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THE ROLE OF CORRECTIONAL INSTITUTIONS IN ENVIRONMENTAL PROTECTION**

ABSTRACT: For decades, the greening of correctional institutions has contributed to the humanization of living and working conditions for both persons deprived of liberty and staff in prisons worldwide. The participation of convicted persons in various programs related to the greening of prisons, as well as areas outside them – such as planting trees, flowers, fruits, and vegetables – is extremely beneficial and has several aspects. It can be viewed as a form of work for convicted persons but also as part of their education, as they acquire knowledge, skills, and certifications that facilitate employment after serving their sentences.

The greening of correctional institutions also benefits the psycho-physical well-being of convicted persons, aiding in their successful resocialization and making it easier to cope with prison deprivations. Simultaneously, greening enhances and promotes a correct attitude toward the environment in terms of its preservation,

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sustainable use, and improvement. Given current environmental challenges, it seems justified to prioritize environmental protection in public policies and to include correctional institutions—or continue their inclusion—in various ecological projects. Accordingly, this paper analyzes the theoretical, legal, and practical aspects of the greening of correctional institutions, viewing this greening as a field where penology and ecology intertwine and as a space for implementing innovative resocialization programs.

Keywords: greening, ecology, execution of criminal sanctions, convicted persons, resocialization

INTRODUCTION – THE SIGNIFICANCE AND DEVELOPMENT OF THE GREENING OF CORRECTIONAL INSTITUTIONS

The Role of the Environment in the Resocialization Process of Convicted Persons

Previous research from various scientific fields has confirmed that contact with nature has a beneficial effect on human health, both physiologically and psychologically.¹ Spending time in nature reduces anxiety, increases life satisfaction, decreases aggression, reduces symptoms of attention deficit hyperactivity disorder, promotes socially acceptable behavior, lowers blood pressure, enhances postoperative recovery, strengthens immunity, and improves overall health.² In light of these findings, over the past few decades, many healthcare facilities have increasingly incorporated gardens and large windows overlooking them. There is also an emphasis on implementing activities such as spending time outdoors or gardening, where contact with nature represents a key element of therapeutic programs.³ At the same time, there is growing interest from the scientific community and the general public in examining the effects of greening on the psycho-physical health and well-being of individuals residing in correctional institutions. With the rising social awareness of the connection between environmental conditions and human health, there is heightened interest in studying the effects of prison environ-

¹ Sandifer, P. A., Sutton-Grier, A. E., Ward, B. P. (2015). Exploring connections among nature, biodiversity, ecosystem services, and human health and well-being: Opportunities to enhance health and biodiversity conservation. *Ecosystem Services*, 12, 3.

² Frumkin et al., (2017), According to: Moran, D. (2019). How the prison environment can support recovery. *Prison Service Journal*, (242), 46.

³ Aslan, L. (2016). A Qualitative Evaluation of the Phoenix Futures Recovery Through Nature Program: A Therapeutic Intervention for Substance Misuse. *Journal of Groups in Addiction & Recovery*, 11 (2), 93–108, according to: Moran, D. (2019). *Op. cit.*, 46.

ments on convicted persons, particularly concerning their resocialization and overcoming prison deprivations. Attention is not only given to the impact of the environment on the health and well-being of convicted persons but also to the welfare of staff in correctional institutions, who are also exposed to intense stress.⁴

Despite this interest from the scientific community and the general public, the number of studies conducted so far on the impact of natural environments on various aspects of serving prison sentences is relatively modest. Research on the impact of the greening of healthcare facilities on patient recovery is more abundant, but their results cannot be unreservedly used as arguments when assessing the possible impact of the greening of correctional institutions on the success of resocializing convicted persons.⁵ It should be borne in mind that, despite certain similarities, these are different types of institutions and processes that depend on various factors.

Excluding the pioneering attempts at humanizing and greening prisons, presented in a special section of this work, significant changes in this regard began only in the 1980s, when Moore (1981) and West (1986) determined that the view from a prison cell significantly affects the health of convicted persons.⁶ Moore first pointed this out in 1981 when he published a scientific paper confirming that convicted persons who had a view of greenery reported health problems to the healthcare service less frequently.⁷ This was similarly confirmed by research conducted in two prisons in Illinois, which showed that both convicted persons and staff in those institutions were calmer and healthier when they had access to a more content-rich and attractive view.⁸ Supporting this is a comparative study conducted in Great Britain and Norway, with results pre-

⁴ Moran, D. (2019). How the prison environment can support recovery. *Prison Service Journal*, (242), 45.

⁵ *Ibid.*, 46.

⁶ Moore, E. O. (1981). A prison environment's effect on health care service demands. *Journal of Environmental Systems*, 11, (1), 17–34; West, M. (1986). *Landscape Views and Stress Response in the Prison Environment* (MA Thesis). Seattle: University of Washington, prema: Lindemuth, A. (2007). *Designing Therapeutic Environments for Convicted persons and Prison Staff in the US: Precedents and Contemporary Applications*. *Journal of Mediterranean Ecology*, 8 (1), 88.

⁷ Moore, E. O. (1981). *Op. cit.*, 17–34; Lindemuth, A. (2007). *Op. cit.*, 88; Moran, D. (2019). *Op. cit.*, 46; Pavićević, O., Ilijić, Lj., Batrićević, A. (2020) *Susret društvenog i biološkog – ozelenjavanje zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 141.

⁸ Spafford, A. (1991). *The Prison Landscape and the Captive Audience: Is Nature Necessity or Amenity?* Landscape Architecture, University of Illinois, Urbana-Champaign, prema: Lindemuth, A. (2007). *Designing Therapeutic Environments for Convicted persons and Prison Staff in the US: Precedents and Contemporary Applications*. *Journal of Mediterranean Ecology*, 8, (1), 89; Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret*

sented in 2018 and 2019.⁹ In the mentioned study, statements from convicted persons who did not have access to green spaces during their sentences were analyzed regarding the benefits they believed contact with nature would bring them.¹⁰ Another study on the effects of contact between convicted persons and nature, conducted relatively recently in Great Britain, showed that introducing elements of nature into the spaces where these individuals reside—whether in the form of green areas or large photographs—made them feel calmer.¹¹

It is indisputable that overcoming prison deprivations and the successful resocialization of convicted persons largely depend on their physical and mental health and well-being.¹² Therefore, it cannot be expected that convicted persons will successfully resocialize and reintegrate into the community upon release if, during their imprisonment, they lived under inhumane conditions or conditions that may have formally met minimal human rights standards but were not conducive to their mental and physical improvement.

A particularly significant aspect of the impact of the greening of correctional institutions on the successful resocialization of convicted persons relates to the contribution of the natural environment to the treatment of psychoactive substance addiction. The question of what kind of environment is conducive to treating psychoactive substance addiction is part of a much broader discussion about what type of environment generally promotes recovery from illness and trauma. Previous research has confirmed that environments that generally contribute to health and well-being also support treatment for various forms of addiction.¹³ This is extremely important considering that a significant percentage of persons deprived of liberty are addicted to psychoactive substances.¹⁴ Moreover, studies confirm that approximately one-fifth of convicted persons

društvenog i biološkog – ozelenjavanje zatvorskih zajednica. Belgrade: Institute of Criminological and Sociological Research, 141.

⁹ Moran, D., Turner, J. (2019). Turning over a new leaf: The health-enabling capacities of nature contact in prison. *Social Science & Medicine*, 231, 62–69.

¹⁰ Moran, D. (2019). How the prison environment can support recovery. *Prison Service Journal*, (242), 47.

¹¹ *Ibid.*, 48.

¹² For more, see: Batrićević, A., Ilijić, Lj. (2014). Health Care of Prisoners as a Crime Prevention Factor: General Standards and Conditions in Serbia. In: *Thematic Conference Proceedings of International Significance. Vol. 1 – International Scientific Conference „Archibald Reiss Days“*. Belgrade: University of Criminal Investigation and Police Studies, 441–450.

¹³ Moran, D. (2019). *Op. cit.*, 44.

¹⁴ Batrićević, A. (2011). Zaštitnik građana i poštovanje prava zatvorenika u Republici Srbiji. *Branitelj*, 124, (1–2), 150; Kljajević, S. (2017). Istraživanja zloupotrebe droga i tretman zavisnosti u penitensijernim ustanovama. *Specijalna edukacija i rehabilitacija*, 16, (2), 224.

abuse narcotic drugs during imprisonment, following patterns not much different from those practiced in freedom.¹⁵ This is a serious problem that is still not being adequately addressed because treatment is not focused on drug addiction.¹⁶ It has been noted that the limitations of prison institutions in applying appropriate rehabilitation treatment to convicted persons, along with designing and applying classical prison treatment even to addicts, lead to neglecting the problem of addiction. The effects of this are observed upon the convict's release, usually in the form of recidivism.¹⁷ In this context, it is important to view the greening of correctional institutions as one of the factors that can contribute to the success of treating convicted persons for drug addiction and, in that way, prevent recidivism, at least in cases where it would be caused by drug addiction.

Examples of the Greening of Correctional Institutions Worldwide – From Pioneering to Contemporary Greening Programs

One of the first attempts at the greening of correctional institutions in the 20th century is associated with the Sing Sing Correctional Facility in Ossining, New York State, where since 1921 there have been gardens, rose gardens, alleys of seasonal and perennial plants, complete with benches and walking paths.¹⁸ The credit for greening this prison belongs to its then-warden, while the idea itself came from one of the convicted persons, who voluntarily engaged in working in Sing Sing's gardens, which had an extremely positive impact on his health.¹⁹

Another example of the greening of correctional institutions from the early 20th century is the Bedford Hills Correctional Facility, a maximum-security prison established in 1901 in Bedford Hills, New York, as an institution for

¹⁵ Gillespie, W. (2005). A multilevel model of drug abuse inside prison. *The Prison Journal*, 85, (2), 223–246, according to: Kljajević, S. (2017). Istraživanja zloupotrebe droga i tretman zavisnosti u penitencijarnim ustanovama. *Specijalna edukacija i rehabilitacija*, 16, (2), 224.

¹⁶ Jovanić, G., Petrović, V. (2020). Neusaglašenost kriminalne etiologije i penalnog tretmana osuđenih zavisnika od droga. *Zbornik rezimea – stručno-naučna konferencija sa međunarodnim učešćem „Dani defektologa Srbije“*, Belgrade, 20–23. 2. 2020. Belgrade: Special Educators and Rehabilitators Association of Serbia, 174.

¹⁷ *Ibid.*

¹⁸ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020) *Susret društvenog i biološkog – ozelenjavanje zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 148.

¹⁹ *Ibid.*

the reformation of women who had committed minor criminal offenses.²⁰ This institution has a long history of implementing various experimental programs with convicted persons, one of which is the Children's Center that includes a nursery, daycare center, and children's rights offices, aiming to help female convicted persons maintain contact with their children during incarceration.²¹ The significance of the Children's Center for the greening of this institution lies in the fact that it was within this program that the idea was born to transform the courtyard next to the visitation room into a garden where convicted persons could spend time with their children when they come to visit.²² Due to a lack of financial resources, this project began in 2005 when, with the support of volunteers, a garden with appropriate furnishings was created.²³

An example of the contribution of greening to solving numerous problems in correctional institutions is Rikers Island in New York, where the first penal institution was built in 1935, and their number has grown to ten to date.²⁴ This correctional facility was considered very violent and disorganized for decades, and violence and problems escalated in the early 1990s when the number of incarcerated persons tripled. However, starting from 1994, this institution underwent fundamental organizational changes, enabling the creation of a safe environment suitable, among other things, for implementing greening programs.²⁵ Thus, during 1997, in collaboration with the Horticultural Society of New York, the "GreenHouse" program was launched, offering convicted persons the opportunity to undergo professional training in garden design and maintenance, with about 100 participants annually.²⁶ Rikers Island now has a butterfly and bird garden, an herb garden, a vegetable garden, a pond, a waterfall, paved paths, and a greenhouse that serves as a classroom and workshop during the winter months.²⁷ Convicted persons engaged in the horticulture program also participate in growing plants and making park furniture for city schools, parks, and other public spaces in poorer parts of the city,

²⁰ *Ibid.*, 149.

²¹ Pavičević, O., Ilijić, Lj., Batričević, A. (2020) *Susret društvenog i biološkog – ozelenjavanje zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 150.

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*, 151.

²⁶ Lindemuth, A. (2007). Designing Therapeutic Environments for Convicted persons and Prison Staff in the US: Precedents and Contemporary Applications. *Journal of Mediterranean Ecology*, 8 (1), 93, according to: Pavičević, O., Ilijić, Lj., Batričević, A. (2020). *Op. cit.*, 153.

²⁷ Pavičević, O., Ilijić, Lj., Batričević, A. (2020). *Op. cit.*, 154.

and the vegetables they grow are donated to adult shelters.²⁸ Upon completion of the program, convicted persons receive a certificate as proof of acquired knowledge, which allows them to become part of a special post-penal program conducted by the aforementioned horticultural society.²⁹

LEGAL FRAMEWORKS RELEVANT TO THE GREENING OF CORRECTIONAL INSTITUTIONS

The Right of Persons Deprived of Liberty to Humane Living Conditions During Imprisonment, Including the Right to a Healthy Environment

International Legal Sources Relevant to the Protection of Human Rights of Persons Deprived of Liberty, Including the Right to a Healthy Environment

To date, several international legal instruments have been adopted that contain provisions significant for the respect and protection of the fundamental human rights of persons deprived of liberty. Among the most noteworthy are: 1) the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules) from 1955³⁰ (hereinafter: Standard Minimum Rules);³¹ 2) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 1984;³² 3) the Interna-

²⁸ *Ibid.*, 155.

²⁹ Lindemuth, A. (2007). *Op. cit.*, 155.

³⁰ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), UNODC. Accessed on August 25, 2023, from: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

³¹ See: Nikolić, Z. (2005). *Penološka andragogija sa metodikom prevaspitanja*. Belgrade: Institute of Criminological and Sociological Research; Batrićević, A. (2011). *Zaštitnik građana i poštovanje prava zatvorenika u Republici Srbiji*. *Branich*, 124 (1–2), 136; Stevanović, Z. (2012). *Zatvorski sistemi u svetu*. Belgrade: Institute of Criminological and Sociological Research, 59; Ilijić, Lj. (2014). *Osuđeni i deprivacije*. Belgrade: Institute of Criminological and Sociological Research, 28.

³² Law on the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Official Gazette of the SFRY - International Treaties*, no. 9/1991; Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Official Gazette of Serbia and Montenegro – International Treaties*, no. 16/2005. and 2/2006. and *Official Gazette of the RS – International Treaties*, no. 7/2011. For more, see: Soković, S. (2006) Sprečavanje torture u izvršenju krivičnih sankcija – relevantni međunarodni pravni

tional Covenant on Civil and Political Rights from 1966;³³ 4) the European Convention on Human Rights and Fundamental Freedoms from 1950;³⁴ 5) the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1987;³⁵ 6) the European Prison Rules, adopted in 1987,³⁶ and revised in 2006³⁷ and 2020³⁸.

Although the aforementioned international legal sources do not explicitly address the environmental aspects of imprisonment or the right of convicted persons to a healthy environment, certain provisions – primarily concerning the protection of the fundamental human rights of convicted persons – certainly have indirect significance for the protection of that right. The importance of these legal instruments lies primarily in providing minimum standards for respecting the human rights of convicted persons, which should

standardi. *Specijalna edukacija i rehabilitacija*, 1 (1–2), 173; Batrićević, A. (2011). *Op. cit.*, 137.

³³ Law on Ratification of the International Covenant on Civil and Political Rights, *Official Gazette of the SFRY*, no. 7/1971.

³⁴ Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Amended in Accordance with Protocol No. 11; Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms; Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms Securing Certain Rights and Freedoms Not Included in the Convention and the First Protocol Thereto; Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty; Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms; Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms; and Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty in All Circumstances. *Official Gazette of Serbia and Montenegro – International Treaties*, Nos. 9/2003, 5/2005, and 7/2005; and *Official Gazette of the Republic of Serbia – International Treaties*, Nos. 12/2010 and 10/2015.

³⁵ Law on the Ratification of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Amended and Supplemented by Protocol 1 and Protocol 2 to the Convention. *Official Gazette of Serbia and Montenegro – International Treaties*, No. 9/2003.

³⁶ Recommendation R(87)3 of The Committee of Ministers to Member States on The European Prison Rules (Adopted by the Committee of Ministers on 12 February 1987 Accessed on August 25, 2023 from: <https://rm.coe.int/16804f856c>

³⁷ Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules, (Adopted by the Committee of Ministers on 11 January 2006, at the 952nd meeting of the Ministers' Deputies and revised and amended by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies). Accessed on August 25, 2023 from: <https://rm.coe.int/09000016809ee581>. For more, see: Papović, J. (2012). *Evropska zatvorska pravila – segment zaštite ljudskih prava u evropskom pravnom prostoru. Collection of Papers, Faculty of Law in Niš*, 62, 605–617.

³⁸ Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules. *Op. cit.*

also be respected when guaranteeing and respecting their right to a healthy environment, one of today's widely affirmed human rights.

In this context, it is particularly important to emphasize that point 57 of the Standard Minimum Rules states that imprisonment (as well as other measures that result in the isolation of offenders from the outside world) is severe by the very fact that it deprives an individual of liberty, taking away their right to dispose of their own person. Consequently, the same provision stipulates that, except for measures of justified segregation and disciplinary measures, the prison system should not aggravate the suffering inherent in this situation. Additionally, point 58 of the Standard Minimum Rules specifies that the purpose and justification of sentences and measures that deprive liberty lie in the endeavor to protect society from crime. Such a purpose can be justified only if the time of deprivation of liberty is used in a way that will contribute to making the convicted person not only willing but also able to live in accordance with the law and care for their own needs upon release. Therefore, point 59 of the Standard Minimum Rules provides that, to achieve the aforementioned goal, various corrective, educational, moral, and other means may be used, as well as all other available forms of assistance, in accordance with the needs of each individual convicted person.

Regarding prison living conditions – which certainly include the environment – it should also be pointed out that point 60 of the Standard Minimum Rules stipulates that the prison regime should strive to minimize the differences between prison life and life at liberty, especially if it is shown that these differences contribute to weakening the sense of responsibility of the convicted person or respect for their personal dignity. Accordingly, point 65 emphasizes that the treatment of persons sentenced to imprisonment or measures involving deprivation of liberty should aim to, within the limits allowed by the duration of the sentence, instill in them the will and ability to live law-abiding lives after release and to provide for themselves. This provision also stipulates that such treatment should be conducive to stimulating self-respect and developing a sense of responsibility in convicted persons.

The European Prison Rules also contain several provisions significant for the protection of human rights of persons deprived of liberty, including the right to a healthy environment, the guarantee of which – although not explicitly mentioned – arises from the very essence and basic principles of this document. Namely, in the first part of the European Prison Rules, dedicated to general principles of executing prison sentences, it is stipulated that all persons deprived of liberty must be treated with respect for their human rights, and that persons deprived of liberty retain all rights not lawfully taken away by the decision sentencing or detaining them. Furthermore, the same section emphasizes that restrictions for persons deprived of liberty should be the minimum necessary

and proportionate to the legitimate objective for which they are imposed, and that prison life should be as close as possible to the positive aspects of life in the community. Finally, within the general principles of executing prison sentences, the European Prison Rules stipulate that all prisons should be organized to enable the reintegration of persons deprived of liberty into free society.

In the second part of the European Prison Rules, dedicated to prescribing minimum standards regarding conditions of imprisonment, it is emphasized that living conditions of convicted persons – and especially sleeping facilities – must respect human dignity, and as far as possible, respect privacy and meet the requirements for maintaining health and hygiene, taking into account climatic conditions and, in particular, floor space, air volume, lighting, heating, and ventilation. Moreover, this part of the European Prison Rules stipulates that all premises where convicted persons reside must have sufficiently large windows to enable reading and working by natural light under normal conditions and allow the flow of fresh air, unless there is an adequate ventilation system. Additionally, it is stipulated that a convicted person should be provided with the opportunity to exercise for at least one hour every day in the open air, weather permitting. Therefore, although they do not explicitly mention the right of convicted persons to a healthy environment, it is clear that the European Prison Rules prescribe standard minimum conditions that must be met in every correctional institution. These conditions inherently create the prerequisites for respecting the right to a healthy environment, along with other human rights of convicted persons.

Legal Sources Relevant to the Protection of Human Rights of Persons Deprived of Liberty in the Republic of Serbia, Including the Right to a Healthy Environment

When it comes to national legislation, the most significant provisions for the protection and realization of the rights of incarcerated persons to humane living conditions during imprisonment are found in the following legal sources: 1) The Constitution of the Republic of Serbia;³⁹ 2) The Law on the Execution of Criminal Sanctions;⁴⁰ 3) The Law on the Protector of Citizens;⁴¹ and 4) The Rulebook on House Rules of Penal Institutions and District Prisons.⁴²

³⁹ Constitution of the Republic of Serbia, *Official Gazette of the RS*, no. 98/2006. and 115/2021.

⁴⁰ Law on Execution of Criminal Sanctions, *Official Gazette of the RS*, no. 55/2014. and 35/2019.

⁴¹ Law on the Protector of Citizens, *Official Gazette of the RS*, no. 105/2021.

⁴² Rulebook on House Rules of Penal Institutions and District Prisons, *Official Gazette of the RS*, no. 110/2014. and 79/2016.

Paragraph 1 of Article 28 of the Constitution of the Republic of Serbia stipulates that a person deprived of liberty must be treated humanely and with respect for the dignity of their person. However, although the concept of dignity is frequently used in ethical, political, religious, psychological, and legal discourse, it cannot be empirically proven or defined.⁴³ Accordingly, no explicit definition of the concept of dignity has been established in legal sources to date, although it is indisputable that it is an “umbrella term” under which many other concepts and ideas can be subsumed.⁴⁴ As a point of convergence between law and ethics – not only on a philosophical-theoretical level but also in the practical application of legal norms – dignity can be viewed both as a moral category and as a legal norm.⁴⁵ Defined as a legal norm, dignity has a threefold nature in that it represents a legal principle, a subjective right, and a legal obligation.⁴⁶ The practical aspect of the concept of dignity is most evident in the application of criminal law norms, as is the case with the execution of custodial sentences. Namely, it is indisputable that criminal law implies the application of certain coercion, which in itself involves the deprivation of dignity, from which it follows that criminal law carries the risk of violating human dignity.⁴⁷ At the same time, criminal law represents the last line of defense of human dignity because human dignity is the protected object of numerous criminal offenses; thus, it can be stated that human dignity is both protected and endangered by criminal law.⁴⁸ Therefore, it is extremely important that human dignity is respected during the execution of custodial sentences, in accordance with the previously cited constitutional provision, which should be interpreted in line with relevant laws and bylaws as well as ratified international documents.

The rights of persons deprived of liberty are also guaranteed by the provisions of the Law on the Execution of Criminal Sanctions (hereinafter: LECS), first within the provisions dedicated to the protection of the rights of persons against whom criminal sanctions are being executed in general, and then specifically within the provisions that proclaim the rights of persons serving prison sentences. First of all, it should be emphasized that Paragraph 1 of Article 6 of the LECS stipulates that a criminal sanction shall be executed in a manner that guarantees respect for the dignity of the person against whom it is

⁴³ Nenadić, S. (2022). Pretpostavka nevinosti i dostojanstvo ličnosti. *Studia Iuridica Montenegrina*, 4 (1), 27.

⁴⁴ *Ibid.*, 26.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, 28.

⁴⁷ *Ibid.*, 29.

⁴⁸ *Ibid.*

executed. Consequently, according to Paragraph 2 of the same article, actions are prohibited and punishable whereby the person against whom the criminal sanction is executed is subjected to any form of torture, inhuman or degrading punishment or treatment, abuse, or experimentation. Also, in accordance with Paragraph 3 of the mentioned article, it is punishable to exert coercion against the person against whom the criminal sanction is executed if such coercion is disproportionate to the needs of executing the sanction.

The fact that a person has been sentenced to a criminal sanction, including imprisonment, does not necessarily entail the deprivation of that person's fundamental human rights. On the contrary—Paragraph 1 of Article 8 of the LECS stipulates that the person against whom a criminal sanction is executed has the right to protection of fundamental rights prescribed by the Constitution, ratified international treaties, generally accepted rules of international law, and this law. Paragraph 2 of the same article emphasizes that the person against whom a criminal sanction is executed may be limited in fundamental rights only to the extent necessary for the execution of the criminal sanction and in the procedure prescribed by this law.

Within the third chapter of the LECS, dedicated to the execution of prison sentences, a significant number of rights belonging to convicted persons are guaranteed. One of these rights is the right to humane treatment, proclaimed in Article 76 of the LECS, which states that everyone must respect the dignity of the convicted person and that no one may endanger their physical and mental health. Accordingly, Article 77 of the LECS stipulates that a convicted person has the right to accommodation that meets modern hygienic conditions and local climatic circumstances. To fulfill this requirement, it is necessary that the premises in which the convicted persons live and work are clean, dry, ventilated, heated, and sufficiently lit, both by natural and artificial light that allows reading and working without visual impairment, as prescribed by Paragraph 1 of Article 79 of the LECS.

For the realization of the convicted person's right to a healthy environment during imprisonment, Article 80 of the LECS is also significant. It stipulates that a convicted person has the right to spend at least two hours daily in their free time in the open air outside closed premises.

The Protector of Citizens plays a significant role in the protection and realization of human rights of persons deprived of liberty, including their right to humane living conditions during imprisonment, and consequently, their right to a healthy environment as a prerequisite for the realization of all other rights. According to Article 19 of the Law on the Protector of Citizens (hereinafter: LPC), this body is authorized to control the legality and correctness of the work of administrative bodies, in order to determine whether their

acts, actions, or omissions have resulted in violations of rights guaranteed by the Constitution, ratified international treaties, generally accepted rules of international law, laws, other regulations, and general acts of the Republic of Serbia. The Protector of Citizens represents an additional, independent link in the chain of control over the work of administrative bodies, whose existence is especially necessary in the case of persons deprived of liberty, since they reside in a total-type institution⁴⁹ with limited communication with the outside world, and therefore there is an increased risk that they may become victims of abuse or arbitrariness.⁵⁰

For the protection of the rights of persons deprived of liberty, Paragraph 1 of Article 25 of the LPC is particularly significant. It stipulates that the Protector of Citizens may, without prior notice and hindrance, inspect places where persons deprived of liberty are located, persons whose freedom of movement is restricted, and places where groups whose rights are protected are accommodated or reside, especially places under the control of the police and the Serbian Armed Forces, detention units, correctional institutions, psychiatric institutions, shelters for foreigners, and asylum centers. Paragraph 2 of the same article stipulates that the Protector of Citizens has the authority to speak privately with persons found in the mentioned places, as well as to inspect all installations and other equipment, and to access any document and data, in accordance with the law regulating data confidentiality.

In accordance with Article 27 of the LPC, the Protector of Citizens initiates proceedings upon a citizen's complaint or on his own initiative. In addition to the right to initiate and conduct proceedings, the Protector of Citizens has the right to act preventively by providing good services, mediation, and giving advice and opinions on issues within his competence, with the aim of improving the work of administrative bodies and enhancing the protection of human rights and freedoms. Before submitting a complaint to the Protector of Citizens, the complainant is obliged to attempt to protect their rights in an appropriate legal procedure before the administrative body (Article 28, Paragraph 7, LPC), so in this sense, his protection can be considered *ultima ratio*.⁵¹ However, in exceptional situations, the Protector of Citizens may initiate proceedings even before all legal remedies before administrative bodies have been exhausted, if irreparable damage would be caused to the complainant or

⁴⁹ Nikolić, Z., Kron, L. (2011). *Totalne ustanove i deprivacije: knjiga o čoveku u nevolji*. Belgrade: Institute of Criminological and Sociological Research, 10–12; Ellis, R. (2021). Prisons as porous institutions. *Theory and Society*, 50, (2), 176.

⁵⁰ Batrićević, A. (2011). Zaštitnik građana i poštovanje prava zatvorenika u Republici Srbiji. *Branič*, 124, (1–2), 151.

⁵¹ *Ibid.*, 152.

if the complaint relates to a violation of the principles of good administration, especially improper conduct of the administrative body towards the complainant, untimely work, or other violations of the ethical rules of conduct of staff in administrative bodies (Article 28, Paragraph 9, LPC).

In addition to complaints, the Protector of Citizens has another means at his disposal by which he can influence the correctness of the work of administrative bodies. This is the Regular Annual Report on the Work of the Protector of Citizens and the State of Human Rights in the Republic of Serbia, which this body submits to the National Assembly each year (Article 39, LPC). This report includes data on activities in the previous year, data on observed shortcomings in the work of administrative bodies, recommendations for improving practice and normative regulation of individual areas, proposals for improving the position of citizens in relation to administrative bodies, as well as data on the implementation of recommendations and proposals from previous reports.

The Right to a Healthy Environment and the Duty of its Protection and Improvement in the Context of Correctional Institutions

The Right to a Healthy Environment in International Legal Sources

The right to a healthy environment is recognized as one of the fundamental human rights, belonging to both present and future generations.⁵² Respecting the right to live in a healthy environment is not only a duty of the state and public authorities but also an individual responsibility of all citizens who are entitled to this right.⁵³ Moreover, the right to a healthy environment is closely linked to the realization of the right to health, as the protection of human health is considered one of the key objectives of environmental protection.⁵⁴

The United Nations began to pay more attention to environmental protection issues in the late 1960s, influenced by numerous scientific research

⁵² Paunović, M., Krivokapić, B., Krstić, I. (2007). *Osnovi međunarodnih ljudskih prava*. Belgrade: Megatrend University, 56–67, according to: Batričević, A. (2014). Nepreduzimanje mera zaštite životne sredine u Srbiji: pojam, značaj i državna reakcija. In: Kron, L. (Ed.) *Prestup i kazna: de lege lata et de lege ferenda*. Belgrade: Institute of Criminological and Sociological Research, 219.

⁵³ Pavlović, Z. (2022). Svest građana o značaju zaštite životne sredine i prevencija krivičnih dela protiv životne sredine. *Glasnik of the Bar Association of Vojvodina*, 94, (4), 1214.

⁵⁴ For more, see: Slavnić, L., Majhenšek, K. (2011). Pravo na zdravlje u kontekstu prava na zdravu životnu sredinu. *Pravo – teorija i praksa*, 28 (10–12), 1–26.

findings that warned of environmental threats.⁵⁵ In line with these insights, the UN Declaration on the Human Environment (the so-called Stockholm Declaration) was adopted in Stockholm in 1972, defining 26 fundamental principles of environmental protection to be implemented into the national legislations of signatory states.⁵⁶ Although the Stockholm Declaration does not explicitly recognize the right to a healthy environment, it establishes “the right to adequate conditions of life in an environment of a quality that permits a life of dignity and well-being, and calls upon states to protect and improve the environment for present and future generations”.⁵⁷ From this, it follows that a healthy environment is a necessary prerequisite for respecting other human rights.⁵⁸

The UN Declaration on Environment and Sustainable Development was adopted at the UN Conference held in Rio de Janeiro in 1992, proclaiming 27 fundamental principles of environmental protection that signatory states should incorporate into their national legislations.⁵⁹ Additionally, it elaborated on the principles of the Stockholm Declaration and introduced some new ones to harmonize environmental protection systems at national and universal levels.⁶⁰ However, in the Rio Declaration, the right to a healthy environment was not recognized as a separate right. This recognition occurred in 1994 in the Ksentini Report prepared under the auspices of the UN Sub-Commission on Human Rights, which emphasizes the connection between a healthy environment and the realization of fundamental human rights, such as the right to health and the right to work.⁶¹

Finally, the right to a healthy and clean environment was proclaimed as a separate right in the African Charter on Human and Peoples’ Rights, which views this right as a collective rather than an individual right.⁶² Also, the Protocol of San Salvador to the American Convention on Human Rights from 1998 recognizes that everyone has the right to live in a healthy environment.⁶³

⁵⁵ Popov, D. (2013). Načela zaštite životne sredine u dokumentima Ujedinjenih nacija, Evropske unije i Zakona o zaštiti životne sredine Republike Srbije. *Collected Papers of the Faculty of Law in Novi Sad*, 47, (2), 132.

⁵⁶ *Ibid.*; See also: Lilić, S. (2010). *Ekološko pravo*. Belgrade: Faculty of Law, University of Belgrade, 48–49.

⁵⁷ Tintor, Lj. (2022). Pravo na čistu i zdravu životnu sredinu – dometi i ograničenja ljudskog prava u nastajanju. *Harmonius*, 11, 315.

⁵⁸ *Ibid.*

⁵⁹ Popov, D. (2013). *Op. cit.*, 132.

⁶⁰ *Ibid.*

⁶¹ Tintor, Lj. (2022). *Op. cit.*, 315.

⁶² *Ibid.*, 315–316.

⁶³ *Ibid.*, 316.

The Escazú Agreement of 1988 recognizes everyone's right to a healthy environment, emphasizing that it belongs to both present and future generations.⁶⁴

The Right to a Healthy Environment in the Legislation of the Republic of Serbia

When it comes to national legal sources, it should first be emphasized that the Republic of Serbia has implemented in its legislation the basic principles contained in acts adopted under the auspices of the United Nations and the European Union.⁶⁵ The right to a healthy environment is guaranteed by the Constitution of the Republic of Serbia, according to Article 74 of which everyone is responsible for environmental protection and obliged to preserve and improve it. Furthermore, the Constitution of the Republic of Serbia in Article 21 prohibits discrimination, which means that the right to a healthy environment belongs to all citizens, including those deprived of liberty.

The Law on Environmental Protection⁶⁶ (hereinafter: LEP) defines the environment as a set of natural and created values whose complex interrelationships constitute the environment, that is, the space and conditions for life (Article 3, Paragraph 1, Item 1 of LEP). The list of entities responsible for its protection and preservation under the provisions of the LEP includes a wide range of individuals, bodies, and institutions. From this, it can be concluded that correctional institutions are among the entities responsible for environmental protection. Namely, the LEP stipulates that the system of environmental protection, within its competencies, is ensured by: 1) the Republic of Serbia; 2) the autonomous province; 3) municipalities and cities; 4) companies, other domestic and foreign legal entities, and entrepreneurs who, in conducting economic and other activities, use natural resources, endanger or pollute the environment; 5) scientific and expert organizations and other public services; and 6) citizens, groups of citizens, their associations, professional or other organizations (Article 4, Paragraph 1 LEP). The same legal provision stipulates the duty of all the listed entities to protect and improve the environment (Article 4, Paragraph 2 LEP). Furthermore, it is stipulated that the mentioned entities are responsible for any activity that changes or may change the state and conditions in the environment, or for failing to take environmental protec-

⁶⁴ Tintor, Lj. (2022). Pravo na čistu i zdravu životnu sredinu – dometi i ograničenja ljudskog prava u nastajanju. *Harmonius*, 11, 316.

⁶⁵ Popov, D. (2013). Načela zaštite životne sredine u dokumentima Ujedinjenih nacija, Evropske unije i Zakona o zaštiti životne sredine Republike Srbije. *Collected Papers of the Faculty of Law in Novi Sad*, 47, (2), 131.

⁶⁶ Law on Environmental Protection, *Official Gazette of the RS*, no. 135/2004, 36/2009, 36/2009, 72/2009, 43/2011, 14/2016, 76/2018, 95/2018. and 95/2018.

tion measures, in accordance with the law (Article 5, Paragraph 1 LEP). In that sense, it is stipulated that the mentioned legal and natural persons are obliged to ensure, in performing their activities: rational use of natural resources; inclusion of environmental protection costs within investment and production costs; as well as the application of regulations or taking environmental protection measures, in accordance with the law (Article 5, Paragraph 2 LEP).

The LEP stipulates that state bodies, scientific institutions, institutions in the fields of education, health, information, culture, and other institutions, as well as other forms of association, are obliged within their activities to encourage, direct, and ensure the strengthening of awareness about the importance of environmental protection (Article 6, Paragraph 1 LEP). It is stated that this obligation is implemented through the system of education and upbringing, scientific research and technological development, professional training in the work process, public information, and popularization of environmental protection (Article 6, Paragraph 2 LEP).

Consequently, according to the cited provisions of the LEP, there is no obstacle for correctional institutions to be included in the list of entities responsible for environmental protection, to the extent that activities significant for the environment are carried out within them. Also, the LEP stipulates obligations for various entities aimed at encouraging the strengthening of awareness about the importance of environmental protection. Education and upbringing are cited as ways to raise awareness about this issue, and these activities can certainly be implemented in correctional institutions.

Correctional institutions cannot function completely independently but must at least partially rely on other entities that provide them with goods and services such as food, clothing, and healthcare.⁶⁷ However, in correctional institutions, certain activities in the fields of agriculture, livestock breeding, as well as industrial production, raw material processing, etc., are carried out, which may have an impact on the state of the environment. In that sense, it should be pointed out that the requirements of the LEP regarding environmental quality and permissible levels of pollutant emissions that may be released into it apply to correctional institutions as well.

Thus, Article 39 of the LEP stipulates that at the level of the Republic of Serbia, requirements regarding environmental quality are established; that is, limit values are determined for levels of pollutants, noise, radiation, and energy, and limit values of their emissions into air, water, and soil, including emissions from mobile sources of pollution (Article 39, Paragraph 1 LEP). Also, facilities may be constructed and activities carried out in these

⁶⁷ Ellis, R. (2021). Prisons as porous institutions. *Theory and Society*, 50, (2), 175–199, 181.

institutions only if the prescribed requirements regarding emissions and levels of pollutants in environmental media, equipment, and devices that reduce or prevent emissions of pollutants or energy and ensure its preservation are met; that is, if other measures and actions have been taken to ensure the prescribed environmental protection conditions (Article 40, Paragraph 1 LEP). Therefore, in correctional institutions, and the facilities that operate within them, polluting and hazardous substances, wastewater, or energy may be discharged into air, water, and soil in a prescribed manner and in quantities, concentrations, or levels not exceeding the prescribed limit values (Article 40, Paragraph 2 LEP).

Provisions of the Law on the Execution of Criminal Sanctions of the Republic of Serbia Relevant to the Greening of Correctional Institutions

The current normative framework regulating the execution of criminal sanctions in the Republic of Serbia provides ample room for the implementation of greening in correctional institutions. The Law on the Execution of Criminal Sanctions (hereinafter: LECS) states that the purpose of executing criminal sanctions is the successful reintegration of convicted persons into society (Article 2, LECS). Specifically, the purpose of executing a prison sentence is for the convicted person, during the execution of the sentence and through appropriate treatment programs, to adopt socially acceptable values to facilitate reintegration into society after serving the sentence, thereby preventing future criminal offenses (Article 43, LECS).

Since the greening of spaces where convicted persons reside aims to enhance the resocialization process, it can be concluded that the greening of correctional institutions actually contributes to achieving the purpose of criminal sanctions. It should be borne in mind that deprivation of liberty does not necessarily mean constant confinement in closed spaces but includes spending time outdoors within the prison complex and for a limited period.⁶⁸ The only restrictions in this regard stem from the nature of imprisonment and the requirements of prison regimes and security.⁶⁹

The greening of correctional institutions can be carried out through the engagement of staff within these institutions or those from other entities, as well as through the involvement of convicted persons serving their sentences

⁶⁸ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog ozelenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 169–170.

⁶⁹ *Ibid.*

there.⁷⁰ Most often, this involves including these individuals in various work programs, sometimes accompanied by education in the field of horticulture. Therefore, the provisions of the LECS regulating the work and education of convicted persons are also relevant to this issue.⁷¹

GREENING OF CORRECTIONAL INSTITUTIONS IN SERBIA – EXAMPLES OF GOOD PRACTICE

Overview of Field Research on The greening of correctional institutions in the Republic of Serbia Conducted in 2019

The examples of good practice in the greening of correctional institutions in the Republic of Serbia presented in this paper were initially and much more extensively analyzed in the monograph *The Encounter of the Social and the Biological – Greening Prison Communities*, authored by Olivera Pavićević, Ljeuposava Ilijić, and Ana Batrićević, published in 2020 by the Institute of Criminological and Sociological Research in Belgrade. In the part of the monograph dedicated to the practical aspects of the greening of correctional institutions in the Republic of Serbia, a description is given of how greening is implemented in the following institutions: 1) the Correctional Institution in Niš, 2) the Correctional Institution in Sremska Mitrovica, 3) the Correctional Institution in Požarevac – Zabela, 4) the Women’s Correctional Institution in Požarevac, and 5) the Correctional Institution for Juveniles in Valjevo. The field research in these institutions was conducted by the author of this paper during 2019, using the following methods: observation, semi-structured interviews with staff in the mentioned correctional institutions, and documentary photography of the green spaces within the institutions. The aim of the research was to gather information on how much and in what way the idea of greening is applied in correctional institutions in Serbia. The author sought to examine whether these institutions have green areas, where they are located, how much of the institution they occupy, what crops are grown on them, who maintains them, how interested the convicted persons are in participating in greening, and what are the plans for greening these institutions in the future.⁷² This paper provides a summary overview of the results of the mentioned research, while

⁷⁰ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog oze-lenjavanje zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 173.

⁷¹ *Ibid.*

⁷² *Ibid.*, 176–177.

they are presented in much more detail along with documentary photographs in the aforementioned monograph. It should be noted that these results represent a snapshot of the situation at the time the research was conducted in 2019, which means that certain changes may have occurred since then. Regardless of the four-year time gap, the findings obtained by the author remain relevant and offer insight into examples of good practice in the greening of correctional institutions in our country.

Greening the Correctional Institution in Niš

The Correctional Institution in Niš is currently categorized as a general-type correctional facility and, in terms of security level, belongs to closed-type institutions. It has the capacity to accommodate 1,900 individuals across three pavilions, but considering other factors, its realistic accommodation capacity should be reduced to 1,200 places.⁷³ The institution is organized according to the principles of the Irish progressive system, which means it has departments of closed, semi-open, and open types, as well as a department for the execution of detention measures.⁷⁴

According to staff at the Correctional Institution in Niš, there is a constant effort to enrich the environment where both staff and convicted persons reside with greenery. Simultaneously, they consider the practical aspect of greening as a form of work engagement and professional training for convicted persons, as well as an agricultural activity.⁷⁵ In this institution, convicted persons have the opportunity to attend training in plant production, which includes practical work in the institution's gardens and greenhouses.⁷⁶ A total of 200 hectares within the institution's complex are cultivated, mainly growing cereals, fruits, and vegetables used for market sale and for feeding convicted persons, staff, guests of the "Preporod" hotel operating within the institution, as well as for feeding livestock and poultry also raised within the facility.⁷⁷

Additionally, convicted persons serving sentences in the Correctional Institution in Niš are involved in maintaining green areas and cultivating flowers within the institution's complex, thereby contributing to enriching their

⁷³ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog ozelenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 190–191.

⁷⁴ *Ibid.*, 191.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*, 191–192.

⁷⁷ *Ibid.*, 193–194.

living environment while developing aesthetic values and humane characteristics of their personalities.⁷⁸ Convicted persons from this institution are also often engaged in landscaping green areas outside the facility—such as public spaces in the city, hospitals, barracks, and sacred places.⁷⁹ Moreover, they participate in producing park furniture for municipalities, sports associations, and other users, and take part in activities related to landscaping and afforestation.⁸⁰

Greening the Correctional Institution in Sremska Mitrovica

The Correctional Institution in Sremska Mitrovica is classified as a closed facility with closed, semi-open, and open units, as well as a unit for the execution of detention measures.⁸¹ Since its construction in 1899, no significant architectural interventions have been made, preserving its authentic appearance with a visible influence of the Pennsylvania style, which includes external cells to allow fresh air and natural light into the rooms where convicted persons reside.⁸²

From its inception, the Correctional Institution in Sremska Mitrovica has featured many green areas, with their number increasing notably after World War II.⁸³ The institution has long-standing cooperation with the public forestry enterprises “Srbijašume” (Serbia Forests) and “Vojvodinašume” (Vojvodina Forests).⁸⁴ Additionally, the institution owns 750 hectares of arable land planted with fruits and vegetables, primarily used to feed convicted persons and staff.⁸⁵

Convicted persons from this institution are also engaged in various greening projects and activities conducted outside the facility, such as the reforestation project «One Tree for One Warrior.»⁸⁶ Furthermore, some convicted persons are involved in greening efforts, acorn collection, and forest cleaning in collaboration with “Vojvodina Forests.”⁸⁷ Areas within the institu-

⁷⁸ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog oze-lenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 194.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 194–195.

⁸¹ *Ibid.*, 178.

⁸² *Ibid.*, 179.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 180.

⁸⁵ *Ibid.*, 180–181.

⁸⁶ *Ibid.*, 180.

⁸⁷ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog oze-lenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological

tion's complex that are not used for cultivation are utilized for tree planting in partnership with "Vojvodina Forests" and "Serbia Forests."⁸⁸

Staff at the Correctional Institution in Sremska Mitrovica emphasize that convicted persons are motivated to engage in horticulture, fruit growing, and vegetable farming because it allows them to spend their free time more productively, and numerous positive effects of such engagement have been observed.⁸⁹ Besides the practical aspects of these activities, the beneficial effects of decorative greenery on both convicted persons and staff have been noted, improving their mood and reducing feelings of stress and discomfort.⁹⁰

Greening the Correctional Institution in Požarevac – Zabela

The foundations of today's Correctional Institution in Zabela were laid in the mid-19th century, and the building intended for the cellular system of serving sentences, as part of the progressive system, was constructed between 1928 and 1930.⁹¹ It is estimated that the Correctional Institution in Požarevac – Zabela has about 3 hectares of land covered with trees, including reforested areas and a landscaped park. Moreover, the institution owns approximately 180 hectares of arable land where various agricultural crops are grown. These are primarily used to feed domestic animals, while any surplus is sold on the market. Seasonal vegetables are also grown for the consumption of convicted persons, staff, and guests of the hotel operating within the institution.⁹² Convicted persons participate in cultivating agricultural land within the institution and in reforestation efforts, and flower seedlings are grown within the institution, mainly in greenhouses and plastic tunnels.⁹³

A notable characteristic of this correctional institution is that for several years now, twice a year, training is organized for convicted persons in the field of vegetable cultivation in greenhouses and polytunnels.⁹⁴ Participants receive certificates upon completion, which increases their chances of employment in that field after release.⁹⁵ Within the institution's agricultural department, a

Research, 181.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 182.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*, 184.

⁹² *Ibid.*

⁹³ *Ibid.*, 185.

⁹⁴ *Ibid.*, 186.

⁹⁵ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog ozelenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological

special branch for reforestation has been established, and convicted persons regularly participate in various reforestation activities outside the institution, primarily assisting «Serbia Forests.»⁹⁶

Greening the Women's Correctional Institution in Požarevac

Since its establishment, the Women's Correctional Institution in Požarevac has maintained a garden where traditional garden flowers are grown for decorative purposes. As female convicted persons are engaged in maintaining this garden, it plays an important role in their resocialization through employment. Given that the garden is not large, most of it is used for growing fruits and vegetables for the convicted persons' consumption, leaving less space for flowers.⁹⁷ The fruits and vegetables grown in this institution are mainly used for their meals. According to staff, the only limitations regarding greening arise from security requirements, which are especially evident in the closed unit.⁹⁸ Besides pathways and green areas, the institution also has attractive outdoor furniture, enabling convicted persons to have quality and pleasant free time outdoors.⁹⁹ Various types of plants are cultivated in the institution, including Mediterranean species, and the convicted persons are involved in their maintenance, which, as noted by staff, has particularly positive effects on their mood.¹⁰⁰

Many convicted persons who have the right to work outside the institution are employed by the public utility company «Communal Services» in Požarevac, maintaining the city's public green areas.¹⁰¹ According to staff, convicted persons show interest in horticulture, but no specialized training in that field has been organized so far; they are only given practical instructions and tasks, which is still significant for acquiring and improving their work habits.¹⁰²

Greening the Correctional Institution for Juveniles in Valjevo

Research, 186.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, 189.

⁹⁸ *Ibid.*, 187.

⁹⁹ *Ibid.*, 186.

¹⁰⁰ *Ibid.*, 188.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*, 189.

The Correctional Institution for Juveniles in Valjevo, which began operating in 1965, is surrounded by nature—a river, meadows, and forest—and pays great attention to greening.¹⁰³ This is particularly important considering that very young individuals reside there, for whom spending time in nature is exceptionally beneficial for their psycho-physical health and well-being.¹⁰⁴ Within the institution's complex, three walkways equipped with park furniture and surrounded by trees, shrubs, garden flowers, and lawns have been created, serving as spaces for rest and recreation.¹⁰⁵ Besides recreational and decorative functions, greening in this institution also has a practical purpose, offering convicted persons the opportunity to work on the institution's farm, usually in the garden, greenhouse, or fields.¹⁰⁶ Seasonal vegetables are grown in the greenhouse for the consumption of convicted persons and staff, while fruit is cultivated on the farm.¹⁰⁷

Many individuals residing in the Correctional Institution for Juveniles in Valjevo lived in rural environments before serving their sentences, so it is particularly significant for them to continue agricultural activities outdoors, in nature.¹⁰⁸ Therefore, their interest in jobs that involve being outdoors is much greater than for those involving work in the institution's production facilities, which is confirmed by the fact that almost ten times more interested individuals apply for the former than are actually needed.¹⁰⁹ Convicted persons who wish to do so perform tasks related to landscaping under the supervision of horticulture instructors (who are agronomists by profession) and with the assistance of other staff members.¹¹⁰ The Correctional Institution for Juveniles in Valjevo also has successful cooperation with the company "Serbia Forests," and convicted persons have so far planted a large number of trees on mountains around Valjevo that were affected by drought and fires.¹¹¹

Two walkways in the institution's inner courtyard, which is under increased supervision, are painted with murals featuring motifs of trees, benches, and bicycles, creating a visual impression of being outdoors in a

¹⁰³ Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog ozelenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 195–196.

¹⁰⁴ *Ibid.*, 196.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*, 198–199.

¹⁰⁸ *Ibid.*, 197.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*, 197–198.

park. According to staff, this indirect introduction of natural elements into the institution has had a very positive effect on the mood of the convicted persons residing there.¹¹²

CONCLUSION – INTERTWINING PENOLOGY AND ECOLOGY AS A SPACE FOR NEW APPROACHES TO COMBATING RECIDIVISM

International and national legal sources relevant to both environmental protection and the execution of criminal sanctions confirm that the human right to a healthy environment today represents one of the fundamental human rights and that it must be guaranteed to all citizens, including those deprived of liberty—of course, to the extent possible given the limitations arising from the very nature of imprisonment. In this sense, it is very important to recognize that correctional institutions certainly have the duty to protect and improve the environment. At the same time, environmental interests must be harmonized with the security requirements of convicted persons and staff in these institutions. It is also extremely important to prevent abuses in this area, which some authors highlight when criticizing the neoliberal prison model most prevalent in the United States and Great Britain.¹¹³

It is indisputable that correctional institutions have the potential, through their daily activities, to contribute both to the improvement and to the pollution of the environment, and they must adhere to the same environmental regulations as all other entities. Simultaneously, it is clear that these institutions can significantly contribute to the protection, preservation, and improvement of the environment and the promotion of ecological values. Moreover, by the greening of correctional institutions and engaging convicted persons in tasks related to this process, the overcoming of prison deprivations is facilitated, which certainly promotes resocialization. Training convicted persons to perform tasks in the field of horticulture increases their employability upon release, thereby contributing to the reduction of recidivism. Finally, by raising environmental awareness among both convicted persons and the general public through

¹¹² Pavićević, O., Ilijić, Lj., Batrićević, A. (2020). *Susret društvenog i biološkog ozelenjavanja zatvorskih zajednica*. Belgrade: Institute of Criminological and Sociological Research, 199.

¹¹³ For more, see: Jewkes, Y., Moran, D. (2015). The paradox of the 'green' prison: Sustaining the environment or sustaining the penal complex? *Theoretical Criminology*, 19, (4), 452.

various greening activities, a significant contribution is made to the prevention of environmental crimes.¹¹⁴

The results of field research conducted in correctional institutions in Serbia confirm that the idea of greening these institutions in our country is being implemented with much enthusiasm and belief in its positive effects on convicted persons and staff. Activities related to greening are primarily conducted as forms of work for convicted persons, with some institutions also organizing training for convicted persons in these areas. This trend is certainly positive and should be continued but also enhanced through additional education of convicted persons in the field of environmental protection, especially concerning perpetrators of so-called environmental crimes.

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¹¹⁴ Batrićević, A. (2013). Ekološka krivična dela – zločini bez žrtve? *Temida*, 1, (16), 113–132.

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