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## **TREATMENT OF IMPRISONED JUVENILES IN KOSOVO**

### **Abstract**

One of the basic principles of criminal law of Kosovo is the protection of juveniles particularly the rehabilitation and protection of the juveniles from the delinquent and criminal activities.

Since the juveniles include a majority of young ages and of early stages of education and character creation, the propability of influencing them positively is very high, but this positive influence will depend from the treatment and from providing respect for their rights. Therefore the perspective presented in this paper is the improvement of conditions in Juvenial Correctional Center in Lipjan in order to achieve proper treatment of the juveniles and to increase their intellectual and psychological capacity to deal with their daily challenges. Such recommendations are given at the end of this paper.

### **INTRODUCTION**

The protection of the rights and fundamental freedoms is one of the basic principles that is guaranteed by the Constitution of Kosovo, the UN Convention on Human Rights, UN Children Rights Convention and various international instruments. In particular the Kosovo Constitution

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protects and promotes the children's rights and freedom. Yet children often find themselves in conflict with the law, therefore different programs are being developed, aiming their reintegration into society. In Kosovo there is only one correctional centre, located in Lipljan that deals with the rehabilitation and reintegration of sentenced juveniles.

Considering young age of the juveniles and the matter that they are still in the process of formation of their own personality, the possibility of positive impact to these juveniles might be high, but the practice of the positive impact will depend on the approaches conducted on treating and their treatment during their residence in Juvenile Correctional Centre, as well as the position which the minors have during their stay at the Centre

The purpose of the research paper is to analyse the use or the application of these approaches (methods) within Juvenile Correctional Centre in Kosovo, as well as to investigate the level of utilization of these approaches of treatment during the execution of imprisonment and educational measures, and their compliance with international legal acts that regulates the position of the persons imprisoned as the minimum rules of the UN standard for treatment of detainees and European prison Rules of the Council of Ministers 2006.

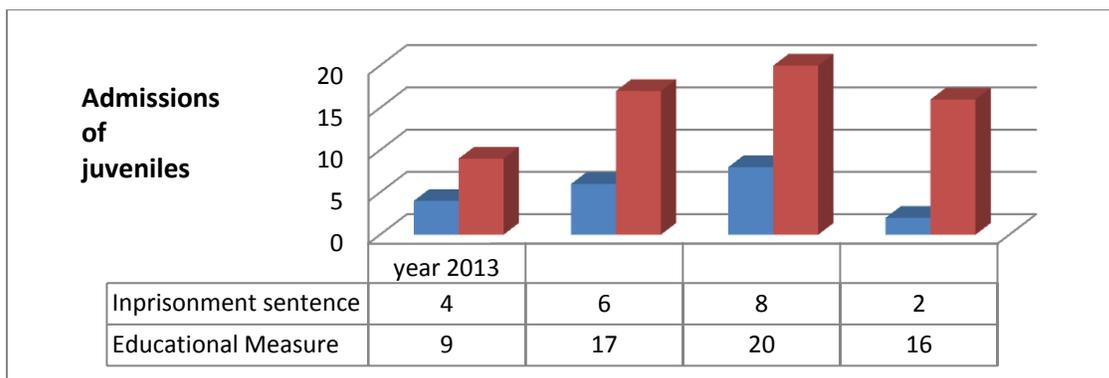
## **1. A few features of convicted juveniles**

Several features are going to be considered, regarding juveniles as: the number of juveniles who serve imprisonment sentence or the educational measure in Juvenile Correctional Centre, the types of criminal offenses, the amount of punishments and the structure of juveniles under the jurisdiction of basic courts for which they have been convicted by an imprisonment or educational measure.

### **1.1 The number of juveniles admitted to the Correctional Centre**

Based on the data obtained from the executive office of Correctional Centre, over the number of admissions of juveniles during the period 2013- June 2016 of execution of imprisonment sentence or educational measure, it has been found that during this period there were a total of 82

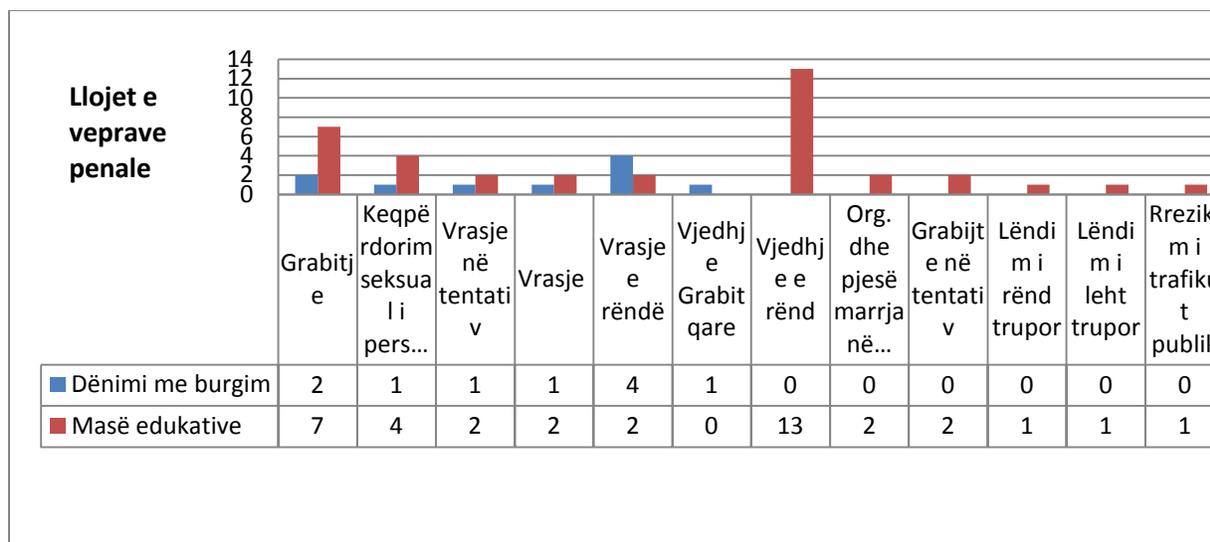
juveniles admitted to a correctional centre. The admissions are presented in table below, for each year separately.



As shown in diagram the number of juveniles admitted increased its trend every year, while in 2013 there were 13, in subsequent years has marked an increase, hence in 2014 were 23, whereas in 2015, 28 juveniles were admitted and in the first half of 2016 there were 18 juveniles. In general during this period, the 82 juveniles have admitted to the correctional centre or 24.40% or more exactly 20 of them had been sentenced with imprisonment, while 75.60% or 62 juveniles with educational measure.

## 1.2 Types of criminal litigation that have been committed to convicted juveniles

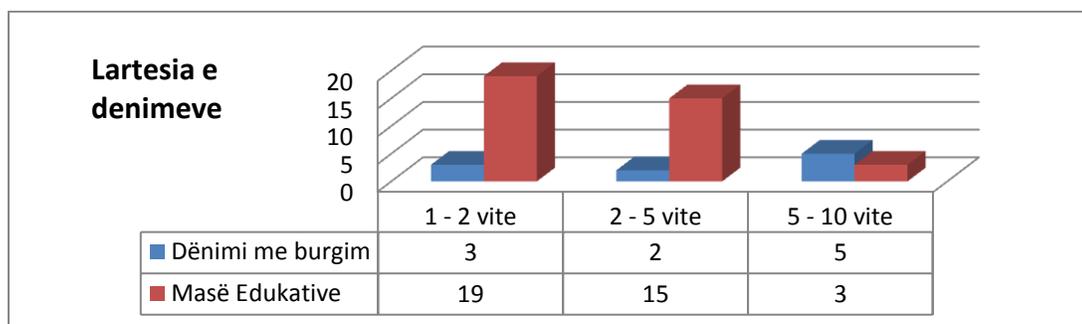
Dominant offenses as a reason juveniles reside in Correctional Centre are actions that contradict Chapter XXVII of the Criminal Code of Kosovo - Crimes against property. The largest number of criminal offenses that have been committed by juveniles are robberies, followed by theft, serious theft, rape, physical abuse, homicide. The table below presents the types of crimes committed by juveniles that are in execution of imprisonment sentence and executive measure in 2016.



As shown in tabulation presented, 10 juveniles are in execution of a sentence of imprisonment, and 37 of them in educational measure. The dominant offences of juveniles residing in the Correctional Centre are offenses against property, precisely 25 juveniles who committed this act or 53.19% of the total number of juveniles who are in the centre. This is followed by offenses against the life and body as: murder, attempted murder and grievous body harm. The most specific characteristic about the table is that there are perpetrator of penal offense and participation in a terrorist group, which represents the major concern for the whole society, not only for people in Kosovo. However the fight of it constitutes the world priority, considering numerous risks of terrorist attacks, especially in the latter days. Two juveniles (L.R and D.I) who are in execution of an educational measure for a period of one year time, coming from Gjilan region, have been members of the terrorist organization of Islamic State, respectively warrior of this organization.

### 1.3 The level of punishments and educational measures

Inside the Juvenile Correctional Centre, imprisonment and educational measures are being executed. The table below describes the length of sentences of juveniles who are currently within this centre.



As shown in table 9, the highest number of juveniles 22 in total or 46.80% of them are in the execution of educational measures and in short time imprisonment - two years duration, 17 juveniles, or 37.16% of them are up to five years execution of imprisonment sentences and educational measures, and 8 juveniles or 17.2% of them are up to 15 years execution of imprisonment and educational measures.

## 1.4 Some personal and social feature of juveniles

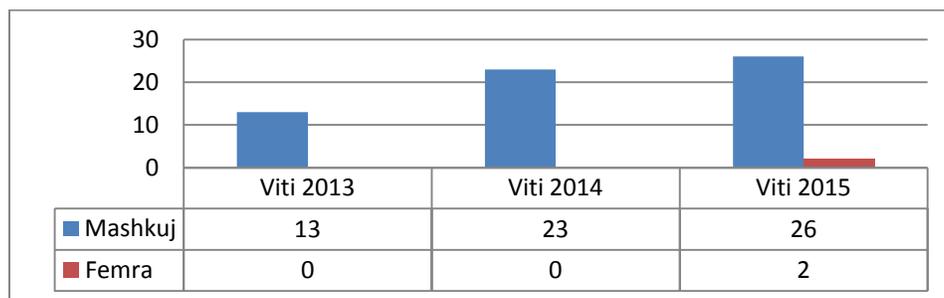
Within the personal traits of juveniles who have been in Correctional Centre, this section will handle some feature of ethnicity and nationality, gender and the recidivism of juveniles.

### 1.4.1 The ethnicity and nationality

Considering the population and national structure of Kosovo which measure 90% of Albanian ethnicity, it is quite reasonable that the largest number of juveniles admitted to Correctional Centre are of Albanian ethnicity. Therefore all of the juveniles that have been in the execution of imprisonment and educational measures are Albanians, respectively inhabitants of Kosovo.

### 1.4.2 Gender

Various criminological and criminal research have come to the conclusion, that not only the juveniles but also among adults, the majority of criminal offenders were male in gender. Even among juveniles in the Correctional Centre inmates majority during the period 2013-2016 belong to male gender. Speaking figuratively, in the following table are presented gender structure of juveniles during the period 2013-June 2016.

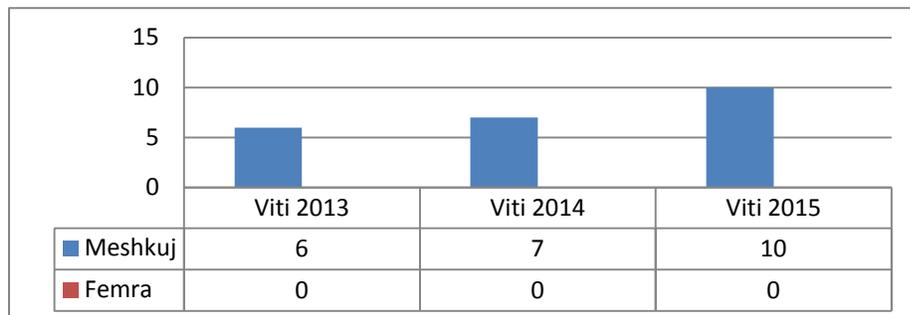


Referring to the table, it indicates that the female juveniles imprisoned and those with educational measure during this period was very low with , in total two or 3.12% of the total number of juveniles. While the majority of juveniles who have been in the execution of a sentence of imprisonment or educational measures during the period 2013-2015 in Lipljan Correctional Centre consists of the juvenile males, in a total of 62 juveniles males or 96.87% of the total juveniles admitted.

### 1.4.3 Recidivism

Over treatment of recidivism in Correctional Centre only the sense of juridical and - criminal recidivism, has been taken into consideration, whereby recidivism represents committing repeated offense by a person who had previously been convicted of any criminal offense. The main factor of recidivism is mentioned to appear as a cause of inappropriate treatment during the execution of a sentence of imprisonment, lack of aid of post offense etc. Lipjan Correctional Centre during the period of 2013-2015 had admitted in total 23 recidivists' juveniles, who are

figuratively presented in the following table.



As claimed in table 9 it can be seen that the number of juvenile recidivists in consistency has marked an increase during this period, while in 2013 were 6 juveniles recidivist, this number has almost been doubled in 2015, reaching the number of 10 juvenile recidivists. The number of recidivists is distributed in percentage, since the number of recidivists admitted during this period represent 35.93% of the total number of juveniles admitted in this period.

## 2. THE TREATMENT OF CONVINCED JUVENILES

Within the Juvenile Correctional Centre in Lipljan in purpose of successful realization of a process of rehabilitation and reintegration of children, several methods have been applied, among which constitute mostly:

- ✚ Child labour
- ✚ Individual staff work with juvenile penitentiary (the work of social work officer, psychologist and doctor)
- ✚ Education and training
- ✚ Cultural, entertainment and sports life of juveniles
- ✚ Self-organization of juvenile

 Group counselling involving juveniles

## 2.1 Labour of juveniles

Labour of juveniles is considered among the most important factors in the process of reintegration and rehabilitation of them during their stay in the correctional centre. The work introduces social activities, the implementation of what first and foremost depends on human existence, then in the satisfaction of all other needs as well as in implementation and development as humanity as generic being<sup>1</sup>. Child labour within Correctional Centre should be the same with the work that people do in freedom, which also must be adapted to the abilities, possibilities, wishes and demands of inmates. The work in prison is considered to be a positive component of the prison regime and is never used as a punishment.<sup>2</sup> Work of juveniles within the Correctional Centre should be in accordance with their physical and psychological abilities, likewise in according to the findings of the doctor<sup>3</sup>.

The provisions of the LEPS in terms of working hours has stated rules which are so similar with the Labour Law stipulating that during the course of their imprisonment cannot be worked more than 8 hours per day and no more than 40 hours a week, provide the weekly holiday which must be at least a day and annual holiday which must be at least 30 days. The main rights of juveniles during the juvenile labour in prison is monthly remuneration for the work performed. The juvenile can acquainted only 70% of the remuneration of the work done

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<sup>1</sup> Sulejmanov. Z, Penologija, Skopje, 1999, p. 549.

<sup>2</sup> Committee of Ministers to member states on the European Prison Rules, 2006, rule 26.1.

<sup>3</sup> Rexhep Gashi, *Ekzekutimi i dënimit me burg në Shqipëri*, Pristina, 2001

and the rest is deposited in the account of saving money at the centre. The return of the remained percentage of remuneration is done once the juvenile is out of residence, only if the director of Correctional Centre exceptionally may allow the use of funds from the account only in necessary cases for juvenile or his family<sup>4</sup>.

During the stay in the Correctional Centre, juveniles undergo the process of labour, performing work relating to the maintenance of the garden, cleaning the official vehicles of institution, maintaining the public hygiene within the building, work on bar centre, caring for the farm work, distribution of clean clothes through the pavilions. Juveniles who have completed vocational training, offered by the centre, are engaged to work in those areas already trained, such as: the maintenance of school facilities and sports domain, laundry work, etc. Therefore, based on what was indicated above, it can be concluded that within Correctional Centre, the process of labour is well organized and in line with international standards set by European Prison Regulations. Thereby the institution offered proper labour conditions, such as payment, vocational training in certain occupations such as electricians, tailors, pastry, etc., so that these juveniles be prepared and trained to live independently in freedom, what respectively is the main goal of juvenile engagement in the work process.

## **2.2 Individual work with the juvenile penitentiary staff**

Besides the work of juveniles, staff performance of Correctional Centre has an important role in the process of rehabilitation and reintegration of the juveniles. Within this sub-chapter social worker officers will be addressed in specific. Furthermore the work of the psychologist's, doctor's health care staff will be considered as well.

### **2.2.1 The work of social workers**

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<sup>4</sup> Law no. 04/1-149 on Execution of Penal Sanctions, article 75.

Social work officials in Correctional Centre in Lipljan, play a key role in the process of reintegration and rehabilitation of children, helping them to overcome the difficulties encountered during their stay in the centre, especially in the regulation of disrupted family relations, so other relationships. However, the social workers performance could be proved to be productive only if they consider seriously to get as much information as possible on juvenile overall personality.

To fulfil these objectives, the social official actively engages with the inmate, initially dealing with t his/her court file, the offense committed, the manner of commission of the offense, motives and individual circumstances that have prompted the person to perform the offence, criminal activities, a previous history of criminal delinquency, social circumstances where the minor has grown, education, marital status, economic status, the juvenile attitude towards offence etc. The social officer designs a social analysis, and comes up with conclusions and opinions, that are important for the treatment and reintegration of juveniles convicted<sup>5</sup>.

Social Officer work has a key role in this Centre, as: the classification of juveniles and defining the appropriateness of treatment, assessment of risk for juveniles, different advancements, award of benefits, weekends permissions, preparation of assessment reports for the court, the commitment in work, schooling, training, settlement of disputes and conflicts that may occur among juveniles convicted and their family, post – criminal aid, etc.

Throughout the 2014 - 2015 social affairs official, considering the importance of family support in attainment of rehabilitation of juveniles convicted, has mediated in three case of reconciliation between juveniles and their families, since the family had established distance with juveniles who were convicted of offenses of homicide and of aggravated theft. Social officer of the centre visited their families, and had demonstrated the importance of family support in the reintegration of the minor, as a result the official has managed to improve family relationships or succeeded to establish contacts between them.

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<sup>5</sup> Dr.Ragip Halili, *Vepra e cituar*, p. 182.

Although Correctional Centre in Lipjan has an official social work, it is more than necessary to increase their number and in particular those with a specialization in the field of juveniles, since based on the present situation it is impossible to expect necessary performance of only one social officer, thus to account with all categories of convicted persons who are residing in the centre.

## 2.2.2 The work of psychologist with the juveniles

Psychologist's work with juveniles, is one of the most important factors in the process of reintegration of persons convicted. The role of the psychologist in the centre is expressed especially in the case of the study of personality of the them, in order to ascertain the appropriate treatment of his own within the Correctional Centre. This centre being consistent with the European Prison Rules 2006 is equipped with a medical service that provides psychiatric treatment<sup>6</sup>. The psychiatrist's professional opinions, his personal contacts with the convicted persons are of great importance for determining the social diagnosis and classification of inmates into groups and subgroups<sup>7</sup>.

The most common works that psychologist conducts in Correctional Centre are test application, interviews, psychometric studies and requirements, discussions and regular consultations with inmates. The work of a psychologist requires particular involvement so that to encounter in consensus with the juveniles, and to attain to dismiss doubts of them, to convince them that the affairs and actions they are supposed to conduct are intended to help them, rather than leave space to cause any bad behaviour and harm their position during the execution of punishments.

In Lipjan Correctional Centre there is a lack of number of psychologists, which represents a major obstacle in the implementation of treatment over juveniles as well as in

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<sup>6</sup> Committee of Ministers to member states on the European Prison Rules, article 47.2

<sup>7</sup> Dr. Ragip Halili, *Vepra e cituar.*, p.184

reintegration process of them. There is only one psychologist working with regular schedule, every day from 08:00 -16: 00, in the framework of Correctional Centre health service. So for the best monitoring treatment programs and advancement of the juvenile correction process, it is needed to increase the number of psychologists, who should in specific be specialized on children treatment.

### **2.2.3 The work of the doctor and health care employee with juveniles**

Another important factor in the implementation of treatment and reintegration process of juveniles is the work of health care staff. The role and impact of this category of personnel could find an expression especially in the case exercising and control visits towards juveniles. The positive impact of the medical staff over juveniles is also among objectives. Even by means of international acts it is determined that every prison should have at least a services of a general practitioner, dentist and psychologist<sup>8</sup>.

Healthcare employees, doctors in particular, the contacts they make, their humanitarian approach, can influence convicted persons to get involved in the labour process, adapt to the environment of the correctional institution, contribute to the convicted persons to consciously understand the reality in which they find themselves as inmates, and undertake actions to overcome this situation, so to maintain their physical and mental health. Healthcare staff have significant impact also in giving suggestions based on findings regarding the determination of the workplace, with the terms of setting and clothing, food and types of food and undertaking of disciplinary measures against prisoners<sup>9</sup>.

Lipljan Correctional Centre is equipped with healthcare staff in which the general practitioner, dentist, gynaecologist, psychologist and psychiatrist, conduct their responsibilities, thus meeting the regulation defined by the European Prison Rules. Another satisfying

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<sup>8</sup> Standard Minimum Rules for the Treatment of Prisoners, adopted by UN rule 21.

<sup>9</sup> Dr. Ragip Halili, *vepra e cituar*, p. 185

achievement regarding health care system in the centre, has been reached by assigning psychologist and other healthcare specialists in full-time daily bases<sup>10</sup>, hence fulfilment of requirement as stated on the European Prison Rules, which has contributed to the providing better health care services. Nevertheless it is quite necessary to raise number of the medical specialists, especially the number of psychologists is in real need. Therefore it can be said that with respect to the method of work of the health service in the centre, the criteria prescribed by means of the European Prison Rules and the UN Standard Minimum Rules for the Treatment of Prisoners are fully met.

### **2.3 Education and Training as part of increased treatment**

Education as a form of treatment of the convicted persons, has an enormous significance in the rehabilitation and reintegration of juveniles. Education appears among the key elements towards the realization of objectives of delinquency correction and resocialization. The best description of the role of education in the process of preventing crime has been described by French writer Victor Hugo who said *"He who opens a school door, closes a prison"*.

Various criminological research prove that a huge number of persons convicted of criminal conduct has committed the crime due to the low level of education and school preparation. To the education, a particular attention has been given in the European Prison Rules, as well. Therefore, in order to avoid these deficiencies and gaps in education but also with the purpose of preparing juveniles for their life in freedom, in the Correctional Centre for Juveniles in Kosovo it is being considered working on juvenile, so not let them fall behind the educative process, but to be able to continue education where it was interrupted due to the convictions.

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<sup>10</sup> Committee of Ministers to member states on the European Prison Rules 2006, rule 48 and 41.

The centre is equipped with school facility, which provides primary and secondary grade, from six to twelve grade<sup>11</sup>. The school is comprised of classrooms, halls of PE, the cabinet of informatics and library. Educational process takes place every day from 08:00 to 12:00. Presently centre has 8 teachers who maintain educational process. The library is equipped with various literature where juveniles access it at least once a week. Individuals convicted, after the completion of the school year, are given a diploma. However in certificate/diploma must not be recorded that education is obtained from the punishment institution.

Likewise with the purpose of creating useful qualities and capabilities of juveniles in Correctional Centre in Lipljan professional training are being organized as well. The trainings are mainly of three-month duration. Commonly these trainings are organized after the completion of schooling. Trainings offered to juvenile are: electrician, hydro installer, curator and informatics. Each juvenile who pursues and finishes the training in a particular subject area it is entitled with certificate issued by the Ministry of Labour and Social Welfare. Even in this certificate does not figure that the juvenile has attended training during the sentence in Lipljan Correctional Centre. This form of treatment is prescribed as mandatory in accordance with the legislation of our country. Therefore all the criteria stated in the European Prison Rules are provided by the Centre. The centre has applied provision of educational process setting priority to education beside the work in and accession to library and sports centre.

## **2.4. Cultural, entertainmet and sport life of juvenile**

The other important factor in the process of reintegration and rehabilitation of juveniles are also the cultural and entertainment activities of them. For the purpose of best possible organization to of their leisure time, Correctional Centre is obliged to establish conditions and sufficient space for the development of the certain activities. Inside the centre various cultural

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<sup>11</sup> Law no. 04/l-149 on Execution of Penal Sanctions ,article 83.

and sports activities are being offered, some of them are: theatre performances, organized by convicted persons themselves or guests of the theatre, displaying of various educational films, access to the library and reading rooms, access to the fitness room, etc. Juvenile sport activities are organized in daily bases. Besides sport exercises the convinced juveniles often take part in different tournaments which are attended by public schools, as well as tours with other prisoners.

The centre also possess hall for cultural activities, as well as several musical instruments. In this halls juveniles organize various cultural activities, meantime there is also the artistic group "Shpresa". Furthermore there are occurring activities like concerts, performed by different cultural and artistic society of Kosovo, Kosovo pop singers, theatres etc. Thus the organization of such sports and cultural activities has always served as an objective on the improvement and successful social, moral and professional reintegration. Moreover observance of the dignity of the juveniles convicted to imprisonment as well as preparing them for life in freedom.

## **2.5. Self-organization of juvenile**

In the framework of Lipljan Correctional Centre, among juvenile's treatment methods, self-organization is also among duties. By self-organization of juveniles are meant different forms of engagement of them in the organization of lifetime and work process in the centre. There is no particular plan or program that is conducted by Correctional Centre, but the entire organization happens from juveniles, with supervision by the department, which has only monitoring role and a role of providing of conditions for activities which are organized by them. Juveniles commonly are self-organized on the maintenance of the work, maintaining personal and collective hygiene, cultural and sport activities etc.

## **2.6. The group consultations with juveniles**

The group consultations is a new method of treatment which is not a practice of frequent implementation in the centre, by reason of the difficult conditions of the centre. These consultations are usually held every two months, with the initiative of the social officer and psychologist, and conducted within the halls of sports or canteen of Correctional Centre. During the sessions wide variety of topics are being addressed, mainly the topics concerning the relevance of discussion as to reading books, watched movies, interesting actual events, problems within Correctional Centre, etc. During such counselling sessions the psychologist has a special role, he/she conveys the involvement and engagement of juveniles in such discussions, likewise he/she organizes various psychological tests for the testing of juveniles. However, a deficiency is the organization of these consultations at irregular bases, respectively appointing a regular schedule when they need to be retained, and the establishment of special environments that would make up the atmosphere unlike prison and feel the freedom in the air.

## CONCLUSIONS

The observance of the juveniles' rights in the Juvenile Correctional Centre, such as: education, health care, protection from abuse and exploitation, information convenient, helps in the reintegration process and keeps children away from involvement in crimes. Meantime it is one of the pillar preconditions through which is obtained successful program treatment and prevention of recidivism among juvenile.

Among the main methods of treatment and the most important factors in the process of treatment of minors imprisoned in Correctional Centre for juveniles in Kosovo are child labour, the work of penitentiary staff (individual and group), education, and professional trainings, cultural and entertaining life, which largely have fulfilled a set of international acts requirements. However despite the fact that self-organization and group consultations to

juveniles, is being applied within this centre as methods of treatment, the application faces obstacles due to the lack of space in the centre.

Considering the significance of treatment methods in successful implementation on juveniles resocialization, it is necessary to undertake a comprehensive certain actions in Correctional Centre, that will assure better implementation of certain methods in practice, respectively successful treatment of juveniles. Some of the action that should be considered, are as follows:

- To categorize the Correctional Centre separately for each categories of convicted (for example: juvenile convicted or detained or for women serving the sentence)
- The division of different categories of juveniles convicted to imprisonment, those with educational measures and juvenile imprisoned according to their files. This would aid to avoid juveniles take place in the same environment and influence each other.
- Separation of female juveniles from adult female convicted, during their stay in the centre.
- Construction of a special facility for execution of educational measure
- Recruitment of additional educational staff
- Increasing numbers of social work officers, since there is only one social work officer, who is supposed to works with all categories of juvenile, such as: juveniles detained; juveniles with educational measure; juveniles convicted to imprisonment and educators of the same institution.
- Establishing specific space for counselling sessions between the juveniles
- Increasing the number of vocational training areas that are already conducted in the centre.