



13th November 2023

Current issues and good practices in prison management - Republic of Serbia -

Dear Madam/Sir,

Please find below the Belgrade Centre for Human Rights contribution, regarding current issues and good practices in prison management in Serbia:

1. Measures to reduce overcrowding:

Although the Directorate for the Execution of Criminal Sanctions in Serbia continuously invests in the material conditions for housing persons deprived of their liberty and increasing the capacity of institutions (Strategies for the Development of the System for the Execution of Criminal Sanctions for the Period 2021-2027), overcrowding, especially in detention units, as well as extremely poor material conditions are still existing problems.

One of the best ways to reduce overcrowding is starting with alternative measures practice. Such an approach is imperative in overcrowding institutions for the accommodation persons deprived of liberty. Also, the use of commutation of sentences and earlier dismissals would be as much as sufficient as well.

2. Designing daily life in prisons to be focused on meaningful and productive activities, rehabilitation and reintegration, and achieving good physical and psychological health:

One of the more prevalent problems faced by inmates, especially in closed regimes, is unemployment. It is a very common case that people spend the whole day without meaningful and productive activities, rehabilitation and reintegration.

In the Annual Report of National Mechanism for the Prevention of Torture in Serbia (hereinafter referred to as the NPM) for 2022¹, it was stressed that the conditions for the employment of as many inmates as possible need to be ensured, especially those classified in closed departments of the institution. Namely, although for security reasons there may be understandable restrictions on work engagement, purposeful work is especially important for high-security inmates, given the negative impact of the strict regime they are exposed to. NPM have already made recommendations to Directorate for the Execution of Criminal Sanctions to ensure the conditions for the work engagement of prisoners assigned to closed departments of the institution.

Meanwhile, according to the information we have, there were no systemic changes on that topic.

Furthermore, with this problem face the juveniles in detention as well - most of their time they spend without specific systemic or treatment activities.

Serbian NPM, after systematic visit of the Correctional Home for juveniles in Kruševac in 2021², gave recommendations regarding importance of practicing individual and group work, the importance of

¹ <https://npm.en.ombudsman.org.rs/attachments/article/492/Report%202022.pdf>

² <https://npm.en.ombudsman.org.rs/attachments/article/469/NPM%20Serbia%202021%20Report.pdf>



further implementation of appropriate program activities and the initiated activities to find solutions for the work engagement, outside the Home.

We do not have information on whether there have been any changes.

3. Challenges and innovations for providing mental health provision, including for different groups of prisoners such as those with pre-existing psychological issues, victims of torture, persons with neurodiversity conditions etc:

A large number of prisons in Serbia do not have a full-time psychiatrist but rather hire associates, doctors specializing in psychiatry, as needed. As a result of this situation, inmates who were diagnosed with a mental illness that requires continuous monitoring and treatment by a psychiatrist, are deprived of adequate use of their right to health care. The same problem greatly affects the provision of support and the realization of the right to health care for persons who have been exposed to ill-treatment or other types of inhuman and degrading treatment.

That being said, it is necessary that every large institution for penal execution has permanently employed psychiatrists, in a number that corresponds to the capacity of the prison. Also, it is necessary that inmates whose mental illness worsened during their prison sentence be transferred from the regime of regular prison sentence and be allowed to stay and be treated in an appropriate health facility.

4. Measures taken to mitigate the use and impact of solitary confinement and the development of alternative approaches for both disciplinary and non-disciplinary segregation:

N/A

5. Laws, policies, special measures and management innovations adopted for groups with specific needs, such as women and girls, children and youth, indigenous peoples, members of national, ethnic, religious or linguistic minorities, LGBTQI+ persons, and people living with past trauma and/or people with neurodiversity conditions:

Women in detention

Women who have been sentenced to detention are housed in detention units of prisons throughout Serbia. The relatively small number of women in a detention unit has the consequence that some of them are practically alone during the execution of the detention measure, often for an unacceptably long period of time. Although in the system of execution of criminal sanctions solitary confinement is a special or disciplinary measure, which is strictly limited in time, in the existing practice it is a regular way of execution of the measure of detention for individual detainees, which speaks volumes about the negative aspect of the system of detention of women.

According to the informations from NPM 2022 Annual Report³, a control visit was made to the Penitentiary Institution for Women in Požarevac. During the control visit, it was established that, acting on the recommendations of the NPM, the regular presence of psychiatrists and the number of executors in the Treatment Service was increased, that searches of children, both those staying in the institution and visiting children, were regulated by internal procedures, that convicts upon execution of the disciplinary measure of sending to solitary confinement, it is possible to make contact with

³ <https://npm.en.ombudsman.org.rs/attachments/article/492/Report%202022.pdf>



family members, and child visitors are allowed to leave the area where the visit is carried out before the inmate they visited, in order to reduce the negative effects that the end of the visit may have on the children. The Institution informed the NPM that it has been concluded a cooperation agreement with the one of the local Preschool, on the basis of which the institution will provide care, nutrition and educational services to children whose mothers are serving prison sentences. In this way, female inmates with children will be enabled to participate in work and other activities in the institution, which was the recommendation of the NPM, and the children themselves will be able to stay in a pre-school institution in the local environment. The actions of the Penitentiary for the improvement of the position of mothers serving prison sentences and their children are especially praised by the NPM, especially because they are in line with modern standards of treatment of female inmates.

Juveniles in detention

Regarding juveniles in detention, earlier (around 2012) it was found that special care was not taken for accommodation of juveniles exclusively with detainees who have not been convicted before or upon the type of criminal offense they are charged with.

Over the years, acting upon the recommendations of NPM, this practice has been improved.

6. Preparing for next pandemic (what worked and what didn't in COVID-19 responses to prison management? Any negative consequences of those measures?):

The pandemic of the Covid-19 virus in 2020 found the institutions for the execution of criminal sanctions in Serbia unprepared. For many years, prisons have been struggling with overcrowded and substandard rooms. The same problem was also current during the pandemic. In one room at the same time were staying eight or even ten inmates and it was not possible to maintain any kind of physical distance.

Bad material conditions and cold and damp rooms were an additional problem. In some cases, even adequate conditions for maintaining personal hygiene were not provided to the inmates.

Despite the fact that during the pandemic, was often pointed out in public that because of health and epidemiological reasons, there is a need for the adoption of amnesty law, as one of the measures that would have a significant impact on reducing overcrowding in penal institutions, that did not happen. International bodies also pointed out this need. The need to apply alternative measures of deprivation of liberty was also underlined because such an approach is imperative in all situations where there is overcrowding in institutions that are staying persons deprived of liberty, as well as the need to use commutation of sentences and earlier dismissals.

All of the above are threats to future pandemics, which is why it is necessary to contribute systemic action towards the improvement of material conditions, reduced overcrowding in prisons, more frequent application of alternative sanctions, and early release from serving sentences of persons who have little time left until the end of their sentences.

7. Responding to climate-change effects on prisons and prison populations and climate-proofing prison management and conditions of detention:

Responding to climate-change effects on prisons, it is necessary to improve the existing non-conditional accommodation capacities of closed and detention units ("cell" dormitory type), that is, to harmonize them with valid regulations and standards. Those kind of cells are usually overcrowded (mostly with smokers), have very small windows, lack of fresh air and they are mostly without air conditioning (fans are mainly used for cooling). In this type of dormitories persons deprived of liberty



cannot shower whenever they want, not even when the temperatures are high and bearing in mind that the toilets are inside the dormitory, very unpleasant smells are spread. That is why, by solving the problem of overcrowding, problems caused by climate change can also be prevented as well.

Moreover, the problem with the detention system in Serbia is that the detainees are usually locked up all day long, in a above described cell/dormitory. As a rule, detainees are not allowed to spend the available time during the day outside the cell, in common rooms with other detainees with whom they are not prohibited from contact by court decision. In the majority of cases, they are not allowed to work, nor are they involved in social and cultural activities. Also, there are not enough conditions for physical activities, especially during bad weather conditions.

It has been indicated (annual reports of the NPM since 2013⁴), that there is a need to provide all detainees and convicted persons assigned to closed departments with sufficient available and purposeful activities, as well as to share common rooms with other detainees, with whom the court did not limit their contact due to the conduct of criminal proceedings. Occasionally, some positive examples of practice occur, but they are still at the level of exception, that is, the problem has not been systematically solved.

8. Maintaining human rights standards in prisons outsourced to private companies:

N/A

9. Prison management and recommendations on how to improve this area

In the area of prison management, it is significant to mention the established practice in prisons, which is carried out during the transport of inmates for specialist or emergency medical examinations in civilian hospitals (in the case when prison hospitals do not have sufficient capacity to provide health care). The mentioned practice implies that the entire health documentation of the convicted person is handed over to the security officer who is in charge of transporting the person to the hospital. This approach leads to a high risk of violating the right to privacy of the inmates, as well as the opportunity for unauthorized persons to access particularly sensitive personal data.

In addition to everything mentioned above, the current practice in Serbian prisons left the possibility for security officers to access the recorded data of the victim who had suffered the torture. To be more precise, in accordance with the law, if during the medical examination doctor finds that there are signs that the inmate has been exposed to violence, he is obliged to inform about that fact the prison warden. However, as this kind of notifications are most often delivered to the warden by security officers, there is a high risk of adjusting statements about the application of coercive measures with inmate's allegation about suffering torture, which will later enable officers to be released from responsibility.

As the practice described above has a strong impact on the right of the inmate to protection against ill-treatment and is an obstacle to the conduction of efficient and effective investigation regarding allegations of suffering torture, it is necessary to improve the practice in a way that the prison doctor directly delivers all notifications and information of importance to the rights of an inmate, directly to the prison warden.

⁴ https://npm.en.ombudsman.org.rs/attachments/067_NPM%20right%20izvestaj%202013%20final%20engl.pdf



10. Search of visitors

The problem that inmates often raise (especially in large institutions where long-term sentences are served) is that during visits in a special (family) room, their visitors are searched in a way that is degrading and insults dignity and usually followed by rude inappropriate conversation between visitors and prison officials. Also, body search is usually carried out in inadequate space.

Security officers believe that body search of visitors is necessary so that during unsupervised visits they do not introduce psychoactive and other illegal substances to detainees. However, this kind of practice has the consequence of visits reducing, bearing in mind that visitors do not want to come again, so as not to go through such an experience (mistreatment).

Regarding this kind of issue in the prison system in Serbia, in the 2022 Annual Report, NPM pointed out that the Penitentiary Institution for Women in Požarevac, regulated internal procedures for searches of children, both those who are living in the institution and the children of visitors.

NPM RECOMMENDATION: The personal search of visitors will be carried out in accordance with the regulations, in a way that respects personal dignity and protects the visitors' personal belongings.

For any additional information, we are at your disposal.

Kind regards,

Sonja Tošković
Executive Director