 of the LCP RS. The proposal of this programme, according to the provisions of Article 95 of the Rulebook on the organisation of work, based on the results from the review of the documentation and personality of the minor from the

the prisoner or when provided by law, the decision of the head of the Institution may determine that the convicted individual will serve his prison sentence separately from other prisoners. Convicted men and women, according to the law, serve their prison sentences separately (in the same way, detained persons are separated from convicted persons, i.e. adults from juvenile convicts) (more in: Lj. Mitrović - P. Dunjić: Execution of prison sentences in the Republic of Srpska - principles of execution and institutions where prison sentences are executed, Scientific and professional magazine in the field of legal sciences Yearbook of the Faculty of Legal Sciences of the Pan-European University APEIRON in Banja Luka, no. 12, pp. 66-78; July 2022).

²³ In the Republic of Srpska, juvenile prison sentences are executed in the East Sarajevo Juvenile Prison, located within the East Sarajevo Penitentiary. In the system of execution of criminal sanctions in the Republic of Srpska, the Juvenile Prison Department has existed since October 2008 and functions as a special department within the East Sarajevo Penitentiary. It is the only institution for the execution of juvenile prison sentences in the Republic of Srpska. Juveniles of both sexes who are sentenced to juvenile prison by competent courts in the territory of the Republic of Srpska are sent to this institution. The planned capacity of the institution is 20 convicted individuals.

The situation in the Juvenile Prison in East Sarajevo was presented in the publication entitled: Analysis of the condition in institutions where juvenile offenders in Bosnia and Herzegovina are placed. This publication was created in the first half of 2016, as a result of cooperation between the Human Rights Ombudsman Institution of Bosnia and Herzegovina and UNICEF in Bosnia and Herzegovina. The majority of the author's team that worked on its development was made up of representatives of the Ombudsman Institution, i.e. practicing attorneys from the Children's Rights Department of this institution. After preparing the Analysis of the situation, in 2018, the Ombudsman of BiH also prepared a Report on the implementation of recommendations from the document entitled: Analysis of the condition in institutions where juvenile offenders in Bosnia and Herzegovina are placed, and then in 2021, the Special Report on conditions in institutions where child offenders are placed.

psychological, pedagogical, social and safety point of view, is made by an expert team of the admissions department of the institution (which must include a doctor, a special pedagogue, a psychologist and a social worker). Afterwards, the treatment programme will be approved by the head of the penitentiary-correctional institution in an official schedule. The content of individual plans, i.e. action or treatment programmes, is prescribed by the Rulebook on the organisation of work, so this important document includes the treatment goals²⁴, means for the realisation thereof, priority plan, occupational therapy²⁵, maintaining contacts with the family, etc. According to the Rulebook on the organisation of work, staff in the institutions should strive, whenever they can and to the greatest extent possible, to include the parents of convicted juveniles in the creation and implementation of individual plans, even though the relationships between convicted juveniles and their parents are very often disrupted, and, unfortunately, as a rule, full support of the family cannot be counted on (Mitrović, 2018, pp. 199–213).

The law also prescribes the procedure for assigning or classifying minors into classification-stimulative groups²⁶. This issue is also additionally regulated by the Rulebook on the organisation of work²⁷. Thus, in accordance with the above mentioned regulations, convicted juveniles are (re)classified into classification-stimulative groups based on monitoring of their behaviour and comportment in a group during the serving of their juvenile prison sentences, their dedication and results achieved during work and educational programmes especially their relation towards work, work resources and achieved work results, participation in cultural-educational, sports and other activities in their unit, as well as participation in leisure activities, attitude towards officials, other juveniles and members of the immediate family, disciplinary procedures and measures during their stay at the

²⁴ When it comes to organising and conducting the treatment of convicted juveniles in BiH and Republika Srpska, according to the Analysis of the Ombudsman of BiH, an aggravating circumstance for organising group activities and engaging instructors for certain work activities, as well as when organising assertive training programmes and non-violent communication programmes, is the small number of convicted individuals serving juvenile prison sentences in this institution.

²⁵ According to the Analysis of the Ombudsmen of BiH, in direct conversations with juveniles currently serving juvenile prison sentences in this institution, observations from earlier monitoring attempts were confirmed in that their daily activities are mainly watching television, working on the computer, with psychotherapy and occasional recreation in the gym.

²⁶ Article 165 paragraph 3 of the Law on protection and treatment of children and minors in criminal proceedings of the Republic of Srpska.

²⁷ The provision of para. 1 and 2 of Article 96 of the Rulebook on the Organisation of Work reads: After professional processing in the admissions department, minors are assigned to the starting group, P, for a period of three months. (2) After three months spent in the P group, and based on the results obtained by monitoring all the elements from Article 94 of this Rulebook, minors are reclassified into one of the classification-stimulative groups...

unit, and the overall level of their re-education²⁸. Accordingly, after professional processing in the admissions department, juveniles are assigned to the initial P group, and after three months in the P group, they are re(classified) in one of the other classification-stimulative groups, namely: A, B, C and D²⁹. (Re)classification is done every three months.

4) Obligation to visit juveniles placed in penitentiary-correctional institutions

Per the provisions of Article 120 Paragraph 2 of the LOJ RS, it is prescribed that juveniles placed in penitentiary-correctional institutions and institutions where juvenile prison sentences and institutional educational measures are executed must be visited by expert advisors, i.e., judges and prosecutors for juveniles, at least twice a year³⁰. Therefore, an active role of judges and prosecutors for juveniles implies, among other things, their obligation to determine, in direct contact with convicted juveniles and professionals who ensure that the measure i.e., sanction is being enforced, as well as by reviewing the relevant documentation, whether the treatment of juveniles is legal and adequate and also implies the need to assess the success in education and proper development of juveniles' personalities (Simović et al., 2021, p. 285). The above mentioned obligation of the judge for juveniles and the competent prosecutor for juveniles is additionally ensured by the provisions of Article 158 of the LOJ RS, according to which they are obliged to visit a juvenile placed in a juvenile prison institution at least twice a year. The purpose of visiting juveniles is for these judiciary bodies to directly observe the procedure for the execution of the imposed sentence, the method and means of the implemented treatments, potential problems in the implementation of individual treatments in general or applied measures, etc. (Simović et al., 2021, pp. 327–328). Also, when visiting the institution where juvenile perpetrators of criminal offences are placed, the judge and the prosecutor for juveniles in direct contact with convicted juveniles but also with the professionals who ensure that that the juvenile prison sentence is executed, as well as by reviewing the relevant documentation – have the opportunity to determine whether the activities are legal and adequate³¹. This, on

²⁸ Article 94 of the Rulebook on the organisation of work and life of minors and young adults serving sentences in juvenile prisons.

²⁹ Juveniles who stand out in terms of behaviour and comportment, and who have spent at least six months in the department, i.e. two classification periods, are assigned to the A group. Juveniles who stand out positively in all monitoring elements are assigned to group B. Juveniles who achieve satisfactory results and whose treatment is done without particular difficulties are assigned to group C. Juveniles whose treatment is difficult to do and who do not meet the established criteria are assigned to group D.

³⁰ According to information from the BiH Ombudsman, the obligation to visit minors by courts and social welfare centres in the Republic of Srpska is met sporadically, although such an obligation is prescribed by the Law on Juveniles.

³¹ According to the Special report on the situation in institutions where child offenders are placed, the judge and prosecutor for juveniles visit the juvenile placed in the institution for the execution of the juvenile prison sentence twice a year, where in direct contact with the juvenile and experts who

the other hand, certainly enables the judge and the prosecutor to assess in a comprehensive and complex manner the success achieved in education and proper development of juveniles' personalities (Simović et al., 2021, pp. 327–328). These individuals are obliged to immediately inform the Ministry of Justice of the Republic of Srpska about the omissions and other observations they notice, as well as the institution where the juvenile prison sentence is being enforced – so that the omissions can be eliminated as quickly and efficiently as possible. On the other hand, this legal provision establishes an obligation for the Ministry of Justice of the Republic of Srpska and the administration of the institution, according to which they are obliged to act according to the remarks and suggestions of the judge, i.e., the prosecutor for juveniles. Namely, once they are notified by the judge i.e., the prosecutor for juveniles, the Ministry of Justice of the Republic of Srpska and the administration of the institution where the juvenile prison sentence is being executed, are obliged to conduct the relevant checks without delay and undertake adequate measures to eliminate illegalities and irregularities and inform the judge the prosecutor for juveniles thereof (Simović et al., 2021, pp. 327–328).

5) Rewarding and punishing convicted juveniles

According to the provisions of Article 98-107 of the Rulebook on the organisation of work, reward and punishment models are applied in everyday treatment of juvenile offenders. Thus, this Rulebook, referring to the provisions of Article 152 of the LOJ RS, prescribes adequate benefits at the penitentiary-correctional institution itself (e.g. the use of one's own electronic device for sound reproduction, decorating the living space with personal belongings, rewards in the form of money or items, receiving a visit without supervision in the visiting rooms in the unit, more frequent visits and packages, extended right to receive visits and staying with a spouse or common-law partner in a dedicated room), as well as benefits outside the institution³², such as: going outside freely with the family,

take care of the execution of the sentence, as well as by reviewing the adequate documentation, they determine the legality and regularity of the actions and evaluate success in the upbringing and proper development of the minor's personality. These persons are obliged to immediately notify the Ministry of Justice, as well as the institution where the juvenile prison sentence is being executed about the observed omissions and other observations. After notifying the judge, i.e. the juvenile prosecutor, the Ministry of Justice, as well as the administration of the institution where the juvenile prison sentence is executed, are obliged to immediately conduct the relevant checks and take measures to eliminate illegality and irregularities and inform the judge and the prosecutor for juveniles accordingly.

³² According to the Analysis of the Ombudsmen of Bosnia and Herzegovina, it is noticeable that the staff of the institution has a hard time deciding whether to approve benefits outside the institution due to the fear that they will be misused (that the minor will run away, or not return on time or that it will have a negative effect on the environment where he will be staying). On the other hand, it should be noted that managers in the institution usually approve only two or three prescribed benefits, even though the Rulebook on the organisation of work and lifestyle of minors and younger adults serving a juvenile prison sentence offers a wide range of benefits within the institution and

going outside individually, visits to sports, cultural and other suitable events outside the institution, visits to family, relatives and other close people during weekends and holidays and additional absences from the unit of up to 15 days³³.

All benefits are approved by the head of the institution or a person authorised by them, per proposal of the Treatment Service.

The provisions of Article 155 paragraph 1 of the LOJ RS and Article 91 of the Rulebook on the organisation of work prescribe two types of disciplinary measures in case of misconduct, i.e. violations of the provisions of the Law on Juveniles and the corresponding rulebook (these are the so-called disciplinary violations), i.e. a warning and suspension of existing benefits (Mitrović, 2018, pp. 199–213). In addition, the special Rulebook on the disciplinary responsibility of juveniles serving institutional educational measures and juvenile prison sentences³⁴ prescribes the disciplinary procedure for juveniles serving institutional educational measures and juvenile prison sentences in educational and correctional-penitentiary institutions of the Republic of Srpska related to disciplinary violations and disciplinary measures, manner of initiation of a disciplinary measure and institutions that conduct the proceedings, appeals proceedings, execution, postponement of execution and the statute of limitations of disciplinary measures, as well as other issues related to the disciplinary liability of juveniles.

6) Parole and deciding on parole

Parole³⁵ is a very important criminal law institute, i.e. an extremely important penological, criminal policy and criminal law measure prescribed in Article 53 of the Law on the Protection and Treatment of Children and Minors in Criminal Procedure in the Republic of Srpska (Simović et al., 2021, p. 354). Conditions for granting of parole for a juvenile prison sentence, same as in general criminal law, are the fulfillment of both formal assumptions related to the minimum time that a convicted juvenile must spend serving the given sentence, as well as material ones related to the juvenile's behaviour and positive criminological prognosis (Gurda, 2015, pp. 323–341). Pursuant to the preceding provision, convicted juveniles may be paroled and released from serving juvenile prison sentence if they have served at least a third of the imposed juvenile prison sentence and if their behaviour has improved to such an extent that it can be reasonably expected that they will behave appropriately and not commit criminal acts upon their release, but not before

outside the institution (so far only free visits to the city with family and chaperoned visit to the city have been approved).

³³ Article 100 of the Rulebook on the organisation of work and life of minors and young adults serving sentences in juvenile prisons.

³⁴ Official Gazette of the Republic of Srpska, no. 101/2010.

³⁵ According to the Analysis of the Ombudsmen of BiH, parole is almost not applied in practice (namely, *prema* according to the data of the administration of the East Sarajevo Penitentiary, since the establishment of this institution, parole has been granted only once).

spending six months in a correctional-penitentiary institution (Article 53 paragraph 1 LOJ RS).

The procedure for granting parole (as a possibility, but not the right of a convicted juvenile) is initiated exclusively at the request of the convicted juvenile. The juvenile court judge of the first-instance court who issued the verdict decides on the juvenile's request, i.e. the parole of the person sentenced to juvenile prison (Simović et al., 2021. pp. 354–355).

7) Contacts with the outside world

According to the Law on the Execution of Criminal and Misdemeanour Sanctions of the Republic of Srpska, minors sentenced to juvenile prison sentences have a number of rights. Those especially relevant include the right to contact with the outside world, the right to legal aid, the right to meet their religious needs, the right to work, the right to healthcare, the right to education, etc. (Simović et al., 2021, pp. 470–471).

Contact with the outside world (primarily with the family) is certainly extremely important in the process of education, re-education and proper development of a juvenile convict³⁶. The contact is made at the suggestion of the treatment service and with the approval of the head of the institution. Thus, minors are entitled to visits from close persons and other relatives (four visits per month for two hours each), parcels, telephone calls via payphone, correspondence with family members, visits by persons who are estimated to have a positive influence on re-education of a convicted juvenile, as well visits from their attorneys (Mitrović, 2018, pp. 199–213).

8) Healthcare of convicted juveniles

Special attention is paid to healthcare of minors³⁷ serving their sentences in juvenile prisons. A convicted juvenile, in addition to the basic right to healthcare, is also entitled to healthcare outside the institution, if the institution cannot provide appropriate healthcare (Simović et al., 2021, p. 474). On the other hand,

³⁶ In the Analysis of the Ombudsmen of BiH, the following was acknowledged: ...in this institution, minors have the possibility of receiving visits, i.e. four visits per month for two hours. Convenience within the institution allows a greater number and extension of visits by close relatives, and extraordinary benefits also allow visits by other relatives. On the other hand, minors are also allowed to contact their family members via a payphone. The Internet is also available to minors, with additional supervision by teachers...

³⁷ Article 127 of the Law on protection and treatment of children and minors in criminal proceedings of the Republika Srpska reads: Healthcare of juveniles subject to an institutional educational measure or a juvenile prison sentence is provided in accordance with accepted medical standards applied to juveniles in the wider community. Juveniles who are subject to an institutional educational measure or a juvenile prison sentence are subject to a systematic examination of the relevant health institution at least once a year. The health status report is submitted to the judge and the prosecutor, parent, guardian or adoptive parent of the juvenile, as well as the guardianship authority.

performing a medical examination immediately, and no later than within 24 hours after the admission of a minor to the institution, is extremely important. Once a year, and more frequently if necessary, the institution is obliged to perform a general health examination of a convicted juvenile in a local hospital i.e. primary healthcare centre (Mitrović, 2018, pp. 199–213).

The health report after the general health examination is submitted to the judge for juveniles and the competent prosecutor for juveniles, but also to the parent, guardian or adoptive parent, as well as to expert advisors, i.e. the guardianship authority³⁸. The time spent on treatment in the relevant health institution is counted towards the duration of the juvenile prison term. Juveniles have the right to have their family informed about their health condition. If a convicted juvenile dies, their family has the right to review the reports of an independent investigation conducted within six months from the day the juvenile was released from the institution (Simović et al., 2021, p. 470).

During the regular bimonthly reporting, the staff of the institution is obliged to submit a report on the behaviour and mental state of the minor to the juvenile court judge, the competent juvenile prosecutor and the social welfare centre (Mitrović, 2018, pp.199–213).

In the provisions of paragraph 3 of Article 127 of the LOJ RS, it is prescribed that special attention must be paid to the needs of pregnant minors, i.e. mothers with babies, and also to the needs of drug addicts, alcoholics and minors with special needs (Marić, 2023, pp. 537–547). The competent service in the correctional institution prepares at least twice a year all observations related to the mental and physical health of juveniles and then submits a detailed report on the mental state of a juvenile to the juvenile court judge in charge of supervision i.e. who has insight into the execution of the criminal sanction of an institutional character, then the prosecutor for juveniles, the juvenile's parent, i.e. guardian or adoptive parent, as well as the competent guardianship authority (Simović et al., 2020, p. 225). This report should include different forms and types of manifestation of the psyche as the inner reality of a convicted juvenile. It is prepared based on a detailed examination, primarily of the psychological functions of juvenile offenders. As a rule, this examination should be conducted by a team of experts made up of different professions (Marić, 2023, pp. 537–547).

³⁸ According to the data from the Special Report on the situation in institutions where child offenders are placed, the medical examination of juveniles is performed within 24 hours of the minor's admission to the institution, and once a year minors have a general health examination in the relevant health institution, and the findings obtained are delivered to the prosecutor for juveniles, the judge for juveniles and the social welfare centre according to the juvenile's place of residence. Twice a year, a report on the mental state of juveniles is prepared and submitted to the prosecutor and the judge in charge of juveniles, the social welfare centre, and the juvenile's parents. Juveniles are fully provided with primary healthcare, specialist examinations, if necessary, as well as addiction treatment programmes. Juveniles have ensured space for storage of their personal items.

This way, permanent cooperation is ensured between the judge for juveniles and the correctional institution where the juvenile prison sentence is being served (Marić, 2023, pp. 537–547). Ultimately, all this is in the interest of the convicted juvenile, especially from the perspective of the judge's discretionary powers, who can repeal, replace or suspend the imposed measure, i.e. sentence, from further execution at their own discretion in each concrete case.

9) The right to legal protection against the measures and decisions of the head of the correctional-penitentiary institution³⁹

The purpose of the provision of legal aid is to protect the rights of juvenile prisoners and achieve the interests related to serving a juvenile prison sentence. In this context, a juvenile prisoner has the right to submit objections and other submissions to the head of the institution. Likewise, according to the provision of Article 132 of the LOJ RS, juveniles who believe that they have been deprived of certain rights or that their rights have been violated, or that other illegalities or irregularities have been committed during their execution of a juvenile prison sentence, are entitled to complain to the head of the institution where the criminal sanction is being executed. In the event of a juvenile's complaint, the head of the institution where the juvenile prison sentence is being served, will adopt a justified decision within three days, either rejecting the complaint as unfounded or establishing its complete or partial validity, in which case adequate measures will be urgently undertaken to remedy the violations committed or deprivation of rights, i.e. other illegalities or irregularities. The decision must contain an instruction on the legal remedy. The juvenile may, within eight days of receiving the decision, submit an appeal against the decision of the head of the institution regarding the complaint, to the juvenile court judge who imposed the juvenile prison sentence.

10) Education of convicted juveniles

The right to education of minors sentenced to juvenile prison is legally regulated by international and domestic legal norms. Thus, according to the European prison rules, each prison institution must strive to enable all prisoners

³⁹ In conversations with juveniles serving juvenile prison sentences in the Department for Juveniles of the East Sarajevo Penitentiary, it was established that they are aware they can submit complaints about the conditions of accommodation and treatment. There are no special records on the number and type of complaints submitted by juveniles within the Juvenile Prison, but such records are kept at the level of the East Sarajevo Penitentiary. According to the data available to the administration, in 2015, only one complaint from a juvenile addressed to a judge was received. According to the administration, the juvenile complained because the prison administration, in the process of deciding on parole, negatively evaluated the behavior and progress of the juvenile offender. He learned that during the delivery of the court decision on the rejection of his request for parole, given that the explanation of the decision clearly stated that the prison/professional staff's opinion on the justification of parole was negative..

(especially juveniles) to participate in the most comprehensive educational programmes consistent with their needs and wishes (Marić, 2023, pp. 537–547).

In accordance with the above mentioned, a convicted juvenile is entitled to attend classes outside the institution, in case classes of certain vocation are not organised by the institution, i.e., if this is justified by past achievements in the juvenile's education and if that does not disrupt the execution of the juvenile prison sentence. Preference should be given to illiterate convicted juveniles and those without elementary or vocational education (Marić, 2023, pp. 537–547).

Each institution should have a library available to all prisoners adequately equipped with a variety of entertainment and educational resources, books and other media (Simović et al., 2021, p. 467). Also, every juvenile prisoner subject to compulsory education must have access to that education. The education of convicted juveniles, to the extent that it is feasible: a) must be an integral part of the system of education and vocational training in the country so that convicted juveniles can continue their education and vocational training without issues after their release from prison; b) should be conducted under the auspices of external educational institutions (Marić, 2023, pp. 537–547). The right to education implies that minors and young adults (up to 21 years of age) have the right to elementary and secondary education up to the fourth-degree level. The institution is obliged to organise classes in accordance with the regulations on elementary and secondary education of the Republic of Srpska. Convicted juveniles who have completed a certain school or obtained a qualification in an institution in this way receive a school certificate where it must not be stated that they received their elementary and secondary professional education in a correctional-penitentiary institution (Marić, 2023, pp. 537–547).

Conclusion

Juvenile prison is a special and most severe type of deprivation of freedom, similar to a prison sentence as a type of criminal sanction for adult offenders. Juvenile prison sentences imposed exclusively for older minors, in addition to the Republic of Srpska, are also prescribed in the criminal legislation of the Federation of Bosnia and Herzegovina, the Brčko District of Bosnia and Herzegovina, the Republic of Serbia, the Republic of North Macedonia, the Russian Federation, the Republic of Slovenia, the Republic of Montenegro, the Republic of Croatia, the Republic of Bulgaria and a number of other modern countries.

Juvenile prison sentences in the Republic of Srpska are executed in a special correctional-penitentiary institution for juveniles, which cannot have contact with the correctional-penitentiary institution where adults serve their prison terms. Also, juvenile prison sentences imposed on girls are executed in a special

correctional-penitentiary institution for juvenile girls, i.e., in a special department of a correctional-penitentiary institution for juveniles (in our system of execution of criminal sanctions, the Department of Juvenile Prison has existed since October 2008, and functions as a special department within the East Sarajevo Penitentiary).

In the Republic of Srpska, significant attention is paid to the execution of juvenile prison sentences. The fact that this area is exceptionally standardized, which is rare in our legislative and legal practice, supports this fact with a number of legal texts but also with an enormous number of by-laws.

References

- Education programme on the acquisition of special knowledge and continuous professional training and improvement of persons working in youth delinquency and criminal-legal protection of children and minors, Official Gazette of the Republic of Srpska, number 101/2010.
- Gurda, V. (2015). Parole as an alternative to institutional-type sanctions in the criminal law of Bosnia and Herzegovina. In *Collection of papers from the International Scientific Conference: Criminal legislation – de lege lata et de lege ferenda*. Ministry of Justice of the Republic of Srpska, Ministry of Justice of Serbia, University of Banja Luka, Serbian Association for Criminal Law Theory and Practice, and Official Gazette of the Republic of Srpska.
- Guidelines on keeping records of imposed educational measures, Official Gazette of the Republic of Srpska, number 66/2012.
- Institution of Ombudsman for Human Rights of Bosnia and Herzegovina, & UNICEF. (2016). *Analysis of the situation in institutions where minor offenders are placed in Bosnia and Herzegovina*. Institution of Ombudsman for Human Rights of Bosnia and Herzegovina.
- Institution of Ombudsman for Human Rights of Bosnia and Herzegovina. (2018). *Report on the implementation of recommendations from the document entitled: Analysis of the situation in institutions where minor offenders are placed in Bosnia and Herzegovina*. Institution of Ombudsman for Human Rights of Bosnia and Herzegovina.
- Institution of Ombudsman for Human Rights of Bosnia and Herzegovina. (2021). *Special report on the situation in institutions where minor offenders are placed*. Institution of Ombudsman for Human Rights of Bosnia and Herzegovina.
- Institution of Ombudsman for Human Rights of Bosnia and Herzegovina. (2021). *Methodology of visits to institutions where minor offenders are placed with the aim of determining circumstances*. Institution of Ombudsman for Human Rights of Bosnia and Herzegovina.
- Law on protection and treatment of children and minors in criminal proceedings, Official Gazette of the Republic of Srpska, no. 13/2010; 61/2013 and 68/2020.
- Law on protection and treatment of children and minors in criminal proceedings, Official Gazette of Brčko District of Bosnia and Herzegovina, number 44/2011.
- Law on protection and treatment of children and minors in criminal proceedings, Official Gazette of the Federation of Bosnia and Herzegovina, no. 7/2014 and 74/2020.

- Criminal Code of the Republic of Srpska, Official Gazette of the Republic of Srpska, no. 64/2017; 104/2018 - decision of the Constitutional Court of the Republic of Srpska; 15/2021; 89/2021; 73/2023 and Official Gazette of BiH, No. 9/2024 – decision of the Constitutional Court of Bosnia and Herzegovina.
- Law on criminal procedure of the Republic of Srpska, Official Gazette of the Republic of Srpska, no. 53/2012; 91/2017; 66/2018 and 15/2021.
- Law on the execution of criminal and misdemeanour sanctions of the Republic of Srpska, Official Gazette of the Republic of Srpska, no. 63/2018 and 55/2023.
- Marić, T. (2023). Right to health and education in prison. In *Collection of papers from the VIII International Scientific Conference – Social deviations, Right to health and education*. Centre of Modern Knowledge.
- Mitrović, Lj., & Dunjić, P. (2022). Execution of prison sentences in the Republic of Srpska: Principles of execution and institutions where prison sentences are served. *Yearbook of the Faculty of Legal Sciences of the Pan-European University APEIRON in Banja Luka*, 12.
- Mitrović, Lj. (2018). Implementation of prison educational measures and juvenile prison sentences in Bosnia and Herzegovina. In *XXX International Scientific Thematic Meeting: Justice tailored to the child*. Palić.
- Mitrović, Lj., & Grbić-Pavlović, N. (2012). Juvenile prison sentence in the Republic of Srpska. *Word of Law: Journal of Legal Theory and Practice*, 33. Association of Attorneys of the Republic of Srpska.
- Regulation on the application of educational recommendations towards minors, Official Gazette of the Republic of Srpska, number 10/2010.
- Rulebook on the application of educational measures of special obligations towards juvenile offenders, Official Gazette of the Republic of Srpska, number 101/2010.
- Rulebook on the application of educational recommendations towards juvenile offenders, Official Gazette of the Republic of Srpska, no. 101/2010 and 52/2015.
- Rulebook on the disciplinary responsibility of juveniles serving institutional educational measures and serving juvenile prison sentences, Official Gazette of the Republic of Srpska, number 101/2010.
- Rulebook on the organisation of work and life of minors and young adults serving sentences in juvenile prisons, Official Gazette of the Republic of Srpska, number 52/2015.
- Rulebook on Criminal Records, Official Gazette of the Republic of Srpska, No. 6/2015.
- Rulebook on the internal organisation and systematization of workplaces of the East Sarajevo Penitentiary, Official Gazette of the Republic of Srpska, number 15/2024.
- Simović, M., Jovašević, D., Mitrović, Lj., & Simović-Nišević, M. (2021). *Commentary on the Law on Protection and Treatment of Children and Minors in Criminal Proceedings* (2nd ed.). Official Gazette of the Republic of Srpska.
- Simović, M., Jovašević, D., Mitrović, Lj., & Simović-Nišević, M. (2021). *Juvenile criminal law* (3rd ed.). Faculty of Law, University of East Sarajevo.
- Selman, Dž., Mitrović, Lj., Uletilović, D., Mirkonj, N., & Šain, D. (2010). *Treatment of children and minors in criminal proceedings: Manual*. Ministry of Justice of the Republic of Srpska and UNICEF.
- Selman, Dž., Mitrović, Lj., Uletilović, D., Mirkonj, N., & Šain, D. (2012). *Minors in criminal proceedings with a collection of regulations in the field of juvenile justice*. Ministry of Justice of the Republic of Srpska and UNICEF.

Criminological Insights Into Recidivism Trends in Croatia*

Lea Feuerbach¹ 

This study provides an analysis of recidivism trends within Croatia's criminal justice system, offering a comprehensive overview of the concept. It explores various forms of recidivism—such as rearrest, reconviction, and reimprisonment—while underscoring the ambiguity surrounding its definition. Additionally, the study examines key challenges associated with accurately measuring recidivism. Recidivism, while often broadly defined as a return to criminal behaviour, poses significant challenges in terms of operationalisation and consistency across different contexts. The research highlights these challenges and focuses on Croatia's specific approach to recidivism, where the term remains legally undefined, and there are no established measurement methods, with terminology often used without methodological explanation.

Using quantitative data from the Croatian Bureau of Statistics, qualitative insights from an expert at the Diagnostic Centre within the prison system, and prison reports from 2011 to 2023, this study examines trends in reoffending. It further explores how recidivism has been measured and interpreted within the prison system over this period. It explores key findings related to recidivism trends, particularly the steady decline in previously convicted offenders and the significance of property crimes within recidivism categories.

The study addresses both normative definitions and criminological perspectives to provide a clearer understanding of recidivism in Croatia by highlighting a significant gap: there is no clear definition of recidivism in Croatian legislation. This ambiguity not only complicates the understanding of recidivism within Croatia but also mirrors similar situations in neighbouring countries. Even when recidivism is defined in legal texts, the interpretation relies heavily on state discretion, making it impossible to compare data—despite data collection efforts—with other countries. The study underscores the necessity of evaluating rehabilitation programs,

* This is an invited paper presented by Lea Feuerbach at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Feuerbach, L. (2024). Criminological Insights Into Recidivism Trends in Croatia. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 219–235). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.41>

¹ Ph.D. Candidate at the Ferenc Deák Doctoral School of the University of Miskolc and Scientific Researcher at the Central European Academy, Budapest, Hungary.

Email: lea.feuerbach@centraleuropeanacademy.hu

<https://orcid.org/0009-0004-3763-7889>

which is a prerequisite for enhancing the effectiveness of reintegration and rehabilitation efforts.

KEYWORDS: recidivism / reoffending / reconviction / previously convicted offenders / rehabilitation

Introduction

Understanding recidivism is crucial for effectively addressing and preventing repeat criminal behaviour. Despite its seemingly straightforward definition, the concept encompasses significant complexities, particularly concerning its measurement and operationalisation across different contexts. The introduction will address these complexities of the term "recidivism," highlighting the various definitions and measurement challenges associated with it. Subsequently, the focus of this work will shift to examining recidivism trends within the context of Croatia. A simplified and broad approach to recidivism characterises it as a relapse into a previous condition or mode of behaviour, which, in the context of crime, refers to criminal behaviour (Getoš Kalac & Feuerbach, 2023). Although this formulation appears relatively straightforward and understandable to many, the understanding of recidivism is much more complex (for more details see: Fazel & Wolf, 2015, p. 1; Maltz, 1984, p. 54; Ruggero et al., 2015, p. 1; Schoeman, 2010, p. 80). Unfortunately, there is no universally accepted definition of recidivism, and various reasons contributing to this complexity will be presented. Although recidivism can be viewed from various perspectives, such as criminological, penological, and normative, its meaning is fundamentally understandable. The criminological approach examines the occurrence and underlying causes of criminal behaviour, aiming to understand why individuals commit crimes and striving to uncover all instances of repeated criminal behaviours, not just the recorded ones. In contrast, the normative approach focuses specifically on legal frameworks, addressing behaviours deemed punishable under criminal law. The penological approach narrows this further by defining penal recidivism as the reimprisonment of offenders for new offences committed after completing previous prison sentences (Getoš Kalac & Feuerbach, 2023). However, issues arise when attempting to operationalise it, particularly in efforts to measure it (Maltz, 1984).

Objective

The objective of this research is to understand the complexities of recidivism, particularly regarding its definitions and measurement challenges, and to examine recidivism trends in Croatia, highlighting the various factors that influence the recurrence of criminal behaviour. Recidivism can be measured through different

methods, and there is no single "correct" way to measure it (Ruggero et al., 2015). Recidivism is a broad concept that encompasses the recurrence of criminal behaviour, which may involve various outcomes such as rearrest, reconviction, or reimprisonment (Fazel & Wolf, 2015). In literature, rearrest refers to being arrested again after a prior offence, reconviction involves being convicted for a new crime following a previous conviction, and reimprisonment denotes returning to prison either for committing new offences or violating release conditions (Getoš Kalac & Feuerbach, 2023).

Measuring recidivism is challenging due to several key factors. The characteristics of the sample studied can greatly influence recidivism rates; selecting specific subgroups—such as offenders defined by gender, age, or type of offence—may not accurately represent the entire offender population (Aebi et al., 2021). Furthermore, the length of the follow-up period plays a crucial role, as shorter durations may overlook later reoffending instances, while longer periods can capture a broader range of recidivism outcomes, however there is no universally accepted time period (Aebi et al., 2021). Additionally, the variability in defining recidivism—whether it encompasses reconviction, reincarceration, or particular types of offences—creates inconsistencies that complicate comparisons across studies or jurisdictions (Aebi et al., 2021). Collectively, these factors underscore the complexities involved in understanding and interpreting recidivism trends.

The absence of a clear definition for recidivism is not unique to Croatia; many Central European and Balkan countries with similar legal and cultural contexts encounter comparable challenges. In Poland and Slovakia, for example, terms like “habitual offenders” are used instead of “recidivists,” yet the scope of these terms varies significantly. In Poland, habitual offenders are defined as adults sentenced to imprisonment or similar penalties for intentional crimes, including those previously penalised for intentional offences or under military arrest for similar violations (Statistics Poland, n.d.). Meanwhile, Slovakia lacks a specific legal definition for recidivists, yet categorises habitual offenders as individuals who have repeatedly committed the same offence (Statistical Office of the SR, n.d.). Other countries, such as Hungary and Romania, offer more precise classifications: Hungary considers recidivists those who reoffend within three years of completing a sentence for a wilful crime, while Romanian law defines recidivism as committing a new intentional crime after a prior sentence of more than one year, or life imprisonment, before rehabilitation or the expiration of the rehabilitation period (Hungarian Central Statistical Office, n.d.; Ministerul Justiției, 2023).

In most jurisdictions, recidivism is typically mentioned in sentencing provisions rather than as a separate legal category. For instance, Article 55 of Serbia’s Criminal Code considers prior intentional offences as an aggravating factor if the individual reoffends within five years of their prior sentence (Serbian

Criminal Code, 2019). Similarly, Slovenia's Criminal Code includes recidivism under its General Rules on Sentencing in Article 41, urging courts to weigh factors such as the similarity between previous and new offences, their motives, and the time elapsed since the last conviction or sentence completion (Slovenian Penal Code and Law on Amendments and Supplements to the Criminal Code, 2023). Bosnia and Herzegovina's Article 48 of the Criminal Code also instructs courts to consider whether prior and subsequent offences are of the same type and motive, and the interval since the last sentencing or sentence served (Criminal Code of Bosnia and Herzegovina, 2023). These diverse approaches reflect ongoing challenges in defining and operationalising recidivism within different legal systems.

Method

Given all the aforementioned challenges in measuring recidivism, it is essential to be transparent when conducting any research, especially when defining terms and sources of data that served as references. Conducting research on such a complex phenomenon in Croatia is highly challenging due to the frequent methodological inconsistencies in publicly available data (such as prison reports), limited data sources, a narrow circle of experts in the field of criminology, and a general deficit of criminologically relevant empirical and other scientific research (Getoš Kalac & Feuerbach, 2023; Kalac & Bezic, 2017).

In Croatia, there is no legal definition of recidivism or of the term recidivist. The legal system addresses recidivism only in relation to sentencing, as outlined in Article 47 of the Criminal Code (Croatian Criminal Code, 2024). This article mandates that courts consider all factors influencing the severity of a sentence, including the offender's prior life. Courts are given discretion to determine whether a previous conviction should be viewed as a mitigating or aggravating factor in sentencing. Although the prison report mentions "recidivism rates" and recidivists in the context of drug addiction treatment, the report does not present any recidivism rates, nor does it provide a methodological explanation of which group of inmates is considered recidivists (Ministry of Justice, statistical reports for various years). The closest term to recidivism, at least on a normative level, is defined by the Croatian Bureau of Statistics (CBS), which categorises recidivists as adult offenders who have previously been legally convicted and CBS is responsible for collecting and reporting this data (Croatian Bureau of Statistics - Republic of Croatia, 2024).

Therefore, while some authors argue that simply counting the number of inmates who have previously been incarcerated provides a weak measure of the concept (Aebi et al., 2021), the study of recidivism in Croatia is limited to offenders who have previously been legally convicted. Although this definition

encompasses a broader concept than just prior incarceration, it does not fully incorporate all the previously mentioned elements that could be classified under recidivism in the broadest criminological sense. While this definition is more inclusive, it may still be debated whether a previous legal conviction alone is a sufficient indicator of recidivism. However, due to the practical limitations of the available data, for the purposes of the operationalisation of this research, this definition will be used as a measure of recidivism, and quantitative data from CBS will be used.

In this study, the Reports on the State and Operations of Prisons, Correctional Facilities, and Educational Institutions (hereafter referred to as the "prison reports") are also utilised as primary data sources (Croatian Bureau of Statistics, statistical reports for various years). These reports contain quantitative data and, at times, analyses that reflect the prison system's interpretation. Key indicators within the reports encompass the operations of the prison administration, the status and composition of inmates, and the staffing structure within the prison system. Data has been collected from reports spanning 2011 to 2022, with the 2022 report being the latest available, as the current year is 2024, and the 2023 report remains unavailable at the time of writing.

Through these reports, the study examines the data collected on recidivism, the manner in which this data is presented, how the prison system defines recidivism, and the implications of these definitions on the understanding of recidivism trends over time. Additionally, qualitative data were collected through a semi-structured interview with an expert from the Diagnostic Centre within the prison system. In 2022, a semi-structured interview was conducted with an expert from the Diagnostic Centre within the Croatian prison system as part of a graduation thesis. The purpose of this interview was to understand the practical approach applied within the prison system, specifically focusing on the Diagnostic Centre, which operates as an independent organisational unit under the Directorate for the Prison System within the Ministry of Justice.

The Centre was selected because it is responsible for conducting medical, social, psychological, pedagogical, and criminological evaluations of prisoners. These evaluations are crucial for prisoner classification, developing tailored imprisonment programs, and recommending suitable facilities where prisoners will serve their sentences. This expert's interdisciplinary experience and direct engagement with inmates provided a valuable, broad perspective. The interview questionnaire consisted of open-ended questions, some of which were explored in depth during the conversation. For the purposes of this study, only segments of the interview relevant to the expert's view on current shortcomings in the rehabilitation system and on the Diagnostic Centre's specific criteria for defining recidivism were included in the analysis. Prior approval was obtained from the Ministry of Justice to conduct the interview, which took place in Zagreb at the

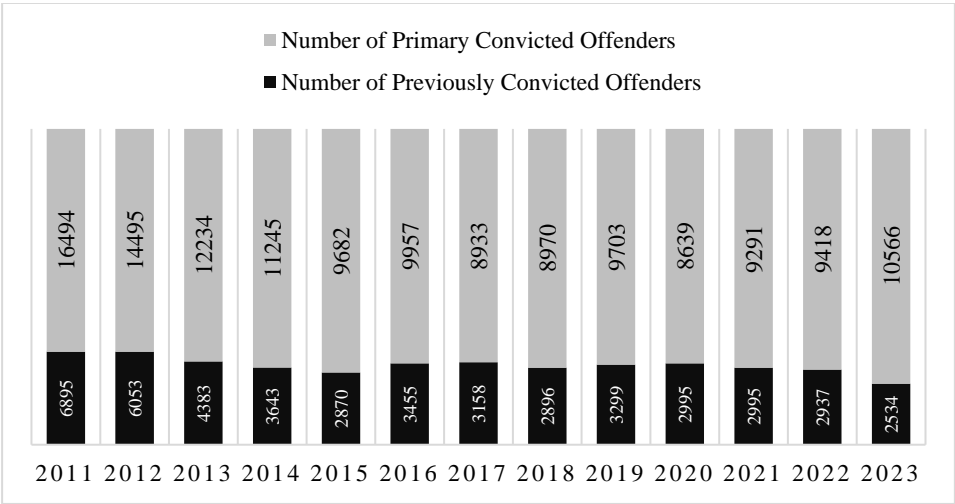
Remetinec Prison premises. Due to the prison’s security protocols, recording the interview was not permitted.

Results, Trends, and Practical Implications

The results section will present trends in recidivism and primary offenders in Croatia from 2011 to 2023, focusing on the decline in both groups and the stable share of recidivists. It will also analyse recidivism across various crime categories, with particular emphasis on property crimes. Additionally, insights from the Diagnostics Centre will shed light on how recidivism is treated in practice. An analysis of recidivism within the prison system, based on prison reports, will further illustrate how recidivism is measured and interpreted from the perspective of the prison system.

Graph 1

*Previously and Primarily Convicted Offenders from 2011 to 2023
(Ministry of Justice, statistical reports for various years)*



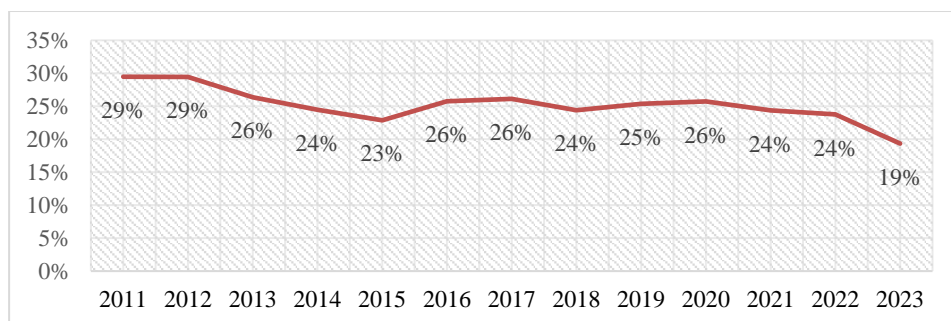
Graph 1 provides a longitudinal view of the trends in recidivism and primary offending in Croatia from 2011 to 2023 by presenting two data series: the total number of previously convicted offenders (recidivists) and primary convicted offenders each year. It reveals a clear downward trend in both categories over the 13-year period. Recidivists decreased steadily from around 6,900 in 2011 to approximately 2,500 by 2023. Similarly, primary convicted offenders experienced a more gradual decline, falling from about 16,500 in 2011 to around 10,500 by 2023. In 2023, a noteworthy trend emerged: while the number of primary

convicted offenders saw a slight decrease to 10,566, the number of recidivists dropped more sharply, reaching 2,534. This graph highlights key shifts in recidivism and first-time offences within the Croatian criminal justice system.

Graph 2

Recidivism Movements in Croatia from 2011 to 2023

(Ministry of Justice, statistical reports for various years)

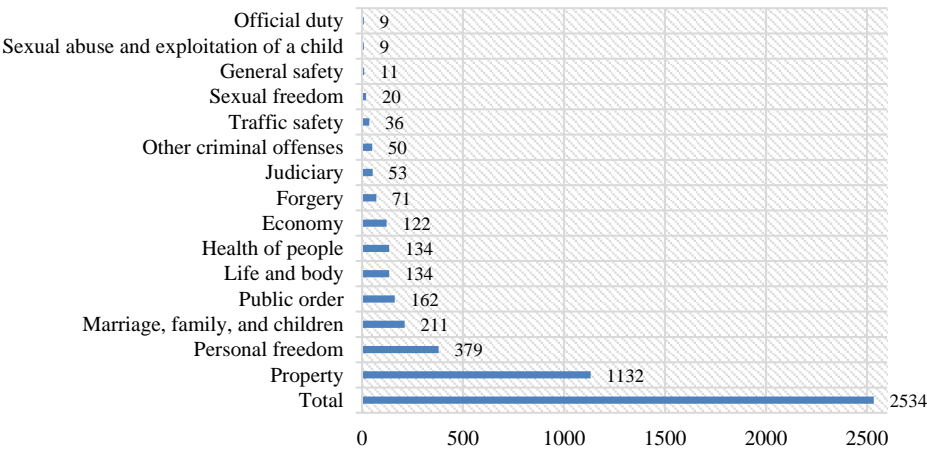


Graph 2 presents the proportion of recidivists as a percentage of the total number of convicted offenders each year, covering the period from 2011 to 2023. This proportion, referred to as the 'recidivism share,' provides insight into the persistence of repeat offending within the Croatian criminal justice system, revealing the number of individuals re-entering the system and highlighting the trend of recidivism in Croatia over the past decade. Throughout this period, the recidivism share has remained relatively stable, fluctuating between 19% and 29%. Notably, the recidivism share was 29% in 2012, decreasing to 26% in 2013. A further decrease is observed, with the share dropping from 24% in 2022 to 19% in 2023. Potential explanations for these drops in numbers will be discussed in the upcoming discussion section.

Graphs 3 and 4 provide a comprehensive view of recidivism, while graph 3 illustrates the total number of recidivists in Croatia for the year 2023, categorised by the specific types of crimes they committed, Graph 4 highlights the share of recidivists relative to the total number in Croatia by crime category, illustrating the distribution of repeat offenders and the percentage of recidivism across various types of criminal offences. From the graphs, it is evident that the largest number of recidivists is found in crimes against property, personal freedom, and public order. Notably, the highest proportion of recidivists occurs in crimes against property, crimes against the judiciary, and crimes against the economy. In both graphs, crimes against property stand out prominently, which is not surprising given that the high number of recidivists in property crimes often stems from economic necessity, opportunity, or habitual behaviour (Hannon, 2002).

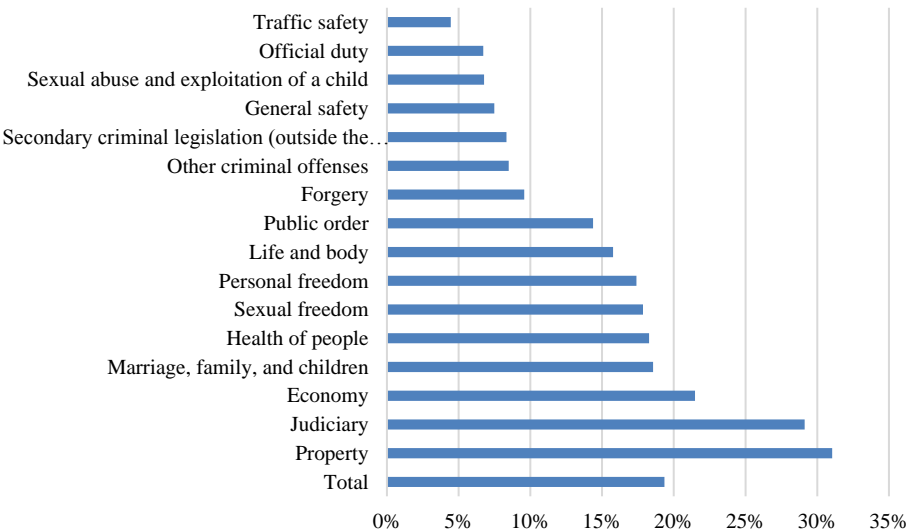
Graph 3

Total Number of Recidivists by Crime Category in 2023
(Croatian Bureau of Statistics, 2024a)



Graph 4

Proportion of Recidivists by Crime Category in 2023
(Croatian Bureau of Statistics, 2024a)



Through a semi-structured interview with an expert from the Diagnostic Centre, it was revealed that the goal of the prison system's approach to recidivism is to determine the actual presence of recidivism, which refers to discovering whether a person is a recidivist in the broadest criminological perspective—

essentially, whether they have reoffended, regardless of any prior convictions or incarceration. Through this approach, it is crucial to avoid disadvantaging offenders based on their past sentences, focusing instead on identifying criminological risk factors and addressing their reintegration needs. This perspective aims to create a more equitable system that prioritises rehabilitation over historical legal outcomes. The criminological approach goes beyond data collected from criminal records, using additional data such as inmate interviews, court expertise, and available external information. This distinction is crucial, as recidivist and primary offenders are separated to prevent so-called "criminal infection" (for more details see: Feuerbach, 2022).

In the prison reports for 2011 and 2012, recidivism is mentioned solely in the context of the drug-dependent population. It is noted that the recidivism rate for this group is higher than that of the general prison population. However, there is no definition provided for who qualifies as a recidivist, nor is there any mention of the overall recidivism rate or the methodology used to calculate it. This lack of clarity raises questions about the interpretation and application of recidivism data within these reports (Ministry of Justice, 2012, 2013).

In the 2013 report, recidivists are defined for the first time as individuals who have previously served a prison sentence, aligning with the narrowest definition of recidivism from a penological perspective. Accordingly, it is noted that among the entire population of inmates received for incarceration during 2013, the recidivism rate stands at 32.2% (Ministry of Justice, 2014). In the 2014 report, the total prison population is presented for the first time in relation to prior convictions. Among the overall prison population in 2014, 42% are individuals without prior convictions, 21% are those who have previously received monetary and/or conditional sentences, and 37% have prior experience serving a prison sentence (Ministry of Justice, 2015).

The definition of recidivists follows the definition from 2013, with recidivism again being particularly highlighted in the context of drug-dependent individuals. The report indicates a high recidivism rate of 70.7% for the drug-dependent population; however, there is no methodological explanation provided for how this recidivism rate was calculated (Ministry of Justice, 2015). The 2015 report introduces a new methodological approach to presenting recidivism data. Instead of showing the total prison population throughout the year based on prior convictions, it now expresses the structure of inmates in relation to recidivism as of 31 December 2015 (Ministry of Justice, 2016). Within the overall prison population for 2015, 37.70% are individuals without prior convictions, 20.79% are those who have previously received conditional and/or monetary sentences, and 41.51% have prior experience serving a prison sentence (N=2549). Additionally, a new definition of who qualifies as a recidivist is introduced, which includes individuals who have previously served a prison sentence, been in

juvenile detention, or received educational measures directed towards rehabilitation (Ministry of Justice, 2016).

The 2016 prison report presents a new and different method of data collection compared to previous years. It now shows the structure of inmates serving sentences longer than six months and juveniles in juvenile detention in relation to prior convictions throughout 2016, as well as the structure of inmates and juveniles based on prior convictions as of 31 December 2016 (Ministry of Justice, 2017). Of the total number of inmates and juveniles ($N = 1231$) serving sentences longer than six months and those in juvenile detention during 2016, 66% had prior convictions, and 42% had previously served a prison sentence. Higher rates of recidivism among drug addicts are still noted compared to the general prison population; however, the report does not specify the overall recidivism rate or provide rates for any other groups. The report also references legal amendments from 2013, which reclassified possession of drugs for personal use from criminal to misdemeanour responsibility.

Since 2013, a trend of decreasing numbers of drug-dependent inmates has been observed. The report warns that it is difficult to attribute a clear interpretation to the high proportion of recidivists in this group, noting that one possible reason for this may be their successful reintegration into society (Ministry of Justice, 2017). The 2017 prison report continues the methodology for data presentation established in 2016, illustrating the structure of inmates serving sentences longer than six months and juveniles in juvenile detention in relation to prior convictions throughout 2017 (Ministry of Justice, 2018). It also details the structure of inmates and juveniles based on prior convictions as of 31 December 2017. On that date, the total prison population comprised 36.90% individuals without prior convictions, 17.23% who had previously received conditional and/or monetary sentences, and 42.87% who had previously served a prison sentence. Concerning drug-addicted individuals, the report again cites successful rehabilitation and reintegration efforts as a potential reason for the decrease in the number of inmates in this group since 2013 (Ministry of Justice, 2018, p. 39). The 2018 prison report follows the methodology established in 2016 and 2017.

As of 31 December 2018, the total prison population comprised 38.87% of individuals without prior convictions, 15.92% who had previously received conditional and/or monetary sentences, and 45.21% who had previously served a prison sentence (Ministry of Justice, 2019). In the section regarding drug-addicted individuals, the report does not provide its own interpretations but simply states that the recidivism rate in this group is higher than in the general prison population, still without offering any methodological explanations (Ministry of Justice, 2019). From 2019 to 2022, the reports no longer present any data relating to the proportion of recidivists within the general population, either as of 31 December or throughout the year, nor regarding inmates serving sentences longer than six months.

A common theme across all reports is the assertion that drug addiction is almost invariably linked to criminal behaviour, with the recidivism rate in this group being higher than that of the general prison population. However, none of the reports explain what this rate is or how it is calculated. The 2020 report states that, compared to 2019, the total number of drug-dependent individuals received for serving a sentence or undergoing a treatment measure decreased by 10.36% (Ministry of Justice, 2021). At the same time, among newly admitted drug addicts, the proportion of recidivists increased compared to 2019, when 29.79% of drug addicts were serving prison sentences for the first time (Ministry of Justice, 2021). The 2019 report does not present any data or specific figures and does not define who constitutes a recidivist.

The 2021 report continues this approach, noting a smaller proportion of recidivists compared to 2020, when 23.12% of drug addicts were serving prison sentences for the first time (Ministry of Justice, 2022). The 2022 report indicates that the proportion of recidivists among newly admitted drug addicts remains the same as in 2021 (Ministry of Justice, 2024). The question arises regarding the relevance of these data and to what extent they can be interpreted, particularly when it is impossible to assert with certainty what they refer to. The lack of clear definitions and methodological explanations significantly undermines the ability to draw meaningful conclusions from the data. Without a comprehensive understanding of the population being studied and the criteria for categorising recidivists, any interpretations made may be speculative and lack validity.

Discussion

The examination of prison reports from 2011 to 2022 reveals significant inconsistencies and gaps in the presentation and definition of recidivism, particularly concerning drug-dependent individuals. In the reports, recidivism is exclusively referenced in the context of drug addiction, with claims that the recidivism rate for this group exceeds that of the general prison population. However, these reports fail to define who qualifies as a recidivist and do not provide any specific recidivism rates or the methodologies used to calculate them. This lack of clarity creates challenges for interpreting and applying recidivism data. The 2013 report establishes a definition for recidivists, but subsequent reports continue to show vague categorisations. The 2014 report marks the first instance of presenting the total prison population based on prior convictions, revealing that 42% were individuals without prior convictions and 37% had previously served a prison sentence.

However, the lack of methodological clarity continues to raise concerns, particularly regarding the reported high recidivism rates among drug-dependent inmates, which reaches 70.7% in 2014 without explanation. From 2015 onwards,

the reports adopt different methodologies, and from 2019 to 2022, they no longer present any data on the proportion of recidivists within the general population, either as of 31 December or throughout the year, nor for inmates serving sentences longer than six months. All reports maintain the assertion that drug addiction is closely linked to criminal behaviour, noting that the recidivism rate for drug addicts is higher than that of the general prison population. Still, none provide clarity on what this rate is or how it is calculated.

To accurately determine the recidivism rate, several key factors and steps must be considered. First, establishing a clear definition of recidivism is essential, as it may encompass various forms of reoffending, such as rearrests, reconvictions, or reimprisonments, ensuring consistency in data tracking and comparison (Payne, 2007). Additionally, defining a tracking period (e.g., one, three, or five years from release or sentencing) is crucial, as longer periods often reveal higher recidivism rates, while shorter ones highlight immediate effects of penal measures (Blumstein & Larson, 1971; Dadashazar, 2017; Getoš Kalac & Feuerbach, 2023; Payne, 2007; Ruggero et al., 2015). The specific population under study is also significant, as different groups (e.g., all offenders or only those with severe offences) may exhibit distinct recidivism patterns (King & Elderbroom, 2014; Maltz, 1984; Payne, 2007). Reliable data sources, along with clarity on which data is being used (such as court records, prison statistics, and police data), are essential for ensuring accuracy (Biderman & Reiss, 1967; King & Elderbroom, 2014; Payne, 2007; Ruggero et al., 2015).

The calculation of recidivism typically involves expressing the recidivism rate as a percentage of individuals who reoffend within the observed population. The overall relevance of these data raises critical questions regarding their interpretability, particularly given the inability to assert with certainty the specifics of what they refer to. The absence of clear definitions and methodological explanations significantly undermines the capacity to draw meaningful conclusions from the data. Without a comprehensive understanding of the studied population and criteria for categorising recidivists, any interpretations made are likely to be speculative and lack validity.

In light of the reports from 2016 and 2017, which attribute the decrease in drug-dependent inmates partly to successful rehabilitation and reintegration efforts, the evaluation of rehabilitation programs becomes particularly essential. These reports provide a prison-centred perspective on the declining numbers in this group, yet without detailed assessments of the programs, any conclusions about their true effectiveness remain speculative. Conducting evaluations would enable a more conclusive analysis of these programs' impact on recidivism, facilitating a clearer understanding of the relationship between rehabilitation initiatives and observed trends.

Furthermore, to better understand the drop in recidivism, it is essential to consider changes in criminal legislation. Crimes related to drug abuse stand out as categories with the highest recidivism rates, making it noteworthy to highlight the legal changes in this area (Getoš Kalac & Feuerbach, 2023). In January 2013, drug possession for personal use was reclassified from a criminal offence to a misdemeanour, intended to ease the workload of county courts and expedite sanctioning procedures. This shift resulted in a significant 13% rise in misdemeanours compared to 2012, creating a spillover effect where many criminal offences moved into the sphere of misdemeanours (Croatian Bureau of Statistics, 2024b). Thus, the apparent decrease in criminal offences, including recidivism, could largely reflect a reclassification rather than a genuine reduction in criminal behaviour.

Moreover, the recidivism share dropped from 24% in 2022 to 19% in 2023, a decrease that is intriguing given the absence of significant legal changes during that period. This decrease in recidivism may be partially explained by the fact that, in the same year, the number of primary convicted offenders slightly increased while the number of recidivists decreased. This difference in trends suggests that a larger proportion of those entering the system are first-time offenders, potentially contributing to the overall decline in recidivism. However, this remains a partial explanation, and other factors may also be influencing this trend. There are many reasons that potentially influence a decrease in recidivism. Improved rehabilitation programs can equip offenders with the skills and support necessary for successful reintegration into society, reducing the likelihood of reoffending (Whitney, 2009).

Additionally, increased access to community resources, such as mental health services and employment training, can address underlying issues that contribute to criminal behaviour (Pinard, 2006). Shifts in public attitudes towards offenders may also foster a more supportive environment for reintegration (Buđanovac & Mikšaj-Todorović, 2002). Economic improvements and better job opportunities provide individuals with alternatives to crime, thereby diminishing the economic motivations for reoffending (Brisman et al., 2017). While these potential reasons for the decrease in recidivism rates offer important considerations, it is essential to note that they are speculative in nature. An in-depth examination of these factors falls outside the scope of this article.

However, addressing these considerations could serve as a point for further discussion, highlighting the need for future research to explore the complex interplay of societal, economic, and systemic influences on recidivism trends. Furthermore, it will be important to monitor future data to determine whether this decrease signals a long-term trend or is merely an anomaly.

Without evaluation of reintegration programs, it remains unclear whether latest drop in recidivism reflects positive progress or a temporary fluctuation. The expert from the Diagnostic Centre also pointed out that it would be beneficial to have some form of evaluation of the rehabilitation programs that have been implemented.

Conclusion

In conclusion, while recidivism appears to be a straightforward concept involving the return to criminal behaviour, its understanding and measurement are far more complex. Various perspectives—criminological, normative, and penological—offer differing interpretations, complicating efforts to develop a universally accepted definition. Measuring recidivism presents additional challenges due to varying methods of data collection and inconsistencies in defining and categorising recidivist behaviour. In Croatia, these challenges are exacerbated by the lack of a legal definition of recidivism and the limited availability of comprehensive data. The examination of recidivism definitions and classifications across European and Balkan countries reveals significant variation in how this concept is approached within legal frameworks.

Despite the common challenges faced by these jurisdictions, their approaches to categorising and measuring recidivism vary widely, with some nations providing clearer legal definitions while others lack formal classifications. This lack of standardisation complicates the interpretation of recidivism data and limits the ability to draw meaningful comparisons across different legal systems.

The analysis of recidivism trends and primary offending in Croatia from 2011 to 2023 reveals a steady decline in both primary offenders and recidivists, alongside a relatively stable share of recidivists among all convicted individuals. Notably, property crimes remain the category with the highest proportion of recidivism, reflecting both habitual patterns and economic motivations for reoffending. Insights gathered from the Diagnostic Centre highlight a criminological approach that seeks to identify the reality of reoffending rather than focusing solely on past legal outcomes, emphasising the importance of addressing risk factors and reintegration needs to reduce future criminal behaviour.

Changes in legislation, particularly the 2013 reclassification of drug possession for personal use from a criminal offence to a misdemeanour, have also likely influenced these trends by reducing the classification of specific offences as crimes. This legislative adjustment may account for a decrease in recidivism numbers on record, though it does not necessarily reflect a genuine reduction in reoffending behaviour.

However, without a comprehensive evaluation of existing reintegration programs, it remains uncertain whether recent declines in recidivism represent true progress or temporary fluctuations. Continued monitoring of recidivism trends, combined with thorough evaluations of both existing reintegration programs and broader reintegrative strategies, is essential. These measures will enable a clearer assessment of long-term impacts and provide a basis for refining approaches aimed at reducing reoffending and supporting the effective reintegration of offenders into society.





References

- Aebi, M. F., Caneppele, S., Harrendorf, S., Hashimoto, Y. Z., Jehle, J.-M., Khan, T. S., Kühn, O., Lewis, C., Molnar, L., Smit, P., & Þórisdóttir, R. (2021). *European Sourcebook of Crime and Criminal Justice Statistics – 2021*. Göttingen University Press. <https://doi.org/10.17875/gup2021-1787>
- Biderman, A. D., & Reiss, A. J. (1967). On Exploring the “Dark Figure” of Crime. *The Annals of the American Academy of Political and Social Science*, 374(1), 1–15. <https://doi.org/10.1177/000271626737400102>
- Blumstein, A., & Larson, R. C. (1971). Problems in Modeling and Measuring Recidivism. *Journal of Research in Crime and Delinquency*, 8, 124–132. <https://doi.org/10.1177/002242787100800202>
- Brisman, A., Eamonn, C., & Nigel, S. (Eds.). (2017). *The Routledge Companion to Criminological Theory and Concepts* (1st Editio). Routledge.
- Budanovac, A., & Mikšaj-Todorović, L. (2002). Stavovi prema osuđennicima i njihovoj rehabilitaciji na slovenskom i hrvatskom uzorku ispitanika. *Kriminologija & Socijalna Integracija : Časopis Za Kriminologiju, Penologiju i Poremećaje u Ponašanju*, 10(2), 153–160.
- Criminal Code of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina” No. 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016, 75/2017 i 31/2023 (2023).
- Croatian Bureau of Statistics. (2024a). *Data on accused adult offenders according to groups of criminal offences, type of decision, gender and years of life in 2023*.
- Croatian Bureau of Statistics. (2024b). *Statistical data on the number of offenders of misdemeanors for 2012 and 2013*. <https://Podaci.Dzs.Hr/Hr/Arhiva/Kaznenopravosude-i-Socijalna-Zastita-Metodologija-Esspros/Pocinitelji-Prekrasaja/>.
- Croatian Bureau of Statistics - Republic of Croatia. (2024). *Statistical Data on Convicted Adult Perpetrators*. https://web.dzs.hr/PX-Web_e.asp?url=%22Eng/Archive/stat_databases.htm%22
- Croatian Criminal Code, Official Gazette no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24 (2024).
- Dadashazar, N. (2017). *Offender Recidivism: A Quantitative Study of Motivational Risk Factors and Counseling* [Walden University]. <https://scholarworks.waldenu.edu/dissertations>
- Fazel, S., & Wolf, A. (2015). A Systematic Review of Criminal Recidivism Rates Worldwide: Current Difficulties and Recommendations for Best Practice. *PLOS ONE*, 10(6), e0130390. <https://doi.org/10.1371/JOURNAL.PONE.0130390>

- Feuerbach, L. (2022). *Kriminološka analiza recidivizma: etiologija, fenomenologija i potencijalna prevencija* [University of Zagreb, Faculty of Law]. <https://repozitorij.pravo.unizg.hr/en/islandora/object/pravo:4484>
- Getoš Kalac, A.-M., & Feuerbach, L. (2023). On (Measuring) Recidivism, Penal Populism and the Future of Recidivism Research. *Godišnjak Akademije Pravnih Znanosti Hrvatske*, 14(1), 1–28. <https://doi.org/10.32984/gapzh.14.1.1>
- Hannon, L. (2002). Criminal Opportunity Theory and the Relationship Between Poverty and Property Crime. *Sociological Spectrum*, 22(3), 363–381. <https://doi.org/10.1080/02732170290062676>
- Hungarian Central Statistical Office. (n.d.). *Data on Registered Perpetrators, an Perpetration Incidents*. Retrieved April 8, 2024, from https://www.ksh.hu/stadat_files/iga/en/iga0004.html
- Kalac, A. M. G., & Bezic, R. (2017). Criminology, crime and criminal justice in Croatia. *European Journal of Criminology*, 14(2), 242–266. <https://doi.org/10.1177/1477370816648523>
- King, R., & Elderbroom, B. (2014). *Improving recidivism as a performance measure*. Urban Institute. <http://hint-magazine.com/wp-content/uploads/2014/10/413247-improving-recidivism.pdf>
- Maltz, M. D. (1984). *Recidivism*. Maltz Publishers.
- Ministerul Justiției. (2023). *Studiu Integrat Privind Cauzele Recidivei*. <https://eeagrants.org>
- Ministry of Justice. (2012). *Prison report for 2011*. https://mpudt.gov.hr/UserDocsImages/dokumenti/uzs_za_2011._g.pdf
- Ministry of Justice. (2013). *Prison report for 2012*. https://mpudt.gov.hr/UserDocsImages/dokumenti/uzs_za_2011._g.pdf
- Ministry of Justice. (2014). *Prison report for 2013*. <https://mpudt.gov.hr/UserDocsImages/dokumenti/Strategije,%20planovi,%20izvje%C5%A1%C4%87a/Zatvorski%20sustav/Izvje%C5%A1e%20o%20stanju%20i%20radu%20kaznionica%20zatvora%20i%20odgojnih%20zavoda%20za%202013.pdf>
- Ministry of Justice. (2015). *Prison report for 2014*. <https://mpudt.gov.hr/UserDocsImages/dokumenti/Strategije,%20planovi,%20izvje%C5%A1%C4%87a/Zatvorski%20sustav/Izvjescje%20o%20stanju%20i%20radu%20kaznionica%20zatvora%20i%20odgojnih%20zavoda%20za%202014%20godinu.pdf>
- Ministry of Justice. (2016). *Prison report for 2015*. <https://mpudt.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Registri%20i%20baz e%20podataka/Izvjescje%20o%20stanju%20i%20radu%20kaznionica%20zatvora%20i%20odgojnih%20zavoda%20za%202016.pdf>
- Ministry of Justice. (2017). *Prison report for 2016*. <https://vlada.gov.hr/UserDocsImages/2016/Sjednice/2016/14%20sjednica%2014%20Vlade//14%20-%209.pdf>
- Ministry of Justice. (2018). *Prison report for 2017*. <https://mpudt.gov.hr/izvjesca-19834/izvjesce-o-stanju-i-radu-kaznionica-zatvora-i-odgojnih-zavoda-26215/26215?lang=hr>
- Ministry of Justice. (2019). *Prison report for 2018*. <https://mpudt.gov.hr/izvjesca-19834/izvjesce-o-stanju-i-radu-kaznionica-zatvora-i-odgojnih-zavoda-26215/26215?lang=hr>

- Ministry of Justice. (2022). *Prison report for 2021*. <https://mpudt.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Izvje%C5%A1%C4%87a/Izvje%C5%A1%C4%87e%20o%20stanju%20i%20radu%20kaznionica,%20zatvora,%20odgojnih%20zavoda%20i%20centara%20za%202021.godinu.pdf>
- Ministry of Justice. (2024). *Prison report for 2022*. <https://mpudt.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Izvje%C5%A1%C4%87a/Izvje%C5%A1%C4%87e%20o%20stanju%20i%20radu%20kaznionica,%20zatvora,%20odgojnih%20zavoda%20i%20centara%20za%202021.godinu.pdf>
- Payne, J. (2007). Recidivism in Australia: Findings and Future Research. *AIC Research and Public Policy Series*, 80, 140. <https://apo.org.au/sites/default/files/resource-files/2007-10/apo-nid586.pdf>
- Pinard, M. (2006). An Integrated Perspective on the Collateral Consequences of Criminal Convictions and Reentry Issues Faced by Formerly Incarcerated Individuals. *Boston University Law Review*, 86(3), 623-690. <http://www.abanet.org/crimjust/standards/collateralsanctionwithcommentary.pdf>
- Ruggero, T., Dougherty, J., Associate, R., & Klofas, J. (2015). Measuring Recidivism: Definitions, Errors, and Data Sources. In *Center for Public Safety Initiatives*.
- Schoeman, M. (2010). Recidivism: A conceptual and operational conundrum. *Acta Criminologica: African Journal of Criminology & Victimology*, 1, 80–94. <https://journals.co.za/doi/abs/10.10520/EJC28571>
- Criminal Code of the Republic of Serbia, RS Official Gazette, No. 55/2014, 35/2019 (2019). https://www.mpravde.gov.rs/files/Criminal%20%20%20Code_2019.pdf
- Slovenian Penal Code and Law on Amendments and Supplements to the Criminal Code, Official Gazette of the Republic of Slovenia (2023).
- Statistical Office of the SR. (n.d.). *Public Database on Perpetrators*. Retrieved April 8, 2024, from <https://shorturl.at/caedK>
- Statistics Poland. (n.d.). *Statistics Data on Imprisoned in Remand Centres or Prisons*. Retrieved April 9, 2024, from <https://stat.gov.pl/en/topics/justice/justice/imprisoned-in-remand-centres-or-prisons,2,1.html?pdf=1>
- Whitney, E. A. (2009). *Correctional Rehabilitation Programs and the Adoption of International Standards: How the United States Can Reduce Recidivism and Promote the National Interest*. www.unhchr.ch/htm/menu3b/hcomp34.htm

Exploring the Profiles of Drug Offenders in Croatia*

Vicko Ćudina¹,  Katarina Sokić²,  Ines Sučić³, 
Martina Barić⁴ and Renata Glavak Tkalić⁵ 

In Croatian prisons, there is a relatively high prevalence of offenders convicted for abuse of narcotic drugs (Art173/2, CC/97) who are heterogeneous in terms of their characteristics. Determining the relationship between the characteristics of those offenders and their behaviour before and during the execution of prison sentences helps predict their future behaviour. Therefore, this study aims to determine the profile of perpetrators of crimes related to the abuse of narcotic drugs, to investigate potential differences among subgroups of these perpetrators, and to examine whether they differ in the assessed risk for future criminal behaviour/probability of recidivism, penitentiary opinion on conditional release (CR), and Conditional release Committee decision on CR. We analysed penitentiaries' reports with the opinion on CR for 111 male drug abuse offenders ($M_{\text{age}} = 31$; $SD_{\text{age}} = 6.51$), containing rich data related to various offenders' characteristics and behaviours. Specifically, we analysed offenders' socio-demographic and anamnestic data, previous convictions, imposed security measures with sentence, proposed special obligations with CR, elements from the individual programs for the execution of prison sentence, mitigating and aggravating circumstances of committing the crime, positive reasons in prisoners' application for CR, and penitentiaries' explanations in support of the prisoners' application for CR. The conducted cluster analysis did not show statistically significant differences between subgroups of offenders in the assessed risk for future criminal behaviour/probability of recidivism, penitentiary opinion on CR, and

* This is an invited paper presented by Vicko Ćudina at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Ćudina, V., Sokić, K., Sučić, I., Barić, M., & Glavak Tkalić, R. (2024). Exploring the profiles of drug offenders in Croatia. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 237–250). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.44>

¹ Ivo Pilar Institute of Social Sciences, Zagreb, Croatia; <https://orcid.org/0009-0001-6635-8879>

² Algebra University, Zagreb, Croatia; <https://orcid.org/0000-0001-7522-1228>

³ Ivo Pilar, Institute of Social Sciences, Zagreb, Croatia; <https://orcid.org/0000-0002-3533-3660>

⁴ Directorate for the Prison System and Probation, Ministry of Justice, Public Administration and Digital Transformation, Zagreb, Croatia

⁵ Ivo Pilar Institute of Social Sciences, Zagreb, Croatia; <https://orcid.org/0000-0002-5749-0624>

Correspondence: Ines Sučić, Ivo Pilar Institute of Social Sciences, Trg Marka Marulića 19, Zagreb, Croatia. Email: ines.sucic@pilar.hr

Conditional release Committee decision on CR, but there were low to moderate correlations between specific offenders' characteristics and these variables.

KEYWORDS: drug offenders / characteristics / penitentiary report with the opinion on conditional release / risk for criminal behaviour

Introduction

The relationship between substance misuse and offending has for long attracted scholars' attention, and there are three key models explaining it: (1) substance use leads to crime; (2) crime leads to substance use; (3) both substance use and crime are caused by the same factors (Anthony & Forman, 2003; White & Gorman, 2000). Drug offenders are primarily men in their 30-is, single, who had a previous criminal record and were drug addicted (Taxy et al., 2015; Ünlü & Demir, 2012), and among male prisoners, prevalence estimates of drug abuse and dependence vary from 10% to 48% (Fazel et al., 2006). Drug users may be especially likely to earn money *via* drug sales, and in the sample of adult offenders convicted for the "resale" of narcotic drugs in Croatia, 64.3% of them were in contact with drugs for personal use (Cvjetko, 2003). Cvjetko (2003) refers to this type of offence as "addiction crime" since among those offended for drug "resale" mainly were drug addicts who traded small quantities of heroin (Cvitanović et al., 2010), and more than two-thirds of adults convicted for the "resale" of narcotic drugs (Art173/2, CC/97) were sentenced to prison (Cvitanović et al., 2010; Cvjetko, 2003).

According to Durose et al. (2014), in the United States, drug offenders' recidivism rate (measured by a combination of arrest charge, court disposition, incarceration sentence, and custody information) was high, 76.9% over the first 5 years after the release, and 51.2% released drug offenders were arrested again for drug-related crime. In Europe, the recidivism rate for drug abuse offenders was somewhat lower and varied among researched countries, from 21% (United Kingdom) to 52% (Denmark) (Yukhnenko et al., 2023).

Contemporary risk models acknowledge that drug use, as well as criminal behaviour, stems from a variety of factors, such as individual traits, family conditions and peer influence (Rhodes et al., 2003). Bonta and Andrews (2017) argued that "central eight" risk criminogenic factors exist. Based on the established relationship with offending, they can be divided into "big four": history of antisocial behaviour, antisocial personality pattern, antisocial cognition, and antisocial associates, and "moderate" four": family, school, leisure/recreation, and substance abuse (Eisenberg et al., 2019; Katsiyannis et al., 2018).

In a recent meta-analysis, significant predictors of recidivism following release were previous incarcerations, convictions and arrests, being male, having

committed a property-related index offence, a history of substance misuse, previous employment problems, holding pro-criminal attitudes and committing prison infractions (Goodley et al., 2022). Among offenders with drug abuse problems, crime recidivism was predicted by heroin usage, as well as the history of psychiatric in-patient treatment, difficulty controlling violent behaviour, male gender, and homelessness (Håkansson & Berglund, 2012).

Recognition of the multi-factorial nature of drug use, as well as offending, emphasises a “multiple risk factors” approach in tackling offenders’ criminal propensities, probability of recidivism, responsivity across important characteristics, and specific rehabilitative needs (Bahr et al., 2012; Pelissier & Jones, 2005). The classification of offenders into types based on specific characteristics has a long tradition in criminology, and this perspective assumes the possibility that there are different categories of offenders, each following distinct pathways in and out of crime (Brennan et al., 2008).

Researchers on drug-crime relationships emphasise the importance of conducting research that focuses on the consistencies and variations between subcategories of drug misuse and criminal activity and, further, how the association between drug misuse and criminal activity may vary across specific characteristics (Farabee et al., 2001). Several studies examined offender types based on risk/need profiles (Brennan et al., 2008; Onifade et al., 2008). For example, Onifade et al. (2008) identified five delinquency risk pattern subtypes in their sample: one low risk, two within the moderate range, and two in the high range. Reoffence rates progressively increased for the three risk levels, and the combination of risks across the family, leisure time, and education domains significantly contributed to higher offence rates of the clusters within the moderate range.

Using cluster analysis, Simourd et al. (1994) found five subtypes of offenders classified based on 10 domains of “central eight” factors (Bonta & Andrews, 2017). Also, research revealed that the risk factors could predict crime severity (Shishane et al., 2023) and the severity of recidivism could be different for each subgroup of offenders (e.g., witnessing domestic violence for serious violent offenders; involvement in incidents in the treatment facility for sex offenders) (Mulder et al., 2012). However, there is still lasting debate between categorical (discrete groups) versus (continuous) dimensional approaches to the representation and analysis of criminal behaviour (Osgood, 2005). This is accompanied by the revelation of a different number of offender subtypes across studies based on the various potential criminogenic factors (Brennan & Breitenbach, 2009; Goodley et al., 2022), resulting in a knowledge gap that could be overcome by pursuing additional research in this area.

Study Aims

This research aims to investigate the profile of drug offenders, explore potential differences among subgroups of drug offenders, and investigate whether they differ in the risk for future criminal behaviour/probability of recidivism, penitentiary opinion on CR, and Conditional release Committee decision on CR.

Based on previous research on risk criminogenic factors and their relationship with future criminal activities (e.g., Bonta & Andrews, 2017; Goodley et al., 2022), the understanding that there are established risk factors for drug abuse (McCuish, 2017; Rhodes et al., 2003), that drug abuse often coincides with criminal involvement (Anthony & Forman, 2003; White & Gorman, 2000), and that individuals with drug abuse issues face a high probability of crime recidivism (Langan & Levin, 2002) it was hypothesised that cluster groups would differ in their risk for future criminal behaviour/probability of recidivism, penitentiary opinion on CR, and Conditional release Committee decision on CR due to established differences in criminogenic factors.

Methods

Sample and Procedure

In this study⁶, data were extracted from the penitentiaries' reports with the opinion on CR (*penitentiaries' reports*) of 111 offenders convicted of abuse of narcotic drugs. It was defined in the Croatian Criminal Code (CC) as "whoever, without authorisation, manufactures, processes, sells or offers for sale or for the purpose of reselling buys, keeps, distributes or brokers the sale and purchase of, or, in some other way and without authorisation, puts into circulation, substances or preparations which are by regulation proclaimed to be narcotic drugs shall be punished by imprisonment for one to twelve years" (Art173/2, CC/97).

The analysed offenders served prison sentences in two Croatian penitentiaries, and on average, they were sentenced to 2 years and 4 months ($SD = 1.09$). The offenders were all males ($M_{age} = 31$; $SD = 6.51$, age range 19 to 55). The majority of them had at least a secondary school diploma (78.4%). Also, 71.2% of them were not married and did not have children.

Analysed penitentiaries' reports cover many offender characteristics and behaviour descriptions. Information in those penitentiaries' reports are all in narrative form, based on data available about the offenders from their childhood onwards, from interviews to anamnestic and diagnostic data from various sources.

⁶ The study was carried out with the approval of the Directorate for the Prison System and Probation of the Croatian Ministry of Justice, Public Administration and Digital Transformation.

After thoroughly reading penitentiaries' reports, researchers extracted variables for analysis and developed a matrix for data coding and entry. Two raters independently reviewed 20 randomly selected reports, discussed all discrepancies, and determined agreed-upon norms for data coding and entry. The subsequent analysis used only variables with less than 40% missing values. Specifically, a total of 24 variables were analysed. There were three criterion variables: risk for future criminal behaviour/probability of recidivism.⁷ (*risk assessment*), penitentiary opinion on CR (*penitentiary opinion on CR*), Conditional Release Committee decision on CR (*Committee decision on CR*), and 21 predictors (see *Appendix 1 for details*).

Data Analysis

After descriptive statistics, using R software (R Core Team, 2020), the differences in risk assessment, penitentiary opinion on CR, and Committee decision on CR were tested by cluster analysis to delineate subgroups in datasets. Further classification of participants into clusters was performed in SPSS 23 (IBM Corp, 2015) using K-means cluster analysis. Then, the differences between clusters on specific variables were tested by *t*-test and χ^2 test. Additionally, bivariate correlations were analysed between specific variables, risk assessment, penitentiary opinion on CR, and Committee decision on CR.

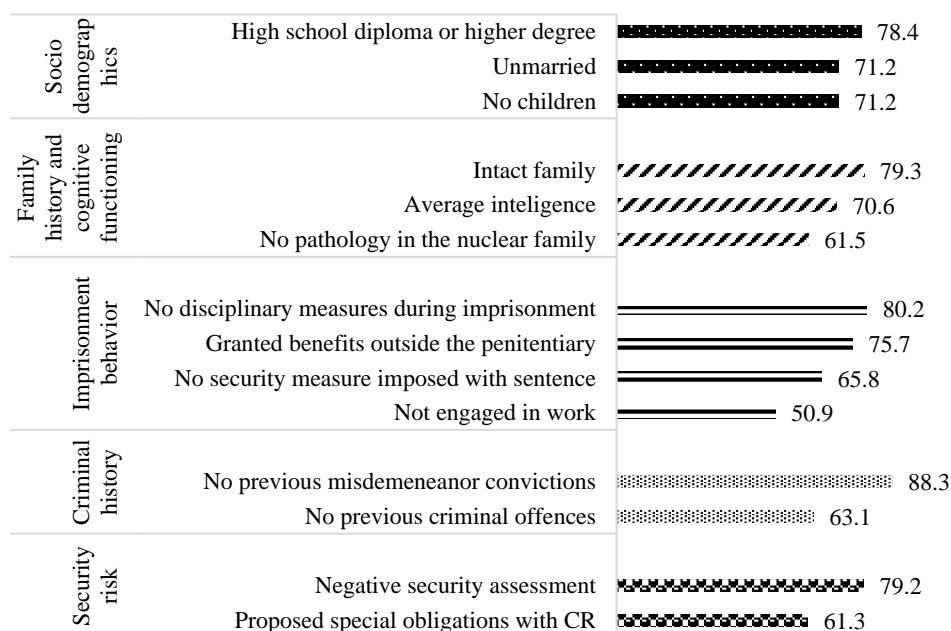
Results

The drug offenders in our sample were mostly coming from intact families and had no pathology in their nuclear family, while most of them had average intelligence. Regarding criminal history, for more than 60% of them, there were no recorded previous criminal offences, and for more than 80%, there were no recorded misdemeanour offences. During their imprisonment, about half of the drug offenders engaged in work, and three-quarters used benefits outside the penitentiary; the majority did not have a security measure imposed with their sentence and were not subject to disciplinary measures during imprisonment (Figure 1).

⁷ Risk for future criminal behaviour/probability of recidivism was also in narrative form based on available offenders' data, not on standardised risk assessment instruments.

Figure 1

Drug offenders' profile on bivariate categorical variables (%)



On average, there was a higher number of mitigating circumstances than a number of aggravating circumstances related to the crimes committed by drug offenders. While prisoners, on average, mentioned two positive reasons in their application for CR, the penitentiaries' explanations mentioned, on average, three explanations in support of the prisoners' application for CR. Most of the offenders were graded as being successful in pursuing individual programs for the execution of prison sentences, and almost two-thirds admitted the crime they committed while showing regret for their behaviour. More than half of the offenders were assessed as having a high risk for possible recidivism. The penitentiary opinion on CR was in favour of release for almost two-thirds of them, and the Committee decided on CR for 80% of drug offenders (Table 1).

Table 1

Drug offenders' profile on continuous variables and multivariate categorical variables (%)

	Variables	<i>M</i>	<i>SD</i>	Range
Number of:	Mitigating circumstances	2.80	1.92	0–8
	Aggravating circumstances	0.45	0.61	0–3
	Positive reasons in prisoners' application for CR	2.29	1.00	0–5
	Penitentiaries' explanations in support of the prisoners' application for CR	2.97	2.42	0–13
		<i>N</i>	<i>%</i>	
Level of success in individual programs for the execution of prison sentence				
	Satisfactory	15	13.5	
	Successful	84	75.7	
	Extremely successful	12	10.8	
Attitudes towards the offence				
	Doesn't admit, doesn't regret	3	2.7	
	Partially admit, doesn't regret	10	9.0	
	Partially admit, some regret	18	16.2	
	Admits and regrets	80	72.1	
Risk assessment				
	No recidivism	14	12.6	
	Probable recidivism	70	63.1	
	Certain recidivism	27	24.3	
Committee decision on CR				
	Release	92	82.9	
	Postpone	13	11.7	
	Reject	2	1.8	
	Prison director to decide	4	3.6	
Penitentiary opinion on CR				
	Release	75	67.6	
	Postpone	29	26.1	
	Reject	1	0.9	
	Prison director to decide	6	5.4	

K-means cluster analysis indicated that the three-cluster solution did not result in the acceptable distribution of participants into clusters ($N < 20$ in one group) (Dalmaijer et al., 2022). The solution with two clusters was acceptable regarding the distribution of participants into the clusters ($N_1 = 55$; $N_2 = 25$).

In the first cluster, offenders were younger ($M = 27.11$, $SD = 3.27$) than in the second cluster ($M = 37.71$, $SD = 4.95$) ($t(78) = 11.37$, $p < .01$) and fewer of them had children (56.3%) than those in the second cluster group (16.2%) ($\chi^2(1) = 7.67$, $p < .05$). Furthermore, in the first cluster group, there were more those who confessed and regretted their crime (53.8%) than in the second subgroup (17.5%) ($\chi^2(3) = 7.88$, $p < .05$).

Table 2

Chi-square test (χ^2) testing the differences between two clusters on risk assessments, Committee decision on CR and penitentiary opinion on CR

Variables	Clusters		
	χ^2	df	p
Risk assessments	1.37	2	.51
Committee decision on CR	3.80	1	.17
Penitentiary opinion on CR	2.83	1	.18

Note. For variables Committee decision on CR and penitentiary opinion on CR only data in categories “postpone” and “release” are used in further analysis.

No significant differences were found between the clusters in risk assessments, Committee decision on CR, and penitentiary opinion on CR (Table 2).

Table 3

Spearman's ρ correlation between offenders' characteristics and risk assessments, Committee decision on CR and penitentiary opinion on CR

Variables	Risk assessments	Committee decision on CR	Penitentiary opinion on CR
Children	.01	-.04	-.21*
Previous prison sentence	.27**	.10	.01
Security measures imposed with sentence	.31**	.19	.14
Work engagement in prison	-.36**	.05	.22*
Attitudes towards the offence	-.18	.01	.24*
Using benefits outside the penitentiary	-.02	.23**	.61**
Proposal of special obligations with CR	.13	-.31**	-.21*
Level of success in individual programs for the execution of prison sentence	-.05	.07	.22*
Number of penitentiaries' explanations in support of the prisoners' application for CR	-.03	.19*	.38**

Note. Only variables having significant relationship with at least one criterion variable are shown.

* $p < .05$. ** $p < .01$.

Bivariate correlations (Table 3) indicated that higher risk assessment was negatively related to work engagement in penitentiary and positively to previous prison sentences and security measures imposed with the sentence. Positive Committee decision on CR and positive penitentiary opinion on CR were positively related to using benefits outside the penitentiary, a higher number of penitentiaries' explanations in support of the prisoners' application for CR, and negatively related to the proposal of special obligations with CR. Moreover, positive penitentiary opinion on CR was positively related to work engagement in penitentiary, admittance and regret because of the offence, and higher level of success in individual programs for the execution of prison sentence, while negatively to having children and proposal of special obligations with CR.

Discussion

This research aimed to investigate the profile of drug offenders, explore potential differences among subgroups of drug offenders and investigate whether they differ in the risk for future criminal behaviour/probability of recidivism, penitentiary opinion on CR, and Conditional release Committee decision on CR. It was expected that cluster analysis would result in a larger number of clusters and that clusters would be created based on a larger number of characteristics (e.g., Onifade et al., 2008; Simourd et al., 1994), so obtaining only two clusters of offenders that differed only in age, having children and attitudes toward the offence prevents us from talking about well-separated distinct types of offenders. Those differentiated characteristics were mainly not proven relevant for offending/recidivism in previous research (e.g., Bonta & Andrews, 2017; Eisenberg et al., 2019; Goodley et al., 2022; Katsiyannis et al., 2018). Consequently, it was not surprising that there were no significant differences in risk assessments/probability of recidivism, penitentiary opinion on CR, and Committee decision on CR between established subgroups of drug offenders.

Taking into consideration that study variables only partially covered traditional risk factors (i.e. “central eight”, Bonta & Andrews, 2017; Goodley et al., 2022), it was not surprising that only several significant but mainly weak to moderate correlations were revealed between observed characteristics and risk assessment/higher probability of recidivism, penitentiary opinion on CR, and Conditional release Committee decision on CR. Type and direction of characteristics correlated to outcome variables in this research were expected (e.g., higher risk assessment was negatively related to work engagement in penitentiary and positively to previous prison sentences and security measures imposed with the sentence) (Bonta & Andrews, 2017; Eisenberg et al., 2019; Goodley et al., 2022; Katsiyannis et al., 2018), however, due to the conceptual similarity of outcome variables, it was expected that there would be more characteristics related simultaneously to penitentiary opinion on CR, and Committee decision on CR. However, there is the possibility that the interplay of different characteristics lessens their mutual effect since offenders' behaviour is a product of multivariate complexity across several interacting explanatory domains (Walsh, 2002).

While risk assessment was related more to the variables from the offenders' past (e.g. previous prison sentences, security measures imposed with a sentence), penitentiary opinion on CR and Committee decision on CR were mainly related to the offenders' more recent behaviour while serving a sentence (e.g., using benefits outside penitentiary). Only work engagement in the penitentiary was related simultaneously to a lower-risk assessment of criminal recidivism and a positive penitentiary opinion on CR. Given that conditions and practices in the penitentiary resemble life in the community, behaviours that reflected their

successful adaptation (Haney, 2003) were seen as important determinants while deciding on CR. Moreover, previous research supported the possibility that in-prison behaviour helps predict future desistance from crime (Walters, 2020).

Study limitations

It is important to acknowledge certain limitations that may have influenced the results. Taxonomic studies require larger samples for adequate reliability and stability of the groups/types (Milligan, 1996). After performing cluster analysis, our sample size was relatively small (Dalmaijer et al., 2022). Comprehensive coverage of risk and need factors is needed when identifying or describing explanatory patterns (Brennan et al., 2008; Lenzenweger, 2004). We were restricted in our analysis by prearranged variable sets, missing values, and variables that were mainly categorical, which limited the inclusion of certain variables in the analysis. The exclusion of potentially critical differentiating factors could “undermine the ability to identify, differentiate or fully describe the structure of any explanatory pattern” (Brennan & Breitenbach, 2009, p.12), and the “inclusion of irrelevant variables among the classification features could blur the boundaries between clusters since they have no discriminatory power” (Brennan & Breitenbach, 2009, p. 8). Also, our criterion variables were only potential approximations of offenders' future criminal activity, and they were not obtained by standardised instruments. Lastly, due to the shortcomings of cluster analysis, there is the possibility that other methods (e.g. latent class analysis) are more appropriate for this type of analysis (Stefurak & Calhoun, 2007; Vermunt & Magidson, 2004).

Despite the limitations, the analytical approach appears promising for exploring the relationship between offenders' profiles and their future endeavours. Researching key risk and need factors is crucial for effective prediction, mitigating adverse outcomes such as criminal recidivism (Bahr et al., 2012), and aligning offenders with treatments tailored to their specific characteristics (Mattson et al., 1993).

Conclusion

Obtained clusters of offenders in this research only differed in age, having children and attitudes toward the offence, preventing us from talking about well-separated distinct types of drug offenders. Consequently, no differences were shown between the clusters in risk assessments, Committee decision on CR, and penitentiary opinion on CR. Nevertheless, significant correlations were found between specific offenders' characteristics and risk assessments, Committee decision on CR, and penitentiary opinion on CR.

Acknowledgements

Project *Psychosocial Climate and Individual Characteristics of Prisoners and Prison Officers in Penal Institutions in Croatia: A Multi-Method Approach* (PRISCLIM) is financed by European Union – NextGenerationEU (No. 01/08-73/23-2519-10).

References

- Anthony, J. C., & Forman, V. (2003). *At the intersection of public health and criminal justice research on drugs and crime*. Toward a Drugs and Crime Research Agenda for the 21st Century. US Department of Justice, Office of Justice Programs, National Institute of Justice.
- Bahr, S. J., Masters, A. L., & Taylor, B. M. (2012). What works in substance abuse treatment programs for offenders? *The Prison Journal*, 92(2), 155–174. <https://doi.org/10.1177/00328855124388>
- Bonta, J. L., & Andrews, D. A. (2017). *The psychology of criminal conduct* (6th ed.). Routledge.
- Criminal Code (1997, October 21). *Official Gazette of the Republic of Croatia (Narodne novine)*, No. 110.
- Brennan, T., & Breitenbach, M. (2009). The taxonomic challenge to general theories of delinquency: Linking taxonomy development to delinquency theory. *Delinquency: Causes, Reduction and Prevention*, 1–38.
- Brennan, T., Breitenbach, M., & Dieterich, W. (2008). Towards an explanatory taxonomy of adolescent delinquents: Identifying several social-psychological profiles. *Journal of Quantitative Criminology*, 24, 179–203. <https://doi.org/10.1007/s10940-008-9045-7>
- Cvitanović, L., Rogić-Hadžalić, D. & Mrčela, M. (2010). *Zlouporaba opojnih droga 1998. – 2007., Studije i analize 107*. Croatian Bureau of Statistics.
- Cvjetko, B. (2003). Kazneno zakonodavstvo i kaznenopravna reakcija na kazneno djelo zlouporabe opojnih droga u Republici Hrvatskoj. *Hrvatski ljetopis za kazneno pravo i praksu*, 10(2), 909–939. <https://hrcak.srce.hr/87145>
- Dalmajjer, E. S., Nord, C. L., & Astle, D. E. (2022). Statistical power for cluster analysis. *BMC Bioinformatics*, 23(1), 205–232. <https://doi.org/10.1186/s12859-022-04675-1>
- Durose, M. R., Cooper, A. D., & Snyder, H. N. (2014). *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010* (Vol. 28). US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Eisenberg, M. J., Van Horn, J. E., Dekker, J. M., Assink, M., Van Der Put, C. E., Hendriks, J., & Stams, G. J. J. (2019). Static and dynamic predictors of general and violent criminal offence recidivism in the forensic outpatient population: A meta-analysis. *Criminal Justice and Behavior*, 46(5), 732–750. <https://doi.org/10.1177/0093854819826109>
- Farabee, D., Joshi, V., & Anglin, M. D. (2001). Addiction careers and criminal specialisation. *Crime & Delinquency*, 47(2), 196–220. <https://doi.org/10.1177/0011128701047002003>

- Fazel, S., Bains, P., & Doll, H. (2006). Substance abuse and dependence in prisoners: a systematic review. *Addiction*, 101(2), 181–191. <https://doi.org/10.1111/j.1360-0443.2006.01316.x>
- Goodley, G., Pearson, D., & Morris, P. (2022). Predictors of recidivism following release from custody: A meta-analysis. *Psychology, Crime & Law*, 28(7), 703–729. <https://doi.org/10.1080/1068316X.2021.1962866>
- Håkansson, A., & Berglund, M. (2012). Risk factors for criminal recidivism—a prospective follow-up study in prisoners with substance abuse. *BMC Psychiatry*, 12, 1–8. <https://doi.org/10.1186/1471-244X-12-111>
- Haney, C. (2003). The psychological impact of incarceration: Implications for post-prison adjustment. In J. Travis (Ed.), *Prisoners once removed: The impact of incarceration and reentry on children, families, and communities*. Urban Institute.
- IBM Corp. (2015). *IBM SPSS Statistics for Windows* (Version 23.0) [Computer software]. IBM Corp. <https://www.ibm.com/products/spss-statistics>
- Katsiyannis, A., Whitford, D. K., Zhang, D., & Gage, N. A. (2018). Adult recidivism in the United States: A meta-analysis 1994–2015. *Journal of Child and Family Studies*, 27, 686–696. <https://doi.org/10.1007/s10826-017-0945-8>
- Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Lenzenweger, M. (2004). Consideration of the challenges, complications, and pitfalls of taxometric analysis. *Journal of Abnormal Psychology*, 113(1), 10–23. <http://dx.doi.org/10.1037/0021-843X.113.1.10>
- Mattson, M. E., Allen, J. P., Miller, W. R., Hester, R. K., Connors, G. J., Rychtarik, R. G., Randall, C. L., Anton, R. F., Kadden, R. M., Cooney, N. L., DiClemente, C. C., Carbonari, J., Zweben, A., Longabaugh, R., Stout, R., Walker, R. D., Donovan, D., Babor, T.F., & DelBoca, F. K. (1993). Project MATCH: Rationale and methods for a multisite clinical trial matching patients to alcoholism treatment. *Alcoholism: Clinical and Experimental Research*, 17(6), 1130–1145.
- McCuish, E. C. (2017). Substance use profiles among juvenile offenders: A lifestyles theoretical perspective. *Journal of Drug Issues*, 47(3), 448–466. <https://doi.org/10.1177/002204261769919>
- Milligan, G. W. (1996). Clustering validation: Results and Implications for applied analyses. In P. Arabie, L. Hubert, & G. DeSoete (Eds.), *Clustering and classification* (pp. 345–379). World Scientific Press.
- Mulder, E., Vermunt, J., Brand, E., Bullens, R., & Van Marle, H. (2012). Recidivism in subgroups of serious juvenile offenders: different profiles, different risks? *Criminal Behaviour and Mental Health*, 22(2), 122–135. <https://doi.org/10.1002/cbm.1819>
- Onifade, E., Davidson, W., Campbell, C., Turke, G., Malinowski, J., & Turner, K. (2008). Predicting recidivism in probationers with the youth level of service case management inventory (YLS/CMI). *Criminal Justice and Behavior*, 35(4), 474–483. <http://dx.doi.org/10.1177/0093854807313427>
- Osgood, D. W. (2005). Making Sense of Crime and the Life Course. *The ANNALS of the American Academy of Political and Social Science*, 602(1), 196–211. <https://doi.org/10.1177/0002716205280383>
- Pelissier, B., & Jones, N. (2005). A review of gender differences among substance abusers. *Crime & Delinquency*, 51(3), 343–372. <https://doi.org/10.1177/0011128704270218>
- R Core Team (2020). *R: A language and environment for statistical computing* [Software]. R Foundation for Statistical Computing. <https://www.R-project.org/>

- Rhodes, T., Lilly, R., Fernández, C., Giorgino, E., Kemmesis, U. E., Ossebaard, H. C., Lalam, N., Faasen, I., & Spannow, K. E. (2003). Risk factors associated with drug use: the importance of 'risk environment'. *Drugs: Education, Prevention and Policy*, 10(4), 303–329. <https://doi.org/10.1080/0968763031000077733>
- Shishane, K., John-Langba, J., & Onifade, E. (2023). Mental health disorders and recidivism among incarcerated adult offenders in a correctional facility in South Africa: A cluster analysis. *PLoS One*, 18(1), e0278194. <https://doi.org/10.1371/journal.pone.0278194>
- Simourd, D. J., Hoge, R. D., Andrews, D. A., & Leschied, A. W. (1994). An empirically-based Typology of male young offenders. *Canadian Journal of Criminology*, 36(4), 447–461. <http://dx.doi.org/10.3138/cjcrim.36.4.447>
- Stefurak, T., & Calhoun, G. B. (2007). Subtypes of female juvenile offenders: A cluster analysis of the Millon Adolescent Clinical Inventory. *International Journal of Law and Psychiatry*, 30(2), 95–111. <http://dx.doi.org/10.1016/j.ijlp.2006.04.003>
- Taxy, S., Samuels, J., & Adams, W. (2015). *Drug offenders in federal prison: Estimates of characteristics based on linked data*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Ünlü, A., & Demir, O. Ö. (2012). Addict and non-addict drug dealers in Istanbul, Turkey: Profiles and differences. *Journal of Human Sciences*, 9(2), 161–175.
- Vermunt, J. K., & Magidson, J. (2004). Latent class analysis. *The Sage Encyclopedia of Social Sciences Research Methods*, 2, 549–553.
- Walsh, A. (2002). *Biosocial criminology*. Anderson Press.
- Walters, G. D. (2020). Desisting from crime: In-prison behaviour and cognition as predictors of post-release success. *Canadian Journal of Criminology and Criminal Justice*, 62(3), 11–28. <https://doi.org/10.3138/cjccj.2019-0068>
- White, H. R., & Gorman, D. M. (2000). Dynamics of the drug-crime relationship. *Criminal Justice*, 1(15), 1–218.
- Yukhnenko, D., Farouki, L., & Fazel, S. (2023). Criminal recidivism rates globally: A 6-year systematic review update. *Journal of Criminal Justice*, 88, 102115. <https://doi.org/10.1016/j.jcrimjus.2023.102115>

Appendix 1

List of variables included in cluster analysis

Variables	Type	
Level of education	Categorical	Completed primary school Secondary school diploma or higher degree
Marital status	Categorical	Unmarried /Married
Children	Categorical	No / Yes
Intact family	Categorical	No / Yes
Pathology in the nuclear family	Categorical	No / Yes
Intelligence	Categorical	Below average and borderline / Average / Above average
Previous criminal offences	Categorical	No / Yes
Previous misdemeanour convictions	Categorical	No / Yes
Security measure imposed with sentence	Categorical	No / Yes
Work engagement in penitentiary	Categorical	No / Yes
Imposed disciplinary measures during imprisonment	Categorical	No / Yes
Usage of benefits outside the penitentiary	Categorical	No / Yes
Proposed special obligations with CR	Categorical	No / Yes
Level of success in individual programs for the execution of prison sentence	Categorical	Satisfactory Successful Extremely successful
Attitude towards the offence	Categorical	Doesn't admit, doesn't regret Admits, doesn't regret Partially admits, some regret Admits and regrets
Security assessment for using benefits outside the penitentiary	Categorical	Negative /Positive
Age	Continuous	
Number of mitigating circumstances	Continuous	
Number of aggravating circumstances	Continuous	
Number of positive reasons in the prisoners' application for CR	Continuous	
Number of penitentiaries' explanations in support of the prisoners' application for CR	Continuous	

Digital Rehabilitation of Incarcerated Women: Possibilities and Future Challenges for North Macedonia*

Angelina Stanojoska¹  and Ice Ilijevski² 

In today's digital world, access to technology and digital literacy is essential for successful reintegration into society, especially for incarcerated individuals. Incarcerated women face significant challenges due to limited access to digital tools and training during their sentences. This digital divide hinders their ability to re-entry, affecting opportunities for employment, communication, and social reintegration. This study aims to assess the digital skills and needs of incarcerated women and design a training program to bridge the digital gap. The goal is to equip them with the necessary digital competencies to help their resocialization, employment possibilities, and overall reintegration. Additionally, the project aims to advocate for the integration of technology in Macedonian prisons. In September 2023, a survey was conducted in the Women's Ward of KPD Idrizovo as part of the DiCapSIW project. The survey assessed the incarcerated women's digital skills and their access to technology. Based on the findings, six digital skills training modules were developed, covering areas such as digital literacy, job readiness, and online communication. The survey revealed a significant lack of digital skills among female inmates. Most respondents lacked basic competencies in areas such as job searching and document creation. However, all expressed motivation to participate in digital skills training, recognizing its importance for resocialization and post-release employment.

KEYWORDS: challenges / digitalization / prisons / rehabilitation / North Macedonia

* This is an invited paper presented by Angelina Stanojoska and Ice Ilijevski at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

This paper is part of the project activities of DiCapSIW "Strengthening the digital capacities and skills of incarcerated women in North Macedonia" funded by the US Embassy in North Macedonia as part of the Alumni Engagement Fund 2023.

Recommended citation: Stanojoska, A., & Ilijevski, I. (2024). Digital rehabilitation of incarcerated women: Possibilities and future challenges for North Macedonia. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 251–258). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.34>

¹ Faculty of Law, University "St. Kliment Ohridski" – Bitola, North Macedonia
<https://orcid.org/0000-0002-0587-1222>

² Faculty of Law, University "St. Kliment Ohridski" – Bitola, North Macedonia
<https://orcid.org/0000-0002-8515-2032>

Correspondence: Assoc. Prof. Dr.sc Angelina Stanojoska. Email: angelina.stanojoska@uklo.edu.mk

Introduction: What is Digital Rehabilitation?

The treatment of incarcerated individuals involves an individually determined dynamic system of methods, measures, and procedures applied to the incarcerated person in the institution during the execution of the prison sentence and in the post-penal period. This is done to guide, develop, and promote positive character traits and abilities for the incarcerated person's resocialization or social adaptation in society after serving their sentence (Article 2, Guidelines for Determining the Types and Methods of Treatment of Incarcerated Persons). The treatment can be a penal (while the person is in the institution) and post-penal (once the person leaves the institution).

The treatment of incarcerated individuals is carried out through general treatment measures implemented via regular programs and through specific treatment measures executed through specialized programs. Although treatment starts from the personal characteristics of each convicted person, including their biological, psychological, and psycho-social properties, as well as criminogenic factors, and is based on the principle of individualization and gradualism, it must also include general treatment measures with programs aimed at improving the convicted person's possibilities for easier reintegration into society.

Based on the concept of rehabilitation, which assumes that a safe society is only possible through the treatment of incarcerated individuals and helping them adopt a socially acceptable lifestyle, there is an inevitable need to include digital technologies into this process as result to modern technologies being part of every day's life (Chen, 2017; Day, 2020; Linden & Perry, 1983).

Digital rehabilitation involves the use of digital technologies in the rehabilitation process or supporting convicted individuals in rehabilitation programs. It provides services and support to incarcerated individuals during their imprisonment and during their transition to freedom, aiming to improve employment opportunities through education, vocational training, and addressing specific needs such as addiction treatment or violent behavior (Järveläinen & Rantanen, 2020; Mahlangu & Zivanai, 2023; McDougall et al., 2017).

The use of digital technologies in the treatment process is essential, particularly due to the importance of these technologies in modern life. Reisdorf and Rickard (2018) discuss five areas of daily life where digital technologies can play a key role for incarcerated persons, including:

- Economy – education, vocational training, employment, digital literacy, financial literacy.
- Social connections – family relations, community involvement.
- Personality of the convicted person – identity, hobbies, needs, stress management, well-being.

- Cultural – language needs, pre- and post-release experience.
- Health – physical, mental, recovery.

The implementation of digital rehabilitation is possible through digital service networks, which can be in the form of tablets fixed in rooms or mobile, shared spaces in the institution with desktop or laptop computers connected to a controlled Internet network. This allows incarcerated individuals access to resources and services that can improve their education or professional skills, enhance their treatment, prepare them for release, and communicate with their families via video calls or email (Wilson & DeJuliis, 2016).

Digital rehabilitation can take various forms, but the most used in penitentiary institutions worldwide include (Reisdorf et al., 2021):

- Computer-based education and vocational training – covering all forms of education, from basic literacy to higher education, as well as vocational skills and employment programs.
- Computer-based treatment and behavioral change programs – individual and group programs for assessment, treatment, or support for issues related to mental health, alcohol and/or drug use, sexual offenses, and violent behavior.
- Digital reintegration – supporting reentry into the community through monitoring, information resources, access tools to specific services, recovery support.
- Digital communication channels – written or verbal interaction between convicted persons, family members, and professionals through email, messaging, phone calls, or video conferencing.

Female Prison Population in North Macedonia

The development of the penitentiary system represents an essential prerequisite for the success of the process of resocialization, rehabilitation, and reintegration of incarcerated population. At the same time, the treatment process, together with respect for their dignity and protection from any form of torture, inhumane, and/or degrading treatment or punishment, is inevitably linked with resocialization. This includes not only direct forms of torture but also indirect ones, which primarily relate to the material conditions present in penitentiary institutions.

A properly legally and practically established penitentiary system should facilitate treatment of incarcerated individuals based on the principles of humanity, protection of their interests and integrity, and create conditions within penitentiary institutions that are approximately like those existing outside these institutions.

However, despite the new legal framework and numerous bylaws, the Macedonian penitentiary system still faces weaknesses that consistently pose challenges to its improvement. Primarily, this refers to the issue of overcrowding in correctional institutions (i.e., a higher number of inmates than the capacity of the institutions); inadequate staff along with staff shortages, especially in the resocialization sectors; a high recidivism rate (penological repeat offenses); poor and inadequate material conditions; lack of and inappropriate healthcare for inmates; an ineffective treatment process related to both the lack of staff and the absence of essential treatment measures (such as work engagement and/or education); issues with vulnerable and special categories of inmates; poor and inhumane behavior from prison staff; and corruption.

Very often forgotten as part of this story is the Women's Ward in KPD Idrizovo, the only female penitentiary institution in the country with around 70 incarcerated women there. There is a lack of humane material conditions, with no hot water in the showers, lack of heating, in certain periods overcrowding, no three meals a day, no medical services, no mental health services, lack of hygiene in the toilets and showers, etc.

The Committee for Prevention of Torture (CPT) in March 2021 published a report on its 2019 visit to North Macedonia penitentiary institutions, and one of the issues it noted is the no differentiation of treatment for various categories of incarcerated individuals, and only a few or no purposeful activities for them. Incarcerated individuals informed the CPT that they are confined to their cells for 23 hours, not doing anything else, just listening to radios (COE, 2021, p. 2). Stanojoska during the interviews with incarcerated women in 2021 was informed that they do not have any activities during the day, their working activities (if there are any) are only a few hours a day or during the week. The Helsinki Committee Report about the situation in penitentiary institutions in North Macedonia, informs that incarcerated women do not have any vocational activities and that besides TV and walks in the yard, they have no other activities (HCHR, 2021, p. 24).

DiCapSIW Project and Macedonian Experience

As part of the project "Strengthening the Digital Capabilities and Skills of Incarcerated Women in North Macedonia (DiCapSIW)" (funded by the US Embassy in the Alumni Engagement Fund 2023) a survey was conducted in September 2023 in the Women's Ward of KPD Idrizovo to assess the need for digital skills trainings for incarcerated women. The survey included 31 participants which is more than 50% of the incarcerated women present at the Women's Ward at the time of the research.

The survey has been divided into three parts (demographic characteristics, present digital skills, and the use of digital skills), and included 17 questions.

The goal of the survey was to provide an overview of the digital capacities and skills of the women serving prison sentences at the time. Understanding the needs for acquiring knowledge and digital skills among incarcerated women is essential for designing effective programs that address the digital divide (different treatment in different penitentiary institutions within the country, but also between men and women) in the treatment process within penitentiary institutions.

The research report revealed several important conclusions. First, female inmates are among the marginalized groups excluded from the digital world, as they have no opportunity to make decisions about issues that will affect their future while in a correctional facility. Furthermore, the lack and absence of digital skills pose a significant barrier for inmates in coping with the challenges of daily life outside the facility. The women serving prison sentences do not have experience or skills in creating documents, job searching, or submitting job applications online, and due to the lack of access to digital skills training or computers, they did not have the opportunity to learn or improve their digital skills.

Almost all respondents (30 women) agreed that digital skills training would help them in the process of resocialization, and they are motivated to participate in such training. The research concluded that the limited access to appropriate digital skills, aligned with societal changes and advancements (digitalization), is of particular importance for the treatment, resocialization, rehabilitation, and reintegration process. Investing in the digital abilities and skills of convicted individuals means investing in their potential, their future, and the collective progress of society.

Based on the needs of the respondents and the objectives set within the project, six modules were identified and were recommended for the digital skills training program in penitentiary institutions:

1. Digital technology and digital communication,
2. Digital literacy,
3. Internet browsing,
4. Online communication,
5. Job readiness,
6. Safety in the digital world.

The training aimed to familiarize incarcerated women with basic computer skills and digital literacy to improve their chances of successful reintegration. Through a structured curriculum and practical training, participants will develop proficiency in various computer applications, digital literacy, and Internet usage. The program also seeks to encourage critical thinking, problem-solving abilities, and the development of transferable skills that can enhance their future employment opportunities.

As a result of this, two three days of training have been organized. The training for digital skills took place between 31.01–02.02.2024, and 07.02.2024–09.02.2024, in the Women's Ward of KPD Idrizovo. The main goal of this activity was empowering incarcerated women and to strengthen their digital skills and knowledge. The trainings included 20 incarcerated women, according to their level of education, the severity of the committed crime, and their behavior in the penitentiary institution.

Conclusion

Today, more than ever, having digital skills is crucial as societal changes are reshaping our lifestyle. These skills are increasingly essential for meeting daily needs (communication, education, job searching, critical thinking, online safety, etc.). Therefore, the lack of digital skills significantly affects an individual's life in today's modern world. The digital society has created new conditions, and everyone needs to acquire the knowledge required to function in the digital space.

Incarcerated women face significant challenges in accessing digital tools and developing digital skills that are essential for their reintegration into society. Many of them begin serving their sentences with limited knowledge of technology, and the lack of access to it in the facility further worsens this situation. Those serving long sentences may not recognize the modern world upon release, as they lack experience with the digital tools needed to function in a digital society.

Digital skills trainings should be designed to help incarcerated women primarily in job searching and online applications, communication with family and friends, independent online learning and skill development, participation and communication on social networks, starting online businesses or projects, as well as safety and security in the online space. These skills are not only essential for the personal growth and development of female inmates but also crucial for their successful reintegration into the social community.

North Macedonia with the amendments of the Law on execution of sanctions has included technology in the imprisonment period, but only in the aspect of communication with the outer world. Incarcerated individuals will get the opportunity to communicate with their families via e-mail or by video conferencing (this was also available during the COVID-19 pandemic). But it is still unknown when these new possibilities for incarcerated population will be available as only a few penitentiary institutions have computers at their disposal for incarcerated individuals.

Furthermore, if we have in mind the CPT Reports on the Macedonian penitentiary institutions, where the material conditions are pointed out as one of the key problems, together with corruption, lack of personnel which leads to

absence of treatment process, overcrowding, we are not quite sure whether even these first steps of including technology during imprisonment will be successfully implemented across the penitentiary system in North Macedonia.

In that direction through this analysis, and project activities, our goal was to make authorities understand that technology is crucial part of our everyday lives, and that is why incarcerated population need to be in touch with it during imprisonment, because it will help them to have an easier re-entry process when it comes to employment or administration procedures. Although the number of participants was only 20 (twenty) and the analysis included 31 woman (more than 50% of incarcerated female population), the project team is sure that DiCapSIW is an important first step towards including digital rehabilitation as part of treatment processes in Macedonian penitentiary institutions.

Authorities must find a way how to equip penitentiary institutions with computers/tablets (for example, in the DiCapSIW projects ten laptop computers were bought for the training program, and afterwards were donated to the Directorate of execution of sanctions, so they can be used in the future for these type of activities), and stable Internet connection, so resocialization departments and incarcerated individuals could use the benefits of technology during their treatment process, of course, with limits and surveillance. Penitentiary institutions are far away from the old understanding of them as hell on Earth. Today, modern incarceration should be as much closer to life outside, as that is one of the key parts in the resocialization puzzle.

References

- Chen, M. (2017). Digital Literacy for Adults: Evidence and Guidelines for Effective Learning Practices. *Journal of Adult Education*, 46(1), 32-40.
- Day, A. (2020). At a crossroads? Offender rehabilitation in Australian prisons. *Psychiatry, Psychology and Law*, 27(6), 939-949. <https://doi.org/10.1080/13218719.2020.1751335>
- Guidelines for Determining Types and Methods of Treatment for Convicted Persons, Official Gazette of the Republic of North Macedonia, 99/19, 220/19, 133/20.
- Järveläinen, E., & Rantanen, T. (2020). Incarcerated people's challenges for digital inclusion in Finnish prisons. *Nordic Journal of Criminology*, 22(2), 240-259.
- Law on the Execution of Sanctions, Official Gazette of the Republic of North Macedonia, no. 99/19, 220/19, 236/22.
- Linden, R., & Perry, L. (1983). The Effectiveness of Prison Education Programs. *Journal of Offender Counseling Services Rehabilitation*, 6(4), 43-57.
- Mahlangu, G., & Zivanai, E. (2023). Offender eLearning: A systematic literature review on re-entry, recidivism, and life after prison. *Cogent Social Sciences*, 9(2), 2246706. <https://doi.org/10.1080/23311886.2023.2246706>
- McDougall, C., Pearson, D. A., Torgersen, T., & García-Reyes, M. (2017). The Effectiveness of Digital Technologies in Prison Education: A Meta-Analysis. *International Journal of Offender Therapy and Comparative Criminology*, 61(3), 329-348.

- Reisdorf, B. C., DeCook, J., Foster, M., Cobbina, J., & LaCourse, A. (2021). Digital reentry: uses of and barriers to ICTs in the prisoner reentry process. *Information, Communication & Society*, 25(14), 2028–2045.
- Reisdorf, B.C. & Rikard, R.V. (2018). Digital Rehabilitation: A Model of Reentry Into the Digital Age. *American Behavioral Scientist*, 62(9), 1273–1290
- Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment for the 2019 visit, available at <https://rm.coe.int/1680a26b8f>
- Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment for the 2020 visit, available at <https://rm.coe.int/1680a359cb>
- Wilson, A. D., & DeIuliis, D. (2016). Digital Literacy and Digital Skills: Developing Critical Digital Competence in Correctional Facilities. In *The Correctional Education Handbook: Strategies for Success* (pp. 45–62). Routledge.

Commodification of Prison Life and #PrisonTikTok: Self-Exposure and Digital Labour on Social Media*

Ivana Stepanović¹ 

This paper investigates the phenomenon of commodifying prison life through video content shared on social media, particularly on TikTok. This platform popularised the cultural trend of sharing prison-inspired video content via the #prisontiktok and #jailtok. Using these hashtags, prisoners and former prisoners expose their personal experiences to vast online audiences to establish social connections with the outside world. Simultaneously, they use social media to commodify their life in prison, as well as their criminal careers, to gain views, monetary gifts and sponsorships, which aids in resocialisation after incarceration. Using digital ethnography and narrative analysis, this study employs long-term online observation to explore how individuals utilise their prison experience to build post-penal identities and careers. The focus of the analysis are the textual, visual, and audio elements of the video content shared on TikTok. The study observes how viral dances and cooking videos, as well personal confessions all serve commercial purposes of self-advertising on the platform. By emphasizing the economic motivations behind constructing the narratives on prison life, this paper illuminates the precarious aspects of digital labour associated with resocialisation of prisoners. While acknowledging the benefits of transforming prison life into marketable content, this paper also discusses the challenges of online work, particularly with regards to self-exposure and limitations imposed by the algorithmic systems of social media. Ultimately, this paper aims to contribute to the broader conversation about digital labour in the context of resocialisations of former prisoners and representations of prisons on social media that stem from self-commodification strategies.

KEYWORDS: commodification / prison life / TikTok / algorithms / social media

* This is an invited paper presented by Ivana Stepanović at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Stepanović, I. (2024). Commodification of Prison Life and #PrisonTikTok: Self-Exposure and Digital Labor on Social Media. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 259–266). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.35>

¹ Institute of Advanced Studies Köszeg, Hungary. <https://orcid.org/0000-0002-8953-6703>

Correspondence: Ivana Stepanović, Email: ivana.stepanovic@gmail.com

Introduction

While the stigma of their criminal past and prison sentence is a significant challenge in finding traditional jobs, the sphere of digital work emerges as a new opportunity for former convicts to resocialise. Specifically, many former convicts strive to establish careers by engaging in content production on social media. On TikTok, the proliferation of content related to prison life and storytelling about criminal careers marks a new breakthrough in the popularisation of prison influencers, with the influencer defined as celebrities as “critical form of internet celebrity given their ability to attract and maintain a sizable following on their social media platforms, through highly engaging and personalized content production, which can be used as conduits of information to amplify messages” (Abidin, 2018). However, this new generation of jobs on the digital market is burdened with challenges, making it very difficult for former prisoners to build meaningful careers online.

One of the main problems with interpreting online work through the lens of resocialisation is the under-regulated sphere of social media where algorithmic governance replaces traditional governance. Privately-owned and operated transnational platforms alone establish the methods for filtering, censoring and distributing content while also determining monetisation strategies. Algorithms, which are optimised to maximise engagement and profitability, fail to provide a safe online space, leaving states to find their own ways to manage the consequences of the proliferation of videos generated by users, the disruption this creates in the labour market, and other phenomena associated with social media.

In this poorly regulated online sphere, there are no clear pathways for former convicts to resocialise and establish careers. They are faced with the attention economy (Goldhaber, 2006) built on traditional market economy, where large quantities of content are managed by the algorithms which use undisclosed parameters to assess videos and make decisions on whether and to whom they will be shown. Hashtags #prisontok and #jailtok help make this type of content easily searchable, aiding in the competition for attention in an online space oversaturated with user-generated content. Even though algorithms typically have embedded biases, these biases may not necessarily lead to the same type of discrimination against prisoners such as the official labour market. Nevertheless, the lack of structured pathway to paid jobs in this digital environment forces many former prisoners who strive towards recognition on social media into unpaid aspirational labour (Duffy, 2016). This aspirational labour involves self-exposure and hence self-commodification. Hoping to gain sufficient views and followers that could attract paid sponsorships, many simply post on social media without earning any profits.

This dynamic illustrates an inner paradox of social media which are created for the profit but also aspire to serve as digital commons. While digital platforms like TikTok offer spaces for marginalized groups, including former prisoners, to share their stories and potentially earn recognition and re-integrate into the society, the underlying exploitative nature of digital labour often undermines these possibilities. Social media's focus on engagement-driven content created by the users and sorted by the algorithms coupled with the monetisation policies shifts the responsibility of success entirely onto the creators, exacerbating the precarity of their labour.

This paper emphasises the “exploitative” tendencies of digital labour (Fuchs, 2014) because this aspect of social media is rarely discussed in this context. While these platforms represent *de facto* new working spaces as part of a new digital economy and a modern incarnation of capitalism facilitated by advanced communication technologies, they are still not considered as such. Social media remain critically marginalised by the state and are not fully defined as part of the public sphere. Even though they offer new possibilities to disclose many aspects of prison life to broader audiences, especially through educational content, this potential remains untapped by state officials and is relegated to the margins of an unrecognised public space.

Prison Life as a Spectacle

Identifying how the narratives and images portraying crime and life in prisons have become commodified on social media requires an inquiry into the innerworkings of economic underpinnings of media as a type of a semiosphere. The works of Jean Baudrillard (2005, 2017, 2019), Maurizio Lazzarato (1995) and Guy Debord (2002) are particularly important for understanding the logic of the production processes within media as all three authors build upon the legacy of Karl Marx's theory of commodification and apply it to contemporary society. Lazzarato is the first author to write about “immaterial labour” that produces intangible commodities such as audiovisual content and requires a mix of intellectual and manual skills. This type of labour is central for the entertainment industry of both traditional media and social networks where user-generated content largely replaces the classic formats used for radio and television. Debord's writing on the spectacle as a type of commodity affirms that Marx's concept of commodity fetishism applies to both material and immaterial objects. His argument about the spectacle as a succession of images that replace reality profoundly influenced Baudrillard's concept of “hyperreality” (Baudrillard, 2017).

The concept of hyperreality, rooted in Baudrillard's theory of simulacra, presupposes a critical relation between semiological and economic aspects of production. Baudrillard claimed that the immaterial labour characteristic of both

traditional and social media can only be understood if the association between use and exchange value is reassessed in the context of semiological processes of signification. His main insight was that the emergence of “sign value” makes both use and exchange value obsolete. Similarly, the breakdown of semiology, which is based on the dualism of signifier and signified, further reinforces the transformation of the economy, which increasingly focuses on the production of conceptualisations of objects and intangible goods. The emancipation of the signifier from the signified on the semiological level has led to the proliferation of pure signs as objects of production, operating merely on the level of simulation.

These concepts of immaterial labour and commodification of spectacle within the broader framework of the sign economy, which replaces the traditional economy, are critical for understanding what representations of prison life on social media truly mean. Invisible to ordinary citizens, prison life remains taboo. As a forbidden territory where users are not allowed to have connections to the outside world, it has become a popular topic on social media. TikTok, which offers various methods of monetisation, including user donations during livestreams, has enabled a proliferation of prison content. Genres typically include storytelling about prison life and the criminal offences that led to incarceration. In prison environments where it is allowed to use mobile phones, or where it is possible to smuggle such devices, convicts use live streams to connect to audiences and share filmed content they create in prisons. Prison life content, as a type of commodified spectacle, shows how social media transforms experiences into consumable content that becomes a form of entertainment and caters to voyeuristic tendencies in digital spaces. This content production is part of a digital economy that capitalises on various forms of self-exposure and data collection practices.

Online platforms can be understood as in-between spaces that combine the functionalities of traditional media with innovative communication technologies. They enable ‘sociality’ and interactivity along with a range of shades that span from strictly public to rigorously private. Unlike traditional media, social networks enable users to create and publish content without any restrictions, censorship, or external editing process and mark it as public, private, or something in between. With the addition of the so-called ‘privacy settings,’ these (multimedia) posts are certainly not always public like television, radio, and press were, but they are also not private in the way telephone, telegraph, and letters used to be. This means that the responsibility for the published content is always individual, and each user must decide what is appropriate for sharing with a particular auditorium. On one hand, online platforms facilitate the creation of a more inclusive public sphere by “permitting the emergence of more distant and marginal others” (Gak, 2016, p. 31).

Furthermore, uncensored online spaces that allow anyone’s voice to be heard pose numerous ethical challenges, such as how to regulate antisocial behavior (Vaidhyanathan, 2018, p. 3), determine responsibility for hate speech (Alkiviadou,

2018, p. 19; Guiora & Park, 2017, p. 957), and manage accountability (Helberger et al., 2017, p. 1).

Digital ethnographic research of the hashtags #jailtok and #prisonstiktok shows how strategies of commodifying prison life on social media collectively represent an alternative approach to resocialisation after a prison sentence but simultaneously embody aspirational unpaid labour associated with the exploitative practices of the digital economy. Prison life content on TikTok tends to attract a larger number of views than most genres. The hashtags #jailtok and #prisonstiktok are used to label this type of content and make it easily searchable across the platform. They identify both content created within the prison and videos or livestreams that discuss prison life after completing a prison sentence. The second type of content particularly helps former convicts to resocialise and integrate into society.

Typical videos portraying life in prisons generate large numbers of views and likes. The most prominent genres are workout routines, food videos, and personal confessions about social life in prison. The first two types of videos inform audiences about the most important daily routines of prisoners while showing the environment they live in. The third type of video reveals more nuanced social dynamics between prisoners and staff members. These storytelling videos could potentially represent valuable oral histories, but social media's orientation towards creating profit through user-generated content rather than providing a platform for curated educational content makes it a questionable archive. Since the content is always on a scale between private and public (Borgeson & Miller, 2016), the narrative analyses are challenging.

Additionally, prison-related content on TikTok also includes typical platform-native trends such as viral dances, challenges, and memes. These videos tend to portray prison life in a light-hearted way, featuring content that is often indistinguishable from videos created in ordinary bedrooms. TikTok's design inherently promotes the replication of viral trends, encouraging users to participate in dances, challenges, and memes that gain widespread popularity (Stepanovic, 2024). This culture of imitation fosters a communal approach to content creation, where the emphasis shifts from individual authenticity to the engageability and potential virality of videos. Creators often prioritize trending formats over original content, as engagement metrics and algorithmic favourability are closely tied to participation in these viral phenomena. This dynamic reveals a collective understanding among users that success on the platform is largely determined by one's ability to tap into and replicate existing trends. Such practices highlight the communal nature of content creation on TikTok, where the replication of popular trends often supersedes the pursuit of authenticity in favour of maximizing engagement and virality (Ling, 2022; Smith, 2023).

In Serbia, sharing content from prisons or about prison life is rare because of the strict rules not only on using communication technologies in penal institutions, but also on sharing the information about the penal system. However, content creators follow the trends and themes already established on the platform. Within prisons, it is common to show the prison cell and all the personal belongings in it, as well as nutrition and exercise rituals. Some former convicts also film confessions about their criminal careers and prison life. While some of the content creators focus on educational aspects of their content, others prioritise only sensationalism of storytelling and post content aiming only at entertainment.

The dynamics of paid and aspirational labour can be interpreted through Karl Marx's theory of commodification. For example, Fuchs argues that social media outsource labour to users and consumers in order to cut labour costs and increase profits, a practice that should be recognised as a completely new model of accumulation of capital associated with new communication technologies and, in a way, a 'democratisation' of capitalism (Fuchs, 2014, p. 246). This new system of capital accumulation allows for unprecedented levels of participation in the public sphere with very little curation, control, or censorship. As a result, even marginalised groups, such as inmates, gain access to public discourse. However, their opportunities for paid work remain severely limited.

Social media's exploitative tendencies are explicitly visible in the phenomenon of unpaid "play labour," which capitalises on the self-exposure of users through shared content, but also on the unacknowledged work of viewers or consumers of such content (Fuchs, 2014). While traditional mass media relied on passive audiences, social media platforms have replaced them with highly engaged users who are expected to actively contribute to the production process through activities such as sharing, liking, and commenting. Keeping audiences occupied with reacting to the content forms part of a larger financial strategy for social media platforms, which profit from behavioural data accumulated through these interactions. On TikTok, constant user engagement is embedded in its design: the application encourages users to continuously scroll through content while metrics on their retention are recorded and transformed into behavioural data. Additionally, livestreams enhance engagement by requiring viewers to actively participate, whether by tapping the screen to send likes or providing monetary gifts to streamers through the app.

This analysis highlights how platforms like TikTok not only commodify user-generated content but also exploit the labour of both creators and consumers. By embedding engagement into the platform's design and monetisation strategies, TikTok transforms self-expression into a form of labour that benefits the platform more than its users. For marginalised groups such as former prisoners, these platforms may appear to offer opportunities for visibility and income. However, the unstructured and precarious nature of digital labour, combined with exploitative practices, underscores the limitations of these opportunities. As such,

the promise of digital platforms as tools for empowerment and economic inclusion is tempered by the reality of their algorithmic underpinnings. To address this, future research and policy interventions should critically examine how digital labour is structured and propose solutions that better support creators, especially those from vulnerable groups.

Conclusion

The commodification of prison life on TikTok exemplifies the exploitative tendencies of immaterial labour in the digital economy. By outsourcing content production to users, platforms like TikTok capitalize on unpaid labour while fostering an illusion of accessibility and opportunity. Former prisoners, drawn into the aspirational labour of self-exposure and self-commodification, often navigate precarious online careers with little structural support.

Globally, prison-related content has carved out niche spaces on social media, marked by trends like viral dances, cooking videos, and storytelling. In Serbia, however, the production and dissemination of such content face stricter limitations due to state-imposed restrictions on communication technologies in prisons and the controlled release of information about penitentiary institutions. As a result, content creators in Serbia often emulate global trends without fully engaging with the genre's potential for narrative diversity or innovation.

The potential of digital media to serve as a tool for education, advocacy, and resocialization remains largely unrealized. Penal systems, characterized by opacity and restrictive policies, fail to recognize the value of leveraging social media as a bridge between prisoners and society. Simultaneously, the lack of regulation and public recognition of social media as a legitimate workspace limits the ability of platforms to provide structured pathways for meaningful careers. Addressing these gaps requires both state intervention and a reconceptualization of social media as an integral part of the public sphere, capable of supporting marginalized voices and fostering genuine efforts to improve resocialization of former prisoners.

References

- Abidin, C. (2018). From internet celebrities to influencers. In *Internet celebrity: Understanding fame online* (pp. 1–18). Emerald Publishing Limited. <https://doi.org/10.1108/978-1-78756-076-520181004>
- Alkiviadou, N. (2018). Hate speech on social media networks: Towards a regulatory framework? *Information & Communications Technology Law*, 28(1), 19–35. <https://doi.org/10.1080/13600834.2018.1494417>
- Baudrillard, J. (2005). *The consumer society* (Original work published 1970). SAGE.
- Baudrillard, J. (2019). *For a critique of the political economy of the sign* (Original work published 1972). Verso.
- Baudrillard, J. (2017). *Symbolic exchange and death* (Original work published 1976). SAGE.
- Borgerson, J., & Miller, D. (2016). Scalable sociality and “How the world changed social media”: Conversation with Daniel Miller. *Consumption Markets & Culture*, 19(6), 520–533. <https://doi.org/10.1080/10253866.2015.1120980>
- Debord, G. (2002). *The society of the spectacle* (Original work published 1967). Hobgoblin Press.
- Duffy, B. E. (2016). The romance of work: Gender and aspirational labour in the digital culture industries. *International Journal of Cultural Studies*, 19(4), 441–457. <https://doi.org/10.1177/1367877915572186>
- Fuchs, C. (2014). *Digital labour and Karl Marx*. Routledge.
- Gak, M. (2016). The public sphere: Migration of normative principles and the digital construction of transnational ethics. In A. Karatzogianni, D. Nguyen, & E. Serafinelli (Eds.), *The digital transformation of the public sphere* (pp. 97–112). Palgrave Macmillan. https://doi.org/10.1057/978-1-137-50456-2_2
- Goldhaber, M. (2006). The value of openness in an attention economy. *First Monday*, 11(6). <https://doi.org/10.5210/fm.v11i6.1334>
- Guiora, A., & Park, E. A. (2017). Hate speech on social media. *Philosophia*, 45, 957–971. <https://doi.org/10.1007/s11406-017-9858-4>
- Helberger, N., Pierson, J., & Poell, T. (2017). Governing online platforms: From contested to cooperative responsibility. *The Information Society*, 34(1), 1–14. <https://doi.org/10.1080/01972243.2017.1391913>
- Lazzarato, M. (1996). Immaterial labor. In P. Virno, M. Hardt, & M. Boscagli (Eds.), *Radical thought in Italy: A potential politics* (pp. 133–147). University of Minnesota Press.
- Ling, C., Blackburn, J., De Cristofaro, E., & Stringhini, G. (2022, June). Slapping cats, bopping heads, and oreo shakes: Understanding indicators of virality in tiktok short videos. In *Proceedings of the 14th ACM Web Science Conference 2022* (pp. 164–173). <https://doi.org/10.1145/3501247.3531551>
- Marx, K. (1990). *Capital: A critique of political economy. Volume 1* (B. Fowkes, Trans.; Original work published 1867). Penguin Books.
- Stepanović, I. (2024). *Influencers, online alliances and reconciliation in Southeast Europe: #Balkans*. Routledge. <https://doi.org/10.4324/9781003429432>

The Principle of Voluntary Participation of Prisoners in Scientific Research*

Sladana Đurić¹  and Aleksandra Ilić² 

Introduction/Research Problem: The responsibility of researchers is not only to discover new scientific truths, but also to do so in a manner that respects human rights and the integrity of research participants, with particular attention to vulnerable groups, where the possibility of abuse is greater. Research in a prison environment poses specific ethical and legal challenges due to the unique living conditions of prisoners and the distinct social dynamics within prisons, particularly concerning the principle of voluntary participation in scientific research. *Objectives:* The paper discusses voluntary participation as the most significant principle in scientific research involving people. It provides a concise overview of the decades-long debate on this significant issue, reflected in the continuous process of reform and enhancement of the ethical and legal regulation of this field. *Methods:* The investigation of problems in the application of the principle of voluntary participation of prisoners in scientific research was conducted through an analysis of the most significant universal, regional, and national ethical and normative documents. *Results:* Based on the analysis of relevant ethical and legal documents, the current framework for ensuring voluntary participation of prisoners in scientific research has been established. The genesis of the establishment of this framework was presented, along with possible directions for improving research standards, both ethical and normative, as well as adapting research practices to the conditions of the prison environment. *Conclusion:* Improving the ethical and normative framework for research in prisons is a continuous and dynamic process. Due to the ongoing need to analyse the living conditions and other circumstances in prisons, it is essential to improve research standards at various levels to ensure the validity of the resulting findings.

KEYWORDS: voluntariness / research / ethical standards / legal norms / prisons

* This is an invited paper presented by Aleksandra Ilić at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Đurić, S., & Ilić, A. (2024). The Principle of Voluntary Participation of Prisoners in Scientific Research. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 267–274). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.40>

¹ Faculty of Security Studies, University of Belgrade, Serbia <https://orcid.org/0000-0002-4186-2999>

² Faculty of Security Studies, University of Belgrade, Serbia; <https://orcid.org/0000-0001-7298-2347>

Correspondence: Aleksandra Ilić. Email: aleksandra.ilic@fb.bg.ac.rs

Introduction

Modern research standards dictate that special attention must be paid to preventing violations of the rights of research subjects, assessing potential harm that may be inflicted upon them, as well as the measures that must be taken to prevent such harm (Đurić, 2013). This includes risk-benefit assessments, establishing clear rules to ensure voluntary and informed consent, as well as implementing measures that reduce potential harm. These ethical issues become even more complex when research is conducted on vulnerable groups, such as prisoners, children, and individuals with health impairments, where it is necessary to provide additional protection of human rights and dignity of participants.

Many studies conducted in prisons in the previous century were problematic due to insufficient respect for prisoners' rights and their vulnerability (Obasogie & Reiter, 2010). Numerous instances of exploitation and abuse of prisoners in scientific research triggered global ethical debates, which led to the introduction of stricter legal regulations and ethical standards.

Sources of Ethical Guidelines for Research on Prison Populations

Sources for learning about ethical guidelines, apart from globally recognised codes of ethical practice, such as the Nuremberg Code (U.S. Government, 1949), the Declaration of Helsinki (World Medical Association, 2013), the Belmont Report (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979), and the APA Ethical Code (American Psychological Association, APA, 2017), include numerous regional or national documents.

The regulation of research conducted in the United States of America have continuously undergone reform to address the ethical challenges of modern research procedures. The guidelines in early documents were quite restrictive, which is understandable considering that the adoption of the codes was preceded by the exposure of numerous cases of abuses and harassment of prisoners involved in research projects up until the early 1970s. After two decades of work on improving ethical guidelines, the *Common Rule* (HHS, 1991) was adopted in 1991 and has been revised several times, with the most recent revision in 2018 (HHS, 2018). Although these rules formally apply only to research in the U.S., many countries and organisations worldwide implement ethical guidelines that are largely aligned with or based on similar principles to this code to ensure the protection of human rights for research participants.

Basic Legal Sources Relevant to Research on Prison Population

The most important standards for the execution of prison sentences, adopted at the United Nations level and incorporated into the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), emphasise the comprehensive protection of prisoners' rights (both convicted persons and other persons deprived of their liberty), among which the right to respect for the dignity and personality of prisoners is highlighted. This right is concretised in Rule 32, Article 2, which states that prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community (United Nations, 2015).

At the regional level, mention should be made of the European Prison Rules, which address this issue in a similar manner, though far more modestly, through just two rules, 48.1 and 48.2, which only generally prohibit participation in experiments without the prisoner's consent (Council of Europe, 2006). An important regional document for the member states of the Council of Europe is the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has also been ratified in Serbia (Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 2003/2005/2010).

In addition to the aforementioned general international documents, several conventions should be mentioned, specifically aiming to protect the rights of particular categories of prisoners: minors and women. The most significant document related to the position of minors is the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, known as the Beijing Rules (United Nations, 1985). Regarding women, the most important document is the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, known as the Bangkok Rules (United Nations, 2010).

The legal framework for the protection of prisoners in the context of their participation in research in Serbia is primarily based on the basic law in the area of the execution of criminal sanctions, the Law on the Execution of Criminal Sanctions (Law on the Execution of Criminal Sanctions, 2014/2019). This legal act mentions visits that involve direct contact with prisoners only in one provision (Article 32, paragraph 5), where it states that such visits can take place if they are important for achieving the purpose of the visit, for example, as part of conducting scientific research, in two variants: with or without the presence of a facility staff member, which usually depends on the assessment of the risk to which the person who is granted the visit may be exposed (Ilić, 2022).

Voluntary Participation of the Prison Population in Research Projects

In addition to the obligation to guarantee privacy, anonymity, and confidentiality, respect for the principle of not causing harm or suffering to respondents, and the use of obtained data only for scientific purposes, certainly the most important ethical issue in research projects involving humans is the voluntary nature of participation. The scope of this contribution allows us to only briefly address some of the relevant issues related to the principle of voluntariness: the problem of recognising the autonomy of prisoners to make decisions about their participation in research, the rules for obtaining informed consent, as well as privacy, anonymity, and confidentiality.

The Issue of Non/Autonomy

The debate about whether prisoners are autonomous enough to make voluntary and free decisions about their participation in research has been ongoing for decades. In earlier periods, particularly at the end of the 19th and the beginning of the 20th century, research in prisons was relatively common, and prisoners were often used for clinical trials and medical experiments without adequate safeguards, leading to serious ethical and legal consequences (Dalen & Jones, 2010; Hofman, 2000; Neuman, 2007). Informed consent was not a clearly defined concept at that time, and research was often conducted without clear ethical regulation, with little or no oversight. The Nuremberg Code laid the foundation for the conceptualisation of informed consent for participation in research. The first item of the Code (U.S. Government, 1949, p. 181) specifically relates to voluntary consent, stating that consent must be voluntary and informed.

A highly restrictive stance on the participation of prisoners in research is also expressed in the *Research Involving Prisoners* report (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1976). The Commission recognised prisoners as an at-risk and vulnerable group and recommended that only research directly in the interests of prisoners as a group should be permitted.

New ethical guidelines are moving towards the recognition of the autonomy of prisoners in making decisions about participating in research. This position is expressed in the *Report of the National Bioethics Advisory Commission* (NBAC, 2001), as well as in the *International Ethical Guidelines for Health-Related Research Involving Humans* (CIOMS, 2016), with recommendations that safeguards must be ensured, and the specific conditions that exist in prison environments must be taken into account.

Informed Consent

The principle of voluntariness is most fully and clearly expressed through the so-called informed consent. Ethical research standards prescribe a rigorous procedure for obtaining informed consent for participation in scientific research. Informed consent emphasises the following principles: participation is voluntary, the participant will not suffer any harm, and if there are any risks, they will be clearly described, with the participant's privacy being protected (Đurić, 2012).

According to the *American Psychological Association* (APA) Code of Ethics, informed consent is crucial for protecting the rights and integrity of participants in the research process. For informed consent to be considered valid, researchers are obligated to inform participants of all relevant aspects of the research (APA, 2017, Standard 8.02).

Although informed consent is foundational for participation in ethically responsible scientific research, obtaining it in research involving the prison population is often accompanied by numerous challenges. Prisoners are considered a vulnerable group, as they exist in a highly controlled environment where their freedom of movement, choices, and access to information are limited. These restrictions can undermine their ability to make free decisions without pressure, as highlighted in the report from the American Institute of Medicine *Research Involving Prisoners* (Institute of Medicine, 2007).

Prisoners often belong to marginalised groups, facing social, economic, and psychological problems, and frequently experience multiple vulnerabilities (Moore & Miller, 1999), with female prisoners being identified as the most vulnerable population of women in the literature (Maeve, 1999).

The vulnerability of prisoners can be further exacerbated by cognitive or psychiatric dysfunctions resulting from confinement (Moser et al., 2004). Researchers must also be aware of the power they hold over participants and carefully balance this dynamics to empower participants throughout the research process (Ward & Bailey, 2012).

Privacy, Anonymity, and Confidentiality

Respecting the privacy of research participants helps build trust between researchers and participants, ensuring ethically sound data collection and usage in accordance with human rights protection principles. This is particularly important in the prison context, due to the distrust among prisoners when it comes to research involving their population and the frequent suspicion that their responses will be misused (Kron et al., 1993). Researchers are obligated to respect and protect the confidentiality of information about research participants and to safeguard collected data stored in any medium (APA, 2017, Standard 4.01).

Good research practice dictates that, whenever possible, researchers should ensure the anonymity of participants, particularly in cases where revealing their identity might cause potential harm to the participants. Here we mean the protection of research participants by preventing both direct (linking comments or notes to the participant's name) and indirect identification (listing a set of characteristics that can be used to identify individuals or groups). One of the recommended strategies to mitigate identification issues is creating a list of participants and assigning labels to each, making their identification more difficult, while still allowing the researcher to present the participants in a sufficiently transparent manner in relation to the academic community (Đurić, 2012).

Conclusion

Modern research practice is characterised by increasingly strict adherence to ethical and legal standards, evidenced by the ongoing process of refining the normative regulation in this field and enhanced oversight by various bodies. Therefore, research involving prisoners requires careful assessment of potential risks to ensure the welfare of participants, minimise the possibility of abuse, and maintain fairness and transparency throughout the research process.

Due to the nature of the prison environment and the dependence of convicted persons on prison staff, there is a real risk of coercion, whether overt or implicit. Prisoners often face pressures to participate in research due to potential benefits (such as privileges within the prison), raising questions about how free and autonomous their consent truly is. Today, such research is strictly regulated to avoid abuses and to protect the dignity of participants. In many countries, research involving the prison population must undergo additional scrutiny and approval by ethics committees.

References

- American Psychological Association (APA). (2017). Ethical principles of psychologists and code of conduct. <http://www.apa.org/ethics/code/>
- Council for International Organizations of Medical Sciences (CIOMS). (2016). *International Ethical Guidelines for Health-Related Research Involving Humans*. Fourth Edition. Geneva. <https://cioms.ch/publications/product/international-ethical-guidelines-for-health-related-research-involving-humans/>
- Council of Europe. (2006). *Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules*. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d8d25
- Dalen, K., & Jones, L. (2010). Ethical Monitoring: Conducting Research in a Prison Setting. *Research Ethics*, 6(1), 10–16.

- Department of Health and Human Services (HHS). (1991). *Federal Policy for the Protection of Human Subjects; Final Rule. Federal Register*, 56(117), 28003–28018. <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/common-rule/index.html>
- Department of Health and Human Services (HHS). (2018). *Federal Policy for the Protection of Human Subjects; Final Rule. Federal Register*, 82(12), 7149–7274. <https://www.hhs.gov/ohrp/regulations-and-policy/regulations/finalized-revisions-common-rule/index.html>
- Đurić, S. (2013). *Istraživanje bezbednosti – kvalitativni pristup*. Fakultet bezbednosti.
- Đurić, S. (2012). Etički problemi u sprovođenju kvalitativnih istraživanja. *Kultura polisa*, 9, 573–591.
- Hoffman, S. (2000). Beneficial and Unusual Punishment: An Argument in Support of Prisoner Participation in Clinical Trials. *Indiana law review*, 33, 475–515.
- Ilić, A. (2022). Komentar Zakona o izvršenju krivičnih sankcija. JP “Službeni glasnik”.
- Institute of Medicine (2007). *Ethical Considerations for Research Involving Prisoners*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/11692>.
- Kron, L., Radovanović, D., & Vučinić, V. (1993). O nekim posebnim okolnostima naučnog istraživanja u “totalnim” ustanovama. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 22, 93–103.
- Maeve, M. K. (1999). Adjudicated health: Incarcerated women and the social construction of health. *Crime, Law & Social Change*, 31, 49–71.
- Moore, L. W., & Miller, M. (1999). Initiating research with doubly vulnerable populations. *Journal of Advanced Nursing*, 30(5), 1034–1040.
- Moser, D. J., Arndt, S., Kanz, J. E., Benjamin, M. L., Bayless, J. D., Reese, R. L., Paulsen, J. S., & Flaum, M. A. (2004). Coercion and informed consent in research involving prisoners. *Comprehensive psychiatry*, 45(1), 1–9.
- National Bioethics Advisory Commission (NBAC). (2001). *Ethical and Policy Issues in Research Involving Human Participants*. <https://bioethicsarchive.georgetown.edu/nbac/human/overvol1.pdf>
- National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. (1979). *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research*. U.S. Government Printing Office. <https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/read-the-belmont-report/index.html>
- National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. (1976). *Research Involving Prisoners: Report and Recommendations, DHEW Publication No. (OS) 76-131*. U.S. Government Printing Office.
- Neuman, W.L. (2007). *Basics of Social Research Methods: Qualitative and Quantitative Approaches*. 2nd Edition, Allyn and Bacon, Boston.
- Obasogie, O. K., & Reiter, K. A. (2010). Human subjects research with prisoners: Putting the ethical question in context. *Bioethics*, 25(1), 55–56.
- U.S. Government. (1949). *The Nuremberg Code (1947)*. In Trials of war criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 (Vol. 2, pp. 181–182). U.S. Government Printing Office.
- United Nations. (1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, adopted by the General Assembly on 29 November 1985 (A/RES/40/33). <https://undocs.org/A/RES/40/33>

- United Nations. (2010). *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules), adopted by the General Assembly on 21 December 2010 (A/RES/65/229). <https://undocs.org/A/RES/65/229>
- United Nations. (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), adopted by the General Assembly on 17 December 2015 (A/RES/70/175). <https://undocs.org/A/RES/70/175>
- Ward, J., & Bailey, D. (2012). Consent, confidentiality, and the ethics of PAR in the context of prison research. In K. Love (Ed.), *Ethics in social research* (Studies in Qualitative Methodology, Vol. 12, pp. 149–169). Emerald Group Publishing Limited.
- World Medical Association. (2013). *World Medical Association Declaration of Helsinki: Ethical principles for medical research involving human subjects*. JAMA, 310(20), 2191–2194. <https://doi.org/10.1001/jama.2013.281053>
- Zakon o izvršenju krivičnih sankcija, Službeni glasnik Republike Srbije br. 55/2014 i 35/2019. (2019).
- Zakon o ratifikaciji Evropske konvencije za zaštitu ljudskih prava i osnovnih sloboda sa dodatnim protokolima, Službeni list SCG – Međunarodni ugovori, br. 9/03, 5/05 i 7/05 – ispravka, i Službeni glasnik RS – Međunarodni ugovori, br. 12/10. (2010).

Prison Labour: Historical, Normative and Practical Aspects*

Tijana Kovačević¹ 

The paper analyses the historical, normative and practical aspects of prison labour. The first part is devoted to the historical development of penal systems and the purpose of punishment. There have been different conceptual approaches in different periods, starting from repressive and retributive elements and the function of punishment to the acceptance of the philosophy of resocialization and rehabilitation of convicts, the goal of which is to equip the individual for socially useful action and generally accepted behaviour. Namely, it has been observed that healthy and productive labour has an educational value, and changes the convicts' behaviour and living habits. Purposeful work contributes to the general well-being of prisoners, and also affects their awareness of the importance of accepting social norms. Therefore, the central part of the paper deals with the issue of legal regulation of prison labour, particularly analysing the relationship between prison and forced labour. In addition, the paper gives practical examples in order to shed light on the position of prisoners. At the same time, we strive to investigate to what extent prisoners were actively employed before imprisonment, and whether acquiring practical training during their sentence helped them to be better resocialized.

KEYWORDS: prison labour / rehabilitation / forced labour / resocialization

* This is an invited paper presented by Tijana Kovačević at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Kovačević, T. (2024). Prison Labour: Historical, Normative and Practical Aspects. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 275–295). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.38>

¹ PhD student, University of Belgrade – Faculty of Law, Serbia. <https://orcid.org/0000-0003-3555-6335>
Correspondence: Tijana Kovačević. Email: tijanarkovacevic@gmail.com

Introductory Remarks About Prison Labour

Productive labour is an important ingredient of prison life, because it ensures an active day, generates financial resources and reduces the harmful consequences of freedom restrictions. The purpose of the prison sentence is not to punish the perpetrator of the criminal offence, but rather encourage changes in behaviour that are acceptable and standard from the point of view of the wider social community. The reason for implementing special programmes that include labour in prisons is to eradicate socially deviant behaviours. The adopted rehabilitation approach presents labour as means or form of penological treatment. In light of that, work is a part of the therapy aimed at strengthening the convicts' awareness of good and evil (Jovanović & Petrović, 2017). Apart from that, work is a key element in building a quality value and moral apparatus that shapes and corrects individual behaviour.

Work has a positive effect on prisoners' mental and physical health. Active work is recognised as one of the most important factors that prevents the repetition of criminal acts, because it creates a sense of self-worth in convicts. Boredom may give rise to conflicts between prisoners, while work in any form reduces tensions and contributes to smooth running of the institution. Positive dimension of working is also reflected in the plan of organisation of other activities within the prison institution. Work is a vital element of a successful life, because it provides financial independence and social status, develops a sense of self-worth and satisfaction, and leads to effective inclusion in the wider community. Prison labour may be regarded as a way to diminish potentially dangerous behaviours and opportunity to acquire skills, revitalize work potential and restore affinity towards work (Stuart, 2011). The main purpose of prison labour is to prepare prisoners for inclusion in the labour market after prison, since occasional or frequent stays in prison would otherwise lead to the separation of prisoners from the outside world and regular earning methods, which would drastically increase the number of return offenders. Rehabilitation or resocialization have developed on the basis of criticism of retribution, which is why its primary goal is to change the offender, i.e., enable him to lead a socially useful life. This is especially due to the fact that criminal offences are consequences of the individual's non-adjustment to normal living within the community. Work is the main instance of socialization, as it offers a context for a sense of belonging to develop (Dragojlović et al. 2013).

Prison labour as obligation was implemented for a long time in most countries, with some differences, so that certain categories of prisoners were excluded from the obligation, such as persons sentenced to shorter prison sentences (Austria, Luxembourg, Norway, Lebanon, Syria, Burma, India), political prisoners (France, Belgium, Cuba), although there are also examples of countries (Yugoslavia), where, depending on the severity of the crime committed, the prisoners were

subjected to hard physical labour or work that corresponded to the jobs they had previously. It is interesting to note that the labour obligation was constituted in the law or the prison rulebook, however in many countries, courts had the authority to make labour an optional or mandatory element of the sentence in a conviction (United Nations Department of Economic and Social Affairs, 1995). The objective of the paper is to show how much work affects the behaviour of prisoners and whether it helps them develop positive attitudes. We have started from the assumption that work has a corrective function aimed precisely at shaping human behaviour. In this regard, the problem of insufficient capacity of penitentiary institutions for work engagement of prisoners was recognised, which is why we directed the subject of the research towards a qualitative assessment of the treatment of prison labour. Likewise, in this research we wanted to point to the legal regulations in this area, in order to evaluate the purposefulness of the existing solutions.

Development of Prison Labour

Historically speaking, prison labour was a punishment or a supplement to punishment. Up until the end of the 18th century, the function of prison labour was repressive and directed towards physical exploitation. If we look back to the oldest period where the focus was on isolation and punishment, hard prison labour was a way to utilize cheap labour force. Essentially, the above mentioned period was marked by ensuring that the prisoner knew that the commission of criminal acts entailed social condemnation, isolation and punishment (Lakobrija, 2021). Prison sentence was mostly used as a form of retribution for a crime committed by an individual, and consequently, labour was regarded as a form of punishment. Therefore, since working was considered punishment for a crime, exhausting labour in difficult conditions was used as retribution for a criminal act. Therefore, imprisonment had an economic function, which led to the transformation of medieval castles and monasteries into labour institutions (Uzelac et al., 2008).

During the reign of Louis XVI, the Bastille prison received prisoners from higher aristocratic circles. The famous fall of the Bastille is celebrated today in France as a national holiday in memory of the great victory when the rule of law and freedom prevailed. Namely, the attack on the Bastille was the beginning of the French Revolution, which marked the fight against autocratic government and imprisonment (Turković, 2014). The English medieval penal system had penal institutions where layabouts and beggars who were able and willing to work were incarcerated (Lakobrija, 2021). Good examples were the labour homes in numerous European countries (e.g., The Netherlands, Germany) where vagrants could work instead of wasting time and thus degrading themselves and others

around them.² An idle life encouraged criminal activities, which is why the English Great Law of 1682 aimed to eliminate crime by implementing labour efficiency measures (Stevanović, 2012).

Apart from preventing unemployment, labour needed to be imposed on prisoners so they could support themselves, and not cause additional harm to society in addition to the crime they committed. For example, exhausting activities such as penal treadmills were abolished in England when the Prison Act was adopted in 1898, which, in addition to the arrangement and organisation of prisons, had senseless forced labour as its objective. The strengthening of private capital led to a modern form of slavery where private entities were the ultimate beneficiaries, and the practice of assigning prisoners to work in mines became common (Reynolds 1994).

In this regard, the prison labour was a continuation of medieval slavery, because prisoners were rented outside the institutions for the execution of criminal sanctions for tasks previously done by slaves. In other words, prisoners were regarded as slaves of the state. Nevertheless, absolute freedom in European countries was not disrupted, since the institution of *habeas corpus* offered numerous guarantees to persons who were suspected of having committed a criminal offence.³ Therefore, if someone was in captivity, he had to be handed over to the court within a reasonable time, which provided protection to individuals from arbitrary and inhuman treatment and unjustified arrest (Lakobrija, 2021).

As indicated, first penitentiary institutions were accompanied by the idea of the purpose of punishment based on the society's repressive response, i.e., punishment and intimidation of prisoners. Offenders were subjected to corporal punishment, so people sentenced to life imprisonment were branded in public squares by a hot iron. As Tanjević (2019) described it, "people were sent to prisons in order to isolate them from the rest of society and physically punish them in the cruellest way in order to break their will, spirit and personality."

During the colonial rule, Europe used African prisoners as a reserve labour force for important infrastructure projects. In this sense, the recruitment of prisoners was done to solve the problem of the lack of active labour force. Therefore, prison labour was used as means of exploitation in the interest of the state economy. In this context, some authors believed that the work of convicts was commodified by the authorities, because convicts were carriers of labour

² Precursors to prisons were labour correctional camps, among which the *Bridewell* in London was the most famous (Ignjatović, 2018).

³ As a curiosity, it should be noted that the term *habeas corpus* adopted by law, originated in music, from a Russian critic who described Beethoven's Fifth Symphony as an "anti-musical monster destroying the musical *habeas corpus*" that is, destabilizing the physiological composition of its listener.

force, but not owners of its usable value (Archibong & Obikili, 2023). Also, in the period before the decolonization of the African continent, prison labour was a mandatory aspect of imprisonment of convicted individuals living in colonial areas, as part of colonial policy, and prisoners were not paid for their work.

Likewise, due to the naval war in the Mediterranean between Islamic and Christian forces in the 15th century, the required rowing power was mainly coming from prisoners. This punishment was introduced in order to maintain the galleon fleet, but not with the aim of responding to the criminal justice system needs, but primarily for war purposes. Moreover, if rendered useless as rowers, galley slaves served as labour force for shipbuilding and harbour maintenance (Hillebrand, 2009).

Furthermore, if we continue to regard the past, we come across extremely negative experiences towards the prison labour. Humanity was shaken by forced labour in concentration camps as forms of war prisons where all capable prisoners were mandated to work under the slogan *Arbeit macht frei* ("Work sets you free") (Uzelac et al., 2008). Examples from China should also be mentioned, where during the 1950s, individuals who had formally served their sentences could not leave the camps and were forced to work in special brigades. Transfers from prisons to labour camps were frequent due to numerous problems such as systematic overcrowding in prisons, fiscal constraints, inadequate prison buildings, and lack of professional training of prisoners and guards.

The earliest evidence of prison labour in Germany dates back to the 4th century. In the Duchy of Württemberg in 1960, labour punishment replaced corporal and prison punishments, because corporal punishment was usually preceded by social ostracism (Hillebrand, 2009). In present-day Germany, the first correctional-penitentiary institution was founded in 1608 as a special institution where beggars and offenders were forced to work and live. The work was conducted within the institution and encompassed a wide range of activities, based on the assumption that prisoners benefited society through collective labour. Moreover, in the reform period that followed, the function of prison sentence as an effective means of resocialization was re-examined. Consequently, it was proposed that prison sentences be completely abolished in favour of individualized treatment and labour punishment (Hillebrand, 2009).

Prison labour has been used for centuries, but the purpose of legal labour has changed over time. Per repressive approach, the prisoner was punished twice: by formal deprivation of freedom and by forced labour in inhuman conditions. Apart from that, prison was an indicator of what happened when someone acted contrary to legal norms. The deterrent effect stood against the repressive element, because deterrence looked to the future, while punishment presupposed the presence of a retrospective moment. "There is free labour that elevates man, frees his brain from sinful thoughts and sick ideas – labour that forces man to feel like a particle of the

world life. But there is also forced labour, slave labour, which humiliates man – labour, done with disgust, for fear of punishment, and prison labour is the same" (Kropotkin, 2007).

As we have already pointed out, prison labour has conceptually evolved from a punishment or "price" to be paid for a committed crime to re-education and resocialization of an individual. The end of the 1990s was marked by the development of penal systems and the introduction of the reparation concept in order to establish restorative justice. The rehabilitative function of prison labour was affirmed in the period after the Second World War. The desire to "humanize prisons" is particularly highlighted in the famous French reform "Amor" from 1945. Reforms were evident in other countries as well (the Italian Constitution of 1948, the English Prison Act of 1952) where the first outlines of the humane dimension of prison labour could be found, designed to contribute to the social and professional integration of prisoners. Compulsory labour was abolished in France in 1987. According to the Public Service Act of 22 June, 1987, the prison was an organisation that served justice, and the prison administration had the mission to "participate in the execution of sentences and penal decisions on behalf of the French people and promote the social reintegration of people entrusted to it" (Dufaux, 2010). On the other hand, in the previous period, the legal acts that regulated the prison systems resorted to a different definition in line with the concept of punishment, so the prison was a place where both the punishment was executed and the rehabilitation of inmates accomplished through labour.

In the United States of America, prison labour was introduced in 1682. Prisoners were cheap labour force used by private companies that sold their goods in the open market.⁴ This system was abolished towards the end of the 19th century by the Congress, which limited the sale of goods made in prison, thereby limiting the prison labour to production of goods used by the state (Jovanović & Petrović, 2017). These programmes were implemented with the objective of generating revenue that would "cover" the costs of serving the sentence that the state was supposed to cover. The funds obtained should, in addition, enable the payment of restitution and provide financial support to crime victims. Moreover, in order to ensure a market for their products, an obligation was introduced as an integral part of the programme, for special industrial agencies to repurchase part of the goods produced in prison units. The improvement programme encouraged state prison systems to develop partnerships with private companies to create employment opportunities for prisoners after they serve their sentences. There are other ways work programmes benefit prisoners. They help create opportunities for them to develop job-specific skills and work habits. Contribution and participation in the professional environment emit positive outcomes for prisoners on the

⁴ Also, during the American Civil war (1865), hired prison labour force was commonly used.

emotional and mental level. Also, research shows that working in prison reduces the rate of recidivism (Solomon et al., 2004).

International Standardization of Prison Labour

International legal instruments recognise prison labour as an important aspect of a prisoner's personal well-being that contributes to improvement of mental and physical abilities. In terms of legal sources, two conventions of the International Labour Organisation should be noted: Convention no. 29 on forced or compulsory labour adopted in 1930 and Convention no. 105 on the abolition of forced labour dating from 1957. In addition, non-binding regional minimum standards have an important role, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Nelson Mandela Rules) and the European Prison Rules. Regarding the number of ratifications, Convention no. 29 and Convention no. 105 are widely accepted, and are applied in a total of 181 and 178 countries, respectively. The Nelson Mandela Rules, adopted by the General Assembly of the United Nations, are valid in all 193 members of that intergovernmental organisation. On the other hand, the European Prison Rules cover only 46 Council of Europe member states. However, unlike the Standard Minimum Rules of the UN, whose effective implementation is not ensured by any court, but which are used as guidelines issued to states by organs and bodies within the UN system, the practical importance of the European Prison Rules is far greater, because the European Court of Human Rights regularly refers to them in its practice. That way, the soft law rules regarding the prisoners' working conditions become binding.

Work in institutions for individuals deprived of freedom has certain specific features compared to ordinary work done with the purpose of gaining profit. Namely, Convention no. 29 allows for compulsory prison labour if the jobs are directly provided by the state or a private entity (natural or legal entity) operating under the supervision and control of a public authority.⁵ The control must be efficient, systematic and regular, therefore the condition is not met if the supervision of public authorities is periodic. The body authorised to interpret ILO conventions has repeatedly emphasized that the need for public authorities' supervision over forced prison labour and the prohibition of placing prisoners at the disposal of a private company or association are cumulative conditions. The focus is on the elimination of forced prison labour for private entities, so in principle the employment of prisoners, unless voluntary, constitutes a violation of

⁵ As an argument in favour of adoption of that decision it has been pointed out that "private subjects are, above all, eager for profit and as such represent an increase risk for prisoners' well-being, unlike the state, which represents public interests" (Milman-Sivan, 2013).

the Convention.⁶ Economic interests should not have an influence on prison labour, which is why it is recommended that the work facilities in the prison be run and managed by someone appointed by the administration of the institution, provided that the work can also be organised outside the institution, with private individuals, for which the institution will charge a market rate. Convention no. 29 prohibits forced labour for gaining profit, but does not exclude voluntary prison labour for private profit. In this regard, prison labour for the benefit of private individuals must be done on a voluntary basis with the express consent of the prisoner (Kovačević, 2021).

Contrary to that, the Standard Minimum Rules for the Treatment of Prisoners, prepared by the Economic and Social Council of the United Nations in 1957, allow, in exceptional cases, prison labour for private persons, provided that the prison administration supervises the work of prisoners who will receive adequate remuneration for their work. A more flexible approach is seen in the European Prison Rules, which allow the employment of prisoners by private entities as long as the work is done in coordination with the prison administration (Kovačević, 2013).

Unlike the ILO Convention no. 29, which ended the long-standing legal practice of exploitative prison labour, other international and regional instruments that deal directly or indirectly with the prison labour provide a lower level of protection.⁷ At the same time, we should keep in mind that the ILO Convention no. 29 is one of the ten "basic" conventions resulting from the need to agree on the harmonization of rules regarding the minimum labour rights at the global level. What can be concluded from the Convention is a clear separation of prison labour in the private and the public sector and strict conditions for the qualification of voluntary work of inmates. It is important to mention that international law does not prescribe the work obligation for persons in custody. Even though the formulation used in the ILO Convention no. 29 prohibits prisoners awaiting trial from working, the Expert Committee for the Implementation of ILO Conventions and Recommendations notes that the provisions of ILO Convention no. 29 do not prevent persons in custody from voluntarily work (Kovačević, 2021).

Namely, in order for the prison labour to have educational and corrective value, it must meet several criteria from the relevant international and regional law sources. In light of this, it is indicated that the work must be "common", in the sense that such work can be regularly demanded from a person deprived of

⁶ Reporting expert from the Expert Committee declared that at the time of adoption of the ILO Convention no. 105, the draft of the convention that is widely supported expressly stipulated "that there should not be any forced labour for private interests of any kind, but for the purpose of private concessions" (Milman-Sivan, 2013).

⁷ An exception in that regard is only the American Human Rights Convention which prescribes that the voluntary work of prisoners must be supervised by a public authority and must not be used for private purposes.

freedom based on a legally pronounced court decision, while respecting all material and procedural rules. This means that prison labour is possible only when the general principles of law are respected, such as the right to a fair trial and defence, the presumption of innocence, equality before the law, etc. (Kovačević, 2013).

The European Prison Rules require that prison labour be regarded as a positive element of the prison regime. Work programmes should be meaningful and adapted to the market situation, which contradicts practical experiences demonstrating the opposite, meaning the prisoners are placed in conditions that do not contribute to their professional development, but quite the opposite, lead to their antisocial attitudes worsening. The shift towards a different (rehabilitative) function of prison labour is partly attributed to the General Declaration on Human Rights, which proclaims the right to work as a general principle that must not be denied to any man, not even one serving a prison sentence. The Standard Minimum Rules for the Treatment of Prisoners indicate that prison labour must not be repressive or degrading. Additionally, prison labour is provided by the prison administration, either independently or in cooperation with private companies, inside or outside the prison.

An important protective measure covered in international instruments is the length of time spent at work, which must be organised and distributed in a way that does not disrupt the performance of other activities. Turkish prison services allow prisoners to work overtime, which is regulated in detail so as to prevent misuse. Despite this, the International Labour Organisation estimates that at least 1/5 of prisoners encounter labour exploitation (Zanella, 2020). In this regard, the question is posed whether a more detailed and coherent set of standards could better protect prisoners from degrading work conditions.

Working Conditions in Penitentiary Institutions

Work can alleviate prison life hardships, since most of the day is spent outside the prison cell in an environment that contributes to the general well-being and develops the collective spirit. Apart from that, work establishes mental and physical balance, encourages the creative spirit and develops positive feelings. In this regard, work not only satisfies the development needs of an individual, but also establishes his inner balance and emotional stability. Taken together, a pleasant working atmosphere and communication with other people certainly strengthen self-confidence and boost the morale. The New Prison Rules of the Council of Europe state that "the work provided shall be such as will maintain or increase prisoners' ability to earn a living after release" (Rule 26). The main goal of the work is to prepare prisoners for a normal life in the community. The International Covenant on Civil and Political Rights states that "the penitentiary

system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation." (International Covenant on Civil and Political Rights, Article 10(3)).

Lack of stable employment increases the risk of committing criminal acts. Many studies show that the percentage of convicted individuals who were not actively employed in the period before sentencing for their crimes is significantly higher compared to the general population. A prison sentence in most cases confirms long-term exclusion from the labour market due to poverty or low education level. For example, research conducted in 2000 showed that in that year, 2/3 of convicts in England were not working in the period preceding imprisonment. The situation was similar in Germany, where the rate of inactivity was 73% (European Commission, 2014). Studious research that could be cited as an example even today, was done back in 1994 in Austria on a sample of 505 prisoners, where half of the respondents were convicted again within two years, while only 33% of them managed to find stable employment (Baader, 2007). At the same time, prisoners are considered a category more difficult to employ even within the prison itself, causing the "pathology of precarity", which is gaining momentum, especially if infectious diseases such as AIDS or hepatitis B are taken into account, which exclude regular work. Certain authors state that decreases in employability is characteristic of deprivation of freedom due to loss of self-esteem, initiative, contact with the outside world, but also other reasons, such as debts these persons may have, their housing problems, and employer's prejudices regarding employment (Baader, 2007). On the other hand, in addition to external factors, emphasis is also placed on the management of work within the prison institutions.

Taking the goal of rehabilitation into account, prison labour should not be organised differently than free labour, especially in relation to means of production, consent to work, working conditions (e.g., working hours, occupational safety, wages). Also, prices of prison products should be close to industry price levels, in order to prevent unfair competition and social dumping. Therefore, health and safety standards should be equivalent to those applied outside prison regimes. At the same time, the requirement of decent working conditions is established regardless of whether the work is performed for the account of a penal institution or private individuals. In the light of that, the maximum number of working hours of convicted individuals must be prescribed, taking into account the time needed for rest, education and leisure. In this regard, concern for the well-being of prisoners has been increasing since the 1980s, so certain measures have been introduced: decrease in working hours, introduction of weekly breaks and prohibition of night work in prisons.

Work can be done in prison workshops and other premises equipped for that purpose inside or outside the prison. In more modern prisons, there are physically separate production and industrial units fully equipped with material resources

(machines, tools, furniture, safety equipment, lighting, ventilation, etc.) with the goal of mimicking standard production. Therefore, the production processes and infrastructure are adapted to the classic organisation of work outside the prison. However, there are differences, which is why prison labour can be characterized as a "special work regime" that connects institutional and non-institutional aspects, since it contributes to the autonomy and professional development of convicts, reflecting the social dimension of rehabilitation and resocialization (Sitzia & Lopez, 2023). Prison labour may include various sectoral activities, such as the production of furniture and clothing, processing of constructions and materials on the production line, recycling, and crafts.⁸ There are various forms of professional training. Greater effect of productive work, in terms of increased work ethic, is seen in production and service activities. Due to their dynamic features, they require person's mental and physical strength to be maximized, which has a positive effect on one's character and will. Likewise, the work can refer to auxiliary tasks necessary for proper functioning of the prison institution (e.g., cooking, cleaning, laundry, work in the prison store that supplies prisoners with food and personal hygiene products, minor electrical maintenance tasks in the buildings). Also, prisoners with craft, cultural and artistic talents can perform professional activities for their own account.

At the same time, it should be emphasized that working in prisons has financial benefits for prisoners as well, because they have the opportunity to support their families, and in some countries, work can also lead to remission of punishment, which can be considered a privilege *par excellence*. For example, in Romania, the rule is that for every four working days, the sentence is reduced by one day. It should also be noted that according to the law of that country, prisoners have the right to choose whether to make payments to a public or private pension fund, thereby ensuring their financial stability in the long term.

The Constitution of the Republic of Serbia prohibits forced labour, which does not include prison labour, provided that the work is voluntary and is performed in exchange for monetary compensation. Reasonable wages help cover everyday prison expenses, build a special savings fund that can be used after the release, contribute to family finances and represent a source for fulfilling civic duties (payment of damages, fines or compensation to victims). This way economic self-sustainability during incarceration is ensured, especially for prisoners trying to meet their secondary needs (De Vito, C. & Lichtenstein, 2016). This is extremely important because prisoners are often financially deprived.

Per the solution accepted in Italian law, compensation for prison labour cannot be less than 2/3 of the salary provided for in the corresponding collective agreement (Zanella, 2020). However, taking into account deductions from wages,

⁸ Prison industry is mainly used for production of goods and services offered to end-users in the free market (Sitzia & Lopez, 2023).

it is estimated that this amount is lower in practice. At the same time, the compensation must be fairly determined depending on the quality and quantity of the work performed. An *ad hoc* commission determines the wages and also the existence and number of deductions (accommodation costs, compensation for victims, compensation for procedural costs), provided that after the deduction, prisoners must be able to keep 3/5 of the earned wage (Stevanović, 2012). In Turkey, prisoners are paid annual profit shares in addition to daily payments.

Prisons that record a high level of work engagement of prisoners better maintain internal discipline and order, therefore there is less violence among prisoners, as well self-harm tendencies. Statistics also show that the suicide rate drops drastically due to healthy habits and a sense of belonging that develop due to working. It should be mentioned that, as a rule, these are socially marginalized individuals without formal education and work experience, which is why working while serving a prison sentence can be of crucial importance for professional training and active participation in the labour market after the prison time has been served. Productivity is vitally important to paid labour, which is why acquiring competencies in prison increases the prospects for professional reintegration (De Vito & Lichtenstein, 2016). However, employment prospects and the type of work prisoners can perform after release are limited by the nature of the crime.

The consequence of deprivation of freedom is that the individual loses the rights he would otherwise have if he were not in prison, such as freedom of movement or freedom of information. When it comes to labour rights, it should be pointed out that Germany is one of the few European countries that allows unionization of prisoners. The most famous union established in 2014 *Gefangener Gewerkschaft-Bundesweite Organisation* (GG/BO) in Tegel prison, which is also the first union in the world, has according to the latest data, more than 700 members in more than 50 prisons across Germany (Hillebrand, 2009). Contrary to that, Swedish law prescribes that prisoners are entitled to form a prisoners' council whose main function is to negotiate with the prison administration about living conditions in prisons, furniture and equipment to be used in common rooms, the items available for sale in prison kiosks, etc. However, the prisoners' council is not equivalent to a workers' council, since prisoners are not formally considered workers, so the prisoners' council is not authorised to negotiate working conditions. It seems that this solution is not in accordance with the ILO Convention no. 87 on Freedom of Association and Protection of the Right to Organise, as well as with the ILO Convention no. 154 on Collective Bargaining, which do not pose restrictions in this regard, which has been confirmed in a series of court decisions and additionally emphasized by the Expert Committee, which points out that "the purpose of these conventions is to enable freedom of association for trade union purposes" (Nilsson, 2017). Prisoners also do not have the right to join unions in the United States of America. That was confirmed back in 1977 in the case of *Jones v. North Carolina Prisoners' Labour Union* when the

union alleged that the North Carolina Department of Adult Correction violated regulations when it adopted a rule prohibiting prisoners from joining a union, inviting other inmates to join, and holding union meetings and other group activities. Namely, the prison administration believed that the existence of a union would cause unwanted problems, because the prisoners would most likely use the union organisation to slow down work and cause delays in order to disrupt the work discipline. In this regard, there was a dilemma whether the prison administration could limit constitutional rights and to what extent the court could intervene in the operations of prison systems. The Supreme Court did not start from the fact that it was necessary to prove that the Union is "harmful to the relevant penological goals" or that it represented a "danger to safety and order", but, on the other hand, it indicated that prisons differ in many ways from a free society, and that the imposed restrictions were reasonable.

In principle, prisoners have the basic right to freely choose their vocation and employment, which does not oblige the prison institutions to create a workplace within the prison that meets the needs of a specific employee. In comparative doctrine, the right to work is sporadically mentioned within the corpus of human rights as a subjective right guaranteed as part of the right to respect human dignity (Cicero de Moraes, 2019). The German Federal Court indicates that the state should strive to provide penal institutions with the reasonably necessary resources for personnel and material needs in order to achieve the resocialization goal (Hillebrand, 2009). Therefore, one cannot speak of a subjective right to work, since the prisoners' demands in this domain are limited by the available workplaces and the possibilities at a specific prison institution.

When the prison capacities allow, the work should be voluntary and freely chosen, and adequate for professional skills development. Therefore, the prison administration should take into account the aspirations of the specific convict and his plans when assigning him to free work as much as possible and taking into account the objective possibilities and subjective needs of the prison community. Also, the voluntary work of prisoners includes the selection of the type of work, which can be limited in cases where there is a disproportion between personal interests and tendencies, on the one hand, and objective physical and intellectual abilities, on the other hand.⁹

However, in European countries, all prisoners who would express a desire to work would not be able to work due to the limited possibilities of penal institutions. Partnerships with private organisations are permitted in order to provide prisoners with opportunities for training and work, under the condition that the prisoners' individual interests are not inferior to the lucrative motives or

⁹ For example, in Finland and Japan, before the work obligation has been abolished, choice of work was the task of convicts, provided they were convicted of minor criminal offences (United Nations Department of Economic and Social Affairs, 1995).

needs of the private organisation. If the focus shifts from punishment to helping prisoners to refrain from committing criminal offences, rehabilitation trainings are introduced (McEvoy, 2008). In states that no longer allow corporal or capital punishment, prison is the most severe punishment. Work camps are an interesting example. They have gained popularity in some American countries as means of morally uplifting prisoners (Pozen, 2003). Its critics highlight the "exploitative nature of such work and suggest that great profit can be made from those who are unable to resist power" (Pozen, 2003).

From a comparative legal point of view, prison administration being unable to obtain sufficient work led to partial or complete penitentiary privatization (Pozen, 2003).¹⁰ In this regard, it is very important to ask to what extent the growing trend of prison privatization is aligned with the generally accepted international standards, bearing in mind the ILO Convention no. 29, which establishes the condition that the prison labour is not to be used by private persons who hire the prisoners. The International Labour Organisation identified different systems of prison labour for the account of private individuals - the leasing system, the system of special contracts and the system of general contracts, however in the United Nations Report from 1955 it was stated that these systems were in contradiction with the ILO Convention no. 29 (Kovačević, 2021). In French colonies in Africa and Asia, there had been documented cases of "renting out" prisoners to work for private companies under extremely difficult conditions (Archibong & Obikili, 2023).

The oldest example of the leasing system included more than six hundred prisoners in Tonkin (Vietnam) who were assigned to a private coal mining company in a mine active on the Thai island of Koh Bon, in 1895. Prisoners worked nine-to-thirteen-hour shifts, seven days a week, without enough food, which led to many deaths. In 1709, an agreement was reached in the town of Tile, where entrepreneur provided wool, soap and coal to the prison in exchange for processed wool, while the profit was shared (Turković, 2014).

The leasing system has historically flourished in the United States, especially in the South, where the state and private entities conclude a contract regulating their mutual relationship, authority in prison management and prison labour, and the working conditions of prisoners (Zanella, 2020). The main difference between the leasing system and the general contract system lies in the fact that in the latter system, the prison administration retains the administration authority, while food and work materials are provided by a private entity. In the special contracts system, the private entity does not pay compensation to the state for the use of the

¹⁰ In the report which the states submit to the International Labour Organisation, in 2009 Germany reported that 12% of the total prison population was hired by private companies the reason being lack of jobs in state prisons (McEvoy, 2008).

prison workforce, which is under the complete control of the private entity that manages their work and pays their wages (Kovačević, 2012).

It is interesting to note that the contracting system was temporarily abolished in Italian law. According to the current decision that encourages prison labour for the account of private individuals, the prison institution can transfer the obligation of employing prisoners to public or private companies (Zanella, 2020). The costs of organising prison labour are borne by a private entity, while the prison institution provides the work premises. In this regard, in order to compensate for the lack of jobs offered by the prison administration, the Italian Law no. 193 of June 22, 2000 has stipulated benefits for private companies that employ prisoners in the form of exemptions from the payment of contributions and tax reductions. Thus, for each prisoner employed for at least thirty days, the state provides a private entity with a monthly tax credit that exceeds 500 euros (Zanella, 2020).

According to the amendment of the Law on Prisons from 2009, there was a rule in France where prisoners were obliged to perform at least one of the activities offered by the prison administration (Dufaux, 2010). Activities were aimed at reintegrating prisoners and were consequently adapted to the age, personality features, skills and other personal characteristics of the prisoners. Instead of the work obligation, a solution was proposed in literature where the prison institution offered prisoners free jobs they could accept, except in cases where the resocialization goal was jeopardized in case a prisoner remained at the assigned job (Dufaux, 2010). The current Code of Criminal Procedure prescribes that convicted individuals can work for their own account or on behalf of associations formed in order to prepare them for social and professional reintegration. Prisoners do not sign any employment contract, so the Labour Law does not apply to them, with the exception of health and occupational safety rules and compensation that cannot be lower than 45% of the minimum wage. However, with the 2022 reforms, prison employment contract (fr. *contrat d'emploi pénitentiaire*) appear as basis for prisoners' work engagement. In the Anglo-Saxon legal system, in the absence of precise legislative or regulatory text on working conditions within the prisons, the rules applicable to prison labour are indicated in internal rules.

The most comprehensive approach is applied in Spain, where a special labour law regime is applied to prisoners, guaranteeing minimal rights (prisoners' right to promotion and training, participation in the organisation and planning of work and the right not to be discriminated against at work) (Moner de Alós et al., 2009). Bearing the numerous legal disputes in mind due to the application of specific regulations, the Government passed a regulation that defines prison labour in more detail. Prisoners are obliged to perform the tasks entrusted to them, respecting security measures and work instructions issued by the administration. The list of vacancies with job descriptions must be determined by the internal commission and published in the prescribed manner, while the distribution of vacancies is done

according to the individualized treatment programme of prisoners and their professional capacities, taking into account the length of their sentences and family commitments (Moner de Alós et al., 2009). The Autonomous Office for Prison Labour enjoys legal subjectivity and financial independence. It was established with the aim of organising labour within prison institutions.

In Spain, the general correctional-penitentiary law prescribes that prison labour is mandatory, but that it does not necessarily have to consist of productive activity. The above mentioned law contains the general principles of the prison labour, although the Constitution states that prisoners are entitled to paid work and adequate social benefits, whereby a distinction is made between productive work with compensation and non-productive unpaid work. For their unpaid work, prisoners can receive a special bonus which does not constitute a wage (Constitución Española, Article 25). In any case, the compensation must be proportional to the number of working hours or the completed performance. As comparison, in Denmark, the article of the Law on Execution of Sanctions, which stipulated the working obligation for persons sentenced to prison, was deleted, and instead it was added that prisoners have the right and duty to a certain "occupation", which may consist of work or training. From that, it can be deduced that prisoners work, attend professional training or perform some other activity recognised by the prison administration (e.g., treatment, education of their own children, work for therapeutic purposes, etc.).

Prison Labour and Forced Labour

While forced or compulsory labour is done under the threat of punishment, prison labour is the result of the convict's duty to be subjected to obligations considered useful for his reintegration.¹¹ Prison labour does not automatically fall into the category of compulsory labour prohibited by Article 8 of the International Covenant on Civil and Political Rights.¹² In accordance with international recommendations, convicted prisoners can be obliged to work, as is the case in many European countries, provided that the working conditions are structured so that the work is meaningful and paid. Feldman (2000) rightly asks what even is the purpose of prison labour and what is achieved with it, and adds "can prison labour ever be voluntary, or is it always an act of state coercion", against the people who are in a disadvantageous position. This is especially valid if one takes into account the fact that the definition of forced labour contains a component

¹¹ In Israel, refusing to work on principle and to complete the assigned tasks represents a breach of prison rules, which may be sanctioned with disciplinary measures (reprimand, solitary confinement, reduced opportunity for early release) or monetary (SitZIA, & Lopez, 2023).

¹² In that regard, it should be noted that prison labour was used during strikes at companies so as to prevent suspension of operations as soon as possible (Atkinson & Rostad 2003).

dealing with the loss of rights or benefits, which can occur in the context of prison labour if the prisoner refuses to perform the tasks entrusted to him.

The elements of coercion in prison labour are incompatible with an open labour market, free exchange and the principle of dignified work. A more serious academic debate on the legitimacy of the forced labour of prisoners has not been so far provided. There are only empirical works on the economic efficiency of prison privatization that do not take into account at all the normative issues and dilemmas that arise due to the fact that different sources of law offer diametrically opposed solutions regarding the conditions under which compulsory prison work can be performed (Guido, 2019).

Convention no. 29 describes five situations that cannot be characterized as forced labour. The exceptions also include the prison labour if certain conditions are met (Convention on Forced Labour, Article 2). Also, the European Convention on Human Rights from 1950 prohibits slavery and forced labour. In the case *Meier v. Switzerland*, The European Court of Human Rights unanimously concluded that there was no violation of Article 4 paragraph 2 of the European Convention on Human Rights (prohibition of forced labour). The case referred to the examination of the conditions for the work of prisoners who are above the age limit for the right to a pension (Nilsson, 2017). The Court noticed there was no adequate consensus among the Council of Europe member states regarding the compulsory work of convicted persons after retirement. Consequently, it is emphasized that the Swiss authorities enjoyed a significant margin of free assessment, and that, on the other hand, the existence of an absolute prohibition cannot be derived from Article 4 of the Convention (Nilsson, 2017). The applicant, *Beat Meier*, was a Swiss citizen sentenced to four years in prison. The Appellate Court suspended the execution of the prison sentence, replacing it with preventive detention (*Verwahrung*), however after refusing to work, the Competent authority of the institution imposed a stricter prison regime on him as a sanction. The prisoner appealed to the Federal Court, claiming that the Criminal Code was wrongly applied and that his human dignity and individual freedom protected by the Constitution had been violated. He also pointed out that compulsory labour is an act of discrimination, because it put him in an unfair position compared to people of the same age who are free and who do not have to work, because they have obtained the right to an old-age pension (Nilsson, 2017).

The Federal Court rejected his appeal, having found that the compulsory prison labour was not in itself opposed to human rights, provided that the work was adapted to the abilities and interests of prisoners. Working after retirement helps maintain adequate activity level. In the light of the purpose, nature and scope of compulsory labour and the manner in which it was to be done, the Court decided that it should be assessed whether Article 4 paragraph 3 of the Convention applied to this situation. The Government's argument was accepted that the obligation of prisoners to continue working even after their retirement age was an effort to

reduce the harmful consequences of deprivation of freedom (Nilsson, 2017). Adequate work contributed to a better structure of everyday life activities. Regarding the nature of work that convicted individuals who had reached retirement age could perform, the Federal Council issued an observation in response to the report of the Committee for the Prevention of Torture, where it was stated that the work had to be adjusted depending on the circumstances, and that work abilities and the health of the prisoner had to be taken into consideration. In addition to that, it was observed that the scope of work was flexible and adjusted to the personal circumstances of the prisoner, so Mr. *Meier* worked three hours a day, i.e., 18 hours a week. Also, he was paid for his work and placed in a special wing of the building together with other convicts of the same age. In order to get a better overview of things and insight into the practice of the Council of Europe member states, a comparative survey was conducted that included 28 countries. In more than half of the states, prison labour was not mandatory, while in 12 of the member states surveyed, the issue was not expressly regulated by domestic laws, but these countries allowed exceptions to compulsory labour depending on the capacity and age of the prisoner (Nilsson, 2017). In the absence of consensus among the Council of Europe member states and the Swiss government's decision-making room for manoeuvre, prison labour in this context could be considered commonplace.

Conclusion

The concept of work as a sanction for a committed criminal offence precedes modern prisons. Namely, the institution of prison was developed during the period where there was insufficient labour on the open market, and became a way of organising forced labour. Moreover, the institution of prison became a tool in the hands of the state to restrain vagrants and discipline the working class. In other words, prison served to force the poor and lazy to work. In spite of that, the socio-economic dimensions of work are visible, because it ensures economic security and existence of prisoners. Contrary to that, inactivity leads to anxiety, fear and depression, especially in situations where people are deprived of freedom. Work reduces tension, develops positive thoughts and connects people. Since work is a natural feature of man, freedom of work must be ensured in every place, including penitentiary institutions. The main advantage of work is precisely that it occupies a person's mind and eliminates negative and anxious thoughts. Apart from that, work helps prisoners confront the processes of depersonalisation and dehumanization that are characteristic of the prison environment.

In light of this, prison labour has a triple function: productive, resocialization and disciplinary one. Namely, work improves social relations and helps prisoners normalize their everyday life in conditions of restricted movement. Apart from improving self-discipline, effective work contributes to better free time

structuring. Additionally, the main compensation of work is that it alleviates or masks the negative feeling of loss of freedom. However, prison labour must not be used to achieve private profit, as indicated by international legal documents.

The primary sources of law in this matter (the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules) are not mandatory, while the International Covenant on Civil and Political Rights only indirectly regulates the position of persons deprived of freedom. The structure and content of the provisions of the above mentioned soft law legal acts are almost identical since the European Prison Rules actually originate from the Minimum Rules, with minor differences. Namely, the European Prison Rules are more progressive and mostly aimed at correcting prisoners through work while guaranteeing a wide range of rights. Also, the International Labour Organisation considers the nature of prison labour one of the important issues, and aims to prevent exploitation thereof.

Legal regulations are preoccupied with the topic of the use of prison labour by private individuals and the imposition of labour obligations by the state. In principle, the ILO Convention no. 29 excludes from the category of forced labour work or service that is required of an individual based on a court decision. At the same time, compulsory prison labour must be done under the supervision and management of the state authorities, while prison labour for the account of a private company is allowed without additional conditions if it is voluntary.

In spite of that, the actual possibility of prison jobs that match the prisoners' interests is extremely low, as indicated by numerous studies. Since the stated claims are supported by statistical data, we wish to indicate the problems and important aspects of prison life that are of great importance for convicts, and work as means of resocialization plays a key role. Due to such circumstances, i.e., perceived deficiencies in the ability to perform purposeful work during prison term, we believe that additional and more extensive research in this area is necessary, with the aim of reducing recidivism.

References

- Archibong, B., & Obikili, N. (2023). Prison labor: the price of prisons and the lasting effects of incarceration, Working Paper 31637, National Bureau of Economic Research. Retrieved August 12, 2024, from https://www.nber.org/system/files/working_papers/w31637/w31637.pdf
- Atkinson, R., & Rostad, K. A. (2003). *Can inmates become an integral part of the U.S. workforce?*. Paper presented at the Urban Institute Reentry Roundtable: Employment Dimensions of Reentry, May 19–20, 2003, New York University Law School. The Progressive Policy Institute and The Enterprise Prison Institute. <https://www.urban.org/sites/default/files/publication/59411/410854-Can-Inmates-Become-an-Integral-Part-of-the-U-S-Workforce-.PDF>

- Baader, M. & Shea, E. (2007). Le travail pénitentiaire, un outil efficace de lutte contre la récidive?, *Revue Champ pénal / Penal Field*, 4, 1–34.
- Cicero, P. H. D. M. (2019). Between right, duty and exploitation: Labour relations in the Brazilian prison system. *Argumentum*, 11(2), 107–121. <https://doi.org/10.18315/argumentum.v11i2.23987>
- Constitución Española, *Boletín Oficial del Estado*, br. 311, 29.12.1978. <https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229>
- De Vito, C. G., & Lichtenstein, A. (2016). Writing a Global History of Convict Labour. In A. Eckert (Ed.), *Global Histories of Work* (pp. 49–89). De Gruyter. <https://doi.org/10.1515/9783110437201-003>
- Dufaux, F. (2010). L'emploi des personnes incarcérées en prison: Pénurie, flexibilité et précarité: Une normalisation? *Déviance et Société*, 34(3), 299–324. <https://doi.org/10.3917/ds.343.0299>
- Dragojlović, J., Kušić, I., & Savić, Z. (2013). Uloga radne i obrazovne aktivnosti u funkciji resocijalizacije [The role of labour and educational activity in the function of resocialization]. *Bezbjednost – Policija – Građani*, 9(3–4), 271–281.
- Feldman, L. R. (2020). Anti-heroes, wildfire, and the complex visibility of prison labor. *Crime Media Culture*, 16(2), 221–238.
- Guido, M. (2019). Private prison labour: Paradox or possibility? Evaluating modern-day systems and establishing a model framework through the lens of the forced labour convention. *UCL Journal of Law and Jurisprudence*, 8(2), 1–29.
- Hillebrand, J. (2009). *Organisation und Ausgestaltung der Gefangenearbeit in Deutschland* (2., unveränderte Auflage). Forum-Verl. Godesberg.
- Ignjatović, Đ. (2018). Kontroverze kazne zatvora i ustanova za njeno izvršenje [Controversies in prison punishment and institutions for the execution thereof]. *Sociologija*, 60(4), 750–768. <https://doi.org/10.2298/SOC1804750I>
- Jovanović, G., & Petrović, V. (2017). Potrebe, praksa i efektivnost obrazovanja i profesionalnog osposobljavanja osuđenih [Needs, practice and effectiveness of education and professional training of convicts]. *Specijalna edukacija i rehabilitacija*, 16(2), 141–172.
- Kovačević, Lj. (2013). Zabrana prinudnog rada u međunarodnom pravu, sa posebnim osvrtom na granice obaveznog rada zatvorenika [Prohibition of forced labour in international law, with special emphasis on restrictions of prisoners' compulsory labour]. U Đ. Ignjatović (Ur.), *Kaznena reakcija u Srbiji. III deo* (str. 220–245). Centar za izdavaštvo Pravnog fakulteta Univerziteta u Beogradu.
- Kovačević, Lj. (2021). *Zasnivanje radnog odnosa* [Establishment of an employment relationship]. Pravni fakultet Univerziteta u Beogradu.
- Kovačević, M. (2012). Privatni zatvori [Private prisons]. *Strani pravni život*, 56(2), 195–209.
- Kropotkin, P. (2007). *O smislu osvete: O moralnom uticaju zatvora na zatvorenike* [On the purpose of revenge: On moral influence of prison on prisoners]. Beograd.
- Lakobrija, N. (2021). Rađanje zatvora [The birth of prison]. *Civitas*, 11(1), 196–236.
- McEvoy, K. (2008). *Enhancing Employability in prison and beyond: A Literature Review*. Nacro.
- Moner de Alós, R., Artiles, M. A., & Lobo Miguélez, F. (2009). ¿Sirve el trabajo penitenciario para la reinserción? Un estudio a partir de las opiniones de los presos de las cárceles de Cataluña. *Revista Española de Investigaciones Sociológicas*, 127, 11–31.

- Milman-Sivan, F. (2013). Prisoners for Hire: Towards A Normative Justification of the ILO's Prohibition of Private Forced Prisoner Labor. *Fordham International Law Journal*, 36(3), 1619–1681.
- Nilsson, L. (2017). *Abandon all labour rights, ye who enter here: The labour rights of prisoners* (Master's thesis, Lund University, Faculty of Law).
- Pozen, D. (2003). Managing a correctional marketplace: prison privatization in the United States and the United Kingdom. *Journal of Law & Politics*, 19, 253–282.
- Reynolds, M. O. (1994). Using the private sector to deter crime. *The Journal of Social, Political, and Economic Studies*, 19(2), 207.
- Sitzia, A., & Lopez, B. (2023). Prison labour, customs preference schemes and decent work: Critical analysis and outlook. *International Labour Review*, 162(2), 305–326.
- Solomon, A. L., Johnson, K. D., Travis, J., & McBride, E. C. (2004). *From prison to work: The employment dimensions of prisoner reentry*. A report of the Reentry Roundtable. Urban Institute, Justice Policy Center.
- Stuart, H. (2011). On the Effectiveness of Prison as Punishment. In A. Gaston (Ed.), *Jail, Prison, and Punishment* (pp. 69–79). Cognella.
- Stevanović, Z. (2012). *Zatvorski sistemi u svetu* [Prison systems in the world]. Institut za kriminološka i sociološka istraživanja.
- Tanjević, N. (2019). Pravo na obrazovanje i rad osuđenika – Raskorak između potrebe i mogućnosti [Convicts' right to education and work – Gap between need and possibility]. *Trendovi u poslovanju*, 7(1), 7–14.
- Turković, E. (2014). *Rad kao oblik tretmana u penitencijarnim ustanovama* [Labour as the form of treatment in penitentiary institutions]. Univerzitet u Nišu, Pravni fakultet.
- Zanella, G. (2020). Prison Work and Convict Rehabilitation, Discussion Paper Series. IZA DP No. 13446. <https://docs.iza.org/dp13446.pdf> (pristup 1.9.2024. godine)
- Uzelac, S., Žakman-Ban, V., & Farkaš. (2008). Rad zatvorenika u fazi adaptacije na zatvorske uvjete u Hrvatskoj kaznionici [Prison labour in the phase of adaptation to prison conditions in a Croatian penitentiary]. *Kriminologija i socijalna integracija*, 16(1), 79–108.
- Prison Labour. (1995). United Nations Department of Economic and Social Affairs. New York.
- Prison Work Models Critical Review. Prison Work Comparison Framework. (2014). European Commission.

Disciplinary Offences in the Penal System: Causes and Methods of Punishment*

Vera Petrović¹ 

Introduction: Normative regulation of prison life, maintaining order and security and creating the conditions for the implementation of treatments have a high priority in penal practice. However, in spite of that, a number of convicts do not follow the rules and commit disciplinary offences. Some of the reasons why convicts commit disciplinary offences are prison life conditions, disorganisation of the prison administration, and the characteristics of prisons and convicts. *Objective:* The objective of the research is to show the frequency of disciplinary offences and disciplinary sanctioning of convicts, as well as to determine the differences in individual characteristics between convicts who have and have not committed disciplinary offences. *Methods:* The sample included 96 convicted individuals from the Sremska Mitrovica Penitentiary who started their prison sentences in 2013 and were released in the period between 2016 and 2018. The length of the imposed sentence was from three years and one month to five years ($M = 47.76$; $SD = 7.99$). The age of the convicts at the start of their prison sentences ranged from 23 to 75 ($M = 36.73$; $SD = 10.90$). The sample included 41.7% of respondents who had not been convicted previously and 64.6% who had been in prison for the first time. The data was collected by analysing official documents. *Results:* In the observed period, 52.1% of respondents committed 99 disciplinary offences, with minor disciplinary offences being more frequent (52.5%). Four disciplinary offences were committed in 62.7% of cases, and 23 disciplinary offences were never committed. Convicts were most often sanctioned by solitary confinement. According to most of the examined variables, significant differences were found between the convicts who committed and those who did not commit disciplinary offences. *Conclusion:* Even though the obtained results indicate that the discipline of convicted individuals is not at an enviable level, we should pay attention to the imposed disciplinary measures and strive to reduce frequency of solitary confinement. The fact that convicts who commit and do not commit disciplinary offences differ in certain individual characteristics can

* This is an invited paper presented by Vera Petrović at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Petrović, V. (2024). Disciplinary Offences in the Penal System: Causes and Methods of Punishment. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 297–305). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.29>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation
<https://orcid.org/0000-0002-6652-5198>

Correspondence: Vera Petrović, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: verapetrovic0101@gmail.com

indicate which convicts should be given special attention in the penal treatment process. The recommendation for future research is to examine the connection between committing disciplinary offences and dynamic factors that can be influenced by treatment.

KEYWORDS: disciplinary offences / disciplinary measures / prison / convicted individual

Introduction

In order to maintain order and security and create adequate conditions for the implementation of treatment and the reduction of criminal recidivism, the execution of prison sentences is fully regulated by laws and by-laws (Ilijić & Jovanić, 2014). Nevertheless, in spite of that, some convicted individuals do not respect the rules of conduct and commit disciplinary offences. A punishment system with a high priority in penal practice is applied against these convicts. Without punishment, the formal system would be unable to achieve its purpose, and would not be able to influence the rehabilitation of criminals (Macanović & Stanković, 2014). Punishment as method of influencing convicted individuals can be applied when they violate the rules of order and security prescribed by the Law on the Execution of Criminal Sanctions. Punishment for disciplinary offences has both a preventive and repressive purpose (Milić & Dimovski, 2016).

The Law on the Execution of Criminal Sanctions (2019) prescribes minor and grave disciplinary offences, subject to disciplinary measures. A reprimand, deprivation of extended rights and benefits, and restricting or prohibiting convicts from receiving packages for up to three months can be imposed for minor and grave disciplinary offences. Other than that, limiting or prohibiting the use of money in the institution for up to three months and solitary confinement during free time or throughout the day and night are disciplinary measures that can be imposed for a graver disciplinary offence. The Rulebook on disciplinary procedures for convicted individuals (2014) prescribes that receipt of hygiene packages cannot be restricted or prohibited. Using money to purchase medicines, orthopaedic aids, provision of necessary medical services, personal hygiene items, correspondence, telephone calls and legal aid cannot be prohibited as well. In order to reduce the negative effects that solitary confinement can produce, it is imposed only exceptionally and cannot last longer than 15 or 30 days, in case of several disciplinary offences. Solitary confinement cannot last longer than six months in the course of one calendar year. This normative solution ensures that the focus is on humane treatment and the protection of convicts' rights alongside their punishment.

There are several explanations as to why convicted individuals commit disciplinary offences. These reasons are derived from the prison life conditions, the characteristics of the prison, the characteristics and personality of the convicts and the disorganisation of the prison administration (Ilijić & Jovanić,

2014). Research shows that predictors of disciplinary offences can be divided into personal and clinical characteristics of the convicts and contextual predictors (Gonçalves et al., 2014).

Objective

Since the commission of disciplinary offences affects the maintenance of order and security in prisons, but also the execution of penal treatment, it is important to establish which characteristics of the convicted individuals are connected with the commission of disciplinary offences. The purpose of this research is to show the frequency of disciplinary offences and disciplinary sanctioning of convicted individuals, as well as to determine the differences in individual characteristics between convicts who did and did not commit disciplinary offences during their prison terms.

Methods

The research was conducted on a sample of 96 convicted individuals who started their prison sentences in Sremska Mitrovica Penitentiary in 2013, and who were released in the period between 2016 and 2018. The minimum length of the prison sentence was three years and one month, and the maximum five years ($M = 47.76$; $SD = 7.99$). The age of the convicts at the start of the prison sentence ranged from 23 to 75 ($M = 36.73$; $SD = 10.90$). The number of previous convictions ranged from zero to 13 ($M = 1.92$; $SD = 2.71$), and the number of previous prison sentences ranged from zero to 12 ($M = 1.0$; $SD = 1.96$). Additionally, 40 (41.7%) respondents had no prior convictions and 62 (64.6%) of them had never been in prison before.

Approval from the Ministry of Justice of the Republic of Serbia – Administration for the Execution of Criminal Sanctions was obtained for the implementation of the research. The data were collected during December 2022, through the analysis of official documentation.

The statistical package SPSS ver. 26 for Windows was used for data processing. Descriptive statistics measures (frequencies, percentages, arithmetic means and standard deviations), t test for independent samples and bivariate chi-square test were used.

Research Results

The results of our research show that 52.1% (51) of respondents were subjected to disciplinary sanctions. In the observed period, 99 disciplinary offences were committed, with minor disciplinary offences being more frequent (52.5%). The maximum number of disciplinary offences committed by one convict was six ($M = 1.03$; $SD = 1.37$). Table 1 shows the most frequently committed disciplinary offences in the observed period.

Table 1

Most frequently committed disciplinary offences

Disciplinary offence	<i>f</i>	%
Undisciplined, rude and aggressive behaviour disrupting the life and work at the institution	29	29.3
Production, possession or use of intoxicants or psychoactive substances	18	18.2
Possession of items the convict is not supposed to have on his person	8	8.1
Violence towards another person, physical or mental abuse of another person	7	7.1

The disciplinary offences listed in Table 1 were committed in 62.7% of cases. Producing, possession or use of a dangerous item or a means of remote communication and grave abuse of granted extended rights and benefits are disciplinary offences that were committed four times. The following disciplinary offences were committed three times: improper, violent or offensive behaviour towards a staff member, organising games of chance, gambling, preparing meals, drinks or food outside the area designated for that purpose and smoking outside the area designated for that purpose.

As for the disciplinary offences committed twice, they included neglecting work obligations that caused or could have caused serious harmful consequences, endangering, damaging or large-scale destruction of property, refusing to execute a lawful order of an authorised person, which resulted or could have resulted in a more serious harmful consequence and leaving the institute or the workplace and workshop of the institute without approval. Finally, producing or bringing an attacking device into the institution, escape or commission of a criminal offence, refusal of the convict to submit to testing in case there was reasonable suspicion of him being under the influence of narcotics or psychoactive substances, buying and selling clothes, shoes, medicines and other items, tattooing and body piercing of oneself or others in the institution, insulting behaviour towards another person in any personal capacity and providing incorrect information about facts essential for the exercise of rights were committed once. The remaining 12 grave and 11 minor disciplinary offences were not committed.

Table 2 shows the frequency of imposition of disciplinary measures. The most frequent disciplinary measure was solitary confinement during free time or throughout the day and night, while limiting or prohibiting the use of money in the institution for up to three months was never imposed.

Table 2

Imposed disciplinary measures

Disciplinary measure	<i>f</i>	<i>%</i>
Solitary confinement during free time or throughout the day and night	33	33.3
Restriction or prohibition on receiving packages for up to three months	30	30.3
Reprimand	23	23.2
Deprivation of extended rights and benefits	13	13.1
Restriction or prohibition of use of money at the institution for up to three months	0	0.0

Table 3 presents the descriptive data for convicted individuals who did and did not commit disciplinary offences, in relation to the age at the start of their prison sentences and the length of the sentences.

Table 3

Descriptive statistics of continued variables

Variable	Was he subjected to disciplinary punishments	<i>M</i>	<i>SD</i>	<i>SE_M</i>
Age at the time of arrival in prison	Yes	34.22	7.68	1.09
	No	39.46	13.12	1.93
Length of the sentence in months	Yes	47.04	7.99	1.13
	No	48.54	8.00	1.18

The two sub-samples differed significantly according to the age at the time of arrival in prison ($t = -2.360$, $df = 71.36$, $p < .05$), so the convicts who committed disciplinary offences were significantly younger. No significant differences were found regarding the length of the imposed sentence ($t = -0.92$, $df = 94$, $p > .05$).

Table 4 shows descriptive data for convicted individuals who did and did not commit disciplinary offences, in relation to convictions during the juvenile period, criminal and penological recidivism and whether the convict received visits during the time served.

The two sub-samples differed significantly according to the juvenile-age convictions ($\chi^2 = 6.85$, $df = 1$, $r_v = 0.27$, $p < .01$), criminal recidivism ($\chi^2 = 10.54$, $df = 1$, $r_v = 0.33$, $p < .001$) and visits ($\chi^2 = 4.39$, $df = 1$, $r_v = 0.41$, $p < .05$). There were no significant differences in terms of penological recidivism ($\chi^2 = 1.98$, $df = 1$, $p > .05$).

Table 4*Descriptive statistics of category variables*

Variable		Was he subjected to disciplinary punishments			
		Yes		No	
		<i>f</i>	%	<i>f</i>	%
Juvenile-age convictions	Yes	15	78.9	4	21.1
	No	35	45.5	42	54.5
Criminal recidivism	Yes	37	66.1	19	33.9
	No	13	32.5	27	67.5
Penological recidivism	Yes	21	61.8	13	38.2
	No	29	46.8	33	53.2
Visits	Yes	43	48.9	45	51.1
	No	7	87.5	1	12.5

Discussion

The results of our research showed that slightly more than half of the examined sample was subjected to disciplinary punishments, and that 52.5% of those convicted committed minor disciplinary offences. The obtained results were not consistent with earlier research conducted in our region (Ilijić, 2012; Jovanić, 2012; Stevanović, 2006) where it was established that the majority of convicts were never subjected to disciplinary punishments. Since the commission of disciplinary offences could affect security in prisons and the execution of penal treatment, the finding that more than half of the convicted individuals did not respect the rules of conduct is extremely important.

Our research determined that convicts committed four disciplinary offences most frequently, represented in 62.7%, indicating that the range of illegal behaviours committed by convicts was much narrower than those prescribed by law. Other disciplinary offences occurred sporadically, while 23 of them were never committed. Similar results were also obtained by Pavlović et al. (2018) who claimed that the most common basis for a disciplinary report is the production, possession or use of narcotics or psychoactive substances, followed by undisciplined, rude and aggressive behaviour that disrupted life and work in the institution. Additionally, citing data from the Administration for the Execution of Criminal Sanctions from 2013, Ilijić and Jovanić (2014) reported that the most frequent disciplinary offences were indiscipline, violence against other persons, possession and consumption of intoxicating substances, and assaulting other convicts.

The conclusion that convicted individuals were most often sanctioned by solitary confinement during their free time or throughout the day and night was worrying because it was the most severe form of disciplinary measure with potentially many negative consequences for convicts. Additionally, since solitary

confinement during free time or throughout the day and night and the restriction or prohibition of use of money at the institution for up to three months (a disciplinary measure that was never imposed) could only be imposed for grave disciplinary offences, we concluded that out of 47 grave disciplinary offences, 33 of them were sanctioned by solitary confinement. The remaining three disciplinary measures were imposed only for about 30.0% grave disciplinary offences. In accordance with the obtained results, we could ask whether it was justified to resort so often to imposing the most severe disciplinary measure, especially taking into consideration that some authors (Pavlović et al., 2018) had questioned its effectiveness.

The more frequent commission of disciplinary offences by younger convicts, established in our research, was also documented in the research of other authors. Based on 39 studies published between 1940 and 1995, Gendreau and associates (Gendreau et al., 1997) determined that younger age was a predictor of improper behaviour in prison. Additionally, a meta-analysis (Gonçalves et al., 2014) of 75 studies published between 1990 and 1996 indicated that younger convicts were more prone to improper behaviour in prison than older ones.

Juvenile-age convictions and criminal recidivism in our research had a significant connection with disciplinary punishment. The importance of criminal history as a predictor of improper behaviour in prison was indicated by Gendreau et al. (1997). The results of research conducted in Ecuador showed that recidivists, unlike non-recidivists, committed disciplinary offences more often in prison (Molina-Coloma et al., 2021). The obtained results were expected, because the basis of maladaptive behaviour in prison, in addition to contextual factors, were the same or similar factors also associated with criminal behaviour (Cochran et al., 2014). Some of these factors were: antisocial attitudes and behaviour, antisocial personality, education (Butler et al., 2020; Gendreau et al., 1997; Gonçalves et al., 2014). On the other hand, penological recidivism did not show significant connection with disciplinary punishment.

Our research established a significant connection between visits and disciplinary punishment. Other authors also indicated that convicted individuals with better social support, manifested through visits, among other things, were less likely to exhibit improper behaviour in prison (Gonçalves et al., 2014). Petrović and Jovanić (2019) also indicated the importance of maintaining social contacts during the execution of a prison sentence, with a special emphasis on contacts with family members.

Finally, no connection was found between the length of the sentence and the commission of disciplinary offences. The results of the research about this issue showed that those sentenced to longer sentences were a lesser threat to prison security (Cunningham & Sorensen, 2006), but it should be taken into account that our research included those sentenced to prison sentences between three and five

years long, which could be the reason for the obtained data. Perhaps the differences would have been detected had the range of prison sentences been greater.

Conclusion

The obtained results indicated that discipline of convicted individuals was not at an enviable level, and that compared to earlier research conducted in our region, the frequency of disciplinary offences had increased. Due to the limitations of this research, which was conducted in one correctional-penitentiary institution and on a small sample of convicts, we must take the findings with reservation. However, in spite of that, these results could be a starting point for further study of the problem. Particular attention should be paid to the imposed disciplinary measures, and reducing the frequency of solitary confinement, the most severe disciplinary measure. The fact that convicted individuals who committed and did not commit disciplinary offences differed in certain individual characteristics was extremely important, because it indicated to us which convicts should receive special attention in the penal treatment process. Ultimately, the recommendation for future research was to examine the connection between committing disciplinary offences and dynamic risk factors that could be influenced by treatment activities.

Acknowledgements

Funds for the research were provided by the Ministry of Science, Technological Development and Innovation and specified in the Agreement on the transfer of funds for the financing of scientific research work of teaching employees at accredited higher education institutions in 2024 (Contract number in the files 451-03-65/2024-03/ 200096).

References

- Butler, H. D., Steiner, B., Makarios, M. D., & Travis III, L. F. (2020). An examination of the influence of exposure to disciplinary segregation on recidivism. *Crime & Delinquency*, 66(4), 485–512. <https://doi.org/10.1177/0011128719869194>
- Cochran, J. C., Mears, D. P., Bales, W. D., & Stewart, E. A. (2014). Does inmate behavior affect post-release offending? Investigating the misconduct-recidivism relationship among youth and adults. *Justice Quarterly*, 31(6), 1044–1073. <http://dx.doi.org/10.1080/07418825.2012.736526>
- Cunningham, M., & Sorensen, J. (2006). Actuarial models for assessing prison violence risk: Revisions and extensions of the risk assessment scale for prison (RASP). *Assessment*, 13(3), 253–265. <https://doi.org/10.1177/1073191106287791>

- Gendreau, P., Goggin, C., & Law, M. A. (1997). Predicting prison misconducts. *Criminal Justice and behavior*, 24(4), 414–431. <https://doi.org/10.1177/0093854897024004002>
- Gonçalves, L. C., Gonçalves, R. A., Martins, C., & Dirkzwager, A. J. (2014). Predicting infractions and health care utilization in prison: A meta-analysis. *Criminal Justice and Behavior*, 41(8), 921–942. <https://doi.org/10.1177/0093854814524402>
- Ilijić, Lj., & Jovanić, G. (2014). Disciplinsko kažnjavanje osuđenih [Disciplinary punishments of convicts]. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 33(2), 163–176.
- Ilijić, Lj. (2012). *Demografska, sociopsihološka, penološka i kriminološka svojstva osuđenih kao činioci zatvorskih deprivacija* [Demographic, socio-psychological and criminological characteristics of convicts as factors of prison deprivations] (Magistarska Teza, Univerzitet u Beogradu – Fakultet za specijalnu edukaciju i rehabilitaciju).
- Jovanić, G. (2012). *Standardizacija postupka uslovnog otpusta kao mera zaštite od recidiva* [Standardization of the parole procedure as a measure to protect against recidivism] (Doktorska disertacija, Univerzitet u Beogradu – Fakultet za specijalnu edukaciju i rehabilitaciju).
- Macanović, N., & Stanković, A. (2014). Kazna i nagrada u funkciji resocijalizacije osuđenih lica [Punishment and reward in the function of resocialization of convicted individuals]. *Kriminalističke teme – Časopis za kriminalistiku, kriminologiju i sigurnosne studije*, 3–4, 69–76.
- Milić, I., & Dimovski, D. (2016). Kažnjavanje osuđenih lica – Disciplinske mere [Punishment of convicted individuals – Disciplinary measures]. *Zbornik radova Pravnog fakulteta u Novom Sadu*, 50(1), 219–231. <https://doi.org/10.5937/zrpfns50-10392>
- Molina-Coloma, V., Salaberría, K., & Pérez, J. I. (2021). A comparative study between recidivism offenders and non-recidivism offenders in a prison sample. *Anuario de Psicología Jurídica*, 32(1), 33–39. <https://doi.org/10.5093/apj2021a19>
- Pavlović, Z., Petković, N., & Stevković, Lj. (2018). Disciplinski prestupi osuđenih lica u penalnim ustanovama [Disciplinary offences of convicts in penal institutions]. *Beogradska defektološka škola*, 24(2), 57–79.
- Petrović, V., & Jovanić, G. (2019). Marginalizacija dece kao posledica inkarceracije roditelja [Marginalization of children as consequence of parental incarceration]. U J. Petrović i G. Jovanić (Ur.), *Društvene devijacije: Položaj marginalizovanih grupa u društvu* (str. 201–212). Centar modernih znanja. <https://doi.org/10.7251/ZCMZ0119201P>
- Pravilnik o disciplinskom postupku prema osuđenom [Rulebook on disciplinary procedures for convicted individuals], Službeni glasnik Republike Srbije br. 55/2014 (2014).
- Stevanović, Z. (2006). Iskustva u primeni tretmana u otvorenim zatvorima u Srbiji [Experiences in the application of treatments in open prisons of Serbia]. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 25(1–2), 117–142.
- Zakon o izvršenju krivičnih sankcija [Law on the Execution of Criminal Sanctions], Službeni glasnik Republike Srbije br. 35/2019 (2019).

Family Functionality Under Conditions of Incarceration: A Systemic Perspective*

Marija Maljković¹  and Sofija Dovijanić² 

Introduction: Family member leaving to serve a prison sentence is a significant stressor that requires a forced reorganisation of family roles and responsibilities. Incarceration greatly affects the family functioning and dynamics, given that the convicted family members are someone's parents, spouses or children. This change can lead to dysfunctionality, because the remaining members face not only organisational, but also emotional, social and economic difficulties. *Objective:* The objective of this paper is to show and summarize the results of research dealing with the impact of incarceration on the family functionality, with special emphasis on the system perspective. *Methods:* When reviewing the available literature in accordance with the selected keywords, the service of the Consortium of Serbian Libraries for Unified Acquisition was used, as well as the Google Scholar and Research Gate search engines. *Results:* Children of parents deprived of freedom are a vulnerable category. Research shows that there is an increased likelihood that a number of symptoms and dysfunctions will appear, such as: behavioural problems and hyperactivity, use of psychoactive substances, deteriorating school performance, internalized problems, greater disobedience, difficulties in establishing and maintaining relationships with peers, but also housing instability, poverty and physical diseases. Also, it is established that incarceration leads to significant changes in partner relationships, and that it is associated with an increased likelihood of divorce, depression and worsening satisfaction with life of the partner who remains within the family. Families have more frequent difficulties in organising family life, as well as diminished socioeconomic stability. *Conclusion:* Taking into account the complexity of the impact of the incarceration process on both the individual and the family as a whole, it may be concluded that families which experience incarceration face numerous emotional, relational, social and organisational

* This is an invited paper presented by Marija Maljković at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Maljković, M., & Dovijanić, S. (2024). Family Functionality Under Conditions of Incarceration: A Systemic Perspective. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 307–314). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.31>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0003-1003-3490>

² University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0009-0007-4686-070X>

Correspondence: Marija Maljković, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: mara.maljkovic@gmail.com

problems and challenges. That is why, in penal rehabilitation, special attention must be paid to the maintenance, preservation and improvement of family functioning, so that the effects of institutional resocialization are not only maintained, but also generalized after leaving the institution.

KEYWORDS: incarceration / family functioning / system approach

Introduction

Modern family faces numerous challenges and stresses, including economic problems, increased tempo of living, more divorces etc. which consequently leads to changes within the structure and functioning of families. In this paper, special attention is focused on incarceration, i.e., family member leaving to serve a prison sentence, as a significant event – stressor, which makes the family do a forced reorganisation of their roles and responsibilities. The increase in prison population is a global social problem, and Serbia is among the European countries with an extremely high rate of imprisonment and a high density of prison population (Đorđević & Hrnčić, 2023). Incarceration in the family context implies short-term or long-term isolation from the family environment, difficulty in the functioning of other family members due to one person significantly reducing or completely suspending their role of partner and parent (Kieszkowska, 2017).

Most existing practices for prevention of adult recidivism have the same approach – they are directed primarily at the *individual* as the primary, and oftentimes the only actor in interventions (Sexton, 2016). Although criminal responsibility is personal, the consequences of incarceration of an individual affect the entire family (Bourgeois et al., 2022). A parent and/or a spouse leaving to prison changes the family dynamics, causing emotional, relational, economic and social challenges. Shifting the focus from the individual to the entire family is the basic idea of the system approach (Milojković et al., 1997), which views the family as a complete system in which relationships are interconnected and significantly influence one another.

Fundamentals of the System Approach

Using a system approach contributes to the understanding of the family as a developmental system. It is based on the General System Theory, established in the 1960s by Ludwig Von Bertalanffy, defining a system as a set of interacting elements (Milojković et al., 1997). The primary goal of this theory is to explain the principles of origin, organisation and evolution of systems. Furthermore, this theory conceives the living system "as a continuum of hierarchically based subsystems and emphasizes the importance of reciprocal regulation within them"

(Petrović, 1992, p. 86, as cited in Zuković, 2008). The functioning of the family depends on its organisation, structure and mutual interactions of its subsystems, as well as on the influence of external systems outside the family itself, including society as a whole (Milošević, 2009). Also, ecological approach developed by Bronfenbrenner (1989) claims that the constant interaction of an individual with the environment is crucial for development, while the external influences of the environment are crucial for encouraging changes in that process (Popović-Čitić & Žunić-Pavlović, 2005). Therefore, the basic idea of the system approach is viewing the family as a complete system where members are interconnected and influence one another. This approach focuses on the dynamics of relationships within the family, where changes related to one member affect the entire family. Instead of analysing individuals in isolation, the system approach studies interactions, communication patterns, and how the family functions as a unit, with an emphasis on balance and adaptability of the system to changes.

The Impact of Incarceration on Functioning of the Family

Leaving to serve a prison sentence significantly affects the functionality and dynamics of the entire family, since the convicted persons are someone's parents, spouse or children. As a complex system, the family is forced to reorganise itself, which to a great extent depends on existing resources and capacities. This change may cause dysfunctionality, because the remaining members face emotional, relational, social and economic problems in addition to the organisational ones. Other family members, primarily children, may also face a sense of loss, anger, stigmatization and insecurity (Bourgeois et al., 2022). Research into family functionality shows that close and supportive family relationships are a key factor in the successful rehabilitation of offenders, as well as that intimate partners and minor children can play a key role in that process (Datchi & Sexton, 2013).

The Impact of Incarceration on Children

When we talk about developmental difficulties during childhood and adolescence, a large number of studies have confirmed that children of parents deprived of freedom are a vulnerable category. They are more likely to develop a range of symptoms and dysfunctions, such as: behavioural problems and hyperactivity (Geller et al., 2012), use of psychoactive substances, and bad performance at school (Dellaire, 2007; Murray et al., 2009), internalized problems (Travis et al., 2014), increased disobedience in the school environment, difficulties in establishing and maintaining relationships with their peers (Haskins, 2014), delay in general development and especially speech and language development (Turney, 2014), but also housing instability (Genty, 2003), poverty, homelessness and physical diseases (Morgan et al., 2021). Also, an increased

feeling of not being loved and a lower overall level of social support from parents has been observed in these children. Additional difficulties can be an increased likelihood of inclusion in special classes or schools, low motivation to continue with education, but also an increased tendency to serious self-harm (Nylander et al., 2018). Maternal incarceration has been proven to be associated with child depression symptoms, while paternal incarceration has also been associated with symptoms of anxiety and post-traumatic stress disorder, as well as poor general health status (Lee et al., 2013).

Harmful consequences of incarceration occur due to the interruption of contact after a person leaves to serve their prison sentence, and sometimes due to the interruption of the relationship between the child and the parent (Bourgeois et al., 2022; Pucarević & Skrobić, 2021), when these negative consequences are even more evident (Genty, 2003). Difficulties in maintaining relationships with children are particularly evident in the population of female convicts, where short sentences are associated with more frequent contacts and greater efforts to maintain relationships, compared to long sentences (Mignon & Ransford, 2012). In the Republic of Serbia, there are no clear criteria for realizing the children's right to contacts with the parent with whom they do not live (Đorđević & Brkić, 2024), which makes adequate family functioning even harder to ensure.

The Impact of Incarceration on Partner Relationships

It has been established that incarceration leads to significant changes in partner relationships, as well as that it is associated with an increased likelihood of divorce, which not only affects the partner relationship, but also the relationship of the convicted individual with their child (Petrović & Jovanić, 2019). The changes are also reflected in the increase of depression and the decrease in satisfaction with life of the partner who remains within the family (Wildeman et al., 2012). A range of predictors of low satisfaction of these women has been found, such as: financial difficulties, stress of single parenting, distant and conflicted relationship with the partner, absence of marital relations and incarcerated partner's lack of interest in maintaining the relationship. Often, marital relations lose their quality, and due to the drastic reduction of the time that spouses spend together, the probability of divorce also increases (Massoglia et al., 2011). Furthermore, incarceration can lead to a crisis for free partners. Increased substance use and involvement in criminal activities for survival have also been registered (Cooper et al., 2014; Western, 2006). Also, during the execution of the sentence, there are changes in the daily routines of both spouses, whereby the convicted person may adopt violent problem-solving tactics, which may make maintaining family relationships hard, while the other spouse may get used to independent functioning (Nurse, 2002), which can further reduce the quality of

the partner relationship. Taking that into account, a person may seek a new partnership with another partner.

Research in our country (Ćopić et al., 2024) shows that men and women serving a prison sentence report a relatively positive experience in maintaining contact with the family, with the average values moving well above the threshold value (contact with the family is rated with 3.49, and the limit value is 3).

The Impact of Incarceration on the Organisational and Economic Functioning of the Family

Families whose member is serving a prison sentence have more frequent difficulties in family functioning (Wildeman et al., 2016), as well as reduced socioeconomic stability (Clear et al., 2001). Economic problems may worsen due to loss of income, court expenses, more difficult employability of the convicted person after release from prison and other reasons, while the emotional pressure caused by the absence of parent and/or spouse may make maintenance of the family organisation and stability difficult. Research by Macanović (2018) in the Banja Luka Penitentiary shows that half of the male prison population have no visits from their children, with the dominant reasons cited as lack of financial resources, significant physical distance from the institution and the mother's decision to stop with the visits. Another research (Christian, 2009) shows that the hindering factors can be the policy of the institution that emphasizes the importance of ensuring safety, as well as prison conditions being inappropriate for children.

The incarceration of one parent also affects the functioning of the wider family system, independently of the impact on individual family members. There are often changes in family roles – the other parent, relatives or guardians take responsibility for the children and the household, which can cause additional stress. Thus, the family structure changes due to the separation of the parental dyad, which can affect the level of tension already existing between the spouses (Nurse, 2002), as well as the division of parental duties. Combined with financial difficulties, this change in family structure can lead to negative outcomes for family members (Washington, et al., 2018; Wildeman et al., 2016).

Conclusion

Taking into consideration the complexity of the impact of the incarceration process on both the individual and the family as a whole, it may be concluded that families with the experience of incarceration face numerous emotional, relational, social and organisational problems and challenges. Considering that the majority of convicts return to their families after leaving the penal institution, it is important

to actively work on maintaining contact with the family, which significantly contributes to the successful reintegration of convicts into society. In such situations, it could be useful to work on the reconstruction of relationships and support the family in adapting to new circumstances, helping them restore stability and functionality in their relations. In penal rehabilitation, special attention must be paid to the maintenance, preservation and improvement of family functioning, so that the institutional resocialization effects are not only maintained, but also generalized after leaving the institution.

Acknowledgements

Funds for the research were provided by the Ministry of Science, Technological Development and Innovation and specified in the Agreement on the transfer of funds for the financing of scientific research work of teaching employees at accredited higher education institutions in 2024 (Contract number in the files 451-03-65/2024-03/ 200096).

References

- Bourgeois, J. W., Drake, J., & Henderson, H. (2022). The Forgotten: The Impact of Parental and Familial Incarceration on Fragile Communities. In J. Krysiak & N. Rodriguez (Eds.), *Children of Incarcerated Parents* (pp. 65–87). Springer International Publishing. https://doi.org/10.1007/978-3-030-84713-5_4
- Christian, S. M. (2009, March). *Children of incarcerated parents*. Casey Family Foundation. <https://cblcc.acf.hhs.gov/wpcontent/uploads/2017/02/ChildrenOfIncarceratedParents2.pdf>
- Clear, T., Rose, D., & Ryder, J. (2001). Incarceration and the community: The problem of removing and returning offenders. *Crime & Delinquency* 47 (3), 335–351.
- Cooper, H. L., Clark, C. D., Barham, T., Embry, V., Caruso, B., & Comfort, M. (2014). “He was the story of my drug use life”: A longitudinal qualitative study of the impact of partner incarceration on substance misuse patterns among African American women. *Substance Use & Misuse*, 49(1–2), 176–188. <https://doi.org/10.3109/10826084.2013.824474>
- Ćopić, S., Stevanović, I., & Vujičić, N. (2024). *Kvalitet života u zatvorima u Srbiji: Norme, praksa i mere unapređenja* [The quality of life in Serbian prisons: Norms, practice and improvement measures]. Institut za kriminološka i sociološka istraživanja.
- Datchi, C. C., & Sexton, T. L. (2013). Can family therapy have an effect on adult criminal conduct? Initial evaluation of functional family therapy. *Couple and Family Psychology: Research and Practice*, 2(4), 278–293. <https://doi.org/10.1037/a0034166>
- Đorđević, V., & Brkić, M. (2024). Najbolji interes dece roditelja na izvršenju kazne zatvora [Best interest of children of incarcerated parents]. *Crimen*, 15(2), 207–219. <https://doi.org/10.5937/crimen2402207D>

- Dorđević, V., & Hrnčić, J. (2023). Problemi dece roditelja u zatvoru i njihova pozicija u sistemu socijalne zaštite [Problem of children of incarcerated parents and their position in social welfare]. *Temida*, 26(3), 365–387. <https://doi.org/10.2298/TEM2303365D>
- Geller, A., Cooper, C. E., Garfinkel, I., Schwartz-Soicher, O., & Mincy, R. B. (2012). Beyond Absenteeism: Father Incarceration and Child Development. *Demography*, 49(1), 49–76. <https://doi.org/10.1007/s13524-011-0081-9>
- Genty, P. M. (2003). Damage to family relationships as a collateral consequence of parental incarceration. *Fordham Urb. LJ*, 30, 1671–1684. https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=2070&context=faculty_scholarship
- Haskins, A. (2014). Unintended Consequences: Effects of Paternal Incarceration on Child School Readiness and Later Special Education Placement. *Sociological Science*, 1, 141–158. <https://doi.org/10.15195/v1.a11>
- Kieszkowska, A. (2017). The perspective of the functioning of the convicts and their families in the local community. *Rozprawy Społeczne*, 11(1), 25–31.
- Lee, R. D., Fang, X., & Luo, F. (2013). The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults. *Pediatrics*, 131(4), e1188–e1195. <https://doi.org/10.1542/peds.2012-0627>
- Macanović, N. (2018). Odnos djece i roditelja koji se nalaze na izdržavanju kazne zatvora [Relationship between the children and parents serving prison sentences]. *Beogradska defektološka škola*, 24(3), 53–69.
- Massoglia, M., Remster, B., & King, R. D. (2011). Stigma or separation? Understanding the incarceration-divorce relationship. *Social Forces*, 90(1), 133–155. <https://doi.org/10.2307/41682635>
- Mignon, S. I., & Ransford, P. (2012). Mothers in Prison: Maintaining Connections with Children. *Social Work in Public Health*, 27(1–2), 69–88. <https://doi.org/10.1080/19371918.2012.630965>
- Milojković, M., Srna, J. & Mićović, R. (1997). *Porodična terapija* [Family therapy]. Centar za brak i porodicu.
- Milošević, Z. (2009). Primena sistemskog pristupa (u) proučavanju porodičnog funkcionisanja u naukama o vaspitanju [Application of the system approach (in) studying family functioning in education sciences]. *Andragoške studije*, (1), 87–100.
- Morgan, A. A., Arditti, J. A., Dennison, S., & Frederiksen, S. (2021). Against the Odds: A Structural Equation Analysis of Family Resilience Processes during Paternal Incarceration. *International Journal of Environmental Research and Public Health*, 18(21), 11592. <https://doi.org/10.3390/ijerph182111592>
- Murray, J., Farrington, D. P., Sekol, I., & Olsen, R. F. (2009). Effects of parental imprisonment on child antisocial behaviour and mental health: A systematic review. *Campbell Systematic Reviews*, 5(1), 1–105. <https://doi.org/10.4073/csr.2009.4>
- Nurse, A. M. (2002). *Fatherhood Arrested: Parenting from within the Juvenile Justice System*. Vanderbilt University Press.
- Nylander, P. Å., Källström, Å., & Hellfeldt, K. (2018). After a childhood with a parent in prison – Relationships and well-being as a child and young adult. *International Journal of Prisoner Health*, 14(1), 34–45. <https://doi.org/10.1108/IJPH-12-2016-0074>
- Petrović, V., & Jovanić G. (2019). Marginalizacija dece kao posledica inkarceracije roditelja [Marginalization of children as consequence of parental incarceration]. U J. Petrović i G. Jovanić (Ur.), *Društvene devijacije, Položaj marginalizovanih grupa u društvu* (str. 201–212). Centar modernih znanja. <https://doi.org/10.7251/ZCMZ0119201P>

- Popović-Ćitić, B., & Žunić-Pavlović, V. (2005). *Prevenција prestupništva dece i omladine* [Prevention of delinquency in children and youth]. Ministarstvo prosvete i sporta Republike Srbije i Pedagoško društvo Srbije.
- Pucarević, B., & Skrobić, Lj. (2021). Kontakti dece sa roditeljima lišenim slobode [Contacts of children with their incarcerated parents]. *Godišnjak za pedagogiju*, 6(1), 63–73. <https://doi.org/10.46630/gped.1.2021.5>
- Sexton, T. L. (2016). Incarceration as a family affair: Thinking beyond the individual. *Couple and Family Psychology: Research and Practice*, 5(2), 61–64. <https://doi.org/10.1037/cfp0000062>
- Travis, J., Western, B., & Redburn, F. S. (2014). The growth of incarceration in the United States: Exploring causes and consequences. *The National Academic Press*.
- Turney, K. (2014). Stress proliferation across generations? Examining the relationship between parental incarceration and childhood health. *Journal of Health and Social Behavior*, 55(3), 302–319. 10.1177/0022146514544173
- Washington, H.M., Juan, S.C., & Haskins, A.R. (2018). Incapacitated Involvement: Incarceration and Fatherhood in Fragile Families at Age 9. *Journal of Family*, 39(13), 3463–3486.
- Western, B. (2006). *Punishment and inequality in America*. Russell Sage Foundation.
- Wildeman, C., Schnittker, J., & Turney, K. (2012). Despair by association? The mental health of mothers with children by recently incarcerated fathers. *American Sociological Review*, 77(2), 216–243. <https://doi.org/10.1177/0003122411436234>
- Wildeman, C., Turney, K., & Yi, Y. (2016). Paternal incarceration and family functioning: Variation across federal, state, and local facilities. *The ANNALS of the American Academy of Political and Social Science*, 665(1), 80–97. <https://doi.org/10.1177/0002716215625042>
- Zuković, S. (2008). Sistemski pristup proučavanju porodice [System approach to studying family]. *Pedagogija*, 63, 428–435.

Inter-Prisoner Violence and the Case Law of the European Court of Human Rights: Protection of Vulnerable Groups of Prisoners*

Milica Kovačević¹ 

Introduction: In the course of last several decades, the protection of prisoners from abuse has been significantly improved by adoption of relevant international documents and the activities of independent monitoring mechanisms. However, the focus is on abuse by state authorities, while there has been no adequate attention dedicated to violence among prisoners. *Subject:* The author reviews the practice of the European Court of Human Rights in the context of violence among prisoners and the protection of human rights. *Method:* Normative-logical method and content analysis were applied. *Aim:* The aim of the paper is to highlight recommendations that would be applicable in Serbia. *Results:* The key principles on which the court's decision-making is based in cases related to the violation of the prohibition of torture referred to in Art. 3. of the European Convention for the Protection of Human Rights and Fundamental Freedoms, such as the absolute prohibition of all types of abuse. *Conclusion:* States are obliged to undertake abuse-prevention measures i.e., to thoroughly investigate and sanction the behaviour of those responsible. Evidence gathering is not the responsibility of the prisoner, but of the state authorities. Both employees and prisoners, but also the general public need to be educated about abuse in prisons.

KEYWORDS: prison / abuse / torture / European Court of Human Rights

* This is an invited paper presented by Milica Kovačević at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

The article is the result of work on the project financed by the Ministry of Science, Technological Development and Innovations of the Republic of Serbia, implemented by the Faculty for Special Education and Rehabilitation of the University of Belgrade.

Recommended citation: Kovačević, M. (2024). Inter-Prisoner Violence and the Case Law of the European Court of Human Rights: Protection of Vulnerable Groups of Prisoners. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 315–322). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.33>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0002-0458-8193>

Correspondence: Milica Kovačević, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: bucak80@gmail.com

Introductory Notes and Definition of Torture and Similar Concepts

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, amended in accordance with the protocols... (*Official Gazette of SCG – International Treaties*, no. 9/03, 5/05 and 7 /05 and *Official Gazette of the RS – International Treaties*, no. 12/10 and 10/15, abbreviated: ECHR) prescribes that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. It is understood that this prohibition protects all citizens without any discrimination, however persons unable to protect themselves are more likely to find themselves in situations where they are subjected to inhuman or degrading treatment, and none more so than persons deprived of freedom.

In order to understand the state's obligations regarding the prohibition of torture and inhuman treatment, the term torture must be defined, that is, how is torture different from inhuman and degrading treatment. To start, we need to take the concept of abuse as an umbrella term that includes both torture and inhuman and cruel treatment and punishment (Dragičević-Dičić & Janković, 2011), whereby abuse represents any treatment that endangers someone's mental and physical integrity. On the other hand, there is no precise definition of torture, but in literature, it is generally defined as the infliction of intense, primarily physical, but also mental, suffering (Strauss, 2004).

If torture is exclusively connected to the actions of state authorities, then its concept is somewhat narrower. Thus, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law on the Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Official Gazette of the SFRY – International Treaties*, no. 9/91), signifies "torture" as any act that intentionally inflicts pain or severe physical or mental suffering on a person, with the purpose of obtaining information or confession from that person or a third party, or to punish, intimidate or exert pressure, i.e. for any other reason based on a discriminatory basis, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (Article 1). Presently, it is indisputable that torture does not have to originate only from officials, and that it does not have to be aimed at achieving goals such as extorting confessions, and that it is absolutely prohibited.

Since torture refers to the infliction of severe suffering, the above mentioned implies that inhuman and degrading treatment include the infliction of suffering of a somewhat lesser intensity, and that they are forms of abuse that generally exclude infliction of stronger physical pain. It is emphasized that inhuman treatment includes mostly intentional and unreasonable infliction of suffering of a

physical or mental nature, while degrading treatment involves severe humiliation in front of others, i.e., forcing a person to act contrary to their will, personal dignity and values (Weissbrodt & Heilman, 2011).

Positive and Negative Obligations of the State in the Context of Preventing Torture and other Forms of Abuse

The state is obliged to prevent any action by the authorities that would imply unnecessary and excessive infliction of suffering. This norm belongs to *ius cogens* or peremptory norms, which means that it is of a generally binding character, and that there are no circumstances that could justify any country not adhering to it. However, the obligations of the state in the context of the prohibition of torture are both negative and positive in nature. Just as the state must refrain from unlawfully causing suffering through its own mechanisms, it is also obliged to act proactively in order to prevent suffering caused by the actions of third parties. Therefore, the state has these obligations both with regard to civil servants and officials, as well as with regard to the prevention of illegal actions by non-state subjects. Unlike the negative obligations of the state, which imply refraining from activities, positive obligations require that the national authorities undertake necessary and adequate measures so that every citizen can actually exercise their rights. These measures can be of legal character, such as when it comes to sanctioning those who prevent citizens from exercising their rights, but also of practical character, and in some cases a synergy of both measures will be needed (Akandji-Kombe, 2007; Dickson, 2010). Thus, in order to protect the lives, health and dignity of prisoners, it is necessary not only for state authorities not to inflict physical pain on convicted individuals through illegal actions of security officers and other employees, but also to undertake, for example, measures to mitigate violence among prisoners (Akandji-Kombe, 2007). Hence, the decisions of the European Court of Human Rights (abbreviated: ECHR) explicitly indicate that states are obliged to take preventive measures in order to preserve the mental and physical integrity and well-being of imprisoned individuals (Premininy v. Russian Federation, application no. 44973/04, decision of February 10, 2011, § 83). States must also ensure adequate conditions in penal institutions, as well as the implementation of procedures whose implementation excludes the infliction of suffering that exceeds the intensity of discomfort necessarily associated with the deprivation of freedom and the way penal institutions function.

When we talk about abuse in penal institutions, and about the abuse of prisoners inflicted by other prisoners, the state must tackle the well-known problem of informal prison culture and hierarchy. The prison informal system and culture imply the establishment of specific patterns that become dominant within the institution, which are conditioned by the prisoners' previous experiences, personal convictions, division into groups/classes within the prison, internal rules

on the use of material goods and generally accepted jargon (Wooldredge, 2020). It should be emphasized here that the contemporary discourse on prison culture largely depends on scientific interpretations. Literature indicates that a significant part of the research refers to strictly closed institutions and those convicted of the most serious criminal offences (Wooldredge, 2020). Describing the prison culture, Jovanić points out that prisoners are in constant fear of a possible attack on their bodily integrity, dignity or the few material goods they have, which leads to living in a state of constant anxiety and alertness (Jovanić, 2014). Even those who hold leading positions in the informal hierarchy are not spared from fear and uncertainty, because the acquired reputation and position must be defended against the claims of other convicts and possible provocations (Jovanić, 2014).

The topic of violence among prisoners in the context of the state's positive obligations is also significant because prisoners represent a vulnerable group whose victimization is not the focus of public interest. At times it appears that abuse of these persons does not even seem to deserve a special reaction (Krstajić et al., 2016).

Practice of the European Court of Human Rights

In the case of *D. v. Latvia* (application no. 76680/17, decision of 11 April 2024), the applicant, a sex offender, complained about the abuse he suffered in prison, after the other convicts found out about his criminal record. Namely, in the informal prison system of Latvia, convicts were divided into three categories, and the convict belonged to the lowest "caste", characterized by the worst status and subject to a series of restrictions imposed by other prisoners. In practice, this meant that the members of this group were forced to use separate toilets, forbidden to shower with others, excluded from joint activities, but also forced to complete tasks instead of others, such as maintaining hygiene in the premises and washing laundry (*D. v. Latvia*, §7). The applicant informed the prison administration, pointing out that he was constantly verbally insulted, intimidated and pushed around, especially in situations when prisoners collectively perform various activities, such as dining. Prison administration officials rejected the complaint, arguing that D. did not provide enough concrete data to support the fact that there were more serious threats to his mental and physical integrity. After several rejected complaints, the prisoner turned to the court, which determined that the claims about the caste system were not unjustified, but that at the same time there was no violation of human rights, bearing in mind that D. was not subjected to more intense violence. The Latvian court also took into account the fact that D. himself pointed out that the other prisoners did not manage to scare him, and that he did not allow them to take any of his personal items. This decision was confirmed by the highest court in the country. However, the ECHR was of a different opinion. The court's position was that it was not necessary for D. to prove

that there was an informal hierarchy in the prison, because there was agreement regarding that topic, and the ombudsman also spoke about the same in his reports. The ECHR stated that the prohibition stipulated in Art. 3 of the ECHR definitely included the infliction of mental suffering, even in the absence of physical injuries and physical pain. Insulting and isolating can cause mental suffering and affect the resilience of the convict, who is already in a difficult position even without experiencing additional discomfort. Threats can also cause mental distress, due to the continuous fear for one's own safety, especially intensified when the convicted individual is aware that he has no one to turn to for protection (*D. v. Latvia*, §47). In addition, the forced performance of notorious tasks instead of others exceeds the concept of labour exploitation and turns into symbolic humiliation.

In the case of *J. L. v. Latvia* (application no. 23893/06, decision of 17 April 2012), the applicant indicated that immediately after being admitted to the prison during the night, he was attacked, injured and raped by other prisoners. His nose was broken, and the reason was probably due to discovery that the applicant was a police informant. The doctor examined him, but made no report on his injuries. Afterwards, J.L. demanded to be adequately protected, since convicts whom he had previously testified against were also in the same prison. The applicant was transferred to another prison, but the incident he reported did not result in an investigation, with the authorities explaining that there was no evidence necessary for further action. The ECHR found that the state acted contrary to its obligations regarding the prevention of torture, both because the prison administration did not collect evidence about the incident and the injuries suffered, and because no steps were taken to determine what had happened and who was responsible.

In the case of *S. P. et al. v. Russian Federation* (applications no. 36463/11, 11235/13, 35817/13 and others, decision of 2 May 2023) a group of prisoners reported abuse by other convicts, based on the applicants' being in the lowest caste in the informal system that divided convicts into four classes/castes. The highest caste represented the "elite" and included those convicted of the most serious crimes and all other convicts were their subordinates. The "elite" did not perform any work tasks, refused to communicate with the prison administration, but at the same time were called to resolve conflicts between prisoners. The second group were those who cooperated with the guards and as such enjoyed certain privileges. The third class was the most numerous and those were the "regular" prisoners, who generally respected the informal hierarchy. The fourth and lowest caste were the "renegades" i.e., prisoners who no one respected, who were isolated from the group and forced to perform tasks such as emptying bins and cleaning toilets for everyone. Prison guards also expected additional tasks from this group, given that other prisoners openly refused certain responsibilities (*S.P. and others v. Russian Federation*, §9). As a rule, renegades were those who were obviously of poor financial status, "snitches", those who appeared neglected, as well as sex offenders, child abusers and convicts who had, or at least others claim they had,

anal and oral sex, voluntarily or due to being forced. These prisoners were also sexually abused, so one of the prisoners/applicants stated that he contracted the HIV virus during his prison term. The renegades had their own separate dishes and linen, they slept in corners, and if they had to stay too close to other groups, they had to sleep on the floors. The other prisoners refused to touch them or shake hands with them, and they could only visit the doctor when everyone else had their turn. They were beaten. If they notified the prison authorities, they were mainly ignored, although occasionally they were transferred to another institution or a special room where only the lowest caste stayed. Nevertheless, the guards made sure that a renegade was always present in the "mixed" group, because in his absence other prisoners would have to do degrading tasks. The ECHR determined that in the case of this group of convicts, there were multiple gross violations of Art. 3 of the ECHR, and that the state was obliged to prevent abuse, receive complaints, and investigate them in detail, regardless of the indisputable practical difficulties related with that undertaking, and to do everything to stop the abuse and ensure the injured parties receive adequate satisfaction.

In the case of *Rodić et al. v. Bosnia and Herzegovina* (application no. 22893/05, decision of 27 May 2008), the applicants indicated that they were abused by other prisoners because it was common knowledge in the penitentiary that they were convicted of war crimes against Bosnians. The applicants were members of minority national groups in an institution with a majority Bosnian prison population. The applicants were repeatedly insulted and attacked, and one of them was punched in the eye. Their requests to be transferred to other prisons were initially rejected due to technical issues and difficulties in the cooperation between the Bosnia and Herzegovina entities. The ECHR determined that the state ignored Art. 3 of the ECHR, taking into account that it was known that, after the war in the country, there was a real risk that convicted members of a minority group would be encounter hostility, especially bearing in mind their criminal records. The state did not fulfil its obligations regarding the prevention of violence.

Conclusion

It has long been said that a state's progress in humanity and civilization can be evaluated based on its relations towards the most vulnerable groups of citizens, such as prisoners and other persons deprived of freedom. In this regard, the ECHR, during its many decades of practice related to the abuse of prisoners, has produced certain postulates, the respect of which should contribute to a higher level of humanity and respect for personal dignity.

In the first place, prisoners have the right to protection from abuse, and the state must take all the necessary measures to prevent their suffering from even

occurring. Prison administrations must not only focus on detecting intense physical violence, other forms of abuse and degradation are also relevant. The threshold of tolerance for suffering should be lowered year after year. At the same time, this does not mean that the state is obliged to completely extinguish all forms of abuse, nor that it has failed in its obligations if violence is manifested. The fact is that prison is a world of its own, and that the way it functions, as well as the individual characteristics of individual prisoners, can lead to conflicts and violence.

However, in the case where torture and other forms of abuse have occurred, the state is obliged to verify the injured parties' allegations and investigate the incidents in detail in order to determine who is responsible and proceed with fair sanctions. Prisoners are not required to provide evidence, nor can they be expected to do so, so the action based on the application should be automatic, without any improvisations or delays. State authorities are obliged to do everything in their power to determine the truth, and to improve the procedures in institutions based on their findings. It goes without saying that a prisoner whose human rights have been violated is entitled to moral, material and any other compensation.

In order for the described mechanisms to function, the work of impartial supervisory bodies is extremely important, as well as the contemporary education of employees in penal institutions in order to acquire the necessary competencies to perform extremely responsible tasks. Additionally, education about the elements, patterns, causes and consequences of violent behaviour should be included in the treatment programmes for convicts. In addition to the above, it is necessary to adequately inform the public about the issues related to the execution of criminal sanctions, so that prisoners do not continue to exist only as a group of forgotten people behind high walls and locked doors.

References

- Akandji-Kombe, J. F. (2007). *Positive obligations under the European convention on human rights* (Human rights handbooks No. 7). Council of Europe.
- Dickson, B. (2010). Positive obligations and the European Court of Human Rights. *Northern Ireland Legal Quarterly*, 61, 203–208.
- Dragičević-Dičić, R. & Janković, I. (2011). *Sprečavanje i kažnjavanje mučenja i drugih oblika zlostavljanja, Priručnik za sudije i tužioce* [Prevention and punishment of torture and other forms of abuse, Manual for judges and prosecutors]. Beogradski centar za ljudska prava.
- Jovanić, G. (2014). (Ne)sigurnost u zatvoru [(Un)safety in prison]. *Specijalna edukacija i rehabilitacija*, 13(2), 141–172. <https://doi.org/10.5937/specedreh13-6128>
- Krstajić, G., Vuksanović, G. & Joksimović, B. (2016). Viktimizacija i neformalni osuđenički sistem u maloletničkom zatvoru [Victimization and informal convict system in juvenile prison]. *Biomedicinska istraživanja*, 7(2), 149–155. <https://doi.org/10.7251/BI1602149K>

- Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, amended in accordance with the protocols... , Official Gazette of the Republic of Serbia - International Treaties, no. 9/03, 5/05 and 7/05 and Official Gazette of the Republic of Serbia - International Treaties, no. 12/10 and 10/15.
- Strauss, M. (2004). Torture. *New York School Review*, 48, 201–274.
- Weissbrodt, D. & Heilman, C. (2011). Defining torture and cruel, inhuman, and degrading treatment. *Law & Inequality*, 29, 343–394.
- Wooldredge, J. (2020). Prison Culture, Management, and In-Prison Violence. *Annual Review of Criminology*, 3, 165–188. <https://doi.org/10.1146/annurev-criminol-011419-04135>

Female Convicts' Right to Biomedically Assisted Conception*

Darko Dimovski¹ 

In the prologue to his paper, the author presents a hypothetical case, posing a question whether a female convict serving a multi-year prison sentence in the Correctional Institution for Women in Požarevac, who cannot become pregnant naturally, could use a biomedically assisted fertilization procedure. The answer to that question implies an analysis of the Law on Biomedically Assisted Fertilization and the Instructions for the implementation of infertility treatment with biomedically assisted fertilization charged to mandatory health insurance funds. Before the author analyses the normative framework applied to the hypothetical case referred to in the prologue, he presents the facts related to the fertility rate in the Republic of Serbia in the introductory part of the paper. After establishing the conditions under which a woman can request biomedically assisted fertilization, it is necessary to determine whether the legislator in the Law on Execution of Criminal Sanctions has envisaged such a possibility. The next part of the paper is dedicated to a review of the mentioned normative framework through a hypothetical case, whereby the author deems necessary to analyse the judgment of the European Court of Human Rights in order to compare it with the situation in the Republic of Serbia regarding the exercise of this right. In the conclusion of the paper, the author presents certain dilemmas regarding the conditions under which a convicted woman can exercise her right to biomedically assisted fertilization, while encountering obstacles in practice.

KEYWORDS: female convict / right to biomedically assisted conception / *Dickson v United Kingdom*

* This is an invited paper presented by Darko Dimovski at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

This paper is the result of research conducted within the project “Responsibility in Legal and Social Contexts”, funded by the Faculty of Law in Niš, for the period 2021–2025.

Recommended citation: Dimovski, D. (2024). Female Convicts' Right to Biomedically Assisted Conception. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 323–338). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.32>

¹ Faculty of Law in Niš, Judicial Research Centre, Serbia. <https://orcid.org/0000-0001-5068-3338>

Correspondence: Darko Dimovski. Email: darko@prafak.ni.ac.rs

Prologue

The reason for writing this scientific paper is a hypothetical situation where a female convict, Marija Krstić, currently serving her multi-year prison sentence at the Correctional Institution for Women in Požarevac (hereinafter CI for women) for a grave offence against public transport safety referred to in paragraph 2 article 297 of the Criminal Code (Criminal Code), is unable to get pregnant, even though she has been using the right, referred to in article 97 of the Law on Execution of Criminal Sanctions (2019) to spend three hours every two months with her spouse Marko Krstić in separate premises of the Institution.

Wishing to become pregnant, she has opted for biomedically assisted fertilization (hereinafter BSF). In pursuance of that wish, the female convict Marija Krstić has asked her attorney to review the legal regulations in order to ascertain the ways she could go about using in vitro fertilization to have offspring.

Introduction

In their fight against infertility and population decline, countries all over the world have decided to engage all resources in order to improve the fertility rate, defined as the average number of children born by a woman during her reproductive period (15 to 49 years of age), excluding the influence of mortality (as it is assumed that all women of a certain generation will live to the age of 50) (Krstić & Vasić, 2022). In order for a simple replacement of generations to occur, it is necessary for the fertility rate to be 2.1 children per one female.

The situation regarding the fertility rate in the Republic of Serbia is dire. At the beginning of this century, a slight increase of fertility rate in the Republic of Serbia has been recorded. Thus, until the year 2005, it was in close to 1.6. However, there was already a decline in 2007 with the fertility rate of only 1.38. In the years that followed, the fertility rate has been slightly increasing. According to the latest available data, the fertility rate for 2019 was 1.52, and in 2022, it was 1.48. In 2022, the fertility rate was 1.5. If we compare these data with the fact that the fertility rate for a simple reproduction of the population must be 2.1, it is easy to explain that it is expected that 6 690 887 people live in the Republic of Serbia, per the 2022 population census, which is less by 6.9% compared to the year 2011. In absolute numbers, that is 49 000 people less (Krstić & Vasić, 2022).

Based on the above mentioned, it is obvious that the fight for higher fertility rate is laborious and long. At the same time, a wide range of measures need to be applied in order to encourage the population to have more offspring. One of those measures is reflected in the application of BSF at the expense of the state. Starting from the hypothetical case referred to in the prologue, numerous questions that

the author will try to answer have been raised. It is important to emphasize that one scientific article is not sufficient to consider other hypothetical situations when someone is incarcerated and wants to exercise the right to BSF, which only indicates the importance of the topic. At the same time, it should be emphasized that court decisions in this and similar situations will always provoke reactions from the general and professional public, regardless of their outcome.

Normative Framework in the Republic of Serbia Regarding the Right to Biomedically Assisted Fertilization

In 2017, the Republic of Serbia passed the Law on Biomedically Assisted Fertilization, thereby establishing a normative basis, in accordance with Article 1, regarding the methods, procedures, conditions and organisation of biomedically assisted conception activities, types of biomedically assisted conception procedures, exercising the right to biomedically assisted conception, supervision over the implementation of this law and the performance of state administration actions in the area of biomedically assisted fertilization, as well as other issues relevant for the implementation of biomedically assisted conception activities and procedures.

Before we review who is entitled to biomedically assisted conception, it needs to be determined what is implied by it. Such biomedically assisted fertilization, according to Article 13, includes testing, obtaining, processing, freezing, thawing, preserving, storing and distributing reproductive cells, zygotes and embryos, as well as the import and export of reproductive cells. In this regard, there is a difference between in vivo and in vitro fertilization. In vivo fertilization can be performed in two ways. The first one includes the introduction of sperm into the female genital organs, while the second method consists in the introduction of egg cells together with sperm into the female genital organs. The joining of egg and sperm cells outside the woman's body for the purpose of creating a zygote, or embryo, and their transfer to the woman's reproductive organs is the essence of in vitro fertilization.

Having determined what BSF implies, we can now deliberate on who can exercise this right. Article 25 prescribes that any adult woman or man, with full legal and business capacity, who needs assistance through BSF procedures with treatment of infertility, living together with another person, in accordance with the law regulating family relations – spouses, i.e. common-law partners, able to perform his or her parental duties and in such a mental and social state that it can be reasonably expected that he or she would be able to perform his or her parental duties in accordance with the law and in the interest of the child, is entitled to a BSF procedure. The legislator expanded the potential beneficiaries of this right by exceptionally providing the option even for an adult woman who lives on her own,

with full legal and business capacity, capable of performing parental duties and in such a mental and social state that it can be reasonably expected that she would be able to perform her parental duties, in accordance with the law and in the interest of the child. At the same time, the right to the BSF procedure in homologous fertilization where reproductive cells of the spouse, i.e., extramarital partners are used, is also available to women and men with full legal and business capacity who have postponed the use of their reproductive cells due to the possibility of decline or loss of reproductive function, and who meet the conditions prescribed in paragraph 1 of this article.

Apart from the Law on Biomedically Assisted Fertilization, there are Instructions for the implementation of infertility treatment with biomedically assisted fertilization charged to mandatory health insurance funds (No. 450-1916/2023 of May 15, 2023). This document elaborates the legal provisions in more detail. Thus, in Article 1 of the Instructions, it is prescribed that an individual can be included in treatment of infertility by BSF, provided that the conditions of the Republic's Expert BSF Committee of the Ministry competent for health affairs are fulfilled. These conditions are the following: spouses, i.e. common-law partners who have exhausted other infertility treatment options, women with infertility diagnosis despite the adequate treatment, women who are not older than 45 at the time of obtaining the Certificate of fulfilment of the conditions for the BSF procedure, if ovarian function is still preserved, if the woman's body mass index is normal (BMI below 30), all forms of male subfertility with live or morphologically normal spermatozoa in the ejaculate, men with azoospermia with previously frozen material, women who have exhausted the possibilities of infertility treatments with their own reproductive cells, men with azoospermia who have no way of obtaining their own reproductive material, women without a partner but who wish to become parents, and both women and men who have previously had their reproductive cells/embryos frozen due to oncofertility.

Article 2 of the Instructions refers to the right to infertility treatment, where the number of treatment attempts by means of BSF is reviewed depending on whether the woman has or does not have a child, as well as whether she has a partner or not. Among other things, it is prescribed for a competent BSF committee in the health institution to be in charge of assessing whether the medical conditions for the implementation of the stimulated BSF procedure are fulfilled, based on the referral of the selected doctor-gynaecologist. A woman who has undergone infertility treatment by means of BSF is entitled to have embryos secured and frozen with a storage period of five years at the expense of the mandatory health insurance funds.

Article 3 of the Instructions prescribes the procedure with the selected doctor. Since there are various infertility treating methods, such as the stimulated BSF procedure and cryo-embryo transfer, we will explain both procedures in detail in the continuation of this paper. Regarding the first infertility treatment method, the

procedure starts with an examination by a selected gynaecologist in case of the insured woman and by a selected GP in case of the insured man. The insured person-woman must have a properly certified insurance document, and must meet all the conditions prescribed by these Instructions. All this needs to be verified by the selected gynaecologist. Ultimately, the doctor must instruct the woman to have analyses and diagnostics performed such as microbiological tests (cervical swab for bacteria, vaginal swab for bacteria, chlamydia swab, bacterial vaginosis swab, HbsAg, HCV, HIV, TPHA-serology), *Toxoplasma gondii*, Rubella - serology, cervical screening (Pap smear, colposcopy), ultrasound examination by a vaginal probe, hormone testing from 2nd to 4th day from the menstrual bleeding onset, one time (FSH, LH, E2, Prolactin, Anti-Müllerian hormone-AMH), TSH, T3 and T4. At the same time, the gynaecologist must send the woman to complete the usual preparatory examinations before the procedure such as: blood type, Rh factor, blood work, urine, biochemical analyses and coagulation factor. It needs to be emphasized that having the necessary test done is not a condition for the procedure before the BSF committee. In other words, general tests are done immediately prior to the BSF procedure. In order for the procedure to be undertaken adequately and so that the doctors in charge of conducting the BSF can be certain of a particular woman's health, the hormone analysis, as well as the results of the swabs and the ultrasound, are valid for six months, while other analyses cannot be older than one year.

When a woman completes all the analyses and thus fulfils all the conditions for conducting the BSF, the gynaecologist issues referral forms to the insured person for the BSF committee in one of the institutions from the Health Institution Network Plan² and for the ultrasound examination that is performed during the assessment procedure at the BSF committee. The insured individual - man needs to do similar analyses, such as microbiological tests, spermogram and sperm culture. Since the subject of our research are the possibilities of implementing BSF, we will not explain in detail the conditions and the procedure necessary for the insured individual-man.

Another method of treating infertility called cryo-embryo transfer is similarly undertaken. However, in order to consider the procedure adequately, we will indicate everything that needs to be completed. Cryo-embryo transfer involves the transfer of thawed embryos to the uterus. The only difference is that all analyses cannot be older than one year. Also, the fulfilment of the conditions is determined

² Health Institution Network Plan includes: Gynaecology and obstetrics clinic of the University Clinical Centre of Serbia in Belgrade, Gynaecology and obstetrics clinic "Narodni front" in Belgrade, Gynaecology and obstetrics clinic of the University Clinical Centre of Vojvodina in Novi Sad, Gynaecology and obstetrics clinic of the University Clinical Centre of Niš, Gynaecology and obstetrics department of the General hospital in Valjevo, Gynaecology and obstetrics clinic of the University Clinical Centre of Kragujevac and Gynaecology and obstetrics department of the General hospital in Subotica.

by the BSF committee trained in a health institution in accordance with Article 31 of the Law on Biomedically Assisted Fertilization upon referral from the selected doctor. If we consult the text of the law, we will see that the above mentioned committee consists of a medical doctor, a specialist in gynaecology and obstetrics with a sub-specialization in fertility and sterility, i.e., narrow specialization in fertility and sterility, an embryologist, a graduate psychologist and a graduate of law appointed by the director of the authorised health department.

Article 5 of the Instructions regulates the procedure before the competent Committee for stimulated BSF. Based on the scheduled examination, the insured individual submits the necessary documentation. On this occasion, a photocopy of the discharge summary must be submitted in addition to the previously mentioned documentation if one of the BSF procedures has been used previously, all discharge summaries, if the insured individual-woman has undergone HSG, hysteroscopy, laparoscopy or laparotomy, complete medical documentation if insured individual-woman has suffered from or underwent surgery due to any disease, medical documentation on other medical conditions and related diseases for women with diminished ovarian reserve in case donor eggs are needed and medical documentation on other medical conditions for women without a partner in case donor sperm is needed. In addition, several forms must be filled out. A man needs to submit proof of fulfilment of the conditions with azerospermia in the form of a certificate issued by a health institution on frozen material for that specific individual and medical documentation on other medical conditions and diseases related to azerospermia in case donor sperm is needed.

Before the examination at the BSF committee, spouses, i.e., common-law partners, as well as an insured individual-woman without a partner, must fill out a form choosing the institution where they wish to have the BSF procedure. Likewise, they must provide a statement that they have no children from the existing union, i.e., that they have one child, proven by an extract from the birth register. The last statement refers to the consent of the spouses, or common-law partners, or the insured woman without a partner, to freeze the embryos if there is a possibility therefor.

The state ensures that a common-law union is proven by a certified declaration, stating that the purpose of giving the declaration was to exercise the right to BSF at the expense of the mandatory health insurance fund. The same declaration is made by an insured individual - a woman without a partner.

In the previous part of the paper, it is emphasized that the procedure for cryo-embryo transfer is conducted by a committee of the Republic Health Insurance Fund (hereafter RHIF). On that occasion, the same declarations are signed as before the BSF committee. In the event that there are no medical findings or diagnostics, the relevant RHIF medical committee instructs the insured individual-woman to supplement the documentation. The invitation procedure is

regulated by Article 7 of the Instructions. When the BSF committee, i.e., the competent medical committee of the RHIF, makes a positive decision, the RHIF Directorate submits a list of insured individuals-women to the health institution where the BSF procedure will be performed, based on the indicated wish of the insured individual. If the objective circumstances are such that the selected health institution is unable to perform the necessary procedure, the RHIF Directorate can reassign the insured individual to another health institution where the BSF procedure can be completed. The legislator prescribes a short term (three days) during which the selected health institution must schedule the date of the first consultative examination, and inform the Directorate thereof. After that, the branch is informed about the scheduled dates. The branch is obliged to send an invitation via registered mail regarding the referral to the BSF procedure. Thereafter, the insured individual reports to the selected doctor-gynaecologist, who issues the referral for inpatient treatment in the health facility specified in the invitation. Likewise, another way of informing about the scheduled date of the first consultative examination should be mentioned - through the eGovernment portal, if the insured individuals applied for the BSF procedure that way. However, the analysis of this method of application and delivery of the invitation to female convicts has its problems, since Internet, which is denied to incarcerated individuals, is mandatory for the use of the eGovernment functions.

In that case, the insured individual-woman with the invitation letter from the branch, the gynaecologist's referral, and the completed BSF-3 or BSF-8 form, depending on which procedure is being performed, reports to the competent medical committee with the aim of obtaining its assessment on the relevant form (OLK-12), whereby it is necessary to indicate whether the procedure is performed for the first or the second child, as well as whether the procedure is done with donor sperm or eggs.

Article 8 of the Instructions refers to the first consultative examination, scheduling admission, treatment, freezing of embryos, postponement and exclusion from the procedure. Per the first paragraph of the above mentioned article, insured individuals undergoing the stimulated BSF procedure report with all documents, findings and completed forms to the health care institution for the first consultative examination in order to have the BSF procedure done.

If, at the first consultative examination, it is established that the insured individuals fulfil all the conditions, an admission date for the BSF procedure is scheduled. In the event that, during the first consultative examination, it is determined that the insured individuals do not meet the conditions for the start of BSF or that the BSF procedure needs to be postponed due to medical reasons for longer than 12 months, the insured individuals will be excluded from the further procedure, and have a letter delivered explaining the reason for exclusion, and entering the reason for exclusion in the Republic Fund electronic application, referring the insured individual to re-evaluation of the BSF committee. The

legislator has foreseen the situation when insured individuals cannot appear for the scheduled BSF procedure due to justified reasons, in which case they must contact the health institution to determine a new date. Considering a similar procedure is also foreseen for the cryo-embryo transfer procedure, there is no need to explain it further.

The Position of Female Convicts During the Serving of the Prison Sentence

The position of convicted individuals is regulated by the Law on Execution of Criminal Sanctions (hereinafter LECS). When considering the subject of our research, article 13 needs to be mentioned, which stipulates, among other things, that there is a penitentiary institution for women in the Administration for the Execution of Criminal Sanctions, where prison and juvenile sentences are served. Related to that, the provisions of Article 15 should also be mentioned. Namely, it prescribes that the penitentiary institution for women is semi-open in terms of security level.

In order to understand the subject of our research, it is important to note that, according to Article 19, there is a healthcare service in institutions. Article 24 of LECS prescribes the competences of the healthcare service.

Thus, paragraph 1 prescribes that the healthcare service conducts health prevention activities, treats convicted and detained individuals, monitors hygiene and the quality of food and water, and participates in determining and implementing programmes for the treatment of convicted individuals, while paragraph 2 prescribes that each institution must have at least one doctor and two nurses, and that one psychiatrist must be provided. If hospital treatment is organised within the institution, it must have a doctor and hospital treatment resources with adequate professional training, necessary hospital premises and medical materials, accessories, devices and medicines available (paragraph 3). At the same time, paragraph 5 prescribes that the institution for women must have special equipment for the care of pregnant women, women in labour and treatment of women.

Although it is not strictly related to the subject of our research, the legislator provided that if a female convict has reached the sixth month of pregnancy or has a child under one year of age – the execution of the prison sentence can be postponed at most until the child reaches the third year of life (item 2 paragraph 1 Article 59 of the LECS). In this regard, we conclude that the BSF procedure is not prescribed as a basis for delaying the execution of a prison sentence. We are of the opinion that in the subsequent amendments to this legal text, this condition should be prescribed in order to enable women sentenced to prison to become pregnant, even though in the case of getting pregnant through the BSF procedure,

the grounds could also be applied in the case of a female convict who is already pregnant or has a child younger than one year.

Chapter VI of the LECS refers to the position of a convicted individual. Thus, Article 78 prescribes that pregnant women, women after childbirth and mothers who care for children are accommodated separately from other female convicts. The legislator also ensures, among other things, that pregnant women and women after childbirth are provided with appropriate nutrition prescribed by a doctor (Article 82). It should be noted that the legislator prescribes the right to visits in a special room (Article 94). Thus, a convicted individual is entitled to stay for three hours with her spouse, children or other close persons in the special rooms of the institution once every two months. Likewise, a female convict has the right to a leave from work due to pregnancy, childbirth and maternity, in accordance with the law that regulates employment relationship rights (Article 110).

The legislator also prescribes the healthcare of convicts in Article 113 of the LECS. The analysis of the title of the Article leads us to the conclusion that a female convict would not have the right to the BSF procedure. The reason for this conclusion lies in the fact that the healthcare of convicted individuals implies caring for the health of the convicted individual, not the treatment of infertility. Apart from the title of the Article, its content also leads us to the conclusion that the convicted individuals are not entitled to BSF. Thus, the legislator indicates that a convicted individual is entitled to healthcare in accordance with the law regulating healthcare and the provisions of this law. At the same time, a convicted individual can be provided with drugs from the positive list. Convicted individuals who cannot be provided with adequate healthcare within their institution, based on a doctor's recommendation, are referred to the Special prison hospital or another healthcare institution, and pregnant women are referred to maternity hospitals for childbirth. The fact that the legislator finds it adequate to specifically indicate that a pregnant woman is to be sent to the maternity hospital for childbirth, while no provision mentions a female convict who wants to get pregnant through the BSF procedure, leads us to the conclusion that female convicts would not be able to exercise their right to BSF. Article 114 of the LECS refers to the treatment of a convicted individual. By analysing the above mentioned article, we can conclude that the legislator did not prescribe the possibility of treating infertility through the BSF procedure in any paragraph. This further reinforces the position that the legislator does not have the possibility of female convicts becoming pregnant through the BSF procedure in mind.

However, in order to come to the right conclusion, Article 117 of the LECS should be mentioned. In the above mentioned Article, it is prescribed that the head of the institution can approve a specialist examination at the request of a convicted individual, if such examination has not been ordered by a doctor, with a previously obtained doctor's opinion on the reasons for the refusal. The examination costs will be charged to the convicted individual, unless the head of the institution

determines otherwise. In order to understand this article properly, it must be determined what is meant by a specialist examination. These examinations are determined when a doctor of internal medicine, i.e., a general practitioner makes an assessment about the importance of a certain patient being referred for a specialist examination with a doctor specialising in a certain branch of medicine (Sanitas Klinik, 2024). Specialist examinations include examinations with a cardiologist, endocrinologist, gastroenterologist, pulmonologist, rheumatologist, occupational medicine specialist, neurologist, ophthalmologist, otorhinolaryngologist, dermatologist, paediatrician, psychiatrist, urologist and gynaecologist. Considering that specialist examinations also include a gynaecological examination, it is necessary to determine what that implies. Since the gynaecological examination is only an initial diagnostic method in determining possible infertility of a female convict, a conclusion can be reached that the BSF procedure cannot be brought under the above mentioned legal norm.

Even though it is not directly related to the subject of the research, it is important to note that the legislator has taken the rights of female convicts with children into account. That way, a female convict who wishes to have a child through the BSF procedure, has legal protection in terms of taking care of the child, whereby she can keep the child in accordance with Article 119 until the end of her prison sentence, and at the latest until the second year of the child's life, after which period the child's parents decide and agree whether the child will be entrusted to the care of the father, other relatives or other persons. In the event that the parents do not agree or their agreement is not in the best interest of the child, the matter is decided by the court competent according to the place of residence, i.e., the mother's place of residence at the time of the conviction. Additionally, a female convict with a child is entitled to assistance of the institution's expert staff (Article 120). If a female convict does not want to take care of the child, it is provided with appropriate accommodation in a special room of the institution and professional care, corresponding to the standards of children's institutions. Delivery, care and accommodation of a female convict and care of her child at the institution are free of charge.

A female convict with exceptionally good behaviour, who makes an effort and makes progress in the adopted treatment programme can be granted benefits by the head of the institution. Those benefits, such as leaves to go to the city, visits to family and relatives on weekends and holidays, leave from the institution for up to seven days during the year, use of an annual vacation outside the institution (paragraph 2 of Article 129), can be used so that the female convict could undergo the BSF procedure. Also, for particularly justified reasons, the head of the institution can grant a female convict an extraordinary leave or absence from the institution for up to seven days (paragraph 3 of Article 129), which points to the conclusion that the BSF procedure could be included in especially justified reasons.

In order to obtain a complete picture of the possibilities for a female convict who wants to but cannot have a child to undergo the BSF procedure, one must refer to the Rulebook on the House Rules of Penitentiary Institutions and District Prisons (hereinafter referred to as the Rulebook). The part of the Regulations related to healthcare needs to be mentioned in order to understand this issue. Even though Article 27 of the Rulebook lists a whole series of instruments a special room for performing health examinations must have, none of the items are related to the BSF procedure. At the same time, by analysing all the articles of the Rulebook that refer to the health protection of convicted individuals, we come to the conclusion that the legislator did not have the implementation of the BSF procedure in mind.

Also, the Rulebook further regulates in more detail the stay in a special room and the benefits that we have reviewed through the prism of the BSF procedure. Even though the stay in a separate room is not directly related to the BSF procedure, it may be relevant for a female convict's wish to get pregnant with her partner. Thus, according to Article 54 of the Rulebook, a convicted individual has the right to spend three hours with her spouse, children or other close persons once every three months in the special premises of the institution, whereby those premises must be spacious enough, well heated, lit, with the necessary furniture, bathroom and adapted for the stay of children. In terms of benefits, the legislator mentions everything already stated in the legislative text.

Application of the Normative Framework to a Hypothetical Case

Marija Krstić, a female convict serving a prison sentence in the Correctional Institution for Women in Požarevac, has received instructions from her attorney about the steps of a BSF procedure. After asking him how many times it is necessary to go to the gynaecologist in order to prepare the necessary documentation regarding the BSF procedure, it appears that she would have to leave the CI for women a total of six times to successfully complete the BSF procedure in the best case in the best-case scenario, with the procedure starting by visiting the selected doctor – gynaecologist. Since the administration of the Correctional Institution for Women provides visits by gynaecologists (Danas, 2024) to incarcerated women serving their prison terms, the question is whether that gynaecologist could perform the necessary examinations for the implementation of the BSF procedure. We come to the conclusion that the gynaecologist cannot perform the necessary analyses and diagnostics within the premises of the CI for women, but could only write a referral for them to be undertaken at a relevant laboratory outside the CI for women. The prison gynaecologist may still issue referrals to women for the BSF committee in one of the institutions from the Health Institution Network Plan. That is where the prison gynaecologist's possibilities in the BSF procedure end.

In other words, for other steps in the BSF procedure, the female convict Marija Krstić would have to leave the prison, which could pose a big problem, because there is no normative basis on the grounds of which a woman prisoner could demand that the authorities enable her to undergo the BSF procedure. At the same time, leaving the penitentiary institution means that the female convict Marija Krstić would need to be accompanied by a relevant number of Security Service members.

Likewise, an additional problem in the implementation of the BSF procedure is the fact that it is done in accordance with the Instructions at the relevant health institution, based on the Health Institution Network Plan. The Gynaecology and obstetrics clinic of the University Clinical Centre of Serbia in Belgrade and the Gynaecology and obstetrics clinic "Narodni front" in Belgrade are in charge of admissions for insured women from the Braničevo administrative district. Since the CI for women is located in Požarevac, which belongs to the Braničevo administrative district, female convicts would need to be sent to the BSF committee in one of the two mentioned clinics. This means that Marija Krstić would need an official vehicle in order to leave the institution and be transported to Belgrade. At the same time, the BSF procedure implies that the insured individual, in our case the female prisoner Marija Krstić, has the right to choose the health institution where the necessary procedure will be done, based on the Republic Health Insurance Fund's contract on the provision of infertility treatment services in BSF procedures. Even though this contract is concluded for one year, and the list of institutions may vary, it is illustrative that the institutions are located in Belgrade, Novi Sad, Niš, Kragujevac, Subotica, Valjevo and Leskovac (Republic Health Insurance Fund, 2024). In other words, none of the institutions where the BSF procedure is conducted is located in Požarevac. The closest ones are in Belgrade, but there is a possibility that a female convicted may also choose health facilities located much further away from Požarevac, such as Leskovac, Subotica, Kragujevac or Valjevo.

Based on the above, we come to the conclusion that it is impossible to enable a convicted women currently serving a prison sentence, to undergo a BSF procedure, because the normative framework does not permit her to do so. In this regard, decisions of international courts must be consulted in order to see in which direction the attitudes regarding this issue are moving towards.

The International Framework Regarding the BSF Procedure

The *Dickson v The United Kingdom* judgment of the European Court of Human Rights, regarding Mr Kirk Dickson and his wife, is a guideline on how domestic authorities should think when it comes to artificial fertilization of individuals sentenced to prison terms. In the specific case, it was a prisoner, born in 1972,

sentenced to life imprisonment in 1994 for murder. The applicant had no children. During 1999, Mr Dickson met the applicant, while she was also serving a prison sentence, by correspondence through a prison pen pal network. The two started dating and got married in 2001. Ms Dickson has been released from prison in the meantime. The earliest possible date the applicant could be released according to the law was in 2009, when his wife would be 50 years old, and it would be almost impossible for her to get pregnant at that age. Since they both wanted to have a child together, the first applicant applied in October 2001 to be approved for artificial fertilization. In December 2002, the second applicant joined the application. Based on the length of the relationship and the earliest date of Mr Dickson's release from the penitentiary institution, their attorneys indicated in the request that it was unlikely that the applicants could have a child together without the use of artificial fertilization.

On May 28, 2003, the Secretary of State, in charge of deciding on this issue, refused their application, citing a number of reasons for rejection, such as their relationship not being tested in a normal environment of daily life, the absence of the father for a good period of the child's upbringing, doubts about the possibility of supporting the child, legitimate public concern that, should the applicant become a father through artificial fertilization, the deterrent elements of his sentence would be circumvented and the absence of an immediate support network for the mother and any child who might be conceived. After their appeal was refused by a higher instance, they turned to the European Court of Human Rights (hereinafter referred to as the Court) claiming that the policy of the Secretary of State on access to artificial fertilization was incompatible with their right to respect their private and family life, protected by Article 8 of the European Convention on Human Rights (hereinafter referred to as the Convention).

The Chamber of the Court rejected their claim, indicating that the domestic authorities had a wide margin of free assessment, and that the Secretary of State had taken into account all the facts of the case and had responded to the legitimate need to maintain public confidence in the penal system and to protect the welfare of every conceived child. In the end, the Court stated that it considers that there was no violation of the applicants' right to respect for their private life referred to in Article 8 of the Convention. However, the Grand Chamber of the Court made a different decision. Namely, the Grand Chamber stressed that the domestic authorities, embodied in the Secretary of State, had placed an excessively high burden of "exceptionalism" on the applicants, without weighing carefully the interests of the opposing parties, based on which there was a violation of the applicant's rights to respect for their private and family life. In the rationale of its decision, the Grand Chamber stated that every individual serving a prison sentence retained the rights prescribed by the Convention, so that any restriction of those rights had many justifications in each individual case. In this regard, the Grand Chamber stated that the justification for the restrictions of certain rights can

be reflected in the necessary and unavoidable consequences of imprisonment or in the adequate connection between the restrictions and the circumstances of the prisoner in question. On the other hand, restrictions cannot be based only on what would offend the public opinion.

Before the Court, the domestic authorities cited three reasons for rejecting the applicants' application, claiming that the loss of reproductive opportunities is an inevitable and necessary consequence of prison, that public confidence in the prison system would be shaken if the punitive and deterrent elements of the sentence were undermined by allowing prisoners guilty of serious criminal offences to become parents and that the long-term absence of a parent could have a negative impact on the conceived child and the society as a whole.

By carefully examining the arguments of the defendant state, the Grand Chamber considered that the first argument was not valid since the impossibility of reproduction was not necessarily an inevitable consequence of execution of a prison sentence. Regarding the second argument of the defendant state, the Grand Chamber of the Court considered that there was no place in the system of the Convention for deprivation of rights only on the basis of what could offend public opinion. Regarding the third argument, the Grand Chamber considered the welfare of the child as a basis. However, the child's welfare could not be a reason for couples who want to try to become parents, especially when one parent was free and able to provide care until the other parent was released from prison.

In the end, the Grand Chamber concluded that the requests for "exceptionality" were in conflict with the Convention. Namely, in the specific case, the Secretary of State never had an efficient way to assess the proportionality of the application, because the limits for the applicants were placed high, whereby violating the applicant's right to respect for private life.

As a consequence of the judgment of the Grand Chamber, the domestic authorities concluded that the decision on the right of convicts to artificial fertilization should still be entrusted to the Secretary of State, but in the meantime, it was decided that obtaining a permission would not be limited to exceptional circumstances only, whereby all factors would be taken into account equally. The following factors were mentioned: the child's welfare; wishes, consent and health status of both parties; the reasonableness of any delay, as well as considering the date of release of the convicted individual from prison, taking into account their ability to assume parental responsibility; data about the prisoner, including the risk of injury and other circumstances that may be an indicator that allowing the option of artificial fertilization was not in the public interest; the stability of the relationship between the prisoner and their partner and the degree of likelihood of continuation of the relationship after leaving the penitentiary institution and whether artificial fertilization was the only way the conception was likely to occur (Parliament, 2024).

After a review of the above mentioned factors, human rights activists expressed scepticism that most of them were based on public interest arguments, which the Grand Chamber considered would be illegitimate or unjustified if applied too widely. At the same time, a potential refusal of a female convict to become pregnant through artificial fertilization implied stating a clear and legitimate public interest that justified the rejection of that specific request, whereby it was unacceptable that the rejection was solely based on reasons such as the length of the individual prisoner's sentence, the type of criminal act committed or whether the relationship with the other parent is solid enough (Parliament, 2024).

Conclusion

Based on the above mentioned, it can be deducted that a female convict is not be able to realize her right to progeny if there is no chance for her to remain pregnant naturally. The Republic of Serbia, wanting to increase the number of newborns, has adopted the adequate normative framework. However, since the woman sentenced to prison is serving her sentence in the CI for women in Požarevac, where her rights are regulated by the LECS, per the provisions of which she is not entitled to BSF, it is clear that a precedent would be created if a convicted woman decided to use the right to BSF like other free women. We are of the opinion that in that case the state, guided by the relevant practice of the Court, would have to enable her to use her right to BSF.

Therefore, we conclude that the Republic of Serbia would have to allow a female prisoner to use her right to BSF, although we think that numerous difficulties and obstacles would present themselves in the realisation of that right. This leads us to the conclusion that it is necessary to work with the relevant service within the penitentiary institution in order to enable female convicts to exercise their right to BSF. On the other hand, abuse of this right could be expected, because a female convict who becomes pregnant and gives birth to a child would enjoy privileges in line with the existing normatives.

In addition to the analysed hypothetical situation, other situations that would produce similar or different legal consequences are also possible. In practice, there have been cases where convicts demand that their wives become pregnant through biomedically assisted fertilization. In this regard, the judgment of the US Federal Court in *Gerber v. Hickman* (291 F.3d 617 (9th Cir. 2002)) should be mentioned, in which a prisoner's right to procreation through artificial fertilization was decided. That particular case raised the question of whether a prisoner serving a life sentence without the possibility of parole has a constitutional right to obtain a sample of his sperm so that he can impregnate his wife through artificial fertilization. The court ruled with a negative judgment, justifying that the right to

procreation is not absolute (Walgenbach, 2002). Even though the judgment caused a lot of (un)justified controversy, such as the extent of the state's intervention in restricting the right to parenthood, having the influence on the spouses of prisoners, discrimination, the establishment of a balance between penological goals and human rights, we believe that the circumstances will bring about other situations where the court will have to deliberate through the prism of BSF rights. It is rightfully expected that similar questions will be raised in many countries in the world, whereby the decisions taken in the above mentioned judgments can serve as an indicator of the decision to be taken.


References

- Dickson v United Kingdom*, app. no. 44362/04.
- Krivični zakonik [Criminal Code], Official Gazette of the RS, Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/201.
- Krstić, N., & Vasić, A. (2022). The problem of negative natural increase in the Balkan countries – with special reference to measures to encourage the birth of children in the Republic of Serbia. In *Ohrid school of law – 2021. The role and significance of the codification of the law in contemporary legislations: Proceedings of the 8th International Scientific Conference, 12–15 May 2022* (p. 112). Institute for Legal-Economic Research and Education Iuridica Prima.
- Pravilnik o kućnom redu kazneno-popravnih zavoda i okružnih zatvora [Rulebook on House Rules of Penal Correctional Institutions and District Prisons], Official Gazette of the RS, Nos. 72/2010 and 6/2012.
- Walgenbach, L. (2002). Artificial Insemination behind Bars: The Boundaries of Due Process. *Loyola of Los Angeles Law Review*, 36, 1357.
- Zakon o biomedicinski potpomognutoj oplodnji [Law on Biomedically Assisted Fertilization], Sl. glasnik RS, br. 40/2017 i 113/2017 - dr. zakon.
- Zakon o izvršenju krivičnih sankcija [Law on Execution of Criminal Sanctions], Official Gazette of the RS, Nos. 55/14 and 35/19.

Web Pages

- <https://publications.parliament.uk/pa/jt200708/jtselect/jtrights/173/17307.htm>, accessed on January 30, 2024
- <https://www.danas.rs/vesti/drustvo/osudjenice-sa-decom-obezbedjene-od-pelena-dodupka/>, accessed on January 21, 2024
- <https://www.rfzo.rs/download/vto/Podaci%20ZU%20za%20BMPO.pdf>, accessed on January 25, 2024
- <https://www.sanitasklinik.com/sta-su-specijalisticki-lekarski-pregledi.php>, accessed on January 25, 2024

The Treatment Needs of Sexual Offenders in Prisons*

Boro Merdović¹  and Jelena Marinković² 

Sexual crimes have a disturbing effect on society, because in addition to their seriousness, they often leave lasting physical, psychological and emotional consequences on the victims. They also cause strong social condemnation because they directly attack basic human values, such as human freedom, dignity and security. In addition to the numerous consequences felt by the victim itself, sexual offenses also cause anxiety, fear and insecurity among the public, under whose pressure strict punishment of sex offenders is demanded. In addition to the punishment itself, little attention is paid to the treatment and needs of criminals in the institutions where they serve the sanction. The goal of this paper is to point out certain solutions and treatment programs that have given positive results in penitentiary institutions around the world, as well as the need for specialization of treatment that is lacking in our penal institutions. Through a review of the existing domestic and foreign scientific literature, using quantitative and qualitative content analysis, comparative analysis and comparative and historical methods, we would like to point out the research results that in this area have influenced the reduction of recidivism in sexual offenses. The results of the research point to the need for specialization in the treatment of sex offenders in penal institutions, which would primarily reduce the rate of recidivism, but also improve resocialization after leaving the institution.

KEYWORDS: sex offenders / treatment / prison / pedophilia / resocialization

* This is an invited paper presented by Boro Merdović at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Merdović, B., & Marinković, J. (2024). The Treatment Needs of Sexual Offenders in Prisons. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 339–349). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.43>

¹ Ministry of Internal Affairs of the Republic of Serbia, Belgrade Police Directorate, Republic of Serbia; <https://orcid.org/0000-0002-6619-5934>

² University Business Academy, Faculty of Law for Commerce and Judiciary, Republic of Serbia; <https://orcid.org/0009-0003-6822-6196>

Correspondence: Boro Merdović. Email: bora.merdovic@gmail.com

Introductory Considerations

Research on sexual offenses is mainly focused on the population of convicted individuals who have already exhibited this behavior, which significantly complicates the identification of risk factors in potential or unidentified offenders. The limited data available make predicting sexual offenses and generalizing research results a challenging task. Sexual offenses are all behaviors that violate an individual's sexual freedom. The consequences of sexual abuse are not only immediate but long-term and leave deep traumas on the victim that last throughout their life and are manifested through health, emotional, social, psychological and other problems related to the victim's daily communication (Merdović, 2020, p.70). The consequences are not only felt by the victim, but they are also evident in the offender (personality, development, socialization) as well as in the wider social environment (public disturbance, economic consequences of the treatment).

Among sex offenders, special attention is paid to the study of pedophilia as a special crime whose victims are children. The consequences of pedophilia on children are devastating for their personality, growth, development and social inclusion. Among the most frequently identified predictors of pedophile disorder, sexual deviance, which is reflected in inappropriate sexual tendencies, and antisocial personality orientation, characterized by a lack of empathy, impulsivity and a tendency to violate social norms, stand out. In certain cases, sexual offenses are seen as a maladaptive way of coping with stress, often fueled by poor self-control. These factors not only contribute to the development of criminal behavior, but are often associated with cognitive disorders, which are comorbid with pedophilia and further complicate its clinical profile (Hanson & Morton-Bourgon, 2005). Pedophiles experience sexual desires and fantasies involving minors. This sexual interest in minors (attention, arousal, sexual behavior, and romantic desire) is stable over time, persistent, and difficult to modify (Campo-Arias & Herazo, 2018; Seto, 2017). These preferences can occur exclusively (towards only minors) or non-exclusively (towards both minors and adults), with exclusivity being more associated with recidivism (McPhail et al., 2018). In addition to pedophilia and classic crimes (rape, illicit sexual acts), one of the paraphilias that should also be taken into consideration is zoophilia. Zoophilia is a serious disorder characterized by a kind of psychopathic behavior that leads to criminalized treatment of animals and has legal implications in many jurisdictions, due to animal abuse and crimes against nature (Bjelajac et al., 2023, p.161). It is often associated with other sexual crimes and requires the attention of theorists and practitioners.

Sexual delinquency is the subject of research in many different scientific disciplines, mostly psychology, psychiatry and criminology (Moen, 2015) and requires a multidisciplinary approach in diagnosis, treatment and prevention. The central implication, when we talk about sexual delinquency and the prevention of sexual offenses, should not be based solely on the mere satisfaction of justice, the

reduction of public anger and disgust, but on the minimization of harm, both to the victim and to the perpetrator. We deal with the latter very little in domestic criminal legislation, and even less in terms of serving the long-term prison sentences to which sex offenders are sentenced.

A particularly sensitive category in prison conditions are pedophiles. With the exception of group therapy treatments, there is almost no individualization in treatment. As in most other European countries, special group treatment programs are one of the main means of achieving social reintegration of prisoners in Serbian prisons. In some countries, there are specialized programs for sex offenders, whether the victims are adults or children and minors. Most programs are aimed at assessing the risk of recidivism and preventing reoffending. Researchers and theorists strive to create different risk assessment instruments.

Recidivism Risk Assessment

Although risk assessment tools have undergone significant development over recent years to capture the needs (Andrews & Bonta, 2010) and factors influencing risk management (Costanzo & Krauss, 2010), researchers are still striving to find additional measures that would make it possible to more precisely predict recidivism in general, and in particular the re-commission of sexual offenses (Duwe & Freske, 2012). Most scales and instruments are aimed at assessing the risk of recidivism for all types of criminal behavior. In institutions for the enforcement of criminal sanctions in Serbia, the Regulation on the Treatment, Program of Action, Classification, and Reclassification of Convicted Persons (Official Gazette of the Republic of Serbia, 2015) is applied, regulating the treatment and programs of action for convicts. The treatment program is determined depending on the risk assessment, capacity and needs of the convicted person. The risk assessment is carried out on the basis of the questionnaire for those sentenced to imprisonment for up to three years and the questionnaire for those sentenced to prison for more than three years (Art. 8). As we can see, there are no specialized programs or special programs aimed at certain groups of criminals or individually adapted to the personality of prisoners. Recently, instruments have appeared in foreign literature that are aimed specifically at sex offenders. One such is the Violence Risk Scale: Sexual Offenders – VRS:SO (Baldwin, 2015). Also, one of the instruments is the Level of Service Inventory – Revised (LSI-R) which is used to assess the characteristics of offenders relevant for making decisions about the levels of supervision and treatment. LSI-R has been acknowledged as a feasible assessment for sex offenders and it may significantly improve the ability to predict general and violent (including sexual) recidivism (Ragusa-Salerno et al., 2013). A few more risk assessment instruments that can be found in the literature are the Rapid Risk Assessment for Sexual Offenders [RRASOR] (Hanson & Thornton, 2003), the Sex Offender Need

Assessment Rating [SONAR] (Hanson & Harris, 2000), the Level of Service Inventory – Revised [LSI-R] (Andrews & Bonta, 2003), the Violence Risk Appraisal Guide [VRAG] (Quinsey et al., 1998), and the Minnesota Sex Offender Screening Tool – 3 [MnSOST-3] (Duwe & Freske, 2012). Each of them has its shortcomings as well, and there is no general agreement on the application of a specific instrument that would help assess sex offenders in prison and predict their further behavior. There is widespread agreement that most risk assessment instruments mentioned above, as well as the treatments developed based on them, effectively reduce recidivism.

Characteristics of Sex Offenders

Understanding the characteristics of sex offenders is crucial both for comprehending this deeply concerning behavioral disorder and for effectively implementing policies targeting high-risk individuals. According to some studies, the prevalence of sex offenders ranges from 1–2%, while the recidivism rate after five years is in the range of 10–15% (Harris et al., 2003). The two most significant factors influencing the re-offending of sexual offenses are deviant sexual interests and antisocial orientation. Both factors subsume individual and social factors (Roberts et al., 2002). Deviant sexual interests refer to persistent attraction to sexual acts that are illegal (pedophilia, rape) or highly unusual (paraphilia). Although all sexual offenses are socially unacceptable, perpetrators of these offenses do not necessarily have permanent preferences for such behavior (Hudson & Ward, 1997). Antisocial orientation refers to antisocial personality, antisocial traits (impulsivity, substance abuse, unemployment), and a history of criminal behavior (Gottfredson & Hirschi, 1990).

In order to be able to implement adequate treatments for sex offenders, we must determine, recognize and state some of their basic characteristics that will help in creating adequate therapeutic techniques and creating the most effective treatments. The majority of research on sexual offenders has focused on pedophilia, regarded as the most common form of sexual offense with the most severe consequences, given that the victims are children. Research in this area is complicated by the causes of the disorder itself, because although there is evidence that pedophilia has its roots in families, it is still not clear whether it stems from genetics or a model of learned behavior. According to the results of research on pedophile sex offenders, one of the dominant and obvious risk factors are sexual fantasies about minors (Rossegger et al., 2021), which is why treatment should focus on eliminating these urges. One of the characteristics of pedophiles is low self-esteem, which is most often cited as a risk factor for committing sexual offenses again (Echeburúa & Guerricaechevarría, 2021). The cause of low self-esteem is most often a feeling of shame due to preference towards children and minors or as a direct consequence of a crime committed (Woodyatt & Wenzel,

2013). As a consequence of low self-esteem, pedophiles often have suicidal ideas (Silva et al., 2017), but also feelings of misunderstanding, hopelessness and alienation. Another noticeable characteristic of sex offenders is to deny or minimize their own responsibility by shifting the blame onto the victim. Due to problems with social skills and the inability to establish adequate social interaction with adults, pedophiles feel more comfortable in the company of minors and children and seek intensive contact with them (Herrero & Negredo, 2016). The genesis of sexual abuse is often cited as one of the dominant factors influencing the manifestation of sexual offenses (Seto & Lalumiere, 2010). Sexual trauma in childhood, although it does not inevitably lead to sexual offenses (Herrero et al., 2021), can be a significant risk factor for sexual abuse of minors in adulthood. Often cited bio-psychological factors that influence the manifestation of sexual offenses are psychiatric comorbid conditions such as mood disorders (60–80%), anxiety disorders (50–60%), addiction disorders (50–60%), personality disorders (70–80%), but also other disorders of sexual orientation (50–70%) (Fagan et al., 2002; Raymond et al., 1999).

Through the example we will cite (Riberas-Gutiérrez et al., 2024) one can see a very complex case of a sex offender who prefers children, which contains most of the characteristics we have listed above. It is about a 51-year-old man who is serving a prison sentence for pedophilia. During the conversation with the therapist and the conducted risk assessment, he demonstrated a low score on the self-esteem scale, expressed suicidal thoughts, described the abuse of minors as an "act of love", and downplayed the harm caused to the victim as "little". He describes himself as lonely and grumpy, he does not want to have friends, in prison he has poor communication with other prisoners, while before prison he socialized with people who have similar preferences towards children. His pedophilic interest was high, as well as the possible risk of relapse, he preferred boys, he showed concern and ignorance about his sexual preferences, but he still expressed a desire to live in a country where his behavior is normal and acceptable. He stated that at the age of seven he experienced sexual abuse and that at the age of 21 he had the only sexual experience with a woman. He provides details of his zoophilic experiences, explaining them in a manner similar to his experiences with children. He had four crimes that he explains as an act of love, and he shifts the responsibility for what happened to the victim.

Types of Treatment and Need for Individualization

The treatment of offenders in prison settings varies, with different approaches depending on the country in which they are implemented. In international practice, the dominant treatment approach is psychotherapy and cognitive-behavioral treatment. However, by combining different methods of therapy, pharmacological medications are also included (Bjelajac et al., 2020). Today, there is a large

number of treatment programs for sex offenders that are aimed at behavior modification, harm reduction, risk assessment, medical intervention, reducing the risk of recidivism and for the implementation of which the consent of the convicted person is necessary (Jovanić & Žunić-Pavlović, 2017). It should also be noted that due to the degrading impact on victims, causing social anxiety and indignation due to crimes that violate the most private and intimate aspects of human relationships, sex offenders have long been exposed to measures that primarily relied on physical punishment. One of such measures are extreme pharmacological interventions, such as chemical castration, which was often used as a means of suppressing the sexual drive, with the aim of preventing further transgressions. In the United States, surgical and chemical castration is permitted for certain sexual offenses in only certain states, and those states differ significantly in financial obligations, the method of castration, and whether castration is discreet, mandatory, or voluntary (Scott & Holmberg, 2003).

However, in most countries, the treatments that are implemented in prison conditions are group treatments with special sensitivity to the needs of prisoners and their intellectual, psychological and physical capacities. Such treatments are certainly beneficial, given that they are based on risk assessments and examination of the genesis of criminal behavior. Their goal is behavior correction, prevention of recidivism, rehabilitation and resocialization. Which treatments produce the best results is an ongoing debate in scientific circles. The discussion is complicated by many factors that can influence the empirical findings of evaluations, for example, different types of crimes, groups of offenders, comorbidities, treatment content, quality of implementation, evaluation design, outcome criteria, legislation and institutional context (Lösel et al., 2020). Some programs targeting pedophilia are designed to encourage individuals with sexual preferences for children to seek help by reporting to counseling centers for the necessary support. Other programs are aimed at the post-penal period after serving the sentence and leaving the penal institution in order to prevent recidivism (Bjelajac et al., 2020).

The wider prison environment plays a key role in the success or failure of therapeutic interventions, particularly for sex offenders. This population often suffers multiple stigmas, which place them in lower positions in the prison hierarchy. Therefore, they are often exposed to daily hostility, anxiety and social isolation, which further complicates their inclusion in treatments and reduces the effectiveness of interventions (Schwabe, 2005). Environmental support, tailored strategies and a safe therapeutic environment are essential to achieve lasting change and rehabilitation.

Therapeutic work in correctional institutions should focus on addressing the specific factors directly related to the nature of sex offenders' criminal behavior. The key is to identify and treat the risks that contribute to their behavior, in order to reduce the possibility of repeat crimes. In prisoners with pedophilic tendencies,

sexual fantasies often become a central focus and require intensive attention during therapy. This challenge highlights the need to rethink the practice of group treatment, which combines sex offenders with other prisoners. Social stigma and possible judgments from other group members can make it difficult to honestly express and work on key issues (Jahnke & Hoyer, 2013). Specialized therapeutic groups or individual treatments intended for people with these tendencies could provide a safer environment for the therapeutic process. However, one should carefully consider the possibility that group dynamics within such specialized groups do not contribute to the mutual confirmation of inappropriate preferences, which could increase the risk of sexual aggression (Riberas-Gutiérrez et al., 2024).

An example of one of the treatments applied in Spanish prisons that is specialized for sex offenders is the *Sexual Assault Control Program* (PCAS). This program aims to control behavior related to the committed crime, develop empathy for victims, prevent reoffending, correct cognitive distortions, and regulate sexual drive (Rivera et al., 2005). Analyzes conducted to assess the effects of the program indicated a significant reduction in the rate of recidivism among its participants (Martínez Catena, 2016). The program is notable for its holistic approach, integrating cognitive-behavioral techniques with targeted interventions designed to alter risky behavior patterns.

The low self-esteem of sex offenders, which we talked about, requires targeted treatment measures (searching for the origin of low self-esteem, reexamining biased thoughts in relation to negative self-evaluations) (Knack et al., 2019) which will also contribute to reducing feelings of loneliness and empathy. Therefore, it seems necessary to include a part of psychoeducation about sexual offenses in the therapeutic intervention, which is a fundamental point of international therapies such as *The Berlin Dissexuality Therapy Program* (BEDIT) (Beier, 2021).

In our literature, the treatment of pedophiles as sex offenders is most often discussed. To more effectively combat pedophilia, a special legal act, part of the Law on Special Measures for the Prevention of Criminal Offenses Against Sexual Freedom of Minors, known as "Marija's Law", was adopted (Official Gazette of RS, 2013). This Law foresees special measures against perpetrators of sexual crimes whose victims are children and child pornography. The law provides for the mandatory maintenance of a register of pedophiles, and also provides for special measures to be taken against convicted criminals. Without going into the core of the law in this paper, it should be noted that the law itself does not prescribe therapeutic measures, but only obligations that must be fulfilled. According to the data of the Ministry of Justice, the Administration for the Execution of Criminal Sanctions from 2020, there is no precise record of treatment measures, gender, age and number of relapses. The lack of such data and their unavailability make it difficult to carry out valid and useful research, and therefore the creation of quality treatment for offenders (Bjelajac et al., 2020). In prisons in Serbia, various programs are implemented for individuals addicted to psychoactive substances or

those convicted of violent crimes, yet none of these institutions have a standardized, specialized program for the treatment of sex offenders. (Radojković & Petković, 2017).

Conclusion

The paper emphasizes the importance and results of the application of individualized treatments for sex offenders at the global level. The analysis of risk assessment tools indicates that by examining personal characteristics, the causes of criminal behavior, experiences of early sexual victimization, and social conditions of life and upbringing, future criminal behavior can be predicted. These assessments facilitate the development of targeted programs for the prevention, resocialization, and rehabilitation of sex offenders, particularly within the prison population. Moreover, such programs can make a significant contribution to the broader prevention of sexual offenses, especially pedophilia.

The presentation of the case of a convicted sex offender indicates all aspects that need to be taken into account when designing individual treatments. The results of research conducted around the world confirm that the individualization of treatment within the prison system contributes to reducing the rate of recidivism. Although group therapy programs, especially cognitive-behavioral ones, have a positive effect on resocialization, it is considered that they are not effective enough for this specific population. Precise application of risk assessment instruments would allow therapists to develop customized programs that fit the individual needs of each offender. Although the challenges are great, such as the large prison population and the lack of professional staff in educational and correctional services, additional efforts are needed to make individualization a central part of therapeutic programs.

Solving this complex problem requires a multidisciplinary approach, which involves engaging experts of various profiles and relying on the results of scientific research that have proven their effectiveness in the treatment of sex offenders. The key responsibility of the state and society is to provide the necessary resources and continuous support for the creation and implementation of treatment, with the primary goals of reducing recidivism and successful resocialization of this population.

References

- Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, 16(1), 39. <https://doi.org/10.1037/a0018362>
- Baldwin, E. (2015). Sex offender risk assessment. In E. Holder, V. Karol, & L. DeBaca (Eds.), *Offender Management Assessment and Planning Initiative* (pp. 111–123). U.S. Department of Justice, Office of Justice Programs.
- Beier, K. M. (2021). *Pedophilia, hebephilia and sexual offending against children: The Berlin dissexuality therapy (BEDIT)*. Springer. https://doi.org/10.1007/978-3-030-61262-7_5
- Bjelajac, Ž., Merdović, B., & Filipović, A. M. (2023). Internet in the function of promotion of bestiality: Profiling zoophiles. *International Journal of Cognitive Research in Science, Engineering and Education (IJCRSEE)*, 11(1), 153–164. <https://doi.org/10.23947/2334-8496-2023-11-1-153-164>
- Bjelajac, Ž., Merdović, B., & Banović, B. (2020). Paedophilia: Prevalence, situation, and perspectives of treatment. *NBP. Nauka, bezbednosti, policija*, 25(3), 17–29. <https://doi.org/10.5937/nabepo25-28362>
- Campo-Arias, A., & Herazo, E. (2018). Innovations, reviews, and proposals on the DSM-5: The case of sexual dysfunctions, gender dysphoria, and paraphilic disorders. *Revista Colombiana de Psiquiatría (English ed.)*, 47(1), 56–64. <https://doi.org/10.1016/j.rcp.2016.08.008>
- Costanzo, M., & Krauss, D. (2010). *Forensic and legal psychology*. Macmillan.
- Duwe, G., & Freske, P. J. (2012). Using logistic regression modeling to predict sexual recidivism: The Minnesota Sex Offender Screening Tool-3 (MnSOST-3). *Sexual Abuse: Journal of Research and Treatment*, 24(4), 350–377. <https://doi.org/10.1177/1079063211429470>
- Echeburúa, E., & Guerricaechevarría, C. (2021). *Abuso sexual en la infancia. Nuevas perspectivas clínicas y forenses* [Sexual abuse in childhood. New clinical and forensic perspectives]. Ariel.
- Fagan, P. J., Wise, T. N., Schmidt Jr, C. W., & Berlin, F. S. (2002). Pedophilia. *JAMA*, 288(19), 2458–2465. <https://doi.org/10.1001/jama.288.19.2458>
- Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford University Press.
- Hanson, R. K., & Morton-Bourgon, K. E. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology*, 73(6), 1154–1163. <https://doi.org/10.1037/0022-006X.73.6.1154>
- Hanson, R. K., & Harris, A. J. R. (2000). *The Sex Offender Need Assessment Rating (SONAR): A method for measuring change in risk levels*. Solicitor General Canada.
- Hanson, R. K., & Thornton, D. (2003). *Notes on the development of Static-2002: 2003-01*. Public Works and Government Services Canada.
- Harris, G. T., Rice, M. E., Quinsey, V. L., Lalumière, M. L., Boer, D., & Lang, C. (2003). A multisite comparison of actuarial risk instruments for sex offenders. *Psychological Assessment*, 15(3), 413–425. <https://doi.org/10.1037/1040-3590.15.3.413>
- Herrero, Ó., & Negredo, L. (2016). Evaluación del interés sexual hacia menores [Assessment of sexual interest towards minors]. *Anuario de Psicología Jurídica*, 26(1), 30–40. <https://doi.org/10.1016/j.apj.2016.04.007>

- Herrero, Ó., Pérez, M., & Negredo, L. (2021). Experiencias abusivas en la infancia de delinquentes sexuales con víctimas menores de edad: Implicaciones para la intervención [Childhood abusive experiences of sex offenders with underage victims: Implications for intervention]. Retrieved from <https://repositorio.comillas.edu/xmlui/handle/11531/54057>
- Hudson, S. M., & Ward, T. (1997). Rape: Psychopathology and theory. In D. R. Laws & W. T. O'Donohue (Eds.), *Sexual deviance: Theory, assessment, and treatment* (pp. 332–355). The Guilford Press. <https://psycnet.apa.org/record/1997-36414-017>
- Jahnke, S., & Hoyer, J. (2013). Stigmatization of people with pedophilia: A blind spot in stigma research. *International Journal of Sexual Health*, 25(3), 169–184. <https://doi.org/10.1080/19317611.2013.795921>
- Jovanić, G., & Žunić-Pavlović, V. (2017). Tretman seksualnih delinkvenata u zatvoru [Treatment of sex offenders in prison]. In *Zbornik rezimea – Međunarodna stručno-naučna konferencija „Dani defektologa Srbije”*, Novi Sad, 09–12. februar 2017 (p. 74). Društvo defektologa Srbije. https://hdl.handle.net/21.15107/rcub_rfasper_2782
- Knack, N., Winder, B., Murphy, L., & Fedoroff, J. P. (2019). Primary and secondary prevention of child sexual abuse. *International Review of Psychiatry*, 31(2), 181–194. <https://doi.org/10.1080/09540261.2018.1541872>
- Lösel, F., Link, E., Schmucker, M., Bender, D., Breuer, M., Carl, L., ... & Lauchs, L. (2020). On the effectiveness of sexual offender treatment in prisons: A comparison of two different evaluation designs in routine practice. *Sexual Abuse*, 32(4), 452–475. <https://doi.org/10.1177/1079063219871576>
- Martínez Catena, A. (2016). *Cambio terapéutico y eficacia del tratamiento psicológico de los agresores sexuales [Therapeutic change and efficacy of psychological treatment of sex offenders]* [Doctoral thesis, Universitat de Barcelona]. <http://hdl.handle.net/10803/399174>
- McPhail, I. V., Olver, M. E., Brouillette-Alarie, S., & Looman, J. (2018). Taxometric analysis of the latent structure of pedophilic interest. *Archives of Sexual Behavior*, 47(8), 2223–2240. <https://doi.org/10.1007/s10508-018-1225-4>
- Merdović, B. (2020). Prevention of child sexual abuse: Parental and social involvement. *Kultura polisa*, 17(1), 69–90. Retrieved from <https://kpolisa.com/index.php/kp/article/view/257>
- Moen, O. M. (2015). The ethics of pedophilia. *Etikk i Praksis - Nordic Journal of Applied Ethics*, 9(1), 111–124. <https://doi.org/10.5324/eip.v9i1.1718>
- Pravilnik o tretmanu, programu postupanja, razvrstavanju i naknadnom razvrstavanju osuđenih lica [Regulations on the treatment, treatment program, classification, and subsequent classification of convicted persons]. (2010). *Službeni glasnik Republike Srbije*, 72/2010. http://demo.paragraf.rs/demo/combined/Old/t/2010_10/t10_0125.htm
- Quinsey, V. L., Harris, G. T., Rice, M. E., & Cormier, C. A. (1998). *Violent offenders: Appraising and managing risk*. American Psychological Association.
- Radojković, Z., & Petković, N. (2017). Potrebe i mogućnosti tretmana učinilaca krivičnih dela protiv polnih sloboda [Needs and possibilities of sexual offenders treatment]. *Beogradska defektološka škola*, 23(2), 71–90.
- Ragusa-Salerno, L. M., Ostermann, M., & Thomas, S. S. (2013). Does the LSI-R have utility for sex offenders? *Criminal Justice and Behavior*, 40(9), 952–969. <https://doi.org/10.1177/0093854813481667>

- Raymond, N. C., Coleman, E., Ohlerking, F., Christenson, G. A., & Miner, M. (1999). Psychiatric comorbidity in pedophilic sex offenders. *American Journal of Psychiatry*, 156(5), 786–788. <https://doi.org/10.1176/ajp.156.5.786>
- Riberas-Gutiérrez, M., Ursúa, M. P., & Bueno-Guerra, N. (2024). Intervention needs in prison with pedophile inmates. *Papeles del Psicólogo*, 45(1), 11–18. <https://doi.org/10.23923/pap.psicol.3027>
- Rivera, G., Romero, M. C., Labrador, M. A., & Serrano, J. (2005). *El control de la agresión sexual: Programa de intervención en el medio penitenciario: un programa de tratamiento para delincuentes sexuales en prisión: Manual del terapeuta* [The control of sexual aggression: Intervention program in the penitentiary environment: A treatment program for sex offenders in prison: Therapist's manual]. Secretaría General de Instituciones Penitenciarias, Ministerio del Interior [General Secretariat of Penitentiary Institutions, Ministry of the Interior].
- Roberts, C. F., Doren, D. M., & Thornton, D. (2002). Dimensions associated with assessments of sex offender recidivism risk. *Criminal Justice and Behavior*, 29(5), 569–589. <https://doi.org/10.1177/009385402236733>
- Rossegger, A., Bartels, R. M., Endrass, J., Borchard, B., & Singh, J. P. (2021). High risk sexual fantasies and sexual offending: An overview of fundamentals and interventions. *Sexual Offending: Theory, Research, and Prevention*, 16, 1–16. <https://doi.org/10.5964/sotrap.5291>
- Schwabe, C. (2005). Learning to pass: Sex offenders' strategies for establishing a viable identity in the prison general population. *International Journal of Offender Therapy and Comparative Criminology*, 49(6), 614–625. <https://doi.org/10.1177/0306624X05275829>
- Scott, C. L., & Holmberg, T. (2003). Castration of sex offenders: Prisoners' rights versus public safety. *Journal of the American Academy of Psychiatry and the Law Online*, 31(4), 502–509.
- Seto, M. C. (2017). The puzzle of male chronophilias. *Archives of Sexual Behavior*, 46(1), 3–22. <https://doi.org/10.1007/s10508-016-0799-y>
- Seto, M. C., & Lalumière, M. L. (2010). What is so special about male adolescent sexual offending? A review and test of explanations through meta-analysis. *Psychological Bulletin*, 136(4), 526–575. <https://doi.org/10.1037/a0019700>
- Silva, D., Vicente, B., Arévalo, E., Dapelo, R., & Soto, C. (2017). Intento de suicidio y factores de riesgo en una muestra de adolescentes escolarizados de Chile [Suicide attempt and risk factors in a sample of adolescents in school in Chile]. *Revista de Psicopatología y Psicología Clínica*, 22(1), 33–42. <https://revistas.uned.es/index.php/RPPC/article/view/16170>
- Woodyatt, L., & Wenzel, M. (2013). Self-forgiveness and restoration of an offender following an interpersonal transgression. *Journal of Social and Clinical Psychology*, 32(2), 225–259. <http://pascal-francis.inist.fr/vibad/index.php?action=getRecordDetail&idt=27058575>
- Zakon o posebnim merama za sprečavanje vršenja krivičnih dela protiv polne slobode prema maloletnim licima [Law on special measures for the prevention of criminal offenses against sexual freedom against minors]. (2013). *Službeni glasnik Republike Srbije*, 32/2013. http://demo.paragraf.rs/demo/combined/Old/t/t2013_04/t04_0165.htm

Preparatory Phase in the Institutional Treatment of Delinquents with Pronounced Psychopathic Traits According to the Caldwell's Decompression Model*

Sofija Dovijanić¹  and Marija Maljković² 

Despite widespread view among experts that “nothing works” in the treatment of individuals with psychopathic profiles, long-term, intensive treatment based on the Decompression Model by Caldwell and colleagues has shown positive outcomes even in delinquents with pronounced psychopathic traits. The Decompression Model is a cognitive-behavioural programme targeting the socio-behavioural aspects of psychopathy. This paper presents an overview of the preparatory phase of this programme, as well as an analysis of its contribution to the overall treatment effectiveness. The preparatory phase of decompression focuses on reducing antagonistic exchanges between adolescents and staff, paving the way for more constructive interactions. During this process, professionals attempt to improve role dynamics within the collective and break the pattern of defiant behaviour, which is sometimes a consequence of persistent punitive experiences within this population. There are indications that the preparatory phase significantly contributes to the effectiveness of the Decompression Model, and that it seems reasonable to implement it in working with especially aggressive and disruptive delinquents who have shown resistance to standard treatment forms. Although there are systematic barriers to the full implementation of the preparatory phase in local institutions, one of the elements that can be used is orienting the initial intervention programme towards reducing resistance to treatment and fostering a collaborative relationship with the offenders.

KEYWORDS: Decompression Model / institutional treatment / delinquency / psychopathy / adolescents

* This is an invited paper presented by Sofija Dovijanić at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Dovijanić, S., & Maljković, M. (2024). Preparatory Phase in the Institutional Treatment of Delinquents with Pronounced Psychopathic Traits According to the Caldwell's Decompression Model. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 351–358). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.39>

¹ University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0009-0007-4686-070X>

² University of Belgrade – Faculty of Special Education and Rehabilitation, Serbia
<https://orcid.org/0000-0003-1003-3490>

Correspondence: Sofija Dovijanić, Faculty of Special Education and Rehabilitation, Visokog Stevana 2, 11158 Belgrade, Srbija. Email: sdovijanic52@gmail.com

Introduction

Delinquents who score highly on instruments assessing psychopathic traits typically exhibit an elevated level and frequency of delinquent behaviour, an earlier onset of such behaviour, and greater stability into adulthood (Allen et al., 2024; Farrington & West, 1993; Radulović, 2006; Vitacco et al., 2010). Evaluative studies show the ineffectiveness of standard resocialisation practices, with even counterproductive outcomes to the set goals of the treatment. In other words, after undergoing standard forms of treatment, recidivism rates may actually increase (Chakhssi et al., 2010; Radulović, 2012; Salekin et al., 2004). However, this is the case when the treatment programme is insufficiently adapted to the adolescent age group or the specific socio-psychological characteristics of delinquents with pronounced psychopathic traits (Caldwell, Skeem et al., 2006). In any case, the results of numerous studies consistently indicate that this category of offenders exhibits above-average aggression and disruptive behaviour within institutions, as well as low level of cooperation during institutional treatment. This results in slower progress in treatment and higher rates of dropout or expulsion from treatment programmes (Caldwell et al., 2007; O'Neill, 2003; Spain et al., 2004; Wilkinson et al., 2016). Nevertheless, there are indications that specialised treatment programmes targeting the behavioural aspects of psychopathy can yield positive outcomes in adolescent populations (Caldwell & Van Rybroek, 2001; Rogers et al., 2004; Spain et al., 2004), and there is some evidence suggesting that even interventions focused on affective-interpersonal functioning (Ribeiro da Silva et al., 2021; Salekin et al., 2012) can reduce the risk of recidivism. A systematic review encompassing 30 studies on the outcomes of institutional treatment for violent delinquents (Genovés et al., 2006) found an average reduction of 7% in recidivism rates, with a small effect size. The most successful results were achieved by cognitive-behavioural programmes, with Caldwell and colleagues' programme singled out as the most effective (Caldwell & Van Rybroek, 2001). These authors developed a high-intensity, relatively long-term institutional treatment programme (averaging 50 weeks) designed to reduce aggressive and disruptive behaviour in the institution, increase cooperation, and decrease recidivism upon release. The programme was developed for adolescents who demonstrated resistance to standard forms of treatment (Caldwell, Skeem et al., 2006).

Decompression Model

The Decompression Model is a comprehensive approach to the treatment of the most serious categories of juvenile offenders, which has demonstrated considerable effectiveness in reducing disruptive behaviour within institutions (Caldwell et al., 2007; 2012) and recidivism upon release (Caldwell, 2011;

Caldwell & Van Rybroek, 2001, 2005; Caldwell, Skeem et al., 2006; Caldwell et al., 2007), as well as in reducing levels of psychopathy (Caldwell et al., 2012). Although this intensive treatment programme requires significant financial and personnel resources, its benefits have been shown to outweigh the costs (Caldwell, Vitacco et al., 2006). The programme includes several components: 1) Preparatory Phase of Decompression; 2) Behavioural Assessment System; 3) “Today-Tomorrow” Behavioural Reward System; 4) Group Work; 5) Individual Work; and 6) Pedagogical and Educational Work. The programme’s implementation is flexible and involves an individualised approach for each offender. In addition to its high intensity and duration, this programme is particularly characteristic by the Preparatory Phase of Decompression.

Preparatory Phase of Decompression

The *Decompression Phase* was developed to address the problem of the excessive use of safety confinement measures within correctional institutions for youths who already exhibit a markedly high level of behavioural problems (Caldwell & Van Rybroek, 2001). More specifically, the aim of this phase is to avoid prolonged exposure of delinquents to retaliatory measures, as this can be linked to the escalation of behaviour and premature dropout from treatment (Aranda-Hughes et al., 2021; Luigi et al., 2020).

Caldwell and his colleagues noted that a significant portion of this population has a well-established system of opposition (Caldwell, Skeem et al., 2006). Drawing on observations of theorists in this field (Sherman, 1993), as well as authors who laid the foundation for the concept of decompression and tested it in another population (Monroe et al., 1988), they concluded that the application of a standard, punitive treatment model can be counterproductive. Therefore, in this phase, the focus is first placed on the dynamics of the roles between the delinquent and the professionals, as well as on their predominantly hostile interactions, which are considered a product of the failure of previous treatment (Caldwell, 1994). The “decompressive withdrawal” of the individual from the cyclical pattern of disruptive behaviour—punishment—disruptive behaviour can reduce the antagonism between the offender and the staff, providing a certain level of behavioural control and cooperativeness, thus paving the way for the main part of the treatment. It is expected that this phase will minimise security concerns, which otherwise dominate interactions in high-security facilities (Caldwell & Van Rybroek, 2001). The other side of this process is the management of countertransference content by professionals, enabling them to make decisions that best address the needs of the offender (Caldwell, 1994). Concurrently with the reduction of resistance, this phase also encourages the gradual increase of social contacts and involvement in conventional interpersonal exchanges, until

integration into the collective of peers and staff is achieved (Caldwell & Van Rybroek, 2001).

The content of the Preparatory Phase shares certain similarities with the motivational interviewing paradigm (Burke et al., 2003) and the Precursors Model of Change (Hannah, 2002). The implementation of this phase in practice requires an individualised approach and considerable time, as dismantling an already established system of opposition is a complex process. In other words, the decompression process is not a structured process with clear, unchanging steps, but is tailored to each individual offender (Caldwell & Van Rybroek, 2005). Often, the first step involves the exclusion of all invasive behaviour control techniques and the initiation of frequent informal contact with the professional. In order for the adolescent to shift his focus to prosocial content, they engage in a 30-minute daily activity of their choice with the professional. After some time spent in joint activities, the professional will propose the signing of a behavioural contract, which initially often involves refraining from violence for 48 hours. The contract is aimed at developing a minimum level of cooperation and is not designed to lead to significant changes in behaviour. If the contract is breached, no punishment is applied. In the case of the most disruptive offender, the decompression process begins by singling them out, while simultaneously introducing brief and frequent conversations with the professional at the entrance to the room. This maintains continuity of interaction, which is a prerequisite for engagement in treatment. If the young person expresses dissatisfaction due to the application of punishment, staff make it clear that it is not their responsibility to address such complaints. This technique of redirecting attention is used because it has been shown that young people with a particularly negative relationship with staff do not benefit from additional lessons about the necessity of taking responsibility for their actions. In such cases, it is essential to continue the intervention as soon as possible (Caldwell & Van Rybroek, 2001).

Decompression triggers general changes in interpersonal functioning, towards more pragmatic behaviour (Caldwell et al., 2007), with staff using various techniques to encourage the shift from an antagonistic relationship to one of better exchange and cooperation, without attempting to form a therapeutic relationship (Caldwell & Van Rybroek, 2001).

Although the authors have not yet assessed the contribution of individual programme elements in reducing disruptive behaviour, they note that, alongside the monitoring and scoring system, the decompression process during the preparatory phase is the most significant component of the treatment (Caldwell et al., 2012).

Possibilities for Implementing the Decompression Element in Institutional Treatment of Delinquents in the Republic of Serbia

Data on the success of the Decompression Model in reducing disruptive behaviour, recidivism, and psychopathic traits suggest the implementation of this programme in institutional treatment of juvenile offenders in our country. However, there are several potential obstacles to the implementation of the initial phase of this programme. Given that the model was developed and evaluated in a clinical setting, and is carried out by clinical rather than correctional staff (Caldwell & Van Rybroek, 2001), the absence of institutions suitable for implementing such a treatment model is evident. Within the existing correctional facilities in Serbia, the removal of retaliatory measures from the repertoire of treatment interventions would significantly disrupt the practice of resocialisation, and the institution's collective would be exposed to increased security risks. Additionally, the delinquent population is heterogeneous, and the implementation of the Decompression Model is indicated only for the most severe categories of offenders, for whom the programme requires separation from other offenders. This also raises the issue of financial support for conducting comprehensive assessments of potential beneficiaries, providing new spaces and materials, or adapting infrastructure, as well as staff training.

Despite the above obstacles, it makes sense to attempt to implement some aspects of the decompression process. Reducing the frequency of punishment and avoiding unjustified punishment, as well as focusing on positive, structured activities tailored to the interests of the offenders, with continuous progress evaluation, appears to be a useful and feasible procedure. Additionally, focus of the professional staff on creating a safe, non-violent environment while practising open communication, and working on their own inadequate perceptions of offenders, could be beneficial. Perhaps the most important element that could be applied in our institutions is the adaptation of the treatment programme so that it is focused from the very beginning on reducing resistance to treatment and encouraging a cooperative, practical relationship between the offender and the professional, before proceeding to the treatment itself.

Conclusion

The Preparatory Phase of decompression stands out as a significant element in the intensive treatment programme for serious juvenile offenders with pronounced psychopathic traits. This concept has introduced into the practice of resocialisation the idea that it is essential to establish internal preconditions before starting the treatment and rehabilitation process, and that the absence of this element in institutional treatment can be linked to the failure of such treatment. Mitigating

the antagonistic attitude towards staff and treatment, as well as fostering internal motivation to redirect towards normative activities, are prerequisites for the quality participation of adolescents in institutional treatment, and components that increase the likelihood of positive outcomes.

Although there are practical limitations to the full implementation of all aspects of the decompression phase in institutions in our country, certain elements of this process can be adapted to the resocialisation practice within the current conditions. A key element is the initiation of structured activities by professional staff aimed at reducing resistance to treatment and building a cooperative relationship with the offender. It is reasonable to expect that this approach will increase the participation rate in treatment and the likelihood of recidivism prevention among juvenile offenders with a long and complex history of antisocial behaviour.


References

- Allen, C. H., Gullapalli, A. R., Milillo, M., Ulrich, D. M., Rodriguez, S. N., Maurer, J. M., Aharoni, E., Anderson, N. E., Harenski, C. L., Vincent, G. M., & Kiehl, K. A. (2024). Psychopathy scores predict recidivism in high-risk youth: A five-year follow-up study. *Research on Child and Adolescent Psychopathology*, 52(7), 1089–1103. <https://doi.org/10.1007/s10802-024-01169-x>
- Aranda-Hughes, V., Mears, D. P., Pesta, G. B., & Brown, J. M. (2021). The contemporary salience of deprivation theory: Prison personnel perceptions of inmates and the pains of solitary confinement. *Crime & Delinquency*, 67(3), 399–430. <https://doi.org/10.1177/0011128720974310>
- Burke, B. L., Arkowitz, H., & Menchola, M. (2003). The efficacy of motivational interviewing: a meta-analysis of controlled clinical trials. *Journal of Consulting and Clinical Psychology*, 71(5), 843. <https://doi.org/10.1037/0022-006X.71.5.843>
- Caldwell, M. F. (1994). Applying social constructionism in the treatment of patients who are intractably aggressive. *Psychiatric Services*, 45(6), 597–600. <https://doi.org/10.1176/ps.45.6.597>
- Caldwell, M. F. (2011). Treatment-related changes in behavioral outcomes of psychopathy facets in adolescent offenders. *Law and Human Behavior*, 35(4), 275–287. <https://doi.org/10.1007/s10979-010-9239-z>
- Caldwell, M. F., & Van Rybroek, G. J. (2001). Efficacy of a decompression treatment model in the clinical management of violent juvenile offenders. *International Journal of Offender Therapy and Comparative Criminology*, 45(4), 469–477. <https://doi.org/10.1177/0306624X01454006>
- Caldwell, M. F., & Van Rybroek, G. J. (2005). Reducing violence in serious juvenile offenders using intensive treatment. *International Journal of Law and Psychiatry*, 28(6), 622–636. <https://doi.org/10.1016/j.ijlp.2004.07.001>
- Caldwell, M. F., McCormick, D. J., Umstead, D., & Van Rybroek, G. J. (2007). Evidence of treatment progress and therapeutic outcomes among adolescents with psychopathic features. *Criminal Justice and Behavior*, 34(5), 573–587. <https://doi.org/10.1177/0093854806297511>

- Caldwell, M. F., McCormick, D., Wolfe, J., & Umstead, D. (2012). Treatment-related changes in psychopathy features and behavior in adolescent offenders. *Criminal Justice and Behavior*, 39(2), 144–155. <https://doi.org/10.1177/0093854811429542>
- Caldwell, M., Skeem, J., Salekin, R., & Van Rybroek, G. (2006). Treatment Response of Adolescent Offenders with Psychopathy Features: A 2-Year Follow-Up. *Criminal Justice and Behavior*, 33(5), 571–596. <https://doi.org/10.1177/0093854806288176>
- Caldwell, M. F., Vitacco, M., & Van Rybroek, G. J. (2006). Are violent delinquents worth treating? A cost-benefit analysis. *Journal of Research in Crime and Delinquency*, 43(2), 148–168. <https://doi.org/10.1177/0022427805280053>
- Chakhssi, F., de Ruiter, C., & Bernstein, D. (2010). Change during forensic treatment in psychopathic versus nonpsychopathic offenders. *Journal of Forensic Psychiatry & Psychology*, 21(5), 660–682. <https://doi.org/10.1080/14789949.2010.483283>
- Farrington, D. P., & West, D. J. (1993). Criminal, penal and life histories of chronic offenders: Risk and protective factors and early identification. *Criminal Behaviour and Mental Health*, 3(4), 492–523. <https://doi.org/10.1002/cbm.1993.3.4.492>
- Genovés, V. G., Morales, L. A., & Sánchez-Meca, J. (2006). What works for serious juvenile offenders? A systematic review. *Psicothema*, 18(3), 611–619. <https://www.redalyc.org/pdf/727/72718343.pdf>
- Hanna, F. J. (2002). The precursors model: Skills and functions of change. In F. J. Hanna, *Therapy with difficult clients: Using the precursors model to awaken change* (pp. 47–109). American Psychological Association. <https://doi.org/10.1037/10428-003>
- Luigi, M., Dellazizzo, L., Giguère, C. É., Goulet, M. H., & Dumais, A. (2020). Shedding light on "the hole": A systematic review and meta-analysis on adverse psychological effects and mortality following solitary confinement in correctional settings. *Frontiers in Psychiatry*, 11. <https://doi.org/10.3389/fpsyt.2020.00840>
- Monroe, C. M., Van Rybroek, G. J., & Maier, G. J. (1988). Decompressing aggressive inpatients: Breaking the aggression cycle to enhance positive outcome. *Behavioral Sciences & the Law*, 6(4), 543–557. <https://doi.org/10.1002/bsl.2370060410>
- O'Neill, M. L., Lidz, V., & Heilbrun, K. (2003). Adolescents with psychopathic characteristics in a substance abusing cohort: Treatment process and outcome. *Law & Human Behavior*, 27(3), 299–313. <https://doi.org/10.1023/A:1023435924569>
- Radulović, D. (2006). *Psihologija kriminala – Psihopatija i prestupništvo*. Fakultet za specijalnu edukaciju i rehabilitaciju Univerziteta u Beogradu, Institut za kriminološka i sociološka istraživanja.
- Radulović, D. (2012). Zašto se nakon forenzičkog tretmana hroničnih delinkvenata nekada još više učvrsti njihovo kriminalno ponašanje?. *Specijalna edukacija i rehabilitacija*, 11(2), 349–359.
- Ribeiro da Silva, D., Rijo, D., Brazão, N., Paulo, M., Miguel, R., Castilho, P., Vagos, P., Gilbert, P., & Salekin, R. T. (2021). The efficacy of the PSYCHOPATHY.COMP program in reducing psychopathic traits: A controlled trial with male detained youth. *Journal of Consulting and Clinical Psychology*, 89(6), 499–513. <https://doi.org/10.1037/ccp0000659>
- Rogers, R., Jackson, R. L., Sewell, K. W., & Johansen, J. (2004). Predictors of Treatment Outcome in Dually-Diagnosed Antisocial Youth: An Initial Study of Forensic Inpatients. *Behavioral Sciences & the Law*, 22(2), 215–222. <https://doi.org/10.1002/bsl.558>

- Salekin, R. T., Leistico, A. M. R., Neumann, C. S., DiCicco, T. M., & Duros, R. L. (2004). Psychopathy and comorbidity in a young offender sample: taking a closer look at psychopathy's potential importance over disruptive behavior disorders. *Journal of Abnormal Psychology, 113*(3), 416. <https://doi.org/10.1037/0021-843X.113.3.416>
- Salekin, R. T., Tippey, J. G., & Allen, A. D. (2012). Treatment of conduct problem youth with interpersonal callous traits using mental models: Measurement of risk and change. *Behavioral Sciences & the law, 30*(4), 470–486. <https://doi.org/10.1002/bsl.2025>
- Sherman, L. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency, 30*, 445–474. <https://doi.org/10.1177/0022427893030004006>
- Spain, S. E., Douglas, K. S., Poythress, N. G., & Epstein, M. (2004). The relationship between psychopathic features, violence and treatment outcome: The comparison of three youth measures of psychopathic features. *Behavioral Sciences & the law, 22*(1), 85–102. <https://doi.org/10.1002/bsl.576>
- Vitacco, M. J., Neumann, C. S., & Caldwell, M. F. (2010). Predicting antisocial behavior in high-risk male adolescents: Contributions of psychopathy and instrumental violence. *Criminal Justice and Behavior, 37*(8), 833–846. <https://doi.org/10.1177/0093854810371358>
- Wilkinson, S., Waller, R., & Viding, E. (2016). Practitioner review: involving young people with callous unemotional traits in treatment-does it work? A systematic review. *Journal of Child Psychology and Psychiatry, 57*(5), 552–565. <https://doi.org/10.1111/jcpp.12494>

(Postmodernist) / Neoliberal Influence on Penal Policy and the Prison System vs. Prison Life Quality*

Ljeposava Ilijić¹ 

Global changes in the social, economic, and social spheres, initiated forty years ago, have altered the key outlines of penal policy at both macro and micro levels, which has also affected the prison system and the prison community. In the domain of penal policy, the key consequences are reflected in the demands for more efficient law enforcement and harsher punishment, penal populism, the affirmation of victims' rights, with an emphasis on the safety of the social community. The consequences of shifting the purpose and goals of punishment at the societal level, as well as corporate and managerial regulation within prison institutions, alongside classification assessment instruments for convicted persons, have reshaped the previous (traditional) roles and relationships between prisoners and professionals. The treatment of convicted individuals is increasingly characterised by distance, a lack of genuine care and interest. Contemptuous and impersonal attitudes toward convicted persons have emerged as common methods of treatment in prisons, impacting the moral dimension of the individual. The primary aim of this paper is the critical consideration of the consequences of neoliberal changes that have occurred within prisons. In this context, the author emphasises the importance of moral and social climate, its measurement, and improvement. The prison social climate is reliably measurable, which provides the opportunity to identify a good prison, one whose moral impact is satisfactory. The moral impact of a prison is precisely made up of interpersonal relationships and the material components of treatment, which create a gradation of the prison experience, determining it as less or more painful, inhuman, or humiliating. Better understanding and management of the prison social climate is an essential aspect of improving safety in prisons and the effectiveness of the execution of prison sentences.

* This paper was presented by Ljeposava Ilijić as part of her plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Ilijić, Lj. (2024). (Postmodernist) / Neoliberal Influence on Penal Policy and the Prison System vs. Prison Life Quality. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 359–372). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.02>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0001-5090-1489>

Correspondence: Ljeposava Ilijić, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: lelalela_bgd@yahoo.com

KEYWORDS: penal policy / treatment / moral and social climate / interpersonal relationships / humanity

Introductory Considerations

The process of the neoliberal shift, initiated in the 1970s (Harvey, 2005), prompted profound global changes not only in the social, political, and economic spheres, but also in the domain of penal policy and criminal law (Ilijić & Pavićević, 2020). Deregulation, privatisation, and the withdrawal of the state from many areas of social welfare are just some of the general characteristics of neoliberalism (Harvey, 2005). Market mechanisms have become the most effective ways of securing goods and services in all areas (Peacock et al., 2018; Xenakis & Cheliotis, 2018), including healthcare, education, and penal policy (Cumminis, 2015). As Wacquant (2009) notes, changes are evident in the shift from a protective, collective model to a disciplinary model and individualisation. This change also involves the expansion of the penal system and criminal justice – police, courts, and the prison system – alongside the reduction of expenditure on social protection (Cumminis, 2015). The growth of social insecurity and the expansion of the penal state are prominent features of the neoliberal political project (Wacquant, 2008, 2009). In the domain of penal policy, key effects are reflected in the demands for more efficient law enforcement and harsher punishment, penal populism (Garland, 1996, as cited in Stevanović & Ilijić, 2009), the involvement of civil society in crime control, the affirmation of victims' rights, with an emphasis on security of the community (Cheliotis, 2013; Zedner, 2002, as cited in Stevanović & Ilijić, 2009).

The aim of this paper is to critically assess the consequences of the neoliberal influence on the prison system. In particular, the author focuses on examining the changes that have occurred in both the field of penal policy, the goals of punishment, treatment and its contents, as well as in the field of relationships between prison staff and prisoners. Furthermore, in the context of the changes in the prison system, the author highlights why the moral and social climate in prisons is significant and how it can actually represent a *revitalisation* of the concept of resocialisation and humanity.

The moral components of the relationships of professional workers towards convicted persons, professional treatment, fairness, consistency, legitimacy, are just some of the components of the prison social climate that make a distinction (between prisons or prison wards) and make prison life *more or less difficult to endure* (Liebling, 2011). In other words, the concepts of trust, relationships, legitimacy, and security are “key to the dynamics within a prison, and confirm that issues of interpersonal relationships within treatment are one of the most important aspects of prison life” (Liebling, 2011, p. 545).

The Effects of Neoliberalism on Penal Policies and the Prison System

Since the early 1980s, the free-market economy has generally been combined with a stricter approach to law and order, and market-oriented policies, in their efforts to reduce the welfare state, have largely accepted the idea prison sentences are an effective deterrent to crime (Cumminis, 2020; Simon, 2007). As one of the most visible and significant social and public policies of the last forty years, the mass imprisonment and development of the penal state stand out. Although the United States serves as the most drastic example², the trend towards expanding the scope of punishable behaviours is also visible in England (Cumminis, 2020), as well as in Eastern, Central European, and Balkan countries (Krajewski, 2023). Although there are different crime control policies in European countries that produce different “penal climates” (Krajewski, 2023, p. 172) and incarceration rates (Dünkel, 2017), two regions stand out as opposites. The Netherlands, Scandinavian countries (Lappi-Seppälä, 2007), and Slovenia (Flander & Meško, 2016; Krajewski, 2023) with lenient³ penal policies⁴ and the lowest incarceration rates at one end, and former communist-ruled countries in Central and Eastern Europe, which were members of the Warsaw Pact, at the other end, with a harsh penal policy.

“These differences become even more pronounced when considering the countries of the former Yugoslavia”, which were under communist rule (Krajewski, 2023, p. 198). The punitive tendencies that emerged in the US and Western societies had a strong effect in post-communist countries in Central and Eastern Europe, where, from the mid-1990s onwards, “numerous changes occurred in social and value systems, reflected in reforms of the criminal justice system and a shift towards more intensive punishment” (Flander & Meško, 2016, p. 567). The penal systems of these countries reflect their individual, but also specific historical, social, and political contexts, which influence the formation of a dominant approach to punishment and rehabilitation. While some countries implemented stricter measures, others focused more on rehabilitation and reintegration of prisoners. These differences can be observed through the prism of different ideological approaches, as well as through the changes that followed on macro and micro economic, social, and political levels.

In recent decades, Serbia has seen an increasing trend of criminal control as a form of societal reaction to criminality, rather than prevention and suppression,

² A frequently cited statistic is that the United States has five percent of the world's population and over 25% of the total number of prisoners worldwide (Cummins, 2020).

³ An example of the “milder” penal climate over the past three decades within European countries is Slovenia, which has replaced the Netherlands at the top of the European ranking of countries with the smallest prisoner population (Aebi et al., 2016; Flander & Meško, 2016).

⁴ The Scandinavian countries, as well as Slovenia, are characterised by a high level of social security, solidarity, and egalitarianism (Flander & Meško, 2016).

(Pavićević & Ilijić, 2022; Soković, 2011; Stevanović & Ilijić, 2019). It seems that the most delicate explanation of the penal tendencies in Serbia comes from the author Trpković, who states that “penal policies and norms (with a less punitive orientation) have undergone significant democratisation and have become more inclined towards punishment”, i.e., that “authoritarian elements in the executive power survived the transition to democracy and continued to exert pressure on the judiciary in ways that shifted the balance of judicial decision-making towards punishment” (Trpković, 2016, p. 370).

Contemporary trends in the sphere of socio-economic and political relations, specifically in the segment of societal responses to criminality, orient the criminal justice system towards a new security-oriented criminal law and a “new penology” (Stevanović & Ilijić, 2019). The abandonment of the rehabilitation concept in the 1970s (“nothing works”), the call for order and law in the 1980s (“law and order”), and penal populism from the 1990s are key phases in the global social response to criminality (Soković, 2011, as cited in Stevanović & Ilijić, 2019), visible also in our region.

The shift towards retributivism, which began in the final decades of the 20th century, measures punishment according to merit, based on two main criteria – the severity of the crime (focus on serious crimes) and recidivism (repeating criminal acts) (Pavićević et al., 2024). The retributive approach focuses on the crime itself, not the perpetrator, without considering “diagnosis, treatment, and/or rehabilitation”, and does not predict future criminal activities or focus on deterring offenders and potential offenders as prevailing elements in decision-making about punishment (Miller, 1990, p. 22, as cited in Pavićević et al., 2024; Sloan & Langly, 1990). Retributivism tends to result in the tightening of penal policy, not so much because it advocates for such type of punishment, but because it is compatible with the consequences of consistent punishment, i.e., the “*desire for penal practice to be as punitive as possible*” (Whitman, 2003, as cited in Pavićević et al., 2024, p. 40). Furthermore, retributivism does not address what the conditions of life in prison should be, nor what status convicted persons should have, i.e., what kind of treatment is desirable in each individual case. Instead, it vaguely discusses “the duties of the convicted persons, the function of punishment, what benefits are achieved through its execution, and which rights are protected through punishment” (Flandres, 2010, p. 98, as cited in Pavićević et al., 2024, p. 42). The goal of punishment is no longer the correction of criminal behaviour but the management of the risk that crime (and the individual) poses to society (Simon & Feeley, 2003, p. 79; Vacheret et al., 1998, p. 43).

The practical implications of new tendencies in the context of the prison system primarily focus on managing, supervising, and controlling certain groups of individuals (Feeley & Simon, 1992; Ilijić & Pavićević, 2020; Robert, 2001), which implies a shift to different work methodologies focused on assessing the risk of future criminal behaviour, and a different approach to prison management

– focused on a managerial approach. Prison management and the correctional philosophy in the era of mass incarceration have become increasingly professional, bureaucratic, actuarial, and rational, shifting the focus towards impartial classification and control of prisoners, and away from rehabilitation and treatment (Feeley & Simon, 1992; Garland, 1990).

(Im)moral Components of the Approach/Attitude to Convicts

Neoliberal effects have left profound consequences on the organisation of prison life, replacing the previous authoritarian oversight with a softer, indirect, and negotiable regulation that requires “dynamic security” and “decent and stable” regimes within prison communities (Liebling, 2004; Peacock et al., 2018, as cited in Pavićević et al., 2024). On a practical level, prison governors have responded to the challenges of housing and controlling the rapidly growing prison population by prioritising managerial professionalism, bureaucratisation, and the physical environment of prisons, losing sight of the previous penological rehabilitation ideals (Feeley & Simon, 1992; Garland, 1990). The new discourse in penological practice, instead of discussing individuals in need of therapy/treatment or morally irresponsible persons who should bear the consequences of their actions, focuses on the criminal justice system, aiming to achieve systemic rationality and efficiency, with the goal of sorting and classifying, separates dangerous from less dangerous convicts, and rationally applies control strategies (Feeley & Simon, 1992). In this process, tools used include “indicators” and “predictions” (Gordon, 1991) of the risk associated with certain categories of the prison population – in other words, individual treatment/diagnosis adapted to the individual has been replaced by aggregate classification systems, which serves the established primary goal of incarceration, control, and supervision (Gordon, 1991).

The consequences of shifting the focus of punishment on the social level, along with the introduction of corporate and managerial regulation in prison institutions, has reshaped the relationships between convicts and professional staff, altering their previous (traditional) relationships and roles (Ilijić et al., 2024; Kreager & Kruttschnitt, 2018; Pavićević et al., 2021). Kruttschnitt & Gartner (2005) point out that “changes in penal ideologies have reflected on the micro level – in the experiences of the female prisoners” (Kruttschnitt & Gartner, 2005, p. 158). Societal attitudes emphasizing punishment and the incorrigibility of offenders are reflected in the behavior of prison staff, leading to weakened trust between professional staff and convicts (Kruttschnitt & Gartner, 2005; Liebling & Arnold, 2012), as well as the elimination of many rehabilitation programs from prison practices (Kruttschnitt & Gartner, 2005). Some authors state that the political context of modern penal policy has eroded solidarity and cohesion within the convict community (Kreager & Kruttschnitt, 2018).

New managerial concepts in establishing prison discipline, which call for *decency*, courtesy, and respect in treatment, are in fact characterized by superficiality and “the absence of a deeper recognition of human dignity” (Liebling & Crewe, 2013, p. 298), along with a lack of focus on the individual’s personality and moral self (Auty & Liebling, 2020; Hulley et al., 2012; Liebling & Crewe, 2013). Reshaping the identity of convicted persons is achieved indirectly through treatment policies that encourage the convicts to take responsibility, self-regulate, and self-discipline, and integrate *positively* into the prison regime (Crewe, 2009; Peacock et al., 2018). In this context, the transformation of the individual’s identity is reduced to the rigid, superficial development of marketable skills (Pavićević et al., 2021), and this is certainly not an identity transformation, nor a path to realizing the identity of growth (Liebling, 2012; Szifris, 2017). These neoliberal treatment policies “offer convicts a pseudo-autonomous space while simultaneously enabling them to use this autonomy in specific ways, for which they are rewarded” (Ilijić et al., 2024; Pavićević et al., 2021, p. 115). In such a context, the relations between professional prison staff and convicts can be described as “playing a game” (Hoskins, 2013), which suggests the existence of mutual distrust, but also institutional contempt for the moral character of convicts. As Liebling notes, when such relations (based on distrust and contempt) are present, professional prison staff does not become familiar with or recognize the individual’s personality but instead perceives them as *dangerous and inscrutable* (Liebling, 2015). In such an environment, new generations of professional prison staff are less inclined to “like” the convicts and instead maintain distance, while, on the other hand, convicts accept the labels and categories assigned to them, which, realistically speaking, diminish their actual chances for (conditional) freedom (Liebling, 2011). Convicts fear “soft power” – the cold assessment of risks (Liebling & Crewe, 2013, p. 301). This approach individualizes convicts while also encouraging them to form new identities and groups based on new criteria (Liebling & Crewe, 2013).

The treatment of convicted persons is increasingly characterized by a lack of genuine concern for them, which does not only imply dehumanizing treatment, extremely poor physical conditions, or cruel behavior (Weill & Haney, 2017). Contemptuous and impersonal attitudes toward convicted persons emerge systematically as frequent methods of treatment in prisons, causing severe damage to the individual’s personality and affecting the moral dimension of the personality (Pavićević et al., 2024). As stated by Hoskins (2013), showing contempt implies a disregard for perpetrators of criminal acts as moral individuals, suggesting that they are incapable of change and are less valuable or even worthless. Contempt can actually create a distance that is not necessarily filled with emotions like anger or resentment, but rather with some form of emotional coldness and rejection, which leads to a loss of motivation to engage with or care for convicts. In this sense, “contempt reflects a kind of rejection, giving up on a person, in the sense that they are assessed as unworthy of effort, denying their

potential for moral (self)reformation, repentance, and forgiveness” (Hoskins, 2013, as cited in Pavićević et al., 2024, p. 53). This treatment based on contemptuous attitude towards convicts essentially disqualifies the individual as a moral agent, leading them to eventually give up the possibility of personal moral reform. In the prison context, contemptuous and demeaning attitudes towards convicted individuals contain within them a strong and much broader message, as they actually represent the condemnation of the social community, which is expressed through the actions of penal institutions (Pavićević et al., 2024).

Moral and Social Climate in Prisons or *What Really Matters?*

In recent decades, the value of measuring the social and moral climate in prisons has been increasingly recognized “mainly as a managerial tool, but also as an indicator of the decency of conditions” (Harding, 2014, p. 166) in the prison environment. Research in the field of social psychology has significantly contributed to a better understanding of the impact that contextual factors have on the behavior of individuals (Bennett & Shuker, 2018). One of the most sophisticated instruments for *Measuring the quality of prison life* (MQPL) identifies “what is really important to convicts” (Liebling & Arnold, 2004), and “does not *a priori* determine what researchers assumed to be important” (Harding, 2014, p. 165). The instrument provides empirical evidence about the real, practical articulation of the meaning of the concepts of *dignity, humanity, trust and security* in prison life (Liebling, 2011), and the moral quality of prison life and the possibility of its measurement have opened a new field for improving treatment and handling of convicts (Pavićević et al., 2024).

Liebling (2004) moves beyond the framework of legitimacy with the concept of *moral performance*, highlighting that “prisons are much more than power relations” (Liebling & Arnold, 2004, p. 474). The moral effect of prisons consists precisely of the interpersonal and material components of treatment, which create a gradation of the prison experience, determining whether the prison experience is less or more painful, inhuman, and degrading (Liebling, 2011).

Organizations in which interpersonal structures allow groups of individuals to oppose one another, where an atmosphere of distrust, competition, and suspicion prevails, can generate mutual hostility, aggression, and resentment (Sherif & Sherif, 1969, as cited in Bennett & Shuker, 2018). The opposite happens where groups are allowed to identify common, shared goals, where groups cooperate and work towards a common realization, without favouring personal interests. In other words, variations in the social climate produce different impacts on the behavior of individuals, but also on the functioning of the community and institution (Bennett & Shuker, 2018).

The idea of the importance of moral climate in prisons is inspired by abstract and philosophical reflections that need to be applied to real and complex lives, thereby providing them with meaning and value. The moral dimensions of the quality of prison life highlight the type and manner of interpersonal relationships that expand the moral capacities of participants in prison life (Liebling, 2021, as cited in Pavićević et al., 2024). These are relationships that foster the strengthening of interpersonal relationships and the recognition of the convicted individual as a unique person. The differences in the relationships that prevail are actually the differences between humane and inhumane treatment and approaches to the personality of the convict (Pavićević et al., 2024). Prison treatment (i.e., interpersonal relationships within treatment as one of the most important aspects of prison life) (Liebling, 2011) is viewed from the perspective of moral philosophy, where humanity, fairness, trust, and openness are considered the most significant drivers of positive outcomes, such as the identity transformation of the convicted individual (from criminal to non-criminal) and the transformation from a survival identity to a growth identity (Liebling, 2012; Liebling & Arnold, 2004; Pavićević et al., 2024; Szifris, 2017).

The extent to which the prison environment is perceived as conducive to personal development and autonomy, as well as the degree of perceived suffering of imprisonment, is actually a consequence of the perceived treatment. Prisons produce a higher degree of suffering according to the perceptions of convicted individuals, when indifference in dealings, inconsistency in the use of authority, and bias prevail among professional prison staff (Crewe et al., 2011; Liebling & Arnold, 2004).

The prison experience is not a uniform experience (Liebling & Maruna, 2005), and prisons differ precisely in their moral and relational climates that stem from the manner in which the staff treat the convicted individuals and the manner in which prison staff use their authority. These components significantly affect convicts' assessments of the fairness of treatment (Liebling, 2011).

Research documents the fact that perceived legitimacy and fairness affect the behaviour of convicts, i.e., producing effects on the respect for order and discipline in prison (Gadon et al., 2006; Sparks & Bottoms, 2008), as well as well-being, welfare, and development (Ilijić et al., 2024; Milićević, Ilijić, Pavićević et al., 2023; Liebling & Arnold, 2004).

The social and moral climate of prisons predominantly determines the final outcomes of applied rehabilitation treatments (Bosma et al., 2020; Harding, 2014; Ilijić et al., 2020; Međedović et al., 2024); in other words, the quality of prison life affects prisoners' behaviour in prison (Bosma et al., 2020; Liebling & Ludlow, 2016) and after release—it affects recidivism (Auti & Liebling, 2020).

Similar findings have been obtained in research on the quality of life in prisons in Serbia⁵ (Ilijić et al., 2024; Međedović et al., 2023; Međedović et al., 2024; Milićević, Ilijić, Pavićević et al., 2023), where an adapted version of the MQPL was used in Serbian (Milićević et al., 2024; Milićević, Ilijić, Vujučić et al., 2023). The professionalism of prison staff is one of the central characteristics of convicts' quality of life (Međedović et al., 2023), which is also a key aspect of the prison's social and moral climate, related to misconduct in prison (Međedović et al., 2024). From the perspective of convicts, professionalism of the professional prison staff was rated the lowest (below the acceptable threshold value) (Milićević, Ilijić, Pavićević et al., 2023; Ćopić et al., 2024). These findings require particular attention, as well as work on the practical implementation of measures aimed at improving staff professionalism, prison work transparency, but also better organisation, consistency, and fairness in the treatment of prisoners (Ćopić et al., 2024). In terms of well-being, welfare, development, and individual quality of prison life, our results indicate variations in the way convicts assess different aspects of these dimensions and the prison environment. Convicts rated well-being, welfare, and development less positively compared to living conditions in prison, family contact, and security. However, their experiences in these areas were still more positive than their perceptions of harmony and professionalism in the prison system. On the other hand, female prisoners perceived well-being and development as very low, similarly to their perceptions of professionalism (Ilijić et al., 2024). Findings also indicate inconsistent interpretations by respondents regarding their identity in the prison environment. While some convicts stated that they were able to adapt and retain their identity, others reported frequent struggles with the limitations they faced in prison. Additionally, there were concerns about the punitive nature of prisons, with some prisoners viewing their time in prison primarily as punishment (Ilijić et al., 2024).

Instead of a Conclusion

Prison management practices in which the strategy of informing about security risks prevails are experiencing managerial failure, as opposed to approaches that treat challenges in prison management as the management of people and their problems, beyond popular ideological discourses (Williams & Liebling, 2023). Implementation of *new treatment practices* in prisons for over two decades now has provided ample room for reflecting on the effects and critically analysing

⁵ The research within the PrisonLIFE project was conducted in five correctional facilities (Sremska Mitrovica Correctional Facility, Požarevac-Zabela Correctional Facility, Niš Correctional Facility, Belgrade Correctional Facility, and the Correctional Facility for Women in Požarevac) during the period from March 2022 to February 2023, on a sample of 737 convicted individuals.

existing prison practices, while also opening space for the improvement of certain prison policies regarding the treatment of convicts.

The consequences of new practices and the application of soft power in prisons are greater than initially assumed, and their impact on the dignity and humanity of both the convicted individuals and the professional prison staff highlights the necessity for reforms that would consider the importance of the moral dimension of prison life (Liebling & Maruna, 2005).

The moral aspects of prison life, as well as the recognition of convicts' moral feelings, elude standardisation assumed by the application of human rights (Pavićević et al., 2024). What convicts experience in prison life is often far from what is regulated by legal frameworks (Liebling, 2011).

Increasingly intensive research into the quality of prison life allows existing knowledge about what does (or does not) yield results in prison contexts to be integrated, aiming to achieve a better understanding of moral and immoral penal practices (Liebling, 2011). Better understanding and management of prison social climate are essential aspects of improving prison security and the effectiveness of prison sentences (Bennett & Shuker, 2018).

The hypothesis that a positive social and moral climate in prison improves the outcomes of applied treatments has been documented by numerous studies, with the key point being the fact that the social climate of prisons is reliably measurable. This gives us the opportunity to identify a *good prison*, one whose moral performance is satisfactory (Harding, 2014). Moral concepts, such as dignity, justice, and recognition of personality, as well as moral virtues such as kindness in relationships with others, respect, and trust, represent the greatest incentives for progress, as confirmed in previous research on prison communities (Liebling, 2021, as cited in Pavićević et al., 2024).

Acknowledgment

The paper was produced as a result of the project *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE, Grant No. 7750249) funded by the Science Fund of the Republic of Serbia.

This paper represents the result of author's engagement in accordance with the Working Plan and Programme of the Institute of Criminological and Sociological Research, 2024 (based on the contract No. 451-03-66/2024-03/200039) with Ministry of Science, Technological Development and Innovation.

References


- Aebi, M., Burkhardt, C., Hacin, R., & Tiago, M. M. (2016). A comparative perspective of imprisonment trends in Slovenia and Europe from 2005 to 2014. *Revija za Kriminalistiko in Kriminologijo*, 67(4), 430–442.
- Auty, K. M., & Liebling, A. (2020). Exploring the relationship between prison social climate and reoffending. *Justice Quarterly*, 37(2), 358–381. <https://doi.org/10.1080/07418825.2018.1538421>
- Bennett, J., & Shuker, R. (2018). Hope, harmony and humanity: creating a positive social climate in a democratic therapeutic community prison and the implications for penal practice. *Journal of Criminal Psychology*, 8(1), 44–57. <https://doi.org/10.1108/JCP-06-2017-0030>
- Bosma, A. Q., C., van Ginneken, E. F., Sentse, M., & Palmen, H. (2020). Examining prisoner misconduct: A multilevel test using personal characteristics, prison climate, and prison environment. *Crime & Delinquency*, 66(4), 451–484. <https://doi.org/10.1177/0011128719877347>
- Crewe, B., Liebling, A., & Hulley, S. (2011). Staff culture, use of authority and prisoner quality of life in public and private sector prisons. *Australian and New Zealand Journal of Criminology*, 44(1), 94–115. <https://doi.org/10.1177/0004865810392681>
- Cummins, I. (2015). Reading Wacquant: Social work and advanced marginality. *European Journal of Social Work*, 19(2), 263–274. <https://doi.org/10.1080/13691457.2015.1022861>
- Cummins, I. (2020). Mass incarceration and neoliberal penalty: A response to Lloyd and Whitehead's Kicked to the Curb. *International Journal of Law, Crime and Justice*, 62, 100408. <https://doi.org/10.1016/j.ijlcj.2020.100408>
- Düinkel, F. (2017). European penology: The rise and fall of prison population rates in Europe in times of migrant crises and terrorism. *European Journal of Criminology*, 14(6), 629–653. <https://doi.org/10.1177/1477370817733961>
- Feeley, M., & Simon, J. (1992). The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications. *Criminology*, 30(4), 449–472. <https://doi.org/10.1111/j.1745-9125.1992.tb01112.x>
- Flander, B., & Meško, G. (2016). Penal and prison policy on the 'sunny side of the Alps': The swan song of Slovenian exceptionalism?. *European Journal on Criminal Policy and Research*, 22(4), 565–591. <https://doi.org/10.1007/s10610-015-9299-1>
- Gadon, L., Johnston, L., & Cooke, D. (2006). Situational variables and institutional violence: A systematic review of the literature. *Clinical Psychology Review*, 26, 515–534. <https://doi.org/10.1016/j.cpr.2006.02.002>
- Garland, D. (1990). *Punishment and Modern Society: A Study in Social Theory*. The University of Chicago Press. <https://doi.org/10.7208/chicago/9780226922508.001.0001>
- Harding, R. (2014). Rehabilitation and prison social climate: Do 'What Works' rehabilitation programs work better in prisons that have a positive social climate?. *Australian & New Zealand Journal of Criminology*, 47(2), 163–175. <https://doi.org/10.1177/0004865813518543>
- Harvey, D. (2005). *A Brief History of Neoliberalism*. Oxford University Press, USA. <https://doi.org/10.1093/oso/9780199283262.001.0001>

- Hoskins, Z. (2013). Punishment, Contempt, and the Prospect of Moral Reform. *Criminal Justice Ethics*, 32(1), 1–18. <https://doi.org/10.1080/0731129X.2013.777250>
- Hulley, S., Liebling, A. & Crewe, B. (2012). Respect in prisons: prisoners' experiences of respect. *Criminology and Criminal Justice*, 12(1), 3–23. <https://doi.org/10.1177/1748895811423088>
- Ilijić, Lj., & Pavićević, O. (2020). Od stare ka novoj penologiji – o pojedinim implikacijama nove strategije u korektivnoj praksi. *Socijalna misao*, 27(1), 45–59.
- Ilijić, Lj., Milićević, M. & Pavićević, O. (2020). Approaches and methods in the quality of prison life assessing – Measuring social and moral climate in prisons. In G. Nedović & F. Eminović (Eds.), *Approaches and models in special education and rehabilitation: thematic collection of international importance* (pp. 85–96). Belgrade: University, Faculty of Special Education and Rehabilitation, Publishing Center of the Faculty.
- Ilijić, Lj., Pavićević, O., & Milićević, M. (2024). *Well-being in Prison: The Case of Serbia*. Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE.D4.1>
- Krajewski, K. P. (2023). Penal exceptionalism in countries of Central Europe. Why is the region different? [Odrębność penalna krajów Europy Środkowej. Dlaczego ten region jest inny?]. *Archives of Criminology*, 45(2), 171–211. <https://doi.org/10.7420/AK2023.09>
- Kreager, D. A., & Kruttschnitt, C. (2018). Inmate Society in the Era of Mass Incarceration. *Annual Review of Criminology*, 1(1), 261–283. <https://doi.org/10.1146/annurev-criminol-032317-092513>
- Kruttschnitt, C., & Gartner, R. (2005). *Marking Time in the Golden State: Women's Imprisonment in California*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511614033>
- Liebling, A. (2011). Moral performance, inhuman and degrading treatment and prison pain. *Punishment & Society*, 13(5), 530–550. <https://doi.org/10.1177/1462474511422159>
- Liebling, A. (2012). *Can Human Beings Flourish?* London: Prison Phoenix Trust Lecture.
- Liebling, A. (2015). A New 'Ecology of Cruelty'? The Changing Shape of Maximum-security Custody in England and Wales. In K. Reiter & A. Koenig (Eds.), *Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement*. Palgrave Studies in Prisons and Penology. Palgrave Macmillan. https://doi.org/10.1057/9781137441157_6
- Liebling, A., & Arnold, H. (2004). *Prisons and their moral performance: A study of values, quality, and prison life*. Oxford University Press. <https://doi.org/10.1093/oso/9780199271221.001.0001>
- Liebling, A., & Arnold, H. (2012). Social relationships between prisoners in a maximum-security prison: violence, faith, and the declining nature of trust. *Journal of Criminal Justice*, 40(5), 413–424. <https://doi.org/10.1016/j.jcrimjus.2012.06.003>
- Liebling, A., & Crewe, B. (2013). Prisons beyond the new penology: the shifting moral foundations of prison management. In R. Sparks & S. Jonathan (Eds.), *The SAGE Handbook of Punishment and Society* (pp. 283–307). SAGE Publications Ltd. <https://doi.org/10.4135/9781446247624>
- Liebling, A., & Maruna, S. (2005). Introduction: the effects of imprisonment revisited. In A. Liebling & S. Maruna (Eds.), *The effects of imprisonment*. Willan.

- Mededović, J., Drndarević, N., & Ilijić, Lj. (2024). Unfavorable prison social climate links dark tetrad traits with self-reported institutional misconduct. *Personality and Individual Differences*, 227, 112707. <https://doi.org/10.1016/j.paid.2024.112707>
- Milićević, M., Ilijić, Lj., Pavićević, O., Batrićević, A., Čopić, S., Stevanović, I., Vujičić, N., Mededović, J., Drndarević, N., Stevanović, A., & Stepanović, I. (2023). Kvalitet zatvorskog života u Republici Srbiji – Ključni nalazi istraživanja [Quality of Prison Life in Serbia – Key Research Findings]. Institut za kriminološka i sociološka istraživanja. https://www.iksi.ac.rs/izdanja/factsheets_kvalitet_zatvorskog_zivota_rs.pdf
- Milićević, M., Ilijić, Lj., & Vujičić, N. (2024). Cross-Cultural Adaptation and Content Validity of the Measuring the Quality of Prison Life Survey in Serbia. *Sage Open*, 14(4). <https://doi.org/10.1177/21582440241301422>
- Milićević, M., Ilijić, Lj., Vujičić, N., Mededović, J., Pavićević, O., & Drndarević, N. (2023). *PrisonLIFE project – Adaptation, translation equivalence and content validity of the MQPL survey in Serbian* (Version 1) [dataset]. Zenodo. <https://doi.org/10.5281/ZENODO.8253602>
- Pavićević, O., & Ilijić, Lj. (2022). Social inequality and mass imprisonment. *Sociologija*, 64(4), 563–583. <https://doi.org/10.2298/SOC2204563P>
- Pavićević, O., Ilijić, Lj., & Batrićević, A. (2024). *Moralna i socijalna klima u zatvorima* [Moral and Social Climate in Prisons]. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.2>
- Pavićević, O., Ilijić, Lj., & Milićević, M. (2023). Neoliberal Penal Policy and Prison Privatization, *DHS-Društvene i humanističke studije: časopis Filozofskog fakulteta u Tuzli*, 8(1(22)), 595–614. <https://doi.org/10.51558/2490-3647.2023.8.1.595>
- Pavićević, O., Ilijić, Lj., & Stepanović, I. (2021). Filozofija u zatvorskim zajednicama [Philosophy in Prison Communities]. *Teme*, 45(1), 111–128. <https://doi.org/10.22190/TEME190705007P>
- Peacock, M., Turner, M., & Varey, S. (2018). „We Call is Jail Craft”: The Erosion of the Protective Discourses Drawn on by Prison Officers Dealing with Ageing and Dying Prisoners in the Neoliberal, Carceral System. *Sociology*, 52(6), 1152–1168. <https://doi.org/10.1177/0038038517695060>
- Stevanović, I., & Ilijić, Lj. (2019). Kaznena politika kao mehanizam za smanjenje kriminaliteta – sa posebnim osvrtom na kaznenu politiku sudova u Srbiji, U S. Bejatović & M. Simović (Ur.), *Kaznena politika i prvenija kriminaliteta* (str. 423–440). Grafomark; Srpsko udruženje za krivičnopravnu teoriju i praksu.
- Simon, J. (2007). *Governing through crime how the war on crime transformed American democracy and created a culture of fear*. OUP. <https://doi.org/10.1093/oso/9780195181081.001.0001>
- Simon, J., & Feeley, M. (2003). The form and limits of the new penology. Punishment and social control, 2, 75–116.
- Szifris, K. (2017). Socrates and Aristotle: The Role of Ancient Philosophers in the Self - Understanding of Desisting Prisoners. *The Howard Journal of Crime and Justice*, 56(4), 419–436. <https://doi.org/10.1111/hojo.12211>
- Tripković, M. (2016). Beyond punitiveness? Governance of crime and authoritarian heritage in Serbia. *Punishment & Society*, 18(3), 369–386. <https://doi.org/10.1177/1462474516645684>
- Vacheret, M., Dozois, J., & Lemire, G. (1998). Le systeme correctionnel canadien et la nouvelle penologie: la notion de risque. *Deviance et Societe*, 37–49. <https://doi.org/10.3406/ds.1998.1648>

- Wacquant, L. (2008). *Urban outcasts: A comparative sociology of advanced marginality*. Polity Press.
- Wacquant, L. (2009). *Prisons of poverty*. UM Press.
- Weill, J., & Haney, C. (2017). Mechanisms of Moral Disengagement and Prisoner Abuse. *Analyses of Social Issues and Public Policy*, 17(1), 286–318. <https://doi.org/10.1111/asap.12142>
- Williams, R. J., & Liebling, A. (2023). Do prisons cause radicalization? Order, leadership, political charge and violence in two maximum security prisons. *The British Journal of Criminology*, 63(1), 97–114. <https://doi.org/10.1093/bjc/azab122>
- Xenakis, S., & Cheliotis, L. (2018). Neoliberalism and the politics of imprisonment. In W. DeKeseredy & M. Dragiewicz (Eds.), *Routledge Handbook of Critical Criminology (Second Edition)*. Routledge. <https://doi.org/10.4324/9781315622040-23>

Prison Architecture and Its Impact on Different Aspects of Quality of Prison Life*

Ana Paraušić Marinković¹ 

Intersection between prison architecture and experience and behaviour of persons living and working in prison environment is one of important issues in penal research and policy. When prison is understood as a socio-material construct then the central issues relate to how architecture is experienced, how it communicates with people using the prison space and how those experiences impact life in prison. There is solid scientific evidence regarding the consequences design of prison buildings have on different aspects of quality of prison life, although the relationship between them is believed to be underexplored. In this paper, different aspects of the quality of prison life and the impact prison architecture has on them are outlined. It is believed that dimensions of the quality of prison life such as harmony, security, conditions and family contact, wellbeing and development, are influenced by the design choices regarding the correctional facility environment, exterior and interior elements of a prison building. Ideation, planning and construction of future and modification of existing prisons may benefit from integrating findings on relationship between humane prison architecture and behaviour and wellbeing of prisoners and correctional staff.

KEYWORDS: prison architecture / quality of prison life / design of prison space

* This paper was presented by Ana Paraušić Marinković as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Paraušić Marinković, A. (2024). Prison Architecture and Its Impact on Different Aspects of Quality of Prison Life. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 373–381). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.10>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-7880-7379>

Correspondence: Ana Paraušić Marinković, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: parausicana@gmail.com

Introduction

The prison layout, interior and objects in a prison cell could be expected to have great impact on human senses and living conditions of persons residing in correctional facilities. These spatial, temporal and metaphysical conditions are, after all, the execution of the punishment. As James states “the designed objects and interiors represent and speak the language of punishment however ‘normal’ they may be” (James, 2018, p. 154). A special philosophical attitude about punishment and its perception by society in a given time, is woven in the prison architecture and the internal organisation of the prison (Jewkes, 2018; Johnston, 2000).

Since most prisons are closed facilities, the outlook and design of a prison building and objects inside and outside of it, has an immense impact on the living and working conditions within them. Recognizing the importance of these issues, scholars introduced the “carceral geography”, as a subdiscipline with the goal to describe the nature and meaning of physical prison space (Moran, 2013a; Moran et al., 2017) and how spatial features of a building are intentionally arranged to affect particular behaviour and emotions (Adey, 2008).

There is a solid scientific research base regarding the impact design of prison buildings has on different aspects of life in prisons, although the relationship between them is believed to be underexplored (Engstrom & Van Ginneken, 2022). The general objective of this paper is to review the existing theoretical insights and empirical studies in order to outline the impact prison architecture has on some aspects of quality of prison life. Harmony, security, conditions and family contact, wellbeing and development (Liebling et al., 2012) are influenced by the design choices regarding the correctional facility environment, exterior and interior elements of a prison building.

Some Aspects of Quality of Prison Life Affected by Prison Architecture

Prison architecture refers to buildings, interiors and other physical installations, as well as the outdoor of these buildings, yards, green surfaces, pathways etc. Some researchers indicate that prison is a socio-material construct drawing attention to how architecture is experienced, how it communicates with the people inside, and in this way affects the prisoners (Fransson, 2018). The importance of the prison architecture is outlined in regard to several dimensions of quality of prison life developed by Alison Liebling, Susie Hulley and Ben

Crewe (2012) that relate to harmony, security, conditions and family contact, and well-being and development.²

Harmony

The *harmony* encompasses various aspects of the treatment and environment within the prison setting such as entry into prison, respect and courtesy, staff-prisoner relationships, humanity, decency, care for the vulnerable, help and assistance (Liebling et al., 2012). These aspects could be significantly under the impact of the architectural design of a prison. Some research indicates that correctional facilities with a campus layout consisting of small units with a direct line of sight have a positive effect on staff-prisoner relationships (Fairweather, 2000; Johnston, 2000; Wener, 2000). Several studies specify that professional and non-professional prison users (prisoners, uniformed and un-uniformed staff, visitors etc.) favour small units in which close staff-prisoner relationship can develop (Beijersbergen, 2014; Beijersbergen et al., 2016). Another research in Dutch prisons found that prisoners in panopticon layouts were least positive about their relationships with officers. Prisoners in radial, courtyard, rectangular, and high-rise layouts had an increasingly positive judgement about officer-prisoner relationship (Beijersbergen, 2014).

Security

The *security* reflects those aspects of a prison's environment concerned with the rule of law and the proper use of authority, the regulation of behaviour, and the provision of safety (Liebling et al., 2012) and could be under the influence of the decisions made in relation to building architecture. Personal safety is of primary importance for prisoners, staff and other prison users, and its statutory provision is a basic duty of prison authorities. The security-promoting design includes single rooms, 24-hour access to the room or cell with lockable doors, increased visibility of all areas, and staff presence in inmate areas. But the issue of security in prisons is often confined with the purpose for resocialization and reintegration of prisoners. James (2018) argues that the dominant penal ideologies are manifested through the physical ambient of the prison interior that indicates deep distrust for inmates. He points out that interior design is manufactured in a way that puts a person in a position where he/she is always surveyed and controlled, labelling them as a constant risk for violence and vandalism. The tension between designing for security or comfort/function is not purely an

² There is also the fifth dimension of quality of life named *professionalism* which addresses competences and conduct of prison staff, the predictability and fairness of prison rules and procedures, but it was extracted from analysis due to inability to relate it to prison design characteristics.

ideological issue. Introducing comfortable furniture, for example, with different mechanisms may create an opportunity for violence, towards staff, other inmates or oneself. Nevertheless, the tendency to design prison space predominantly for the worst-case scenario will deprive inmates of autonomy and contribute to further stigmatization (Ulrich et al., 2012).

Regarding the violence and misconduct in prisons some researchers argue that prisons with bright interiors regarding colours, absence of bars, comfortable furniture manifested less riots and vandalism (Wener & Olsen, 1980). On the other hand, research also indicates that older telephone pole layouts experience less misconduct than some modern prison building design (Morris & Worrall, 2010). Another study demonstrates there are higher rates of violent assaults in panopticon, radial and high-rise prisons than in rectangular buildings (Beijersbergen, 2014). Uncomfortable living conditions in prisons, such as inadequate temperature, are connected to higher rates of violence (St. John, 2020).

Conditions and Family Contact

Conditions and family contact encompass prison living conditions and opportunities for maintaining family relationships (Ilijić et al., 2024). Appropriate architectural design of spaces for sleeping, reading, studying, dining and exhibiting other activities in prison can greatly influence the quality of living conditions for inmates. It is important for prison building users to have plumbing, electrical, and mechanical systems in good operating condition (Engstrom & Van Ginneken, 2022). Unreliable facilities can create unnecessary disruptions to daily life and undermine morale throughout an institution (St. John, 2020). So is the case with spaces designated for visitation, since some research suggests that the visitation rooms that are too small, without adequate heating, cooling, place to sit and are uncomfortable in general, send a message of neglect and disregard toward this important part of prisoners' life (Comfort, 2003).

Well-being and Development

Well-being and development cover various aspects of prison moral and social climate (Ilijić et al., 2024), prisoners' perceptions of their own well-being, capacity to act autonomously, levels of support for their personal development, and help with progression (Liebling et al., 2012). Various prison design characteristics are believed to relate to wellbeing and development. Persons in a prison environment could experience anonymization, isolation, desocialization, loss of identity and relationship, physical and mental health deterioration. Engstrom and van Ginneken (2022) introduce the term "ethical prison architecture" which relates to the personal living and general prison space elements that can influence prisoners' wellbeing. Adequate natural or artificial

lighting (Figueiro et al., 2011; Kim & Kim, 2007), view outside the cell and prison building (Barton & Pretty, 2010; Clearwater & Coss, 1991), noise (Jacobson et al., 1989; Stansfeld & Matheson, 2003), aesthetic of the space (Jewkes & Moran, 2017; Papanek, 1995; Sloan, 2012), prison layout (Liebling, 2002; Wortley, 1996), size of building and cell (McCain et al., 1976; Paulus, 1985), age of prison (Shefer & Liebling, 2008), comfortable visitation spaces (Bales & Mears, 2008; Comfort, 2003; Moran, 2013a, 2013b), nature in prison environment (Ulrich, 2002) could play a role in improvement or deterioration of inmates wellbeing. Aesthetic architectural solutions, such as cage-like cells with indestructible and uncomfortable furniture, could carry a potential message to the convicts that they are vandals, and that society does not trust them. Attractiveness of the space can ease the time serving in prison and communicate the message of value and respect to prisoners (St. John, 2020). Prisons should strive to improve their capacity for successful implementation of treatment and rehabilitation programs by creating a positive social climate in the prison and establishing architectural designs that aesthetically inspire hope for both prisoners and professional staff (Ilijić, 2021).

Conclusion

The connection between the spatial features of the prison environment and various dimensions of quality of prison life is empirically confirmed through multiple scientific studies. Arrangement of objects inside the space, as well as the visage outside of the prison, influence the experience and behaviour of incarcerated persons and working people. However, we should also mention some notions that suggest that design of prison interior and exterior does not have such an impact on life in prisons. Researchers argue that investing in improvement of prisoners-staff relationship, consistent and fair rules in prison have more impact on violence and uprisings in prison than the building design and layout (Useem & Goldstone, 2002).

This study has several limitations that could also serve as directions for future research. First, selected dimensions are not overall exclusive and greatly overlap. For example, prisoner staff-relationships are sometimes believed to be a part of a prison social climate, and personal security indication of prisoners' wellbeing. Therefore, this list is not definite or extinguished but serves the purpose of outlining the main ideas regarding the connection between architecture and quality of prison life. Second, insights regarding the correctional facilities design and quality of prison life usually present the experiences of adult male offenders. Hence the understanding of the influence architectural factors has on different categories of inmates (women, children, disabled people, elderly etc.) would greatly benefit the field of research. Moreover, the paper is primarily focused on inmates' experience, while the prison staff working and living conditions and their

relations to architectural features of the prison are absent.³ Fourth, future line of thought could revolve around directions, magnitude and interactions of different design features and how they combine to create more positive prison environment.

In the end what are the lessons learned from the explorations of these relations in penology and penal policy in the country? What is the role of the architect in the process of building a venue for social deviants, and is this venue supposed to be eye pleasing, comfortable and enjoyable? Answers to these questions are obviously multifaceted and require researchers and practitioners to be careful when discussing the issue in question. Dominant approaches in penal ideology and policy, and public opinion on crime and punishment are reflected in the design of correctional facilities. But if there is scientific confirmation on the benefits that a carefully planned prison environment has on the living and working conditions of inmates and staff alike, then creating a more humane prison interior and exterior setting could contribute to the rehabilitation and reintegration as the purpose of punishment. Thinking about the future of prison architecture, there are already initiatives to implement more multidisciplinary (criminology, penology, urbanism, sociology), participative (planners, architects, prison administration) and inclusive (prisoners and staff) approach to planning and creating the prison environment that will improve working and living conditions for every person residing, working or visiting the correctional facility.

Acknowledgment

This work is the result of the engagement of the author in accordance with the Plan and program of work of the Institute of Criminological and Sociological Research for 2024 (based on contract no. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

³ For further reading see Keinan & Malach-Pines, 2007; Liebling et al., 2011; Morgan et al. 2002.

References

- Adey, P. (2008). Airports, mobility and the calculative architecture of affective control. *Geoforum*, 39(1), 438–451 <https://doi.org/10.1016/j.geoforum.2007.09.001>
- Bales, W. D., & Mears, D. P. (2008). Inmate social ties and the transition to society: Does visitation reduce recidivism? *Journal of Research in Crime and Delinquency*, 45(3), 287–321 <https://doi.org/10.1177/0022427808317574>
- Barton, J., & Pretty, J. (2010). What is the best dose of nature and green exercise for improving mental health? A multi-study analysis. *Environmental Science and Technology*, 44(10), 3947–3955. <https://doi.org/10.1021/es903183r>
- Beijersbergen, K. A. (2014). *Procedural justice in prison: A study on determinants and consequences of a procedurally just treatment of prisoners*. [Doctoral Thesis]. Vrije Universiteit Amsterdam
- Beijersbergen, K. A., Dirkzwager, A. J. E., van der Laan, P. H., & Nieuwbeerta, P. (2016). A social building? Prison architecture and staff–prisoner relationships. *Crime & Delinquency*, 62(7), 843–874. <https://doi.org/10.1177/0011128714530657>
- Clearwater, Y. A., & Coss, R. G. (1991). Functional esthetics to enhance wellbeing. In A. A. Harrison, Y. A. Clearwater & C. P. McKay (Eds.), *From Antarctica to outer space* (pp. 331–348). Springer
- Comfort, M. (2003). In the tube at San Quentin: The “secondary prisonization” of women visiting inmates. *Journal of Contemporary Ethnography*, 32(1), 77–107. <https://doi.org/10.1177/0891241602238939>
- Engstrom, K. V., & Van Ginneken, E. F. (2022). Ethical prison architecture: A systematic literature review of prison design features related to wellbeing. *Space and Culture*, 25(3), 479–503. <https://doi.org/10.1177/12063312221104211>
- Fairweather, L. (2000). Does design matter? In L. Fairweather & S. McConville (Eds.), *Prison architecture: Policy, design and experience*. Architectural Press.
- Figueiro, M. G., Brons, J. A., Plitnick, B., Donlan, B., Leslie, R. P., & Rea, M. S. (2011). Measuring circadian light and its impact on adolescents. *Lighting Research & Technology*, 43(2), 201–215. <https://doi.org/10.1177/1477153510382853>
- Fransson, E. (2018). The Lunch table. Prison Architecture, Action-forces and the Young Imprisoned Body. In E. Fransson, F. Giofrè, & B. Johnsen (Eds.) *Prison, Architecture and Humans* (177–199). Cappelen Damm Akademisk
- Ilijić, Lj. (2021). Zatvorska socijalna klima: pojam, faktori i značaj zatvorske socijalne klime. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 40(2–3), 59–76. <https://doi.org/10.47152/ziksi202123024>
- Ilijić, Lj., Pavićević, O., & Milićević, M. (2024). *Well-being in prison: The Case of Serbia*. Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE.D4.1>
- Jacobson, C., Jacobson, J., & Crowe, T. (1989). Hearing loss in prison inmates. *Ear and Hearing*, 10(3), 178–183.
- James, F. (2018). “It’s important to not lose myself” Beds, Carceral Design and Women’s Everyday Life within Prison Cells. In: Fransson, E., Giofrè, F. & Johnsen, B. (Eds.) *Prison, Architecture and Humans* (pp. 151–176). Cappelen Damm Akademisk
- Jewkes, Y. (2018). Just design: Healthy Prison and the Architecture of hope. *Australian & New Zealand Journal of Criminology*, 51(3), 319–321. <https://doi.org/10.1177/0004865818766768>

- Jewkes, Y., & Moran, D. (2017). Prison architecture and design perspectives from criminology and carceral geography. In A. Liebling, L. McAra & S. Maruna (Eds.), *Oxford handbook of criminology* (pp. 541–561). Oxford University Press
- Johnston, N. (2000). *Forms of Constraint. A History of Prison Architecture*. University of Illinois Press, Champaign.
- Keinan, G., & Malach-Pines, A. (2007). Stress and burnout among prison personnel: Sources, outcomes, and intervention strategies. *Criminal Justice and Behavior*, 34(3), 380–398. <https://doi.org/10.1177/0093854806290007>
- Kim, S., & Kim, J. (2007). The effect of fluctuating illuminance on visual sensation in a small office. *Indoor and Built Environment*, 16(4), 331–343. <https://doi.org/10.1177/1420326X06079947>
- Liebling, A. (2002). Suicides in prison and the Safer Prisons agenda. *Probation Journal*, 49(2), 140–150. <https://doi.org/10.1177/026455050204900208>
- Liebling, A., Hulley, S., & Crewe, B. (2012). In: D. Gadd, S. Karstedt, & S.F. Messner (Eds.), *The SAGE Handbook of Criminological Research Methods* (pp. 358–372). SAGE.
- Liebling, A., Price, D., & Shefer, G. (2011). *The Prison Officer*. Routledge.
- McCain, G., Cox, V., & Paulus, P. B. (1976). The relationship between illness complaints and degree of crowding in a prison environment. *Environment and Behavior*, 8, 283–290. <https://doi.org/10.1177/001391657682006>
- Moran, D. (2013a). Carceral geography and the spatialities of prison visiting: Visitation, recidivism, and hyperincarceration. *Environment and Planning D*, 31(1), 174–190 <https://doi.org/10.1068/d18811>
- Moran, D. (2013b). Between outside and inside? Prison visiting rooms as liminal carceral spaces. *GeoJournal*, 78, 339–351. <https://doi.org/10.1007/s10708-011-9442-6>
- Moran, D., Turner, J., & Schliehe, A. K. (2017). Conceptualizing the carceral in carceral geography. *Progress in Human Geography*, 42(5), 666–686. <https://doi.org/10.1177/0309132517710352>
- Morgan, R. D., Van Haveren, R. A., & Pearson, C. A. (2002). Correctional officer burnout: Further analyses. *Criminal Justice and Behavior*, 29(2), 144–160 <https://doi.org/10.1177/0093854802029002002>
- Morris, R. G., & Worrall, J. L. (2010). Prison architecture and inmate misconduct: A multilevel assessment. *Crime & Delinquency*, 60(7), <https://doi.org/10.1177/0011128710386204>
- Papanek, V. J. (1995). *The green imperative: Natural design for the real world*. Thames and Hudson.
- Paulus, P.B., McCain, G., & Cox, C. (1985). The effects of crowding in Prisons and Jails. In: Farrington, D.P., Gunn, J. (Eds.), *Reactions to Crime: The Public, the Police, Courts and Prisons* (pp. 113–134). Wiley.
- Shefer, G., & Liebling, A. (2008). Prison privatization: In search of a business-like atmosphere. *Criminology & Criminal Justice*, 8, 261–278. <https://doi.org/10.1177/1748895808092429>
- Sloan, J. (2012). “You can see your face in my floor”: Examining the function of cleanliness in an adult male prison. *The Howard Journal of Criminal Justice*, 51(4), 400–410. <https://doi.org/10.1111/j.1468-2311.2012.00727.x>
- St. John, V. J. (2020). Placial justice: Restoring rehabilitation and correctional legitimacy through architectural design. *SAGE Open*, 10(2), 1–9. <https://doi.org/10.1177/2158244020919503>

- Stansfeld, S. A., & Matheson, M. P. (2003). Noise pollution: Non-auditory effects on health. *British Medical Bulletin*, 68(1), 243–257. <https://doi.org/10.1093/bmb/ldg033>
- Ulrich, R. S. (2002). *Health benefits of gardens in hospitals*. Plants for People International Exhibition Florida.
- Ulrich, R.S., Bogren, L. and Lundin, S. (2012). “Toward a design theory for reducing aggression in psychiatric facilities”. *ARCH 12: Architecture/RESEARCH/CARE/HEALTH*. Chalmers.
- Useem, B., & Goldstone, J. A. (2002). Forging social order and its breakdown: Riot and reform in U.S. prisons. *American Sociological Review*, 67(4), 499–525 <https://doi.org/10.1177/000312240206700402>
- Wener, R. E. (2000). Design and the likelihood of prison assaults. In L. Fairweather & G. McCain (Eds.), *Prison architecture: Policy, design and experience* (pp. 49–54). Architectural Press.
- Wener, R. E., & Olsen, R. (1980). Innovative correctional environments: A user assessment. *Environment and Behavior*, 12(4), 478–493. <https://doi.org/10.1177/0013916580124005>
- Wortley, R. (1996). Guilt, shame and situational crime prevention. In R. Homel (Ed.), *The politics and practice of situational crime. Crime prevention studies* (pp. 11–32). Criminal Justice Press

Prison Sentence and the Challenges of Contemporary Technological Development*

Ana Batrićević¹ 

Having in mind the fact that technological development affects all spheres of life, including enforcement of prison sentence, the author analyses the ways in which it shapes modern penitentiary systems, not only in the context of security and surveillance, but also for the purpose of education and resocialisation of convicted persons and the improvement of prisons' moral and social climate and living conditions. The author highlights the indisputable contribution of contemporary information-communication technologies to the maintenance of contact between convicted persons and their families (which is essential for the mitigation of prison deprivations), alongside with a certain level of scepticism of the community caused by the fear of their potential misuse. Moreover, the author discusses in which way and with what purpose are new technologies applied in numerous penitentiary institutions, as well as the risks emerging from the efforts to gradually replace prison staff by these technologies in diverse segments of prison life. Special attention is dedicated to the challenges of the use of artificial intelligence for the performance of several tasks related to prison sentence enforcement including risk assessment, designing resocialisation programs, supervision and prevention of prohibited, dangerous and harmful behaviour, education and professional training of convicted persons and their preparation for social reintegration. Lastly, the author draws attention to some ethical and legal dilemmas related to the use of artificial intelligence in prisons, suggesting the need to be particularly cautious in order to preserve human rights in that context, particularly the right to privacy.

KEYWORDS: prison sentence / resocialisation / smart prisons / human rights / artificial intelligence

* This paper was presented by Ana Batrićević as part of her plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Batrićević, A. (2024). Prison Sentence and the Challenges of Contemporary Technological Development. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 383–393). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.07>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-1727-4222>

Correspondence: Ana Batrićević, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: a.batricevic@yahoo.com

Introduction – The Impact of Technological Progress on the Enforcement of Prison Sentence

Nowadays, digital devices, equipment and networks are applied in numerous fields of law and judiciary, particularly in penal law (Jovašević, 2022). Digital transformation reflects on the functioning of judiciary systems and new technologies, also referred to as “technologies that have just been presented to the society” (Chazournes, 2009, as cited in Đukanović, 2016, p. 281) are being increasingly used in the phase of investigation, as well as when it comes to imposing and executing criminal sanctions (Marcondes Ramos, 2022 as cited in Ishiy & Marcondes Ramos, 2023). Digitalisation and new technologies are introduced to judiciary (Avramović & Jovanov, 2023, pp. 161–177) and police, therefore, it seems logical that they are gradually entering the criminal sanctions enforcement system (Ilić & Banović, 2022).

The development of new technologies based on artificial intelligence², big data concept³ and machine learning⁴ changes everyday life, introduces new forms of social interaction, offers greater possibilities for connection and reshapes the ways in which various services are provided (Marcondes Ramos, 2022, as cited in Ishiy & Marcondes Ramos, 2023). Automatization, robots, artificial intelligence, face recognition and data analysis software are more and more frequently incorporated in the infrastructures of penitentiaries worldwide, transforming them into “smart prisons” (McKay, 2022, p. 101).

Depending on their purpose and users, within smart prisons, the following technologies can be distinguished: 1) technologies aimed at the increase of safety level and 2) technologies aimed at the improvement of resocialization and rehabilitation of convicted persons (McKay, 2022, p. 101). Some authors classify new technologies as technologies designed for: 1) supervision/monitoring, 2) communication and 3) e-learning (Kaun & Stiernstedt, 2022, as cited in Ishiy & Marcondes Ramos, 2023).

Strategy for the development of criminal sanctions enforcement system in the Republic of Serbia (hereinafter: SDCSESRS) for the period between 2022 and

² A feature shared by all artificial intelligence definitions consists of the growing capability of machines to perform tasks that are regularly conducted by humans at their workplaces and in the community (Dwivedi et al., 2021, as cited in Budić, 2022, p. 50).

³In the broader sense, *big data concept* is defined as “informational resource of large quantity, high speed and great variety of data that requires new and innovative methods of processing and optimization, improvement of the insight in data content and decision making” (Laney, 2001, as cited in Pavlović & Dejanović, 2014, p. 754).

⁴ Machine learning is a field of artificial intelligence that consists of performing complex tasks by machines on the grounds of the experience that they obtained through learning (Stojić et al., 2019, p. 2).

2027⁵, explains that during the application of former document dedicated to the same field⁶ it was necessary to develop the existing and introduce new systems and technologies to provide for integrated and comprehensive data collecting, making them available to relevant state bodies and connected with the system of courts, prosecutor's offices, police etc. Hence, the aforementioned process does not include only the digitalization in the narrow sense, defined as "the process of conversion of objects, images, sound, documents or signals to digital form" (Ivanović, 2018, p. 70), but also the storage of data in digital form within an integrated information system (IIS). SDCSESRS insists on the improvement of information technologies within the criminal sanctions enforcement system through the application of a series of listed measures.

Digitalization enhances the efficiency of bodies involved with the imposing and enforcement of criminal sanctions. However, the situation becomes more complex if we take one step further in the sense of automatization of certain tasks to the extent that delegates everyday duties of prison services to artificial intelligence. In our country, such step has not yet been made, but globally speaking, artificial intelligence is progressively finding its place behind the prison walls, which imposes numerous ethical, legal and practical issues (Andersson, 2022).

The Use of Artificial Intelligence for the Tasks of Prison Services

The Definition and Scope of Application of Artificial Intelligence

Artificial intelligence refers to the "systems that demonstrate rational, intelligent behaviour on the grounds of the analysis of their environment and make decisions – with a certain degree of autonomy- in order to complete actual goals"⁷ (European Commission High-Level Expert Group on Artificial Intelligence, 2019; see also: Budić, 2022; Puolakka & Van de Steene, 2021). It consists of the "simulation of human intelligence processes with an appropriate algorithm, code or technique with the assistance of machines or computer systems" (Prlja et al., 2022, p. 30). An increasing number of tasks are being conducted by artificial intelligence, autonomously, without human control and supervision (Złotowski et al., 2017, as cited in Budić, 2022). The impact of artificial intelligence is visible in all segments of the society, including: labour market, transport, health

⁵ Strategy for the development of criminal sanctions enforcement system in the Republic of Serbia for the period between 2022 and 2027, *Official Gazette of the Republic of Serbia*, No.142/2022.

⁶ Strategy for the development of criminal sanctions enforcement system in the Republic of Serbia until 2020, *Official Gazette of the Republic of Serbia*, No.114/2013.

⁷ Strategy of artificial intelligence development in the Republic of Serbia for the period 2020–2025, *Official Gazette of the Republic of Serbia*, No. 96/2019 (hereinafter: SDAIRS).

protection, education, security, crime suppression, reaction to natural disasters, traffic regulation etc. (Budić, 2022).

Artificial intelligence is also applied in some criminal sanctions enforcement systems, most frequently for the purpose of: surveillance and security (Puolakka & Van De Steene, 2021), administrative tasks in prisons, risk and needs assessment as well as for education and professional training of convicted persons. That is the idea on which the concept of smart prisons dwells, including the implementation of new technologies to make the functioning of prison services more efficient and provide for safe automatized and affordable models of organisation and administration (McKay, 2022, as cited in Ishiy & Marcondes Ramos, 2023).

The Use of Artificial Intelligence for the Purpose of Safety in Prisons

In modern prison systems, artificial intelligence is commonly applied for the purpose of surveillance and safety (Puolakka & Van De Steene, 2021). Smart prisons with automatic or robotic surveillance systems reduce the need for physical interaction between prisoners and prison staff to a minimum, creating a safer working environment (McKay, 2022). The most advanced applications of that type are used in South Korea, China, Hong Kong (Puolakka & Van De Steene, 2021), Singapore (McKay, 2022), Japan (McKay, 2022), The Netherlands and USA (McKay, 2022). These technologies are considered more efficient than human surveillance, allowing prison staff more free time that can be filled with comprehensive rehabilitative work with convicted persons (Leighton, 2014, as cited in McKay, 2022).

Over a decade ago, prisons in South Korea started testing “robot-guards”, equipped with 3D cameras, sensors and algorithms for registering illicit behaviours and capable of patrolling on their own while remotely monitored by prison staff (CBS, 2012; Kim, 2012, as cited in McKay, 2022). In Singapore, a model of “prisons without guards” is being developed, consisting of the application of smart technologies in order to boost the efficiency of work and reduce the number of prison staff employed within the security service (McKay, 2022; Paulo, 2019). Singapore prisons implement the technologies such as: advanced video analytics for aggression detection, cameras for face recognition, as well as smart bracelets with microchips for non-cash payment, tracking the participation of convicted persons in rehabilitation programmes and collection of other data, but also tablets for education and so-called “iKiosk” for self-service and submission of various applications and requests (McKay, 2022).

One high-tech prison in the Netherlands introduced bracelets for identification of radio frequencies, as a part of an integrated management system that supervises the movement and locations of convicted persons, their compliance with daily

schedule and rules, together with the software for automatic recognition of emotion that monitors conversations and conflict situations (Halberstadt & La Vigne, 2011, as cited in McKay, 2022; Northfield, 2018, as cited in McKay, 2022). Moreover, the application of similar bracelets in Japanese prisons enables convicted persons to move freely through prison facilities without guards, but still remain under supervision, which encourages their autonomy and self-discipline (Halberstadt & La Vigne, 2011, as cited in McKay, 2022).

Advanced technologies such as drones, automatic body and package scanning and smell detection are implemented in some prisons for the purpose of discovering and preventing contraband of drugs and other prohibited substances, either together with or instead of traditional methods such as physical search, x-rays, metal detector and dogs (McKay, 2022).

Modern Technologies and Mitigation of Prison Deprivations

Deprivation of freedom represents the greatest loss for all convicted persons and, within it, separation from family and other close persons is considered the most painful (Ilijić, 2014), making convicted persons feel rejected and isolated (Ilijić, 2014). Prison deprivations undermine the process of resocialization (Jovanić et al., 2019), which is the reason why it is important to minimise their undesirable effects. Correspondence, telephone calls and visits are commonly used as ways to mitigate the deprivation of liberty in the segment of loss of contacts with the world outside prison.

The right of convicted persons to communicate with the outer world is guaranteed on international (European Prison Rules⁸ – Section 24, Standard Minimum Rules for the Treatment of Prisoners⁹ – rule 58) and national level (Articles 87, 88, 90 and 91 of the Law on the Enforcement of Criminal Sanctions¹⁰). Apart from being one of the fundamental rights of convicted persons, prison visits contribute to rehabilitation through the connection with the outer world (Monahan et al., 2011, as cited in Antojado & Ryan 2024). Frequent and not too strictly supervised visits of family members may enhance the mitigation of negative consequences of the deprivation of liberty and encourage convicted persons to behave properly (Jašović, 2000, as cited in Ilijić, 2014).

⁸ Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

⁹ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) E/CN.15/2015/L.6/Rev.1

https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

¹⁰ Law on the Enforcement of Criminal Sanctions, *Official Gazette of the Republic of Serbia*, No. 55/2014 and 35/2019.

COVID-19 pandemic, which forced prisons around the world to replace physical visits with video calls, demonstrated that information-communication technologies may diminish the deprivation of contact with family members and expand support network (Antojado, Ryan, 2024; Ilić & Banović, 2022). If we leave aside the extraordinary circumstances caused by the pandemic, permitting convicted persons to use digital technologies represents a rather delicate and disputable question that is predominantly influenced by the attitudes of popular media and neoliberal policies and practices (Jewkes & Reisdorf, 2016). There is fear in the public that convicted persons might misuse new technologies, while, at the same time convicted persons often claim that surveillance during video calls represents the violation of their right to privacy (Jewkes & Reisdorf, 2016). Besides, there is also reasonable concern that physical visits might be completely replaced with video calls (Jewkes & Reisdorf, 2016).

Some countries allow convicted persons to use information-communication technologies under regular circumstances – for example, in several states of the USA convicted persons may use “correctional tablets” for e-mailing, on-line payment, video calls etc. and can also be used for listening to music, playing video games, watching educative and media content, accessing legal documents and submitting requests to prison services (Ilić & Banović, 2022; Iverson, 2022).

The Role of Modern Technologies in the Resocialization of Convicted Persons

European Prison Rules proclaim that living conditions in prison should approximate as closely as possible the positive aspects of life in the community (European Prison Rules, Article 5). Furthermore, the Rules also insist on managing detention so as to facilitate the reintegration into free society of persons deprived of liberty (European Prison Rules, Article 6). The purpose of the application of digital technologies in prisons and education of convicted persons in the field of digital literacy actually includes their preparation for life in the community, where technological progress represents a part of everyday life. Accordingly, some prisons use modern technologies as additional methods within their treatment programmes (Ilić & Banović, 2022).

One example of good practice when it comes to the use of modern technologies for the cause of resocialization refers to “Pokket” – a specialised mobile-friendly platform that is applied in one prison in the USA with the purpose to prepare convicted persons for release as well as to allow former convicts to exchange with prison staff, probation officers and other agencies relevant information that could help them with social reintegration (Link & Reece, 2021).

The use of modern technologies for educational purposes is of particular importance, since the access of convicted persons to education minimizes the risk

of recidivism and increases the probability of social reintegration (Becker-Pestka, 2022), by showing them that they have the capacity for changes that will make them closer to life in the community (Knežić, 2017). This refers to e-learning as “a model of activities that uses information technologies in order to support educational process defined in the broadest sense” (Hyla, 2005, as cited in Becker-Pestka, 2022). E-learning and a model that combines e-learning and classical lessons are ideal for prison conditions because they can easily be adjusted to the needs and schedule of convicted persons (Becker-Pestka, 2022). E-learning is applied in prisons worldwide, especially in Sweden, Norway, Poland, Finland, Germany (Becker-Pestka, 2022), as well as in the USA, where convicts can use tablets with courses for education, professional training and rehabilitation (Ilić & Banović, 2022).

In the USA, several startup companies in collaboration with regional prison administrations initiated the introduction of virtual reality as a method for the preparation of female prisoners to face mental challenges after release (Teng & Gordon, 2021). Before the release, convicted women “rehearse” their responses to psychological difficulties that they might face when re-entering the community and strengthen their resilience through virtual exposure to stressful situations (Teng & Gordon, 2021). There are no research findings about the impact of the application of virtual reality programmes on recidivism, but it has been confirmed that they can assist with mental health issues treatment (Fetterling, 2016, as cited in Teng & Gordon, 2021), although they carry potential risk of re-traumatization, excessive simplification of post-release problems and disruption of interactions between convicts and prison staff (Teng & Gordon, 2021)

Conclusion – Advantages and Risks of Implementation of New Technologies in Prison Environment

The use of new technologies for the purpose of preservation of security, mitigation of prison deprivations and enhancement of resocialization and social reintegration of convicted persons and the protection of their human rights (such as the right to communication with the outer world) has got numerous advantages, most of which have been mentioned in this paper. However, a question can be raised whether and to what extent are human rights and the positive outcome of resocialization threatened by excessive implementation of new technologies and dehumanization of prisons that might emerge from that process?

Namely, it should not be forgotten that convicted persons belong to a population that is vulnerable on several grounds (Ishiy & Marcondes Ramos, 2023). Social inequality, present in penal systems around the world, is expressed through a large share of marginalized, uneducated and underprivileged citizens in the total number of persons deprived of liberty (Pavićević & Ilijić, 2022). In

addition, convicted persons suffer from mental health issues more often than the rest of the population, they often lack digital literacy and many of them are the members of national or ethnical minorities (Ishiy & Marcondes Ramos, 2023). Added to the deprivation of liberty and prison deprivations that come with it (Ilijić, 2014), these factors make convicted persons particularly vulnerable, primarily when it comes to the possibility for them to protect their human rights (Ishiy & Marcondes Ramos, 2023).

The risk of human rights infringement by the application of new technologies in prisons primarily refers to the right to privacy (Batrićević & Stepanović, 2020), since their excessive use for the purpose of surveillance can cause disbalance between the right to personal dignity, on the one hand, and the interests of security, on the other (Penal Reform International & Association for the Prevention of Torture, 2015, as cited in McKay, 2022). Namely, the exposure to looks and cameras, searches, revealing and keeping personal information in registers and DNA bases certainly cause some limitations of prisoners' right to privacy (Marshall & Thomas, 2017, as cited in Batrićević & Stepanović, 2020). But, the development of new technologies causes concern about potential violations of human rights in new ways (Đukanović, 2016). This particularly refers to artificial intelligence, which is followed by a series of challenges including: protection of personal information, risk of algorithmic bias (Prlja et al., 2022), providing transparency (SDAIRS). Since products and services based on artificial intelligence may threaten not only fundamental human rights but also democracy and rule of law (Prlja et al., 2022), they should be applied with particular caution and awareness of the need to keep the balance between efficiency, safety and affordability, on the one hand, and humanity, on the other. The application of artificial intelligence in general, and especially in specific environments such as prisons, raises some substantial questions about the relationship between humans and machines and the extent to which algorithms and robots should be trusted in the future (Puolakka & Van De Steene, 2021).

Some of key factors that shape moral and social climate in prisons and upon which the quality of prison life and the success of resocialization depend include interpersonal relations that expand moral capacities of all who participate in prison life (Liebling, 2021, as cited in Pavićević et al., 2024). The aforementioned refers to both – interpersonal relations between convicted persons, as well as the relations between convicted persons and prison staff. (Pavićević et al., 2024). Although technological innovations allow prison staff to spend more time working with prisoners on their rehabilitation, excessive relying on new technologies, particularly artificial intelligence, leads to minimisation of interpersonal interaction, which can have negative impacts on convicted persons' mental health and undermine the efforts aimed at resocialization.

Acknowledgements

This paper represents the result of the author's engagement in accordance with the Working Plan and Programme of the Institute of Criminological and Sociological Research (based on the contract No. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation.

Some of the findings presented in this paper represent the results of a research that was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

References

- Andersson, E. (2022). *Morals, ethics and trust: correctional officers' view of AI implementation (A study of the effects of ethical and moral values on trust and artificial implementation within the Swedish Prison and Probation service)*. (Master thesis, Uppsala University).
- Antojado, D., & Ryan, N. (2024). The future of prison visits? An autoethnographic perspective on the developments of the digitisation of prison visits during COVID-19. *Journal of Criminology*, 0(0). <https://doi.org/10.1177/26338076241252181>
- Avramović, D., & Jovanov, I. (2023). Sudijska (ne)pristrasnost i veštačka inteligencija. *Strani pravni život*, 67(2), 161–177. https://doi.org/10.56461/SPZ_23201KJ
- Batričević, A., & Stepanović, I. (2020). Video nadzor, bezbednost i pravo na privatnost u zatvorima. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 39(2-3), 27–44.
- Becker-Pestka, D. (2022). E-learning for prisoners Experience from Sweden, Norway, Poland, Finland and Germany. *International Journal of Research in E-learning*, 8(1), 1–24. <https://doi.org/10.31261/IJREL.2022.8.1.09>
- Budić, M. (2022). Etičke dileme i stavovi prema primeni veštačke inteligencije. *Kritika*, 4(1), 49–65.
- Đukanović, A. (2016). Zaštita ljudskih prava i nove tehnologije. In S. Jelisavac Trošić (Ed.), *Savremeni međunarodni ekonomski i pravni poredak* (pp. 279–304). Institut za međunarodnu politiku i privredu.
- European Commission High-Level Expert Group on Artificial Intelligence (2019). *A definition of AI: Main capabilities and scientific disciplines*. European Commission, https://ec.europa.eu/futurium/en/system/files/ged/ai_hleg_definition_of_ai_18_december_1.pdf
- Fetterling J (2016). Virtual reality to impact the prison market. *Correctional News*. <http://correctionalnews.com/2016/11/16/virtual-reality-impact-prison-market/>
- Ilijić, Lj. (2014). *Osuđeni i deprivacije: uticaj karakteristika ličnosti na intenzitet doživljavanja zatvorskih deprivacija*. Institut za kriminološka i sociološka istraživanja.
- Ilić, A., & Banović, B. (2022). Digitalizacija u sistemu izvršenja krivičnih sankcija Republike Srbije. In J. Kostić & M. Matić Bošković (Eds.), *Digitalizacija u kaznenom pravu i pravosuđu* (pp. 185–200). Institut za uporedno pravo, Institut za kriminološka i sociološka istraživanja. https://doi.org/10.56461/ZR_22.DUKPP.14

- Ishiy, K. T., & Marcondes Ramos, J. R. (2023). El acceso a la justicia y las nuevas tecnologías aplicadas durante la ejecución de las penas de prisión. *Revista De Estudios Jurídicos Y Criminológicos*, (7), 243–258.
<https://doi.org/10.25267/REJUCRIM.2023.i7.10>
- Ivanović, S. (2018) Autorskopravni aspekti digitalizacije kulturne baštine. In D. Popović (Ed.), *Intelektualna svojina i Internet 2018* (pp. 69–85). Pravni fakultet Univerziteta u Beogradu.
- Iverson, J. (2022). Surveilling Potential Uses and Abuses of Artificial Intelligence in Law on the Enforcement of Criminal Sanctions, Official Gazette of the Republic of Serbia, No. 55/2014 and 35/2019. Correctional Spaces. *Scholarly Works*, (1383).
<https://scholars.law.unlv.edu/facpub/1383>
- Jewkes, Y., Reisdorf, B. (2016). A brave new world: The problems and opportunities presented by new media technologies in prisons. *Criminology & Criminal Justice*, 16(5), 534–551. <https://doi.org/10.1177/1748895816654953>
- Jovanić, G., Nestorović, J., & Petrović, V. (2019) Komparacija rizika i recidivizma osuđenih na kaznu zatvora i kućnog zatvora. *Specijalna edukacija i rehabilitacija*, 18(3), 273-298. <https://doi.org/10.5937/specedreh18-23037>
- Jovašević, D. (2022). Pojam i karakteristike računarskih krivičnih dela. In J. Kostić & M. Matić Bošković (Eds.), *Digitalizacija u kaznenom pravu i pravosuđu* (pp. 1–14). Beograd: Institut za uporedno pravo, Institut za kriminološka i sociološka istraživanja.
https://doi.org/10.56461/ZR_22.DUKPP.01
- Knežić, B. (2017). *Obrazovanje osuđenika: način da se bude slobodan*. Institut za kriminološka i sociološka istraživanja.
- Law on the Enforcement of Criminal Sanctions. *Official Gazette of the Republic of Serbia*, No. 55/2014 and 35/2019.
- Link, T., & Reece, B. (2021). Barriers to the Adoption of Technological Innovations in Corrections: A Review and Case Study. *International Journal of Offender Therapy and Comparative Criminology*, 65(2–3), 262–281. <https://doi.org/10.1177/0306624X20952396>
- McKay, C. (2022). The carceral automaton: Digital prisons and technologies of detention. *International Journal for Crime, Justice and Social Democracy*, 11(1), 100–119.
<https://doi.org/10.5204/ijcsd.2137>
- Paulo, D.A. (2019, February 25). *How Changi Prison is taking to video analytics and facial recognition in a big way*. Channel News Asia (CNA) Insider.
<https://www.channelnewsasia.com/cnainsider/singapore-changi-prison-facial-recognition-ai-tech-surveillance-902751>
- Pavićević, O., & Ilijić, Lj. (2022). Social Inequality and Mass Imprisonment. *Sociologija*, 64(4), 563–583. <https://doi.org/10.2298/SOC2204563P>
- Pavićević, O., Ilijić, Lj., & Batrićević, A. (2024). *Moralna i socijalna klima u zatvorima*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.2>
- Pavlović, R., & Dejanović, R. (2014). Big Data i poslovna inteligencija. In S. Milojković (Ed.) *Zbornik radova sa XIII međunarodnog naučno-stručnog simpozijuma Infoteh-Jahorina 2014* (pp. 754–758). Elektrotehnički fakultet, Istočno Sarajevo.
- Penal Reform International & Association for the Prevention of Torture (2015). *Balancing security and dignity in prisons: a framework for preventive monitoring* (2nd edition), <https://cdn.penalreform.org/wp-content/uploads/2016/01/security-dignity-2nd-ed-v6.pdf>

- Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>
- Prlja, D., Gasmi, G., & Korać, V. (2022). *Ljudska prava i veštačka inteligencija*. Institut za uporedno pravo.
- Puolakka, P. & Van De Steene, S. (2021). Artificial Intelligence in Prisons in 2030: an exploration on the future of AI in prisons. *Advancing Corrections Journal*, (11), 126–136.
- The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) E/CN.15/2015/L.6/Rev.1 https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- Stojić, S., Vekić, A., Borocki, J., & Fajsi, A. (2019). Primena veštačke inteligencije u procesu određivanja profesionalne orijentacije budućih studenata. *XXV skup Trendovi razvoja: "kvalitet visokog obrazovanja"*, Kopaonik, 11–14.02.2019.
- Strategy of artificial intelligence development in the Republic of Serbia for the period 2020–2025. *Official Gazette of the Republic of Serbia*, No. 96/2019.
- Strategy for the development of a criminal sanctions enforcement system in the Republic of Serbia for the period between 2022 and 2027, *Official Gazette of the Republic of Serbia*, No.142/2022.
- Strategy for the development of a criminal sanctions enforcement system in the Republic of Serbia until 2020. *Official Gazette of the Republic of Serbia*, No.114/2013.
- Teng, M.Q., & Gordon, E. (2021). Therapeutic virtual reality in prison: Participatory design with incarcerated women. *New media & Society*, 23(8), 2210–2229. <https://doi.org/10.1177/1461444821993131>

Web Pages

- CBS (2012, April 13). *World's first robot prison guard* [Video]. YouTube. <https://youtu.be/dM9BJjjLU9U?si=-tINi-8OPfL6eWL5>

Perception of Security as One of the Central Dimensions of Prison Life Quality in the Correctional Institution for Women in Požarevac*

Ivana Stevanović¹ 

The main purpose of this paper was to highlight the importance of security as a dimension of the social climate for women who are deprived of their liberty and held in prisons, recognising the power dynamics between prison staff and women prisoners as a cornerstone of effective and humane execution of the prison sentence. Given the unique context of the execution of the prison sentence for women prisoners in Serbia, this paper presents the findings from research on the dimension of security conducted at the only prison in which women in Serbia serve the sentence of deprivation of liberty, the Correctional Institution for Women in Požarevac, in 2022. The sample consisted of 91 respondents from both the closed and semi-open sections of the facility. The research is part of a three-year project titled Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects – the PrisonLIFE project, supported by the Science Fund under the Ideas 2020 programme, implemented by the Institute of Criminological and Sociological Research and the University of Belgrade – Faculty of Special Education and Rehabilitation.

KEYWORDS: security / quality of life / prison / women prisoners

* This paper was presented by Ivana Stevanović as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Stevanović, I. (2024). Perception of Security as One of the Central Dimensions of Prison Life Quality in the Correctional Institution for Women in Požarevac. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 395–406). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.05>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-4588-3447>

Correspondence: Ivana Stevanović, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: ivanacpd@gmail.com

Introduction

The security and safety of individuals deprived of their liberty are prerequisites for meeting other relevant standards and norms, and their provision requires respect for fundamental human rights and freedoms. This is of particular significance when considering female prisoners, and selected international instruments, such as the Bangkok Rules,² adopted by the United Nations General Assembly on 21 December 2010, specifically address this issue. The Bangkok Rules recognise women prisoners as a particularly vulnerable social group, with distinct needs and requirements in comparison to male prisoners (Barberet & Jackson, 2017; Krabbe & Van Kempen, 2017).

In this context, a specific section of the Bangkok Rules pertains to issues of security and discipline, as security, safety, and discipline for all individuals in prison, as well as the recognition of the power dynamics between prison staff and women deprived of their liberty, are the cornerstones of an effective and humane prison system. The provision of external security (manifested in the prevention of escapes) and internal safety (which can be seen as an instrument to prevent disorder) is most effectively achieved by fostering positive relationships between persons deprived of their liberty and prison staff. The separation of women from men in prison, alongside the requirement for female staff to supervise women prisoners, serves to prevent violence and protect women prisoners from violence, abuse and harassment, and is a fundamental standard of human rights for prisoners.

Maintaining order and creating a secure environment for both prisoners and staff is one of the primary tasks of prison administration. The security and order depend on the professionalism of staff, particularly those in security roles, but also on the harmony within the prison, i.e., interpersonal relationships both between prisoners and between prisoners and staff. A sense of insecurity, experiences of violence and abuse, and fears of victimisation can undermine the well-being of convicted individuals, thereby impacting the overall quality of prison life (van Ginneken et al., 2018).

As previously noted, the Bangkok Rules pay particular attention to security and safety, insisting on the separation of women from men in prison. Given that body searches and intimate body searches can cause humiliation and distress, they insist on the adoption of alternative methods as a standard practice in penitentiary

² Resolution of the United Nations General Assembly, A/RES/65/229, 65/229. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), available at https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_2203201_5.pdf, page accessed on 12 November 2024.

institutions housing women deprived of their liberty. Children should never be subjected to intensive body searches.

Personal searches should be conducted in such a way as to ensure that women prisoners' dignity and respect are protected (Rules 19-21). These searches should only be carried out by female staff, who have received proper training in accordance with established procedures. There is also a strong emphasis on the development and implementation of alternative methods for body searches, such as scans, to avoid invasive body searches and minimise the harmful psychological and possible physical impact caused by such searches on women prisoners. Finally, as stated in Rule 21, prison staff shall demonstrate competence, professionalism and sensitivity, and shall preserve respect and dignity when searching for both children in prison with their mother and children visiting their mothers.

Rules 22 and 23 address disciplinary punishment. According to these rules, punishment by close confinement shall not be applied to mothers with children, pregnant women, and breastfeeding mothers. Furthermore, disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children (Kovačević et al., 2024). Instruments of restraint shall never be used on women during labour, during birth and immediately after birth. Finally, the rules provide for the protection of women who experience violence during their time in prison.

Security as a dimension of the social climate in prison includes four aspects of prison life: order and security, which imply a sufficient number of employees to ensure professional supervision and control of the prison environment. The subjective experience of the safety of convicted persons in the sense that they feel secure and protected from injuries, threats and other dangers. Adaptation of convicted persons to life in prison, which is seen through the need or coercion of the convicted person to join informal groups in prison. The last sub-dimension refers to the presence of drugs, abuse and victimization in the prison environment.

The main purpose of this paper was to emphasise the significance of security as a dimension of the social climate for women who are deprived of their liberty and are held in prisons, with an understanding of the specifics of the concept of safety and discipline, i.e., recognising the power dynamics between prison staff and women prisoners as a cornerstone of effective and humane execution of the prison sentence.

This paper is part of the wider three-year project titled *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* – PrisonLIFE projekat, supported by the Science Fund under the Ideas 2020 programme, implemented by the Institute of Criminological and Sociological Research and the University of Belgrade – Faculty of Special

Education and Rehabilitation. The project, supported by the Science Fund through the Ideas 2020 programme, is conducted by the Institute of Criminological and Sociological Research and the University of Belgrade – Faculty of Special Education and Rehabilitation. The PrisonLIFE project focuses on the quality of prison life for individuals in Serbian prisons, affecting not only their lives within prison but also their life upon release (Ilijić et al., 2024), with security and its subdimensions being a central component of quality of life in prison for both male and female prisoners (Liebling, 2011; Milićević & Stevanović, 2024).

Among the first findings, those related to women prisoners serving their sentences at the Požarevac Correctional Facility for Women were published. The study analysed the quality of prison life for 91 women prisoners in Serbia, representing 40% of the female prison population in 2022, with the aim of assessing their overall experience, analysing differences in the quality of life across various categories and dimensions of the MQPL (Measuring the Quality of Prison Life; Mededović et al., 2024; Milićević et al., 2024), and identifying specific aspects of the prison environment that require improvement. Significant variations were found in the assessments of the prison climate. The findings indicate a relatively low overall quality of prison life, with a substantial proportion of respondents reporting a negative overall experience of life in prison. Only a small percentage expressed a positive view of the quality of prison life. However, relatively positive experiences were reported in the categories of *Conditions and Contact with Family, Harmony, and Security*. On the other hand, categories such as *Professionalism* and *Well-being and Development* received lower ratings in our sample, indicating areas for improvement. The highest-rated dimensions of MQPL were *Adaptation and Distress* (indicating lower levels of significant inner turmoil), while the lowest-rated were *Well-being, Bureaucratic Legitimacy, Organisation and Consistency, and Decency* (Batrićević et al., 2023). The complete dataset from the PrisonLIFE project is publicly available (Milićević et al., 2024).

Dimension of Security and Female Prisoner's Experiences

The dimension of *security* is one of the determining dimensions of the quality of prison life. It encompasses several aspects (subdimensions): Security as a dimension of the social climate in prison includes four aspects of prison life: 1) policing and security, which implies a sufficient number of staff to ensure professional supervision and control of the prison environment, and 2) the subjective sense of safety of the convicted persons, meaning that they feel safe and protected from injury, threats, and other dangers. The third subdimension is the adaptation of convicted persons to life in prison, which is viewed through the necessity or coercion of the convicted person to join informal groups within the

prison. The final subdimension relates to the presence of drugs, abuse, and victimisation within the prison environment.

The respondents in the Correctional Institution for Women in Požarevac rated the security dimension with an average score of 3.02 ($SD = 0.68$), with the lowest average score being 1.59 and the highest being 4.82. In other words, the average score for this dimension is at the threshold value, suggesting that the women prisoners involved in the research show a relatively positive attitude towards this dimension of the quality of prison life. The research confirmed significant differences between the four subdimensions of security: the security of the women prisoners ($M = 3.08$) and the adaptation of women prisoners ($M = 3.74$) were rated significantly better than the policing and security ($M = 2.93$) and drugs and exploitation ($M = 2.70$). Basically, *security* in the Correctional Facility for Women in Požarevac is a dimension that is relatively positively rated, but there is considerable room for improvement, especially in the subdimensions that fall below the threshold values (Table 1).

Table 1

Rating of subdimensions within the dimension of security

Items	<i>M</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>N</i>
Policing and security	2.93	.68	1.67	5.00	91
Prisoner safety	3.08	.86	1.00	5.00	91
Prisoner adaptation	3.74	.92	1.00	5.00	91
Drugs and exploitation	2.70	.99	1.00	5.00	91
Security dimensions TOTAL SCORE	3.02	.66	1.59	4.82	91

Subdimensions of security

As we have already indicated, the dimension of *Security* refers to: the *Policing and security* – Professional supervision and control of the prison environment (“This prison has too few employees”); the *Prisoner safety* – The feeling of safety and protection from injury, threats, or danger (“I don’t have problems with other prisoners here”); the *Prisoner Adaptation*– The need or pressure to join informal groups in the prison (“In this prison, you have to be part of a group to get by”); *Drugs and Exploitation* – The use of drugs, abuse, and victimisation in the prison environment (“Many people use drugs in this prison”).

The subdimension of the *Policing and safety* refers to the feeling that there is professional supervision and control of the prison environment. It was examined through nine statements, to which all the participants responded on a scale from 1 (strongly agree) to 5 (strongly disagree) (Table 2).

Table 2

Rating of the Policing and Security subdimension

Policing and security	<i>M</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>N</i>
The staff of this prison pretend not to see when the women prisoners break the prison rules.	2.77	1.36	1.00	5.00	90
Supervision over women prisoners is weak in this prison.	3.30	1.28	1.00	5.00	90
This prison is managed by women prisoners rather than employees.	3.20	1.27	1.00	5.00	91
In this prison, very little is done to prevent the introduction of drugs.	3.30	1.30	1.00	5.00	91
The staff in this prison are reluctant to oppose the prisoners.	3.50	1.12	1.00	5.00	90
There are many problems between different groups of women prisoners here.	2.30	1.15	1.00	5.00	91
In this prison, the law of the strongest applies among the prisoners.	2.07	1.14	1.00	5.00	90
This prison has far too few staff.	2.38	1.09	1.00	5.00	91
The staff respond quickly to incidents and alarms in this prison.	3.58	1.16	1.00	5.00	90

As mentioned above, the rating of the women prisoner's experience related to the policing and safety is below the threshold value ($M = 2.93$). At the same time, the women prisoners have a positive experience related to the statement that staff respond quickly to incidents and alarms in the prison ($M = 3.58$), which is important for exercising the right to safety and security, as well as for the adherence to the established regulatory framework regarding the maintenance of safety and security in the prison. The following statements are above the threshold value: "Staff in this prison are reluctant to oppose the prisoners" ($M = 3.50$); "Supervision over prisoners is weak in this prison" ($M = 3.30$); and "This prison is managed by prisoners rather than employees" ($M = 3.20$). An important finding was a relatively low score of the statement: "The staff of this prison pretend not to see when the prisoners break the prison rules" ($M = 2.77$), which leads to the conclusion that respect of prison rules by employees is extremely important to women prisoners. When the score of this statement is compared to the score of the statement that is also below the threshold value, "This prison has far too few staff" ($M = 2.38$), it is completely understandable that such an institution must have a sufficient number of staff to ensure professional supervision and control of the prison environment, as well as a sufficient number of people working in the treatment service (this point has been specifically emphasized by the Protector of Citizens through the National Mechanism for the Prevention of Torture in their reports). This is supported by the relatively negative experience of the prisoners regarding the statement: "There are many problems between different groups of prisoners here" ($M = 2.30$), and especially the statement: "In this prison, the law of the strongest applies among the prisoners" ($M = 2.07$).

The subdimension of *prisoner safety* refers to the positive and respectful attitude of the staff towards the prisoners. It was examined through five statements. On a scale of 1 (strongly agree) to 5 (strongly disagree), all participants responded to four statements ($N = 91$), while two participants did not respond to one statement, “Generally speaking, I fear for my physical safety” (Table 3.). The overall rating of the participants regarding the subdimension of safety is slightly above the threshold value ($M = 3.08$). In this regard, the prisoners particularly have a positive experience related to the statement: “I don’t have any problems with other prisoners here” ($M = 3.58$).

Table 3

Rating of the Safety of Women Prisoners Subdimension

Safety of Women Prisoners	<i>M</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>N</i>
I fear for my physical safety.	3.45	1.25	1.00	5.00	89
I feel safe here and I am not afraid that I will be harmed, abused, or threatened, or that other prisoners will endanger me.	2.95	1.39	1.00	5.00	91
I can relax and be myself among the other prisoners in this prison.	3.03	1.32	1.00	5.00	91
I must be on my guard with everyone in this prison (this applies to both other prisoners and staff).	2.32	1.30	1.00	5.00	91
I don’t have any problems with other prisoners here.	3.66	1.20	1.00	5.00	91

The subdimension of *prisoner adaptation* is the highest-rated subdimension of security. This finding indicates that many of the women prisoners do not feel the need or pressure to join informal groups in the prison, which can be assessed as a positive result. This subdimension was examined through three statements, all of which are above the threshold value (Table 4.). Specifically, the participants had a positive experience with the statement that they do not have to buy and sell things in prison to get by ($M = 4.13$).

Table 4

Rating of Subdimension: Prisoner Adaptation

Prisoner adaptation	<i>M</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>N</i>
To get by in this prison, I must buy and sell things.	4.13	1.10	1.00	5.00	91
It’s hard for me to avoid getting into debt in this prison.	3.79	1.36	1.00	5.00	89
In this prison, you must be part of a group to get by.	3.33	1.18	1.00	5.00	91

On the other hand, the use of drugs, abuse, and other forms of victimization in the prison environment are the lowest-rated – with a score of 2.70, thus below the threshold value. The obtained score suggests that the respondents show relatively negative experiences regarding the presence of drugs and abuse in the prison, indicating that this is a segment that requires special attention in the work of the

staff. Women prisoners have a particularly negative experience regarding the statements: “Some convicts have the main say in the sections of this prison” ($M = 2.15$) and “Drugs cause numerous problems between prisoners here” ($M = 2.57$), which are significantly below the threshold values (Table 5).

Table 5

Rating of subdimension Drugs and exploitation

Drugs and exploitation	<i>M</i>	<i>SD</i>	<i>Min</i>	<i>Max</i>	<i>N</i>
Drugs cause numerous problems between prisoners here.	2.57	1.31	1.00	5.00	91
Many prisoners use drugs in this prison.	3.07	1.37	1.00	5.00	90
There are many threats/abuses in this prison (by staff or prisoners).	3.05	1.22	1.00	5.00	91
In this prison, weaker prisoners are abused and mistreated (by other prisoners or staff).	2.64	1.30	1.00	5.00	91
Some convicts have the main say in the sections of this prison.	2.15	1.20	1.00	5.00	91

The presented results should be considered through the lens that the respondents involved in this study were exclusively from the closed and semi-open sections, and that most of the respondents were serving prison sentences for criminal offenses under Article 246 of the Criminal Code³ – unlawful production and circulation of narcotics (30.8%). It is also worth noting that approximately one-fifth of the respondents committed some form of homicide, with aggravated murder under Article 114 of the Criminal Code and murder under Article 113 of the Criminal Code being the next most common criminal offenses. Additionally, it should be kept in mind that the study was conducted during a period of intensive construction work, which, by early 2027, should ensure the full alignment of the factual and normative framework.

The legal framework regulating the conduct of individuals serving prison sentences in Serbia is largely defined by the law and relevant by-laws. This includes relevant provisions from the Law on Execution of Criminal Sanctions⁴ and three by-laws: the Rulebook on Disciplinary Proceedings against Convicted Persons,⁵ the Rulebook on the Measures for Maintenance of Order and Security in Penitentiary Institutions,⁶ and the Rulebook on Treatment, Treatment Program, Classification and Subsequent Classification of Prisoners.⁷

³ *Official Gazette RS*. No. 85/2005, 88/2005 – 107/2005 – 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019.

⁴ *Official Gazette RS*. No. 55/2014 and 35/2019.

⁵ *Official Gazette RS*. No. 79/2014.

⁶ *Official Gazette RS*. No. 55/14.

⁷ *Official Gazette RS*. No. 66/2015.

Conclusion

In modern society, there is an increasing awareness of the need to respect human rights, including the rights of convicted persons. It is evident that prisons have a significant impact on people's lives, and research has shown that the prison experience can have a profound and long-term effect on the physical and mental health, education, employment, and social connections of prisoners. Furthermore, research on life in prisons, such as the research conducted under the PrisonLIFE project, involves continually addressing numerous and complex challenges, including access to the prison population for security reasons, as well as many other ethical issues.

Maintaining order and creating a safe environment for both prisoners and staff is one of the primary responsibilities of prison administration. Security and order depend on the professionalism of the staff, particularly in the security service, but also on the harmony within the prison environment, that is, on interpersonal relationships, both among the prisoners and between the prisoners and staff. The dimension of *security* is one of the determining dimensions for the quality of prison life. It encompasses several aspects (subdimensions), and this paper presents the basic results on how the respondents in the Correctional Institution for Women in Požarevac, the only women's prison in Serbia, perceive this dimension and its subdimensions.

The respondents in the Correctional Institution for Women in Požarevac rated the dimension of security with an average score of 3.02 ($SD = 0.68$), with the lowest average score being 1.59 and the highest 4.82. In other words, the average rating for this dimension is at the threshold value, and it can be concluded that the women prisoners included in the study show a relatively positive attitude toward this dimension of prison life quality. However, the research confirmed significant differences between the four subdimensions of security: the security of the women prisoners ($M = 3.08$) and the adaptation of women prisoners ($M = 3.74$) were rated significantly better than the policing and security ($M = 2.93$) and drugs and exploitation ($M = 2.70$). The presented results are part of a larger study, as previously mentioned, which analyzed the quality of prison life for 91 women prisoners in Serbia, representing 40% of the female prison population in 2022, with the aim of assessing their overall experience, analysing differences in the quality of life across various categories and dimensions of the MQPL (Measuring the Quality of Prison Life), and identifying specific aspects of the prison environment that require improvement. Significant variations were found in the assessments of the prison climate. The findings indicate a relatively low overall quality of prison life, with a substantial proportion of respondents reporting a negative overall experience of life in prison. Only a small percentage expressed a positive view of the quality of prison life. However, relatively positive

experiences were reported in the categories of *Conditions and Contact with Family, Harmony, and Security* (Batričević et al., 2023).

The presented results should be considered through the lens that the respondents involved in this study were exclusively from the closed and semi-open sections (and there is a limitation since the study did not include respondents from the open section). Additionally, majority of the respondents were serving prison sentences for criminal offenses under Article 246 of the Criminal Code – unlawful production and circulation of narcotics (30.8%). It is also worth noting that approximately one-fifth of the respondents committed some form of homicide, with aggravated murder under Article 114 of the Criminal Code and murder under Article 113 of the Criminal Code being the next most common criminal offenses. It should also be borne in mind that the research was carried out during the period of intensive construction works, which, by early 2027, should fully ensure the alignment of the factual and legal framework.

From a regulatory perspective, we believe that the most room for improvement exists in the area of classification of prisoners, including women prisoners, which determines their categorization and subsequent classification based on assessed risk levels, the type of the criminal offense, the length of sentence, health status, relationship to the criminal offense, form of guilt, prior convictions, and other criteria established by the ministerial regulations governing classification and subsequent classification of convicted persons. However, this act does not define the concept of security risk, nor does it specify how this risk is quantified, other than through the application of a “non-discriminatory” Risk Assessment Questionnaire, which, in our opinion, should be subject to revision (Pavlović et al., 2016; Ilijić et al., 2024; Stevanović et al., 2024), especially in the part that refers to women as convicted persons.

To ensure this, as noted by Auty and Liebling, the effort to manage a secure prison must be accompanied by achieving a combination and integration of dimensions such as harmony, security, and professionalism (Auty & Liebling, 2020, 2024), as well as recognizing the fact that the power dynamics between prison officers and women deprived of their liberty, as well as the responsibility to manage that power and authority appropriately in all situations, understanding the particular vulnerability faced by women prisoners, especially in relation to the application of disciplinary measures, searches, and other restrictions, as well as reactions to sexual and any other abuse in prison, require the establishment of special measures to prevent and combat violence against women prisoners, either by other prisoners, or by prison staff.

Acknowledgment

This research was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

The current paper is part of activities of the author funded by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia, conducted by the Institute of Criminological and Sociological Research, 2024, number 451-03-66/2024-03/200039.

References

- Auty, K. M., & Liebling, A. (2020). Exploring the Relationship between Prison Social Climate and Reoffending. *Justice Quarterly*, 37(2), 358–381. <https://doi.org/10.1080/07418825.2018.1538421>
- Auty, K. M., & Liebling, A. (2024). What is a ‘good enough’ prison? An empirical analysis of key thresholds using prison moral quality data. *European Journal of Criminology*, 21(5), 725–753. <https://doi.org/10.1177/14773708241227693>
- Barberet, R., & Jackson, C. (2017). UN Rules for the Treatment of Women Prisoners and Non-Custodial Sanctions for Women Offenders (the Bangkok Rules): A Gendered Critique. *Papers. Revista de Sociologia*, 102(2), 215. <https://doi.org/10.5565/rev/papers.2336>
- Batričević, A., Pavičević, O., Čopić, S., & Miličević, M. (2023). Quality of Prison Life of Female Prisoners in Serbia: Key Challenges and Areas of Strength. *Revija za kriminalistiko in kriminologijo*, 74(4), 273–289.
- Criminal Code (Krivični zakonik). *Official Gazette RS*. No. 85/2005, 88/2005 – 107/2005 – 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 i 35/2019.
- Ilijić, Lj., Stevanović, I., & Vujičić, N. (2024). Departments and Treatment Groups at Penitentiary Facilities in Serbia and Evaluation of Prison Life Quality. *Pravni zapisi*, 15(1), 272–296. <https://doi.org/10.5937/pravzap0-50725>
- Krabbe, M., & Van Kempen, P. H. (2017). Women in prison: A transnational perspective. In P. H. Van Kempen & M. Krabbe (Eds.), *Women in Prison. The Bangkok Rules and Beyond* (pp. 3–34). Intersentia. <https://doi.org/10.1017/9781780684994.004>
- Kovačević, M. & Kovačević-Lepojević, M. & Popović-Čitić, B. & Bukvić, L. (2024). Motherhood in prison—Challenges and perspectives. In S. Čopić & A. Batričević (Eds.), *Prison Environment: A Female Perspective* (pp. 65–78). Institute of Criminological and Sociological Research. https://doi.org/10.47152/PrisonLIFE.D4.7_3
- Liebling, A. (2011). Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited. *European Journal of Criminology*, 8(6), 484–499. <https://doi.org/10.1177/1477370811413807>
- Ilijić, Lj. & Pavičević, O. & Miličević, M. (2024). *Well-Being in Prison: The Case of Serbia*. Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE.D4.1>

- Mededović, J., Drndarević, N., & Milićević, M. (2024). Integrating standard and network psychometrics to assess the quality of prison life in Serbia. *Journal of Criminology*, 57(2), 240-256. <https://doi.org/10.1177/2633807623120876>
- Milićević, M., Ilijić, Lj., & Vujičić, N. (2024). Cross-Cultural Adaptation and Content Validity of the Measuring the Quality of Prison Life Survey in Serbia. *Sage Open*, 14(4). <https://doi.org/10.1177/21582440241301422>
- Milićević, M., Mededović, J., Ilijić, Lj., Pavićević, O., Vujičić, N., & Drndarević, N. (2024). *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects – PrisonLIFE* [Data set]. Data Center Serbia for Social Sciences. <http://dcs.ien.bg.ac.rs/id/eprint/64>
- Milićević, M., & Stevanović, I. (2024). O moralnoj i socijalnoj klimi i kvalitetu života u zatvorima: Primer PrisonLIFE projekta. In M. M. Ljubičić & Đ. Ignjatović (Eds.), *Sociologija zatvaranja: Izbor tekstova* (str. 198–220). Dosije studio.
- Pavlović, Z., Radenović, Z., & Petković, N. (2016). Izvršenje kazne zatvora i neki problem bezbednosti. *Vojno delo* (7), 103–113.
- Stevanović, I. & Ilijić, Lj., & Vujičić, N. (2024). Previous prison experience and evaluation of the quality of prison life. *Nauka, bezbednost, policija*, 29(1), 1–19. <https://doi.org/10.5937/nabepo29-47558>
- The Law on Execution of Criminal Sanction (Zakon o izvršenju krivičnih sankcija). *Official Gazette RS*. No.55/2014 i 35/2019.
- The Rulebook on Disciplinary Proceedings against Convicted Persons (Pravilnik o disciplinskom postupku prema osuđenim licima). *Official Gazette RS*. No. 79/2014.
- The Rulebook on the Measures for Maintenance of Order and Security in Penitentiary Institutions (Pravilnik o merama za održavanje reda i bezbednosti u zavodima za izvršenje krivičnih sankcija). *Official Gazette RS*. No. 55/14.
- The Rulebook on Treatment, Treatment Program, Classification and Subsequent Classification of Prisoners (Pravilnik o tretmanu, programu postupanja, razvrstavanju i naknadnom razvrstavanju osuđenih lica). *Official Gazette RS*. No. 66/2015.
- Van Ginneken E. F. J. C., Palmen, J. M. H., Bosma, A. Q., Nieuwbeerta, P., & Berghuis, M. L. (2018). The Life in Custody Study: The quality of prison life in Dutch prison regimes. *Journal of Criminological Research, Policy and Practice* 4(4), 253–268. <https://doi.org/10.1108/JCRPP-07-2018-0020>

Some Features of the Educational Structure of Convicted Individuals in the PrisonLIFE Study*

Olivera Pavićević¹ 

This paper analyzes the educational structure of the incarcerated population based on a sample surveyed as part of the PrisonLIFE research project. The results indicate that convicted individuals with high school are predominant within the sample, prompting various considerations not only regarding the incarcerated population and its socio-demographic characteristics but also about what these data suggest for the general population and social processes in Serbia. Several perspectives are proposed for analyzing these results, representing a multidisciplinary approach that encompasses sociological, criminological, and pedagogical contributions to the topic. The discussion aims to enhance understanding of the incarcerated population and its educational advancement, while also critically reflecting on negative trends in education, as well as moral, normative, and institutional development and compliance in Serbia, which could be significant for reducing crime rates.

KEYWORDS: education / prison / convicted individuals / anomie / crime

* This paper was presented by Olivera Pavićević as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Pavićević, O. (2024). Some Features of the Educational Structure of Convicted Individuals in the PrisonLIFE Study. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 407–415). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.03>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-4455-7236>

Correspondence: Olivera Pavićević, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: oliverapavicevic4@gmail.com

Introduction

The educational structure of convicted individuals is a socio-demographic characteristic tied to various aspects of quality of life in prison (Ilijić et al., 2024a, b) and is also linked to different post-incarceration outcomes. Given the relationship between educational attainment and socio-economic status, the educational composition of convicted individuals provides indirect insights into which socio-economic segments are most prevalent within the prison population. Extensive literature highlights how the incarcerated population is often economically, socially, educationally, and otherwise marginalized and criminalized compared to the broader society (Alexander, 2010; Tonry, 2011; Wacquant, 2009; Western & Pettit, 2002).

In developed Western societies, particularly the United States, where recent decades of economic and political reforms have exacerbated social inequalities, increased the unequal distribution of power, and disenfranchised segments of the population based on race and class, this marginalization is most apparent among those with the lowest levels of education—specifically, the unskilled labor force (Wilson, 2012).

The idea that mass incarceration stems from neoliberal economic, social, and disciplinary regulation connects various forms of deprivation and marginalization, such as educational inequality, with a heightened risk of individuals encountering the penal system. The social, economic, and political structures of capitalist neoliberal societies contribute to rising crime rates through the starkly unequal distribution of living conditions and opportunities, as well as through the creation of policies that criminalize social conflicts arising from this inequality (Pavićević & Ilijić, 2022). Unequal access to education is a critical deprivation, especially in a developmental context, and plays a significant role in the increased propensity for youth crime (Wikström & Treiber, 2016).

Educational opportunities are a defining factor in the lives of young people growing up in disadvantaged and criminogenic environments, and this is reflected in the educational attainment of the prison population. Numerous studies show that the educational level of incarcerated individuals is lower than that of the general population, often marked by underdeveloped basic skills, low self-esteem, previous educational failures, school dropouts, and ultimately, unsuccessful social reintegration (Curley, 2016; Harlow, 2003; Hawley et al., 2013; MacKenzie, 2012, as cited in Pavićević & Ilijić, 2022, p. 576).

Education of Convicted Individuals in Serbia

Serbia, still grappling with the legacy of the severe crisis of the 1990s, is also impacted by global socio-economic and cultural shifts, marked by a transition from crime prevention and suppression to a focus on crime control (Soković, 2011). The continuation of unfavorable economic, social, and developmental trends has coincided with the commodification of various social services, the tightening of penal policies, and the rise of penal populism (Kolarić, 2018; Soković, 2011). The number of convicted and detained individuals in the Republic of Serbia grew significantly from 3,600 in the early 1990s to 6,000 by the year 2000, then to 7,800 in 2004, and eventually reached 11,300 by October 2012. The maximum capacity of correctional facilities in Serbia is estimated to be around 9,000 ("Official Gazette of RS", no. 114/2013). According to the Council of Europe's 2020 data, Serbia, with 153 prisoners per 100,000 inhabitants, exceeds the European average of 102 prisoners per 100,000 inhabitants (Council of Europe Annual Penal Statistics, 2021, cited in Pavićević, et al., 2024, p. 210).

Data from 2010 indicates that 2.8% of convicted individuals are completely illiterate, while 15.2% have not completed primary school (raising concerns about potential illiteracy among this group), and 26.5% have only completed primary education, which classifies them as functionally illiterate in today's world. In terms of age, the majority of convicted individuals admitted in 2009 were between 27 and 40 years old (43.7%), followed by those aged 21 to 27 (24.8%) (Knežić, 2011). These figures on the educational structure underscore the significant challenges of illiteracy, limited basic education among adults, and a high percentage of unskilled individuals (Knežić & Savić, 2013, p. 106).

The research conducted as part of the PrisonLIFE project surveyed a sample of 634 convicted individuals, representing 12.4% of the total number of people serving prison sentences at the time of the study. This research provides a different perspective on the educational structure of the incarcerated population. The study was carried out from May 2022 to the end of January 2023.

The educational profile of the sample reveals that 385 respondents (62.3%) completed secondary school, while 148 (23.9%) completed primary school. Additionally, 41 respondents (6.7%) have no education or have not completed primary school. Furthermore, 42 respondents (6.8%) have completed a higher education institution or vocational school (Ilijić et al., 2024a).

The notable prevalence of convicted individuals with secondary school presents an intriguing finding that will be explored in the following discussion.

Social Implications of the High Percentage of Convicted Individuals with Secondary Education in Correctional Institutions in Serbia

In analyzing the disproportionately high representation of convicted individuals with secondary school in the sample surveyed for the quality of prison life research within the PrisonLIFE project², it is essential to first consider the limitations associated with respondent selection, the accuracy of their answers, and their categorization into specific educational classes.

The research was based solely on the voluntary consent of convicted individuals to complete the questionnaire, which suggests a degree of (self)selection in their participation. This self-selection likely reflects a higher motivation and interest in the survey among those who are proficient in reading and writing, potentially discouraging those with basic literacy challenges from participating. Additionally, it is possible that prison officials encouraged participation among those who could adequately respond in writing to the relatively large number of questions in the questionnaire. This encouragement may have been more pronounced among male respondents, as women represented only 40% of the total female incarcerated population in the study.

Moreover, there is a challenge in categorizing educational levels, as the current framework does not account for differences in the type, duration, and quality of secondary education (e.g., whether it pertains to a three-year vocational program, a gymnasium, or a technical school).

Despite these potential biases favoring respondents capable of completing a lengthy questionnaire, the high percentage of convicted individuals with secondary school necessitates further research and clarification. Understanding why this phenomenon occurs can shed light on the specific characteristics of the incarcerated population, revealing traits that are significant to the general population and may have broader social implications.

In seeking answers to the data indicating that more than half of the incarcerated individuals surveyed (from correctional institutions for men—KPZ Sremska Mitrovica, KPZ Niš, KPZ Zabela, KPZ Beograd—and one correctional institution for women in Požarevac) possess secondary school education, we begin with two hypotheses.

² The PrisonLIFE project aims to identify and understand the key factors, various forms, and aspects that shape the quality of life in Serbian prisons. It sought to establish methods for measuring, monitoring, and enhancing the quality of prison life to improve our understanding of contemporary imprisonment experiences and promote objective assessment and improvement. The project focused on the criminological, penological, psychological, sociological, legal, and security dimensions of prison life in Serbia (Ilijić et al., 2024b).

The first hypothesis examines positions within hierarchical and class-stratified structures, where educational attainment is a significant indicator of social position. The role of education changes both theoretically and operationally across different periods, particularly in Serbia, where this distinction primarily pertains to the pre-transitional and post-transitional eras. In the 1980s, social inequalities were defined as disparities in the distribution and use of material and other goods, held by social strata that were hierarchically arranged based on these factors. According to Bogdanović (1987, p. 26, as cited in Manić, 2013, p. 16), "the operationalization of the concept of social position as different magnitudes of material and moral compensation is found in the dimensions of education, material standard, and political power". For each dimension of social position, indices were calculated, including one for social position itself. These indices were derived from objective data and weighted according to their presumed significance for each dimension. The education index was based on responses regarding the highest level of education completed. In the 1986 study, weights were assigned as follows: 1 for incomplete primary education, 2 for completed primary education, 3 for secondary education, 4 for higher education, 5 for university education, and 6 for specialist, master's, or doctoral studies. Two years later, categories for higher education, specialist studies, master's degrees, and doctorates were combined into a single category (Manić, 2013).

After 2000, social strata were replaced by classes, which are viewed as complex groups composed of strata, hierarchically arranged according to differences in the possession of economic, political, and cultural capital (Lazić & Cvejić, 2004, as cited in Manić, 2013, p. 22). Members of these classes share similar living conditions and are organized into a seven-class schema, which includes: 1. politicians, large and medium entrepreneurs, and senior and middle directors; 2. small entrepreneurs, lower directors, and large farmers; 3. professionals, self-employed individuals, lower managers, and highly qualified freelancers; 4. self-employed and non-manual employees with secondary qualifications (including lower managers, freelancers, clerks, and technicians); 5. skilled and semi-skilled non-manual workers; 6. unskilled and semi-skilled non-manual workers; 7. small farmers. Operationalization was carried out based on two criteria: the occupation and education of the respondents (Manić, 2013). The educational criterion suggests that secondary school education is associated with lower middle-class positions. In this context, the convicted population from the research sample, based on their educational attainment (which is not a sole indicator), would hold an appropriate position within the class hierarchy. It is important to note that this sample is relatively small compared to the total convicted population in Serbia, and that secondary education alone does not equate to the social position of the middle or lower middle class; rather, it serves as one indicator.

This brief overview of Željka Manić's work indicates a shift in the significance of education, which is weighted differently across periods. Specifically, during the socialist era, education played a more substantial role in determining higher social positions. In contrast, post-transition class stratification has shifted the focus toward material position. Consequently, we conclude that social mobility prior to the transition depended heavily on higher levels of education, whereas in the post-transitional context, education has become increasingly influenced by material status.

Analyzing this data provides insight into the position and prospects of unstable class groups within the broader population, aiding the development of educational and vocational training programs within correctional facilities. Metrics of economic security encompass various factors important for the social status of the middle class, with education serving as one of the most significant determinants of economic mobility. Acquiring skills required by the evolving job market ensures competitiveness, even in contexts that do not allow for higher education. Equity and greater access to education represent central social issues that particularly concern the stability of the middle class and overall income distribution. The quality of education poses a significant challenge, especially regarding secondary school diplomas, which, according to the findings of this research, have largely degraded compared to earlier periods when they were considered a solid foundation for education and employment.

The second hypothesis draws on criminological insights into the institutional anomie of the middle class, which, according to some authors, significantly contributes to declining trust, legal cynicism, and everyday crime (Karstedt & Farrall, 2006). Violating rules to achieve business success and rationalizing economic crime—which is not regarded as “real crime” (Button et al., 2022) — leads to the moral legitimization of criminality. This phenomenon, along with other socio-cultural specificities (institutional anomie, the collapse of moral social control, moral cynicism, civic deficit), propels members of the middle class toward apathy, anger, and moral indifference, diminishing their aversion to engaging in criminal behavior.

The dominance of the market exerts a broader social influence on the contextualization of normative orientations and perceptions of (in)justice (Pavićević & Bulatović, 2015). It pertains to behaviors within the "cognitive landscape", representing a structural adaptation to the moral order of the market and economy (Karstedt & Farrall, 2006). Anomie of the law is conceptualized as the ecological structure of normative orientations that encompasses a fundamental understanding of justice. Individual morality is profoundly shaped by the structural and normative characteristics of the market (Pavićević & Bulatović, 2015). The dismantling of the welfare state, coupled with the widening divide between the rich and the poor, has fostered an increasing emphasis on conspicuous consumption and material success. This dynamic intensifies feelings of

deprivation among those who are less successful. Members of the middle class, especially those at the lower end, face unstable labor market conditions, declining incomes, rising living costs, and a growing sense of social injustice. Social mobility from parents to children is low across various dimensions—earnings, education, occupations, and health—and the same holds true for the mobility of personal income throughout individuals' lifetimes (OECD, 2018).

The recognition of harmful behavior among "working families" in the middle class (Karstedt & Farrall, 2007) and the decline in their social and economic status, which is constantly threatened by poverty and marginalization, do not diminish the significance of institutional anomie and moral cynicism that often align with the avoidance or violation of the law. Middle-class crime, referred to as "anomic crime" (Farrall & Karstedt, 2020), has transformed the "law-abiding majority" into a majority that evades legal constraints. For many, engaging in crime has become a "practical" solution driven by the desire to expedite the process of making money and getting things done (Gottschalk, 2020). The normalization of such behavior closely resembles techniques of neutralization, as outlined by Sykes and Matza (1957).

"It is the ambiguous relation between the normal and the normative that creates a moral maze for the respectable. Although the middle classes are engaging in this type of behaviour, they are also eager to blame when they find themselves victims of such behaviour. Consumers are sheep and wolves – easy prey and preying on others. Offending and victimisation are as closely and intricately linked at the core of society as at its margins." (Karstedt & Farrall, 2007).

Conclusion

The analysis of data concerning the educational structure of the convicted individuals surveyed in this sample has yielded valuable insights for improving educational programs targeted at the incarcerated population. Education and skills should be aligned not only with labor market demands but also with the potential for personal growth and individual well-being. The design of educational programs should go beyond employment-focused criteria and encompass knowledge valuable for every individual in society. This includes, in particular, learning foreign languages, developing digital literacy, and pursuing a well-rounded education.

It also aids in understanding the educational, social, and cultural trends reflected in the educational profile of convicted individuals. These are complex, interwoven, and cumulative processes, and their characteristics reveal significant deficiencies in the developmental potential of society in Serbia. This is especially

true regarding educational, normative, and institutional regression, as suggested by the data.

Acknowledgment

This research was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects (PrisonLIFE).

The current paper is part of activities of the author funded by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia, conducted by the Institute of Criminological and Sociological Research, 2024, number 451-03-66/2024-03/200039.

References

- Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.
- Button, M., Hock, B., & Shepherd, D. (2022). *Economic crime: From conception to response*. Routledge. <https://doi.org/10.4324/9781003081753>
- Farrall, S., & Karstedt, S. (2020). *Respectable citizens – Shady practices: The economic morality of the middle classes*. Oxford University Press. <https://doi.org/10.1093/oso/9780199595037.001.0001>
- Gottschalk, P. (2020). *Convenience dynamics and white-collar crime*. Routledge. <https://doi.org/10.4324/9781003089155>
- Ilijić, Lj., Pavićević, O., & Vujičić, N. (2024a). *Socijalni i porodični kontakti osuđenika i kvalitet zatvorskog života*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.3>
- Ilijić, Lj., Pavićević, O., & Milićević, M. (2024b). *Well-being in prison: The case of Serbia*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.1>
- Karstedt, S., & Farrall, S. (2006). The moral economy of everyday life: Markets, consumers and citizens. *British Journal of Criminology*, 46(6), 1011–1036. <https://doi.org/10.1093/bjc/azl082>
- Karstedt, S., & Farrall, S. (2007). *Law-abiding majority? The everyday crimes of the middle classes*. London Centre for Crime and Justice Studies.
- Knežić, B. (2011). Obrazovanje osuđenika između prava i mogućnosti. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 30(1–2), 77–90.
- Knežić, B., & Savić, M. (2013). Obrazovaje u zatvoru: Od prava do realizacije. *Andragoške studije*, (1), 99–116.
- Kolarić, D. (2018). “Tvrdog jezgro ljudskih prava” u praksi ustavnog suda Srbije i evropskog suda za ljudska prava u Strazburu. *Revija za kriminologiju i krivično pravo*, 56(2), 9–59. <https://doi.org/10.22182/spm.5622017.15>

- Manić, Ž. (2013). Operacionalizacija pojma društveni položaj u istraživanjima društvene strukture u Srbiji. In M. Lazić & S. Cvejić (Eds.), *Promene osnovnih struktura društva Srbije u periodu ubrzane transformacije* (pp. 11–29). Institut za sociološka istraživanja.
- OECD. (2018). *A broken social elevator? How to promote social mobility*. <https://doi.org/10.1787/9789264301085-en>
- Pavićević, O., & Bulatović, A. (2015). Moralne osnove društvenog poretka i kriminal. *Zbornik Instituta za kriminološka istraživanja*, 34(1), 23–41.
- Pavićević, O., & Ilijić, Lj. (2022). Social inequality and mass imprisonment. *Sociologija*, 64(4), 563–583. <https://doi.org/10.2298/SOC2204563P>
- Pavićević, O., Ilijić, Lj., & Batricević, A. (2024). *Moralna i socijalna klima u zatvorima*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.2>
- Soković, S. (2011). Savremene globalne tendencije u kontroli kriminaliteta. *Crimen*, 2(2), 212–226.
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22(6), 664–670. <https://doi.org/10.2307/2089195>
- Tonry, M. (2011). Less imprisonment is no doubt a good thing, more policing is not. *Criminology and Public Policy*, 10(1), 137–152. <https://doi.org/10.1111/j.1745-9133.2010.00692.x>
- Wacquant, L. (2009). *Prisons of poverty*. University of Minnesota Press.
- Western, B., & Pettit, B. (2002). Beyond crime and punishment: Prisons and inequality. *Contexts*, 1(3), 37–43. <https://doi.org/10.1525/ctx.2002.1.3.37>
- Wilson, W. J. (2012). *The truly disadvantaged: The inner city, the underclass, and public policy* (2nd Ed.). University of Chicago Press. <https://doi.org/10.7208/chicago/9780226924656.001.0001>
- Wikström, P. H., & Treiber, K. (2016). Social disadvantage and crime, a criminological puzzle. *American Behavioral Scientist*, 60(10), 1232–1259. <https://doi.org/10.1177/0002764216643134>

Adapting to Prison Environments: Dark Tetrad Traits, Coping Mechanisms, and Resocialization Progress in Prisoners*

Janko Mededović¹ 

Existing research on the Dark Tetrad traits (narcissism, Machiavellianism, psychopathy, and sadism) in the context of criminal behavior and institutional adjustment is very scarce. In the present study, we examined the associations between the Dark Tetrad, coping mechanisms (adaptive, social support, and maladaptive coping), and two indicators of progress in the resocialization process (benefits obtained through adjustment to prison norms/regulations and transfer to semi-open departments) in Serbian prisoners (N = 588). Regression results showed that Machiavellianism positively predicted both adaptive and maladaptive coping; psychopathy negatively predicted benefits in the resocialization process, but this effect disappeared when coping mechanisms were added to the model. Narcissism showed a positive contribution, while sadism showed a negative contribution to the explanation of adaptive and support coping. Lower levels of adaptive and maladaptive coping predicted membership in a semi-open department, while decreased maladaptive coping also contributed to the model with benefits as the criterion measure. Interactions showed that higher Machiavellianism, psychopathy, and adaptive coping elevated chances for being in a semi-open department for women only. Finally, path analysis showed that higher maladaptive coping completely mediated the links between Machiavellianism and hampered resocialization progress; unexpectedly, higher adaptive coping mediated the association between Machiavellianism and increased benefits, highlighting some adaptive features of Machiavellianism as well. The current findings expand the nomological network of the Dark Tetrad traits and provide useful suggestions for prison staff that may facilitate progress in prisoners' resocialization.

* This paper was presented by Janko Mededović as part of his plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Mededović, J. (2024). Adapting to Prison Environments: Dark Tetrad Traits, Coping Mechanisms, and Resocialization Progress in Prisoners. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 417–439). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.04>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0001-6022-7934>

Correspondence: Janko Mededović, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: janko.medjedovic@fmk.edu.rs

KEYWORDS: Dark Tetrad / coping / adjustment to prison settings / resocialization progress / semi-open departments

Introduction

Coping and the Latent Structure of Coping Models

Coping mechanisms describe individual differences in cognitive, affective, and behavioral reactions to stressful events (Lazarus & Folkman, 1984). Reactions to stressful, aversive, and unpleasant situations are some of the key behavioral outputs that enable successful adaptation to an environment if they are successful, or facilitate maladaptation if they are suboptimal. There are various taxonomies of coping behaviors. Some researchers (Roger et al., 1984) suggest that behavioral variation in coping can be best described by four characteristics: rational coping (logical planning and purposeful action), detached coping (preventing strong emotions from overwhelming decision-making in response to stressful events), emotional coping (reaction to stress characterized by an overflow of emotions), and avoidant coping (denying or avoiding the problem).

The two former strategies are considered to be effective, while the latter two are largely ineffective in adapting to stressful events. There are taxonomies of coping (Xie, 1998) suggesting only two broad behavioral patterns: positive (attempts to solve the problem that may include seeking information or social support) and negative (e.g., distraction, blaming others, self-criticism, and aggression) coping. Conversely, there have been attempts to describe coping behavior more specifically and in greater detail. Carver's (1997) model represents such a taxonomy; he distinguishes between 14 behavioral reactions to stressful events: active coping, planning, instrumental, using instrumental support, using emotional support, venting, behavioral disengagement, self-distraction, self-blame, positive reframing, humor, denial, acceptance, religion, and substance use.

Originally, these 14 coping mechanisms were assumed to load onto three higher-order factors (problem-focused coping, emotion-focused coping, and avoidant coping), however, newer research showed that this is not the case. In fact, various factor solutions of these coping behaviors have been found, ranging from 2 to 15 factors; however, most latent structures consist of two or three latent components (Solberg et al., 2022). To sum up, various taxonomies of coping behavior (including those previously described) usually identify two major reactions to stress – adaptive (those that attempt to solve the problem in some way) and maladaptive (avoidance in dealing with the problem).

The Relevance of Coping Mechanisms in Prison Environments

Incarceration and the prison environment in general represent major sources of stress due to restrictions on freedom, the obligation to conform to prison rules and regulations, and the disruption of accustomed activities and habits. Hence, it is not surprising that coping behavior represents an important aspect of adaptation to the prison environment and the mental health of prisoners. For instance, elevated emotional coping has been found to predict higher levels of psychological distress, somatic symptoms, social dysfunction, anxiety, insomnia, and depression in adolescent prisoners; conversely, rational coping negatively predicted the majority of these symptoms (Ireland et al., 2005). Dysfunctional coping was associated with increased adverse mental health symptoms during 12 months of longitudinal evaluation in incarcerated men (Meyers et al., 2024). Emotional and avoidant coping (ineffective coping reactions) are positively associated with various personality disorders and, in fact, mediate the links between personality disorders and psychological distress indicators like psychosomatic symptoms, anxiety, and social dysfunction (Ireland et al., 2006). Finally, maladaptive coping is positively associated with suicidal ideation among prisoners (Gooding et al., 2015), which can probably be explained by the links between emotional flooding and hopelessness as a precursor of suicide (McKeown et al., 2017).

Dark Tetrad (DT) Traits, Criminal Behavior, and Coping

In order to describe personality dispositions toward amoral behavior, breaking social and legal norms, and acts that result in hurting others, scholars have proposed a taxonomy of traits labeled the Dark Triad (Paulhus & Williams, 2002): it consists of psychopathy (affective callousness, lack of empathy and guilt), Machiavellianism (exploitation of others, ruthless goal-orientation), and narcissism (entitlement, arrogance, a heightened impression of one's abilities). Afterwards, it was recognized that enjoyment in hurting others or perceiving them in distress (i.e., sadism) represents an additional motive for antagonistic and destructive behavior, hence, the Dark Tetrad structure (DT: Chabrol et al., 2009; Međedović & Petrović, 2015; Paulhus, 2014). To date, this model of malevolent, socially aversive and destructive personality traits has gained significant attention in the empirical and theoretical work of scholars from various disciplines. These traits are linked with aggression (Paulhus et al., 2021), antagonism, hostility, impulsivity, dominance (Blötner et al., 2021), sexual behavior (Pilch & Smolorz, 2019), career success (Spurk et al., 2016) and others.

Considering the nature and psychological content of the DT traits, it is not surprising that these personality traits are associated with antisocial, delinquent, and criminal behavior. Individuals that express elevated levels of these traits tend to engage both in traditional stalking and cyberstalking to a higher extent

(Branković et al., 2023). Football fans (including hooligans) with dark personalities tend to have attitudes favoring criminal behavior (Mededović & Kovačević, 2021). DT traits are positively related to vandalism (Pfattheicher et al., 2019), sexual harassment (Zeigler-Hill et al., 2016), and militant extremist thinking patterns in the prison population (Mededović & Knežević, 2019). DT traits represent dispositions towards antisocial behavior (Chabrol et al., 2009) and especially repeated offences and criminal recidivism (Mededović, & Vujičić, 2022), including early onset of offending and life-course criminal behavior (Mededović, 2024). Finally, DT traits are involved in adaptation to incarceration, specifically in how prisoners adjust to the established rules and conduct norms in prison wards. More precisely, DT traits are associated with maladjustment to the prison environment, expressed as a higher frequency of various forms of institutional misconduct (Mededović et al., 2024).

Dark traits are also related to coping mechanisms, although the existing research is mostly based on the Dark Triad taxonomy (i.e., sadism is largely missing from the data). It can be easily assumed that due to their mostly dysfunctional and maladaptive nature, dark personalities tend to express aberrant coping reactions. Indeed, the findings mostly confirm this hypothesis. For example, there is robust evidence that there are systematic positive correlations between the triad traits and negative coping behavior (Xia, 2023; Xu et al., 2023; Yang et al., 2024). However, when multidimensional models of coping are investigated, some differences between the dark traits emerge. Psychopathy seems to be the most maladaptive, as it positively correlates with avoidant coping and negatively with problem-focused coping; Machiavellianism also has a positive link with avoidant coping, while narcissism has no associations with coping mechanisms (Brajković et al., 2022). The distinctive role of narcissism is further pronounced in a study that examined more narrow aspects of coping (Birkás et al., 2016). In contrast to the remaining Dark Triad traits, narcissism was positively related to task-oriented coping, planful problem-solving, and self-control, followed by negative associations with avoidance strategies (although it also showed negative links with accepting responsibility). These findings are in line with the claims that narcissism represents the least “dark” component of malevolent personality and possibly the one with some adaptive potentials as well (Rauthmann & Kolar, 2012).

Goals of the Present Research

Research on the relations between dark personality traits and coping mechanisms is still in its infancy. In the present study, we explored these associations with two additional contributions to the existing literature. Previous research has examined the links between the Dark Triad and coping in the general population – we analyzed these relations using the Dark Tetrad model (i.e.,

including the sadism trait) in a sample of prisoners. Furthermore, we examined potential behavioral outcomes of the dark traits and coping in prison wards – the progress of prisoners in the resocialization process (we will also use “treatment progress” as a synonym). Hence, the present research has both conceptual and practical significance. Conceptually, it extends the nomological network of DT traits in a context that may be especially important for the behavioral expression of dark personalities – a penitentiary environment. Practically, the current data provides useful guidelines for psychologists and other prison staff that work with prisoners on their behavioral change: resocialization is a crucial goal of every behavioral treatment for prisoners; understanding behavioral dispositions that may facilitate adjustment and resocialization provides potential targets for behavioral treatment to foster and develop. Our main hypotheses are: 1) DT traits are positively related to maladaptive coping mechanisms and negatively to adaptive coping mechanisms; 2) DT traits are negatively associated with the resocialization progress; 3) adaptive coping is positively associated with advancement in the resocialization process (while maladaptive coping has a negative connection to the resocialization process); 4) finally, we expect that coping mechanisms partially mediate the links between the DT and treatment progress. An additional expectation may be added: narcissism may slightly deviate from the proposed associations, given that it may have more adaptive potential than the other DT traits; hence the proposed effects may be the lowest in magnitude (or even reversed) in narcissism.

Method

Sample

The data were collected in five penitentiary facilities in Serbia: Sremska Mitrovica, Niš, Požarevac, Zabela, and Padinska Skela. Participants were sampled on a voluntary basis and the only inclusion criterion was functional literacy. All participants were informed about the study goals, they filled out informed consent forms, and they could leave the data collection process at any moment. Researchers were present during the entire process of data collection. The final sample of participants who completed the analyzed measures consisted of 588 participants (86.4% males; $M_{\text{age}} = 39.80$ [$SD = 10.17$]). Participants had lower education levels than the Serbian average (according to Serbian 2022 census data): the average education level of the participants was completed high school (62.80%), 25.20% had completed elementary school, a small percentage of participants had finished university (7.30%), while 4.70% had not finished elementary school. At the time of data collection, 72.60% of participants were serving their sentences in closed departments, while 27.40% were staying in semi-open departments. The research was approved by the institutional ethical

committee and was part of a larger project – PrisonLIFE project: <https://prisonlife.rs/en/>. The complete dataset from the PrisonLIFE project is publicly available (Milićević et al., 2024).

Measures

All measures were collected via the self-report methodology. Dark personality traits were measured by the Dirty Dozen scale (Jonason & Webster, 2010) that assesses *psychopathy*, *Machiavellianism*, and *narcissism*; these three traits were operationalized via four items each. *Sadism* was operationalized by five items taken from the Direct Sadism scale, which represents one of the measures from the VAST inventory (Paulhus & Jones, 2015).

We assessed coping mechanisms using the Brief-COPE inventory (Carver, 1997). It measures dispositional reactions to stressful events via 28 items; 14 narrow coping behaviors are tapped via two items each: *active coping*, *planning*, *using instrumental support*, *using emotional support*, *venting*, *behavioral disengagement*, *self-distraction*, *self-blame*, *positive reframing*, *humor*, *denial*, *acceptance*, *religion*, and *substance use*. Both the DT and coping measures used a 5-point Likert-type scale for responding, where 1 stands for “completely disagree” and 5 for “completely agree” with the presented items; hence, higher scores represent a higher expression of every trait.

We used two indicators of the resocialization progress in penitentiary settings. The first is labeled *benefits*. By adjusting to the treatment process and conforming to prison rules and regulations, prisoners acquire additional benefits and rights that can alleviate the deprivation imposed by incarceration. We measured several of these benefits: receiving packages from relatives more frequently, a greater number of visitations, visitations without supervision, visitations in separate rooms (reserved for romantic partners), visitations outside the prison grounds, better accommodation, prisoners’ visitation to nearby settlements, weekend leave, extraordinary leave of absence, leave of absence as a reward for appropriate behavior, and vacations. All these benefits were coded with 1 if the participant received them and with 0 if the participants did not have them; afterwards, a simple sum of the benefits was calculated to obtain the final measure.

The second indicator of the resocialization progress is the *department*: prisoners are usually placed in closed departments that are surrounded by walls, protected by security officers and where movement is more severely restricted; however, adaptation, adjustment and motivation to participate in the resocialization process can result in transferal to semi-open departments that are not enclosed by walls, usually have more green spaces and facilitate various free-time activities during the prison sentence, providing more freedom for prisoners.

The department variable is binary coded, where 0 represents closed and 1 semi-open departments.

Data Analysis Plan

Firstly, we conducted a Principal Component Analysis (PCA) on the coping measures: since the latent structure of the brief-COPE inventory is variable across the sample, we wanted to extract the latent components from our current sample. Only the PCA extracted components are used in subsequent analyses.

We analyzed the correlations between the DT measures, coping components, and, afterwards, the resocialization progress measures. These analyses were followed by regression models: the coping components and resocialization progress measures were used as the criteria measures, while the DT and control variables (sex [men coded by 1 and women by 0], age and education) were analyzed as the predictors. Regressions for the resocialization progress variables were conducted once again with coping components added to the DT traits as predictors, to assess their predictive power in explaining the resocialization process. Interactions between the participants' sex, DT traits, and coping in the prediction of the resocialization progress were analyzed as well. Finally, we evaluated a path analysis where the DT traits were set as predictors, coping mechanisms as mediators, and resocialization progress measures as the criteria variables.

Results

The Latent Space of Coping Mechanisms

We conducted PCA with promax rotation on the original 14 indicators of the Brief-COPE inventory. The Guttman-Kaiser criterion advised for a three-component solution: the pattern matrix of extracted components is shown in Table 1. The first component is loaded by humor, acceptance, planning, active coping, positive reframing, self-blame, self-distraction, and venting: hence, this component is heterogenous in its nature. However, the coping mechanisms that have highest loading on this component represent successful attempts to resolve stressful situations; therefore, we labeled this component as *adaptive coping*, but we remind the readers to adopt this label with caution and to have in mind the component encompass diverge set of coping mechanisms. The second component is based on searching for social support in coping (using instrumental support, using emotional support, and religion) and is labeled *support coping*. Finally, the third component represents *maladaptive coping* because it is loaded with behavioral disengagement, denial, and substance use as reactions to a stressful

situation.² Extracted components are saved in the database and used in further analyses³.

Table 1

Principal Component Analysis of the Brief-COPE subscales

	Adaptive coping	Support coping	Maladaptive coping
eigenvalues	4.50	1.72	1.06
% of explained variation	32.13	12.31	7.58
Humor	0.76		
Acceptance	0.74		
Planning	0.71		
Active coping	0.65		
Positive reframing	0.61		
Self-blame	0.47		0.31
Self-distraction	0.44		
Venting	0.39		
Using instrumental support		0.78	
Using emotional support		0.73	
Religion		0.60	
Behavioral disengagement			0.79
Denial			0.74
Substance use		-0.44	0.72

Note: only the loadings > 0.30 are shown in the table.

Correlations Between the Analyzed Variables

The next step in exploring the relations between the examined measures is calculating their bivariate associations. Pearson's correlation coefficient was used for this purpose; the point-biserial coefficient was used to describe the associations between sex, department, and other variables as they are binary

² Parallel analysis suggested that two latent variables represent the most optimal solution for describing the latent space of Brief-COPE indicators. In this solution, support coping is lost and blended into adaptive coping; the component of maladaptive coping remained exactly the same as in the three-component solution. We decided to accept the more liberal criterion of component extraction (i.e., Guttman-Kaiser in this analysis) because searching for social support represents a psychologically relevant and distinct aspect of coping; furthermore, the three-component solution is also frequently found in existing studies (see the Discussion section). Therefore, although we are aware that Guttman-Kaiser criterion may provide higher-than optimal number of components, we have chosen this solution because it provides more detailed psychological depiction of coping mechanisms.

³ We used PCA in order to maximize the percentage of explained variation of original coping indicators. However, it is important to note that the factor analysis methods, namely Maximum Likelihood (ML) extraction and Principal Axis Factoring (PAF) provided almost identical solutions. The only exception was Religion: similarly to PCA, PAF showed that Religion has the highest loading on support coping with secondary loading on adaptive coping, while ML showed the reverse pattern for Religion. Beside this, all three methods converged to a largely similar latent structure of coping indicators.

measures (ϵ coefficient was used to estimate the associations between sex and department). The correlations, together with the descriptive statistics and reliabilities of the multi-item measures (Cronbach's α coefficients) are shown in Table 2. All the DT traits are positively related to maladaptive coping; surprisingly, all traits except sadism are positively associated with adaptive coping as well. Narcissism is positively related to support coping, while the opposite stands for sadism. None of the DT traits are related to benefits, while all of them are negatively correlated with the department (i.e., they are more expressed in semi-open departments compared to closed departments). Maladaptive coping is negatively related to both measures of the resocialization progress, while adaptive coping is negatively associated with the department as well. All coping components are positively associated with one another.

Prediction of Coping Components and Resocialization Progress

We fitted the regression models with coping and the resocialization progress as the criteria variables, while sex, age, education and DT traits were set as the predictors; additional regressions were set for the resocialization progress where the contribution of coping components was evaluated together with the DT traits. All models were based on multiple linear regressions except for the department where a GLM model with a binomial distribution of the criterion measure was used. All models were statistically significant with a low explained variation of the criteria measures: the highest accuracy was achieved for maladaptive coping (15% of the explained variation) and the lowest for benefits (5% and 7% of the explained variation). Narcissism positively predicts both adaptive coping and support coping, while sadism negatively predicts these two components. Machiavellianism is the only DT trait that positively predicts maladaptive coping. Psychopathy had a negative contribution to the prediction of benefits, but this contribution dropped to zero when coping components were added – only low maladaptive coping predicts benefits in the final model. Sadism has a marginally significant negative contribution to the prediction of the department, but more prominent predictors are low levels of maladaptive and adaptive coping.⁴ The regression functions can be seen in Table 3.

⁴ It can be argued that there is an additional important confound in the present analysis: the amount of time an individual had spent in prison when the data were collected. Indeed, we conducted all regression analyses with this variable included in the set of predictors – the results were exactly the same as in the presented models. In order to build the most parsimonious models, we report the analyses without this variable.

Table 2

Correlations between the examined measures

	<i>M (SD)</i>	<i>α</i>	1	2	3	4	5	6	7	8	9	10	11
1. Sex													
2. Age	39.8 (10.17)		.02										
3. Education	3.73 (0.70)		-.03	.16**									
4. Machiavellianism	1.73 (0.99)	0.87	-.03	-.16**	-.01								
5. Psychopathy	1.90 (0.93)	0.73	-.10*	-.18**	-.04	.60**							
6. Narcissism	2.00 (1.07)	0.85	-.01	-.12**	-.07	.47**	.39**						
7. Sadism	1.23 (0.53)	0.81	-.06	-.19**	-.01	.43**	.46**	.25**					
8. Adaptive coping			-.07	-.14**	.01	.24**	.16**	.24**	.03				
9. Support coping			-.10*	-.08*	-.10*	.03	-.02	.28**	-.11**	.51**			
10. Maladaptive coping			-.14**	-.00	-.21**	.28**	.22**	.17**	.18**	.25**	.26**		
11. Benefits	1.12 (1.46)	0.73	-.05	-.03	.11**	-.01	-.08	-.01	-.04	.05	.01	-.16**	
12. Deparment			.01	.04	.13**	-.10*	-.11*	-.10*	-.12**	-.14**	-.08	-.22**	.31**

* $p < .05$; ** $p < .01$.

Table 3

Prediction of the coping components and resocialization progress

	Adaptive coping	Support coping	Maladaptive coping	Benefits (1 st level)	Benefits (2 nd level)	Department (1 st level)	Department (2 nd level)
Sex	-.06 (.12)	-.11 (.12)**	-.14 (.05)**	-0.05 (.18)	-0.07 (.18)	-0.06 (.28)	0.00 (.01)
Age	-.11 (.00)**	-.08 (.00)*	.09 (.06)*	-0.06 (.01)	-0.04 (.01)	-0.00 (.01)	0.32 (.15)
Education	.04 (.06)	-.08 (.06)*	-.22 (.12)**	0.12 (.09)**	0.08 (.09)	0.41 (.14)**	0.10 (.14)*
Machiavellianism	.18 (.05)**	-.00 (.05)	.22 (.05)**	0.05 (.08)	0.08 (.08)	-0.05 (.14)	-0.06 (.14)
Psychopathy	.02 (.07)	-.08 (.06)	.04 (.11)	-0.11 (.08)*	-0.10 (.08)	-0.09 (.14)	-0.09 (.11)
Narcissism	.17 (.04)**	.27 (.04)**	.03 (.01)	0.01 (.06)	0.01 (.07)	-0.12 (.11)	-0.45 (.27)
Sadism	-.12 (.09)**	-.17 (.09)**	.07 (.03)	-0.03 (.13)	-0.01 (.13)	-0.05 (.27)†	-0.26 (.12)†
Adaptive coping					0.07 (.07)		0.09 (.13)*
Support coping					0.01 (.07)		-0.51 (.13)
Maladaptive coping					-0.17 (.07)**		-1.66 (.75)**
F (χ^2 for Department)	9.51**	9.74**	12.70**	2.24*	3.03*	22.58**	47.80**
R ²	.10	.09	.15	.03	.05	.06	.11

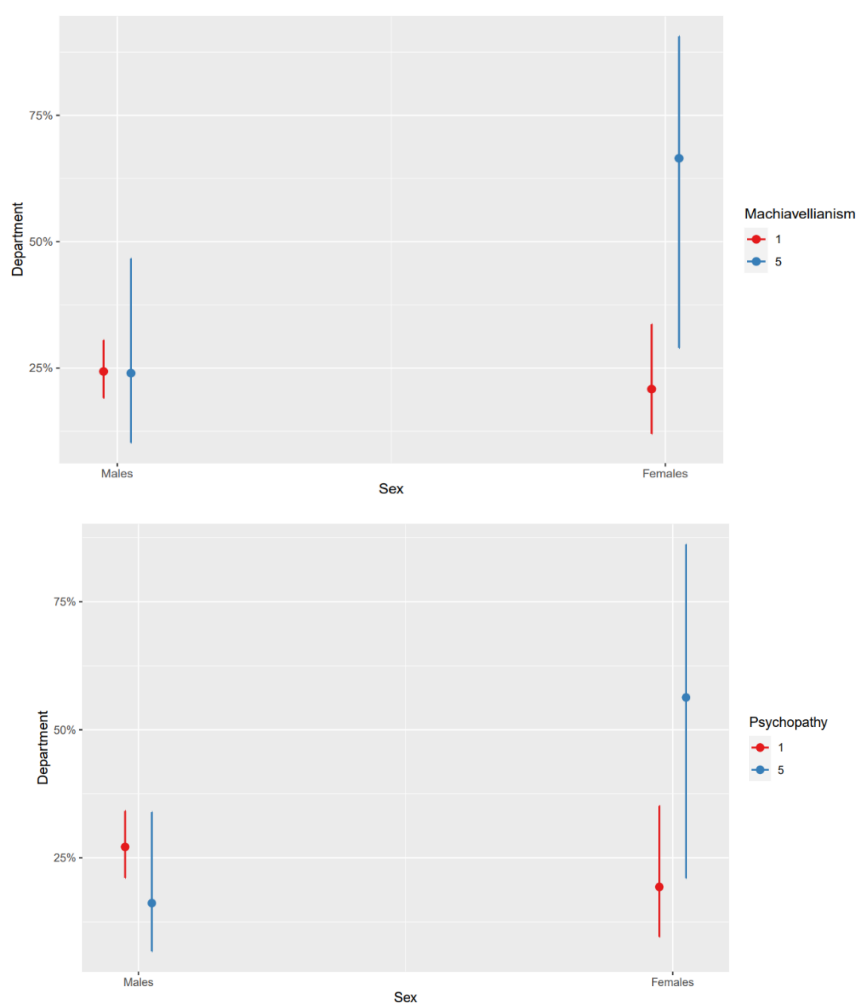
Note. Standardized coefficients with standard errors in parentheses are shown as the measures of predictors' contribution, except for the department variable where unstandardized estimates are shown for the predictors.

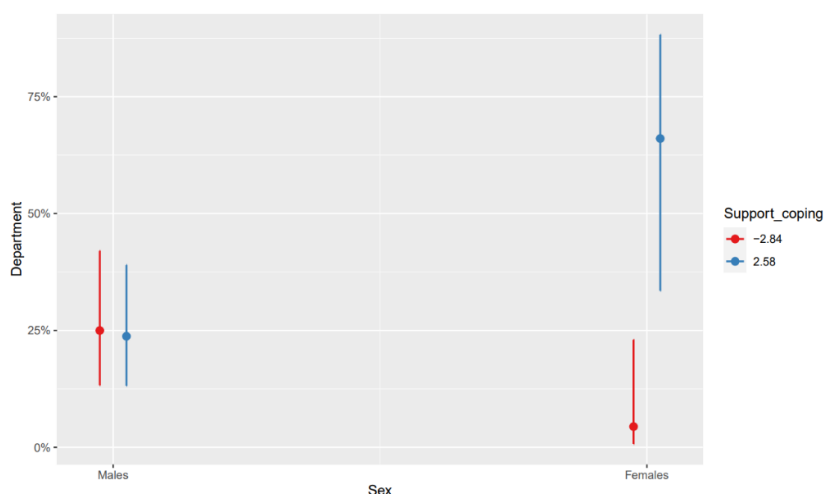
† $p < .10$; * $p < .05$; ** $p < .01$.

Besides the additive contributions of examined variables, we also examined the interactions between participants' sex and the analyzed predictors in the regression models. Three significant interactions were found, and all interactions were detected when the department was analyzed as the criterion measure. Machiavellianism ($\beta = .51$; $p = .04$), psychopathy ($\beta = .59$; $p = .03$), and support coping ($\beta = -.70$; $p = .02$) interacted with sex such that females higher in Machiavellianism and psychopathy and with higher support coping have a higher chance of being in semi-open departments. Graphical representations of the interactions can be seen in Figure 1.

Figure 1

Interactions between participants' sex, Machiavellianism (upper), psychopathy (middle), and support coping (below) in the prediction of staying in a semi-open department



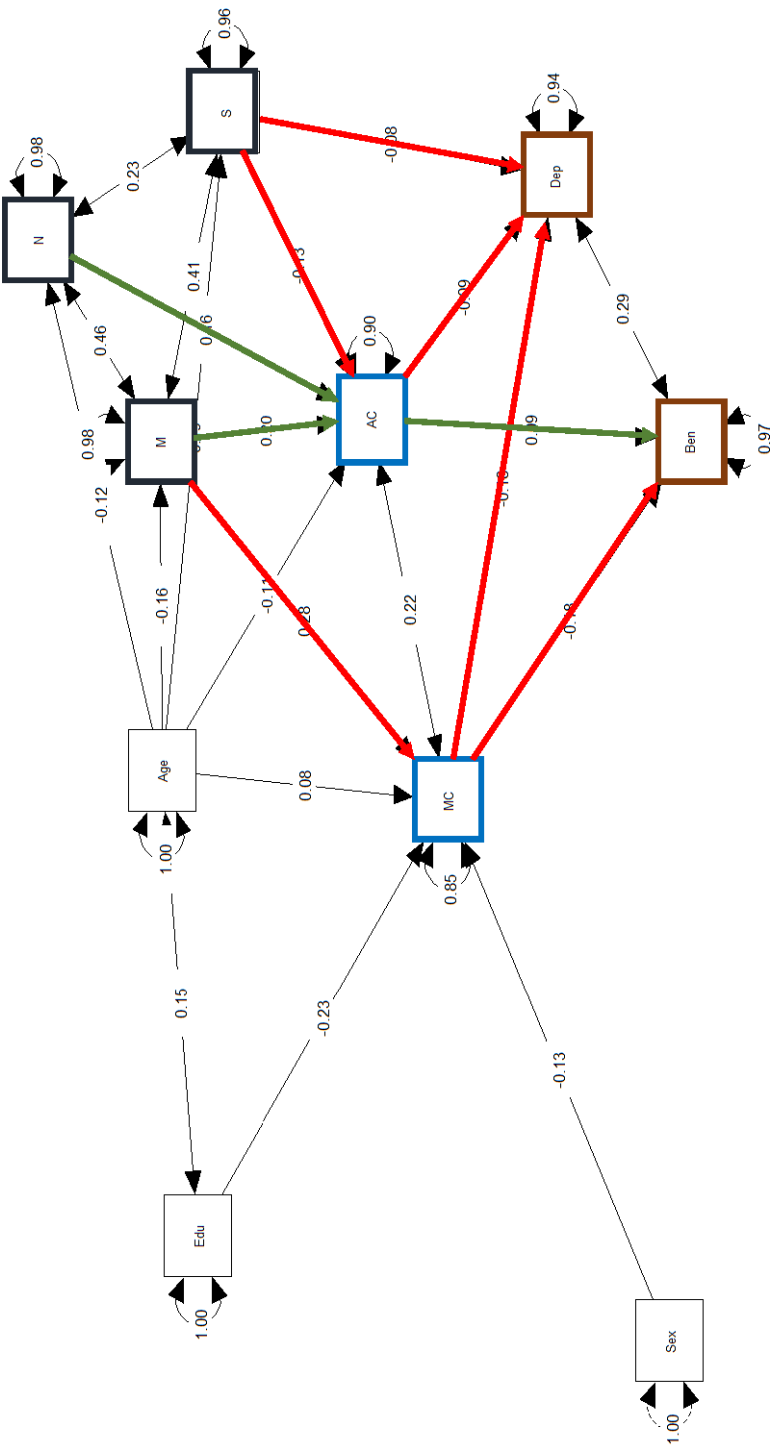


Do Coping Mechanisms Mediate the Links Between DT Traits and Resocialization Progress?

Finally, we constructed a path analysis where DT traits were modeled as the predictors, coping components as mediators, and resocialization progress variables as the criteria measures. All variables were modeled as observed; the variation of sex, age, and education was controlled in this analysis as well. We also modeled covariations between the DT traits, coping components, and resocialization measures. After the removal of nonsignificant paths, the remaining structure had an excellent fit: $\chi^2(23) = 24.02$; $p = .402$; $CFI = 0.998$; $TLI = 0.997$; $RMSEA = 0.009$ [90%CI for RMSEA: 0.000 to 0.035]; $SRMR = 0.027$. Benefits were predicted both by higher adaptive ($\beta = .09$; $p = .03$) and lower maladaptive coping mechanisms ($\beta = -.26$; $p < .001$); the variation of the department was significantly explained by lower adaptive ($\beta = -.09$; $p = .04$) and maladaptive coping mechanisms ($\beta = -.18$; $p < .001$), and sadism ($\beta = -.08$; $p = .007$). Machiavellianism ($\beta = .20$; $p < .001$), narcissism ($\beta = .16$; $p < .001$), and sadism ($\beta = -.13$; $p = .001$) significantly predicted adaptive coping (the former two traits having positive contributions and the latter contributing negatively), while only Machiavellianism positively predicted maladaptive coping ($\beta = .29$; $p < .001$). Hence, eight possible mediating effects of coping regarding the link between DT traits and resocialization progress were tested; only three turned to be statistically significant and all three referred to Machiavellianism. Namely, Machiavellianism is positively indirectly associated with benefits via higher adaptive coping ($\beta = .02$; $p = .04$); however, it simultaneously has a negative indirect effect both on benefits ($\beta = .05$; $p < .001$) and the department ($\beta = .05$; $p < .001$) via its positive associations with maladaptive coping. A graphical representation of the model can be seen in Figure 2.

Figure 2

Path analysis with coping components as the mediators between dark traits and resocialization progress



Note. Predictors are colored with black, mediators with blue, and criteria measures as dark brown; red arrows are negative regression paths, blue are positive regression paths; N – narcissism; M – Machiavellianism; S – Sadism; AC – Adaptive coping; MC – Maladaptive coping; Ben – Benefits; Dep – Department; see the main text for the exact numerical values of regression paths and model fit indices.

Discussion

The main goal of our present research was to examine the relations between three sets of constructs: dark personality traits (Dark Tetrad characteristics), coping mechanisms, and indicators of resocialization progress (or treatment advancement) in penitentiary institutions. The rationale for the study is twofold. Firstly, psychologists can obtain new data about the nomological network of dark personalities in the context of stress reaction and adaptation to the penitentiary context. Secondly – resocialization is the most fundamental criterion of the treatment process, aimed at changing behavioral patterns of prisoners to help them desist from future crime and adapt to society after release. Hence, gaining insight into factors that may impede resocialization, or conversely, facilitate the rehabilitation process has immense benefits. Our hypotheses reflected the links between three sets of constructs and our empirical data (with few exceptions) was mostly in line with our expectations: the resocialization process may be facilitated by lower levels of dark personality traits and more adaptive (and simultaneously less maladaptive) coping with stressful events.

The Factor Structure of Coping Mechanisms

There are various models that describe coping: some of them consist of only two traits (positive and negative: Xie, 1998), while others comprise more behavioral reactions to stress. However, all these models usually distinguish between effective and ineffective coping mechanisms (Roger et al., 1984). It is clear that a coping taxonomy may benefit from more detailed behavioral patterns related to coping and that was the goal of the COPE and Brief-COPE constructors (Carver, 1997), who describe 14 ways to experience and react to stress. Although much more precise, this taxonomy faced a new challenge: what is the optimal number of latent dimensions to describe these coping mechanisms as 14 variables may represent too large a number to be included in multivariate analyses? Indeed, a recent study (Solberg et al., 2022) showed that there is a considerable variation in the extracted latent structures of these 14 measures: this is the main reason we conducted our own PCA and estimated a three-component solution as the most optimal. We extracted three components that broadly correspond to adaptive, social support and maladaptive coping; although we highlight once again that the first component is heterogenous in its nature because it comprises both adaptive and maladaptive coping mechanism (with higher loadings of the former ones). This solution was previously extracted by other researchers and it mostly resembles the results obtained by Hsu and Tung (2011) who extracted acceptance and action, venting and avoidance, and seeking support; Hur et al., (2012) who obtained problem-solving, support seeking, and avoidance; Prado et al., (2004) who found yet another three-component solution structured by active, support-

seeking, and avoidant coping; and finally, Schottenbauer et al. (2006) who described a Brief-COPE structure with problem engagement, avoidant coping, and social support. The taxonomies we briefly evaluated provide the rationale for retaining support coping as a separate factor, despite it was not supported by parallel analysis, as it is clearly in line with the previously found structures. Secondly, the fact that the two-factor solution clearly placed support coping in the adaptive component, provides an unambiguous interpretation of the support component – seeking social support in order to overcome the challenges imposed by stressful situations clearly represents an adaptive reaction to stress.

Dark Personalities and Coping Mechanisms

Dark personality traits depict mostly maladaptive, antisocial, socially aversive, and malevolent personality traits as it was shown by large number of empirical studies (Blötner et al., 2021; Branković et al., 2023; Paulhus & Williams, 2002; Chabrol et al., 2009; Međedović, 2024; Međedović & Knežević, 2019; Međedović & Kovačević, 2021; Međedović & Petrović, 2015; Međedović, & Vujičić, 2022; Paulhus, 2014; Paulhus et al., 2021; Pilch & Smolorz, 2019; Pfattheicher et al., 2019; Spurr et al., 2016; Zeigler-Hill et al., 2016). Given the maladaptive nature of dark personalities, we assumed that they mostly use maladaptive stress reactions; this expectation was based on some of the previous data (Xia, 2023; Xu et al., 2023; Yang et al., 2024). However, the situation is not that simple: DT traits may have different associations with coping mechanisms (Birkás et al., 2016; Brajković et al., 2022). Our current results contribute to the view that there are important differences between the dark traits in their relations to coping reactions. Firstly, it seems that narcissists may have the most adaptive reactions to stress – this is reflected in elevated adaptive and support coping, which both represent effective and adjusted reactions to challenging environments. This is in line with the view that narcissism may be the least dark trait in the entire taxonomy and that it may bear certain adaptive potentials (Rauthmann & Kolar, 2012). The opposite can be said for sadism: it is negatively linked with both adaptive and support coping mechanisms. Given that the nature of sadism is based on hypertrophied, destructive, and malevolent aggressiveness, with facilitated pleasant cognitive-emotional associations when other individuals are harmed (Međedović, 2017), this is not surprising.

The most interesting findings consider Machiavellianism: this dark trait is positively linked both with adaptive and maladaptive coping. The fact that the same trait may have similar links with two traits with seemingly contrasting content should not puzzle us: the majority of people probably use both adaptive and maladaptive coping mechanisms. In fact, the finding that all three extracted coping components have positive correlations between them corroborates this view. In other words, Machiavellianism has both adaptive and maladaptive

potential in confronting stressful events; although, it is important to note that the regression results suggest that the maladaptive sides of Machiavellianism are higher than its potential adaptive potentials.

Prediction of Resocialization Progress

Our current research did not find robust evidence regarding the links between DT traits and resocialization progress, which is in contrast with our hypotheses. Dark personality traits are apparently more powerful predictors of maladjustment, misconduct, and behavioral problems in penitentiary institutions (Mededović et al., 2024) than adaptive and adjusted behavior. There are two exceptions to this conclusion. Firstly, psychopathy negatively predicted benefits in treatment, although this effect dropped to zero when coping mechanisms were introduced to the prediction model. This result is in line with findings that psychopathic traits predicting antisocial behavior, misbehavior and adjustment problems (Guy et al., 2005; Thomson et al., 2019). Individuals with elevated psychopathy lack empathy for others and are manipulative, self-centered, and disinhibited. All these traits, especially disinhibition, can buffer long-term goals and the attainment of rewards that are based on well-governed and controlled behavior; this in turn can hinder the advancement of psychopathic individuals in rehabilitation treatment. Secondly, sadism had a marginal negative contribution to the prediction of staying in semi-open departments, both in regressions with and without coping mechanisms. While marginally significant coefficients may not warrant reporting given the current sample size, we emphasize that the negative path coefficient from sadism to the department was fully significant in the path analysis. Therefore, hypertrophied and malignant aggressiveness, motivated by enjoyment in hurting or perceiving others in pain, hinders successful socializing and potentially initiates antisocial behavior and violence, which impede resocialization progress. Furthermore, it is important to note that all four DT traits had negative (although very low) zero-order associations with the department measure. Hence, although we did not detect systematic links between DT traits and resocialization progress, the data showed that these links should be further pursued in future empirical research, because indications of their predictive potentials apparently exist.

Maladaptive coping was the best negative predictor of both resocialization progress measures. Maladaptive coping is a reaction to stressful events characterized by the denial of the problem, reluctance to engage in solving it, and consequent disengagement, followed by increased usage of psychoactive substances to alleviate stress. This behavioral pattern impedes advancement in rehabilitation treatment: the resocialization process bears many obstacles and challenges that demand effective reactions in solving them. Maladaptive coping probably does exactly the opposite. The mediating mechanisms linking

maladaptive coping to maladjustment in the resocialization process are probably numerous; however, previous literature has found associations between maladaptive coping and higher psychological distress, somatic symptoms, social dysfunction, anxiety, insomnia, depression, adverse psychological symptoms in general, and even a higher risk of suicidality in incarcerated individuals (Gooding et al., 2015; Ireland et al., 2005; Meyers et al., 2024; Mckeown et al., 2017). An unexpected link emerged as a negative association between adaptive coping and the department variable of the resocialization process; although, to be precise, the magnitude of the link between maladaptive coping and the department measure was much higher than the one between adaptive coping and the department. We can explain the latter link by the fact that the component of adaptive coping in fact represents quite a heterogeneous behavioral disposition. While the vast majority of coping reactions that saturate this component may indeed be considered adaptive, self-blame and self-distraction are also among them, which may be viewed as less adaptive. Hence, this intriguing result may be partially attributed to the structure of the adaptive coping component, and it warns researchers to enhance their attempts in providing more coherent and robust latent structure of coping mechanisms.

There is another informative result regarding the predictions of the resocialization process: interactions between participants' sex, dark traits, and coping mechanisms, and the prediction of advancements in the rehabilitation process. Gender differences in resocialization are certainly ubiquitous due to the different challenges that men and women face in prison settings. Our interaction analyses showed that women with elevated psychopathy, Machiavellianism, and social support in coping enjoy benefits in resocialization treatment – they have a higher chance of being in semi-open departments. Hence, these three traits may be adaptive for women in prison environments. This is not surprising for support in coping, as it may facilitate more effective stress management. The role of psychopathy and Machiavellianism is more intriguing, though not because these traits may facilitate long-term goals, thinking and effort in the treatment process, but because these effects are found only in women – future research may attempt to explain this.

Interestingly, Machiavellianism was indirectly linked with both decreased and improved resocialization progress, via positive links with both maladaptive and adaptive coping mechanisms. Apparently, Machiavellianism as a personality trait has potentials that can both facilitate adjustment and impede resocialization; it can be accompanied by elevated behavioral control and long-term goals that can be useful for adaptation. Conversely, scheming and exploitation of others can generate social disruption and hinder adaptation. It is important to note that the indirect effect extracted from the model clearly suggests that the links between Machiavellianism and impeded resocialization progress are notably stronger than its potential benefits. This is in line with previous findings indicating that

Machiavellianism can facilitate misconduct in various contexts (Dåderman & Ragnestål-Impola, 2019; Veríssimo et al., 2022) and that it represents a personality disposition towards life-course criminal behavior (Međedović, 2024). Still, it may represent an interesting challenge for practitioners working in penitentiary treatment services to identify the adaptive potentials in Machiavellians and foster these, while simultaneously reducing the disruptive and dysfunctional characteristics of Machiavellianism. Finally, it should be noted that narcissism had a mostly peripheral role in the analyzed associations: this is in line with the data indicating that narcissism may have the lowest levels of socially aversive, antagonistic, and malevolent behavior (Rauthmann & Kolar, 2012), which is also expressed in the context of criminal behavior (Međedović, 2024) and institutional misconduct (Međedović et al., 2024); i.e., this trait does not represent a primary target in the treatments of behavioral change conducted in a penal context.

Limitations and Future Directions

We used a model of coping that probably depicts the highest number of plausible reactions to stress. This is certainly an advantage, but the factor structure of this model is unstable and varies across the samples, which may buffer its analytical potentials. At least some of the DT traits are multidimensional behavioral dispositions (i.e., psychopathy and narcissism) and the inclusion of their narrow traits into the analysis could provide both conceptual and practical benefits. Our markers of resocialization progress were self-reported: analyzing the observations from prison staff (especially treatment practitioners and security officers) would enhance the validity of the data. Finally, resocialization and rehabilitation treatments represent *a process of behavioral change* and it would be most suitable to examine it as such: this suggests the need for longitudinal measurements that can capture experiences of prisoners in their social and physical environment in prisons. However, we still believe that research such as the present study is invaluable in building this research process, as it provides us with the most suitable behavioral targets that can offer valuable information about the desired change from crime to desistance.

Acknowledgment

This research was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

This work is the result of the engagement of the author in accordance with the Plan and program of work of the Institute of Criminological and Sociological

Research for 2024 (based on contract no. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Baumstarck, K., Alessandrini, M., Hamidou, Z., Auquier, P., Leroy, T., & Boyer, L. (2017). Assessment of coping: A new french four-factor structure of the Brief COPE inventory. *Health and Quality of Life Outcomes*, 15(1), 8. <https://doi.org/10.1186/s12955-016-0581-9>
- Birkás, B., Gács, B., & Csathó, Á. (2016). Keep calm and don't worry: Different Dark Triad traits predict distinct coping preferences. *Personality and Individual Differences*, 88, 134-138. <https://doi.org/10.1016/j.paid.2015.09.007>
- Blötner, C., Ziegler, M., Wehner, C., Back, M. D., & Grosz, M. P. (2021). The nomological network of the Short Dark Tetrad scale (SD4). *European Journal of Psychological Assessment*, 38, 187-197. <https://doi.org/10.1027/1015-5759/a000655>
- Brajković, L., Jelinčić, K., & Kopilaš, V. (2022). Relationship between dark triad, coping styles, sensation seeking and substance use among youth. *The Open Psychology Journal*, 15(1), e187435012210120. <http://dx.doi.org/10.2174/18743501-v15-e2210120>
- Branković, I., Dinić, B. M., & Jonason, P. K. (2023). How traditional stalking and cyberstalking correlate with the Dark Tetrad traits? *Current Psychology*, 42(30), 26238-26242. <https://doi.org/10.1007/s12144-022-03681-z>
- Carver, C. S. (1997). You want to measure coping but your protocol' too long: Consider the brief cope. *International journal of behavioral medicine*, 4(1), 92-100. https://doi.org/10.1207/s15327558ijbm0401_6
- Chabrol, H., Van Leeuwen, N., Rodgers, R., & Séjourné, N. (2009). Contributions of psychopathic, narcissistic, Machiavellian, and sadistic personality traits to juvenile delinquency. *Personality and individual differences*, 47(7), 734-739. <https://doi.org/10.1016/j.paid.2009.06.020>
- Dåderman, A. M., & Ragnestål-Impola, C. (2019). Workplace bullies, not their victims, score high on the Dark Triad and extraversion, and low on agreeableness and honesty-humility. *Heliyon*, 5(10). <https://doi.org/10.1016/j.heliyon.2019.e02609>
- Gooding, P., Tarrier, N., Dunn, G., Shaw, J., Awenat, Y., Ulph, F., & Pratt, D. (2015). The moderating effects of coping and self-esteem on the relationship between defeat, entrapment and suicidality in a sample of prisoners at high risk of suicide. *European Psychiatry*, 30(8), 988-994. <https://doi.org/10.1016/j.eurpsy.2015.09.002>
- Guy, L. S., Edens, J. F., Anthony, C., & Douglas, K. S. (2005). Does psychopathy predict institutional misconduct among adults? A meta-analytic investigation. *Journal of Consulting and Clinical Psychology*, 73(6), 1056-1064. <https://psycnet.apa.org/doi/10.1037/0022-006X.73.6.1056>
- Ireland, J. L., Boustead, R., & Ireland, C. A. (2005). Coping style and psychological health among adolescent prisoners: A study of young and juvenile offenders. *Journal of adolescence*, 28(3), 411-423. <https://doi.org/10.1016/j.adolescence.2004.11.002>
- Ireland, J. L., Brown, S. L., & Ballarini, S. (2006). Maladaptive personality traits, coping styles and psychological distress: A study of adult male prisoners. *Personality and Individual Differences*, 41(3), 561-573. <https://doi.org/10.1016/j.paid.2006.03.002>

- Hsu, H., & Tung, H. (2011). Coping strategies and adaptation for the disabled elderly in Taiwan. *Geriatrics & Gerontology International*, 11(4), 488–495. <https://doi.org/10.1111/j.1447-0594.2011.00701.x>
- Hur, Y. M., MacGregor, A. J., Cherkas, L., Williams, F. M. K., & Spector, T. D. (2012). Age differences in genetic and environmental variations in stress-coping during adulthood: A study of female twins. *Behavior Genetics*, 42(4), 541–548. <https://doi.org/10.1007/s10519-012-9541-2>
- Lazarus, R. S., & Folkman, S. (1984). *Stress, appraisal, and coping*. Springer.
- Meyers, T. J., Fahmy, C., & Wright, K. A. (2024). Coping with incarceration: Examining the longitudinal relationship between individual coping styles and mental health outcomes. *Journal of Mental Health*, 33(1), 14–21. <https://doi.org/10.1080/09638237.2022.2118693>
- McKeown, A., Clabour, J., Heron, R., & Thomson, N. D. (2017). Attachment, coping, and suicidal behavior in male prisoners. *Criminal justice and behavior*, 44(4), 566–588. <https://doi.org/10.1177/0093854816683742>
- Međedović, J. (2017). Aberrations in emotional processing of violence-dependent stimuli are the core features of sadism. *Motivation and Emotion*, 41(2), 273–283. <https://doi.org/10.1007/s11031-016-9596-0>
- Međedović, J. (2024). Machiavellianism as a crucial Dark Tetrad trait for the prediction of life-course criminal behavior. *Current Psychology*, advance online publication. <https://doi.org/10.1007/s12144-024-06500-9>
- Međedović, J., Drndarević, N., & Ilijić, Lj. (2024). Unfavorable prison social climate links dark tetrad traits with self-reported institutional misconduct. *Personality and Individual Differences*, 227, 112707. <https://doi.org/10.1016/j.paid.2024.112707>
- Međedović, J., & Knežević, G. (2019). Dark and peculiar: The key features of militant extremist thinking pattern? *Journal of Individual Differences*, 40(2), 92. <https://doi.org/10.1027/1614-0001/a000280>
- Međedović, J., & Kovačević, U. (2021). Sadism as a key dark trait in the link between football fandom and criminal attitudes. *Journal of Individual Differences*, 42(1), 9–18. <https://doi.org/10.1027/1614-0001/a000325>
- Međedović, J., & Petrović, B. (2015). The Dark Tetrad: Structural properties and location in the personality space. *Journal of Individual Differences*, 36(4), 228–236. <https://doi.org/10.1027/1614-0001/a000179>
- Međedović, J., & Vujičić, N. (2022). How dark is the personality of murderers? Psychopathy, Machiavellianism, and sadism in homicide offenders. *Personality and Individual Differences*, 197, 111772. <https://doi.org/10.1016/j.paid.2022.111772>
- Milićević, M., Međedović, J., Ilijić, Lj., Pavićević, O., Vujičić, N., & Drndarević, N. (2024). *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects – PrisonLIFE [Data set]*. Data Center Serbia for Social Sciences. <http://dcs.iien.bg.ac.rs/id/eprint/64>
- Paulhus, D. L. (2014). Toward a taxonomy of dark personalities. *Current Directions in Psychological Science*, 23(6), 421–426. <https://doi.org/10.1177/0963721414547737>
- Paulhus, D. L., Gupta, R., & Jones, D. N. (2021). Dark or disturbed? Predicting aggression from the Dark Tetrad and schizotypy. *Aggressive behavior*, 47(6), 635–645. <https://doi.org/10.1002/ab.21990>

- Paulhus, D. L., & Williams, K. M. (2002). The dark triad of personality: Narcissism, Machiavellianism, and psychopathy. *Journal of research in personality*, 36(6), 556-563. [https://doi.org/10.1016/S0092-6566\(02\)00505-6](https://doi.org/10.1016/S0092-6566(02)00505-6)
- Pfafftheicher, S., Keller, J., & Knezevic, G. (2019). Destroying things for pleasure: On the relation of sadism and vandalism. *Personality and Individual Differences*, 140, 52-56. <https://doi.org/10.1016/j.paid.2018.03.049>
- Pilch, I., & Smolorz, K. (2019). The Dark Triad and the quality of sexual life. *Personality and Individual Differences*, 149, 78-82. <https://doi.org/10.1016/j.paid.2019.05.041>
- Prado, G., Feaster, D. J., Schwartz, S. J., Pratt, I. A., Smith, L., & Szapocznik, J. (2004). Religious involvement, coping, social support, and psychological distress in HIV-seropositive African American mothers. *AIDS and Behavior*, 8(3), 221-235. <https://doi.org/10.1023/B:AIBE.0000044071.27130.46>
- Rauthmann, J. F., & Kolar, G. P. (2012). How “dark” are the Dark Triad traits? Examining the perceived darkness of narcissism, Machiavellianism, and psychopathy. *Personality and Individual Differences*, 53(7), 884-889. <https://doi.org/10.1016/j.paid.2012.06.020>
- Roger, D., Jarvis, G., & Najarian, H. (1993). Detachment and coping: The construction and validation of a new scale for measuring coping strategies. *Personality and Individual Differences*, 15, 619-626. [https://doi.org/10.1016/0191-8869\(93\)90003-L](https://doi.org/10.1016/0191-8869(93)90003-L)
- Schottenbauer, M. A., Klimes-Dougan, B., Rodriguez, B. F., Arnkoff, D. B., Glass, C. R., & LaSalle, V. H. (2006). Attachment and affective resolution following a stressful event: General and religious coping as possible mediators. *Mental Health, Religion & Culture*, 9(5), 448-471. <https://doi.org/10.1080/13694670500440684>
- Solberg, M. A., Gridley, M. K., & Peters, R. M. (2022). The factor structure of the brief cope: A systematic review. *Western Journal of Nursing Research*, 44(6), 612-627. <https://doi.org/10.1177/01939459211012044>
- Spurk, D., Keller, A. C., & Hirschi, A. (2016). Do bad guys get ahead or fall behind? Relationships of the dark triad of personality with objective and subjective career success. *Social psychological and personality science*, 7(2), 113-121. <https://doi.org/10.1177/1948550615609735>
- Thomson, N. D., Vassileva, J., Kiehl, K. A., Reidy, D., Aboutanos, M., McDougale, R., & DeLisi, M. (2019). Which features of psychopathy and impulsivity matter most for prison violence? New evidence among female prisoners. *International Journal of Law and Psychiatry*, 64, 26-33. <https://doi.org/10.1016/j.ijlp.2019.01.001>
- Veríssimo, A. C., Conrado, G. A., Barbosa, J., Gomes, S. F., Severo, M., Oliveira, P., & Ribeiro, L. (2022). Machiavellian medical students report more academic misconduct: A cocktail fuelled by psychological and contextual factors. *Psychology Research and Behavior Management*, 15, 2097-2105. <https://doi.org/10.2147/PRBM.S370402>
- Xia, F., Liu, M., & Liu, T. (2023). The role of coping styles in mediating the dark triad and bullying: an analysis of gender difference. *Behavioral Sciences*, 13(7), 532. <https://doi.org/10.3390/bs13070532>
- Xie, Y. (1998). Reliability and validity of the simplified Coping Style Questionnaire. *Chinese Journal of Clinical Psychology*, 6(2), 114-115.
- Xu, X., Gao, L. F., Lian, S. L., Chen, Q., & Zhou, Z. K. (2023). How the Dark Triad associated with internet gaming disorder? The serial mediation of basic psychological needs satisfaction and negative coping styles. *Current Psychology*, 42(34), 30138-30146. <https://doi.org/10.1007/s12144-022-03996-x>

- Yang, M., Qu, C., Zhang, Z., Guo, H., Guo, X., Yang, L., ... & Hu, W. (2024). Relationships between Dark Triad and negative emotions during COVID-19 lockdown: The chain mediating roles of negative coping and state boredom. *Current Psychology*, 43(15), 14005-14017. <https://doi.org/10.1007/s12144-022-03560-7>
- Zeigler-Hill, V., Besser, A., Morag, J., & Campbell, W. K. (2016). The Dark Triad and sexual harassment proclivity. *Personality and Individual Differences*, 89, 47-54. <https://doi.org/10.1016/j.paid.2015.09.048>

Gender Differences and Secondary Traumatization in Helping Professions*

Hajdana Glomazić¹  and Stanislava Vidović²

This paper explores the phenomenon of secondary traumatization among professionals in helping professions, with a particular focus on gender roles as a factor shaping stress responses. Secondary traumatization, defined as emotional and psychological exhaustion caused by working with trauma-affected clients, can significantly impact the well-being of service providers. The aim of the research is to examine differences in responses to secondary traumatization between men and women, viewed in the context of gender roles. The methodology involves a descriptive-empirical approach and the use of standardized instruments to measure secondary traumatization. The results indicate that women show more symptoms of secondary traumatization compared to men, particularly in the areas of anxiety and dissociation, which can be partly attributed to socially conditioned gender roles and expectations.

KEYWORDS: secondary traumatization / gender roles / mental health / helping professions / psychotherapy

* This paper was presented by Hajdana Glomazić as part of this plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Glomazić, H., & Vidović, S. (2024). Gender Differences and Secondary Traumatization in Helping Professions. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 441–450). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.09>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-5716-1054>

² Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Correspondence: Hajdana Glomazić. Email: hajdana.glomazic@iksi.ac.rs, hajdana.ng@gmail.com

Introduction

Psychosocial support providers in helping professions frequently experience significant levels of stress because of the nature of their work, which entails continuous interaction with people experiencing trauma and challenging life circumstances. It is possible for this exposure to cause subsequent trauma. The situation of those who are in close touch with trauma victims was defined by the introduction of the term secondary traumatization (ST), also known as secondary traumatic stress (STS) (Figley, 1995). The group most at risk of secondary traumatization includes those who work in highly stressful environments, where trauma is indirectly exposed (Figley, 1995). The authors highlight that those who work in professions that focus on helping victims of road accidents or losses, as well as those who have been physically or psychologically abused, are more vulnerable. These are difficulties that emergency personnel, law enforcement officers, firefighters, social workers, and mental health specialists frequently encounter (Grandi et al., 2023).

Their personal and professional life can be profoundly impacted by secondary traumatization, and it is important to recognize these effects in order to provide appropriate support and solutions. Effects like physical symptoms, mental health disorders, emotional exhaustion, depersonalization, decreased professional satisfaction, difficulties maintaining professional boundaries, social and professional isolation, and decreased effectiveness of interventions are the most frequently mentioned effects in the literature (Bock et al., 2020; Greinacher et al., 2019; Figley, 1999).

According to Bock et al. (2020), extended exposure to secondary traumatization raises the chance of mental health issues such anxiety, depression, and post-traumatic stress disorder (PTSD). Furthermore, ailments including headaches, insomnia, gastrointestinal disorders, and chronic fatigue can have a substantial negative impact on quality of life and make it harder for support workers to carry out their jobs as professionals (Ortner, 2024).

Secondary traumatization can also lead to a decreased sense of achievement and job satisfaction (Figley, 1999). Psychosocial support providers could start to question their ability to aid clients or believe that their work is meaningless. The level of support they offer may suffer as a result of this tiredness due to diminished empathy, bad judgment, and even client abuse (Rudolph et al., 1997). It can be challenging to keep professional boundaries when one is constantly exposed to the horrific experiences of others. This might result in either extreme emotional involvement or, on the other hand, extreme emotional separation. Both circumstances have the potential to seriously impair the standard of the assistance rendered.

Furthermore, because of the emotional strain they bear, psychosocial support providers frequently distance themselves from professional and social support systems (Bride et al., 2009; Figley, 1999). This seclusion can lessen the resources available for stress management and intensify the symptoms of secondary traumatization.

Reactions to Secondary Traumatization From a Gender Differences Perspective

Social expectations and traditional gender roles often shape how individuals respond to professional challenges. Research shows that there is inequality in the position of women in the labor market (Baum et al., 2014; Glomazić, 2020; Glomazić & Mikić, 2022; Mihajlov et al., 2021), which is largely a result of socially constructed gender roles.

While research on gender roles and differences in the context of post-traumatic symptomatology in helping professions is scarce, gender characteristics appear to be important in how people perceive and react to the traumatic experiences of others (Baum et al., 2014). Research indicates that women are more likely than males to have secondary traumatization, especially in helping professions. This phenomenon can be explained by the social structure and culture that influence gender roles and stress management techniques (Baum et al., 2014).

It can be stigmatized in some cultures to seek professional assistance for emotional or psychological issues, which makes it much more challenging for women to get the treatment they need. Cultural perceptions of mental health and asking for help, particularly in cultures where expressing one's emotions is viewed as a sign of weakness, can make it more difficult for women to admit they have issues and seek support, which raises the possibility of secondary trauma.

Women are frequently positioned as caregivers by traditional gender roles, which supports societal expectations that they should be emotionally open and sympathetic in both their personal and professional lives. Studies have indicated that female psychotherapists experience more emotional weariness than male counterparts while working with traumatized individuals (Kounenou et al., 2023; Rupert & Morgan, 2005). Research has shown that women are more likely to experience symptoms of post-traumatic stress disorder, especially in terms of reliving trauma and hyperarousal symptoms. These studies have looked at the relationship between gender, professional roles, and post-traumatic stress disorder in emergency healthcare workers (Carmassi et al., 2022).

Women have been observed to exhibit empathy more than men do (Harton & Lyons, 2003), which adds to the emotional strain on women who offer psychosocial support. Burnout, emotional weariness, and secondary

traumatization can become more likely as a result of these demands to uphold emotional stability and empathy in the face of clients' traumatic experiences (Harton & Lyons, 2003).

Particularly in traditional societies, the social context is extremely important in determining how men and women relate to one another (Cohn-Schwartz & Schmitz, 2024). Women frequently lack access to the tools and assistance needed to effectively manage stress and secondary trauma in these communities. Women find it challenging to strike a balance between their personal and professional lives because of these constraints brought about by systemic injustices (Bhatnagar, 2009). Their incapacity to manage stress is further exacerbated by the absence of flexible work schedules and self-care initiatives, which leaves them more vulnerable to detrimental effects including depersonalization and emotional weariness.

The fact that the general public frequently undervalues the job done by service providers adds to the unfavorable attitudes that these workers experience. This is especially true for women who work with victims of abuse, in migrant camps, or in penal facilities. The participants expressed a sense of not being appropriately valued in their communities and occasionally even experienced stigmatization due to their association with their clients. They experience more stress and anxiety as a result of this stigma and lack of recognition (Glomazić & Mikić, 2022).

Studies reveal notable variations between genders when it comes to managing stress. Men typically resort to techniques that entail repressing or avoiding their emotions, whereas women are more inclined to communicate their feelings and look for social support. Studies on law students have revealed that women who work with traumatized clients are more prone to secondary traumatization due to their high levels of neuroticism and slightly higher extraversion (Bakhshi et al., 2021).

Method

The method used in this study was descriptive-empirical. The initial hypothesis is that there are differences between biological gender in the matter of secondary traumatization, and that relationship may be significantly shaped by gender roles.

The subject of the research is the examination of the difference between biological gender in terms of secondary traumatization among professionals in helping professions. Although the focus is on the biological distinctions between men and women, the data will be analyzed in light of gender roles in order to investigate the ways in which socially constructed roles and expectations impact the level and type of secondary traumatization.

The study's goal is to determine whether and to what extent the biological gender differ in the level of secondary traumatization among professionals in helping professions, and to interpret the findings in the context of gender roles. Along with identifying how socially constructed roles of men and women impact secondary traumatization experiences, the study also attempts to offer suggestions for preventative and support techniques that are sensitive to gender differences.

In this study, the level of secondary traumatization is the dependent variable, and gender is the independent variable, taken into account in relation to gender roles. For the research, a standardized tool called the Trauma Checklist was employed.

In the area of Serbia, the primary data collection took place between April and June of 2024. The sample is made up of psychological care providers working in shelters and migrant centers as well as non-governmental organizations that support victims of abuse, migrants, and those on the move. Given the presumption that providers of psychological services needed to meet specific requirements for this employment, respondents with high levels of education and secondary vocational training were included in the sample.

The mean and standard deviation were used to depict numerical data, whereas frequencies and percentages were used to display categorical data. The Independent Samples *t*-test was used to compare the levels of trauma experienced by men and women. The statistical application IBM SPSS Statistics for Windows, Version 24.0 (IBM Corp., Armonk, NY, USA), was used to analyze the data. If a *p*-value was less than .05, it was considered statistically significant

Results

The study's respondents' basic demographic information is shown in Table 1. Out of 103 participants from Serbia, women make up 77.7% of the sample, while males make up 22.3%. When looking at the age distribution of the respondents, the age group of 34 to 43 years old accounts for 60.2% of the total, followed by younger respondents (ages 23 to 33) at 13.6% and older respondents (ages 44 to 53) at 17.5%. 54 to 67 years old is the age group with the lowest representation (8.7%). In terms of education, all respondents have completed postgraduate studies or held a doctorate, with 68.0% having a bachelor's degree and 32.0% holding a doctorate.

Table 1

Demographic data about the participants

Variable		<i>n</i> (%)
Gender	Male	23 (22.3%)
	Female	80 (77.7%)
Age categories	23–33	14 (13.6%)
	34–43	62 (60.2%)
	44–53	18 (17.5%)
	54–67	9 (8.7%)
Education level	High school	0 (0.0%)
	University (Graduate studies)	70 (68.0%)
	Postgraduate studies/Doctorate	33 (32.0%)

Note. *N* = 103.

Table 2 lists the descriptive markers for the several aspects of traumatization that the Trauma Checklist measures. The TSC-40 scale total score is $M = 22.72$ ($SD = 16.27$), with average values ranging from $M = 3.51$ ($SD = 4.09$) for dissociation to $M = 7.01$ ($SD = 5.93$) for depression. The results obtained on the subscales and the total scale point to a comparatively low level of trauma since a higher score denotes a higher degree of traumatization. The minimum and maximum values vary according on the aspect, indicating diversity in traumatization experiences across the range of values for all scales. All factors have extremely high Cronbach's alpha coefficients, ranging from $\alpha = .910$ for sleep disturbance to $\alpha = .970$ for dissociation. This suggests that the scale has high internal consistency and reliability when assessing different aspects of traumatization.

Table 2

Descriptive indicators on the Trauma Checklist scale

Items and Total Scores	Min–Max	M	SD	α
Dissociation	0–18	3.51	4.09	.970
Anxiety	0–27	6.07	5.79	.940
Depression	0–27	7.01	5.93	.922
Sleep Disturbance	0–18	6.43	4.95	.910
Sexual Problems	0–24	4.36	5.68	.941
TSC-40 Total score	0–72	22.72	16.27	.951

Note. α – Cronbach's alpha.

The results of comparing the average scores of the subscales and the Trauma Checklist overall for men and women are shown in Table 3. The findings demonstrate a significant gender difference in dissociation from trauma ($p = .024$), with women ($M = 4.00$, $SD = 4.45$) being more likely to experience it than men ($M = 1.83$, $SD = 1.64$). With a p -value of 0.011, women exhibit higher levels of anxiety ($M = 6.85$, $SD = 6.24$) than men ($M = 3.39$, $SD = 2.54$). There is no statistically significant difference in depression between men ($M = 5.74$, $SD =$

3.52) and women ($M = 7.40$, $SD = 6.47$) ($p = .243$). Similarly, the differences in sleep disorders between men ($M = 5.74$, $SD = 4.51$) and women ($M = 6.66$, $SD = 5.10$) are not statistically significant ($p = .444$). Men ($M = 3.96$, $SD = 3.23$) and women ($M = 4.49$, $SD = 6.23$) also do not differ significantly regarding sexual problems ($p = .695$). The overall score on the TSC-40 scale shows that women ($M = 23.74$, $SD = 17.22$) have a slightly higher score compared to men ($M = 19.87$, $SD = 13.20$), but the difference is not statistically significant ($p = .330$).

Table 3

Traumatization in Men and Women

Score	All		Men		Women		<i>p</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Dissociation	3.51	4.09	1.83	1.64	4.00	4.45	.024
Anxiety	6.08	5.80	3.39	2.54	6.85	6.24	.011
Depression	7.01	5.94	5.74	3.52	7.40	6.47	.243
Sleep Disturbance	6.43	4.95	5.74	4.51	6.66	5.10	.444
Sexual Problems	4.37	5.69	3.96	3.23	4.49	6.23	.695
TSC-40 total score	22.73	16.28	19.87	13.20	23.74	17.22	.330

Thus, while the differences in depression, sleep disorders, sexual issues, and the overall score on the TSC-40 scale are not statistically significant, the data demonstrate that women exhibit higher degrees of dissociation and anxiety.

Discussion

Based on specific psychological traits, our research's findings support earlier studies' findings that women are more likely than men to have secondary traumatization (Baum et al., 2014; Bakhshi et al., 2021; Cohn-Schwartz & Schmitz, 2024). The authors of meta-analyses find that gender disparities are considerable even if there are not many studies looking at how different genders respond to secondary traumatization (Baum et al., 2014).

Certain studies explain these variations by pointing to socialization processes, cultural elements, and society norms which establish such gender roles. According to research, males are more likely to conform to established gender roles by sustaining from expressing their emotions and experiences when working with traumatized clients because they are frequently expected to act in a "macho" manner. However, compared to men, women tend to express their feelings more (Gavranidou & Rosner, 2003). Furthermore, women are often assigned to caregiving tasks, offering emotional support in both personal and professional settings. As an insufficient reaction to societal norms and gender roles, these demands for empathy and readiness to offer support can cause dissociation and elevated anxiety.

The results of our study indicate that women may experience higher degrees of anxiety, dissociation, and emotional overwhelm due to this gender-specific dynamics. According to other studies, women are more empathic than men are (Harton & Lyons, 2003). Whether gender norms or other factors are to blame for this enhanced empathy is still up for debate.

Gender differences in sensitivity to and response to secondary traumatization can be attributed to a variety of reasons, including biological factors, personality types, and past experiences, in addition to social and cultural influences. There is evidence in the literature that extraversion, neuroticism, and hormone abnormalities are associated with heightened susceptibility to secondary traumatization (Bakhshi et al., 2021). But in order to come to more definitive findings, more thorough research and consideration of a more complicated range of variables are required.

Conclusion

The complex phenomenon of secondary traumatization among women in helping professions necessitates careful examination, taking into account a wide range of psychological, social, and biological aspects in addition to gender roles. The study's findings unequivocally show that more help is required, as well as targeted coping mechanisms that consider how differently men and women handle stress. Strengthening social support networks, avoiding emotional exhaustion, and equipping professionals to identify signs of secondary traumatization in themselves should be the main goals of interventions. The danger of burnout and secondary traumatization can be considerably decreased by creating gender-sensitive programs and methods, especially for women in emotionally demanding occupations.

Acknowledgment

This work is the result of the engagement of the author in accordance with the Plan and Program of work of the Institute of Criminological and Sociological Research for 2024 (on the basis of contract no. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Bakhshi, J., Wesley, M. S., & Reddy, K. J. (2021). Vicarious Trauma in Law Students: Role of Gender, Personality, and Social Support. *International Journal of Criminal Justice Sciences*, 16(1), 34–50. <https://doi.org/10.5281/zenodo.4756491>
- Baum, N., Rahav, G., & Sharon, M. (2014). Heightened susceptibility to secondary traumatization: A meta-analysis of gender differences. *American Journal of Orthopsychiatry*, 84(2), 111–122. <https://doi.org/10.1037/h0099383>
- Bhatnagar, M. (2009). Gender Politics: In the Context of Social Structure and Development. *The Indian Journal of Political Science*, 70(4), 1035–1045.
- Bock C., Heitland I., Zimmermann T., Winter L., & Kahl K.G. (2020). Secondary Traumatic Stress, Mental State, and Work Ability in Nurses—Results of a Psychological Risk Assessment at a University Hospital. *Front Psychiatry*, 11(298). <https://doi.org/10.3389/fpsyt.2020.00298> PMID: 32395109
- Bride, B. E., Smith-Hatcher, S., & Humble, M. N. (2009). Trauma training, trauma practices and secondary traumatic stress among substance abuse counselors. *Traumatology*, 15, 96–105. <https://doi.org/10.1177/1534765609336362>
- Carmassi, C., Dell'Oste, V., Bertelloni, C. A., Pedrinelli, V., Barberi, F. M., Malacarne, P., & Dell'Osso, L. (2022). Gender and occupational role differences in work-related post-traumatic stress symptoms, burnout and global functioning in emergency healthcare workers. *Intensive and Critical Care Nursing*, 69, 103154. <https://doi.org/10.1016/j.iccn.2021.103154>
- Cohn-Schwartz, E., & Schmitz, A. (2024). From attitudes to social networks: National gender-role attitudes and gender differences in late-life social relationships. *Social Networks*, 76, 79–87. <https://doi.org/10.1016/j.socnet.2023.08.001>
- Figley, C. R. (1995). *Compassion fatigue : coping with secondary traumatic stress disorder in those who treat the traumatized*. Routledge. <https://doi.org/10.4324/9780203777381>
- Figley, C. R. (1999). Compassion fatigue: Toward a new understanding of the costs of caring. In B. H. Stamm (Ed.), *Secondary traumatic stress: Self-care issues for clinicians, researchers, and educators* (pp. 3–28). The Sidran Press.
- Gil, S. (2015). Is Secondary Traumatization a Negative Therapeutic Response?. *Journal of Loss & Trauma*, 20(5), 410–416. <https://doi.org/10.1080/15325024.2014.921036>
- Gavranidou, M., & Rosner, R. (2003). The weaker sex? Gender and post-traumatic stress disorder. *Depression and Anxiety*, 17(3), 130–139. <https://doi.org/10.1002/da.10103>
- Glomazić, H. (2020). Organizacioni pristup prevenciji stresa na radu i očuvanju mentalnog zdravlja zaposlenih. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 39(2–3), 45–58. <https://doi.org/10.47152/ziksi2020233>
- Glomazić, H., & Mikić, A. (2022). Profesionalna izloženost stresu: rizik profesije. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 41(2–3), 55–65. <https://doi.org/10.47152/ziksi2022034>
- Grandi, A., Rizzo, M., & Colombo, L. (2023). Secondary traumatic stress and work ability in death care workers: The moderating role of vicarious posttraumatic growth. *PLoS ONE*, 18(7), 1–16. <https://doi.org/10.1371/journal.pone.0289180>
- Greinacher, A., Derezza-Greeven, C., Herzog, W., & Nikendei, C. (2019). Secondary traumatization in first responders: a systematic review. *European Journal of Psychotraumatology*, 10(1). <https://doi.org/10.1080/20008198.2018.1562840>

- Harton, H. C., & Lyons, P. C. (2003). Gender, Empathy, and the Choice of the Psychology Major. *Teaching of Psychology*, 30(1), 19–24.
https://doi.org/10.1207/S15328023TOP3001_03
- Kounenou, K., Kalamatianos, A., Nikoltsiou, P., & Kourmousi, N. (2023). The Interplay among Empathy, Vicarious Trauma, and Burnout in Greek Mental Health Practitioners. *International Journal of Environmental Research & Public Health*, 20(4), 3503. <https://doi.org/10.3390/ijerph20043503>
- Mihajlov, S., Mihajlov, N. & Perić, G. (2021). Gender differences in job satisfaction among employees in Serbia. *Ekonomski pogledi* 21(1), 91–111.
<https://doi.org/10.5937/ekopogl2101091M>
- Ortner, D. (2024). Creative arts as self-care: vicarious trauma, resilience and the trainee art therapist. *International Journal of Art Therapy*, 29(1), 45–56.
<https://doi.org/10.1080/17454832.2024.2317941>
- Rudolph, J.M., Stamm, B.H., & Stamm, H.E. (1997). *Compassion Fatigue: A concern for mental health policy, providers, & administration*. Poster at the 13th Annual Meeting of the International Society for Traumatic Stress Studies, Montreal.
- Rupert, P. A., & Morgan, D. J. (2005). Work Setting and Burnout Among Professional Psychologists. *Professional Psychology: Research and Practice*, 36(5), 544–550.
<https://doi.org/10.1037/0735-7028.36.5.544>

Sports and Recreational Activities as a Means of Reintegration of Female Convicts*

Jasmina Igrački¹ 

The male-to-female ratio in the prison system is disproportionate. The number of women serving prison sentences is small compared to men. Women make up 10%–15% of the global prison population, while in Serbia the figure stands at 4.2%. This fact is of significant importance because facilities for women are allocated far fewer resources than those for men, resulting in much worse conditions in female correctional facilities. The short-term and long-term benefits of physical activity are numerous, both for mental and physical health. However, there has been little research assessing the levels of physical activity among women sentenced to imprisonment. For instance, in the United Kingdom, 48% of women in female prisons participated in physical activities on average. In Australia, half of female prisoners reported engaging in daily exercise. In a French prison, 60% of women were minimally or highly active, while 57% of women in Canadian prisons engaged in some form of physical activity. According to research conducted in Serbia in 2021, in the Correctional Facility for Women in Požarevac, 51 women played basketball and volleyball, while 14 played chess across all wards (open, semi-open, and closed). By 2023, the situation had significantly improved, with the highest interest recorded in aerobics (87 individuals), volleyball (70 individuals), and table tennis (40 individuals), while interest in chess was the lowest (4 individuals). International legislation stipulates that prisoners, although deprived of their freedom during their sentence, should not lose other rights, including the right to engage in sports and physical activities, the possibility of education, retraining, and other activities offered by the prison itself. Research indicates that sport contributes not only to improved physical health but also to the social integration of those who engage in it.

KEYWORDS: female prisoners / sports and recreational activities / sanctions / resocialisation / reintegration

* This paper was presented by Jasmina Igrački as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Igrački, J. (2024). Sports and Recreational Activities as a Means of Reintegration of Female Convicts. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 451–462). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.15>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0002-0533-9033>

Correspondence: Jasmina Igrački, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: jasminaigracki@yahoo.com

Introduction

In the mid-20th century, there emerged a tendency to develop a different model of execution of the sentence of deprivation of liberty, which, compared to the conventional model, is not based on rigid rules regulating prison regimes, but rather on a concept of treatment of prisoners. Additionally, there was a need to define new correctional programmes used in the process of resocialisation (Igrački, 2020, p. 14–15). When we refer to the process of resocialisation, we mean the methods of observing the personality of the convicted individual to identify their socio-psychological, criminological, medical, and other personality traits, based on which an appropriate treatment is defined. The results obtained through personality observation can be used at various stages of resocialisation. Successful execution is entrusted to rehabilitation staff such as educators, psychologists, instructors, sports coordinators, and other participants in the implementation of correctional programmes. Prisoners are involved in certain forms of treatment, as Milutinović (1977, p. 117–118) states: (a) moral-pedagogical education and training of prisoners; (b) vocational and professional training; (c) organising free time (prison leisure); (d) prisoners' participation in their own rehabilitation; (e) rewarding and punishing prisoners; (f) bringing the prisoner's treatment closer to the conditions of life outside prison; and (g) applying psychotherapy and group therapy. The aim of treatment is to address the individual causes of criminality (Stefani et al., 1968, p. 226) in a process directed towards guiding the prisoners through several stages, including adopting the accepted value system in society, which is manifested through engagement in sports activities, reading books and newspapers, listening to the radio, watching television, going to the cinema, attending theatre performances, publishing their own newsletters, and participating in various clubs (e.g., visual arts, music, drama, sports). Various effects can be achieved through these activities: recreational, cultural, educational, pedagogical, and others, which are included in the elements of "social reintegration" of prisoners (Stevanović, 2014, p. 62–63).

Designing activities for prisoners and organising their free time is of great importance for their moral, intellectual, physical, and aesthetic education, as well as for their rehabilitation and the preservation and development of positive values and health. Prison rules and facilities are designed for a male prison population, as women comprise a very small percentage of the total prison population, and their position is therefore much more disadvantaged, posing a real challenge for prison administrations. It is essential that all measures be taken to ensure that women in prison have genuine gender equality in all areas of policy-making, particularly regarding the prevention of abuse in prison. Female prisoners are especially vulnerable due to their social situation and cultural roles.

Over 20 million Americans are currently, or have been, serving a prison sentence, while approximately 9 million Americans cycle in and out of prison each

year (Ahalt et al., 2015). Of the individuals incarcerated in prison, 10%–15% are women (Minton & Zeng, 2015).

Research in England and Wales indicates that seven out of ten women in prison report having been victims of domestic violence.² According to the Ministry of Justice data for England and Wales, self-harm among women in prison increased by 29% in the last quarter (January–March 2024).³ Additionally, the number of female prisoners is projected to rise to 4,200 by November 2027 in England and Wales⁴. The majority of women in prison (82%), according to the data, report having mental health problems, compared to just over half of men (59%).⁵

In Australia, half of the female prisoners reported being sufficiently active, engaging in 150 minutes of exercise per week (Indig et al., 2010). Among female prisoners in Canada, 29% engaged in physical activity for more than 30 minutes daily (Johnson et al., 2019). In the United Kingdom, 11% of female prisoners reported meeting government guidelines for moderate activity of at least 30 minutes, five times a week while in prison (Plugge et al., 2009).

Looking at statistical data in the Republic of Serbia,⁶ in 2015, 3,084 women were convicted, in 2018, 2,968 women, in 2019, 2,862 women, and in 2022, 2,690 women were convicted, and of these, three women were convicted of the most serious crimes, and 147 women were convicted of domestic violence, with 79% being victims of domestic violence. A total of 2.3% of women aged 18–74 in Serbia experienced some form of violence from an intimate partner in 2022.

It is essential to consider several factors regarding female prisoners, due to various forms of physical, sexual, and psychological violence, as well as domestic violence, the need for mental health protection, treatment for alcohol or psychoactive substance abuse, and the risk of re-victimisation after release from prison.⁷ Women often have a history of traumatic experiences and abuse, leading

² Bromley Briefings Prison, Factfile: February 2024, <https://prisonreformtrust.org.uk/publication/bromley-briefings-prison-factfile-february-2024/>, accessed on 15 September 2024.

³ Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to June 2024 Assaults and Self-harm to March 2024, Published 25 July 2024, <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-march-2024/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-june-2024-assaults-and-self-harm-to-march-2024>, accessed on 15 September 2024.

⁴ Prison Population Projections: 2023 to 2028, <https://www.gov.uk/government/statistics/prison-population-projections-2023-to-2028>, accessed on 15 September 2024.

⁵ Bromley Briefings Prison, Factfile: February 2024, <https://prisonreformtrust.org.uk/publication/bromley-briefings-prison-factfile-february-2024/>, accessed on 15 September 2024.

⁶ Statistical Office of the Republic of Serbia, <https://publikacije.stat.gov.rs/G2024/Pdf/G20246004.pdf>

⁷ Ireland: 2014 visit, paragraph 86. See also, e.g., Rules 41, 42 and 44 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women. Offenders (“Bangkok Rules”), accessed on 17 September 2024.

them to enter prison as victims of physical, psychological, and sexual violence (Prost et al., 2022).

The most popular activities for prisoners are sports and recreational activities. These prisoners' activities are of great importance for their mental, moral, physical, and aesthetic education, i.e., rehabilitation, in other words, for the preservation and development of positive values, which is the essence and goal of sports recreation, as well as to provide optimal conditions and opportunities for modern individuals, through various sports and recreational activities, to fulfil their bio-psycho-social need for movement and play, engage more meaningfully and creatively in their free time, maintain and improve their health, preserve vitality, life and work optimism, maintain and improve their general physical, functional, and work abilities, foster a sporting and competitive spirit, develop tolerance in behaviour, and reduce aggression, destructiveness, and antisocial behaviour, aiming at better reintegration into society.

According to the Law on the Execution of Criminal Sanctions (hereinafter referred to as LECS)⁸ sentenced individuals are entitled to spend at least two hours outside closed facilities. Accordingly, depending on age and physical condition, convicted persons have the right to participate in organised physical activities during their free time and use the available sports fields and equipment together with other convicted persons, in line with Article 80 of LECS. Depending on the technical capabilities of the facility, the most common sports and recreational activities in correctional facilities include football, volleyball, basketball, table tennis, and chess. Serbian Correctional Facilities, as well as the Juvenile Detention Facilities, have sports fields, equipment, some even have gymnasiums, swimming pools, and outdoor gyms for recreation and competitions for both prisoners and juveniles. Most facilities are also staffed and organisationally trained to carry out these activities. Physical engagement of prisoners is of great importance for their physical and mental health.

The term "sports recreation" in the Law on Sport ("Official Gazette of the RS," no. 10/2016), depending on the context in which it is used, means: a type of activity (sphere of activity), process of exercising, i.e., the transformation of psychosomatic status; the omnipresence of values resulting from science and modern practice; the system of organisations and institutions (organisational structure of sports recreation); and the system of values (results, i.e., effects of the activity).

The need for activating the human body to maintain its functional state is constant. However, in modern conditions, with the sedentary lifestyle of people, the lack of movement (hypokinesia) is becoming increasingly present, unfortunately accompanied by its numerous consequences. Hence, the appeals by

⁸ "Official Gazette", no. 55/2014, 35/2019, accessed on 17 September 2024.

professionals (in health, sport, and economics) for the necessity of systematic (planned and organised) exercise to preserve health, work, reproductive, defensive, and other human abilities, are understandable. The World Health Organisation's recommendations are present and specific. The Law on Sport of the Republic of Serbia is decisive regarding the right to practise sports. Article 4 of the Law on Sport ("Official Gazette of the RS," no. 10/2016) stipulates: "Everyone has the right to practice sports". Individuals sentenced to imprisonment, from the perspective of movement activities, certainly represent a specific group.

Women prisoners have specific needs and demands arising from the nature of their criminal acts, the conditions within prisons, and their broader socio-economic position. Women sentenced to prison are often marginalized, impoverished, under-educated, and single mothers, facing discrimination based on race, class, and gender. Some of the adopted legal regulations include the protection of human rights and prisoners' rights, the United Nations Rules for the Treatment of Women Prisoners, the Bangkok Rules, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, aimed at protection of basic rights and freedoms of prisoners, especially female prisoners, their rehabilitation and successful reintegration, which are crucial for ensuring the quality of prison life, even after serving their sentence.

In this context, Serbia has developed a Strategy⁹ that regulates in more detail execution of criminal sanctions with the aim of protecting society from crime, improving the conditions in which criminal sanctions are carried out, and specify in more detail the implementation of modern innovations in treatment of convicted persons for the purpose of their successful reintegration and reduction of recidivism.

The mission of the Strategy¹⁰ is reflected in the further development of the system of execution of criminal sanctions, with the priority of protecting society from crime, continuous improvement of the conditions under which criminal sanctions are executed, and application of modern achievements in the treatment of prisoners to ensure successful reintegration into society and reduce recidivism, by improving female prisoners through gender-sensitive improvement of existing treatment programs; continuous work on knowledge and skill development as part of preparation for release and efficient integration; enhancing cooperation with

⁹ The Development Strategy for the System of Enforcement of Criminal Sanctions – for the period 2021–2027

<https://www.mpravde.gov.rs/tekst/33173/strategija-razvoja-sistema-izvršenja-krivicnih-sankcija-u-republici-srbiji-za-period-2021-2027-godina.php>, accessed on 17 September 2024.

¹⁰ The Development Strategy for the System of Enforcement of Criminal Sanctions – for the period 2021–2027,

<https://www.mpravde.gov.rs/tekst/33173/strategija-razvoja-sistema-izvršenja-krivicnih-sankcija-u-republici-srbiji-za-period-2021-2027-godina.php>, accessed on 17 September 2024.

government bodies, local self-government and territorial autonomy bodies, civil society organizations, and other relevant entities to improve the effectiveness of treatment of female prisoners and ease their reintegration into society after release.

Sports and Recreational Activities and Reintegration of Female Prisoners

Education and work are an integral part of the modern prison System, but also insufficient, because the time in prison must be meaningfully and usefully spent both in prison and after serving the prison sentence. Practice shows that the effects of the sentence of deprivation of liberty are very modest, primarily due to the rising recidivism rates over recent decades. Overcrowding in prisons leads to disorganization and an overall crisis of the prison system. The structure of committed crimes is moving towards committing a greater number of the most serious crimes with elements of violence, crimes of terrorism, and the profile of prisoners is becoming more complex both criminologically and psychologically and there is also an increasing number of prisoners dependent on psychoactive substances, financial situation of prisons and employees is very poor, staff capacity is inadequate, there is a lack of motivation among prison staff, etc. (Igrački & Ilić, 2022).

Although the provisions on the manner, methodology and objectives of dealing with prisoners are clear, there is variability in practice. Meaningful prison work, education, sports and recreational activities and active free time sometimes deviate from the fundamental principles of legal acts, both national and international, which aim to equip, self-develop, and resocialize prisoners (Igrački & Brašovan Delić, 2023). Since we cannot choose prisoners, the staff is chosen – Rule 46.1¹¹ that refers to the staff of correctional facilities prescribes that “Prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends”. Recommendations of the European Union and other international treaties (REC Recommendation),¹² establish that the prison sentence should aim at easier reintegration of offenders into society.

¹¹ Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders held at Geneva in 1955, and approved by Economic and Social Council by its resolutions 663 (XXIV) in 1957 and 2076 (LXII) in 1977. Translation taken from the *Archives for Legal and Social Sciences*, no. 4/1956, (transl. prof. N. Srzentić), accessed on 17 September 2024.

¹²² Committee on the Treatment of Prisoners, [https://pjp-eu.coe.int/documents/3983922/6970334/CMRec+\(2006\)+2+on+the+European+Prison+Rules.pdf/e0c900b9-92cd-4dbc-b23e-d662a94f3a96](https://pjp-eu.coe.int/documents/3983922/6970334/CMRec+(2006)+2+on+the+European+Prison+Rules.pdf/e0c900b9-92cd-4dbc-b23e-d662a94f3a96), accessed on 17 September 2024.

Prisoners have a limited choice of sports and recreational activities (Igrački, 2021), and therefore do not see the ultimate purpose of these activities. Apart from work and education, prisoners mostly define their free time themselves, as in most facilities there is often no specialist in charge of this type of recreation. Interviews with prisoners and professional staff reveal that the position of “Sports Officer” is not filled with the staff with appropriate qualifications, and instead, educators or commanders often take on these responsibilities (Igrački, 2021a). Sports and recreational activities, together with other forms of occupation, are seen as primary source of social adaptation to the prison environment, enabling the reduction of tension and adaptation to the existing situation. According to the data from various studies, sports and recreational activities are one of the most important tools for maintaining emotional balance and mental health in prison, as well as for coping with stress and tension. The most common sports activities in prisons are football, volleyball, basketball, table tennis, handball, and chess. Physical activity has a positive impact on prisoners’ physical and mental health, fosters a competitive spirit, increases tolerance in behaviour, improves interpersonal relationships, and, above all, channels physical strength and aggression toward achieving sporting results, while reducing destructiveness and antisocial behavior.

Fun forms of recreation also help prisoners escape negativity, making it easier for them to cope with daily prison life, routine, limited schedule, discipline, and control, and foster positive thinking (Carvalho et al., 2015). One of the most common coping strategies available to all prisoners is positive thinking about future plans and planning for a better life after serving a prison sentence. Sports and recreational activities can be seen as part of the implementation of future visions for using free time in correctional facilities, promoting skill development, self-improvement, and the discovery of new hobbies. Female prisoners emphasize that participating in sports and recreational activities is beneficial and positive, and that free time spent in such a manner significantly contributes to future plans, changes in lifestyle, improving the atmosphere in the prison, and reducing tension (Gallant et al., p. 95–123).

Research data (Igrački, 2021b) indicate that 31 percent of female prisoners in the semi-open and open wards of the Correctional Facility for Women in Požarevac, and 69 percent in the closed ward, stated that there are no sports and recreational activities available to them.

These female prisoners pointed out that they do not even have basic conditions for walking. They expressed interest in activities like yoga, volleyball, swimming, dance, and aerobics, but lack the necessary conditions. After research conducted in 2023 (Ćopić, 2024), the situation in the Correctional Facility for Women in Požarevac has changed significantly. Educational workshops and clubs are held, which include music (choir and folklore), drama and recitation, literary club, visual arts club, sports (volleyball, table tennis, aerobics, chess), sewing and

tailoring courses, cosmetics courses (manicure, pedicure, hairdressing), photography courses, and fruit and vegetable cultivation. Out of a total of 20 women prisoners involved in specialized programs, 10 take part in the choir, 12 in the visual arts club, 23 in the folklore group, while 20 take part in drama and recitation programs, and 15 take part in literary activities. The greatest interest is expressed in aerobics (87 participants), volleyball (70 participants), and table tennis (40 participants), while the least interest is in chess (4 participants).

A total of 50 female prisoners are included in the educational workshops. The fruit and vegetable cultivation course is attended by 10 prisoners, and manicure and pedicure courses are attended by 12 prisoners. The key takeaway is that sports in prison can and does offer numerous possibilities, but there are complexities related to developing, implementing, and evaluating sports programs within the prison environment and these activities can be most beneficial if they are characterised as a means of implementing social, psychological, and physical changes, rather than just a solution (Popadić et al., 2011).

Conclusion

The success of the process of resocialization of convicted persons is highly dependent on their willingness to correct their criminal behavior patterns and adopt positive social values and norms of behavior in line with applicable legal regulations. The specific circumstances and conditions in correctional facilities emphasize the importance of daily physical movement-exercise for convicted persons. There is a proven link i.e. positive effect between planned and systematic physical exercise and an individual's psycho-physical state. Therefore, it is necessary and logical that contemporary trends in treatment of prisoners use, i.e., apply knowledge about the impact of sports and recreational activities on health, but also on resocialisation of convicted persons. This is especially the case when considering that prisoners consider sports activities to be important, and very rarely misuse the opportunities provided to them. Prisoners emphasize that engaging in sports and recreational activities is beneficial and positive for them, and that spending their free time in such a manner while serving their sentences significantly contributes to their future plans, lifestyle changes, improving the atmosphere in prison, and reducing tension.

The research shows that the level of interest and involvement of female prisoners in sports and recreational activities is that out of 200 female prisoners, 30 percent actively engage in sports and recreational activities, 52 percent participate occasionally, and 18 percent do not participate at all. The results clearly indicate that motivation for active engagement in organized free time is not well-developed among female prisoners. Given that free time is the time when prisoners have the right to spend two hours outdoors in fresh air and that they have

the right to organized physical activity, including the right to use sports fields and equipment together with other prisoners, this time is still underused and not always used in a purposeful way.

By consistently applying existing regulations, with consideration of international rules, conventions, and declarations, i.e., standards recommended by them, and with the improvement of spatial and technical conditions, as well as adequate staffing with professionals, better treatment effects on prisoners during their sentence can be achieved. The effects should be evaluated in two periods, through those that are manifested already during the serving of the prison sentence, and in the future, after release. The fact that deprivation of liberty and harsh conditions in correctional facilities are neither the only nor the effective ways to reduce crime and recidivism of convicts has long been known.

At this moment, Serbia does not have a post-penal protection system. This means that, after being released from prison, women who have served their sentences are left to fend for themselves and have no one to turn to, which places them in a very difficult position as they face numerous problems during their reintegration into society. Therefore, it would be of great importance for women, but not only them, to have a service available to provide support and ease their return to the community after their release. This institution existed in the past, but it was abolished in the 1990s, leading to a lack of systemic support and protection of women's rights, and as a result, the cycle of violence often does not end after their release from prison, with the rate of recidivism remaining quite high.

A convict needs help in finding a way to leave prison with as few harmful consequences as possible and to integrate into life more easily after their sentence has ended. The legal basis for this attitude can be found in the Law on the Execution of Criminal Sanctions (2019) and in the by-laws that prescribe the treatment. The question is whether the staff in penal institutions are equipped to meet the challenges of contemporary penological treatment and whether they possess the necessary knowledge and skills in penology, andragogy, psychology, medicine, criminology, and other areas to meet the standards of the modern world where the fundamental rights of convicts are respected. As for the facilities, equipment, devices, sports fields, and gear, the indicators are very poor. These are clear indicators, although the majority of penologists, criminologists, psychologists, medical staff, and other relevant professionals dealing with this issue agree that the use of prisoners' free time and sports and recreational activities must be approached more seriously, and with new ideas and content, aligned with modern times, structure, and the interests of the convicts and that the current effects of free activities do not contribute to the successful process of the resocialisation of both female and male prisoners and their reintegration into society.

Acknowledgment

This paper is the result of research engagement according to the Working Plan and Programme of the Institute of Criminological and Sociological Research for the year 2024, number 451-03-66/2024-03/200039, approved by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Ahalt, C., Bolano, M., Wang, E. A., & Williams, B. (2015). The state of research funding from the National Institutes of Health for criminal justice health research. *Annals of Internal Medicine*, 162(5), 345–352. <https://doi.org/10.7326/M14-2161>
- Bloom, B. (1996). *Triple jeopardy: Race, class, and gender as factors in women's imprisonment* (Doctoral dissertation). University of California.
- Carvalho, G., Capelo, R., & Nunez, D. (2015). Perspectives of the future when time is suspended: An analysis of prisoner discourse. *Time & Society*, 27(3), 303.
- Cashin, A., Potter, E., & Butler, T. (2008). The relationship between exercise and hopelessness in prison. *Journal of Psychiatric and Mental Health Nursing*, 15(1), 66–71. <https://doi.org/10.1111/j.1365-2850.2007.01207.x>
- Ćopić, S. (2024). Female convicts and imprisonment in Serbia. In S. Ćopić & A. Batrićević (Eds.), *Prison environment: A female perspective* (pp. 221–242). Institute of Criminological and Sociological Research.
- Gallant, D., Sherri, E., Nicholson, M., Meek, R., & Lewis, G. (2014). The impact of sports initiative on young men in prison: Perspectives of staff and participants. *Journal of Sport and Social Issues*, 38(2), 95–123.
- Igrački, J. (2020). *Efekti zatvora u resocijalizaciji osuđenika*. Institut za kriminološka i sociološka istraživanja.
- Igrački, J. (2021). Istraživanje sprovedeno u KPZ Mitrovica, KPZ Požarevac-Zabela i KPZ za žene u Požarevcu. Saglasnost Ministarstva pravde, Uprava za izvršenje krivičnih sankcija, br. 704-00-2/2021-03-65.
- Igrački, J., & Brašovan Delić, M. (2023). Treatment of convicts in the rehabilitation process: International standards. *Journal of Eastern European Criminal Law*, (1), 112–124.
- Igrački, J., & Ilić, J. (2022). Primena alternativnih sankcija i prevencija kriminaliteta. *Bilten sudske prakse*, Apelacioni sud u Kragujevcu, br. 1.
- Indig, D., Topp, L., Ross, B., Mamoon, H., Border, B., Kumar, S., & McNamara, M. (2010). *2009 NSW inmate health survey: Key findings report*. Justice Health.
- Johnson, C., Chaput, J.-P., Diasparra, M., Richard, C., & Dubois, L. (2019). Influence of physical activity, screen time and sleep on inmates' body weight during incarceration in Canadian federal penitentiaries: A retrospective cohort study. *Canadian Journal of Public Health*, 110(2), 198–209. <https://doi.org/10.17269/s41997-018-0165-z>
- Lagarigue, A., Ajana, S., Capuron, L., Féart, C., & Moisan, M.-P. (2017). Obesity in French inmates: Gender differences and relationship with mood, eating behavior and physical activity. *PLoS One*, 12(1), e0170413. <https://doi.org/10.1371/journal.pone.0170413>
- Lavasseur, S. (1968). *Precis de criminologie et science penitentiaire*. Paris.

- Stefani, G., Levasseur, G., & Jambu-Merlin, R. (1968). *Criminologie et science pénitentiaire* (3e éd.). Dalloz.
- Lewis, G., & Meek, R. (2012). Sport and physical education across the secure estate: An exploration of policy and practice. *Criminal Justice Matters*, 90(1), 32–34. <https://doi.org/10.1080/09627251.2012.751228>
- McKenzie, T. L., Cohen, D. A., Sehgal, A., Williamson, S., & Golinelli, D. (2006). System for observing play and recreation in communities (SOPARC): Reliability and feasibility measures. *Journal of Physical Activity and Health*, 3(Suppl 1), S208–S222.
- Milutinović, M. (1977). *Penologija*. Savremena administracija.
- Minton, T. D., & Zeng, Z. (2015). *Jail inmates at midyear 2014* (NCJ 248629). Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/jim14.pdf>
- Popadić, D., Bačanac, Lj., Golić, M., Petrović, M., & Vidović, S. (2011). *Nasilno ponašanje prema mlađoj deci i mladima u sportu – rezultati istraživanja i preporuke*. Centar za prava deteta.
- Plugge, E. H., Foster, C. E., Yudkin, P. L., & Douglas, N. (2009). Cardiovascular disease risk factors and women prisoners in the UK: The impact of imprisonment. *Health Promotion International*, 24(4), 334–343. <https://doi.org/10.1093/heapro/dap034>
- Prost, S. G., McDonald, A., Plassmeyer, M., Middleton, J., & Golder, S. (2022). Not all traumas are equal: Post-traumatic stress and quality of life among women in prison. *Women & Criminal Justice*, 32(6), 502–519.
- Stevanović, Z. (2014). *Tretman osuđenika u zatvorskom sistemu Srbije*. Institut za kriminološka i sociološka istraživanja.
- United Nations. (2010). *United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok Rules)*. United Nations.
- United Nations Office on Drugs and Crime. (2014). *Handbook on women and imprisonment: With reference to the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (The Bangkok Rules)* (2nd ed.). United Nations.
- Zakon o izvršenju krivičnih sankcija (ZIKS), Službeni glasnik Republike Srbije, br. 55/2014, 35/2019 (2019).
- Skup minimalnih pravila o postupanju sa zatvorenicima, usvojen na prvom kongresu UN za prevenciju kriminaliteta i postupak sa prestupnicima u Ženevi 1955. godine i potvrđen od Ekonomskog i socijalnog saveta rezolucijama br. 663 (XXIV) 1957. i br. 2076 (LXII) 1977. godine. Prevod preuzet iz *Arhiva za pravne i društvene nauke*, (4), 1956. Preveo prof. N. Srzentić.
- Zakon o sportu, Službeni glasnik Republike Srbije, br. 10/2016 (2016).
- Preporuka REC (2006). 2 Komiteta za postupanje sa zatvorenicima. [https://pjp-eu.coe.int/documents/3983922/6970334/CMRec+\(2006\)+2+on+the+European+Prison+Rules.pdf/e0c900b9-92cd-4dbc-b23e-d662a94f3a96](https://pjp-eu.coe.int/documents/3983922/6970334/CMRec+(2006)+2+on+the+European+Prison+Rules.pdf/e0c900b9-92cd-4dbc-b23e-d662a94f3a96)
- Ministarstvo pravde Republike Srbije. (2021). *Strategija razvoja sistema izvršenja krivičnih sankcija za period 2021–2027. godine*. <https://www.mpravde.gov.rs/tekst/33173/strategija-razvoja-sistema-izvršenja-krivicnih-sankcija-u-republici-srbiji-za-period-2021-2027-godina.php>
- Ministry of Justice. (2023). *Prison population projections: 2023 to 2028*. <https://www.gov.uk/government/statistics/prison-population-projections-2023-to-2028>
- Republički zavod za statistiku. (2024). *Statistički godišnjak Republike Srbije*. <https://publikacije.stat.gov.rs/G2024/Pdf/G20246004.pdf>

Council of Europe. (2014). *Ireland: 2014 visit, paragraph 86*. Accessed September 17, 2024. Also see UN Rules 41, 42, and 44; Bangkok Rules: United Nations rules for the treatment of women offenders.

Prison Reform Trust. (2024, February). *Bromley briefings prison factfile*. <https://prisonreformtrust.org.uk/publication/bromley-briefings-prison-factfile-february-2024/>

Ministry of Justice. (2024, July 25). *Safety in custody statistics, England and Wales: Deaths in prison custody to June 2024; Assaults and self-harm to March 2024*. Accessed September 15, 2024. <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-march-2024/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-june-2024-assaults-and-self-harm-to-march-2024>

Prison Writings as a Source of Qualitative Prison Research*

Sanja Petkovska¹ 

The main argument of this paper is that the results of qualitative prison research based on prison writings might be a valuable source for better understanding the effects imprisonment has on convicts and of the characteristics of the experience of imprisonment. Furthermore, these insights describing the qualitative effects could be particularly important in all sorts of reform of the system of punishment and resocialisation, and therefore should be much more present in penology and other relevant disciplines in the region. The objective of the paper is to introduce the basic principles of grounded qualitative prison research on prison writings to researchers in Serbian penology and criminology and provide an example of it. Starting with the epistemological and theoretical foundations of qualitative research in the postpositivist philosophy of science and listing the main characteristics of qualitative prison research, I continue with overviewing the main procedures of qualitative prison research based on writings such as sampling, data collection, coding and data interpretation, followed by drawing scientifically and policy-relevant conclusions. Subsequently, I provide the typology of the main forms of prison writings, potentially helpful for understanding the variety and richness of literate production coming from prisons that could bring valuable insights for penological and criminological studies. In the next sections, I examine the methodological procedures usually employed in prison writing-based qualitative research such as textual analysis, discourse analysis and critical discourse analysis (CDA). These most common procedures are briefly overviewed to summarise the basics of the qualitative analysis derived from prison notes and open the way for the conclusions. In the conclusion, I summarise the main advantages and disadvantages of the much wider use of qualitative research based on prison notes in penology, criminology and related disciplines, both in Serbia and in the region.

* This paper was presented by Sanja Petkovska as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Petkovska, S. (2024). Prison Writings as a Source of Qualitative Prison Research. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 463–472). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.14>

¹ Institute of Criminological and Sociological Research, Serbia
<https://orcid.org/0000-0003-4414-6469>

Correspondence: Sanja Petkovska, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: sanja.petkovska@iksi.ac.rs

KEYWORDS: postpositivism / qualitative research / prison notes / prison literature / narrative penology

Introduction²

This paper provides an overview of the main advantages of using qualitative sources (more precisely prison notes or prison writings)³ in penology and other relevant disciplines. Qualitative research, I claim, provides thick, detailed and authentic insights into the experience of life in prison, which makes it increasingly valuable for academic and other purposes. The main objective of this paper is to provide supporting arguments for the claim that qualitative research in penology is more suitable for getting better insights into the characteristics, effects and outcomes of the prison experience on the incarcerated individual compared to quantitative research and introduce the basics of conducting prison writings based qualitative research followed by an example to researchers in Serbian criminology and penology. Although qualitative research can include many types of sources, my focus here is exclusively on written, textual sources belonging to the different literacy genres. Prison notes are sometimes written purposely to get published and sometimes without the intention of publication, but rather were discovered and made public later despite initially representing just a deeply private act of coping with the deprivation of cell isolation. According to some authors, prison literature became officially accepted and popular during the English Reformation when prison became a place from where influential literature came into the public and the genre of prison literature was established in the public compared to only some isolated examples in previous periods (Ahnert, 2013). As this paper demonstrates, research grounded in postpositivist epistemology and qualitative methodology provides a more accurate understanding of the effects prison has on individuals and of its possible positive and negative outcomes in terms of resocialization and the prevention of recidivism.

Along with demonstrating some advantages of qualitatively framed research designs, I provide an overview of the epistemological specificities of a postpositivistic approach compared to the positivist research foundations in the philosophy of science as the ultimate scientific authority. The approach to qualitative research here emphasises disagreement with the simplified, reduced and dichotomic separation of the two approaches, usually coming from the positivist attempts to disqualify qualitative approaches as less scientific, rigorous

² Dr Alexander Mesarovich, Max Weber Fellow at the European University Institute, helped in preparation of the final version of this paper by providing valuable comments, suggestions, proofreading and editing interventions. I would like to acknowledge this contribution to the paper and express my deepest gratitude for his generous help.

³ Using the term prison writings rather than prison notes associate more strongly with giving these writings a sort of recognition and value.

and accurate. On the contrary, as postpositivist philosophers of science and their derived methodologies demonstrate, qualitatively framed research tends to give much more justice to the complexity of human experience and therefore could provide a more accurate understanding of the laws underlying the functioning of the human and social world. This is especially true in the case of specific situations such as imprisonment. Throughout this analysis, I demonstrate how a methodology focused on the particular rather than the general is more suitable for studying the phenomenon of incarceration, itself very specific and unique compared to all the other social phenomena (Reimer, 1996). I am naming the approach to qualitative research in criminology and penology here presented, based on prison writings, following the other authors working in the same direction, as *narrative criminology* (Colvin, 2015, p. 211).⁴

The handling of prison notes as a source of qualitative data depends on the design of the overall research project plan. Observing it in the context of the defined *theoretical and methodological framework* of the research project is very important. While there are theories that more easily connect to prison notes as a source and overall qualitative research methodology and techniques than others, in practice many unexpected combinations might occur, including also using it as a mere additional, background material, or as a combination or mixture of quantitative and qualitative method known as *mixed or combined methodology*. Qualitative research in this sense expectedly is mostly connected to critical theory and disciplines of sociology, cultural studies and critical political economy. At the same time, the theory of importance for qualitative research is also grounded theory. According to grounded theory knowledge can be built inductively, from collected and coded empirical data, not as it usually in positivism was the case, deductively. Connecting the apparatuses of different disciplinary traditions appears crucial for qualitative research. At the same time, interpretation of the portions of meaningful units of language – discourses - are crossed with social and structural analysis where they have been attributed to social formations and formed social inequalities.

Qualitative Prison Research

One among the main reasons why qualitative research based on prison writings is particularly useful is considered to be their ability to bring us the unique experience of imprisonment closer. Starting from the epistemological overview of the postpositivist philosophy of science, I intend to demonstrate the specific value of the different types of prison notes for reaching more complex and rich

⁴ In the same direction, we could say *narrative penology* as well.

cognitions about the incarceration experience by overviewing its main features and drawing the conclusions.

First is the focus on experience as reflected in the narrative, or text, which is a special benefit of qualitative research. While research framed in positivistic approach is otherwise focused on *what* question, qualitative analysis is focused on *why* questions. Therefore, understanding how the experience is embedded within social, cultural and institutional structures is much more important than explaining any of the relations between variables statistically abstracted from behavioural phenomena. In other words, qualitative research based on material like prison writings is focused on how larger social infrastructural, institutional and cultural narratives might inform our understanding and shape stories on how both the researcher and informant experience life events and the conditions of life in a given society (Given, 2008). Stories or narratives are in the focus of qualitatively framed analysis, and their main appearance comes in the forms of units of both meaning and language organized in detectable patterned differences and discourse structures such as *text*, *discourse*, *narratives* etc, which are characterized by temporal, linear organisation. Despite the overlap between these units of meaning, there are also distinguishable differences useful to inform the fundamental methodological procedures of qualitative research – *coding*. Coding is, in other words, the extraction of the basic unit of analysis from the collected qualitative data according to and following the research question and the objectives.

Narrative texts are “a form of discourse that has been fixed by writing” (Given, 2008, p. 545). On the other hand, a discourse is a segment of meaning or significance, the central element in the constitution of reality. Forms of discourse can be verbal or nonverbal, oral or written, which is then transcribed into written text or transcripts and further utilised as data. One of the most popular types of qualitative analysis is Critical Discourse Analysis (CDA) which focuses on discursive aspects of social problems. The research procedure is simple starting with the selection of the sample, followed by the collection of the data, transcribing the data, reading it multiple times, initial and comprehensive coding, interpretation of the results and drawing the conclusions and recommendations.

Definition and Typology of Prison Writings

Prison writing and writing about prisons, besides offering an insight into the places that are subject of growing interest from the side of the general public “can also provide opportunities for the incarcerated to express themselves, critique the system of detention, and document their struggle for survival and sanity – a struggle similar to the people incarcerated alongside them and even those far away, in other times and places” (Kelly & Westall, 2020, p. 1). Following the classifications existing in the literature, for this paper a joint hybrid classification

will be prepared that can be used to orient future prison research based on prison notes. Plenty of criteria could be utilised to classify prison notes into distinct categories which might be utilised further in the research processes for sorting out the structure of the argument and providing the supporting evidence. One of the basic ways of classification of prison writings is into the groups of canonical texts of this genre that became classics and well-known in comparison to the massive growth of the projects of regularly updated expressions about prison life cases that possess cultural and overall significance and relevance which is at the same time “spectacular” and “marginal” (Kelly & Westall, 2020, pp. 4–11).

First and the most important distinction is between writings made in prison cells by current convicts and, on the other hand, secondary writings made about the experience in prison after release, from the outside. Furthermore, prison literature might be distinguished between authors who experienced imprisonment and wrote something related themselves, and those who write about the experience of imprisonment despite not having experienced it themselves.⁵ Another level of distinction is between notes made by the convict compared to notes made by someone else about their experience in the prison cell. Speaking of the content itself, it could be prison-related, or it could not, but rather belong to some other genre of fiction or nonfiction. The prison notes might also be classified through basic literature genres since convicts might also write all sorts of prose and poetry in prison. Furthermore, notes about the prison experience might be obtained by a researcher using a given research methodology such as in-depth interviews, oral histories or focus group techniques rather than standing as a primary source.

The classification of prison notes appeared to be a much more complicated and complex process than at first it might look, because many of the genres appeared to be written from inside the prison cells, but also many of the quite specific sub-genres closely associated with the prison theme might be identified in existing writings.

- Memoirs, autobiographies, oral histories and diaries are probably the most holistic and important sources of qualitative prison research since they could be a valuable source of unique information providing context and a sense of the criminal act as observed in the life events of the convict.⁶
- Literature writings: fiction, poetry, prose and drama.
- Correspondence based on personal and official, but also including written correspondence to obtain data in the form of questionnaires. This type of prison notes might be adapted more popularly (Abbott, 1991) or more in the form of scientific, academic research (Halliwell et al., 2022).

⁵ In the second case, it might be contested the writings belong to the genre of prison writings, but it is possible to consider it as such in case of broader understanding of the term.

⁶ For more about this type of qualitative research check: Flynn, 2015; Marland, 2019.

- Prison files and records are the type of prison notes that are mostly used as background information rather than as a main theme and source in research. However, we can find examples of research quite focused on this type of source such as a doctoral dissertation defended at the University of Liverpool by Madeleine Rungius *Thinking the Prison Affectively: A Critical Discourse Analysis of Official Prison Reports from Three English Prisons* (2022).
- Blogs and popular journal essays written by convicts are quite popular genre of prison writing and there are projects devoted to publishing regular prison blog entries written by the inmates such as Inmate Blogger⁷, WriteAPrisoner⁸, or Prison Journalism Project.⁹
- Artefacts and visual material containing text (graffiti, even marginal annotations in books and manuscripts are a well-acknowledged genre of prison notes analysed in the literature. See: Ahnert, 2013, p. 32).¹⁰
- Videos and voice recordings containing verbal and textual material
- Non-fiction literature in social and political science, but also thoughts concerning prison reform and analysis of the system of punishment and its damaging effect on the mental condition of the convicts (Marland, 2019). This type of the genre includes writings of the political prisoners and thought about the prison reform, while some authors identify the genre of prison notes with the writings of the political prisoners which often also include writings belonging to social activism and quest for social justice (Morsy, 2023). This includes also secondary literature on the prison writings and literature reviews of literature about qualitative research based on prison notes.
- Prison literature is a genre in certain areas or historical periods (Ahnert, 2013; Morsy, 2023).
- Collective prison writing practices (such as creative writing).
- As an alternative to prison sentence.¹¹

⁷ See: Inmate Blogger. (2024, 24 October). <https://inmateblogger.com/>.

⁸ See: WriteAPrisoner.com. (2024, 24 October). <https://writeaprisoner.com/inmate-blogs>.

⁹ See: Prison Journalism Project. (2024, 24 October). <https://prisonjournalismproject.org/>.

¹⁰ Prison graffiti are one of the most common textual way the prisoners use to express themselves. Since the ancient times, the practices of not only writing but also engraving and inscribing names into the walls of the prison cells has been one of the most common practices in prisons. Analyses of these graffiti, from both ancient but also contemporary times, not only as texts but also as form of art, could be challenging and inspiring research project. Analyses of this type of qualitative sources are quite present among the prison research literature (see for example: (Costanzo et al., 2013; Fiume & García-Arenal, 2018).

¹¹ In the US, for example, there is a program called *Changing Lives Through Literature* (CLL) in which prisoners are serving a sentence by attending the literature course instead of spending time in prison. What is even more interesting about this alternative, the prisoners attending literature course rather than serving prison sentence demonstrated a lower degree of recidivism comparing to those who served sentence in prison, proved by the follow up study (Colvin, 2015, p. 213).

Providing this typology helps us imagine what sort of research and research questions could be applied to retrieve valuable knowledge about all sort of the aspects of the imprisonment experience and what sort of findings and conclusions could be derived from it. From this simple overview only, we see that these kinds of sources could tell us much more about the prison experience than any other procedure or approach could, from the deeply individualized and contextualized perspective that will help us project much more policy-relevant proposals about the needed regulation and policy changes that would make resocialization and reintegration of the (formerly) incarcerated individuals more successful. However, there are many other, such as scientific and artistic, values of insights obtained from qualitative sources.

Textual and Discourse Analysis – Definition and an Example

The main and most well-known methodological techniques in qualitative research are text and discourse analysis framed and named in numerous similar ways, such for example content analysis. Textual, narrative and thematic analysis are based on employing the technique of coding to retrieve patterns of the textual structure and organization. There are many variants of textual and discourse analysis, and they might come in combination with different sorts of theoretical and conceptual frameworks, depending on the choices, approach and point of view of the researcher. For example, one of the most prominent kinds of textual analysis is *critical discourse analysis* (CDA). CDA is the methodological framework of qualitative linguistic analysis of written texts that emerged in the 80s by a group of European linguists such as Norman Fairclough, Ruth Wodak and Teun van Dijk. The focus of CDA is to look for the subtle ways in which unequal power relations are maintained and reproduced using language (Given, 2008).

For example, in a paper from 2021 *Penitentiary Space Through the Eyes of Prisoners – An Examination of Prison Letters. The Relevance of Place* Polish penitentiary pedagogist Sławomir Grzegorz Grzesiak uses prison letters to retrieve the perception of prison space from the side of the prisoners (2021). He uses symbolic interactionism, place pedagogy and grounded theory to frame his analysis of 26 ($N = 26$) letters. This analysis highlighted the importance of how functioning of people is determined by space in the prison cells and in the end offered many findings helpful for taking the rehabilitation needs more seriously into consideration in the future.

However, there are risks to using prison notes as a source of qualitative research data on life in prison that should be highlighted too. Most prominent is the problem of subjectivity, as the producers of prison notes are, generally, incarcerated. There is always a shade of doubt surrounding the subjective, autobiographical information obtained from the research participants and their

backgrounds and life courses. Above all, focusing on a tight, individual perspective fails to show a more general picture which is in many instances needed for drawing valid conclusions and deriving useful policy recommendations from them. Various other factors related to the vulnerability and position of the research participants might impose ethical dilemmas and considerations too. It started to be more common to speak about mixed methods, where the benefits of qualitative and quantitative research are joined together. However, there are research topics where one or another perspective seems more adequate for obtaining concrete findings and answering certain kinds of research questions, and this demonstrates how the approaches, despite different, could be mutually supportive while providing a view of some of the sides of the phenomenon. The advantages and specificities of the qualitative approach should be much more employed in the future, especially because of the practical aspect of much simpler organisation of the data collection, while the findings might considerably help and improve penological studies and practices.

Results and Conclusions

The main goal of this paper has been to provide an overview of the prison notes as a source of qualitative research, qualitative methodological tools most suitable to employ on this type of source and data, to provide an overview of the definition and classification of prison literature, and finally, to offer a simple overview of the advantages and disadvantages of the insights and conclusions coming from these types of research sources and following methodologies. One overall and undoubted conclusion regarding why qualitative research based on prison writing is important and relevant is the authenticity of the representation of the experience of survival behind prison bars which is being represented carefully. At the same time, this contributes to the sophisticated opportunity to make the imprisoned writer more visible not only as an entertainer of the mass culture but also as a reliable voice that could help us understand better the phenomenon of incarceration and the phenomenology of the legal public punishment system (Kelly, 2020).

One of the crucial motives for attempting to provide a qualitative inspection into the phenomenon of imprisonment experience is “to give voice to people with experience in the criminal justice system” (Estep 2023, p. 4). Understanding the effects of imprisonment from the insider point of view and providing the sense of the agency to the incarcerated while putting their cases in perspective is the main quality of findings based on qualitative data collection and interpretation procedures. This type of result resonates more strongly with the principle of social justice since taking us more into the human aspect of criminal acts and the issues relevant to the future reintegration of convicts in society. All this information is given in the autobiographical context, connected to the circumstances and life

story of the convict, which rarely could be visible from the type of research framed in a positivistic and quantitative framework.

On the other hand, qualitative methods have their risks, too, which is above all the subjective character of data which may not be reliable and trustworthy. The chances and opportunities to cross-check the information given in these writing is small, while on the other hand, the mental state of the imprisoned person is often sensitive and unstable, which distort perceptions (Marland, 2019). Sometimes the stories of convicts are transferred several times, through a couple of sources who contribute their interpretations to the story and therefore made modifications and possible falsifications. However, more than once testimonials from the prison given by the prisoners themselves became massively relevant and popular for understanding not only the phenomenon of incarceration, but also for understanding the social and political context and main challenges of that time. In the future this type of sophisticated insight will be more and more popular and demanded, therefore since education for it could be demanding and lasting, it is important to think systematically about how to make scholars more capable to use it and institutions of higher education better equipped for providing the relevant training for its usage.

Acknowledgment

This paper is the result of the engagement of the author in accordance with the Plan and work program of the Institute for Criminology and Sociological Research for 2024 based on contract No. 451-03-66/2024-03/200039 with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia and in accordance with Article 4 of the Agreement on implementation and financing of scientific research work of Research Organisations in 2024.

References

- Abbott, J. H. (1991). *In the Belly of the Beast: Letters From Prison* (Reprint edition). Vintage.
- Ahnert, R. (2013). *The Rise of Prison Literature in the Sixteenth Century*. Cambridge University Press.
- Colvin, S. (2015). Why should criminology care about literary fiction? Literature, life narratives and telling untellable stories. *Punishment & Society*, 17(2), 211-229. <https://doi.org/10.1177/1462474515577152>
- Costanzo, B., Bull, M., & Smith, C. (2013). If These Walls Could Speak: A Visual Ethnography of Graffiti at Boggo Road Gaol. *Queensland Review*, 20(2), pp. 215-230. <https://doi.org/10.1017/qre.2013.22>
- Estep, A. (2023). *Through the Eyes of the Incarcerated: A Qualitative Content Analysis of Prisoner Reentry Through Memoirs*. Honors Theses. https://encompass.eku.edu/honors_theses/991, accessed on October 24, 2024

- Flynn, A. (2015). *Memoirs of a Prisoner* (1st edition). CreateSpace Independent Publishing Platform.
- Fiume, G., & García-Arenal, M. (2018). Introduction. *Quaderni storici*, 1, 3–14. <https://doi.org/10.1408/91116>
- Given, L. M. (Ed.). (2008). *The Sage encyclopedia of qualitative research methods* (Online-Ausg). SAGE.
- Grzesiak, S. (2021). Penitentiary Space Through the Eyes of Prisoners – an Examination of Prison Letters. The Relevance of Place. *Journal of Security and Sustainability Issues*, 11(1), 255–264. <https://doi.org/10.47459/jssi.2021.11.22>
- Halliwell, S. D., du Plessis, C., Hickey, A., Gildersleeve, J., Mullens, A. B., Sanders, T., Clark, K. A., Hughto, J. M. W., Debattista, J., Phillips, T. M., Daken, K., & Brömdal, A. (2022). A Critical Discourse Analysis of an Australian Incarcerated Trans Woman's Letters of Complaint and Self-Advocacy. *Ethos* (Berkeley, Calif.), 50(2), 208–232. <https://doi.org/10.1111/etho.12343>
- Kelly, M. (2020). PEN and the Writer as Prisoner. In *Prison Writing and the Literary World*. Routledge.
- Kelly, M., & Westall, C. (Eds.). (2020). *Prison Writing and the Literary World: Imprisonment, Institutionalization and Questions of Literary Practice* (1st ed.). Routledge. <https://doi.org/10.4324/9781003105787>
- Marland, H. (2019). 'Close confinement tells very much upon a man': Prison Memoirs, Insanity and the Late Nineteenth- and Early Twentieth-Century Prison. *Journal of the History of Medicine and Allied Sciences*, 74(3), 267–291. <https://doi.org/10.1093/jhmas/jrz027>
- Morsy, F. I. (2023). *So Vast the Prison: Contextualizing Prison Writings after 2011*. World Humanities Report, CHCI.
- Reimer, B. (1996). Qualitative Research and the Post-Positivist Mind. *Bulletin of the Council for Research in Music Education*, 130, 123–126.
- Rungius, M. (2022). *Thinking the Prison Affectively: A Critical Discourse Analysis of Official Prison Reports from Three English Prisons* (PhD Thesis, University of Liverpool). <https://doi.org/10.17638/03149844>
- Schwan, A. (2011). Introduction: Reading and Writing in Prison. *Critical Survey*, 23(3), 1–5.

The Contradictions of Prison Life and the Return to the Human in Man*

Violeta Tadić¹ 

At a time when most research on prison life focuses on extremely specific problems, this paper focuses on critically re-examining the key premises of prison life. The subject of the paper is the function of prisons in society, and the questioning of the role of prisons in relation to prisoners. Therefore, the main objective is to examine the issue of resocialization and adequacy of implementation. Previous research and case analysis show that respect for humanity among prisoners and employees in the prison environment is one of the basic prerequisites for successful resocialization. In this sense, prison can be seen as an indicator of social well-being and progress. In other words, it is necessary to create opportunities in the prison environment that exist in society as a whole for working on oneself, for example, through education, psychotherapy, and various other activities. In this way, the gap between the prisoners and the society can be reduced.

KEYWORDS: contradictions of prison life / human in man / prisoners / resocialization / individuation

* This paper was presented by Violeta Tadić as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Tadić, V. (2024). The Contradictions of Prison Life and the Return to the Human in Man. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 473–479). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.13>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0009-0000-6060-8243>

Correspondence: Violeta Tadić, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: tadiev33@gmail.com

Introduction

The prison environment is characterized by uncompromising isolation, constant surveillance, a lack of intimacy, relationships based on distrust and aggression, as well as social, sensory, and intellectual deprivation (Granados et al., 2023; Skowroński & Talik, 2023; Tadić, 2024). Also, a large number of prisoners live in prisons. For example, the prison population in Serbia consists of 10,787 prisoners (Aebi & Cocco, 2024), while the total number of prisoners in world prisons is approximately 11.5 million (Fair & Walmsley, 2024). The growth rate of the prison population in Serbia from 2013 to 2023 was 15.9% (from 140 to 162 prisoners), which is 25% higher than the European average (124 prisoners per 100,000 inhabitants) (Aebi & Cocco, 2024). Consequently, prison life carries its own contradictions, such as how to implement resocialization and ensure the quality of life of prisoners in an environment that is not a natural human environment.

Most research focuses on phenomena such as adaptation to the prison environment, psychosocial climate, group dynamics and norms of prisoners, reactions to deprivation, or imprisonment as a process present in those sentenced to several years in prison (Knežić, 2017; Mejovšek, 2002). A large study of integration into the prison social system conducted by Radovanović (1992) revealed the weaknesses of the re-education model due to the strength of the prison culture focused on opposition and hostility toward prison treatment programs and societal norms. Such a culture necessitates a reaction from prison staff that involves applying a repressive model instead of a re-education model. In this way, the vicious cycle is perpetuated, making it challenging to find a viable solution that would contribute to creating a more humane environment in prisons.

In this paper, we intend to briefly recall these contradictions and ask how it is possible to communicate with prisoners in such an environment, addressing them as people and not as "numbers", which is the basic condition for them to experience human contact as a value and change in the direction of adapting to life in society.

Contradictions of Prison Life and Duality in Human Nature

Perhaps the most appropriate way to begin the story of prison life is to recall Zimbardo's experiment (Zimbardo, 1972). The group of people was divided into two subgroups: those who were imprisoned and those who guarded the prisoners. The subgroup guarding the prisoners changed its behavior to be rude, disrespectful, humiliating, aggressive, and oppressive toward the prisoners. This tells us many things, but from different perspectives of looking at the problem. One perspective is that of social psychology, which suggests that people are more

influenced by the social environment than by personality traits (Ross & Samulels, 1993). In addition to Zimbardo's experiment, this is confirmed by many similar experiments, the most famous of which is Milgram's experiment, which proved the strength of the social influence of authority on obedience in the implementation of punishment (Milgram, 1974). In other words, the prison environment itself has a strong influence on shaping prison life.

On the other hand, we can approach it from the perspective of personality psychology and clinical psychology and ask what dynamic forces operate within the personality that lead to changes in people's behavior. How is it that people who behave normally in everyday life can change to such an extent that they become implacable, cold-blooded, and aggressive "guards" of prisoners? As psychologists of individual differences would explain, the latent traits that exist in a person do not have to be manifested in everyday life but in specific situations (Kamin, 1969). This indicates the duality in human nature. We see it in the examples we have given so far, such as conformity versus innovation, latency versus manifestation, and it exists in a series of examples such as destruction versus creation, love versus hate, sociality versus antisociality, and the like.

What does all this tell us? That it is not unusual to expect that behaviors conditioned by the prison environment and the division of social roles between guards and prisoners will manifest themselves in the prison environment. That certain predispositions in the form of latent personality traits will be manifested through social roles and will influence the development of social identity characterized by belonging to certain groups. However, if all this is already known, why do we try so hard to study the lives of prisoners? What is it that escapes our attention? What are the hidden elements that we want to see? What are the riddles to which we seek answers? One thing is certain: we ask ourselves why there is aggression and destructiveness in human nature, where the need to cause injury to another human being comes from, and where the need for destruction, violence, warfare, and killing comes from. But we can also ask ourselves why there is love and creation, where the need to help another human being comes from, and where the need for creation, care, peace, and birth comes from.

Human in Men

If we were to look at the questions from the previous chapter from the perspective of duality in human nature, what is fundamental would again escape our attention. What we are looking for in the title of the paper we marked as human in man, while dualities are marked as contradictions that prison life carries. Now we are just coming across the essential question: what is human in man? If we took animal and human as opposites, we would have to notice that the animal is

contained in the human organism; therefore, it is an integral part on which the human is built. The very word "builds" directs our attention to the hidden assumptions underlying the previous sentence, which is development. According to Darwin's theory, the living world develops, and man is the last in the animal chain of development. Man is a specific living being because, due to certain characteristics, he stands out from the animal world. Man lives in a human community that has a history, where development continues as the development of civilizations and cultures, to put it succinctly, that is, speech, writing, thinking, beliefs, convictions, skills, etc., develop. The historical development of mankind is reflected in human posterity through individual development. In his theory of motivation, Maslow (1970) identified self-actualization as the supreme motive. In other words, every human being has potential that can be developed in an adequate environment.

Based on the previous exposition, we can reformulate our initial question: how can the prison environment be changed to enable the individual development of its participants? However, with this question, we have gone beyond the framework that society (and/or the state) supports. For society, there is a task to socialize individuals to become shaped as society expects them to be. In this sense, prison exists as an institution that deprives those people of their freedom who have not behaved in accordance with the rules that society imposes on them. That is why it is said that in prison, people should be resocialized to return to society with acceptable forms of behavior. More precisely, we are asking what to do to start the process of individuation in the participants of prison life, as opposed to the process of resocialization. When we talk about individuation, more emphasis is placed on the individual and less on society, as in the case of resocialization, and therefore the appreciation of the human in a person is indispensable. In other words, Zimbardo's experiment shows the direction in which human behavior can move when it is left to the animalistic nature of humans (Zimbardo, 1972); however, the rules of prison life fundamentally tend to reproduce the rules of social life, which imply respect for the humanity of a person and respect for others.

To examine the existence and measure the degree of appreciation for humanity in individuals residing in prison environments, specific indicators must be identified for measurement purposes. When referring to participants in the prison environment, we encompass all individuals present within the prison, regardless of their status as inmates or employees. Notably, working with prisoners may be perceived as a demeaning position in society. Therefore, it is crucial that employees receive societal appreciation for their work, enabling them to extend appreciation to prisoners. In a sense, contemporary prison life can be viewed as an indicator of a country's societal development. Consequently, it is unsurprising that some of the most developed Scandinavian countries serve as models for prison organization and life (e.g. Norway, Sweden, Denmark) (Ilijić, 2022).

Their system notably incorporates two key elements: provision and gradation. The term "provision" pertains to human needs, ensuring that every prisoner has access to a diverse range of activities. These activities include education (Ilijić, 2022), not limited to training and lectures, but also access to literature of choice for self-education. Additionally, psychotherapy is offered as an activity with the potential to initiate and influence human development and individuation. Gradation, on the other hand, refers to the evaluation of prisoners in relation to the potential danger they pose to the social environment, specifically assessing the extent to which desired resocialization has been achieved. This system categorizes prisoners based on their level of risk, with those deemed dangerous to others or themselves being held in specially secured areas. As the level of control decreases, prisoners may progress to an open type of prison, where they reside independently in apartments designed for their needs within the local community. In such settings, employees serve more as supportive figures for independent living rather than as controlling authorities. In fact, no one should be subjected to stricter condition than are necessary (Ilijić, 2022).

In other words, the indicators for measuring the degree of respect for humans in the prison environment could be determined by the presence of different forms of offerings to prisoners and employees that exist in the society in which the prison sentence is implemented. This determination takes into account societal development and explains the differences that exist in the prison systems of different countries. Additionally, it should be noted that our approach is based on following the trends of positive criminology, while monitoring negative trends involves investigating the presence of negative forms of behavior such as humiliation, oppression, violence, and the like.

Individuation in prison

Finally, we would like to recall one example of individuation in the prison environment, which is known in American culture. It concerns Rubin Carter, also known as "Hurricane" (*Rubin "Hurricane" Carter*). The example is well-known because Rubin wrote his autobiography, *"The 16th Round: From Number 1 Contender to Number 45472"*, while in prison, in which he maintained his innocence (Ritter, 2015). Namely, Rubin was a boxer and was preparing to win the championship when he was arrested and convicted of murdering three men in a bar. Due to public pressure, Rubin had a second trial and was again sentenced to prison. He was released thanks to a *habeas corpus* appeal after twenty years in prison (Ritter, 2015).

We cite this example because Rubin spent time in prison reading and studying literature, which enabled him to write an autobiography, fight for his freedom, and after his release, continue his work with the Association in Defense of the

Wrongly Convicted and the Innocence Project. For his work, he received two honorary doctorates in law from York University (York University, Toronto, Canada) and Griffith University (Griffith University, Brisbane, Australia).

Conclusion

After such an exposition, which raises more questions than answers, it would be too pretentious to provide any kind of conclusion. A more appropriate direction for our aspirations would be to understand the relationship between the prison institution and society as a whole, as connected phenomena based on which we can monitor the extent to which the prison reflects the society we live in and how the changes we aim to implement in social relations within the prison can improve our understanding of the society in which we live, and perhaps even guide changes in society. Changes in society would then effect changes in prison life until perhaps the reorganization of the prison institution is reached, or it would be more appropriate to replace it with a different mode of existence.

Acknowledgment

This work is the result of the engagement of the author in accordance with the Plan and Program of work of the Institute of Criminological and Sociological Research for 2024 (on the basis of contract no. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Aebi, M. F., & Cocco, E. (2024). *Prisons and Prisoners in Europe 2023: Key Findings of the SPACE I report*. Series UNILCRIM 2024/1. Council of Europe and University of Lausanne.
- Fair, H., & Walmsley, R. (2024). *World Prison Population List* (14th edition). Institute for Crime & Justice Policy Research.
- Granados, L., Suriá, R., Perea, C., Payá, C., Sánchez-Pujalte, L., & Aparisi, D. (2023). Effectiveness of a program for the development of socio-emotional competences in people admitted to a penitentiary center. *Front. Public Health*, 10, 1116802. <https://doi.org/10.3389/fpubh.2022.1116802>
- Ilijić, Lj. (2022). *Obrazovanje osuđenika – od resocijalizacije do transformacije*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/07021981>
- Kamin, J. L. (1969). Predictability, surprise, attention, and conditioning. In U B. A. Campbell, & R. M. Church (Eds.), *Punishment and aversive behavior* (pp. 279–296). Appleton-Century-Crofts.

- Knežić, B. (2017). *Obrazovanje osuđenika: način da se bude slobodan*. Institut za kriminološka i sociološka istraživanja.
- Maslow, A. H. (1970). *Motivation and personality*. Harper.
- Mejovšek, M. (2002). *Uvod u penološku psihologiju*. Naklada Slap.
- Milgram, S. (1974). *Obedience to authority: An experimental view*. Harper & Row.
- Radovanović, D. (1992). *Čovek i zatvor*. Institut za kriminološka i sociološka istraživanja i Prometej.
- Ritter, L. J. (2015). After the Hurricane: The Legacy of the Rubin Carter Case. *Hastings Race & Poverty L.J.*, 12(1), 101–121.
- Ross, L., & Samuels, S. (1993). *The predictive power of personal reputation vs. labels and construal in the Prisoner's Dilemma game*. Stanford University.
- Skowroński, B., & Talik, E. B. (2023). Factors related to personal quality of life in prison inmates. *International Journal of Occupational Medicine and Environmental Health*, 36(2), 291–302. <https://doi.org/10.13075/ijomeh.1896.01961.47152/07021981>
- Tadić, V. (2024). Inmates education as a function of developing socio-emotional competences. *Journal of Criminology and Criminal Law*, 62(1), 63–88. <https://doi.org/10.47152/rkkip.62.1.4>
- Zimbardo, P. (1972). *Stanford prison experiment: A simulation study of the psychology of imprisonment*. Philip G. Zimbardo. Inc.

Repertory Grid Method with Offenders: Two Case Examples with Antisocial Personality Disorder*

Nikola Drndarević¹ 

The repertory grid is a research tool that serves both as a method and an instrument. As a method, it provides a systematic framework for exploring subjective perspectives, fostering engagement and rapport while adapting to specific contexts. As an instrument, it is co-constructed with participants, offering a personalized depiction of their internal constructs without imposing external frameworks. Despite its promise, the repertory grid has seen limited use in forensic settings. This paper reviews existing research and presents findings from two case studies involving offenders diagnosed with antisocial personality disorder. The findings support the grid's utility in providing detailed insights into personality structure, which can aid in security risk assessments and treatment planning. The grid's collaborative nature helps produce relevant personal constructs while minimizing socially desirable responses by not explicitly revealing the research goal. Its adaptability allows for customization to the researcher's needs. However, limitations such as its complexity and the need for specialized training may hinder broader use, underscoring the need for more accessible programs or simplified educational tools.

KEYWORDS: repertory grid / personal construct psychology / offenders / antisocial personality disorder / assessment

* This paper was presented by Nikola Drndarević as part of his plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Drndarević, N. (2024). Repertory Grid Method with Offenders: Two Case Examples with Antisocial Personality Disorder. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 481–491). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.06>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0003-2557-1056>

Correspondence: Nikola Drndarević, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: thanness@gmail.com

Introduction

Offenders frequently capture public attention (Milićević & Drndarević, 2024). Central to this fascination is the question: why would someone engage in antisocial behavior rather than adopt the role of a conforming citizen? Are the fear and shame of social exclusion and imprisonment not sufficient deterrents for such actions?

Yet, for certain offenders, even imprisonment fails to curb their antisocial tendencies. These individuals persist in manipulation, institutional misconduct, violent outbursts, and other deviant behaviors. This particularly resistant subgroup, often accumulating numerous institutional measures (Međedović, Drndarević, & Ilijić, 2024), is commonly categorized under the label of antisocial personality disorder (ASPD). Defined by criminogenic behavior or antisocial traits, individuals with ASPD are often associated with a bleak prognosis and limited treatment options (Meloy & Yakeley, 2014).

While such a classification provides predictive clarity, it can also entrench both the individual and staff within a rigid, pessimistic narrative that offers little hope for change. However, if meaningful change is to be achieved, the first step may lie in exploring the offender's personal meaning-making processes. Understanding how they construct their world could reveal the choices available to them. Perhaps then, the question of choosing between antisocial or conforming behavior may become irrelevant, as this may not be the relevant construction within which the person operates.

Exploring the personal constructs that shape offenders' experiences offers valuable insights into the psychological meanings driving their behavior. However, direct inquiry often proves unreliable, as offenders may lie, manipulate, or lack self-awareness regarding their motivations (Houston, 1998; Horley, 2008). This raises a critical question: can their meaning-making processes be uncovered without relying solely on direct questioning?

Personal construct psychology (PCP) provides both a theoretical framework and methodological tools for exploring individuals' subjective worlds (Drndarević, 2021; Kelly, 1991). PCP suggests that behavior is shaped by personal constructs—bipolar dimensions of meaning through which individuals interpret their experiences. These constructs act as psychological channels that guide behavior.

What is a Repertory Grid?

Grounded in PCP, the repertory grid method is designed to uncover and analyze the "repertory" of meanings or personal constructs that guide behavior. A unique feature of this method is its co-constructive nature, developed

collaboratively with the participant during the interview. Another distinctive aspect is its indirect approach—its goals are not immediately obvious from the procedure, which makes the grid particularly useful for assessing offending behavior (Kitson-Boyce et al., 2022). The method links significant elements (e.g., people, events, or roles) to the constructs individuals use to evaluate these elements. The resulting grid forms a matrix that maps how the individual interprets and assigns meaning to their world (see the appendix).

In practice, constructing a repertory grid involves three main steps:

- Identifying Elements: Participants generate a list of important items related to a given topic, such as significant people in their lives.
- Eliciting Constructs: Constructs are elicited by comparing and contrasting elements in small groups (e.g., "How are these two people similar but different from the third?").
- Rating Elements: Participants rate each element on a numerical scale for each construct (e.g., "To what extent is this person cruel or empathic?").

Once completed, the grid can be analyzed both quantitatively and qualitatively (Fransella et al., 2004). Structural indices, such as cognitive complexity, provide an objective measure of the psychological system's characteristics. For example, low cognitive complexity, commonly found in offending populations, indicates a more rigid, black-and-white construction system (Houston, 1998). Content analysis focuses on the specific meanings and patterns within constructs, relying on the interpretative and creative skills of the theorist (Landfield & Epting, 1987).

Repertory Grid With Offenders

Although the repertory grid has been extensively and successfully applied in various domains, its use in forensic contexts remains limited (Blagden & Needs, 2022; Kitson-Boyce et al., 2022). This is surprising, given its demonstrated utility in uncovering offenders' subjective perspectives and constructs relevant to understanding and tracking psychological change.

One notable application is among sexual offenders, particularly those in denial. The repertory grid has been used to explore core constructs in offenders maintaining their innocence, showcasing its ability to foster engagement despite resistance. Denial has been found to serve a protective function, helping offenders manage shame, preserve identity, and maintain social relationships. While denial often excludes offenders from treatment programs, it does not need to be addressed directly to assist them. Instead, focusing on alternative treatment targets—such as anger, grievance, hostility, interpersonal deficits, relationship instability, and antisocial attitudes—can still contribute to reducing recidivism and fostering positive outcomes (Blagden et al., 2012; Blagden et al., 2014).

Similarly, the grid has been used to understand pedophiles' construing of their relationships with victims, providing insights that inform treatment planning (Howells, 1979).

Beyond exploring subjective worlds, the method has proven effective in detecting personality changes and guiding individualized therapeutic interventions. For instance, it has been successfully employed in high-security settings to track treatment progress in sex offenders (Shorts, 1985), as well as with offenders presenting intellectual disabilities and alcohol misuse (Mason, 2008). Innovations in the grid's design have further enhanced its utility; for example, visually enhanced grids have engaged individuals convicted of stalking, revealing unique relational and emotional constructs specific to this population (Wheatley et al., 2020).

In psychopathy research, the repertory grid has proven valuable in studying this methodologically challenging population. By using interpersonal situations rather than people as elements, one study found that both primary and secondary psychopaths failed to recognize that others might construe events differently. Significant misperceptions were observed, particularly along the dull-exciting dimension, where situations were frequently perceived as unexciting (Widom, 1976). Furthermore, primary psychopaths exhibited a lopsided use of constructs, indicating limited conceptual flexibility. Among adolescents with psychopathic traits, the grid provided insights into the degree to which they embraced psychopathic roles, generating clinically relevant hypotheses for treatment planning (Sewell & Cruise, 2004).

From this brief review, the repertory grid emerges as a promising tool for forensic contexts. It offers rich, in-depth assessments of the constructs guiding behavior, facilitates therapeutic change, and tracks psychological progress within treatment. Given the primary objectives of offender assessment—understanding behavior, evaluating treatment suitability, and assessing security risks (Houston, 1998; Horley, 2008)—the repertory grid, with its demonstrated potential to address these goals, warrants further exploration and application in forensic settings.

The Present Study

The present study aims to highlight the repertory grid as a valuable tool for understanding the subjective perspectives of offenders, presenting novel partial findings from individuals with ASPD. By exploring two distinct case examples, this study demonstrates how the grid can uncover the core constructs that shape offenders' subjective worldviews. This approach provides an understanding of personality dynamics “from within,” offering insights that extend beyond traditional diagnostic frameworks. This conference paper summarizes the key

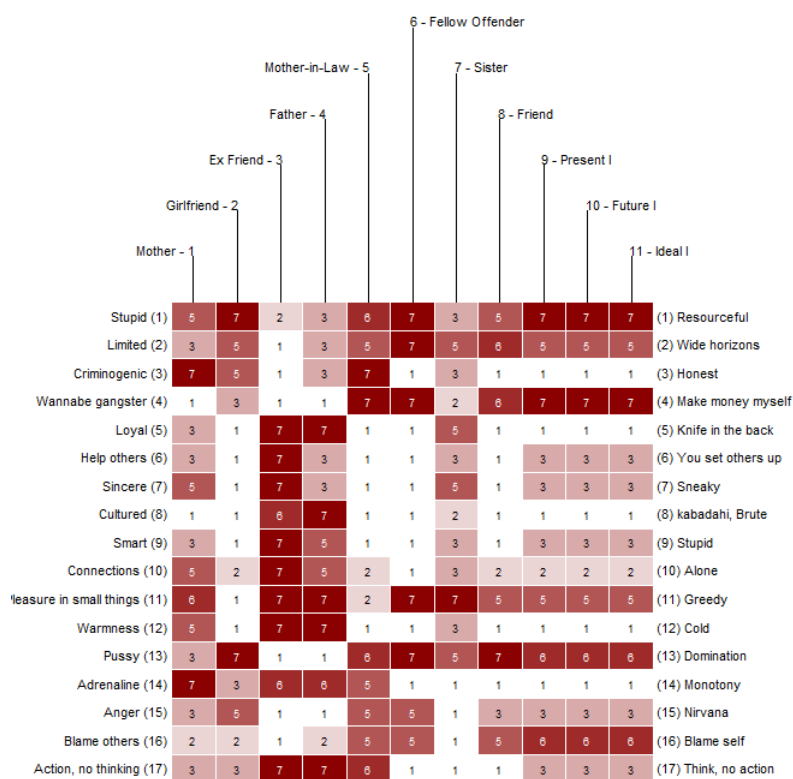
findings and methodological considerations, addressing both the benefits and limitations of the grid. Further details on the methodology and a more comprehensive description of the cases can be found in the main article (see Drndarević, in press).

Case 1: Stable antisocial core structure

A 28-year-old male offender, with a history of juvenile detention and currently serving a sentence for drug-related offenses and banditry, presented in an outgoing and euphoric state. In addition to meeting criteria for ASPD and substance use disorder, he also reported having attention-deficit hyperactivity disorder.

Figure 1

Repertory Grid of Case 1



Repertory grid analysis revealed a low cognitive complexity construct system with minimal anxiety (Figure 1). His two core constructs accounted for nearly 70% of the variance, indicating a well-defined and rigid worldview. Dominance

and criminogenic activities were his preferred core constructs, which he viewed as essential for achieving success, money, and warmth. In contrast, submissiveness and honesty—his core opposite poles—were psychologically threatening to him.

He appeared to have constructed his self in firm opposition to society, which he perceived as restrictive. Consequently, his choice of an antisocial role seemed to offer a more expansive sense of self. His construct system revealed no significant conflicts or dilemmas, allowing him to engage in criminal behavior without guilt. Furthermore, he made no distinction between his present, ideal, and future selves, suggesting not only stability and validation but also a lack of desire for change.

Given his stable antisocial structure and absence of emotional conflict, treatment prospects are limited. He sees no reason to change, as his worldview and values align with his personal goals. Risk assessment indicates a persistent threat to societal safety due to his goal-oriented criminal behavior, with violence likely being employed only as a means to protect his antisocial identity (e.g., threats to his dominance) or to validate it (e.g., as part of criminogenic activities).

Case 2: Unstable antisocial core structure

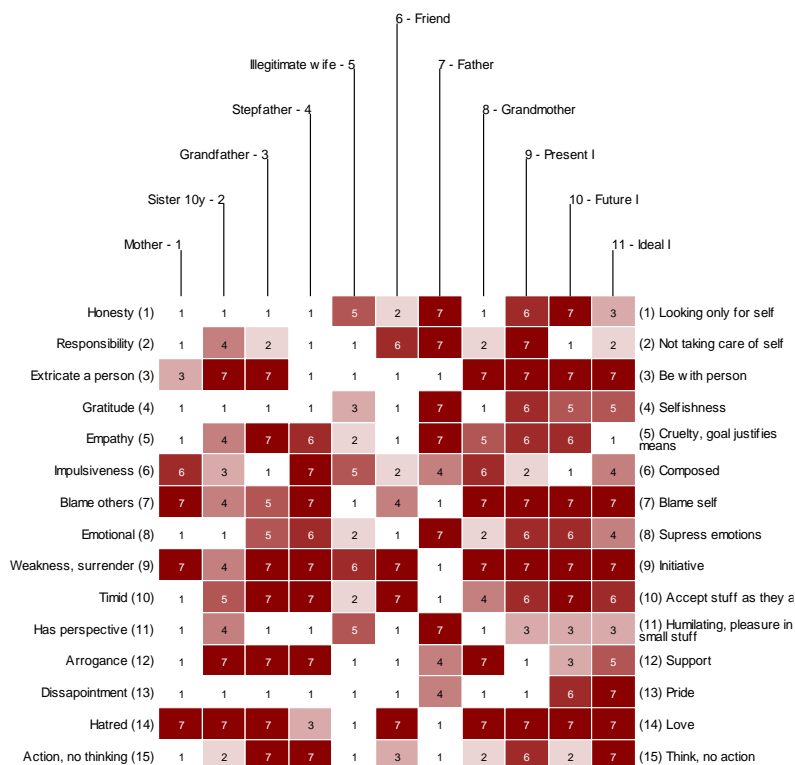
A 23-year-old male offender, serving a sentence for violent robbery, drug offenses, and banditry, presented with depressive symptoms, including lethargy, slow speech, and a mixture of sadness and anger. In addition to meeting the criteria for ASPD and depressive disorder, he disclosed a history of substance abuse (marijuana, amphetamines, cocaine, heroin), although he claimed to have been drug-free for the past year, aside from prescribed antidepressants.

Repertory grid analysis revealed significant instability and anxiety in his construct system, with two core dimensions accounting for just over 50% of the variance (Figure 2). Lacking clarity in his constructs, he shifted between role fragments of cruelty and empathy. Cruelty, serving as a coping mechanism, was rationalized by a childhood marked by abandonment by his father. In contrast, empathic constructs, shaped by supportive family relationships, conflicted with this cruelty. These implicative dilemmas led to substantial shifts within his unstable system, giving rise to feelings of guilt, anxiety, and emotional disconnection.

Childlike construing patterns, including black-and-white thinking and a heavy reliance on others' opinions, further reflected developmental stagnation and an inability to shift to a more adaptive system configuration. Substance abuse, while providing temporary relief, only exacerbated his anxiety and further destabilized his system.

Figure 2

Repertory Grid of Case 2



Despite the significant psychological challenges presented in this case, treatment prospects appear more promising due to the instability and guilt present within his construct system. Developing a superordinate construct that integrates both empathy and cruelty, alongside managing impulsive behaviors and addressing underlying anxiety, could help mitigate antisocial behavior. This process would require intensive care, extending beyond typical correctional facilities, and could benefit from leveraging family support and psychopharmacological interventions. His risk of harm—both to himself and others—remains high due to cycles of impulsive violence, guilt, and substance-induced disorganization, all of which escalate his psychological instability.

Discussion

This paper briefly reviewed the application of the repertory grid method with offender populations. Extending prior limited research, it presented findings from two case examples of offenders with ASPD, further supporting the repertory grid's value for both security and treatment assessments (Drndarević, in press). For instance, while the second case exhibited more severe psychological issues and violent tendencies, the instability and guilt in his construct system suggested a greater potential for change.

More importantly, the collaborative nature of the grid fosters rapport. By engaging the offender on a personal level, it allows treatment staff to build a bridge toward deeper understanding and stronger relationships. Staff-offender relationships are especially relevant in the context of improving quality of prison life (Mededović, Drndarević, & Milićević, 2024). Participants often share more personal information or stories, enriching the assessment process. For example, in the second case, the offender reflected on his father's early abandonment, which seemed to validate his cruelty construct, and his mother's disappointment after his incarceration, which appeared to invalidate cruelty and induce unbearable guilt.

The grid's flexibility is another significant advantage. Researchers can adapt the elements under investigation to the specific population of interest. In this study, participants selected elements representing key individuals in their lives, including their present, ideal, and future selves. However, the grid can also be tailored to explore specific constructs, such as offenders' constructions of children in cases of pedophilia (Howells, 1979), mechanisms of denial in sex offenders (Blagden et al., 2014), or even interpersonal situations (Widom, 1976).

Additionally, the method's design discourages socially desirable responses, as participants evaluate elements through their personal constructs, obscuring the research's direct purpose (Blagden et al., 2022). By uncovering the constructs through which offenders make sense of others, the grid reveals the dimensions along which they also construe themselves. This feature is particularly valuable when working with offenders, as it becomes more challenging for them to manipulate information about their personality (Widom, 1976). For example, in the first case, warmth and connection with others appeared reserved exclusively for those perceived as dominant—qualities deemed incompatible with honesty, which seems associated with being submissive, cold, and alone.

Nevertheless, the application of PCP and the repertory grid in forensic settings faces practical challenges. Many offenders participate in treatment only under legal or correctional mandates (Horley, 2008; Houston, 1998). While overt resistance may be rare, unwillingness to engage remains a significant barrier. Additionally, although the method provides rich data within a short timeframe, its implementation in resource-limited correctional environments—where staff-to-

inmate ratios are often stretched—poses substantial challenges. Effective use of the repertory grid requires familiarity with PCP principles; detaching the tool from its theoretical foundation risks inappropriate or superficial application (Blagden et al., 2022).

For the repertory grid to become a more broadly useful tool, new programs could simplify its application and accessibility. A new package for R, called Open Rep Grid, seems to be a step in the right direction (Heckmann, 2023). Moreover, streamlined training modules and simplified interpretative frameworks focused on key constructs could equip professionals with the necessary skills to apply the method effectively without requiring extensive theoretical expertise. These efforts could increase usability while preserving the tool's depth and value.

Conclusion

Current, though limited, research suggests that the repertory grid method offers a useful approach for both engaging and researching challenging populations, such as offenders. Its strength lies in its ability to avoid imposing predetermined responses, allowing participants to express more personal meanings. The collaborative nature of the PCP approach enables clinicians to tailor methods to the client's needs, fostering positive engagement by focusing on personal interpretations rather than externally imposed ones. Moreover, the grid minimizes the risk of socially desirable responses, as the goal of the procedure is not immediately apparent to the participant (Blagden et al., 2022). Its versatility further enhances its utility, as it can be adjusted to different target elements, constructs, and research or clinical objectives. The repertory grid is effective both for individual case studies and research, supported by its demonstrated reliability (Fransella et al., 2004; Horley, 1996).

Certain drawbacks limit its broader application, as it depends on the willful engagement of participants, and the complexity and time limitations of correctional settings may impose significant restrictions. However, taking into account the personal meanings of participants can prevent interventions from being perceived as meaningless or generic. From a treatment perspective, “one size fits all” makes little sense (Blagden et al., 2022). Engaging with the inherent complexity of offenders' experiences and constructs is essential to achieving a deeper understanding, better assessment, and more effective intervention. Unlike many standardized approaches, the repertory grid addresses the offender's unique context and personal meanings. It moves beyond routine methods, offering a way to tailor interventions and assessments that resonate with the individual's perspective and lived experience.

Acknowledgements

This paper represents the result of the author's engagement following the Working Plan and Programme of the Institute of Criminological and Sociological Research for the year 2024 (based on contract No. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation.

Some of the findings presented in this paper represent the results of a research that was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

The author would like to thank Dr Milena Milićević, Zoran Mijailović, Dragana Nedeljković, and the correctional facility of Sremska Mitrovica for their support of the research, as well as the offenders who participated in the study.

References

- Blagden, N., Winder, B., Gregson, M., & Thorne, K. (2012). The practical utility of using repertory grids with sexual offenders maintaining their innocence: A case study. *The British Journal of Forensic Practice*, 14(4), 269–280. <https://doi.org/10.1108/14636641211283075>
- Blagden, N., Winder, B., Gregson, M., & Thorne, K. (2014). Making sense of denial in sexual offenders: A qualitative phenomenological and repertory grid analysis. *Journal of interpersonal violence*, 29(9), 1698–1731. <https://doi.org/10.1177/0886260513511530>
- Blagden, N., & Needs, A. (2022). Personal Construct Psychology and Repertory Grids: Acknowledging and Exploring Perspectives. In *Challenging Bias in Forensic Psychological Assessment and Testing* (pp. 259–277). Routledge. <https://doi.org/10.4324/9781003230977-17>
- Drndarević, N. (2021). Psychological theories of aggression. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 40(2–3), 91–104. <https://doi.org/10.47152/ziksi202123026>
- Drndarević, N. (in press). Antisocial Personality Disorder in Offenders: Two Case Studies in the Personal Construct Psychology [Unpublished manuscript].
- Heckmann M (2023). *OpenRepGrid: An R package for the analysis of repertory grids*. R package version 0.1.15. <http://markheckmann.github.io/OpenRepGrid/>
- Horley, J. (2008). *Sexual offenders: Personal construct theory and deviant sexual behaviour*. Routledge. <https://doi.org/10.4324/9780203929810>
- Horley, J. (1996). Content stability in the repertory grid: An examination using a forensic sample. *International Journal of Offender Therapy and Comparative Criminology*, 40(1), 26–31. <https://doi.org/10.1177/0306624X96401004>
- Houston, J. (1998). *Making sense with offenders: Personal constructs, therapy and change*. Wiley, Chichester.

- Howells, K. (1979). Some meanings of children for pedophiles. In *Love and attraction* (pp. 519–526). Pergamon. <https://doi.org/10.1016/B978-0-08-022234-9.50081-9>
- Fransella, F., Bell, R., & Bannister, D. (2004). *A manual for repertory grid technique*. John Wiley & Sons.
- Kelly, G. A. (1991). *The psychology of personal constructs* (2 volumes). New York: Norton.
- Kitson-Boyce, R., Wheatley, R., & Blagden, N. (2022). The application of the repertory grid in forensic practice. *Journal of Constructivist Psychology*, 35(2), 677–698. <https://doi.org/10.1080/10720537.2020.1865222>
- Landfield, A. W., & Epting, F. R. (1987). *Personal construct psychology: Clinical and personality assessment*. Human Sciences Press.
- Mason, J. (2003). The use of a repertory grid as an aid to assessment and formulation in a sex offender with a learning disability. *The British Journal of Forensic Practice*, 5(3), 13–20. <https://doi.org/10.1108/14636646200300016>
- Mason, J. (2008). Measuring psychological change in offenders with intellectual disabilities and alcohol misuse using repertory grids: Two case examples. *The British Journal of Forensic Practice*, 10(4), 37–44. <https://doi.org/10.1108/14636646200800024>
- Meloy, J. R., & Yakeley, J. (2010). Psychodynamic treatment of antisocial personality disorder. *Psychodynamic psychotherapy for personality disorders: A clinical handbook*, 289, 309. <https://doi.org/10.1176/appi.books.9781615376643.lg10>
- Mededović, J., Drndarević, N., & Milićević, M. (2024). Integrating standard and network psychometrics to assess the quality of prison life in Serbia. *Journal of Criminology*, 57(2), 240–256. <https://doi.org/10.1177/26338076231208769>
- Mededović, J., Drndarević, N., & Ilijić, Lj. (2024). Unfavorable prison social climate links dark tetrad traits with self-reported institutional misconduct. *Personality and Individual Differences*, 227, 112707. <https://doi.org/10.1016/j.paid.2024.112707>
- Milićević, M., & Drndarević, N. (2023). Media Portrayals of Prison Life and Criminal Justice: A Narrative Literature Review on Shaping Public Perceptions and Policy Implications. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 42(2–3), 75–90. <https://doi.org/10.47152/ziksi2023035>
- Shorts, I. D. (1985). Treatment of a sex offender in a maximum security forensic hospital: Detecting changes in personality and interpersonal construing. *International journal of offender therapy and comparative criminology*, 29(3), 237–250. <https://doi.org/10.1177/0306624X8502900307>
- Sewell, K. W., & Cruise, K. R. (2004). Adolescent psychopathy and repertory grids: Preliminary data and focused case study. *Personal Construct Theory & Practice*, 1, 92–103.
- Wheatley, R., Winder, B., & Kuss, D. J. (2020). Using a visually adapted repertory grid technique (VARGT) with people who stalk. *The Journal of Forensic Practice*, 22(2), 109–121. <https://doi.org/10.1108/JFP-10-2019-0048>
- Widom, C. S. (1976). Interpersonal and personal construct systems in psychopaths. *Journal of Consulting and Clinical Psychology*, 44(4), 614–623. <https://doi.org/10.1037/0022-006X.44.4.614>

Religion as a Factor of (Social) Support in Serving a Prison Sentence*

Teodora Gojković¹ 

At the end of the last and the beginning of the new millennium, research indicated the growing significance of religion for convicted individuals serving prison sentences. It has been shown that dedication to religion can play a significant role in the primary prevention of delinquent behavior, as well as in rehabilitation and the reduction of recidivism. During the prison sentence, commitment to religious life can provide social support to the convicted individuals, helping to reduce isolation, increase the sense of belonging, and create social networks and group connections that strengthen emotional support and psychological resilience. The main aim of this paper is to highlight why it is important to seriously consider the potential of religion as a factor in the social, and then moral, transformation of convicted individuals, given that this issue has been rarely addressed from sociological, penological, and criminological perspectives. This is a review paper in which the author attempts to provide a theoretical and hypothetical framework for future empirical research that could test the thesis of religion's supportive role in the prison environment. Besides offering a framework for collective identity and ensuring the preservation of social order and structure from a sociological perspective, religion contributes to fulfilling needs for belonging, rootedness, and meaning. From criminological positions, its broader significance in the field of social control, or conventional or normative individual behavior, is recognized, with its protective and prosocial functions being highlighted in prison research. Engaging with this topic would strengthen the sociological approach to the study of religion in specific contexts like prison and would indirectly contribute to the formation of a Sociology of Prison Life. Additionally, it would have significant implications for creating certain measures and policies regarding individuals serving prison sentences, aimed at improving the moral and social climate in prisons.

* This paper was presented by Teodora Gojković as part of her plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Gojković, T. (2024). Religion as a Factor of (Social) Support in Serving a Prison Sentence. In M. Miličević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 493–500). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.12>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0009-0001-9489-3772>

Correspondence: Teodora Gojković, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: teodoragojkovic9@gmail.com

KEYWORDS: religion / social support / convicted individuals / prison sentence / prosocial behavior

Introduction

Although the presence of religion in prisons is not new, it has only recently gained significant attention from the scientific community as a subject of research, particularly after James Beckford and Sophie Gilliat published their book *Religion in Prison: 'Equal Rites' in a Multi-Faith Society*, which remains notable as the first detailed study on the relationships between the Anglican Church and other faiths within prison chaplaincy, examining the role of Anglican chaplains in providing religious and pastoral care to non-Christian prisoner populations (Beckford & Gilliat, 2005). Since then, numerous studies have been conducted on this topic (Beckford & Gilliat, 2005; Johnson & Wubbenhorst, 2011; Johnson et al., 2018). It has been shown that religion positively impacts prisoners; that dedication to religion can favorably affect their rehabilitation; that it influences their adjustment to prison life; significantly reduces recidivism rates, and decreases the likelihood of prisoners getting into conflict situations within prison (Clear & Sumter, 2002). Additionally, religion provides various coping mechanisms for dealing with prison life, as it enables moral management of prisoners' emotional states, helps achieve a sense of personal control and purpose, and offers opportunities for providing social support (Drakeford, 2018). Some authors have concluded, based on empirical findings, that the effectiveness of religiosity and religious programs for individuals in prison depends on whether they can promote prosocial forms of behavior (Kerley et al., 2005). Social environment factors play an important role in shaping behavior, and the prison social environment is one of the central factors that ensures that achieved positive changes in behavior are maintained and generalized. Additionally, an improved social climate in institutions can facilitate more active engagement of inmates in treatment programs and lead to a higher level of positive behavioral changes. From the perspective of professionals, it can enhance staff well-being and their commitment to the job, thereby increasing the effectiveness of their involvement (Pavićević et al., 2024, p. 152).

Functions of Religion During the Serving of a Prison Sentence

Social support can be defined as the perceived availability or actual provision of social resources within relationships (Solbakken & Wynn, 2022). Also, this concept could be understood as 'the perceived quality of life conditions in prison, including interpersonal relationships as well as the material and organizational dimensions of prison life' (Ilijić et al., 2024, as cited in Čopić et al., 2024, p. 15). On the other hand, religion can be understood as 'a distinct way of life that is

described in its teachings, experienced through a special kind of experiences, realized in its rituals, expressed in its symbols, reflected in its supreme values, prescribed in its norms, embodied in the communities of believers, reinforced in institutions, incarnated in sacred figures, felt in sacred places, and in sacred time' (Šušnjić, 1998, p. 50).

Understanding how support is provided to prisoners and the factors affecting their level of social support is crucial for working on their mental well-being, as the prisoner population is at a higher risk of mental illness compared to the general population (Dadi et al., 2019). Assuming that serving a prison sentence is a stressful experience, social support in prison could enhance coping abilities, which in turn would improve the mental well-being of individuals sentenced to prison (Solbakken & Wynn, 2022). In this sense, it would include support from fellow inmates, prison staff, as well as friends, family members, and partners (Solbakken & Wynn, 2022). As such, social support is a tool for alleviating the social difficulties and issues prisoners face while in prison and is very useful for reducing mental health problems and their consequences, thus warranting efforts to strengthen it (Dadi et al., 2019). Social support is crucial during incarceration and in the period following release to facilitate transition, avoid recidivism, and increase the likelihood of avoiding health-risk behaviors without the influence of psychological morbidity (Dadi et al., 2019).

Research shows that people in prison often suffer from mental illnesses of varying degrees and generally lack adequate access to integrated mental health services (Fazel et al., 2016; House et al., 1985). On the other hand, it has been empirically confirmed that within the general population, religion has a positive effect on maintaining mental and physical health (Balboni et al., 2015). Considering that numerous studies have shown that good social support contributes to positive mental and physical well-being (Dadi et al., 2019), we can assume that religious engagement of convicted individuals serving a prison sentence could contribute to improving their social support and, consequently, their well-being.

Two important functions of religion have been detected in the criminological context – it can have a protective role, related to its potential to prevent the emergence and development of criminal behavior (Johnson & Schroeder, 2014), and another function related to promoting and encouraging prosocial behavior. Prosocial behavior includes all forms of socially useful, conventional, or normative behavior that contribute to the preservation of social order and structure. In criminology, religion has been found to positively influence well-being, the provision of meaning and purpose, self-esteem, and educational achievement (Milićević & Gojković, 2024). Additionally, religiosity and spirituality have been observed as key ways for prisoners to cope with the harsh conditions of prison life and as mechanisms through which they can find inner

peace, become more altruistic, and gain respect from other prisoners (Clear & Sumter, 2002).

When discussing the impact of religion on providing social support to convicted individuals, we refer to its contribution to reducing their isolation and increasing their sense of belonging, as some studies have shown that it can create social networks and group connections that offer emotional support and strengthen psychological resilience (Drakeford, 2018). At the level of the prisoner population, social support is essential to prevent feelings of guilt and homelessness and to maintain their physical and mental well-being (Dadi et al., 2019). Furthermore, various factors such as gender, religion, and education level can significantly affect the perceived social support of prisoners (Dadi et al., 2019). Religion often appears as a mediator in social interactions, facilitating communication and cooperation between different groups within the prison, and one study has recognized religious practices as a factor that encourages positive interaction between prison staff and religious officials as well as between prison staff and convicted individuals (Chui & Cheng, 2013; Yin, 2022, as cited in Milićević & Gojković, 2024, p. 69).

What Do Studies Tell Us About the Connection Between Religion and Social Support for Inmates Serving Prison Sentences?

Studies that directly connect religious practice in prisons with the social support received by inmates based on their religious beliefs are very rare. We often draw conclusions about the relationship between these two dimensions indirectly, through examining other variables and their connections with different aspects of life in prison. Below is a review of the few studies that have recognized the significance of this topic.

Byron R. Johnson is one of the authors who consistently addresses the issue of religion in prisons from various perspectives. Grant Duwe and him, using the Risk–Need–Responsivity model while surveying over 2,000 inmates in Minnesota, found that higher religiosity among inmates was associated with fewer offenses and lower recidivism, but only for those who had less social support and possessed more positive social identities. This result was contrary to initial expectations (Duwe & Johnson, 2023). Another study aimed at determining the level of social support and the factors associated with it in selected prison institutions in Northwestern Ethiopia showed that inmates' religion significantly influenced the level of social support – compared to followers of other religions, Orthodox Christian respondents had a 52% higher probability of receiving good social support (Dadi et al., 2019).

A study conducted in Mississippi found that inmates participating in Christian religious epiphanies received social support through engagement with other

believers, meaning that participation in epiphanies helped in developing social support networks – in other words, religious participation can contribute to greater social support when all group members share at least one common value (Dadi et al., 2019). Kerley et al. (2005) demonstrated that religiosity reduces the likelihood of conflicts among inmates both directly and indirectly.

The results of the 2024 PrisonLIFE research project, titled *Assessment and Possibilities for Improving the Quality of Prison Life of Prisoners in the Republic of Serbia: Criminological-Penological, Psychological, Sociological, Legal, and Security Aspects*, showed that religious devotion and certain dimensions of social support for inmates serving prison sentences are positively correlated. Dimensions that can be associated with social support in prison conditions (such as contact with family) were examined as sub-dimensions of the quality of prison life. First, among respondents who practiced religious customs in prison, a higher average rating was recorded for the quality of prison life (3.20) compared to respondents who did not practice religious customs (2.94) (Milićević & Gojković, 2024). Second, respondents who had the opportunity to practice religious customs rated living conditions and family contact significantly better (3.59) compared to those who did not have this opportunity (2.99) – this group of respondents reported easier maintenance of family connections, which was interpreted as a result of the positive correlation between allowing religious practices in prisons and the general perception of living conditions and family connections, which, ultimately, positively affects the mental health and well-being of inmates serving prison sentences (Milićević & Gojković, 2024). Similarly, respondents who were allowed and wished to practice religious customs in prison rated dimensions of harmony and professionalism better than those who could not and/or did not want to practice them. The authors interpreted this as meaning that these respondents perceive the overall prison atmosphere as more humane and caring, relationships with staff as higher quality and more constructive, and prison staff as more competent (Milićević & Gojković, 2024).

However, there are also studies indicating a negative relationship between religions and serving prison sentences. By interviewing male offenders serving time at the Cook County Jail in Chicago in the mid-1980s, it was found that there was a decrease in the intensity of religious beliefs during their incarceration – specifically, respondents who had been serving time for a year or more reported feeling as though God had abandoned them and were unwilling to adhere to legally mandated values and attitudes (Peretti & McIntyre, 1984). Researchers then reported a decline in participants' attitudes toward interacting with others in society in a spirit of cooperation, honesty, and trust; furthermore, respondents indicated that they lacked religious mechanisms to cope with conflicts and the unknown, leading them to conclude that incarceration could have a negative impact on fulfilling religious functions, which, in turn, could lead to personality dysfunction – values that the respondents held prior to entering prison were no

longer important, and motivation toward certain goals was lost (Peretti & McIntyre, 1984). A study on the effects of religion on negative emotions among offenders in a Colombian prison showed that private prayer was not significantly associated with the virtues of forgiveness, self-control, and gratitude.

Conclusion

The results of the mentioned PrisonLIFE research project show that involving inmates in religious activities can contribute to their more effective coping with stress encountered in prison conditions, while simultaneously providing access to support networks (Milićević & Gojković, 2024). Through the practice of religious rituals and participation in various social activities, inmates become active participants in creating a communal life within the prison (Brandner, 2020, as cited in Milićević & Gojković, 2024, pp. 68–69). Therefore, it is very important to pay more attention to improving conditions for practicing religion in prison settings, as this can help in creating an adequate moral and social climate that benefits both inmates serving prison sentences and prison staff. This would result in multiple benefits: firstly, creating a more humane and ‘friendly’ atmosphere in the prison; facilitating inmates’ adaptation to prison conditions; helping them find meaning in serving their prison sentence and achieve moral transformation; and easing their reintegration and resocialization, or post-penal reception. Considering that various social factors can condition the emergence and development of a ‘criminal career’ and its abandonment, the overall social climate in prisons can significantly shape the behavior of inmates (Pavićević et al., 2024). It should be noted that “a positive social climate in prisons is important because it contributes to the well-being of incarcerated individuals, mitigates the negative psychological effects of deprivation, facilitates adaptation to prison life conditions, and helps reduce conflicts and violence” (Ćopić et al., 2024, p. 15).

However, as Jang and Johnson note, most studies on this topic show that religion improves emotional or social well-being among incarcerated individuals, but few tell us how (Jang & Johnson, 2020). While criminologists have focused on studying whether religion improves emotional well-being among incarcerated individuals, they have largely neglected the question of how religion can enhance well-being and whether it helps men and women equally (Jang & Johnson, 2020). It would also be worthwhile to investigate whether religion in prisons can negatively impact the prosocial behavior of incarcerated individuals, especially considering the fact that there are extrinsic, pathological forms of religiosity that can be harmful to the moral and social climate in prisons, as well as to the moral and social transformation of individuals.

Acknowledgment

This paper is the result of research engagement according to the Working Plan and Programme of the Institute of Criminological and Sociological Research for the year 2024, number 451-03-66/2024-03/200039, approved by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Balboni, M., Pubachalski, C. M., & Peteet, J. R. (2015). The Relationship between Medicine, Spirituality and Religion: Three Models for Integration. *Journal of Religion and Health*, 53(15), 1586–1598. <https://doi.org/10.1007/s10943-014-9901-8>
- Beckford, J. A., & Gilliat, S. (2005). *Religion in Prison: Equal Rites in a Multi-Faith Society*. Cambridge University Press.
- Clear, T., & Sumter, M. (2002). Prisoners, Prison and Religion. *Journal of Offender Rehabilitation*, 35(3–4), 125–156. https://doi.org/10.1300/J076v35n03_07
- Ćopić, S., Stevanović, I., & Vujičić, N. (2024). *Kvalitet života u zatvorima u Srbiji: norma, praksa i mere unapređenja*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.9>
- Dadi, A. F., Dachew, B. A., Tariku, A., Habitu, Y. A., & Demissie, G. D. (2019). Status of perceived social support and its associated factors among inmate prisoners in Northwest Amhara, Ethiopia. *BMC Research Notes*, 12(660).
- Drakeford, L. (2018). Mental Health and the Role of Religious Context among Inmates in State and Federal Prisons: Results from a Multilevel Analysis. *Society and Mental Health*, 9(1), 51–73. <https://doi.org/10.1177/2156869318763248>
- Duwe, G., & Johnson, B. R. (2023, May 25). Why correctional agencies should consider the religion of the incarcerated in the effectiveness of their programmes. <https://blogs.lse.ac.uk/usappblog/2023/05/25/why-correctional-agencies-should-consider-the-religion-of-the-incarcerated-in-the-effectiveness-of-their-programs/#:~:text=More%20religiosity%20can%20mean%20less,thinking%2C%20a nd%20lower%20employment%20needs>
- Fazel, S., Hayes, A. J., Bartellas, K., Clerici, M., & Trestman, R. (2016). Mental health of prisoners: prevalence, adverse outcomes, and interventions. *The Lancet Psychiatry*, 3(9), 871–881. [https://doi.org/10.1016/S2215-0366\(16\)30142-0](https://doi.org/10.1016/S2215-0366(16)30142-0)
- House, J. S., Kahn, R. L., McLeod, J. D., & Williams, D. (1985). Measures and concepts of social support. In S. Cohen & S. L. Syme (Eds.), *Social support and health* (pp. 83–108). Academic Press.
- Jang, S. J., & Johnson, B. R. (2020, May 27). The effect of religiosity on emotional well-being among prisoners. <https://researchoutreach.org/articles/effect-religiosity-emotional-wellbeing-among-prisoners/>
- Johnson, B. R., & Schroeder, C. S. (2014). Religion, Crime and Criminal Justice. *Oxford Handbooks Online*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199935383.013.005>
- Johnson, B. R. & Wubbenhorst, W. (2011). *Building Relationships with Prisoners, Their Families and Churches: A Case Study of Angel Tree*. Baylor Institute for Studies of Religion Case Study, Baylor University.

- Johnson, B. R., Duwe, G., Hallett, M., Hays, J., Jang, S. J., Lee, M. T., Pagano, M. E., & Post, S. G. (2018). Faith and Service: Pathways to Identity Transformation and Correctional Reform. In K. R. Kerley (Ed.), *Finding Freedom in Confinement: The Role of Religion in Prison Life* (pp. 3–23). Praeger.
- Kerley, K. R., Matthews, T. L., & Blanchard, T. C. (2005). Religiosity, Religious Participation, and Negative Prison Behaviors. *Journal for the Scientific Study of Religion*, 44(4), 443–457. <https://doi.org/10.1111/j.1468-5906.2005.00296.x>
- Milićević, M., & Gojković, T. (2024). Religijski aspekt kvaliteta života u zatvorima u Srbiji: Preliminarni rezultati istraživanja. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 43(1–2), 53–76. <https://doi.org/10.47152/ziksi2024013>
- Pavićević, O., Ilijić, Lj., & Batrićević, A. (2024). *Moralna i socijalna klima u zatvorima*. Institut za kriminološka i sociološka istraživanja.
- Peretti, P. O., & McIntyre, F. (1984). Religious Disfunctions of Incarceration. *Australian and New Zealand Journal of Criminology*, 17(3), 177–180.
- Solbakken, L. E., & Wynn, R. (2022, May 23–25). *The perceived importance of social support for prisoners' mental health* (conference paper). The 22nd International Conference on Integrated Care, Odense, Denmark.
- Šušnjić, Đ. (1998). *Religija I*. Čigoja štampa.

(Un)Justification of Application of Video Surveillance in Correctional Facilities*

Maša Marković¹ 

Appropriate modern technology due to constant technological innovations, enables the implementation of various forms of digitalization in correctional institutions. As a result, in nearly all such facilities, the execution of institutional criminal sanctions and detention, as a measure to secure the presence of the accused and ensure the smooth conduct of criminal proceedings, is carried out with the use of video surveillance. In view of the foregoing, it is concluded that this represents one of the contemporary trends in crime control and one of the most significant measures of formal supervision. However, although video surveillance has significant potential for crime control and security, it is observed that the implementation of video surveillance is not accompanied by adequate changes in legal regulations. The author points to shortcomings in the regulation of this field and suggests potential legal and sub-legal solutions within the legal system. Accordingly, after presenting the normative framework for the application of video surveillance in correctional institutions, the current situation in this field is critically analyzed, and recommendations are made to improve the use and effectiveness of video surveillance. At the same time, measures are proposed to reduce abuses and ensure consistent respect for the privacy rights of convicted and detained individuals during the execution of institutional sanctions or detention measures. In this sense, in a society where significant resources are invested in the digitalization of criminal sanctions, it is necessary to promptly conclude whether the use of video surveillance in prison environments is justified.

KEYWORDS: security / right to privacy / digitalization / video surveillance / correctional institution

* This paper was presented by Maša Marković as part of her plenary session at the International Scientific Conference “Life in Prison”, organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Marković, M. (2024). (Un)Justification of Application of Video Surveillance in Correctional Facilities. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference “Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues”* (pp. 501–506). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.11>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0009-0002-7269-629X>

Correspondence: Maša Marković, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: masa.markovic@yahoo.com

Introduction

Since the late 20th century, when video surveillance was first introduced in correctional institutions in the United States and Australia, its use has become common. Consequently, one of the key challenges in practice is ensuring the protection of fundamental civil liberties and human rights, primarily the right to privacy of individuals serving institutional criminal sanctions and those detained to secure their presence during proceedings. On the other hand, there is the question of how to ensure the safety of all staff under these conditions. To address this issue, the author has chosen to analyze the normative framework of this formal surveillance measure, taking into account the insufficient legal regulation of video surveillance at both the international and national levels, as well as to present the advantages and disadvantages of video surveillance in the practice of correctional institutions. The author has also tried, through this approach, to answer the question of the (un)justifiability of applying this preventive measure in prison settings.

Normative Framework for the Application of Video Surveillance in Correctional Institutions

First, it is essential to understand the social context in which the normative framework for the application of video surveillance in institutions housing individuals deprived of their liberty is defined. Consequently, we are referring to the existence of modern global trends in the system of social responses to crime that prioritize a control model. Such an approach is based on risk management, without aiming for the rehabilitation and reintegration of individuals engaging in criminal behavior (Soković, 2011). Furthermore, the development and use of digital technologies, on one hand, and the humanization and individualization of the execution of institutional sanctions on the other, have influenced enhancing the security status of correctional institutions, as well as that of the convicted and detained individuals residing within them (Kovačević-Lepojević & Ilić, 2018).

In the light of the above, the primary goal of implementing video surveillance, along with other contextual factors in crime prevention, is to prevent or hinder the commission of criminal acts in such living conditions, as well as to facilitate the easier detection and proof of criminal activities if they occur. However, achieving this goal through the use of video surveillance implies a higher degree of control in correctional institutions, which raises questions about the limitations of fundamental human rights and civil liberties, with particular attention focused on the compliance and non-compliance with the right to privacy of individuals sentenced to institutional sanctions and those subjected to detention measures. This indicates the necessity for the establishment of international and national

legal regulations that will comprehensively govern the methods of implementing video surveillance in these controlled environments.

While international legal sources and standards applicable to the protection of the right to privacy in any context, the domestic legal framework also reveals a lack of specific legal acts regulating the use of video surveillance in correctional institutions. This is particularly contentious in the context of life under prison conditions, where the decision regarding the specific methods of implementing video surveillance should be determined within each correctional institution individually. This further indicates the need to adopt new legislative or subordinate legal acts, or to introduce new provisions into existing legal sources, to define the principles, conditions for implementation, and limitations of video surveillance in order to ensure respect for privacy to the greatest extent feasible, as these may significantly vary from one correctional system to another, along with stipulating appropriate sanctions for non-compliance with such provisions (Batrićević & Stepanović, 2020).

Application of Video Surveillance in Practice: Positive and Negative Aspects

To ensure the effective use of video surveillance in correctional facilities where it is implemented,² it is essential to designate the area in which monitoring will occur, because this area should typically be located away from the central part of the institution or operate under a special security regime (Džunić & Dragojlović, 2019; Fairweather & McConville, 2013). Furthermore, to maximize security in correctional settings, the institution must be digitally equipped, primarily depending on the quality of the installed video surveillance software and accompanying equipment (Ilić & Banović, 2022). As a result, an increasing number of correctional facilities globally are replacing older systems with modern ones. These new systems provide enhanced coverage, better quality video recordings, individual inmate monitoring, quick retrieval of archived footage, alarm activation for specific undesirable activities, and facial recognition capabilities (Batrićević & Stepanović, 2020; Henriquez, 2019).

Moreover, surveillance devices may now be installed within both internal and external sections of the facility, capable of detecting movement in designated

² It is important to highlight the widely accepted classification of correctional institutions based on their level of security. Maximum-security facilities and closed-type institutions utilize state-of-the-art digital technologies and in contrast, semi-open institutions implement material security measures, while open-type facilities lack physical and technical barriers to escape (Ignjatović, 2018). In the Republic of Serbia, correctional institutions are categorized into open-type institutions, semi-open institutions, closed-type institutions, and closed-type institutions with special security measures (Article 14 of the Law on the Execution of Criminal Sanctions, *Official Gazette of the Republic of Serbia*, No. 55/2014 and 35/2019).

areas over established time periods, while access to video footage via mobile phones, automatic adjustment of video size during live viewing, and the implementation of various other methods have significantly reduced network load (Batrićević & Stepanović, 2020; Henriquez, 2019).

Regarding the measures aimed at enhancing the video surveillance system in the Republic of Serbia from 2022 to 2027, set of activities is planned. These include continuous maintenance and improvement of video surveillance through the introduction of new types of cameras and software for analyzing recorded footage, as well as further integration of the system with other security frameworks. Additionally, the plan involves the procurement and replacement of internal communication systems. These modern technologies will be integrated with the video surveillance system, including the acquisition of body-worn cameras for security personnel (Strategy for the Development of the Criminal Sanctions Execution System in the Republic of Serbia for the Period 2022–2027, *Official Gazette of the Republic of Serbia*, No. 142/2022). This approach is justified, expected, and highly desirable, considering that security, as a crucial component of the social environment in prisons, encompasses both professional supervision and control of the prison setting, as well as the subjective sense of safety experienced by individuals residing in correctional facilities (Ćopić et al., 2024).

Numerous researchers in the academic literature, despite limited empirical studies on the effectiveness of video surveillance in correctional institutions, emphasize both the positive and negative aspects of using surveillance cameras for crime control. Some studies indicate that video surveillance systems in correctional facilities can significantly contribute to crime prevention by making it more difficult to plan and execute offenses that require time and effort, while simultaneously enabling the timely detection of potential criminal activity and enhancing the effectiveness of existing physical security measures to safeguard the facility and its occupants (Armitage et al., 1999; Žunić-Pavlović & Kovačević-Lepojević, 2010).

Additionally, another objective of implementing this measure is to detect and prevent problematic behaviors within correctional facilities, such as self-harm, suicide, escape, inmate-on-inmate violence, violence against staff, and the distribution and abuse of psychoactive substances (Kovačević-Lepojević & Žunić-Pavlović, 2012). On the other hand, the disadvantages of video surveillance in correctional settings primarily relate to the infringement of privacy, social isolation due to reduced interactions, and the development of feelings of alienation, particularly evident in maximum-security facilities (supermax facilities) due to the continuous monitoring of individuals deprived of their liberty

(Ignjatović, 2019).³ Consequently, there is a need to examine the (un)justifiability of the use of video surveillance as currently applied in correctional institutions.

Conclusion

The implementation of modern penal populism measures results in various consequences, one of the most significant being the continuous increase in the number of incarcerated and detained individuals, along with their placement in correctional facilities requiring a high level of security. Consequently, it is evident that the use of increasingly advanced video surveillance systems in these environments facilitates the maintenance of order and ensures the efficient operation of correctional institutions. Nevertheless, despite the numerous security challenges present in the settings where convicted individuals reside, there remains a critical need to protect their right to privacy to the greatest extent possible.

One key method for ensuring privacy protection in correctional facilities is through the enactment of international and national legal regulations, which, when properly implemented, can effectively safeguard this right. This would involve the strict definition of the conditions under which video surveillance is to be conducted, as well as the legal limitations on its use in specific cases. Additionally, it would require clear regulations on the handling of data collected through surveillance and the imposition of sanctions for any non-compliance. Moreover, it is essential to provide continuous training for security personnel, particularly those responsible for managing surveillance cameras and video monitoring systems, as they remain the primary agents responsible for maintaining order and safety within correctional institutions.

Finally, it is necessary to conduct more frequent methodological and qualitative evaluations to assess the effectiveness of video surveillance in these facilities and to refine existing and proposed measures. Although various dilemmas will inevitably arise regarding the use and justification of this preventive measure, this approach may offer viable solutions to address privacy and security concerns.

³ The same author states that in the cells of maximum-security facilities, all activities are fully visible to the staff, due to the rule that a portion of the inmate's skin must be visible at all times (Ignjatović, 2019). This implies that in this specific context, "modern technology isolates, regulates, and monitors to an extent that was never previously possible". (Human Rights Watch, 1997, p. 19).

Acknowledgment

This paper is the result of research engagement according to the Working Plan and Programme of the Institute of Criminological and Sociological Research for the year 2024, number 451-03-66/2024-03/200039, approved by the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

- Armitage, R., Smyth, G., & Pease, K. (1999). Burnley CCTV evaluation. *Crime Prevention Studies*, 10, 225–249.
- Batričević, A., & Stepanović, I. (2020). Video nadzor, bezbednost i pravo na privatnost u zatvorima. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 39(2-3), 27–44.
- Ćopić, S., Stevanović, I., & Vujičić, N. (2024). *Kvalitet života u zatvorima u Srbiji: Norma, praksa i mere unapređenja*. Institut za kriminološka i sociološka istraživanja. <https://doi.org/10.47152/PrisonLIFE.D4.9>
- Džunić, B., & Dragojlović, J. (2019). Pravni okvir održavanja bezbednosti u zatvorima u Srbiji i praktični izazovi. *Vojno delo*, 4, 197–208.
- Fairweather, L., & McConville, S. (2013). *Prison architecture*. Routledge.
- Henriquez, M. (2019). *On the Inside and Out: How Video Surveillance is Essential to Prison*. <https://www.securitymagazine.com/articles/90974-on-the-inside-and-out-how-video-surveillance-is-essential-to-prison-security>, pristup 01.09.2024. godine.
- Human Rights Watch (1997). *Cold Storage— Super-Maximum Security Confinement in Indiana*. New York.
- Ignjatović, Đ. (2018). *Kriminologija*. Pravni fakultet Univerziteta u Beogradu.
- Ignjatović, Đ. (2019). Supermaks zavodi i čelijska izolacija. *Crimen*, 3, 239–256.
- Ilić, A., & Banović, B. (2022). Digitalizacija u sistemu izvršenja krivičnih sankcija Republike Srbije. U J. Kostić, & M. Matić-Bošković (Ur.). *Digitalizacija u kaznenom pravu i pravosuđu* (str. 185–199). Institut za uporedno pravo, Institut za kriminološka i sociološka istraživanja, Pravosudna akademija.
- Kovačević-Lepojević, M., & Ilić, Z. (2018). Situaciona prevencija kriminala u kontekstu. *Vojno delo*, 5, 53–66.
- Kovačević-Lepojević, M., & Žunić-Pavlović, V. (2012). Primena video-nadzora u kontroli kriminala. *Specijalna edukacija i rehabilitacija*, 11(2), 325–345.
- Law on Execution of Criminal Sanctions (LECS), RS Official Gazette, No. 55/2014 & 35/2019 (2019).
- Soković, S. (2011). Savremene globalne tendencije u kontroli kriminaliteta (karakteristike, perspektive i osvrt na domaće prilike). *Crimen*, 2, 212–226.
- Strategy for the Development of the Criminal Sanctions Execution System in the Republic of Serbia for the Period 2022–2027, *Official Gazette of the Republic of Serbia*, No. 142/2022.
- Žunić-Pavlović, V., & Kovačević-Lepojević, M. (2010). Mere javnog nadzora u službi prevencije kriminala. *Zbornik Instituta za kriminološka i sociološka istraživanja*, 29(1–2), 31–49.

Prison Study: A Review of Research Gaps and Future Directions*

Milena Milićević¹ 

Introduction: With numerous studies examining life in prison, identifying research gaps is necessary for mapping focus areas, refining unanswered questions, and avoiding redundant efforts. This process could optimise resources, fosters collaborative approaches, and ultimately lead to more robust and insightful research outcomes. Therefore, this scoping review aimed to identify and address research gaps and future directions within the field of prison studies, specifically focusing on prison climate. *Methods:* Comprehensive searches were conducted across two databases and a web search engine, with no time restrictions, targeting papers with 'prison climate' in their titles. Both quantitative and qualitative studies were collected. Their limitations and recommendations for future research were analysed using a convergent integrated framework, followed by thematic synthesis. *Results:* A review of 97 studies identified several critical areas. The studies included diverse samples, but research predominantly focused on Western countries and adult male populations. Various ethical, logistical, and institutional factors frequently influenced sample representativeness, data quality, and measurement reliability. In general, there is an urgent need for longitudinal studies examining prison climate and rehabilitation outcomes. Comparative cross-cultural studies and qualitative explorations of the experiences of both inmates and staff remain underrepresented. Additionally, limited research addresses the relationship between inmate personality profiles and their specific needs within prison programs. Similarly, limited attention was given to how the work environment impacts staff attitudes and behaviours, as well as how these, consequently, shape inmate perceptions of prison climate. The effectiveness of gender-sensitive rehabilitation programs and the role of interventions focused on family, housing, and health in reducing recidivism also require further exploration. *Conclusion:* Geographic diversity and representation of under-researched groups (e.g., elderly inmates, non-Western populations) remain limited. While quantitative methods dominated, qualitative approaches,

* This paper was presented by Milena Milićević as part of her plenary session at the International Scientific Conference "Life in Prison", organised by the Institute of Criminological and Sociological Research and held in Belgrade, Serbia, from 2 to 3 December 2024.

Recommended citation: Milićević, M. (2024). Prison Study: A Review of Research Gaps and Future Directions. In M. Milićević, I. Stevanović, & Lj. Ilijić (Eds.), *Proceedings of the International Scientific Conference "Life in Prison: Criminological, Penological, Psychological, Sociological, Legal, Security, and Medical Issues"* (pp. 507–554). Institute of Criminological and Sociological Research. <https://doi.org/10.47152/PrisonLIFE2024.01>

¹ Institute of Criminological and Sociological Research, Belgrade, Serbia
<https://orcid.org/0000-0001-8344-5504>

Correspondence: Milena Milićević, Institute of Criminological and Sociological Research, Gračanička 18, 11000 Belgrade, Serbia. Email: mileninaadresa@gmail.com

context-specific validation, and longitudinal designs emerged as priorities for future research. Additionally, expanding research beyond Western prison populations and adapting measurement tools for diverse inmate and staff groups is recommended. Establishing evidence-based thresholds could help set policies that prevent institutions from falling below safety standards and ensure minimally acceptable conditions regarding overcrowding, violence levels, and staffing ratios. These thresholds can guide resource allocation and intervention design towards positive rehabilitation outcomes, such as increased program participation and improved re-entry support. Finally, engaging individuals with lived experience and other relevant stakeholders in research could further ensure the relevance and applicability of findings.

KEYWORDS: prison climate / scoping review / research gaps / cross-cultural studies / comparative research / correctional environment / evaluation

Introduction

The prison climate, which encompasses interpersonal relationships, environmental conditions, and institutional characteristics, consistently emerged as a significant factor in influencing inmate behaviour and outcome, staff attitudes, and overall institutional stability (J. Bennett & Shuker, 2018; P. Bennett & Shuker, 2010; Crewe, 2011; Hacin & Meško, 2018). Several studies found that elements such as social support, security, and sense of belonging were crucial for a positive climate (Blagden et al., 2017; Green et al., 2023; Van Ginneken et al., 2020). Negative environments, including overcrowding, inadequate staff support, and high perceived threat levels, were linked to higher incidences of violence, self-harm, and staff-prisoner tensions (Day et al., 2011; Durante, 2020; Gadon et al., 2006; Green et al., 2023; Walters, 2022; Williams et al., 2019). Some authors identified a direct connection between the work climate for prison staff and the prison climate perceived by inmates (Heynen et al., 2014b; Palmen et al., 2022; Van Ginneken et al., 2020). Furthermore, workload, co-worker support, and staff perceptions of their own job satisfaction were all closely linked to prisoner well-being and institutional order (Chesnut, 2020; Crewe et al., 2015; Howard et al., 2022; Lambert & Paoline, 2008; Sauter et al., 2019). In addition, high staff stress and dissatisfaction contributed to negative inmate perceptions, reinforcing the need for positive workplace practices and strong support systems for correctional staff to enhance overall prison climate (Higgins et al., 2022; Liu et al., 2022; Pane, 2016; Piccoli et al., 2015; Tewksbury & Higgins, 2006).

However, with numerous research on life in prison, it is important to identify research gaps to better understand the complexities of prison environment and guide future studies. Identifying and addressing research gaps is crucial for advancing any field of study, as recently highlighted by Ajemba and Arene (2022). Research gaps are areas where knowledge is limited or missing, and identifying these gaps can guide future research, inform policy-making, and enhance practice

(Chand, 2023; Islam, 2024; Nassaji, 2018; Nyanchoka et al., 2018; Yang et al., 2011). Moreover, identifying research gaps helps focus on specific topics or unanswered questions within prison studies that require further attention, while also preventing duplication of existing research, thereby saving time and resources. Therefore, this scoping review aimed to identify and address research gaps and future directions within the field of prison studies, specifically focusing on prison climate.

Methods

A literature search was conducted to identify studies on prison climate. The databases Google Scholar, Scopus, and Web of Science were selected for their coverage of multidisciplinary articles. The search focused on articles with both 'prison' and 'climate' in the title, with no date restrictions applied. Initial searches were conducted in May 2024 and supplemented in October 2024. A qualitative content analysis approach was employed to review and synthesise the existing literature on prison climate. Their limitations and recommendations for future research were analysed using a convergent integrated framework, followed by thematic synthesis.

Results with Discussion

Research Summary

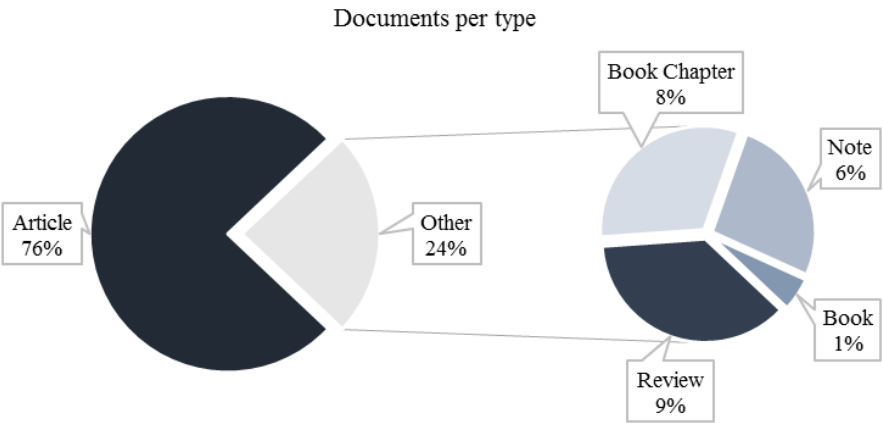
A total of 97 studies were collected and analysed. The final article selection included reviews, qualitative studies, theoretical works and cross-sectional surveys (Graph 1). The publication dates ranged from 1972 to 2024 (Graph 2). The studies reviewed in this scoping analysis are summarised in Table 1, which provides an overview of their aims, identified research gaps, future directions, and limitations. This detailed summary of existing research on prison life is given in the Appendix 1.

Graph 1 illustrates the types of documents contributing to prison climate research. Articles dominate the field, comprising 60 out of the total, reflecting the preference for publishing findings in peer-reviewed journals. Reviews (seven documents) and book chapters (six documents) represent a smaller proportion. Notes (five documents) indicate contributions that may focus on brief communications or preliminary findings, while books (one document) can be considered rare, suggesting limited comprehensive or standalone volumes dedicated to prison climate research.

As shown in Graph 1, the prevalence of articles underscores the dynamic and ongoing nature of the field, where researchers frequently engage in publishing shorter, focused studies. The smaller number of reviews and books suggests opportunities for more comprehensive future analyses and consolidated resources in this area.

Graph 1

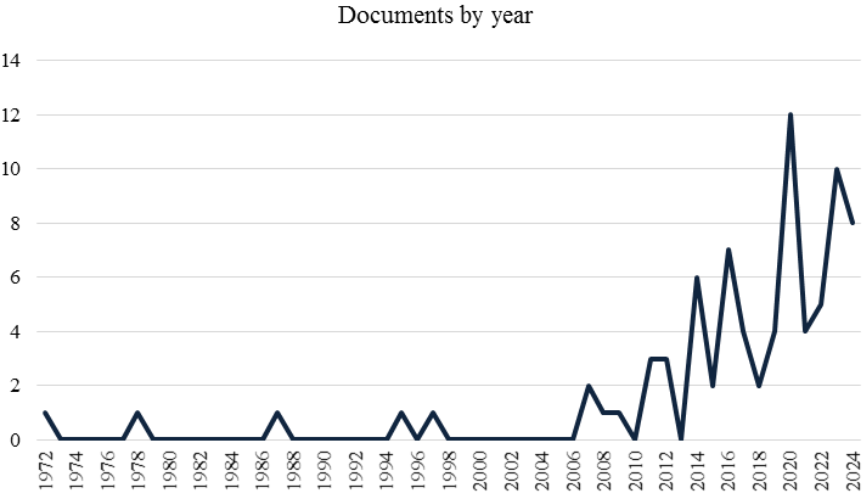
Document Types in Prison Climate Research (1972–2024)



Note. Source: Scopus Advanced search, using query string TITLE(prison AND climate).

Graph 2

Trends in Published Studies on Prison Climate (1972–2024)

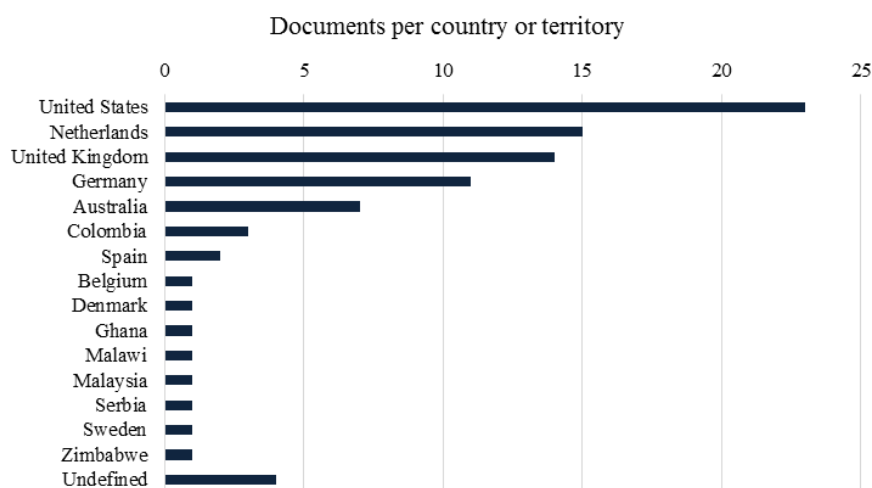


Note. Source: Scopus Advanced search, using query string TITLE(prison AND climate).

Graph 2 illustrates the distribution of studies on prison climate published annually from 1972 to 2024. Initial research activity was sparse, with only one study each published in 1972, 1978, 1987, 1995, and 1997. Research interest began to increase modestly in the early 2000s, with notable growth observed from 2007 onward. The number of publications peaked in 2020 with 12 studies, reflecting a heightened interest in the topic, possibly influenced by global discussions on prison reform and the impact of the COVID-19 pandemic on correctional facilities. Subsequent years, particularly 2023 and partially available 2024, maintained strong output with 10 and eight studies, respectively, indicating sustained scholarly attention. To summarise, there is a trend of increased research interest over the past two decades, confirming the growing recognition of prison climate as a critical area of study.

Graph 3

Geographic Distribution of Studies on Prison Climate (1972–2024)



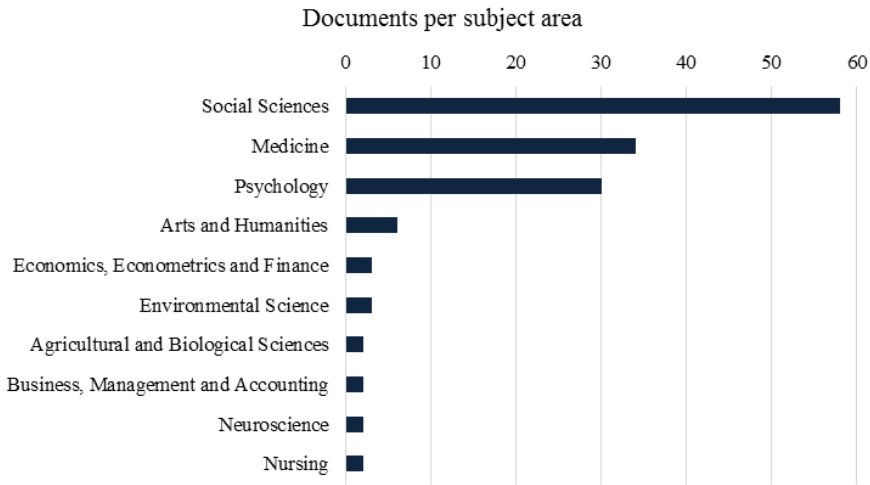
Note. Source: Scopus Advanced search, using query string TITLE(prison AND climate).

Graph 3 shows the geographic distribution of studies on prison climate, with the United States leading in research contributions, accounting for 23 studies. This is followed by the Netherlands (15 studies), the United Kingdom (14 studies), and Germany (11 studies), reflecting the strong focus on prison research in Western countries with established criminological traditions. Australia also features prominently with seven studies, indicating significant engagement with prison climate research in the Asia-Pacific region. It is important to note that contributions from non-Western countries are limited, with only a few studies emerging from regions such as Africa (e.g., Ghana, Malawi, and Zimbabwe) and Asia (e.g., Malaysia). Serbia is the sole representative from Southeast Europe, and

there are four studies classified as “undefined”, suggesting either multinational research efforts or missing data on the study’s origin (Graph 3). The dominance of Western nations in the dataset confirms the need for more geographically diverse research to capture variations in prison climate across different cultural, social, and political contexts. Therefore, future studies need to expand geographical representation, particularly in under-researched regions.

Graph 4

Subject Area Distribution of Studies on Prison Climate (1972–2024)



Note. Source: Scopus Advanced search, using query string TITLE(prison AND climate).

Graph 4 illustrates the distribution of studies on prison climate across various subject areas, with the majority (58 studies) situated within the Social Sciences, confirming the centrality of sociological and criminological perspectives in this field. Medicine (34 studies) and Psychology (30 studies) can also be considered dominant, reflecting the growing interest in the health and mental well-being of prison populations. Other disciplines, such as Arts and Humanities (six studies), Economics, Econometrics and Finance (three studies), and Environmental Science (three studies), demonstrate interdisciplinary approaches to understanding prison climate, albeit with fewer contributions. Fields like Agricultural and Biological Sciences, Business, Management and Accounting, Neuroscience, and Nursing are minimally represented, each contributing two studies, suggesting tangential interest in prison-related topics.

In general, the distribution per subject areas confirms the dominance of social and health sciences in prison climate research (Graph 4). This trend indicates opportunities for broader engagement from less-represented disciplines in future studies.

Sample Characteristics

Sample Sizes and Populations

The studies included varied sample sizes ranging from small qualitative samples of under 20 participants to extensive quantitative analyses with over 500 inmates or staff members. Many studies had mid-sized samples of 100–300 participants.

Regarding populations, both male and female inmates were included, with a few studies focusing on specific groups such as high-risk offenders, juveniles, or individuals with mental health or substance abuse issues. Majority of studies focused exclusively on male inmates, while only a few highlighted the unique needs and experiences of female inmates (Batrićević et al., 2023; Kim et al., 2024; Sheehan, 2014). Some studies included prison staff (e.g., correctional officers, social workers, administrative personnel) to examine climate and relationships within institutions. Research involving staff generally focused on their perspectives on prison conditions, mental health, job satisfaction, and the impacts of institutional policies (Gibson, 2021; Gonzales et al., 2023; Howard et al., 2022; Kim et al., 2024; Palmen et al., 2022; Van Ginneken et al., 2020; Yoosefi et al., 2019).

Certain studies focused on inmates with specific characteristics, such as: a) mental health challenges (inmates diagnosed with mental health conditions like depression, anxiety, or PTSD, as well as those exhibiting symptoms of psychoticism and neuroticism); b) substance abuse issues (inmates with substance abuse histories, their treatment needs, engagement in rehabilitation programs, and challenges in re-entry); c) high-risk and violent offenders (inmates with histories of violent behaviour or recidivism, and relationship between prison climate, behaviour management, and violence reduction strategies); and d) individuals with intellectual or developmental disabilities (Kelly & Welsh, 2016; Louis et al., 2023; Ruiz, 2007a, 2007b; Sheehan, 2014; Toch, 1978; Vinter et al., 2024; Woessner & Schwedler, 2014).

Age Ranges

Most studies focused on adult inmates, with ages generally ranging from 18 to 65. Within this group, some research specified age brackets to compare experiences across younger and older adults, especially in areas like recidivism, mental health, and program engagement. A smaller number of studies concentrated on juvenile offenders, generally ages 12 to 18, and explored the unique rehabilitation needs, treatment motivation, and developmental challenges facing young offenders in juvenile correctional facilities (Heynen et al., 2014b, 2014a, 2024; Owusu Ansah et al., 2022; Podgorski & Prislán, 2019; van der Helm et al., 2009). Finally, studies addressed the growing demographic of elderly

inmates (ages 60+) and focusing on their specific physical, psychological, and healthcare needs are still lacking (Ruiz, 2007b).

Other Demographic and Contextual Characteristics

Educational Background and Employment History

Some studies included data on inmates' educational levels and employment history, examining how these factors influenced re-entry outcomes, program participation, and overall prison climate perceptions (Ali et al., 2016; Durante, 2020; Podgorski & Prislan, 2019; Sheehan, 2014).

Sentence Length and Security Level

Research often segmented samples based on sentence length (short-term vs. long-term inmates) and the security level of the facility (minimum, medium, or maximum security) (Casey et al., 2016; Durst, 1994; McLellan, 2022; Meussling, 1984; Williams et al., 2019).

Ethnicity and Cultural Background

Ethnic and cultural diversity were noted in a few studies, especially those conducted in countries with diverse populations (e.g., the United States, the United Kingdom) (Bruhn et al., 2011; Durante, 2020; Galouzis et al., 2023; Goomany & Dickinson, 2015; Milićević et al., 2024; Neubacher et al., 2021; Pérez et al., 2014).

Urban vs. Rural Facility Location

Some studies compared facilities located in urban areas with those in rural regions, examining how location influenced climate, resource availability, staff recruitment, and community reintegration outcomes (Durante, 2020).

Key methodological considerations and limitations

Sample Representativeness and Generalisability

Many studies reported challenges with sample representativeness due to restricted access or voluntary participation. Convenience sampling, common in correctional research, limited generalisability as participants often did not represent the broader prison population. This issue was particularly noted in studies that relied on participants who were willing and able to engage in research, possibly skewing results toward healthier or more compliant inmates (Day et al., 2012; Peart et al., 2024; Reading & Ross, 2020; Van Ginneken et al., 2019). Ethnic and cultural diversity was underrepresented, especially outside North American and European contexts, raising questions about how findings apply to inmates from diverse backgrounds and correctional systems globally. Additionally, studies

frequently focused on either male or female populations, with limited mixed-gender or comparative analyses (Batrićević et al., 2023).

Data Collection Constraints

Obtaining permissions for data collection in correctional facilities was challenging, often leading to delays or constraints in research scope. Ethical and logistical barriers, including confidentiality concerns and institutional policies, limited researchers' access to both inmates and staff in some regions. Furthermore, some studies relied on self-reported data from inmates or staff, which may be influenced by social desirability bias, fear of retribution, or selective reporting (Bosma, van Ginneken, Sentse, et al., 2020; Howard et al., 2022; McLellan, 2022; Mikolon, 2017). This is particularly relevant in studies on sensitive topics like mental health, drug use, or perceptions of prison conditions, where participants might withhold information or respond strategically. Finally, there are studies reporting issues with incomplete datasets, especially in longitudinal studies or research spanning multiple institutions (Auty & Liebling, 2024; Vinter et al., 2024).

Studies conducted pre- and post-COVID-19 noted the influence of the pandemic on prison environments, particularly regarding restrictions, health protocols, and inmates' mental health. Those that did not cover the COVID-19 period recognised it as a potential limitation, as changes during the pandemic likely altered prison dynamics in ways that were not captured (Auty & Liebling, 2024; Canada et al., 2024; Kim et al., 2024; Richter & Hamatschek, 2024).

Measurement Tools and Instruments

A majority of studies employed widely used scales, like the Correctional Institutions Environment Scale (CIES), the Essen Climate Evaluation Scheme (EssenCES) and the Measuring the Quality of Prison Life (MQPL) surveys, which helped with comparability (Liebling, 2004; Moos, 1974; Schalast et al., 2008). However, these tools sometimes missed context-specific nuances, especially in cross-national studies. Hence, many scales were developed and validated in Western contexts, and their applicability to diverse populations (e.g., non-English speakers, ethnic minorities) was often limited. Few studies adapted or validated these tools for specific cultural contexts or demographic groups, which could impact the reliability of findings when applied globally ((Harding, 2014; Heynen et al., 2014a; Ilijić et al., 2020; Međedović, Drndarević, & Milićević, 2024; Milićević et al., 2024; Pérez et al., 2014; Stobbe, 2017).

Consequently, a few studies introduced new or adapted scales, such as subscales for physical environment or social climate, to capture specific aspects of prison conditions. However, new instruments often required validation, and complexity in measurement posed challenges in interpreting results or comparing with existing scales (Ajdukovic, 1990; Kim et al., 2024).

Analytical Approaches

Most studies used cross-sectional or correlational designs, limiting conclusions about causality. While these designs were effective in identifying relationships (e.g., between prison climate and inmate behaviour), they did not clarify causative factors. Therefore, this trend led to call for more longitudinal and experimental studies to better establish directionality (Day et al., 2011; Guéridon, 2020; Harding, 2014; Heynen et al., 2014b, 2014a, 2024; McNeil, 2021; Ross et al., 2008; Sauter et al., 2019; Van Ginneken, 2022; Van Ginneken et al., 2019). Moreover, quantitative surveys were the dominant method, whereas fewer studies employed qualitative methods (e.g., interviews, ethnographies) to explore inmate or staff perspectives in depth (Blagden & Wilson, 2020; Thaler et al., 2022). Finally, some studies acknowledged the need for more detailed study design (e.g., inmates within specific prisons or units) (Auty & Liebling, 2020; Bosma, van Ginneken, Palmen, et al., 2020; Bosma, van Ginneken, Sentse, et al., 2020; Reading & Ross, 2020; Tonkin, 2016; Woessner & Schwedler, 2014).

Ethical and Practical Considerations

Obtaining informed consent in correctional settings presented unique ethical considerations, as participants might feel pressured to participate due to power dynamics with staff. Ensuring voluntary participation and clarifying non-coercive conditions were emphasised as essential (Batrićević et al., 2023; Ilijić et al., 2024; Stevanović et al., 2024; Woessner & Schwedler, 2014). Moreover, confidentiality was a particular concern, as prison environments sometimes represents risks for participant identification, especially in sensitive studies on drug use, violence, or staff-inmate relationships. Researchers also noted the importance of reducing bias, particularly when examining topics like inmate behaviour or staff roles. Some studies highlighted potential bias introduced by researchers' own views on criminal justice, which could inadvertently shape interpretations or focus areas (Bosma, van Ginneken, Sentse, et al., 2020; Kelly & Welsh, 2016; Peart et al., 2024; Reading & Ross, 2020).

Research Gaps and Future Directions

Longitudinal Analysis on Prison Climate and Rehabilitation Outcomes

The majority of research relies on cross-sectional designs and many studies highlighted the need for longitudinal designs to capture changes over time in prison climate, institutional adaptation, and inmate rehabilitation outcomes. In other words, future research on the long-term effects of climate on rehabilitation, recidivism, and mental health and institutional health are currently lacking. Longitudinal research could also explore individual adaptation, the persistence of mental health outcomes post-release, and the sustainability of re-entry programs, especially recidivism rates and employment stability (Batrićević et al., 2023;

Dewey & Prohaska, 2022; Guéridon, 2020; Heynen et al., 2024; Howard et al., 2022; Ilijić et al., 2024; McLellan, 2022; McNeil, 2021; Mededović, Drndarević, & Ilijić, 2024; Mohamad et al., 2017; Owusu Ansah et al., 2022; Palmen et al., 2022; Sauter et al., 2019; Stevanović et al., 2024; Van Ginneken, 2022; Van Ginneken et al., 2019).

Comparative Cross-Cultural Studies

Prison systems vary greatly across cultural, economic, and legal contexts. However, most research is concentrated in a limited number of high-income countries. The majority of studies are limited to single-country contexts, especially high-income countries (primarily the United States, United Kingdom, the Netherlands, and Australia). Comparative studies could explore prison climate, rehabilitation practices, and recidivism across different legal and cultural frameworks (Gibson, 2021; Neubacher et al., 2021; Van Ginneken et al., 2020). Using this approach, cultural factors affecting prison interventions could be identified and adaptable best practices for different prison systems established.

Qualitative Exploration of Inmate and Staff Experiences

Quantitative surveys dominate prison research. However, these studies may lack depth in understanding personal experiences, particularly regarding mental health, rehabilitation, and interpersonal dynamics. Therefore, in-depth qualitative interviews and case studies could explore inmates' emotional and psychological adaptations to prison life, especially among marginalised groups like women, juveniles, LGBTQ+ population and those with mental health conditions. A qualitative approach would also help further explore the impact of staff attitudes on prison climate and overall institutional atmosphere.

Overall, qualitative interviews, focus groups, and ethnographic research could explore the lived experiences of inmates and staff, focusing on various underexplored themes like mental health, rehabilitation, social interactions, and resilience (Baharudin et al., 2021; Batrićević et al., 2023; Bosma, van Ginneken, Palmen, et al., 2020; Day et al., 2011, 2012; Gibson, 2021; Green et al., 2023; Heynen et al., 2014b; Kelly & Welsh, 2016; McLellan, 2022; Mikolon, 2017; Peart et al., 2024; Prentice, 2022; Reading & Ross, 2020; Ross et al., 2008; Stasch et al., 2018; Tonkin, 2016; Williams et al., 2019).

Individual Personality Traits in Prison Climate Perceptions

Some studies explored the association between inmates' personality traits (such as neuroticism, criminality, and psychoticism) and their perceptions of the prison environment. These traits were found to shape how prisoners view and interact with their surroundings, potentially impacting their adaptation to prison life. While some studies examine personality traits and inmate perceptions, few explore how these traits interact with prison climate to predict behaviour (Mededović, Drndarević, & Ilijić, 2024; Vinter et al., 2024).

Future research could assess the degree to which personality influences inmates' adaptation, their engagement with rehabilitative programs, and potential behaviour changes. Exploring how traits like neuroticism, psychoticism, or criminal inclination correlate with responses to prison climate factors (e.g., security, social support) could help develop tailored or individualised treatment plans or specific therapeutic approaches for inmates with certain personality profiles. Furthermore, future studies could investigate how specific personality traits shape inmates' perception of climate factors like security, social support, and staff relationships (Heynen et al., 2014a; Mejovšek et al., 2007; Woessner & Schwedler, 2014).

Thresholds for Safety and Rehabilitation Effectiveness

Only a few studies proposed the idea of thresholds within prison climates, introducing minimum safety standards that institutions must meet to maintain a baseline level of safety and reduce violence (Auty & Liebling, 2024). Identifying and enforcing such thresholds could offer a practical framework for policymakers to evaluate and improve prison conditions systematically, though challenges in accessing reliable data were noted as a barrier. Research to establish evidence-based safety thresholds, using data from a wide range of facilities, could yield benchmarks for minimally acceptable conditions, especially regarding overcrowding, violence levels, and staffing ratios. Additionally, thresholds for positive rehabilitation outcomes and well-being (e.g., participation in programs, re-entry support) are needed, as well (Goomany & Dickinson, 2015).

Impact of Altered or Temporal Changes in Prison Dynamics

Prison climate is a dynamic factor influenced by many different factors, such as changes in policies, inmate population, and societal events (e.g., pandemics) (Canada et al., 2024; Kim et al., 2024; Richter & Hamatschek, 2024; Šabani, 2013). For instance, longitudinal studies and post-incarceration follow-ups could reveal the persistence of climate impacts in community reintegration or capture how prison climate evolves over time or its ongoing impact on inmates' psychological well-being and rehabilitation.

Staff Climate and Its (In)direct Effects on Prisoners

Although there are studies on the staff influence on climate, research on how the work environment affects staff attitudes, behaviour, and consequently, inmate perceptions is still limited. This gap could be considered critical, as negative work climates can result in increased inmate-staff tensions and adverse prison climate (Bullock & Bunce, 2020; Lugo, 2016; Williams et al., 2019). As suggested, further research on staff climate, including workload, job satisfaction, co-worker support, and burnout, could help understand indirect factors impacting inmates.

Individualised and Gender-Specific Research on Prison Climate-related Issues

Women face distinct challenges in the criminal justice system, often related to family, mental health, and social reintegration. Although some studies address women-specific challenges (Batrićević et al., 2023; Kim et al., 2024; Sheehan, 2014), there is limited research on tailored re-entry programs or gender-specific interventions that consider gender-based issues such as family reunification, housing stability, and mental health. Additionally, development of policy measures that counterbalance the security-focused “risk paradigm” with resources dedicated to social reintegration for women is still needed (Sheehan, 2014).

Role of Family and Community Ties

Family and social support are important for successful reintegration, yet few studies fully explore how these relationships evolve during incarceration and affect post-release outcomes (Baharudin & Mohamad, 2020; Ilijić et al., 2024; Ruiz, 2007a, 2007b; Sheehan, 2014; Sučić, 2021; Sučić et al., 2018). Therefore, it is recommended to examine how maintaining family ties and receiving community support impact inmates' rehabilitation and reduce recidivism. Research could also explore how policies around visitation, family contact, and community-based programs during incarceration influence these post-release outcomes, potentially guiding the development of family-focused re-entry support services.

Influence of Socio-Spatial and Physical Conditions on Inmate and Institutional Outcomes

Overcrowding and basic spatial conditions are analysed in some studies (Ajdukovic, 1990; Durst, 1994; Podgorski & Prislan, 2019; Sučić et al., 2018; Van Ginneken, 2022; Williams et al., 2019). However, the impact of physical and socio-spatial elements, such as cell design, natural lighting, and access to communal spaces on the prison climate and behaviour within correctional institutions needs to be further explored. That way, detailed examination of the socio-spatial design of facilities and its psychological impact on inmates could inform facility improvements and help promote mental health, reduce stress, and foster social cohesion. This research could advocate for design principles that enhance inmate well-being and overall climate.

Intersection of Prison Climate with Mental Health, Substance Abuse, Inmate Behaviour, and Program Engagement

The relationship between prison climate and inmate mental health has been explored previously (Calles-Rubiales & Ibáñez Del Prado, 2020; Goomany & Dickinson, 2015; Kim et al., 2024; Owusu Ansah et al., 2022; Ruiz, 2007b; Sučić et al., 2018; Vinter et al., 2024; Wenk & Moos, 1972; Yoosefi et al., 2019). However, more research is needed on how specific climate factors, such as

perceptions of safety, staff support, and inmate interactions, directly or indirectly impact mental health outcomes. Additionally, the research on impact of climate on staff mental health and job satisfaction is recommended, as well. Consequently, findings could help gain a deeper understanding of intersection of prison climate with mental health, substance abuse, inmate behaviour, and program engagement.

Diverse Population Representations (Gender, Youth and Juvenile Facilities, Cultural and Geographic Diversity)

Much of the existing research on prison climate has primarily focused on male adult prison populations, and largely overlooks the perspectives of female inmates and youth/juveniles. Given that women and youth populations may experience prison environments differently, influenced by a range of factors including health needs, psychological well-being, and social dynamics (Bullock & Bunce, 2020; Caulfield, 2016; Edgemon & Clay-Warner, 2023; Murray, 2021; Slotboom et al., 2011), there is a need for gender- and age-sensitive studies that account for unique aspects of female and juvenile incarceration. Furthermore, youth populations have distinct developmental and rehabilitative needs that most likely shape their perceptions of prison climate. Future studies on the climate within female, juvenile and young offender institutions could inform policies aimed at fostering constructive and supportive environments for these prison populations.

Limitations and Future Directions

The study relied on three databases (Google Scholar, Scopus, and Web of Science), which may not have captured all relevant studies, particularly those published in non-indexed journals or in other languages. Additionally, the search was restricted to documents with both 'prison' and 'climate' in the title, potentially excluding studies that address relevant aspects of prison climate using alternative terminology. While no date restrictions were applied, the review reflects a historical perspective rather than focusing exclusively on contemporary research priorities and trends. Future research could broaden the search terms to include synonyms and related concepts, such as moral or social climate in prisons, quality of prison life, and prison moral performance. Incorporating grey literature, non-English publications, and studies from non-indexed journals and books is also necessary to achieve a more comprehensive understanding.

Conclusion

Progressive trends in published studies on prison climate confirm both the increasing recognition of the complexity of prison environments and the need for evidence-based approaches to enhance inmate and staff experiences. To conclude,

there are several key limitations and recommendations for future research on prison climate.

Firstly, there is limited diversity and representation due to geographic bias and underrepresentation of specific groups. More precisely, research often overlooks the unique experiences of elderly, female and juvenile inmates or inmates from non-Western backgrounds and most research focuses on specific regions, neglecting the experiences of inmates and staff in other parts of the world.

Secondly, methodological diversity is lacking. There is over-reliance on quantitative methods and context-specific validation. Therefore, future studies could incorporate more qualitative approaches (like interviews and observations) and validate research findings within specific prison contexts, as conditions and experiences can vary significantly between institutions. Overall, longitudinal studies or research should track changes in prison climate over time and help understand the long-term impacts of interventions and policies.

Thirdly, research scope should be expanded, with focus placed beyond Western prisons in order to better understand global trends and challenges in prison systems worldwide. Additionally, existing research tools may not be suitable for all inmate and staff populations, and adapting measurement tools is recommended. These tools need to be culturally adapted and validated to accurately reflect the experiences of diverse groups.

Next, there is a need for establishing evidence-based thresholds. This approach could be useful in future efforts to define acceptable standards, which could include setting clear, evidence-based standards for key aspects of prison climate (e.g., overcrowding, violence, staffing levels). As presented, this could prevent unsafe conditions and ensure basic human rights are upheld.

Finally, fostering co-creation of knowledge and incorporating collaborative research approach that actively engage individuals with lived experience and other relevant stakeholders and all interested parties is recommended. Including the perspectives of individuals with lived experience in prisons (former inmates, staff) in the research process can help ensure that research findings are relevant and applicable to real-world situations. This research approach will facilitate the effective transfer of research findings to inform prison policy and practice.

Acknowledgment

This research was supported by the Science Fund of the Republic of Serbia, Grant No. 7750249, Project title: *Assessment and possibilities for improving the quality of prison life of prisoners in the Republic of Serbia: Criminological-penological, psychological, sociological, legal and security aspects* (PrisonLIFE).

This work is the result of the engagement of the author in accordance with the Plan and program of work of the Institute of Criminological and Sociological Research for 2024 (based on contract no. 451-03-66/2024-03/200039) with the Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

References

References marked with an asterisk indicate studies included in this review.

- *Ajdukovic, D. (1990). Psychosocial Climate in Correctional Institutions: Which Attributes Describe It? *Environment and Behavior*, 22(3), 420–432. <https://doi.org/10.1177/0013916590223006>
- Ajemba, M. N., & Arene, E. C. (2022). Research gaps for future research and their identification. *World Journal of Advanced Research and Reviews*, 16(1), 575–579. <https://doi.org/10.30574/wjarr.2022.16.1.1062>
- *Ali, N. A. M., Mohamad, M., Muhammad, N., Yusoff, H. M., & Omar, N. (2016). The impact of social climate on life satisfaction of drug-abuse inmates in Malaysia prison. *International Journal of Applied Business and Economic Research*, 14(3), 9453–9464.
- *Alisabri, Š. (2001). Problem of Prison Social Climate and Social Environment in the Context of Transition Changes in Bosnia and Herzegovina. *Criminal Justice Issues – Journal for Criminalistics, Criminology and Security Studies*.
- *Auty, K. M., & Liebling, A. (2020). Exploring the Relationship between Prison Social Climate and Reoffending. *Justice Quarterly*, 37(2), 358–381. <https://doi.org/10.1080/07418825.2018.1538421>
- *Auty, K. M., & Liebling, A. (2024). What is a ‘good enough’ prison? An empirical analysis of key thresholds using prison moral quality data. *European Journal of Criminology*, 14773708241227693. <https://doi.org/10.1177/14773708241227693>
- *Baharudin, M. N., & Mohamad, M. (2020). Developing a Conceptual Model of Drug-abuse Inmates Personality, Prison Climate, Social Support, and Maqasid Shariah Quality Of Life. *International Journal of Arts and Social Science*, 3(4), 234–242.
- *Baharudin, M. N., Mohamad, M., & Karim, F. (2021). Mediating Role of Quality of Life in the Relationship between Prison Climate and Life Satisfaction. *The Journal of Management Theory and Practice (JMTP)*, 2(3), 41–48. <https://doi.org/10.37231/jmtp.2020.2.3.175>
- *Batrićević, A., Pavićević, O., Čopić, S., & Milićević, M. (2023). Quality of Prison Life of Female Prisoners in Serbia: Key Challenges and Areas of Strength. *Revija Za Kriminalistiko in Kriminologijo*, 74(4), 273–289.
- *Bennett, J., & Shuker, R. (2018). Hope, harmony and humanity: Creating a positive social climate in a democratic therapeutic community prison and the implications for penal practice. *Journal of Criminal Psychology*, 8(1), 44–57. <https://doi.org/10.1108/JCP-06-2017-0030>
- Bennett, P., & Shuker, R. (2010). Improving Prisoner-Staff Relationships: Exporting Grendon’s Good Practice. *The Howard Journal of Criminal Justice*, 49(5), 491–502. <https://doi.org/10.1111/j.1468-2311.2010.00639.x>

- *Bent, P. (1978). *The psycho-social climate of a prison*. [Thesis (M. Psych.), University Of Tasmania]. https://figshare.utas.edu.au/articles/thesis/The_pscho-social_climate_of_a_prison_/23237093/1
- *Blagden, N. (2022). Prison Climate and Rehabilitating Men with Sexual Convictions. In K. Uzieblo, W. J. Smid, & K. McCartan (Eds.), *Challenges in the Management of People Convicted of a Sexual Offence* (pp. 173–189). Springer International Publishing. https://doi.org/10.1007/978-3-030-80212-7_11
- *Blagden, N., Perrin, C., Smith, S., Gleeson, F., & Gillies, L. (2017). “A different world” exploring and understanding the climate of a recently re-rolled sexual offender prison. *Journal of Sexual Aggression*, 23(2), 151–166. <https://doi.org/10.1080/13552600.2016.1264633>
- Blagden, N., & Wilson, K. (2020). “We’re All the Same Here”-Investigating the Rehabilitative Climate of a Re-Rolled Sexual Offender Prison: A Qualitative Longitudinal Study. *Sexual Abuse-A Journal of Research and Treatment*, 32(6), 727–750. <https://doi.org/10.1177/1079063219839496>
- *Bosma, A. Q., van Ginneken, E., Palmen, H., Pasma, A. J., Beijersbergen, K. A., & Nieuwbeerta, P. (2020). A New Instrument to Measure Prison Climate: The Psychometric Quality of the Prison Climate Questionnaire. *Prison Journal*, 100(3), 355–380. <https://doi.org/10.1177/0032885520916819>
- *Bosma, A. Q., van Ginneken, E., Sentse, M., & Palmen, H. (2020). Examining Prisoner Misconduct: A Multilevel Test Using Personal Characteristics, Prison Climate, and Prison Environment. *Crime & Delinquency*, 66(4), 451–484. <https://doi.org/10.1177/0011128719877347>
- *Brochu, S., Chayer, L., Lasnier, B., Cantinotti, M., Guyon, L., & Royer, A. (2010). Restricting smoking in prison in Quebec: Effects on the prison climate. *Criminologie*, 43(2), 127–151. <https://doi.org/10.7202/1001772ar>
- *Bruhn, A., Lindberg, O., & Nylander, P.-Å. (2011). A harsher prison climate and a cultural heritage working against it: Subcultural divisions among Swedish prison officers. In *Penal Exceptionalism?* (pp. 215–231). Taylor and Francis.
- Bullock, K., & Bunce, A. (2020). ‘The prison don’t talk to you about getting out of prison’: On why prisons in England and Wales fail to rehabilitate prisoners. *Criminology & Criminal Justice*, 20(1), 111–127. <https://doi.org/10.1177/1748895818800743>
- *Calles-Rubiales, N., & Ibáñez Del Prado, C. (2020). Influence of prisoners’ mental health on the relational climate of prisons. *Revista Española de Sanidad Penitenciaria*, 22(3), 116–125. <https://doi.org/10.18176/resp.00021>
- *Canada, K. E., Huebner, B. M., Garcia-Hallett, J., Givens, A., Inzana, V., Taylor, E., & Peters, C. M. (2024). Community-engaged prison-based research in a pandemic: The efficacy of summative content analysis for understanding prison culture and climate. *Journal of Crime and Justice*, 47(1), 61–78. <https://doi.org/10.1080/0735648X.2022.2072364>
- *Casey, S., Day, A., & Reynolds, J. (2016). The Influence of Incarceration Length and Protection Status on Perceptions of Prison Social Climate. *Criminal Justice and Behavior*, 43(2), 285–296. <https://doi.org/10.1177/0093854815603747>
- Caulfield, L. S. (2016). Counterintuitive findings from a qualitative study of mental health in English women’s prisons. *International Journal of Prisoner Health*, 12(4), 216–229. <https://doi.org/10.1108/IJPH-05-2016-0013>

- Chand, R. (2023). Framework for Identifying Research Gaps for Future Academic Research. *IRA International Journal of Education and Multidisciplinary Studies*, 19(2), 160. <https://doi.org/10.21013/jems.v19.n2.p12>
- *Chesnut, K. Y. (2020). *Correctional officers, supervisors, and organizational climate: Examining correctional officers' understanding of their role in the hierarchical translation of policy in maximum custody prison* [PhD Thesis, UC Irvine]. <https://escholarship.org/uc/item/1tv3d25z>
- Crewe, B. (2011). Soft power in prison: Implications for staff–prisoner relationships, liberty and legitimacy. *European Journal of Criminology*, 8(6), 455–468. <https://doi.org/10.1177/1477370811413805>
- Crewe, B., Liebling, A., & Hulley, S. (2015). Staff-Prisoner Relationships, Staff Professionalism, and the Use of Authority in Public- and Private-Sector Prisons. *Law and Social Inquiry*, 40(2), 309–344. <https://doi.org/10.1111/lsi.12093>
- *Day, A., Casey, S., Vess, J., & Huisy, G. (2011). Assessing the social climate of Australian prisons. *Trends and Issues in Crime and Criminal Justice*, 427.
- *Day, A., Casey, S., Vess, J., & Huisy, G. (2012). Assessing the Therapeutic Climate of Prisons. *Criminal Justice and Behavior*, 39(2), 156–168. <https://doi.org/10.1177/0093854811430476>
- *Dewey, S., & Prohaska, A. (2022). “You’re a product of your environment for sure”: Correctional educators on their perceptions of and contributions to prison social climate. *Crime Law and Social Change*, 77(4), 431–450. <https://doi.org/10.1007/s10611-021-09999-2>
- *Durante, K. A. (2020). Racial and Ethnic Disparities in Prison Admissions Across Counties: An Evaluation of Racial/Ethnic Threat, Socioeconomic Inequality, and Political Climate Explanations. *Race and Justice*, 10(2), 176–202. <https://doi.org/10.1177/2153368717738038>
- *Durst, J. C. (1994). *Social and structural variables which influence prison climate* [Dissertation, The Ohio State University]. <https://search.proquest.com/openview/d90fd9d6c4cfd51b92f1d58c9521f46b/1?pq-origsite=gscholar&cbl=18750&diss=y>
- Edgemon, T. G., & Clay-Warner, J. (2023). Conditions of Confinement and Incarcerated Women’s Mental Health. *Feminist Criminology*, 18(3), 250–273. <https://doi.org/10.1177/15570851231178935>
- Gadon, L., Johnstone, L., & Cooke, D. (2006). Situational variables and institutional violence: A systematic review of the literature. *Clinical Psychology Review*, 26(5), 515–534. <https://doi.org/10.1016/j.cpr.2006.02.002>
- *Galouzis, J. J., Day, A., Malvaso, C. G., & Pilkington, R. (2023). Critical Issue 3: Prison Social Climates. In *Preventing Prison Violence: An Ecological Perspective* (pp. 170–181). Taylor and Francis; <https://doi.org/10.4324/9781003272458-15>
- *Gibson, S. (2021). Social climate and hope amongst staff and prisoners in a high security male prison. *The Journal of Forensic Practice*, 23(1), 26–38. <https://doi.org/10.1108/JFP-06-2020-0027>
- *Gonzales, C. M., Dewey, S., Anasti, T., Lockwood-Roberts, S., Codallos, K., Gilmer, B., & Dolliver, M. (2023). Good neighbors or good prisoners? Non-uniformed staff beliefs about incarcerated people influence prison social climate. *Criminology & Criminal Justice*, 23(2), 200–217. <https://doi.org/10.1177/17488958211043686>

- *Goomany, A., & Dickinson, T. (2015). The influence of prison climate on the mental health of adult prisoners: A literature review. *Journal of Psychiatric and Mental Health Nursing*, 22(6), 413–422. <https://doi.org/10.1111/jpm.12231>
- *Goossens, E., Maes, E., Robert, L., Daems, T., & Mertens, A. (2023). Victimization in Prison. A Study of Victimization and Prison Climate Dimensions in Belgian Prisons. *Victims and Offenders*. <https://doi.org/10.1080/15564886.2023.2282978>
- *Green, E. L. W., Williams, S. L., & Chernoff, W. A. (2023). “This Place Is Going to Burn”: Measuring Prison Climate in Three Facilities. In R. Abrunhosa Gonçalves (Ed.), *Correctional Facilities and Correctional Treatment—International Perspectives*. IntechOpen. <https://doi.org/10.5772/intechopen.106588>
- *Guéridon, M. (2020). Status Quo and Challenges Concerning Prison Climate Research in the German Prison System—Between Promising Beginnings and Risk of Fragmentation. *Monatsschrift Fur Kriminologie Und Strafrechtsreform*, 103(4), 269–284. <https://doi.org/10.1515/mks-2020-2049>
- Hacin, R., & Meško, G. (2018). Prisoners’ Perception of Legitimacy of the Prison Staff: A Qualitative Study in Slovene Prisons. *International Journal of Offender Therapy and Comparative Criminology*, 62(13), 4332–4350. <https://doi.org/10.1177/0306624X18758896>
- *Harding, R. (2014). Rehabilitation and prison social climate: Do ‘What Works’ rehabilitation programs work better in prisons that have a positive social climate? *Australian and New Zealand Journal of Criminology*, 47(2), 163–175. <https://doi.org/10.1177/0004865813518543>
- *Heynen, E., Behrens, E., & van der Helm, P. (2016). Evaluation of living group climate research in Germany and the Netherlands on the basis of differences in treatment possibilities in the prison systems. *Monatsschrift fur Kriminologie und Strafrechtsreform*, 99(1), 68–77. <https://doi.org/10.1515/mkr-2016-0107>
- *Heynen, E., Pat-El, R., Gobbi, P., Junte, M., & van Helm, P. (2024). Most of them care about us, but not everyone does! Creating a positive living group climate in German youth prison- A longitudinal study. *CHILDREN AND YOUTH SERVICES REVIEW*, 164. <https://doi.org/10.1016/j.childyouth.2024.107826>
- *Heynen, E., van der Helm, G., Stams, G.-J., & Korebrits, A. (2014a). Measuring Group Climate in a German Youth Prison: A German Validation of the Prison Group Climate Instrument. *Journal of Forensic Psychology Practice*, 14(1), 45–54. <https://doi.org/10.1080/15228932.2013.868176>
- *Heynen, E., Van der Helm, P., & Stams, G. (2017). Treatment Motivation and Living Group Climate in German Youth Prison: A Validation of the German Adolescent Treatment Motivation Questionnaire. *Residential Treatment for Children and Youth*, 34(1), 49–60. <https://doi.org/10.1080/0886571X.2016.1251373>
- *Heynen, E., van der Helm, P., Stams, G.-J., & Korebrits, A. (2014b). Assessing living group climate in correctional (youth) facilities in Germany: The application of the German “Prison Group Climate Instrument” (PGCI). *Monatsschrift fur Kriminologie und Strafrechtsreform*, 97(3), 224–231. <https://doi.org/10.1515/mks-2014-970304>
- Higgins, E. M., Smith, J., & Swartz, K. (2022). “We keep the nightmares in their cages”: Correctional culture, identity, and the warped badge of honor. *Criminology*, 60(3), 429–454. <https://doi.org/10.1111/1745-9125.12306>
- *Howard, M., Barkworth, J., & Thaler, O. (2023). Assessment and experience of prison climate in NSW correctional centres. *Corrections Research Evaluation and Statistics, Research Brief No. 15*, 1–13.

- *Howard, M., Sarafidis, V., Barkworth, J., & Galouzis, J. (2022). *Staff and inmate experiences of prison social climate at Rapid Build correctional centres: A quantitative evaluation* (Research Bulletin No. 56; Corrections Research Evaluation and Statistics). Corrective Services NSW.
- *Ilijić, Lj., Milićević, M., & Pavićević, O. (2020). Approaches and methods in the quality of prison life assessing – Measuring social and moral climate in prisons. In G. Nedović & F. Eminović (Eds.), *Approaches and models in special education and rehabilitation: Thematic collection of international importance* (pp. 85–96). University, Faculty of Special Education and Rehabilitation, Publishing Center of the Faculty.
- *Ilijić, Lj., Stevanović, I., & Vujičić, N. (2024). Departments and treatment groups at penitentiary facilities in Serbia and evaluation of prison life quality. *Pravni Zapisi*, 15(1), 272–296. <https://doi.org/10.5937/pravzap0-50725>
- Islam, R. B. (2024). Strategic methods for emerging scholars: Identifying research gaps to enhance scholarly work. *World Journal of Advanced Research and Reviews*, 23(3), 679–683. <https://doi.org/10.30574/wjarr.2024.23.3.2711>
- *Kelly, C. E., & Welsh, W. N. (2016). Examining Treatment Climate Across Prison-Based Substance Abuse Treatment Groups. *Substance Use and Misuse*, 51(7), 902–911. <https://doi.org/10.3109/10826084.2016.1155621>
- *Kim, J., Caspers, H., Jahic, I., & Tennapel, M. (2024). Organizational Climate and its Impact in a Women's Prison on the Mental Health of Correctional Staff. *Journal of Contemporary Criminal JUSTICE*. <https://doi.org/10.1177/10439862241272335>
- Lambert, E. G., & Paoline, E. A. (2008). The Influence of Individual, Job, and Organizational Characteristics on Correctional Staff Job Stress, Job Satisfaction, and Organizational Commitment. *Criminal Justice Review*, 33(4), 541–564. <https://doi.org/10.1177/0734016808320694>
- Liebling, A. (with Arnold, H.). (2004). *Prisons and their Moral Performance: A Study of Values, Quality, and Prison Life*. Oxford University Press Oxford. <https://doi.org/10.1093/oso/9780199271221.001.0001>
- Liu, J., Lambert, E. G., Jiang, S., & Zhang, J. (2022). The connection between work attitudes and Chinese correctional staff burnout. *Journal of Criminology*, 55(4), 568–585. <https://doi.org/10.1177/26338076221127710>
- *Louis, S., Monteiro, C., & Frost, N. (2023). Reducing Corrections Officer Stress by Improving Prison Climate: The Importance of Support and Safety. *Prison Journal*, 103(5), 633–654. <https://doi.org/10.1177/00328855231200636>
- *Lugo, M. (2016). Measuring Organizational Climate in Prisons. *Journal of Contemporary Criminal Justice*, 32(4), 357–382. <https://doi.org/10.1177/1043986216665528>
- *McLellan, H. (2022). *Psychological distress in UK prison workers: The role of organisational justice and social climate* [Doctoral dissertation]. University of Leicester.
- *McNeil, E. T. (2021). *Prison dog training programs linked to positive prison social climate* [Master Thesis, The University of Alabama].
- *Međedović, J., Drndarević, N., & Ilijić, Lj. (2024). Unfavorable prison social climate links dark tetrad traits with self-reported institutional misconduct. *Personality and Individual Differences*, 227, 112707. <https://doi.org/10.1016/j.paid.2024.112707>
- *Međedović, J., Drndarević, N., & Milićević, M. (2024). Integrating standard and network psychometrics to assess the quality of prison life in Serbia. *Journal of Criminology*, 57(2), 240–256. <https://doi.org/10.1177/26338076231208769>

- *Mejovšek, M., Lebedina-Manzoni, M., Lotar, M., & Šarić, J. (2007). Percepcija psihosocijalne klime i osobine ličnosti zatvorenika. *Kriminologija & socijalna integracija: časopis za kriminologiju, penologiju i poremećaje u ponašanju*, 15(1), 1–12.
- *Meussling, V. (1984). The Emotional Climate of the Interpersonal Classroom in a Maximum Security Prison for Males. *Journal of Correctional Education*, 35(4), 112–117.
- *Mikolon, T. M. (2017). *The impact of prison social climate on corrections fatigue syndrome* [PhD Thesis, Regent University].
- *Milićević, M., Ilijić, L., & Vujičić, N. (2024). Cross-Cultural Adaptation and Content Validity of the Measuring the Quality of Prison Life Survey in Serbia. *Sage Open*, 14(4), 21582440241301422. <https://doi.org/10.1177/21582440241301422>
- *Mohamad, M., Ali, N. A. M., & Muhammad, N. (2017). Measurement of Drug-abuse Inmates' Prison Climate: Confirmatory Factor Analysis. *International Journal of Applied Business and Economic Research*, 15(25), 405–421.
- Moos, R. H. (1974). *Correctional institutions environment scale*. Consulting Psychologists Press.
- Murray, C. (2021). 'Can't hack the whack': Exploring young men's gendered discourses on time in prison. *Criminology & Criminal Justice*, 21(5), 705–724. <https://doi.org/10.1177/1748895820914379>
- Nassaji, H. (2018). How to add to knowledge. *Language Teaching Research*, 22(2), 143–147. <https://doi.org/10.1177/1362168818761250>
- *Neubacher, F., Liebling, A., & Kant, D. (2021). Same problems, different concepts and language: What happens when prison climate research goes on a journey? *European Journal of Criminology*, 147737082110461. <https://doi.org/10.1177/14773708211046196>
- Nyanchoka, L., Tudur-Smith, C., Nguyen, V. T., & Porcher, R. P. (2018). 34 Methods for identifying and displaying research gaps. *Oral Sessions*, A17.2-A18. <https://doi.org/10.1136/bmjebm-2018-111024.34>
- *Owusu Ansah, K., Atindanbila, S., Doku, P. N., Osei Owusu, J., Agyemang Duah, C., Pharin, F., & Fosu, M. (2022). Peer victimization, prison climate, resilience and psychological distress of incarcerated juvenile offenders in Ghana: A serial mediation examination. *Journal of Forensic and Legal Medicine*, 91. <https://doi.org/10.1016/j.jflm.2022.102407>
- *Palmen, H., Sentse, M., Van Ginneken, E. F. J. C., & Bosma, A. Q. (2022). The Role of Prison Climate and Work Climate in Understanding Subjective Safety Among Correctional Staff. *Criminal Justice and Behavior*, 49(11), 1580–1599. <https://doi.org/10.1177/00938548221087180>
- Pane, M. (2016). Factor Influencing Depersonalization on Prison Employees. *European Journal of Social Sciences Education and Research*, 7(1), 109. <https://doi.org/10.26417/ejser.v7i1.p109-117>
- *Peart, S., Van Niekerk, L., & Norris, K. (2024). A tale of two prisons: Investigating the social climate of small prisons using a mixed methods design. *Journal of Criminology*. <https://doi.org/10.1177/26338076241277391>
- *Pérez, J. I. R., Molleda, C. B., Díaz, F. J. R., & Cueto, E. G. (2014). Transcultural validation of an emotional climate scale for prison environments. *Revista Latinoamericana de Psicología*, 46(2), 92–101. [https://doi.org/10.1016/s0120-0534\(14\)70012-3](https://doi.org/10.1016/s0120-0534(14)70012-3)

- Piccoli, S., Pizzighello, S., & Tolio, S. (2015). Level of Burnout and Aptitude Toward Suicide in Penitentiary Health Care Staff. *European Psychiatry*, 30, 1813. [https://doi.org/10.1016/S0924-9338\(15\)31396-1](https://doi.org/10.1016/S0924-9338(15)31396-1)
- *Podgorski, K., & Prislán, K. (2019). Social Climate in Celje Juvenile and Adult Prison. *Revija za Kriminologijo in Kriminologijo*, 70(3), 245–264.
- *Prentice, B. (2022). *Meta-Analysis of the Impact of Cognitive Behavioral training programs on prison social climate* [Master Thesis]. The University of Alabama.
- *Reading, L., & Ross, G. E. (2020). Comparing social climate across therapeutically distinct prison wings. *Journal of Forensic Practice*, 22(3), 185–197. <https://doi.org/10.1108/JFP-04-2020-0017>
- *Richter, M. S., & Hamatschek, M. J. (2024). Social distance behind bars: Comparing inmates' and prison officers' perceptions of the social climate during the COVID-19 pandemic in German prisons. *Forensische Psychiatrie, Psychologie, Kriminologie*, 18(2), 129–136. <https://doi.org/10.1007/s11757-024-00820-z>
- *Rodríguez-Díaz, F. J., Rubín-Prieto, A., Bringas-Molleda, C., Álvarez-Fresno, E., & Herrero-Olaizola, J. (2015). Effect of emotional climate in development of the prison professional work stress: A predictive study. *Ansiedad y Estrés*, 21(2–3), 195–205.
- *Ross, M. W., Diamond, P. M., Liebling, A., & Saylor, W. G. (2008). Measurement of prison social climate: A comparison of an inmate measure in England and the USA. *Punishment & Society*, 10(4), 447–474. <https://doi.org/10.1177/1462474508095320>
- *Ross, M. W., Liebling, A., & Tait, S. (2011). The Relationships of Prison Climate to Health Service in Correctional Environments: Inmate Health Care Measurement, Satisfaction and Access in Prisons: The Relationships of Prison Climate to Health Service in Correctional Environments. *The Howard Journal of Criminal Justice*, 50(3), 262–274. <https://doi.org/10.1111/j.1468-2311.2011.00658.x>
- *Ruiz, J. I. (2007a). Emotional Climate in Organizations: Applications in Latin American Prisons. *Journal of Social Issues*, 63(2), 289–306. <https://doi.org/10.1111/j.1540-4560.2007.00509.x>
- *Ruiz, J. I. (2007b). Psychological symptoms, emotional climate, culture, and psychosocial factors in prisons. *Revista Latinoamericana de Psicología*, 39(3), 547–561.
- *Šabani, A. (2013). Utjecaj okolinskih prilika na ponašanje penalne populacije. *Zbornik radova Islamskog pedagoškog fakulteta u Zenici*, 11(11), 1840–4448.
- *Sauter, J., Vogel, J., Seewald, K., Hausam, J., & Dahle, K. (2019). Let's Work Together—Occupational Factors and Their Correlates to Prison Climate and Inmates' Attitudes Towards Treatment. *Frontiers in Psychiatry*, 10. <https://doi.org/10.3389/fpsy.2019.00781>
- *Schalast, N., & Laan, J. M. (2017). Measuring Social Climate in German Prisons Using the Essen Climate Evaluation Schema. *Prison Journal*, 97(2), 166–180. <https://doi.org/10.1177/0032885517692792>
- Schalast, N., Redies, M., Collins, M., Stacey, J., & Howells, K. (2008). EssenCES, a short questionnaire for assessing the social climate of forensic psychiatric wards. *Criminal Behaviour and Mental Health*, 18(1), 49–58. <https://doi.org/10.1002/cbm.677>
- *Sheehan, R. (2014). Women exiting prison: Supporting successful reintegration in a changing penal climate. *British Journal of Community Justice*, 12(2), 57–66.
- Slotboom, A.-M., Kruttschnitt, C., Bijleveld, C., & Menting, B. (2011). Psychological well-being of incarcerated women in the Netherlands: Importation or deprivation? *Punishment & Society*, 13(2), 176–197. <https://doi.org/10.1177/1462474510396313>

- *Smith, W. C., & Ivester, T. G. (1987). The social climate of the prison: Relating initial resident perceptions to subsequent institutional adjustment. *Journal of Offender Counseling Services Rehabilitation*, 12(1), 73–90. https://doi.org/10.1300/J264v12n01_07
- *Stasch, J., Sauter, J., & Dahle, K.-P. (2017). The new institution of preventive detention in Berlin – Prison climate in focus: The new institution of preventive detention in Berlin. *Forensische Psychiatrie, Psychologie, Kriminologie*, 11(1), 13–21. <https://doi.org/10.1007/s11757-016-0406-z>
- *Stasch, J., Yoon, D., Sauter, J., Hausam, J., & Dahle, K.-P. (2018). Prison Climate and Its Role in Reducing Dynamic Risk Factors During Offender Treatment. *International Journal of Offender Therapy and Comparative Criminology*, 62(14), 4609–4621. <https://doi.org/10.1177/0306624X18778449>
- *Stevanović, I., Ilijić, Lj., & Vujičić, N. (2024). Previous prison experience and evaluation of the quality of prison life. *Nauka, Bezbednost, Policija*, 29(1), 1–19. <https://doi.org/10.5937/nabepo29-47558>
- *Stobbe, G. (2017). *The relevance of prison climate on prison conflict* [Master's Thesis, Royal Roads University (Canada)].
- *Sučić. (2021). Emotional Climate among Prisoners and Prison Officers. *Proceedings of The XXII Scientific Conference Empirical Studies in Psychology*, 91–94.
- *Sučić, I., Wertag, A., Glavak Tkalić, R., Krišto, I., & Kešetović, M. (2018, August 29). *Environmental Determinants of Prison Climate in Croatia*. 18th Annual Conference of the European Society of Criminology, Sarajevo, Bosna and Hercegovina.
- Tewksbury, R., & Higgins, G. E. (2006). Prison staff and work stress: The role of organizational and emotional influences. *American Journal of Criminal Justice*, 30(2), 247–266. <https://doi.org/10.1007/BF02885894>
- *Thaler, O., Barkworth, J., & Howard, M. (2022). *A qualitative exploration of factors influencing prison social climate at Rapid Build and traditional correctional centres* (Research Publication No. 64; Corrections Research Evaluation and Statistics). Corrective Services NSW.
- *Toch, H. (1978). Social climate and prison violence. *Federal Probation*, 42(4), 21–25.
- *Tonkin, M. (2016). A Review of Questionnaire Measures for Assessing the Social Climate in Prisons and Forensic Psychiatric Hospitals. *International Journal of Offender Therapy and Comparative Criminology*, 60(12), 1376–1405. <https://doi.org/10.1177/0306624X15578834>
- *van der Helm, P., Klapwijk, M., Stams, G., & Van der Laan, P. (2009). “What works” for juvenile prisoners: The role of group climate in a youth prison. *Journal of Children's Services*, 4(2), 36–48. <https://doi.org/10.1108/17466660200900011>
- *Van Der Helm, P., Stams, G. J., & Van Der Laan, P. (2011). Measuring Group Climate in Prison. *The Prison Journal*, 91(2), 158–176. <https://doi.org/10.1177/0032885511403595>
- *Van Ginneken, E. F. J. C. (2022). Is Cell Sharing Associated with Wellbeing, Misconduct and Prison Climate? Evidence from a Dutch Study. *European Journal of Crime, Criminal Law and Criminal Justice*, 30(1), 41–68. <https://doi.org/10.1163/15718174-bja10029>
- *Van Ginneken, E. F. J. C., Bosma, A. Q., Pasma, A., & Palmen, H. (2020). Unhappy Staff, Unhappy Prisoners? The Relation between Work Climate and Prison Climate in Dutch Prisons. *Criminology – The Online Journal*, 2, 182–200. <https://doi.org/10.18716/OJS/KRIMOJ/2020.2.5>

- *Van Ginneken, E. F. J. C., & Nieuwbeerta, P. (2020). Climate consensus: A multilevel study testing assumptions about prison climate. *Journal of Criminal Justice*, 69, 101693. <https://doi.org/10.1016/j.jcrimjus.2020.101693>
- *Van Ginneken, E. F. J. C., Palmen, H., Bosma, A. Q., & Sentse, M. (2019). Bearing the Weight of Imprisonment: The Relationship Between Prison Climate and Well-Being. *Criminal Justice and Behavior*, 46(10), 1385–1404. <https://doi.org/10.1177/0093854819867373>
- *Vinter, L. P., Harper, C. A., Dillon, G., & Winder, B. (2024). Mental wellbeing, but not prison climate, mediates the association between autistic traits and treatment readiness among men with sexual convictions. *Journal of Sexual Aggression*. <https://doi.org/10.1080/13552600.2024.2378022>
- Walters, G. D. (2022). Getting to the source: How inmates and other staff contribute to correctional officer stress. *Journal of Crime and Justice*, 45(1), 73–86. <https://doi.org/10.1080/0735648X.2020.1862696>
- *Ware, J., & Galouzis, J. (2019). Impact of Prison Climate on Individuals with Sexual Convictions: Desistance and Rehabilitation. In N. Blagden, B. Winder, K. Hocken, R. Lievesley, P. Banyard, & H. Elliott (Eds.), *Sexual Crime and the Experience of Imprisonment* (pp. 35–60). Springer International Publishing. https://doi.org/10.1007/978-3-030-04930-0_2
- *Wenk, E. A., & Moos, R. H. (1972). Social Climates in Prison: An Attempt to Conceptualize and Measure Environmental Factors in Total Institutions. *Journal of Research in Crime and Delinquency*, 9(2), 134–148. <https://doi.org/10.1177/002242787200900206>
- *Williams, L., Green, E., & Chernoff, W. (2019). “There’s More to It Than Just a Box Check”: Measuring Prison Climate in Three Correctional Facilities. *International Journal of Offender Therapy and Comparative Criminology*, 63(8), 1354–1383. <https://doi.org/10.1177/0306624X18821090>
- *Woessner, G., & Schwedler, A. (2014). Correctional Treatment of Sexual and Violent Offenders: Therapeutic Change, Prison Climate, and Recidivism. *Criminal Justice and Behavior*, 41(7), 862–879. <https://doi.org/10.1177/0093854813520544>
- *Worthington, R. (2012). Prison organisational climate: Exploring the impact of climate on emotional well-being. *British Journal of Forensic Practice*, 14(3), 192–203. <https://doi.org/10.1108/14636641211254914>
- Yang, J., Shen, G. Q., Ho, M., Drew, D. S., & Xue, X. (2011). Stakeholder management in construction: An empirical study to address research gaps in previous studies. *International Journal of Project Management*, 29(7), 900–910. <https://doi.org/10.1016/j.ijproman.2010.07.013>
- *Yoosefi, N., Nasiri Hanis, G., & Jafari, M. (2019). Investigating the Relationship between Organizational Climate, Occupational Stress, Job Involvement and Psychological and Spiritual Health of Prison Staff in. *Organizational Behaviour Studies Quarterly*, 7(4), 281–316.

Appendix 1

Table 1

Overview of Studies on Prison Life: Aims, Research Gaps, Future Directions and Limitations

Study, Country	Aim	Research Gaps/Directions/Limitations
Blagden et al. (2017), United States	To examine the rehabilitative and therapeutic climate of a sexual offender prison, focusing on prisoner-staff relationships and personal growth	Need for research on minority, female, and transgender populations in rehabilitative environments. Lack of inclusion of staff and prisoner perspectives in correctional reform. Call for measuring prison climate at the facility level.
Bosma, van Ginneken, Palmen, et al. (2020), The Netherlands	To develop and validate the Prison Climate Questionnaire (PCQ)	The PCQ has not been tested on special populations (e.g., juveniles, prisoners with severe psychiatric issues). Developed and validated only in Dutch prisons, limiting generalisability. Lacks qualitative measures to complement quantitative psychometric assessment. Further adaptation needed for specific populations or settings.
Tonkin (2016)	To review existing questionnaires measuring social climate in secure settings and evaluate their psychometric properties	No comprehensive validation of reviewed questionnaires across all secure settings and populations. Sparse evidence on reliability over time and across diverse samples. Lack of empirical guidelines for sample selection and subsample size in social climate assessment. Limited research on the speed of social climate changes and influencing factors. Need for comparative studies on conceptual overlap and operationalisation of different social climate questionnaires.
Peart et al. (2024), Australia	To explore perceptions of prison climate among prisoners and staff in two small Australian prisons using a mixed methods approach	Comparison of prisons with differing size, security ratings, and environments may confound findings. Systematic demographic differences between prisoners and staff may influence results. The EssenCES questionnaire does not fully capture social climate; qualitative methods help but remain limited. Potential sampling bias due to self-selection of participants. Future research should explore additional variables (e.g., wing size, staff experience, prison design) and include qualitative components.

Heynen et al., (2014b), Germany	To translate and validate the Prison Group Climate Instrument (PGCI) for use in German forensic psychiatric settings and secure youth facilities	The PGCI has been used only once in a single German institution; longitudinal studies are needed for consistency over time. Group climate fluctuations due to inmate turnover require further investigation. Only prisoners' perspectives have been assessed; staff perspectives and their interplay with group climate need evaluation. The impact of repressive work climates on staff well-being and prisoner experiences needs exploration. Future studies should address group-specific differences (e.g., rules, hierarchies, detainee and staff compositions, and personalities).
Day et al. (2011), Australia	To validate the EssenCES as a brief measure of social climate in two Australian prisons, assessing its potential to support rehabilitative goals	Limited to short-term data collection; longitudinal studies needed to monitor social climate over time. Lack of large-scale controlled studies to generalise findings. Challenges in comparing social climate across institutions due to diverse inmate and staff profiles. Interventions must address constraints like rigid schedules, resource limitations, and conflicting security priorities. Future research should involve stakeholders in change management and implement targeted staff training to enhance workplace culture.
Day et al. (2012), Australia	To compare staff and prisoner perceptions of social climate in two Australian prisons (therapeutic vs. mainstream) and examine their relationship to prisoner rehabilitation outcomes	Prisoners' ratings did not consistently align with the hypothesis that therapeutic prisons offer a more favourable social climate, requiring further investigation. Methodological limitations include sample self-selection and variations in social climate across prison units. Larger sample sizes and further research are needed to define and achieve optimal social climate characteristics for rehabilitation.
Van Ginneken et al. (2019), The Netherlands	To investigate the relationship between individual and shared perceptions of prison climate and the well-being of incarcerated individuals, specifically examining the influence of these perceptions on subjective well-being and psychological distress	Limited understanding of prison climate's impact on well-being across countries. Need for longitudinal studies on mental health and well-being interactions. Insufficient use of comprehensive tools to measure multidimensional well-being. Well-being variance is mainly at the individual level, with minimal prison unit impact. Correlated climate dimensions hinder isolating individual effects. Brief well-being scales limit depth of insights. Conduct cross-national studies on prison climate and well-being. Use extensive tools to explore well-being and mental health interactions. Minimise pre-trial detention and improve its conditions.

Van Ginneken & Nieuwbeerta (2020), The Netherlands	To examine the concept of prison climate, assess shared and distinct climates in prisons and units, and explore their relationships with well-being and misconduct using nationwide survey data in the Netherlands	Lack of clarity in theoretical assumptions and empirical studies on prison climate. Limited understanding of causal relationships and determinants of prison climate. 90% of variance attributed to individual perceptions, not unit or prison-level effects. Methodological limitations may have overestimated shared climate effects. Use multilevel methods to account for data structure. Investigate causal links and determinants, including staff culture, prison design, and individual traits. Develop reliable tools like the Prison Climate Questionnaire to guide policy and management.
Canada et al. (2024), United States (Midwest region)	To explore incarcerated individuals' perceptions of prison culture and climate during COVID-19 using summative content analysis of open-ended questionnaires	Limited understanding of prison climate and culture from incarcerated individuals' perspectives. Need for innovative methods to overcome challenges in primary data collection during crises like COVID-19. Single-site study limits generalisability. Potential participant hesitance due to institutional constraints during the pandemic. Broaden research to include diverse prison settings. Enhance community-engaged methods to incorporate incarcerated individuals' insights into prison reforms and policy.
Reading & Ross (2020), United Kingdom (England)	To compare the social climate of therapeutic and mainstream wings in an English Category B prison and identify areas for improvement	Lack of qualitative insights into reasons behind social climate ratings. Limited understanding of transferring therapeutic wing principles to mainstream wings. Potential selection bias due to participant characteristic differences. EssenCES tool does not explain the rationale behind ratings. Findings may not generalise to other prison settings or populations. Differences between rehabilitative and mainstream wing participants may influence results. Use qualitative methods (e.g., culture web, social climate week) to explore cultural dynamics. Address selection bias by examining additional variables. Investigate how therapeutic principles can be integrated into mainstream settings to enhance rehabilitation.

Woessner & Schwedler (2014), Germany	To explore the relationship between prison climate, changes in dynamic risk factors, and recidivism among male violent and sexual offenders	Limited understanding of how changes in dynamic risk factors influence recidivism. Lack of integration of desistance theory and protective factors in offender rehabilitation research. Therapeutic changes in dynamic risk factors did not predict recidivism. Reliance on self-reported measures raises validity concerns. Small sample size and high dropout rates limit generalisability. Investigate mechanisms linking therapeutic change to recidivism outcomes. Focus on creating a prison climate conducive to therapeutic change. Integrate risk management with strengths-based approaches in treatment.
Ruiz (2007a), Latin America	To analyse the relationship between emotional climate, subclimates, organisational culture, stress, coping, and social support in Latin American prisons	Limited measurement of victimisation experiences, such as violence from detainees or staff. Need for better understanding of how group activities enhance positive emotional climate. Lack of causal evidence linking emotional climate to PTSD and stress symptoms. Overestimation of detainees' positive emotions by employees. Challenges in directly measuring negative experiences like victimisation. Emotional climate assessments cannot establish causality. Develop better tools to capture subtle indicators of victimisation. Investigate the impact of group activities on emotional climate. Explore causal pathways between emotional climate and psychosocial outcomes like PTSD and stress.
Heynen et al. (2016), The Netherlands and Germany	To compare living group climate and treatment in juvenile justice institutions in two countries and examine how these differences relate to their residential youth care systems	Limited understanding of how institutional characteristics influence differences in living group climate. Differences in survey results may reflect variations in institutional systems rather than inherent group climate factors. Investigate specific institutional characteristics that impact living group climate to improve treatment in juvenile justice settings.
Bosma, van Ginneken, Sentse, et al. (2020), The Netherlands	To examine the relationship between prisoner characteristics, prison climate, and prisoner environment with prisoner misconduct using data from a nationwide cohort	Limited understanding of whether misconduct influences perceptions of prison climate or vice versa. Insufficient distinction between types of misconduct (e.g., violent vs. verbal). Shared method bias due to simultaneous self-reported data on prison climate and misconduct. Low incident rates of misconduct limited analysis of variations. Investigate the causal relationship between prison climate and misconduct. Develop targeted interventions for high-risk groups (e.g., younger males with violent histories). Explore the influence of different prison regimes on misconduct rates.

Kelly & Welsh (2016), United States	To examine the concept of the treatment group and its impact on treatment climate in prison-based substance abuse programs, focusing on differences across 12 groups within a single prison over time	Limited research on group dynamics and treatment outcomes. Lack of generalisability due to single prison setting and small sample size. Potential bias from low non-consent rates, excluding high-need inmates. Influence of unmeasured factors (e.g., staff dynamics). Investigate group dynamics in diverse settings using multilevel models. Develop strategies to enhance treatment climate.
Auty & Liebling (2020), England and Wales	To analyse the relationship between prison moral and social climate, as measured by the MQPL survey, and reoffending rates in prisons	Limited exploration of post-release factors influencing reoffending, overshadowing prison climate effects. Insufficient focus on moral legitimacy within prison systems. Subjective prisoner ratings in the MQPL survey introduce measurement error. Prison-level analysis limits insights into individual variances. Impact of prison transfers on reoffending risk not fully accounted for. Short 12-month follow-up may miss long-term recidivism trends. Investigate characteristics of "morally intelligible" vs. "morally unintelligible" prisons. Explore the role of moral legitimacy in rehabilitation and recidivism. Examine broader social context influencing reoffending post-release.
Gonzales et al. (2023), United States	To explore how the beliefs of prison staff about incarcerated individuals' life experiences and future trajectories influence prison social climate, using interviews and observations across nearly 100 correctional facilities in eight U.S. state prison systems	Limited inclusion of incarcerated individuals' perspectives. Lack of representation of uniformed staff viewpoints. Insufficient exploration of long-term impacts of recommended reforms. Focus on non-uniformed staff may not capture full prison dynamics. Findings may not generalise to uniformed staff or other correctional contexts. Investigate the impact of staff perceptions on rehabilitation and recidivism. Examine long-term outcomes of policy reforms in diverse prison settings. Explore how systemic criminal justice reforms complement prison interventions.
J. Bennett & Shuker (2018), United Kingdom	To explore how positive social climates in democratic therapeutic communities (DTCs) can improve prison outcomes and be applied to mainstream prisons	Limited exploration of scaling DTC practices in mainstream prison settings. Challenges in implementing cultural shifts within resource-constrained prisons. Reflective practice approach may lack empirical validation. Findings may not generalise to non-therapeutic or traditional prisons. Investigate scalable strategies for integrating DTC-inspired practices into mainstream prisons. Assess long-term impacts of social climate improvements on safety and recidivism. Explore cross-disciplinary approaches, including forensic mental health, to inform cultural change in prisons.

Van Ginneken (2022), The Netherlands	To examine the effects of cell sharing on prisoner wellbeing, misconduct, and prison climate in non-overcrowded conditions	Excludes individuals in immigrant detention, limiting generalizability. Cross-sectional design prevents causal inferences. Lack of data on timing and duration of cell sharing. Conduct longitudinal studies to explore causal effects of cell sharing. Investigate the impact of cell sharing policies on diverse detention populations. Develop policies considering prisoner preferences for single or shared cells.
Sauter et al. (2019), Germany	To examine the relationships between occupational factors (job satisfaction, self-efficacy, organisational structure), prison climate, staff sick days, and inmates' treatment motivation in correctional treatment	Adapted self-efficacy scale showed low reliability; further validation needed. No long-term outcomes (e.g., recidivism) assessed. Heterogeneous sample from three facilities; limited generalizability. Cross-sectional design limits causal inferences. Conduct longitudinal studies to explore causal relationships. Develop and evaluate programs to enhance team climate, job satisfaction, and self-efficacy. Investigate the impact of prison hierarchy on occupational and treatment outcomes.
Ross et al. (2008), USA and UK	To evaluate the stability and comparability of the Prison Social Climate (PSC) survey factor patterns across US and UK prison samples	Small UK sample with low response rate, risking response bias. High inmate illiteracy may exclude certain groups. Low item-to-sample ratio affects factor analysis reliability. Differences in prison conditions and data collection periods (US: 2000; UK: 2004) may influence results. PSC may not capture all relevant dimensions, especially nuanced inmate-staff interactions. Use larger, more representative UK samples and broader Western prison systems. Conduct longitudinal studies to assess policy impact on prison climate.
Heynen et al., (2014a), Germany	To validate the German version of the Prison Group Climate Instrument (PGCI) for forensic and juvenile treatment facilities	Incorporate qualitative data from inmates and staff to identify additional factors. Reliance on self-reports; potential bias and shared variance. Predominantly cross-sectional design; limited causal evidence. No experimental studies or investigations of group climate as a treatment moderator. Use mixed methods (e.g., observations, staff ratings). Conduct longitudinal and experimental studies to assess causality and treatment effects.
Van Der Helm et al. (2011), The Netherlands	To validate the construct validity and reliability of the Prison Group Climate Instrument (PGCI) in Dutch youth and psychiatric prison	Small sample size and two-prison inclusion limit generalisability. Measurement invariance between juveniles and adults not tested. Convergent, divergent, and criterion validity (e.g., antisocial behaviour, recidivism) not examined. Replicate in larger, diverse samples to test measurement invariance across age, gender, and prison types. Assess concurrent and predictive validity of PGCI. Explore the relationship between group climate, antisocial behaviour, and recidivism.

Lugo (2016), United States (Ohio)	Examine the factors underlying organisational climate in correctional institutions and its measurement using confirmatory factor analysis	Limited measurement scope due to reliance on Taxman et al.'s scale. Inconsistent survey response rates and missing data from one institution. Management changes and inmate shifts not fully considered. Explore technology's role in staff coordination. Investigate organisational climate's impact on staff stress and inmate misconduct. Broaden measurement dimensions and assess interventions for improved outcomes.
Schalast & Laan (2017), Germany	To compare the social climate of German therapeutic prison units with traditional units using the Essen Climate Evaluation Schema (EssenCES) and validate its psychometric properties	Correlational findings limit causal interpretations. Sampling limitations restrict generalisability across all German prison units. Expand research to include diverse prison types (e.g., traditional prisons, treatment units, independent facilities). Investigate factors influencing social climate perceptions, such as staff qualifications, therapeutic programming, and treatment unit selection criteria.
Vinter et al. (2024), United Kingdom	To examine how autistic traits influence prisoners' experiences of social climate, mental wellbeing, and readiness to engage with rehabilitative interventions in UK prisons housing individuals with sexual convictions	High rates of incomplete responses required data imputation, raising validity concerns. Measures (e.g., CVTRS, AQ50) may lack suitability or discriminative validity for this context. Did not account for physical-sensory environments, which impact anxiety and stress. Sample may not be representative, with potential self-selection biases. Adapt or co-produce measures with inmates for better relevance and validity. Incorporate sensory experiences into prison climate models. Use alternative autism screening tools for improved accuracy. Ensure representative sampling to better reflect broader prison experiences.
Heynen et al. (2024), Germany	To examine longitudinal changes in living group climate (support, growth, repression, and group atmosphere) among male adolescents in a German youth detention centre over five years	No individual-level data on detention duration or group composition, key for understanding repression and deprivation. Excluded female adolescents, limiting generalisability. Did not account for offence nature or severity, which may influence perceptions. Atmosphere scale may lack sensitivity, potentially impacting results. Collect individual-level data on detention duration and group characteristics. Include female adolescents to improve generalisability. Develop interventions to improve living group climate. Refine measurement tools for better sensitivity and accuracy.

Blagden (2022)	To examine the importance of rehabilitative prison climate in the effectiveness of interventions for men with sexual convictions	Limited research on the role of rehabilitative climate in intervention success. Lack of focus on the broader prison environment in program design and implementation. Define and measure rehabilitative climate more clearly. Integrate prison climate considerations into intervention design. Explore how the wider prison environment impacts rehabilitation outcomes.
Kim et al. (2024), United States (Midwest)	To explore the organisational climate in a women's prison based on correctional staff perceptions and its impact on staff mental health	Limited diversity in the sample, predominantly non-Hispanic White participants. Measures developed from an item pool require further validation for psychometric reliability. Conducted during the COVID-19 pandemic, potentially influencing stress and burnout levels. Investigate the organisational climate's impact on additional areas identified by correctional staff. Validate the measures used for assessing organisational climate. Address diversity in future samples to better reflect staff composition in correctional facilities.
Owusu Ansah et al. (2022), Ghana	To investigate the influence of peer victimisation on psychological distress among juvenile offenders in the Senior Correctional Centre of Ghana, with prison climate and resilience as mediators.	Reliance on self-reported data may lead to over-reporting of victimisation; absence of prison officers' perspectives. Sample limited to male juvenile offenders from one institution, reducing generalisability. Cross-sectional design limits understanding of victimisation changes over time. Include prison officers' reports to validate findings on victimisation. Expand research to include female offenders and multiple institutions for broader generalisability. Use longitudinal designs to explore trends in victimisation over time.
Stasch et al. (2018), Germany	To examine the relationship between prison climate, treatment motivation, and their impact on changes in risk factors among inmates in four correctional facilities in Berlin, Germany	Long-term effects on recidivism were not tested. Sample heterogeneity across facilities limits generalisability. Small sample size restricted in-depth analysis of therapeutic relationships and program variables. Replicate study with a larger sample to test long-term recidivism effects. Include therapist- and program-specific variables to assess therapeutic relationships. Explore the role of therapy stages in treatment outcomes.

Ruiz (2007b), Colombia	To investigate emotional disturbance (anxiety, depression, PTSD), emotional climate, and culture among inmates in Bogotá, and their relationships with social support, locus of control, coping strategies, and traumatic/daily events	Cross-sectional design limits causal inferences. Limited sample representation; findings may not generalize to diverse prisoner populations. Conduct longitudinal studies to examine dynamic interactions over time. Include post-release follow-up to inform interventions and policies. Focus on psychosocial needs of specific groups (e.g., women, youth, elderly).
Durante (2020), United States	To examine factors influencing racial and ethnic disparities in U.S. prison admissions for Blacks and Latinos, focusing on racial/ethnic threat, socioeconomic inequality, and political/legal climate	Missing data in NCRP and lack of Latino arrest rate data in UCR underrepresent disparities. Inability to differentiate types of prison admissions. Analyse regional dynamics, particularly in the South. Investigate economic factors influencing incarceration disparities. Address data gaps to improve Latino arrest and incarceration rate capture.
Louis et al. (2023), United States (northeast state)	To examine the relationship between prison climate and corrections officer stress, focusing on organisational factors and perceptions of inmate personal growth	Did not account for shift patterns or work schedules as stressors. Limited generalisability due to specific economic context. No multi-level analyses or comparison of perspectives. Include shift patterns and institutional variables in stress analyses. Conduct multi-level studies across diverse facilities and states. Compare perspectives of officers, administrators, and inmates.
Harding (2014)	To review and examine the relationship between prison social climate and the effectiveness of prison-based rehabilitation programs in reducing post-release reoffending	No rigorous quasi-experimental studies directly linking positive prison climate to improved rehabilitation outcomes. Limited integration between research on prison climate and "What Works" rehabilitation programs. Develop and implement robust methodologies to directly assess the impact of prison social climate on rehabilitation effectiveness. Integrate findings from desistance literature to inform policies improving prison conditions and offender reintegration.
Goormany & Dickinson (2015)	To explore how the prison environment influences the mental health of adult prisoners through a thematic synthesis of existing literature	Limited research on prison climate's impact on BME prisoners and mental health. Lack of evidence-based interventions for specific groups and settings. Investigate mental health effects of prison climate on BME individuals. Enhance mental health support in prisons with evidence-based interventions.

Neubacher et al. (2021), England, Germany, and Switzerland	To examine the transferability of prison climate research methodologies and concepts from England to Germany and Switzerland within a cross-cultural research project	Language and cultural differences may limit generalisability. Subjective lived experiences may lead to varying interpretations not fully captured by methodology. Suggest exploring the interplay of language, culture, and prisoner experiences across jurisdictions. Recommend conducting comparative studies across diverse countries and prison systems. Propose investigating culturally resonant terms and concepts to refine research methodologies.
Durst (1994), United States (Ohio)	To examine factors shaping prison climate, focusing on inmates and staff, using data from Ohio state agencies to identify determinants of safe and decent prison environments	Limited to data from 1991, potentially outdated for understanding current prison dynamics. Focused on Ohio, limiting generalizability to other jurisdictions. Investigate prison climate in diverse geographical and temporal contexts to enhance generalisability. Explore how evolving societal changes influence prison infrastructure and climate over time.
Gibson (2021), United Kingdom	To measure staff and prisoner perceptions of social climate and levels of hope in a UK high-security prison to support rehabilitative culture initiatives	Sample skewed towards newer staff, excluding long-serving individuals or those with less hopeful views. Exclusion of individuals with intellectual disabilities or brain injuries limits generalisability. Use qualitative methods (e.g., focus groups, interviews) for deeper insights. Conduct comparative studies across UK prisons using EssenCES to evaluate rehabilitative initiatives. Explore relationships between social climate, hope, and time served.
Podgorski & Prislan (2019), Slovenia	To analyse the social climate in the Celje Juvenile and Adult Prison, and identify satisfaction levels, potential issues, and staff-prisoner relationships	Limited focus on interpersonal relationships and working conditions of prison staff. Insufficient attention to prisoners' perceptions of procedural justice by officers. Improve interpersonal relations and working conditions for staff. Enhance prisoners' perceived procedural justice of prison officers. Extend research to other Slovene prisons for comparative insights into the prison system's social climate.

Richter & Hamatschek (2024), Germany	To compare inmate and prison officer perceptions of the social climate during the COVID-19 pandemic and analyse the impact of contact restriction burdens on these perceptions	Data collection at different times across federal states may introduce variability. Shortened EssenCES scale may have limited social climate assessment. Unaddressed nested data structure may miss institutional-level effects. Track social climate changes over time, especially post-pandemic. Investigate differing perceptions between inmates and officers through interviews and questionnaires. Explore social desirability and response biases in climate evaluations.
Brochu et al. (2010), Canada (Quebec)	To investigate the impact of an indoor smoking ban on the social climate in Quebec's provincial correctional facilities	No analysis on long-term effects of smoking ban on prison dynamics. Findings are context-specific, limiting generalisability. Limited exploration of substance restrictions' impact on inmate behaviour and well-being. Conduct longitudinal studies on long-term smoking ban impacts. Expand research to diverse facilities with varying demographics and security levels. Examine relationships between smoking bans, mental health, and inmate well-being.
Guéridon (2020), Germany	To review recent German prison climate research, highlight methodological and conceptual challenges, and provide recommendations for advancing the field	Fragmented research with limited focus on specific facilities. Small-scale, cross-sectional studies with low staff participation. Lack of longitudinal data and multilevel analysis. Challenges in validating climate measurement tools. Insufficient large-scale studies compared to Europe. Conduct longitudinal studies across diverse facilities. Expand sample sizes and validate robust measurement tools. Clarify theoretical framework and use tools like EssenCES or PGCI.
Casey et al. (2016), Australia	To examine how inmates' perceptions of prison social climate are influenced by security classification (protective vs. mainstream custody) and length of incarceration (less or more than six months)	Small sample size (76 male prisoners) limits generalizability. Arbitrary categorization of incarceration length (less or more than six months). Findings may not apply to other prisons or jurisdictions. Replicate and expand the study with larger and more diverse samples. Explore perceptions of prisoners with longer sentences. Investigate the implications of social climate perceptions for preventing deaths in custody, reducing riots, and improving rehabilitation programs.
Stasch et al. (2017), Germany	To evaluate changes in prison climate before and after the construction of a new preventive detention facility in Berlin, comparing perceptions of detainees and correctional officers using the Essen Climate Evaluation Schema	Small sample size and difficulty in accessing inmates. Potential novelty effect influencing positive assessments. Limited generalizability to other facilities. Conduct studies with larger samples across diverse facilities. Investigate long-term effects of new facilities on prison climate. Explore how organisational structures influence perceptions of treatment and security.

Palmen et al. (2022), The Netherlands	To explore the impact of shared perceptions of prison climate and work climate on correctional officers' subjective safety in the Netherlands using data from the Dutch Life in Custody Study	Cross-sectional design limits causal inference. Lack of individual-level predictors explains modest variance (19%). Climate measurement instruments may lack validity. Findings may not generalise to different correctional contexts. Conduct longitudinal studies and incorporate individual-level factors. Develop robust, objective measures for prison climate. Compare findings across diverse correctional systems.
Pérez et al. (2014), Colombia and Spain	To adapt and validate an emotional climate scale for prison environments, analyse its factors, and examine their relationship with burnout among prison workers	Limited focus on burnout, neglecting other work experience factors. No analysis of workload, institutional support, and interpersonal relationships. Need to explore contextual and role-based variations among staff. Investigate organisational emotional climate and its impact on well-being. Examine factors like workload, support, and staff-inmate relationships. Study diverse roles to improve correctional practices and inmate reintegration.
Williams et al. (2019), United States (Midwest)	To validate the Essen Climate Evaluation Schema (EssenCES) for measuring prison social culture in U.S. correctional facilities and explore its associations with environmental and situational factors	Uncertainty about EssenCES capturing U.S. prison culture. Limited variables and incomplete scales. Overlooked impact of inmate transfers. Lack of structural and individual-level data. Validate instruments with improved measures and sampling. Examine structural and individual factors. Use qualitative interviews for deeper insights. Conduct longitudinal studies to track changes. Study staff burnout, trauma, and perceived inmate threat.
Heynen et al. (2017), Germany	To validate the German Adolescent Treatment Motivation Questionnaire (ATMQ) for assessing treatment motivation in detained youth	Small sample size (N=76) limits generalizability. Test-retest reliability and convergent/predictive validity not examined. Unexplored demographic differences (e.g., gender, age, culture) in factor structure. Relationship between duration of stay and recidivism not explored. Replicate with larger, diverse samples to improve validity. Test measurement invariance across demographic groups. Investigate correlations between treatment motivation, recidivism, and duration of stay. Assess ATMQ's predictive validity for treatment outcomes and recidivism.

Mededović, Dmdarević, & Ilijić (2024), Serbia	To examine the relationships between Dark Tetrad traits (Machiavellianism, narcissism, psychopathy, and sadism), prison social climate, and institutional misconduct in convicts, with a focus on the mediating role of social climate	Non-representative sample; findings may lack generalizability. Short Dark Tetrad scales; longer, multidimensional measures needed. Bias risk from self-reported misconduct; staff reports or records could improve accuracy. Longitudinal studies on Dark Traits and social climate effects on recidivism and adaptation. Multimethod approaches for more reliable data. Examine Dark Traits' predictive value beyond basic personality traits for recidivism.
Goossens et al. (2023), Belgium	To examine the influence of individual risk factors (from community crime theory) and prison climate dimensions (relationships, safety, autonomy) on prisoner victimisation	Limited focus on specific prison climate dimensions; other dimensions and environmental characteristics remain unexplored. Investigate additional prison climate dimensions and environmental factors influencing victimisation. Emphasize the role of dynamic security through relationships alongside hard security measures
Blagden & Wilson (2020), United Kingdom	To examine the rehabilitative climate of a re-rolled UK prison for individuals with sexual convictions, focusing on prisoner experiences of purpose, relationships, and regime at two time points: post-re-roll and one year later	Context-specific findings may not generalize to other settings. Variability in individual prisoner experiences. Limited scope of the longitudinal design. Investigate rehabilitative climates in diverse prison settings. Conduct further longitudinal studies to assess changes over time. Examine the impact of deviant behaviours within prisons. Compare rehabilitative environments in co-located versus isolated settings for sexual offenders.
van der Helm et al. (2009), The Netherlands	To examine the role of group climate in fostering treatment motivation and internal locus of control among adolescents in a Dutch youth prison	Low reliability of climate scale and underreporting limit data validity. Small sample (49 adolescents) and unmatched control groups reduce generalisability. Self-report data may be biased and multi-level analysis is missing. Recommend longitudinal, multi-level studies with matched controls and improved measurement reliability.
Dewey & Prohaska (2022), United States	To examine how correctional educators perceive incarcerated individuals' life experiences, motivations for education, and the role of educators in influencing prison social climate	Underexploration of correctional educators' role in shaping prison social climate. Potential biases in educators' perceptions, including overlooking systemic inequalities and barriers to reentry. Lack of longitudinal studies to assess the impact of educators' beliefs on student success and prison dynamics. Research the impact of educators' beliefs on educational outcomes, and the broader prison environment, including the integration of current and former prisoners in educational programming.

Bruhn et al. (2011), Sweden	To examine the effects of increased security measures and expanded rehabilitation programmes after high-profile escapes, emphasising the balance between security and treatment approaches	Limited focus on the effectiveness of rehabilitation programmes amidst rising security measures. Lack of exploration into the long-term effects of the structural changes on prison culture and inmate outcomes. Future research to explore the effectiveness of rehabilitative programmes in the context of heightened security measures and the impact on inmate rehabilitation.
Galouzis et al. (2023),	To review the influence of prison social climate on institutional violence and propose ways to conceptualise, define, and operationalise the climate for prevention efforts	There is a need to better define and measure prison social climate, incorporating both psychological and sociological perspectives, to effectively prevent violence. The lack of clear, operationalised constructs for measuring prison social climate limits the ability to collect valid and reliable data for driving prevention strategies.
Ilijić et al. (2020)	To review the concepts of quality of prison life and social and moral climate in prisons, focusing on their impact on prisoner behaviour and social reintegration	Limited research on the quality of prison life and its impact on social reintegration in Serbia exists. Focus on theoretical exploration without empirical data from Serbia. Promote systematic research on prison life quality to improve treatment and management. Need for further research into the dynamics of prison life in Serbia to improve prisoner treatment and management.
Howard et al. (2023), Australia (New South Wales)	To examine assessments of prison climate using the Essen Climate Evaluation Schema (EssenCES) and inmates' experiences of prison climate in NSW correctional centres	Limited research on the application of the EssenCES tool in NSW correctional centres and the influence of individual and situational factors on prison climate perceptions. Restricted sample size, limited site diversity, potential response biases, and lack of predictive power for program completion outcomes. Future studies should expand the sample size, include diverse sites, and address response biases to enhance understanding of prison climate dynamics and improve correctional practices.
Chesnut (2020), United States (Washington)	To explore the role of correctional officers in obstructing the translation of policy reform into practice within solitary confinement units in state prisons, identifying mechanisms and barriers to reform	Limited understanding of how interpersonal dynamics and the adversarial climate in solitary confinement units influence policy reform perceptions and implementation. Future research should include more diverse correctional officer demographics, replicate studies in different prison systems, and expand to lower custody institutions to explore broader implications of policy reform. Limited generalisability due to a predominantly male and white sample; future studies should include a broader range of racial/ethnic and gender backgrounds.

Thaler et al. (2022), Australia (New South Wales)	To explore the experiences of inmates and staff in Rapid Build correctional, comparing their perceptions of prison social climate with traditional centres, and examining how innovations in design, management, and inmate selection impact the social climate	Limited to the comparison between two Rapid Build centres and two traditional centres. Focuses on perceptions rather than measurable outcomes, such as recidivism or rehabilitation success. The research addresses the gap in understanding how innovative prison designs and management practices affect the social climate. Future research could further investigate the long-term impact of the Rapid Build model on inmate behaviour, rehabilitation outcomes, and staff dynamics.
Ilijić et al. (2024), Serbia	To investigate differences in how prison life quality is perceived by individuals in different departments and treatment groups in penitentiary facilities	Small sample size (14% of the total population), potential selection bias due to voluntary participation, and lack of representation from certain groups (e.g., open departments). Future research should include longitudinal studies, a wider range of convicted individuals, and cross-national comparisons. Need for revised risk assessment tools that better account for dynamic factors and individual treatment journeys.
Baharudin & Mohamad (2020), Malaysia	To develop and validate a model exploring the relationships between personality, prison climate, and quality of life (QoL) among drug-abusing inmates in Malaysia, with social support as a mediating variable	Limited research on how personality, prison climate, and social support influence the QoL of drug-abusing inmates. Need for empirical validation of these relationships using advanced statistical techniques (EFA, CFA, SEM). Reliance on conceptual frameworks without prior empirical validation. Specific focus on Malaysian prisons may limit generalisability to other contexts.
Rodríguez-Díaz et al. (2015), Spain	To examine the relationship between burnout syndrome and emotional climate among prison professionals in Spain, comparing two prison models: Therapeutic and Educational Units (UTE) and traditional modules	Limited understanding of how different prison models influence burnout and emotional climate among staff. Need for further exploration of how positive emotional climates in therapeutic models affect staff well-being and prisoner reintegration outcomes. Context-specific findings may not generalise to other countries or prison systems. Focus on two specific prison models may overlook variations within broader institutional contexts.

Sučić (2021), Croatia	To compare prisoners' and prison officers' perceptions of their group's emotional climate in Croatian prisons and explore its impact on well-being, coping, and resilience	Limited research on comparative perceptions of emotional climate between prisoners and prison officers. Need for strategies to promote a positive emotional climate that fosters adaptive coping, resilience, and social support for both groups. Gender and time in prison/service showed no significant effects, possibly due to sample characteristics (predominantly male, short sentences, experienced staff). Findings may not generalise to other contexts due to cultural and organisational differences.
Sučić et al. (2018), Croatia	To investigate the influence of prison conditions, prison experiences, and emotional climate on dimensions of prison climate (support, growth, atmosphere, and repression) in Croatian prisons	Limited understanding of how emotional climate and tolerance for deprivation contribute to prison climate dimensions and their role in correctional treatment outcomes. Need to explore strategies to enhance emotional climate and address deprivation to improve prison climate. Convenience sampling may limit generalisability. Focus on Croatian prisons may not capture variations in prison climates across different cultural or organisational contexts.
Ware & Galouzis (2019), Australia	To propose an integrated model linking prison social climate to rehabilitation and desistance, emphasising its mediating role in facilitating behaviour change and reducing reoffending, with examples from Australian prisons	Limited empirical clarity on how prison climate directly and indirectly influences rehabilitation and desistance outcomes. Need for advanced statistical methods to explore pathways between prison climate, cognitive changes, and recidivism. Positive shifts in prison social climate correlate with cognitive changes but are not predictive of reduced reoffending. Methodological constraints in existing studies necessitate more robust analyses.
Calles-Rubiales & Ibáñez Del Prado (2020)	To review the literature on the influence of inmates' mental health on the prison relational climate and assess existing interventions to address related challenges	Limited literature on the impact of mental health on prison relational climate and interventions. Need for long-term studies on incarceration effects and tailored programs for inmates with mental illnesses. Inadequate mental health interventions exacerbate behavioural issues, stigma, and relational instability. Lack of sufficient, high-quality programs to address the needs of inmates with mental health disorders.

Mededović, Dmdarević, & Milićević (2024), Serbia	To evaluate the reliability, validity, and central aspects of the Measuring the Quality of Prison Life (MQPL) survey in assessing prisoners' well-being and social climate in Serbian prisons	Limited generalisability due to a non-representative sample. Need for inclusion of prison staff data to provide a comprehensive view of the prison social climate. Future research should refine MQPL to address informational redundancy and expand its application. Sample heterogeneity limits generalisation to the entire prisoner population. High intercorrelations among MQPL dimensions suggest informational redundancy.
Yoosefi et al. (2019), Kurdistan	To examine the relationships between organisational climate, occupational stress, job involvement, and the psychological and spiritual health of prison staff in Kurdistan	Limited exploration of factors influencing spiritual health in relation to organisational climate and job stress. Future research should investigate interventions to reduce occupational stress and enhance organisational security and participation to improve staff well-being. The study did not establish significant correlations with spiritual health, suggesting a need for further exploration of its determinants. Findings are limited to the specific population of prison staff in Kurdistan and may not generalise to other regions.
Mohamad et al. (2017), Malaysia	To identify factors shaping prison climate to inform the design and execution of effective rehabilitation programmes for drug-abuse inmates in Malaysia	Limited to drug-abuse inmates in peninsular Malaysia; future studies should expand to other inmate groups and prisons in East Malaysia to validate findings. Causality cannot be established due to the cross-sectional design; longitudinal studies are recommended. Generalisation is limited to drug-abuse inmates and specific prisons in peninsular Malaysia.
Baharudin et al. (2021), Malaysia	To explore the role of Quality of Life (QoL) as a mediator between prison climate and life satisfaction among Malaysian drug-abuse inmates	Cross-sectional data restricts causal interpretations. Limited to drug-abuse inmates in peninsular Malaysia; future studies should include other inmate groups (e.g., juveniles, foreign inmates) and prisons in Sabah and Sarawak. Expand to other settings, such as public and private drug treatment centres, to examine variations in outcomes. Investigate additional constructs (e.g., personality, resilience, motivation) to deepen understanding of QoL and life satisfaction. Focused exclusively on drug-abuse inmates, limiting generalisability to other prison populations. Quantitative methodology restricts depth; mixed-method approaches could provide richer insights.

Prentice (2022)	To quantify the relationship between Cognitive-Behavioural Therapy (CBT) programmes and prison social climate through a meta-analysis	<p>Lack of studies on CBT's impact on environmental quality of life, a key element of prison social climate.</p> <p>Limited sample size and narrow literature scope; future studies should broaden search criteria and include qualitative or mixed-method approaches.</p> <p>Investigate variations in CBT (e.g., individual vs. group therapy) and contextual factors (e.g., funding, security level).</p> <p>Excluded environmental quality of life due to insufficient data.</p> <p>Small sample size of primary studies limits generalisability.</p> <p>Correlation observed does not imply causation.</p>
McNeil (2021), United States	To assess the relationship between participation in dog training programmes (DTPs) and prison social climate through a quantitative meta-analysis	<p>Lack of studies on DTPs' impact on environmental quality of life, a key element of prison social climate.</p> <p>Limited use of rigorous research designs (e.g., randomised-controlled trials) to establish causality.</p> <p>Insufficient representation of diverse prison contexts and populations (e.g., female inmates, varied age groups).</p> <p>Need for longitudinal studies to explore long-term effects of DTPs.</p> <p>Exclusion of environmental quality of life due to insufficient data.</p> <p>Correlational findings only; causation not established.</p> <p>Small sample sizes and variations in prison characteristics limit generalisability.</p>
Worthington (2012), United Kingdom	To explore organisational climate within a prison setting and its impact on social and emotional functioning, focusing on the interaction between work-home boundaries and employee well-being	<p>Limited to one male prison, with unclear implications for female prisons or other establishments.</p> <p>Findings may not be generalisable beyond the single male prison studied.</p> <p>Need for further research into how different climate quadrants align with staff roles and safety.</p> <p>Exploration of "dirty work" and its influence on organisational climate is required.</p> <p>Positivist methodology limits deeper understanding of work-home dynamics and identity consistency.</p> <p>Gender-specific influences on climate remain unexplored.</p> <p>Simplistic boundary management theories may not fully capture the complexity of the prison setting.</p>

Alisabri (2001), Bosnia and Herzegovina	To present the theoretical framework of the social climate in a closed-type prison, during the transitional period, focusing on the interplay of deprivation, inmate code, entropy, and repression	Highlights the need for further exploration of the transitional social environment's instability and unpredictability in prisons. Suggests future research on the role of repression as a primary driver of conflict and its implications for prison management. Focuses exclusively on a single closed-type prison in Zenica, Bosnia and Herzegovina, limiting generalisability to other prisons or contexts.
McLellan (2022), United Kingdom	To identify organisational-level factors contributing to work-related distress among prison workers and evaluate the predictive roles of organisational justice and social climate in psychological distress	Limited focus on organisational-level interventions despite the ineffectiveness of individual-level approaches. First study to investigate social climate and organisational justice as predictors of distress in UK prison workers, requiring replication with larger samples. Future research should explore key job resources, distinct facets of organisational justice (distributive and procedural), and variations in organisational factors across job roles. Qualitative studies are needed to better understand the complex experiences of prison workers. Cross-sectional design limits causal inferences. Small sample size and opportunity sampling reduce generalisability. Reliance on self-report measures introduces potential response bias. Lack of gender data prevents analysis of gender differences. Inability to examine the distinct impacts of organisational justice facets.
Wenk & Moos (1972), United States	To develop and standardise the Correctional Institutions Environment Scale (CIES) to assess social climates in correctional institutions	Addresses the lack of a standardised instrument for assessing social climates in correctional institutions. Future research could explore the application of the CIES in diverse institutional settings and its impact on institutional management and policy development. Limited discussion of the scale's reliability and validity across different populations and contexts. The examples provided are based on a national reference group, which may limit generalisability to other settings or countries.
Toch (1978), United States	To propose a context-centred perspective on prison violence that offers positive programming options beyond conventional security-focused approaches	Existing perspectives focus either on inherently violent inmates or on prison environments as triggers for violence, with an emphasis on prevention through security measures. A need for programming that addresses the motives and dispositions of participants in violence, offering constructive alternatives. Future research and policy should explore how context-centred approaches can positively influence inmate behaviour and reduce violence. The article primarily critiques existing views but does not empirically test the proposed context-centred perspective. Practical implementation and evaluation of positive programming options remain unexplored.

Howard et al. (2022), Australia (New South Wales)	To assess staff and inmates' perceptions of prison social climate and staff work-related outcomes during the first two years of operations at Rapid Build correctional centres	Limited understanding of how Rapid Build centre features interact with operational or population differences to influence outcomes. Future studies should incorporate pre-transition data, objective measures (e.g., administrative indicators), and longitudinal research to evaluate long-term impacts. Non-equivalent respondent samples between centre types; potential for response bias. Lack of pre-transition data limits causal conclusions. Anonymity of surveys prevents tracking individual changes over time. Findings may reflect early implementation dynamics rather than stabilised outcomes.
Meussling (1984), United States	To evaluate the task, nature, and impact of teaching Interpersonal Communication in a maximum-security male prison, focusing on curriculum design and inmate responses to self-disclosure and open communication	Limited research on the role of interpersonal communication education in fostering psychological trust and attitudinal change in prison settings. Further studies could explore long-term impacts on post-release integration into society. Findings are based on observations and journal entries within a single classroom setting, limiting generalisability.
Ali et al. (2016), Malaysia	To examine the effects of prison social climate on life satisfaction among drug-abuse inmates in a Malaysian prison and identify factors that enhance their rehabilitation and reduce recidivism	Limited exploration of the link between prison social climate and life satisfaction. Future research should expand to other inmate populations and consider characteristics such as gender, age, sentence length, and offender status to validate the model. Focused only on drug-abuse inmates, limiting generalisability. Cross-sectional design precludes understanding long-term effects.
Mikolon (2017), United States	To investigate the factors influencing corrections fatigue among federal correctional officers, examining variables such as gender, tenure, perceptions of safety, and institutional security level	Limited assessment tools (13 survey items) constrain understanding of corrections fatigue. Further research should include enhanced measurement scales, longitudinal studies, and qualitative interviews to explore coping mechanisms and fatigue development. Broader samples, including diverse correctional roles and demographic/institutional data, are needed. Comparisons with other law enforcement settings could clarify stressors unique to corrections work. Self-reported data may underreport symptoms due to correctional subculture. Lack of demographic and institutional data limits findings. Excludes non-officer correctional employees, narrowing scope.

Bent (1978), Australia (Tasmania)	To assess the psycho-social climate of a Tasmanian maximum-security prison and its sub-units using the Correctional Institutions Environment Scale (CIES) and compare results to Moos' norms from American institutions	Limited exploration of prison staff perceptions and their role in shaping the institutional climate. Future studies should integrate CIES with sociometric investigations of inmate relationships and examine variables like remaining sentence length. Regular use of CIES during exit interviews could provide dynamic insights into institutional climate changes. Applicability of Moos' norms in Australian prisons remains debatable. Lack of staff responses restricts a holistic understanding of the prison environment.
Ross et al. (2011), England and Wales	To examine the relationship between prison social climate and inmate satisfaction with health care in 49 correctional institutions	Limited generalisability to other Western prison systems due to jurisdiction-specific health care characteristics. Future research should explore the impact of health education programs for inmates and the interplay between health care provision and institutional climate. Data collected before full integration of prison health services into the NHS in 2006 may not reflect current practices. Variations in health care quality across the studied institutions were not addressed.
Stobbe (2017), Canada	To assess whether the Essen Climate Evaluation Schema (EssenCES) can provide insights into the overall prison climate and distinctions between units to inform conflict management in correctional centres	Limited exploration of how climate assessment tools like EssenCES can guide targeted conflict management strategies in prisons. Future research should focus on applying climate assessments to develop evidence-based responses to conflict across varied inmate populations. Findings are specific to four correctional centres in British Columbia, Canada, limiting generalisability to other regions or prison systems.
Smith & Ivester (1987), United States	To explore the impact of social environments on human functioning, with a specific focus on how differing organisational climates in juvenile correctional institutions influence staff perceptions, authority dynamics, and inmate social relations	Limited research on the broader implications of institutional goals (e.g., obedience, re-education, treatment) on inmate behaviour and staff-inmate dynamics. Future studies could examine how these findings translate to adult correctional settings or other institutional types. Focus on juvenile institutions limits applicability to other correctional populations or environments.

Green et al. (2023), United States (Midwest state)	To compare prison climate characteristics across facilities and over time, identifying predictors of climate change and their effects on perceived livability in three U.S. Midwest state prisons	Limited facility-level comparisons of prison climate over time. Need to validate the concept of "assurance" and its relationship to social cohesion. Further exploration of structural conditions and their influence on facility-specific responses to environmental stress. Recommendation for qualitative methods to capture nuanced inmate and staff experiences. Subjective nature of survey responses limits depth of insights. Fluidity of prison populations complicates longitudinal studies. High costs of multi-wave research reduce feasibility.
Van Ginneken et al. (2020), The Netherlands	To examine the relationship between prison officers' work climate and incarcerated individuals' perceptions of prison climate using a large dataset from the Netherlands	Need for larger datasets to include unit-level variables and assess staff attitudes toward prisoners and management. Exploration of how prisoner composition (e.g., age) affects prison and work climate. Comparative research to identify best practices across countries with varying prison conditions. Limited statistical power for unit-level analysis. Findings generalizable only to the Netherlands. Excludes variables like overcrowding and cross-national dynamics.
Stevanović et al. (2024), Serbia	To examine differences in the perception of prison social climate and quality of prison life (measured via MQPL) between first-time inmates and penological recidivists	Lack of comprehensive studies on prison life quality in Serbia, especially using MQPL. Future research should focus on larger, more representative samples, include diverse security levels and subgroups (e.g., open prisons, inmates in isolation or treatment), and explore longitudinal and cross-national comparisons to enhance generalisability and identify good practices. Sample represents only 14% of the convicted population in selected institutions. Excludes certain subgroups (e.g., isolated inmates, treatment recipients, or those working during data collection). Bias due to retrospective responses and lack of longitudinal data. Not cross-national; limited to Serbian closed institutions.

Šabani (2013)	To explore the theoretical construct of prison social climate within penal institutions, emphasising the work of R. H. Moos, and to present measurement scales that quantify its quality and impact.	Further validation and application of social climate measurement scales in diverse penal settings. Examination of how different social climates influence inmate outcomes. Theoretical focus with limited empirical validation in the study context.
Auty & Liebling (2024), England and Wales	To empirically determine quality-of-life thresholds in prisons using MQPL survey data and examine their relationship with serious violence outcomes in prisons	Lack of empirical exploration of performance benchmarks in prison quality of life. Need for studies on individual-level characteristics and their influence on prison violence. Further research on the interplay between prison culture and violent incidents. Exclusion of data from the COVID pandemic period. Focus on institutional culture without examining individual-level factors. Challenges in database creation, leading to potential data errors.
Sheehan (2014), Australia	To examine risk factors driving women into offending and evaluate the Better Pathways Strategy by Corrections Victoria, Australia, focusing on reintegration and gender-specific responses for women offenders	Need for evidence on the effectiveness of gender-specific programmes amidst challenges from the risk paradigm prioritising surveillance over therapeutic responses. Importance of exploring how 'joined-up' services can be sustained despite budgetary and societal challenges. Rising focus on surveillance diverts resources from community-based and therapeutic interventions. Budget constraints and lack of community support threaten the sustainability of effective reintegration strategies.
Mejovšek et al. (2007), Croatia	To examine the relationship between inmates' personality traits and their perception of the psychosocial climate in prisons, using factor analysis of the Psychosocial Climate Scale	Need to explore how perceptions of psychosocial climate and personality traits influence inmate behaviour. Further investigation is required to determine whether perceptions or personality traits better predict behaviour. Limited to male inmates (N=282) in prisons across three security levels. Relies on self-reported measures, which may introduce bias.
Ajdukovic (1990), Croatia	To assess whether adding three new subscales to the Correctional Institutions Environment Scale (CIES) provides significant new insights into institutional climate	The study challenges the sufficiency of the original nine CIES subdimensions, suggesting they may not fully capture the distinct attributes of correctional social climate. Future research could explore the applicability of these new subscales across different correctional settings. Limited to two male correctional facilities (maximum and minimum security). Generalisability to other contexts remains untested.

Batrićević et al. (2023), Serbia	To examine the quality of prison life among female prisoners in Serbia, identify challenges across five dimensions of the prison climate, and propose gender-sensitive interventions for improving their prison experience	Limited focus on female prisoners globally due to smaller representation. Future research should include larger, more representative samples, explore socio-demographic and custody profiles, and examine longitudinal and cross-cultural variations in prison life quality to inform targeted interventions and policy reforms. Small, voluntary sample (40% response rate) limits generalisability. Lacks analysis of socio-demographic factors, offence types, and sentence lengths. Relies on retrospective data, potentially subject to recall bias. Findings may not apply to other prison systems or cultural contexts.
Milićević et al. (2024), Serbia	To adapt the Measuring the Quality of Prison Life (MQPL) survey for the Serbian context, ensuring cultural and linguistic relevance while maintaining equivalence with the original instrument	First instrument to assess prison life in Serbia, addressing a significant gap in the literature. Future research should validate the adapted survey with larger, more diverse samples and assess its reliability across various correctional facilities. Small pre-testing sample and focus groups conducted in only two of nine facilities limit generalisability. Cultural and linguistic nuances may still affect item interpretation and response accuracy. Social desirability and personal biases may influence participants' feedback. Findings are context-specific and may not reflect changes over time or broader systemic factors.

CIP - Каталогизација у публикацији
Народна библиотека Србије, Београд

343.81:316.64(082)(0.034.2)

INTERNATIONAL scientific conference "Life in prison: criminological, penological, psychological, sociological, legal, security, and medical issues" (2024 ; Beograd)

Proceedings [Elektronski izvor] / International scientific conference "Life in prison: criminological, penological, psychological, sociological, legal, security, and medical issues", Institute of criminological and sociological research, Belgrade December 2 and 3, 2024 ; edited by Milićević Milena, Stevanović Ivana, Ilijić Ljeposava. - Belgrade : Institute of criminological and sociological research, 2024 (Beograd : Institute of criminological and sociological research). - 1 elektronski optički disk (CD-ROM) : tekst ; 12 cm

Sistemska zahteva: Nisu navedeni. - Tiraž 10. - Napomene i bibliografske reference uz tekst. - Bibliografija uz svaki rad.

ISBN 978-86-80756-73-8

а) Затвори -- Социјално-психолошки аспект -- Зборници

б) Затвореници -- Социјално-психолошки аспект -- Зборници

COBISS.SR-ID 160690697
