



REPUBLIC OF SERBIA
PROTECTOR OF CITIZENS
411-127/20
Belgrade



Protector of Citizens
Ombudsman

Reference no. 40489 Date: December 18th, 2020

NATIONAL PREVENTIVE MECHANISM

MONITORING OF INSTITUTIONS HOLDING PERSONS DEPRIVED OF THEIR LIBERTY

MONITORING THE INSTITUTES FOR ENFORCEMENT OF CRIMINAL SANCTIONS

Thematic Report:

Monitoring Treatment of Psychoactive Substances' Addicts in Institutions for the Execution of Criminal Sanctions

Belgrade, December 2020

MANDATE OF THE NATIONAL PREVENTIVE MECHANISM

Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ prescribes that the National Preventive Mechanism (NPM) shall perform visits to institutions holding or that might hold persons deprived of their liberty, in order to deter the state authorities and service officials from any form of torture, or any other form of ill-treatment, as well as for the purpose of directing state bodies towards the creation of accommodation and other living conditions in institutions where persons deprived of their liberty are accommodated, according to the valid regulations and standards.

The NPM has the authority to: use unobstructed, unannounced and everyday access to all institutions and all rooms accommodating or which might accommodate persons deprived of their liberty; to personally talk with those persons and with officials, who are obliged to cooperate on that ground, as well as with other persons who might have information important for acting with persons deprived of their liberty; to access complete documentation pertaining to those persons; to present recommendations to the relevant authorities regarding improvement of the method of treating the persons deprived of their liberty and for enhancing the conditions in which they are kept or imprisoned. After completing the visits, the NPM shall compile reports, and deliver them to the visited institutions. Then, the NPM shall maintain constant dialogue with the visited institution, as well as with the relevant authority where this institution belong to, in order to eliminate the identified shortcomings that may lead to torture, inhuman or degrading treatment.

Article 2a of the Law defines that the Protector of Citizens shall perform the NPM duties and that in performing those duties, it shall cooperate with Ombudsmen of Autonomous Provinces and associations, the Articles of Association of which envisaged the objective of association as enhancing and protection of human rights and freedoms, according to the Law.

In the Office of the Protector of Citizens, a special organizational unit has been formed, the National Preventive Mechanism Department, performing professional operations of the NPM.

The Protector of Citizens and the Provincial Ombudsman of AP Vojvodina signed the Memorandum of Association in Performing Operations of the NPM,² envisaging that the Provincial Ombudsman shall actively participate in visits of the NPM's Monitoring Team to the institutions holding persons deprived of their liberty, located in the territory of AP Vojvodina.

Based on the implemented Public Invitation,³ the Protector of Citizens has selected the associations with which cooperation in performing the NPM duties shall be built, as follows: Committee of Lawyers for Human Rights, Victimology Society of Serbia, A11 - Initiative for Economic and Social Rights, Centre for Youth Integration, Helsinki Committee for Human Rights in Serbia and Committee for Human Rights Valjevo.

¹ "Official Gazette of Serbia and Montenegro – International Treaties", no. 16/05 and 2/06 and "Official Gazette of Republic of Serbia – International Treaties", no. 7/11.

² Signed on December 12th, 2011.

³ Posted on the Internet page of the Protector of Citizens on June 4th, 2020.

BASIC DATA ON THE VISIT

INSTITUTIONS	Penal-Correctional Institution (PCI) Niš, PCI Belgrade, PCI Sremska Mitrovica, PCI Pančevo, PCI Požarevac, District Prison (DP) Belgrade, DP Novi Sad, DP Smederevo, DP Kraljevo, DP Čačak.
TIME	December 2019 - October 2020
LEGAL GROUNDS	Operations of the NPM, according to Article 2a of the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
OBJECTIVE	Monitoring actions towards psychoactive substances' addicts, as specially vulnerable category of persons deprived of their liberty.
TYPE	Thematic.
ANNOUNCEMENT	Visits have been announced.
VISITS PERFORMED BY	The Protector of Citizens
TEAM COMPOSITION	<p>Team Leader: Nataša Tanjević, Ph.D., <i>Deputy Protector of Citizens and Head of NPM</i></p> <p>Team Members: Marko Anojčić, <i>Expert Service of the Protector of Citizens/ NPM Department</i> Maja Jović, <i>Expert Service of the Protector of Citizens/NPM Department</i> Ivana Bosiljčić, <i>Expert Service of the Protector of Citizens</i> Tamara Blagojević, <i>Expert Service of the Protector of Citizens/NPM Department</i> Mira Petrović, Ph.D., <i>Psychiatry Specialist</i></p>

COOPERATION OF OFFICIALS WITH THE NPM TEAM

Professional conduct of officials during the NPM visits is an example of good practice in their actions, in accordance with the Law, in line with the obligation of the authorities to cooperate with the NPM.

THE PROCEDURE OF VISITS

The visits began with talks with the management of the institutions, to whom were presented the objective and subject of the visit. After that, interviews were conducted with employees in the services for treatment, security and health care and insight was obtained into the documentation relevant to the case and objective of the visit. Also, unsupervised interviews were conducted with some convicts who are on substitution therapy, who are included in Treatment Programs, as well as with convicts who are in the "Drug-Free Department".

INTRODUCTION

Psychoactive substances (PAS) are chemical substances that change a person's mental state, affecting the way the brain and nervous system work, i.e. they change the state of consciousness, mood, thinking and perception. Drugs are psychoactive substances of natural or synthetic origin which when introduced into the organism cause changes in one or more mental or somatic functions of the organism⁴. World Health Organization as the term "drug addiction" means "a state of mental or physical, or both drug addictions, that occurs after occasional or continuous drug use".

In recent decades, the number of persons who are addicted to psychoactive substances, as well as the number of persons who have committed the crime of *unauthorized production and distribution of narcotics* (Article 246 of the Criminal Code⁵), but also crimes committed by addicts, either under the influence of drugs or with the motive to obtain it, is on the rise⁶. Therefore, a significant number of persons deprived of their liberty eventually serve their prison sentence, and these persons are most often the users of psychoactive substances themselves. Also, these are persons who, as a rule, are recidivists, i.e. they have been convicted before.

According to the data from the National Strategy for Prevention of Drug Abuse for the Period 2014–2021, „the number of drug addicts in prisons was close to 5,000 in 2011 and year 2012”⁷. According to the report of the Administration for Execution of Criminal Sanctions⁸ in the Institutes for Executing Criminal Sanctions have been registered 5,146 drug addicts, which is about half of the total number of prisoners. It should be borne in mind that there is a "dark number", i.e. that the official data on the number of addicts are based on direct evidence or statements of the convicts themselves, and that they are smaller than the real number. Also, another fact contributes to the increase in the number of people who have a problem with addiction to psychoactive substances in prisons, and it stems from the fact that the amendments of the Criminal Code in 2009, incriminated criminal offense of *unauthorized possession of narcotics* (Article 246a). The basic form of this offense, which consists of those who without authorization keep a small amount for their own use of a substance or preparations that have been declared narcotics, is punishable by a fine or imprisonment for up to three years, while a person who holds without authorization a large amount of a substance or preparation that has been declared a narcotic drug, will be punished by imprisonment for three to ten years. According to the data of the Statistical Office of the Republic of Serbia in 2019, even 3393 persons have been convicted for this crime, and 492 to imprisonment.⁹

The problem of presence of psychoactive substances in Institutes for Executing Criminal Sanctions and the treatment of psychoactive substances' addicts is a very current issue which, due to its complexity, sensitivity and other reasons, has not yet received the place it deserves in public. Although the topic of problem of psychoactive substances' abuse within prisons seems contradictory, due to the fact that these are closed institutions with a formal (legally

⁴ S. Simić, "Све о наркоманији" (All About Drug Addiction), Laguna, Belgrade, 2018.

⁵ "Official Gazette of the RS", no.s 85/05, 88/05 – correction 107/05 – correction 72/09, 11/09, 121/12, 104/13, 108/14, 94/16 and 35/19.

⁶ For example, according to the data of the Statistical Office of the RS, in 2017, the number of persons charged for a criminal offense under Article 246. of the Criminal Code was 1182, in 2018 it was 1302, and in 2019 it was 1412.

⁷ Strategy on Prevention of Drug Abuse for the Period 2014 – 2021, "Official Gazette of the RS", no. 1/15.

⁸ Report on the Work of the Directorate for Execution of Criminal Sanctions, for the year 2015.

⁹ Report of the Bureau of Statistics no. 2020, year LXX, July 23rd, 2020.

regulated) organization, in which freedom of movement is limited and there is a high degree of supervision, researches conducted around the world indicate that the problem of their abuse in these institutions is becoming more and more pronounced. This is confirmed by the latest report published by the UN Office on Drugs and Crime, which provides a detailed analysis of drug use and its harmful effects on health in Institutes for Executing Criminal Sanctions, with special emphasis on the population injecting drugs, suggesting that the incidence of infectious diseases such as HIV, hepatitis C and active tuberculosis are disproportionately higher among the prison population than among the rest of the population¹⁰. The specificity of the addiction itself and its great impact on the whole society makes this category of persons especially vulnerable in the prison environment. In this regard, a special issue relates to the position of addicts to psychoactive substances, as well as their rehabilitation, which is very specific when it comes to serving a prison sentence. This is due to the fact that working with this population of convicts requires the existence of special departments, special work programs, a sufficient number of trained staff, motivation of convicts to join the programs, etc.

Recognizing that addicts are a special group within the prison population that requires a specialized approach, the NPM started in December 2019 visits to Institutes for Executing Criminal Sanctions in order to determine the degree of presence of this problem in the Institutes and the response of the Institutes to the same. In this regard, a sample of 5 Penal-Correctional institutions (Penal-Correctional Institution (PCI) Sremska Mitrovica, PCI Belgrade, PCI Pančevo, PCI Niš, PCI Požarevac) and 5 District Prisons (District Prison (DP) Čačak, DP Kraljevo, DP Novi Sad, DP Smederevo, DP Belgrade) have been selected, which the NPM visited during year 2020. We are of the opinion that the selection of visited institutions can provide information on whether there is a difference in attempts to introduce and abuse psychoactive substances, treatment of addicts and taking preventive measures in larger in relation to the smaller institutions, or whether there are specifics due to the size of the institution, the number of persons in it, the structure of convicted persons (according to the type of criminal offense committed, previous convictions for the same, etc.), the number of prison staff, etc.

The problem is observed from three aspects: safety, treatment and health, with the intention to check what activities the prisons undertake in order to detect and prevent the intake of psychoactive substances, whether there are specialized programs for working with convicts who have a problem with psychoactive substance addiction, which programs are implemented, which therapy is offered, whether the staff is trained to implement treatment or treatment programs, what measures are taken in order to reduce the demand and availability, prevention and reduction of harmful consequences. It is important to note that this Report deals only with persons serving a prison sentence and detention measures, i.e. that the visits of the NPM did not include Institutions where persons are serving the security measure of compulsory treatment of drug addicts.

The methodology of the NPM's work during these visits included the preparation of a Preliminary Questionnaire which was submitted to the visited institutions before the NPM's visit, and which, among other things, contained general data on the number of persons with psychoactive substances' abuse problems and the number of persons receiving substitution therapy, which are included in treatment programs, then data on forms of treatment in the Institutes, the number of people who have hepatitis C, who are HIV positive, etc. During the

¹⁰ Available at: <https://www.unodc.org/unodc/en/about-unodc/annual-report.html>, searched on November 3rd, 2020.

visit, special questionnaires were used to talk to employees, which relate to all three mentioned aspects from which this problem was observed. Also during the visit, the NPM conducted interviews with convicts who are on substitution therapy and who are involved in treatment work, and the "Drug-Free Department", as well as with employees in health care, security and treatment services. Also, the relevant documentation related to the above was inspected.

This Report presents the findings from the visits made by the NPM.

1. SECURITY ASPECT

Observing the problem of presence of psychoactive substances in Institutes for Executing Criminal Sanctions from the security aspect, the NPM sought to establish procedures (actions of the Institute) and equipping the Institute with human and technical resources to detect and recognize the presence of illicit substances in premises, packages or with persons deprived of liberty, visitors, etc.

The general impression is that, regardless of the level of security in the Institutes, convicted persons try to obtain psychoactive substances also during their stay in the Institute. At the same time, it is indisputable that illicit substances can enter the institution only from the outside, and according to official allegations, this usually happens through visits, packages or during searches of persons upon their return from the weekend. According to members of the security services, attempts to bring in psychoactive substances are becoming more diverse, and so, illicit substances are transmitted through double pockets on clothes, by making special "boxes" on shoes, by hiding in food that is factory packaged, put in baby diapers, or transmitted during a kiss when the wife comes to visit, etc. Also, it should be borne in mind that this is not just about narcotics, but primarily about medical drugs used in the treatment of addicts, or as substitution therapy, primarily medical drugs such as buprenorphine.

Inspecting the relevant documentation, the NPM found that the largest number of psychoactive substances is found during the search of packages, premises where persons deprived of liberty stay and by search of visitors. In some institutions, a smaller number of illicit substances was found in the yard of the institution. Among the illicit substances found, in most cases, these are tablets (buprenorphine, rivotril, lorazepam, xalol), and in addition, powders and marijuana are found in smaller number of cases.

Understandably, the number of attempted entries and findings is more pronounced in larger than smaller Institutes, primarily having in mind the size of the Institute, i.e. the number of persons in it, and thus a greater possibility for the introduction of psychoactive substances, but also the structure of convicted persons in the institutions. This was confirmed by the persons deprived of liberty whom the NPM interviewed, and their impression is that in smaller Institutes there are fewer opportunities for the intake of psychoactive substances because, as they stated, they are "hermetically sealed".

Search of the Premises

In the largest number of visited institutions, search of the premises are carried out in accordance with the Monthly Search Plan, as well as extraordinary, targeted and based on the obtained information. It is usually planned that each room should be searched at least once a month, and those that are suspicious, i.e. where risky persons are located, are searched more

often. During the search of the premises, tablets (lorazepam, rivotril, xalol, buprenorphine) were mostly found.

Search of the premises are performed in a way that first shall be conducted a detailed search ("naked") of persons housed in the room, and then, in the presence of one convicted person from the room, the officers conduct a room search. Depending on the size of the room, architectural solutions, or the number of people in it, at least as many members of the Security Service as there are people in the room participate in the search, and in some Institutes, twice as many Security Officers are engaged (e.g. Penal-Correctional Institution (PCI) Požarevac). In the PCI Niš, if necessary, service dogs are used during the search of premises.

The NPM praises the practice observed in the PCI Požarevac, District Prison (DP) Belgrade, DP Novi Sad, DP Smederevo, PCI Pančevo, PCI Belgrade, PCI Niš and PCI Sremska Mitrovica, that a larger number of officials participate in the search of a smaller number of rooms. A more detailed search of a smaller number of rooms gives better results in finding illicit objects. This is certainly lost if the same officers are tasked with searching multiple rooms and persons in them.

The search of a particular dormitory and its occupants is carried out on the base of the Order of Head of Security Service, which determines the time of the search, the premises and persons to be searched, who shall conduct the search, determining the Head of the Search, what to pay attention to and what equipment to use. The Head of the Search shall submit Report on Search of Persons and Premises, ascertaining what illicit objects were found, observed damage to the property of the Institute, the condition of the walls and bars and the hygiene of the premises, when the search began and ended, and who of the detainees/ convicts attended the search of the dormitory. Also, the Report quotes in detail which parts of the dormitory were searched by which member of the service. The Report is submitted to the Head of Security Service.

The NPM commends the practice of searching the premises of the District Prison in Belgrade, due to the fact that the Head of Security Service pays special attention to the engagement of an adequate number of officers conducting the search, as well as to comparing data, i.e. facts established during the search, with the data from the previous Report, in order to determine whether each site was inspected in detail during the previous search. The NPM considers that such an evaluation of the work contributes to more efficient conduct of future searches.

Search of Persons Deprived of Their Liberty

In most institutes, detailed search of persons deprived of their liberty shall be performed during admission to the Institution, after entry, during searches of bedrooms, after visits and during targeted searches. Detailed searches are conducted by at least 2 members of the Security Service, in a Special Room, which is not under video surveillance. In the District Prison (DP) Čačak, detailed searches are performed only upon admission to the Institute, while in other cases a partial search is performed.

Search of Visitors

Visitors first go through the metal detector door, and then an examination of things is performed and, if necessary, an examination with a hand-held metal detector. Detailed searches are conducted in case of visits to a Special Room ("marriage visits").

Search of Packages

Each package is passed through a scanner and then manually searched by two members of the Security Service. The premises where the package is searched are under video surveillance. In the Penal-Correctional Institution (PCI) Niš an official dog is also used to search the package, and according to official statements, there is a need for a larger number of trained service dogs to be used for this purpose.

Packages are searched in the presence of the recipient or bearer. A small number of packages are received by mail, and on average, two officers search 7 - 8 of the packages received this way daily. However, the problem is the fact that during the visit, the largest number of packages are received, in some of the visited institutions even 50 - 60 packages a day. **Given the fact that searches of packages in some Institutes are performed by two officers throughout the day, the NPM believes that this may negatively affect the quality of the search itself.** Since, unlike dormitories, the Institute cannot influence how many packages it will inspect per day, it is necessary to provide enough members of the service who will search a certain number of received packages, in order not to reduce the search effectiveness.

The NPM praises the practice it has observed in relation to the above Penal-Correctional Institution (PCI) Požarevac - Zabela, where at least one official inspects one package, so that at the same time depending on the number of packages, the inspection of the packages is performed and done by 10 Security Officers, with one Security Officer overseeing the entire package inspection process, and the room where the packages are inspected is under video surveillance. A good example is also represented by District Prison (DP) Kraljevo where during the day of the visit and receiving the packages 4 - 5 members of the Security Service shall participate, who inspect on average 20 packages a day.

Search of the Official Servants

In the visited Institutes, when entering the accommodation part of the Institute, the employees go through a metal door detector and the contents of the items are inspected with a hand-held detector. In some Institutes, when entering closed wards, a partial search is performed, so that the previous shift searches the shift that comes to work. In none of the Institutes in the past period were there any cases where psychoactive substances were found with the officials.¹¹

Equipment and Human Resources

Most of the visited institutions have technical equipment that is important for finding illicit items like hand luggage scanners, hand-held metal detectors and face passage door with integrated metal detector. In the Penal-Correctional Institution (PCI) Niš for this purpose an official dog is in use, as in PCI Sremska Mitrovica. However, hand luggage scanners, which are suitable for detecting the presence of powdered substances do not exist in many Institutes. **The NPM indicates that larger Institutes face a lack of equipment that is suitable for inspection of transport vehicles, i.e. for the detection of illicit substances that can enter the Institute in this way (when delivering food for meals, etc.) and in this regard points out the need for the Directorate for Execution of Criminal Sanctions to consider the possibility that for the bigger Institutes (Penal-Correctional Institution (PCI) Požarevac, PCI Niš and PCI**

¹¹ In one of the Institutes a few years ago, it happened that the substances were found in the possession of an officer, who was searched on the basis of the information obtained.

Sremska Mitrovica) adequate equipment should be provided, which would enable survey of transport vehicles delivering food for the needs of the Institute.

In order to minimize the possibility of introducing psychoactive substances into prisons and increase the effectiveness of searches conducted in prisons, officials need to be provided with sufficient resources for these purposes. An important condition for reducing the presence of substances is to undertake all possible measures to reduce the possibility of intake or concealment of substances. This certainly requires good organization of work and commitment of members of the Security Service during the search, and other work on maintaining order and security in the Institutes, but they need to be equipped with sufficient adequate technical equipment.

The NPM has already identified in its Reports the lack of scanners in some Institutes and recommended that they should be provided.¹² According to the quotes of Security Officers, all Institutes need a scanner, because they can detect the presence of powdery substances, and at the same time a search of things that are brought into the Institute gives better results.

1.

DETERMINED

Some Institutes for Executing Criminal Sanctions do not have sufficient adequate equipment to detect and identify illicit substances, such as hand luggage scanners, etc.

REASONS

*The safety and security of prisoners, staff, service providers and visitors will be guaranteed at all times.*¹³

*Prison staff will have an adequate level of education and shall be provided with the skills and resources to perform their duties in a professional manner.*¹⁴

*The Security Service, as a single formation of the Directorate, takes care of the safety of people and property in the Institute, deals with convicted and detained persons, participates in determining and implementing the Program of Treatment of Convicts and performs other tasks determined by the Law.*¹⁵

*During the inspection and search of persons, items, vehicles and premises, members of the Security Service use as mandatory equipment: protective gloves, technical means for detecting metals, powdery substances, etc. (handheld detectors, installed equipment, etc.).*¹⁶

The equipment installed in the Institute, and used to maintain order and discipline in order to maintain security, consists of: devices for detecting and recognizing illicit metal objects and other illicit substances, that is, hand luggage scanner, hand-held metal detector, door for passage of persons

¹² See, for example, the NPM Report on the Visit to District Court of Vranje, no. 281-65/17 dated September 25th, 2017 and NPM Report on the Visit to District Court of Prokuplje, no. 411-64/19 dated February 27th, 2020.

¹³ Mandela Rules, Rule no. 1.

¹⁴ Mandela Rules, Rule no. 75.1.

¹⁵ Law on Execution of Criminal Sanctions ("Official Gazette of RS", no.s 55/14 and 35/19), Article 21, paragraph 1.

¹⁶ Rulebook on the Manner of Performing Work in the Security Service in the Institutes for Execution of Criminal Sanctions ("Official Gazette of RS", no.s 21/16 and 104/16), Article 41. paragraph 1.

*using integrated metal detector, hand-held device for detecting and recognizing explosives and other illicit substances.*¹⁷

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions will provide the penitentiary institutions with sufficient adequate equipment for the detection and identification of illicit substances.

In all visited institutions, there was a lack of employees in the Security Service, and these employees generally have a large number of overtime working hours. Thus, for example, all executors in the Security Service of the District Prison (DP) Čačak have had an average in the past 6 months of 1093.66 overtime working hours, and in the Security Service of Penal-Correctional Institution (PCI) Niš they usually have in total 8 - 10 thousands of overtime working hours monthly, and in November 2019 that number went up to 12 thousand.

The Security Service should be sufficiently numerous for all the tasks before this service to give an appropriate result, and for the tasks to be performed efficiently and effectively. The NPM quite often identified staff shortages in this service and made appropriate recommendations.¹⁸

2.

DETERMINED

In the Institutes for Executing Criminal Sanctions there are not enough of officials in the Security Service.

REASONS

The staff in charge of implementing sanctions and measures should be large enough to efficiently perform the various tasks entrusted to them. They should possess the personal qualities and character traits as well as the professional qualifications necessary to perform those functions.

*Management at all levels should strive to prevent working conditions to lead to signs of stress in employees by adequately ensuring care of their physical safety, adequate working hours, breadth in decision-making, open communication and a psychologically favourable atmosphere in each work unit.*¹⁹

*Prison authorities shall establish systems of organization and management to ensure that prisons operate consistently using high standards and have adequate staff at all times, to maintain a safe and secure environment in the prison, and to meet the requirements of national and international law, including the provisions of these rules.*²⁰

¹⁷ Rulebook on Uniforms, Insignia, Weapons, Special Vehicles and Other Equipment in the Security Service in the Directorate for Execution of Criminal Sanctions ("Official Gazette of RS", no.s 29/16, 74/16, 3/17, 89/17 and 7/19), Article 37. paragraph 1. point 3.

¹⁸ See, for example, the NPM Report on the Visit to District Court Zrenjanin, no. 281-65/18 dated September 13th, 2018 and NPM Report on the Visit to Penal-Correctional Institution (PCI) Belgrade - Padinska Skela, no. 281-60/18 dated August 16th, 2018.

¹⁹ Recommendation no. P (97) 12 of the Committee of Ministers to the Council of Europe Member States on Staff in Charge of Implementing Sanctions and Measures, Articles 3. and 42.

²⁰ Recommendation Rec (2006) 2 - Rev. of the Committee of Ministers to the Council of Europe Member States on European Prison Rules, Rule 83a.

Establishing positive relationships between staff and prisoners also largely depends on whether there are enough staff in prison facilities, and in those used for leisure activities, they should have enough staff at all times. CPT delegations often witness that this is not the case. The general lack of staff, i.e. inadequate schedule of duties, which reduces the possibility of direct contact with prisoners, certainly hinders the development of positive relations, and more generally, creates an insecure environment for both staff and also for the prisoners. It should be also mentioned, that in the case of lack of staff, there may be a need for significant overtime work, in order to maintain the basic level of security and established prison order. This state of affairs can easily cause high levels of stress among staff and their premature loss of will to work, and that is the situation that contributes to the escalation of tensions inherent in any prison environment.²¹

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions will employ enough members in the Security Services, in accordance with the adequate systematization of jobs, which is based on the needs of the Institute, depending on the number and structure of persons deprived of their liberty accommodated there, in order to serve their prison sentence or detention measure.

Actions in Cases of Discovery of Psychoactive Substances

When finding psychoactive substances, the police has to be informed. The found substances are delivered to the police, along with Minutes, as well as complete documentation on the discovery, which also contains photographs. A review of the records of found substances has determined that the found substances should be handed over to the police within a maximum of a few days, and in the Penal-Correctional Institution (PCI) Niš, they submit Report on the Discovery of Substances to the police once a week. In case of finding it with the visitors, the police shall come immediately upon receiving notification, after which the Public Prosecutor's Office is notified and further actions shall be according to the orders of the Prosecutor's Office.

Testing for the presence of psychoactive substances is performed on the basis of the order of the Head of Service. This order is issued by the Head of Service based on the information received, that casts suspicion that the person possesses illicit substances or in pre-determined situations, for example when a convicted person returns to the Institute after using extended rights and benefits (weekend outside the Institute, etc.). Also, there is close cooperation with health care services, from which feedback is obtained regarding individuals under risk.

Minutes of the Test have to be compiled, quoting the date and time of the test, the finding, a note if the positive result is a consequence of therapy, the signatures of members of the Security Service, the tested person, medical technician and physician, and the Head of Service confirms that he is aware of the result. After that, in case of a positive result that is not a consequence of the therapy application, a disciplinary procedure will be initiated. Also, a more serious disciplinary offense is a refusal to take the test.

Psychoactive Substances Test shall be performed in mutual cooperation between the Security Service and the health service, including checking whether the positive outcome of testing is a consequence of taking therapy. In most cases, the subjects tested were positive for benzodiazepines or buprenorphine.

²¹ CPT Standards: New Standards on Serving Imprisonment Sentence, CPT/ Inf. (2001) 16, paragraph 26.

In some Institutes (Penal-Correctional Institution (PCI) Niš, District Prison (DP) Belgrade) the problem is the fact that it takes a long time to wait for the toxicological finding of the substance that was found in the search of a person deprived of liberty, considering that no disciplinary proceedings are initiated before obtaining the findings. The survey of the records on discovery of psychoactive substances has detected that it happens that they have to wait for several months for the finding. Since January 01st until December 19th, 2019 in the PCI Niš have been submitted in total 144 Proposals for Initiating Disciplinary Proceedings for the offense of production, possession or use of narcotic drugs or psychoactive substances, of which 8 due to alcohol abuse. 63 cases have been completed, and the most frequently (over two thirds of) stated measures are ban on disposing money and ban on receiving packages. It has been observed that generally, one has to wait for several months for the outcome of disciplinary proceedings for possession of PAS, in extreme cases even 6 – 7 months. Procedures conducted due to alcohol abuse or a positive test outcome are completed faster, although there are cases where one shall have to wait for the outcome for a couple of months.

The NPM points out the need to improve cooperation of the competent authorities in this regard, in the direction to achieve more efficient action.

2. TREATMENT ASPECT

The term *treatment* means a way of treating prisoners, which can refer to certain phases that a person deprived of their liberty goes through, from the moment of deprivation of liberty, through criminal proceedings, imposition and execution of a criminal sanction to post-penal admission. Treatment objective is to permanently eliminate the criminal behaviour of prisoners and to reduce the recurrence rate of crime²², that is, preparing convicts for reintegration into the social community without committing criminal acts. This is especially emphasized in the revised UN Standard Minimum Rules for the Treatment of Prisoners²³, quoting that the treatment objective is that after leaving the institution, these persons should opt for, rightly, harmonious and independent life and they should be strengthened in that decision, by the treatment that should strengthen their self-esteem and develop a sense of responsibility. To this end, all appropriate means should be used, including (in the countries where this is possible) religious instruction, education, vocational training, social skills training, vocational counselling, physical exercise, strengthening of moral character - according to the individual needs of each and every convict, taking into account their social and criminal history, physical and mental characteristics and abilities, temperament, as well as the length of the sentence imposed and perspectives after exiting the institution (Rules 91–92).

In the Rulebook on Treatment, Treatment Program, Classification and Subsequent Classification of Convicted Persons²⁴, Article 6 prescribes the following: „Treatment of the convict includes the application of all planned activities - planned methods, techniques and procedures, undertaken in order for the convict to adopt a socially acceptable value system and master the skills for successful inclusion in the community, so as not to commit crimes in the future. In order to determine the Treatment Program, the needs of the convict have to be assessed, covering:

1) “social skills, improving communication skills and socially acceptable behaviour in everyday situations;

²² H. Korać, "Пенологија" (Penology), Executive Criminal Law, Sarajevo, 2010, page 241.

²³ So-called "Mandela Rules" adopted by General Assembly Resolution on December 17th, 2015 (A/70/490).

²⁴ "Official Gazette of RS", no. 66/15.

- 2) professional development and education, acquisition, development and maintenance of work habits;
- 3) psychological, psychiatric, medical and social assistance;
- 4) providing legal assistance in connection with the execution of a sentence;
- 5) treatment of addiction disease;
- 6) special measures of protection against all forms of psychological, physical, sexual harassment or any other form of discrimination and
- 7) Release Preparation Program.

Based on the identified needs of the convict, individual goals shall be determined. The Treatment Program contains:

- 1) assessed capacities, motivation to change criminal behaviour and assessed degree of risk of the convict;
- 2) the group and department in which the convict was classified and his accommodation;
- 3) efficient procedures and activities towards the convict, in accordance with the established needs;
- 4) individual goals of the convict in a certain period, the realization of which will ensure an increase in capacity, successful adaptation and reduction of the risk of committing criminal offenses;
- 5) staff tasks in the program implementation;
- 6) manner of cooperation with external institutions and organizations in the Action Program implementation;
- 7) way of cooperating with family or other close persons and
- 8) Release Preparation Program“.

The importance and role of treatment has been also recognized in the Strategy for Development of Execution of Criminal Sanctions in the Republic of Serbia until 2020²⁵ determining the priority activities in 12 development areas of the System of Execution of Criminal Sanctions, including the application of a wide range of Treatment Programs (therapeutic, educational, vocational training programs, learning social skills, etc.) aimed at preserving the mental and physical health of convicts during sentencing, behaviour change, vocational training, preparation for release and reintegration of convicts.

By monitoring the problem of treatment of addicts of psychoactive substances in Institutes from the treatment aspect, the NPM collected data on whether there are specialized programs in prisons for working with convicts who have a problem of addiction to psychoactive substances, how many people are involved in them, whether the staff is trained to implement the program, etc.

Individual and Group Work with People who have a Problem of PAS Dependence

Working with PAS addicts requires an individual and group work program. However, in a larger number of visited Institutes, group work is difficult, and in some of them, it is not carried out. The absence of group work and Specialized Treatment Programs for convicts prone to psychoactive substance abuse also makes it difficult to achieve individual goals, such as adopting socially acceptable patterns of behaviour, or establishing/ maintaining abstinence.

²⁵ "Official Gazette of RS", no. 114/13.

The NPM praises the fact that the Directorate for Execution of Criminal Sanctions has developed a Specialized Program for Group Work with Drug Addicts, with the general objective of reducing addicts' return, in order to reduce criminological return.

The following objectives are defined as specific objectives of the program: Motivation for active participation in the treatment; Gaining insight into one's own addiction and treatment needs; Changing patterns of behaviour, mastering habits and skills, etc.

However, during the performed visits, the NPM has determined that the quoted program is implemented only in certain Institutes, and to a lesser extent in terms of the number of persons involved in it, and in this regard the NPM indicates the need for the Program to be applied in all Institutes, and to include a larger number of persons with PAS dependence.

In the Penal-Correctional Institution (PCI) Pančevo, as of the visit date, it has been determined that individual work is implemented in order to implement the set individual objective: Maintaining PAS abstinence, which covers 124 convicts in its Treatment Programs. Through individual work, the Treatment Officer points out the harmful consequences of drug abuse. During the NPM's visit, no form of group work with convicts was organized in the Institute, as the Full Capacity Treatment Service was recently established and educators did not receive training for Specialized Group Work Treatments. According to official allegations, Group Work Programs are being prepared, as follows: Group Treatment on the Harmfulness of Psychoactive Substance Abuse, Truths and Misconceptions about Alcoholism, Communication Skills, Ways to Prevent and Control Aggression in Conflict Situations, Preparatory Program for Post-Penal Life and Anger Management.

In the PCI Sremska Mitrovica, there is an individual program for which as objective certain abstinence has been determined, and at the end of the Program a test shall be taken. The Socio-therapy Program for Addicts is based only on motivation, i.e. it includes the motivational phase, they talk about harmfulness, the problem is discussed, and the program lasts 6 months. There is also a Group Program: "Support for Maintaining Abstinence", which this year due to the epidemic of Covid 19 disease was not realized. Since year 2018, this Program was attended by four groups in total, of 6-8 convicts, and meetings were held twice a month.

In the PCI Belgrade, convicts who have had or have a problem with psychoactive substances, if they wish, can contact a physician - Psychiatrist for individual therapeutic work. The group therapy is not implemented, but, according to official allegations, they plan to organize group work with addicts in cooperation with the Services for Treatment and Health Care.

In the period from 2017-2019 the Directorate for Execution of Criminal Sanctions has formed working groups to prepare 4 Specialized Programs for Convicts, one of which relates to group work with PAS addicts. The Program has been initiated as pilot in the PCI Belgrade on two occasions: since November 2018 to April 2019, including 5 convicts, and from April to October 2019, 9 convicts. Out of the total of 14 convicts, 10 of them have successfully completed the Program, and 4 convicts gave it up.

In the District Prison (DP) Čačak, no special treatment programs are applied to convicts who have or have had a problem of PAS dependence. Through advisory individual work, the harmful consequences of drug abuse are explained to them. No group or individual therapy is conducted, nor is there occupational therapy for convicts who have had/ have a problem with PAS dependence.

In the DP Smederevo also no special treatment programs are applied to convicts who have or have had a problem of PAS dependence. During the NPM's visit, the Treatment Service was in the phase of reorganization, which includes the development of Special Treatment Programs for these persons.

In DP Kraljevo various education programs for persons deprived of their liberty are carried out in order to raise awareness of the harmful consequences of drug abuse, which is done continuously, through individual work with addicts and group work that takes place every Wednesday.

In the Penal-Correctional Institution (PCI) Niš, in Individual Treatment Plans as special objective are quoted the goals and deadlines for their fulfilment. The convict signs the receipt of Decision on the Treatment Program which contains the determined level of risk, referral to the Educational Group and the Department. The goals of treatment for PAS addicts are, among others, defined as "increased mental health care", "adoption of socially acceptable behaviour" (in aggressive individuals), "development of work habits and abilities". In the year 2019, 26 workshops were held within the Specialized Program for Work with Drug Addicts, and the Piloting Phase was completed, and positively evaluated, and according to official allegations, we expect the start of implementation phase.

The NPM noted that in some Institutes, the realization of group treatment work and specialized programs is not possible due to insufficient number of Treatment Officers. For instance, in the Penal-Correctional Institution (PCI) Niš each Trainer is in charge of working with more than 100 convicts, and due to the insufficient number of employees in the Treatment Service there are no conditions for Specialized Programs and Group Work with PAS addicts. This problem is even more pronounced in PCI Požarevac, where in the Treatment Service only 10 treatment implementers have been employed (Trainers), meaning that on average one Trainer is in charge of work with 140 convicts.

3.

DETERMINED

In certain Institutes for Execution of Criminal Sanctions there are not enough executors in the Treatment Service, that is, educators who would conduct specialized programs and group work with convicts.

REASONS

The staff in charge of implementing sanctions and measures should be large enough to efficiently perform the various tasks entrusted to them. They should possess the personal qualities and character traits, as well as the professional qualifications necessary to perform those functions.²⁶

Establishing positive relationships between staff and prisoners also depend to a large extent on whether there are enough staff in prison facilities and in those used for free activities, at any moment. CPT Delegations are often aware that this is not the case. The general lack of staff, i.e. inadequate schedule of duties, which reduces the possibility of direct contact with prisoners, certainly hinders the development of positive relationships, and more generally observed, it creates an insecure environment for both staff and the prisoners.

²⁶ Recommendation no. P (97) 12 of the Committee of Ministers to the Council of Europe Member States on Staff in Charge of Implementing Sanctions and Measures, Articles 3. and 42.

It should be also mentioned, that in case of lack of staff, there may be a need for significant overtime work, in order to maintain a basic level of security and established prison order. This state of affairs can easily cause high levels of stress among staff and their premature loss of will to work, a situation that contributes to the escalation of tensions inherent in any prison environment.²⁷

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions shall secure in all Institutes for Execution of Criminal Sanctions sufficient number of employed educators, suitable for implementation of efficient procedures and activities towards convicts, in accordance with established Individual Treatment Programs.

As a good practice example, the NPM underlines Individual Treatment Work implemented in the District Prison (DP) Novi Sad. Namely, the Institute offers Program for Convicts – individual work with addicts, while the employees of the Treatment Service have compiled the printed Manual about it. The Program objectives are:

- Education on drug addiction, the negative consequences of abuse and how to overcome the problem
- Creating better insight into the problem of addiction
- Motivation for life changes and maintaining abstinence
- Adoption of a plan for overcoming addiction problems or maintaining abstinence
- Providing support for the adoption of healthy lifestyles and development of personal capacities.

The convict joining the Program signs an Agreement on Participation in Individual Work within the Program, committing himself to regularly and actively participate in meetings within individual work, to actively work to achieve personal changes, so as not to be addict and to show respect and appreciation for the Psychologist guiding the Individual Work, which implies the absence of aggression towards him. In the said act, the convict is informed about his rights and preconditions for the conduct of Individual Work, i.e. the reasons due to which the Individual Work will be terminated.

The convict also fills in the Information Questionnaire which contains data on: age, person to whom he is most attached, first contact with PAS, all PAS drugs he used, years of use, reasons for using PAS, attempts to maintain abstinence, therapy he uses, data on whether he has been in the commune/ therapeutic community, from whom he expects help and support, plans after the end of his sentence, as well as whether he is aware that he has a problem due to PAS use, whether he has observed harmful consequences, whether he plans to continue maintaining abstinence, what are the risk factors for abstinence disorders, as well as information on whether he needs the help of an expert in maintaining abstinence.

The Institute keeps a Checklist of Monitoring Achievement of Individual Objective: acceptance of treatment and increase of health care, providing data on acceptance of treatment and adherence to the doctor's advice, assessment of the regular therapy intake, assessment of acceptance of active participation in education, assessment of cooperation with the physician, etc.

There is also Program for Group Work with Addicts. This is a Program presenting idea that by a combination of exercises and lectures in the form of group work, it should guide the

²⁷ CPT Standards: New Standards on Serving Imprisonment Sentence, CPT/ Inf. (2001) 16, paragraph 26.

participant through the path of thinking, aiming to achieving change, and the goals of the Program are the same as in the Individual Program.

A Report on Progress of the Convict is made regarding progress in the Program, which contains information on the date of the beginning of participation in the Program and the date of the last meeting of the group, and then, the other information relevant to the assessment.

Drug-Free Departments

In some countries Drug-Free Departments or Zones („*drug free units*“) have been formed, where the convicts agree to random tests, to determine that they do not consume drugs, and in return they receive incentives through benefits - expanded rights and benefits or better living conditions compared to regular prison wards. This is only suitable for those people who are extremely motivated not to come into contact with drugs while serving their sentence.

The NPM observed during the visits that PAS addicts have been distributed in all educational groups and placed in different pavilions.

Except in the District Prison (DP) Belgrade, there is no special "Drug-Free Department" in any of the visited institutions. The idea to form such a Department was in the Penal-Correctional Institution (PCI) Sremska Mitrovica, but it wasn't implemented due to lack of space capacity and number of employees.

Program "Drug-Free Department" has been introduced in the PCI Niš, but the same has been abolished because, according to official allegations, its implementation implied the existence of a separate building, a special yard and security for the persons who are in it, which in the conditions of high overcrowding of accommodation capacities and lack of employees could not be realized. The convicts who were included in this Program voluntarily signed contracts committing themselves to complete PAS abstinence for the duration of the Program. If they achieve that, they meet the conditions for progress in treatment and for changing the Program of Treatment and Accommodation in a Semi-Open Ward. The Program was comprehensive and included both occupational (labour) therapy, and educational-corrective work, in order to correct and prevent deviant behaviours. At the beginning of this Program, which lasted about two years, 28 convicts participated, then 16, and in the end only two people participated in the Program. Due to the above reasons, the Program was completely closed in the year 2017.

The NPM praises activities of the District Prison (DP) Belgrade regarding formation of „Drug-Free Departments“. On the day of the visit, 10 people who were not on substitution therapy, but who had previous problems with addiction to psychoactive substances, were included in this Department. The convicts included in this Program have voluntarily signed contracts committing themselves to complete abstinence from PAS for the duration of the Program and in relation to this, that they may be subjected to PAS testing at any time. A special medical card is opened for each person, containing the findings of a General Practitioner, with all the necessary analyses (blood, urine, ECG, etc.), the findings of a Psychiatrist and the findings of a Psychologist, so all data from the medical and treatment aspects relevant to the Program implementation. The Program shall last 3 months (after which the evaluation shall be done) and implies the treatment work of Treatment Service employees with convicts having a problem of PAS addiction, two times a week, lasting from 11:00 - 12:30 o'clock. During the visit, one person involved in the Program was employed, and according to official allegations it is planned that all persons in this Department will be employed.

Persons are allowed to use the dining room where they can prepare meals, make coffee, etc. Also, they have the possibility of daily telephone contact with family and close persons through the telephone booth located in the hallway, in front of the room in which they are.

The NPM Team conducted interviews with 9 people in the "Drug-Free Department", but due to the fact that this Department has just been formed, and that until the day of the visit only one meeting was held with Treatment Officers, the NPM did not receive detailed information on how to implement the Program and the results of it. The thing that all convicts included in the Program pointed out, was that they feel they are in the healthier environment than in regular serving of the sentence, that they are motivated to participate in the Program, as well as that they expect that soon everyone will be employed, as planned in the Program.

4.

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions would undertake activities to, in accordance with needs in the Institutes for Execution of Criminal Sanctions, provide spatial, personnel and all other conditions for formation of „Drug-Free Departments“.

Other forms of treatment

In the Penal-Correctional Institution (PCI) Belgrade, in treatment work, PAS addicts, as well as other convicts, are encouraged to participate in cultural-educational activities and to engage in work. Thus, in the process of education - attending primary school have been included 10 PAS addicts, 19 are employed, 7 are engaged in model making and painting, and 24 PAS addicts attended the Group Program „Anger Management“. Also available is passing of the course on how to use computers, which a few dozen of them have already passed. In the year 2020 there is a Program covering 5 convicts, pertaining to alcohol addiction. The Cognitive-Behavioural Program was also prepared - a change of thinking in order to change behaviour.

In the PCI Sremska Mitrovica, some PAS addicted convicts are employed in such a way as to deal with gardening, cleaning, or work in the industrial plant, etc. Also, in the District Prison (DP) Kraljevo some PAS addicted convicts are also working.

In the PCI Pančevo there is no occupational therapy, but these people are hired if they are interested and able to work. Psychologists at the Institute provide counselling and information on the harmful consequences of PAS abuse.

In the PCI Požarevac all convicts, including the PAS addicts have available Additional Education and Vocational Training Programs, but no prevention programs related to the education of convicts and raising awareness of the harmful consequences of drug abuse are implemented.

In the PCI Niš during the visit time, only Suicide-Prevention Program was active, while in the past there were also Programs for Prevention of Aggressive Behaviour and PAS Abuse. As quoted, within the Specialized Program for Work with Drug Addicts, during the pilot phase 26 workshops have been held. According to official allegations we expect the start of the Implementation Phase and education of all Treatment Service employees, that is, of all those

directly working with PAS addicts. The education shall be held in the form of classes, once a week, lasting up to 90 minutes.

In the District Prison (DP) Novi Sad occupational therapy is difficult to maintain, because there is not enough space capacity. The Institute implements prevention programs related to the education of convicts, and raising awareness of the harmful consequences of drug abuse.

According to International Standards, the Institutes are obliged to offer convicted persons opportunities for work, education and socialization programs, as well as to ensure that convicts receive adequate support prior to release. It is therefore very important that the Institutes should be able to offer a wide range of General and Specialized Treatment Programs, which would influence the change of attitudes of persons, improve their knowledge and enable them to acquire new skills that would make them competent in finding a job, and in other activities after serving a sentence. Also, Treatment Programs should have as their objective to prevent a recurrence of crime and thus reduce the rate of return, i.e. to help convicts to reintegrate into society after serving their sentences.

The CPT in its Report to the Government of the RS, dated November 6th, 2015²⁸ states that the approach to substance abuse in prison should be a part of the National Drug Control Strategy, and should have as its objective, inter alia: the elimination of the prison drug supply; addressing drug dependence by identifying and engaging nurses/ drug technicians, providing treatment choices and ensuring that there is appropriate support during and after the treatment period; development of standards, monitoring and research on drug issues; and providing training and development for employees.

5.

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions shall undertake activities to improve the implementation of specialized and individualized treatment programs for convicts having a problem of PAS addiction, in order to successfully re-socialize and reintegrate.

The Directorate for Execution of Criminal Sanctions will take care that in the Institutes for Execution of Criminal Sanctions a wide range of treatment programs shall be applied (therapeutic, educational, vocational training programs, learning social skills, etc.), aiming to preserve mental and physical health of convicts during the execution of sentences, behaviour change, vocational training, preparation for release and reintegration of convicts.

Inspecting the relevant documentation, the NPM noted that for some convicts, as a result of psycho-diagnostic assessment during admission, for the high risk area, the “propensity to consume narcotics and/or alcohol” has been quoted. An individual objective has been determined for them, to establish and/or maintain abstinence. However, the achievement of this goal was left exclusively to the convict, in those Institutes in which specialized individual or group treatment work is not carried out (either due to lack of space, of Specialized Programs, lack of training or insufficient number of employees, or due to other reasons).

²⁸ CPT (2015) 60.

6.

DETERMINED

In some decisions on the Treatment Program, individual goals are set, for which there are no possibilities for realization in the Institutes.

REASONS

*In determining the Treatment Program, the Expert Team will define special procedures and activities, **taking into account the possibilities of the Institute for their implementation.***²⁹

*Interventions under the Treatment Program should specifically address areas of convict functioning, assessed as high and medium risk areas.*³⁰

*The purpose of drafting the Treatment Program Proposal is to define the role and participation of Expert Team members in the manner of determining and assigning the convict to a group, ward, accommodation, as well as determining the procedures and activities to be implemented.*³¹

*To conduct trainings of the Treatment Officers continuously, with an emphasis on setting individual objectives, reviewing and modifying Treatment Programs and implementing Specialized Programs.*³²

RECOMMENDATION

In all Institutes for Execution of Criminal Sanctions conditions will be created for implementation of individual objectives that are set for convicts.

Training of Treatment Officers

Although in many cases, convicts having a problem with PAS addition come to serve their prison sentences, which requires a specialized approach to this category of persons, in most Institutes there is a lack of training of Treatment Services' employees for working with psychoactive substances' addicts. Employees in the field of treatment often did not attend other trainings and forms of professional training for implementing Specialized Treatment Programs and group form of work with convicts, so in the treatment work they rely on the knowledge they gained in school, and on the experience gained through work with convicts.

Exceptions have been made by Penal-Correctional Institution (PCI) Sremska Mitrovica, PCI Požarevac, District Prison (DP) Belgrade and PCI Niš, in which individual Treatment Officers attended Trainings on Specialized Treatment Programs for Working with Psychoactive Substance Addicts.

²⁹ Rulebook on Treatment, Treatment Program, Classification and Subsequent Classification of Convicted Persons ("Official Gazette of RS ", no. 66/15), Article 12. paragraph 2.

³⁰ Directive on the Manner of Work of Treatment Officers in Institutions, Procedures in Work and Appearance and Content of Documents during Determination, Implementation and Amendment of the Program of Treatment of Persons Convicted of Criminal Offenses and Misdemeanors, number 110-00-14/15-01 dated October 29th, 2015.

³¹ Directive on the Manner of Work of Treatment Officers in Institutes, Procedures in Work and Appearance and Content of documents during Determination, Implementation and Amendment of the Program of Treatment of Persons Convicted of Criminal Offenses and Misdemeanors, Chapter: "Creating a Draft Program for Actions of Expert Team".

³² Action Plan for the Implementation of Strategy for Reducing Overcrowding of Accommodation Capacities in Institutions for Execution of Criminal Sanctions in the Republic of Serbia until 2020, "More Effective Implementation of the Action Program for the Purpose of Advancing Treatment of Convicts", point 2.

Taking into account the above, it would be very important for educators to be involved in training, in accordance with the needs of working with convicts, including training on the application of Specialized Treatment Programs for work with PAS addicts.

7.

DETERMINED

In most of the Institutes visited, employees in the field of treatment did not attend training for application of Specialized Treatment Programs.

REASONS

Professional training and advanced training of employees in the Directorate are performed in the Training and Professional Training Centre of the Directorate for Execution of Criminal Sanctions (hereinafter: the Training Centre). The Training Centre shall, if necessary, organize and conduct professional training, education and advanced training of employees also in the other state bodies. The Training Centre shall coordinate the activities of the Institute in implementation of training and professional training of convicted persons.³³

It shall continuously conduct trainings of Treatment Officers with an emphasis on setting individual goals, reviewing and modifying treatment programs and implementing Specialized Programs.³⁴

Compilation and introduction of Specialized Treatment Programs.³⁵

The Directorate ensures that all staff, throughout their careers, shall maintain and improve their knowledge and expertise by attending professional development courses, which are organized at appropriate intervals.³⁶

The Penal-Correctional Institution Directorate provides continuous internal professional development in order to maintain and improve the knowledge and professional skills of its staff, upon they take their office, and during their career.³⁷

The Institute staff in charge of working with certain categories of prisoners or who have been assigned special, specialized functions, shall undergo training with a focus on the relevant field.³⁸

The importance and need for professional development of employees engaged in treatment activities is also pointed out in the Strategy for Development of System of Executing Criminal Sanctions, indicating that it is necessary to undertake the following activities:

- To improve a unified Strategy and Guidelines in the field of treatment and preparation for release of convicts, as well as the implementation of appropriate Treatment Programs for different categories of convicts;*
- Continuous training of Treatment Officers with an emphasis on reviewing and modifying the Treatment Program, implementation of Specialized Programs and programs that will enable better social reintegration, and acceptance of convicts after serving their sentences;*

³³ Law on Execution of Criminal Sanctions ("Official Gazette of RS ", no. 55/14 and 35/19), Article 17, paragraphs 1, 2. and 3.

³⁴ Action Plan for the Implementation of Strategy for Reducing Overcrowding of Accommodation Capacities in Institutes for Execution of Criminal Sanctions in the Republic of Serbia until 2020, "More Effective Implementation of the Action Program for the Purpose of Advancing the Treatment of Convicts", point 2.

³⁵ Action Plan for the Implementation of Strategy for Reducing Overcrowding of Accommodation Capacities in Institutes for Execution of Criminal Sanctions in the Republic of Serbia until 2020, "More Effective Implementation of the Action Program for the Purpose of Advancing Treatment of Convicts", point 3.

³⁶ Recommendation of the Committee of Ministers to Member States on European Prison Rules no. P (2006) 2, paragraph 81.2.

³⁷ United Nations Standard Minimum Rules for Treatment of Prisoners, Annex to the Resolution 70/175 of the UN General Assembly, adopted on December 17th, 2015, A/RES/70/175 "Mandela Rules", Rule 75. p. 3.

³⁸ Mandela Rules, Rule 76. p. 2.

- *Compilation and introduction of Specialized Treatment Programs relating to prevention of psychoactive substance abuse, anger control, for perpetrators of sexual and gender-based violence, as well as of Special Specialized Programs intended for vulnerable categories of convicted persons (juveniles, women, the convicts serving long sentences, persons with special needs, the elderly, the mentally ill, etc.);*
- *To establish mechanisms for cooperation and exchange of positive experiences, and good practices between the Institutes;*
- *Provide adequate professional development for all employees participating in the Treatment Programs' implementation.*

RECOMMENDATION

The Directorate for Execution of Criminal Sanctions will include employees engaged in treatment work in all Institutes for Execution of Criminal Sanctions in trainings and specialized professional training for working with convicts having a problem with psychoactive substances' addiction.

3. HEALTH ASPECT

The quality of health care for convicted persons in closed institutions must not lag behind the quality of health care for other citizens. The United Nations Principles state that "the fundamental right of every person is to enjoy the highest attainable standard of physical and mental health" and that "States have an obligation to respect the right to health by, inter alia, refraining from denying or restricting equal access for all persons, including prisoners or detainees... to preventive, curative and palliative health services".³⁹

In this regard, one of the priority goals in the Strategy for Development of the System for Execution of Criminal Sanctions is to ensure that all detainees, convicts and persons in the execution of security and educational measures have the same health care as exists in freedom, and to implement specific programs to reduce problems related to chronic diseases, drug addiction, hepatitis C and B and AIDS (HIV).

Also, the National Strategy for Prevention of Drug Abuse for the Period 2014-2021 envisages: „...improving the availability and effectiveness of measures to reduce the demand for drugs in prisons, in order to achieve a quality of treatment for prisoners equivalent to treatment in civil society, in line with the rights to health and human dignity enshrined in the European Convention on Human Rights and the EU Charter of Fundamental Rights“.

A large number of „Nelson Mandela Rules“ (Rules 24–35) pertains to healthcare of persons deprived of their liberty. The starting point is that the state cares about their health, that they have the right to use the same standard of health care as other citizens, and that their health care will be organized in close cooperation with the general health service, in order to secure continuity of treatment and protection, including against HIV, tuberculosis and other infectious diseases, as well as drug addiction, etc.

European Prison Rules prescribe that when examining prisoners, the physician or qualified medical technician responsible to that physician shall pay special attention to:

³⁹ UN Committee on Economic, Social and Cultural Rights, General Comment no. 14: The Right to the Highest Attainable Standard of Health (Article 12 of the Pact), August 11th, 2000., E/C.12/2000/4, available at: <http://www.refworld.org/docid/4538838d0.htm>

- a. acting in accordance with the usual rules of medical ethics and confidentiality of relations;
- b. diagnosing physical or mental illness and undertaking all measures necessary to treat it, or to continue the pending treatment;
- c. recording and reporting to the competent authorities any sign or indication that prisoners are being treated violently;
- d. treatment of withdrawal symptoms due to the use of drugs, medications or alcohol;
- e. identifying any kind of psychological or other stress caused by deprivation of liberty;
- f. isolation of prisoners suspected of suffering from infectious or contagious diseases during the time of the duration of infection, and providing appropriate treatment;
- g. ensuring that prisoners infected with the HIV virus are not isolated solely for that reason;
- h. to physical or mental deficiencies, that may hinder reintegration into society after release from sentence;
- i. determining physical fitness of each prisoner to work and exercise; and
- j. making arrangements with local community institutions to continue any necessary medical and psychiatric treatment after release, if prisoners agree to such an agreement⁴⁰.

Failure to provide prisoners with access to treatment equivalent to that available in the community and essential preventive measures, violates prisoners' right to health, and is contrary to International Law, such as the International Covenant on Economic, Social and Cultural Rights and the European Social Charter.⁴¹ Also, certain recommendations, rules, declarations and resolutions of the Council of Europe and of other international bodies emphasize the obligation of prison authorities to provide preventive health care, especially regarding HIV and Hepatitis C epidemics in prisons.⁴²

With this in mind, it is necessary to conduct continuous education and training on HIV, Hepatitis B and C at the level of the entire prison community. At the same time, "it is the obligation of health workers to, in addition to providing information individually, face to face, during medical consultations upon admission, provide education and training on preventive health care, organized with the support of the prison administration".⁴³

In all visited Institutes there are convicts infected with Hepatitis C or infected with HIV. Testing for blood-borne infections is done immediately after admission to prison. There is a Conformity Report Form, to be completed during testing. The testing is made on a voluntary basis, and a person can decline it. It is also possible to organize testing based on the convict's request. In all Institutes voluntary and confidential HIV and Hepatitis tests are available. The Protocol on Treatment of HIV Positive Patients is respected completely.

⁴⁰ European Prison Rules, 42.3

⁴¹ Article 12 of the International Covenant on Economic, Social and Cultural Rights, Article 11 of the European Social Charter.

⁴² WHO Europe: Policy guidance on HIV in prisons, available at www.euro.who.int/en/health-topics/communicable-diseases/hiv-aids/policy/policy-guidance-for-key-populations-most-at-risk2/hiv-in-prisons; CM: Prison and criminological aspects of the control of transmissible diseases including AIDS and related health problems in prison. Recommendation R (1993) 6; CM: The ethical and organisational aspects of health care in prison. Recommendation R (1998) 7; CPT Standards 2002 (rev. 2011); UNAIDS/ UNODC/ WHO: HIV/AIDS Prevention, care, treatment and support in prison settings: a framework for an effective national response (New York 2006); WHO Europe: WHO guidelines on HIV infection and AIDS in prisons (Geneve 1993); Maller L. et al: Health in prisons: a WHO guide to the essentials in prison health (Geneve 2007); Penal Reform International: Dublin Declaration on HIV/AIDS in prisons in Europe and Central Asia (Dublin 2004); World Medical Association: Declaration of Edinburgh on prison conditions and the spread of tuberculosis and other communicable diseases (Edinburgh 2000, rev. Montevideo 2011); UNODC: HIV prevention and care in prisons and other closed settings: a comprehensive package of interventions, Policy Brief (Vienna, 2012)

⁴³ Prison Health Care and Medical Ethics, Council of Europe, available at: <https://rm.coe.int/web-prison-healthcare-bosnian-croatian-serbian/16806ab9c1>, pages 51-60

Regarding patients diagnosed with Hepatitis C, a protocol is made in cooperation with the Infectious Disease Clinic, and it has been determined which patients meet the conditions determined by the regulations of the Ministry of Health for treatment with pegylated interferon. In addition to that, regular monitoring of biochemical analyses, ultrasound examinations, examinations by an Infectious Disease Specialist are carried out. All institutions have, in cooperation with the Ministry of Health, provided drugs for the treatment of HIV (AIDS), hepatitis C, tuberculosis and substitution therapy for addicts.

The NPM underlines the need to provide continuous training for health workers to implement Harm Reduction Programs in addiction diseases, prevention of sexually transmitted diseases and tuberculosis, and to ensure the sustainability of programs in the System of Executing Criminal Sanctions.

When it comes to people who are addicted to psychoactive substances, their position, i.e. treatment in Institutes is difficult for several reasons. First of all, certain Institutes do not have a developed detoxification program upon admission to the Institute. In relation to that is the problem that these persons in the majority of Institutes cannot start treatment in it, i.e. only those who started treatment in the community, before coming to the Institute, are on substitution therapy. Substitution Therapy Treatment is available in health care facilities from the primary to the tertiary level of care, while the health services in the Institutes belong to the Ministry of Justice and not to the Ministry of Health.

The quoted situation can result in a pronounced demand for drugs, because if a person is not introduced to substitution therapy during freedom, and in addition, one does not have psychological support, it can be assumed that this person will try every possible way to acquire drugs. At the same time, it should not be forgotten that according to the European Court of Human Rights, "the abstinence syndrome regarding benzodiazepines and alcohol, and in some cases opiates, can be life-threatening, so intensive treatment is necessary. If the prison health service is not competent to treat such cases, then a transfer to another institution is necessary and urgent: without it, the prisoner's human right to appropriate medical treatment is violated."⁴⁴

During the day of visiting the Penal-Correctional Institution (PCI) Sremska Mitrovica there were 323 persons who had or have a problem with PAS dependence. The number of convicts included in the Methadone Program was 45, and 7 persons were on Buprenorphine Therapy.

In the PCI Belgrade, there were 6 convicts on substitution therapy, of which 3 on the methadone program and 3 on buprenorphine therapy.

In the District Prison (DP) Belgrade on the day of visit, 22 persons were included in the methadone program, and 5 persons were on buprenorphine therapy.

In the PCI Niš, almost 20% of convicted persons are addicted to psychoactive substances (346 persons), but only 15 persons are included in substitution therapy.

In the PCI Požarevac out of 383 people who have a problem with addiction to psychoactive substances, 46 of them receive substitution therapy (20 methadone and 26 buprenorphine).

⁴⁴ McGlinchey and others against United Kingdom, 50390/99.

During the day of visit to the District Prison (DP) Novi Sad there were 146 persons who had or have a problem with PAS dependence. The number of convicts included in the methadone program was 14, and one person is on buprenorphine therapy.

In the DP Čačak, on the day of visit there were 18 (out of a total of 48) persons who had or have a problem with PAS dependence, and only one person was included in the methadone program.

In the DP Kraljevo out of 15 persons deprived of their liberty having a problem with PAS, one person was included in the methadone program.

In the DP Smederevo, 3 individuals were, at the time of NPM visit, on buprenorphine therapy.

In order to adequately respond to the health needs of this category of convicts, it is necessary for Institute health workers to identify them during the examination upon admission to the Institute, to pay due attention to their special vulnerability in the Institute and to provide appropriate therapy, as well as to timely organize continuity of care after release from prison. According to official allegations, the number of convicts using substitution therapy is significantly smaller than the realistic needs of the Institutes, precisely because only those who have started treatment in the community, before coming to the Institute, are included in the substitution therapy.

The NPM considers that it is necessary to improve the treatment in this part, in a way to improve the access to treatment with opiate substitutes in the Institutes, by creating conditions for all persons who have a problem with PAS addiction, and for whom the physician Specialist in Psychiatry in the Institute assesses the need to introduce substitution therapy. They should be referred to the competent health institutions for an opinion and to make a decision on the introduction of this therapy. According to the existing regulations, this is the only possible method, since the Special Prison Hospital is not in the network of health institutions. Therefore, the NPM considers that it is of special importance to undertake the activities planned in the Action Plan for Implementation of the Strategy on Prevention of Drug Abuse for the Period 2018-2021, relating to the development of a Normative Framework for Securing Substitution Therapy in institutions for the Execution of Criminal Sanctions, as well as to ensure sustainability of Substitution Therapy in these institutions.

The NPM would like to receive from the Directorate for Execution of Criminal Sanctions information about activities that would be implemented in order to realize the above.

The NPM quotes as a good practice example actions of the DP Belgrade and of Penal-Correctional Institution (PCI) Belgrade, where individual convicts for whom substitution therapy has not been introduced, a Psychiatric Specialist makes an assessment, referring them to the Institute for Addiction Diseases for a consultative opinion on the need to introduce substitution therapy.

The NPM has determined that, except in the PCI Belgrade, PCI Požarevac, DP Belgrade and PCI Niš, in other visited institutions there is no permanently employed Psychiatrist, but he is usually hired on a contract basis and comes once or twice a week to the Institute. In the DP Čačak there is no permanently employed Psychiatrist, nor a contract-engaged Psychiatrist.

Also, even the officials engaged in the provision of health care stressed that there is a need for additional staff, to successfully perform health care in the Institutes.

8.

<p>DETERMINED</p> <p>In certain Institutes there is no permanently employed Psychiatrist, nor a contract-engaged Psychiatrist.</p>
<p><i>REASONS</i></p> <p><i>The Institute has at least one physician and two medical technicians, and must provide the services of one Psychiatrist.⁴⁵</i></p>
<p>RECOMMENDATION</p> <p>The Directorate for Execution of Criminal Sanctions will secure conditions for provision of psychiatric services in all Institutes.</p>

CONCLUSION

Drug addiction is closely related to the commission of criminal offenses, so that there is a high percentage of convicts with this problem in penal institutions, of which the NPM was convinced during the visits. At the same time, these persons even in the Institutes come to certain types of psychoactive substances, which indicates the functioning of the informal system and also aggravates treatment of addicts in such conditions.

Having in mind the quoted, special attention should be paid to solving the problem of abuse of psychoactive substances within penitentiary institutions, as well as to working with this particularly sensitive group of convicted persons. The most frequently mentioned ways of counteracting this phenomenon are related to reducing demand and availability, as well as reducing harmful consequences. In order to reduce the demand, it is necessary to raise awareness of prisoners about the harmful effects of drugs, as well as to identify and to provide adequate treatment aimed at detoxification and treatment of prisoners with addiction problems.⁴⁶ The reduction in availability refers to the ability of convicts to procure drugs in prison, and the reduction of harmful consequences refers to the employee education and specific programs that include various measures to prevent the spread of infectious diseases, as well as the impact on behaviour change for successful re-socialization⁴⁷.

Also, it should be borne in mind that no prisoner can be trained to live in a social community if he does not have at his disposal all those activities without which a person in a social community cannot function (educational, work, recreational-cultural, etc.).

The NPM expresses its expectation that investment in treatment programs and facilities will have long-term positive effects, both in terms of reduced recidivism rates and in terms of

⁴⁵ Article 24. paragraphs 2. of the Law on Execution of Criminal Sanctions.

⁴⁶ S. Kljajević, "Истраживања злоупотребе дрога и третман зависности у пенитенцијарним установама", (Research on Drug Abuse and Addiction Treatment in Penitentiary Institutions) Special Education and Rehabilitation, vol. 16, no. 2/17, page 241.

⁴⁷ S. Kljajević, the quote, page 241.

protecting society from crime. In this regard, the NPM emphasizes the need for a Specialized Approach when dealing with PAS addicts.

There is also a need for more treatment staff, security officers and health staff, as well as to create conditions for rehabilitation of drug addicts, envisaging existence of special isolated departments, special work programs and trained staff, so that the primary problem of addiction does not remain unresolved, and in the shadow of the secondary problem of committing a crime. Briefly, a special and specialized approach tailored to the needs of this particularly vulnerable category of the prison population is needed.

Based on the findings, this Report provides recommendations for eliminating the identified shortcomings and improving the situation in this area. They require, in the first place, continuous cooperation of the competent ministries, primarily the Ministry of Justice and the Ministry of Health, and in preparation for release and post-penal admission also support of all institutions and social actors that can contribute to the most successful rehabilitation of this category of convicts. Namely, in addition to improving the treatment of convicted persons during their imprisonment, adequate post-penal reception should be provided after the execution of a prison sentence, which would include various social institutions, humanitarian organizations, associations and individuals who can help integrate these persons into society. This need is especially indicated by the rate of recidivism, which has been alarmingly high in the recent decades. Finally, the fact that the Institutes have a large number of those with a problem of psychoactive substance abuse suggests that attention should be paid to the conditions and causes that lead to the above, and that society must adequately respond to many social problems and challenges, in terms of changing the state of society.⁴⁸

With this report, the NPM sought to make the problems in the Institutions for Execution of Criminal Sanctions more visible and to motivate the competent administrative bodies to contribute to further changes and improvements in the treatment of addicts to psychoactive substances in the Institutes.

⁴⁸ N. Tanjević, "Поглед кроз затворске решетке" (View through Prison Bars), Faculty of Management, Sremski Karlovci, 2018.