

## **PRISON BASED EDUCATIONAL PROGRAMS AS A MEANS TO PROMOTE EX-PRISONERS' RIGHT TO LABOUR**

**Ana Batrićević**

*Senior Research Fellow, Institute of Criminological and Sociological Research,  
a.batricevic@yahoo.com*

**Ana Paraušić**

*Research Assistant, Institute of Criminological and Sociological Research,  
parausicana@gmail.com*

**Andrej Kubiček**

*Research Assistant, Institute of Criminological and Sociological Research,  
andrejkubichek@gmail.com*

### **Abstract**

In spite of the fact that the right to labour represents one of fundamental human rights, practice confirms that former prisoners often face a series of obstacles when attempting to enter the labour market and find a legal source of income. Having in mind the fact that obtaining legal incomes is considered one of the crucial preconditions for re-socialisation and recidivism prevention, the interest in offenders' reintegration and rehabilitation has been apparent through policies and/or programs that address ex-prisoners' education and employability. It is believed that prison based programs could be a useful tool for empowering ex-offenders by increasing their chances for employment and successful social reintegration, but they also, in more general sense, have the potential to contribute to lower rates of recidivism. Our goal is therefore to discuss the logic of the prison based programs, as well as to identify and analyse the main types of these programs. Moreover, some notable examples of implemented prison based programs in the world and in Serbia will be presented.

**Key words:** ex-prisoners, right to labour, prison based programs, reintegration, re-socialisation, employability, recidivism prevention

### **INTRODUCTION**

Former prisoners often face a series of obstacles when attempting to enter the labour market and find a legal source of income. Together with lack of accommodation and social stigma, deprivation from the right to work forms three main difficulties in the post-penal situation (Petrović, Jovanović, 2018: 36). Since

obtaining legal incomes is considered one of the crucial preconditions for re-socialisation and recidivism prevention, the interest in offenders' reintegration and rehabilitation has been apparent through policies and/or programs that address ex-prisoners' education and employability. Apart from beneficial financial aspects of legal employment, inclusion of former prisoners in social networks of mutual interdependences in the new workplace is also essential for their re-socialization. Having this in mind, prison based programs could be a useful tool for empowering ex-offenders by increasing their chances for employment and successful social reintegration, but they also, , have the potential to contribute to lower rates of recidivism.

The goal of this paper is to discuss the logic of the prison based programs, as well as to identify and analyse the main types of these programs. Moreover, some notable examples of implemented prison based programs in the world and in Serbia are presented.

## **THE RIGHT TO LABOUR AS A FUNDAMENTAL HUMAN RIGHT**

The right to labour is considered one of fundamental human rights (Herman, Čupurdija 2011, 55). It is a source of incomes and facilitates the individual's financial independence and represents the source of individual's dignity and self-realisation, which impacts personal development and participation in the community (Paunović, Krivokapić, Krstić 2013, 226).

The right to labour is proclaimed in several international treaties: 1) Universal Declaration of Human Rights (1948)<sup>1</sup> (Article 23(1)), 2) International Covenant on Economic, Social and Cultural Rights (1966)<sup>2</sup> (Article 6), 3) Revised European Social Charter (1996)<sup>3</sup> (Article 1). International Labour Organisation (hereinafter: ILO) is explicit about the prohibition of discrimination in the field of labour, highlighting that "Freedom from discrimination is a fundamental human right and is essential for workers to be able to choose their employment freely, develop their potential to the full and reap economic rewards on the basis of merit" (ILO 2019, 45). ILO standards pertinent to equality in the field of labour are proclaimed by its conventions: 1) Equal Remuneration Convention, 1951 (No. 100)<sup>4</sup>, 2) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)<sup>5</sup> and 3) Workers with Family Responsibilities Convention, 1981 (No. 156)<sup>6</sup>.

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<sup>1</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 4 March 2020]

<sup>2</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html> [accessed 4 March 2020]

<sup>3</sup> Council of Europe, European Social Charter (Revised), 3 May 1996, ETS 163, available at: <https://www.refworld.org/docid/3ae6b3678.html> [accessed 4 March 2020]

<sup>4</sup> Equal Remuneration Convention, 1951 (No. 100), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C100](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100) [accessed 5 March 2020]

<sup>5</sup> Discrimination (Employment and Occupation) Convention, 1958 (No. 111), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312256:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO) [accessed 5 March 2020]

The 2030 Agenda for Sustainable Development (2015)<sup>7</sup> deals with the right to labour within goal 8 "Decent Work and Economic Growth". Rules against discrimination protect not only the employees but the persons looking and applying for a job as well (Kulić 2006, 93).

The Republic of Serbia (hereinafter: RS) is one of the parties to the aforementioned international documents and one of the members of ILO<sup>8</sup> and obliged to respect the principles that they proclaim. Article 60(1) of the Constitution of RS<sup>9</sup> guarantees the right to work in accordance with the law. Article 60(2) of the Constitution claims that: the right to choose the occupation freely, whereas Article 60(3) guarantees the availability of all work places under equal conditions.

The Law against Discrimination of RS<sup>10</sup> defines discriminatory activities in its Article 2 as: "any unjustifiable differentiation or unequal treatment or failure to treat (exclusion, limitation or giving advantage) of persons, groups of persons, their family members or persons close to them, committed either explicitly or implicitly, based upon their race, skin tone, ancestors, citizenship, nationality, ethnical origins, language, religious or political convictions, sex, gender, sexual orientation, financial status, birth, genetic characteristics, health, disability, marital and family status, conviction, age, appearance, membership in political, labour or other organisations and other genuine or presumed personal characteristics". This legal provision confirms that former conviction is considered as one of the grounds for discrimination in RS. Discrimination in the area of labour is explicitly prohibited by Article 16 of the Law against Discrimination.

The Law on Labour of RS<sup>11</sup> prohibits the discrimination of employees and persons looking for employment in Article 18. It is prohibited to discriminate the persons looking for employment or employees, either directly or indirectly, on the following grounds: gender, birth, language, race, skin tone, age, pregnancy, health condition, i.e. disability, nationality, religion, marital status, family obligations, sexual orientation, political or other conviction, social origins, financial status, membership in political organisations, labour unions or other personal characteristics. Although the law does not mention explicitly the circumstance that a person is a former prisoner as one of the grounds for discrimination, there are no

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<sup>6</sup> Workers with Family Responsibilities Convention, 1981 (No. 156), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C156](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C156) [accessed 5 March 2020]

<sup>7</sup> UN General Assembly, *Transforming our world : the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, available at: <https://www.refworld.org/docid/57b6e3e44.html> [accessed 5 March 2020]

<sup>8</sup> Further information about the membership of the Republic of Serbia in ILO is available at: [https://www.ilo.org/gateway/faces/home/ctryHome?locale=EN&countryCode=SRB&\\_adf.ctrl-state=17sxxrj9ax\\_9](https://www.ilo.org/gateway/faces/home/ctryHome?locale=EN&countryCode=SRB&_adf.ctrl-state=17sxxrj9ax_9) [accessed 5 March 2020]

<sup>9</sup> Constitution of The Republic of Serbia, Official Gazette of the Republic of Serbia, No. 98/2006, available at: <http://www.ustavni.sud.rs/page/view/en-GB/235-100028/constitution> [accessed 4 March 2020]

<sup>10</sup> Law against Discrimination, Official Gazette of the Republic of Serbia, No. 22/2009., available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_zabrani\\_diskriminacije.html](https://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html) [accessed 9 March 2020]

<sup>11</sup> Law on Labour, Official Gazette of the Republic of Serbia, No. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017, 113/2017 and 95/2018, available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_radu.html#](https://www.paragraf.rs/propisi/zakon_o_radu.html#) [accessed 4 March 2020]

obstacles to consider it one of "other personal characteristics" and, hence, one of potential grounds for discrimination in the context of the access to the right to labour.

Criminal Code of RS<sup>12</sup> in Article 102(4) declares that nobody has got the right to require from other persons to submit the evidence that prove that they have or have not been convicted of a criminal offence. In general, this also refers to the employer, who, apart from the situations where the characteristics and the type of work require, is not allowed to ask potential employees about their former conviction (Article 102(3)). Accordingly, the Ombudsperson declared that adequate measures should be applied in order to improve the position of the convicted persons in the context of their social inclusion without stigmatisation, particularly when it comes to their employment and the application of Article 102 of Criminal Code (Ministry of European Integration of the Republic of Serbia 2018, 74). This was confirmed by his Opinion No. 07-00-134/2016-02 from April 21, 2016<sup>13</sup>, adopted on the occasion of the complaint submitted by M.Ž.PN. against Limited Liability Company "K" because of an on line job application form uploaded on the this company's website. Some of the questions in the form were related to sensitive data and personal characteristics of job applicants, including prior conviction. The Ombudsperson agreed that asking such questions within a job application form should be considered the violation of anti-discrimination legislation and emphasised that the aforementioned personal characteristics do not represent actual ad decisive conditions for performing that job, having in mind the nature of the job and the type of activities this company is performing.

All this advocates that the right to labour is recognised as one of fundamental human rights that should be accessed without discrimination on the grounds of any personal characteristics, including the fact that a person has been convicted of a criminal offence. However, in order to access the labour market as all the other participants, the persons who have been convicted to prison sentence should be given the opportunity to obtain the professional knowledge and skills, since education represents a precondition for their future successful employment and the realisation of their right to labour.

## **THE IMPORTANCE OF PRISON BASED EDUCATIONAL PROGRAMS**

A renewed interest in offender's transitions and reintegration has been apparent in recent years and most correctional systems now feature policies and/or programs that address issues relating to the housing, employment, education and the broader 'resettlement' of offenders. However, introduction of various programs and policies that could enhance offenders' rehabilitation and reduce recidivism, brings considerable challenges. One of the most significant factors influencing

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<sup>12</sup> Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019, available at: <https://www.paragraf.rs/propisi/krivicni-zakonik-2019.html> [accessed 5 March 2020]

<sup>13</sup> For further reference see: Opinion of the Ombudsperson No. 07-00-134/2016-02 from April 21, 2016, available at: <http://ravnopravnost.gov.rs/prituzba-m-z-p-n-protiv-privrednog-drustva-k-d-o-o-zbog-diskriminacije-po-osnovu-vise-licnih-svojtava-u-oblasti-rada-i-zaposljavanja/> [accessed 5 March 2020]

reintegration is juridical and community support. Knowledge plays an important role in constructing community attitudes about a range of justice issues, and it appears that reintegrative ideas depend on community support in ways that other sentencing goals do not (Hardcastle et al., 2011: 116).

Studies on community views about reintegrative practices suggest that the public believes that sentences are too lenient and that the judiciary are out of touch with community views (Hough & Roberts, 1998; Mirrlees-Black, 2002; Paulin, Searle & Knaggs, 2003). Although the public thinks that sentences are too lenient, it does favour rehabilitation and community-based sentences over prison and punishment for juvenile and first-time offenders. To identify legislative and community obstacles to the success of reintegration, Victoria-wide survey of community views about the reintegration of ex-offenders was conducted (Hardcastle et al., 2011). Participants were asked for their views about sentencing objectives, and the nature of their support for employment and housing initiatives. The results showed low levels of overall support for reintegration, with numerous subtle distinctions. The findings also indicate a need for targeted research into the correlates of community readiness for specific aspects of offenders' reintegration, and the need for community education about the social implications of effective reintegration policies for urban, regional and rural communities.

Proponents of community-based models of reintegration argue for a reciprocal relationship between the community and offenders, encouraging offenders to reconstruct prosocial identities, participate in civic life and strengthen social ties, thus reducing reoffending beyond the limited extent achieved by rehabilitation and punishment (Hardcastle et al., 2011: 118). While an 'in principle' support for social policies is always desirable, unless the community members take their support for reintegration to the next level and express a willingness to work with and/or live near offenders, such policies will be ineffective. Community attitudes regarding these issues tend to follow the 'not in my backyard' (NIMBY) phenomenon, where the community supports a cause in principle, but not in close proximity (Hardcastle et al., 2011: 118).

## **CHALLENGES REGARDING PRISON BASED PROGRAMS AND OFFENDERS' EMPLOYABILITY**

Different programs related to prisoners' preparation for engaging in the workforce have many proponents since the participation in post release employment preparation and training programs is associated with lower recidivism (Graffam, Shinkfield, Mihailides, & Lavelle, 2005; Zhang, Roberts, & Callanan, 2006). There is also evidence that variables such as older age and stable employment contribute to lower recidivism (Schram, Koons-Witt, Williams, & McShane, 2006; Uggen, 2000). Despite this, ex-offenders face many challenges in their efforts to find and maintain employment (Holzer, Raphael, & Stoll, 2003; Lynch & Sabol, 2001; Travis, Solomon, & Waul, 2001). Some of the key challenges include: ex-offender substance abuse, physical and mental health, employability and workforce participation, housing, and the interrelationships among these factors (Travis et al., 2001). The research on ex-offenders' experience in re-entering workforce identified 11 domains encompassing their needs for education, training, and practical

assistance; challenges in obtaining and maintaining a job and available support, including personal networks and resources from the correctional system. Substance abuse issues also impact ex-offenders' social viability as well as their career-related re-entry attempts. Also, career development practitioners should understand the internal and external impacts of incarceration related stigma (Shivy et al., 2007).

Few studies have examined attitudes toward hiring ex-prisoners and offenders. In the employer survey, only 12% of employers agreed that they were inclined to hire an ex-prisoner (Albright & Denq, 1996). Employers' willingness to hire an ex-prisoner was higher for those with a college degree, a vocational trade, or a completion of two training programs. Employers reported that they were more willing to hire ex-prisoners on the basis of government incentives but were generally unwilling to hire an ex-prisoner convicted of a violent offence or crimes against children.

In another study, nearly two thirds of employers reported that they would not hire a person with a criminal record (Holzer, 1996). In fact, employers showed more willingness to hire welfare recipients and individuals with minimal work experience than someone with a criminal record. This study confirms a general reluctance by employers to hire someone with a criminal record. A later survey confirmed that self-reported willingness to hire correlated with actual hiring behaviour (Holzer, Raphael, & Stoll, 2003).

On the other side are ex-prisoner's beliefs about employer attitudes. A study conducted in Great Britain (National Association for the Care and Resettlement of Offenders, 1998) found that 42% ex-offenders reported that their criminal records were identified by employers as the reason for being unsuccessful at the job interview stage. Likewise, Fletcher (2001) reported employer's discrimination as the main barrier to employment for ex-offenders. Attitudes of employers to ex-prisoners and crime, lack of job contacts, financial difficulties, and problems making the transition from benefits to employment, along with numerous personal difficulties, restrict employment outcomes for this group (Webster, Hedderman, Turnbull & May, 2001).

A research on perceived employability of ex-prisoners and ex-offenders, demonstrated that apart from people with an intellectual or psychiatric disability, those with a criminal background were rated as being less likely to obtain and maintain employment than other disadvantaged groups. Ex-prisoners were rated as being less likely than offenders and the general workforce to exhibit the skills and characteristics relevant to employability (Graffam, Shinkfield & Hardcastle, 2008). This research is a rare example of investigation of views of four stakeholder groups - employers, employment service providers, corrective service workers, and prisoners and offenders - in an attempt to identify the extent and sources of attitudinal constraints toward employment of ex-prisoners and offenders. Overall, ex-offenders and ex-prisoner face multiple barriers when entering workforce, including negative attitudes of employers, reduced earnings, weakened job connections, lower participation in employment, erosion of employment skills among ex-prisoner groups, etc.

## **TYPES OF PRISON-BASED PROGRAMS**

Different types of prison based programs are developed with the idea to encompass all relevant elements of reintegration, including employment, housing, drug and alcohol treatment, and social network support. Apart from offering the prisoner a set of skills or knowledge, the key goal of these programs is the preparation for a lifestyle change, with employment as one of the key elements to a successful transition (Graffam, Shinkfield & Hardcastle, 2008: 11).

Although most state correctional systems endorse the provision of vocational services and programming to offenders, these services may differ from those typically developed and delivered by counselling and career development specialists. Lawrence and colleagues (Lawrence, Mears, Dubin, & Travis, 2002) identified four major categories of programming: 1) educational instruction 2) vocational training 3) prison industries and 4) employment services training.

Another typology is found in the *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders* by United Nation Office for Drugs and Crime (2012). It includes six categories of prison-based programs: 1) physical health care; 2) mental health care and psychological support; 3) substance abuse treatment; 4) programmes to address behaviour and attitudes (including cognitive-behavioural therapy); 5) education and vocational training; and 6) work experience. The programs including education and vocational training are based on the assumption that social reintegration is more difficult for offenders with poor basic education and unmarketable skills. Insufficient opportunities for prisoners to participate in vocational and educational training make it harder for them to plan a successful and law-abiding return to the community (United Nation Office for Drugs and Crime, 2012: 49). Several programmes can teach inmates functional, educational and vocational skills based on employment market demand and public safety requirements. Access to the job market requires a level of functional literacy and numeracy, as well as other basic working skills, which many prisoners have simply not achieved. Programs focused on work experience highlight that every prison should provide work for prisoners while serving the sentence, taking into account the personal preferences of the prisoners in what kind of work they wish to perform. Work in prison should be paid and that work should be such that it will maintain or increase the prisoners' ability to earn an honest living after release (United Nation Office for Drugs and Crime, 2012: 51).

## **PRISONERS' LABOUR AND EDUCATION IN INTERNATIONAL AND NATIONAL LEGISLATIVE FRAMEWORK**

The importance of education as a part of treatment programs in penitentiary institutions has been recognised by relevant international organisations, arguing that education, as an essential human right and need, is of crucial importance for personal development (Knežić 2017, 63). Education is a part of life-time process and there is no reason for it to be interrupted due to the enforcement of prison sentence (Knežić 2017, 63). The Standard Minimum Rules for the Treatment of

Prisoners (1955)<sup>14</sup> contained provisions relevant to prisoners' education and so does the document that supersedes them - United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2016)<sup>15</sup> (hereinafter: UNSMRTP). In compliance with Article 77(1) of UNSMRTP, further education of all prisoners capable of profiting thereby should be provided, whereas the education of illiterate and young prisoners shall be compulsory and in particular focus of the prison administration. As prescribed in Article 77(2) of UNSMRTP, the education of prisoners has to be integrated as much as it is possible with the educational system of the country so that they may continue their education after their release without difficulty.

According to Article 28(1) of European Prison Rules (2006)<sup>16</sup> (hereinafter: EPR), all prisoners have to be provided with the access to educational programmes, which: 1) are as comprehensive as possible, 2) take into consideration their individual needs and 3) take into account their aspirations. Article 28(2) and 28(3) of EPR highlight that the priority in the field of education should be given to the following prisoners: 1) prisoners with literacy and numeracy needs, 2) prisoners who lack basic or vocational education, 3) young prisoners and 4) prisoners with special needs. It is of particular importance to mention that EPR insist on the equal status of prisoners' education and work within the prison regime, in the sense that they must not be financially or otherwise disadvantaged if they participate in education (Article 28(4)). EPR oblige every correctional institution to have an adequately stocked library available for use by all prisoners and organised in co-operation with community library services (Articles 28(5) and 28(6)). Article 28(7a) EPR insists on the integration of prisoners' education with the educational and vocational training system of the country to ensure that they may continue their education and vocational training without difficulty after release. Article 28(7b) EPR insists that prisoners' education should take place under the auspices of external educational institutions. EPR also promote the vocational training of prisoners and oblige the prisons to provide it for all the prisoners that could benefit from it (Article 26(5)).

Law on the Enforcement of Criminal Sanctions of RS<sup>17</sup> (hereinafter: LECS) proclaims that convicted persons have the right to elementary and high school education, organised within the penitentiary institutions in accordance with the laws regulating education (Article 122 (1)). Penitentiary institutions are also entitled to organise other types and forms of prisoners' education (Article 122 (2)). It is

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<sup>14</sup> United Nations, Standard Minimum Rules for the Treatment of Prisoners, 30 August 1955, available at: <https://www.refworld.org/docid/3ae6b36e8.html> [accessed 10 March 2020]

<sup>15</sup> UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) : resolution / adopted by the General Assembly, 8 January 2016, A/RES/70/175, available at: <https://www.refworld.org/docid/5698a3a44.html> [accessed 10 March 2020]

<sup>16</sup> Council of Europe: Committee of Ministers, Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules, 11 January 2006, Rec(2006)2, available at: <https://www.refworld.org/docid/43f3134810.html> [accessed 10 March 2020]

<sup>17</sup> Law on the Enforcement of Criminal Sanctions, Official Gazette of the Republic of Serbia, No. 55/2014 and 35/2019, available at: [https://www.paragraf.rs/propisi/zakon\\_o\\_izvršenju\\_krivicnih\\_sankcija.html](https://www.paragraf.rs/propisi/zakon_o_izvršenju_krivicnih_sankcija.html) [accessed 10 March 2020]



particularly important to highlight that Article 124 of LECS prescribes that the diploma obtained during the enforcement of prison sentence must not contain any visible marks/signs that would indicate that it has been issued in a penitentiary institution.

The Rulebook on House Rules of Penitentiaries and District Prisons<sup>18</sup> (hereinafter: RHRPDP) regulates the issue of prisoners' education and vocational training in more detailed manner. In compliance with Article 40(1) of RHRPDP, the penitentiary institution is in charge of organising elementary and professional education of convicted persons, in accordance with the appropriate program and facilitates their examination either inside or outside the institution. A convicted person who is participating in the educational program has to be given appropriate conditions and enough time for that, within the capacities and program of the penitentiary institution (Article 40(2)). RHRDP (Article 41 (1)) considers prisoners' work in accordance with relevant legal provisions as a part of the program of acting<sup>19</sup>. The purpose of this type of work is to create, maintain and increase prisoners' working abilities, habits and professional knowledge and skills with the purpose to facilitate his successful social reintegration (Article 41(2)). Vocational training and professional education of prisoners is performed through theoretical preparation and practical training, within the capacities of the penitentiary (Article 41(3)).

## **PRISON BASED EDUCATIONAL PROGRAMS IN SERBIA**

Several programs and projects related to prisoners' professional education and vocational training are currently being applied in correctional institutions in RS and they all share some common features: 1) the participants take part in them on a voluntary basis; 2) they are aimed at facilitating prisoners' employment after serving the sentence 3) they combine theoretical knowledge and practical skills; 4) they insist on actual working engagement of prisoners and 5) they are based upon the idea of positive, therapeutic and healing effects of labour.

German organisation HELP<sup>20</sup> has played a crucial role in the application and promotion of prison based educational programs in correctional institutions in Serbia. HELP's re-socialization program started in 2014 and it is aimed at creating the working conditions and the increase of working engagement of prisoners by equipping the workshops within correctional institutions in RS with adequate and modern equipment suitable to contribute to the increase and improvement of production in terms of range and quality (HELP 2020, 1). HELP is also focused on the development and maintaining of prisoners' working habits, working engagement and vocational education, all within their treatment program. (HELP 2020, 1).

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<sup>18</sup> Rulebook on House Rules of Penitentiaries and District Prisons, Official Gazette of the Republic of Serbia, No. 110/2014, available at: <http://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2014/110/1/reg>, [accessed 10 March 2020]

<sup>19</sup> Program of acting is made for each individual prisoner by the Treatment Service, based upon the assessment of his individual needs, capacities for change and the risk of recidivism (See: Article 20 of LECS).

<sup>20</sup> For further reference see: <https://help-serbia.org.rs/en/o-help-u/>, [accessed 10 March 2020]

Altogether 647 prisoners attended various vocational trainings including: tailoring, sewing, carpentry, cooking AUTOCAD 2D ad 3D, welding, production of aluminium and PVC joinery, baking, plumbing, printing etc. (Help 2020, 3). Moreover, 88 employees in correctional institutions attended vocational training in order to facilitate the transfer of knowledge in these fields (HELP 2020, 3). At the moment, the following vocational trainings are taking part in 11 correctional institutions in RS for 372 prisoners and prison staff members: CO<sub>2</sub> welding, CNC milling, automatic CAD/CAM application programming, basic computer training, hairdressing, furniture restoration, growing vegetables in greenhouses, growing and processing medical herbs, horse and dog training etc (HELP 2020, 3).

Innovative working and educational programs based upon the ideas of animal assisted therapy have been applied in correctional institution in Sremska Mitrovica since 2017. They include prisoners' work either with dogs or with horses, combined with theoretical education and practical training through which they obtain knowledge and skills necessary for taking care and training of these animals (Batrićević, 2019a, 16; Batrićević 2019b, 121).

The prisoners work with abandoned dogs from a dog shelter located within the prison complex, which allows them to have a contact with them on a daily basis (Batrićević 2019b, 122). The program lasts between eight and ten weeks and includes: theoretical education, as well as practical part that comprises dogs' feeding, grooming, cleaning and training (Batrićević 2019b, 122).

In order to be considered eligible to participate in the program of working with dogs, the prisoners have to meet the following preconditions: 1) that they are highly motivated to participate in the program; 2) that they have finished elementary school<sup>21</sup>; 3) that they have more than 6 months before the end of the sentence; 4) that they have not previously been convicted of criminal offence of killing and torture of animals (Article 269, Criminal Code of the Republic of Serbia)<sup>22</sup> (Batrićević 2019b, 123). The prisoners with elementary education and lack of professional knowledge and skills are particularly encouraged to participate in this program (Batrićević 2019b, 126). The advantage is also given to the prisoners who: 1) do not have well-developed working habits; 2) have a history of dysfunctional behaviour indicating impulsiveness and weak control; 3) do not have a developed sense of empathy (Batrićević 2019b, 127). At the end of the course, the participants receive a diploma, verified by the Faculty of Veterinary Medicine, University of Belgrade (Batrićević 2019b, 165).

The program based on prisoners' work with horses<sup>23</sup> combined with education about horses' anatomy, nutrition, healthcare, diseases prevention,

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<sup>21</sup> This precondition actually refers to the fact that the prisoners who participate in the program have to be literate in order to be able to read the written materials and resources that they are given throughout the program, particularly within theoretical lectures (Batrićević 2019, 123).

<sup>22</sup> For further reference about the criminal offence of killing and torture of animals from Article 269 of Criminal Cide of the Republic of Serbia see: Batrićević, Batanjski, 2014: 56-60.

<sup>23</sup> The research project which includes the monitoring of the application of the program based upon prisoner's work with horses in Correctional Institution in Sremska Mitrovica through interviewing and photo documenting is has been and still is conducted by one of the authors of this paper, Ana Batrićević since 2018. Since the research is still in progress there are no references on this

behaviour etc. and practical training in the field of horse-keeping, feeding, training and shoeing. The participants are selected by the prison staff in charge of treatment and education. Apart from their enthusiasm and readiness to participate in the program, it is important that they have not committed criminal offence of killing and torture of animals from Article 269. of the Criminal Code of RS. They also obtain a certificate as the proof of their participation in the program, which facilitates their employment after serving the sentence.

In Correctional Institution in Požarevac-Zabela, prisoners have the opportunity to attend a course providing them with knowledge and skills necessary for vegetables planting in green houses (Pavićević, Ilijić, Batrićević 2020). This course has been held in this penitentiary for the past couple of years by the lecturers from Agricultural High School and it consists of a combination of theoretical lectures and practical work in greenhouses located within the prison complex (Pavićević, Ilijić, Batrićević 2020). At the end of the course, the prisoners obtain a certificate to confirm their participation and knowledge, without any indications that it has been issued within a prison based educational program (Pavićević, Ilijić, Batrićević 2020).

In Correctional Institution in Niš, prisoners also have the opportunity to attend a professional training in horticulture as well as to apply the obtained knowledge in agricultural activities (including planting cereals and vegetables) within the prison complex (Pavićević, Ilijić, Batrićević 2020). The European Commission financed the application of prison based programs of professional education and training in 2012, including the area of agriculture and facilitated the placement of three greenhouses in the closed wing (Pavićević, Ilijić, Batrićević 2020).

## CONCLUSION

The analysis of legal and sociological aspects of prisoner's educational programmes, as well as the evaluation of the existing practices in Serbia, provide many valuable insights. First of all, former prisoners are facing two possible decisions in their post penal phase. One is both illegitimate and illegal, and that is continuing with (potentially) lucrative criminal activities. Second, which is legal, can hardly be acceptable for most individuals who leave prison, because it lingers between proleterization and precarization: being employed for minimal wage, or/and being employed in insecure workplace. This uneasy choice can be alleviated by offering them trainings for professions which are sought after in the labour market and which can provide a decent life.

As already sad, other social aspects of work are as important as financial ones. For example, team activities which can help prisoners to develop interpersonal skills between different social role holders should be preferred over isolated work tasks. Also, available professions should include regular care (for animals, plants, or possibly other people), in order to develop both sense of responsibility and empathy.

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program that can be cited. The information presented in this paper represent the findings that have been gathered within this research by now.

Examples of good practices from Serbia clearly show that cooperation between different stakeholders has great importance. Penal institutions on one side have to work in unison with expert institutions, NGOs and foundations, with valuable support from faculties and research institutes, who can provide guidance and expertise. In order to make this process even more successful, chambers of commerce (both national and local) and associations of entrepreneurs should also be included.

Another aspect of problem analysed in this article is response by wider social surrounding. Acceptance of former prisoners as employees and colleagues in their new workplace is necessary precondition, especially if we take into consideration their already vulnerable self-esteem and alternative habitual dispositions acquired during the process of *prisonization* (Ilijić, 2012). In the end, one must never forget that learning process of any kind, including acquiring professional qualifications, isn't only individual and philological in its nature, but social as well. Any success in this filed is an outcome of complex interactions between all mentioned actors, institutions and legal framework, thus both responsibilities and achievements are shared as well.

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