



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281 - 34/17
Belgrade



Заштитник грађана
Zaštitnik građana
Protector of Citizens



Ref. no. 24367 Date: 22 June 2017

NATIONAL PREVENTIVE MECHANISM

MONITORING OF INSTITUTIONS ACCOMMODATING PERSONS DEPRIVED OF THEIR LIBERTY

MONITORING OF COMPLIANCE WITH RECOMMENDATIONS FROM NPM REPORT UPON THE VISIT TO Penal and Correctional Institution Sremska Mitrovica in 2012 and RECOMMENDATIONS FROM THE REPORT UPON THE VISIT OF EUROPEAN COMMITTEE FOR PREVENTION OF TORTURE (CPT) TO THE REPUBLIC OF SERBIA in 2015

Belgrade, May 2017

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

Under the Act Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Degrading or Humiliating Treatment or Punishment¹, the National Preventive Mechanism for the Prevention of Torture (NPM) shall visit institutions where persons are or may be deprived of their liberty with a view to deterring any form of torture or other form of ill-treatment by the state authorities or public officials and to providing guidance to state authorities on putting in place accommodation and other living conditions in institutions where persons are deprived of liberty in accordance with the valid regulations and standards.

The NPM is entitled to unimpeded and unannounced access to all institutions where persons are or may be deprived of liberty at all times; to hold private interviews with such persons, with public officials, who are under the obligation to cooperate with it, and with any other persons who may have information of relevance to the treatment of persons deprived of liberty; to access all documentation regarding those persons; to issue recommendations to the competent authorities with a view to improving the treatment of persons deprived of liberty and the conditions in which they are held or detained.

Under Article 2a of the Act, the Protector of Citizens shall perform NPM duties and, in performing these duties, cooperate with the Ombudspersons of the autonomous provinces and with associations, the Statutes of which include the goal of improving human rights and freedoms in accordance with the law.

The Protector of Citizens has formed a separate unit, the National Preventive Mechanism Secretariat, which performs NPM professional duties, pursuant to the NPM's remit defined in Article 4 of the Optional Protocol to the Convention against Torture. The Secretariat is managed by the NPM Secretary, who operates in accordance with the guidelines issued by the Deputy Protector of Citizens charged with the rights of persons deprived of liberty.

The Protector of Citizens and the AP of Vojvodina Provincial Ombudsperson signed a Memorandum on Cooperation in Performing NPM Duties², under which the Provincial Ombudsperson shall actively partake in the visits by the NPM Monitoring Team to institutions in the territory of the AP of Vojvodina where persons are deprived of liberty.

Pursuant to the procedure implemented after the publication of the Public Call³, the Protector of Citizens selected the following associations with which it will cooperate in performing NPM duties: the Belgrade Centre for Human Rights (BCHR), the Victimology Society of Serbia, Group 484, the Mental Disability Rights Initiative - Serbia (MDRI-S), the Committee of Human Rights Lawyers (YUCOM), the International Aid Network (IAN), the Human Rights Committee - Valjevo, the Helsinki Committee for Human Rights in Serbia and the Human Rights Centre - Niš.

After its visits, the NPM prepares reports, which it forwards to the visited institutions. Thereinafter, the NPM maintains continuous dialogue with the visited institutions and the authorities within which they operate, with a view to eliminating the identified deficiencies that may lead to torture or inhuman or humiliating treatment.

1 Official Journal of Serbia and Montenegro - International Treaties Nos. 16/2005 and 2/2006 and Official Gazette of the Republic of Serbia - International Treaties No. 7/2011.

2 Signed on 12 December 2011.

3 Published in the Official Gazette of the Republic of Serbia on 29 January 2016.

2. GENERAL INFORMATION ABOUT THE VISIT

VISITED INSTITUTION	Penal and Correctional Institution in Sremska Mitrovica
REASON OF VISIT	Monitoring of compliance with recommendations from the Report following the visit to Penal and Correctional Institution Sremska Mitrovica, made in 2012, including the compliance with recommendations from the Report on the visit of European Committee for Prevention of Torture (CPT) in Serbia, made in 2015
VISITING ENTITY	Protector of Citizens and Provincial Protector of Citizens - Ombudsman, with the participation of medical experts
DATE OF VISIT	10 and 11 May 2017
ANNOUNCEMENT OF VISIT	The visit was announced
VISITING TEAM	<p>Team Leader: Miloš Janković, <i>Protector of Citizens</i></p> <p>Team Members: Prof. Zoran Pavlović, PhD <i>Provincial Protector of Citizens - Ombudsman</i> Jelena Unijat, <i>Protector of Citizens/NPM</i> Јелена Јелић, <i>Protector of Citizens/NPM</i> Marko Anojčić <i>Protector of Citizens/NPM</i> Jelena Samardžić, <i>Protector of Citizens/NPM</i> Jagoda Vještica <i>Provincial Protector of Citizens - Ombudsman</i> Milan Dakić <i>Provincial Protector of Citizens - Ombudsman</i> Prof. Snežana Pavlekić, PhD <i>Forensic Medicine Specialist</i> Dr Radomir Samardžić <i>Psychiatrist</i></p>

3. COURSE OF VISIT

3.1. INTERVIEW WITH PRISON GOVERNOR

The visit of the National Preventive Mechanism (NPM) was started with the interview made by team members with the prison governor.

3.2. VISIT TO PRISON AND INTERVIEW WITH INMATES

Following the introductory interview with prison governor, the team members of NPM made the tour around the premises of the Institution and interviewed the convicted, sanctioned and detained persons.

3.3. DISCUSSION WITH REPRESENTATIVES OF COMPETENT SERVICES WITHIN THE INSTITUTION AND EXAMINATION OF DOCUMENTS

During the visit, the discussion was also made with the representatives of competent departments within the Institution about acting upon recommendations addressed in the 2012 Report and acting upon the recommendations from the Report on the Visit of European Committee for Protection of Torture (CPT) to the Republic of Serbia in 2015. The relevant documents have been reviewed.

3.4. FINAL DISCUSSION WITH THE PRISON GOVERNOR

Following the visit made around the premises of the Institution and discussions with persons deprived of their liberty and the representatives of competent services, at the conclusive discussion with the prison governor, the observations of NPM Team were shared and it was stated that the condition has generally improved compared to the last visit of NPM in 2013 and the visit of the European Committee for Prevention of Torture in 2015.

4. COOPERATION OF OFFICERS WITH NPM TEAM

The Prison Administration and all the officers encountered on the premises provided their full support with NPM Team, enabling it to perform its mandate without any hindrances. The Team was enabled to visit the Institution and conduct uninterrupted interviews with persons deprived of their liberty without their supervision, including the access to all the relevant documentation.

5. GENERAL DATA ABOUT INSTITUTION

5.1. GENERAL INFORMATION / official data

<p>NUMBER OF EMPLOYEES AT THE INSTITUTION</p>	<p>The overall number of employees is 616, this number including:</p> <ul style="list-style-type: none"> - 34 performing treatments - 306 security staff - 171 performing training and hiring - 29 health care staff, this number including: <ul style="list-style-type: none"> / 20 <i>medical technicians</i> / 7 <i>general medicine physicians/ internal medicine specialists /other</i> / 1 <i>neuropsychiatrist/psychiatrist</i> / 1 <i>dentist</i> - 76 general affairs staff, this number including: <ul style="list-style-type: none"> /7 <i>Bachelors of Law</i> /3 <i>professional cooks</i>
<p>OCCUPANCY OF THE INSTITUTION</p>	<p>For overall 1409 persons, that includes</p> <ul style="list-style-type: none"> - 144 in pre-trial detention - 1237 convicts - 28 misdemeanour offenders
<p>SPECIAL PREMISES / SPECIAL AREAS within the Institution</p>	<ul style="list-style-type: none"> for pre-trial detention (<i>detention unit/ward</i>) for admission (<i>admission ward</i>) for serving misdemeanour sentences for hospital treatment - dispensary for isolating convicts affected by diseases for outpatient unit for dental clinic for pharmacies for accommodation of the disabled persons for restraint measures using leather strips for accommodation under increased supervision for confinement and implementing the disciplinary measure of solitary confinement for visits of defence lawyers for visits of family members for visits of spouses or other close persons for cultural activities for a library for religious rites covered outdoor walk areas outdoor exercise area (<i>sports grounds, gym</i>)

RECORDS (BOOKS) MAINTAINED IN THE INSTITUTION	<p>Records (book) on coercive measures applied / <i>maintained by Security Unit</i></p> <p>Records (book) on special measures applied / <i>maintained by Security Unit</i></p> <p>Records (book) of disciplinary sanctions / <i>maintained by Legal Affairs Department</i></p> <p>Records (book) of disciplinary measure of solitary confinement / <i>maintained by Security Unit</i></p> <p>Records (book) motions, complaints, appeals and requests for court protection / <i>maintained by Legal Affairs Department</i></p> <p>Records (book) injuries / <i>maintained by Health Care Unit</i></p> <p>Records (book) of providing legal assistance in the Institution / <i>maintained by Legal Affairs Department</i></p> <p>Records (book) of the deceased persons / <i>maintained by Registry Section</i></p> <p>Records (book) of medical check-ups / <i>maintained by Health Care Unit</i></p> <p>Records (book) food quality control / <i>maintained by Health Care Unit</i></p> <p>Records (book) of persons refusing medical treatment, food or water / <i>maintained by Health Care Unit</i></p> <p>Records (book) injuries at work / <i>maintained by Legal Affairs Department</i></p> <p>Records (book) registry / <i>maintained by Registry Section</i></p>
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5.1.2. SPECIAL DATA / official data from 2016

EXTRAORDINARY EVENTS (INCIDENTS) IN THE INSTITUTION	<p>The following was reported in the Institution in 2016:</p> <p>193 extraordinary events (incidents) / <i>involving 229 persons, specifically:</i></p> <ul style="list-style-type: none"> - 8 escapes and absence / <i>involving 8 persons</i> - 10 assaults against officers / <i>involving 10 persons</i> - 58 cases of violence among prisoners (murders, fights and other) <i>involving 113 persons</i> / <i>with 3 persons seriously injured</i> - 16 self-injuring - 73 pronounced hunger strikes / <i>involving 67 persons</i> - 4 causing of material damage / <i>involving 4 persons</i> - 24 findings of prohibited items / <i>involving 24 persons</i>
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COERCIVE MEASURES APPLIED	<p>In 2016 coercive measures were used against 323 persons, in particular:</p> <ul style="list-style-type: none"> - 15 persons: use of physical force - 15 persons: restraint with handcuffs and plastic handcuffs - 3 persons: restraint using leather belts - 278 persons: isolation - 12 persons: rubber truncheons
USE OF SPECIAL MEASURES	<p>In 2016, special measures were taken against 250 persons, in particular:</p> <ul style="list-style-type: none"> - 110 persons: accommodated under increased supervision - 2 persons: solitary confinement - 138 persons: testing to contagious diseases or psychoactive substances
DISCIPLINARY MEASURES	<p>In 2016 disciplinary measures were taken against 975 persons, in particular:</p> <ul style="list-style-type: none"> - 2 persons: cumulative sending to solitary confinement and deprivation of extended rights and benefits - 233 persons: sent to solitary confinement - 1 person: deprivation of granted extension of rights and benefits - 99 persons: restriction or prohibition of receiving parcels - 188 persons: reprimands
FILED COMPLAINTS APPEALS AND REQUESTS FOR COURT PROTECTION	<ul style="list-style-type: none"> - 140 complaints of convicted and sanctioned persons to the prison governor - 31 appeals to Administration Director to first instance decision adopted upon complaints
COMPLAINTS FILED TO JUDGE FOR ENFORCEMENT OF CRIMINAL SANCTIONS	<p>There were no complaints of detainees to the judge for enforcement of criminal sanctions in 2016</p>
MEDICAL SERVICES PROVIDED IN THE INSTITUTION	<p>In 2016, the health service was provided 34771 times in the Institution (medical check-ups and interventions)</p>
REFERRALS TO HEALTH CARE INSTITUTIONS	<p>In 2016, 1439 persons were referred outside the Institution to receive appropriate medical care, in particular:</p> <ul style="list-style-type: none"> - 46 times to the Special Prison Hospital in Belgrade - 1393 times to other health care institutions
DEATH CASES	<p>3 death cases were reported in the Institution in 2016 the competent bodies performed 3 autopsies</p>
LEGAL ASSISTANCE	<p>In 2016, the legal assistance was provided 392 times in the Institution.</p>
TRANSFERS	<p>In 2016, 320 persons were transferred to another Institution</p>
INTERRUPTIONS	<p>In 2016, imprisonment was interrupted 3 times for(...)</p>
EARLY RELEASE	<p>In 2016, 3 convicts were released from the Institution prematurely</p>

5.1.3. SPECIAL DATA / official data as at the date of visit

<p>NUMBER OF PERSONS DEPRIVED OF THEIR LIBERTY</p>	<p>Overall 2123 persons, out of whom</p> <ul style="list-style-type: none"> - 101 in <u>custody</u> - 2024 serving <u>sentence of imprisonment</u>, including: <ul style="list-style-type: none"> - 1911 <u>convicted persons</u> <ul style="list-style-type: none"> / 90 at admission / 89 in open ward / 464 in semi-open wards / 1268 in closed ward - 13 <u>misdemeanour offenders</u> - 59 <u>outside the Institution</u> (<i>temporarily transferred to another institution, health care institution or Special Prison Hospital, on leave etc.</i>) - 39 <u>absent or at large</u>
<p>NUMBER OF PRISONERS BELONGING TO SPECIAL GROUPS</p>	<ul style="list-style-type: none"> - 3 <u>convicted persons with disabilities</u> <i>Requiring, for movement:</i> <ul style="list-style-type: none"> - wheelchair or orthopaedic aids - blind and/or persons with visual impairment, unable to move on their own - 6 <u>women in custody</u> - 1 <u>minors in custody</u>
<p>NUMBER OF PERSONS DEPRIVED OF LIBERTY, BEING UNDER MEASURES</p>	<p>under SPECIAL MEASURES:</p> <ul style="list-style-type: none"> - 91 placed under <u>increased supervision</u> - 1 <u>solitary confinement</u> <p>under DISCIPLINARY MEASURES:</p> <ul style="list-style-type: none"> - 5 in <u>solitary confinement</u>
<p>NUMBER OF EMPLOYED PRISONERS</p>	<p>Overall 905 persons, including</p> <ul style="list-style-type: none"> - 0 <u>in custody</u> - 905 serving <u>imprisonment sanctions</u>, in particular: <ul style="list-style-type: none"> - 905 <u>convicts</u> <ul style="list-style-type: none"> / 64 from open units / 435 from semi-open units / 406 from closed prison units - 0 <u>misdemeanour offenders</u> - 905 <u>in the Institution</u> - 44 <u>outside the Institution</u>
<p>NUMBER OF PRISONERS HAVING INFECTIOUS DISEASES</p>	<p>Overall 310 persons, including</p> <ul style="list-style-type: none"> - 4 having <u>HIV/aids</u> - 306 <u>hepatitis (A, B, C)</u>

6. INTRODUCTION AND GENERAL REMARKS UPON VISIT

On 11 and 12 May 2017, NPM Team visited the Penal and Correctional Institution in Sremska Mitrovica, for the purpose of monitoring the compliance with recommendations from NPM Report on the visits (nos. 71 - 161/12 of November 2012 and nos. 71-48/13 of June 2013), including monitoring of compliance with recommendations from the Report of European Committee for Prevention of Torture (CPT) in Serbia, in 2015.

The Report on the visit to the Institution made in 2012 includes 65 recommendations for eliminating the identified setbacks in its operation. Following the visit made in 2013 NPM determined that 21 recommendations have been complied with, 29 were not, while 15 recommendations require further monitoring.

Following the visit to Penal and Correctional Institution Sremska Mitrovica in 2015, the Report of European Committee for Prevention of Torture (CPT) addressed 31 recommendations to the state, with the objective to improve the treatment of persons deprived of liberty. The Republic of Serbia submitted a response to the European Committee for Prevention of Torture (CPT) that included the explanation of the state's acting upon the addressed recommendations.

The general impression of NPM Team members during their visit made in 2017 is that the status has improved compared to the earlier period. A great number of facilities has been renovated and the construction of a new attachment is planned, including the improvement of existing accommodation capacities. However, the problem of overcrowdedness in the Institution still exists. On the day of visit, there were 2123 persons in the Institution, while the capacity is around 1500 persons deprived of liberty. According to the official data, only 200 appeals for probation were solved, out of the total number of 1200 appeals filed in 2016.

The text of the Report presented herein contains observations and the status has been established based on the recommendations from the 2012 and 2015 reports, following the respective visits by NPM and CPT.

7. MONITORING OF COMPLIANCE WITH RECOMMENDATIONS FROM 2012 NPM REPORT

7.1.

RECOMMENDATION OF NPM FROM 2012

The detention unit in The Penal and Correctional Institution Sremska Mitrovica will be provided the appropriate accommodation space to detainees so that minimum eight cubic meters and for square meters of space are provided per detainee in the room/dormitory.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation was not acted upon.

FINDINGS OF NPM IN 2017

As at the date of visit by NPM, 101 persons were found in detention. Upon the visit to detention units it was determined that as at the date, minimum eight cubic meters and four square meters of space were provided for each detainee.

7.2.

RECOMMENDATION OF NPM FROM 2012

Detainees in The Penal and Correctional Institution Sremska Mitrovica who have not been convicted before, will not be accommodated in the same dormitories with the detainees having previous convictions, and special attention will be paid to placing the detainees in dormitories depending on the type of criminal offence that they have been accused for.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

Recommendations were not complied with. The officials stated that the type of criminal offence is not being taken into consideration when accommodating the detainees, but that instead, they are being accommodated in the Institution according to available capacities. It is not possible to separate previously convicted persons from those that have not been convicted before, since considering the available capacities in the Institution and even more so due to conflicts between certain groups, or their joint involvement in the same criminal act or for other similar reasons, it is not even possible to separate the inmates taking into consideration the type of offence.

2017 FINDINGS OF NPM

The situation has been found to be the same as in 2013, meaning that the recommendations have not been complied with.

7.3.

NPM RECOMMENDATIONS FROM 2012

Bunk beds having three bed frames will no longer be used in Pavilion II of Sremska Mitrovica Penal and Correctional Institution, more specifically, the third bed will be removed.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

Recommendations have been complied with. There are only few rooms in which the third bed frame has not been removed yet, as this process is carried out gradually, considering that, according to officers, the convicts complain about having less space when the beds are put down on the floor.

2017 FINDINGS OF NPM

Recommendations have been acted upon.

7.4.*NPM RECOMMENDATION FROM 2012*

Sremska Mitrovica Penal and Correctional Institution will, without delay, proceed with the refurbishment of community sanitary facility in the middle of Pavilion III, as prescribed by applicable regulations and standards.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. Sanitary facilities on the second level has been refurbished and it is in compliance with applicable regulations and standards, while the works are still in progress at the first floor, including in the shower rooms in the basement of the building.

2017 FINDINGS OF NPM

The recommendation has been complied with. Common bathrooms in the section of detention unit of III Pavilion are in good condition, the hygiene is satisfactory. However, NPM noticed that there are no partitions, meaning that the privacy of persons during shower has been violated.

7.5.*RECOMMENDATION OF NPM FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will immediately initiate works on the adaptation of Pavilion IV, in order to ensure all the accommodation conditions as set forth by the applicable regulations and standards.

Dormitories were formed by the adaptation of the building, containing the number of beds that allows for the space of eight cubic meters and four square meters; special room for common daytime room with the required equipment; sanitary facilities should be provided as an attachment to dormitories and separated by a wall and a door, with ventilation.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendations were not complied with, but the hygienic painting of walls has been done.

2017 FINDINGS OF NPM

The recommendation was not acted upon.

7.6.*NPM RECOMMENDATION FROM 2012*

The building of "School" will be moved out without delay and it will not be used to accommodate convicts before it is eventually adapted in the way to fulfil all the accommodation conditions set out by the applicable regulations and standards.

If the building is adapted, the dormitories need to be constructed using partition walls, for a lesser number of prisoners, with the number of beds that will allow each prisoner to have a minimum of eight cubic meters and four square meters of space; a separate room needs to be provided for a common living room with the necessary equipment; sanitary facilities need to be formed within the dormitories (and be separated by a wall and a door, with the installed ventilation), or the existing commonly used sanitary facilities should be expanded and equipped so as to fit the capacity of accommodation unit.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation was not complied with. This building is not designed for accommodation, but it is used for this purpose due to the overcrowdedness in the Institution.

2017 FINDINGS OF NPM

No action has been taken to comply with the recommendation, that is, the same situation was found during the visit made in 2013. According to the staff, the construction of the new building is planned, to accommodate the convicts. After vacating the "School", this building will be used for education instead of accommodation for convicts.

7.7.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will undertake the adaptation of the "Resort" ("*Odmaralište*"), by having it painted or having the doors and windows painted or replaced, repairing floors and redecorating and furnishing common room and kitchenette.

Sanitary facilities need to be formed within the dormitories (separated by walls and doors, with installed ventilation) or have the existing common sanitary facility adapted and equipped so as to fit the capacity of the accommodation unit.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation was not complied with, but the hygienic painting was provided.

2017 FINDINGS OF NPM

The recommendation has been complied with. The "Resort" building has been completely renovated. The windows and doors have been replaced, the floors repaired, living rooms refurbished and appropriately equipped and common bathrooms have been adapted.

7.8.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will complete the adaptation of accommodation units in the Industrial Complex building, in accordance with applicable regulations and standards.

The present large dormitories need to be separated with partition walls to form dormitories for a lesser number of beds so that each prisoner is provided with minimum eight cubic meters and four square meters of space; the common living rooms need to be adapted and furnished with the required equipment; sanitary facilities should be fitted within dormitories (and separated by walls and doors, with installed ventilation), or the existing common sanitary facilities need to be adapted and equipped so as to fit the capacities of accommodation units.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. This building is not designed for accommodation, but it is used for this purpose due to the overcrowdedness in the Institution.

2017 FINDINGS OF NPM

The building is no longer used for accommodation of persons.

7.9.

NPM RECOMMENDATION FROM 2012

Penal - Correctional Institution Sremska Mitrovica will complete the adaptation of accommodation units in "Fire Station" Pavilion in accordance with applicable regulations and standards.

The present dormitories need to be separated with partition walls to form dormitories for a smaller number of prisoners and beds should be provided so that each prisoner has a minimum of eight cubic meters and four square metres of space; sanitary facilities should be made inside the dormitories (and separated by a wall and a door, with installed ventilation), or the existing shared sanitary facility should be adapted and equipped so as to fit the capacity of accommodation units.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation was partially acted upon. The adaptation of sanitary facility was completed, with new floor tiles built in. The roof was also replaced.

2017 FINDINGS OF NPM

The recommendation has been complied with. The "Fire Station" Pavilion has been visibly improved by fitting the equipment for convicts who have been accommodated and working there. The capacity of dormitories has been reduced and the common sanitary facility adapted.

7.10.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional institution Sremska Mitrovica will immediately have the common bathroom - shower space for convicts, located in the laundry area adapted, so as to fully fit the requirements of the prescribed hygienic and sanitary conditions and provide privacy to persons while taking shower.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with.

2017 FINDINGS OF NPM

The common bathroom in the laundry room is no longer in use. This space is planned to be converted into a carving workshop.

7.11.

NPM RECOMMENDATION FROM 2012

Penal and Correctional institution Sremska Mitrovica will provide a separate bed for each prisoner placed in the admission ward.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. The number of convicts in admission ward has been considerably reduced, so that at the moment, there are no persons sleeping on cubes on the floors, while five of them are accommodated in each dormitory, meaning that sufficient space has been provided for each convict.

2017 FINDINGS OF NPM

At the time of visiting the admission ward, there were 90 persons, which is consistent with the capacity and none of the persons was sleeping on the mattress or floor. However, according to official reports, as well as according to the statements provided by the interviewed persons, it occasionally happens that due to a larger admission some of the persons sleep "on the floor" of the admission ward.

Also, the convicts spend more time in the admission ward than it is legally allowed.

7.12.

NPM RECOMMENDATION FROM 2012

Persons remanded to police custody will be accommodated in the rooms-dormitories separately from detainees or persons serving prison sentences.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. Three rooms-dormitories have been separated in order to be used for police custody.

2017 FINDINGS OF NPM

The recommendation has been complied with. Persons brought in by the police officers are being placed in appropriate designated rooms-dormitories.

7.13.

NPM RECOMMENDATION FROM 2012

The necessary space will be provided at the Penal and Correctional Institution Sremska Mitrovica to allow minimum eight cubic meters and four square meters of space for each prisoner in dormitories.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with.

2017 FINDINGS OF NPM

The recommendation was not complied with. The Penal and Correctional Institution Sremska Mitrovica still faces the problem of over crowdedness. As at the date of visit, there were 2123 persons in the Institution, while the capacity was around 1500. The officers stated that the problem of overcrowded space is due to the fact that pursuant to the provisions of the Regulation on referring convicts, misdemeanour offenders and detainees to institutions for enforcement of criminal sanctions⁴ the Penal and Correctional Institution Sremska Mitrovica admits convicts residing on the territory of high courts in Zrenjanin, Novi Sad, Sombor, Sremska Mitrovica, Subotica and Šabac for prison sanctions served up to 15 years, including the convicts sentenced up to 10 years, residing within the territory of Belgrade, specifically: Vračar, Zemun, Novi Beograd, Savski Venac, Stari Grad and Surčin, including foreign citizens of male gender, regardless of the length of prison sentence. The institution sent a letter to the Administration for Enforcement of Penal Sanctions, to have the existing Regulation amended, to relieve the accommodation capacities, but the Administration failed to give statement on the letter addressed to it.

7.14.*NPM RECOMMENDATION FROM 2012*

Penal and Correctional Institution Sremska Mitrovica will provide more thorough routine maintenance of wards accommodating convicts, including regular painting, maintenance of doors and windows, repair of floors and sanitary facilities.

Penal and Correctional Institution Sremska Mitrovica will carry out available measures and actions to encourage the convicts to maintain hygiene of the space they are accommodated in and the Institution will provide conditions for such hygiene maintenance by providing the required supplies and equipment.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. Certain rooms were painted but the remaining recommended repairs of accommodation capacities have not been carried out. During the visit, no garbage was noticed on the floors and the waste bins were placed in the corridors.

2017 FINDINGS OF NPM

During the visit of the Institution by NPM, the Team noticed that each Pavilion was equipped with waste bins and there were no piles of garbage in any part of the Institution. Also, the yard has been refurbished. In addition to walking area throughout the prison yard, a great attention was paid to green area and flower arrangement. However, other recommended repairs of accommodation capacities have not been carried out. Also, the problem of damp walls was noticed, in particular within the sanitary facilities.

7.15.*NPM RECOMMENDATION FROM 2012*

Particular attention will be paid to the quality, diversity and quantity of food in Penal and Correctional Institution Sremska Mitrovica.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with.

⁴ "Official Gazette of RS no. 31/2015

2017 FINDINGS OF NPM

After having checked the menus, it was noticed that they were diverse and that they exceed the legally prescribed energy in joule value.

7.16.*NPM RECOMMENDATION FROM 2012*

Hygienic and sanitary inspection of kitchen area and equipment fitted therein, will be carried out without delay.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. The sanitary and hygienic inspection of the kitchen and its fittings and fixtures has been carried out.

2017 FINDINGS OF NPM

There are regular hygienic and sanitary inspections of the equipment and the kitchen. All the persons working in the kitchen have the sanitary booklets duly verified. In addition to this, the kitchen has been additionally equipped with cooling facilities for the preservation of food.

7.17.*NPM RECOMMENDATION FROM 2012*

At the time of delivering a letter to the responsible officer in the Institution, in order to be sent by registered mail, the person deprived of liberty will be given a receipt on handing over the letter to be sent by registered mail, containing the full name of the person who handed over the letter, name (first and last name) of the addressee, date of handing over the letter, registration number, signature of the officer in charge, including the stamp of the Penal and Correctional Institution Sremska Mitrovica.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with.

NPM FINDINGS IN 2017:

In the course of the visit, it was noticed that there has been a detailed notification about the mail delivery procedure placed in the corridors.

After having interviewed the convicts and the staff of the Institution, including the inspection of mail records, it was determined that the convicts are being delivered the receipts for letters handed over to officers of the Institution. However, such receipts are not being delivered to detainees.

7.18.*NPM RECOMMENDATION FROM 2012*

Penal and Correctional Institution Sremska Mitrovica will pay additional attention to the protection of privacy and dignity of convicts during the physical examination and/or search.

The intimate examination carried out within the search of persons deprived of liberty will be exclusively conducted by a physician. The search will not be attended by non-medical

staff, other than if the physician requests so for security reasons, as shall be recorded in the medical file and documents produced on this procedure.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with.

NPM FINDINGS IN 2017:

The search of premises and persons are conducted periodically in accordance with the regular search schedule, delivered by the Security service.

The interviewed persons deprived of their liberty had no substantial complaints regarding the physical examination and/or search. The persons who had been physically searched mentioned that it had been performed in the separate area of the Pavilion in which they have been accommodated, and that other than officers in charge, no other persons were present during the procedure.

The completed detailed searches are followed by reports that include the entered data about the time of search and persons and premises subject to the search, about the items found, remarks made by officers in charge (such as hygiene of the room, damaged property etc.) and the names of Security service members who carried out the search.

The strip search of close persons visiting the convicts in special rooms⁵ are often being conducted. The physical search and examination are exclusively being conducted by Security service members of the same gender as the visitor.

7.19.

NPM RECOMMENDATION FROM 2012

A visible notification will be placed in the area designated for visits within the Penal and Correctional Institution Sremska Mitrovica, showing that the area is under the video surveillance.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with.

NPM FINDINGS IN 2017:

The notifications about video surveillance have been placed in the rooms designated for visits. However, not all the premises under video surveillance have the respective signage, that is, not all such areas have the notifications about being under the video surveillance.

7.20.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will, without delay, take measures to ensure a better coverage of the Institution with video cameras, also providing the ongoing monitoring and storage of recorded/filmed material in the duration of no less than 30 days.

⁵ The right to stay in special room referred to in Art. 94. of the Law on Execution of Criminal Sanctions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

This recommendation is currently being acted upon. The installation of a larger number of cameras and improvement of video surveillance are under way. The recorded material is still being kept for only 7 days.

NPM FINDINGS IN 2017:

The coverage of the Institution by video surveillance has still not been significantly improved. The coverage of the Institution with video surveillance has still not been significantly improved. The video surveillance system has recently been installed in Pavilion I on the first and the second floor. Also, the video surveillance is placed in the kitchen and in corridors of the disciplinary section of the Institution, including in certain common areas. The solitary confinements are not under video surveillance.

Depending on the server, the storage of the recorded material is kept for only 3-10 days.

7.21.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will immediately take measures to install alarm buttons for calling the guards in case of incidents in all the premises used for the accommodation of persons deprived of liberty.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

This recommendation has been partially acted upon. The alarm buttons have been partly put into service, while their full operability would require additional funding.

NPM FINDINGS IN 2017:

The recommendation has been partly acted upon. The alarm buttons are currently being placed on "Zelengora". They have been placed in the new Pavilion. Nevertheless, they have still not been placed in all premises and neither in the special premises for visits by close persons. Also, the buttons are not functional in several premises visited by the NPM Team, or are not accessible due to the arrangement of furniture.

7.22.

NPM RECOMMENDATION FROM 2012

The person deprived of liberty in the Penal and Correctional Institution Sremska Mitrovica, against whom coercive measures have been used, will be subjected to medical examination immediately after the use of coercive measure and again between the 12th and 24th hour following the measures used.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with.

NPM FINDINGS IN 2017:

After having inspected the documents reporting the implementation of coercive measures it was determined that the recommendations have been observed, that is, that the medical checkups are being conducted in the prescribed intervals following the implementation of the coercive measures. Nevertheless, in certain cases when physical force was used or a rubber truncheon, the reports on medical examination were not sufficiently detailed. For example, although the member of Security service specified that he “used the rubber truncheon by hitting the convict 6 -7 times in the area of back and gluteus”, the report of the physician contains no description of the injuries or statements of the persons about the way in which the injuries were caused nor any opinion of the physician as regards the relationship between the allegations of the convict and the injuries caused.

7.23.**NPM RECOMMENDATION FROM 2012**

The Penal and Correctional Institution Sremska Mitrovica will immediately, in accordance with applicable standards, form and furnish a separate room for accommodating the prisoners on whom the special measure of placement in a specially secured room without dangerous implements has been imposed.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

This recommendation has not been acted upon. According to the statements of the staff, due to the overcrowdedness of the Institution it is not possible to provide a specially secured room.

NPM FINDINGS IN 2017:

The recommendation has not been acted upon. There are still no specially secured rooms in the Penal and Correctional Institution Sremska Mitrovica.

7.24.**NPM RECOMMENDATION FROM 2012**

The Penal and Correctional Institution Sremska Mitrovica will, without delay, ensure an adequate number of employees in the Treatment Service, required to implement the designated treatment of convicts.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. At the time of the follow-up visit, there were 34 employed persons in the Treatment Service. Out of this number, 25 are tutors (6 tutors working in the admission ward, 16 actively working with convicts per teaching groups, while 3 tutors have managerial positions). In addition to tutors, the Treatment Service also has the assignees for hiring, culture and sports including the assignees for performing office administration activities. As of 24 June 2013, one psychologist has also been employed.

2017 FINDINGS OF NPM

Pursuant to the Regulation on Organization and Job Classification at the Penal and Correctional Institution Sremska Mitrovica⁶ the Treatment Service is formed, consisting of the Personality Assessment Section (the admission ward) and Treatment Implementation Section. At the time of the NPM Team visit, the Treatment Service had 31 officers, including

⁶ No: 00-45/2016-1.

the head of service and 2 chiefs of the service⁷. According to the present job classification, the Personality Assessment Section has 6 treatment officers (specialists in andragogy, psychology, 3 pedagogy specialists and a sociologist). As stated by the treatment officer, one more officer is planned to be hired in the Personality Assessment Section. The Treatment implementation Section has 19 employed officers tasked with the teaching and correctional work with the groups and implementation of individual treatment programmes, including 2 officers tasked with organizing the cultural and educational and sports events and the employment of convicts. According to the statement given by a treatment officer, the tutors handle the tutoring groups of around 100 convicts. The prison ward⁸ accommodating 1459 convicts has tutoring groups managed by 14 tutors. The semi-open⁹ ward having 473 convicts have 5 tutors while the open ward¹⁰ having 97 convicts has one employed tutor. As stated by the deputy prison governor, taking into account the number of convicts serving their prison sentence and the current number of convicts, the treatment assignees should be increased by another 10 employees per tutoring group, in order to reach the number of around 50 convicts per groups and ensure a more efficient and effective teaching and correctional work. In addition to the tutoring groups having a huge number of convicts and the extensive administrative work load borne by the teaching staff, individual treatment officers¹¹ have been also engaged on the implementation of sanctions and measures outside the Institution, at the Commissioner's office in Sremska Mitrovica. According to the deputy prison governor, in accordance with the Decision on the maximum number of temporary employees in 2015 in the state authority systems, civil servants' system, the system of the Autonomous Province of Vojvodina and within the local self-government system in 2015, 34 employees were dismissed and ever since, there have been no new hiring.

7.25.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will not keep convicts in admission ward for longer than 30 days.

⁷ One chief is in charge of managing the Treatment Implementation Section in the closed ward and one chief is in charge of managing the Treatment Implementation Section in the semi-open and open wards.

⁸ Convicts classified under group "C"

⁹ Convicts classified under group "B"

¹⁰ Convicts classified under group "A"

¹¹ One treatment officer from the Personality Assessment Section and two officers from the Treatment Implementation Section.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. To illustrate the time the convicts are kept in admission ward, the Institution conducted an analysis of time spent by the convicts admitted for serving the sentence in May, June and July 2013. It was found that in May, 65 convicted persons commenced with serving their sentences, 94 in June and 85 in July.

The convicts designated to serve their sentences by the treatment program in the closed ward of the Institution are first issued the Decision on Treatment Program establishing all elements of the treatment program, except the accommodation. This Decision is received within 30 days. If it provides a special right (such as for those arriving from the Special Prison Hospital or another Penal and Correctional Institution of closed type), they may use it until the date of Decision. The accommodation of convicts that according to the treatment program are to be placed in the closed ward of the Institution are subsequently designated to particular accommodation by the resolution, specifically, when there are vacant spaces in the closed ward of the Institution. During these three months, the convicts placed within the closed ward of the Institution had been kept in the admission ward from 34 to 48 days, in average 44 days, and most often for 43 days. The exception to this were the convicts determined to require an intensified supervision, overall 7 of them, as they have been classified from the admission ward as emergency cases. These 7 convicts had been kept in the admission ward for 18 to 30 days until the decision on their accommodation had been received. The reason for keeping the convicts designated for the closed ward of the Institution at the admission ward had been the overcrowdedness of accommodation capacities in the closed ward of the Institution. Nevertheless, the convicts are now leaving the admission ward by far quicker than at the beginning of the year or since the second half of the previous year when they used to be kept in the admission ward for up to two or even three months.

With regard to convicts designated to be placed in semi-open or open wards according to their treatment programs, by the time they receive the Decision on the treatment program, they are also being assigned the accommodation. The Decision is provided within the legal deadline, that is, 30 days. These convicts have been kept in the admission ward for minimum 21 days and maximum 30 days. The average of their keeping was 26 days.

2017 FINDINGS OF NPM

According to the statement of the deputy prison governor, the convicts are not kept in the admission ward for more than 30 days, meaning that the situation has not changed since the visit of the NPM Team in 2013. This problem has been temporarily solved by moving a number of convicts (45) from the closed ward¹² in the Penal and Correctional Institution Padinska Skel in order to relieve the accommodation capacities in this ward and to ensure a shorter stay of convicts in the admission ward when designated under the group "B". However, as this solution is not permanent, each newly admitted person to serve the sentence under the group "B" will again be kept longer than legally prescribed maximum of 30 days, and therefore cause overcrowdedness in this unit.

In support to relieving the accommodation capacities in the admission unit, the Protector of Citizens addressed the recommendation to the Institution and the Administration for Enforcement of Penal Sanctions¹³. Acting upon the addressed recommendation, the Administration submitted their statement specifying that persons meeting the preconditions to be able to serve the sentences in other prisons pursuant to the Regulation on sending the persons convicted of criminal and misdemeanour offences and detainees to the institutions for execution of criminal sanctions convicts, are being transferred to other prisons, while in order to reach a long-term solution, the construction of a new building is planned within the Penal and Correctional Institution Sremska Mitrovica, with the planned accommodation capacity for 32 convicts.

¹² The convicts belonging to group "C" bearing the lesser security risk who meet the preconditions for serving their sentences in other institutions.

¹³ Recommendation and response of authorities are available at <http://www.ombudsman.rs/index.php/2012-02-07-14-03-33/4928-z-sh-i-ni-gr-d-n-z-s-b-n-l-z-z-sv-g-sud-ni-u-pz-u-sr-s-i-r-vici>

At the time of NPM Team visit, there were 90 convicts in the admission ward, out of whom 22 belonging to group "B" were kept 9 days longer than the legally prescribed maximum. After having examined the files of individual convicts, it was found that a convict was assigned to the group "B" based on the "Decision on treatment program", and he was referred to the closed ward. However, due to the lack of accommodation capacities in the closed ward, this convict was temporarily placed in the admission unit. Also, the treatment program has been adopted to set an individual goal and work according to the interests and the needs of the Institution. But, as the conditions of accommodation in the admission are inappropriate for any treatment work, such acting violates and postpones the right of convicts to the defined treatment consistent with their needs.

Taking into consideration the above mentioned, the convicts are still being kept in the admission ward longer than the legal maximum (by around 9 days), but considerably less compared to the visit of NPM in 2013¹⁴.

7.26.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will perform the correctional work- efficient procedures and activities related to the treatment of prisoners, in accordance with the treatment programme determined for each convict, individually.

This primarily refers to more intensive individual and group work with prisoners, in accordance with the tasks of the staff within the implementation of treatment programmes.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. According to the Head of the Treatment ward, the treatment work with prisoners is conducted with difficulties due to the lack of tutors and their being burdened with administration activities accompanying the documentation of convicts, that the tutors are obliged to perform. However, the Head specified that despite such load of work and numerous duties of the tutors taking away a substantial time, leaving less space to perform active work with the convicts, the Institution manages to perform activities established in accordance with the adopted individual treatment programs for each convict.

2017 FINDINGS OF NPM

According to the statements of the staff, the treatment work with the prisoners is being conducted with difficulties, considering the lack of tutors, number of tutoring groups, substantial administrative work load imposed and additional assignments of performing sanctions and measures outside the Institution. Individual work with convicts involves planned individual conversations based on the established individual goals, made on specific topics, while the random conversations are conducted at the initiative and as required by the convicts. After the classification, the first informative interview is carried out, while the next one is aimed at reconsidering the treatment program, with the possibility for the prisoners to take initiative and address the tutor in charge if they encounter any problems in the adaptable period or while serving the sanction. The closed ward of the Institution includes the following specialized treatment programs:

- acquiring functional literacy;
- development of socially acceptable behaviour and constructive problem solving;
- development of socially acceptable behaviour and rage control;
- assertive training;
- social and therapy program for addicts;
- support to maintaining abstinence.

¹⁴ Please see acting upon recommendation of NPM from 2013

The overall number of convicts from the closed ward involved in some form of specialized programs at the time of NPM visit was 53. The social and therapy program for addicts' involved 17 convicted persons from the prison ward (9 of the convicts from III and 8 convicts from IV Pavilion). The program was initiated in December 2016 and its completion is planned in June of this year. The program primarily includes convicts having addiction to psychoactive substances, who have been involved in this program by setting individual goals. However, this program may also involve the convicts who have not been determined such goal. After the completion of the program, the convicts are taking the completion test, and based on the test results, the effectiveness and level of accomplishment of individual goals is being explained in writing. Also, the program titled "Support in abstinence" is also in place and it involved around 15 convicts from the prison ward (Pavilion I). Meetings with the group are held once a week and last one hour. The program titled "Development of socially acceptable behaviour and constructive problem solving" involves 6 convicts from Pavilion I, while the program titled "Development of socially acceptable behaviour and rage control" also involved 6 convicts from Pavilion IV. The program of assertive training is attended by 9 convicts from block C. at the moment of visit by NPM, the group for attending the program "Acquisition of functional literacy" was in progress. Since the beginning of the year, the program of Acquisition of functional literacy has been completed by two groups of around 30 convicts. The specialized programs last from 3 to 6 months, depending on their type. These programs are implemented by the treatment staff who have been adequately trained in the course of their education, whereas there has been no systematic training in the implementation of specialized treatment programs by the Administration for Enforcement of Penal Sanctions. In response to the recommendations of NPM from the Report on the visit to the District Prison of Novi Pazar¹⁵ and with regard to the organization of trainings for treatment officers in implementing the specialized training programs, the Administration for Enforcement of Penal Sanctions stated that in 2017, they will deliver trainings for the employees of the Treatment Services aimed at implementing the specialized treatment programs for the convicts.

Despite the specialized treatment programs in the Institution, the number of participating convicts is low and it may be concluded that individual treatments are more present in the correctional and tutoring work, while group ones are sporadic and minimal. The inspected official data of the Institution about the number of disciplinary sanctions against convicts show that 975 disciplinary measures were taken against 522 convicts in 2016. The most frequent measures for serious disciplinary offences, such as the referral to solitary confinements, were taken against 233 convicts, reprimands against 188 of them and limited or prohibited reception of parcels, 99 convicts. The Disciplinary measures have most often been taken due to violent behaviour (113). Such a large number of disciplinary violations may be the consequence of insufficient rate of treatment activities with convicts, keeping of convicts in closed ward and slow advancement of treatments. Different forms of deprivation due to closed space, accompanied with rigid prison rules that may cause frustrations and dissatisfaction of convicts, may eventually bring about the unadjusted, undisciplined and violent behaviour.

¹⁵ Report number 281-17/17

7.27.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will also decide on granting special privileges to the prisoners classified in groups within the deadlines for reviewing the treatment programs, to allow consistent granting of special privileges, as prescribed by the Regulation.

The tutors at the Penal and Correctional Institution Sremska Mitrovica will timely and fully notify all prisoners about the method and conditions for granting special privileges.

The tutors at the Penal and Correctional Institution Sremska Mitrovica will timely and fully notify the prisoners about the course of procedure for granting special privileges within the group in which they have been classified.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is being acted upon. According to the statement of the Head of Treatment Section, granting of special privileges is decided within the group to which the convicts have been assigned and pursuant to applicable regulations. This means that for the first time, the decision is made after thirty days and then, after acquiring the preconditions for reviewing the treatment program – 3 months for sanctions up to three years, 6 months for sanctions from three to ten years and 1 year for sanctions longer than ten years. The Head also mentioned that the convicts are being notified about the procedures for granting special privileges.

2017 FINDINGS OF NPM

According to the Treatment Service employees, the extended rights and privileges are granted within the legally prescribed deadlines for reviewing the treatment programs, which, for certain convicts, implies one or two years. Nevertheless, if the convicts are entitled to the treatment program, have good conduct and achieve individual goals, extended rights and privileges are granted even before the deadlines set forth by the law. As for the availability of information and method and terms for reviewing the treatment program and during the procedure of granting extended rights within the group to which they are assigned, the officers report that the convicts are receiving such information in the admission unit. The convicts have had no remarks as regards the availability of information about granting extended rights and privileges, but a large number of them had remarks with respect to the subsequent classification and transfers to groups with higher level of extended rights and privileges.

7.28.

NPM RECOMMENDATION FROM 2012

The tutors at the Penal and Correctional Institution Sremska Mitrovica will timely and fully notify all convicts about the method and conditions for reviewing the treatment program.

The tutors at the Penal and Correctional Institution Sremska Mitrovica will timely notify the convicts about the course of procedure of reviewing their treatment program, or the reason for not introducing changes in that respect.

The expert team of Penal and Correctional Institution Sremska Mitrovica will dully and fully inform the tutors about the decisive reasons for not addressing the proposal initiated by the tutors, to the prison governor, for introducing changes to the treatment program for the convicts.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is being complied with.

2017 FINDINGS OF NPM

As reported by the employees, the convicts are being informed in the admission unit about the method and conditions for reviewing the treatment program, while each Decision on reviewing the treatment program is delivered to the convicts with the explanation why there has been no promotion to the group having higher level of extended rights and privileges. With regard to the Decisions on reviewing the treatment program, the convicts stated that they have been informed about the procedure of reviewing the treatment program and reasons for not introducing changes in that respect.

7.29.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will submit to the Administration for Enforcement of Penal Sanctions a written report on the problems encountered in the implementation of the Rulebook on the treatment, individual treatment programmes, classification and re-classification of convicts, particularly in the part related to the subsequent classification.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with.

2017 FINDINGS OF NPM

As reported by the treatment officer, the problem of releasing a large number of convicts from serving a sentence from the closed ward, without having met the preconditions for being transferred to the group with higher level of extended rights and privileges is the "Questionnaire for assessment of hazardous behaviour of persons convicted with serving the prison sentence for over 3 years" that is rigid and unadjusted to the abilities of persons serving the prison sentences.¹⁶

In addition to the shortcomings of the Questionnaire, the poor involvement of convicts from closed wards into some of purposeful activities additionally diminishes the opportunity to introduce changes in the treatment program. Moreover, considering that there are around 60% of penal recidivists in the Institution who are placed in closed ward¹⁷, that the treatment work is affected considering the small number of teaching staff compared to the number of convicts per tutoring groups¹⁸, that the Questionnaire has been developed so that there is small likelihood of having the level of hazardous behaviour reduced in the course of serving the sanction and therefore being promoted to a more favourable tutoring group, and thus, there is a big chance that the convict who has been classified in the closed ward remains in such ward until the expiry of the sanction.

According to the statements provided by the staff in 2016, overall 79 treatment programs have been reviewed in the part referring to subsequent classification. Out of this number, 54 convicts were transferred to the group with higher level of extended rights and privileges. The convicts who were transferred to the group with higher level of extended rights and privileges had been established a high risk level, but displayed the capacity and motivation for changing their criminal behaviour, with the level of risk in certain fields of

¹⁶ These are the persons who had mainly been convicted before and have the criminal record in the past, without or with uncompleted primary school education, having no families and their support, unemployed, having a poor social and economic status, encountering the issue of abuse of psychoactive substances, often accompanied with psychological problems and psychiatric diseases. The majority of criteria in the Questionnaire used to assess the level of risky behavior have not been the categories that allow for any changes in the course of serving the sentence or for promotion, while individual ones also refer to the past time that cannot be amended or changed.

¹⁷ As at the date of visit, out of 1911 convicts, 1268 were in the closed ward and 464 in semi-open, 89 in the open ward and 90 convicts were placed in admission unit.

¹⁸ Please see the recommendation under the ordinal number

activities being not particularly high and therefore, having a more likely option of reducing the risk level. However, a large number of convicts in the closed ward have a very high risk level in numerous fields of operation, with the reduced capacities and without any motivation to change their criminal behaviour which is the reason why they are much less likely to have their overall risk level reduced or to be promoted into a more favourable treatment. Also, frequent disciplinary violations by certain convicts further diminish their improvement in the treatment and achieving the legally prescribed purpose of sanctions.

Considering the afore stated, there is a necessity to introduce adjustments to the existing, or develop new instruments for risk and needs assessment when reviewing the treatment programs.

7.30.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will duly inform the competent guardianship authorities about the placement in the Institution of those prisoners who have minor children, and in cooperation with these authorities and in accordance with its competences, it will facilitate the achievement of the best interest of the child whose father serves a sentence of imprisonment in the Institution.

The Penal and Correctional Institution Sremska Mitrovica will duly notify the competent guardianship authorities about the placement of those prisoners who are the only carers of other persons in the Institution.

The Penal and Correctional Institution Sremska Mitrovica will duly provide the prisoners with all information obtained in the contacts made with the competent guardianship authorities regarding their minor children or other persons whose only carers are these prisoners.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been complied with. The Institution notifies the centres for social work about each admitted person. However, they do not obtain feedback from the centres and therefore, they are not able to notify the convicts about the persons of they are the only carers.

2017 FINDINGS OF NPM

The cooperation of Institution with competent Centres for social work was good. The competent Centre for social work is contacted when the convicts require financial support during or after serving the sentence, to verify the address of residence when the convict is released for weekend visits, to check family relationship and behaviour of the convict in social environment, to provide support to the convict during and after the expiry of sentence, and other.

In the situations when the convict requires assistance of post-prison acceptance and support, the Institution sends a letter to competent Centres for social work in order to perform field checks of the possibility for the convict's reintegration with his/her family or the requirement to provide other accommodation.

If the convicts have no ID card, the competent Centre for social work will send a letter to the municipality of their place of residence in order to provide the excerpt from the Registry of Births and collect documents required for issuing an ID card. In the subsequent period there is a support ensured by the police department with the issuance of personal documents for the convicts. The competent Centre for Social Work is planned to send the collected documents of convicts along with the application for the issuance of ID cards to the police department of their residence, after which they would forward the application to the place of residence of the Institution. Further procedure requires that the police service

takes fingerprints from the convicts at the Institution and the collected data are to be sent back to the police department of the convicts' residence for the purpose of issuing personal documents.

The Institution notifies the competent guardian authorities about the accommodation of convicts having children of minor age or another person having no other care provided.

7.31.

NPM RECOMMENDATION FROM 2012

The treatment of prisoners also involves the preparation for release from the Penal and Correctional Institution Sremska Mitrovica. Before their release from the Institution, the individual treatment program will provide the after-care program.

The Penal and Correctional Institution Sremska Mitrovica will maintain the required cooperation in the provision of assistance to prisoners after release within the Administration's organizational unit responsible for treatment and alternative sanctions and with the guardianship authority responsible for the territory of the prisoner's last place of permanent or temporary residence.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been acted upon. The insight into the files have shown that the time of starting the release preparation program is recorded. The Head of the Treatment Service stated that there is an obligation to establish the release preparation programs for each convict, while the Institution is expected to decide about the type of assistance required by the convict. The cooperation with organizational unit within the Administration for treatment and alternative sanctions and guardianship authority responsible for the territory of the prisoner's last place of residence and/or temporary residence in providing assistance to convicts after being released, has been established. Also, the Head of the Service mentioned that the convict's family is contacted before the release and where necessary, other subjects as well (such as the institutions for the treatment of addictions).

2017 FINDINGS OF NPM

The recommendation has been partially acted upon. The treatment program includes the preparation for release for persons who require such preparation. After the expiry of sentence, the convicts are provided with the brochure containing contacts of relevant public institutions they may refer to for support and assistance. *(Please find a more detailed explanation in the part of implementation of recommendations of European Committee, recommendation no. 69.)*

7.32.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will enable the prisoners to exercise their right to education by organising primary and secondary education and other forms of education for the prisoners, according to the treatment programme and on the basis of their established needs and individual goals.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is being acted upon. According to the Head of Treatment Service, the Institution organizes and carries out the primary and secondary education of convicted persons (11 convicts attend primary school, 68 of them attend secondary technical school and 7 of them attend studies). 3 million dinars were invested in education this year. Also, in cooperation with the competent ministries, trainings were organized in welding, crop growing and bakery (the activities

in demand on the labour market). These trainings are attended by 182 convicts. She also specified that the prisoners are being escorted to universities in order to be able to take exams.

2017 FINDINGS OF NPM

The Institution organizes and implements the primary and secondary education. The primary education is conducted by the primary school from Buđanovac and the secondary school education is conducted by the Technical School "Nikola Tesla" from Sremska Mitrovica; the convicts may receive the education for the professions of car mechanics, locksmith and technicians for heating and cooling systems. The classes are organized on the "School" Pavilion floor. In 2017, the primary school education included 14 convicts from the closed ward, in particular: 5 convicts from Pavilion IV, one convict from block C, 4 convicts from Pavilion I, 1 convict from Pavilion VI, one convict from Industrial Complex Pavilion, one convict from Pavilion III, one convict from School Pavilion and one convict from Pavilion II. The secondary school education at the time of visit included 56 convicts from the prison ward, in particular: 8 convicts from Pavilion IV, 18 convicts from Pavilion II, 1 convict from Pavilion VI, 7 convicts from Block C, 2 convicts from the School Pavilion, 20 convicts from Pavilion I and 2 convicts from Pavilion III and disciplinary ward. In 2016, 117 convicts underwent some form of education in the Institution. The literacy course was delivered to 21 convicts, 38 of them completed the primary school and 58 convicts completed the third level of secondary vocational school. The professional qualification structure as at 31 December 2016 was:

- completely illiterate - 58
- unfinished primary school- 194
- completed primary school - 470
- uncompleted secondary school - /
- completed second level of secondary school- 76
- completed third level of secondary school- 651
- completed fourth level of secondary school - 403
- completed fifth level of secondary school - 2
- uncompleted college or university - /
- college degree - 41
- university degree - 32
- Master's degree - /
- PhD degree - 1

The Institution also carries out the professional training for welders, locksmiths and bakers. In March and April of this year, 25 convicts (15 from the closed and 10 from semi-closed ward) completed these training courses, in particular: 10 convicts for welders, 5 for locksmiths and 10 for bakers. Thanks to the Cooperation Agreement between the Institution and German humanitarian NGO organization "Help", resources will be provided to continue the training of convicts. The professional training will be delivered by the Business Academy from Niš. As regards the criteria for the selection of convicts who will undergo training, the advantage will be given to those who finished the primary school. As reported by the treatment officers, there is a great interest for these trainings among the convicts, considering their shorter duration, more certain graduation and higher motivation among the convicts to participate. The number of trainings was reduced this year compared to the last one, since the Administration for Enforcement of Penal Sanctions failed to plan and assign funds for the training of convicts. The last allocation of funds by the Administration was done in 2015, when the training for bakers was delivered.

7.33.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will enable the prisoners to exercise their right to work, by enabling their employment.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is being complied with. According to the statement of the Head of Treatment Service, the convicts in the Institution are ensured their entitlement to work. As at the date of follow-up visit, around 700 convicts were engaged in work.

2017 FINDINGS OF NPM

Activities whereby the convicts are being engaged to work have been set forth by the Instructions on Employment of Convicts at the Penal and Correctional Institution Sremska Mitrovica¹⁹. The reviewed official data of the Security Service showed that the jobs have been classified as jobs performed at Pavilion, Fire Fighting Department, Health Care Service and Treatment Services. The officials stated that the number of convicts assigned to work at the day of NPM visit was 904, of which 405 were in closed ward, 435 in semi-open, 64 in open ward including Soko Banja and 44 convicts outside the Institution, based on the Agreement on Business and Technical Cooperation with companies. The majority of convicts of the closed ward have been assigned to utility jobs, such as cleaning and maintenance of Pavilion, food distribution, maintenance of grass areas in the prison yard and garbage loading. Also, two detainees have been assigned to perform utility jobs within the detention unit.

After having reviewed the official data of Security Service, it was determined that the number of working convicts as at the date of NPM Team visit was 246²⁰, which is considerably less than the number of working convicts who have been assigned jobs by individual treatment program (904). The treatment officer specified that the difference in the number of convicts engaged in work according to the treatment program and those having effective jobs as at the date of visit was due to the fact that some convicts had their reward leave, rest or were excused due to health problems.

Considering the list of convicts and taking into account the statements of officials about the engagement of convicts in work, it can be concluded that the actual number of daily working persons is by far less compared to those to whom the treatment program has ensured jobs.

7.34.*NPM RECOMMENDATION FROM 2012*

A shelter will be constructed in the space for spending time in open air (walking) within the detention unit of Penal and Correctional Institution Sremska Mitrovica and its dimensions will be such as to allow all persons taking a walk outdoors are protected from precipitation.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been acted upon.

2017 FINDINGS OF NPM

The recommendation has not been acted upon.

¹⁹ Number 24-1100/16 dated 1 July 2015

²⁰ 128 convicts in closed ward, 101 in semi-open and 17 in the open ward.

7.35.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will allow the prisoners to stay outdoors at least one hour a day during the execution of the disciplinary measure of solitary confinement.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is being acted upon.

2017 FINDINGS OF NPM

According to the treatment officer, the convicts being sanctioned by referral to solitary confinement spend one hour a day on fresh air.

7.36.*NPM RECOMMENDATION FROM 2012*

The detention unit of the Penal and Correctional Institution Sremska Mitrovica will have a separate space equipped with facilities for outdoor physical exercise of detainees including in the enclosed space (for exercising when the weather does not allow for outdoor activities).

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been acted upon.

2017 FINDINGS OF NPM

The recommendation has not been acted upon.

7.37.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will provide necessary sports equipment in the Partizan Sports Centre (balls, handball goals, posts and nets for volleyball, table tennis equipment, etc.) and any missing equipment and gear for the gym.

The Treatment Service will make a list of sports fields, facilities, equipment and other installations necessary for performing physical activities by persons deprived of liberty; and establish a programme of organized physical exercise and sports activities for persons deprived of liberty, according to which these activities will be carried out in the Institution.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. Specific sports gear has been procured.

2017 FINDINGS OF NPM

As reported by the treatment officer, the convicts staying in closed ward spend 2 hours a day in the Sports Centre Partizan, in addition to the daily walk. The convicts from Pavilion III have a separate space for exercising and time outside the closed area within their Pavilion.

The reviewed official data have shown that the sports activities of convicts in the closed ward are carried out in the Sports Centre Partizan, where the convicted persons from Blocks I, II, IV, VI and C are able to practise different sports activities (indoor football, basketball, volleyball, table tennis, chess, darts, bodybuilding).

According to the last year's report from the Institution, 6 tournaments were held in 2016 in different sports for convicts from the closed ward. The sports and recreational activities were also organized in semi-open and open wards. The sports gear that was supplied included footballs and basketballs and table tennis balls.

In 2016, in addition to sports activities, the culture and arts events were also carried out. The convicts participated in prose and poetry writing competitions. The festival of speech and New Year's concerts were also held in the Institution. The culture and arts activities include various clubs.

The number of active clubs at the time of NPM Team visit was 5, with the participation of 34 convicts. The carving and art clubs are attended by 14 convicts from II, IV, VI and School Pavilion. The music club is in Pavilion School. The music club included two convicts (one from the School Pavilion and one from Block C). The journalist club has 8 members, coming from: Pavilion I - 2 convicts, Pavilion II - 2 convicts, Block C - 2 convicts, III - 1 convict and Pavilion IV - 1 convict. The writing club has 10 members from I, II, IV and School Pavilion. The art club has 4 convicts from Pavilion II - closed ward and 16 convicts from semi-open wards (Pavilion B and Zelengora).

7.38.***NPM RECOMMENDATION FROM 2012***

Juvenile detainees in the Penal and Correctional Institution Sremska Mitrovica will be placed in the same premises - dormitories with adult detainees, exclusively based on the decision of juvenile judge.

When it is necessary to place a juvenile detainee in the same rooms/ dormitories with adult detainees in order to avoid factual isolation, Penal and Correctional Institution Sremska Mitrovica will immediately notify the competent juvenile judge thereof for the purpose of issuing a proper decision on the possible placement of that particular juvenile detainee with adult detainees.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

Acting upon recommendation.

2017 FINDINGS OF NPM

Acting upon recommendation.

7.39.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will provide accommodation facilities and other living conditions that are adjusted to the prisoners with disabilities who need to use a wheelchair or other orthopaedic aids, i. e. the accommodation that is adequate for the type and degree of their special needs.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. However, the construction of ramps for the disabled persons is planned.

2017 FINDINGS OF NPM

As reported by the deputy prison governor, the Resort Pavilion has been refurbished in the Institution, to accommodate elderly persons and persons with walking impairments. Also, at the time of visit, the Infirmary that will have special room for the disabled persons, was under construction. The ramps have also been constructed.

7.40.*NPM RECOMMENDATION FROM 2012*

The Penal and Correctional Institution Sremska Mitrovica will immediately prepare a written analysis of the required number and professional profiles of employees in the Health Care Service (medical technicians and medical specialists, especially a surgeon, a dentist and a psychiatrist), necessary for providing all persons deprived of liberty placed in the Institution with health care services in accordance with the applicable regulations and standards, taking into account the structure and number of employees in the same kind of services in the newly established prison facilities in Serbia.

The Penal and Correctional Institution Sremska Mitrovica will submit the above analysis to the Administration for Enforcement of Penal Sanctions, without delay.

The Penal and Correctional Institution Sremska Mitrovica in accordance with the above-described analysis, will hire a required number of medical technicians and medical specialists for the Health Care Service.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. There has been no analysis of required number and professional qualification of employees in the Health Care Service.

The Institution hires – employs 22 health care assistants. No new medical technicians have been hired. Since the visit made in April 2012, the service contracts have been concluded with a general surgery specialist and urology specialist who arrive in the Institution. In addition to this, out of 5 general practitioners formerly employed on a temporary basis, one has changed his legal status by becoming a permanent employee and at present, there are 2 permanently employed physicians and 4 physicians having a temporary employment in the Institution.

The Institution still has no additional specialists in psychiatry meaning that this specialist is available around 2.5 days a week (the specialist psychiatrist is concurrently the Head of the Health Care Service and spends 50% of time to organize the work).

The service contracts were renewed with 10 external assistants (all of them being medical specialists). The contract with the doctor of prosthetic dentistry has also been concluded.

2017 FINDINGS OF NPM

The recommendation has not been complied with. The Institution has one permanently employed doctor of medicine – the specialist in psychiatry, including 5 general practitioners all of whom have temporary employment (to 6 months). In addition to this, the service contracts have been signed with 10 external assistants, medical specialists (specialist in internal medicine, surgery, orthopaedic specialist, ophthalmologist, psychiatrist, dermatologist, urologist, pneumophthysiologist) arriving as required, depending on the number of reported patients.

20 medical technicians have been hired in the Institution, of whom 2 are currently on sick leaves, one being the laboratory technician and one performing administrative tasks, as the chief nurse so that the 16 persons are performing the activities of technicians.

One doctor of dentistry and one dental technician have been permanently employed and the contract on cooperation with the prosthetic technician was signed.

7.41.***NPM RECOMMENDATION FROM 2012***

The health Care Service of the Penal and Correctional Institution Sremska Mitrovica will keep timely records of all injuries, among other, the self-injuries and duly enter all the information relevant for the caused injury.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The injury records were reviewed and it was stated that they do not contain all the cases of self-injury. More specifically, the data available at the time of follow-up visit, showed that one convict injured himself on 24 January 2013 when he “broke the window with his head”, the information that can be found in the convict’s file. However after having examined the registry of accidental injuries caused on the specified date, no such injury was reported. On the other hand, the same registry contains the information under ordinal number 22, in the year 2013 (without an exact date) that person having initials K.M. had inflicted “self-injury” reporting a cut on the left forearm (“V. scissum antebrachii l. sin.”).

Also, after having examined the same registry, it was stated that it is not being updated – there are no dates of medical examinations and the information relevant for the caused injuries are incomplete.

2017 FINDINGS OF NPM

The Health Care Service of the Institution maintains 2 registries of injuries, one of which refers to injuries caused at work, while the other is marked as “hazardous injuries”. It keeps record of injuries caused during sports activities but also the self-inflicted injuries, those caused during fights with other convicts and injuries inflicted by the police officers.

The registry of injuries does contain date of examination and diagnosis for each injury and in the majority of cases, it includes a brief description of the way it was caused. The inspection of records of the persons deprived of liberty showed that they contain more detailed background information about the way of causing the injury and a more detailed description of injuries, but they lack the opinion of a doctor regarding the coincidence between the statement given by a person deprived of liberty and the established condition.

7.42.*NPM RECOMMENDATION FROM 2012*

Health Care Service The Penal and Correctional Institution Sremska Mitrovica will duly maintain protocols about health services and fill in all the relevant data.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The protocol of outpatient examinations has been reviewed and it was stated that not all the relevant data are accompanying individual entries (such as the diagnosis etc.); such finding is derived from the data contained in the protocol of outpatient checkups reported on 6 March 2013 (the numbers of protocols: 773, 774, 776, 777, 779-782) where there are no specified diagnoses, while individual entries (protocol numbers 774, 776, 781-782) contain neither the diagnosis nor the therapy, which also applies for the checkups registered under ordinal numbers 783 and 784 as at 7th March 2013.

2017 FINDINGS OF NPM

The recommendation has been partially observed. The review of outpatient examination protocols has shown that the majority of protocols on general checkups contain all the relevant information, other than individual cases where only the date of examination happen to be entered.

The review of specialist examination protocols has shown that they contain only the name of the patient and the seal of the doctor, without any other data. After having inspected the medical records of examined persons on particular dates, it was concluded that the specialist examinations are being written as individual reports and that they are generally illegible.

7.43.*NPM RECOMMENDATION FROM 2012*

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica will develop and maintain the electronic database of medical examinations and interventions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation is currently being acted upon. The development of programmes (Software) for the electronic database on medical checkups and interventions is under way. PCs and peripherals are currently being procured.

2017 FINDINGS OF NPM

The status is the same as that found during the previous visit. The deputy prison governor reported that the development of Software is in progress.

7.44.*NPM RECOMMENDATION FROM 2012*

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica, i.e. the medical doctor, will submit to the prison governor written periodic reports on the health status of persons deprived of liberty, in the intervals not longer than one year or more often, where necessary.

Health Care Service The Penal and Correctional Institution Sremska Mitrovica, i.e. the medical doctor, will submit to the prison governor a written report each time when it is established that a prisoner's physical or mental condition is impaired or compromised by

the extension or the manner of serving his/her sentence, and propose measures for treating that person, including the possibility of the suspension of sentence.

The prison governor will immediately undertake measures proposed by the doctor, and if any of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. The Health Care Service i.e. medical doctor does not present periodic reports on the health status of persons deprived of liberty to the prison governor in writing, in intervals up to one year, or more often, where necessary.

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica i.e. the medical doctor does present written reports to the prison governor when he/she determines that the physical or mental health of persons serving the prison sentence is impaired or compromised due to the extension of sanction or the form of serving the sanctions and recommends measures for treating such person, including the possibility of suspending the sentence. For example, on 4th January 2013, the report on health status of the convict N.M. was filed, while on 19th January 2013, the report on the health status of the convict B.M. was made; in both cases, the malignant disease was diagnosed due to which the suspension of sanction was proposed. Also, on 6th December 2012, the report on the health status of the detainee S.M. was submitted, who is also affected by a malignant disease, for whom it was recommended that the court which imposed the detention reconsiders granting the detainee a pre-trial release.

During the follow-up visit, we were not able to determine whether the prison governor undertakes the measures recommended by the doctor without delay, that is, whether if some of them are not under his competence or he does not agree with them, he immediately forwards them to the Director of Administration for Enforcement of Penal Sanctions.

2017 FINDINGS OF NPM

There are no changes since the last visit, that is, the recommendation has been partially observed.

The Health Care Service doctor does not present a written report to the prison governor about persons whose health status has been compromised due to the extension or way of serving the sentence. The doctor presents regular quarterly reports about the hygienic status, kitchen and food.

7.45.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will adapt the "Infirmary" building by repairing it to eliminate moisture, refurbish floors and do the required painting. The pass through rooms and one room for the sick will be adjusted for the use by the persons with physical disabilities. The common living rooms will have kitchenette constructed within, with a hot plate and a refrigerator and the preparation of food in rooms will be forbidden. Smoking will be forbidden in the Infirmary unit, other than in one designated room.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The adaptation of Infirmary building has not been carried out, that is, its repair from moisture, floor restoration and the required painting works were not done. The letter addressed by the Head of the Health Care Service to the General Affairs Service Head with regard to the proposed financing plan mentioned the requirement for the adaptation and furnishing of the Infirmary building and the following items were mentioned: reconstruction and

refurbishment of interior, repairs of electricity lines and water supply fixtures, replacement of tiles and painting.

The pass through rooms and one sickroom have not been adjusted for the persons with physical disabilities. In the basement of the building, the part used for the sick persons (to the right from the main entrance) two persons in wheelchairs were found to be accommodated in the living room; one person had both legs amputated while the other has also had walking impairment. Both of them claimed that they are unable to leave the building without a help of other convicts so that they do not use the opportunity to spend the time outdoors, on fresh air, during the day. To illustrate this, one of the persons found in the wheelchair claimed that for three weeks spent in the Institution, he did not spend time on the fresh air. Also, due to this person's disability, he was not able to use the toilet and the family funded special seat to enable this person to perform such physiological needs.

There is no kitchenette with hot plates and the refrigerator installed in the common living rooms and the preparation of food in rooms has not been prohibited.

Smoking in the infirmary unit, in the part accommodating persons deprived of liberty is not forbidden nor has there been one room designated for smoking. Smoking is forbidden in the Infirmary of the building, containing outpatient units, while officials smoke outdoors, in front of the building. A clear sign indicating the smoking prohibition has been displayed at the entrance of this part of building.

***CONCLUSION:** the failure to provide conditions for the disabled persons using wheelchairs in the Infirmary where they have been accommodated for a prolonged period, represents an inhuman behaviour.*

2017 FINDINGS OF NPM

The recommendation is being acted upon. The renovation works on the Infirmary building are in progress, so that the sickrooms and outpatient unit have been moved into the temporary premises. The x-ray cabinet is temporarily disassembled.

7.46.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will equip rooms for the sick in the Infirmary with bedside cabinets and/or lockers for placing personal belongings of patients beside the beds, along with the beds that meet general standards for hospital beds.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The Penal and Correctional Institution Sremska Mitrovica failed to equip the sickrooms at the Infirmary with bedside cabinets and/or lockers for placing personal belongings of patients beside each bed, including the beds that meet general standards for hospital beds.

2017 FINDINGS OF NPM

The sickrooms have been moved from the Infirmary building that is being renovated, and placed in the temporarily used rooms with 7 and 8 beds and they are inadequate for the sick persons. The rooms have lockers for placing personal belongings in them, while there are no bedside tables and beds do not comply with the standards. At the time of visit, there were 13 persons in these rooms.

7.47.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will furnish separate rooms for medical checkups - outpatient units within the Institution with all the required medical equipment and facilities, in accordance with regulations.

The Penal and Correctional Institution Sremska Mitrovica will provide a defibrillator in the outpatient unit of the Infirmary.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The letter addressed by the Head of Health Care Service to the Head of General Affairs Service, in relation with the proposed funding plan, stated that the Infirmary building needs to be furnished and that it is necessary to procure equipment for the treatment of patients and for outpatient unit and dressing stations in Pavilions and the detailed specification of the required equipment and devices was provided.

As stated by the Head of the Health Care Service, none of the requested equipment was procured. He asserted that the supply of thermocauter was approved, but the supply did not take place.

2017 FINDINGS OF NPM

The recommendation has been complied with. The defibrillator, thermocauter, pulse oximeter and ECG devices were procured. Each Pavilion has an equipped outpatient unit with basic furniture and equipment while three outpatient units are fitted with complete equipment and devices required for certain less complex interventions and bandaging.

As stated by the Head of the Health Care Section, the procurement of nontransporting ambulance car, dental chair, ophthalmoscope and otoscope is also planned.

7.48.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica will provide the dental office with more functional equipment in accordance with applicable standards, as well as a sufficient amount of supplies, including anaesthetics, materials for fillings and other medications for root canal treatment.

Health Care Service The Penal and Correctional Institution Sremska Mitrovica, i.e. the Institution dentist, will immediately compile a specification of required equipment, supplies and materials for the treatment, restoration and extraction of teeth, which are necessary for the provision of dental care in the Institution in accordance with applicable standards, and promptly submit it to the prison governor, within the measures proposed for improving the health care provided to prisoners.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon. With regard to the stated recommendations, it was mentioned that the dental room was refurbished – the equipment was repaired and the sufficient quantity of dental material was supplied, including anaesthetics, filling material and other medications for root canal treatment. As reported, the supplies are sufficient to cover the requirements by the end of September/beginning of October 2013.

However, the dentist doctor working at the Institution points out that the Commercial Service of the Institution often does not act upon his instructions to procure the material from specific manufacturers that he names according to his experience and requirements, but that instead, the devices, treatment material and material for extraction and repair of teeth procured are occasionally inadequate to the needs.

2017 FINDINGS OF NPM

There are no changes compared to the former visit.

7.49.*NPM RECOMMENDATION FROM 2012*

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica will immediately prepare a written analysis of required medicines and other medical therapeutic means and supplies required for the provision of health care to persons deprived of liberty, taking into account the real needs of these persons, in accordance with applicable standards.

The Penal and Correctional Institution Sremska Mitrovica will promptly submit the above analysis to the Administration for Enforcement of Penal Sanctions. The Health Care Service of Penal and Correctional Institution Sremska Mitrovica will decide the method of treatment or therapy for persons deprived of liberty according to actual medical needs (indications) and will not change it for non-medical (financial) reasons in terms of adjusting the types and quantities of medicines and therapies to those available in the Institution.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. No written analysis was made for medications and other therapeutic means and missing material for providing medical care to persons deprived of liberty, taking into account the actual needs of these persons and in accordance with applicable standards.

As reported by the Head of the Health Care Service, of the Penal and Correctional Institution Sremska Mitrovica, due to the shortage of certain medications, the decision on the method of treatment and/or therapy administered to persons deprived of liberty, they are still being replaced for non-medical (financial) reasons in terms of adjusting to the types and quantities of medicines or therapy that are available in the Institution and in such cases, they are not administered according to the actual medical needs (indication).

2017 FINDINGS OF NPM

The recommendation has been partially acted upon. According to the statement of the. As stated by the Head of Health Care Service, the medicines are procured through tenders and according to the estimation of doctors and stated needs. All medications from the positive list of medicines have been supplied in sufficient quantity. Other medications are procured from designated budget funds of the Institution, or with the assistance of persons deprived of liberty who can afford to bear the costs of procuring the necessary medications.

However, according to the information provided by the psychiatrist the supply of psychopharmaceuticals is not good, nor the supply of anxiolytics, antidepressants and antipsychotics.

7.50.*NPM RECOMMENDATION FROM 2012*

The medical examinations of persons deprived of liberty at the Penal and Correctional Institution Sremska Mitrovica will be conducted only in the presence of medical staff, unless the medical practitioner requests otherwise.

On the external side of the entrance door to the doctor's offices and inside the doctor's offices, signs will be posted in visible places to indicate the prohibition of the presence of non-medical staff during medical examinations of persons deprived of liberty.

If a medical practitioner requests the presence of the Security Service staff or other non-medical staff during medical examinations of persons deprived of liberty, an official note

will be made thereof, which will include the reasons that guided the medical practitioner in requesting the presence of non-medical staff during the medical examination.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. The medical examinations continue to be conducted in the presence of non-medical staff, without special request of the medical practitioners. This is due to the statement of the Head of Health Care Service and the interviews conducted with persons deprived of liberty in the detainee unit of the Institution.

There is no visible note to indicate the prohibition of the presence of non-medical staff during medical examinations of persons deprived of liberty on the external side of the entrance door to the doctor's offices and inside the doctor's offices, but it was asserted that this is planned to be done.

The medical practitioners do not make official note of the reasons for the presence of the non-medical staff during the medical examination.

2017 FINDINGS OF NPM

The recommendation has not been complied with...

7.51.

NPM RECOMMENDATION FROM 2012

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica, and/or a doctor, will, examine all body parts of persons deprived of liberty during the first examination upon their admission to the Institution, i.e. the patients will be examined without their clothes on.

It will be recorded in the medical records that the full physical examination has been conducted. If there are no injuries, that fact will be recorded. If there are injuries, the doctor will describe them and also include the allegations of the examined person concerning the circumstances of injuries, and give a medical opinion on the correlation between the explained circumstances of injuries and the diagnosed injuries. Where there is an indication that the examined person has been treated violently, the prison governor will be promptly notified thereof.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. During the first medical examination upon admission of persons deprived of liberty in the Institution, the Health Care Service of the Penal and Correctional Institution Sremska Mitrovica, and/or the doctor does not examine all body parts of persons deprived of their liberty after they have been stripped. This practice is due to the statement of the Head of Health Care Service that the patients are examined without their clothes on only when they "report a problem". Also, such practice not to examine the whole body of the patient at the first medical examination upon admission to the Institution has been reported by the persons deprived of their liberty, who explained that during the examination, they were asked to strip/unbutton only the upper part of their clothes.

The medical documents do not indicate that the examination of entire body has been made or state that there are no bodily injuries identified. If bodily injuries are identified, the examined person's statement is provided about the way in which they have been inflicted. However, in the situation where injuries are found, there is no doctor's opinion about the correlation between the explained infliction of injuries and the identified injuries.

The randomly selected medical documents were inspected – the medical records of convicted persons kept in the admission unit of the Penal and Correctional Institution Sremska Mitrovica, for the person M.N. who was examined on 25th April 2013, J.K. examined on 21st June 2013, S.R. examined on 14th June 2013 and V.A examined on 10th May 2013 whereby it was confirmed that the practice had been as described, in particular regarding: (1) failure to indicate the full physical examination,

(2) lack of statement that there are no physical injuries and (3) failure to enter the opinion of the doctor about the correlation between the explained infliction of injuries and the identified injuries for R. N. who had been found to have numerous cuts and scratches that were stated to have been self-inflicted about 7 days before the admission to the Penal and Correctional Institution Sremska Mitrovica, while this person stayed in the Central Prison of Novi Sad.

2017 FINDINGS OF NPM

The recommendation has been partially observed. The statement given by the Head of Health Care Service brings to the conclusion that at the first medical examination upon admission of persons deprived of liberty at the Health Care Service of the Penal and Correctional Institution Sremska Mitrovica, the examination of all body parts is carried out. After having inspected the randomly selected medical documents – medical records of convicts, it was stated that all boxes had been adequately filled in, but that there is no indication that the full physical examination had been conducted nor that there are no physical injuries.

7.52.

NPM RECOMMENDATION FROM 2012

The Health Care Service of the Penal and Correctional Institution Sremska Mitrovica, and/or a doctor will make regular examinations of convicts, in intervals of up to three months.

Regular periodic examinations of persons deprived of liberty will have all the elements of the first medical examination upon their admission to the Institution and where necessary, other medical interventions will be provided.

If any sign or indication that the examined person is treated violently is noticed during regular periodic examinations, or when it is established that his physical or mental condition is impaired or compromised due to the manner of serving the sentence, the prison governor will be informed thereof in writing and without delay and the measures for treating that person will be recommended.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. There are no regular checkups of convicts in intervals of up to three months. It was explained that by introducing the new program (Software) for electronic database on medical examinations and interventions, it will be possible to check and determine which person was examined and at what time, and therefore it will be possible to ensure regular examinations of convicts in intervals of up to three months.

2017 FINDINGS OF NPM

The recommendation has not been complied with.

7.53.

NPM RECOMMENDATION FROM 2012

doctor's reports on the medical examination of the prisoners against whom a coercive measure has been used at the Penal and Correctional Institution Sremska Mitrovica will include:

- Allegations of the person against whom a coercive measure has been used about the circumstances of injuries, and doctor's opinion about the correlation between the measures applied and the resulting injuries.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. As stated by the Head of Health Care Service the doctor's reports about medical examination of the persons against whom a coercive measure has been used still do not include: (1) statement of the persons against whom coercive measures have been used about the circumstances of infliction of such injuries and (2) opinion of the doctor about the correlation between measures applied and the resulting injuries. However, after having inspected the medical documents, it was found that if the body injuries are identified, the statement of the examined persons explaining the circumstances of inflicted injuries are entered, but there is no opinion of the doctor about the correlation between the explained cause of injuries and the identified injuries.

2017 FINDINGS OF NPM

The recommendation has been partially observed. After having inspected the medical documents it was established that if the heavy body injuries are found, in addition to the detailed description of injuries, the statement of the examined persons explaining the circumstances of inflicted injuries are entered, but not the doctor's opinion about the correlation between the explained cause of injuries and identified injuries.

7.54.**NPM RECOMMENDATION FROM 2012**

The doctor will examine ill persons deprived of their liberty at the Penal and Correctional Institution Sremska Mitrovica, on a daily basis.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. As stated by the Head of Health Care Service persons deprived of liberty, in particular those placed in Infirmary, may address a medical technical and request to be examined. On the other hand, persons deprived of liberty that were interviewed at the Infirmary, pointed out that they had not been examined for days.

2017 FINDINGS OF NPM

The recommendation has not been complied with. As stated by the Head of Health Care Service, ill persons deprived of liberty, including those placed in the Infirmary may refer to the medical technician and request a medical examination. The interviewed persons deprived of liberty have no complaints about the frequency of examinations.

7.55.**NPM RECOMMENDATION FROM 2012**

Y The Penal and Correctional Institution Sremska Mitrovica parenteral therapy (injections, infusion) will be administered only in the patient rooms or separate rooms designated for examination of prisoners – outpatient units.

The routine administration of injections will not be performed through bars or cell hatches, except in specific cases where such procedure is necessary due to the specific risk for the medical staff, which will be recorded in the medical documentation of the concerned prisoner.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. Persons deprived of liberty that were interviewed at the Infirmary receive injections through bars at the entrance of the block of patient rooms in the basement, to the right from the main entrance to the building. Therefore, they describe the identical situation as established by the monitoring team upon their visit in 2012. Moreover, these persons point to the fact that since the food is being distributed in the same manner (through bars) as evidenced by visible stains at the lower part of door bars.

2017 FINDINGS OF NPM

The recommendation has been complied with. As stated by the Head of Health Care Service, all parenteral therapy is being administered in the outpatient unit, other than insulin that the persons deprived of liberty apply by themselves. He mentioned that all the diabetic patients were equipped with the "pen" and that they have sufficient quantity of insulin in their rooms for the period of 4 weeks (28 days). According to the prescribed therapy, the patients administer insulin themselves and hand over the needles to the technician who disposes of them in special containers.

7.56.**NPM RECOMMENDATION FROM 2012**

The Penal and Correctional Institution Sremska Mitrovica will not deny the transportation to haemodialysis outside the Institution or the provision of any other type of health care to persons deprived of liberty because of being improperly dressed or violating the Institution's House Rules in any other way.

A person deprived of liberty will not be deprived of healthcare because of violating the order or other rules of conduct, but he will be imposed a disciplinary measure instead if a disciplinary offence is established in the conducted procedure.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

This recommendation has been complied with.

2017 FINDINGS OF NPM

The recommendation is being complied with.

7.57.**NPM RECOMMENDATION FROM 2012**

The Penal and Correctional Institution Sremska Mitrovica will ensure timely escorting of persons deprived of liberty to specialist examinations and other medical interventions at the health care centres outside the Institution.

The Penal and Correctional Institution Sremska Mitrovica will create an electronic database of scheduled specialist examinations and other medical interventions scheduled outside the Institution.

The transportation of persons deprived of liberty at the Penal and Correctional Institution Sremska Mitrovica to the scheduled specialist examinations and other medical interventions in medical centres outside the Institution will have priority over any other transportations.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. As stated by the Head of Health Care Service the persons deprived of liberty are still not being timely escorted to the scheduled specialist examinations and other medical interventions in health care centres outside the Institution due to the shortage of guards and/or vehicles required for such transportation.

There has been no electronic database at the Penal and Correctional Institution Sremska Mitrovica to record the scheduled specialist examinations and other medical interventions scheduled outside the Institution and it was stated that this will be done after the program (Software) for electronic database on medical examinations and interventions is completed.

2017 FINDINGS OF NPM

As stated by the Head of Health Care Service, the list of persons deprived of liberty for whom the specialist examinations and other medical interventions have been scheduled outside the Institution is being made, and these persons are being regularly provided with the transport. The problems occur in cases of emergency, when the transport is not announced and there are not enough vehicles or escorting staff.

7.58.**NPM RECOMMENDATION FROM 2012**

Dental examinations of prisoners will be conducted upon their admission to the Penal and Correctional Institution Sremska Mitrovica, within one month at the latest. Regular periodic dental examinations will be conducted within periods of up to 12 months; individual dental files of prisoners will be created and maintained, and dental interventions will not be predominantly reduced to teeth extractions but will also include restorations, i.e. fillings, and other dental services.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. No dental checkups are carried out at the Penal and Correctional Institution Sremska Mitrovica upon the admission of convicts to the Institution within the period of up to one month. This is explained by the fact that convicts, while placed in the admission unit, are not brought into the dental unit to have the examination upon their admission (to have a thorough dental checkup), and that there are no conditions in the building of the admission unit (there is no dental room) to perform such examination. There are no regular dental examinations within the periods of up to 12 months. The required material has been supplied and dental interventions are no longer including only extractions, but the repairs – more specifically fillings and other dental services.

2017 FINDINGS OF NPM

There are no changes compared to the previous visit, meaning that the recommendation has been partially observed.

7.59.**NPM RECOMMENDATION FROM 2012**

The Penal and Correctional Institution Sremska Mitrovica will promptly transfer all prisoners suffering from severe mental disorders to the Special Prison Hospital or other adequate medical facility.

Persons suffering from severe mental disorders will in the future be placed in the Penal and Correctional Institution Sremska Mitrovica only if the conditions are subsequently created for their adequate treatment.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. As stated by the Head of Health Care Service, the only specialist psychiatrist treating the convicts having serious mental disorders, such patients are not referred to the Special Prison Hospital or other appropriate health care centre. The explanation is that the Special Prison Hospital admits these patients "only when their conditions gets worse".

Since the visit in April 2012, no conditions have been provided at the Institution to adequately treat the convicts having serious mental disorders, although these persons (the same persons as in April 2012) are still placed in the Penal and Correctional Institution Sremska Mitrovica.

CONCLUSION: *Keeping of convicts having serious mental disorders at the Institution, despite of having created conditions for their appropriate treatment in the long run, is seen as inhuman behaviour.*

2017 FINDINGS OF NPM

Due to the renovation of the Infirmary of the Institution, there were no ill convicts there. The 13 of them who required treatment, were placed in two rooms in one of the Pavilions. There were two convicts among them, who suffered from moderately serious disorders, who were accommodated in temporary patient rooms and adequately treated with therapeutic medications.

The convicts suffering from serious mental disorders are referred to the Special Prison Hospital or another appropriate institution. However, there is still a practice that the Special Prison Hospital admits them only in the case of acute or worsened condition of the patients and they are returned back to the Institution after being taken care of.

7.60.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica medical records will include the injured person's allegations on the circumstances of injury and doctor's opinion on the connection between the injured person's allegations on the circumstances of injury and the occurred injuries; in case of indications that a prisoner has been treated violently, the doctor will promptly inform the prison governor thereof in writing.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. As reported by the Head of Health Care Service, the opinion of the doctor about the correlation between the allegations of the injured person and the circumstances of injury are not being entered in the medical documents, whereas the statement of the injured person is recorded.

2017 FINDINGS OF NPM

There are no changes compared to the previous visit, that is, the recommendation has been partially observed.

7.61.

NPM RECOMMENDATION FROM 2012

Persons deprived of liberty who are non-smokers at the Penal and Correctional Institution Sremska Mitrovica who are placed in the same rooms with smokers, or in the rooms where other prisoners smoke, will immediately be transferred to non-smoking rooms.

Visible no-smoking signs will be placed in the rooms where persons deprived of their liberty who are non-smokers are accommodated and in all other rooms where smoking is prohibited.

Visible sign indicating that smoking is allowed will be placed in the area of the Institution where smoking is allowed.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially acted upon.

2017 FINDINGS OF NPM

There are no changes compared to the previous visit, meaning that the recommendation has been partially acted upon.

7.62.***NPM RECOMMENDATION FROM 2012***

The Health Care Service at the Penal and Correctional Institution Sremska Mitrovica, and/or a doctor will control accommodation, hygiene, sanitary and other conditions that have impact on the health of persons deprived of liberty, and will submit to the prison governor the written findings and recommendations for improving hygiene in the Institution and personal hygiene of prisoners, state of sanitary installations and fittings, heating, lighting and ventilation of the rooms in which persons deprived of liberty reside.

The prison governor will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he does not agree with them, he will immediately refer them to the Director of Administration for Enforcement of penal Sanctions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. As stated by the Head of Health Care Service, the doctor verifies the accommodation, hygiene, sanitary and other conditions that have impact on the health of persons deprived of liberty. However, the prison governor is not presented with the written findings and recommendations about the improvement of hygiene in the Institution and the personal hygiene of prisoners, the state of sanitary installations and fittings, heating, lighting and ventilation of the rooms in which persons deprived of liberty reside, but instead, this is done verbally. It is therefore not possible to check whether the prison governor is immediately acting upon the recommendations communicated to him by the doctor, and /or whether the governor, if certain verbally communicated recommendations are not under his competence or he does not agree with them, immediately refer such notification to Director of Administration for Enforcement of penal Sanctions.

2017 FINDINGS OF NPM

The recommendation is being complied with. As stated by the Head of Health Care Service the doctor verifies the accommodation, hygiene, sanitary and other conditions having impact on the health of persons deprived of liberty and accordingly submits the written report to the prison governor on a monthly basis.

7.63.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica Health Care Service, and/or the doctor will submit to the prison governor written findings and recommendations on the requisite physical activities of persons deprived of liberty.

The prison governor will immediately take measures recommended by the doctor, whereas if some of them are not under his competence, or if he finds them impracticable or does not agree with them, he will refer them to the Director of Administration for Enforcement of penal Sanctions, without delay.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. As reported by the Head of Health Care Service the doctor is not providing the written findings and recommendations about requisite physical activities of persons deprived of liberty. This failure to act is explained by the shortage of staff in the institution who would be engaged in the event of particular additional physical activities of the persons deprived of liberty, at the recommendation of the doctor, that are outside the scope of regular daily outdoor activities.

2017 FINDINGS OF NPM

There are no changes compared to the previous visit, meaning that the recommendation is not being complied with.

7.64.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica Health Care Service, will control nutrition in the Institution and submit to the prison governor the written findings and recommendations regarding the quantity and quality of food.

The doctor's written findings and recommendations regarding the quantity and quality of food will be immediately forwarded to the cook, about which the cook will make a written statement and submit it to the prison governor, without delay.

The prison governor will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately refer them to the Director of Administration for Enforcement of penal Sanctions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has been partially observed. As stated by the Head of Health Care Service, the doctor controls the nutrition in the Institution, however, no written findings or recommendations are being submitted to the prison governor regarding the quantity and quality of food.

2017 FINDINGS OF NPM

The recommendation has been partially observed. The doctor controls the nutrition in the Institution, participates in defining the menu and personally tastes the prepared food every day. The prison governor receives findings or recommendations regarding the quantity and quality of food, orally.

7.65.

NPM RECOMMENDATION FROM 2012

The Penal and Correctional Institution Sremska Mitrovica, Health Care Service and/or the physician who shall be checking the accommodation of persons deprived of liberty non-smokers and other conditions affecting the health of persons deprived of liberty from being exposed to the harmful influence of tobacco smoke and present to the prison governor the periodic written recommendations related to the accommodation of non-smokers and other conditions having impact on the health of persons deprived of liberty due to the harmful exposure to tobacco smoke.

The prison governor will, without delay, undertake the measures proposed by the doctor, and if any of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately refer them to the Director of Administration for Enforcement of Penal Sanctions.

2013 FINDINGS OF NPM ABOUT ACTING UPON RECOMMENDATIONS FROM 2012

The recommendation has not been complied with. As reported by the Head of Health Care Service, the doctor still fails to provide findings and recommendations about the accommodation of persons deprived of liberty who are non-smokers and other conditions that have impact on the health of the persons deprived of liberty to protect them from being exposed to tobacco smoke.

2017 FINDINGS OF NPM

The recommendation has been partially observed. The doctor fills in the questionnaire based on the statements provided by persons deprived of liberty that is then forwarded to the correctional service of the Institution. As reported by the Head of Health Care Service the doctor has no influence on the way the persons who stated that they are non-smokers are accommodated.

8. MONITORING OF RECOMMENDATIONS FROM THE REPORT ON THE VISIT OF EUROPEAN COMMITTEE FOR PREVENTION OF TORTURE (CPT) IN THE REPUBLIC OF SERBIA IN 2015

8.1.

CPT RECOMMENDATION FROM 2015

44. The CPT also recommends that the Serbian authorities exploit to their full potential the services of the commissioner's offices in providing prisoners with post-sentence assistance upon their re-integration into society. Further, the Committee encourages the Serbian authorities to invest further efforts into promoting among the judiciary the application of the existing front- and back-door mechanisms for the reduction of prison population.

2017 FINDINGS OF NPM

The commissioner's office in Sremska Mitrovica, among alternative sanctions, monitors and reports the measure of prohibition to leave the apartment (house detention), serving prison sentence in the area where the convict resides (house prison), supervision over the persons released on parole and support in ensuring that the person respects restrictions adjudicated by the court, performance of social service sanction and work opportunity.

The commissioner's office has three treatment officers from the Institution and one commissioner. At the time of NPM Team visit, 30 persons served sanctions outside the Institution sanctions and penal measures, while such sanctions were pending for another 40 persons, due to the lack of electronic devices (ankle monitors). The treatment officer performs field checks once a week and often this includes other days upon occurrence of emergency. On each 1st and 15th day in a month, the lists for sanction and penalty serving to be supervised are being filled in and submitted to the Administration for Enforcement of Penal Sanctions. According to the statement of the treatment officer, the alternative sanction serving still largely depends on the support and assistance of the prison system, that is, the Treatment Service and Security Service of the Penal and Correctional Institution Sremska Mitrovica. This assistance primarily includes the HR and technical support. When placing the electronic monitoring device (hereinafter: the ankle bracelet) the treatment officers are accompanied with the Security Service and the Institution vehicle is used. Each next visit of persons serving alternative sanctions are carried out by the treatment officers without being accompanied by security service, and the security aspect should be stressed on that occasion. Another problem with the commissioner's office is the lack of working conditions (there is no clerk's office) and the administrative jobs are being discharged through the Institution which affects the efficiency of the work itself. Moreover, there is often a shortage of ankle bracelets and in addition, they occasionally get broken which is yet another setback in using these sanctions. It was also mentioned that the courts are not informed whether certain sanctions or measures are feasible.

The commissioner's office in Sremska Mitrovica is still not operable in its full capacity, primarily in terms of staffing and technical resources. Even though the commissioner's office carries out a number of sanctions and measures outside the Institution, the capacities have not been fully used since the post-sanction admission of convicts is not conducted.

8.2.

CPT RECOMMENDATION FROM 2015

49. The CPT recommends that the Serbian authorities take action to ensure that the management of Sremska Mitrovica demonstrate increased resolve in tackling ill-treatment of inmates by staff, by ensuring the regular presence of prison managers in the detention areas, their direct contact with prisoners, the effective investigation of complaints made by prisoners, and improved prison staff training in particular in the field of manual techniques on managing agitated inmates and inter-personal skills. Further, the management of these establishments should deliver a clear reminder to all custodial staff that the ill-treatment of prisoners in any form is illegal, and that anyone committing, aiding and abetting or tolerating such abuses will be punished accordingly.

2017 FINDINGS OF NPM

The Prison Governor and Deputy Prison Governor regularly visit the accommodation capacities of the Institution, sometimes performing unannounced night visits, in order to check the conduct of employees. However, the statements of the convicted persons interviewed by NPM team varied, from those of often seeing the Prison Governor who visits them regularly (once a week), to those of not seeing the Prison Governor for several months.

In the Institution corridors there are boxes for the purpose of submitting requests for confidential conversation with the Prison Governor. The boxes` content is periodically checked by the commission established by the Prison Governor, which is delivered to him after being processed.

According to the statements, a training has been held recently of all the escorting service members on the manual restraint techniques, whereas three security service members are specialised for implementing physical training. Also, a training has been conducted for security service members on the relevant legislation. Mandatory check of physical fitness of the employees is conducted twice a year.

The competent judge of The High Court in Sremska Mitrovica pays visits to persons deprived of liberty: during 2016, 15 visits to the Institution have been recorded, and since the beginning of 2017 till the day of visit 7 visits. After the visit, the judge enters into the Records potential individual remarks of persons.

Inspection Department of the Administration for Enforcement of Penal Sanctions has performed last monitoring of the Institution`s work a month before the visit and submitted minutes of it with a total of 59 ordered measures and 2 recommended measures for elimination of the observed deficiencies.

NGOs visit the Institution several times a year: during 2015 there were 3 visits, during 2016 2 visits and so far in 2017 have been no visits.

During 2016, 140 complaints of the convicted persons have been submitted, none of which addressed the physical ill-treatment. One prisoner has brought criminal charges because, as he stated, the security service officer spit in his food. On the request of the Prosecutor`s Office, the Institution has delivered the officer`s statement, since they had no knowledge of the incident.

During the visit of the Institution, it has been observed that on the walls of the Pavilion corridors the Ordinance on the Home Rule and detailed information on the rules and procedures in the Institution were highlighted. Also, the library contains regulations that determine the execution of sentence, and some are translated into languages of the national minorities. Prisoners are not allowed to take with them copies of comprehensive laws, such as the Code of Criminal Procedure, but can read them in the library.

8.3.

CPT RECOMMENDATION FROM 2015

50. The CPT recommends that steps be taken by the Serbian authorities to ensure that medical examinations of prisoners are conducted out of the hearing and – unless the doctor Concerned expressly requests otherwise in a given case – out of the sight of non-medical staff. The CPT reiterates its recommendation that the Serbian authorities remind medical staff in all prison establishments that they should record all injuries observed on prisoners, both upon admission and during their stay in the establishments. Further, the CPT recommends that procedures be put in place to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by the prisoner concerned (or which, even in the absence of an allegation, are indicative of ill-treatment), the record is systematically brought to the attention of the competent prosecuting authorities, regardless of the wishes of the person concerned. The results of the examination should also be made available to the prisoner concerned and his or her lawyer.

2017 FINDINGS OF NPM

Medical examinations are conducted without the presence of non-medical staff, unless the doctor requires otherwise. However, in the previous period the doctors at Sremska Mitrovica Correctional Institution did not have any organized form of training in terms of education for the implementation of the Istanbul Protocol.

8.4.

CPT RECOMMENDATION FROM 2015

52. The CPT recommends that the Serbian authorities devise an effective national strategy Concerning the prevention of inter-prisoner violence and intimidation, in the light of the above comments. This will without doubt require additional prison officers. Further, the CPT recommends that any injury indicative of inter-prisoner violence be immediately brought to the attention of the competent prosecutor and properly investigated. Further, every incident of inter-prisoner violence should be diligently recorded in the relevant registers.

2017 FINDINGS OF NPM

Since the beginning of 2017, 18 conflicts between the persons deprived of liberty have been recorded, typically involving two persons, as well as 10 self-injuries. Records and the complete documentation about the events is kept and saved by the security service. Reports are made on all the events and the Operational Centre of the Administration for the Execution of Penal Sanctions is informed. After the conflict, the persons are taken to a medical examination and, most often coercive measure of isolation is applied to them (up to 24 hours). Police are informed only in case of serious body injuries, which has happened once since the beginning of the year.

According to the statements of persons deprived of liberty that have been interviewed during the visit, it can be concluded that there is relatively positive interaction between the security service members and the convicted and detained persons, and the highest degree of dissatisfaction is expressed regarding the work and attitude of Treatment Service.

As far as the number of employees is concerned, especially those working in the security service, it is assessed that the number is insufficient and that the service requires around 50 additional members so that it could operate without obstructions. Currently, there are 302 members working in security service, of which 21 are female. Recently, 10 members retired, and 10 new has been employed (of which 1 female). However, from the total of employees, 2 commanders in 7-day shifts are deployed in the open division in Sokobanja, and in

Belgrade – Padinska Skela Correctional Institution²¹, 3 commanders in a day shift and 2 in the night shift.

Also, additional burden is the existence of great number of escorting (by the end of April, an average has been 15 - 20 escorts per day to courts, health care institutions and other), conducted by specially trained security service members. Accordingly, members of the service have a lot of overtime hours per month (around 60 – 70 hours monthly by employee). Since May, the Institution`s management has been trying to reduce the number of overtime hours, which has as a consequence a delay of certain number of escorts. Since the beginning of the year 817 escorts to courts has been realized, and 187 has been postponed due to the Institution`s inability to bring in a person.

8.5.

CPT RECOMMENDATION FROM 2015

53. The CPT recommends that the Serbian authorities ensure that the use of handcuffs and transportation belts during prisoners` transportation outside and within prisons is resorted to only when the risk assessment in an individual case clearly warrants it; and the application of any means of restraint should not pose additional risks of injury to the prisoners during their transfers. As regards in particular the handcuffing of prisoners behind the back during transportation, given the potential for discomfort to the prisoner concerned and the risk of injury in the case of accident, this practice should be avoided; prisoners should be transported instead in secure vans, thereby obviating the need for them to be handcuffed during the journey. Further, vans used for the transporting of inmates should be adequately ventilated and equipped with an interphone.

2017 FINDINGS OF NPM

According to the statements of the security service members, as well as the statements of the convicted and detained persons, all healthy persons that are in closed division of the Institution are being transported with their hands and feet cuffed. This practice has been introduced based on the order of the Institution`s Prison Governor, after the escape of a person at the end of last year. Besides the escape prevention, the reason for the above mentioned practice is a lot of overtime hours of the escorting service members, who are exhausted and not physically and mentally fit, in order to properly react in case of escape attempt.

After having examined the escorting warrants, it has been determined that all the warrants in the previous period included the mandatory cuffing of feet and hands of the escorted person, mostly from the front. It is also noted in the order whether the use of firearms towards the escorted person is allowed.

For the escorting are used 9 specialized motor vehicles, so-called "marica", of which 2 are newly equipped with video surveillance, while the rest are without it. All the vehicles have ventilation and cooling system. Although the vehicles are predominantly more than 10 years old, their servicing has been improved lately.

Problem are also the courts` debts to the Institution for the escorting expenses, fuel and daily allowance of the officers. Total amount of the courts` debts to the Institution is more than 6.5 million dinars, most of all First Basic Court in Belgrade (more than 2 million dinars). The problem exists for years and the Ministry of Justice is familiar with it.

²¹ Due to the overload of the Institution`s accommodation capacities, 42 convicts from Sremska Mitrovica Correctional Institution has been temporarily placed in Belgrade -Padinska Skela Correctional Institution.

8.6.

CPT RECOMMENDATION FROM 2015

54. The CPT recommends that steps be taken without further delay to ensure that prison staff do not carry truncheons inside detention areas. Further, prison officers should be properly trained in control and restraint techniques (i.e. manual control) and are in a position to choose the most appropriate response when confronted by difficult situations.

2017 FINDINGS OF NPM

During the visit it is identified that the security service members still carry truncheons in a visible way inside the Institution area. According to the official statements, they have not obtained new uniforms since 2012, and some parts they had to buy themselves.

According to the statements, a training has been held recently of all the escorting service officers on the manual restraint techniques, whereas three security service members are specialized for implementing physical training.

8.7.

CPT RECOMMENDATION FROM 2015

64. The CPT calls upon the Serbian authorities to take urgent steps in order to:

- reduce the occupancy levels to a minimum of 4m² of living space per person in multi-occupancy cells of Pavilions III and IV, and the admission ward of The Penal and Correctional Institution Sremska Mitrovica. Further, the authorities should ensure that each inmate has his/her own bed in the admission ward of The Penal and Correctional Institution Sremska Mitrovica;
- undertake a systematic refurbishment of the cells and sanitary facilities in Pavilion IV, "Odmarašite" and the un-renovated section of Pavilion III at The Penal and Correctional Institution Sremska Mitrovica. In particular, all cells should be covered with adequate flooring, windows enlarged, walls repainted and plastered, fully-partitioned sanitary annexes introduced (in Pavilion IV), furniture replaced in cells and community rooms, ceilings repaired, floor tiles laid in sanitary facilities and water installations repaired;
- supply all inmates with a range of personal hygiene items and products to clean their cells;
- upkeep and maintain the cleanliness of premises on the admission ward of Sremska Mitrovica;
- guarantee that the quality and quantity of food distributed to prisoners at Sremska Mitrovica Correctional Institution comply with minimum standards on daily food intake as regards proteins and vitamins, and that food is distributed to inmates at an adequate temperature and respecting hygiene standards;

Further, the CPT would like to receive information on the refurbishment works undertaken at Pavilions III and IV and the "Resort" building at The Penal and Correctional Institution Sremska Mitrovica.

2017 FINDINGS OF NPM

See findings for recommendations of NPM under the number: 1, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 16.

8.8.*CPT RECOMMENDATION FROM 2015*

65. The CPT calls upon the Serbian authorities to take concrete measures to offer remand prisoners' out-of-cell activities. Further, it recommends that steps be taken to ensure that all remand prisoners in Serbia are offered at least two hours of outdoor exercise per day in accordance with the law.

2017 FINDINGS OF NPM

Detained persons whom the NPM team has interviewed, had no complaints on the length of stay in the fresh air. They claim that they spend approximately an hour and a half in the fresh air every day.

8.9.*CPT RECOMMENDATION FROM 2015*

67. The CPT recommends that the Serbian authorities increase their efforts to provide more work opportunities (preferably of a vocational value) to all sentenced prisoners at Sremska Mitrovica Correctional Institution.

2017 FINDINGS OF NPM

More in NPM findings from 2017, recommendations No. 32 and 33.

8.10.*CPT RECOMMENDATION FROM 2015*

69. It has been appeared that very little consideration was being given to the preparation of inmates for release at The Penal and Correctional Institution Sremska Mitrovica. The CPT recommends that pre-release courses for sentenced prisoners be introduced at all prisons.

2017 FINDINGS OF NPM

Trust Office in Sremska Mitrovica does not provide help to persons after the termination of the prison sentence, therefore is the absence of the cooperation in this respect, between the Office and the Institution's Treatment Service. Preparatory release program is created within the Treatment Program based on the assessed and expressed requirements of the convicts for the post-penal support and help, and accordingly, competent Centre for social work and other external institutions are notified if necessary. Before the end of termination of the sentence, convicts are provided with the newsletter where they can find information which competent institutions they shall contact after the termination of the sentence with the aim of satisfying their social needs, providing help during job search, regulating health status etc. In November 2016, treatment officials attended the Conference organized by the OSCE and the Administration for Enforcement of Penal Sanctions, where the form model is presented " Preparatory release program and help to convicts after the termination of the prison sentence", being used at Niš Correctional Institution, however, till the moment of NPM team visit, Sremska Mitrovica Correctional Institution has not obtained these forms.

8.11.*CPT RECOMMENDATION FROM 2015*

71. The system of classification of prisoners has been a matter of concern for the Committee since its first visits to the country.⁴⁸ The CPT wishes to reiterate that a classification system of prisoners in accordance with the principles laid down in the European Prison Rules (Rules Nos. 103 and 104), either at the time of their admission to prison or during their subsequent incarceration, is the first, absolutely essential, step for implementing individualised custody plans. That said, even a sophisticated classification system of prisoners can fail to meet its expectations if the progress of inmates towards detention regimes, combining greater autonomy and responsibility, is frustrated by an excessively rigid implementation of its regulations. The delegation was informed that some prison directors intended to enlarge the classification team to five members in order to increase the transparency of their work. This is positive.

The CPT reiterates its recommendation to the Serbian authorities to invest more efforts in the practical implementation of the system of classification of prisoners and the individualised sentence planning taking into consideration the above remarks.

2017 FINDINGS OF NPM

Please find more in NPM findings from 2017, recommendation No. 29.

8.12.*CPT RECOMMENDATION FROM 2015*

74. The CPT recommends that the Serbian authorities urgently identify a temporary location for the in-patient unit at The Penal and Correctional Institution Sremska Mitrovica facility pending the construction of the new pavilion. The Committee would like to receive a response on this issue within three months.

2017 FINDINGS OF NPM

At the time of NPM team visit, there was the ongoing renovation of the existing Pavilion "Infirmary".

8.13.*CPT RECOMMENDATION FROM 2015*

75. The Committee calls upon the Serbian authorities to substantially increase the number of full-time general practitioners at The Penal and Correctional Institution Sremska Mitrovica.

In addition, steps should be taken to:

- reinforce the staffing complement of nurses at Niš and Sremska Mitrovica Correctional Institution;
- supply the in-patient facilities of The Penal and Correctional Institution Sremska Mitrovica with basic life-saving equipment;

2017 FINDINGS OF NPM

See recommendations No. 40 and 47, in the section of follow-up of the implementation of NPM recommendations from 2012.

8.14.*CPT RECOMMENDATION FROM 2015*

76. The CPT recommends that the Serbian authorities verify that all prisoners are guaranteed the provision of the medication required by their state of health; this implies that the funds allocated to prisons should be sufficient to enable medication to be provided free-of charge to prisoners.

2017 FINDINGS OF NPM

The Penal and Correctional Institution Sremska Mitrovica has no problem of supplying medicines from the positive list for persons deprived of liberty. Additional funds are used for medications that are not on the mentioned list if the prisoners have no means to provide these medications for themselves. However, a psychiatrist informed us of the insufficient supply of psychopharmacological drugs, both anxiolytics, and antidepressants and antipsychotics.

8.15.*CPT RECOMMENDATION FROM 2015*

77. The CPT recommends that the Serbian authorities take the necessary action to ensure the provision of appropriate psychiatric and psychological care at the establishments visited. Further, prisoners suffering from severe mental illnesses should be cared for and treated in a closed hospital environment, suitably equipped and with sufficient qualified staff to provide them with the necessary assistance. In this connection, high priority should be given to projects to increase the capacity at specialised psychiatric facilities and establishments for the enforcement of measures.

2017 FINDINGS OF NPM

It is expected that the renovation of the Health Care Infirmary shall provide conditions for the appropriate psychiatric care from the aspect of material conditions. It is also necessary to execute recommendation regarding the sufficient number of qualified professional staff in order to meet the required standards for treatment of prisoners with mental disorders.

8.16.*CPT RECOMMENDATION FROM 2015*

78. The CPT calls upon the Serbian authorities to develop a comprehensive strategy for the provision of assistance to prisoners with drug-related problems (as part of a wider national drugs strategy) in the light of the above remarks as well as relevant publications by renowned international bodies.

2017 FINDINGS OF NPM

The Institution provides help to prisoners who are under treatment of drug addiction. 34 prisoners are on methadone program, which commenced prior to their arrival at the Institution. 3 psychologists take part in the psychosocial rehabilitation process. Regularly, once a week, a group psychotherapy is conducted with the aim of maintaining abstinence from psychoactive substances. Besides group psychotherapy, prisoners with addiction disorders are also involved in other structural rehabilitation and adaptation programs envisaged for all prisoners.

Treatment Service representatives have not attended workshops on “Addiction prevention, means of blood transmitted diseases and treatment options”, organized by the Administration for Enforcement of Penal Sanctions in cooperation with the Global Fund. *(more in NPM findings from 2017, recommendation No. 26)*

8.17.**CPT RECOMMENDATION FROM 2015**

80. As regards treatment in outside hospital facilities, some delays in transfers were evident at all the prisons visited. However, at The Penal and Correctional Institution Sremska Mitrovica, remand prisoners were systematically being denied external consultations and treatment by the investigative judge. In the CPT’s view, a prison’s health-care service should at least be able to provide regular out-patient consultations and emergency treatment and prison doctors should be able to call upon the services of specialists. There is no justification for prisoners, whether sentenced or on remand, being denied external specialist medical consultations.

The CPT recommends that the Serbian authorities take the necessary steps, through the appropriate channels, to ensure that prisoners receive appropriate and unimpeded access to specialist medical care whenever required.

2017 FINDINGS OF NPM

All the prisoners in need of medical care in secondary or tertiary health care institutions, are being regularly supplied, following the order of urgency determined by the doctor taking into consideration the objective health condition. In a certain number of emergency cases a possibility of delay is present due to insufficient number of vehicles and security service members that would be in the escort, or in cases when the health care institution, being asked for consultation review or treatment, postpones it.

8.18.*CPT RECOMMENDATION FROM 2015*

81. As was the case in 2011, newly arrived prisoners were in principle seen by a doctor within 48 hours of admission but the medical examination upon admission remained superficial, consisting merely of an interview, and there was no physical examination. Such an approach is not at all in line with Section 12 of the Rulebook on House Rules in Correctional Institutions and District Prisons. Steps should be taken in order to make sure that doctors and nurses reporting to a doctor are properly trained in carrying out medical assessments on newly arrived prisoners in line with the Rulebook.

The CPT recommends that the Serbian authorities ensure that prison health-care personnel at all establishments comply with the above-mentioned provisions of the Rulebook. In particular, the medical examination on admission should be comprehensive, including appropriate screening for transmissible diseases.

82. The CPT calls upon the Serbian authorities to instruct the custodial staff that no pressure should be exercised on health-care personnel to force them to conduct medical examinations of prisoners in the presence of custodial staff. Further, there can be no justification for custodial staff being systematically present during such examinations; their presence is detrimental to the establishment of a proper doctor-patient relationship and usually unnecessary from a security point of view.

2017 FINDINGS OF NPM

The recommendations are being acted upon.

8.19.*CPT RECOMMENDATION FROM 2015*

83. The CPT recommends that steps be taken at Sremska Mitrovica to ensure that medical documentation is properly stored and that all registers are diligently filled in respecting the general criteria of medical confidentiality.

2017 FINDINGS OF NPM

The recommendations are being acted upon.

8.20.*CPT RECOMMENDATION FROM 2015*

84. The Committee recommends that the Serbian authorities institute a practice of carrying out a thorough inquiry into every death of a patient, in particular with a view to ascertaining whether there are lessons to be learned as regards working procedures. In particular, the CPT reiterates its recommendation that prison management and prison doctors be systematically provided with the conclusions of autopsy reports (or at least information on the cause of death), as well as any results of the judicial investigation into such cases, concerning prisoners who die in custody in prison or in an outside hospital after having been transferred from their establishments.

2017 FINDINGS OF NPM

Doctors at the Penal and Correctional Institution Sremska Mitrovica are not provided with the conclusions of autopsy reports of the persons who died in the civilian institution where they were sent for treatment.

8.21.*CPT RECOMMENDATION FROM 2015*

108. the Serbian authorities should, as a matter of priority, review the current approach towards the resort to fixation in the Prison Hospital and put in place by far stricter rules governing its application. In particular, the CPT recommends that the following issues should be reviewed:

- regarding its appropriate use, fixation should only be used as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail to satisfactorily contain those risks; it should never be used as a punishment or to compensate for a shortage of trained staff;
- any resort to fixation should always be either expressly ordered by a doctor, and the doctor should in all cases visit the fixated prisoner and order the release from fixation, where appropriate;
- the duration of fixation should be for the shortest possible time (usually minutes rather than hours). The exceptional prolongation of restraint should warrant a further review by a doctor. Fixation for more than a period of one day cannot have any justification and may amount to ill-treatment;
- patients subject to fixation should receive full information on the reasons for the intervention;
- fixation of patients should never take place within the sight of other patients and fixated patients should be under continuous direct monitoring by staff;
- health-care staff should never be assisted by, or rely on, other patients when applying means of restraint to a patient or rely on other patients to provide care to restrained patients;
- the application of restraints should only be applied by adequately trained health-care staff;
- the management of the Prison Hospital should revise its formal written guidelines, taking account of the above criteria.

Further, the patient concerned should be given the opportunity to discuss his/her experience, during and, in any event, as soon as possible after the end of a period of restraint. In addition, the patient concerned should be informed of the relevant procedure, and avenues available, to make a complaint, if necessary.

The Committee recommends that the Serbian authorities take the necessary steps to ensure that all the principles and minimum safeguards set out above are applied rigorously in the Prison Hospital and ensure that the above-mentioned deficiencies are remedied.

2017 FINDINGS OF NPM

Fixation of prisoners with mental disorders is performed in compliance with the Law on the Rights of Patients with mental disorders ("Official Gazette of RS", No. 45/13). Respected are the principles that denote indications, time duration of fixation, and responsibility of a doctor, psychiatrist, for the beginning and the end of fixation. All the relevant information are recorded in a book "The Fixation Protocol". During 2015, 3 fixations have been recorded as well as during 2016, and since the beginning of this year, 3 fixation as well. In one case a problem was registered with regard to duration of fixation determined by the psychiatrist from the City Hospital during the weekend, since the Institution's psychiatrist does not work then.

8.22.*CPT RECOMMENDATION FROM 2015*

109. The CPT recommends that the Serbian authorities take urgent steps to increase the custodial staffing levels at The Penal and Correctional Institution Sremska Mitrovica.

110. As far as the delegation could gather, no dedicated course on manual control techniques and inter-personal skills was provided to prison guards. This is unfortunate in

particular in light of the numerous incidents described by the delegation in the present report in which such skills could have been beneficial for prison staff (see paragraph 52). The CPT would like to receive the comments of the Serbian authorities on the above-mentioned issue.

2017 FINDINGS OF NPM

Please see the recommendation under the number 9.16.

8.23.

CPT RECOMMENDATION FROM 2015

111. The Committee recommends that the Serbian authorities undertake the necessary steps in order to comply with the mentioned principles in all the prison institutions on the national level and ensure that minimum of convicts` rights to visits, prescribed by Law, be strictly observed.

The Committee recommends that the convicts` rights to visits shall increase to at least 1 hour per week.

2017 FINDINGS OF NPM

According to official statements, the visits last for an hour. Prisoners have not complained about the length of visit.

8.24

CPT RECOMMENDATION FROM 2015

113. The CPT recommends that the Serbian authorities rapidly refurbish the 12 rooms used for special visits at The Penal and Correctional Institution Sremska Mitrovica. The prison authorities should ensure that efforts be made in the future to maintain the rooms in a decent state.

2017 FINDINGS OF NPM

According to the statements of the officials, visiting of prisoners is carried out in a separate room in the hotel "Srem" within the Institution. Visits last for an hour as recommended by the European Committee for the Prevention of Torture (CPT). Rooms for visits by close family members have not been reconstructed. At the moment of visiting the Institution there were visits in all the premises, due to which the NPM team had the opportunity to see only one room. Hygiene of the room was satisfactory.

8.25.

CPT RECOMMENDATION FROM 2015

116. The LECS also still stipulated that it would be possible to deprive inmates of certain benefits and in particular to restrict visiting entitlements as a general disciplinary sanction (i.e. unrelated to the conduct of visits by the inmate in question). In the CPT's view, disciplinary punishment of prisoners should not involve a total prohibition of family contacts, and any restrictions on family contacts should be imposed only where the offence relates to such contacts.

The CPT recommends that steps be taken to amend the relevant legislation accordingly.

2017 FINDINGS OF NPM

The convicts exercise the rights on visits guaranteed by the Law. With regard to that, none of the interviewed convicts had complaints.

According to the Law on the Execution of Criminal Sanctions the basic right on 2 visits per month cannot be denied. As a disciplinary measure the removal of the granted extended rights and benefits up to 3 months is foreseen, which means that as a consequence of disciplinary measure, the perpetrator of a criminal offense could be denied the extended rights: to the number of visits, the circle of people that are permitted to visit the convict, to receive visits without supervision at the premises of the visit or in separate rooms, if one of the mentioned extended rights has been previously granted to the perpetrator. Measure of seizure of the granted extended rights and benefits can be pronounced cumulatively with the measure of referral to solitary confinement.

The Law no longer includes the provision under which during the serving of the disciplinary measure of referral to solitary confinement the convicts had no right to visits, and thus, those convicts still exercise (at least) the basic right to visits. During the serving of the disciplinary measure of referral to solitary confinement the convict has no right to visits of close persons in the separate room.

Disciplinary proceedings against the detained persons are conducted by the assigned judge, i.e. President of the Panel in criminal proceedings, and the Institution is obliged to inform the court on the violation of House Rules. The only disciplinary sanction for detainees prescribed by the Law on Criminal Proceedings is the restriction of visits, which excludes the visits of defines counsel. Disciplinary sanctions against the detainees located at Sremska Mitrovica Correctional Institution are rare. During 2016, 45 offenses of detainees were reported, of whom 3 were disciplinary sanctioned by the restriction of visits (for a period of 10 days, 15 days and a month). During 2017, 3 disciplinary offenses have been reported and 2 detainees are sanctioned by the restriction of visits for a period of 15 days each.

8.26.

CPT RECOMMENDATION FROM 2015

117. The CPT recommends that the Serbian authorities address the above-mentioned shortcomings observed in the conduct of disciplinary proceedings and amend the current regulations with a view to ensuring that disciplinary commissions hear cases of alleged breaches of discipline within days rather than weeks or months of the offence.

2017 FINDINGS OF NPM

After having examined the cases on conducting the disciplinary proceedings, it has been determined that disciplinary proceedings are launched without delay, not more than a few days from the date of the committed offense, as well as that oral hearings are scheduled at the appropriate intervals (within 10 to 15 days from the day of the committed offense). Decisions are usually made within the three working days. The commencement of the execution of disciplinary measure of referral to solitary confinement is usually less than 2 months from the committed offense, the main reason being the insufficient number of premises for the execution of the disciplinary measure. Upon entering into force of the decision on applying the measure of referral to solitary confinement to an individual, the General Affairs Service informs the Security service, which afterwards schedules him/her into the order of execution. On that occasion, the expiry date of the sentence is observed. During the visit of NPM, there were persons serving the solitary confinement measure, which was pronounced during March.

It is observed that the measure of referral to solitary confinement is frequently pronounced - from the last 42 recorded disciplinary sanctions for major offenses, 29 times is pronounced referral to solitary, and 4 times conditional referral to solitary.

After having examined several disciplinary cases, it is observed that the convicted persons have been informed on the right to professional legal assistance, that would provide the Institution's lawyer, as well as on the right to engage a defines counsel, in a conclusion on

launching the disciplinary proceedings. The conclusion states the date of hearing and it is served to the convicts within the appropriate deadline, prior to the day of hearing (approximately 5 - 10 days), so that they could prepare the defence. The convicts did not automatically receive the list of Institution's lawyer, who could provide assistance, but instead, were obliged to inform the procedural authority on the use of right to professional legal assistance prior to the hearing.

Decisions on disciplinary sanctions contain legal remedy on the right to appeal to the judge for the execution of criminal sanctions of the Higher Court in Sremska Mitrovica.

According to the statements of the employees, video recordings are occasionally used as evidence in disciplinary proceedings, where necessary, approximately 2 - 3 times a year. The reviewed disciplinary cases have shown that written statements of the convicts against whom the proceedings were conducted were used as evidence, along with the statements of other convicts - witnesses, officers, including other official documentation. In one case photographs of the discovered items whose keeping is prohibited, were used.

During the tour of the persons in solitarities, it was observed that the mattresses on their beds were folded, i.e. stacked into a cube. The persons present, as well as the officials of the Institution explained to NPM team that while serving of the measure the persons are forbidden to lie on the beds during the day, due to which the mattresses were folded. They are only allowed to sit, read books and magazines and stay outdoors in the fresh air for an hour. They have medical examinations on a daily basis, and sometimes they are visited by the Prison Governor or Deputy Prison Governor or the tutor.

8.27.

CPT RECOMMENDATION FROM 2015

118. In practice, in all the prisons visited the two above-mentioned preventive measures were imposed cumulatively (i.e. for up to 72 hours) in respect of inmates suspected of having committed a disciplinary offence. For example, at The Penal and Correctional Institution Sremska Mitrovica, in 102 out of 158 cases, where preventive isolation had been ordered by the prison director in relation to a disciplinary offence or for security reasons, it had been applied for 72 hours. Further, the measure was also being applied in respect of minor offences which did not pose a threat to the safety of other inmates or the security of the establishment (e.g. an attempt to introduce unauthorised beverages upon return from leave).

2017 FINDINGS OF NPM

After having examined the Records on isolation of convicts in the disciplinary proceedings (up to 48 hours) and Records on the use of coercive measure of isolation (up to 24 hours), it has been identified that coercive measure of isolation have been previously applied to all the convicts who have been isolated in the disciplinary proceedings during 2017 (in some cases, isolation in the disciplinary proceedings has been applied during the application of coercive measure, in some immediately after 24 hours, in others soon after the expiry of measure), therefore, all of those who have been isolated up to 48 hours during the disciplinary proceedings, were in total isolated for a longer period, but 72 hours maximum. During 2017, the total number of isolations in the disciplinary proceedings was 29, mostly in proceedings conducted with regard to violence or psychoactive substances. In several cases the convicts have been isolated in the proceedings conducted against them for possession of prohibited items or other misdemeanours...

8.28.

CPT RECOMMENDATION FROM 2015

119. The CPT recommends that the Serbian authorities put an end to the restrictions imposed during outdoor exercise for inmates serving a disciplinary sanction of solitary confinement or a security measure of enforced supervision at The Penal and Correctional Institution Sremska Mitrovica. Further, the courtyard should be equipped with benches and shelter against inclement weather.

2017 FINDINGS OF NPM

The persons who at the time of NPM visit have been serving a disciplinary sanction of solitary confinement, as well as persons placed under increased supervision, have not confirmed the statements of the persons present in these premises during the visit of the European Committee for the Prevention of Torture (CPT). Namely, both the present persons deprived of liberty and the prison officers have noted that persons can walk normally during the stroll in the yard. As far as interpersonal communication is concerned, the employees explained to NPM team that due to organizational reasons, and for the sake of exercising the right to be in the fresh air during the day, the persons serving a disciplinary sanction of solitary confinement are taken for a walk in groups of 5 to 6 of them, being forbidden the mutual contact, with regard to the imposed sanctions. Persons placed under increased supervision are taken for a walk around the blocks (several rooms at the same time - 12 rooms 2 persons each, total of 24 persons) and they are not forbidden to communicate mutually, but are forbidden to communicate with the convicts located at Pavilion III in regular accommodation.

8.29.*CPT RECOMMENDATION FROM 2015*

122. The CPT considers that a special register should be kept to record all cases in which recourse is had to means of restraint; the entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the person who ordered or approved it, and an account of any injuries sustained by the prisoner or staff. An individual subject to immobilisation should, at all times, have his/her mental and physical state continuously and directly monitored by an identified member of the health-care staff or another suitably trained member of staff who has not been involved in the circumstances which gave rise to the application of immobilisation. The staff member concerned should offer direct human contact to the immobilised person, reduce his/her anxiety, communicate with the individual and rapidly respond, including to the individual's personal needs regarding oral intake, hygiene and urination and defecation. Such individualised staff supervision should be performed from within the room or, if the inmate so wishes, very near the door (within hearing and so that personal contact can be established immediately). The supervising staff member should be required to maintain a written running record.

The CPT recommends that the Serbian authorities comply with the above-mentioned precepts when executing a measure of mechanical fixation at a prison establishment at the national level. Further, the fixation measure should only be resorted to in a medical setting (i.e. in the health-care centre of a prison) and the two beds equipped for the fixation of inmates located at Pavilion III of The Penal and Correctional Institution Sremska Mitrovica should be removed. As regards more general safeguards relating to the recourse of fixation of inmates, reference should be made to paragraph 108.

2017 FINDINGS OF NPM

The Institution's security service keeps the Records on the use of coercive measures. These Records are entered the name of the official, date and time of the applied measure, place of

the application (for example, the concerned Pavilion), type of the applied measure, name of the person deprived of liberty, consequences of the used measure, whether the person filed a complaint, assessment on the justification and regularity of use, which measures are subsequently undertaken towards the person (according to the Records a disciplinary procedure is always initiated) and whether some measures are undertaken against the officer. In the Institution is almost always applied a measure of separation in case of need for maintaining order and security: during 2017 coercive measures, besides bonding during escorting which is not recorded in the Records, are applied on 99 occasions, of which separation is applied 98 times, physical force 4 times, truncheon twice and fixation in the Institution once (in some cases multiple coercive measures are used cumulatively).

Documents on the use of measure are kept in the security service Records where the detailed report on the use of measure is stored, with the reasons for its use and officers that used the measure, conclusion of the authorized official on the legality of use, reports on medical examinations and a special report on the event prior to the use of measure.

Beds equipped for the fixation are removed from Pavilion III. Measure of bonding with leather belts has been applied 3 times since the beginning of the year.

8.30.

CPT RECOMMENDATION FROM 2015

123. The CPT recommends that the Serbian authorities increase their efforts to develop a purposeful regime for inmates placed under enhanced supervision which includes a diverse range of activities. Every effort should be made to enable prisoners to associate with other inmates and excessive restrictions should not be imposed which are not justified by their security profile.

Further, a revised sentence plan should be drawn up together with the prisoner, setting out the objectives and goals to be achieved in order for them to successfully reintegrate into the general prison population. Any review of the prisoner's placement should include a reevaluation of the plan and inmates should be allowed to challenge any decision on the prolongation of the measure through clearly established avenues of complaint. Finally, every inmate subject to an enforced supervision measure should receive a written reasoned decision and information on how the decision might be appealed.

2017 FINDINGS OF NPM

The convicts that are under the measure of increased supervision are still not included in any of the meaningful activities. They spend the days in the dormitories, with the possibility of stay in the fresh air up to two hours on a daily basis. In the Treatment Program of these convicts, the application of a special measure is noted "Accommodation under the increased supervision" without modification of the Treatment Program and identification of new individual goals, for the purpose of reintegration of the convict into the prison population. Upon pronouncing of measure, the treatment official only performs an individual interview with the convict. Convicts whom the measure is pronounced neither have, nor are in the position to watch TV in the accommodation premises, so that except for two hours in the fresh air, they have no meaningful activity regime.

All those present for the execution of the measure, had the decision on determining the measure of increased supervision or on its extension kept with themselves. Some of them noted their wish to be under increased supervision in order to stay away from other convicts. After having examined several decisions on determining and extending the special measure of accommodation under the increased supervision, it has been identified that the explanations of the decisions are superficial and only refer to legal basis and recommendations of Treatment and security services. Decisions include legal remedy on the right to appeal to the judge for the execution of criminal sanctions.

9. NPM RECOMMENDATIONS (FROM 2017) ON FURTHER IMPROVEMENT

9.1.

2017 FINDINGS OF NPM

According to official statements, the Institution has distributed around 100 new mattresses to persons deprived of liberty. However, during the tour of the dormitories, particularly the dormitories of women detainees, it was observed that the mattresses were rather old, dirty and shabby.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall provide appropriate bedding, especially adequate mattresses, to persons deprived of liberty.

9.2.

2017 FINDINGS OF NPM

During the interviews with women detainees, NPM team has been informed that hygiene kits do not meet their demands, i.e. do not contain sanitary pads.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall provide adequate quantity of sanitary pads in hygiene kits for the women detainees.

9.3.

2017 FINDINGS OF NPM

NPM team has visited the Pavilion Zelengora, i.e. dormitories where the misdemeanour foreigners / migrants are located. Hygiene in the premises is extremely bad.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall implement available measures and activities with the aim of influencing misdemeanour foreigners to maintain personal hygiene, as well as hygiene of the place in which they reside. Institution shall create conditions for its maintenance by providing the necessary chemical agents and equipment.

9.4.

2017 FINDINGS OF NPM

During the tour of the Pavilion Zelengora, NPM team has observed that the walls of the whole facility are extremely wet, and that due to moisture plaster falls off the walls.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall repair all the wet walls of the Pavilion Zelengora, and afterwards shall do the hygiene whitewash of the premises.

9.5.

2017 FINDINGS OF NPM

According to the official statements, as well as the statements of the interviewed persons, it is still the case that due to increased inflow of persons some of them sleep on "the floor" in the admission ward, as well as stay there longer than it is prescribed by the Law.

Officials claim that the problem of the overcrowded admission ward is due to the Rulebook on sending the convicted, misdemeanour and detained persons to Institutions for the execution of criminal sanctions²².

RECOMMENDATION

Administration for Enforcement of Penal Sanctions in cooperation with the Sremska Mitrovica Correctional Institution shall undertake measures to ensure that the retention of convicts in the admission ward shall not last more than 30 days.

Administration for Enforcement of Penal Sanctions shall submit the statement on the letter sent by Sremska Mitrovica Correctional Institution, for the purpose of modifying the existing Rulebook on sending the convicted, misdemeanour and detained persons to Institutions for the execution of criminal sanctions, aimed at relieving the Institution's accommodation capacities.

9.6.

2017 FINDINGS OF NPM

In the Treatment Service the existing number of employees is insufficient for the purpose of treatment of the convicts, i.e. for treatment jobs in the Institution there is a small number of work-engaged educators (34) compared to the number of convicted persons (1911).

RECOMMENDATION

Administration for Enforcement of Penal Sanctions shall undertake measures and provide the appropriate number of employees for treatment jobs at Sremska Mitrovica Correctional Institution.

9.7

2017 FINDINGS OF NPM

As far as the number of employees is concerned, especially those working in the security service, it is assessed that the number is insufficient and that the service requires around 50 additional members so that it could operate without obstructions. Currently, there are 302 members working in security service, of which 21 are female. Recently, 10 members retired, and 10 new has been employed (of which 1 female). However, from the total of employees, 2 commanders in 7-day shifts are deployed in the open division in Sokobanja, and in Belgrade - Padinska Skela Correctional Institution²³, 3 commanders in day shift and 2 in the night shift.

RECOMMENDATION

Administration for Enforcement of Penal Sanctions shall undertake the appropriate measures in order to increase the number of security service members in compliance with real requirements of Sremska Mitrovica Correctional Institution.

²² "Official Gazette of RS", No. 31/2015

²³ Due to the overload of the Institution's accommodation capacities, 42 convicts from Sremska Mitrovica Correctional Institution has been temporarily placed in Belgrade -Padinska Skela Correctional Institution.

9.8.

2017 FINDINGS OF NPM

The existing "Questionnaire for the assessment of risk behaviour of the convicted persons" makes the modification of Treatment Program more difficult in the section of subsequent classification.

RECOMMENDATION

Administration for Enforcement of Penal Sanctions in cooperation with Correctional Institutions shall update the current "Questionnaire for assessment of risk behaviour" of the convicted persons or shall create additional instruments for assessment of risk and requirements during the review of Treatment Program, primarily taking into account the behaviour and anticipation of convicts during the execution of the sentence and the results achieved in implementing the given Treatment Program.

9.9.

2017 FINDINGS OF NPM

Although there are some improvements with regard to education and professional training, in the Institution there is still great disproportion in number of convicts with incomplete and complete primary education and the number of those included in educational programs. Particularly is important a greater presence of training and courses in big Correctional Institutions such as Sremska Mitrovica Correctional Institution which, besides having a great number of convicts with incomplete and complete primary education, also has a significant number of convicts who completed the third or fourth degree of secondary education, so it would be good to provide them with the opportunity of retraining or additional qualifications and thus increase the possibility of occupational choice after being released from the Institution which decreases risk of criminological and penological recidivism.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall undertake measures to include greater number of convicts into education and professional training according to their needs and potentials.

9.10.

2017 FINDINGS OF NPM

A small number of convicts at the Penal and Correctional Institution Sremska Mitrovica (246) are employed, even though their workplace has been determined by the Treatment Program²⁴.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall increase the number of employed convicts, i.e. all convicts shall be engaged according to the workplace determined by the Treatment Program.

²⁴ More in section The Follow-up of the Implementation of the Recommendations from the NPM Report 2012, Recommendation No. 7.33.

9.11.

2017 FINDINGS OF NPM

Shared shower rooms in the detention unit of the Pavilion III are in good condition, and the hygiene is satisfactory. However, NPM has observed the absence of screens, i.e. the privacy of persons during the shower is undermined.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall provide privacy during the shower to persons deprived of liberty in all the shared shower rooms.

9.12.

2017 FINDINGS OF NPM

During the tour at the Institution the detailed notification on the procedure of mail delivery placed in the corridors, was noticed. Based on the interviews with the convicts and employees at the Institution, as well as after having examined the mail records, it was determined that the convicted persons were issued certificates of delivery of written consignments to the official persons of the Institution. However, the certificates were not issued to detainees.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall also issue to detainees certificates of delivery of written consignments to the official persons of the Institution.

9.13.

2017 FINDINGS OF NPM

The recommendation has been complied with. Notifications about video surveillance have been placed in the premises. However, not all the premises that are under video surveillance are marked, i.e. all the premises do not have a prominent notification that the place is under video surveillance.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall place visible notifications in all the premises that are under video surveillance.

9.14.

2017 FINDINGS OF NPM

The Institution has still not been sufficiently covered with video surveillance. Recently, video surveillance has been set up in the Pavilion I on the first and second floor. Also, there is a video surveillance in the kitchen premises and the corridors in disciplinary part of the Institution, as well as in some common premises. Solitaries are not under video surveillance.

Depending on the server, archiving of registered/recorded material is kept only 3 to 10 days.

RECOMMENDATION

Administration for Enforcement of Penal Sanctions and Sremska Mitrovica Correctional Institution shall undertake the appropriate measures with the aim of improving the Institution`s video surveillance system, i.e. providing wider coverage with cameras and enable archiving of the recorded material for a period of not less than 30 days.

9.15.**2017 FINDINGS OF NPM**

Alarms for calling the prison guards are temporarily being installed at "Zelengora". They are installed in the new Pavilion. However, they have not been installed yet in all the premises, nor in separate rooms for visit of close persons. Also, in several premises visited by NPM team, the alarm buttons do not work or are unreachable because they are blocked by the furniture.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall, without delay, install alarms for calling the prison guards in separate rooms for visits of close persons.

Sremska Mitrovica Correctional Institution shall continue to improve the alert system by installing the alarms for calling the prison guards, repair the defective buttons and remove the physical obstacles for reaching the buttons in all the accommodation units.

9.16.**2017 FINDINGS OF NPM**

After having examined the documentation on the application of coercive measures it has been determined that medical examinations are performed in the prescribed intervals after the use of coercive measures. However, in the individual cases in which physical force or truncheon was used, medical examination reports had not been detailed enough. For example, although the member of security service has noted in his report that he "used the truncheon in the sense of 6 -7 strokes to the back and posterior", the medical report made afterwards does not include the injury description, statements of persons about the circumstances of injury nor the doctor`s opinion on the connection between the convict`s statement and the injury.

RECOMMENDATION

The medical examination of convicts at Sremska Mitrovica Correctional Institution after the use of coercive measures shall be performed according to Istanbul Protocol.

The doctor`s reports on medical examinations performed after the use of coercive measures shall include:

- detailed description of the injuries,
- statement of the person to whom the coercive measure has been applied, on the way of injury, and
- the doctor`s opinion on the connection between the applied measure and the injuries.

Injuries of the persons deprived of liberty shall be entered in a special form intended for that purpose, with the body map where injuries are drawn, and shall be kept in the medical record.

Injuries of the persons deprived of liberty shall be photographed and photos kept in the medical record.

All the injuries of the persons deprived of liberty shall be recorded in the registry of injuries.

9.17.

2017 FINDINGS OF NPM

According to the statements of the security service members, as well as the statements of the convicted and detained persons, all healthy persons that are in closed division of the Institution are being transported with their hands and feet cuffed. This practice has been introduced based on the order of the Institution`s Prison Governor, after the escape of a person at the end of last year. Besides the escape prevention, the reason for the above mentioned practice is a lot of overtime hours of the escorting service members, who are exhausted and not physically and mentally fit, in order to properly react in case of escape attempt.

After having examined the escorting warrants, it has been determined that all the warrants in the previous period included the mandatory cuffing of feet and hands of the escorted person, mostly from the front. It is also noted in the order whether the use of firearms towards the escorted person is allowed.

RECOMMENDATION

Persons deprived of liberty at Sremska Mitrovica Correctional Institution shall have their feet cuffed during the escorting only exceptionally, if the authorized person decides so in the particular case, having in mind the characteristics of the escorted person, his/her physical constitution and other obtained findings.

In the escorting warrants for the persons deprived of liberty at Sremska Mitrovica Correctional Institution, shall be entered the characteristics of the escorted person significant for his/her escorting

9.18.

2017 FINDINGS OF NPM

According to the official statements, they have not obtained new uniforms since 2012, and some parts they had to buy themselves.

RECOMMENDATION

Administration for Enforcement of Penal Sanctions shall provide uniforms and the replacement of uniform parts to the members of security service at Sremska Mitrovica Correctional Institution, in compliance with the prescribed deadline.

9.19.

2017 FINDINGS OF NPM

After having examined several disciplinary cases, it is observed that the convicted persons have been informed on the right to professional legal assistance, that would provide the Institution`s lawyer, as well as on the right to engage a defence counsel, in a conclusion on launching the disciplinary proceedings. In the conclusion is stated the date of hearing and delivered to the convicts in the appropriate deadline, prior to the day of hearing (approximately 5 - 10 days), so that they could prepare the defence. The convicts did not automatically receive the list of Institution`s lawyers, who could provide help, but have been obliged to inform the procedural authority on the use of right to professional legal assistance prior to the hearing.

RECOMMENDATION

The Penal and Correctional Institution Sremska Mitrovica shall deliver, in addition to the notification about the right to legal aid to convicted persons in the disciplinary proceedings, the list of Institution`s lawyers, who could provide them aid if they have no proxy

9.20.

2017 FINDINGS OF NPM

The convicts that are under the measure of increased supervision are still not included in any of the meaningful activities. They spend the days in the dormitories, with the possibility of stay in the fresh air up to two hours on a daily basis. In the Treatment Program of these convicts the application of a special measure is noted "Accommodation under the increased supervision" without modification of the Treatment Program and identification of new individual goals, for the purpose of reintegration of the convict into the prison population. Upon pronouncing of the measure, the treatment officer only performs an individual interview with the convict. The convicts whom the measure is pronounced neither have, nor are in the position to watch TV program in the accommodation premises, so that except for two hours in the fresh air, they have no meaningful activity regime.

All those present for the execution of the measure had the decision on determining the measure of increased supervision or on its extension. Some of them noted their wish to be under increased supervision in order to stay away from other convicts. After having examined several decisions on determining and extending the special measure of accommodation under the increased supervision, it has been identified that the explanations of the decisions are brief and refer to legal basis and recommendations of Treatment and security services. Decisions include legal remedy on the right to appeal to the judge for the execution of criminal sanctions.

RECOMMENDATION

Treatment Service shall determine, in the modifications of Treatment Programs to persons who are prescribed a special measure of accommodation under the increased supervision, new individual goals and, accordingly, be included in the foreseen activities and undertake measures for the purpose of increased attention by the competent services to these persons. Also, it shall provide them with the possibility to watch TV program.

In the explanations of decisions on the application of special measures shall be noted the identified facts, the adequate legal regulations and reasons which, regarding the established facts refer to a decision that in the particular case shall be determined, extended or revoked the accommodation under the increased supervision, i.e. to determine or revoke the solitary confinement.