



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
281 - 9/17
Belgrade



Заштитник грађана
Zaštitnik građana

Reg. no. 9438 Date: March 8, 2017

NATIONAL PREVENTIVE MECHANISM

MONITORING OF PLACES FOR PLACEMENT OF PERSONS DEPRIVED OF THEIR LIBERTY

**MONITORING OF IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE
REPORT ON THE NPM VISIT TO PANCEVO DISTRICT PRISON IN 2013
AND
RECOMMENDATIONS FROM THE REPORT OF THE EUROPEAN COMMITTEE FOR
THE PREVENTION OF TORTURE (CPT) VISIT TO THE REPUBLIC OF SERBIA IN
2015**

Belgrade, February 2017

1. 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 (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. COURSE OF THE VISIT

2.1. CONVERSATION WITH THE WARDEN OF THE INSTITUTION

Visit of the National Preventive Mechanism (NPM) was initiated by the conversation of the team members with the warden of the Prison.

2.2. TOUR THROUGH THE PRISON AND INTERVIEW WITH PDLs

After introductory conversation with the warden, NPM team members visited the premises of the Prison and spoke with persons convicted of criminal and misdemeanour offences and detainees.

2.3. CONVERSATION WITH THE REPRESENTATIVES OF COMPETENT SERVICES IN THE PRISON AND ACCESS TO DOCUMENTATION

During the visit, the conversation was held with the representatives of competent services within the Prison on the topic of activities based on the recommendations given in the Report on Pancevo District Prison in 2013 and activities based on the recommendations from the Report of the European Committee for the Prevention of Torture (CPT) visit to the Republic of Serbia in 2015. Furthermore, relevant documentation was reviewed.

2.4. FINAL INTERVIEW WITH THE WARDEN OF THE INSTITUTION

After the tour of the Prison and performed interviews with PDLs and representatives of competent services, the final interview with the warden was used to present observations of the NPM team and confirm general improvement of the situation compared to the NPM visit in 2013 and visit of the European Committee for the Prevention of Torture in 2015.

3. COOPERATION OF THE OFFICIALS WITH THE NPM TEAM

The Administration of the Prison and all the officials present at the location fully cooperated with the NPM team. The tour through the Prison was enabled, without obstacles or surveillance of the interviews with the PDLs, including access to all relevant documents.

4. BASIC INFORMATION ABOUT THE VISIT

VISITED INSTITUTION	Pancevo District Prison
REASON OF THE VISIT	Monitoring of implementation of the recommendations from the Report on the NPM visit to Pancevo District Prison in 2013 and implementation of the recommendations from the Report of the European Committee for the Prevention of Torture (CPT) visit to the Republic of Serbia in 2015
GOAL OF THE VISIT	Protector of the Citizens, with participation of medical experts
VISIT DONE BY	February 21, 2017
DATE OF THE VISIT	Visit was announced
ANNOUNCEMENT OF THE VISIT	team leader: Jelena Unijat, <i>Protector of Citizens /NPM</i> team members: Jelena Jelic, <i>Protector of Citizens /NPM</i> Marko Anojcic, <i>Protector of Citizens /NPM</i> Jelena Samardzic, <i>Protector of Citizens /NPM</i> Prof. Djordje Alempijevic, PhD <i>Specialist in Forensic Medicine</i>

INTRODUCTION AND GENERAL OBSERVATIONS ABOUT THE VISIT

On February 21, 2017, Pancevo District Prison was visited for the purpose of monitoring of the activities based on the recommendations given in the Report on the visit of Pancevo District Prison (no. 71 - 28/ 13 of December 25, 2013) and monitoring of implementation of the recommendations given in the Report of the European Committee for the Prevention of Torture (CPT) visit to the Republic of Serbia in 2015.

In the Report on the visit of Pancevo District Prison in 2013, the Institution was given the total of 17 recommendations for removal of established irregularities in the work process. In its response⁴, the Prison informed the Protector of Citizens that 10 recommendations were implemented, 1 was not and 6 recommendations were partially implemented. The Prison further states that complete implementation of all given recommendations requires participation of other competent authorities, and that there are certain circumstances beyond the control of the Prison. In the Report on the visit organized in 2013, along with individual recommendations directed to the Prison, the Directorate for Enforcement of Criminal Sanctions was also directed a general recommendation in order to undertake appropriate measures in order for the persons deprived of their liberty to be relocated from the building in Pancevo to another suitable facility, and the existing one would not be used any longer since it does not fulfil defined standards due to inadequate location, ruined state and out-dated facility and overcrowding. There is an on-going construction of new Correctional Institution in Pancevo with accommodation capacity of 500 places, and completion of this facility is planned for the beginning of 2018.

In the Report of the European Committee for the Prevention of Torture (CPT), after the visit of Pancevo District Prison in 2015, the state was given 34 recommendations for the purpose of improvement of treatment of the PDLs. The Republic of Serbia delivered its response to the CPT explaining actions of the state based on the given recommendations.

The general impression of the NPM team during its visit 2017 was that the situation has significantly improved compared to the previous period, primarily due to relief of accommodation capacities of Pancevo District Prison compared to the previous period. Namely, during the visit of the NPM team to Pancevo District Prison in 2013, current number of PDLs was 161, where the total capacity was 164 beds, while during the visit of the CPT there was the total of 189 persons—137 in Pancevo, and 52 in the Department in Vrsac. At the moment of the visit of NPM team to the Prison in 2017, the number of PDLs in the building of the Prison in Pancevo was 85, and together with those placed in the Department in Vrsac, the total number was 118, which suggests that the number of deprived persons significantly decreased compared to the visits of NPM in 2013 and CPT in 2015. The decreased number of prisoners in the Prison in Pancevo results from the implementation of the new Regulation on sending persons convicted of criminal and misdemeanour offences and detainees to the institutions for execution of criminal sanctions⁵. Namely, part of the convicted persons who were previously sent to Pancevo District Prison is now sent to Smederevo District Prison.

The remainder of the Report contains the observations and the current situation compared to the recommendations given in the reports in 2013 and 2015, after the visits of NPM and (CPT).

⁴Number 71-6746/13 of February 24, 2014

⁵Regulation on sending persons convicted of criminal and misdemeanor offences and detainees to the institutions for execution of criminal sanctions (Official Gazette of the Republic of Serbia, no. 31/2015)

**RECOMMENDATIONS FROM THE REPORT ON THE NPM VISIT TO PANCEVO
DISTRICT PRISON IN 2013**

1.

ESTABLISHED DURING NPM VISIT IN 2013

- The rooms-dormitories where detainees are accommodated do not comply with the current standards.
- Common area for showering in Pancevo District Prison used by detainees and convicted persons in semi-open ward is in poor condition.
- During precipitation, Pancevo District Prison experiences difficulties in meeting the rights of the detainees to spend time in fresh air, because walking space in detention unit of the Prison does not have adequate eaves.
- The living room area, where convicted persons from the closed ward spend the most of their time, does not have sanitary facilities. Convicted persons complain that the restrooms are not available to them at all times, because the doors of the living room area are locked.
- Shared bathroom for showering of convicted persons in the closed ward is old and ruined.

RECOMMENDATION OF NPM OF 2013

Adequate measures should be undertaken without delay in the shortest period of time in order to cease with use of the building of Pancevo District Prison, i.e. in order for the works on the construction of a new prison to be completed and thus provide adequate facilities for the PDLs.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

The Government adopted the Regulation on Amendments to the Regulation on Establishment of Facilities for Enforcement of Criminal Sanctions in the Republic of Serbia (Official Gazette of the Republic of Serbia, no. 11/2017), thus establishing Correctional Institution in Pancevo which will begin working on January 1, 2018.

The deadline for the completion of construction of the new prison, in a “turnkey” project, is end of the year and the director expects this deadline to be complied with. The plan is to move the activities and employees from the existing Pancevo District Prison to the new institution. Based on the current plan, the Department in Vrsac will not be relocated to a new building.

2.

ESTABLISHED DURING NPM VISIT IN 2013

Hygienic - sanitary inspection of the kitchen area and the equipment in the Prison has not been performed by a competent authority/organization.

RECOMMENDATION OF NPM OF 2013

Hygienic - sanitary inspection of the kitchen area and the equipment in the Prison will be regularly performed.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

After the review of the relevant documentation, it was established that the Institute of Public Health in Pancevo, at the request of Pancevo District Prison, performed hygienic - sanitary inspection of the kitchen area and food examination.

3.

ESTABLISHED DURING NPM VISIT IN 2013

In Pancevo District Prison, PDLs do not receive written confirmation of delivery of letters to the officials of the Prison for the purpose of sending via registered mail, making it impossible for them to prove that fact if needed.

RECOMMENDATION OF NPM OF 2013

At the time a PDLs hands over a letter to an official of the Prison for the purpose of sending it via registered mail, he/she will be given the confirmation that the letter was handed over, including first and last name of the person who handed the letter, name (first and last name) of the recipient, date of handing over, registration number, signature of the official and stamp of Pancevo District Prison.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

PDLs hand their mail in closed envelopes to an administrative officer of the Prison. The mail is recorded in special books which are kept separately for detainees and separately for convicted persons, and contain all relevant data.

Convicted persons are immediately issued a confirmation about handing over all written mail and it contains all relevant data. However, the detainees do not receive these confirmations. Their mail is sent to a competent court, which is further forwarded to a recipient, but the court does not deliver confirmation of a receipt. Having in mind that the date when a filing is handed to an official in the Prison (and not the date when the court received it) is considered as the submission date, as well as that the detainees may use that confirmation to prove they handed over a written mail to an official in the Prison, it is necessary for them to be issued confirmation that these filings were handed over.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

In Pancevo District Prison, the detainees will be issued confirmations about written mail handed over to the officials of the Prison.

4.

ESTABLISHED DURING NPM VISIT IN 2013

Medical examinations of convicted persons at the time of imposing the measure of solitary confinement are not recorded.

RECOMMENDATION OF NPM OF 2013

The doctor will control medical condition of a convict serving disciplinary measure of solitary confinement at least once a day, and the results and findings will be recorded in the registration book of disciplinary measure of solitary confinement.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the access to the Book of visits in the solitary confinement and other relevant documentation, it was established that the doctor regularly examined medical condition of the persons serving disciplinary measure of solitary confinement, and the visits and observations were regularly recorded.

5.

ESTABLISHED DURING NPM VISIT IN 2013

In Pancevo District Prison, the files of the convicted persons do not contain the notes about the contents of the interviews or monitoring of other activities, and a certain number of convicted persons expressed their dissatisfaction in regards to implementation of the measure of educational - corrective work. Group forms of educational - corrective work do not exist.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison should intensify individual forms of educational - corrective work, and pursuant to established needs and certain individual goals.

After each interview, it is necessary to prepare a note about the contents of the interview, as well as implementation of other therapeutic activities established in individual action programs and place them in the files of that convicted person.

Pancevo District Prison will also introduce group educational work in therapeutic activities of convicted persons.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

After accessing several files of convicted persons it was noticed that some of them did not have notes about the activities of the officials in charge of treatment in respect of monitoring of the reaching of individually set goals, pursuant to the established needs of a convicted person, but only "lists of monitoring" used for tracking the activities of allocation of

convicted persons to a group and accommodation to a certain unit, initiation of work engagement, assigning broader rights and benefits etc. Review of the form “opinion of the official in charge of treatment about program activities“, and based on the results of the interviews with the convicted persons, it was noticed that high risk areas were “free time” and “employment“, but there is no information about the procedures and activities, or certain individual goals to be implemented towards the convicted persons in order to decrease the risk factor in these areas. Furthermore, by accessing the form “doctor’s opinion about work capacity of a convicted person” it was established that a person has working capacity, but he was not assigned a work position. On the basis of all above stated, the question is raised as to how to decrease the level of risk in the areas marked as extremely risky, and thus create the conditions for improvement in the group with higher level of expanded rights and privileges, in case individual goals are not set or implemented, as well as the activities intended for reaching of these goals.

Review of the file of one convicted person has shown that in certain investigated areas, when evaluating risky behaviour of convicted persons it was evaluated that there was no high or medium risk, but individual goal was set although there was no need for that. On the basis of all above stated, the question is raised as to why individual goals are set for the areas estimated as low risk, while there are no activities and procedures for the areas estimated as high or medium risk to decrease these risks.

Based on the statements of the officials in charge of treatment, group meetings with convicted persons are organized once a month in order to talk about the problems they face while serving their sentence. The form of group treatment, for the purpose of observation of convicted persons in group environment, their mutual impact and interaction have still not been introduced in therapeutic activities towards convicted persons due to lack of premises. In respect of specialized group treatment programs, the treatment officials stated that they lacked training and seminars on the topic of non-violent communication and prevention of aggressive behaviour of convicted persons, drug addiction and alcoholism, as well as education for work with those sentenced for a criminal offence of domestic violence. The last training session organized for the officials in charge of treatment, which was attended by the employees from the Treatment Service of Pancevo Prison was in 2013, and the Directive on the Work of Officials in charge of Treatment was rendered at that occasion.

6.

ESTABLISHED DURING NPM VISIT IN 2013

Convicted persons in closed ward of Pancevo District Prison are not informed of the manner and conditions for assignment of special rights.

RECOMMENDATION OF NPM OF 2013

The educators in Pancevo District Prison will fully and timely inform convicted persons in closed ward of the manner and conditions for assignment of special rights.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the Head of Treatment Service, in reception area, convicted persons are informed of house rules, duties and obligations in the Prison and rules regulating criminal sanctions. Furthermore, in order to provide most comprehensive practical information about serving the sentence, there is a written rulebook which is given to the convicted persons in the reception area. Written rulebook contains the information

such as how the mail and letters are received, working hours of the canteen, how the mail is received, how and when the visits are organized, contents of the packages, schedule of daily activities, list of laws and bylaws regulating serving of criminal sanctions, filing submissions and working hours of healthcare service. Also, it was emphasized that at the time the convicted persons are informed of their duties and obligations in reception area, they are also informed of the manner and conditions for assignment of extended rights and privileges, but during the term of the sentence the officials in charge of treatment are always available for additional explanations in regards of these rights and privileges.

7.

ESTABLISHED DURING NPM VISIT IN 2013

Persons serving their sentence in Pancevo District Court are not informed of the manner and conditions for review of the treatment program.

In most cases, convicted persons do not receive information from the educators about the procedure of review of their treatment program, or the reasons for lack of change in that respect.

RECOMMENDATION OF NPM OF 2013

Educators in Pancevo District Prison will timely and fully inform convicted persons of the manners and conditions for review of their treatment program.

Educators in Pancevo District Prison will timely and fully inform convicted persons of the course of the review of their treatment program, as well as reasons for lack of change in that respect.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the officials in charge of treatment, convicted persons are informed of the manner and conditions for review of treatment program, as well as reasons for the lack of change in that respect, which is stated in writing in the decision on changes of the treatment program, which was established by access to certain files of convicted persons. Convicted persons, particularly those allocated in group "B" stated that they were informed of the manners and conditions for review of treatment program, but are pretty sceptical about possibility to improve to more favourable group and accommodation, because, as they say, they have new criminal proceedings pending, and there are other circumstances placing them in the high risk group, thus decreasing probability for improvement to more favourable group or ward.

8.

ESTABLISHED DURING NPM VISIT IN 2013

Cooperation of Pancevo District Prison with the authorities competent for the issues of guardianship is not systemic or satisfactory.

Not enough attention is paid in Pancevo District Prison to the issue of social support of the convicted persons during their stay in the Prison.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison will regularly inform:

- **authorities competent for the issues of guardianship about placement of convicted persons with underage children in the Prison, in order to establish cooperation with those authorities, pursuant to their competences, and enable complying with the best interests of the children whose father is servicing prison sentence in the Prison.**
- **authorities competent for the issues of guardianship about placement in the Prison of convicted persons who are sole caregivers of third persons.**
- **convicted persons about all the information obtained in contacts with the authorities competent for the issues of guardianship about their underage children, i.e. persons they are sole caregivers for.**

Pursuant to its obligations and capacities, Pancevo District Prison will pay more attention to the activities in the area of social support and assistance for the convicted persons during their time in prison.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the Head of the Treatment Service, at the time of entry, family anamnesis is performed and it is established whether a convicted person has underage children or third persons he is a sole give for, in order to inform competent centre for social work to undertake further activities to provide care for these persons. Cooperation with competent centre for social work is done in writing, and information received from the centre about the activities undertaken in order to provide care for underage children or third persons he provides sole care to, are always communicated to those convicted persons. Furthermore, cooperation with competent centres for social work is also established when there is a need to provide support to a convicted person in exercising of the right to social support during the term of the sentence.

9.

ESTABLISHED DURING NPM VISIT IN 2013

Within the treatment program in Pancevo District Prison, there is no set obligation of the program for provision support and assistance to convicted persons by external institutions and organizations after their release.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison will, pursuant to the needs of convicted persons, proceed with preparation of the program for support and assistance after release. This primarily refers to the obligation to inform external institutions and invitations for cooperation.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the Head of the Treatment Service, release preparation program

is done within the program of activities on the basis of estimated and expressed needs of convicted persons for post-penal support and assistance. Release preparation program is done on the form prepared by the Prison which includes the information about the time of initiation of the preparation for the release, needs of the convicted persons after served term and activities undertaken in order to establish and keep contacts with the centre for social work, National Employment Service, Commissioner and organizations working on reinstatement of convicted persons into the society.

Preparation for the release consists of informative interview with convicted person, cooperation with the family of convicted person and external institutions (centre for social work, National Employment Service, Commissioner for implementation of non-institutional sanctions and measures and police). Before their release, convicted persons are given instruction and recommendations who they can contact in respect of receiving one-time financial assistance, finding temporary accommodation, employment, regulating health insurance etc. Also, convicted persons are given flyers of the National Employment Service (NES), with the instructions how to registers with the NES, how to actively search for job, which training sessions to attend etc. Based on the statements of the Head of the Treatment Service, the Prison has good cooperation with the Centre for Social Work in Pancevo, which immediately pays one-time financial assistance to ex-convicts, unlike centres for social work in other cities where the waiting period is 15 days. Centre for Social Work in Pancevo provides services of soup kitchen for up to three months and temporary accommodation for up to one month for ex-convicts, while National Employment Service Branch Office in Pancevo provides seasonal work and certain project activities for ex-convicts. Based on the statements of the Head of Treatment Service, most convicted persons do not need post-penal support and assistance after they finish their sentence, and that is confirmed by low number of implemented release preparation programs during 2016, of 2 to 3 programs in total.

10.

ESTABLISHED DURING NPM VISIT IN 2013

Visits to the detainees in Pancevo District Prison last approximately 10-15 minutes.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison will enable visits to the detainees which will last for at least one hour, as stipulated by current regulations.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the Security Service, detainees are entitled to the right of open and close visits of close persons. Open visits are done in visitation room, which is also used for the visits by attorneys, organization of cultural-arts activities and official visits of employees. Closed visits are organized in improvised space, established for the purpose of these visits in a way to disable physical contact of detainees and visitors and under supervision of the members of Security Service. During these visits, the packages are examined in presence of both detainees and their visitors.

After access to personal lists of detainees, it was established that the Basic Court in Pancevo did not specify duration of the visits in approvals of the visits, while High Court in Pancevo specified that the visits could last up to 30 minutes. However, based on the statements of the members of the Security Service, if there is a possibility, i.e. there are not many visitors on

that day, the visits last longer than 30 minutes. They are particularly ready to meet the needs if the visitors come from remote places. During the interviews with the detainees, the various pieces information was obtained, that visits last 15 minutes to one hour, and some of them said that they did not have any visits, because they had no one to visit them.

11.

ESTABLISHED DURING NPM VISIT IN 2013

Due to technical issues in Pancevo District Prison, convicted persons experience difficulties in exercising their right to unobstructed telephone calls.

RECOMMENDATION OF NPM OF 2013

Pancevo District Court will undertake appropriate measures to remove technical insufficiencies of landline telephone in the Prison and improve quality in establishing and maintaining telephone connections during conversations of convicted persons.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the statements of the Head of the Treatment Service, the insufficiencies in respect of landline telephone in the Prison, therefore there are no problems to establish and maintain telephone connection. New landline telephone booths have been placed in the Prison, one in semi-open and three in closed ward. During the tour of the prison, convicts did not have any complaints in respect of work of telephone booths.

12.

ESTABLISHED DURING NPM VISIT IN 2013

Healthcare protection service does not have full time employed medical technician.

The Prison does not have a separate room for performance of medical examinations and separate room for patients.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison will have at least one medical technician until conditions are met for hiring full medical team defined by systematization (one doctor and two nurses-technicians).

Pancevo District Prison will provide a room for medical examinations equipped pursuant to current law and standards.

Pancevo District Prison will provide a separate patients' room for placement of PDLs who are ill.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

As of 2014, there is one medical doctor and one medical technician who are full time employees. Until January 1, 2016, their employment was based on service contract, and after that based on employment contract concluded for definite period of time. Head of the Prison presented the documentation to show that the commission was established and that the announcement was made for hiring of one medical doctor and medical nurse/ technician for full time position for indefinite period of time.

One separate room was designated and equipped in the Prison for performance of medical examinations – policlinic.

The Prison still does not have a separate patients’ room.

13.

ESTABLISHED DURING NPM VISIT IN 2013

In Pancevo District Prison, the doctor does not examine every PDLs immediately after receipt in the Institution, upon return to the Prison after temporary absence and before release.

The doctor in Pancevo District Prison does not immediately examine the PDLs complaining that he is ill or there are signs of illness.

Comprehensive data obtained during examination are not entered in the protocol and medical chart of the PDLs. The findings of the doctor in the columns are not signed and certified by the stamp.

RECOMMENDATION OF NPM OF 2013

The doctor at Pancevo District Prison will examine each detainee and person serving prison sentence immediately upon his arrival to the Prison, person serving prison sentence upon return to the Institution after temporary absence and before release from the Prison.

The doctor at Pancevo District Prison will immediately examine a detainee or person serving prison sentence complaining of illness or with signs of illness. Application of this measure with increased efficiency of exiting doctor (temporarily engaged) would be realistic with hiring of medical staff in accordance with above mentioned systematization.

Medical charts of detained and persons serving prison sentence in Pancevo District Prison will be filled in adequate way with entry of all the data obtained during examinations.

Recorded findings will be entered by the doctor in Pancevo District Prison who will personally sign them and place his/her stamp.

Pancevo District Prison will enable detainees and persons serving prison sentence access

to the information about their health condition and contents of their medical charts.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

The doctor examines the detainees or persons serving prison sentence complaining of illness or showing signs of illness. During working hours, this examination is performed without delay, and outside of working hours the doctor comes at request, and in urgent situations city service for urgent medical assistance is called.

Medical charts of detainees and persons serving prison sentence are filled in adequate way by entry of all the data received during examination, and entered data are signed personally by the doctor who certified them by his/her signature.

Based on the statements of the doctor, detainees and persons serving prison sentence are enabled access to the information about their health condition and contents of their medical charts. Copy of the medical chart and other medical documentation is issued at written request.

Based on the statements of the convicted persons, the doctor in the Prison does not examine persons serving prison sentence upon their return to the Prison after using their privileges.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

The doctor in Pancevo District Prison will examine convicted persons upon their return from temporary leave from the Prison.

14.

ESTABLISHED DURING NPM VISIT IN 2013

The doctor in Pancevo District Prison does not perform daily examination of PDLs who are imposed disciplinary measure of solitary confinement.

RECOMMENDATION OF NPM OF 2013

Pancevo District Prison will enable performance of medical examinations at least once a day for all persons during serving disciplinary measure of solitary confinement.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

After access to the records kept in regards to implementation of disciplinary measure of solitary confinement, it has been established that the doctor performs daily medical examinations of PDLs who are imposed this disciplinary measure.

15.

ESTABLISHED DURING NPM VISIT IN 2013

PDLs serving their sentence at Pancevo District Prison are not provided adequate dental protection.

RECOMMENDATION OF NPM OF 2013

PDLs serving their sentence at Pancevo District Prison will be provided with examination and other required services of a dentist within the shortest period of time.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

There are no conditions in the Prison to provide any kind of dental service, and PDLs who need these services are sent outside of the Prison. According to the doctor, referral to the dentist is done without any problems with minimum waiting period except in emergency situations when these services are provided without waiting. According to the reports about provided medical services, it is observed that in November and December of 2016, there were 7, i.e. 3 dental services, while in January 2017, there were 7 dental services provided. Furthermore, during the interviews with NPM team members, PDLs confirmed that they were taken for dental examination to surrounding medical institutions.

16.

ESTABLISHED DURING NPM VISIT IN 2013

Injuries of PDLs in case of coercive measure are recorded in medical charts only as diagnosis in Latin and they lack the statements of the persons towards whom these measures were implemented and how the injuries occurred.

RECOMMENDATION OF NPM OF 2013

The doctor at Pancevo District Prison will prepare written report about performed examination, and in regards to implementation of coercive measures, with the following mandatory information 1) statement of the person against whom the coercive measures were implemented and how the injuries occurred and 2) opinion about correlation between implemented measures and inflicted injuries.

Observed injuries inflicted during implementation of a coercive measure should be explained in the documents in more details.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

Based on the access to the written report about performed examination, and in regards to application of coercive measures (Report no. 24-3778/16-05 of June 21, 2016, referring to convicts M.S. and C.R.), it was established that the doctor recorded 1) statements of the persons towards whom coercive measure was applied about how the injuries were inflicted and 2) opinion about correlation between applied measure and inflicted injuries.

Descriptions of physical injuries in these reports are not detailed.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

The doctor in Pancevo District Prison will provide more detailed description of injuries of PDLs inflicted as a consequence of implementation of coercive measures.

17.

ESTABLISHED DURING NPM VISIT IN 2013

The doctor in Pancevo District Prison does not submit periodical written reports to the warden of the Prison about medical condition of convicted persons; reports when it is established that physical or mental state of a convicted person has been violated or threatened due to extension or manner the measure is served; findings and recommendations about the quality and quantity of food for convicted persons; findings and recommendations for improvement of hygiene in prisons and personal hygiene of convicted persons, sanitary condition and equipment, heating, light and airing of the rooms where convicts spend their time; findings and recommendations about required physical activities of convicts; notices about any sign or indication that a convicted person is treated in a violent manner.

RECOMMENDATION OF NPM OF 2013

The doctor in Pancevo District Prison will submit required written reports, findings and recommendations - periodical reports to the warden of the Prison about medical condition of convicted persons; reports when it is established that physical or mental state of a convicted person has been violated or threatened due to extension or manner the measure is served; findings and recommendations about the quality and quantity of food for convicted persons; findings and recommendations for improvement of hygiene in prisons and personal hygiene of convicted persons, sanitary condition and equipment, heating, light and airing of the rooms where convicts spend their time; findings and recommendations about required physical activities of convicts.

Head of Pancevo District Prison will implement all the measures advised by the doctor without delay.

ACTIVITIES BASED ON RECOMMENDATION OF NPM (2017)

The doctor submits the head of the Prison a periodical written report about performed control of accommodation, food, hygiene and sanitary conditions, and the last report no. 50-758/17 was submitted on February 17, 2017. The only recommendations in this report refer to the needs of more frequent airing of the rooms where detainees and convicts spend their time. During the visit, it was noticed that the windows were open.

The doctor does not submit periodical written reports, findings and recommendations - periodical reports to the head of the Prison about medical condition of convicted persons. According to the statements, the doctor did not submit the report to head of the Prison when

he established that physical or mental state of the convicted persons was violated or threatened due to extension or manner the sentence was served, as well as recommendation for treatment of those persons, because there were no occurrences of such situations.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

The doctor in Pancevo District Prison will submit periodical written report about medical condition of convicted persons to the head of the Prison.

MONITORING OF IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE REPORT OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE (CPT) VISIT TO THE REPUBLIC OF SERBIA IN 2015

1.

REPORTCPT - paragraph 22.

The CPT recommends that steps be taken to ensure that the prison medical services at the establishments visited, as well as other prison medical services in the rest of the country, fully play their role in the system for preventing ill-treatment, ensuring that the record drawn up after the medical screening contains:

- i) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment);**
- ii) a full account of objective medical findings based on a thorough examination, and**
- iii) the health-care professional's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.**

The record should also contain the results of additional examinations carried out, detailed conclusions of specialized consultations, a description of treatment given for injuries and the results of any further procedures performed.

A record of the medical examination in cases of traumatic injuries should be made on a special form provided for this purpose, with body charts for marking traumatic injuries that will be kept in the medical file of the prisoner. Further, it would be desirable for photographs to be taken of the injuries, which should also be placed in the medical file. In addition, a special trauma register should be kept in which all types of injury observed should be recorded.

The CPT recommends that procedures be 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 clearly 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.

RESPONS STATES ON REPORT CPT

Without response. (see: paragraph 50.)

FINDINGS OF NPM

After reviewing reports about performed medical examination of the patients who had visible physical injuries it was established that they contained:

- i) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment);
- ii) a full account of objective medical findings based on a thorough examination, and
- iii) the health-care professional's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.

The injuries are not photographed.

The Prison does not use a special form with body chart (map) in order to draw traumatic injuries, as a form of records about medical examination in case of traumatic injuries.

The Prison still does not keep a special registry of traumatic injuries for registration of all types of observed injuries. Namely, the Prison keeps the records - *protocol of work related injuries* recording physical injuries of convicted persons which occurred during and in relation with their work engagement in the Prison. These records are regularly updated.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

In case of traumatic injuries of PDLs, Pancevo District Prison will:

- along with medical exam, also attach a special form with body chart (map) for the purpose of drawing traumatic injuries and which will be kept in the medical file of that person;
- photographs of the injuries, which will be kept in the medical file;
 - keep separate records about injuries of the PDLs (registry of traumatic injuries), with description of all observed injuries.

2.

REPORTCPT- paragraph 49.

The CPT recommends that the Serbian authorities take action to ensure that the management of Pancevo District Prison, 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.

RESPONS STATES ON REPORT CPT

The Committee gave an account of the allegations of ill-treatment towards prisoners. In connection with the presented observation, we inform you that employees in institutions for enforcement of

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

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

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

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

FINDINGS OF NPM

Based on the conversations with the warden and the staff, as well as with PDLs, it was concluded that the management of the Prison regularly visited convicted persons and detainees and spoke with them. The warden imposed mandatory periodical tour of the Prison by heads of the Treatment Service and Security Service, and all interviewed persons stated that they regularly saw the warden as well.

In 2017, only one convict submitted the complaint to the warden of the Prison, about the work of healthcare service and actions of the members of the Security Service. This complaint was rejected as unfounded. After review of the case file, it was established that the evidence in the proceeding had been reports and statements of the officials about the references in the complaint, and that the decision had been elaborated and that the applicant had been informed about his right to file an appeal against that decision.

Each ward has a mailbox where convicted persons may put the request for a confidential conversation with the warden, and the warden is the only one who has the keys for that mailbox. According to the statements, once the officials notice that the mailbox has a paper in it, they inform the warden accordingly. During the NPM visit, all observed mailboxes

were empty. According to the warden, these requests are not frequent. The warden states that he organizes confidential conversations based on these requests, and they are not separately recorded, and he only notes on the request that the conversation took place, but not the contents of the conversation, and that request is placed in the personal file of that convicted person.

The Prison is regularly visited by the judge competent for enforcement of criminal sanctions, where he/she tours accommodation capacities and interviews PDLs. All the PDLs who were interviewed during the visit stated that the judge had visited them and has spoken with them. Visits and comments of the judge for enforcement of criminal sanction are recorded in a special Book. After review of the Book it was established that as of beginning of 2017 the judge has visited detention unit at three occasions, that the detainees who expressed interest were enabled to speak with him/her in private and that the detainees did not have any complaints about their treatment.

In the previous period (December 17, 2015), the Prison was also visited by a non-governmental organization Helsinki Committee for Human Rights in Serbia, and the report with recommendations was prepared about that event.

Furthermore, the Prison has improved its video surveillance: number of cameras increased, the recordings from new cameras are kept for 15 - 20 days (unlike old ones where the recordings were kept for only 7 days) and the Department in Vrsac has been included in the integrated video surveillance.

3.

REPORTCPT- paragraph 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.

RESPONS STATES ON REPORT CPT

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

In order to improve the work performance of health services in institutions, within the EU funded project "Improving Training Programmes at the Centre for Professional Administrative Education and Training", the implementation of which will start in the course of 2016, a special section is related to training of employees for the implementation of

the Istanbul Protocol. The plan is to organize training courses for trainers (doctors employed in prisons), allowing this type of education to become the integral part of training in the Training Centre.

FINDINGS OF NPM

Medical examinations are done so that non-medical staff cannot hear the communication between the doctor and the patient, or witness the exam, because they are done in the policlinic, behind closed doors, without presence of non-medical staff. In certain situations, the doctor requested presence of a member of the Security Service during examination which was explained by “pressure on the doctor” made by a specific patient.

The access to the medical file of the specific patient, convicted B.M., has shown as follows:

- greater number of medical examination in the Prison, and examinations by the specialists outside the Prison were recorded
- the file contains the copy of the letter of the doctor in the Prison fom January 19, 2017 at 13.30 where the doctor requested from the Security Service to secure presence of one staff member of the stated service during examination of the patient B.M.
- in regards to performed medical examination, it was stated that the examination was also attended by the member of the Security Service whose first and last name were marked on the chart.

Based on the access to the documentation – report of the doctor in the Prison, no. 24-377/16-05 of June 21, 2016, sent to the warden of the Prison, and in regards to medical examination after application of coercive measure towards convicts M.E. and C.R., it is obvious that the examination was done thoroughly, that the data about circumstances of injuries described by the patient are recorded, the injuries are described, and that the doctor gives his opinion about correlation between established injuries and data about their occurrence.

Neither the doctor nor medical technician of the Prison took part in the education of the employees on the topic of implementation of the Istanbul Protocol.

4.

REPORTCPT- paragraph 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.

RESPONS STATES ON REPORT CPT

In order to prevent violence among persons deprived of liberty, the officers in charge of the treatment conduct interviews with convicts and organize programmes of control of aggressive behaviour. As part of the regular training in the Training Centre, members of security service attend classes presenting the response in situations of violence between the convicts (inmates). The aforementioned EU-funded programme shall also include the improvement of the training in this segment. As regards

the allegations that the main cause of violence among the inmates is the result of the insufficient number of employees in the security services, we hereby inform you that the Directorate for Enforcement of Criminal Sanctions announced a competition for recruitment of 150 security officers in institutions, according to the defined plan for 2016 and also that the testing of applicants is in progress.

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

FINDINGS OF NPM

The Prison keeps the Records of Conflicts between the PDLs, containing first and last name, status of the person (convict, detainee or penalty for misdemeanour), reason of the conflict and date, whether coercive measure was applied, whether he was provided medical care, whether Operational Centre of the Administration, court and On-Call Service were notified, as well as the note. The court was informed of the majority of cases which included physical violence as well. According to the statements of the officials, there were no cases where the public prosecutor had to be informed.

The Prison does not implement specialized programs for control of aggressive behaviour, because, according to the statement of the officials, the incidents do not occur often. In case of conflicts, the participants are separated by allocation to different dormitories. The Records of Conflicts show that the conflicts are of different intensity (from verbal to physical) and occur 1- 2 times a month.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

Pancevo District Prison will introduce programs for control of aggressive behaviour in treatment programs for convicted persons.

5.

REPORT CPT- paragraph 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.

RESPONS STATES ON REPORT CPT

As regards the comments of the Committee for the application of measures of handcuffing of convicts

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

FINDINGS OF NPM

According to the statements of the Security Service, an average of 100 escorted transfers are done a month, out of which in 5 cases persons are handcuffed, both hands and legs are tied. The legs are tied only for those persons who are estimated to pose high risk, i.e. that there is a high risk of escape. Furthermore, it is stated that the convicts from closed ward are handcuffed during transport, and always with hands in front. These statements were also confirmed by the convicts from the closed ward who were interviewed: they were all tied when they were taken outside of the Prison, and only few of them stated that both their hands and legs were tied, because it was estimated that they posed a high risk. However, one of the convicts claimed that few months before that, while he was escorted, his hands were tied at his back.

The Prison has four special motor vehicles, and they are used for transportation of the PDLs. One vehicle, produced in 2005, was recently received from the Correctional Facility Pozarevac - Zabela, and it has equipment for video surveillance installed and ventilation.

6.

REPORT CPT- paragraph 54.

The CPT recommends that steps be taken without further delay to ensure that prison staff does 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.

RESPONS STATES ON REPORT CPT

Acknowledging the recommendations of the Committee, the Rulebook on Uniforms, Insignia, Weapons, Special Vehicles and Other Equipment in the Directorate for Enforcement of Criminal Sanctions was adopted ("Official Gazette of RS", no. 29/2016), containing the provision on the manner of carrying a police baton, so that it is invisible. Part of the Rulebook which defines the uniform of security service -trousers, stipulates that the right part of the trousers in the area of seam, along the leg, must have tailored sewn pocket to fit the baton.

FINDINGS OF NPM

After the CPT visit, Security Service members stopped carrying batons inside the Prison, which was also noted during the visit and confirmed by all the interviewed PDLs. According to the staff statements, members of this service have not received new uniforms since 2012, and they had to buy certain parts of uniforms themselves.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

The Directorate for Enforcement of Criminal Sanctions will provide uniforms for the Security Service of Pancevo District Prison, as well as replacement of parts of the uniforms in line with the prescribed expiration dates.

7.

REPORT CPT-paragraph 60.

At Pancevo District Prison, the material conditions of the building visited were generally very poor. All cells lacked direct access to natural light. Cells presented other serious structural deficiencies, such as insufficient ventilation, non-functioning artificial lighting, high levels of humidity (in particular on the ground floor), no in-cell heating system, sewage sipping from the ceiling, a rancid stench from an open garbage container located in the courtyard, and the absence of in-cell call bells. The sanitary facilities, with the exception of those used by detainees prisoners which had been recently renovated, were found to be in a poor state of repair with broken windows in the shower rooms, poor hygienic conditions and dilapidated washbasins and broken taps. The extremely poor material conditions of detention were aggravated by the fact that inmates were spending 23 hours and or more per day in their cells, with nothing purposeful to do.

RESPONS STATES ON REPORT CPT

The Committee noted the lack of natural light and inadequate ventilation in certain premises in Pancevo District Prison. We would like to note that following the procedure conducted with the local self-government authorities, it was determined that this issue cannot be resolved at the moment since the building of the District Prison in Pancevo is classified as immovable cultural - 15 - heritage based on the Decision on establishing immovable cultural heritage of great importance⁷, and given the fact that it makes spatial cultural and historical property of great importance together with the old town centre of Pancevo. The General Regulation Plan 8, establishing the boundaries of the historic core of Pancevo, prescribes that for the works on facilities and parcels within these facilities, in addition to other licenses provided by competent authorities, it is also necessary to meet the requirements and obtain approvals for the protection of cultural heritage from competent authorities, i.e. in this case from the Institute for the Protection of Cultural Monuments in Pancevo. The warden of the District Prison in Pancevo wrote to the Institute for the Protection of Cultural Monuments in Pancevo asking them to give an opinion and issue an approval for reconstruction works on the building of the District Prison in Pancevo, in Njegosheva Street no. 6, with the aim to improve the accommodation conditions of the convicts, according to recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Institute for the Protection of Cultural Monuments delivered a negative opinion regarding such an intervention on the building located in Njegosheva Street no. 6, taking into account the protection of cultural heritage.

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

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

liberty is also connected to the heating system.

FINDINGS OF NPM

The conditions of the building at Pancevo District Prison have been improved, but they are still not in accordance with the current standards. First level – the detention area – has been renovated, and, allegedly, all of the rooms are painted every three months. Prisoners' bathroom has been renovated and the reception area has been established. Problems with insufficient natural light, humidity and rundown sanitary facilities still remain. However, as it has already been stated in the response by the Republic of Serbia, architectural conditions are such that not much can be done regarding this. The dormitories visited by the NPM team members were relatively clean and sufficiently heated (the prison building is connected to the central heating system).

In front of every dormitory, there are clotheslines for drying of prisoners' personal clothes, which reduces humidity inside the dormitories.

8.

REPORT CPT- paragraph 61.

*The conditions of detention observed by the CPT's delegation at Pancevo District Prison could well amount to inhuman and degrading treatment. At the end of the visit, the delegation requested **to be informed within one month of the concrete steps taken and planned by the Serbian authorities in the short and medium term in order to provide acceptable accommodation for the prison population currently held at Pancevo District Prison.** By letter received on 17 July 2015, the authorities informed the Committee that steps had been taken to refurbish two empty cells (normally used for the accommodation of female prisoners). Further, the reparation of the sanitation and sewage installations were due to be completed shortly and steps had been taken to request the necessary permissions from the relevant authorities to modify the cells in order to provide them with direct access to natural light and to introduce an in-cell ventilation system. While taking note of the measures taken by the Serbian authorities, **the CPT would like to emphasise that the prison building located in the centre of Pancevo does not provide adequate conditions for the detention of persons.***

RESPONS STATES ON REPORT CPT

In the period of the increased number of persons deprived of liberty in the District prison in Pancevo the fact is that dormitories accommodated six persons per dormitory, and each dormitory surface area is 11.4 m². Following the visit of the European Committee, convicts were relocated (certain number of convicts was transferred to the District Prison in Smederevo), while two rooms used for detention of women and accommodation of convicts are refurbished. Currently six dormitories with the stated surface area, accommodate less persons and the number is reduced from six to three persons, while the dormitories with the total area of 56 m² now accommodate 14 persons. Sanitary block is repaired.

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

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

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

FINDINGS OF NPM

During their tour of the Prison, the NPM team determined that the rooms-dormitories in the detention area had less people in them (three to four persons per dormitory).

The deadline for the new prison turnkey construction is by the end of the year and the warden expects that this deadline will be met. The Government adopted a Regulation on Amendments to the Regulation on Establishment of Facilities for Enforcement of Criminal Sanctions in the Republic of Serbia (Official Gazette of the RS, No 11/2017), by which the Correctional Institution in Pancevo is established and will start operating on January 1, 2018. The plan is to move the employees and operations from the existing Pancevo District Prison to the new facility.

9.

REPORT CPT- paragraph 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 at Pancevo District Prison.*
- *supply all inmates with a range of personal hygiene items and products to clean their cells.*

Further, the CPT would like to receive information on the refurbishment works undertaken at Pancevo District Prison

RESPONS STATES ON REPORT CPT

Through application of the new Rulebook on the Referral of Convicted, Detainees and Misdemeanour Prisoners to Penal Correctional Institutions of the Pancevo District Prison, the number of persons deprived of their liberty was reduced, and consequently the level of occupancy of the living space in most rooms satisfies the requirement of minimum 4 m² of living space. Works in the Pancevo District Prison are described in items 60 and 61.

FINDINGS OF NPM

At Pancevo District Prison, the number of persons deprived of liberty has been reduced. At the time of the NPM visit, in Pancevo District Prison (including the Department in Vrsac) there was the total of 119 PDLs, 86 of which were in Pancevo, as follows: 15 detainees, 67 convicted, 3 misdemeanour prisoners and 1 person detained for up to 48 hours as per the Criminal Procedure Code. In the prison building, there are 47 convicted prisoners and 1 misdemeanour prisoner, as well as all of the detainees and 1 detained person, while there are 20 convicted and 2 misdemeanour prisoners at the prison economy. According to the statements, the number of prisoners reduced after an amendment to the referral regulations, by which certain number of convicted persons was referred to the Smederevo District Prison instead of this Institution.

Several prisoners complained that they were not receiving hygienic packages. The NPM team was told that these were the persons with sufficient financial means of their own, and that the hygienic packages were provided by the Prison only to those who could not afford to buy personal hygiene items and products.

10.

REPORT CPT - paragraph 65.

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

RESPONS STATES ON REPORT CPT

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

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

FINDINGS OF NPM

Interviewed detainees told the NPM team that they were spending 15-20 minutes to 1 hour outdoors. However, they stated that they often voluntarily cancelled their walks due to bad weather conditions.

During the tour of the Prison, the NPM team noticed that persons spending time outdoors had a table for table tennis, as well as equipment for physical exercise available in the yard. However, the eaves over the walkway are not of appropriate size and they do not offer protection to PDLs from bad weather conditions.

REPORT CPT – paragraph 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 Belgrade and Pancevo District Prisons.

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

According to the statements of an employee in the Training and Work Service, in line with systematization of the work positions for convicted persons⁶, the convicted persons work in the Prison and outside of it. Work positions in the Prison building are in the kitchen, maintenance work, as well as work at the prison economy in Pancevo, such as: work in the dining hall and at the workshop (agricultural mechanization assistant worker), housekeeping activities (locksmith repairs, electrical appliances repairs and other electrical works, as well as repairs to the water supply and sanitary system), activities in cattle production, at the fodder mixing facility, activities in the greenhouses and maintenance works such as prison yard maintenance, cleaning of rooms, laundry room activities, and others.

Occasionally, the convicts are engaged in the work outside of the Prison, as per the needs of other institutions (court, municipality, city library) with which the Prison has a contract on business and technical cooperation. At the time of the visit, there were no persons engaged in work outside of the Prison. Besides the aforementioned institutions, the Prison also sent the contract on business and technical cooperation to the “Vojvodina Šume” (Vojvodina Forests) company in order to engage the prisoners in forestation activities in the Deliblato Sands and parts of the South Banat. According to the warden’s statements, as part of the projects financed from IPA funds⁷, the Prison was awarded a project for medicinal herbs dryer construction at the prison economy in Pancevo. Implementation of the project will start in April-May of the current year and will last for 15 months, with approximately 30 convicts involved in the implementation. Technical training for the convicts regarding the dryer work will be conducted by “Dr Josif Pančić” Institute for Medicinal Plants Research.

At the time of the NPM team’s visit, in the Pancevo Prison building, 2 convicts from the closed ward were working in the kitchen, in two 8-hour shifts, while 9 convicts from the half-open ward and 1 misdemeanour prisoner were working on maintenance work in the prison yard and as warehouse assistant and kitchen assistant.

⁶Since April 1, 2010

⁷The Instrument for Pre-Accession Assistance intended for providing support to the candidate countries and potential candidates for the European Union membership.

At the prison economy in Pancevo, as per the action program, there are work positions for 12 prisoners – 10 convicted and 2 misdemeanour prisoners, while in reality, there were 8 prisoners working there: 2 working with cattle, 3 in agricultural production and 3 prisoners doing maintenance work at the economy (maintenance of the yard and preparation of boiler room fuel). According to the treatment service staff, prisoners are engaged in maintenance work in accordance with occasional needs for this type of work. Financial compensation for the prisoners who work are calculated as per hour of work, and payment of this financial compensation is regular, according to the prisoners' statements.

Regarding cultural, arts, sports and recreational activities, prisoners have limited opportunities due to the limited resources of the Prison, both in terms of space and technical requirements for implementation of these activities. In fact, when it comes to cultural and educational activities, the prisoners can use the prison library and take part in creative workshops that are thematic and in line with prisoners' preferences and interests. The workshops usually last 3 to 4 months, with 5 to 6 prisoners involved in them for one to one and a half hours, once a week. After completion of the workshop for one group of prisoners, another group gets involved. In addition, every year, prisoners have an opportunity to take part in the Festival of Prisoners' Creations at the Correctional Facility in Valjevo and Art Colony at the Correctional Facility in Sombor.

When it comes to sports and recreational activities, they can use equipment for physical exercise and table tennis in the walkway, but only in good weather conditions. In addition, prisoners have various board games available (chess, dominoes, etc.).

12.

REPORT CPT - paragraph 68.

*At Pancevo District Prison several inmates complained to the delegation that their requests to meet a religious representative and to organise collective liturgies during festivities had been rejected due to the alleged absence of an available chaplain. **The CPT would welcome the comments of the Serbian authorities on this.***

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

In December 2009, by the Pancevo Parish decision, a priest was appointed to conduct visits to the Prison for purpose of fulfilling of religious rights and needs of the prisoners. The priest visits every time there is a request from a prisoner. Since the Prison does not have a space for religious services, it is not possible to organize collective church services during religious holidays. In addition to meetings with the priest, prisoners are allowed to follow a religious diet. In the new prison in Pancevo, there will be a room for performing religious services for prisoners.

REPORT CPT - paragraph 69.

*However, it appeared that very little consideration was being given to the preparation of inmates for release at Pancevo District Prison. **The CPT recommends that pre-release courses for sentenced prisoners be introduced at all prisons.***

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

According to the statements of the Head of the Treatment Service, the program for preparation for release is done as part of the action program on the basis of the assessed and expressed needs of the prisoners for post-penal support and assistance. Program for preparation for release is done on a form prepared by the prison, with recorded time of the beginning of preparation for release, the needs of the convicted person after having served the sentence, and activities taken for establishment and maintaining of contact with the Centre for Social Work, National Employment Service, Commissioner Service and organizations dealing with re-socialization of the convicted persons.

Preparation for release consists of an informational interview with the convicted person, cooperation with the convicted person's family and external institutions (Centre for Social Work, National Employment Service, Commissioner Service for Enforcement of Non-Custodial Sanctions and Measures, and the Police). After having served the sentence and before their actual release, the prisoners receive instructions and recommendations where to apply for a one-off financial assistance, how to resolve temporary accommodation issues, how to get employment, regulate health insurance, etc. In addition, the prisoners receive brochures from the National Employment Service (NES) with instructions on how to register at the NES, how to actively search for employment, which trainings to take, etc. According to the statements of the Head of the Treatment Service, the Prison has a good cooperation with the Pancevo Centre for Social Work which immediately pays one-off financial assistance to former convicts, as contrary to the centres for social work in other cities where one has to wait for such assistance for up to 15 days. Pancevo Centre for Social Work provides to former convicts soup kitchen services for up to three months, as well as temporary accommodation for up to one month, while the Pancevo Branch Office of the National Employment Service provides to former convicts seasonal jobs and some project activities. According to the statements of the Head of the Treatment Service, most of the convicts after having served the sentence do not need post-penal support and assistance, and this is confirmed by rather small number of implemented programs for preparation for release during the year 2016 - only 2 to 3 programs.

Since the model of the preparation program for release from the Correctional Institution in Nis was assessed as good practice by the European Committee for the Prevention of Torture during their visit to the Republic of Serbia in 2015, the Administration has committed to

preparing a proposal for uniform forms for the preparation program for release, and they plan to send it to all facilities for enforcement of criminal sanctions in order to ensure uniform practice in creation of preparation program for release of convicts. According to the statements of the Head of the Treatment Service, in November 2016, treatment service members attended a conference organized by the Organization for Security and Cooperation in Europe and the Administration for Enforcement of Criminal Sanctions, where a model of the form used in the Correctional Institution in Nis for "Preparation Program for Release and Assistance to Convicts after Having Served the Sentence" was presented, but at the time of the NPM team's visit, Pancevo District Prison still had not received such forms.

14.

REPORT CPT - paragraph 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 individualized 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 individualized sentence planning taking into consideration the above remarks. Further, it would like to receive a copy of the new "Rulebook on the treatment, the individual treatment programmes, classification and re-classification of prisoners" once it is adopted.

RESPONS STATES ON REPORT CPT

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

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

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

FINDINGS OF NPM

Since Pancevo District Prison is used for enforcement of short-term sentences (up to one year), amendments to action programs are made even before the deadlines prescribed by the Rulebook⁸. Amendment to an action program implies previous assessment of behaviour of the convict by representatives of the Security Service, Training and Work Service (if the convict is working) and Treatment Service representative's assessment on realization of the set individual goals and level of cooperation of the convict in implementation of the action program. According to the official data, on the day of the Team's visit, there was the total of 85 PDLs, where 67 were convicted, 15 detainees and 3 misdemeanour prisoners. Out of the 67 convicted prisoners, 31 of them were in the closed ward, 31 in the half-closed ward, where 22 of them were located at the prison economy in Pancevo and 9 of them in the Prison building. At the time of the Team's visit, 5 persons were in the reception centre, meaning, they were still not classified and referred to a particular ward or group.

According to the statements of the Head of the Treatment Service, during 2016, there were 164 classifications done at the reception centre, where 120 of convicts were referred to the closed ward, 43 to the half-closed ward and 1 convict to the open ward. That same year, out of the total of 98 re-examinations of action programs aimed at subsequent re-classification to a group with higher level of rights and privileges, specifically from "V" to "B", 18 convicts were reclassified. Small number of reclassifications to a group with higher level of rights and privileges, besides new criminal procedures and other circumstances which prevent convicts' advance to a more favourable group, may indicate that action programs and established individual goals were not implemented, which may be a consequence of the Prison's limited space and technical capacities to involve convicts in various types of activities (culture, arts, sports, recreational activities and work activities), through which the convicts could, in line with the assessed needs and established individual goals, achieve their action program and increase probability of advancement to a ward or a group with less restrictive regime.

However, having in mind the number of convicts classified and reclassified to the half-open ward of the Prison on the day of the NPM team's visit, as well as the Prison's limited capacities to involve convicts in more relevant activities, it can be concluded that the Treatment Service members have a more liberal approach when it comes to re-examination of the action program and advancement to a regime with higher autonomy and responsibility.

15.

REPORT CPT - paragraph 74.

The health-care units generally possessed adequate medical equipment, although the delegation noted that Pancevo District Prison not possessed a defibrillator.

The recently installed consultation room at Pancevo District Prison was cramped and consisted only of a desk and lacked any medical equipment.

RESPONS STATES ON REPORT CPT

⁸Rulebook on Treatment, Programme, Actions, Classification and Subsequent Re-classification("Official Gazette of the RS", No. 66/2015), article 32, paragraph 2, item 1

With regard to the purchase of medical equipment (defibrillators) in Pancevo District Prison which was recommended by the Committee, we inform you that they have been purchased.

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

FINDINGS OF NPM

Consultation room – polyclinic in the Prison is small, but it is adequately equipped. The polyclinic contains desks for the doctor and medical technician, a chair and a bed for patients, one screen, one scale with height measure, cabinet for medicines and medical instruments, cabinet for medical files, stethoscope, blood pressure monitor, simple manual resuscitator, laryngoscope, pulse oximeter, otoscope, inhalation apparatus (nebulizer), electrocardiograph (ECG), glucose meter with test strips (at the time of the visit, they were near their expiration date: by 03-2017), dry heat sterilization machine, and a set of surgical instruments for the so-called minor surgery. The polyclinic has a sink with hot and cold water, the walls are painted and hygiene is good. Level of natural light is somewhat lower due to window glass being covered with non-transparent material (the polyclinic is on the ground floor and the window faces Njegoseva Street, with people passing right by the building), and the artificial lighting is satisfactory. In front of the polyclinic, in the hallway, there is an improvised waiting room.

After the visit by the European Committee for the Prevention of Torture, the polyclinic was equipped with defibrillator (it is an automated device that does not necessarily have to be used only by medical professionals, but also by persons with appropriate training). The company that supplied the defibrillator also provided training for the doctor and medical technician on how to use the defibrillator.

Outside of the doctor’s and medical technician’s working hours, the defibrillator is kept locked in a cabinet located in the polyclinic, and therefore it is unavailable for potential use. In addition, non-medical staff employed at the Prison was not trained to use the defibrillator.

RECOMMENDATION OF NPM FOR FURTHER IMPROVEMENT OF THE SITUATION:

The Administration for Enforcement of Criminal Sanctions and Pancevo District Prison will undertake the measures to organize first aid and CPR training for Pancevo District Prison Security Service members.

16.

REPORT CPT- paragraph 75.

In addition, steps should be taken to:

- **reinforce the staffing complement of nurses at Niš and Sremska Mitrovica Correctional Institution as well as at Pancevo District Prison;**
- **supply the in-patient facilities of Pancevo District Prison and Sremska Mitrovica Correctional Institution with basic life-saving equipment.**

RESPONS STATES ON REPORT CPT

Without response.

FINDINGS OF NPM

As of 2014, there has been one medical doctor and one medical technician employed full time by the Prison. Until January 1, 2016, their engagement was regulated by the temporary service contract, and after that by the fixed-term employment contract. The warden presented documentation that showed that a committee was formed and a job competition announced for one full time employee for the position of medical doctor and a nurse/medical technician.

Currently, the Prison is equipped with basic life-saving equipment.

17.

REPORT CPT- paragraph 76.

The delegation was pleased to note that the distribution of medicines to prisoners was now entirely performed by health-care staff at all the prisons visited.

Further, the pharmacies in the establishments visited were stocked with an appropriate range of medication. The vast majority of medication required was reimbursed by the health-insurance authority and families stepped in to fill the gap when special medication was required. That said, the delegation received numerous complaints from inmates without families concerning the lack of medicines provided by the prison health-care authorities (e.g. asthma inhalers and antibiotics for chronic infections).

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.

RESPONS STATES ON REPORT CPT

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

see: paragraph 74.

FINDINGS OF NPM

Regarding the supply of medicines, some documentation was presented – an order for successive delivery of medicines and medical supplies from two companies selected through a central tender, as well as delivery receipts which show that the Prison received these medicines over the several months prior to the visit. Those orders show that the Prison purchases the medicines that are on the so-called positive list of the Republic Fund for Health Insurance. There are small quantities of medicines in the medicine cabinet at the

policlinic and it was explained that due to lack of space, the Institution did not purchase large quantities of medicines at once.

18.

REPORT CPT- paragraph 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 specialized psychiatric facilities and establishments for the enforcement of measures.

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

The Prison does not have any employed physician - specialist in (neuro) psychiatry. Consultative examinations by psychiatrists are conducted at the Psychiatry Department of the Pancevo Health Centre which is very close to the Prison. According to the data from monthly reports on health protection services provided in the period from October to December 2016, the number of specialist examinations by psychiatrists varies from 4 to 9 per month.

Convicted persons suffering from mental illnesses are treated in a closed hospital environment - Special Prison Hospital. During 2016, there were 10 hospitalizations, and in the current year, three patients have been hospitalized.

19.

REPORT CPT- paragraph 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.

RESPONS STATES ON REPORT CPT

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

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

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

FINDINGS OF NPM

As part of the activities focused on assisting the prisoners with drug-related problems, in mid-December 2016, the Administration for Enforcement of Criminal Sanctions organized harm-reduction training for health staff. The doctor and medical technician of the Prison were sent to this training. According to the statements of the Treatment Service members, persons with psychoactive substance addiction problems do not undergo any specialized treatment programs. These persons are usually sent to the Special Prison Hospital for treatment, and after completion of the treatment, they serve their sentence.⁹

20.

REPORT CPT-paragraph 79.

The CPT would like to receive the comments of the Serbian authorities on alternative therapies to be provided in relation to newly detected cases of hepatitis C.

RESPONS STATES ON REPORT CPT

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

⁹For more details, see "Actions taken upon NPM recommendations given in the Report on the visit to Pancevo District Prison, 2013", recommendation number 5.

FINDINGS OF NPM

Currently, in the Prison, there are 5 persons with diagnosed hepatitis C, and none of them receive specific therapy. In cooperation with the Treatment Service, the doctor organizes workshops in the Prison on the subject of communicable diseases, and also gives out information on communicable diseases and adequate protection at the first medical examination when the patient is admitted.

In November 2016, the Union of Serbian Organizations for the Support of People Living with HIV and AIDS organized a confidential voluntary testing.

21.

REPORT CPT - paragraph 80.

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.

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

According to the doctor's statements, there are no problems in the Prison with scheduling of specialist medical examinations outside of the Prison, in the Pancevo General Hospital. According to the reports covering the three months before the control visit, the total of 46 specialist medical examinations was performed - 20 in November 2016, 14 in December 2016, and 12 in January 2017. The highest number of examinations was performed by psychiatrists - 18, followed by surgeons - 7 examinations.

Since the summer of 2016, the Ministry of Health has introduced an informational system for scheduling doctors' appointments and other services (the Integrated Health Information System). According to the written notification from the Minister of Health of August 29, 2016, the method for scheduling examinations for persons in institutions for enforcement of criminal sanctions has not changed.

22.

REPORT CPT - paragraph 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.⁵¹ 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.

RESPONS STATES ON REPORT CPT

81/82. The administration for enforcement of criminal sanctions sent a mandatory instruction to all institutes on the manner of conducting the first health inspection in accordance with Article 12. The Rules of Conduct of correctional facilities and district prisons on confidentiality of medical inspections and presence of medical staff during inspection, except in the case defined in Article 25 of the Rules of Conduct.

FINDINGS OF NPM

In the interview, the Prison doctor stated that the first medical examination after the admission is done as soon as possible. If the admission occurs outside of the doctor's working hours, the first examination is done on the following work day; for those admitted after regular working hours on Friday or during weekend, the doctor is called to come in and conduct examination. The examination usually consists of an interview with the patient and collection of medical history data and analysis of medical documentation if the patient has brought any. After that, the doctor performs examination of the whole body, does the height and weight measuring, and then performs physical examination with measuring of blood pressure.

Through inspection of randomly selected health files, it was determined that all the appropriate sections were filled out in relation to the first medical examination. Convicted persons from the half-open ward with more privileges (weekends, going to town, etc.) stated that upon their return to the Prison, they did not undergo medical examinations.¹⁰

23.

REPORT CPT- paragraph 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.

¹⁰For more details, see "Actions taken upon NPM recommendations given in the Report on the visit to Pancevo District Prison, 2013", recommendation number 13.

RESPONS STATES ON REPORT CPT

81/82. The administration for enforcement of criminal sanctions sent a mandatory instruction to all institutes on the manner of conducting the first health inspection in accordance with Article 12. The Rules of Conduct of correctional facilities and district prisons on confidentiality of medical inspections and presence of medical staff during inspection, except in the case defined in Article 25 of the Rules of Conduct.

FINDINGS OF NPM

In the Prison, there is no systematic presence of non-medical staff during medical examinations. There are some individual cases, as per doctor's request, and in these cases, information about the presence of non-medical staff (Security Service members) was included in the medical files.¹¹

24.

REPORT CPT -paragraph 83.

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

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

During regular working hours of the medical professionals in the Prison, medical documentation is kept inside the policlinic. Outside of regular working hours, according to the doctor's statement, medical documentation - medical charts are kept in a locked cabinet inside the policlinic.

Policlinic protocol was inspected and the conclusion is that it is kept properly.

25.

REPORT CPT - paragraph 84.

All establishments were registering prisoners who had died in an outside hospital or while on leave. That said, the prison health-care units were still not receiving copies of the autopsy reports performed on deceased prisoners (including those who had died at the respective prison

¹¹For more details, see "Monitoring of implementation of recommendations from the Report on the visit of the European Committee for the Prevention of Torture to the Republic of Serbia, in 2015", recommendation number 3, item 50.

establishment). More generally, **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.**

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

According to the doctor's statements, since she started working in the Prison (in 2014) there have been no cases of death.

26.

REPORT CPT- paragraph 85.

The CPT recommends that the Ministry of Health inspectors look into all aspects of the functioning of prison health-care services in all establishments on an on-going basis.

RESPONS STATES ON REPORT CPT

Without response.

FINDINGS OF NPM

According to the doctor's statements, since she started working in the Prison (in 2014) there have been no visits by the Ministry of Health inspectors.

27.

REPORT CPT - paragraph 109.

The CPT recommends that the Serbian authorities take urgent steps to increase the custodial staffing levels at Pancevo District Prison.

RESPONS STATES ON REPORT CPT

In accordance with the recommendation by the Committee, the Administration for enforcement of

criminal sanctions announced a public competition for acceptance of 150 service members for security in institutes, and testing of applicants is in process.

FINDINGS OF NPM

Public competition for employment of 150 security service members did not include Pancevo District Prison, so there were no new employments, which means there is still a lack of staff. Including the Department in Vrsac, there are 50 employees in the Security Service. However, 7 of them were recently sent to regular periodical medical examination and only one of them was declared fully fit for security work, so there are currently 44 active Security Service members, which is barely enough to cover the three shifts in the main building of Pancevo District Prison, the Department in Vrsac and two economies. In addition, 3 to 4 staff members will soon retire, so the total number of the Security Service members will further decrease. Because of this, Security Service members often work overtime. Furthermore, with the new systematization document, all of the existing vacancies have been deleted, which means that according to this new document all the positions are filled, even though there is a need for additional staff.

On the day of the NPM visit, the total number of full time employees was 65. Since the aforementioned competition for full time employment of one doctor and one medical technician is near completion, the total number of full time employees should soon be 67. There is a plan to announce in the next one or two months a competition for admission of 200 employees for the new Correctional Institution in Pancevo, which would, with the existing number of employees, make the total of 267.

28.

REPORT CPT - paragraph 110.

In the course of its visit the delegation had a meeting with the Director of the Staff Training Centre of the Directorate of the Execution of Criminal Sanctions located adjacent to the Niš Correctional Institution. The Centre was providing both induction and in-service intensive courses for prison officers at different levels as well as for other categories of employees of the prison administration. That said, 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.**

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

Members of the Security Service have not had any specialized trainings focused on manual control techniques and communication skills. At the end of 2016, they were tested in

physical preparedness, shooting and theoretic knowledge of regulations in their field of work, and it is planned to do these tests again at the end of 2017.

The warden stated that regulations were being prepared that would regulate the Security Service members' training.

29.

REPORT CPT - paragraph 111.

While acknowledging the improved opportunities for visits for detainees prisoners, the CPT nevertheless considers that the aim should be for all prisoners to be able to receive at least one visit of one hour every week. Further, the CPT accepts that in certain cases it will be justified, for security-related reasons or to protect the legitimate interests of an investigation, to have visits take place in booths and/or be monitored. However, "open" visiting arrangements should be the rule and "closed" ones the exception, for all legal categories of prisoners. Any decision to impose closed visits must always be well-founded and reasoned, and based on an individual assessment of the potential risk posed by the prisoner.

The CPT recommends that the Serbian authorities take the necessary steps in order to comply with the above-mentioned principles at all prison establishments at the national level and to make sure that the minimum visit entitlements for prisoners provided by the legislation are strictly complied with.

RESPONS STATES ON REPORT CPT

Without response.

FINDINGS OF NPM

Described in the section - Actions taken upon the recommendation of NPM, number 10.

30.

REPORT CPT - paragraph 113.

The prison authorities should ensure that efforts be made in the future to maintain the rooms in a decent state. Further, measures should be taken in order to equip one room for family visits at Pancevo District Prison.

RESPONS STATES ON REPORT CPT

Without response.

FINDINGS OF NPM

The Prison has not provided a room for family visits, due to lack of space.

31.

REPORT CPT - paragraph 117.

As regards disciplinary proceedings, the delegation noted that inmates, notably at Pancevo District Prison, were generally not informed in writing of their right to avail themselves of the services of a legal counsel. Further, it observed that in the course of other proceedings the disciplinary commission of this prison did not take into account as evidence official documents (such as medical reports or CCTV recordings) and provided no explanations for their decisions.

It was common practice in the establishments visited that all the hearings of the disciplinary commissions and, subsequently, the enforcement of any sanction, took place several months after the initiation of procedures. Holding a hearing into a disciplinary offence up to two months after the alleged offence does not serve the needs of maintaining good order in the prison; disciplinary offences should be dealt with rapidly, through fair and transparent procedures.

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.

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

Through the review of disciplinary proceedings, as well as the interviews with convicted persons, it is determined that, along with the delivery of summons, convicted persons also receive a notification on the right to a professional legal assistance or to the attorney of their own choice.

The NPM team noted that during 2016, there were cases where several (3 to 4) months would pass between the date of the alleged offence and the pronouncement of the disciplinary measure, but that period was shortened to approximately one month in the second half of 2016 and in 2017.

32.

REPORT CPT - paragraph 118.

Pursuant to Section 168 of the LECS, the director of a prison has the power to impose a measure of preventive isolation for up to 48 hours on an inmate from a closed ward, who is suspected having committed a disciplinary offence, for security reasons.⁷⁶ Further, Section

20 of the Rulebook on Order and Maintenance of Security Measures in Correctional Institutions stipulates that a director or a delegated person has the right to place an inmate for good order and security reasons in a special unit or cell for up to 24 hours.

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. 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 unauthorized beverages upon return from leave).

RESPONS STATES ON REPORT CPT

By letter received on 31 July 2015, the Serbian authorities informed the Committee that all prison establishments at the national level had been instructed not to apply the above-mentioned preventive measures cumulatively and to resort to the measure of separation of an inmate for up to 24 hours only in relation to the most serious disciplinary offences and in the presence of justified reasons in terms of maintaining order and security. **The CPT welcomes these instructions and trusts that they will be duly implemented in all prison establishments.**

FINDINGS OF NPM

After the review of documentation and the interviews with the convicted persons, the NPM team did not conclude that there was cumulative application of separation of convicted persons during disciplinary proceedings (up to 48 hours) and application of the measure of separation (up to 24 hours). Since the beginning of 2017, the measure of separation was applied only once, and 3 times during the entire 2016. The reasons for application of this measure were physical assaults of other convicted persons and admission to the Prison under the influence of alcohol. On the other hand, the attorney conducting disciplinary proceedings against the convicts noted that separation of up to 48 hours during a disciplinary proceeding is not applied because the same effect can be achieved through separation as corrective measure for up to 24 hours, or through relocation of a convict to another dormitory.

33.

REPORT CPT - paragraph 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 immobilization 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 immobilization. The staff member concerned should offer direct human contact to the immobilized 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 individualized 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 Sremska Mitrovica Correctional Institution should be removed. As regards more general safeguards relating to the recourse of fixation of inmates, reference should be made to paragraph 108.

(108.) The findings of the visit demonstrate that 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 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.

RESPONS STATES ON REPORT CPT

The Administration has imposed to the institutes mandatory implementation of the provisions of the Rulebook and recommendations of the Committee referring to mechanical fixation methods.

FINDINGS OF NPM

In Pancevo District Prison, the measure of restraint with leather straps (so-called fixation) is not applied.

34.

REPORT CPT - paragraph 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 re-evaluation 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.

RESPONS STATES ON REPORT CPT

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

FINDINGS OF NPM

According to the statement of the Head of the Treatment Service, increased individual work and support are the only treatment activities applied to the prisoners who are placed under increased surveillance, while there is no implementation of any of the specialized programs in the Prison.