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**Promotion and protection of all human rights, civil,
Political, economic, social and cultural rights,
Including the right to development**

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his visit to the Republic of Serbia

Comments by the State*

* The present document is being issued without formal editing.



1. The Republic of Serbia, by its responsible ministries and services, conducts measures and activities in continuity in accordance with the National Strategy for the Development of the System of Execution of Criminal Sanctions as well as the Strategy for Reducing the Overcrowding of Accommodation Facilities in Institutions for Executions of Criminal Sanctions, to be concluded by 2020.

2. The principal goals are:

- To improve conditions in prisons and to solve the problem of overcrowding in penitentiary institutions,

- The implementation of numerous specialized treatment programs in order to successfully re-socialize prisoners and engage them in social life after the expiration of penalties,

- development of special programs for the vulnerable categories of convicts, improving health care, employee training, development of a system of alternative sanctions etc.

In order to increase accommodation capacities and improve conditions in penitentiary institutions, the following activities have been carried out:

- Construction of a new prison in Pančevo was completed in order to accommodate 555 persons deprived of liberty, which began operating in October 2018. It was built in accordance with international standards regarding accommodation for convicted persons, with sports room, workshop, special room with facilitation for persons with disabilities, fully equipped health clinics, rooms for sick prisoners and a dental office. It is equipped with the latest security systems.

- The tender was published in December 2018, for the selection of the best contractor for the construction of a new prison in Kragujevac, with a capacity to accommodate 400 persons deprived of liberty.

- In the last quarter of 2017, a complete reconstruction of the Special Prison Hospital in Belgrade was accomplished, while in November 2018 another detention unit was rebuilt in the District Prison in Belgrade.

- Construction of a new facility for placing prisoners in the penitentiary institution for women in Požarevac with the capacity of 165 places is under way, as well as the construction of new pavilions for placing 320 prisoners in the penitentiary in Sremska Mitrovica, 200 convicts in the District Prison in Leskovac and 216 prisoners of the Penitentiary in Požarevac. The Prison in Požarevac will be expanded by two new pavilions with a capacity of 448 places, instead of existing pavilions of a smaller capacity. By completing this construction, the accommodation capacities will be increased by 1600 places.

3. The Republic of Serbia undertakes effective measures aimed at preventing torture in prisons, such as:

- informing the convicted of their rights and mechanisms of protection of these rights,
- training of employees,

- regular supervision of the work of the institution and cooperation with bodies and organizations for the protection of human rights that conduct external control.

4. The Directorate for the Execution of Criminal Sanctions of the Republic of Serbia conducts regular trainings of employees in the field of protection of the rights of persons deprived of liberty and prevention of torture in the Center for Training and Professional Training of the Directorate. It includes international and national regulations and standards. Within the Twinning Project "Strengthening the capacity of the prison system in Serbia" established by the EU funds in 2018, a special guidelines was developed for the implementation of the Manual on the Implementation of the Istanbul Protocol in the Institutions and of the effective investigation and documentation of torture and other forms of cruel, inhuman and degrading treatment or punishment. Directorate trained 15 coaches, employees in security services, health services and internal supervision for the

implementation of manuals and will continue with regular training of employees through the Center for Training and Professional Development of the Directorate.

5. With the aim of better informing the convicted persons, Directorate provided the institutions libraries with the Law on the Execution of Criminal Sanctions, the relevant Rules, the Guidelines for convicted persons in the departments of receptions, a manual for convicts and detainees with translations into English and the languages of national minorities. Panels with this material and questionnaires, complaints and appeals, requests for judicial protection are available in the institutions.

6. Regular visits to penitentiary institutions provide the best protection against torture and inhuman or degrading treatment. Accordingly, internal control over the work of the institution is carried out by a special organizational unit of the Directorate-Inspection Department, in accordance with the Rulebook on Supervision of the Work of the Institute for the Execution of Criminal Sanctions, which specifies the procedure for controlling the work and legality of treatment in institutions, in the areas defined by law, such as conduct of treatment, work engagement, security of persons deprived of liberty, etc.

7. In addition, the continuous control of institutions by independent bodies such as: the Ombudsman, the National Preventive Mechanism and civil society organizations provide additional guarantees regarding the protection of the rights of prisoners. A new form of independent judicial control introduced in 2014 in Serbian legal system, contributed to more effective protection of the rights of persons deprived of liberty. For this purpose, judges are assigned to each higher court in the state and are in charge of controlling penitentiary institutions with regard to the exercise of the rights of persons deprived of liberty by visiting the institutions and deciding in the complaints procedure for prisoners. The proceedings before judges for criminal sanctions are to be initiated by a request for judicial protection or by a complaint of a person deprived of liberty.

8. In accordance with the "Strengthening the capacity of the prison system in the Serbia Project" financed by EU IPA fund 2013, a manual was made for the implementation of new treatment programs and training of coaches and staff for the application of specialized treatment programs for sensitive categories of convicted persons (juveniles, mentally ill persons, addicts, women, convicted criminal offenses against sexual freedom, etc.) for their successful reintegration.

9. Within the Council of Europe's project "Strengthening the Protection of Human Rights of Persons Deprived of Freedom" financed by the EU, two specialized treatment programs have been developed, which are piloted in several penitentiary institutions.

10. With respect to the health care in prisons, the following measures have been conducted:

- A complete reconstruction of the Special Prison Hospital in Belgrade was accomplished,
- A centralized procurement of medicines was established as well as centralized procurement of medical equipment for all institutions and hospital, in accordance with the requested needs,
- In 2018, trainings for health workers in the system of execution of criminal sanctions were organized,
- The number of healthcare staff has been increased,
- A very good cooperation of penitentiary institutions with the competent ministries has been carried out with regards to the treatment of persons deprived of liberty in specialized health care institutions that include the treatments of cancer and HIV.