



Prisoner Rehabilitation in Croatia

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Purpose:

This paper gives an analytical overview of historical development and contemporary picture of the concept of prisoner rehabilitation in Croatia within current crime and punishment perspective.

Design/Methodology/Approach:

For the purpose of the analysis, legislative documents were taken into account, as well as data on crime and punishment (Croatian Bureau of Statistics) and Ministry of justice and Ombudsman reports.

Findings:

The authors have found that Croatia has a modern legal frame for meeting all internationally recognized prerequisites for prisoners' rehabilitation and reintegration but has to solve overcrowding as the main source of many problems in organizing adequate prison life for prisoners and also for the staff. Adequate staffing and incorporation of evaluation plans in special rehabilitation programs were also pointed out as important tasks.

Research limitations/implications:

Examination of history of prisoner rehabilitation is sometimes problematic while the laws were rehabilitation oriented (on declarative level) but those who experienced that „law in action“ rarely agreed with that declaration. This may also be the result of different meaning of the term „rehabilitation“ (specially for certain types of prisoners) in different political climates.

Practical implications:

This paper showed that concept of rehabilitation may vary at definition level. Also, it proved that some current elements of the execution of prison sentence (as a part of rehabilitation) have a long history.

Originality/Value:

This paper provides a first attempt (to authors knowledge) of Croatian prisoner rehabilitation evaluation.

UDC: 343.8(497.5)

Keywords: prisoner rehabilitation, prison system, special rehabilitation programs, Croatia





1 INTRODUCTION

Prison sentence has passed long way from traditional custodial prison to modern rehabilitative prison. Great efforts were put in elimination of the brutality and dehumanization of the traditional custodial prisons. Modern prison sentence is perceived as deprivation of liberty, leaving prisoners all other rights guaranteed by international treaties and national laws. UN and EU had important role in setting standards for prison sentence implementation. National laws are constantly harmonised with those international standards. Possible discrepancy between legislation and practice was recognized and that led to establishment of bodies for monitoring implementation of those standards (e.g. CPT). Also, prisoners are increasingly more aware of their rights and they file complaints to international institutions (e.g. European court of human rights) when they already used national resources.

Although countries may have modern prison laws, implementation of proscribed norms may be challenged by reality that is the result of penal populism (more on penal populism in Pratt, 2007) and lack of evidence based planning. This is an important political issue since citizens often demand harsher penalties for offenders which then leads to changes in legislation (harsher sentencing options). Legislation changes influence judicial decisions and in several years existing prison capacities aren't sufficient anymore. Building new prisons in politically sensitive issue since citizens usually don't want state funds to be allocated „for criminals“ but for some programs for law abiding citizens.

The other challenge is mentality, or hypocrisy of prison administration. One of the critics of US prison practices has said: „The only difference between primitive and the sophisticated system is that the sophisticated system operates behind a facade of rehabilitation. The degradation of the prisoner in both systems is just the same... The only difference is that in the primitive system they are more honest about what they are doing.“ (Wright, 1973: 50).

Since the prison system is just one element of bigger system – society – it is not impossible to test if proscribed norms exist only in paper or they live in practice. After all, the picture of prisons in one country is reflection of a society.

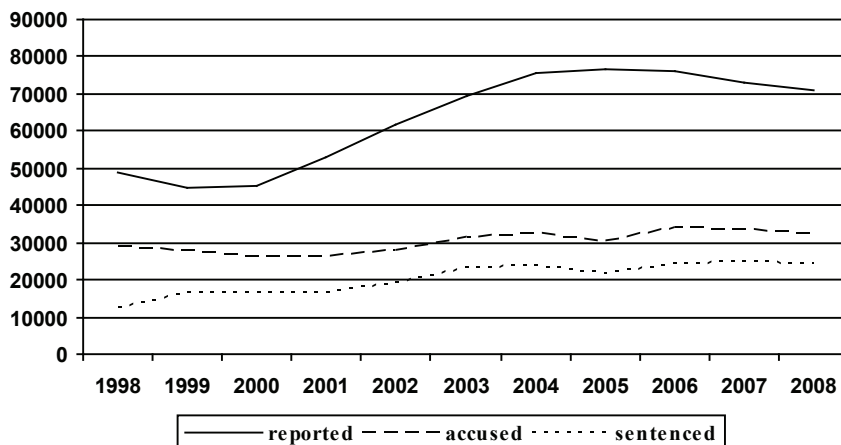
The aim of this paper is to give an overview of Croatian prison system through the concept of rehabilitation – historical development, current legislative frame and real life implementation in contemporary context of overcrowded capacities. We used data from Croatian Bureau of Statistics, reports of Directorate for penitentiary system and Ombudsman's reports.

In order to give a more comprehensive picture, basic information about crime and prison sentence are given.

According to the European Sourcebook of Crime and Criminal Justice Statistics (Aebi and Delgrande, 2009), Croatia is in the group of countries with relative low crime rate.

Data in Graph 1 present trends in reporting, accusing and sentencing adults in Croatia in the period from 1998 until 2008. The biggest increase is evident for reported adults but data for sentencing are also showing increase.

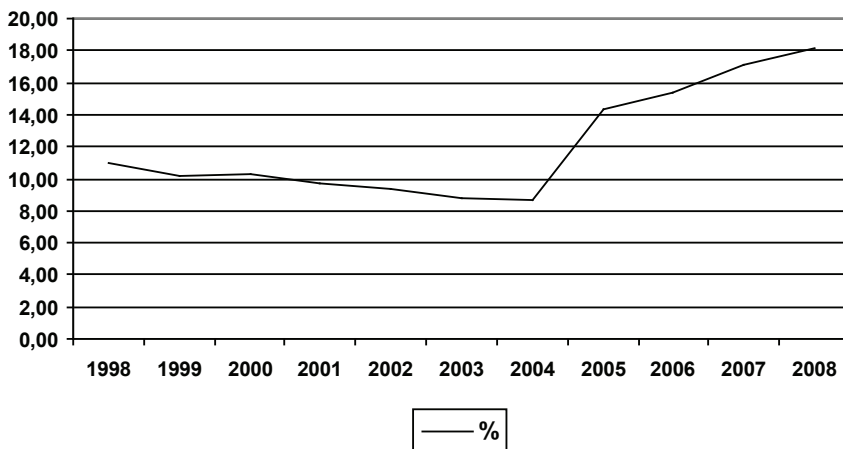




Graph 1:
Number of reported, accused and sentenced adults in Croatia (Source: Državni zavod za statistiku [Croatian Bureau of Statistics], 2009)

Average data for the last decade reveals that, in terms of the crime structure, the majority of crime refers to conventional crime (mostly property crimes), committed by males (average participation of females is 19 % for adult females and 5 % for juvenile females), 21 to 29 year old, with average recidivism of 14 % (there is significant increase of recidivism from 9,6 % of sentenced persons who have already been sentenced in 2002 to 28 % in 2008) (Kovčo Vukadin, Rajić, Balenović, 2009).

There is a sharp increase in the percentage of unconditional prison for all sanctioned adults (which created overcrowding to be discussed later) (Graph 2).



Graph 2:
Percentage of unconditional prison sentence in total number of sentences for adults in Croatia (Source: Državni zavod za statistiku [Croatian Bureau of Statistics], 2009)





It should be noted that Croatian Criminal Code had several amendments and reforms since 1997 and that a big reform is in process now. Many of those amendments and reforms brought more repression in terms of harsher sanctions.

Regarding crime prevention, it could be said that Croatia doesn't have national crime prevention strategy (as a strategic document). There is number of specific strategies and action plans (drugs, corruption, trafficking in human beings, family violence, violence against minors). Crime prevention activities are part of activities of many ministries and bodies. It could be concluded that the main resource for crime prevention are still criminal sanctions.

2 HISTORY OF PRISONER REHABILITATION IN CROATIA: LEGAL AND PRACTICAL ASPECTS

Rehabilitation (treatment) has long tradition in Croatia. In spite of turbulent Croatian history (different state associations, political systems and war and post war periods) it could be concluded that rehabilitation conception has long and diverse development. Some periods show great disparity between legislation and practice. Irrespective to characteristics of different historical periods, the rehabilitation (treatment) idea existed in Croatian legislation and practice from long time ago.

Punishment in Croatia in 17 and 18 century haven't got unique, codified source of criminal law. Popović (1966) noted that common law was in practice in Croatia and Slavonia in the second part of 18 century but prison sentence was implemented. Prisons from that time were under the authority of each county and city, and somewhere under private power. In those prisons were „detainees and prisoners unprotected from inhuman physical suffering and misery“ (Vončina, 1877). Cvitanović (1999) summarizes that there were two or three centuries of „dark side“ of Croatian criminal law history (caused by difficult political, economic and social circumstances). That situation lasted until the middle of the 19 century (1857) when prison in Lepoglava was established. In that time, Emil Taufer, well known prison warden, created modern European prison based on so called progressive (Irish) regime. From that time, Croatian criminal law started developing harmonization with European legislation. In the area of sentence implementation law and correctional practice it was ahead of European legislation and practice. Cvitanović (1999) noted that work of Marijan Derenčin from 1879 („Fundamentals of new Criminal Code on crime and misdemeanors for Kingdom of Croatia and Slavonia“) was one of the best accomplishments in criminal – law thought. Representative of the European association for penitentiaries have poetically said, after visiting Croatian prison in Lepoglava: „The picture of prison in Lepoglava is such that each Croat should wish to be incarcerated“ (Popović, 1966). Žakman-Ban (1998) holds that some descriptions of life in prison in Lepoglava give evidence of rehabilitation idea: „... to be educated, have good meals, good sleep, have enough fresh air, walk and after release to be able to gain salary as a bootmaker or to be able to train your fellow citizens for trainers...“





19 century brought adoption of Austrian legislation (introduction of parole – within law from 22 April 1875 - testify of rehabilitation concept). Criminal Code from 1929 (in force from 1 January 1930) proscribed that „penalty shouldn't deprave offender but correct him“ (Šilović, 1929). Mladenović-Kupčević (1981) notes that prison sentence was carried out in prison and jails in Slovenia and Dalmatia (Austrian jurisdiction in that time). Dalmatia (today Croatian territory) didn't have it's own prisons so prisoners were sent to Slovenia. It was „cell regime“ of prison sentence but some forms of prison work outside prison existed. Also, juvenile prisoners were separated and they had some education and training.

Less then two decades later Bleiburg massacre happened and ironically, a sort of work therapy and „reformation“ was mentioned. Some documents about killings in Slovenia reffer on this: „... and they told us that we are going to work in Vojvodina. When we later spoke with others who survived – they were also told that they are going to work in Vojvodina – and those were the ones who were killed“ (Prcela and Živić, 2001: 375-376).

After the second world war, the repression was continued. It has to be emphasized that the first Law on criminal proceedings was adopted in 1948 and the first Criminal Code in 1951. Analysing recently accesible historical data, Simić (2009: 218) concludes that secret service units „asked and got the authority to imprison people whose only crime was the fact they lived in certain settlements.“ There were no laws in first post-war period. They come in force after the confiscation of property of many wealthy people. For example, in 1949 one of two arrested Jugoslavian was deprived of his/her liberty on no grounds. Also, the court declared so called „verbal offence“ (verbal assault against president of local administration and his wife) as criminal offence against people and state. One of the possible explanations for this situation is the fact that only 5,81 % judges had a legal education in Croatia in that time.

Some internal directions were delivered in 1947 – covering organizational and security issues in prison. According to Popović (1966) those directions were very important because they regulated organization of educational and cultural work: lectures, literacy courses, professional courses, individual improvement, music workshop, theater plays, public shows, „verbal nespapers“, gymnastics, chess etc.)

In spring of 1949 mass arrests happened. First concentration camps were established, at that time called „centers for socially usefull work“. The most famous was Goli otok (Naked Island) which had 4 camps.

Law on the execution of ciminal sanctions was adopted in 1948, the next one was adopted in 1951¹ (because of new Criminal Code that had changed types of criminal sanctions) and next in 1961. The practice was (according to Popović, 1966) ahead of legal norms and that law recognized penal practice that already existed. Open – regime prisons were established, prisoners were allowed to use vacation and leave (up to 7 days) at home, and some new benefits were introduced. Personality assessment was introduced, based on current criminological and psychological knowledge, departments of treatment were strenghtened. Also, that

1 *This law introduced post-release help for prisoners and established correctional officers putting them within authority of the prison warden (until than, regular police was performing security tasks).*





law was partially harmonized with UN Standard minimum rules for the treatment of prisoners adopted by the first UN congress on the prevention of crime and the treatment of prisoners (held in Geneva in 1955) (Popović, 1966). Law from 1961 promoted the principle of rehabilitation. Popović (1966: 80) cited that this principle „gives progressive character to this law and gives it a modern feature. Instead of retaliation, suffer and redemption – what was previously defined as a purpose of prison sentence – this system obliged implementation bodies to undertake all measures with a purpose of enabling prisoner to become an approved citizen of socialist community“.

Achievement of the purpose of sentencing can be analysed through different stages of proscribing, passing and implementation of sentence. Although special prevention can be perceived through negative aspects, it's positive aspect – to enable offender for crime-less life – is more important (Bojanić and Mrčela, 2006). Bojanić and Mrčela (2006) emphasize that this aim cannot be achieved through forced treatment. Arguments for treatment orientation in contemporary Croatia can be found in the Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009) – articles on execution of prison sentence and content of individual sentence program (Jazbec, 1999; Josipović and Tomašević, 1999; Šarić, 2006). Generally speaking, principle of individualization (judicial and so called – penological) and principle of rehabilitation (legal and penological) should be analysed interconnectively.

3 CROATIAN PENITENTIARY SYSTEM

Current Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009) entered into force on 1st July 2001. All relevant international standards were implemented. This Law procribes norms for adult prisoners; juveniles served prison sentence by the law from 1974 until December 2009 when the Law on juvenile sanctions (2009) was adopted.

Imprisonment in Croatia (by the Criminal Code) cannot be shorter than 30 days or longer than 15 years. For the most serious and dangerous forms of criminal offences, long –term imprisonment (20-40 years) may be prescribed. Croatia doesn't have life imprisonment.

Croatian penitentiary system is part of Ministry of justice. The tasks of the execution of prison sentence is within jurisdiction and competence of the Directorate for penitentiary system and executing judge. There are two types of penitentiary facilities: prisons (6 prisons for adult males, 1 for adult females, 1 juvenile prison and Prison hospital) and jails (14 jails). Prisons are established for the execution of prison sentence (longer then six months), and jails are established for the execution of prison sentence pronounced in misdemeanor proceedings, of prison sentence pronounced in criminal proceedings – for those sentenced to prison sentence for less then six months, and those who have to serve the remainder of their prison sentence not exceeding six months, also for replacement of a fine pronounced in misdemenao procedure and deteeinees.

Prisons are categorized by the security level and freedom of movement into: maximum security regime (prison in Lepoglava, Glina), medium security regime





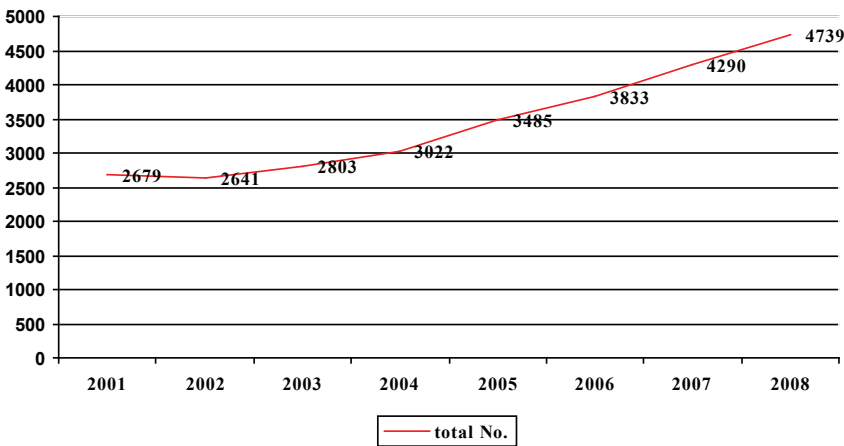
(Lipovica-Popovača, Požega, Turopolje), and minimum security regime (Valtura). Prison hospital in Zagreb is maximum security institution.

All jails (14) are maximum security establishments.

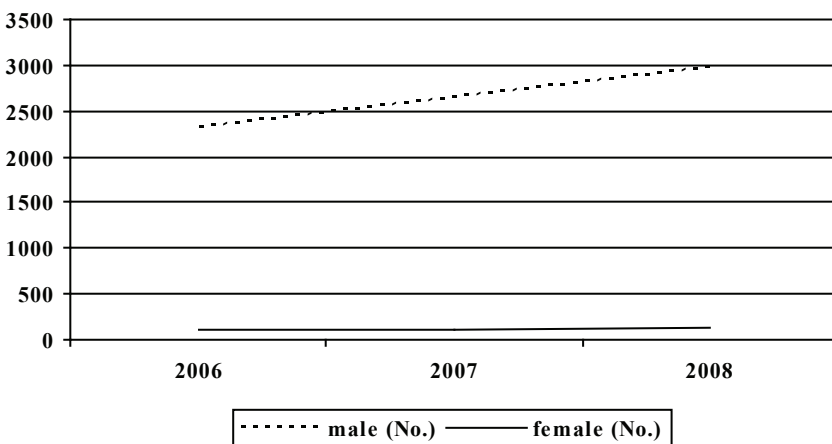
Prisons are categorized by prisoners' age and gender: adult females are serving prison sentence in prison in Požega (closed, semi-open and open regime); juveniles are serving their prison sentence in close and semi-open regime in prison in Požega (males and females separately), and in open regime in prison in Valtura.

For several years Croatia experiences increase in prison population which resulted in overcrowding. According to SPACE I data (Aebi and Delgrande, 2009) Croatia is one of the countries with high prison population overcrowding (number of prisoners per 100 places – 130,6 %)

Complete penitentiary capacity is 3351 (2495 in maximum security regime, 640 in semi-open regime, and 216 in minimum security regime – all are overcrowded).



Graph 3:
Number of prisoners on December 31st each year (Source: Ministarstvo pravosuđa [Ministry of justice], 2009.)



Graph 4:
Prisoners' gender (Source: Ministarstvo pravosuđa [Ministry of justice], 2009.)





Proportion of females serving their prison sentence is low and stabile (Graph 4). There is only one prison for female prisoners – in Požega with closed, semi-open and open regime. This fact poses difficulties for strenghtening prisoners connections to her family and community (long distances).

In 2008 the majority of male adults were serving prison sentence for some property crime (34,9 %), offences against values protected by international law (mostly drug related crime- 22,7 %) and offences against life and limb (17,4 %). 49,7 % had prison sentence up to 3 years, 18,9 % from 3 to 5 years, and 17,9 % from 5 to 10 years. Majority of prisoners have finished high school (54,6 %) or just elementary school (24,8 %). 40,4 % was 27-39 years old, and 23,2 % 39-49 years old.

Adult female prisoners in 2008 served their sentence mostly for property crimes (29,2 %), drug related crime (23,8 %) and crimes against life and limb (19,2 %). 42,3 % had prison sentence up to 3 years, 15,4 % from 3 to 5 years, 21,5 % from 5 to 10 years and 10,8 % from 10 to 15 years. 57,7 % of female prisoners have finished high school and 22,3 % just elementary school. Age distribution is similar to male prisoners.

The proportion of detainees is quite high (about 30 %). According to Croatian Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009), every prisoner should have at least 4m² and 10m³ of space. Since Croatian penitentiaries are quite old, they need constant renovations (meaning transfering prisoners for certain period of time) and this impose great problem in meeting those prisoners' rights.

Beside prisons, jails and prison hospital, Juvenile educational institution and Center for prison staff education are also within jurisdiction and competence of Directorate for penitentiary system. Juvenile educational institution is traditionally within Ministry of justice although it is one of the educational measures for juveniles – all other educational measures are within jurisdiction and competence of Ministry of health and social care. There are constant professional discussions about this organizational solution – Ministry of justice would like to „give away“ this educational measure to Ministry of health and social care, and Ministry of health and social care is reluctant to take it. This is the most severe educational measure envisaged for juveniles for whom no other educational measures haven't helped in their resocialization.

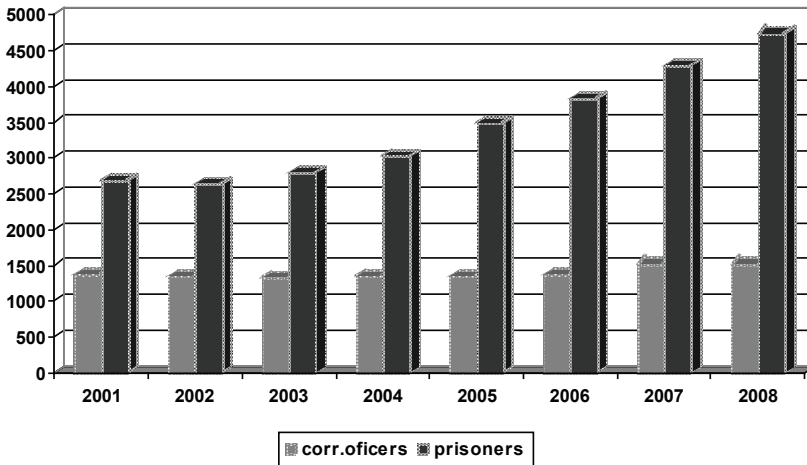
Center for prison staff education was established in 1999. The Center delivers introductory and basic courses, in-service training and specialized trainings and seminars. Some of the continuously running programs are: suicide prevention, communication skills, drug and alcohol abuse treatment, PTSD treatment, prevention of infectious diseases, hepatitis and AIDS, peacefull conflict resolution, incidents resolution, use of force, hostage situation resolution, juvenile treatment and others. In 2007 820 prison staff participated in some of programs, and in 2008 549.

There is a constant lack of prison staff – job positions (specially those for university degree) are not attractive. In 2008 639 job positions were not filled (24,8 % of foreseen number). Increase of prisoners was not followed by prison staff increase and that resulted in overwork which creates tiredness and stress of prison staff, specially correctional officers (employees of Department of security). Correctional





officers – prisoners ratio is displayed in Graph 5 (number of prisoners per one correctional officer was 1,95 in 2001 and 3,11 in 2008)



Graph 5: Ratio correctional officers – prisoners (Source: Ministarstvo pravosuđa [Ministry of justice], 2009.)

Procedure for sending prisoners to serving prison sentence is following: those sentenced to prison sentence for less than six months, and those who have to serve the remainder of their prison sentence not exceeding six months are sent to the jail nearest to the place of their permanent or temporary residence. Those sentenced to prison sentence of six months or more and those who have to serve the remainder of their prison sentence of six months or more than one year are sent to the Jail in Zagreb (Department of diagnostics and treatment planning) for the purpose of medical, social, psychological, pedagogical and criminological assessment. At the end of this assessment, experts from this department propose individual program for the execution of prison sentence and propose the prison or jail in which the sentence is going to be executed.

Upon arrival to prison or jail inmate is accommodated in special reception premises where he/she may stay no longer than 30 days. The purpose of this initial phase is to collect all information necessary for the determination of individual program for the execution of prison sentence. Individual program is (Law on the execution of prison sentence, 1999, 2003, 2007, 2008, 2009: Article 69,) a set of pedagogic, labor, occupational, health, psychological and safety acts and measures used for planning of execution of prison sentence in the way appropriate to the characteristics and needs of a particular inmate as well as to the type and possibilities of a prison or jail. Individual program includes information on: allocation to unit, use of free time, special procedures (compulsory substance abuse treatment, social, psychological or psychiatric assistance, team and individual work), professional training and training, contacts with the world outside the prison or jail, benefits and special security measures, program for preparation for release and postrelease assistance. This program may be amended depending on the assessment of





prisoner's behavior and achieved results and circumstances which may emerge during the execution of sentence. Warden reconsiders individual program at least once in three months for prisoner who is serving prison sentence up to 5 years, and once in 6 months for prisoner who is serving prison sentence longer than 5 years.

Prisoner can be transferred into milder conditions of the serving a sentence (according to Article 153 of the Law on the execution of prison sentence (*ibid.*) the warden is obliged to consider a possibility of transfer of an prisoner after one half of the pronounced sentence has been served, and six months thereafter). Also, prisoner may be transferred (upon decision of the Prison Administration Head Office) to another prison or jail for the purpose of the implementation of the program of the execution or when it is necessary because of the organization of execution of a sentence and of security.

Conditional release (parole) is defined by Criminal Code (Article 55): a person sentenced to imprisonment or long-term imprisonment may be released from the institution after having served at least one-half of the term or, exceptionally, after having served one-third of the term to which he has been sentenced, under the conditions determined in the Law on the Execution of Prison Sentence. Prisoner may be obliged to some activities on parole (e.g. continuation of substance abuse treatment or medical treatment, education, reporting to the execution judge, police station, probation service etc.). In December 2009 the Law on probation (2009) was adopted and few months earlier the Directorate of probation was established within Ministry of justice. There are big expectations of newly established probation system since it is believed that it will relax overcrowding (it was advertised that way), not only regarding prisoners on parole but also regarding increasing community corrections (because of significant number of prisoners serving a prison sentence up to three years).

4 CONTEMPORARY CONCEPT OF PRISONER REHABILITATION

Croatian prison sentence is rehabilitation oriented. As stated in the Law on the Execution of Prison Sentence "the main purpose of the execution of prison sentence is, in addition to human treatment and respect of dignity of the person serving prison sentence, to enable him/her for life in freedom in accordance with law and social rules". The main "classic" rehabilitation/treatment elements are: education, work, free time activities and contact with family.

Education is prisoner's right. Prison or jail organizes elementary education and professional training and acquisition of new working skills for prisoners, in accordance with its capacity. If they have not completed elementary school, prison or jail organizes elementary education for prisoners under 21 years of age (in 2008 almost 1/3 of juvenile prisoners didn't have elementary school). Literacy program for inmates are organized regardless of their age. Type of training depends on the abilities and preferences of inmates, the length of prison sentence and on other relevant circumstances. According to Prison administration data, less than 1/5 of the prisoners during 2008 had any vocation and they enrolled in some vocational training, and 18 % enrolled in informatic or foreign language courses.





Prisoner's diploma does not indicate that he obtained it in prison or jail. A prisoner may also be permitted to enroll into a secondary or university education at his/her expense if the educational program can be performed in accordance with the needs of security. Successful education is taken into account in treatment assessment (and positive treatment assessment is a condition for getting benefits, transfer to milder regime, parole etc.).

Work is also prisoner's right. The Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009) says that inmate shall be permitted to work² as far as his/her health capacity, acquired knowledge and possibilities of a prison or jail permit. An inmate may work outside prison or jail with another employer on basis of contract signed by the prison or jail and the employer and approved by the Prison Administration Head Office (compensation is determined pursuant to general bylaws of the employer). Working hours and recesses (daily, weekly and annual) are determined pursuant to general regulations. Prisoners are receiving compensation for their work from what is 30 % allocated to a savings account as mandatory savings and deposited with a bank or savings union (and he/she get that money on release from prison/jail). Compensation for work is exempted from taxation and payment of contributions. Prisoners predominantly work – it's good time to structure day in prison and is also taken into account in treatment assessment.

Prisons and jails are supposed to provide for room and equipment for meaningful use of free time for prisoners, in order to meet their physical, spiritual and cultural needs. Those activities are determined in individual plan and usually mean participation in workshops for painting, technical activities, music, literature, theater, journalism, computers, debate clubs, exercising etc. Possibilities of prison/jail are dictating number of these activities but enthusiasm of prisoners is more important. There is a rock band in prison in Glina (named „Not guilty“) – they participated in one theater play („Birds“ – play about prisoners who started a band in prison), and several prisoners from prison in Lepoglava (in cooperation with one producer) created a comedy „A Midsummer Night's Dream“ – a compilation of Shakespeare's plays and played it in several theaters in Croatia. Also, three prisoners from prison in Lepoglava shared their life stories in a documentary „What to do with yourself during the day“.

Prisons and jails have libraries; prisoners may purchase books, newspapers and periodicals at their own expense. Prisons and jails also organize various occasional sport and recreational competitions, lectures and artistic performances (at least once in three months).

Law on the execution of prison sentence regulates prisoner's contacts with the world outside prison (visits, family member visits, monitoring of visits, correspondence, telephone conversations, packages and exceptional leaves).

Croatian prison system offers six different treatment programs for specific offender population:

- Programs for drug abusers
- Programs for alcohol abusers

2 According to Croatian Constitution, there is no forced labour so prisoners decide whether they want to work during serving prison sentence and in that way prison work became a prisoners' right.





- Programs for offenders with posttraumatic stress disorder
- Programs for offenders with traffic offences
- Treatment of sexual offenders (“Prevention of recidivism and impulsivity”)
- Treatment of violent offenders (“Aggression Replacement Training – ART”)

All of these programs are focused on detecting and changing criminogenic needs. Criminogenic needs are a subset of an offender’s risk level. They are dynamic attributes of an offender that, when changed, are associated with changes in probability of recidivism.

There are two criteria for participation in correctional treatment programs: 1. a court order (security measure “obligatory substance abuse treatment” given with prison sentence), and 2. recommendation of a Department of diagnostics and treatment planning – as a part of individual sentence plan.

Drug abuse treatment in Croatian prison system is dating from the early 80’s of the last century and started in maximum security prison in Lepoglava. Today, the structured drug abuse treatment is conducted in 6 prisons and 9 jails. In prisons, treatment for that specific group of offenders is organized in a form of Therapeutic Community. It is important to notice that some drug abusers (mostly heroin addicts) are in substitution programs. As a substitution therapy Methadone and Subutex are used. This type of drug abuse treatment (substitution therapy combined with psychotherapeutic interventions) is the most common in prison in Lepoglava since this is a maximum security prison and a very large number of serious drug users serve their sentence there.

In prison in Turopolje drug abuse treatment is conducted since 1992. The most important elements of this program are: drug-free approach, often controls of abstinence and therapeutic contract (contract between the therapist and the client). Program consists of two parts: education/counseling and therapeutic community. Education and counseling is for those offenders who manifest their drug use on an experimental level – they are not addicts yet and they do not have very serious consequences from drug use. Drug addicts with a mandatory treatment and those with recommendation of a Department of Diagnostics and Treatment Planning are included in a therapeutic community.

The main goals of drug abuse treatment is establishing abstinence, developing social skills, emotional control, developing responsible behavior and tolerance. But the most important goal is reducing relapse. The program is carried on by the two therapists that work in the prison in Turopolje – psychologist and social pedagogue. The program is performed in a small groups (10 members), 1 hour per week and provides a possibility of continuing the treatment after ending the sentence. The prison is connected with the institutions and non-government associations for drug abuse treatment and that cooperation allows former drug addicts and their families to continue the treatment in the community. There is no systematic evaluation of drug abuse treatment in Croatian penal system and that represents a very important issue discussed in many debates and professional meetings.

Alcohol abuse program exist since 1966 and in that time it was conducted only in prison in Lepoglava. Today, these programs are implemented in 6 prisons and





2 jails. Alcohol abuse treatment is conducted in a form of modified therapeutic community and follows the form of treatment in the community. That provides the successful post penal continuation of treatment. The alcohol abuse treatment is, in some parts, very similar to the drug abuse treatment. Treatment is conducted in several phases: diagnostics, motivational interviewing, education, individual and group treatment, family therapy, therapeutic community, post penal treatment. In prison in Turopolje, alcohol abuse treatment takes up a form of a small group (10-15 members), 1 hour per week. The criteria for including the person in program of treatment is alcohol addiction and committing a crime that is connected with the alcohol abuse.

The program is carried on by the two therapists – a social worker and a sociologist with a social pedagogue as a supervisor. They all work in the prison in Turopolje. There is no systematic evaluation of alcohol abuse treatment.

Kovčo Vukadin, Vlaisavljević and Brlić (2004) conducted research on inmates' perception of the substance abuse treatment in maximum security prison Lepoglava on the sample of 108 prisoners participating in two addiction programs (drugs and alcohol). Generally speaking, the results from this study showed positive inmates' perception and attitudes (they found those programs useful) although inmates included in the drug abuse treatment expressed far more negative attitudes toward treatment they are participating in than those participating in the alcohol abuse treatment.

The treatment of sexual offenders started in 2005 in the prison in Lepoglava by the name "Prevention of recidivism and control of impulsive behavior". This program was very soon implemented in prison in Glina and jail in Gospić. During 2007 and 2008, National Agency of correctional institutions in the Netherlands provided an education on working with sex offenders for the professionals working in Croatian prison system.

The knowledge from this education was implemented in Croatian prison system through a program "Prevention of recidivism and control of impulsive behavior" that is targeting specific group of offenders – sex offenders.

Theoretical background of this program is Marshall's (Marshall and Barbaree, 1990) multifactor theory that takes into account biological, social and individual or situational causal factors. Also, relapse prevention model is used.

The specific goals of this program are reducing impulsivity, controlling sexual drives, developing empathy, and the main goal is reducing recidivism connected to criminal sexual behavior. The sex offender treatment program is conducted in a form of small group sessions (about 10 prisoners), 1 hour per week, during 10 month. Cognitive behavioral approach is also applied. Most offenders who have completed the program are still serving their sentence – for them, a short review of the program (to «refresh» their memory), will be provided before they go back in the community. Apart from that, the continuation of the program is being organized within the probation system but some time will take before structured treatment of sex offenders, followed by the supervision and evaluation, will become a part of Croatian probation system.

The structured treatment of violent offenders in Croatian prison system started in 2007 in prison in Lepoglava. This treatment program was also created





in cooperation with National Agency of correctional institutions in Netherlands. Program is based on Aggression Replacement Training (ART) and cognitive-behavior approach. The specific goals of this program are inducing positive changes in behavior and communication and reducing number of violent offences inside the prison. The long term goal is reducing recidivism connected with violent behavior.

The program is carried on by the two therapists, both qualified for conducting ART Training. This special program lasts 10 weeks and sessions are organized in a form of small groups (5-10 prisoners), twice a week in duration of 90 minutes.

It is also important to mention a program created for violent offenders in jail in Gospić that is based on Anger Management Control.

Systematic evaluation for both of these programs for violent offenders will soon be conducted and published.

In Croatian prison system there are two more special treatment programs – for prisoners with posttraumatic stress disorder and offenders involved in traffic offences.

Treatment of offenders with posttraumatic stress disorder started in the year 2000, in prison in Lepoglava. Today, such programs are conducted in a form of group therapy in 6 prisons and in a form of individual therapy in every jail in Croatia.

Treatment of offenders involved in traffic offences (causing traffic accident) started in the year 2005 and it was created and first conducted in the prison in Lipovica-Popovača. Some of the goals of this program are learning traffic regulations, developing empathy for victims, learning about consequences of violation traffic regulations, developing emotional control, etc. The main goal is reducing recidivism connected with criminal behavior in traffic. Systematic evaluation for this program is planned but still not conducted.

In 2008 976 prisoners were participating in special treatment programs: 443 in drug abuse program, 272 in alcohol abuse program, 158 in PTSD program and 101 in others.

Preparing for release and after release assistance are very important treatment part of prison sentence. Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009) defines after – release assistance as „a set of measures and procedures which are applied with the purpose on inclusion of released inmates into life in freedom, and it consist of: providing food and accomodation, providing medical treatment, advice on the selection of permanent or temporary residence, reconciliation of family relations, seeking employment, completion of professional training, granting financial support for the coverage of indispensable needs and other forms of assistance and support.“ Preparation for release starts upon prisoner arrival in the prison or jail. Prisoners are encouraged to participate in the program of the preparations for the release (program is a part of individual program), „particularly to maintain relations with the family, to keep in touch with state authority bodies, institutions and associations and the persons engaging in an organized manner in the inclusion of the convict into life in freedom“ (ibid.: Article 164).





Probation office (according to the Law on probation, 2009) will take care of preparation of after – release assistance (previously duty of prisons and jails).

Last amendements of the Law on the execution of prison sentence (2009) introduced obligation of informing the victim of sex crime and violent crime about prisoner release.

After releasing from the prison or jail the released person may contact competent executing judge for assistance and support. The executing judge is cooperating in these matters with the Center for social care and is authorized to make a written order to Center for social care for performing activities of after – release assistance.

5 PRISONERS RIGHTS AND COMPLAINING PROCEDURE

Before explaining complaining procedure, basic information on prisoner rights should be presented. Fundamental rights and their restrictions are stated in Article 3 of the Law on the execution of prison sentence (1999, 2003, 2007, 2008, 2009): an inmate shall enjoy the protection of fundamental rights established in the Constitution of the Republic of Croatia, international agreements and this Law. Fundamental rights may be restricted only to the extent necessary for the achievement of the purpose of punishment and subject to the procedure specified in Law. Law provide prohibition and punishment of any form of torture, maltreatment or humiliation of inmates, or medical or scientific experiments.

According to the Law on the execution of prison sentence, inmates have following rights:

1. accomodation respecting human dignity and health standards (at least 4m² and 10m³ of space per inmate; light, sanitary equipment, heating and ventilation);
2. protection of personality and ensuring confidentiality of personal data (they are considered as official and professional confidential information; prison staff have limited access – according to the job position – to prisoners' personal information);
3. regular portions of food and water in compliance with medical standards (at least three meals comprising at least 3.000 kcal a day; for sick and pregnant prisoners a medical practitioner proscribes type and quantity of food);
4. work;
5. training;
6. expert legal assisance and legal remedies for protection of his or her rights (each prisoner is entitled to legal assistance for the protection of his/her legal interest);
7. medical care and protection of maternity (inmates are entitled to medical and dental care and prosthetic and other devices - glasses, hearing devices or other. Pregnant women shall be accomodated in Maternity ward six weeks before due date. After delivery she will be sent to the Mother and child ward in which she stays until child's third birthsdays);





8. contacts with the outside world (inmates shall have the right to receive visits by family members two times per month and on holidays for at least one hour. Minor children may visit their parents every week and on holidays.);
9. a minimum of two hours a day to be spent outdoors within the prison or jail;
10. correspondence and conversation with his/her attorney (the right to write letters to their attorneys, to state authorities and to international organizations for the protection of human rights, without restriction or supervision. The right to receive visit of their legal representatives);
11. exercise of religion and contacts with authorized religious representatives (if a larger number of inmates in the same prison or jail belong to the same religion, their priest shall be granted appropriate space and time for the purpose of religious service at least once in week);
12. getting married in prison or jail;
13. the right to vote on general elections;
14. inmates – foreign citizens shall be entitled to correspond and have conversations with diplomatic and consular representatives of their country or of a state protecting their rights;
15. other rights envisaged in this Law.

Besides those rights, inmates can enjoy a number of benefits (listed in detail) which can be categorized in three following groups: 1. easing conditions within prison or jail, 2. reducing restrictions for movement within prison or jail, 3. more frequent contacts with the world outside of the prison or jail.

The Law on the execution of prison sentence lists in detail disciplinary offences and disciplinary proceedings.

In order to guarantee legally proscribed prisoners' rights, Croatian law envisaged three types of monitoring: 1. administrative supervision, 2. parliamentary supervision and 3. judicial supervision. **Administrative supervision** is performed by the Prison Administration Head Office (there are two types of this supervision: 1. supervision of the compliance with the law of the workings and procedures, documents issued within responsibility of the warden as well as to the purposefulness of the internal organization of penitentiaries and 2. inspections – direct insight into general and special administrative acts, working conditions and methods in penitentiaries, as well as into the treatment of prisoners). Warden also supervises legality of the procedures in penitentiary.

In 2008 Central Office of the Directorate for Penitentiary System conducted 26 supervision visits and 9 inspections. Besides administrative supervision performed by Central Office of the Directorate for Penitentiary System, there are some specific supervisions performed by Ministry of health and social care (for health care of prisoners) and Ministry of science, education and sport (for prisoners' education and training).

The second type of monitoring prisoners' rights is **parliamentary supervision** performed by ombudsman who is legally obliged to inspect (once in two years) all facilities for the deprivation of liberty. He submits annual reports to the





Croatian parliament³. According to Report on work for 2008 (Ombudsman, 2009), the Ombudsman examined 8 jails and 5 prisons and report that „the problems involving the accomodation conditions in the prisons and penitentiaries mentioned in his previous reports (such as the overcrowdeness, accomodation, lack of work, the treatment of prisoners) are not only still present, but they even deteriorated considering that in certain segments the number of prisoners had risen even more. However, it must be pointed out that in the visits it was established that in entire prison system, either on the basis of the Ombudsman’s recommendations or at their own initiative, there are numerous activities being taken to improve the living conditions of persons deprived of their freedom. Although as a rule the activities are small in scale and are mostly funded by the prisons in line with their resources (such as adaptations of bathrooms, restrooms, the repair of installations, new boilers, new beds, re-arranging the walking yard to enable longer stay in the fresh air, the removal of partial removal of shades, etc.), they do present a contribution to the raising quality or at least maintenance of the minimum living in prison system.“ Overcrowding is recognized as a main underlying reason for contemporary prison system standard. This led to rearrangements of space in jails and prisons in a way that all available space is turned into sleeping rooms which resulted in jeopardising certain prisoners’ rights guarantied by national law and international standards (propper accomodation, a minimum of two hours a day in fresh air, work, healthcare etc.). Overcrowding affects treatment in prisons due to lack of treatment department staff and constantly growing number of prisoners (therefore the prisoners complain that noone talk to them, they are not involved in treatment programmes, training etc.). Ombudsman expressed his intention to monitor all measures aimed to reducing the prison population and increasing the accomodation capacities, namely issuing of detention, the issuing of alternative sanctions, the establishment of the probation system, the building of new capacities, the shortening of the duration of detention.

Croatia doesn’ have an independent body for monitoring treatment of prisoners (Council of Europe, 2006: Article 93.1).

The third type of monitoring prisoners’ rights is **judicial supervision** performed by the executing judge. This is a new institute in Croatian law based on the idea of the judiciary participation in implementation of prison sentence; the idea adopted in international law and in many state laws.

The executing judge is established within a county court and for the territory of the court’s jurisdiction (Law on the execution of prison sentence, 1999, 2003, 2007, 2008, 2009: Article 41). The Center for the execution of prison sentence is established within a county court on the territory of which a prison or jail is located. The basic job of the executing judge is to protect rights of inmates, supervise legality of procedure of the execution of prison sentence and to ensure equal rights and equality of prisoners before law. In 2008 the execution judges received 102 prisoners’ complaints, 61 for denial or limiting some rights and 41 for decision on disciplinary responsibility.

3 Annual reports are available in english at: <http://www.ombudsman.hr/en/annual-report.html>





Prisoners have right to file complaints concerning the treatment and decisions of prison or jail employees to prison staff, Prison Administration Head Office, executing judge, to other representatives of state (ombudsman, Public prosecutor, ministries) and international organisations and non governmental organisations for protection of human rights (International Committee of the Red Cross, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, The Croatian Helsinki Committee for Human Rights and others). When prisoner has used all the remedies in the Croatia and still thinks that his complaints weren't adressed properly he may file complaint to the European Court of Human Rights (there are several judgments on living conditions in a prison and lack of adequate medical care in a prison which constitute the violation of the prohibition of degrading treatment – Article 3 of the Convention for the protection of Human Rights and fundamental freedoms, 1950).

6 CONCLUDING REMARKS

Historically speaking, Croatia has a long tradition of rehabilitation/treatment orientation: laws frequently emphasized helping prisoners to become law-abiding citizens as a purpose of a prison sentence (it should be noted, however, that some time periods showed significant discrepancy between declarative and practical picture). Work, education and relationships with a family and social surrounding were traditionally perceived as basic „tools“ for successful reintegration of prisoner in society. In last few decades, the need for special rehabilitation programs (for certain types of offenders) was recognized. Some were developed and some are still developing. In spite of many activities, constant lack of program evaluations can be noted. Evaluation process should be implemented in rehabilitation plans from the beginning because evaluation gives valuable feedback of achieved results and indicate to need for program modification.

The biggest problem of current Croatian prison system is overcrowding. It has a negative impact on all aspects of prison life – for prisoners and for staff as well. Because of that, in January 2009 new minister published document entitled „Information on actual situation in prison system and action plan for improvements of prison system of the Republic of Croatia“ in which 5 area are recognized as priorities: 1. improvements of accommodation conditions for prisoners (more rational usage of existing capacities, introduction of probation system and building new prison for 500 prisoners), 2. staff employment, education and information integrating, 3. equipment acquisition, 4. setting up independent body for monitoring prison system, and 5. re-organization and strengthening of the prison system.

It could be concluded that Croatia has modern legal frame for meeting the majority of internationally recognized prerequisites for prisoner's rehabilitation and reintegration. The first and the most urgent task is solving overcrowding. After that, further progress should be made regarding adequate staffing and continous in-service training, and development of carefully planned rehabilitation programs





for prisoners. Parole period should be better structured and monitored to support prisoner in that „transition“ period.

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