

## **Response**

**of the Government of Serbia  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to Serbia**

**from 26 May to 5 June 2015**

The Government of Serbia has requested the publication of this response. The CPT's report on the May/June 2015 visit to Serbia is set out in document CPT/Inf (2016) 21.

Strasbourg, 24 June 2016

**Answers and comments of the competent authorities of the Republic of Serbia to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the occasion of the fourth periodic visit to the Republic of Serbia conducted during the period from 26 May to 5 June 2015**

**A. Facilities under the jurisdiction of the Ministry of Internal Affairs**

**14. ii)** The report of the European Committee for the Prevention of Torture and Inhuman Treatment or Punishment concludes that a detainee of Niš Correctional Institution, who complained during the visit of the Committee that he had been beaten by police officers during interrogation and detention, is a person for whom there are reasonable grounds to believe that he committed a crime under Art. 113 related to Art. 30 of the Criminal Code of the Republic of Serbia<sup>1</sup> (attempted murder) and the criminal offense referred to in Art. 344, paragraph 2 of the Criminal Code of the Republic of Serbia (violent behaviour) on 20/03/2015 in restaurant "Good beer cafe" in Niš. On 20/03/2015, a decision was made to detain the suspect up to 48 hours, while on 21/03/2015 the Higher Public Prosecutor's Office in Niš decided on to detain him up to 30 days.

The individual was processed by police officers of the Criminal Police Division of the Niš District Police Station. In regards to the injuries inflicted by police officers during interrogation, he noted in the submitted report that he sustained them in the restaurant "Good Beer Cafe" where the event which resulted in his detention took place.

**14. and 15.** During an inspection carried out by the Pančevo District Police Administration it was established that the items mentioned in the Report derive from criminal acts, that they were properly labelled, neatly with a confirmation of items seized from the perpetrators, and removed from the scene during the crime scene investigation.

The items related to the crime were moved to a storage space - a basement located in the Pančevo District Police Administration, which is adequately secured and marked.

The items that were found by the Committee during inspection at the offices of the Criminal Police Department - the Division for Combating Organized Crime, were taken out of the storage space - basement the day the Committee visited, with a view to filing criminal charges and submitting the necessary material to the competent prosecutor.

The Criminal Police Department has special offices designated for interrogation and identification, specially marked, which are solely used for this purpose. Here we note that interrogations are conducted in special offices, not in the offices where atypical items are found. Therefore, conclusions that there may have been unlawful actions carried out by police officers in offices where atypical items are kept are unfounded.

Every person who is invited or escorted to the Pančevo District Police Administration is acquainted with his/her legal rights and signs a statement - a form (the rights of persons escorted to a police station, the rights of suspects, the rights of detained persons, the rights of minors, etc.). The fact that a person has been acquainted with his/her rights is noted in Ministry of Interior forms on familiarizing a person of his/her rights and in the records from the interrogation of suspects.

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<sup>1</sup> "Off. Gazette of the RS", No. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014

Everyone is also acquainted with the right to a lawyer - defence counsel, without whose presence persons are not obliged to give any statement, as well as with the right to medical examination in the event of injury.

With regard to the tour of the official premises of the Ruma District Police Station during which representatives of the Committee found a piece of wooden floorboard that was part of the laminate in room 17 used by police officers of the Ruma District Police Station's Crime Prevention Division, we would like to inform you that the mentioned item was located in the corner of the office on a part of the office furniture shrouded in dust and cobwebs and that this was documented photographically by one Committee delegation member. This indicates that the described item was not used nor moved for a longer period of time.

On that occasion, items were found on a metal safe in the same room, including plastic replica hand-guns that originate from criminal acts of banditry or objects that had on the basis of a decision been submitted to the Ruma District Public Prosecutor's Office as follows:

- Replica pistol seized from individuals from Ruma against whom criminal charges were raised on suspicion of committing a criminal offense under Article 206 of the Criminal Code of the Republic of Serbia (banditry)
- Replica pistol seized from a person from Ruma against whom several criminal charges have been raised on suspicion of committing a criminal offense under Article 206 of the Criminal Code of the Republic of Serbia (banditry)
- Replica handgun seized from a person from Sremska Mitrovica. A report concerning this matter was submitted to the Ruma District Public Prosecutor's Office for decision-making and opinion,
- Replica handgun seized from a person from Ruma. A report concerning this matter was submitted to the Ruma District Public Prosecutor's Office for adoption of a decision and opinion.

After the representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited the premises of the Ruma District Police Station, measures were taken in the sense that the premises of the Ruma Police Station, in particular a special room - office number 45, which is located on the upper part building and is not used by police officers or other individuals, was designated only for storing objects that are temporarily seized. One police officer is responsible for the key to office number 45 and he/she keeps a separate record on items that are located in the aforementioned office. All disputed items found in office number 17 have been stored in office number 45 until the competent trial court and public prosecutor's office pass a verdict, while a part of the wooden floorboards from the laminate has been moved from the premises of the Ruma District Police Station.

The highest ranking police officers of Ruma Police Station have taken all the necessary measures to avoid repeating an identical situation in the future.

**17.** The method of resolving complaints against the conduct and treatment of police officers is governed by the provisions of Article 234 to Article 243 of the Law on Police<sup>2</sup> and the Rulebook on Complaints Procedure Regulations<sup>3</sup>. Please note that the adoption of the new Rulebook on Complaints Procedure Regulations is underway, which will be fully compliant with the provisions of the new Law on Police.

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<sup>2</sup> "Off. Gazette of the RS", number 6/16

<sup>3</sup> "Off. Gazette of the RS ", number 54/2006

The Law on Police regulates the procedure of controlling police officers' conduct by addressing complaints submitted by citizens. According to the law, the process has two instances. In the first instance, filed complaints are processed by the head of the organizational unit, while in the second instance a three-member commission reviews the complaint comprising of the Chairman of the Commission, namely a police officer, a member of the Commission employed in the Ministry or either a police officer or representative of the public who is appointed on the proposal of a body of the local self-government. Please note that the entry into force of the new Law on Police foresees as a novelty the appointment of an officer or employee of the Ministry, nominated by the Police Directorate or organizational unit in which the accused works, as a member of the Complaints Resolution Commission. In this way it has been made possible to also file complaints against employed persons who are not police officers with the status of uniformed authorized officials and that in such cases a person from the organizational unit where the accused works shall be determined as a member of the Commission. Due to the nature of the work, it is assumed that the Commission member who shall be determined in such a case is most familiar with the work and conduct of the accused, whereby his/her objectivity and impartiality when adopting decisions on filed complaints is implied.

Commission members are appointed by the Minister for a period of four years.

The Law on Police provides that a complaint may be filed by any person (complainant) who deems that an employee's conduct or omission to act in the course of official duties violated human and minority rights and freedoms, within 30 days from the date when the event in dispute occurred. If the event in dispute occurred after the expiry of 30 days, the complaint is resolved in summary proceedings. In summary proceedings, a complaint is resolved by the head of the organization unit within 60 days of receiving a complaint, who informs the complainant on the outcome of the proceedings.

In the prescribed two-stage appellate proceedings, the head of the organizational unit in which the accused works is responsible for verifying the complainant's allegations, whereby he/she is obliged to examine all available documents, hold the necessary interviews and do whatever is necessary in order to gain a comprehensive insight into the police handling of any complaint. The head of the organizational unit must be objective and impartial in his/her work and should not come under the influence of others who could in any way jeopardize his professional judgment. After the investigation, which must be completed within 30 days of receiving the complaint, he/she calls the complainant to examine the complaint. If the complainant does not agree with the views set out in the complaint, it is submitted to the Complaints Resolution Commission. On the other hand, if the complainant does not respond to the summons of the unit's head and does not require that the Commission acts on the complaint, it shall be considered that the complainant has given up on the complaint. The Complaints Division within the Ministry's Secretariat keeps separate records on concluded appellate proceedings.

We emphasize that the work of the Ministry of Interior is based on the principle of subordination and expressed hierarchy, which means that the work of each individual is controlled by his superior officer. Thus, any actions taken in the first instance are subject to control and assessment of the hierarchically higher authority, such as the Police Directorate and the appellate unit within the headquarters of the Ministry of Interior. If someone was physically injured or lost their lives in the conduct of a police officer who is connected to a complaint (accused), or if firearms, any means of coercion or other methods were used, the head of the unit shall without delay notify the appellate unit at the headquarters and police director of the complaint received. If the complaint contains elements of a criminal offense, the competent public prosecutor, Internal Affairs Sector and the

head of the unit in which the accused works shall be promptly informed of the complaint. Furthermore, the competent appellate unit of the Ministry's Police Directorate shall control the resolution of the complaint by the head of the organizational unit.

The complaints procedure before the Commission for handling complaints is regulated by the Law on Police, whereby the Commission is obliged to hold a session with the required number of members at the headquarters of the Ministry of Interior and police administration.

Meetings of the Commission are public, indicating transparency. All interested parties are allowed to attend the session and follow its course as well as the actions taken in the proceedings. Members of the Commission cannot exclude the public in order to protect confidential information.

Members of the Commission are completely equal in their decision-making. Based on all the evidence presented in the proceedings and interviews held with the accused, complainant and rapporteur representing the head of the organizational unit, Commission members adopt a solution by voting at a session that may not be attended by other invited persons. The decision adopted is the one supported by at least two members of the Commission. A representative of the public has the right to a dissenting opinion and may explain his/her position in writing, while his act becomes an integral part of the Minutes kept by the Commission.

If the accused is dissatisfied with the decision adopted by members of the Commission, he/she may refer to the person authorized by the Minister to supervise the work of the Commission, whose decision he/she shall be informed of. Furthermore, the accused also has available all legal means to protect his/her rights and freedoms before other competent authorities. Besides the complainant, the Office of the Minister of Police is also informed of the performed supervision.

A record of complaints and reporting on the resolution of complaints is carried out by the appellate unit in accordance with the regulation governing records and data processing in the field of internal affairs. Annual reports are published on the official website of the Ministry.

Over the course of 2014, the Ministry of Internal Affairs received a total of 1,904 complaints, of which 1,244 were resolved in the first instance, before the head of the organizational unit. Decisions were passed upon the merits of 1,761 complaints, of which 200 cases were characterized by omissions identified in the work of the accused, while 1561 were not. In relation to the total number of complaints, about 10% were well-founded or partially well-founded.

In the period from 01/01/2015 to 30/06/2015, the Ministry of Internal Affairs received a total of 820 complaints, which averages about 136 per month. In the first instance, 381 complaints processes were completed after deciding on the merits, while 284 appellate cases were referred to the work of commissions. At the time of compiling this report, 93 procedures were under way. Of the total number of appellate cases, omissions in the work of the accused were identified approximately in 20% of the cases.

The analysis of the presented data on the number of submitted notices shows that there has been a slight decline in the number of filed complaints in the first half of 2015.

Please note that more detailed information regarding filed complaints may be found on the official website of the Ministry.

With regard to the recommendation to establish an independent police complaints mechanism, we point out that the appellate procedure is one manner of internally controlling the work of the Ministry of Internal Affairs and the currently prescribed procedure for resolving complaints provides independence in the decision-making process, impartiality and objectivity due to the expressed subordination and hierarchy within the Ministry of Interior. Bearing in mind the specific nature of the work carried out by police officers, it is assumed that members of the Ministry are best acquainted with the treatment of or use of police powers on citizens.

In addition, treatment contrary to the law always entails responsibility, whether disciplinary, misdemeanour or criminal in nature, while control over police work through complaints procedures is also a type of mediation which primarily has the aim of resolving contentious relationships amicably by harmonizing the positions of the organizational unit's head and complainant in a manner that would bring to an agreement that will be acceptable both to the complainant and for the opposing side.

It is unavoidable to note that every police officer is obliged to take into account the Code of Police Ethics<sup>4</sup> prescribed by the Ministry of Internal Affairs of the Republic of Serbia in the application of his/her police powers.

**25.** The provisions of Article 288 of the Code of Criminal Procedure of the Republic<sup>5</sup> of Serbia in paragraph 1 provides this manner of summoning persons in the capacity of a citizen and what rights they are acquainted with in the written summons: "The police may summon citizens for questioning. The summons must indicate the reason for summoning and the capacity in which the citizen has been summoned. Force may be used to bring in a person who has failed to comply only if he/she is cautioned so in the summons."

**27.** The Ministry of Interior is in the process of drafting a new Rulebook on the manner of using police powers, in accordance with the Law on Police, which in Article 46 stipulates that a detaining police officer must immediately organize the provision of necessary medical assistance and accommodation in an appropriate health institution for a sick or injured person, who clearly needs medical help, or a person showing signs of severe alcohol or other poisoning. Furthermore, police officers, upon the request of medical personnel, may attend the medical examinations of persons for security reasons, whereby the police officer must be the same sex as the person being examined.

**33.** The premises for detention at the Bečej District Police Station have not been used for detention since 02/04/2013. Currently, the renovation of the premises that will be used for detention is underway. Detainees are accommodated at the premises of the district police stations in Srbobran and Vrbas.

**36.** During 2015, in accordance with the recommendations of the European Committee for the Prevention of Torture and Inhuman Treatment or Punishment, detention facilities were renovated in the following police stations: Novi Pazar, Tutin, Sjenica, Kikinda, Kanjiža and Svilajnac. The Budget Execution Plan for 2016 envisages the following works:

- rehabilitation of retention facilities in the Sremska Mitrovica Traffic Police Department  
Value: 1,500,000.00 dinars without VAT
- rehabilitation of retention facilities within the territory of Novi Sad Police Administration  
Value: 2,700,000.00 dinars without VAT

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<sup>4</sup> "Off. Gazette of the RS", number 92/2006

<sup>5</sup> "Off. Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014

- rehabilitation of retention facilities within the territory of the Kragujevac Police Administration  
Value: 2,000,000.00 dinars without VAT
- rehabilitation of retention facilities within the territory of Subotica Police Administration  
Value: 2,000,000.00 dinars without VAT
- rehabilitation of retention facilities within the territory of the Police Directorate in Leskovac  
Value: 2,000,000.00 dinars without VAT
- establishment of retention facilities at Preševo border crossing (railway border crossing)  
Value: 2,000,000.00 dinars without VAT

**38.** On 22/04/2015, the Police Internal Control Sector filed criminal charges against a police officer of SBP Belgrade to the Third Basic Public Prosecutor for the criminal offense of "abuse and torture" under Article 137, paragraph 3 in conjunction with paragraph 1 and 2 of the Criminal Code of the Republic of Serbia. Furthermore, following the procedure of establishing the facts against the police officer, a decision was passed on initiating disciplinary proceedings on suspicion that the aforementioned committed a serious breach of duty under Article 157, paragraph 1, points 3, 7 and 14 of the Law on Police that was in force at the time.<sup>6</sup> In connection with this event, a conclusion was adopted to take disciplinary proceedings against another police officer of SBP Beograd due to his failure to undertake measures within his jurisdiction, as he was suspected of committing a serious breach of official duties provided for in Article 157, paragraph 1, point 14 of the then valid Law on Police.

**39.** Police officers of the Border Police Administration and Border Police Station Belgrade established contact with the authorities from Belgrade's "Nikola Tesla" Airport JSC with the aim of constructing the said premises. On that occasion, the representatives of Belgrade's "Nikola Tesla" Airport informed that the final preparation of technical documentation for the construction of wardrobe area "C" at airport "Nikola Tesla" was completed, which would according to plans include the aforementioned facilities in compliance with applicable regulations and recommended standards. They also noted that the "Preliminary Design for Constructing Wardrobe Area C at Belgrade's Nikola Tesla Airport" had been submitted to the Ministry of Interior's Border Police Administration for approval. Taking into account the recommendations of the Ombudsman relating to the construction of the said premises, the RS MoI's Border Police Administration approved that preliminary project on 01/10/2015 and shall follow the flow of construction works in terms of fulfilment of all recommendations.

**40.** In the case of detention in the transit zone of Airport "Nikola Tesla", police officers of the Border Police Administration, SBP Beograd, according to the Guidelines on persons brought in and detained, fully respect the rights of detainees; communication is carried out in the native language of a detainee or in a language that a foreign national understands, with secured and timely medical care and assistance provided if necessary. Pursuant to Article 104 of the Law on Police and the authority of the police to order detainment in a Reception Centre for Foreigners, a foreigner who is not allowed into the country and cannot be deported immediately may be accommodated under police surveillance in a facility designated for that purpose for the time necessary until his/her deportation, in accordance with the law regulating activities relating to foreigners. During the duration of the stay, police officers shall be required to treat the foreigner by strictly adhering to ethical principles in performing police duties.

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<sup>6</sup> "Off. Gazette of the RS", No. 101/05, 63/09 – CC, 92/11 and 64/15

## **B. Facilities under the jurisdiction of the Ministry of Justice**

We are grateful to the delegation of the Committee on the recommendations made to improve the prison system in the Republic of Serbia.

In relation to the submitted comments and recommendations of the Committee, we deliver the following statement:

**41.** The Directorate for Enforcement of Criminal Sanctions successfully implemented measures and activities that are stipulated in the Strategy of Development of the Prison System in the Republic of Serbia until 2020 and the related Action Plan. A new form of independent control, judges for executing criminal sanctions, introduced in 2014 in our legal system, has contributed to more effective protection of the rights of persons deprived of their liberty. Judges for executing criminal sanctions have passed specialized training in this field. During 2015, judges for executing of criminal sanctions adopted 315 decisions relating to cases opened on the basis of complaints and requests for judicial protection of persons deprived of liberty, violation of the rights stipulated by the law or other irregularities during the execution of prison sentences or detention measures. Of this number, 27 requests filed by persons deprived of liberty had been adopted.

In order to improve the normative framework in the area of execution of criminal sanctions, on the basis of the new Law on Enforcement of Criminal Sanctions, the Minister of Justice adopted bylaws that closer regulate the position and treatment of persons deprived of their liberty in accordance with international standards, namely: Ordinance on Measures for Maintaining Order and Security in Institutions for Enforcement of Criminal Sanctions, Rulebook on Disciplinary Proceedings against Convicted Persons, Regulations on the House Rules in Penitentiaries and District Prisons, Ordinance on Executing Detention Measures, Rulebook on Clothes, Shoes, Underwear and Bedding of Prisoners, Rules on the Work of Convicts, Regulations on the House Rules in Special Prison Hospitals, as well as the Ordinance on Sending Misdemeanour Convicts and Detainees to Institutions for Execution of Criminal Sanctions. In July 2015, a new Rulebook on Treatment, Operational Programme, Classification and Subsequent Classification of Convicts was adopted. The Ordinance contains risk assessment questionnaires for convicts with prison terms up to three years and more than three years. Furthermore, a new Directive has been prepared on the manner of officials' conduct, treatment in institutions, working procedures and design and content of documents during identification, implementation and amendment of the operational programme.

In October 2015, the new Rulebook on Internal Control over the Work of Institutions for Enforcement of Criminal Sanctions was adopted, which in detail determines the procedure for supervising the conduct and legality of treatment in prisons, in areas such as exercise and protection of rights of persons deprived of their liberty, treatment, engagement, security of inmates and so forth.

In March 2015, the Directorate for Enforcement of Criminal Sanctions, in cooperation with the OSCE Mission in Serbia, produced a Manual for Convicts, a Guide for Convicts and Manual for Detainees. The new manuals were prepared on the basis of the Law on Enforcement of Criminal Sanctions and by-laws and adapted to the needs of inmates. Also, a guide for convicts and accompanying regulations were printed for the needs of prisoners and translated into minority languages and English. Special forms were also prepared for submitting complaints, appeals and requests for judicial protection, which are available to prisoners. This action has implemented measures that have been prescribed by the Action Plan to establish an effective system for informing persons deprived of their liberty in prison.

On the basis of measures set out in the Strategy in the field of treating prisoners and improving employee training, the Directorate for Execution of Criminal Sanctions has secured funding from the EU project - IPA Fund 2013 for the training of employees and development of the Centre for Professional Administrative Education and Training. Under the framework of this project, whose implementation started in 2016, training courses shall be held for trainers: employed in the service for treatment and implementation of specialized treatment programmes for prisoners, managers of institutions and members of the security services. We especially highlight that training courses shall be organized for trainers - health workers for the implementation of the UN Istanbul Protocol.

Cooperation has been established with the Ministry responsible for education, which allows for the effective implementation of the Functional Basic Education of Adult Convicts programme for inmates serving their prison sentence. Contracts have been signed between the institution and: VPD in Kruševac, Niš Penitentiary, Correctional Facility in Požarevac-Zabela, Women's Correctional Facility in Požarevac, Sremska Mitrovica Correctional Institution and relevant city schools.

In accordance with national legislation and international standards, numerous investments have been realized, while the accommodation conditions in penitentiaries have been improved.

In 2015, the reconstruction and expansion of a part of accommodation facilities in the Užice District Prison was carried out, as well as works on finalizing the construction of pavilion C in Niš Penitentiary. Furthermore, works have been completed on the reconstruction of lodging capacities in one block of Belgrade District Prison, a kitchen in a block of the Special Prison Hospital, as well as a part of pavilion V in the Correctional Facility in Požarevac-Zabela for the accommodation of the elderly and disabled. Works on the reconstruction of accommodation facilities in the Valjevo Juvenile Correctional Institution were also completed and the facilities are now occupied.

The Draft Strategy for Social Reintegration and Acceptance of Sentenced Persons by 2020, which was presented to representatives of relevant ministries and civil society organizations at a round table, has been prepared. As part of this strategy, activities necessary for the successful acceptance of prisoners after a prison sentence have been envisaged, which means better interdepartmental cooperation with relevant ministries in order to successfully carry out reintegration into society. A memorandum of cooperation was signed between the Administration for Enforcement of Criminal Sanctions and the non-governmental organization Centre for Crime Prevention and Post-penal Assistance Neostart, aimed at improving these areas and adequately involving local self-governments. Cooperation with civil society organizations that deal with this issue are continuously expanding.

There has been progress within the field of execution of alternative sanctions and measures. Commissioner offices have been opened in 25 cities according to the seats of higher courts in the Republic of Serbia, by-laws have been adopted on the basis of the new Law on the Enforcement of Non-custodial Sanctions and Measures, eight new commissioners were employed in 2015, while training courses for commissioners and treatment officials engaged in the implementation of alternative sanctions and measures were finalized.

**44.** The situation in the Republic of Serbia in respect of overpopulation in institutes for execution of criminal sanctions has significantly improved compared to the period preceding the visit of the Committee. On 1 January 2015, these institutions accommodated 10,288 inmates, even though the total accommodation capacity envisaged is 9,340, therefore the population density had been 110.1 persons per 100 places.

On 01/01/2016, the number of inmates was 10,064, while accommodation capacities were increased to provide space for 9,459.

Implementation of measures envisaged by the Strategy to reduce the overload of accommodation capacities in institutions for execution of criminal sanctions in the Republic of Serbia for the period from 2010 to 2015 and its Action Plan achieved the following results: reduction of the number of detainees, increase in the execution of alternative sanctions and measures, adoption of a large number of decisions on conditional release compared to the previous period, implementation of the Amnesty Law and an increase of accommodation capacities in prisons.

The number of detained persons in the total deprived of their liberty has been significantly reduced. Over the course of 2010, the number of detainees reached 30% of the total number of persons deprived of liberty (in 31/12/2010, there were 3,332 detainees in Serbian prisons). However, since 2012, the number of detainees on an annual basis has been reduced to 24.7%, and this trend has continued in subsequent years so that in 2013 it amounted to 18.5%, late 2014 as low as 15.49%, while by the end of 2015 this percentage amounted to 15.29, since there were 1,539 persons serving detention on 31 December 2015.

Progress has been achieved in the area of enforcement of alternative sanctions. On the basis of the Law on the Enforcement of Non-Custodial Sanctions and Measures, the Ordinance on the Manner of Enforcement of Non-Custodial Sanctions and Measures and Organization and Work of the Commissioner was adopted, as was the Ordinance on Supervision over the Enforcement of Alternative Sanctions. The opening of offices dealing with the execution of alternative sanctions in the seats of all higher courts in the Republic of Serbia (25 offices), has led to the establishment of a network for the enforcement of alternative sanctions and measures, the employment of an additional number of commissioners in newly opened offices, the organization of numerous round tables and training courses for judicial staff and commissioners, as well as public promotion of achieved results in sensitizing the public opinion. In 2015, the number of enforced alternative sanctions and measures increased (368 sentences of community service imposed in criminal and misdemeanour proceedings; 7 suspended sentences with protective supervision; 1214 prison sentences without ever leaving the premises where the convicted person lives (i.e. house arrest) and 178 measures to ensure the presence of the defendant and the smooth conduct of criminal proceedings - prohibition to leave a residence (i.e. home detention).

In the period from 2012 to 2016, there has been a continuous increase in the number of those conditionally released from prison term. According to data from the Administration, 600 persons were conditionally released in 2012 (8.14% of all those released from their sentence of imprisonment that year), conditional release was offered to 1082 convicts in 2013 (16.25% of the total number of released), the percentage amounted to 20.6% in 2014 (1,230 persons), while 1581 convicts, or 26.4% of the total number of released from imprisonment, were conditionally released in 2015.

Through the application of the Amnesty Law, which was passed in November 2012, 1228 persons were released from prison by the end of that year, and 1221 over the course of 2013. Since 2014, the reduction of amnesty has been notable, so in 2014 altogether 282 prisoners were released on this basis and 49 persons the next year. Significantly, the number of persons deprived of their liberty has been held at approximately the same level since late 2012 when implementation of the Amnesty Law commenced, at an average of 10,200 persons deprived of liberty, although the effects of amnesty are decreasing. Bearing in mind that in 31/12/2010 the number of persons deprived of their liberty was 11,211, overpopulation in prisons has been reduced to more acceptable levels.

The Administration has continuously worked to improve living conditions and increase the capacity of institutions. We shall single out the most significant investments that have contributed to the harmonization of the conditions of accommodation with international standards: a new closed institution with special security was built in Belgrade that became operational in 2012; four blocks in Belgrade District Prison and three blocks in the Special Prison Hospital were renovated; new capacities in Belgrade Correctional Centre-Padinska Skela and Subotica District Prison have been provided for; new facilities for minors have been constructed in Kruševac Juvenile Correctional Facility; the reconstruction of the Prison Correctional Facility for Juveniles in Valjevo has been completed; as has the refurbishment of the accommodation facility in Niš Correctional Facility and so-forth.

In accordance with the Strategy of Development of the Prison System until 2020, many investment activities have been envisaged that shall influence the improvement of housing conditions and increase the accommodation capacities in closed wards in institutions where overcrowding is predominant, namely: the reconstruction of accommodation facilities and construction of new pavilions in the Požarevac Correctional Institution for Women, reconstruction of accommodation facilities in Belgrade District Prison, reconstruction of accommodation facilities in the Special Prison Hospital in Belgrade, reconstruction of the Juvenile Correctional Facility in Kruševac, construction and reconstruction of accommodation facilities in Požarevac Correctional Facility-Zabela, construction and reconstruction of accommodation facilities in Sremska Mitrovica Penal and Correctional Institution, the construction of a new building in Leskovac District Prison and construction of a new entrance building in the Correctional Facility in Niš, with accompanying facilities.

Certainly the most important project in the coming period is the construction of two new prisons. Preparatory work for the construction of prisons in Pančevo and Kragujevac are ongoing. Under the auspices of the project of building a new facility to accommodate 500 inmates in Pančevo, the Law ratifying the Framework Loan Agreement LD 1764 (2012) between the Development Bank of the Council of Europe and the Republic of Serbia has been adopted, therefore construction shall start in the second quarter of 2016. In the second half of 2016, after the constitution of the National Assembly, the Law ratifying the Framework Agreement for the construction of a new prison in Kragujevac to accommodate 400 inmates shall be passed.

Based on the analysis of the implementation of the Strategy for the period from 2010 to 2015, the Ministry of Justice developed a Proposal of the new Strategy for the period up to 2020. The Proposal for a new Strategy covers areas in which it is necessary to intervene in order to completely solve the problem of overloaded accommodation capacities in institutions for execution of criminal sanctions, while the focus is on measures that shall contribute to an increase in the number of alternative sanctions and measures and conditional release, a larger number of specialized programmes on treatment of prisoners and the reconstruction and expansion of accommodation capacities for persons deprived of their liberty.

49. The Committee gave an account of the allegations of ill-treatment towards prisoners. In connection with the presented observation, we inform you that employees in institutions for enforcement of criminal sanctions were clearly conveyed the message that they must comply with the provisions of the Law on Enforcement of Criminal Sanctions and the Rulebook on Measures for Maintaining Order and Security in Cases of Use of Coercive Measures and that any unlawful conduct of employees is punishable. The Administration regularly conducts training of employees in the security services at the Centre for Training and Professional Development of Employees. In addition to training organized in accordance with the annual plan and programme of work of the Centre, the Administration in cooperation with the Ombudsman and non-governmental organizations also organizes training courses for employees on the topic "Prevention of Torture". The Administration has secured funding from the European Union to support the project "Improving Training Programmes at the Centre for Professional Administrative Education and Training ", which shall start with implementation over the course of 2016. As part of the project, training shall be provided to instructors, employees of the security services, who will provide new forms of training for members of the security services, in accordance with the recommendations of the Committee.

In order to solve the problem of inadequate treatment of employees, officials working in institutions and officers of the security services carry out regular and emergency visits and are in direct contact with prisoners. Special physical training has been organized for members of the Security Service, with emphasis on manual techniques of restraining inmates and operational work class topics, such as communication skills. Any complaint presented by a prisoner is examined in detail and considered, while in cases where there are elements of any kind of ill-treatment by members of the Security Service, measures are immediately taken in order to sanction such behaviour. Furthermore, the new Law on Enforcement of Criminal Sanctions stipulates that a convicted person may directly approach an enforcement judge if he deems that his/her right to life or physical integrity is seriously threatened.

In the prevention of torture of great significance are also visits made by independent bodies and organs: the Ombudsman, the National Mechanism for Prevention of Torture, Assembly commissions tasked with controlling the enforcement of criminal sanctions, enforcement judges, as well as non-governmental organizations. An effective system has been established for informing persons deprived of their liberty on the realization and protection of their rights in prisons.

Please note that the Ombudsman in his report for 2015 announced that the National Mechanism for Prevention of Torture in 2015 completed seven thematic visits to investigate allegations of torture. Four visits were made to prisons (Niš Penitentiary, Požarevac-Zabela Penitentiary, Leskovac DP and the detention unit of Belgrade District Prison). Visits were unannounced and were carried out in the evening. Without the presence of members of the authorities, a total of 210 inmates were interviewed, of which no one made allegations of torture.

On the basis of insight into documentation of Niš Penitentiary, it was found that coercive measures of "physical force" and "binding" were applied against detainee D.D. During the investigation concerning the justification for use of coercive measures, it was established that coercive measures had not been applied in accordance with the law, resulting in disciplinary proceedings being filed against five (5) members of the Security Service, who were temporarily suspended and fined due to serious violation of duties. Due to the existence of grounds for suspicion that their actions had elements of a criminal offense, criminal charges were filed to the Basic Public Prosecutor's Office in Niš. On 08/06/2015, we received a letter from the Basic Prosecution in Niš informing us that they had decided that there were no grounds for initiating criminal proceedings in regards to this event.

**50.** Standards of medical examination after the application of coercive measures, recording violations and notifying the competent prosecution service of cases of ill-treatment of persons deprived of liberty have been transferred to prison administrations as a binding instruction and shall be the subject of regular and extraordinary control over the work of institutions.

In order to improve the work performance of health services in institutions, within the EU funded project “Improving Training Programmes at the Centre for Professional Administrative Education and Training”, the implementation of which will start in the course of 2016, a special section is related to training of employees for the implementation of the Istanbul Protocol. The plan is to organize training courses for trainers (doctors employed in prisons), allowing this type of education to become the integral part of training in the Training Centre.

**52.** In order to prevent violence among persons deprived of liberty, the officers in charge of the treatment conduct interviews with convicts and organize programmes of control of aggressive behaviour. As part of the regular training in the Training Centre, members of security service attend classes presenting the response in situations of violence between the convicts (inmates). The aforementioned EU-funded programme shall also include the improvement of the training in this segment. As regards the allegations that the main cause of violence among the inmates is the result of the insufficient number of employees in the security services, we hereby inform you that the Directorate for Enforcement of Criminal Sanctions announced a competition for recruitment of 150 security officers in institutions, according to the defined plan for 2016 and also that the testing of applicants is in progress.

Prison administrations regularly inform the competent public prosecutor’s offices of all cases in which there are grounds for suspicion that a criminal offence was committed as a result of violence among inmates. All injuries which are a result of violence among inmates are recorded and followed by the disciplinary proceedings against persons for whom there are grounds for suspicion of having committed a disciplinary offence, i.e. violence against another person, physical or psychological abuse of another person. The convicts have the right of appeal against the decision on disciplinary punishment to the judge for execution.

**53.** As regards the comments of the Committee for the application of measures of handcuffing of convicts while they are being escorted, we would like to inform that only in justified cases and based on risk assessment, the convict may be tied up (handcuffed) with hands on his back. Tying of legs is done only in exceptional cases, when explicitly stated in the order, based on the risk assessment. New special police vehicles (“Marica”-blind police car) are equipped with fans for fresh air and heating, as well as security cameras which are monitored by security officers in front of the vehicle during an escort.

**54.** As regards the observations made by the Committee for carrying police batons, we wish to inform you that the past practice in the District Prison in Belgrade is not to carry them, i.e. they are placed in the commander office, and were used only in rare cases that occurred in blocks, but certainly this is not the general image in this institution. Acknowledging the recommendations of the Committee, the Rulebook on Uniforms, Insignia, Weapons, Special Vehicles and Other Equipment in the Directorate for Enforcement of Criminal Sanctions was adopted (“Official Gazette of RS”, no. 29/2016), containing the provision on the manner of carrying a police baton, so that it is invisible. Part of the Rulebook which defines the uniform of security service -trousers, stipulates that the right part of the trousers in the area of seam, along the leg, must have tailored sewn pocket to fit the baton.

**55.** Works on the reconstruction of blocks in the District Prison in Belgrade.

Following the visit of the Committee, the works on the adaptation of another detention block are completed. Tender for the selection of the most favourable bidder for the adaptation of another detention block in line with the European standards is in progress. The adaptation is planned for 2016. As for the bell alerting persons deprived of liberty to enter the accommodation premises, it should be noted that the system is functional in adapted blocks 3.1 and 4.1, and the efforts will be made to install the same system in blocks in which it has not been installed, i.e. through the execution of works in block 4.2, which is planned for this year. In other parts of lodging capacities, the plan is to introduce these systems during future adaptations and ongoing maintenance of the facility. The full reconstruction of the blocks in the District Prison in Belgrade is planned for 2019.

**56.** This point highlights an extremely bad situation in pavilions III and IV and "Odmaralište" in Sremska Mitrovica Correctional Institution due to a poor sanitary block, poor ceilings and walls, lack of glass on the windows, etc. The aforementioned pavilions are being refurbished partially and by priority (the roof is fixed in the resting area and it is not leaking any longer, walls in the pavilion III and IV are whitewashed, the windows are fixed). New mattresses and a certain number of new beds are purchased.

The plan for this year is to fix a sanitary block and make further adaptations in pavilions by a priority and in line with financial possibilities of the Institute. Full refurbishment of the facility "Odmaralište" started in April 2016.

**57.** Due to efforts of professional services and the administration of the institute in terms of the treatment and the implementation of the Rulebook on Treatment in part of classification and subsequent classification, the number of convicts in the admission department is reduced and consequently the auxiliary beds are not in use and the number of convicts per room is acceptable.

The preparation of project documentation for future works on the construction of the new pavilion, including a new infirmary, is in progress. The problem of overpopulation and quality of accommodation of convicts in the Sremska Mitrovica Correctional Institution will be solved upon the completion of these constructions works.

**58.** Recently refurbished pavilion C in Niš Penitentiary was accommodated in the beginning of April 2016, and convicts from pavilion D and B-4 were transferred to this pavilion.

Rooms which are located in the ground floor of the Second pavilion were refurbished immediately after the departure of the delegation of the European Committee, while the premises in the basement of the Second pavilion are locked and sealed.

All premises in the Second pavilion are equipped with electric plugs (sockets), voltage 220 V.

**59.** Recently refurbished pavilion C in the Penitentiary in Niš was accommodated in the beginning of April 2016, and convicts from pavilion D and B-4 were transferred to this pavilion.

**60.** The Committee noted the lack of natural light and inadequate ventilation in certain premises in Pančevo District Prison. We would like to note that following the procedure conducted with the local self-government authorities, it was determined that this issue cannot be resolved at the moment since the building of the District Prison in Pančevo is classified as immovable cultural

heritage based on the Decision on establishing immovable cultural heritage of great importance<sup>7</sup>, and given the fact that it makes spatial cultural and historical property of great importance together with the old town centre of Pančevo. The General Regulation Plan<sup>8</sup>, establishing the boundaries of the historic core of Pančevo, prescribes that for the works on facilities and parcels within these facilities, in addition to other licenses provided by competent authorities, it is also necessary to meet the requirements and obtain approvals for the protection of cultural heritage from competent authorities, i.e. in this case from the Institute for the Protection of Cultural Monuments in Pančevo. The warden of the District Prison in Pančevo wrote to the Institute for the Protection of Cultural Monuments in Pančevo asking them to give an opinion and issue an approval for reconstruction works on the building of the District Prison in Pančevo, in Njegoševa Street no. 6, with the aim to improve the accommodation conditions of the convicts, according to recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Institute for the Protection of Cultural Monuments delivered a negative opinion regarding such an intervention on the building located in Njegoševa Street no. 6, taking into account the protection of cultural heritage.

Until the time the facility is put out of use due to the construction of a new prison in Pančevo (planned completion of the construction of the new prison is 2018), the institute's administration shall carry out adaptations of these premises, according to existing possibilities. The District Prison in Pančevo has undertaken measures and improved hygienic conditions in dormitories, to the level allowed by architectural conditions. Sanitary blocks are repaired. Walls in the premises accommodating persons deprived of liberty are whitewashed.

The prison building in Pančevo is connected to the town heating system, which works well. The administrative building, with offices for employess and premises accommodating persons deprived of liberty is also connected to the heating system.

**61.** In the period of the increased number of persons deprived of liberty in the District prison in Pančevo the fact is that dormitories accommodated six persons per dormitory, and each dormitory surface area is 11.4 m<sup>2</sup>. Following the visit of the European Committee, convicts were relocated (certain number of convicts was transferred to the District Prison in Smederevo), while two rooms used for detention of women and accommodation of convicts are refurbished. Currently six dormitories with the stated surface area, accommodate less persons and the number is reduced from six to three persons, while the dormitories with the total area of 56 m<sup>2</sup> now accommodate 14 persons. Sanitary block is repaired.

An admissions department was established, furnished with eight beds, a sanitary block and access to natural light. All areas accommodating the persons deprived of their liberty have been painted and all sanitary blocks have been rehabilitated. Furthermore, the bathroom for prisoners has been entirely renovated, including the installation of new plumbing equipment. The number of persons deprived of their liberty has decreased. At the time of the visit by the Committee's representatives, the number of prisoners in the Pancevo District Prison, including the department in Vrsac, was 189 (137 in Pancevo and 52 in Vrsac), and on 1 December 2015 that number was 141 (100 in Pancevo and 41 in Vrsac). The decreased number of prisoners in this institution results from the implementation of the new Regulation on sending persons convicted of criminal and misdemeanor

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<sup>7</sup> "Official Gazette of APV", no. 25/91

<sup>8</sup> "Official Gazette of the Municipality of Pančevo" no. 19/2012

offences and detainees to the institutions for execution of criminal sanctions (Official Gazette of the Republic of Serbia, no. 31/2015). Thereby, the Pancevo District Prison has been relieved of sending the offenders residing on the territories of Higher Courts in Pozarevac and Smederevo, as they have been transferred to the Smederevo District Prison, which has no problems with overcrowding.

In the medium term, the enforcement of detention and imprisonment in Pancevo District Prison is to be sustainably resolved by construction of a new prison for 500 persons deprived of their liberty, when the facility of the District Prison will no longer be used. The following activities were undertaken in order to realise the planned construction of a new prison in Pancevo: the building permit has been obtained, the Law on Ratification of the Framework Loan Agreement LD 1764 (2012) between the Development Bank of the Council of Europe and the Republic of Serbia for the construction of a prison in Pancevo was adopted and the tender procedure for selection of contractors is in progress. The projected start of construction is 1 April 2016, while the agreed deadline for completion of the premises is 18 months.

**62.** The implementation of the Rulebook on the Referral of Convicted, Remand and Misdemeanour Prisoners to Penal Correctional Institutions significantly reduced the number of persons deprived of liberty in the District Prison in Pančevo. During the visit of the European Committee to the District Prison in Pančevo, a total number of persons deprived of liberty totalled to 190 and on 01/01/2016, the number of accommodated persons reduced to 132.

**63/64.** This paragraph states that convicted persons expressed complaints about very bad food and the lack of hygiene in the cafeteria, as well as the monotonous menu in the Sremska Mitrovica Correctional Institution. In light of these conclusions by the Committee, the quantity of meals and quality of food was immediately improved.

We have also improved the hygiene level, and installed video surveillance for the purpose of better control of the work of employed civilians and convicted persons employed in the cafeteria.

Samples of food are regularly taken by the health service, and food is occasionally consumed in cafeteria by the head of the Sremska Mitrovica Correctional Institution and the enforcement judge, who did not have any complaints about it. We have also already initiated the process of renovation of the cafeteria and supply of equipment necessary for better preparation of food for convicted persons.

**64.** Through application of the new Rulebook on the Referral of Convicted, Remand and Misdemeanour Prisoners to Penal Correctional Institutions of the Pančevo District Prison, the number of persons deprived of their liberty was reduced, and consequently the level of occupancy of the living space in most rooms satisfies the requirement of minimum 4 m<sup>2</sup> of living space. Works in the Pančevo District Prison are described in items 60 and 61.

As previously stated in point 58, immediately after the departure of the European Committee delegation, rooms on the ground floor of the Second Pavilion were renovated, while rooms in the basement of the Second Pavilion were locked and sealed.

Renovation of the pavilion in Sremska Mitrovica Correctional Institution was described in points 56 and 57.

**65.** The complaint which refers to the lack of exercise of rights of convicted and detained persons to spend two hours a day outdoors, may not refer to the District Prison in Belgrade, where this right is exercised during at least two hours a day outdoors for all present persons deprived of liberty, while allowing the choice of various forms of outdoor activities: walking, gym, basketball, running, chess. We note that the right to spending time outdoors or two hours a day for all persons deprived of liberty has been exercised for multiple years in the District Prison in Belgrade, and that the exercise of this right included two walkways furnished with basketball hoops and training equipment.

With regard to claims that there is no work engagement or organized activity for detainees, we inform you that, it is true that there is a relatively small number of jobs in the District Prison in Belgrade compared to the number of persons deprived of liberty who are in this institute for the enforcement of the measure of detention and measure of imprisonment in a closed ward, and that it's not possible at the moment to exercise the right to work to all concerned persons deprived of liberty, especially having in mind that the District Prison in Belgrade is located in the city quarter with a limited garden space of the building, and that it is impossible to organize agricultural or other agrarian works, as well as the fact that it is primarily intended for accommodation of detainees. We note that a small number of jobs are intended for work of convicted persons segregated into a closed ward, category which includes detainees.

The report states that detained persons in the Correctional Institution in Niš were spending 20 minutes a day outdoors. In the Correctional Institution in Niš, during the visit of the European Committee, imprisoned persons were provided with 1 hour a day outdoors. Immediately after the completed visit of the delegation, work was reorganized, and detained persons were provided with 2 (two) hours a day outdoors.

In the building of Pančevo District Prison in Njegoševa Street, there is no opportunity for work engagements and organized activities for detained persons. In present conditions, training equipment and tables for table tennis were provided, which may be used every day by detained persons during the time outdoors. Detained persons may use the prison library, which has about 800 titles, and contract has been signed with the City Library for use of their book fund for the needs of people deprived of liberty. Also, they have the opportunity to write, draw and paint. In this institute, detainees are provided with the opportunity to take a walk outdoors 2 hours a day.

The Administration for Enforcement of Criminal Sanctions has ordered all institutes to provide conditions to give the opportunity to all detained persons to take a walk outdoors for at least 2 hours a day, in accordance with the Law.

**67.** Point 67 states the problem with regard to organization of activities and work engagement of convicted persons. The Administration of the Sremska Mitrovica Correctional Institution makes efforts to employ the utmost number of convicted persons in installations: wood, metal, construction, printing, small print, tile materials, agriculture, bakery, hotel industry etc. The following sections are active as well: journalist, carving, painting, organized elementary and secondary education, as well as certain crafts on the basis of which certificates of completion and diplomas. Cultural life is organized in form of theatre performances, folklore, musical interpretations, literary soirees, book promotions and religious rituals: (day of the institutions, patron saint day, Christmas holidays, New Year's Eve, weddings of convicted persons etc. - for all religious communities). The church building is, at the same time, a cultural centre in the institution in form of a fully furnished theatre with a capacity of approximately 500 seats. With regard to

outdoor movements of convicted persons, activities are undertaken in the Sremska Mitrovica Correctional Institution to provide adequate conditions and two hours outdoors. A sports centre with fields for little football, volleyball, basketball, gym under the open sky, etc. are also used for that purpose. Tournaments in various sports are also regularly organized in closed wards as well as in half-open and open section of the institution. One of the convicted persons has a work engagement, is trained for work and receives a financial reimbursement. At the moment, 305 convicted persons are engaged in the closed part of the institution, while 375 convicted persons are engaged in half-open and open wards (the total number of work engaged persons is 680).

At the moment, there are a small number of jobs at the District Prison in Belgrade, so convicted persons are reassigned to work for a period of three months, so a larger number of people could be work engaged in existing conditions.

A small number of convicted persons from the closed part of the Pančevo District Prison are engaged in work, in accordance with current capacities of the prison. In free time, they have the opportunity to participate in organized activities of sport and recreational nature (using equipment for bodily exercise which are in the walkway, playing table tennis, chess, participating in creative workshops in accordance with inclinations and intentions, use of books from the prison library). The percentage of work engaged convicted persons in the half-open ward is higher, up to 30%. At the prison economy in Pančevo and in the Vršac Section, they are engaged in agricultural and cattle production works. If needed, convicted persons are also engaged in work outside of the institution.

**68.** In the Pančevo District Prison, persons deprived of liberty are allowed to exercise their religious rights. However, due to the lack of space, providing collective church services during religious holidays is a problem. Coordinator for religious matters will, in the next period, undertake activities to find an adequate solution in present conditions.

**69.** In the process of developing the programme for release, the Treatment Service establishes the needs of the convicted person after having served the sentence, and cooperates with the trustee service, as well as the custody authority competent in accordance with the last permanent or temporary residence of the convicted person. Having in mind that the preparation programme for release from the Correctional Institution in Niš was assessed to be good practice, it was taken as a model for all correctional facilities, and proposals were made of uniform programme forms for preparation for release and assistance programme after having served the prison sentence (for trustee service).

**70.** In the Sremska Mitrovica Correctional Institution, in accordance with the recommendation of the European Committee, the constitution of the expert team was increased, in order to allow, together with the better expert work, and observing legal restrictions, a larger number of convicted persons to make a progress in treatment.

The administration, for the purpose of a more effective procedure of classification of convicted persons, on the basis of the new Rulebook on Treatment, Programme, Actions, Classification and Subsequent Re-classification, developed the Directive on the work method of treatment clerks in institutes, work procedures and appearance and content of documents during establishment, implementation and amendments to action programmes. In cooperation with the OSCE Mission in Serbia, a seminar for application of the new Directive for directors of institutes and heads of Treatment Service was organized.

In the attachment to this act, we submit the requested text of the new Rulebook on Treatment, Programme, Actions, Classification and Subsequent Re-classification.

Within the project "Improving Training Programmes at the Centre for Professional Administrative Education and Training", a special part refers to training of trainers for implementation of specialized treatment programmes. This training will be an integral part of the mandatory education for employees in the treatment service. Application of a larger number of specialized programmes in institutes, with a new Rulebook on Treatment, will contribute to a more successful implementation of individual programmes of action and specific individual goals, and thus will also affect a more efficient implementation of the procedure of subsequent classification and progress in treatment.

**73.** The European Committee for Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment states that, on the occasion of a visit to the Sremska Mitrovica Correctional Institution, three general practice physicians were found in the workplace, while the fourth general practice physician, as a savings measure, was supposed to receive termination of employment on 30 June 2015.

At the recommendation of the Committee, the fourth general practice physician also retained their job. In addition to four general practice physicians, contract on temporary and occasional jobs was concluded with another physician, bringing their number to five. There is also a specialist physician (psychiatrist) and a dentist employed in the institute. In addition to be above, the institute also employs specialist physicians with whom a contract was concluded, namely: otorhinolaryngologist, internist, surgeon, orthopaedist, physiatrist, ophthalmologist, urologist, pneumophysiologist and PTG technician. In addition, there are currently 17 medical technicians, one laboratory technicians and one dentist technician. Systematization of workplace includes the increase of the number of general practice physicians in accordance with the law and the possibilities.

**74.** With regard to the purchase of medical equipment (defibrillators) in Pančevo District Prison and Sremska Mitrovica Correctional Institution, which was recommended by the Committee, we inform you that they have been purchased.

With regard to the purchase of medicine, they are purchased regularly, specifically medicine from the positive list, in accordance with provisions of the Law on Enforcement of Criminal Sanctions. We make efforts to purchase other medicine in accordance with our opportunities, if it is necessary and urgent. In this period, there is sufficient amount of all medicine.

With a view to improving conditions of accommodation in the two floor building "Stationary" in the Sremska Mitrovica Correctional Institution, the following works were completed: sanitary knots were fixed, rooms were painted, new beds and mattresses were purchased, and deteriorated windows were replaced with new PVC windows. The hygiene level was raised to a higher level. Rooms are regularly ventilated, and the present number of convicted persons in the Stationary is 18. Regular maintenance of Stationary will be the priority of the management of the institute, until the completion of the construction of the new building for accommodation of convicted persons, which will include a fully furnished stationary with medical equipment.

Sanitary knots on the floor of the stationary in the Correctional Institution in Niš are decrepit, and their adaptation is planned, as well as reconstruction of the stairs and seasonal painting of the entire hospital. At the same time, replacement of entrance door of the hospital has been planned. In addition, project of construction of the new hospital building will be completed in 2016.

**76.** Administration for enforcement of criminal sanctions allocates sufficient funds to institutes for purchase of medicine from the positive list for persons deprived of liberty. For medicine which are not in the positive list, there are additional means to be used, if convicted persons do not have opportunities to provide themselves medicine.

**77.** Psychiatric protection to persons deprived of liberty is provided in all institutes. In most institutions, physicians and psychiatrists are hired from local health institutions, and in some institutes there is a permanently employed physician - psychiatrist specialist. The administration undertakes activities with a view to improving psychiatric services in institutes, considering the increasing number of patients who need this kind of help. In the Special Prison Hospital, a special ward was reconstructed for acute psychiatry, intended for stationary treatment of convicted persons. The administration has undertaken activities to establish a simpler procedure of sending psychiatric patients from the institute to the Special Prison Hospital, which was the only one qualified within the system of enforcement of criminal sanctions for this type of treatment.

**78.** Within the Special Prison Hospital in Belgrade, all persons with the imposed safety measure of mandatory treatment of alcoholics and mandatory treatment of drug addicts are assigned to specialized programmes, out of which the most important one from the aspect of addictions is psychosocial treatment for drug addicts, which is internationally recognized and standardized. One of the established individual goals for each convicted person should be participation in other forms of group work relating to different problems in functioning of addicts.

The Treatment Service in institutes tries to strengthen the motivation and develop a positive attitude towards treatment and abandonment of previous forms of behaviour with convicted persons in institutes, and applies various forms of individual and group work. These programmes are not sufficiently developed in all institutes, and thus the project of improvement of the work of the Centre for Professional Administrative Education and Training will be established by special authorities.

Representatives of the Special Prison Hospital were included during the previous period in the project with representatives of the Ministry of Health, within which a uniform approach to addressing addictions was designed. In cooperation with the Global Fund, 12 institutes for enforcement of criminal sanctions were included in the project which consisted of workshops which has trained employees of the health service and treatment services for work with convicted persons who have a drug problem, for education of convicted persons on topic of addiction prevention, method of transmission of blood-borne diseases, and possibilities of treatment.

**79.** In all institutes, voluntary and confidential testing on HIV and hepatitis is allowed.

The protocol on treatment of HIV positive patients is respected in its entirety.

With regard to patients with diagnosed hepatitis C, in cooperation with the infective diseases clinic, a protocol is developed, and it is established which patients fulfil conditions defined by regulations of the Ministry of Health for treatment by PEGylated interferon. In addition, there is regular monitoring of biochemical analyses, ultrasound inspections, inspections by specialist physician - infectologist.

**80.** With regard to the recommendation of the Committee relating to the provision of specialist medical care outside of the institute, we inform you that it is regularly provided to patients in need of medical attention in secondary or tertiary health institutions, in accordance with the sequence of urgency which is determined by a physician on the basis of the objective health status. In a certain number of cases, there is a dissatisfaction, which institutes cannot affect, because they are a result of limited capacities in civilian health.

**81/82.** After a visit by the Committee, the head of the District Prison in Belgrade held a meeting with all employees in the Health Protection Service, for improvement of quality of medical inspection on the occasion of reception into the institute. The head of the service and all employees of the health service were again familiar with the significance and importance of inspection on occasion of reception into the institution. Medical examinations are conducted in the presence of medical staff, and non-medical only in exceptional cases, by request of the competent physician and recording the facts that justify the reason for such a decision. Also, on the occasion of the first inspection, and respecting recommendations, the entire body of work shall be inspected, with a view to finally establishing injuries and their descriptions. With regard to medical documentation and reports with regard to injuries, the physician's conclusion on the links between circumstances when these injuries occurred shall also be recorded.

The new convicts in Correctional Institution in Niš shall be inspected at once, immediately after the search of belongings. Inspection consists of collecting anamnestic data (which is only available if there is no accompanying medical documentation), and the visual inspection and measuring of vital parameters. No later than seven days, there should be radiological screening of lungs, a psychiatric and ophthalmologist inspection. The existence of transmissible diseases is recorded if they exist (including skin diseases and parasitic diseases), if there is no standard sampling of material for testing for blood-borne diseases, but the convicted person is informed that they the right to a voluntary and confidential testing.

After the visit of the Committee to Sremska Mitrovica Correctional Institution, a new head of the Health Service was assigned, and all recommendations of the Committee are applied in the work of the health service.

The administration for enforcement of criminal sanctions sent a mandatory instruction to all institutes on the manner of conducting the first health inspection in accordance with Article 12. The Rules of Conduct of correctional facilities and district prisons on confidentiality of medical inspections and presence of medical staff during inspection, except in the case defined in Article 25 of the Rules of Conduct.

**83.** In Pančevo District Prison, health documentation is kept in a locked down metal locker which is accessible only to the health service. Registers are completed in accordance with general criteria of medical confidentiality.

Recommendations of the European Committee were immediately also adopted by the Committee to Sremska Mitrovica Correctional Institution, and adequate measures were undertaken with regard to keeping and maintaining health cards of convicted persons.

**84.** With regard to implementation of the detailed investigation after a death in prison or a hospital where the person was sent from prison, we emphasize that, in any case, whether it is death in prison or death after the person has been sent to an exterior hospital, the police and the competent public prosecutor, as well as relatives of the deceased, shall be immediately informed about the death.

**85.** Transfer of competence over health protection of persons deprived of liberty from the Administration for Enforcement of Criminal Sanctions to the Ministry of Health, is a serious issue. With the assistance of the OSCE Mission in Serbia, the first study on possibilities of improvement of health protection in the prison system and possibilities of transfer into the competence of the Ministry of Health. The Administration also applied for a project financed from EU IPA funds, which will include a more substantial analysis with phases of this process defined in detail. The final decision will be made after the completion of the feasibility study.

**88.** Although the delegation of the Committee did not receive any statements on physically inadequate actions of the medical staff towards the patients, the head of the Special Prison Hospital has, in accordance with the recommendation of the Committee, issued a reminder to the employee in all wards on the manner of treating the patients, i.e. that any type of physical violence is forbidden.

**89.** The problem of violence among patients is caused by the number of patients and the limited space they occupy. In the present situation, employees invest a lot of effort to prevent any kind of violence among patients (particularly at the chronic psychiatric ward). Administration of the hospital will undertake all adequate measures to investigate all claims of violence among patients, and to undertake measures towards perpetrators.

**91.** Living conditions have been significantly improved after the newest adaptations and reconstructions of convict blocks. Epidemiological - sanitary treatment of all persons was performed in detail, especially in Section A. In addition to depedication, all clothes and other personal belongings have been treated, and thus there is currently a negligible number of persons who should be treated again in the above mentioned manner. The complete fourth floor of the hospital is being painted.

**92/93.** The reception parts of Sections C and D have in the meantime been renovated, which increased spatial capacities. Through reconstructions and, as stated above, complete renovation of wet knots, hygienic and sanitary conditions are much better than during the visit by the Committee. Hygiene instruments are purchased in a centralized manner, and exist in sufficient quantities.

In accordance with the recommendation by the Committee, the Administration established, as the highest priority, reconstruction of the Special Prison Hospital, which is also defined in the Investment Plan. Reconstruction of the hospital will be completed by 2017.

**94.** Efforts are being invested to involve as many persons as possible from Sections A and B into all forms of therapy work, including occupational work therapy.

**95/96.** Since, after the latest public bid and reception of workers, the number of psychiatrists and medical technicians has increased, a special individual treatment plan shall be created for each psychiatric patient, including treatment goals and therapeutic devices to be used. In accordance with the recommendation by the Committee, the hospital is purchasing clocks for the purposes of convict blocks.

**99.** The patient and their lawyer in the decision making procedure on the cessation of enforcement of the safety measure of mandatory psychiatric treatment and keeping in the health institution, have the right to inspect documents of the case and the full documentation, as well as the right to propose independent psychiatric expert evidence.

**100.** The number of health staff, although with capacities less than full, has been considerably increased in terms of psychiatrists compared to the earlier visit by the Committee, and currently there are 14 psychiatrists and 1 physician at specialisation. Furthermore, spatial possibilities have been considerably increased in terms of completed reconstruction and adaptation of the "G" Section (block 4.0), and adaptation and rehabilitation of "C" Sector is expected this year (block 4.3).

**101.** With regard to the part of the recommendation about carrying sticks in a visible fashion, adjustments are underway to secure the entry of Security Service members into the living space of persons deprived of liberty (and especially persons with the safety measure of mandatory psychiatric treatment and keeping) without a stick, and to carry it only in exceptional situations, when there is active aggression. It is important to emphasize the fact that, in the previous period, rubber stick was only used 2 times, and the latest time was April 2012.

**102-108.** Since the highest number of complaints from the Committee Report refers to the problem of immobilization of persons deprived of liberty, we agree that this is a very sensitive topic, and all steps are being taken to adjust this type of special measure, on one side to the needs for which it is imposed, to not cause any additional suffering to the person who is being subjected to the measure.

In respect of application of means of restraint towards persons deprived of liberty, we inform you that "E" section of the Special Prison Hospital temporarily treats psychiatric patients who are exhibiting aggressive behaviour, and consequently an urgent response is necessary to prevent self-harm or harm to others. Aggressive psychiatric patients are to be restrained only by order of a psychiatrist in cases of insufficient response of patients to the classic psychiatric therapy. Restraining shall be performed only until ordinary therapy starts working.

Each patient who is physically immobilized is temporarily de-restrained every day in order to eat, relieve themselves and perform personal hygiene, as well as each 2 hours for the purpose of a medical inspector by a physician. A supposedly long period in restraints for the patient (up to 4 days, sometimes 9 days, as stated in the report) is not continuous, and the above mentioned examples of long restraining periods are individual cases (suicide attempt, suicidal and homicidal tendencies), respecting the above mentioned procedure.

Medical technicians and nurses participate in the process of restraining patients, and regularly keep medical documentation on the health status of patients restrained during 24 hours.

Restraining patients is conducted exclusively by order of the psychiatrist, who makes decisions by strictly medical indications. Of course, each cessation of restrain of patients is also done by order of a psychiatrist.

We must also note the fact that some patients, even with all therapeutic methods having been exhausted (including intense medicament therapy), still present a danger to personal safety and safety of others. With them, the method of longer time of restraint and limitation of movements is applied, together with the complete above mentioned procedure.

**109.** In accordance with the recommendation by the Committee, the Administration for enforcement of criminal sanctions announced a public competition for acceptance of 150 service members for security in institutes, and testing of applicants is in process.

**110.** Within the project "Improving Training Programmes at the Centre for Professional Administrative Education and Training", which shall commence with implementation in 2016, a special part will refer to education of employees in the security service. Specialized programmes for members of the security service refer to communication skills and solutions of conflict situations in the institute.

**113.** With regard to the statement that conditions in premises used for special visits to the Committee to Sremska Mitrovica Correctional Institution are unsatisfactory, we inform you that these premises will be renovated.

**114.** With regard to telephone conversations, we note that new Rules of Conduct of Correctional Facilities and District Prisons define that convicted persons in the closed ward have the right to a telephone call four times a week.

**115.** The Administration will seriously consider the comments of the Committee related to redefinition of the role of institution doctors in relation to disciplinary proceedings, particularly in the context of transfer of responsibility for prison health-care services to the Ministry of Health. The advantage of the new organization of work would be a greater choice of doctors, so that a doctor who directly works with persons would not be involved in the process of evaluating the medical fitness of persons to whom disciplinary measures of solitary confinement have been imposed.

**116.** Law on Enforcement of Criminal Sanctions, which was in force until 01 September 2014, provided that persons who have been ordered solitary confinement are not entitled to visits. In accordance with the recommendations of the Committee, this provision has been deleted in the new Law on Enforcement of Criminal Sanctions, so that convicts cannot be denied the basic right to visits (two visits during the month) as a result of a disciplinary punishment.

**117.** The report stated that the common practice in institutions that disciplinary proceedings are conducted several months after the occurrence of a disciplinary offense, so an example from the Niš Penitentiary was mentioned, where the convicted person served his sentence of 15 days in solitary confinement in May 2015, while the disciplinary offense dates back from November 2014. Allegations of the European Committee in this part of the report are completely accurate. This institution has a problem with disciplinary proceedings involving convicted persons, namely because the workload of the chairman of the Commission has delayed the realization of disciplinary proceedings in the shortest possible time. Currently, this institution has 127 ongoing disciplinary cases against convicted persons for serious disciplinary offenses and 124 for minor offences. In the previous year there were changes in the organization of the work of lawyers, since qualified lawyers are also the presidents of the commissions for disciplinary offenses of convicts, however, these changes have not yet given results, i.e. there was no faster resolving of disciplinary cases. In the Department of Legal and Administrative Affairs, a new reorganization of work shall be carried out so as to shorten the time needed for the completion of disciplinary proceedings as much as possible, and act entirely in accordance with the objections of the European Committee.

In the Sremska Mitrovica Correctional Institution, there were delays of disciplinary proceedings, but in most cases due non –attendance of legal representatives of the convicted person which happened during the strike of the lawyers in the Republic of Serbia. The practice in this institution is to schedule the disciplinary committee no later than 15 days after the disciplinary offense was committed.

In the District Prison in Pančevo, in the disciplinary proceedings against the convicted persons, in accordance with Article 39, paragraph 3 of the disciplinary proceedings against the convicted persons, along with the delivery of summons, a convicted person is submitted a proposal for initiation of a disciplinary proceedings and notification of the right to a professional legal assistance or the attorney of his own choice. In this way, the convicted person is notified in writing of the right to use the services of legal counsel.

**119.** Taking into account the objections of the Committee regarding the conditions in solitary confinements in the District Prison in Belgrade, in future, the smaller group rooms in the renovated accommodation blocks will be used for the enforcement of disciplinary measures

As for the comments referring to III pavilion in Sremska Mitrovica Correctional Institution, where during walks, the persons cannot communicate with one another, they have to walk around in circles, keep their head down with their arms on the back, and on the boardwalk, there are no benches and no shelter from unfavourable weather conditions, we hereby inform you that we will act according to the recommendations of the Committee and eliminate the defects.

**122.** The recommendations relating to the application of measures of mechanical fixation in the in Sremska Mitrovica Correctional Institution are fully accepted and are being implemented. The Administration has imposed to the institutes mandatory implementation of the provisions of the Rulebook and recommendations of the Committee referring to mechanical fixation methods.

**123.** The Prisoners to whom the measure of accommodation under increased surveillance or isolation measure is imposed, it is necessary to enable a larger number of organized activities within the department in which these measures are executed. Article 151 of the Law on Enforcement of Criminal Sanctions stipulates that a prisoner who disturbs order or encourages others to disturb order, and therefore poses a threat to the security of the institution or otherwise jeopardize the security can be imposed a specific measure - accommodation under increased surveillance. The objective of determining these measures is to prevent violations of order and security in the institution. The risk assessment is performed for every person by the treatment department. The introduction of new programs, activities and training are the priority activities of the Administration, particularly in departments with increased surveillance, so as to overcome the current situation and the only way out of the cell for such persons represents a walk in the fresh air. The Administration will develop, as we have presented above, new specialized treatment programs during 2016, through the project funded by the EU.

**129 - 133.** Comments of the Committee relating to the amendment of the relevant regulations that allow the use of coercive measure rubber baton are based on the interpretation of legal norm (Article 142 of the Law on Execution of Criminal Sanctions), which only lists the conditions for the use of coercive measure in principle and which does not prescribe specific conditions for the application of each individual coercive measure. The specific conditions for the application of each of the prescribed measure of coercion are regulated by the Rulebook on the measures for

maintaining order and security in the institutions for enforcement of criminal sanctions. Article 21 of the Rulebook on measures for maintaining order and security in the institutions for enforcement of criminal sanctions prescribes that the rubber baton may be used if the use of physical force is unsuccessful and does not guarantee success to repel an attack or overcome a resistance.

The work on educating prison staff through lectures, courses and trainings organized by the institution, which is successfully and systematically conducted by experts employed in the institution, the use of coercive measures against persons deprived of their liberty is reduced to a minimum.

At the same time, trainings of assertiveness are being conducted through workshops with the persons deprived of liberty that showed good results in channelling and developing the skills of aggression control.

After the described event occurred in May 2013, on-site investigation was conducted by members of the Police Directorate in Valjevo. The Institution has conducted an internal procedure and all the measures have taken against convicted persons that were, are at that moment possible and necessary, of which there is the documentation that was presented to the Committee during the inspection. Based on the report of the Basic Public Prosecutor's Office in Valjevo KTR. No. 807/13 dated as of 10/06/201, it was found that in relation to this event, there is no need to initiate criminal proceedings, since there are no indications that it is a criminal offense that is prosecuted ex officio.

Prison staff were communicated a clear message that any form of ill-treatment shall be unlawful and that the employees who act illegally will be sanctioned. All recommendations of the Committee concerning the treatment of prisoners, and in particular the use of force, are being consistently implemented in the institution, through precisely defined and detailed instructions, as well as by regular attendance of the manager of the pavilion and by his direct contact with the persons deprived of their liberty.

As a way of protecting the rights of prisoners in all the facilities, there are locked boxes into which the prisoners can insert all of their submissions addressed to the manager and the Ombudsman, which are regularly and timely handled, through the elaborated system for complaints regulated in accordance with Law on the Execution of Criminal Sanctions (LECS).

By new investments during 2015, most of the interior and exterior of the buildings is covered by video surveillance and recordings are regularly monitored and updated.

**134.** The building for the accommodation of the convicted persons in the Valjevo Juvenile Correctional Institution, titled Internat consists of the south wing (marked with J) and the north wing (marked with S). At the time of the visit of the representative of the Committee only the southern part of the building was completed. The northern part of the building was completed and occupied later, as of 01/12/2015, and hence the renovation of the entire housing for persons deprived of their liberty in the building Internat is completed.

In the southern part of the building are three levels (floors), as follows:

### **J-0**

- In that part, there are 5 rooms with five beds for the accommodation of persons deprived of their liberty;
- Total number of persons that can be accommodated at this level is 25;
- One room – double room – was repurposed into the office to carry out a conversation between officers and persons deprived of their liberty;
- Three rooms have been designed for the accommodation of persons to whom the measure of accommodation under heightened surveillance was imposed;
- Two rooms are designed to accommodate newly arrived convicts (reception department);
- This part of the building has a private courtyard painted in mural, a shelter from the sun or bad weather and a bench to rest;
- As of 18/01/2016 the 24 places are filled.

### **J-1**

- In this section there are ten rooms, of which seven are rooms with five-beds, one room with four beds and two rooms with three beds;
- The total number of persons that can be accommodated at this level is 45;
- At that level are accommodated persons deprived of their liberty who are engaged in work;
- As of 18/01/2016 38 places are filled.

### **J-2**

- In this section there are ten rooms, seven of which five rooms are with five-beds, one room has four beds and two rooms are with three beds
- The total number of persons that can be accommodated at this level is 45;
- At that level are placed persons deprived of their liberty who are not engaged in work;
- As of 18/01/2016, 41 places were filled.

In the northern part of the building, there are three levels (floors), as follows:

### **C-0**

- In this section there are four rooms, three triple rooms are designed to accommodate patients and one double room is designed to accommodate newly arrived convicts until they are examined by the prison doctor, and the sanitary part is performed (bath, haircut, etc.) and until they take the clothes on a receipt;
- The total number of accommodation places is 11;
- As of 18/01/2016, all 9 places are filled in a hospital part whereas in the work is in solitary confinement area, there is 1 vacant place.

### **C-1**

- In this section, there are nine rooms – seven rooms with five beds and two rooms with three beds;
- total number of persons that can be accommodated in this part is 41;

- One room with five beds is designed to accommodate newly arrived convicts (reception department);
- Three rooms with five beds are designed to accommodate persons who have been sentenced to juvenile imprisonment;
- Three rooms with five beds are designed and one room with three beds are designed to accommodate persons who perform utility activities;
- one room is designed to accommodate the convicted persons who are not engaged in work and have interpersonal conflicts with other prisoners from accommodation in J-2, and are separated for security reasons;
- As of 18/01/2016, 32 places are filled.

## **C-2**

- In that section, there are nine rooms - seven rooms with five beds five beds and two rooms with three beds;
- The total number of persons that can be accommodated in that section is 41;
- The entire space is used by persons deprived of their liberty who before the reconstruction resided in the unit called "Workshop";
- As of 18/01/2016 37 places are filled.

Total number of accommodation places in the premises of Internat (south and north wing) is 208 places. Currently, 182 places are filled.

**135.** In Valjevo Juvenile Correctional Institution in a unit called the "School", on the ground floor of the building reside convicted persons from the category of returnees. They are using three large rooms for accommodation, with a total area of 135 square meters and currently in that part are accommodated 33 persons deprived of their liberty.

On the first floor of the building, in two large rooms, with total area of 100 square meters, are accommodated misdemeanour convicts. Currently, there are 10 persons.

Otherwise, this place is essentially converted into accommodation part at the aftermath of floods in 2014, when the building collapsed in the detention section where there were, at that moment, the works on reconstruction and replacement of windows (PVC windows).

The preparation of project documentation for reconstruction of the building School in which are accommodated persons deprived of their liberty is underway. Under the above mentioned project, the existing facilities will be converted into smaller units with separate sanitary facilities using similar model, according to which the building of Internat was reconstructed.

The persons deprived of their liberty are no longer accommodated in the unit called "Workshop", but are displaced into the north wing of the building Internat. In this part are the rooms with five beds and rooms with three beds. In the rooms, they have a call system, beds, table, chairs, wardrobes, TV sets, DVD players, and set aside a toilet. Please note that a mistake was made in the translation of the letter dated 20 July 2015 that the RS authorities submitted to the Committee, because the transfer of persons deprived of their liberty was not envisaged in the northern part of the Schools, but in the part of the renovated accommodation block within the building of Internat. The space in the "Workshop" is no longer used to accommodate inmates.

**136.** Improving accommodation facilities, namely by renovation of the building Internat (north and south wing) the regime of the day was improved, so that the prisoners within two hours (person convicted to prison) or three hours (prisoners sentenced to juvenile imprisonment) stay in the fresh air, spend their free time in an organized way, they can do sports and other activities (library, chess section, art section, etc.) with intensive monitoring of the prison staff. In 2016 competition between convicts are planned (in group and individual sports at the level of institution) during each month. Several cultural events are also planned (Saint Sava Academy, Festival of convicts' literary writing, concerts, theatre plays, etc.), where all the prisoners are entitled to attend. In order to prepare for the life after completion of the sentence for prisoners who are classified in the half-open and open departments, visits to historical, cultural and religious institutions are planned.

With the exception of newly arrived prisoners, infirmary and persons who are unable to work (which make up 15% of prisoners), out of other convicts 60% is engaged in the labour through training and continuous work. About 10% of the convicted persons are occasionally engaged in construction or agricultural works, which means that 70% of the convicts during the day are out of their accommodation.

By improvement of the accommodation capacities of the prisoners, in the renovated part of the building Internat was formed an educational centre (900 square meters) for the work of (psychosocial counsellors) who have planned a series of individual and group workshops, which aim to reduce the risk of re-committing crimes. For five years now, the Institution has been providing adult education, through regular coming of the school from the city for 10% of the prison population, regardless of the accommodation where the prisoners are located. Within the framework of vocational training and education, the Institution has been cooperating with a secondary school in the city for two years, so it is planned that 20% of the prison population passes through IT courses and 10% of prison population is planned to get trained for the profession of mechanical and wood processing occupation. It is planned that all newly arrived prisoners undergo training workshops that aim to familiarize them with their rights and obligations, as well as with the implementation of the treatment in the context of individual treatment programs. Educational workshops are planned for all the convicted persons aimed at increasing health care (doing sports and sports injuries, lectures on HIV and other communicable diseases ...)

As part of the reconstructed part of the building Internat, the central part will be equipped with exercise equipment for the persons deprived of their liberty. The existing outdoor gym and sports courts in the open and in the hall also remain accessible to persons deprived of their liberty.

**138.** The Institution places special emphasis on the implementation of the program of treatment of the convicted persons in the juvenile prison, on whom is implemented the Law on Juvenile Offenders and Criminal Protection of Minors and the House Rules of the Correctional Institution for Minors. Monitoring of all scheduled actions and activities within individualized treatment program is implemented by a multidisciplinary team that meets once or twice a month and in case of a crisis right away.

**139.** As part of the new accommodation, the newly arrived prisoners at the juvenile prison are enabled a walk in the fresh air in an appropriate duration and is assigned a psychosocial counsellor, who will make a faster screening of the needs and capacities of the convicted person, so that the procedure itself will be shorter than anticipated 30 days.

**140.** At this point the number of medical staff in the health service of the Institution is 4, of which:

- One prison doctor with a full-time arrangement employed for a definite period of time;
- Three medical technicians with a full-time arrangement employed for an indefinite period of time;
- A dentist (oral surgeon, comes twice a week).

As far as a specialist psychiatrist or a neuropsychiatrist, there is an ongoing procedure for employment of a physician who will come twice a week).

**141.** Medical service considers that the proposal to introduce the body schematic chart in the procedure of the examination is very useful and will be put into practice as soon as possible

**142.** At present, the antipsychotic is used by six inmates, with seriously expressed mental problems. The drug was prescribed to them by a specialist in psychiatry in the department of psychiatry of the hospital in Valjevo. We accept and apply to the maximum a proposal to perform regular checks of blood counts (especially white blood cells).

**143.** The building Internat is fully renovated and the premises of the dispensary were built and are now on the ground floor of the northern wing of Internat. Current conditions of the work in dispensary are in line with modern standards in health care.

**144.** Any person who has attempted to commit a suicide or a person for whom there are indications that he may carry out a suicide, is considered in detail by all the departments in terms of intensive work with him, by determining the cause and finding appropriate solution for this situation. So-called expertise crisis team is formed which monitors the new situation and take appropriate measures in further work with the persons prone to a suicide.

In the first quarter of this year, the realization of educational programs on improvement of the knowledge of prison staff on suicide prevention, as well as on clear flow of information, to provide timely and adequate support to prisoners who are at risk of suicide. The training is conducted by prison officers from the department for treatment (by profession psychologists).

Within the framework of improving the work of the Training Centre, there will be set aside a teaching unit - prevention of suicide, for the members of all the departments in prison.

**145.** In relation to the comments of the Committee that, during the visit in a unit called "Workshop" there was a problem of shortage of staff from the security service, we hereby inform you that the persons are no longer placed in this building and are displaced in the north wing of the building Internat. In this part, there are rooms with five beds and rooms with three beds with an on-call system. The Administration for Enforcement of Criminal Sanctions, as stated above, on the basis of the established plan in 2016, has announced a competition for new employees - members of the security service in institutions and the testing of applicants is under way. In the Valjevo Juvenile Correctional Institution will be deployed the estimated number of trainees in the security services, after the end of the competition.

**148.** The building of increased supervision consists of 5 rooms with a total accommodation capacity of 24 places. So far, this facility has housed the prisoners who were imposed accommodation under intensified supervision. Now these persons were relocated in the building Internat to the block J-0 in three rooms. Due to the destruction of the detention facility in the flood, it was decided to reconstruct the facility for increased supervision and move the detained persons into it. A complete reconstruction of the rooms in the facility was carried out with 16 accommodation places. Within the reconstruction were carried out painting works, the old windows were replaced with new PVC windows, new lighting was installed in the room, new beds with new mattresses are used and the door was replaced in such a way that the old wooden door and the bars was removed and a new metal door was installed. Modern sanitary facilities were made in each room. In the rooms, there are beds, tables, chairs, TV sets with the possibility of receiving more TV channels and a separate sanitary facility. In the yard was set up the eaves for protection from the sun and bad weather and the lighting was installed, so that the garden can be used in the evening.

**149.** The day regime for the persons to whom the accommodation under heightened surveillance applied, it is now easier to implement stay in the fresh air for a longer duration than before and because it has a special court for those persons and it has already been said that it is planned to construct in the basement of the building a workout gym where the persons from that regime would have the option to exercise.

Treatment program is reviewed every three months for each prisoner in the specified regime. Interpersonal conflicts usually limit the possibility of reintegration of the persons from increased supervision into other prison population.

The persons who were imposed the measure of accommodation under enhanced supervision have access to education, in accordance with their capabilities and the desire to take part in it.

In order to improve the quality of using leisure time, the existing yard is broken down into several parts (so that certain groups of convicted persons would not meet) and thus a greater number of persons, of different categories (closed, semi-open, open, intensive supervision, newcomers) may use stay in the fresh air and better way and for the longer period of time.

**150.** As part of the cumulative records of the convicted, maintained by a prison officer (psychosocial counsellor) there is written content within the context of the report on implementation of the planned program of treatment, as well as the individual opinions of members of the professional team in the form of the proposal to the Head of the Institution on the basis of which he makes a decision on ordering, extension or termination of special measures, accommodation under increased supervision, within the legal deadline of three months. This decision may be appealed by the convicted person to the judge for enforcement of criminal sanctions.

As far as the procedure for accommodation under intensified supervision it is in accordance with Article 151 of LECS. As already stated, the imposed measure is reconsidered and it is decided whether it will be extended or terminated. With the completion of the reconstruction of the facility Internat, the number of persons who are in the regime of intensified supervision has been significantly reduced.

### **C. Facilities under the jurisdiction of the Ministry of Labour, Employment, Veteran and Social Affairs**

**190.** The objection of the committee delegation regarding the way psychiatric therapy is practised at the “Veternik” Institution requires a presentation of the health care organization of the Institution beneficiaries. When providing health services, social protection institutions for accommodation of beneficiaries, as well as Institution “Veternik” are obliged to do so under conditions and application of standards defined in accordance with law which governs health care. Fulfilment of conditions to perform certain jobs in the area of health care at the institutions for the accommodation is determined by the ministry responsible for health care. Apart from organised provision of a certain amount of health services at the Institution, beneficiaries as health insurance users are entitled to equitable access to primary, secondary and tertiary institutions of health protection in the Republic of Serbia.

Department of health, treatment and hygiene of the institution “Veternik” employs 50 health workers: 1 specialist doctor of psychiatry, 1 specialist doctor of physiatry, 3 general practitioners, 1 dental practitioner, 4 physiotherapists and 40 medical technicians and 109 care and hygiene workers : 88 nurses, 19 cleaners and 2 hairdressers. The number and structure of health workers are determined by the agreement on health care financing which the Institution has concluded with the Republic Health Insurance Fund, whereas the number and structure of care and hygiene workers are determined by the decision of the Ministry responsible for social issues on a specified number of employees at the Institution. The current number and structure of health workers and care and hygiene workers at the Institution comply with applicable standards of health and social protection.

During inspections at the Institution, on 14 December, 2015, inspectors of social protection and the Ministry of Labour, Employment, Veteran and Social Policy and the Provincial Secretariat for Health Care, Social Policy and Demography discussed with the manager of the Institution and his associates more efficient work organization of the employees, especially medical technicians and carers, aimed at better health care and care of beneficiaries.

Procedure of prescribing medicines and dispensing of prescription medicines, among other things of psychiatrist therapy, is governed by the Law on Health Insurance (“Official Gazette of the RS” Nos 107/05, 109/05-corr., 57/11, 110/12 - decision of the Constitutional Court, 119/12, 99/14, 123/14, 126/14 - decision of the Constitutional Court and 106/15) and by the Ordinance on the manner of prescribing and dispensing medicines (“Official Gazette of the RS” Nos 16/94, 22/97 and 52/02 and (“Official Gazette of SCG”, No 1/2003 - Constitution charter). The head of the Department for health, care and hygiene of the Institution, a general practitioner by vocation, is responsible for implementation and observance of regulations and procedures of health care, as well as strict observance of the procedure of prescribing psychiatrist medicines by a specialist doctor of psychiatry, of the reference health institution, responsible for diagnosing and treatment of a particular beneficiary.

**193.** Social care inspectors of the Ministry of Labour, Employment, Veteran and Social Affairs and the Provincial Secretariat for Health, Social Policy and Demography carried out the administrative and inspection supervision in the Care Center “Veternik” in Veternik on 14 December 2015, with the aim of checking both statements made in paragraphs 193 and 197 of the Report and the practice of the Care Center “Veternik”. The inspection supervision was carried out in the presence of the Care Center director, Mr. Zoran Arbutina and his associates.

Paragraph 193 states the example of a female resident of Pavilion A1 who has been locked every night in a room with intensive supervision over the past two years. The resident suffers from incontinence. The mentioned room has been estimated by the Committee delegation as completely inappropriate, without artificial light, ventilation or heating, and furnished only with a bed with a dirty mattress. They also stated that "The resident remained locked in a room for 12 hours each night, with no access to toilet or water and with no diapers whatsoever, which meant that she defecated in her bed every night." The staff, whose occupation and positions were not specified, informed the Committee delegation that the Care Centre had often lacked the necessary amount of diapers and it could not afford an additional purchase. It was also stated that nearly half of the Care Center residents suffered from incontinence and that the Committee considered the situation regarding the lack of the necessary amount of diapers as a possible form of inhuman or degrading treatment.

During the inspection supervision the social care inspectors visited Pavilion A1 and noted that the room with the intensive supervision was not operational and that it was under reconstruction. The female resident B.S. was still accommodated in Pavilion A1 and used a double bedroom with another resident of the Care Center. The inspectors examined the dossier of the resident and established that she was under the supervision of the competent territorial Center for social work and that, according to all statuses and especially regarding her mental and physical functions, hers was no different from the statuses of other female residents accommodated in the Pavilion A1.

Regarding this particular case, a verbal order was issued to the Director of the Care Centre, to the Head of Section for Health, Care and Hygiene (a doctor by profession) and to the Coordinator of professional work (special education teacher by profession) to fully respect the Procedure on Measures of Intensified Supervision in the Care Centre "Veternik" for the protection of each resident, enacted by the Director on 28 July 2014, filed under no. 717/1-2014. The procedure is in line with the Law on Protection of Persons with Mental Illnesses (Official Gazette of the Republic of Serbia 45/13) and regulates the application of measures of intensified supervision (indirect - monitoring of the location, limiting the space for movement and constant supervision; direct - physical restraint) together with record keeping of the measures applied.

Out of 538 residents of the Care Center, 321 are suffering from incontinence and need to use diapers (the data were presented to the inspectors by the Care Centre director). According to the health regulations, 115 residents are eligible to receive diapers with medical prescription (financed by the Republic Fund for Health Insurance), while for other residents the Care Centre needs to buy diapers with funds collected from donations and housing costs covered by individual residents. The Care Centre was never lacking in diapers, since in case of a temporary lack of disposable diapers, reusable diapers were used instead. In order to provide a secure supply of the necessary quantities of disposable diapers, the instruction was issued to the Director to plan more funds for personal hygiene in the Financial Plan of the Care Centre for 2016.

**196.** Under Article 196, the delegation of the Committee states that during the visit there was an ongoing transfer of immobile beneficiaries from an upper floor to the ground floor of Pavilion B. The Committee wants to receive the confirmation within three months that immobile beneficiaries of the Institution Veternik have been transferred to the ground floor and recommended that these beneficiaries have daily access to the outdoor environment.

The inspectors of social protection, performing inspection at the Institution on 14 December, 2015, visited Pavilion B and ascertained that 100 beneficiaries from the Ward of beneficiaries with multiple disorders were hosted in dormitories on the ground floor of the Pavilion which makes it easier for them to go out on a daily basis.

**197.** In paragraph 197, the Committee delegation stated that material conditions were bad in three pavilions (A-old, A1 and A2) and many rooms overcrowded. Furthermore, the delegation stated that some persons were forced to sleep on thin improvised foam mattresses, on the floor, or they had to share bedding. Only 70 beds for 75 residents were provided in pavilion A1. The Committee recommended as a priority to provide for each resident a bed and a mattress.

Social care inspectors visited Pavilion A-old, Pavilion A1 and Pavilion A2 and concluded that the Care Centre provided each resident with a bed and a mattress. Pavilion A-old accommodates 69 residents in 14 dormitories with 73 beds. Pavilion A1 accommodates 69 female residents in 14 dormitories with 69 beds. Pavilion A2 accommodates 70 residents in 15 dormitories with 71 beds.

With the aim of enhancing the living conditions of residents in Pavilion A-old, Pavilion A1 and Pavilion A2, the Care Centre developed the Investment Plan for 2016. The Plan provides for the replacement of metal doors and doorknobs in dormitories, the placement of appropriate flooring in Pavilion A1 and Pavilion A2 dormitories and the refurbishment of Pavilion A-old dormitory.

The Ministry of Labour, Employment, Veteran and Social Affairs, as the competent body, will provide the resources for these works.

The Regulation on the Network of Social Care Institutions (Official Gazette of the Republic of Serbia 16/12, 12/13) defines the capacity of the Care Centre as 500 residents, the Work Unit for Children and Youth at 100 residents and the Work Unit for Adults as 400 residents. On the day of the monitoring the Centre accommodated 538 residents, 49 of whom were minors younger than 18. The excess of residents in the Care Centre is a result of the previously prescribed capacity of 600 residents, which was in force for ten years, as well as an accentuated need for accommodation of children with special needs and adults with mental illnesses. In the period from 2013 to 2015, the social care inspectors of the Ministry of Labour, Employment, Veteran and Social Affairs and Provincial Secretariat for Health, Social Policy and Demography carried out six inspection supervisions with the aim of examining the number of residents. They ordered the revision of accommodation of residents not belonging to the specific category of residents, in cooperation with the competent centre for social care, with the aim of protecting the rights of residents, to reduce the number of the Care Centre residents and to improve the living conditions with regard to space and equipment in certain pavilions. The Care Centre acted upon the Ombudsman's recommendations given in the Report on the Visit to the Care Centre "Veternik" in Veternik in 2013. The recommendations referred to the reduction in the number of residents, particularly children and youth, improvement of living conditions and protection of residents' rights. According to the data, the number of the Care Centre residents is decreasing, year in, year out. On 31 December 2014, 552 residents were institutionalized and, as previously stated by the Care Centre, it currently accommodates 538 residents.

The Ministry of Labour, Employment, Veteran and Social Affairs plans to continue deinstitutionalisation in the social care system and support to the transformation of the Care Centre "Veternik".

***The appendix (Rulebook on general treatment, individual treatment programme, classification and re-classification of convicted persons) is available upon request to the CPT Secretariat.***