

Treatment of Convicts in the Rehabilitation Process – International Standards

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Abstract¹

Adequate organization, both of the educational and the work process, is a prerequisite for the success of the effects of treatment in the process of resocialization of convicts. The survey data shows that 58% of convicts are involved in some of the work processes, and that 42% of convicts are out of work at the institute. Also, of the 200 convicts, 55 of them have only eight-year school, or do not have a full primary school, 118 have completed high school, and 27 convicts have higher or higher school qualifications.

The decline of man's physical abilities is a consequence of the reduced need for movement, which can be compensated only by daily exercise and the adoption and maintenance of hygiene habits, a healthy diet, fostering a humane relationship between people, a better and more successful life. According to the data, although there is a will for recreation, there is no condition. Thus, in the Correctional Institution for Women in a semi-open and open department, on a sample of 100 respondents, 31 of them declared that sports and recreational activities do not take place, as well as in the closed department, out of 100 of them, 69 declared that there are no adequate conditions for recreation. Recreation may not attract the attention of every prisoner, the research concludes, but they give a strong emphasis on the individualization of the individual's various forms of interest. Together with other innovative approaches – as a role in promoting renunciation by motivating, engaging and inspiring individuals, as well as promoting meaningful and constructive therapeutic connections and support opportunities, recreational sport can be used as a platform to facilitate other innovative prison-based programs.

Keywords: education, work process, sport, sanctions, re-socialization

I. Introduction

Practice shows that the effects of punishment of detention are very modest, precisely because the level of recidivism has been increasing in recent decades. The overpopulation

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of the convict population leads to disorganization and a general crisis of the prison system. The structure of committed criminal offenses is moving in the direction of committing a number of the most serious crimes with elements of violence, terrorist offenses, the structure of convicts is increasingly complex both in the criminological and psychological sphere, there is an increasing number of addicts from psychoactive substances, the material position of prisons and employees is very poor, inadequate personnel potential, unmotivated employees and the like². International law stipulates that prisoners, although they lose their freedom while serving their sentences, must not lose other rights, including the right to play sports and physical activity, the opportunity to receive education, retraining and other activities, at the disposal of the prison itself. Research shows that sport not only contributes to better physical condition and health, but also to the social integration of people who play sports.

Improvements include: developing self-control, easier cooperation with others, getting used to playing according to the rules, developing self-awareness and cognitive competencies, education through sports activities, development, joy and enjoyment of winning in a positive way. The individual seeks to find out what makes him unique, special, different from others, what his strengths, what are his disadvantages and weaknesses³. Physical activity is the basis for preserving health, normal functioning of organs as well as preserving the biological status of man with nature. Any imbalance, limiting the motor functions of the most vital organs, leads to a violation of both functional and organic character, which threatens the biological status of man. In order to preserve health and create good habits, the State is obliged to take certain measures, in the form of the revival of sport and recreation both for the free and for people deprived of their liberty.

In the middle of 20. Century the tendency towards building a different model of execution of sentences of detention arises, which, compared to the classic model, does not rest on rigid rules governing the regime in prisons, but is the idea of dealing with convicts. Also, there is a need to define new correction programs, which are used in the process of resocialization⁴.

When we say the process of re-socialization, we mean the methods of observation of the person condemned with the aim of determining socio-psychological, criminological, medical and other personality traits, on the basis of which adequate treatment is determined. The results obtained by observation of personality can be used in various stages of resocialization, for successful work of pre-educational services such as educators, psychologists, instructors, sports officers and other participants in the implementation of correction programs.

The concept of treatment can be viewed in a broader and narrower sense. Treatment understood in a broader sense refers to the treatment of perpetrators of criminal offenses both in criminal proceedings and in the process of execution of criminal sanctions and later in the postpenal period, but it is viewed at all stages from the point

² J. Igrački, J. Ilić, *Application of alternative sanctions and crime prevention*, Court of Appeals in Kragujevac, No.1., Kragujevac, 2022, p. 71.

³ Z. Stevanović, J. Igrački, *Psychosocial characteristics of perpetrators of criminal offenses with elements of violence*, Criminal Law Instruments of Countering Terrorism and Other Violent Acts, Ministry of Justice of the Republic of Srpska, Serbian Association for Criminal Law and Practice, International Association of Criminalists Banja Luka, Teslić, 2016, p. 470.

⁴ J. Igrački, *Effects of Prison in The Resocialization of Convicts*, Institute for Criminological and Sociological Research, Belgrade, 2020, pp. 14-15.

of view of resocialization, as the most important goal of criminal sanctions⁵. The aim of the treatment is to eliminate the individual causes of crime in a process aimed at guiding the condemned through several stages, which include the acceptance of the current value system in society⁶. Prisoners are involved in certain forms of treatment, as Milutinović states, (a) moral-pedagogical upbringing and education of convicts; (b) work and professional training; (c) organizing leisure time (convicted leisure); (d) the participation of the convict in his re-education (e) the rewarding and punishment of the convict; (f) approaching the convict's treatment with the conditions of life at large and (g) the application of psychotherapy and group therapy⁷. In order to achieve such important and responsible tasks, professional educational staff is necessary. They represent the main carriers of the educational and correctional process and they are also the ones who directly approach convicts in changing the personality traits, as well as the behavior of convicted persons.

The role of the staff is⁸:

- To treat prisoners in a polite, humane and equitable manner;
- To make sure that all prisoners are safe;
- To make sure that dangerous prisoners do not escape;
- To ensure that there is good order and control in prison;
- To allow inmates to use their time in prison in a positive way, so that they can better fit into society after serving their prison sentence.

If convicts cannot be selected, staff are selected – Rule⁹ 46.1, which applies to staff of penal institutes, stipulates that "The directorate of penal institutes must carefully select staff of all degrees, because good management of penal institutes depends on the integrity of this staff, his humanity, his personal characteristics and his professional ability".

II. Normative regulation and jurisdiction of the prison system

The largest number of persons deprived of their liberty in Serbia are in institutions under the jurisdiction of the Ministry of Justice, i.e. Administration for the Execution of Criminal Sanctions: Correctional Institutions, District Institutes and Special Prison Hospital. Thanks to the fact that these institutions have been more open to citizens in recent years, it is possible to continuously monitor their work, which includes direct insight into the treatment of persons deprived of their liberty. The prison system in the Republic of Serbia plays an extremely important role in the process of crime control and in cooperation with other social mechanisms has an impact on other sociopathological phenomena. The systematic of legal acts governing the system of execution of criminal sanctions, in our legal system, can be carried out on: (a) legal provisions and (b) bylaws¹⁰. When we talk about laws that directly or

⁵ M. Milutinović, *Penology*, Contemporary Administration, Belgrade, 1977.

⁶ S. Lasseur, *Precis de criminologie et science penitentiaire*, Paris, 1968.

⁷ M. Milutinović, *cited*, p. 117 mark 118.

⁸ Law on Execution of Criminal Sanctions (Official Gazette of RS, No. 55/2014 and 35/2019).

⁹ *A set of minimum rules on the treatment of prisoners, adopted at the first UN Congress for crime prevention and proceedings with offenders in Geneva in 1955 and confirmed by the Economic and Social Council resolutions No. 663 (XXIV) in 1957 and No. 2076 (LXII) in 1977*. Translation taken from the Archives for Legal and Society's Doctrines, br. 4/1956, translated by prof. N. Srzentić.

¹⁰ Đ. Ignjatović, *The Right to Enforce Criminal Sanctions*, Faculty of Law, Belgrade, 2006, p. 79.

indirectly regulate the field of enforcement of criminal sanctions, we will list the following laws:

- The Criminal Code¹¹;
- The Criminal Procedure Act¹²;
- Law on the Execution of Criminal Sanctions¹³;
- Law on the Execution of Extrajudicial Sanctions and Measures¹⁴;
- Law on Juvenile Perpetrators of Criminal Offences and Criminal Law Protection of Minors¹⁵;
- Ministry Law¹⁶ and others.

Laws regulate the purpose of punishment, types of sentences as well as their execution, regulate the rules on parole, status of detainees, as well as the area of execution of criminal sanctions, types and types of institutes, services in institutes, internal organization of the prison system, management method, purpose of criminal sanctions, belonging to the portfolio etc.

Of course, in addition to the basic normative acts regulating the prison system, all other regulations apply to the functioning of the institute. Special importance for the enforcement of criminal sanctions is the observance of international rules, conventions, declarations and other recommendations governing standards in the field of enforcement of criminal sanctions. The more detailed standards set out in these principles, the minimum rules or guidelines, make it worth complementing the broader principles contained in legal contracts. These standards are: Standard Minimum Rules for the Treatment of Prisoners (1957); Principles for the protection of all persons under any form of detention or imprisonment (1988); Basic Principles for the Treatment of Prisoners (1990) and Standard Minimum Rules for the Treatment of Minors (1985).

There are also a number of instruments relating to staff working with people who are deprived of their liberty, and who in a specific way more closely regulate the areas that are relevant for the treatment of convicts and their stay in the institute. These documents are: Code of Conduct for Persons Responsible for Law Enforcement (1979), Principles of Medical Ethics relating to the Role of Healthcare Professionals, in particular Physicians, in protecting prisoners and persons in custody from torture and other cruel, inhuman or degrading sentences or acts (1982); and Basic Principles on the Use of Force and Firearms (1990). The importance of regulating all segments of the life of convicts in the institute, aims to prevent and prevent all circumstances that may occur during the stay in the institute. The aim of prescribing rules and procedures of conduct is in favor of the realization of the rights of each prisoner. In a broader sense, the responsibility of the state to ensure adequate and effective treatment, and care for the convict while serving his sentence.

¹¹ Criminal Code (Official Gazette of RS, no. 85/2005, 88/2005 – ispr., 107/2005 – ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019).

¹² Law on Criminal Procedure (Official Gazette of RS, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – Decision US and 62/2021 – Decision US).

¹³ Law on Execution of Criminal Sanctions (Official Gazette of RS, No. 55/2014 and 35/2019).

¹⁴ Law on Enforcement of Extrajudicial Sanctions and Measures (Official Gazette of RS, No. 55/2014 and 87/2018).

¹⁵ Law on Juvenile Perpetrators of Criminal Offences and Criminal Law Protection of Minors (Official Gazette of RS, No. 85/2005).

¹⁶ Law on Ministries (Official Gazette of RS, no. 128/2020).

While the provisions on the manner, methodology and objectives of dealing with prisoners are clear, there is diversity in practice. Meaningful prison work, education, sports and recreational activities and active leisure time, sometimes deviate from the basic principles of legal national as well as international acts, oriented to training, self-development and resocialization of prisoners.

III. Rights and benefits of the condemned

The fundamental rights of those convicted of his special rights¹⁷ are clearly demarcated, although these two categories naturally and logically build on each other, and are regulated by the Law on the Enforcement of Criminal Sanctions¹⁸. The convicted person is granted special rights as a reward for his good behavior and advocacy at work, which is a realistic basis for confirmation and positive prognosis of the behavior of the convicted after his release. Special rights are granted to a convicted person by the head of the institute on the proposal of the re-education service and can only be exercised by the condemned person who deserves them, and thus the Law specifies special rights that may be granted to the convicted person.

According to the place of use, the benefits are divided into institute benefits, which are used in the institute itself and extra-judicial benefits, which are used outside the institute. Analyzing the type¹⁹, frequency of use and abuse of special rights and benefits given to convicts (on average in the last five years), it is observed that the highest frequency of use of regular weekends (45.71%) and regular going out to the city (22.81%), which is a total of 67.10%. All other special rights are used significantly less (32.90%). If we look at the number of abused benefits, we can see that abuses of the benefits used are very small, almost negligible and range below 1%, within the scope of the benefits used. Such a small number of abused benefits indicates that the assessments of professional services are good and that these benefits mean a lot to convicts and do not want to abuse them, and therefore not lose them. This indicates that the convenience mechanism is quite good and that it works successfully. Respect for order and discipline imposed by the regime of life in the correctional institution is a necessary prerequisite for the realization of all legally guaranteed rights of convicts and a prerequisite for the successful and unimpeded implementation of the re-socialization program.

Inmates engage in work and education programs, but, they are often lacking in establishing true meaningfulness of time spent in prison. A lot of inmates, especially prisoners awaiting trial, spend most of their days indoors in a rather confined space, with limited access to daylight and fresh air. In such circumstances, it is fundamental for both physical and mental health, that prisoners have an appropriate period of time for daily outdoor sojourn, as well as have the opportunity to walk. Data²⁰ obtained

¹⁷ Special rights is the name for benefits. In all previous laws on the execution of criminal sanctions, the term convenience was used.

¹⁸ Law on Execution of Criminal Sanctions (Official Gazette of RS, No. 55/2014 and 35/2019).

¹⁹ Z. Stevanović, *Treatment of Prisoners in the Prison System of Serbia*, Institute for Criminological and Sociological Research, Belgrade, 2014.

²⁰ J. Igrački, *Research conducted in Mitrovica Penitentiary, Pozarevac-Zabela Prison and Women's Prison in Pozarevac*, Approval of the Ministry of Justice, Directorate for Execution of Criminal Sanctions, No. 704-00-2/2021-03-65, 2021.

from employees of 25 institutes on the territory of the Republic of Serbia clearly indicate that there is a lack of professional staff, who are in charge of sports and recreational activities, as well as that the conditions for their implementation are lacking. Out of 25 institutes, the Organizer of Cultural, Educational and Sports Activities, employs a professional in 5 institutes, sports and recreational activities are performed by educators in 15 institutes, in 2 institutes they are commanders, in 3 institutes they are in charge of sports and recreational activities from the security service. The data we analyzed confirmed earlier knowledge that a significant number of employees in Serbian prisons by basic education are not professionally competent to work with prisoners (professors of history, Marxism, defense and protection, geography, political scientists, mechanical engineers...). They need to further organize education and/or engage experts in specific fields to improve treatment and create new programs aimed at reducing recidivism of prisoners.

IV. Professional activities and leisure behind bars in serbia and international standards

The recommendations of the European Union and other international treaties²¹ stipulate that prison sentences should aim to facilitate the reintegration of offenders into society. Education and work are an integral part of the modern prison system, but also insufficient, because time in prison must be meaningful and useful spent both in prison and after serving a prison sentence. In the section, *Contacts with the Outside World, Prison Regime, more*²² closely regulates leisure time and in Article 25.1, the Prison Regime must provide for a balanced program of activities for all prisoners, and 25.2 This regime should allow all prisoners to spend outside the cells as much time as necessary for an adequate level of human and social interaction. According to international standards, prison work is no longer considered a source of profit, but is associated with the purpose of daily routines and important for integration as well as education and various forms of education. The space of free time remains open, so convicts, in most cases, organize themselves. Spending free time or sports and recreational activities are closely related to self-expression, increased self-esteem and internal motivation.

Reaffirming the standards contained in the recommendations of the Committee of Ministers of the Council of Europe, relating to specific aspects of criminal policy and practice and in particular Recommendation Rec (89)12 on education in prison, Recommendation Rec (93)6 on prison and criminological aspects of the control of infectious diseases, including AIDS and other health problems in prison, Recommendation Rec (97)12 concerning staff in charge of implementing sanctions and measures, Recommendation Rec (98)7 on ethical and organizational aspects of health care in prison, Recommendation Rec (99)22 related to overpopulation and increase of prison population, Recommendation Rec (2003)22 on parole, and Recommendation Rec (2003)23 on the conduct of the prison administration in terms of life sentences and other long prison sentences.

²¹ See Recommendation REC (2006), 2 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).

²² European Prison Rules, (2006), Council of Europe, Belgrade, p. 19.

Research data²³ indicate that most inmates are engaged in some kind of work, educational program, sports and recreational activities, but these programs do not achieve the goals they have set for themselves. Examining the scope of application of forms of educational-corrective work with convicts, the results show that individual work is applied in 78%, group work in 15% and all other forms of work in 7% of cases²⁴. When it comes to the education and vocational training of prisoners, as an important factor in the process of resocialization, expectations have been betrayed. The process of inclusion in life at liberty precedes education and training within the prison, to which convicted persons are entitled.

The educational structure, i.e. the professional qualifications of most of the staff in the treatment and training services, is not in accordance with the specific needs of the prison population with whom they work²⁵. Also, there are no confirmed opinions that educating an individual will significantly reduce the crime rate, i.e. that convicts, who have completed a certain educational process in the institute, will stop committing criminal offenses.

On a sample of 200 convicts, the results show that 55 of them are only with an eight-year school, or do not have a full primary school, 118 have completed high school, and 27 convicts have higher or higher school²⁶ qualifications. Of course, the educational process has a great impact on developing persons, on young people who are just forming, but for the education of adults, already structured criminals, this process has limited opportunities. When we talk about the work engagement of convicts, the situation is no better. Convicts are less and less engaged in production facilities, the interest of instructors is weakening, and convicts have more and more meaningless time when they are not occupied²⁷ by anything. The survey data indicates that 58% of convicts are involved in some of the work processes (including regime jobs-maintaining prisons), and that 42% of convicts are out of work in the institute²⁸. The question is justified, are the legal obligations of the Institute to provide the convict with primary and secondary education²⁹, to provide conditions for work³⁰, whether in the institute or outside it? Prisoners have a limited selection of sports and recreational activities, and therefore do not see the ultimate purpose of the activity.

Fun forms of entertainment separate prisoners from negativity and facilitate the daily life of prison, routine, limited schedule, discipline and control and encourage positive thinking³¹. One of the common ways of coping that is available to all convicted

²³ The research was conducted at the Correctional Institution in Pozarevac-Zabela, on a sample of 200 convicts of different status in relation to: the amount of sentence, the length of the sentence in prison, age, the type of crimes committed and other characteristics. Toy J., (2020).

²⁴ J. Toy, *Effects of Prison in The Resocialization of Convicts*, Institute for Criminological and Sociological Research, Belgrade, 2020, p. 87.

²⁵ B. Knežić, *Education of convicts: a way to be free*, Institute for Criminological Research, Belgrade, 2017.

²⁶ J. Igrački, *Effects of Prison in The Resocialization of Convicts*, Institute for Criminological and Sociological Research, Belgrade, 2020, p. 89.

²⁷ Z. Stevanović, *Treatment of Prisoners in the Prison System of Serbia*, Institute for Criminological and Sociological Research, Belgrade, 2014

²⁸ J. Igrački, *Effects of Prison in The Resocialization of Convicts*, Institute for Criminological and Sociological Research, Belgrade, 2020, p. 91.

²⁹ The Law on the Execution of Criminal Sanctions, Art. 122 and 123.

³⁰ The Law on the Execution of Criminal Sanctions, Art. 98-108.

³¹ G. Carvalho, R. Capelo, D. Nunez, *Perspectives of the future when time is suspended: an analysis of prisoner discourse*, Time & Society, Vol. 27, 2015, p. 303.

persons is to think positively about future plans, as well as planning a better life after serving a prison sentence. The Regional Committee of Calabria in Italy has approved a law that will reward inmates for reading books by reducing their time in prison. Under the proposal, prisoners will be reduced by three days for each book they read, and the maximum is set at 48 days over a one-year period – equivalent to 16 books in twelve months. The offer would only apply to inmates serving their sentences for more than six months, and the advancement of prisoners would be supervised by prison educators to prevent cheating³².

In 2010, IGNOU³³ announced its "Free Education for Prisoners" initiative and waived fees for all inmates who wanted to pursue the University's programs. The move marked a significant milestone in encouraging and rehabilitating inmates to improve their quality of life after their release from prison³⁴.

Prisoners in Saudi Arabia will receive handicraft training to give them a decent life after their release. The National Handicrafts Program, a leading program of the Saudi Tourism and Antiquities Commission, signed a memorandum of understanding (MoU) with the General Department of Prisons and the Corporation of Technical and Vocational Education to train prisoners for the production of handicrafts. The MoR aims to include training programs for handicrafts in the Kingdom's prisons, while developing the skills of prisoners that will allow them to train their colleagues. The MoR also stipulates that the three parties cooperating on the initiative will take responsibility for the marketing of inmates' products. The agreement aims to provide employment opportunities for inmates who complete training and reward them with cash rewards upon release³⁵.

According to the research³⁶, eleven inmates at the Minimum Security Tung Tau Correctional Facility in Stanley, Hong Kong, recently passed a written exam for a taxi driver's license. They were among 13 inmates who had taken a new taxi driver training course at the Department of Correctional Measures, during which they attended classes 48 days before taking the test. The course allows prisoners to obtain permits after their release. In addition, 15 of the 16 inmates who attended a 100-day assistant travel agent course passed the test. The course taught skills such as customer service and working with travel agency computer programs. The courses are part of the department's voluntary vocational training program, which offers more than 30 courses in 13 prisons in crafts for which there is a high demand. It aims to help prisoners find careers and reintegrate into society when they are released.

The research³⁷ also shows that a group of inmates at a prison in Berlin's Tegel, Germany, set up a union in an attempt to campaign for a minimum wage and a pension system for prisoners. Inmates are excluded from national pension schemes and the national minimum wage, which in Germany's case plans to take effect in 2015 at a

³² q=icps_news_digest_may_jun_2014_0.pdf&rlz=1C1PRFE_enRS690RS691&oq=icps_news_digest_may_jun_2014_0.pdf&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBDTMzNDM2MzY3ajBqMTWoAgCwAgA&source=chrome&ie=UTF-8#vhid=bYNb6l0JM0eJjM&vssid=l.

³³ <http://www.ignou.ac.in/> retrieved 7/23/2023.

³⁴ *Ibidem*.

³⁵ q=icps_news_digest_may_jun_2014_0.pdf&rlz=1C1PRFE_enRS690RS691&oq=icps_news_digest_may_jun_2014_0.pdf&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBDTMzNDM2MzY3ajBqMTWoAgCwAgA&source=chrome&ie=UTF-8#vhid=bYNb6l0JM0eJjM&vssid=l.

³⁶ *Ibidem*.

³⁷ *Ibidem*.

price of 8.50 euros (£6.90) per hour. Prisoners in Berlin Tegel earn between 9 and 15 euros a day, depending on their qualifications. The Berlin union, which is registered as an association with no legal status and claims to have collected numerous signatures in prison, criticized the exemption of inmates from minimum wage plans. It said the lack of pension schemes meant many elderly prisoners were released right into poverty.

When we talk about leisure and sports and recreational activities, we believe that there is an intention to implement future visions of using leisure time in correctional institutions for the development of new skills, self-development and discovery of new hobbies. Prisoners emphasize that engaging in sports and recreational activities is useful and positive for them, and that the use of free time while serving their sentences significantly contributes to future plans, changes in lifestyle, improvement of the atmosphere in prison, reduction of tension³⁸. The research shows that the degree of interest and level of involvement of convicts in sports and recreational activities is that out of 200 convicts, 30% are engaged actively, 52% are occasionally involved in sports and recreational activities, and 18% declare that they are not involved³⁹. The results clearly tell us that there is no motivation among convicts to actively engage in organized leisure time. Since it is free time⁴⁰, the time where convicts have the right to spend outside closed spaces in the fresh air for 2 hours, and to have the right to organized physical activity, including the right to use sports fields and equipment together with other convicts, is nevertheless insufficiently and purposefully used.

In the execution of institutional sanctions against minors, leisure time and leisure activities, special attention is paid. Most often, as instruments for the resocialization of minors, the following programs are used: educational programs, occupational therapy, programs of leisure activities – cultural entertainment and sports programs, stimulating-motivational programs – benefits, reward and punishment, programs of cooperation with the social community etc. The implementation of these programs is carried out through individual and group forms of work⁴¹.

The content and organization of leisure activities of minors is adapted to the age, mental and physical development and needs of minors⁴². For the purpose of comprehensive educational activity on minors, preservation and development of psychophysical abilities and raising his cultural level, various activities are organized in the institute in their free time⁴³. These activities, in our institutes, can be classified into three categories:

- sports and recreational activities (active or recreational activities or monitoring of sports activities);

³⁸ See D. Gallant, E. Sherri, M. Nicholson, *Recreation or rehabilitation? Managing sport for development programs with prison populations*, Sport Management Review vol. 18 issue 1, 2014, DOI: 10.1016/j.smr.2014.07.005; R. Meek, G. Lewis, *The Impact of Sports Initiative on Young Men in Prison: Perspectives of Staff and Participants*, Journal of Sport and Social Issues, Vol. 38, 2014, pp. 95-123.

³⁹ J. Igrački, *Effects of Prison in The Resocialization of Convicts*, Institute for Criminological and Sociological Research, Belgrade, 2020, p. 93.

⁴⁰ The Law on the Execution of Criminal Sanctions, Art. 80.

⁴¹ Z. Stevanović, J. Igrački, *Application of preventive programs in working with juvenile offenders*, Proceedings of the Institute for Criminological and Sociological Research, Belgrade, 2015, p. 169-180.

⁴² Regulation on house rules of the Correctional Institution and the Rulebook on house rules of the juvenile correctional institution ("Official Gazette of the Republic of Serbia", No. 34/2006).

⁴³ Article 80 Regulation on House Rules in a Juvenile Correctional Institution ("Official Gazette of RS", No. 34/2006).

- cultural and entertainment activities (sections, cinemas, reading books, publishing a convict's paper etc.)
- convicted leisure, relaxation and rest (activities that do not require physical and mental exertion, but have a relaxing character).

Outside of work and education, prisoners largely define their free time on their own, because they do not have a professional person, in most institutes, which is in charge of this form of recreation. In conversation with the convicts and with the professional staff, we came to the data that this position, The Sports Officer, is not filled with an adequate profession, but these jobs are handled by educators or commanders. Convicts engaged in recreational sports, along with other forms of occupation, believe that the primary source of social adaptation to the prison environment allows them to reduce tensions and adapt to the existing situation. Based on data from various studies, sports and recreational activities are one of the most important means for maintaining emotional balance and mental health in prison, as well as for combating stress and tension.

V. Possibilities of the institute in the engagement of convicts in recreational sports

As Aristotle has noted, "Nothing so exhausts or destroys a man as long-term physical inactivity."

The prison system is increasingly recognizing the value of sport. Its effects are very beneficial for people in detention and for prison life in general. However, looking at the goals to the challenge, we can see that the link between sport and prison is complex and in order to better understand and see what lessons can be learned, an in-depth process of thinking is needed, based on current scientific knowledge in this field and on state policies and practices applied in prisons.

Sport and recreation in prison conditions should be considered a homogeneous entity, the primary recognized need, precisely because the diverse impact of sport and physical activity in different prison contexts, in different contexts of origin and need, different criminogenic requirements, direct research implication of recognizing the different uses and different effects of sport and physical activity on safe terrain, and the need to make greater efforts to determine which types of sports are. It is the most effective way to achieve certain goals, whether they are physical, psychological or social.

Research⁴⁴ conducted in three correctional institutions in the Republic of Serbia indicates that the need for sports and recreational activities is recognized, that convicts and employees have a clear attitude but that there are no conditions. Thus, in the Prison for Women in the semi-open and open ward, on a sample of 100 respondents, 31 of them declared, as well as in the closed department, out of 100 of them 69 declared that sports and recreational activities do not take place. The convicts indicate that they do not even have basic conditions for walking. They are interested in yoga, volleyball, swimming, dancing, aerobics, but that they have no conditions. In Mitrovica, the convicts have conditions, and indicate that competitions are also taking place in the local SC Partizan, chess and table tennis. The competition takes place once a year

⁴⁴ J. Igrački, *Research conducted in Mitrovica Penitentiary, Pozarevac-Zabela Prison and Women's Prison in Pozarevac*, 2021, Approval of the Ministry of Justice, Directorate for Execution of Criminal Sanctions, No. 704-00-2/2021-03-65.

and in a sporting and fair atmosphere, without incident. In the closed department of the Prison in Mitrovica, when asked what is missing to engage in sports and recreational activities, 55 of them answered that they lacked fields for small sports, for the football field 15 of them, the athletic track 11 of them, the gym 13 of them and the sports hall 10 of them, on a sample of 100 respondents. In the semi-open and open department of the Prison in Mitrovica, a smaller number of convicts due to work obligations participated, so in the semi-open department, 35 of them replied that they were interested in sports and recreational activities on a sample of 40 respondents, and in the open department participated 10 respondents and are interested in competitions, sports and recreation. They lack free time because they work in economics, agriculture, and other jobs. When it comes to the Pozarevac-Zabela prisoners, due to the renovation of the field, the hall, can only engage in lifting weights, which are improvised street gadgets, and playing football on a field that is in a very bad condition. The sample is for the open ward of 50 convicts, for the semi-open 50 and for the imprisoned 100 convicts. In this institution, competitions in indoor football and table tennis are held annually.

As for objects, props, equipment, terrain, equipment, indicators are very poor. These are clear indications that although the attitude of most penologists, criminologists, psychologists, medical staff, and other important professions dealing with this issue, that the free time of convicts, and sports and recreational activities must be approached with more seriousness and with new ideas and content, aligned with the modern time and structure and interest of convicts, and that the current effects of leisure activities do not contribute to the successful process of resocialization of convicts and their reintegration.

Inclusion in recreational sports activities is one of the diversionary measures in juvenile criminal legislation. By applying educational orders, in juveniles, personality assessment is also applied, applying psychological assessment, where recreational sports precisely in a creative way occupy the attention of minors in a quality and creative way, which achieves the elimination of various negative contents to which minors are exposed, and thus leads the minor to successful social inclusion. Bearing in mind the above, it is necessary to use sports in prison as a recreational activity in order to influence the behavior, but also the health of convicted persons, both minors and adults.

The key message is that sport in prison can and offers many opportunities, but that there are also complexities associated with the development, implementation and evaluation of sports programs in prison conditions and that these activities can benefit the most if they are characterized as a means by which social, psychological and physical changes are implemented, and not as a solution itself⁴⁵.

VI. Conclusion

The convicts should be helped to find a way to get out of prison with as few harmful consequences as possible and to get involved in life as easily as possible after the sentence expires. The legal basis for such an attitude is found in the Law on the Execution of Criminal Sanctions (2019) and in the bylaws that prescribe treatment.

⁴⁵ Popadić, D., Bačanac, Lj., Golić, M., Petrović, M., Vidović, S., (2011), Violent behavior towards younger children and young people in sports- research results and recommendations, Belgrade.

The question is whether the personnel in penal institutions are up to the challenges of modern penological treatment. Do they possess: penological, andragogical, psychological, medical, criminological etc. knowledge and skills in order to reach the standards of the modern world in which the basic rights of convicts are respected. The education of convicts, as a form of acquiring new knowledge, should be seen as an integral part of any socialization. The goal of education is for the individual to understand the conditions of life and relationships in society, and to concern his personality, motives and reality that life provides him even after he has been sentenced to prison and help him better integrate into the social environment. Although research points to a low rate of education in the prison system, one should not give up on educational treatment, because only in this way can we contribute to better resocialization of convicts. Experience in the application of work shows that working in prison contributes mostly to the socialization of the personality of convicts and the preservation of mental health. Research suggests that the majority of the prison population is involved in some of the work processes, but in order to achieve a full effect in the formation of the personality of convicts who, in the future, will not violate social norms, greater engagement of instructors and all staff employed in the prison system is needed.

Sports and recreational activities have great potential to contribute to the formation of character and good habits both in terms of preserving health and reducing stress and for acquiring skills of nonviolent conflict resolution and improving communication and tolerance. According to the results of the research, convicts are interested in some form of recreational sports, but due to the lack of expertise of the staff, lack of adequate terrains, props, equipment, reduced number of competitions, they are not able to empty their frustrations and dissatisfaction through sports. This research further illuminates a number of factors (situational, psychological, social) that in mutual cooperation can contribute to the prevention of conflicts and the development of nonviolent communication and social skills of convicts through sports, both while serving a prison sentence and after the expiration of the sentence.

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