

INFORMATION LEAFLET

ON THE EXECUTION OF A PRISON SENTENCE IN THE PRISON SYSTEM OF THE REPUBLIC OF CROATIA

The Prison System of the Republic of Croatia includes 26 (twenty-six) special organisational units of the Prison System and Probation Directorate of the Ministry of Justice, out of which 7 (seven) are penitentiaries, 14 (fourteen) are prisons, 2 (two) are correctional facilities, a Diagnostics Centre in Zagreb, a Training Centre and the Central Office (Head Office). All organisational units, apart from the Central Office, work outside of the structure of the Ministry of Justice, and are distributed in regional self-governing units across the territory of the Republic of Croatia.

The sentence of imprisonment is served in penitentiaries, prisons and the Diagnostics Centre in Zagreb of the Prison System and Probation Directorate of the Ministry of Justice. The tasks related to execution of sentence of imprisonment are regulated by the Execution of Prison Sentence Act (Official Gazette No. 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03-consolidated text, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13) which defines them as tasks of particular interest to the Republic of Croatia.

The main purpose of the execution of a sentence of imprisonment in the Republic of Croatia is training of inmates (persons deprived of liberty) for a life of freedom in accordance with the law and social conventions, along with a human treatment and respect for the dignity of inmates.

During imprisonment, each inmate is entitled to the protection of fundamental rights established by the Constitution of the Republic of Croatia, international treaties and the Execution of Prison Sentence Act. A penitentiary or a prison does everything to make the life of inmates serving their sentence of imprisonment as similar as possible to a life of freedom. Inmates do not bear costs of the execution of a sentence of imprisonment, and they do not pay the fees for submissions, official actions and decisions on the application of the Execution of Prison Sentence Act, save where otherwise provided by the Act.

In **penitentiaries**, a sentence of imprisonment is executed for duration longer than 6 (six) months and they are established in: Glina, Lepoglava, Lipovica-Popovača, Požega, Turopolje, Valtura. One women's penitentiary is located in Požega. The Prison Hospital in Zagreb is also established as a penitentiary, in which the sentence of imprisonment is served by all inmates with the imposed security measure of obligatory psychiatric treatment, and inmates who are sick and need treatment which is unavailable within the penitentiary or prison where they are serving the sentence of imprisonment. According to the degree of security and limitation of the freedom of movement of inmates, penitentiaries can be high security, medium security and minimum security. In **prisons**, a sentence of imprisonment is executed for a duration of less than 6 (six) months. Certain prisons have special units established in which a sentence of imprisonment is executed for a duration of more than 6 (six) months. According to the degree of security and limitation of freedom of movement of inmates, prisons are of high security. Penitentiaries and prisons, regardless of the degree of security and limitation of the freedom of movement of inmates may have, as their composite parts, high security, medium security and minimum security units.

Persons sent to the **Diagnostics Centre in Zagreb** are those with an imposed sentence of imprisonment longer than 6 months, and those with an imposed juvenile prison sentence and

with an additional imposed security measure of obligatory psychiatric treatment, and persons whose sentence was assumed in accordance with an international treaty or a special law, regardless of the length of the imposed sentence. Expert teams consisting of experts of different specialities, who carry out comprehensive diagnostics of the current condition for all inmates, are formed at the Diagnostics Centre in Zagreb. The diagnostics consists of a psychological, pedagogical, social, criminological and medical analysis, followed by an identification of characteristics and conditions directly or indirectly related to the criminal offence and criminal behaviour in general, and it suggests basic treatments necessary for achieve the purpose of imprisonment. Based on the entire analysis, the expert teams draft a proposal on the selection of the nature and type of the penal institution where an inmate will continue to serve his/her sentence of imprisonment. During the stay at the Diagnostics Centre in Zagreb, inmates are provided with expert, psychological, social and/or legal assistance with the purpose of facilitating the adjustment to the conditions of imprisonment. The Central Office makes a decision based on the proposal of the expert team of the Diagnostics Centre in Zagreb on the nature and type of a penitentiary or prison in which an inmate will continue to serve the sentence of imprisonment.

In order to achieve the main purpose of imprisonment (training of inmates for a life of freedom in accordance with the law and social conventions), an **individual programme of executing a sentence of imprisonment** is set out for each inmate, which includes information on: allocation to unit, working assignment, use of free time, vocational training and education, contacts with the world outside the penitentiary or prison, benefits, special procedures (compulsory medical treatment against drug addiction, social, psychological and psychiatric assistance, team and individual work), special security measures, programme for the preparation for release and post release assistance. By setting out an adequate individual programme of the execution of sentence, inmates are helped in developing a sense of personal responsibility. During the execution of sentence, an individual programme may be altered in accordance with inmate's behaviour, success in executing an individual programme as well as circumstances that may emerge during the execution of sentence.

In the Prison System of the Republic of Croatia **an inmate is guaranteed a right** to: accommodation respecting human dignity and health standards, protection of personality and ensuring confidentiality of personal data, regular portions of food and water in compliance with medical standards, work, training, expert legal assistance and legal remedies for protection of his/her rights, provided medical care and protection of maternity, contacts with the outside world, a minimum of two hours a day to be spent outdoors within the penitentiary or prison, correspondence and conversation his/her attorney, exercise of religion and contacts with authorized religious representatives, getting married in penitentiary or prison, the right to vote on general elections and other rights envisaged in the Execution of Prison Sentence Act. Foreign citizen inmates are entitled to correspond and have conversations with diplomatic and consular representatives of their country or of a state protecting their rights.

During the execution of sentence, an inmate **must** behave in compliance with the Execution of Prison Sentence Act and with regulations enacted based on it, he/she must comply with lawful orders of penitentiary or prison employees who take part in procedure of the execution of sentence, and he/she must participate in the implementation of the programme for execution of sentence. In accordance with the regulations, inmates must maintain and regularly clean all premises in a penitentiary or prison up to two hours a day, without financial compensation, they are required to keep personal hygiene, clean laundry, clothing, shoes and bedding, and follow doctor's orders concerning medical treatment and take measures for the purpose of treatment, prevention of infective diseases and protection of health. An inmate can

be tested for psychoactive substances, alcohol and infective diseases in compliance with medical standards at any time. Inmates and their property can be searched at any time by an authorised official. An inmate behaving contrary to the regulations on execution of sentence is committing a disciplinary offence, and his/her liability is established by a procedure laid down by law of the penitentiary or prison in which an inmate is located, and in the second instance, the proceedings are brought before an executing judge of a competent court in an appeal. An inmate is required to compensate the material damage which he has done by a disciplinary offence.

Within the aforementioned rights, method of their protection and obligations of inmates, the employees of the penitentiary or prison refer inmates to the execution of sentence in the penitentiary or prison immediately upon arrival, and further during the execution of sentence. During the execution of sentence, an inmate has access to the Execution of Prison Sentence Act, as well as the Rules of Internal Order of the penitentiary or prison in which the sentence is being executed, which regulates the organization of life and work of inmates. Employees are required to keep all data and information on an inmate as an official and professional secret.

An inmate has **legal remedies available for the protection of his/her rights: the right to file complaints** concerning the treatment and decisions of penitentiary or prison employees, which can be submitted to the warden of penitentiary or prison, to the Central Office and the executing judge and **a request for a judicial protection** from acts and decisions illegally denying or limiting him/her in any right specified in the Execution of Prison Sentence Act which can be submitted to the executing judge.

The executing judge of the competent County Court protects the rights of inmates, supervises the legality of the prison sentence execution procedure, ensures equal rights and equality of inmates before the law, visits inmates at least once a year, talks with inmates and instructs them about their rights from this Execution of Prison Sentence Act, and about the way of exercising these rights.

Considering the **conditions of accommodations** in penitentiaries or prisons of the Prison System of the Republic of Croatia, an inmate is ensured an accommodation which meets health, hygienic and spatial standards and is appropriate to the climate. Inmates serve their prison sentence jointly. Inmates who are believed not to have negative influence on each other can be accommodated in the same room, however they can be accommodated in a separate room as well (area of accommodation - living quarters of inmates). In an area of accommodation, each inmate is provided with a separate bed, bedding, cabinet for personal items, chair and 4 m² and 10 m³ of space. Each area of accommodation has a joint table, and a window allowing additional daylight for reading without causing any difficulties in terms of vision and fresh air supply. Within the area of accommodation or outside of it, inmates are provided with permanent access to the sanitation facilities and a sink in accordance with their needs in clean and appropriate conditions, and potable water is always available. The living quarters, where inmates spend time during the day, enable inmates to watch television programmes and listen to radio programmes, read newspapers and books, play board games and other social engagements of inmates. Additionally, there are other common rooms for inmates in which different activities for inmates take place and which meet their physical, spiritual and cultural needs. All rooms and areas of penitentiaries or prisons used by inmates are properly maintained and regularly cleaned.

A penitentiary or prison provides an inmate with clothes and shoes as well as bedding appropriate for the climate, unless the inmate has his/her own. Working inmates are provided

with working clothes and shoes. Inmates may wash their bodies every day, shower usually twice a week and at least once a week. Inmates are required to keep personal hygiene, maintain tidiness of their beds and cabinets and to clean the sleeping area and other premises where they reside. A penitentiary or prison ensures toiletries for keeping personal hygiene and supplies for keeping clothing, shoes, sleeping areas and other premises clean. Beddings are replaced by clean beddings every 15 (fifteen) days, towels every 8 (eight) days and, if necessary, more frequently.

Inmates are granted at least 3 (three) appropriately prepared and served **meals** daily, which in their quality and quantity meet the nutritional and hygienic standards appropriate for inmate's age, health, nature of work an inmate is doing, inmate's religious and cultural demands, all in accordance with the capacity of the penitentiary or prison. Working inmates will be served with an additional, hot or cold meal. Menus for inmates are planned according to the prescribed nutritional standards and recommended daily amounts of energy and nutrients. There are several types of menus for inmates: regular menus, vegetarian, low-calorie or religious menus that are made in the penitentiary or prison, depending on their possibilities and needs as well as the needs of inmates serving their prison sentence. Other menus will be provided with meals prepared according to special nutritional regimes and according to inmate's health condition and the order of a medical specialist. If an inmate's request for the exemption of certain food cannot be met, he or she will be permitted to buy supplies in the penitentiary or prison shop, at his/her expense or in another appropriate way. An additional meal will be granted for working inmates.

An inmate who wants to work, **will be enabled to work** in accordance with his/her health requirements, acquired knowledge as well as the capacity and needs of penitentiary or prison, on the basis of a medical opinion. An inmate may be assigned to work outside of the penitentiary or prison. Inmates receive compensation for their work. A working inmate has the right to an annual recess and the right to a sick leave. A penitentiary or prison organizes elementary education and vocational training and acquisition of new working skills for inmates, in accordance with its capacity. Elementary education and literacy programme for illiterate inmates are also organized.

Free time of inmates is organised through various workshops for painting, technical activities, music, literature, theatre, journalism, information technology and similar. In accordance with the possibilities of a penitentiary or a prison an inmate is permitted to organize his/her free time, if that time does not violate security and order and does not disturb other inmates. A penitentiary or prison occasionally organizes various sport and recreational competitions, lectures and artistic performances for inmates. An inmate has the right to practice his/her religion using his/her own religious literature and things for religious use, and he/she also has the right to contact a priest from his/her religious community.

Within the Prison System of the Republic of Croatia, an inmate is **granted with medical treatment** as well as measures and activities of health care with a quality and scope determined by the Croatian Institute for Public Health for insured free persons from the compulsory health insurance. If an ill inmate cannot be provided with medical treatment within the Prison System, i.e., if it concerns situations which require emergency medical care, the inmate is immediately transferred to the closest public health institution.

An inmate has the **right to receive visits** by family members twice a month and during the holidays for at least one hour. Other persons are allowed to visit the inmate upon receiving the approval of the warden. Minor children may visit their inmate parents every week and on

holidays. Pregnant inmates, as well as the mother and the child have the right to weekly visits by members of their families. A child may remain in penitentiary/prison with the mother until the child reaches the age of three.

An inmate is entitled to **unrestricted correspondence** at his/her own expense. Wardens of penitentiary or prison may deny exchange of letters for security reasons, of which an inmate will be notified, while the inmate has the right to appeal to the executing judge of the competent court. Inmates have the right to correspondence with their attorneys and state authorities without restriction or supervision, as well as with international organizations for the protection of human rights of which the Republic of Croatia is a member. Foreign citizen inmates are entitled to correspond and have conversations with diplomatic and consular representatives of their country or of a state protecting their rights. Inmates are **enabled to make telephone conversations** in compliance with the Rules of Internal Order of the penitentiary or prison which regulates the organization of life and work of inmates, generally at their own expense. Inmates have the right to **receive a package** containing permissible things once in a month and on holidays, upon approval by the warden and other persons.

In addition to the aforementioned rights which are guaranteed to inmates by the Execution of Prison Sentence Act, the Act also provides for **incentive measures** aimed at reducing negative impacts of imprisonment and stimulating inmates to achieve individual programmes of execution of a prison sentence to achieve the main purpose of the execution of a prison sentence. **Incentive measures or benefits** are divided into two groups: benefits of easing the conditions within the prison and the benefits of more frequent contacts with the outside world. The method of approving and using a type and scope of a benefit is regulated by law and by-law in detail. The main principle guiding the decision-making process on the benefit is the principle of individualization of execution of sentence, while the decision on approval of benefits depends on various criteria such as: degree and limitation of freedom of movement of inmates in penitentiary or prison, behaviour of inmates, assessment of success of implementing an individual programme of execution of sentence, assessment of risk of misuse of the benefits, circumstances in the community and other criteria.

Pursuant to the Execution of Prison Sentence Act, the warden of a penitentiary or prison may approve an **exceptional leave** for an inmate from a penitentiary or prison at his/her own expense, due to the reasons set out in the Act, while the executing judge of the competent court can approve a **termination of sentence of imprisonment**, during which the sentence of imprisonment is suspended, also due to the reasons set out in the Act.

A County Court in the territory of which the penitentiary or prison is located in **can release an inmate from imprisonment** before the expiry of the sentence of imprisonment (conditional early release), if he/she has served at least 1/2 (one half) of the sentence which he/she received, but not less than 3 (three) months, if it is expected that he/she will not commit a criminal offence and if he/she consents to it.