



HELSINŠKI ODBOR ZA LJUDSKA PRAVA U SRBIJI
HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA
Srbija, 11000 Beograd, Rige od Fere 20, tel/fax: (+381 11) 3032408, 2639437,
2626686, e-mail: biserkos@EUnet.yu, <http://www.helsinki.org.yu>

UNITED NATIONS
Committee Against Torture

After presenting the concept and objectives of the *Prison Monitoring* project, the Helsinki Committee for Human Rights in Serbia was granted permission (2001) to visit institutions for the enforcement of criminal sanctions. This meant that for the first time in the history of Serbia an NGO could apply for and be granted permission to visit places of detention, custody and imprisonment without any restrictions, to interview prisoners with no personnel being present, and to talk to personnel without the presence of administration officers. During the period from April 2002 to August 2003, the Helsinki Committee visited twelve institutions (some of them twice). In the meantime, the Helsinki Committee was chosen as a partner in three-year project "Prevention of Torture: Support to the Rehabilitation of Victims of Torture" implemented thanks to the assistance of the European Commission – EIDHR.

Over the four years, the monitoring included 6 aspects of prison life: quality and conditions of life (buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene, food, and medical service); security; legality of prison regime; social resettlement; contact with the outside world; and institutional personnel. Each aspect was evaluated on the grounds of the team's observations and information gathered over interviews conducted with prison administrations, personnel (of all services) and prisoners, as well as from other sources such as prison records (whenever available).

The Helsinki Committee's team especially noted incompatibilities with or departures from the Law on Enforcement of Criminal Sanctions (LECS), the House Rules in Closed and Strictly Closed Institutions (House Rules), European Prison Rules (EPR) and the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards).

In the sections below, we present the data collected by administration at the time of team's visits and general concluding remarks (without detailed reports of each institution and recommendations).

YEAR 1

I. April 2002 – August 2003

		Date of visit	Type of institution	Population	Capacity	Number of prisoners
1.	The Penitentiary at Nis	30 May 2002	Closed, with semi-open and open units	Males/adults	In the pre-riots period 1,600 currently about 1,200	About 850
2.	The Penitentiary at Nis	29 July 2003	Closed, plus semi-open and open units	Men/adults	Around 1,200	About 970

3.	The Penitentiary at Pozarevac-Zabela	19 September 2002	Strictly closed and closed	Men/adults	Around 1,700	About 750
4.	The Penitentiary at Sremska Mitrovica	28 February 2003	closed	Men/adults/foreign nationals	Approx. 1,100	Approx. 1,100
5.	The Women's Penitentiary at Pozarevac	21 October 2002	Semi-open	Women (adults, juveniles, with criminal records)	Around 220	110 prisoners under sentence and around 15 sentenced for misdemeanour
6.	The Penitentiary-Hospital at Belgrade	28 January 2003	closed	Men and women	Approx. 500 inmates	Approx. 500
7.	The Penitentiary at Padinska Skela	23 July 2002	open	male	About 250	120 of whom 30 on the day of our visit were convicted of misdemeanour offences
8.	The Penitentiary at Cuprija	11 December 2002	open	untried and convicted prisoners	Approx. 300 inmates	Untried prisoners: 43, convicted prisoners: 213
9.	The Penitentiary at Sabac	9 June 2003	open	untried and convicted prisoners	About 200	Untried prisoners: around 60, convicted prisoners: around 100
10.	The Penitentiary at Sombor	17 June 2003	open	untried and convicted prisoners, and prisoners under misdemeanour sentence	130	Untried prisoners: 64, convicted prisoners: 63, plus 2 under misdemeanour sentence
11.	The Reformatory at Krusevac	8 May 2003	Semi-open	Juveniles and young adults	Around 180	About 750
12.	The Juvenile Penitentiary at Valjevo	23 April 2002	Closed, plus a semi-open and open unit	Males/juveniles	About 250	About 150
13.	The Juvenile Penitentiary at Valjevo	12 August 2003	Closed, plus a semi-open and open units	Men/juveniles	About 250	About 160
14.	The District prison at Belgrade	12 November 2002	Semi-open	Untried prisoners and prisoners under sentence	Around 900	Untried prisoners: about 480, convicted prisoners: 28
15.	The District prison at Novi Sad	19 November 2002	Semi-open	Untried prisoners and prisoners under sentence	Around 500	Untried prisoners: about 110, convicted prisoners: around 130

CONCLUDING REMARKS (Year 1)

1. The Quality and Conditions of Life

Generally speaking, the team takes that the conditions under which prisoners serve their sentence are bad.

The institutions in which persons convicted or accused of crime are confined are mostly old - some were built in early 20th century. In addition, these facilities technically fit in the abandoned concept of treating "offenders" in the past, and cannot be amended through partial adaptations. Therefore, the size, number and arrangement of buildings in a prison compound are often diametrically opposite to the prison's proclaimed objectives. The quality of prison life is further impaired by longstanding negligence, poor equipment and the fact that some facilities were destroyed in the November 2000 riot.

On the whole, these institutions are of considerable accommodation capacities. This refers not only to large penitentiaries able to house around 1,000 prisoners, but also to reformatories with about 200 juvenile offenders. Some institutions are filled to full capacity (such as those in Sremska Mitrovica and Sombor), while the others to 45 per cent of their full capacity. Though the latter is often the case, such institutions seem overcrowded due to inadequacy of buildings that accommodate too many prisoners. Such impression is justified by the fact that one-third of all monitored prisons do not provide prisoners with legal minimum of floor space.

We wish to point out that the Ministry of Justice has done much to improve the conditions by funding the construction of new facilities and adaptation and renovation of existing ones partly from its own resources and partly from donations. However, most facilities are so old that the quality of life in them cannot be substantially improved. Some of the institutions visited continue to have problems with water supply, sanitary arrangements and heating. The rooms in which the prisoners live are often dilapidated and humid, their walls and floors requiring immediate attention. Sleeping accommodation is communal, and overcrowding in some cases is such as to seriously affect prisoners' need of privacy. The dormitories have minimal furniture (usually just a bed and a bedside table) which is both old and hardly functional.

Conditions for maintaining personal hygiene are considerably worsened because of inappropriate sanitary installations and the lack of funds to provide toilet articles necessary for health and cleanliness.

Uniforms are old and badly kept in all institutions where wearing them is mandatory. Bedding is scarce, in bad condition and rarely changed.

Food is prepared within almost all institutions. Kitchens and mess-halls rooms are mostly inadequately clean and inappropriate for the purpose. Generally, food does not satisfy in quality the standards of dietetics (fresh fruits and vegetables, as well as milk products are scarce), which significantly adds to prisoners' discontent.

Canteens in most institutions visited by the team are well-stocked.

Poorly organized and equipped medical services characterise almost all monitored institutions. The situation is probably the worse in the Penitentiary-Hospital in Belgrade, which is the only one of such type in Serbia. It lacks both the capacity and equipment to provide medical services to the prisoners transferred to it.

Medical services in individual prisons are usually understaffed and have inadequate number of specialists. With few exceptions, in-patient and out-patient facilities, dispensaries and laboratories are chronically deficient in equipment, disposables and medicines. Prison administrations, therefore, have to transfer sick prisoners to clinics in the outside community or to the Penitentiary-Hospital in Belgrade, or engage medical personnel on part-time basis. In spite of such solutions, however, functioning of medical services is inadequate. Interviewed prisoners are also dissatisfied with the quality of medical services provided to them.

On the other hand, the need for medical services - that, in some institutions provide as many as 100 examinations and smaller surgeries per day - is big. Namely, around 10 per cent of prisoners suffer from chronic somatic illnesses, some 5 per cent from chronic mental diseases, while the percentage of prisoners dependent on psychoactive substances ranges from 7 (Kruševac Penitentiary and Valjevo Reformatory for Juveniles) to 15 per cent (in Niš and Požarevac penitentiaries). On the whole, in every monitored institution there are ten-odd cases of HIV infected prisoners and those suffering from tuberculosis.

Medical officers minimally inspect the hygiene of the institution and prisoners and the quality of food. The same refers to imparting medical information to prisoners.

Medical services do not function independently of prison administrations, and their work is not controlled by independent medical authorities.

2.. Security

The external security in all monitored institutions is adequate but should be modernized. This primarily refers to some inappropriate technical solutions and shortage of modern surveillance devices.

According to the team's information, sporadic escapes from three prisons (Sremska Mitrovica Penitentiary, Belgrade Penitentiary-Hospital, and Sombor District Prison) have taken place over the past six months, and a number of prisoners have misused the benefits granted to them such as leaves, extra vacations, etc.

Security in some prisons such as the Women's Prison in Požarevac is excessive, which is contrary to laid down regimes.

Unlike the external security, the internal security is inadequate.

First and foremost, classification of prisoners and their allocation to specific institutions is questionable and often contrary to the provisions of the Law on the Enforcement of Criminal Sanctions. In some institutions untried prisoners or those awaiting trial are not separated from convicted prisoners. Moreover, persons convicted for serious crimes and under long sentences are often allocated to open prisons.

The overall "climate" in almost all prisons that have been monitored is extremely bad, which is manifested in permanent tension and negative relations between prisoners and personnel. Interviewed prisoners spoke about intensive fear and sense of insecurity and said they were threatened by security guards and even more by other inmates. Likewise, the personnel that are in daily contact with prisoners say they feel strongly threatened. Though these are just personal views and expressions of feelings, they probably best illustrate the situation in prisons in general.

Interviews conducted with prisoners and personnel alike show that in almost all prisons corruption, industrial injuries, fights between prisoners and clashes between prisoners and personnel, thefts and destruction of personal belongings, smuggling, racketeering, possession of arms, cell phones and other illegal items, self-injury, etc., make part of everyday life.

Unfortunately, the team has not managed to obtain factual information that might better illustrate the situation described in the paragraph above. Namely, prison administrations and personnel are unwilling to impart information about the exacting nature of their job. Further, as it seems, prisons have not developed clear-cut procedures aimed at maintaining internal security (e.g. test of urine specimens) or do not accurately record the effects of applied procedures (e.g. searches of rooms). Only four institutions have provided the team with systematized information about the number of injuries and cases of self-injury taking place over the past twelve months.

3. Lawfulness (equity) of treatment

Prison administrations provided insufficient information on the grounds of which the team could have thoroughly evaluated this dimension. This primarily refers to the information about prisoners' complaints and appeals, disciplinary measures and instruments of restraint, breaches of orders, etc. Therefore, the team turned to the Central Prison Administration. After two months the Administration replied these data are unavailable at the moment since, as it put it, their processing took time.

Except for the Penitentiary-Hospital in Belgrade and Valjevo and Kruševac penitentiaries that have not set down new house rules up to now, these regulations are available to prisoners in all other monitored institutions where prison personnel take care that each and every prisoner is kept informed about their provisions.

Official information about prisoners' complaints and applications, and about their outcome, was unavailable. The same goes for benefits and awards accorded to prisoners.

Just three prison administrations provided official information about disciplinary measures taken against prisoners. Punishment by solitary confinement is the most common measure implemented in the Niš and Sremska Mitrovica penitentiaries – 8 and 15 per cent of prisoners respectively have been so punished. Disciplinary measures such as reprimands or cuts in benefits have been taken against 27 per cent of the total prison population of the Čuprija open prison.

According to available and unofficial information about instruments of restraint and excessive use of force on the part on prison personnel, the team concluded that disciplinary measures, including dismissals, have been taken against officers in almost all monitored institutions.

Corruption and daily use of truncheons and other instruments of restraint in situations prohibited by law referred to by interviewed prisoners and personnel seriously question the legality of prison regimes.

The problem of foreign nationals deprived of their liberty, particularly of those who have not been convicted or accused of crimes, was not included in the team's mandate. However, it should be under scrutiny as soon as possible.

4. Social Resettlement

On the whole, social resettlement of prisoners is inadequate.

The monitored institutions mostly use prison work for farming, mechanical engineering works, carpentry and maintenance. Working hours, leisure time, measures of precaution and remuneration are in most cases in keeping with legal standards. Depending on the type of institution, prison work includes 25-50 per cent of prisoners. Apart from those unable to work, prisoners are employed below prisons' actual capacities due to deficient equipment and production materials, lack of motivation and overall situation of today's economy. Prisons are often unable to meet legal criteria for prisoners' assignment such as their professions in the outside community or personal preferences because there simply are no such jobs. In some cases, however, these standards are not met without any plausible reason whatsoever.

Working conditions can be judged as partially satisfactory. Namely, though most machines are formally operable, they are so outdated that they pose threats to prisoners' safety. Information about hazards in the workplace was obtained from three institutions. Over the past twelve months, 8 per cent of working prisoners have been injured in Niš and Požarevac prisons and 3 per cent in the Valjevo Reformatory. Compensation paid to injured prisoners amounts to 300-1,000 dinars. Though these sums are in keeping with law, they are absolutely inadequate. Work is organized in such a manner that it offers no opportunity for vocational training.

Not a single institution confining adult persons provides education. According to available information, over 20 per cent of prisoners allocated in "big" prisons are illiterate. Non-existent schooling and vocational training in such institutions affect prisoners' reintegration into society after release. Schooling provided to juveniles in Kruševac and Valjevo reformatories faces a number of problems. These prisons have no elementary schools, while secondary school education is organized in tandem with local community schools. However, since teachers in local schools are not trained to deal with prison population, they often have to be replaced by colleagues willing to try their hands at teaching juvenile offenders. Such changes make it impossible to establish close relations between students and their teachers. Though curricula in principle correspond to those applied in local schools, classes are actually adjusted to adult education programs, which cannot properly qualify juvenile students. There are no special programs for mentally or learning disabled juveniles, or for those whose mother tongue is other than Serbian. Schools are housed in inadequate facilities, and teaching aids are outdated.

Upon admission, prisoners are assigned to training groups. Maintenance of internal security (lengths of sentences and habitual offenders) is the main criterion for classification. Treatment programs including schooling, prison work, leisure and recreational activities, and intensity of group and individual treatment are made for every prisoner. However, these programs are schematized and scanty. Sizes of educational groups vary from seventy (in "big" prisons, in the Čuprija open prison and the Novi Sad district prison) to fifteen prisoners (in the Kruševac reformatory and the Belgrade district prison). Prisoners' conduct, i.e. the manner in which they abide by the house rules, stands for the main criterion of reclassification. Prisons exclusively provide individual treatments that are sporadic and are not adjusted to specific techniques such as non-directive or behavioural therapies. No specific techniques are applied in the cases of particular groups of juvenile offenders such as drug addicts, juveniles sentenced for violent crimes, etc.

Leisure and recreational activities are also problematic. Namely, prisons mostly lack adequate premises and equipment necessary for such activities. Sporting events are best organized (though below the standards of hygiene and health), while educational, cultural and artistic ones are few and far between. Only several prisons issue magazines that are edited by handful of prisoners.

Generally speaking, libraries are poorly stocked and located in inappropriate areas.

All prisons have rooms where prisoners can sit together to listen to radio or watch television at their free will. Though small quantities of daily papers are supplied to prisons, there are no limitations when it comes to prisoners' subscription to a variety of newspapers.

Though today more and more attention is paid to prisoners' religious rights, not all monitored prisons do not have adequate premises for religious observance. Over the past twelve months the tendency to build Serbian Orthodox churches within prison compounds is rather strong. However, the right to religious observance in the cases of adherents of other religions remains unsolved. No special pre-release programs or activities have been developed in the monitored institutions.

5. Contacts with the Outside World

Prisoners' contacts with the outside world are mostly carried out in keeping with legal provisions. The paragraphs below pinpoint critical moments that, in the team's view, source problems in this domain.

Prisoners mostly communicate with the outside world by phone. The number of prisoners per a coin-operated telephone ranges from 250 (Niš, Sremska Mitrovica and Belgrade) to thirty (open prisons in Padinska Skela, Šabac and Sombor). Prison administrations are, therefore, forced to make phoning schedules and restrict the number of calls. As letters and complaints are subject to either formal or informal censorship, prisoners rarely opt for such communication. The rooms set

aside for receiving visits are mostly inadequate and poorly furnished. Apart from few exceptions, the situation is about the same in the so-called special rooms.

Prison personnel's cooperation with authorized agencies in the outside community figures among the biggest problems of all. Actually, the monitored prisons cooperate minimally and indirectly only with relevant social care centres and the police. No cooperation has been established with possible employers, employment agencies, etc.

6. The Institution Personnel

Security officers make some 60 per cent of the overall prison personnel. Actually, one security officer is in charge of from three to five prisoners. Interestingly, this ratio is about the same in all institutions, regardless of their types (open or closed prisons). According to recruitment criteria, a candidate for the job in security services has to be a secondary school graduate, to have completed his military service, not to be sentenced and to be psychically and mentally fit to pursue his tasks. All interviewed personnel take these criteria insufficient. Security officers are thirty to thirty-five years old on average, and most of them have little professional experience because they change jobs frequently.

The reformatory training service employs personnel with university diplomas, two-thirds of whom are specialists such as psychologists, educational specialists and social workers. One training officer is in charge of ten prisoners (eg the juvenile penitentiary at Valjevo, the women's penitentiary at Požarevac) to fifty or more the penitentiaries at Niš, Požarevac and Sremska Mitrovica; the open penitentiary at Čuprija; the district prison at Novi Sad). The average age of the personnel is forty, most of them having worked for ten or so years. One-quarter of them have undergone additional vocational training. A university diploma is the only criterion a job applicant must fulfil.

Some 10 per cent of employees of training and employment services has university and high school diplomas, while the rest have finished secondary schools. In some institutions one instructor is in charge of five to ten prisoners (all the penitentiaries, the penitentiary-hospital, the juvenile penitentiary, and the reformatory), while in others of as many as fifty (the open prison at Čuprija, the district prison in Novi Sad, the women's penitentiary). Their age average forty and professional experience ten to fifteen years.

Medical services employ physicians, stomatologists and nurses/male nurses. On the whole, one medical officer has on his/her hands as many as fifty prisoners. Almost 50 per cent of the monitored institutions have no physician employed on permanent basis (e.g. open prisons in Čuprija, Šabac and Sombor, the Valjevo reformatory for juveniles and the Novi Sad district prison).

We wish to stress that employees in all services do not attend in-service training in dealing with prison population. Security officers are obliged to attend a three-month course of training, but such course has not been organized over the past twelve months. Handbooks or guides are not distributed to personnel. Their work is not regularly controlled by experts. As prison administrations do not provide personnel with expert help or programs of support, they are, more or less, left to their own devices. Expert literature is not supplied to prisons. Personnel have no access to the Internet, since most prisons do not even have computers.

There are vacancies in most services. As hardly anyone is eager to get a job in a prison, recruitment criteria are very low. The majority of employees are dissatisfied with their jobs, which they deem stressful, poorly paid and inadequately appreciated.

General climates and mutual communication in almost all prisons are extremely bad. New management's and heads of services have been appointed in most prisons over the past several years, which partially stabilized the overall situation. The recent decision whereby salaries of security officers have been considerably raised just deepened the ancient grudge between them and other employees.

Working conditions are generally bad. Almost all services are notably deficient in equipment and other necessary materials.

YEAR 2

The Helsinki Committee's mission as a partner organization in the EC-EIDHR project was fully compatible with the commitments of the State Union of Serbia and Montenegro (SMG) deriving from its membership in the Council of Europe as of April 3, 2003.

Major steps the State Union has made in the fulfillment of its obligations include signing and ratification of the European Convention on Human Rights and optional protocols, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. By signing the Optional Protocol of the UN Convention against Torture on September 25, 2003, the State Union manifested its good will to comply with its international obligations.

However, by the time the first report was brought to public notice neither the State Union nor Serbia, as a member-state, have taken any step whatsoever with a view to amending relevant legislation.

In this period, the Helsinki Committee's team visited 6 institutions catering persons deprived of their liberty. Population of the visited detention facilities totaled 4,400 persons. Along with the visits paid to detention wards within district prisons (450 detainees), the team practically monitored institutions housing over 85 percent of total prison population in Serbia. In the same time, the Helsinki Committee's team visited 8 district prisons in Serbia with wards for untried and convicted prisoners. The wards for the prisoners awaiting trials accommodated around 1,100 persons, while those for prisoners under sentence some 450 persons. As provided by law, the team was allowed to interview the institutional personnel and prisoners under sentence; interviews with prisoners awaiting trial are prohibited.

II. April 2003 – April 2004

		Date of visit	Type of institution	Population	Capacity	Number of prisoners
1.	The Penitentiary at Nis	29 July 2003	Closed, with semi-open and open units	Males/adults	about 1,200	About 970
2.	The Juvenile Penitentiary at Valjevo	12 August 2003	Closed, plus a semi-open and open units	Males/juvenils	About 250	About 160
3.	The Women's Penitentiary at Pozarevac	31 October 2003	Semi-open	Women (juveniles, adults and women sentenced for misdemeanor)		around 150 (5-7 out of the total number are sentenced for misdemeanor)
4.	The Kraljevo District prison	25 November 2003	semi-open	Untried prisoners and prisoners under sentence		Untried prisoners: 40, prisoners under sentence: 13, plus 2 sentenced for misdemeanor

5.	The Kragujevac District prison	25 November 2003	semi-open	Untried prisoners and prisoners under sentence		Untried prisoners: 45, prisoners under sentence: 60
6.	The Zajecar District prison	12 December 2003	semi-open	men/adults		Untried prisoners: 23, prisoners under sentence: 86
7.	The Belgrade District prison	21 January 2004	semi-open	men and women (adults and juveniles)	around 900	Untried prisoners: 757, prisoners under sentence: 40
8.	The Penitentiary-Hospital at Belgrade	21 January 2004	closed	Men and women	Around 450	550
9.	The Penitentiary at Pozarevac-Zabela	25 February 2004	Strictly closed and closed	Men/adults	Around 1,200	About 1,300
10.	The Penitentiary at Sremska Mitrovica	17 March 2004	closed	Men/ adults	Approx. 1,100	1,272
11.	The District prison at Novi Sad	25 March 2004	Semi-open	men and women/adults and juveniles	Around 500	Untried prisoners: 180, sentenced prisoners: 161, plus 24 under misdemeanour sentence
12.	The Zrenjanin District prison	25 March 2004	semi-open	men and women/adults and juveniles	210	Untried prisoners: 33, sentenced prisoners: 85 (6 sentenced for misdemeanor)
13.	The Smederevo District prison	15 April 2004	semi-open	men/adults		Untried prisoners: 31, sentenced prisoners: 28
14.	The Pancevo District prison	15 April 2004	semi-open	men/adults		Untried prisoners: around 25, sentenced prisoners: about 30

CONCLUDING REMARKS (Year 2)

When compared with findings of previous prison visits, the team's observations in the monitored institutions – some of which, mostly district prisons in provinces, were visited for the first time – indicate that all of them, more or less, face identical problems, which, therefore, can be defined as systematic.

1. Quality and Conditions of Life

a) buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene

Prison overcrowding in most visited institutions continues to blight quality and conditions of life, and seriously undermines all monitored aspects. Further, the overall quality of life is generally compromised by longstanding neglect and poor equipment. In addition, wards and other facilities that have been destroyed in the November 2000 prison riot (such as those in Sremska Mitrovica and Pozarevac penitentiaries) have not been repaired up to now, i.e. they are still unusable. More often than not, penal institutions are situated in old buildings some of which were constructed back in early 20th century. The very lay-outs of these buildings reflect an obsolete concept of treatment of "offenders." Such architectural shortcomings cannot be overcome by partial renovations. This is why sizes, number and arrangement of buildings and premises are manifestly incompatible with the purpose of these institutions and the needs of persons they accommodate.

Generally speaking, this refers to the following problems: dormitories do not provide sufficient cubic meters of space per prisoner; areas wherein prisoners take exercise in the open are not spacious enough and mostly lack shelters; non-existent living areas force prisoners to spend almost 23 hours in their cells; nonexistent premises for spousal or family visits, as well as for meetings with lawyers; non-existent recreational grounds. These shortcomings mostly plague district prisons.

The lay-out of the Belgrade District Prison and Penitentiary-Hospital is such that it does not allow entrance of natural light, fresh air and heating in the rooms accommodating persons deprived of their liberty. However, these shortcomings can be removed in the same manner in which the women ward of the Penitentiary-Hospital has been adapted.

Old and neglected facilities adversely affect general hygiene. Dormitories are mostly ruined and humid, and have battered walls and floors. Large capacity dormitories containing all or most of the facilities used by prisoners on a daily basis mostly render all efforts of prison administration to maintain hygiene ineffective. This problem particularly burdens large prisons such as Pozarevac-Zabela or Sremska Mitrovica penitentiaries-reformatories. Dormitories in the former are furnished with triple bunk beds, while as many as 90 persons are accommodated in large capacity dormitories of the latter. Dormitories are furnished Spartanly – prisoners have just beds and not all of them do have lockers of their own. In addition to such austere sleeping accommodation, the very furniture is old and hardly functional. The same refers to living areas, if any.

These problems are exacerbated by inadequate sanitary facilities and installations in almost all visited institutions that make maintenance of personal hygiene an almost impossible task. Further, as prison administrations cannot generally afford to supply prisoners with toiletries, the latter are forced to procure them at their own expense.

Wherever prisoners are obliged to wear uniforms, these uniforms are old and unkempt. Bedclothes are scarce, while blankets and mattresses in most large institutions are in extremely bad state. Prisons do not have laundries – either because such premises were destroyed in the November 2000 riot, have not been built at all or are nowadays used for purposes other than washing and drying of clothes and bedding. Prisoners are forced to wash their clothing with cold water and hang them to dry in dormitories, corridors or other inappropriate places.

b) Food

Food is prepared by professional cooks in almost all visited institutions. General hygiene in kitchens and mass halls varies from institution to institution, though its level is almost nowhere appropriate.

The quality of the food served to untried/convicted prisoners also varies. Generally speaking, it is of poor quality, except for the prisons in Vojvodina where the interviewed prisoners said it was not that bad. Meals are mostly tasteless. Milk and milk products are rarely on menus, while fresh fruits are almost never served. Bad quality of food figures as a major source of prisoners' discontent.

All larger institutions have canteens where prisoners can buy articles of food. Some canteens are well supplied and have refrigerators for milk and meat products, which is a significant advantage in detainees' view. Other canteens offer just several articles of food the quality of which is rather questionable. Given that prison canteens sell goods at market prices, the team takes that there is no justifiable reason for such poor stocks.

c) Medical Care

Access to a doctor and quality of medical treatment provided to prisoners is the second crucial factor determining quality and conditions of prison life. It is to be noted that, in keeping with the standards that have been adopted, prisoners are entitled to medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community.

The anyway low level of medical treatment provided to citizens in the outside world is even lower in detention facilities. In addition to chronic lack of funds available for medical care, organizational arrangements under which medical services in penal institutions operate are inadequate at national level. Subsidies available to medical services and their functioning are managed by the Central Prison Administration and prison administrations. This drastically restricts professional independence of medical officers whose clinical decisions, therefore, are not always governed only by medical criteria. Besides, professional competence of medical staffs is often questionable. For the Ministry of Healthcare, which is, under the LECS, in charge of controlling professional capacities of prison doctors and nurses has not been meeting its obligations for years.

Almost all large prisons have medical services organized as separate units. On the other hand, job classifications in district prisons do not envisage existence of medical services. Instead, doctors from civilian hospitals are engaged to pay visits once or twice a week. This implies that prisoners are not able to have access to a doctor at any time. Further, medical services in the institutions that do have them are often understaffed – the number of doctors and other competent medical officers is inadequate to meet prisoners' needs. As regards emergency treatment in institutions that do not employ even a medical assistant, security officers are those who assess priorities in providing first aid.

Pharmacies, laboratories and out-patient wards, if any, are poorly supplied and equipped. Almost all small district prisons do not have adequate premises where medical examinations can be conducted and nursing care provided to prisoners. In addition, in such prisons prisoners are not medically examined upon admission and their medical files are not compiled. Prisoners permanently complain that they have to wait too long to be examined by a medical doctor, as well as that such examinations are conducted in an off-handed manner and that necessary medicaments are not available.

Prison officers do not possess specialist knowledge enabling them to deal with particular forms of prison pathology or carry out socio-therapeutic programs for prisoners who are seriously ill or are dependent on psychoactive substances.

Though international standards are clear-cut about the important role medical services play in combating infliction of ill-treatment and securing overall quality of life in prisons, necessary awareness, to all appearances, has not taken root in domestic detention facilities. The Helsinki Committee's team is, therefore, deeply concerned with the fact that no measures are taken with a view to solving the problem of medical care.

Though staffed with competent medical professionals, even the Belgrade Penitentiary-Hospital – the only institution primarily focused on providing medical treatment to special categories of prisoners – is unable to efficiently fulfill its task due to the lack of equipment and bad nursing conditions. Overcrowding figures as a constant problem, patients' accommodation is degrading and inhuman, the institution is permanently short of medicaments, modern methods and techniques are not applied, entrance of natural light and ventilation is insufficient, etc.

Different arrangements for status and role of medical services in detention facilities should be made at national level so as that they may play their crucial role in the prevention of torture and other inhuman or degrading treatment.

2.. Security

Prison overcrowding – as the biggest problem blighting domestic detention facilities – continues to affect both internal and external security in them. Too many prisoners most of the monitored institutions have to cater for, large areas to be supervised, as well as mostly inadequate and outdated surveillance systems considerably undermine the task of security officers.

However, an analysis of external security solely based on the number of escapes or attempted escapes from detention facilities and other closed institutions in the past 12 months may lead to the conclusion that the overall security is at an adequate level. In the team's view, small number of escapes is to be attributed to the fact that the prisoners considered "dangerous to overall security" are mostly allocated to closed or high-security wards, which means that they are being locked up in their cells for almost 23 hours daily.

Further, very lay-outs of district prisons and the level of security in them explain such small number of escapes. Given that under the current Law on Execution of Criminal Sanctions district prisons are classified as semi-open institutions, they should not be surrounded by walls or have bared windows. The Law also provides that security officers in such institutions shall figure as "the only obstacles to escape." By defining district prisons in such manner, law-makers had in mind that they are supposed to accommodate persons sentenced to up to one-year imprisonment. Contrary to the Law's provision, district prisons – viewed from security angle - resemble closed institutions. Except for the Kragujevac District Prison, almost all other the team has visited are surrounded by high walls topped with barbed wire. Prison directors said over interviews they were aware the Law defined district prisons as semi-open institutions. However, they added, as district prisons cater for untried prisoners and often for those under long sentences, walls and barbed wire were fully justified in terms of security.

In the team's opinion, high-level security is justified when it comes to prisoners awaiting trials, but is illegal in the case of those under short sentences. Bearing in mind that these institutions also accommodate persons sentenced for misdemeanor, who, as a rule, share dormitories with those imprisoned for crime, the issue of "excessive" escape safeguards turns more than questionable and calls for urgent reconsideration.

The adequate level of external security is also to be attributed to sizes of security staffs in monitored institutions: the number of security officers usually corresponds to that of detainees. Though in some monitored institutions security services could be termed as short-handed on the grounds of relevant job classifications, they are actually adequately staffed due to security officers who have been reassigned from Kosovo. Only officers from the Belgrade Penitentiary-Hospital, the Belgrade District Prison and the Pozarevac Penitentiary-Reformatory complained of inadequate job classifications and understaffed security services.

The level of internal security (inter-prisoner violence) depends on the type, size and population of each of the monitored institutions. "Prison gangs" engaged in racketeering, violent incidents, blackmails, harassment of other inmates, etc. are mostly characteristic of the institutions the population of which exceeds 150 persons. Frequency of inter-prisoner violence grows in

parallel with the growth of prison population. As overcrowding blights even large detention facilities, allocation and separation of prisoners that derives from assessment of risk and their special needs are an almost impossible task and considerably explains inadequate internal security in these institutions.

On the other hand, inter-prisoner violence rarely affects small capacity prisons or open wards within larger institutions.

Staffs' regimented and hostile attitude towards prisoners often increases the risk of security. Development of constructive and positive relations between prison staff and prisoners is a key component of overall security. In the team's view, necessary measures of control - implied in each aspect of maintenance of security in detention facilities - should also imply efforts to create good staff-prisoners relations. Such approach considerably reduces tensions and enhances secure environment for both staff and prisoners.

Last but not least, the team believes that modernization of equipment (state-of-the-art cameras and sensors), new conveyances and modern personal outfits for security officers (communications, arms, instruments of physical restraint, etc.) would greatly improve security in the monitored institutions and render the work of security officers by far more efficient.

3. Legality of Prison Regime

The ambitiously planned reform of prison regimes – motivated, in the first place, by the necessity to get this domain adjusted to international standards regulating the rights of persons deprived of their liberty – has not caught up with reality so far. The discrepancy between reformists' good intentions and the actual state of affairs in the domain of execution of detention measures is more than obvious. Even in 1998 when the Law on Execution of Criminal Sanctions and the Degree on Establishment of Penal Institutions in the Republic of Serbia were passed necessary preconditions for implementation of these two regulations had not been created – namely, centers for personality observation, psychiatric wards and prison hospitals, provided by the Degree, had not been set up.

As for bylaws supposed to regulate crucial aspects of imprisonment, only house rules to be applied in detention centers, district prisons, high-security, closed and open prisons, as well as in women prisons were enforced in the period 1999-2000. House rules adjusted to specific needs of the institutions such as the Belgrade Penitentiary-Hospital and the Krusevac Penitentiary-Reformatory have not been developed for years now.

On the other hand, rules regulating the use of instruments of restraint, solitary confinement and isolation, disciplinary measures, duties of security officers and nutrition in detention facilities, adopted back in 1978, are still in force.

House rules in the institutions that do have them are often available to untried and convicted prisoners alike only after admission. Detained foreign nationals are deprived of the opportunity to read house rules in their own mother tongues – instead, house rules are interpreted to them by other inmates who speak their languages.

Classification and allocation of prisoners to different institution and regimes is often not in keeping with letter of the law. Besides, acute prison overcrowding resulting from the police Saber operation made proper classification of detainees practically impossible. Prisoners convicted of minor offences and under short sentences often share accommodation with habitual offenders under long sentences. In some institutions, it is practically impossible to physically separate persons sentenced for misdemeanor from those sentenced for crime. However, in some places where such separation is possible, the two categories of prisoners are kept together round the clock since prison administrations do not consider this requirement crucial.

Almost as a rule, prisoners under long sentences, habitual offenders or those convicted of crime are allocated for “security reasons” to district prisons the treatment regimes of which are not adjusted to those categories of prisoners.

Position, rights and treatment of prisoners allocated to strictly closed prisons (such as the pavilion VII of the Pozarevac-Zabela Penitentiary-Reformatory) are not clearly defined by law. This opens the door to all sorts of abuse and ill-treatment of such prisoners.

Bearing in mind that effective grievance procedures against are fundamental safeguards against illtreatment in prisons, the team takes that provisions regulating this domain are contrary to internationally adopted standards. Though compiled information indicate that small number of prisoners have filed complaints against disciplinary measure taken against them, violation of their right or the criteria for granting benefits, informal interviews that have been conducted lead to the conclusion that prisoners believe that filing complaints is of no avail, the more so since the whole system proved to be ineffective in scores of cases.

Further, a relatively small number of disciplinary proceedings instituted against prison officers for all sorts of breaches of orders and misconduct can hardly be interpreted as a proof that the system operates smoothly and in keeping with the letter of law. In the team’s view, this is more to be attributed to lenient prison administrations, ineffective inspection and inappropriate formal disciplinary procedures to be applied in the event of misconduct.

Apart from legal shortcomings, the Central Prison Administration, i.e. its supervisory bodies, are to blame for such situation.

4. Social Resettlement

Prisoners’ social rehabilitation, as the main purpose of imprisonment, is the fundamental principle recognized in modern science, legislature and practice alike. In keeping with this top priority principle, the LECS provides that reeducation services shall coordinate the work of all other prison services with a view to attaining this goal. Given that imprisonment in itself should be aimed at changing a prisoner’s behavior for the better, treatment programs provided to persons deprived of their liberty should be adjusted to individual needs. However, practice in domestic detention facilities shows that repression and prisoners’ isolation from the outside community are still considered the sum and substance of incarceration.

Inappropriate layouts of prisons and the lack of competent personnel on the one hand, and overcrowding and deficient funds on the other, objectively hinder the process of social resettlement.

In most institutions, the criteria for a prisoner’s allocation (classification and reclassification) are determined by available accommodation and security reasons, rather than by his specific needs, problems and behavior.

Teams in charge of prisoners’ admission, if any, are incomplete. Prisoners’ classification and reclassification are often in the hands of one or two educators who perform on their own the entire process ranging from admission, reeducation to the so-called pre-release preparation and post-penal integration into life in the outside community. Staff complements in reeducation services are constantly inadequate. More often than not, educators in smaller institutions are in charge of compiling general records, which unnecessarily wastes their time and prevents them from efficiently pursuing their main duties. So it happens that prisoners are rarely in daily contact with their educators and that the entire process of reeducation boils down to educators who handle prisoners’ requests to be granted some benefits or exercise some of their rights. Prisoners, therefore, more often communicate with security officers and try to solve their problems through this service. Situations as such are often seedbeds of corruption and emergence of “privileged inmates” who are classified or reclassified with no respect paid to adopted criteria.

Work and education, as key instruments in the process of social rehabilitation, are theoretically incorporated into domestic reformist policy. However, in everyday life, prisoners are rarely offered a variety of purposeful activities that would motivate them for work and education (work of vocational value, well stocked libraries, recreational activities, prison work suited to their professions in the outside community, etc.).

Though the overall prison population is poorly educated, schooling is organized only in two institutions – the Krusevac Penitentiary-Reformatory and the Valjevo Juvenile Prison. The fact that teachers are unwilling to work for prison schools, while prisoners themselves are hardly motivated for schooling can in no way justify insufficient efforts by prison personnel to encourage this major aspect of social resettlement. The team pinpoints the necessity to have the school system in prisons reformed by organizing courses of training, particularly for juveniles, in skills that correspond to modern time, and by introducing vocational education in the trades that would help prisoners to find jobs after release.

General overcrowding in district prisons – and, especially, in their high security wards – adversely affect the exercise of almost all rights. In most cases, prisoners spend almost all the time locked in their rooms and are hardly ever engaged in some purposeful activity. The existence of a satisfactory program of activities is just as important – if not more so – in a high security ward than on normal prison location, as it can do much to counter deleterious effects upon a prisoner's personality of living in the bubble-like atmosphere of such wards.

Prisoners allocated to high security wards – untried prisoners in particular – are often left to languish for weeks, or even months, in poor living conditions without being provided any recreation in the open. Relevant international standards explicitly require that persons deprived of their liberty should be able to take exercise in the open at least for one hour. In all institutions the team has monitored, prisoners' exercise in fresh air – due to overcrowding and security reasons – are restricted to 15-30 minutes. Moreover, prison administrations and the prisoners allocated to high security wards alike said that any physical exercise within dormitories was prohibited.

The above statement does not refer to large prisons that have sport grounds available to prisoners several times a week at least.

As regards work activities in high security wards, it is clear that security considerations may preclude many types of prison work available to the prisoners classified to open and semi-open regimes. However, such considerations need not imply that prisoners in high security wards should spend days playing chess or domino, or watching TV.

On the other hand, work activities in open and semi-open wards are mainly focused on agriculture and farming. Viewed from the angle of vocational value, such work is, as a rule, inadequate to prisoners' need and can hardly motivate them. The fact that small percentage of prison population is engaged in prison work is to be attributed both to unmotivated prisoners and poor remuneration they get. Though all relevant authorities are aware that prisoners who languish are highly susceptible to bad influence and prone to aggressiveness, no steps to solve this pressing problem have been taken so far.

The only visible progress has been made in the domain of prisoners' religious rights and pastoral visits. Churches have been built within prison compounds or arrangements have been made for religious ceremonies in separate premises. However, this only improved the situation of the Serbian Eastern Orthodoxy believers. Religious rights of members of other faiths are still not fully respected.

The above-mentioned problems are only logical when one bears in mind the meager progress made in the reform of the judiciary, i.e. the discrepancy between proclaimed standards and the real life. Further, detention facilities could not have been spared from overall effects of the deep economic crisis. However, the team takes that even under current circumstances, small investments into detention facilities and, above all, full commitment on the part of authorized bodies

and prison staffs to the concept of social rehabilitation – as a top priority of incarceration - would make it possible to develop by far better and efficient social resettlement programs.

5. Contact with the Outside World

Telephone is the most frequent mean of safeguarding prisoners' contact with the outside world. Almost all the visited institutions have phone booths installed for the purpose of prisoners' communication with their families, close friends and lawyers.

Limitations upon such contact derive from two aspects. Firstly, the number of telephone booths in large institutions is inadequate. Namely, due to permanent growth of prison population in such institutions duration of calls has been cut down to minimum. Secondly, ever since the time of the state of emergency, prison officers are, this way or another, able to overhear prisoners' telephone conversations.

The restrictive regime imposed during the state of emergency still affects prisoners' correspondence. Their letters are being read before dispatched to the outside community. However, the team has not obtained any information about letters kept (unsent) by prison administrations.

No major problems affecting reception of packages or money orders have been registered by the team. Further, no interviewed prisoners complained that some items were missing from the packages that had been delivered to him.

Procedures safeguarding visits by families or close friends are mostly respected. Frequency and duration of such visits depend on prisoners' treatment programs and classification. As for the rooms for family and spousal visits, they are, if any, mostly of inadequate size and furnishing.

Procedures regulating prisoners' contacts with their lawyers usually imply a prison director's approval. The team has not learned that any prisoner has been deprived of this right.

In most cases, the rooms wherein prisoners consult with their lawyers do not secure privacy of conversation.

Prisoners are kept informed about developments and events in the outside world. All monitored institutions have sufficient number of radio and TV sets available both to convicted and untried prisoners. Some institutions are in the position to distribute daily newspapers to prisoners free of charge. On the other hand, all prisoners are entitled to subscribe to unlimited number of dailies, magazines and other publications.

Generally speaking, contact with the outside world implies cooperation with relevant social services and agencies in local communities. Viewed from this angle, the contact with the outside world is utterly unsatisfactory. Society as a whole is neither involved in nor animated to participate in the programs of social rehabilitation and after-care programs. Pre-release preparations boil down to meetings with prisoners about to be released and their families. After release, prisoners are practically left to manage on their own.

Public opinion is still imbued with bias and stereotypes about prisoners. Regretfully, even some professional circles and penologists take the same attitude. Staffs of some social or medical centers, as well as police officers (mostly in small local communities) have prejudices about persons deprived of their liberty. Such bias stands in the way of the exercise of some of prisoners' rights during incarceration and after release.

The very fact that visiting hours are usually scheduled on weekends when prison staff are not on premises restricts the staff's communication with prisoners' families.

All in all, it is imperative to enhance cooperation between various detention facilities, and encourage prison administrations to work closely with prisoners' families and social centers that should assist released prisoners to reestablish themselves in society. However, prison staffs

cannot make any significant progress in this domain, unless the relevant ministry plans and initiates the steps to be taken for this purpose.

6. Prison Personnel

Overall bad economic situation and chronic lack of people interested in full-time jobs in detention facilities are not pressing problems at this point. What makes the situation in this aspect most difficult is nonexistent willingness to capacitate detention facilities with competent professionals, provide scholarships and appropriate training to would-be prison officers and secure better salaries to those incumbent officers who are committed to their work. In brief, prison personnel are not adequately selected. Some institutions even employ officers who do not meet basic requirements for the work. Thus this delicate and responsible work is often entrusted to the persons without any professional capacity whatsoever – a situation that hinders the very functioning of detention facilities. Further, one cannot but be alerted by the fact that in some institutions (mostly in district prisons) even prison administrations are unaware of treatment programs and, therefore, cannot instruct or guide other officers.

Only security services are mandatory in terms of organization systems. As a rule, security officers figure as the largest staff in every institution.

The obvious absence of highly professional security officers is additionally burdened by recruitment of officers who have not been given any kind of training in their general and specific duties. The interviewed security officers are fully aware of the problem and take that courses of training on recruitment, as well as those of in-service training are more than necessary, as they precondition a change in the perception of these services, which should not solely focus on repression. Seminars organized by the OSCE Mission to Serbia and Montenegro in tandem with the Central Prison Administration were the initial steps in that direction. These seminars were aimed at enhancing staff-prisoner relations, imparting information about human rights, etc.

Organization of other services varies from institution to institution. District prisons, for instance, either do not have reeducation service or, if they do, educators in these services seem to be tasked with duties that do not logically derive from the services' purpose and objectives. In large detention facilities, few educators are often in charge of too many prisoners. On the other hand, training and employment services in the institutions with minimal number of prisoners engaged in prison work are often overstuffed.

In most institutions, officers – those engaged in the process of reeducation in the first place – perceive themselves as nothing but clerks who handle prisoners' requests and propose steps to be taken just to satisfy formal requirements. In their view, their suggestions have little influence on the decision-making process. Most interviewed prisoners perceive their educators' role in about the same way.

Special pedagogues in all institutions are dissatisfied with their status that, the same as their salaries, have been degraded by recently adopted regulations. They feel professionally humiliated and marginalized, particularly when compared with other, formally less educated employees.

Few are educators who are given the opportunity to follow contemporary trends in the field of penology or are interested in this type of remedial education. Given that the Central Prison Administration has not developed plans for remedial education, the latter solely depends on individual officers' personal ambition to improve their knowledge. In the team's view, a variety of purposeful activities and good reeducation programs in some institutions are to be attributed to enthusiasm of a handful of younger professionals, rather than to a well-planned and generally adopted concept of re-socialization.

Further, it was just in a couple of institutions that the team observed that entire staffs teamed up when it came to prisoners' reeducation. Inter-staff relations are mostly marked by rivalry, particularly between reeducation and security services. In practice, it is the latter that usually has the upper hand. Such atmosphere impairs the quality of work in detention facilities and opens the door to all sorts of misconduct and conflicts. And, it is only natural that it adversely affects prison population.

In addition, chronic inadequacy of staff complements or inappropriate assignments reduce direct communication with prisoners and hinder development of positive relations between prison staff and prisoners. Significant amounts of inadequately remunerated overtime add to staffs' perception of their work as unrewarding, and result in high level of stress.

YEAR 3

As for the SMG's obligations deriving from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified on July 1, 2004, the state authorities have informed the Committee for the Prevention of Torture about relevant governance bodies to be addressed in the matters of torture, and nominated a liaison officer. In September 2004, a CPT delegation paid its first visit to the institutions in Serbia-Montenegro, accommodating persons deprived of their liberty.

The Republic of Serbia has taken several concrete steps in the reform of the penal system. Actually, this is the only domain of the Serbian judiciary system that has registered a steady progress.

First and foremost, this is evident in the fact that the Central Prison Administration has turned more open to today's penological trends and recognized standards. Thus, the Central Prison Administration has improved its cooperation with the Council of Europe, OSCE, UNICEF, DFID and other international and local organizations dealing with this specific domain. The Administration has recruited additional full-time staffers, developed an all-inclusive database and formed working groups that are already drafting recommendations and taking steps for their implementation in some domains (organization of medical services, human rights, juveniles deprived of their liberty, etc.). Further, the Center for Education of Prison Personnel has been set up in Nis, thanks to the OSCE's assistance. Detention facilities that were demolished in the 2000 prison riots are being reconstructed, as well as some wings of the Belgrade Penitentiary-Hospital. Last but not least, a donor conference has been convened with a view to improving overall conditions in Serbian prisons.

At legislative level, the fact that a new law on execution of criminal sanctions and a law on juvenile judiciary (highly commended by the Council of Europe's experts) have been submitted to parliamentary consideration, as well as that drafting of some bylaws (rules) is underway, mirrors a major progress.

On the other hand, the actual state of affairs and prevalent conditions in Serbian prisons clearly indicate that Serbia has yet to come to grips with many a challenge until the treatment of persons deprived of their liberty, compatible with at least minimal European standards, takes root.

In the period April 2004 – May 2005, the Helsinki Committee's team visited four (4) open penitentiaries-reformatories (Sabac, Sombor, Cuprija and Padinska Skela) and one juvenile prison, the Krusevac Reformatory, the only institution of the type in Serbia. In the same period, the team paid visits to pre-trial and closed units of nine (9) Serbian district prisons.

III. April 2004 – April 2005

		Date of visit	Type of institution	Population	Capacity	Number of prisoners
1.	The Cacak District prison	28 May 2004	Semi-open	Men/adults		sentenced prisoners: 26, untried prisoners: 47, sentenced for misdemeanor: 7
2.	The Uzice District prison	28 May 2004	Semi-open	Men/adults		sentenced prisoners: 29, untried prisoners: 21, sentenced for misdemeanor: 15
3.	The Leskovac District prison	16 June 2004	Semi-open	Men-adults		sentenced prisoners: 159, untried prisoners: 5, sentenced for misdemeanor: 11
4.	The Prokuplje District prison	16 June 2004	Semi-open	Men/adults		sentenced prisoners: 59, untried prisoners: 3, sentenced for misdemeanor: 2
5.	The Novi Pazar District prison	6 October 2004	Semi-open	Men/adults		sentenced prisoners: 21, untried prisoners: 27, sentenced for misdemeanor: 4
6.	The Vranje District prison	10 November 2004	Semi-open	Men/adults		sentenced prisoners: 29, untried prisoners: 53, sentenced for misdemeanor: 4
7.	The Krusevac District prison	17 February 2005	Semi-open	Men and women/adults		sentenced prisoners: 19, untried prisoners: 39, sentenced for misdemeanor: 14

8.	The Negotin District prison	6 April 2005	Semi-open	Men and women/adults		sentenced prisoners: 4, untried prisoners: 30, sentenced for misdemeanor:3
9.	The Subotica District prison	14 April 2005	Semi-open	Men/adults		sentenced prisoners: 48, untried prisoners: 37, sentenced for misdemeanor:6
10.	The Penitentiary at Sombor	16 September 2004	open	Men/adults		sentenced prisoners: 38, untried prisoners: 20, sentenced for misdemeanor:7
11.	The Penitentiary at Sabac	22 November 2004	open	Men/adults		sentenced prisoners: 78, untried prisoners: 43, sentenced for misdemeanor: 13
12.	The Penitentiary at Cuprija	15 December 2004	open	Men/adults		sentenced prisoners: 196, untried prisoners: 50, sentenced for misdemeanor:7
13.	The Penitentiary at Padinska Skela	18 January 2005	open	Men/adults		sentenced prisoners: 142, sentenced for misdemeanor: 28
14.	The Reformatory at Krusevac	20 October 2004	Semi-open	Juveniles/both genders		Number of juveniles: 150 Number of sentenced prisoners: 8 women and 3 men

CONCLUDING REMARKS (Year 3)

1. Quality and Conditions of Life

a) buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene

The layouts of the 14 monitored institutions are so different that they can hardly be generalized. Some buildings were constructed back in late 19th century (the Subotica District Prison and the closed unit of the Sombor Penitentiary-Reformatory), some were built in early 20th century (Prokuplje and Novi Pazar district prisons, the Krusevac Penitentiary-Reformatory, etc.) and some in 1980s or 1990s (the Sabac Penitentiary-Reformatory and the open unit of the Sombor Penitentiary-Reformatory). Taking into account the periods in which they were constructed and the fact that some of them were meant to serve purposes other than detention, all institutions are more or less marked by the layouts incompatible with contemporary standards of detention.

Except for the Leskovac prison, all monitored institutions are located in downtowns and usually surrounded by civilian, high-rise buildings (e.g. in Uzice, Krusevac, Subotica, Novi Pazar, etc.). Prisons and civilian buildings are often semi-detached, which is totally inappropriate from the standpoint of security and untried/sentenced prisoners' privacy.

As for open penitentiaries-reformatories, administration buildings and pre-trial/close wards are often situated in downtowns (e.g., Curprijia and Sombor), while their open wards either in suburbs or farther (Sabac and Padinska Skela).

Only the Krusevac Penitentiary-Reformatory is entirely located beyond the town's limits.

Due to their locations and inadequate layouts, all district prisons (except for the Leskovac one) are short of space necessary to accommodate persons deprived of their liberty and staff alike. For the same reasons, some of them do not have living quarters, rooms for visitors and sport terrains. Though, generally speaking, overcrowding does not plague smaller institutions as it does the bigger ones the team visited last year, it still poses a problem for 8 out of 14 such "smaller" prisons, affecting either the units housing untried prisoners or those wherein sentenced prisoners are placed.

Due to rooms with unoccupied beds, overcrowding seems to be more problematic than it actually is in 3 out of 8 overcrowded institutions. The bottom line is that overcrowding in Serbian prisons is hard to assess since information about institutions' actual capacities is not available so as to be compared with international standards or those laid down by the Law on the Execution of Criminal Sanctions (LECS).

Most monitored institutions are faced with the problem of time-worn plumbing and sewers. This is why their anyway ruined brick walls show visible signs of humidity.

As a rule, dormitories are scarcely furnished. Occupants are provided with beds, and tables with some chairs. Lockers are often non-existent.

Thus, it is hard to maintain general hygiene at an adequate level. On the other hand, it is noteworthy that almost all institutions do their best to maintain hygiene – they are regularly whitewashed and cleaned, beddings are changed twice a month, smaller repairs or adaptations take place, etc.

Bathrooms and sanitary facilities that are in bad shape in almost 50 percent of the monitored institutions, as well as the fact that taking a bath more frequently than once a week is considered a privilege in some institutions hinder maintenance of prisoners' personal hygiene.

Untried and sentenced prisoners in all visited institutions, except for the Cuprijia prison, are allowed to wear their civilian cloths. They are usually provided fatigues while engaged in prison work. As pinpointed in the previous report, prisoners pay toiletries and detergents from their own pockets, and wash their cloths by themselves. As there are no adequate laundries, they are forced to dry their cloths in dormitories.

b) Food

Conditions of the premises wherein food is prepared and prisoners take their meals vary from institution to institution, but, generally, mirror a level of hygiene that is either low or mediocre.

This is mostly to be ascribed to ruined buildings, inappropriate layouts, kitchens that are usually situated in basements and longstanding neglect.

Professional cooks, assisted by prisoners, prepare food in most institutions. All kitchen staffs undergo regular sanitary examinations, while prisoners-assistants are accommodated separately from their inmates.

The quality of the food served to untried/convicted prisoners also varies. Generally speaking, it is of poor quality, except for the prisons in Vojvodina where the interviewed prisoners said it was not that bad. Meals are mostly tasteless. Milk and milk products are rarely on menus, while fresh fruits are almost never served. In some monitored institutions prisoners are served same dishes for lunch and dinner. The team takes a practice as such totally inappropriate. Special diets are generally prepared for the prisoners to whom doctors have prescribed them. However, what differs regular and special diets is that the latter are just fatless and unseasoned.

Some institutions pay heed to dietary requirements of the prisoners professing Islam. In others, such prisoners are left to their own devices unless they are ready to eat the food prepared for general prison population.

Three monitored institutions have canteens (in Sabac, Padinska Skela and Krusevac). As for other institutions, prisoners place orders once or twice a week and are have goods delivered to them from local shops.

c) Medical care

Functional medical services are crucial to imprisonment. Medical treatment and nursing care provided within domestic prison system are inadequate and are not in keeping with minimal European standards. Actually, medical services in prisons are the biggest shortcoming of the entire prison system.

Measurable factors listed bellow indicate the manner in which medical services are organized and thus capable to provide efficient treatment and care to persons deprived of their liberty.

Except for two institutions (in Padinska Skela and Krusevac that have full-time medical staff), all monitored institutions engage doctors on contract. As those doctors don't possess knowledge enabling them to deal with specific forms of prison pathology, the quality of services they provide to prisoners solely depend on their individual commitment to their jobs and overall professional capacity.

Four out of nine visited district prisons (44 percent) recruit full-time medical attendants (see Table). As for other penitentiaries-reformatories the team has monitored, three out of four (75 percent) employ them as full-timers (presently, there is a vacancy in the Sombor Penitentiary-Reformatory). Wherever medical attendants are engaged on full-time basis, overall medical parameters are better than in the rest, including qualified control over prison pharmacies, distribution of medicaments and medical records compiled for prisoners. Further, full-time medical attendants provide ampoule therapies to prisoners and thus economize on organizational arrangements, as prisoners need not be transported to local medical centers for such treatments.

In some visited institutions (such as those in Krusevac, Subotica, Cuprija and Padinska Skela), full-time medical attendants are also tasked with keeping detailed records of medical services provided to prisoners. It goes without saying that such practices are highly commendable and should be encourage. Regretfully, none of the monitored institutions keeps regular statistics of observed signs of violence, which is crucial to assessment of actual state of affairs when it comes to inter-prisoner or staffprisoner violence. Not only should institutions conscientiously keeps such records, but the latter should also be regularly presented at (weekly) team meetings and/or submitted for the attention of prison administrations. Three out of nine district prisons have pharmacies of their own and are, therefore, able to stock medicaments properly and provide

efficient medical treatments. However, the equipment in all those pharmacies is just elementary. The situation in this domain, i.e. medical and nursing care, can be improved with minimal investment.

Medical examinations are not conducted out of the hearing and out of the sight of prison officers or other prisoners even in the institutions with organized out-patient wards and, to all appearances, even in those the staffs of which stated otherwise. Confidentiality is vital both to prisoners and medical staffs, since prisoners who trust their doctors would readily report violence against them or injuries they suffered and thus make it possible for the doctors to act in the line of duty – register such injuries and compile relevant statistics for the attention of the authorities. Information about specific cases of violence can also be forwarded to the authorities but only with the consent of the prisoner concerned. The same approach should be applied to the cases of inter-prisoner violence or the use of force against a prisoner. One should always bear in mind that a prisoner should perceive a prison doctor as a family doctor who is bound by medical confidentiality.

In 75 percent of the visited institutions medical files are compiled for all prisoners upon admission. However, a prisoner's medical file is not forwarded to another institution in the event of his transfer with a view to securing continuance of medical treatment and nursing care.

Though all prisoners are medically examined on admission – which is a vital segment of prison healthcare – the manner in which examinations are conducted does not meet even minimal professional standards. Namely, instead of thorough medical examinations, the practice of conducting anamnestic interviews prevails in most prisons. The medical staffs' duty to describe in detail all observed signs of violence, note down prisoners' statements related to their injuries along with medical findings, and make all thus compiled information available to prisoners is not observed. Further, information about transmittable diseases (AIDS, HIV+, hepatitis B/C, TB, etc.), dependence on psychoactive substances and other psychiatric problems are obtained from prisoners themselves, rather than from biochemical and other tests. A practice as such should be changed in all institutions.

The team pinpoints that the number of prisoners dependent on psychoactive substances is on the increase. On the other hand, not only are resources for the treatment of such prisoners practically non-existent, but no treatment programs whatsoever have been developed for them.

Though duty bound by law, medical staffs mostly do not daily visit prisoners punished by solitary confinement. There is ground for belief that such practice is non-existent even though some interviewed officers stated otherwise. To solve the problem, prison administrations should lean on medical attendants who are present on prison premises on daily basis. The majority of the visited institutions do not have in-patient wards. Therefore, prison administrations should furnish and equip available rooms to serve as sickrooms. A solution as such will make it possible to isolate sick prisoners, particularly those with respiratory infections and other transmittable diseases.

Preventive strategies are totally neglected. The staffs of all visited institutions have not been trained in recognizing indications of suicidal risk. Both staffs and prisoners are rarely instructed in transmittable diseases and drug addiction.

Further, medical staffs do not possess specialist knowledge enabling them to deal with HIV-infected prisoners or those with hepatitis C in nondiscriminatory manner. As for medical staffs' duty to daily control food and general hygiene, relevant findings are registered and formally verified by their signatures. However, according to the team's observation, medical staffs are not concerned with quality and variety of food served to prisoners.

The much needed psychiatric care varies from institution to institution, but mostly depends on doctors' commitment to their work. It is the more so necessary to develop a comprehensive strategy in this domain, provide relevant guidelines and educate medical staffs on conducting psychotherapeutic programs and occupational therapies.

2. Security

At first glance, the two types of monitored institutions (open penitentiaries-reformatories and district prisons) do not have much in common when it comes to security considerations. From the standpoint of security, district prisons that mostly accommodate prisoners awaiting trial are organized as closed institutions, while open penitentiaries-reformatories have no physical obstacles to escape. However, except for the Padinska Skela prison, almost all institutions classified as open prison have closed units either for placement of untried prisoners or those who, in administrations' views, should be allocated under semi-open or closed regimes. By their security characteristics, these closed units resemble closed institutions.

Most district prisons, as well as the closed unit of Sombor and Cuprija penitentiaries reformatories, are located in downtowns. Locations as such adversely affect both internal and external security in these institutions. For instance, windows of surrounding building look onto exercise areas of Novi Pazar, Krusevac, Subotica and Uzice district prisons. Two prisoners took the advantage of surrounding buildings and managed to escape from Uzice and Subotica prisons.

Further, in some cases buildings have been set apart and adapted to be used for prisons. So, the closed unit of the Sombor Penitentiary-Reformatory used to be a monastery, the Novi Pazar District Prison was once a courthouse, while prisons in Krusevac and Cuprija (closed unit) had been initially constructed as stables. Thanks to sluggish reconstruction works and inadequate security measures, a group of prisoners managed to escape from the Sombor prison by digging a tunnel in the wall.

Overcrowding as the biggest problem blighting domestic detention facilities has been referred to in the team's previous report. The same problem plagues the institutions monitored over the past 12 months, particularly those in Cuprija, Cacak and Prokuplje.

Understaffed security services, inappropriate and insufficient conveyances, outdated equipment and arms, and old video surveillance systems, if any, are the problems all monitored institutions try to cope with.

Besides, in the team's opinion, some prison administrations' decisions either impair overall security or are much too rigid. For instance, the heating problem that plagues the Subotica District Prison is at the same time a security problem. On the other hand, in the Padinska Skela prison, officers carry weapons in the prison compound, while the exercise area of the Negotin prison is entirely surrounded by barbed wire that may hurt prisoners. The exercise area of the Cuprija prison's closed unit is not only surrounded by a high wall topped with barbed wire, but also roofed with wire. Last but not least, the Novi Pazar prison administration has entrusted a prisoner with the key to the gate between administrative and detention sections.

In the team's view, staffs' regimental attitudes towards prisoners and insistence on order and discipline that exceed security considerations can hardly contribute to overall security in prisons. Though more characteristic of closed detention, the team witnessed such a practice in open institutions such as the Cuprija Penitentiary-Reformatory and the Krusevac Juvenile Reformatory. It goes without saying that such approaches adversely influence staff-prisoner relations and overall atmosphere in prisons.

3. Legality of Prison Regime

The fact that the Law on the Execution of Criminal Sanctions (LECS) passed in 1997 and a number of bylaws dating back in 1977 and 1978 – and thus to a large extent contrary to modern standards – are still in force, basically indicates the state of affairs in this dimension.

Disregard for the anyway outdated LECS and bylaws in real life just adds to their negative impacts.

Though the LECS provides that all untried/sentenced prisoners shall be informed of house

rules upon admission, the real life is another story. Interviewed prisoners often said they were instructed in house rules by their inmates, rather than by prison staffs. In most institutions, house rules are either not visibly posted at all or just excerpts dealing with prisoners' duties are posted for all to see. As a rule, copies are kept by educators or prison directors. The same refers to the availability of copies of the LECS. In no institution has the team observed copies of the European Prison Rules or the CPT Standards.

Classification and allocation of prisoners to different institution and regimes is often not in keeping with letter of the law. As a rule, prisoners who have to serve less than a year out of the term of imprisonment to which they were sentenced, regardless of the length of their sentences, are transferred to open prisons. Though this mostly refers to the prisoners who have behaved themselves and thus earned more favorable regimes, exceptions can hardly be avoided. A practice as such partially resulted from the fact that some prisons were renovated and partially from the attempt to solve the problem of overcrowding. However, such transfers bring about new problems.

Firstly, once transferred to an open institution, prisoners – regardless of their previous treatment regimes that were mostly open – have to start from scratch. Namely, they are placed in closed units and thus forced to once again "earn" more favorable treatments. It goes without saying that such practice stirs their animosity.

Secondly, newcomers (mostly transferred from the prisons in Sremska Mitrovica and Nis) are prone to showing off and demonstrating that they are the "bosses," which, in return, revolts "the locals" and opens the door to inter-prisoner violence.

Thirdly, security officers and other services in open institutions are not capacitated in dealing with prisoners under longer sentences and punished for serious crimes. On the other hand, the transferred prisoners sometimes find it difficult to adjust themselves to the environments that are more liberal than those they have come from.

Bearing in mind that in almost 50 percent of monitored institutions persons sentenced for misdemeanor are inappropriately or not at all separated from their sentenced inmates, the problem of inadequate classification and placement becomes even more pressing and serious.

Further, legally undefined status of sentenced prisoners standing trials for other offenses augments the problems to be dealt with in everyday life and stirs such prisoners' dissatisfaction. The prisoners under this category are usually placed in high-security units or in closed units. Though legally not treated as prisoners awaiting trial, they are practically under regimes that closely resemble that in pre-trial units.

The team also underlines the problems prisoners and staffs alike face when it comes to conditional releases. According to the interviewed officers, courts of law usually turn down their proposals for conditional releases. Such outcomes adversely affect overall atmospheres in prisons.

Situation is about the same when it comes to early releases that are vested in prison directors. Namely, the latter are more and more reluctant to grant an early release to the prisoner who has been denied conditional release by a court of law. Some prison directors have stopped considering early releases at all.

The bottom line here is that such practice undermines prisoners' belief in prison staffs and directors, and in courts of law. Further, it not only impairs their motivation to behave themselves, but also practically deprives them of the right to parole.

Bearing in mind that effective grievance procedures are fundamental safeguards against illtreatment in prisons, the team takes this opportunity to reiterate its stands publicized in the previous report. Actually, the team still takes that provisions regulating this domain are contrary to internationally adopted standards.

Though compiled information indicates that small number of prisoners have filed complaints against disciplinary measure taken against them, violation of their right or the criteria for

granting benefits, the interviews conducted with most of them show that they take that complaints are of no avail, and consider grievance procedures absolutely ineffective.

4. Social Resettlement

It is widely recognized that influence on a prisoner's personality that will curb his/her criminal behavior is the main purpose of imprisonment. Thus, a treatment program provided to a prisoner throughout his/her incarceration should be adjusted to individual needs and, whenever necessary, reconsidered in terms of its efficiency. However, lacking in space and qualified officers, domestic detention facilities either do not provide treatment programs at all or provide them just partially.

In most visited institutions, the criteria for a prisoner's placement and treatment program (classification and reclassification) are determined by available accommodation and security concerns, admission to the institution (taken in or showed up when summoned), etc., rather than by his/her personal characteristics and behavior.

Persons sentenced for misdemeanor are often not separated from those sentenced for crimes. Prisoners under long sentences (habitual offenders, persons sentenced for serious crimes, etc.) are ever more frequently and for a variety of reasons assigned to open and semi-open institution that could not provide treatment programs suited for this category of prisoners.

The growing number of dependents on psychoactive substances on the one hand, and the lack of officers trained in dealing with this specific category of prisoners on the other, considerably hinder proper functioning of most institutions.

Teams in charge of prisoners' admission to district prisons, if any, are incomplete. Prisoners' classification and reclassification are often in the hands of one or two educators whose duties range from admission, reeducation to pre-release preparation and post-penal integration into society. More often than not, educators are also tasked with compiling general records, which wastes their time and diverts their attention from proper and comprehensive reeducation work. So it happens that prisoners are rarely in daily contact with their educators and that the entire process of reeducation boils down to handling prisoners' requests to be granted some privileges. Actually, district prisons are not at all focused on proper reeducation. Prisoners, therefore, more often communicate with security officers and try to solve their problems through security services. Situations as such open the door to corruption and "privileged inmates," who are classified or reclassified regardless of adopted criteria.

In terms of staff complements and educators' professional capacity, situation is somewhat better in penitentiaries-reformatories. Nevertheless, these institutions face major problems of deficiency of adequate social rehabilitation programs and relevant staffs' general inertness.

Programs of activities for prisoners should be stimulating and as varied as possible (education, libraries, sport, activities suited to their professional skills, etc.). Inappropriately organized free time opens the door to idleness and influence of prisoners with bad conduct on their inmates.

Organized sport activities are almost non-existent. Relevant international standards explicitly require that persons deprived of their liberty, without exception, should be able to take exercise in the open for at least one hour, and should be entitled to adequate physical recreation.

Discrepancy of actual conditions and almost all elements of social rehabilitation between prisoners placed in closed units and their inmates under open regimes (e.g., those working for prison communes) is manifest in most visited institutions. The prisoners accommodated in closed units are deprived of almost all rights, given that they practically spend entire days in their rooms.

Though the law provides elementary and secondary education in prisons, none of the visited institution has organized a school for prisoners. Prison administrations usually justify this deficiency by scarce funds, lack of premises and prisoners' disinterestedness in education. On the

other hand, relevant statistics show that the great majority of prison population has not even finished elementary schools. It is imperative, therefore, that prison administrations pay due attention at least to prisoners' literacy.

The Krusevac Reformatory (juvenile prison) with its mandatory schooling is the only exception in this domain. Since the team's last visit, the Krusevac Reformatory has significantly improved conditions for juveniles' schooling – additional premises have been set apart for the purpose and new courses, suited to modern times, have been introduced, along with modes for juveniles' motivation to learn. Apart from elementary education, the Reformatory plans to organize secondary education for juveniles in near future. The percentage of juveniles with special needs is still high. However, no curriculum suited for them has been developed within the institution. On the other hand, eager to find a solution to the problem, the prison administration has organized courses for such juveniles in "normal" classes. Due attention is paid to their abilities, there are given grades in keeping with different criteria, and the prison administration plans to recruit a professional specialized in dealing with children with special needs.

In the context of reeducation, individual treatment prevails in district prisons and penitentiaries reformatories alike. The interviewed officers mostly said it was impossible to organize group treatments due to lack of adequate premises, composition of prison populations, insufficiently capacitated staffs, etc. On the other hand, the team concluded that educators in most institutions were interested in attending in-service courses of training and acquiring new skills.

Since the team's last visit, precisely since late 2003, the Center for Mediation has been working within the Krusevac Reformatory. For the time being, the conflict-mediation has been launched as a pilot program. In the team's view, this is just first, though a major, innovative step in the process of juveniles' reeducation, and highly commendable as such.

Libraries in most visited institutions are stocked with outdated or unattractive books. Some prisons do not have libraries at all. .

Prison work and vocational training – major instruments in the process of social rehabilitation – are inadequately organized in most institutions. Generally speaking, due attention is not paid to prisoners' preferences. Instead, prisoners are assigned to work that suits institutions. Just few of them have workshops or other manufacturing facilities wherein prisoner can be engaged in prison work.

Apart from doing chores, prisoners are usually engaged in the so-called prison communes. Crop farming is hardly attractive to prisoners, let alone that they do not have state-of-the-arts mechanization at their disposal. Further, it is inappropriate in the context of prisoners' chances to find jobs after release. Wherever possible, prisoners are engaged in the outside community, but exclusively as manual workers.

In the team's view, most institutions do not perceive prison work in the context of resocialization. Instead, prisoners are used as the cheapest possible labor force, their working conditions are bad, the same as precautions taken against occupational injuries. As the only exception, the Valjevo Reformatory offers a variety of occupational training to juveniles, i.e. boys. Programs developed for girls are not that attractive.

Most visited institutions lack rooms for religious ceremonies. Though the majority of prison population, entitled to frequent leaves, may exercise their right to religious observance in the outside community, the prisoners placed in closed units are practically deprived of that right.

5. Contact with the Outside World

Prisoners mostly use phones to maintain contact with the outside community. Almost all the visited institutions have phone booths installed for prisoners' convenience.

Treatment of prisoners placed in closed units implies some restrictions to this right. Thus, such prisoners place or receive phone calls in the presence of prison officers. Duration of phone calls depends on the number of phone booths and the size of prison population.

Prisoners' right to correspondence is not restricted. In most institutions, letters sent to or by prisoners placed in closed units are controlled by educators.

Procedures regulating visits, meetings with lawyers and other forms of communication with the outside communities are in keeping with law. In some institutions the interviewed prisoners complained of curtailed visits. Explanations provided by relevant prison administrations had to do with insufficient space set apart for the purpose.

Most visiting areas are inappropriate in terms of size, furnishings and, often, heating. Occasionally a single room is used for various purposes, visits included. Also, prisoners often receive visits in corridors or in the open.

Except for the Leskovac prison, rooms for spousal visits have not been set apart in other visited institutions. This refers to district prisons and penitentiaries-reformatories alike.

Sentenced prisoners – and untried prisoners in some of the visited institutions - are usually kept informed about developments and events in the outside community via TV and radio sets. All institutions are equipped with at least one TV set. Prison administrations have begun to allow prisoners to bring in their own sets.

Daily newspapers and magazines are available to the prisoners who have subscribed to them.

Cooperation with local communities is generally poor. Contacts with local cultural institutions, social care centers and other relevant institutions are sporadic, rather than continual.

Unfortunately, the cooperation implied in prisoners' post-penal integration into society is still a dead letter of domestic prison system.

Pre-release preparations usually include nothing but final interviews with prisoners, sometimes with their families, and informing the police about a released prisoner's address.

6. Institutional Personnel

Among major problems the Central Prison Administration has to come to grips with is recruitment of not only of professionals, but also general cadres willing to work in detention facilities.

Generally, district prisons do not have reeducation services at all, since they are not obliged to organize them under relevant job classifications. In some district prisons these tasks are entrusted to persons whose professional capacities meet not the prescribed criteria. Thus this delicate and responsible work is often performed by persons not qualified for it.

Reeducation and training and employment services are better organized in the visited penitentiaries-reformatories. However, even in these institutions professional teams are incomplete as they mostly lack psychologists.

Both educators and instructors often perceive their status within institutions as secondary, rather than primary in the context of prisoners' treatment throughout detention.

Moreover, trade instructors are usually treated as officers in charge of prison labor, rather than concerned with prisoners' vocational training and making them fit for the life in the outside community. More often than not, these officers are in the function of prisons' profit-making.

General impression is that the aspect of prisoners' social rehabilitation is in the back seat. It is only natural that such treatment discourages officers to fully commit themselves to their work.

Further, few are the officers who are given the opportunity to follow contemporary trends in the field of penology or are interested in this type of remedial education. The Central Prison Administration is to blame for such a situation, since well-organized remedial education is among

its primary duties that cannot be left to individual officers' enthusiasm or personal ambition to improve their knowledge.

Except for occasional seminars organized for prison officers, no other forms of in-service training are available to them.

The problem of inadequately trained security officers is pressing indeed, the more so since security services are considered in most institutions as most important services.

Security officers in all visited institutions are not instructed in contemporary trends in penology or standards related to their attitude towards prisoners, which they are obliged to respect by the very fact that the country has been admitted to the Council of Europe. Though most security officers have attended some basic courses of in-service training the OSCE has been organizing for several years now, their general knowledge about prisoners' rights is rather poor. Just few interviewed officers manifested willingness to improve their knowledge and professional skills. Their superiors generally do not see any need for in-service training other than that in martial arts. Namely, they take that such training would greatly help them to properly organize everyday work.

The team hopes that the Center for Education of Prison Officers recently established in Nis by the Central Prison Administration, would help to improve the situation in all aspects relevant to proper and efficient functioning of detention facilities.

In conclusion, the team underlines that conscientious and efficient work of prison services considerably depends on adequate remuneration and other service benefits for personnel. Unfortunately, officers' salaries have not been for long adequate to the exacting nature of their work, while officers standing out for their commitment to their work and professionalism have not been entitled to any service benefits.

YEAR 4

The Serbian legislature has passed the (new) Law on Execution of Criminal Sanction and the Law on Juvenile Judiciary. The drafting of relevant bylaws and regulations is underway. The new Law on the Execution of Criminal Sanctions was enacted on January 1, 2006 (*Official Gazette of the Republic of Serbia, No. 85/2005, October 6, 2005*).

By comparison with its predecessor, the Law provides better solutions and guarantees when it comes to the protection of prisoners' human rights, precisely defines the purpose of detention and corresponds to modern penological thought. In other words, the Law provides that the purpose of depriving people of their liberty is to remove them from the outside community so as to safeguard the latter, and, on the other hand, to capacitate them for the life in the outside community after release.

A section of the Law generally regulates the status of prisoners. The provisions of this section guarantee the respect for prisoners' dignity, protection of their fundamental rights in keeping with the Constitution and the tenets of international law, and ban torture and any form of discrimination. This section also provides legal procedure for individual cases related to prisoners' rights and duties throughout their confinement.

The Law lays down that the functioning of the Central Prison Administration and the entire penal system shall be open to public scrutiny and, in this context, domestic and international organizations and agencies concerned with human rights, the media and experts shall be entitled to visit the institutions accommodating the persons deprived of their liberty.

Itemizing prisoners' rights, the Law highlights the right to medical and nursing care, which, according to lawmakers, has not been adequately exercised. In this context, the Law lists a prison doctor's duties in terms of providing appropriate medical services and care. It explicitly prohibits that prisoners shall be medically treated or fed against their own free will, and underlines prisoners' medical files shall be available to both prisoners and their families (which the "old" law failed to guarantee).

As for the grievance system, the Law provides that the director of the Central Prison Administration shall respond to a prisoner's grievance within 15 days from the day the grievance was submitted.

Instead of privileges, the Law introduces the term "special rights" that can be granted to a prisoner during detention.

The Law is the first regulation of the type that provides the procedure of a prisoner's placement in a high-security ward (termed "intensified supervision ward), implying a relevant decision, the right to complain against it, and the maximal duration of such measure. Further, it clearly stipulates disciplinary measures against prisoners, defines grave disciplinary offenses and details disciplinary proceedings. Once again, the Law figures as the first regulation of the type that provides court protection against the decisions on disciplinary punishment and prisoners' right to legal aid in disciplinary proceedings.

A regulation on prisons and detention institutions – the drafting of which is underway – will elaborate the legal provisions referred to in the paragraphs above. All legislation to be adopted will have to correspond to international standards and the recommendations put forth by both domestic and international organizations familiar with the "old" rules and the overall situation in Serbian prisons. However, day-to-day life in Serbian prisons indicate the road towards the treatment of the persons deprived of their liberty that fully meets minimal European standards in this domain is still long and thorny.

In the period April 2005 – April 2006, the Helsinki Committee's team paid fact-finding missions to Serbia's three closed penitentiaries-reformatories (Nis, Pozarevac and Sremska Mitrovica), the women prison in Pozarevac, the juvenile prison in Valjevo, the juvenile reformatory in Krusevac and the Special Prison Hospital in Belgrade. In the same period, the team paid visits to pre-trial and closed wards of seven district prisons in Serbia.

IV. April 2005 – April 2006

		Date of visit	Type of institution	Population	Capacity	Number of prisoners
1.	The Penitentiary at Nis	October 20, 2005	closed	Men/adults		sentenced prisoners: 1,022, untried prisoners: 92
2.	The Penitentiary at Pozarevac-Zabela	November 23, 2005	Strictly closed	Men/adults	Around 1,200	sentenced prisoners: 1,384, untried prisoners: 54
3.	The Penitentiary at Sremska Mitrovica	December 15, 2005	closed	Men/ adults	Approx. 1,100	1,350
4.	The Penitentiary at Cuprija	October 14, 2005	open	Men/adults		convicted prisoners: 171, untried prisoners: 41 (one in police detention) sentenced for misdemeanor: 3
5.	The Women's Penitentiary at Pozarevac	November 15, 2005	Semi-open	Women (adults, juvenils, punished for misdemeanor)	Around 220	136 (except for those punished for misdemeanor)

6.	The Juvenile Penitentiary at Valjevo	October 6, 2005	Closed	Males/juvenils		juvenile offenders: 173
7.	The Reformatory at Krusevac	September 17, 2005	Semi-open	Juvenils/both genders		juvenile offenders: 164, sentenced prisoners: 6 women and 4 men
8.	The Penitentiary-Hospital at Belgrade	January 31, 2006	closed	Men and women	Approx. 450	sentenced prisoners: 463, untried prisoners: 74
9.	The Belgrade District prison	January 31, 2006	Semi-open	Men and women/adults and juvenils	About 500	sentenced prisoners: 50, untried prisoners: 760
10.	The District prison at Novi Sad	December 8, 2005	Semi-open	Men and women/adults and juvenils	300	Untried prisoners: 165, sentenced prisoners: 126
11.	The Leskovac District prison	August 25, 2005	Semi-open	Men/adults		sentenced prisoners: 103, untried prisoners: 18, sentenced for misdemeanor:8
12.	The Prokuplje District prison	August 25, 2005	Semi-open	Men/adults		sentenced prisoners: 52, untried prisoners: 4, sentenced for misdemeanor:1
13.	The Pancevo District prison	June 23, 2005	Semi-open	Men/adults		sentenced prisoners: 42, untried prisoners: 37, sentenced for misdemeanor:3
14.	The Smederevo District prison	June 23, 2005	Semi-open	Men/adults		sentenced prisoners: 26, untried prisoners: 56

CONCLUDING REMARKS AND FINAL RECOMMENDATIONS (Year 4)

1. Quality and Conditions of Life

a) buildings and grounds, equipment, ventilation and lighting, sanitary installations and hygiene

The layouts of district prisons and other penitentiaries-reformatories in Serbia are adjusted to group imprisonment. In other words, the Serbian penal system does not provide individual incarceration and the relevant arrangements for the life in detention. What also characterizes all detention institutions is longstanding neglect, i.e. inadequate investment in the maintenance of buildings and infrastructure. Depending of the periods and the manner in which prison buildings were constructed, the signs of neglect differs, but are most visible in the Krusevac Juvenile Reformatory, the Belgrade District Prison and the Special Prison Hospital.

Further, partial renovations cannot change the very layouts of these facilities (for instance, district prisons in Pancevo and Zrenjanin) that mirror the abandoned concept of treating "offenders." Consequently, sizes of rooms, their number and the manner they are constructed are usually discrepant with both the proclaimed objectives and the needs of the persons detained therein. All in all, cubic meters of space per prisoner are inadequate, the areas where they exercise in the open are not sheltered, the absence of living areas make them spend in their rooms 23 hours, the premises wherein they receive family visits of meet their lawyers are inappropriate, while most prisons have no premises at all for prisoners' recreational activities. The above-mentioned shortcomings refer to district prisons in the first place.

Ruined heating, plumbing and electrical installation plague the great majority of prisons in Serbia. Until recently the problem of inadequate heating was most pressing in prisons in Sremska Mitrovica and Pozarevac, district prisons in Belgrade and Subotica, and the Special Prison Hospital – Belgrade. Dilapidated plumbing and sanitary installations mostly affected the juvenile prison in Valjevo and the reformatory in Krusevac. However, over the past several years the investments in prisons' infrastructures have enabled the latter to start replacing all ruined installations.

Furniture in most institutions is dilapidated and scarce. The latter mostly refers to lockers. Mattresses and bedclothes are generally in bad state. Moreover, in the Krusevac Reformatory, juveniles sleep on thorn sponge mattresses. On the other hand, some institutions such as the women prison in Pozarevac attempt to regularly supply these items at least.

The situation of bathrooms, toilets and other sanitary installations is generally very bad. This is mostly evident in large prisons where bathrooms and toilets were not constructed to cater for large prison populations. For instance, one bathroom and one toilet are available to as many as 40 persons in the Sremska Mitrovica prison. The same refers to the toilets available to the prisoners accommodated in Nis and Pozarevac prisons. In some prisons such as those in Sremska Mitrovica and Pozarevac toilets are located outside accommodation facilities.

Overcrowding figures as one of the biggest problems the prisons in Serbia have to cope with. The prisoners in the Pozarevac Penitentiary- Reformatory, the Smederevo District Prison and the high-security ward in Nis sleep on triple bunk beds. In the Smederevo prison, for instance, as many as 80 prisoners are accommodated in the dormitories with some 300 square meters of floor space. Or, a room of 80 square meters accommodates 40 prisoners in the Cuprija prison, while in the Pozarevac prison the team found 50 prisoners in a room of 50 square meters.

Some prisons (district prisons in Belgrade and Pancevo, and the Special Prison Hospital) are so constructed that they do not allow at all the entrance of fresh air and natural light – the air is so stale that one practically gasps for breath. The Special Prison Hospital has solved the problem by reconstructing two wings. In the Smederevo District prisons, the rooms accommodating untried prisoners are located in the attic covered by inadequately insulated flat roof, the prisoners are sleeping in triple bunk beds, while windows cannot be opened wide. The situation in these rooms borders on suffocation in summertime.

Over the past three-four years prisons have been subsidized for the purpose of major reconstructions. For instance, subsidies have been allocated for the renovation of one wing of the Special Prison Hospital, and one pavilion in Nis and Sremska Mitrovica penitentiaries-reformatories

each, and for the construction of a special ward accommodating the persons sentenced for organized crime and war crimes in Pozarevac, and an open-ward pavilion in Cuprija.

Thanks to subsidies, installations in the Valjevo Juvenile Prison, the central heating system in the Belgrade District Prison, as well as radiators and pipes in the Sremska Mitrovica Penitentiary-Reformatory are being renovated. The Prokuplje District Prison has constructed a facility for the prisoners under open regime with its own resources.

b) Food

Conditions of the premises wherein food is prepared and prisoners take their meals vary from institution to institution. Generally speaking, however, the level of hygiene can be labeled either low or mediocre. This is mostly to be ascribed to ruined buildings, inappropriate layouts, kitchens that are usually situated in basements and longstanding neglect.

Professional cooks, assisted by prisoners, prepare food in most institutions. All kitchen staffs undergo regular sanitary examinations, while prisoners-assistants are accommodated separately from their inmates.

The quality of the food also varies from institution to institution. Generally, it is of poor quality. The team has already underlined that the prisons in Vojvodina are the exception to the rule. Meals are mostly tasteless. Milk and milk products are either never or just occasionally on menus, while fresh fruits, if served at all, are, as a rule, seasonal. In some monitored institutions prisoners are served same dishes for lunch and dinner. The team takes a practice as such totally inappropriate. Special diets are generally prepared for the prisoners to whom doctors have prescribed them. However, the only difference between regular and special diets is that the latter are fatless and unseasoned.

Some institutions pay heed to dietary requirements of the prisoners professing Islam, while other leave such prisoners to their own devices unless they would not eat the food prepared for general prison population.

Penitentiaries-reformatories, the Krusevac Juvenile Reformatory and some district prisons (in Belgrade and Novi Sad) have canteens. As for other institutions, prisoners place orders once or twice a week and have goods delivered to them from local shops.

c) Medical Care

Medical services provided to untried/sentenced prisoners stand for a crucial problem the solution of which should be on the priority list in the upcoming reform of the prison system. According to international standards, persons deprived of their liberty should be provided the same medical and nursing care as those in the outside community. Generally bad situation of civilian hospitals cannot be an excuse for doing nothing to reorganize medical services in detention institutions. The change in the status of the former Hospital-Penitentiary (now the Special Prison Hospital) opened the door to the rearrangement of other institutions' medical services and should be followed, therefore, as a positive model.

Therefore, medical services in the institutions with same accommodation capacities should be so reorganized to provide the same level of medical and nursing care. At this point, situations in the institutions of the same size drastically differ (e.g. the large medical service in the Nis prison vs. one physician in the Pozarevac of the Sremska Mitrovica prison). For starters, doctors' services should be standardized so as to determine the number of examined patients that meets the requirements of maximal efficiency and quality of their work. Further, the team takes that the need for specialist examinations should be reconsidered since there is a discrepancy in this domain too. Simultaneously, the Ministry of Healthcare should take necessary steps with a view to establishing independent control over the work of medical services, while medical services themselves should

be given the status that guarantees their professional independence vis-à-vis the Central Prison Administration and the Ministry of Justice.

Another major problem challenging medical services are poor material resources that are most dramatically evident in smaller institutions where medical examinations are conducted in the premises other than out-patient wards. As they serve other purposes, such premises do not meet even minimal requirements of medical examinations. Further, the basic equipment of out-patient wards should be standardized. The team has not observed major discrepancies in this domain – however, this should be ascribed to the fact that all inspected out-patient wards were poorly equipped, rather than adequately.

The manner in which medical examinations are conducted is generally inadequate. Though all institutions are obliged to have new arrivals medically examined, the quality of such examinations is often disputable. The team knows from experience that in the majority of institutions those initial examinations boil down to anamnestic interviews and compilation of medical files, while detainees are examined only if they complain of such superficial procedure. Also, mandatory lab test are not regulated. This particularly refers to testing new arrivals for transmittable diseases. In the team's view, medical examinations upon admission should be detailed as soon as possible the more so since in the great majority of countries such occasions are used for TB tests and circulation of relevant medical information to newly admitted prisoners.

The team also noticed that medical examinations are mostly not conducted out of the hearing and out of the sight of other prisoners and nonmedical officers. Such practice - contrary to the principle of patient-doctor confidentiality – derives from prison administrations and other service's longstanding interference in the work of medical officers, but also from the latter's attitude towards the prisoners. This is most indicative in the light of the project's purpose since medical service should play crucial roles in detection and prevention of torture – both inter-prisoner and prisoner-staff violence can be curbed only through prisoner-doctor confidentiality. The team once again emphasizes that the statistics of injuries should be forwarded in the form of periodical reports for the attention of prison administrations, but also that some pieces of specific information can be revealed with a prisoner's consent only. In order to carry out their mission in the prevention of torture, medical services should keep the detailed statistics of all forms of injuries (sports, occupational, inter-prisoner violence, the use of the instruments of restraint, etc.).

As the medical service of smaller institutions often do not engage doctors or even medical technicians on full-time basis, security officers are tasked with distribution of medicaments. In other words, neither prison pharmacies nor the distribution of medicaments are professionally supervised. Moreover, the team noticed that even the institutions with fulltime medical technicians do not observe the practice of professional supervision over distribution of medicaments. Therefore, the team takes that the procedure of distribution and safeguard of medicaments should be regulated in detail.

Though medical files are compiled for all prisoners on admission, such files are not forwarded to other institutions in the event of prisoners' transfer.

As a rule, prison population includes a high percentage of prisoners dependent on psychoactive substances. A uniform strategy for treating such prisoners has not been developed. In the team's view, this aspect should be regulated on the grounds of actual state of affairs and the resources available in all institutions. Prison doctors should attend specialized courses in dealing with this category of prison population. Psychiatric care provided to prisoners also figures as an unregulated domain and presently depends on individual doctors' commitment to their work.

A strategy for prevention of transmittable diseases should also be developed. This includes standardized diagnostic tests, inoculation, the measures of isolation and treatment, as well as mandatory circulation of information about transmittable diseases. Relevant institutions in the outside community should be included in this form of education, the more so since transmittable diseases may easily spread from prisons to the outside world. Particular attention

should be paid to medical instruction of prison personnel, as well as to their protection, i.e. vaccination and regular checkups. Over the courses of in-service training the prison personnel should be sensitized to non-discrimination of infected persons. In this context the team reminds of the significance of overall hygiene and regular control of the quality of food of which medical services are formally in charge. Generally speaking, medical services of the monitored institutions were hardly committed to this job.

So far, the team has not met any full-time medical officer who has been educated in the field of prison pathology. Moreover, specialists in this specific field are not organized so as to convene periodical conferences aimed at improving their professional capacity and reaching strategic agreements on crucial issues. Apart from organizing courses of in-service training, medical authorities should tackle the ethical issues of treating prisoners as patients on the part of prison medical officers. Namely, in some institutions the team has observed that medical officers were treating the prisoners as if the latter were “getting more than they deserve.” Further, psychotherapeutic and sociotherapeutic programs are not implemented in any institution whatsoever. The team strongly recommends such programs for prisoners should be developed and launched.

Recommendations

- The pavilions of the detention institutions should be reconstructed so as that each room accommodates three or four prisoners at the most, and that other premises such as living quarters, exercise areas, libraries and the rooms for family visits or meeting with lawyers are available to prisoners;
- The strategy for removing some district prisons located in towns' centers should be developed;
- Investments in reconstruction and maintenance of the existing infrastructure should be permanent, the same as the supply of necessary pieces of furniture;
- New job classifications – grounded on the trade's standards – should be developed so as to equalize the size of medical services in the institutions with same or similar accommodation capacity;
- All institutions should be bound to adjust one room to the requirements of an out-patient ward; lists of the equipment necessary for the out-patient wards of the same type should be made;
- Prison pharmacies and distribution of medicaments should be supervised by competent medical officers;
- Medical officers should be tasked with compiling medical files for all prisoners and keeping statistics, particularly those of injuries;
- All prisoners should be medically examined on admission in keeping with proscribed medical requirements;
- Medical examinations should be conducted out of the hearing and out of the sight of other prisoners and prison officers, unless a prison doctor requires otherwise for security reasons;
- The strategy for the treatment of the prisoners dependent on psychoactive substances or suffering from mental disorders should be developed;
- The strategy for the prevention of transmittable deceases should be developed;
- Arrangements should be made with a view to educating prison doctors and other medical officers on specific forms of prison pathology, as well as to training prison staffs in recognizing indications of suicidal risk and transmittable diseases;
- The quality and the effectiveness of medical services should be assessed only by a qualified medical authority; the Ministry of Healthcare's involvement in this domain is a pressing issue.

2.. Security

Overcrowding as the biggest problem blighting detention facilities crucially affects both internal and external security. Large prison populations to be kept under control on spacious prison compounds, and often old and inappropriate video surveillance systems, considerably weight the work of security services.

However, any assessment of the aspect of external security by the number of escapes or attempted escapes would lead one to the conclusion that the security in all monitored institution is adequate. The team takes such “adequacy” is primarily to be ascribed to the fact that “the persons identified as security risks” are usually confined in closed and high-security wards, meaning that they are kept in their rooms almost around the clock.

By their security characteristics, district prisons accommodating the prisoners awaiting trials – and by far smaller population of prisoners under sentence – resemble closed institutions. On the other hand, open penitentiaries-reformatories do not have physical barriers that would prevent escapes. And yet, except for the Padinska Skela prison, all open penitentiaries reformatories have closed wards wherein untried prisoners or those whom prison administrations classify under semi-open or closed regimes are accommodated. By their security characteristics, those closed wards also resemble closed institutions.

The adequacy of external security depends on the number of security officers that mostly corresponds to the number of untried and sentenced prisoners. Though the team observed that security services in some monitored institutions were understaffed judging by relevant job classification, those services actually recruit sufficient staffs when taking into account the number of officers who have been reassigned from Kosovo prisons.

Security officers working for the Belgrade District Prison and penitentiaries-reformatories in Pozarevac, Nis and Padinska Skela complained that job classifications were not adjusted to job requirements or that their services were understaffed. The team takes that organizational arrangements, officers allocation, duration of shifts, etc., should be reconsidered when it comes to a number of institutions.

Internal security in the monitored institutions depends on their types, sizes and populations. Prison gangs that cause trouble, incite inter-prisoner violence, engage in racketeering and organize smuggling usually emerge in the prisons the populations of which exceed 150 persons. The more prisoners, the more incidents, that’s almost a rule. Prison overcrowding that makes adequate classification/separation of prisoners on the grounds of individual risk assessments impossible also explains poor internal security in the monitored institutions.

In the team’s view, staffs’ regimental attitudes towards prisoners and insistence on order and discipline that exceed security considerations can hardly contribute to overall security in prisons. Though more characteristic of closed institutions such as those in Nis and Sremska Mitrovica, the team witnessed such practice in the Cuprija Penitentiary-Reformatory and the Pancevo District Prison. It goes without saying that such approaches adversely affect staff-prisoner relations and overall atmosphere in prisons.

Recommendations

- Some district prisons (in Krusevac, Uzice, Cacak, Novi Pazar and Pancevo) should be relocated from the buildings they presently occupy;
- New job classifications put forth by security services should be taken into consideration and eventually adopted;
- Existing video surveillance systems should be replaced by state-of-the-arts ones;
- The number and adequacy of conveyances should be adjusted to institutions’ actual needs;

- Security officers should change their regimental attitudes towards prisoners with a view to developing constructive and positive staff-prisoner relations and improving the level of internal security.

3. Legality of Prison Regime

It is the inadequate legislation that crucially affects the legality of decisions made by both prison administrations and the Center Prison Administration. This legislation is either outdated or incompatible with international standards guaranteeing the respect of prisoners' human rights or non-existent – i.e. there are no laws or bylaws providing certain aspects of imprisonment.

Referring to the non-existent legislation, the team has in mind some institutions (e.g. the Special Prison Hospital or the Krusevac Juvenile Reformatory) do not have house rules at all. Further, some bylaws and regulations (e.g. providing the use of the instruments of restraint, isolation, disciplinary punishment, security officers' tasks, calorie charts in detention, etc.) that were passed back in 1970s are still in force.

When it comes to the institutions that do have house rules, copies of those documents are, as a rule, available to prisoners on admission only. Foreign nationals are not informed about house rules in their mother tongues but only indirectly by the prisoners who speak their languages. The Law on the Execution of Criminal Sanctions that was in force till January 1, 2006, provided not court protection or control over the decisions made by prison administrations. The provisions regulating disciplinary punishment, classification and definition of offenses were blurred, while the procedure of lodging complaints was just formal and ineffective as a legal remedy. The grievance system was not provided under the Law.

Further, the Law did not provide prisoners' reclassification or classification to high-security wards. Though all closed institutions and even some semi-open and open ones do have such wards, no regulation related to confinement provided relevant regimes. In other words, a prisoner was classified in a high-security ward – actually isolated judging by the ward's basic characteristics – while no provision regulated the very procedure, duration of such measure or reasons for taking it. A prisoner under such regime was not only deprived of many rights but also his stay was not subjected to any limitations, control or the administration's duty to reconsider the measure taken against him.

Legally undefined status of sentenced prisoners standing trials for other offenses augments the problems to be dealt with in everyday life and stirs such prisoners' dissatisfaction. The prisoners in this category are usually placed in high-security units or in closed units. Though legally not treated as prisoners awaiting trials, they are practically under regimes that closely resemble that in a pre-trial ward. The same refers to the prisoners sentenced to 40-year imprisonment – they are automatically placed in high-security wards and no treatment programs for them are developed.

The team takes that the ongoing legislative reform (the new Law on the Execution of Criminal Sentences, the house rules, the regulation on the use of the instruments of restraint and the regulation on disciplinary proceedings) is a most welcome starting point for having the entire detention legislation adjusted to international standards and contemporary attainments in this domain.

Recommendations

- Apart from the amended legislation, all necessary measures should be taken so as to guarantee new laws' implementation (reorganizations of prison services, staffs' instruction in new laws and bylaws, new job classifications, more efficient control over the work of prison officers, etc.);
- All new regulations should be made available to sentenced/untried prisoners at all times;

- Administration departments should be equipped with PCs so as to make their records of the persons deprived of their liberty precise and available.

4. Social Resettlement

It is widely recognized that influence on a prisoner's personality that will curb his/her criminal behavior is the main purpose of imprisonment. Thus, a treatment program provided to a prisoner throughout his/her incarceration should be adjusted to individual needs and, whenever necessary, reconsidered in terms of its efficiency. However, the practice of domestic prisons indicates that repression and isolation from the outside world still figure as predominant purpose of deprivation of liberty.

Generally inadequate layouts of prison facilities, lack of space and insufficient number of competent professions on the one hand, and large prison population and poor material resources on the other, weight the process of social rehabilitation.

Habitually, the prisoners under long sentences are – for “security” concerns – classified to open and semi-open prisons that are inadequate for this category (habitual offenders, persons sentenced for homicide, etc.).

Overcrowding that particularly plagues closed institutions considerably hinders quality reeducation. Because of oversized educational groups – up to 170 prisoners in a group in some institutions – prisoners rarely communicate with their educators. In some institutions (even in those with adequate ratio between educators and prisoners), the entire reeducation process literally implies just prisoners' requests for privileges. Under such circumstances, prisoners try to solve their problems with security officers and often go for illegal methods resulting in corruption and the groups of privileged prisoners. Overcrowding on the one hand, and insufficient number of educators on the other, also stand in the way of organized recreational activities, religious culture, schooling and prisoners' occupational training.

Just few prisons have manufacturing facilities with adequate training and vocational programs. Apart from doing chores, the great majority of prisoners are engaged in agricultural work. Since institutions do not have modern agricultural mechanization this type of prison work is hardly attractive to prisoners in terms of vocational training.

Prison libraries, if any, are usually either poorly stocked or offer old and unattractive reading matters.

Though the law provides that prisoners shall have the right to elementary and secondary education, neither of the monitored institutions has a school. Prison administrations explain the fact by inadequate financial resources, lack of space and prisoners' disinterestedness in learning. On the other hand, the majority of prison population has not finished elementary schools, which makes literacy programs more than necessary.

The team draws the attention to the Krusevac Juvenile Reformatory in which schooling is mandatory. Conditions for juveniles' education have been considerably improved not only in terms of classrooms and curricula, but also motivational activities (modern teaching aids and methods, privileges for high grades, etc.). In addition to elementary education, the prison administration plans to introduce secondary education in near future. However, the problem of education of the juveniles with special needs has not been adequately solved so far.

As the number of students in local secondary schools is limited, the juveniles from the Valjevo Juvenile Prison can get secondary education with much difficulty if at all. The Ministry of Justice and the Ministry of Education should join hands in solving this problem so as to make it possible for the juveniles to get properly educated during incarceration.

Recommendations

- The Central Prison Administration, prison directors, prison personnel and prisoners alike should be encouraged to perceive social rehabilitation as the main purpose of incarceration, and reeducation services as major pillars of this process. In this context, it is necessary to take the following measures:
- Prisoners should be classified and reclassified in keeping with individual needs for treatment programs;
- Prisoners' schooling and vocational training should be suited to lucrative trades, particularly when it comes to juveniles whose education in terms of teaching methods and aids should be similar to that in the outside community;
- As favorable as possible conditions (adequate sizes of educational groups, premises and sufficient number of competent personnel) should be created for prisoners' group and individual treatment;
- Recreational activities should be made more diversified through cultural programs, well-stocked libraries, cooperation with local cultural centers, etc.;
- Prison work should be perceived only in the context of reeducation;
- Prison work should be aimed at prisoners' professional competence that will make it easier for them to find jobs after release;
- Adequate premises should be set aside so as to make it possible for non-Serbian Orthodox believers to profess their respective religions;
- Newly introduced rehabilitation programs (mediation, programs for drug addicts, etc.) should be pursued;
- In tandem with the Ministry of Labor and Social Issues, the Ministry of Justice should develop pre-release programs and the strategy for postpenal integration into society.

5. Contact with the Outside World

This aspect of prison life can be labeled adequate if assessed in the light of family visits, free weekends, contacts with lawyers, packages and letters, phone calls, or the print and even broadcast media available to prisoners. Though some institutions face problems in some of the above-mentioned areas, prisoners' rights are not violated in any major way. Few are the institutions where phone booths are not available to prisoners. Some problems arise in the institutions wherein classification in closed wards implies denial of the right to place phone calls. The main problem in this aspect of communication with the outside world is that in some institutions phone calls placed by all prisoners without exception are supervised. This also refers to censorship of letters. The team also takes in appropriate the practice in some institutions wherein specially selected prisoners are in charge of distributing letters to their inmates.

Premises for family visits pose another problem – mostly, they are of inadequate size and poorly furnished. Some institutions do not have the areas for visitors at all.

Speaking of a larger context in which prisoners keep contact with the outside world, the team refers to institutions' cooperation with relevant agencies. In the team's view, things have not changed for the better in this domain since the first year of monitoring. Here the team primarily has in mind the absence of post-penal integration programs. Pre-release activities imply nothing but final interviews with prisoners and their families. According to prison staffs, the quality of cooperation with outside factors exclusively depends on "the other side." Officials working in some social centers, medical institutions, courts or police stations are often biased when it comes to prisoners, which is a major stumbling block in the way of the exercise of the latter's rights. The society as a whole is obliged to pay due attention to the juveniles deprived of their liberty and

undergoing corrections. Those juveniles should be gradually prepared for the life in the outside community and adequate functioning after release.

Recommendations

- Phone booths should be installed where non-existent, or more booths should be mounted where their number cannot meet prisoners' needs;
- Prison administration should be more flexible when it comes to prisoners' communication with the outside world; for this purpose, telephone calls should not be supervised by prison officers;
- Adequate premises for visits should be set apart;
- Appropriate rooms for spousal visits should be set apart;
- The Ministry of the Interior, i.e. the Central Prison Administration, should develop pre-release programs, as well as those for prisoners' postpenal integration into society; these programs should be particularly focused on juveniles;
- Prisoners should be encouraged to maintain relations with their families and arrangements should be made so as to improve cooperation with other factors in prisoners' hometowns.

6. Institutional Personnel

By comparison with its findings in the first year of the project's implementation, now, after the period of three years, the team recognizes that some progress has been made, particularly in prison staffs' understanding of the crucial role social rehabilitation has in the overall penal system. And yet, this progress does not necessarily imply adequate conditions for practicing the newly attained awareness. Organizational arrangements in some institutions do not envisage reeducation or training and employment services. Those services in the institutions that do have them are often understaffed and cannot meet prison populations' requirements. In some institutions only one officer, formally assigned to reeducation service, deals with prisoners' training and employment. Further, educators in many institutions are also tasked with prisoners' admission and observation. Admission teams in district prisons are incomplete, as a rule. One or at most two educators are in charge of prisoners' classification and reclassification, meaning that they deal with the entire process ranging from admission, through reeducation to prerelease and post-penal programs. In some places educators are tasked with keeping general records, which consumes too much of their time at the detriment of quality reeducation. There are many vacancies in reeducation services. Prison administrations explain this fact by competent professionals' bias about working in prisons or small salaries paid for hard and responsible work. The people working in prison administration often told the team prisons were not safe places for women officers. Guided by such informal criteria, they do not recruit women candidates even in the cases when not a single man applies for a vacancy. Statistics show that 90 percent of prison educators are men. Women are mostly engaged for jobs that imply not direct contacts with prisoners.

Prisoners are usually provided individual treatments since the majority of educators have not been trained in other, modern methods. On the other hand, the great majority of them are interested in attending courses of inservice training. Those who are not, explain their attitudes by bad working conditions that dishearten them.

Both educators and instructors are dissatisfied with their paychecks, particularly by comparison with those given to officers in other services. In this context, the team left under the impression that inter-staff cooperation is not as adequate as it should be and thus negatively affects prisoner-staff relations as well.

However, there is a bright side to it as well – in some institutions educators visibly do their best and outdo themselves to find alternative solution to the problems they are faced with.

A small number of security officers hold university diplomas, which means that these services are practically short-handed when it comes to highly competent professionals. Interns who are recruited even though they lack basic knowledge on the work that awaits them additionally aggravate the situation. Over the past two years the situation in this domain has been somewhat improved thanks to the training provided by the Nis Education Center. However, the team takes that the problem can only be solved through a special education system for security officers. A system as such would be based on contemporary methods in penology and in dealing with prison populations.

Speaking about the courses of in-service training for security officers, the team underlines the mandatory training program developed by the Ministry of Justice. The program is composed of theoretical part (domestic legislation in the domain of incarceration) and practical training in martial arts and arms handling.

Security officers' attitude towards prisoners varies from institution to institution. In some places it is rather regimental and unnecessarily formal, while in other quite correct. In the team's view, the attitudes taken considerably depend on managements and heads of services.

In conclusion, the team underlines that conscientious and efficient work of prison services considerably depends on adequate remuneration and other service benefits for personnel. Unfortunately, officers' salaries have not been for long adequate to the exacting nature of their work, while officers standing out for their commitment to their work and professionalism have not been entitled to any service benefits.

Recommendations

- Manuals that clearly define concepts, objectives and tasks of each prison service, and lay down rules and relevant guidelines, should be developed for all levels of staff of a particular detention facility or categories of detention facilities;
- Seminars for all levels of staff should be organized in regular intervals; such seminars are aimed at encouraging members of all prison services to learn about and follow modern trends in their specific domains;
- In order to improve conditions of service, personnel should be provided adequate offices and modern equipment;
- Job classifications should be reconsidered and adjusted to actual needs of each service, and due attention should be paid to the central role reeducation services play in the process of prisoners' social rehabilitation;
- Education of would-be security officers and their recruitment should be adjusted to existing European standards and current trends;
- Mandatory courses of training should be organized for security officers with a view to instructing them in contemporary trends in the domain of penology and international standards for protection of prisoners' rights;
- The Ministry of Justice and the Central Prison Administration should launch a campaign for scholarships for young cadres, as well as for better salaries for professionals standing out for their commitment to their work;
- The Ministry of Justice and the Central Prison Administration should launch a media campaign with a view to de-stigmatizing prisoners and making general public aware of their rights;

ANNOTATION: Since 2006, the Helsinki Committee for Human Rights in Serbia had no visits to places of detention, custody and imprisonment. The new visits are planned for 2009.