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HOW TO ATTAIN EUROPEAN STANDARDS

the Situation of Serbian Prisons

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FOREWORD

In discussing the treatment of offenders one is constantly reminded of the existence of a crisis necessitating the introduction of changes into the established practice. This is quite understandable in view of the fact that the policy of treating offenders is a complex matter calling for continuous review, dynamism and responsiveness. However, unlike in other fields (e.g. medicine), where research has been of fundamental importance for the advancement of practice, most innovations in the treatment of offenders have been brought about by the multitude of extraneous factors such as political views, available resources, habits or common attitudes.

Nonetheless, the last decade has brought certain undeniable changes: nowadays the need to improve the criminal law system as a precondition of building a better and safer society is being discussed far more openly than ever before. As a result of increasingly open debates, interest among scientists, specialists and members of the general public in the subject is growing. However, mere concern about the current state of affairs cannot solve the problem, i.e. bring about an effective treatment policy, unless one is also fully aware of the hitherto successes and failures and of the purpose and direction of the ongoing changes. The conclusion we are likely to reach sooner or later is that we may expect to see real progress only after we have gathered reliable information and taken stock of our strengths and weaknesses in order to develop a capacity for designing and implementing a more effective policy.

Bearing this in mind, we can now proceed to evaluate the research project before us.

Evaluation helps us to understand the mode of application and the effects of a strategy as well as to increase our chances of success through revision. Evaluation is a test of the soundness of our approach because it enables us to find out whether reality bears out our suppositions and desires. Unfortunately, many are unprepared to confront such a test; they prefer the lull of unverified suppositions and beliefs and thus deny the significance of evaluation as an open threat to the *status quo*.

Given the present state of affairs, it comes as no surprise that the project was initiated by the non-governmental sector or, to be precise, by the Helsinki Committee for Human Rights in Serbia. In accordance with its principal mission, the organization is primarily interested in the legal aspects of the enforcement of institutional criminal sanctions (imprisonment of adults and juveniles, security measures associated with compulsory psychiatric treatment and custody in health institutions, committal to a reformatory, detention), especially whether current practice is in keeping with the relevant provisions of domestic law and international legal acts.

My assignment was to render professional technical assistance in translating a prison monitoring idea into a research project. The resulting undertaking entitled *Prison Monitoring* having

been completed, my present task as its author and professional adviser throughout, is to introduce the reader to our method of work.

We first set out to determine exactly what we wanted to find out, then to choose the best way of accomplishing that. We proceeded to analyze at great length relevant domestic and international rules and regulations, identifying the following six principal spheres of interest to which their provisions pertained: the quality of life; security; the lawfulness of treatment; social resettlement; contacts with the outside world; and the institution personnel.

The quality of life:

In analyzing the quality of life of the prisoners our premise was that the enforcement of institutional criminal sanctions must not only cause them no unnecessary pain and suffering, but should also prevent any impairment of their psychological and physical well-being, if not actually enhance it.

Security:

The sphere we identified as security has an external and an internal dimension. We subsumed any real or hypothetical danger the prisoners posed to society under external security, internal security pertaining to the safety of personnel and prisoners themselves.

The lawfulness of treatment:

The lawfulness of treatment means that the institution acts fully in accordance with the relevant rules (statute, subsidiary legislation, house rules). Ensuring the lawfulness of treatment is the central task of the institution's administration and personnel.

Social resettlement:

Treatment, work, education and vocational training, leisure and recreational activities, religious culture, and after-care are the most frequently discussed aspects of social resettlement. They should be planned, organized, correlated and carried out within the individual treatment programmes so as to bring about positive changes.

Contacts with the outside world:

This refers to contacts maintained by prisoners as well as those between the institution and its personnel on one hand and appropriate authorities and organizations on the other.

The institution personnel:

This last category affords us an insight into the internal context of the institution and is of crucial importance for understanding the data on all the other dimensions. It is here that we discuss

the administration and the personnel of each service, the administrative policy, the organizational structure, the conditions of work, the supervision procedure, external support and the like.

The next step involved determining indicators for each of the categories mentioned above. This was the most critical stage of the entire undertaking, for we felt it necessary to select concrete, specific and observable indicators to serve as explicit criteria of the given situation and the results achieved. Depending on their purpose, the indicators we selected were of a quantitative or a qualitative nature. The large number of indicators selected (averaging 20) gave us a full and objective picture of each category. We wish to point out that such an approach is in line with contemporary evaluation trends.¹

With a view to providing objective and full information, we intended to gather data by various means: direct observation, documentation analysis, and interviews with administration members, personnel (from all the services) and prisoners.

The necessity of making comparisons between different types of institution called for a standardization of the evaluation procedure. We accomplished this by devising a set of instruments for data collection comprising standardized questionnaires for administration, personnel and prisoners, standardized observation registers, and standardized forms for the entry of data from the institution records.

This publication is made up of team reports on the enforcement of institutional criminal sanctions in the institutions in question. The reports incorporate systematic and comprehensive assessments of the key aspects of the enforcement of these sanctions:

- harmonization of the enforcement of sanctions with relevant statutory provisions;
- the procedures and activities undertaken and their interrelation;
- critical moments and problems;
- the respective views of the administration, personnel and prisoners;
- engaged resources and existing deficits, and
- potential for improvement.

The merits of this pioneering project are manifold. First, documentation of the procedures and activities undertaken helps us to take stock of the results and progress achieved in this sphere. Second, monitoring of conformity of enforcement to the relevant rules and regulations makes for legality of implementation; at the same time, assessment of the procedures and activities undertaken lays bare possible inadequacies of the relevant statutory standards. Third, identification of critical moments, problems and unplanned consequences, as well as of the deficiency of resources, shows what modifications are necessary and where. It is hoped that the recommendations, which suggest creative and concrete improvement of some aspects of the enforcement of criminal sanctions, will prove of special value.

This publication naturally largely reflects the fundamental position of the Helsinki Committee for Human Rights. All the same, we believe that it offers greater potential for objectivity than other similar studies: its clear methodological framework lends itself to critical appraisal, and

¹ E.g. Bureau of Justice Statistics (BJS). (1993). *Performance Measures for the Criminal Justice System*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, BJS.; Patton, M.Q. (1997). *Utilization-Focused Evaluation*. Thousand Oaks, CA: Sage Publications.

its scrupulous distinction between facts and findings on one hand and interpretations on the other enables the reader to draw his or her own conclusions.

Finally, we wish to draw attention to yet another point. At the moment when this publication is coming out, the domain of the enforcement of institutional sanctions is still the exclusive preserve of a very few individuals. For this reason, the far-reaching significance of a project of this kind, and especially of the publication of its findings, is that it gives the public at large access to one of the most inaccessible systems of every state.

Dr Vesna Žunić-Pavlović

Introduction

Throughout the totalitarian rule of the regime of Slobodan Milošević and his henchmen, which lasted for over a decade, the country's prisons remained shut to public scrutiny. Information about the state of human rights of the prisoners and the conditions in which they served their sentences was the exclusive privilege of the state authorities directly involved and of the individuals and institutions concerned with the matter for purposes of scientific research. The question of prisoners' human rights was completely marginalized by war, crimes, economic hardship and daily violations of citizens' human rights and freedoms up to 5 October 2000. For many a convict, being locked away to serve a sentence of imprisonment did not mean mere deprivation of liberty for a set period of time, but also the start of a cruel struggle for survival in the gloom of lawlessness, corruption, torture, inhuman conditions and society's total lack of interest in his or her life behind bars.

It was only after widespread prison rioting broke out in November 2000 that the public's attention was drawn to the conditions in which the prisoners served their sentences. The prisoners put out announcements throwing light on the substandard and inhuman conditions prevailing in Serbia's penitentiaries and prisons. During the riots, groups and individual prisoners made statements complaining that the prison conditions were far below the levels set by relevant international standards and domestic prison rules. The prisoners alleged serious violations of their physical and psychological integrity, humiliating and degrading treatment, unjust punishment and general arbitrary treatment by prison personnel. They complained of, among other things, torture by beating, lack of minimum personal hygiene facilities, absence of medical treatment and health care, and corruption among prison administrative staff.

Some of the allegations and complaints were partly confirmed by competent officials of the Ministry of Justice. As a palliative for the utterly unsatisfactory prison conditions, federal and republican amnesty laws were duly introduced to be finally adopted respectively on 26 February 2001 and 13 February 2001.

Nonetheless, although a number of convicts were fully amnestied and a percentage of sentences commuted, the conditions in which prisoners served their sentences remained unchanged.

In addition to the factors mentioned above, the inhuman conditions in Serbia's prisons endured and multiplied also owing to the country's isolation of many years, during which time no international organization other than the International Red Cross was granted access to its prisons. Domestic non-governmental organizations were also kept at arm's length and only rarely allowed to see what went on inside. In view of the circumstances enumerated above, it was clearly necessary to introduce continuous monitoring of prisons by an independent, non-governmental institution in order to obtain a realistic picture of the prison conditions.

The new government is aware that admission to the Council of Europe and to other international organizations depends in part on the conditions in which sentenced persons serve their prison sentences, as well as that the public must be informed about those conditions. So, after presenting the concept and objectives of the *Prison Monitoring* project, the Helsinki Committee for Human Rights in Serbia was granted permission in May 2001 to visit institutions for the enforcement of criminal sanctions. This meant that for the first time in the history of this state an NGO could apply for and be granted permission to visit places of detention, custody and imprisonment without any restrictions, to interview prisoners with no personnel being present, and to talk to personnel without the presence of administration officers.

Between June 2001 and October 2003, the Helsinki Committee paid a total of twenty-one visits to institutions for the enforcement of sanctions entailing the deprivation of liberty.

During the period covered by this report (April 2002 to October 2003) the Helsinki Committee visited twelve institutions (one maximum-security prison, two closed prisons, three open prisons, two district prisons, one psychiatric prison, one reformatory, and one juvenile prison).

In launching the project, the Helsinki Committee was principally guided by Article 64 of the European Prison Rules which states: 'Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this.'

The Helsinki Committee hopes that its efforts to complete the project and publish this book will make a small but valuable contribution towards achieving this goal.

Fundamentals of the system of enforcement of criminal sanctions in the Republic of Serbia

Since this book is not intended only for professionals but for the general public as well, in order to help the reader to understand individual reports we shall first explain the basic organizational structure, organs and their responsibilities within the system of the enforcement of criminal sanctions in the Republic of Serbia.

The normative legislation

The domain of the enforcement of criminal sanctions is the exclusive prerogative of the republics. In the Republic of Serbia it is normatively regulated by the *Law on the Enforcement of Criminal Sanctions* (LECS), by the *Decree on the Establishment of Institutions for the Enforcement of Institutional Sanctions in the Republic of Serbia*, by the special *House Rules* for maximum-security and closed prisons, open prisons, women's prisons, district prisons and detention facilities, and by subsidiary legislation.

The jurisdiction and management

'The administration for the enforcement of institutional sanctions (hereafter referred to as the Administration) organizes, conducts and supervises the enforcement of sentences of imprisonment imposed on adults and/or juveniles, the security measures associated with

compulsory psychiatric treatment and custody in health institutions, the compulsory treatment of alcoholics and drug users, and committal to reformatories.

The Administration keeps uniform records on the persons subject to the enforcement of institutional sanctions.

The Administration is an administrative agency of the Ministry of Justice of the Republic of Serbia.' (Article 9 of the LECS)

The Administration Director

'The Administration is managed by the Administration director.

The Administration director is appointed by the Government of the Republic of Serbia for a period of four years.

The Administration director represents the Administration and is accountable for the lawful and proper enforcement of institutional sanctions in the Republic of Serbia.' (Article 24 of the LECS)

The institution director

'An institution is managed by the institution director in his or her capacity as deputy to the Administration director.

The institution director represents the institution and is accountable for the lawful and proper work of the institution.

The director of a penal-correctional institution and a penal-correctional institution for women may have a deputy who is appointed by the Minister of Justice for a period of four years.' (Article 25 of the LECS)

The establishment of an institution

'An institution is established by an act of the Government of the Republic of Serbia.

The category, type and seat of the institution are determined by the institution founding act.

The Government of the Republic of Serbia will establish by its decision an enterprise for the training and employment of convicted persons and juveniles.' (Article 15 of the LECS)

The institution categories

The Administration is in charge of the following institution categories:

1. penal-correctional institution [penitentiary] and district prison - for the enforcement of custodial sentences;
2. penal-correctional institution for women - for the enforcement of custodial sentences imposed on female adults and juveniles;
3. penal-correctional institute for juveniles - for the enforcement of custodial sentences imposed on juveniles;
4. prison hospital - for the treatment of convicted and detained persons;
5. psychiatric institution - for the enforcement of measures associated with compulsory psychiatric treatment and custody in a health institution and the compulsory treatment of alcoholics and drug users;
6. reformatory-correctional house [reformatory] - for the enforcement of sentences of committal to a reformatory-correctional house for corrective purposes;
7. institute for personality testing of convicted persons.² (Article 10 of the LECS)

² See the section of the Report dealing with medical care provided to the prisoners.

Types of institution

'Depending on the level of security and the method of treating convicted persons, an institution may be of an open, semi-open, closed or maximum-security type.

In the open-type institutions there are no obstacles to prevent escape.

In the semi-open-type institutions the security service, which monitors the movement of the convicted persons, constitutes the only obstacle to prevent escape.

In the closed-type institutions there are other obstacles to prevent escape (enclosing walls and technical equipment) besides the security service.

In the maximum-security-type institutions the treatment of convicted persons is prosecuted with additional attention amid heightened security.' (Article 12 of the LECS)

'The penal-correctional institution for women and the reformatory-correctional house are institutions of a semi-open type.

The prison hospital, the psychiatric institution and the institute for personality testing of convicted persons are institutions of a closed type.

Only a penal-correctional institution may be of a maximum-security type.' (Article 13 of the LECS)

The institution units

'An institution may have open, semi-open and closed units.' (Article 14 of the LECS)

The institution services and their responsibilities

'An institution may have the following services:

1. a reformatory training service
2. a security service
3. a training and employment service
4. a health care service
5. a general administrative service.

Joint services may be set up to serve two or more institutions.

The security service is an integral formation of the Administration.' (Article 16 of the LECS)

The reformatory training service

'The reformatory training service shall employ such methods and procedures as to dissuade prisoners from committing criminal offences in the future. The reformatory training service shall co-ordinate the work of other participants in the reformatory training process.' (Article 17 of the LECS)

The security service

'The security service looks to the security of people and property in the institution, provides escort for convicted and detained persons and carries out other duties laid down by the law.' (Article 18 of the LECS)

The training and employment service

'The training and employment service trains convicted persons to work, organizes their work and carries out other duties laid down by the law.' Article 20 of the LECS)

Convicted persons are trained to work inside or outside the institution.' (Article 20 of the LECS)

The health care service

'The health care service carries on preventive health care, treats convicted and detained persons and supervises hygiene and the quality of food and water.' (Article 21 of the LECS)

The general administrative service

'The general administrative service performs legal, administrative, accounting, financial, record-keeping and other duties of general importance to the institution and renders legal aid to convicted and detained persons.' (Article 22 of the LECS)

The number and categories of institutions for the enforcement of institutional sanctions in the Republic of Serbia

There are a total of twenty-eight institutions for the enforcement of institutional sanctions on the territory of the Republic of Serbia (excluding Kosovo).

- one maximum-security institution (Požarevac-Zabela);
- two closed institutions (Niš and Sremska Mitrovica);
- four open institutions (Padinska Skela, Sombor, Čuprija, and Šabac);
- one semi-open institution for women (Požarevac);
- one closed institution for juveniles (Valjevo)
- one closed hospital (Belgrade)
- one reformatory-corrective house (Kruševac); and
- seventeen district prisons (Belgrade, Vranje, Zaječar, Zrenjanin, Kragujevac, Kraljevo, Kruševac, Leskovac, Negotin, Novi Pazar, Novi Sad, Pančevo, Prokuplje, Smederevo, Subotica, Užice and Čačak).

According to the latest information the Ministry of Justice of the Republic of Serbia provided on November 20th 2003, the detention institutions and prisons in the Republic of Serbia detain:

- Untried prisoners	2,057
- Tried prisoners	5,686
- Persons sentenced to imprisonment for misdemeanor	215
- Juvenile offenders	96

THE PENITENTIARY AT NIŠ (I)

Date of visit: 30 May 2002

Type of institution: closed, with semi-open and open units

Population: males/adults

Capacity: in the pre-riots period 1,600, currently about 1,200

Number of prisoners: about 850

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

a) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The penitentiary is several kilometres away from the city of Niš, to which it is connected with a good, asphalt road. Construction of the prison began in 1908, and it was finished in 1933. The age of buildings is noticeable, walls are dilapidated and even crumbling. Although some damages incurred during the November 2000 revolt have been repaired, there are traces of vandalism on some of them.

The prison compound is like a park. It is full of trees, vegetation, plants and flower-beds and benches. It is evident that the up-keep is regular and loving.

Prisoners are accommodated in three pavilions which house dormitories with ten to twenty beds each. Although those dormitories situated on several floors are not overcrowded, some of them are too small for the number of their current occupants. Dormitories' walls are humid, neglected and not whitewashed. Floors need to be replaced. There are windows with bars which provide for enough of natural light and fresh air. There is no artificial ventilation, but there is artificial lighting.

There is only essential furniture in dormitories, namely only beds and several chairs. Cabinets for keeping personal items are in corridors. They are all locked and bear a register number. Iron beds are old, as is the bedding and blankets. Bedding is changed every twenty to thirty days, which is not enough.

However hygiene is quite satisfactory, in view of circumstances. The last DDT campaign was carried out in 2001.

So-called admission department and the one of heightened surveillance, renovated after the revolt, meet all the prescribed standards. All premises have been recently whitewashed, sanitary installations are new, and hygiene is satisfactory. But heightened surveillance premises, which accommodate two prisoners each, are too small, and don't let in enough fresh air and natural light.

In all dormitories there are radiator grills connected to the boiler room. But, according to prisoners, heating in wintertime leaves a lot to be desired, because the emitted heat is dissipated through broken or otherwise faulty windows.

Bathrooms and shower-rooms are on each floor. Most of them are in poor shape. Showers are faulty, as are boilers. There isn't enough of hot water. According to the House Rules, shower may be taken once a week, which is not sufficient in view of the living conditions of prisoners.

Prisoners have complained of poor hygiene, and old prison uniforms. Namely they get only one winter and one summer uniform to wear throughout the year. In absence of washing room/laundry they must do their own washing, and on top of everything find in some way detergents, for the latter are in short supply in the penitentiary. The same thing applies to personal hygiene of prisoners, as the institution can supply them only with basic quantities of personal hygiene items.

B) THE KITCHEN, MESS-HALL AND FOOD

Premises housing kitchen and mess-hall were almost totally destroyed during the November 2000 revolt. Hence the food is prepared and served in so-called field (outdoor) kitchen. Moreover food is also kept under such inadequate conditions. Prisoners eat in the school corridor (school has been closed after the revolt) which is contrary to all relevant provisions. However once the construction of the new building, housing fully-equipped kitchen, mess-hall and other ancillary facilities, is completed, all the prescribed standards will have been met. This building is scheduled for opening this fall.

Food is prepared by a professional cook in keeping with the menu signed every week by the prison's director. During our visit we were treated to a very tasteful lunch. But prisoners told us that such tasteful meals are prepared only on the occasion of special visits, similar to ours. According to cook's claims, meat and processed meat are on the menu every day. But interviewed prisoners told us that food was of poor quality, and served in meagre quantities. Vegetables, salads and fruit are rarely on the menu, as are dairy products. There is only one type of diet menu, which is quite similar to the basic one.

However good care is taken of specific diet/menu of Muslim prisoners.

Prisoners also get food via parcels or can buy it in the prison canteen. According to prisoners and in our mind the prison canteen is well-stocked.

C) THE MEDICAL SERVICE AND FACILITIES

Health care services of Niš Penitentiary belong to the following type: out-patient-policlinic institution with an in-patient facility with twenty-five beds. They currently employ six doctors (a general practitioner, industrial medicine specialist, sports medicine specialist, one internist, and dentist, specialist in prosthetics. Added to them there are five technicians, one laboratory technician and one pharmaceutical technician. Competitions for one neuropsychiatrist, one medical technician, and one dentist assistant, are underway. Occasionally are contracted a neuropsychiatrist, X-ray specialist, ophthalmologist, etc.

A neuropsychiatrist, radiologist, internist and ophthalmologist are engaged under a short-term contracts and other specialists called in when necessary.

There are the following departments: general practice out-patient facility with cabinets containing patients' files, industrial medicine out-patient facility, investigating prison out-patient facility, dental surgery, neuropsychiatric, pneumo-physiological, ophthalmological, internal medicine and radiological out-patient units with files, an X-ray cabinet, a laboratory and a pharmacy which distributes daily doses of medicines. Every newcomer is first subjected to a systematic medical

check-up, and then sanitised (washed, powdered with insecticides, clothed). They are also vaccinated against tetanus and typhoid fever.

On average there are 100 check-ups every day, and about twelve dental check-ups. Currently in the penitentiary (including the investigating prison) there are 150 prisoners, psychoactive substance-abusers. There is only one HIV positive prisoner.

Penitentiary buys most medicines on the free market, some are supplied via humanitarian aid in kind, and some prisoners procure for themselves the medicines they need.

Remedial activities of health services (No. of check-ups) in 2001 were:

– general practice out-patient facility	11,478
– neuropsychiatry	854
– internal medicine department	61
– ophthalmology	422
– X-ray	381
– dentistry department	1,258

Added to the aforementioned check-ups, in different Niš clinics about 618 medical check-ups were effected.

Bodily injuries in 2001 expressed in absolute figures:

– Injuries sustained at workplace (light injuries)	71
– Light bodily injuries – different causes	8
– Grave bodily injuries – different causes	5
– Light bodily injuries – self-inflicted	3

In 2001 there were four death cases (one person died in the prison's in-house hospital, one in a Niš clinic, and two committed suicide). All the bodies were examined by the Forensic Institute of Niš.

All employees have shortened years of service (twelve plus four). Specialists get the same pay as general practitioners, and pays in the Niš health institutes are somewhat superior to the ones received by the prison's doctors. Generally medical staff are disgruntled with their jobs, and would immediately accept new ones. The principal reasons of their discontent are: low pays and highly stressful jobs.

Status of health services with respect to the status of other services in the penitentiary, is rather low, and downsized to the level of mere-services. However doctors maintain that the director of prison is trying to improve their status, but that the security services are still prioritised in all respects. There is co-operation with all other services in the shape of daily meetings between heads of services and departments, and in the shape of expert meetings within the framework of every department (every Friday). But many say that a close-nit co-operation is not in place.

Interviewed prisoners were by and large dissatisfied with the level and quality of health services. According to them the main problems were poor supplies of medicines, sanitary material and difficulties related to making appointments with doctors.

However, prisoners say that medical staff treats them in a normal and positive way.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- 'The duty of the prisoner is to keep his body, clothes, footwear and bedding clean whereas the duty of the institution is to make this possible.

Bedding of prisoners is changed twice a month, and if the need arises, even more frequently.

Showers are taken at least once a week.' (Article 39, paragraphs 1, 2 and 3 of the House Rules);

- "The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law." (Article 58, paragraph 1 of the LECS and article 15, paragraph 1 of the House Rules);

- "Premises in which prisoners, sleep, work and eat must be heated in the wintertime. Heating of premises depends on climatic conditions, and by rule lasts from 15 October to 15 April. If climatic conditions or other objective reasons so require, the institution director may prolong or shorten the heating seasons." (Article 15, paragraph 4 of the House Rules);

- "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic contents of air, minimum floor space, lighting, heating and ventilation." (Paragraph 9.3 of the UN Minimum Rules);

- 'The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting and ventilation.' (Paragraph 15 of the EPR);

- 'The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene.' (Article 58, paragraph 2 of the LECS);

- "Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently, as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate." (Paragraph 13 of the UN Minimum Rules and paragraph 18 of the EPR);

- "Sanitary installations should be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner." (Paragraph 12 of the UN Minimum Rules, similarly paragraph 17 of the EPR);

"Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness." (Paragraph 15 of the UN Minimum Rules, and similarly paragraph 20 of the EPR);

- "Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness." (Paragraph 24 of the EPR, similarly paragraph 19 of the UN Minimum Rules);

- "Prisoner is entitled to food of nutritional value adequate for health and strength, and three meals with nutritional value not below 12,500 Jules." (Article 16, paragraph 1, of the LECS);

- "In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food suitably prepared and presented, and which satisfies, in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious and cultural requirements." (Paragraph 25 (1) of the EPR);

- "In order to be medically examined, i.e. to be provided medical services, a prisoner may turn to any member of the prison staff, who shall immediately forward such request to a medical doctor." (Article 35, paragraph 1 of the House Rules)

III

Recommendations

- Intensify the process of renovation of the revolt-damaged premises;
- Replace broken windows and all the other faulty windows in the dormitories before the winter sets in;
- Provide minimum funds for repair of bathrooms, toilets, and replacement of sanitary installations;
- Provide funds for regular supplies of toilet articles, and a sufficient number of winter and summer prison uniforms;
- Provide a premise for installing machines for washing and drying of prison uniforms and other clothing;
- Step up the nutritional value of meals and keep it on the level envisaged by the law;
- Improve medical and sanitary material supplies.

Security

I

Analysis of data collected indicated that the external security is at a satisfactory level. There is a concrete wall with wiring on the top and guards' towers with armed guards. Other technical, security measures shall be soon put in place. In 2001 one attempted escape, and two successful escapes were reported, which is not a too high figure in view of the total number of prisoners. Generally speaking it seems that the security measures in place are sufficient, for in the past six months safety of the broader social community was not threatened by prisoners.

As regards internal security, from various sources we got different answers. According to documentation, security services employ more people than other prison services. Almost all prisoners have a positive attitude towards foremen, but say that have most contacts with the guards, and to a lesser extent with foremen and training officers.

Although the prison personnel was not attacked or injured by prisoners, according to the level of perceived danger, it is thought that at such risk are mostly staff or reformatory training service, i.e. training officers and security services. That animosity towards training officers is

explained by the fact that they have a final say in possible granting of privileges to prisoners. On the other hand, guards and other security personnel fear new revolts, or incidents, in view of fresh memories of the November 2000 revolt and consequences thereof.

But informal talks with prisoners also indicated their fear and insecurity in the prison environment. Statistics indicate frequent conflicts between informal groups within prison, namely brawls and physical assaults. Although body and premises searches are frequent, prisoners may easily procure for themselves injury-inflicting instruments, for many work in the metal-working departments.

According to prisoners' claims racketing is rife, like thefts, hunger strikes, or self-injury as responses to 'unjust' or 'unlawful' decisions of administration.

Several prisoners feared very much other prisoners, mostly psychopaths or very aggressive individuals, serving long prison sentences for manslaughter and infliction of grievous bodily injuries.

II

Incompatibility with or deviation from relevant legislation and rules

There are no major discrepancies or deviations.

III

Recommendations

Aside from providing for all necessary technical measures which would step up external security, security of those members of security services in permanent contact with prisoners should be also boosted. The latter, due to such contacts may timely learn of any possible threats to both internal and external security and thus act a deterrent.

Lawfulness (equity) of treatment

I

We learnt that House Rules are accessible and clear to all prisoners, immediately upon their admission to the facility. On each floor of dormitory pavilions there are House Rules and other relevant information posters.

Prisoners were by and large satisfied by impartiality of personnel, legality of the meted out disciplinary measures, granted privileges, complaints procedure. But in informal talks prisoners expressed their general dissatisfaction with treatment, and unlawful and unjust decisions of administration or other personnel. Prisoners think that corruption is rife, and that money can buy everything. Interviewed prisoners did not think that director of prison was corrupt, but only complained about his strictness and unnecessary maintenance of iron discipline. The latter causes their aggressive reactions, and discontent. Many said that the disciplinary measure of confinement to the heightened surveillance unit was meted out too often and not always justifiably by director.

If those claims are correct, and in view of technical inadequacy of that department and the LECS provision "such a confinement may last in total only six months in the course of a calendar year," then prisoners' discontent is justified.

Prisoners also think that director alone cannot control all prison developments, and that fact is amply exploited by "some of his opponents among the personnel." According to prisoners there are many abuses of power: several guards, for example, can smuggle into the prison, if you grease their hands well, drugs, tablets, cell phone, etc. However, they voiced a much more serious allegation that money could buy them "a transfer to open unit or any other privilege."

When asked about the existence of corruption, the prison director and other staff replied that it existed at a very low level and "did not have a major impact on legality of procedure and treatment of prisoners."

II

Incompatibility with or deviation from relevant legislation and rules

- "Discipline and order shall be maintained with firmness, but with no restriction than is necessary for safe custody and well-ordered community life." (Paragraph 27 of the UN Min. Rules)

- "The Administration shall supervise the work of the institution through persons in authority. Supervision is exercised to control the application of rules and professional work in the enforcement of institutional sanctions. The services of scientific and professional bodies and individuals may be enlisted in supervising the professional side of institution work." (Article 346 of the LECS).

- "Persons in authority on supervision work shall have the right and duty to check the institution's plans and programmes of work, the record-keeping, the work of the institution services, the general vocational training of the personnel, the application of rules relating to uniform, emblems, titles, ranks, arms and the use of the instruments of restraint, the progress of corrective education work, the vocational training of convicted and juvenile prisoners, the application of disciplinary punishment and measures towards convicted and juvenile prisoners, and the exercise of rights and privileges by convicted and juvenile prisoners laid down by this law and the house rules act." (Article 348 of the LECS);

- "There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional objectives." (Paragraph 4 of the EPR, similarly Paragraph 55 of the UN Minimum Rules)

III

Recommendations

- Intensify activities of the competent body of the competent Ministry relating to examination of prisoners' allegations about abuses of official power by security and reformatory training personnel. If such allegations proved to be true, urgently institute criminal or disciplinary proceedings against them;

- Reduce to the least necessary extent administration via restraint, punishment and strict disciplinary measures, and via overemphasis on norms and rules, which are detrimental to good relations and positive mood;

- Prioritise communications and management style which encourage adequate and positive relations among personnel and prisoners in order to improve prospects for success of useful programs and regimes of prisoner treatment. Within the re-education measures put emphasis on connections between prisoners and broader community, and not their exclusion from the latter and their isolation;

- Provide prisoners with opportunities to influence the procedure of tabling and adoption of rules of regime and house rules.

Social resettlement

I

Training and employment personnel told us that they organised and carried out professional vocational training of prisoners within the production sector, maintenance sector and agricultural-catering sector. There are mechanical engineering, crafts, printing, textile, wood-processing and catering classes. Technology of work is similar to the one in normal community. All those sectors are managed by prison administration.

As regards social resettlement, the personnel engages in every day monitoring and evaluation of prisoners' conduct and their job performance. Less than one-fourth of total number of prisoners are currently included in this program. One master trains one to five prisoners. Prisoners have limited say in the choice of their workplaces, for the latter mostly depend on their earlier professions. Unskilled prisoners may choose concrete professions and have opportunities to earn higher educational/professional degrees. But most of them are not interested in the latter, and on the other hand they are not entitled to certificates or diplomas. They work every day for eight hours, (forty hours a week). Week-ends are non-working days.

Work conditions and industrial safety are good, although workers of those services stress that some improvement is needed in that area too. Dangerous machines have protective devices, and licence for use by the Institute for Industrial Safety is always available. Part of prisoners pay is given to them and part of it is earmarked as savings.

And now let us give the rundown of activities of the reformatory training services: admission of prisoners is carried out by admission department. Team made up of social worker, educational specialist and psychologist, after a month-long examination and observation of every prisoner in the admission department, proposes their classification and treatment. That regime is thereafter approved by the prison director. The most important criteria of classification are: length of sentence, health condition, etc. Plan and program of treatment is drawn by every training officer for every prisoner, and it covers definition of educational group, basic and professional education, job profile, free activities and intensity of group and individual work. Criterion of subsequent re-classification is the conduct of prisoners, as evaluated by educators and members of security, employment and reformatory training services.

In examining the conditions of and inclusion into treatment we learnt that they were not satisfactory. Type of work is solely individual, for the prison doesn't have educated and trained personnel for other kind of treatment. But that staff told us that diverse treatments should be

introduced, notably of special categories of prisoners (for example those afflicted with serious mental and psychological disorders).

Training groups are too big to provide for a high-quality work of training officers. One training officer takes care of about seventy prisoners. According to training officers, they have one meeting with prisoners every two months, and during the day two to four meetings. Those meetings usually last one hour. Those talks may be spontaneous and initiated by educators and prisoners.

However most interviewed prisoners admitted having very rare contacts with their training officer. Sometimes they meet them just for fifteen minutes, every two or three months.

We were also told that in the post-revolt period education of prisoners has been halted due to damaged school premises. But we also learnt that the problem of education was not only related to the unfortunate circumstance, but was of a much longer date. Namely in the past scant attention was paid to education, and only several prisoners were included in that program, despite many potential entrants. On the other hand education sector personnel does very little to motivate prisoners to take on new courses, or continue their education. All in all education and employment of prisoners don't have a central role, which from the angle of social resettlement they should have.

The library stock was nearly completely destroyed in the revolt. Of former 2,000 books only several hundred remain, and they are moreover scattered in various pavilions.

We were told that some dailies are received every day, while prisoners may subscribe to others. On each floor there are radios and TV sets.

Recreation and leisure activities include sports, cultural and artistic manifestations, but as the Cultural Centre premises were badly damaged during the revolt, they are currently not pursued. But outdoor handball and basketball grounds and a gym are regularly used.

In the past prisoners edited their own paper "Naš život" (Our Life), organised various panel discussions, and competitions. But now only few prisoners are interested in such pursuits. Head of that sector is a professor of mathematics.

Most prisoners are of Orthodox faith. Irrespective of enormous interest of prisoners, at this moment of time it is not possible to designate a premise for officiating religious rites and pastoral visits. The premise once used to that end was converted into a gym.

There are no special preparations for the release of prisoners. The customary procedure presupposes notification of a competent centre for social work and the police. Then the final conversation is effected, and such pre-release prisoners are timely transferred to semi-open unit. Some personnel admitted that the primary problem in this pre-release procedure and release preparation programs is lack of funds.

II

Incompatibility with or deviation from relevant legislation and rules

- "The reformatory training service shall employ such methods and procedures as to dissuade prisoners from committing criminal offences in the future. The reformatory training service shall co-ordinate the work of other participants in the reformatory training process." (Article 17 of the LECS);

- "Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners." (Article 97 of the LECS);

- "Prisoners are entitled to primary and secondary education, in compliance with the law. The institution organises other forms of education of prisoners in compliance with the law" (Article 44, paragraphs 1 and 2 of the House Rules);

- "Religious services shall be held in special, proper rooms of a correctional facility." (Article 102, paragraph 1 of the LECS);

- "As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a programme of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives"(Paragraph 68 of the EPR);

- "Within the regimes, prisoners shall be given the opportunity to participate in activities of the institution likely to develop their sense of responsibility, self-reliance and to stimulate interest in their own treatment"(Paragraph 69 (1) of the EPR);

- "Provision shall be made for the further education of all prisoners capable profiting thereby, including religious instruction in the countries where this is possible.

The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners" (Paragraphs 77 and 78 of the UN Minimum Rules);

- "A comprehensive education program shall be arranged in every institution, to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programs should have as their objectives the improvement of the prospects for successful social re-settlement, the morale, and attitudes of prisoners, and their self-respect. (Paragraph 77 of the EPR);

- "Special attention should be given to by prison administration to the education of young prisoners, those of foreign origin or with particular cultural or ethnic needs." (Paragraph 79 of the EPR);

- "To these ends all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilised in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a)spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities;

b)arrangements to ensure that these activities are organised, so far as possible, to increase contacts with and opportunities within the outside community as to enhance the prospects for social resettlement after release;

c)procedures for establishing and reviewing individual treatment and training programmes for prisoners after full consultations among the relevant staff, and with individual prisoners who should be involved in these as far as is practicable;

d)communications system and a management style that will encourage appropriate and positive relationships between staff and prisoners, that will improve the prospects for effective and supportive regimes and treatment programmes. (Paragraph 66 of the EPR).

-"Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be

encouraged to make full use of it. Wherever possible the prison library should be organised in co-operation with community library services." (Paragraph 82 of the EPR);

III Recommendations

- Make efforts that the staff remains aware of key importance of services for social resettlement and reformatory training of prisoners;
- Ensure funds for repair of school damaged during the revolt;
- Start a program of school activities and notably program of literacy;
- Renew the library fund, and ensure premises for religious rites and priests' visits;
- Insist on educational methods which encourage and raise the interest of various prisoners in work assignments, additional training and educational activities, by providing contemporary technology, diverse and major work alternatives and introduction of amenities for excelling in work and in additional training.

Contacts with the outside world

I

As regards this aspect we have learnt that prisoners have three coin-operated telephones, and may use them according to the previously made list of users. Every prisoner is entitled to make one call a month, and cannot receive calls. Correspondence and submissions are not subjected to censorship. Letters are handed first to training officers and then to prisoners via general administrative services, notably the prisoner-monitor. In the past six months no letters were seized.

As regards parcels their contents are checked by guards and duly registered. No packages or parts of their contents were seized in recent period.

Visits last one hour, and their frequency depends on treatment. Contacts with lawyers are allowed, whenever the prisoner wishes to have them or the need for them arises.

Stay in scantily furnished "special premises" is carried out under the legally prescribed procedure, that is, once every three months, for three hours. Prisoners did not complain much about the exercise of that right, but thought that more frequent visits, would affect positively their conduct.

As regards co-operation between the prison personnel and officials of other competent institutions we gained impression that it is maintained only at the formal and legally prescribed level.

Majority of prisoners told us that their training officers have not met their families. On the other hand training officers believe that insistence on meeting prisoners' families is tantamount to the breach of the prisoners' right to privacy. Added to that preparations for the release don't include any special programs or activities.

We are of opinion that real capacities and alternatives of co-operation and co-ordination, notably with prisoner's families and custodial bodies are absolutely under-utilised.

II

Incompatibility with or deviation from relevant legislation and rules

- "All prisoners should have the benefit of arrangements designed to assist them in returning to society, family life and employment of after release. Procedures and special courses should be devised to this end." (Paragraph 87 of the EPR)

- "In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to the community. This aim may be achieved, in particular, by a pre-release, regime organised in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support. (Paragraph 88 of the EPR)

- "Prison administration should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment.

- "The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner." (Paragraph 89 (1 and 3) of the EPR).

III Recommendations

- Discuss possibilities and alternatives for a gradual return of prisoners to the community through special pre-release programs and activities, within the same or other corresponding institution, or via parole under supervision compounded by an efficient social support;

- Re-organise and engage centres of social work to assist whenever possible to the prison personnel during admission, monitoring and social resettlement, and notably in maintenance and improvement of their relations with prisoners family, other persons and social organisation;

- Authorised representatives should be allowed access to prisoners in order to enable them to contribute to pre-release preparations and make possible their participation in prisoners' rehabilitation programme. Prison personnel and staff of social services should be encouraged to co-operate, to apply both direct and indirect treatment, to enhance pre-release preparations of prisoners with a view to their faster reintegration into the community, and notably their relations with families, other persons and social organisations;

- Via media and other means of information, try to dispel prejudices, and negative and biased public stances against prisons and prisoners;

- As much as possible create mood and ambience akin to the one in normal community.

The institution personnel

I

Training and employment services data indicate that those services employ only 110 workers, of planned 140 workers. Average age is forty, and gender, male. Ten workers have

completed high education, five higher education, and others secondary school education. They are mostly metal-working, mechanical engineering and wood-working workers.

Average years of service are nine. Structure of employees meets the criteria envisaged by the LECS and the Law on Employment in Government Agencies. One head of production sector is in charge of one to five workers-prisoners, which is a satisfactory ratio. Only two employees resigned in that sector. Staff of those services told us they were satisfied both with their jobs, work of prison administration and co-operation with other services. They think that they are equal to other services. Team meetings are scheduled when the need arises, while staff meetings are held every day. At staff meetings head of this sector gives proposals and opinions relating to every prisoner. But our impression is that such opinions are of secondary nature. In other words work performance is not an important criterion for getting privileges and awards, and re-classification of prisoners. In view of the role and importance of work engagement in the process of reformative training, we would like to underline that many prisoners would be more motivated to work if work conditions and equipment were better.

Personnel complained mostly about obsolete technology of work and poor working conditions. None has undergone additional training.

Many said that the level of stress was not high. Moreover training officers say that the possibility of being attacked by prisoners is very low. There were no reported injuries at work, and none of officers was eager to change his job. Many are satisfied with the regularity of their pays, but not with their income brackets. Overtime is not frequent. Personnel are entitled to early retirement.

In the process of production there were reported breaches of work duties by the staff of those services. Disciplinary measures were reduction of the pays of offenders. Currently three officers are under investigation for the robbery of some supplies.

Of twenty envisaged officers, reformative training services employ only fifteen. They work in the admission department, reformative training and recreational activities department. Average age of employees is forty. One educator takes care of seventy prisoners, a much smaller ratio than in other services. Three employees work in the admission department (an educational specialist, a psychologist, a social worker), semi-open and open units (a total of 160 prisoners) have one training officer each, and in the closed department (a total of nine training officers) there are nine training officers. They all have high school diplomas. Training officers are of the following profiles: five psychologists, four sociologists, one general educator, three education specialists, one social worker, and one professor of mathematics. All officers are males, purportedly on security grounds. However we think that possible attacks on personnel are unrelated to their gender, but in fact depend on the nature of relations between the staff and prisoners. Our impression was that the gender criterion shall be the key one in employing educators in this and in similar institutions. Staff of these services think that the employment criteria should include the personality factor, for insistence on profession (educational degree) in practice turned out to be an inadequate, even secondary criterion.

As regards additional practice or education, currently two employees of these services are being educated for and trained in other kinds of treatment of prisoners. Generally speaking we noted the lack of motivation of personnel for high-quality work, for education and some new work methods. In informal talks they however drew our attention to the fact that there were officers interested in new treatment techniques, so their further education hinged only on financial backing.

Everyone assesses that the level of stress at work is very high, but none of respondents has even sustained injuries at work. Personnel of these services have shortened years of service,

are pleased with regularity of pays, but not with their income bracket. Overtime is rare and compensated, except to head of services.

There were breaches of work duties and disciplinary measure was taken against one employee. Namely one employee because of his unconscientious talk with a prisoner (according to testimonies of three security services members), and insulting of director was meted out a financial punishment, that is, his pay was reduced by 20 per cent. On the basis of a detailed description of that conflict, and our general assessment, we can say that communications and inter-personal relations between staff of these and other services are not on the satisfactory level.

We did not obtain the exact figure of security members employed by the prison, for it is considered confidential. Average age is thirty-five years, gender is male (only one woman). One employee has the university diploma, ten have higher school diplomas, and others have completed secondary school education. Every applicant for the security job must be under twenty-five, with finished military service, completed secondary school education, and be physically and mentally fit for discharging duties envisaged by security services. If he meets all these conditions he is sent to a six-month course, after completion of which he has to pass a final exam. However, we learned that no such courses are held in practice.

Many think that such conditions are the minimal one, and that they don't provide for a humane and regular work of members of security services. Most members of these services think that these criteria should be upgraded along with a simultaneous introduction of program of additional training, both in the sense of mastering martial arts, and receiving education from psychology, sociology, penology, non-violent conflict-resolution and human rights.

These services have most personnel, but there are still vacancies. Competitions are frequent, not many apply for the positions advertised.

Security staff told us they were satisfied with their jobs, work of administration and co-operation with other services. They think that these services are of utmost importance, for the security is the basis of the institution's work. They say that they receive regularly their pays, but are not content with their income bracket in view of their difficult profession, possibilities for injuries and intensity of stress.

In the past six months two workers resigned, but we were not given data on the number of disciplinary measures and proceedings taken.

II

Incompatibility with or deviation from relevant legislation and rules

"All members of the personnel shall be expected to at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect." (Paragraph 56 of the EPR, similarly paragraph 48 of the UN Minimum Rules);

"The administration shall introduce forms of organisation and management systems to facilitate communications between the different categories of staff in an institution with a view to ensuring co-operation between the various services, in particular, with respect to the treatment and re-socialisation of prisoners." (Paragraph 59 of the EPR);

"The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that proper administration of the institution depends.

"The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public, the conviction that this work is a social service of great

importance, and to this end all appropriate means of informing the public should be used" (Paragraph 46 (1 and 2) of the UN Minimum Rules);

- "The personnel shall possess an adequate standard of education and intelligence.

Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

After entering on duty and during their career the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals." (Paragraph 47 of the Minimum UN Rules);

- "In view of the fundamental importance of the prison staffs to the proper management of the institutions and the pursuit of their organisational and treatment objectives, prison administration shall give high priority to the fulfilment of the rules concerning personnel". (Paragraph 51 of the EPR);

- "The prison administration shall provide for the careful selection on recruitment or in subsequent appointments of all personnel. Special emphasis shall be given to their integrity, humanity, professional capacity and personal suitability for the work. Personnel shall normally be appointed on a permanent basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency, good physical and mental health, and an adequate standards of education. Salaries shall be adequate to attract and retain suitable men and women, employment benefits and conditions of service shall be favourable in view of the exacting nature of the work." (Paragraph 54 (1 and 2) of the EPR);

- "On recruitment or after an appropriate period of practical experience, the personnel shall be given a course in training in their general and specific duties and be required to pass theoretical and practical tests, unless their professional qualifications make that unnecessary;

Arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this;

The training of all personnel should include instruction in the requirements and application of the European Prison Rules and the European Convention on Human Rights." (Paragraph 55 (1, 3 and 4) of the EPR).

III

Recommendations

- Persons without adequate professional qualifications or work experience should be trained to perform their general and special duties;

- Improve life conditions of prison personnel by increasing their pays and introduce other incentives aiming at their better engagement, lawful and conscientious work.

- Permanently encourage personnel to increase their knowledge and professional capacity by attending courses, additional training and education, counselling and examples of positive management, and to approach their work with more devotion, and efficiency.

- Introduce training for members of the security services enabling them to handle aggressive prisoners in the most efficient and humane way.

- Prevent prejudices, notably those of gender nature, in the employment policy;

- Organise workshops and training related to constructive resolution of conflicts;

- Educate personnel or engage experts from specific areas to deal with special categories of prisoners.

THE PENITENTIARY AT NIŠ (II)

Date of visit: 29 July 2003

Type of institution: closed, plus semi-open and open units

Population: men/adults

Capacity: around 1,200

Actual number of prisoners: about 970

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

- a) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The Niš penitentiary is situated several kilometres away from downtown Niš to which it is connected by a highway. Construction of the prison begun in 1903 and was put to bed in 1933. Buildings are notably old, their walls are dilapidated and some sections are even prone to falling apart. Though some building have been repaired, the general damage made during the November 200 riot is still visible.

The prison compound resembles a public park - there are alleys, flower beds, trees and wooden benches. The prisoners obviously take good care of this attractive area where they come for walks and recreation.

The prisoners are allocated in three pavilions with worn facades. Dormitories have fifteen to twenty-five bunk beds each. Halls are unpainted and humid, and tiled floors have missing tiles. One pavilion (pavilion C) has been renovated recently. With painted walls, windows and doors, it looks clean and leaves better impression on an onlooker.

Though generally not overcrowded, some dormitories are too small for the number of prisoners they accommodate. Most dormitories are unpainted and humid. Their floor calls for repair. Those that have been renovated since our last visit look much better.

The barred windows allow entrance of natural light and fresh air. There is artificial light in dormitories, but no electric fans or air conditioning.

Furnishing is minimal. Apart from a chair or two, the prisoners are provided with bunk beds only. Their lockers are placed in nearby halls, have number plates and can be locked. Iron beds are over thirty years old, and bedding is in almost the same shape. Bedding is changed once in fifteen to twenty. According to the prison administration, the bedding are scarce and, therefore, cannot be regularly changed and washed.

In spite of all, general hygiene is very good under such circumstances.

Given that the pavilions were built seventy years ago, it is technically impossible to organize living-rooms in some of them. Therefore, the prisoners who are not obliged to work (the majority) have to spend their days in halls dividing dormitories. Though the halls are furnished with chairs, benches, tables and TV sets, the solution as such is totally inappropriate.

All dormitories have radiators heated in wintertime via the prison's central heating system. According to interviewed prisoners, room temperature was adequate last winter, but poorly fitting window frames and doors were nonetheless problematic.

Bathrooms and showers on every floor are mostly in bad shape. Some showers are out of order and almost all pipes are leaking. Walls are unpainted, dirty and humid, toilets stench, while ceramic tiles are either non-existent or smashed.

The prisoners are obliged to take showers once a week. Anyone wishing to take a shower more frequently may do so.

Situation of the so-called admission department and the unit under heightened surveillance that were renovated after the riot is by far better and meets prescribed standards. All rooms are freshly painted, sanitary installations are new and hygiene is adequate. However, the rooms accommodating the prisoners under heightened surveillance (two prisoners in each) are of inadequate size and have small windows that do not allow entrance of sufficient natural light and fresh air. Air temperature in these rooms during summertime is intolerable given that there is no any kind of air conditioning. Situation is about the same in solitaires, though the prisoners punished by solitary confinement are provided with more floor space for the sole reason that they do not share it with anyone else.

The pavilion B has a separate unit accommodating forty-two old, feeble or chronically ill prisoners. These prisoners are usually separated from others on their own free will, as they fear their healthy and stronger inmates might physically or mentally maltreat them. Their accommodation differs not that of the rest, but they do have a walled yard of their own to take walks and rest. Their meals are brought to them so as to avoid any possible incident.

Most prisoners the team saw wore civilian clothes, rather than uniforms. The prison lacks funds to provide all prisoners with uniforms. Seemingly, this bothers not the prisoners themselves, given that civilian clothes are more suitable for hot weather. As there is no laundry, the prisoners have to wash and dry their clothes and linens outside the pavilions, as well as to procure detergents at their own expense. The same refers to toilet articles, since the prison can provide them only to the prisoners in need.

B) THE KITCHEN, MESS-HALL AND FOOD

More than two years after the kitchen had been destroyed in the November 2000 riot, the prison managed to secure an adequate space for preparation of food. A new building was constructed with a spacious mess-hall. There is more than enough natural light and a sufficient number of radiators to provide adequate heating. Unfortunately, the prison went short of funds when it came to the purchase of kitchen and mess-hall furniture. Old and dilapidated chairs and tables mar the general impression. Kitchen personnel told us that only two out of five pots were fit for preparation of food, but nevertheless meals were never late. The prisoners take their meals in shifts, each lasting twenty-five minutes.

A professional cook prepares the food. Weekly menus are approved by the prison director and the head of the health care service. The interviewed prisoners said the quality of food has improved ever since the new director was appointed. There were no major complaints of meals. Quantity and quality of meats, vegetables and fruits served to the prisoners is better than in most institutions the team has visited. This is the first prison the team visited where yoghurt and, occasionally, milk are served to the prisoners.

Only one special diet that hardly differs from the regular one is prepared for the prisoners with special dietary needs. Nothing can be done about it as the prison lacks funds, according to the physician and the cook.

Food parcels and articles of food available in canteens located in every pavilion are additional sources of nourishment. As far as the team could see, these canteens are well-stocked. The prisoners can procure milk, instant coffee, cigarettes, fruits and even meat products they store in newly purchased refrigerators.

C) THE MEDICAL SERVICE AND FACILITIES

The prison's medical service is located in a separate one-story pavilion. It combines in-patient and out-patient services. The in-patient facility has five rooms and seventeen beds altogether. Medical services provided by it vary from 30 to 60 per cent.

The health care service includes: a general practitioner's out-patient facility, an industrial medicine out-patient facility, an out-patient department attached to the investigating department, a therapy room and a dental surgery. Further, there are neuropsychiatric, ophthalmologic, internal medicine and radiology out-patient facilities where visiting specialists provide services to the prisoners. And, there is a laboratory, a pharmacy and the in-patient facility. The service has a staff of sixteen people engaged on full-time basis: one general medicine specialist, one industrial medicine specialist, one orthodontist, one laboratory technician, one pharmaceutical technician, one dental technician, four general practitioners and six general medicine technicians.

Under a contract signed with the Railway Health Care Administration, the prison engages an ophthalmologist, a specialist in internal medicine, a radiologist and an otorhinolaryngologist. A neuropsychiatrist is engaged under separate contract. Apart from the in-patient facility, the prisoners are hospitalized in the Niš Clinical Centre or the Penitentiary-Hospital in Belgrade.

The service is fully staffed in keeping with the in-house job classification. Medical officers are on duty by turns. One doctor and one technician work night shifts. As overtime is not paid, medical officers are entitled to days off. In order to attract and retain medical officers, the prison administration pay them salaries that exceed by 30 per cent those given to the same professionals in the outside community. However, all interviewed medical officers said they would be only glad to leave the prison and apply to other posts should they have any chance to get these jobs. Namely, they take the work with prison population highly stressful. Though they have never been physically attacked, verbal assaults and the injuries and self-injury (stitched eyelids or stomach cuts with intestines pulled out) they have to attend surely put them under permanent stress.

The employees are satisfied with the service's status in the institution. The prison administration, they say, does not interfere in their work and the service's organization. What makes them especially satisfied is that all their requests for medicines and other material are met promptly and fully.

The prison spends around 120,000 dinars on medicines each month. Even vitamins are distributed to the prisoners free of charge. Medicines are distributed in weekly doses to chronically ill prisoners, while psychoactive substances are handed over in individual doses.

The pavilion housing out-patient facilities and the in-patient facility is in bad shape. The same refers to the furniture, equipment and other apparatuses. Electricity installations are presently under reconstruction.

The X-ray machine is out of work since the room in which it is located is not properly isolated. The prison has an autoclave, six dry sterilizers and a relatively new ultrasound apparatus

that only the part-time radiologist is permitted to operate, as well as three sets of surgical instruments suitable for minor surgeries, lamps, old pots for biochemical laboratory, a number of medicine cabinets and a fully equipped dental surgery.

Every prisoner is systematically examined upon admission and his medical file is opened on that occasion. The prisoner is then examined by a psychiatrist, and x-rayed only if a specific illness is indicated. The prisoners sentenced to more than one year confinement are inoculated, and re-vaccinated a year later. Anti-lice sprays are obligatory.

A prisoner punished by solitary confinement is firstly examined by a medical doctor and re-examined while in the solitary if necessary.

The food is controlled organoleptically every day, and is not stored longer than twenty-four hours. Samples of suspicious food are immediately tested, and the food is simultaneously taken from the menu. The head of the service said nutritive value of food correspond to legal standards, and special diets were prepared whenever necessary.

Though the prison is supplied with drinking water from the city water supply facility, the content of residual chlorine is controlled three times a day. Sanitary installations are daily disinfested and disinfected with fluid disinfectants.

A specially trained medical technician is in charge of disinfestation and disinsectization. Over the past six months solitary cells have been disinfested against cockroaches.

One patient suffering from acute tuberculosis is hospitalized in the inpatient ward, while another is the Penitentiary-Hospital in Belgrade. Two prisoners are diabetics on insulin therapy. Also, two prisoners are HIV infected. Around 20 per cent of prisoners are dependent on psychoactive drugs, mostly on sedatives.

In the last six months, two prisoners died natural deaths.

In 2002, the medical service took care of eighty-six injured prisoners (thirty-six industrial injuries, thirty injuries unrelated to prison work, and ten self-mutilations), made 17,395 examinations (15,828 by general practitioner, 1,388 by neuropsychiatrist, fifteen by internist, 132 by ophthalmologist, forty-two by radiologist, and thirty-two by otorhinolaryngologist), and provided 2,109 stomatological services (633 examinations upon admission, 242 check-ups, 143 double check-ups, 259 fillings, 251 teeth extractions, 404 teeth treatments, 165 gum treatments, and twelve other treatments). According to the medical personnel, 699 examinations were provided by specialists outside the institution.

The interviewed prisoners gave quite opposite answers when asked about the quality of medical services. A few spoke highly about it, emphasizing they were almost immediately seen by a doctor whenever they asked for it.

The prisoners were most critical about some doctors they refused to name. According to them, these doctors either ignore their needs or act inadequately. One prisoner told the team that he had gone to see a doctor after being tortured and beaten up by security officers, and asked him to file in the injuries he had suffered. The doctor refused and told him to shut up and stop complaining. According to another prisoner's story, security officers beat him on June 19. So he also went to see a doctor sometime between 6 and 8 p.m., pulled up his shirt to show his injuries, the doctor examined him and then ordered him out of room. This prisoner could not tell whether the doctor filed his injuries in his medical record. When the team talked to the head of service about this specific case (since the other prisoner refused to have his name mentioned as he was afraid some punitive action would be taken against him), the head said he believed not something like that could have happened, but assured the team he would check the prisoner's medical record. According to him every doctor on duty is obliged to follow the procedure of entering any injury into

medical records. A couple of days later, the head informed the team as follows: "On 19 June 2003, at 8:30 p.m., accompanied by a guard, prisoner I.J. came for an examination. Anamnestically, he has no serious health troubles.

Objectively: he is conscious, his orientation is good, he can walk by himself, negates any mental disorder; blood pressure 120/80, heartbeat 88/min., breathing normal.

According to his medical record, the prisoner has not suffered any injury whatsoever."

The team takes there is reasonable doubt to believe that the prisoner was maltreated and physically abused by security officers and that the doctor didn't want to file it in the prisoner's medical record so as to cover up his colleagues' misconduct. The prisoner obviously told the truth when stating the date of his injury. Further, 8:30 p.m. is rather late in the day for anyone to show up at doctor's office and then state that he has no anamnestic health troubles. One cannot but wonder why the communication says nothing about what made the prisoner go to the doctor. Even had the prisoner been beaten by his inmates or hurt himself in some other way, it is impermissible that such information is not entered into his medical record.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules), the European Prison Rules (EPR), and the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- "Every prisoner shall, in accordance with local or national standards, be provided with separate bed, and with separate and sufficient bedding, which shall be clean and kept in good order and changed often enough to ensure its cleanliness." (Paragraph 19 of the UN Minimum Rules, similarly paragraph 24 of the EPR);

- "The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law. The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Article 58 of the LECS; Article 15, paragraph 1 of the House Rules);

- "In a number of countries visited by the CPT, particularly in central and eastern Europe, inmate accommodation often consists of large capacity dormitories, which contain all or most of the facilities used by prisoners on a daily basis, such as sleeping and living areas, as well as sanitary facilities. The CPT has objections to the very principle of such accommodation arrangements in closed prisons and those objections are reinforced when, as is frequently the case, the dormitories in question are found to hold prisoners under extremely cramped and insalubrious conditions. No doubt, various factors - including those of a cultural nature - can make it preferable in certain countries to provide multi-occupancy accommodation for prisoners rather than individual cells. However, there is little to be said in favour of - and a lot to be said against - arrangements under which tens of prisoners live and sleep together in the same dormitory.

"Large-capacity dormitories inevitably imply a lack of privacy for prisoners in their everyday lives. Moreover, the risk of intimidation and violence is high. Such accommodation arrangements are prone to foster the development of offender subcultures and to facilitate the maintenance of the

cohesion of criminal organizations. They can also render proper staff control extremely difficult, if not impossible; more specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case by case risk and needs assessments, also becomes an almost impossible exercise. All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level; further, in such a situation the excessive burden on communal facilities such as washbasins or lavatories and the insufficient ventilation for so many persons will often lead to deplorable conditions.

"The CPT must nevertheless stress that moves away from large-capacity dormitories towards smaller living units have to be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in purposeful activities of a varied nature outside their living unit." (Paragraph 29 of the CPT Standards, CPT/Inf/(2001)16);

'The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene.' (Article 58, paragraph 2 of the LECS);

- "A prisoner shall look after his personal hygiene, and cleanliness of his clothing and bedding, while the prison shall take care that this is possible.

"Bedding shall be changed twice a month, and, if necessary, at more frequent intervals." (Article 39, paragraphs 1 and 2 of the House Rules);

- "In order to be medically examined, i.e. to be provided medical services, a prisoner may turn to any member of the prison staff, who shall immediately forward such request to a medical doctor." (Article 35, paragraph 1 of the House Rules);

- "Prison health care services can contribute to the prevention of violence against detained persons through the systematic recording of injuries and, if appropriate, the provision of general information to the relevant authorities. Information could also be forwarded on specific cases, though as a rule such action should only be undertaken with the consent of the prisoners concerned." (Paragraph 60 of the CPT Standards, CPT/Inf (93)12);

- "Any signs of violence observed when a prisoner is medically screened on his admission to the establishment should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. Further, this information should be made available to the prisoner.

The same approach should be followed whenever a prisoner is medically examined following a violent episode within the prison (see also paragraph 53 of the CPT's 2nd General Report: CPT/Inf (92) 3) or on his readmission to prison after having been temporarily returned to police custody for the purposes of an investigation." (Paragraph 61 of the CPT Standards, CPT/Inf (93)12);

- "The health care service could compile periodic statistics concerning injuries observed, for the attention of prison management, the Ministry of Justice, etc." (Paragraph 62 of the CPT Standards, CPT/Inf (93)12);

- "Whatever the formal position under which a prison doctor carries on his activity, his clinical decisions should be governed only by medical criteria.

The quality and the effectiveness of medical work should be assessed by a qualified medical authority. Likewise, the available resources should be managed by such an authority, not by bodies responsible for security or administration." (Paragraph 72 of the CPT Standards, CPT/Inf (93)12).

III Recommendations

- The renovation of the facilities damaged in the riot, as well as of the old buildings should be speeded up;

- Minimal funds at least should be secured to renovate toilets, bathrooms and to replace sanitary facilities;

- Funds for regular supply of toiletries to prisoners should be secured;

- The Central Prison Administration and the prison administration should investigate the case of the beaten prisoner referred to in this section, and assess whether the doctor failed to carry out his duties. If some people involved in the incident are proved responsible, adequate measures should be taken against them;

- A provision of a new or the amended LECS should stipulate independence of medical services, either through their separation from other services or through safeguard of more autonomy in their work. This would make it possible for medical personnel to carry out their duties exclusively in keeping with medical criteria, and thus fear not that prison administrations or other services would reprimand them for "not being loyal.";

- A provision of a new or the amended LECS should stipulate that a doctor is obliged to examine any prisoner asking for his help, to lay down the reason for which the prisoner has asked to be examined, a disease or an injury he complains of, the manner in which he has been injured and by whom, as well as all information relevant to the prisoner's state of health and the treatment provided;

- The Ministry of Health should intensify or, to put it precisely, begin to supervise functioning of medical services in prisons.

Security

I

Judging by information compiled during the visit, it can be said that the external security is satisfactory. The compound is surrounded by a five-meter wall with watchtowers and guards with automatic guns. Pavilions are separated by high walls and prevent contact between the prisoners housed in different facilities. According to the prison director, video cameras to survey the grounds outside the prison are inadequate. Video cameras installed in the pavilions are inoperable, as they were demolished in the November 2000 riot. However, no prisoner tried to escape over the past six months or endangered the security of the outside community. The only exception was a prisoner who escaped from the city hospital where he had been transferred for treatment. The ratio between the prison personnel and prisoners is the biggest in the security service.

Though no member of the prison staff - regardless of gender or the service he or she works for - has been attacked or injured by prisoners, the assessment and sense of danger is the highest among security officers and somewhat lower when it comes to training officers.

According to some security officers and particularly to the interviewed prisoners, certain prisoners are in full control of the rest. Incidents in the form of verbal or physical assaults are frequent, the same as racketeering and blackmailing. This obviously fuels the prisoners' sense of insecurity. The percentage of the prisoners sentenced for violent crimes and habitual offenders

amount to sixty to seventy. In order to prevent conflicts between groups or individual prisoners, the prison administration often removes prisoners to other pavilions or allocates them to the so-called heightened surveillance unit (HSU). Some prisoners (presently twenty-five of them) are transferred to a facility within the Niš Military Prison that is five kilometres away from the institution.

Frequent "preventive" removals of troublesome prisoners to the HSU at the time of the former management led to a riot staged by several inmates. As it seems, these "preventive" measures have been less frequent ever since the new director was appointed. However, they are still problematic when one bears in mind their adequacy to the purpose and hard conditions in the HSU.

II

Incompatibility with or deviation from relevant legislation and rules

- "The duty of care, which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. In fact, violent incidents among prisoners are a regular occurrence in all prison systems; they involve a wide range of phenomena, from subtle forms of harassment to unconcealed intimidation and serious physical attacks.

"Tackling the phenomenon of inter-prisoner violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. Prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the non-stop secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Further, management must be prepared fully to support staff in the exercise of their authority. Specific security measures adapted to the particular characteristics of the situation encountered (including effective search procedures) may well be required; however, such measures can never be more than an adjunct to the above-mentioned basic imperatives. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners." (Paragraph 27 (1 and 2) of the CPT Standards, CPT/Inf (2001)16);

- "Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking the person the right to determination by depriving him of his liberty. Therefore, the prison system should not, as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation." (Paragraph 57 of the UN Minimum Rules);

- "The CPT pays particular attention to prisoners held for whatever reason (for disciplinary purposes; as a result of their "dangerousness" or their "troublesome" behaviour; in the interest of a criminal investigation; at their own request), under conditions akin to solitary confinement.

"The principle of proportionality requires that a balance be struck between the requirement of the case and the application of a solitary confinement-type regime, which is a step that can have very harmful consequences for the person concerned. Solitary confinement can, in certain circumstances, amount to inhuman and degrading treatment; in any event, all forms of solitary confinement should be as short as possible.

"In the event of such a regime being imposed or applied on request, an essential safeguard is that whenever the prisoner concerned, or a prison officer on the prisoner's behalf,

requests a medical doctor, such a doctor should be called without delay with a view to carrying out a medical examination of the prisoner. The results of this examination, including an account of the prisoner's physical and mental condition as well as, if need be, the foreseeable consequences of continued isolation, should be set out in a written statement to be forwarded to the competent authorities." (Paragraph 56 of the CPT Standards, CPT/Inf (92)3).

III

Recommendations

- Funds should be secured to the repair of the existing system of video surveillance or the purchase of a new one;

- The exercise of authority through the use of force, punishment or frequent disciplinary measures against the prisoners that are harmful to positive relations between the prison staff and the prisoners should be reduced inasmuch as possible;

- The length of confinement in the HSU, as well as efficiency and validity of such punishment should be regularly controlled;

- Courses in training in skills of constructive and non-violent resolution of conflicts should be organized; this would alleviate prisoners' sense of fear and insecurity and, at the same time, upgrade the security of both personnel and prisoners.

Lawfulness (equity) of treatment

I

According to the personnel, the house rules are available upon admission and understandable to each prisoner. Copies of the house rules are visibly placed in every pavilion. However, the prisoners say that though the house rules are clear-cut about their rights and duties, some other rules of the game are in force in reality. Therefore, their answers related to personnel's impartiality when it comes to disciplinary measures and benefits or awards, as well as the efficiency in processing their complaints cannot be assessed as positive. Some interviewed prisoners mostly complained of the arrogant behaviour of certain security officers.

Around 150 disciplinary measures were taken against the prisoners in the past six months. Punishment to solitary confinement for anything between one day and fifteen days is most frequently imposed on the prisoners. Prisoners are being punished for fistfights, thefts or refusal to obey orders. According to the head of the service, her officers use force only in the events laid down in the law. Namely, security officers have the right to use force against a prisoner to overmaster his active or passive resistance or to separate prisoners involved in fistfights. As some interviewed prisoners put it, security officers use truncheons to demonstrate their authority in punishing or "re-educating" them.³ One prisoner told the team that truncheons were mostly used against the so-called outsiders - prisoners from faraway places, rather than those coming from the area. The prisoners of Roma origin or those coming from Kosovo and Sandzak are mostly abused,

³ See section on medical care of prisoners.

said some of their inmates. Security guard, they explained, are not afraid these people would retaliate and that's why the so much demonstrates their power and authority against them.

Some prisoners told the story about their inmate who was firstly beaten up because he breached discipline and then punished for the same offence. When the team inquired about such incidents in the prison administration, it was told that no cases had been formally reported and, therefore, no investigation had taken place.

Obviously, the prisoners are afraid to report the cases of violence. As for the personnel, reporting the use of violence by some of their colleagues can be taken as an exception, rather than a rule.

Apparently, the prisoners more and more trust the new director (appointed some six months ago). They take he tries to impose law and order among the personnel and the prisoners alike. However, they say, the problem is in lower officers who do not keep him informed about all occurrences. The team takes the prisoners are in the right, for after interviewing the director it was left under the impression that he was a person who abides by the rules, correctly treats the prisoners and is dissatisfied himself with some parts of the personnel in all services.

According to the interviewed prisoners, some of their inmates are privileged, particularly those coming from Niš and neighbouring areas, the personnel have their informers, corruption flourishes, etc. These phenomena, as they put it, create negative atmosphere in the relations between them and the personnel, but also among the prisoners. Further, trade in narcotics and other illegal drugs, smuggling of cell phones, racketeering, gambling, blackmailing and threats are the prison's facts of life, according to them. However, the team was hardly in the position to assess the extent to which the personnel endeavour to prevent such negative trends.

Asked about corruption, the prison administration and higher officers say the problem might exist, but it is hard to prove it. In addition, some prisoners are prone to exaggerate, according to them.

Regardless of the fact that the capacity of the prison, which is among the biggest in Serbia, makes the control over the prisoners a much harder task, the team takes that more attention should be paid to the manner in which some officers carry out their duties. For, it is evident that much of the negative trends much depend on their willingness or competence to deal with them properly.

II

Incompatibility with or deviation from relevant legislation and rules

- "The human dignity of the convicted person shall be respected by all. The physical and mental healthiness of the convicted person shall not be harmed by anyone." (Article 56 of the LECS);

- "Force is to be used against a convicted person only if it is necessary to prevent:

- 1) escape,
- 2) physical attack on another person,
- 3) self-inflicted injury,
- 4) causing material damage,
- 5) active or passive resistance during the execution of legal orders by an official)." (Article

136 of the LECS);

- "In addition to major violations of duties and obligations prescribed by the law regulating labour relations in governmental authorities, the following shall also be considered major violations of working duties and obligations:

- Receiving gifts from convicted persons, juveniles, arrested persons and their relatives;
- Trading and barter of goods with convicted persons, juveniles and arrested persons;
- Carrying contraband into or out of a correctional facility for convicted persons, juveniles and arrested persons;
- Agreeing to assist the convicted persons, juveniles or arrested persons with their escape or hindering an investigation;
- Failure to report an agreement conspiracy by convicted persons, juveniles or arrested persons to organize a riot, escape or other forms of violation of an act on the indoor order;
- Exceeding one's authority in the application of force; (Article 343, paragraph 2, items 1, 2, 3, 4, 5 and 10 of the LECS);
- "The appointment of staff in institutions shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive resistance to an order based on law or regulations. Staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution." (Paragraph 63 (1) of the EPR);
- " The Administration shall supervise the work of the institution through persons in authority. Supervision is exercised to control the application of rules and professional work in the enforcement of institutional sanctions. The services of scientific and professional bodies and individuals may be enlisted in supervising the professional side of institution work." (Article 346 of the LECS);
- "All members of the personnel shall be expected at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect." (Paragraph 56 of the EPR);
- "To these ends all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include:
 - "communications systems and a management style that will encourage appropriate and positive relationships between staff and prisoners that will improve the prospect for effective and supportive regimes." (Paragraph 66 (d) of the EPR).

III

Recommendations

- The inspection department of the Central Prison Administration should intensify its control over the legality of the prison regime in all services;
- Mailboxes with locks should be installed so as to make it possible for the prisoners to forward their complaints or appeals; the key to the lock should be entrusted to the director only;
- Priority should be given to communications systems and a management style that encourage appropriate and positive relationships between the prison personnel and the prisoners.

Social resettlement

I

The primary source of information were the training and education service, the reformatory training service, and the prisoners themselves. According to the information obtained from the training and employment service, the service organizes and carries out vocational training in trades dealing with production, catering and agriculture. The prison has a farmland to produce crops, a chicken farm, a hog farm, etc. The prison has separate departments where light industrial work dealing with mechanical engineering, carpentry, printing, ready-made clothes and catering is done. Most prisoners are engaged in machinery and carpentry departments where they assemble boilers, stoves, couches, etc. for the Deligrad Company with which the prison signed a long-term contract for provision of such services.

Technology available to prisoners is outdated, while the machines they work with are old. The prison administration manages the work process. Prisoners are assigned to specific jobs on the grounds of their professions in the outside community. However, most of them take that no heed is paid to their preferences and affinities.

Less than 25 per cent of prisoners are presently engaged in prison work though by far more of them are capable of working. Out of 850 prisoners from the closed unit over 200 are engaged in work. The prisoners from the open and semi-open units are maximally engaged (160). One master is in charge of five prisoners. Prisoners with no specific profession in the outside community are not provided vocational training. Prisoners are disinterested in attending courses, which could be organized, said the personnel.

Scarce funds for the purchase of raw materials necessary for production add to the problem of prisoners' disinterestedness in prison work. For, otherwise, there would be more possibility for productive work. The administration takes that the prison, even under such circumstances, manages a good business. Wasn't the prison weighed down with loans dating way back and with interests to be paid to the bank, says the administration, new machines could be procured and more job opportunities could be offered to prisoners.

In terms of social resettlement, the activity of the training and employment service boils down to daily monitoring and evaluating each prisoner's behaviour and work endeavour. The prisoners are obliged to work eight hours per day, i.e. forty hours per month. Weekends are free. No prisoner complained of having to work overtime.

A part of the prisoners' earnings is put aside as a savings fund, while the rest can be spend at will. The interviewed prisoners complained of the amount of their remuneration.

Working conditions and precaution measures are acceptable, though the personnel of the service take they could be better. The machines that might cause industrial injuries are provided with protective devices and are, according to the personnel, licensed by the Institute of Industrial Safety.

The reformatory training service is first of all tasked with admission procedures. A team composed of a social worker and a psychologist talks to newly admitted prisoners and observe them for thirty days, and then puts forth classification and treatment for each individual prisoner. The prison director, in tandem with the team, has a final say about a prisoner's classification and his treatment program. The nature of the crime committed, length of sentence, the state of a prisoner's health and his record (habitual offender or sentenced for the first time) are the main criteria for a prisoner's classification.

A treatment program for each individual prisoner is made by a training officer and implies specifying one of educational groups, a workplace, intensity of individual and group treatment, as well as leisure activities. The prisoner is reclassified when proposed so by his training officer. The major criterion for a prisoner's reclassification is his behaviour, which is assessed not only by educators, but also by security officers and the training and employment staff. In addition, a prisoner (from the closed unit) is granted a better treatment if he has served one-half of his sentence and behaved properly.

The interviewed prisoners are mostly dissatisfied with the reclassification procedure - many take that they have met all necessary conditions for reclassification and should be given some benefits at least (leaves, free weekends, etc.). They take the benefits are not distributed as they should be. When asked to be more specific about the matter, they usually say, "Well, I'm sure you know," or "I will rather not comment."

The prisoners were also dissatisfied with the treatment programs provided to them. They said that individual or group treatments depended on specific needs of each of them. However, the personnel said no specific treatment was provided to some categories of prisoners such as drug users, those suffering from mental disorders and the like. Sizes of educational groups do not contribute to quality treatment - actually, one training officer is in charge of seventy to ninety prisoners. According to the personnel, individual meetings with prisoners are held once or twice a month, while the overall number of daily meetings amounts to between two and four. Meetings last around one hour. Topics for discussion are either initiated by educators or prisoners, or conversations are spontaneous. However, some prisoners said they rarely see their training officers, and mostly meet them on their own initiative. Such meetings, according to them, last five to ten minutes and usually deal with prisoners' specific requests.

As for the prisoners' schooling, nothing has changed since the team's last visit. Namely, no schooling is provided to the prisoners ever since the November 2000 riot when all classrooms were demolished. Though a large percentage of present prison population needs schooling, reopening of the school, as it seems, will not be on the agenda in near future. The prisoners' poor interest in education is more explicable than the fact that the personnel show no readiness whatsoever to motivate them to learn. Obviously, the schooling, the same as prison work, does not correspond to the purpose it should in the context of social resettlement.

The prison library is poorly stocked as most books were destroyed in the riot. Out of 20,000 books only 3,000 remained scattered all over the pavilions for years. Now these books are meticulously itemised and arranged. According to the prisoner in charge of the library, mostly old editions are available and no new book has been supplied for years. On the other hand, he says, the prisoners are eager to read.

The prison is daily supplied with just several copies of newspapers, mostly the *Večernje Novosti* daily. The prisoners can subscribe to other papers. There are radio and TV sets on every floor.

Recreational and leisure activities are today less frequently organized than before the riot due to damaged premises that serve the purpose. Several round tables, sport competitions, etc. have been organized since the riot. The prisoners partake in such activities in accordance to their preferences. They are mostly interested in sport activities. Every pavilion has a nicely arranged and well-kept area where prisoners can take their walks in fresh air. Grounds for team sports are also well-kept. The gym is presently renovated. There is a chess group that often organizes tournaments in which prisoners gladly partake. One administrative officer is in charge of all these activities.

In terms of religious culture, most prisoners profess Serbian Eastern Orthodoxy. The prison has no adequate space for religious observance and pastoral visits. Presently, the prisoners may exercise their religious rights in the facility (that used to be a church once) that is hardly suitable for the purpose. Since the prisoners are eager to observe religion, religious services are quite frequent. Moreover, there have been marriages and baptisms within the prison compound. According to the prison administration, the facility that used to be a church will be thoroughly reconstructed thanks to the assistance of the Cultural Monuments Administration and ministries of religious affairs and justice.

No separate premises for religious observance are available to the prisoners of other religions. However, they may receive visits by their priests.

With due respect for the prison administration's concern for the prisoners right to exercise their religious beliefs, the team takes that their schooling and vocational training aimed at enabling them to make decent living and provide for their families after release should be given by far more attention. In the team's opinion, therefore, priority should be given to reopening of the school and launching vocational training.

There are no pre-release programs or similar activities to be carried out by the personnel. The entire pre-release procedure boils down to the LECS provision under which an authorized social care centre and the police are informed about a prisoner's release. The prisoners that are about to be released are duly allocated to the semi-open unit and called in for the so-called final talks.

II

Incompatibility with or deviation from relevant legislation and rules

- "Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners." (Article 97 of the LECS);

- "Education should be regarded as a regime activity that attracts the same status and basic remuneration within the regime of work, provided that it takes place in normal working hours and is part of an authorized individual treatment program." (Paragraph 78 of the EPR);

- "Provision shall be made for the further education of all prisoners capable thereby, including religious instruction in the countries where this is possible. Education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration. So far as practicable, the education of prisoners shall be integrated with the education system of the country so that after their release they may continue their education without difficulty." (Paragraph 77 of the UN Minimum Rules);

- "Specific programs of remedial education should be arranged for prisoners with special problems such as illiteracy or innumeracy." (Paragraph 80 of the EPR);

- "To these ends all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities;

b. arrangements to ensure that these activities are organized, so far as possible, to increase contacts with and opportunities within the outside community so as to enhance the prospects for social resettlement after release;" (Paragraph 66 (a and b) of the EPR);

- "Convicted prisoners are employed inside or outside the institution. Work inside the institution shall be organized and carried out in a manner as closely resembling the conditions of similar work outside as possible." (Article 79 of the LECS);

- "The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community so as to prepare prisoners for the conditions of normal occupational life. It should thus be relevant to contemporary working standards and techniques and organized to function within modern management systems and production processes." (Paragraph 72 of the EPR);

- "Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in cooperation with community library services." (Paragraph 82 of the EPR).

III

Recommendations

- Every effort should be taken so as to make the personnel aware of the crucial role the reformatory training service plays in the process of prisoners' social rehabilitation;

- Funds necessary to renovate the school damaged in the riot should be secured;

- Education activities and, in particular, the program for the illiterates should be launched;

- Vocational training and programs of further education in specific trades should be started;

- Methods aimed at motivating and attracting prisoners to partake in prison work, further education or vocational training should be applied and, for that purpose, modern technology should be introduced and prisoners offered more benefits for outstanding performance or readiness to attend courses of training;

- The prison library should be supplied with new and adequate books;

- Engagement of more training officer should be considered as a solution to reduce the number of prisoners included in training groups;

- The personnel should undergo in-service training in dealing with special categories of imprisoned addicts, or specialists should be engaged for this purpose;

- Special pre-release programs and activities should be developed within the prison or by an authorized institution.

Contacts with the outside world

I

Six coin-operated telephones are available to prisoners today (which means that three have been installed since the team's last visit). Two are placed in the open and semi-open unit, while the other four in the closed unit. The prisoners make calls in accordance with a schedule and their classification. On the average, one prisoner is allowed to make one ten-minute call biweekly. The prisoners did not complain of the procedure, though most of them take ten-minute conversation insufficient.

Letters and petitions are not censored. All letters are forwarded to training officers and then distributed by a prisoner on duty. No letter has been confiscated in the past six months. The prisoners did not complain of the manner the written communication with the outside world is implemented.

The number of parcels allowed depends on individual prisoners' regimes. Security officers inspect parcels and register their contents. According to the personnel, no parcels have been confiscated except for some items that should not be sent to prisoners under the law. Illegal substances and arms are listed as such items.

The frequency of one-hour visits also depends on individual prisoners' regimes. The prisoners meet with their visitors in a spacious room furnished with tables and chairs. The crowd and noise at visiting hours must be considerable.

Two cabins in the vicinity of pavilions are available to prisoners for special visits. The interviewed prisoners did not complain of the procedure. Some were critical about the cabins' furnishing and cleanliness.

The prisoners can contact their lawyers at all time and at their request. Such meetings are organized in a room that serves this purpose solely.

Though the team was in no position to assert how justified were the prisoners' complaints of the manner in which benefits and privileges (leave, free weekends, etc), referred to in the paragraphs above, were granted, it takes that such grudges are understandable since prevention of such contact with the outside world adds to the prisoners' sense of deprivation and frustration with the life in prison.

Given that preparations for release imply no special programs, the team was left under the impression that little effort has been made in terms of cooperation and co-ordination with authorized social care centres and families, and that relevant governmental institutions have failed to provide any assistance in this significant segment of the contact with the outside world.

II

Incompatibility with or deviation from relevant legislation and rules

- "The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be included as much as possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the measure compatible with the law and the sentence, the rights relating to civil interest in the rights and other social benefits of prisoners." (Paragraph 61 of the UN Minimum Rules);

- "From the very beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish contact with persons or agencies outside the institution as may promote the best interest of this family and his own social rehabilitation." (Paragraph 80 of the UN Minimum Rules);

- "The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future programs from the beginning of his sentence.

"It is desirable that the activities of such agencies shall be centralized or harmonized as far as possible in order to secure the best use of their efforts. (Paragraph 81 (2 and 3) of the UN Minimum Rules);

- "If convicted person needs assistance after release, a correctional facility shall so inform a centre for social work authorized in the place of residence or permanent address of the convicted person at the time the sentence by which he was punished became valid. The correctional facility shall inform the centre for social work of the nature of the assistance needed. (Article 164 of the LECS);

- "All prisoners should have the benefit of arrangements designed to assist them in returning to society, family life and employment after release. Procedures and special courses should be devised to this end." (Paragraph 87 of the EPR);

- "In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support." (Paragraph 88 of the EPR).

III

Recommendations

- The prisoners should be allowed to make longer phone calls;

- The staff of social care institutes and centres should be encouraged, whenever possible, to assist the prison personnel in admission, monitoring and social resettlement procedures and to work in close cooperation with them so as to maximally prepare a prisoner for smooth reintegration in society, and particularly in maintaining and improving his family ties and contact with other person and employment centres;

- Efforts should be made to gradually overcome public bias about prisons and prisoners stigmatization by society through the media and other means of mass communication;

- An atmosphere resembling as much as possible the one in the outside community should be created.

The institution personnel

I

This is an aspect crucial for implementation of all sanctions.

The training and education service has a staff of 103, whereby the relevant criteria laid down in the job classification are met by 95 per cent. The team takes that the service's administration is overstuffed. The personnel's age averages forty and they are all men. Fifteen officers have university diplomas, while the rest have graduated from secondary schools.

The personnel's vocations mostly deal with metal work, mechanical engineering, carpentry and administration. Their professional experience ranges from ten to twenty years. All employees meet recruitment criteria laid down in the LECS and the Law on Employment in Government Agencies.

One master is in charge of one to five prisoners capable of work. Except for one master on a sick leave, all masters show up regularly at their job. Interviewed masters said they were satisfied with their job, as well as with the efficiency of the administration and other services. They mostly see their service's status as appropriate. Team meetings are convened whenever necessary, while responsible people from all services meet on the daily basis. This is when the head of the service makes proposals and gives his opinion about each individual prisoner. However, as it seems, his opinions are of secondary importance when it comes to benefits and privileges to be granted or prisoners' reclassification. In other words, hard work and outstanding performance seem to stand for less important criteria than the length of sentence, or the time spent in the institution when compared to the length of sentence.

Given the important role productive engagement plays in the process of reformative training, the above phenomenon crucially influences the prisoners' poor motivation for work.

The personnel mostly complained of outdated technology and bad working conditions. None of them has attended any course of in-service training.

All of them say their job is rather stressful. However, their responses indicate that intensity of their fear of being attacked by the prisoners is rather low. Further, no one of them has ever suffered industrial injury and would look for another job unless it means a promotion. When asked about their salaries, they said they were satisfied with regularity of payment, but not with the amounts on their checks. Overtime is occasional. The entire personnel are entitled to shorter length of service.

Three masters engaged in production process have breached their duties. After disciplinary proceedings against them, they were fined - their salaries were reduced for a set period of time.

Out of eighteen employees laid down in the job classification, the reformative training service has a staff of thirteen full-timers. They are assigned to the admission department and the departments for reformative training and leisure activities. Their age averages thirty-five to forty. On the average, one training officer is in charge of eighty prisoners, a ratio smaller than in other services.

Two employees - a psychologist and a social worker - are engaged in the admission department. There is no educational specialist or a general educator.

In the open and semi-open units, one training officer is in charge of around 180 prisoners. Ten training officers are assigned to the closed unit.

All of them meet the recruitment criteria. Eleven employees have university diplomas, one has graduated from a high school, and one has finished a secondary school. As for their profession, they are psychologists, sociologists, educators, social workers and teachers (mathematics and physical culture). All of them are men. This is explained by security reasons. .

Though the personnel's safety apparently has nothing to do with gender, this criterion will obviously remain crucial for recruitment of training officers in this and probably in other institutions.

Though all of them take their job highly stressful, no one said a prisoner had ever attacked him. The personnel are entitled to shorter length of service. They are satisfied with being paid regularly, but take their salaries inadequate. The same as their colleagues in the institutions the team has visited recently, they pinpoint the latest amendments that fuel their sense of professional degradation and discrimination. Namely, under this latest provision salaries were increased to all institutional personnel, except for reformative training officers.

Occasional overtime is usually remunerated. When asked whether they were satisfied with their job, their responses ranged from satisfaction to indecision and readiness to look for another job.

No disciplinary measures against the reformative training personnel have been taken in the past six months.

According to the officers themselves, the recruitment criteria should include personal suitability for the job - for, in addition to professional qualification, they say, dealing with prisoners requires special commitment to work and mental capacity. They also take in-service training necessary and would gladly attend such courses should they be organized with the assistance of relevant authorities. There was a seminar in June 2003 when they exchanged views with their counterparts from the Netherlands about special treatment of drug users. This is not sufficient, they say, and, therefore, the Ministry of Justice and the Central Prison Administration should pay more attention to organization of in-service training. In this context, they said they were fully aware of the importance of systematic and well-organized cooperation with colleagues from same or similar institutions. Such exchange of views about general and specific problems each institution is faced with and about the ways to overcome them, as well as development of a professional network and establishment of interdisciplinary teams would be most helpful to them and to the institution they work for, and thus to the very process of prisoners' reformation and social rehabilitation, according to the personnel.

The job classification for the security service plans 210 officers. Actually, 190 people are working in the service. Their age averages thirty. Three officers are university graduates, six have finished high schools and the rest secondary schools. There are five women officers in the service.

Appointed in 2000, the head of service has been working for the prison throughout his twenty-nine-year career. He still has to work another three years for his old-age pension and, therefore, says he wouldn't look for another job. His is satisfied with his salary. As he puts it, his service co-operates smoothly with other service, and best with the reformative training service. He commended the efficiency of the new director, calling the latter a much better professional and manager than his predecessor.

The service faces no problems in its regular functioning. Officers work shifts. Actually, only two of them are on sick leaves. Ever since the Law on Employment in Government Agencies was amended so as to provide 60 per cent of the salary to be paid to a person on a sick leave, officers apt to taking sick leaves have been by far fewer. No one has been fired over the past six months.

In the same period disciplinary proceedings for negligence and breaking orders have been instituted against six security officers. When a prisoner escaped from a city hospital, one officer was subject to disciplinary measures. None of them has been blamed for excessive use of force.

The officers' job is hard and highly responsible, said the head of the service. This is the more so taking into account the number of prisoners and composition of prison population. Frequent transfers of prisoners, inappropriate equipment and old vehicles make their job even more stressful. According to him, security officers are only glad to move to other services with relevant vacancies.

There is a need for in-service training, mostly in martial arts and gun handling.

Presently under construction, a hotel on Mt. Jastrebac will be available for recreation and leisure to the prison personnel. Accommodation will be paid below market prices for such services. The team takes the idea to build a holiday resort for the personnel and their families excellent.

II

Incompatibility with or deviation from relevant legislation and rules

- "The cornerstone of a humane prison system will always be properly recruited and trained prison staff who know how to adopt the appropriate attitude in their relations with prisoners and see their work more as a vocation than as a mere job. Building positive relations with prisoners should be recognized as a key feature of that vocation.

"Regrettably, the CPT often finds that relations between staff and prisoners are of a formal and distant nature, with staff adopting a regimented attitude towards prisoners and regarding verbal communication with them as a marginal aspect of their work. The following practices frequently witnessed by the CPT are symptomatic of such an approach: obliging prisoners to stand facing a wall whilst waiting for prison staff to attend to them or for visitors to pass by; requiring prisoners to bow their heads and keep their hands clasped behind their back when moving within the establishment; custodial staff carrying their truncheons in a visible and even provocative manner. Such practices are unnecessary from a security standpoint and will do nothing to promote positive relations between staff and prisoners.

"The real professionalism of prison staff requires that they should be able to deal with prisoners in a decent and humane manner while paying attention to matters of security and good order. In this regard prison management should encourage staff to have a reasonable sense of trust and expectation that prisoners are willing to behave themselves properly. The development of constructive and positive relations between prison staff and prisoners will not only reduce the risk of ill-treatment, but also enhance control and security. In turn, it will render the work of prison staff far more rewarding.

"Ensuring positive staff-inmate relations will also depend greatly on having an adequate number of staff present at any given time in detention areas and in facilities used by prisoners for activities. CPT delegations often find that this is not the case. An overall low staff complement and/or specific staff attendance systems, which diminish the possibilities of direct contact with prisoners, will certainly impede the development of positive relations; more generally, they will generate and insecure environment for both staff and prisoners.

"It should also be noted that, where staff complements are inadequate, significant amounts of overtime can prove necessary in order to maintain a basic level of security and regime delivery in the establishment. This state of affairs can easily result in high levels of stress in staff and their premature burnout, a situation which is likely to exacerbate the tension inherent in any prison environment." (Paragraph 26 of the CPT Standards, CPT/Inf(2001)16);

- "Finally, the CPT wishes to emphasize the great importance it attaches to the training of law enforcement personnel (which should include education on human rights matters - cf. also Article 10 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). There is arguably no better guarantee against the ill-treatment of a person deprived of his liberty than a properly trained police or prison officer. Skilled officers will be able to carry out successfully their duties without having recourse to ill-treatment and to cope with the presence of fundamental safeguards for detainees and prisoners."

- "In this connection, the CPT believes that aptitude for interpersonal communication should be a major factor in the process of recruiting law enforcement personnel and that, during training, considerable emphasis should be placed on developing interpersonal communication skills, based on respect for human dignity. The possession of such skills will often enable a police or prison officer to defuse a situation which could otherwise turn into violence, and more generally,

will lead to a lowering of tension, and raising of the quality of life, in police and prison establishments, to the benefit of all concerned." (Paragraphs 59 and 60 of the CPT Standards, CPT/Inf (92)3);

- "The prison administration shall provide for the careful selection of every level of personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of institutions depend.

"The prison administration shall constantly seek to awaken and maintain in the mind of the personnel and of the public the conviction that this work is a social service of importance, and to this end all appropriate means of informing the public shall be used." (Paragraph 46 (1 and 2) of the UN Minimum Rules);

- "After entering on duty and during their career, the personnel shall maintain and upgrade their knowledge and professional capacity by attending courses of in-service training organized at suitable intervals." (Paragraph 47 (3) of the UN Minimum Rules).

III

Recommendations

- Conditions of life and work of the entire personnel should be improved through increased salaries and other benefits that would motivate them to work conscientiously and in a legal manner. In this connection, the existing differences in salaries should be reconsidered while keeping in mind the role and importance of particular services as prescribed by the law;

- The personnel should be permanently encouraged to upgrade their knowledge and professional capacity by attending courses of in-service training and seminars aimed at improving humane treatment of prisoners, work efficiency and the personnel's commitment to their job;

- Gender discrimination in the process of recruitment should be prevented;

- In the process of recruitment, particular care should be paid to a candidate's social and emotional suitability;

- Additional specialists should be engaged for the work in the admission department;

- The personnel should be educated in dealing with special categories of prisoners, or specialists should be engaged for this purpose.

THE PENITENTIARY AT POŽAREVAC-ZABELA

Date of visit: 19 September 2002

Type of institution: strictly closed and closed

Population: men/adults

Capacity: around 1,700

Actual number of detainees: about 750

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

a) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The penitentiary at Požarevac-Zabela is a large complex of some 200 hectares, including farmland, a recently renovated swimming pool and recreation ground. Apart from a number of facilities, there are well-kept gardens and even a fish fountain. Some buildings were constructed back in 1910-12 and served as a juvenile detention centre. The so-called Pavilion 7 (maximum-security) housing prisoners under heightened surveillance was built in 1928. Old, dilapidated and unkempt, the building was additionally damaged during the November 2001 rebellion.

At the time the team visited it, the outer side of the Pavilion 7 has already been roughly renovated, while its interior was still under construction. Given that some parts of the building have been completely renovated and fit for accommodation, inmates that had been removed to other facilities have been able to move back. New sanitary installations have been provided. Old and dilapidated beds are now replaced by new ones, including bedding and cabinets for personal belongings. Should the Pavilion 7 be completely renovated, conditions provided to prisoners serving their sentences under strictest control could be labelled as fairly good.

Solitaires in the Pavilion 7 have been renovated as well. Each bears a tag with a prisoner's name and the date he was punished by close confinement.

Accommodation in pavilions 1 and 2 (dormitories with eight to ten beds) is better than in pavilions 3 and 4, where as many as thirty or forty prisoners sleep in bunk beds, while the rooms are of inappropriate size and overcrowded. Inner walls of pavilions 3 and 4 (halls, rooms) are generally in bad shape, though some sections have been renovated and look better than at the time of the team's previous visit (10 October 2001). There are no traces of humidity in the rooms. All the rooms the team visited have either large or small windows that can be freely opened and thus let in fresh air and sunlight.

Beds are almost falling to pieces. Bedding is changed twice a month. Hygiene, maintained by prisoners, is decent, while disinsectization and deratization are carried out regularly. Prisoners wash their own clothing. However, since the laundry burnt down during the rebellion, clothing and underclothing have to be dried in dormitories.

Prison uniforms are mandatory.

Like in most prisons throughout Serbia, the prison administration is in no position to provide toilet articles to all prisoners. Therefore, prisoners must either procure them in a canteen at their own expense or have their families send them in parcels.

Toilets and bathrooms are in bad shape - sanitary installations are battered, the same as buildings.

Water supply is still a major problem. In spite of two existing water supply systems (central and in-house), tap water is either lacking or insufficient. This is why prisoners are allowed to take showers under highly restrictive regime. Though a project for solving the problem has been drawn, it cannot be implemented due to the lack of funds. Supply of hot water figures even as a bigger problem, since the number of boilers fit for use can hardly meet prisoners' needs. Situation is somewhat better in summertime when prisoners can take showers in the open with water heated in the sun.

Inappropriate heating is yet another major problem. In spite of the fact that the prison has a boiler room of its own and a central heating system, radiators are either too old or broken to be operable. The only sources of warmth in wintertime are small stoves burning wood that are absolutely unsuitable and incapable of maintaining proper temperature. Stoves as such are located just in so-called living rooms and cannot be found in other premises such as toilets or bathrooms. Therefore, temperature in dormitories with large but creaky windows turns unbearable at night.

The heating problem is even worse in the Pavilion 7 where stoves cannot be installed, while the central heating system is not functioning.

For the time being, the prison administration tries to solve the problem by providing every prisoner with five or six blankets in wintertime. It is more than obvious, however, that a serious problem as such calls for urgent solution - either the existing central heating system should be repaired or a new one installed.

Pavilions 5 and 6 were completely destroyed during the rebellion. There is no telling whether or when these pavilions will be renovated. Since they cannot be used at all, prisoners that should be kept separately in accordance with categorization are accommodated in other pavilions.

B) THE KITCHEN, MESS-HALL AND FOOD

Recently renovated and additionally equipped kitchen and mess-hall meet all necessary standards. Walls have been painted, new aspirators and air conditioners have been installed and the kitchenware is functional. Meals in the dining room or taken to solitary cells are served at regular intervals. These premises are kept scrupulously clean at all times.

Professional cooks prepare meals, while weekly menus have to bear director's signature. According to prisoners, food is of poor quality and scarce. Meat and meat products are on the menu every day, though insufficient. Fresh vegetables are scarce particularly in wintertime, fruits are never served, and milk products are considered a rarity. Just one special diet provided to prisoners hardly differs from meals on regular menus.

Prisoners can upgrade their diets through family packages or some food products they can buy in the prison canteen at market prices.

Interviewed prisoners take that the prison canteen is poorly stocked, as apart from cigarettes and coffee it offers nothing but a few articles of food.

c) THE MEDICAL SERVICE AND FACILITIES

The prison has a hospital facility with sixteen rooms and fifty beds altogether - rooms have three or four beds each.

The prison's medical staff includes a head of the hospital ward (neuropsychiatrist), a stomatologist and a medical technician. According to the relevant job classification, the hospital ward is understaffed by 50 per cent and necessitates another two general practitioners and four medical technicians. A proposal to fill vacancies is kept constantly open, but no one applies for it.

The reason why doctors or technicians keep ignoring the proposal in spite of 30 per cent bonuses, retirement benefits and pensions at the age of fifty that are being offered is to be tracked down in impossibility to get their housing problems solved and high-risk jobs.

A dental surgery is fully equipped and, as the stomatologist put it, 1,600 treatments have been given to prisoners since early 2002. The stomatologist has not been assisted by a dental technician for years. He usually extracts teeth. Fillings and other treatments, let alone dentures, are provided to prisoners just from time to time due to the shortage of necessary material. Prisoners are allowed to call in their own dentists and pay them from their own pockets.

The hospital facility has a dispensary that keeps minimal doses of drugs as precaution against breaking in and stealing. Medicaments in stock are renewed twice a month through itemized prescriptions signed by the head of the hospital facility and then taken to the central pharmacy in Požarevac. Mostly prescribed drugs - and mostly deficient at the same time - are tranquilisers, antibiotics, analgetics and neuroleptics. Humanitarian organizations have donated certain amounts of medicaments on several occasions. A year ago, the prison received a 20,000 German marks donation consisting of medical apparatuses such as a microscope, an ophthalmoscope, an otoscope and the like. The hospital facility has an operative x-ray apparatus, but lacks the appropriate personnel the same as a darkroom. A biochemical laboratory for blood and urine tests was closed down ten years ago when a technician running it retired. Nowadays, a technician from the town hospital comes to the prison upon request to take samples of blood and urine.

Due to meagre fees, specialists from the Požarevac Health Centre are usually reluctant to show up in person and work as consultants instead. Two general practitioners and one specialist in internal medicine are presently engaged as consultants, while an ophthalmologist is called in when necessary.

Apart from the equipment quoted above, the hospital facility has one sterilizer and one ECG apparatus that is out of order.

Around sixty prisoners apply for check-ups every day. Presently, thirty-two prisoners are hospitalized - ten-odd suffer from serious diseases. Five prisoners are hospitalized for tuberculosis and get adequate treatment. Another five suffer from diabetes - two of them are on insulin therapy. Other patients are mostly people over sixty-five, as well as those suffering from chronic heart and lung diseases.

As of early 2002, fifty cases of injuries inflicted in fights and two cases of self-injury have been registered. Around 100 prisoners have been moved to other health centres (clinics or hospitals). Two murders have taken place, while three prisoners died natural deaths. Actually no prisoner is HIV infected, but 100-odd are pill and drug addicts. Two schizophrenics are on regular therapy and under supervision.

According to the head of the hospital ward, not a single case of rape has been registered in the prison complex over the past five to six years. On the other hand, this means not that no rape has been committed.

Interviews the team conducted with medical personnel show that their fear of being attacked by prisoners is grounded in spite of the fact that no assault resulting in a bodily injury has taken place up to now. However, they said they were more at ease in the past six months since tensions between prisoners have considerably relieved.

Medical officers are dissatisfied with their statuses and take they are inadequately paid in view of the exacting nature of their work. Since the facility is short-staffed, many work overtime, as well as on weekends and holidays, and are not appropriately paid for it. Besides, they take the hospital facility is marginalized when compared with other prison facilities.

Interviewed prisoners expressed their discontent with the quality of medical services. They consider medical officers indifferent to their problems. As they put it, they are often unfairly treated as bluffers just eager to avoid hard work, and given antibiotics or aspirins for all ailments.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- "The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law " (Article 58, paragraph 1 of the LECS; Article 15, paragraph 1 of the House Rules);

- "The rooms in which convicted persons live, work and eat shall be heated in wintertime. Heating depends on climatic conditions and, as a rule, lasts from October 15 till April 15. If necessitated by climatic conditions or other objective reasons, a director may shorten or prolong the heating season." (Article 15, paragraph 4 of the House Rules);

- "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." (Paragraph 10 of the UN Minimum Rules);

- "The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation." (Paragraph 15 of the EPR);

- "The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Rule 58, paragraph 2 of the LECS);

- "Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate." (Paragraph 13 of the UN Minimum Rules; Paragraph 18 of the EPR).

III Recommendations

- The Ministry of Justice, in tandem with specialized institutions and experts, should consider organizational structure of the prison, either in terms of closing it down or - as a more viable solution - reducing it to a functional level;
- A project for reconstruction of the central heating system should be drawn and urgently implemented;
- Funds for the implementation of the project for regular water supply should be secured;
- Prisoners' diet should be improved by adding regular supplies of fresh vegetables, fruit and milk products;
- Funds for regular supply of basic toilet articles should be secured;
- Supplies of medicaments and necessary medical material should be increased.

Security

I

An analysis of gathered information indicates an adequate level of external security. The fact is that no cases of prisoners' violating the security of the outside community have been registered over the past six months and even longer. However, bearing in mind the level of precaution prescribed for maximum-security and closed institution such as the Požarevac Penitentiary, actual security measures are inappropriate in terms of technical equipment. The lack of electronic devices, video cameras and sensors surely turns the task of security services more difficult and complex. Introduction of new and sophisticated devices is imperative and particularly so when one takes account of the specific prisoner population in the Pavilion 7, the size of the prison compound and the number of prisoners.

As regards the internal security, interviewees' answers depended on departments they were coming from. For instance, sources from the ranks of security officers were more afraid of being attacked by prisoners than training officers are. However, prisoners have never attacked, injured or sexually harassed any member of the institutional personnel regardless of the office he or she holds.

In the course of a large-scale search of the prison compound in early 2002, officers found piles of tools fit for inflicting severe bodily injuries, metal rods, bats, chisels and knives, along with several pistols and explosive devices. These tools and arms were discovered in various locations such as pavilions and workshops or were dug out throughout the complex. Most probably there are still hidden tools and arms, and new items have been made or procured in the meantime in spite of frequent searches of rooms and prisoners.

Generally, all interviewees agree that tensions have considerably lessened since the new director was appointed. The process of the prison's normal functioning - a practically non-existent system ever since the rebellion till he came to office - has been finally opened. However, the antagonism between institutional personnel and prisoners is still there, and particularly when it comes to security officers. All prisoners interviewed about the latter answered back, "You mean the cops?" This is yet another proof of the thesis that an analysis of the personnel-prisoners relationship must differentiate the personnel in terms of their professions. Namely, whether or not

members of the personnel will establish quality, lasting and close relations with prisoners highly leans on the posts they hold.

Records show the ratio between security officers (around 200) and prisoners is the highest when compared with other services. According to interviewed prisoners, security officers topped the list of the personnel they came in contact with. Foremen followed, while training officers ranked third.

Though most prisoners said some inmates controlled others and the number of security officers should make them feel safe and secure, informal conversations showed that some, particularly those with short sentences, felt insecure and were afraid. This is particularly so since many of them share rooms with prisoners with long sentences. They fear the latter may easily attack them as they have nothing to lose. Another couple of months or a year in prison makes no difference to prison veterans - should they be charged at all for having, for instance, inflicted severe bodily injuries to another inmate - and a threat as such can hardly make them back off. This is best illustrated by frequent incidents, conflicts that are being solved by the use of physical assaults and violence (fifty registered fistfights), one attempted escape (abuse of a privileged position), sexual harassment, racketeering, etc.

In spite of the fact that the percentage of convicts sentenced for violent crimes is rather high (70 per cent), we take the incidents above should be interpreted as a kind of prisoners' response to deprivation and frustration underlying a life in confinement. It is only natural that a closed institution as this one implies a life under total or almost total control, and that priority is given to security and maintenance of in-house order, while reformatory training and social resettlement is placed in a back seat.

II

Incompatibility with or deviation from relevant legislation and rules

- "In correctional facilities of closed type, beside the security guards, shall exist some other obstacles for escaping (surrounding walls and technical devices).

"In the correctional facilities of strictly closed type, along with intensified security, the special attention is paid in dealing with the convicts." (Article 12, paragraphs 4 and 5 of the LECS);

- "Allocation of convicted persons to educational groups shall be made according to the type of criminal offence, personal characteristics, procedural programs and other factors. Convicted persons, who, because of their criminal past or bad characteristics, could have a bad influence on others shall be separated." (Article 54 of the LECS);

- "The purpose of classification or reclassification shall be:

a) to separate from others those prisoners who, by reasons of their criminal records or their personality, are likely to benefit from that or who may exercise a bad influence; and

b) to assist in allocating prisoners to facilitate their treatment and social resettlement taking into account the management and security requirements." (Paragraph 12 of the EPR);

- "So far as possible separate institutions or separate sections of an institution shall be used to facilitate the management of different treatment regimes or the allocation of specific categories of prisoners." (Paragraph 13 of the EPR);

- "Where accommodation is shared it shall be occupied by prisoners suitable to associate with others in those conditions. There shall be supervision by night, in keeping with the nature of the institution." (Paragraph 14 (2) of the EPR);

- "The administration shall introduce forms of organization and management systems to facilitate communication between the different categories of staff in an institution with a view to ensure cooperation between the various services, in particular, with respect to the treatment and re-socialization of prisoners." (Paragraph 59 of the EPR).

III

Recommendations

- The security system should be upgraded through introduction of sophisticated surveillance devices (video surveillance, movement sensors, electronic locks in the Pavilion 7, etc.);
 - Prisoners should be reclassified and architectural measures should be taken so as to physically separate differently categorized prisoners, with a minimal possibility for their mutual communication.

Lawfulness (equity) of treatment

I

Information gathered in this area show that the House Rules are available and understandable to every prisoner upon admission to the institution. Though there are no overt departures from the LECS, we have noted that answers to the questions dealing with the way prisoners view the personnel's impartiality, fairness of disciplinary punishments, privileges granted to some, as well as with the methods of making complaints and their efficiency could hardly be marked as positive. When asked about the use of instruments of restraint, whether or not the personnel were tracking down and punishing real culprits, are equally treating all prisoners, some interviewed prisoners just replied, "Well, it depends" or "To each according to his merits" and refused to provide any further comment.

For the institutional personnel, the attitude taken to prisoners preconditions treatment programs and stands for a criterion of their successful work. On the other hand, prisoners take that the way they behave to the personnel is a major criterion of their differentiation and loyalty to the world of prisoners. Awards, punishments and other measures under staff's control are most important in prisoners' view. Therefore, the way prisoners perceive the system of distribution, denials and privileges is highly significant for in-depth understanding of their position and their possible response to it.

According to the director, a new regulation whereby the status and position of prisoners serving their sentences in maximum-security institutions will be differently solved is being planned. The LECS and the present House Rules in Open, Closed and Maximum-security Institutions are scanty and imprecise when it comes to the treatment of prisoners. A new regulation proving sub-categorization would motivate and encourage prisoners to correct their conducts and thus weigh in better treatments for themselves. In addition, ever since the new director begun running the institution, the number of prisoners that have been granted privileges with the aim of creating a better atmosphere has grown significantly - i.e. many prisoners under "maximum security treatment" obtained half-open ones or were bestowed open treatment instead of semi-open. Most prisoners confirmed these facts.

Prisoners who take that certain inmates are being favoured, officer have their informers (rat finks) and corruption flourishes are fewer. According to them, the situation as such considerably adds to a "negative" climate and bad mutual relations in the prison. Corruption at a higher level, as they put it, is mostly noticeable in the ranks of reformatory training personnel (obtaining privileges), while when it comes to a lower level security officers are those who may be bribed to procure drugs, cell phones, etc.

Prisoners quoted several cases of misconduct on the part of security officers. These cases have been reported to the prison administration and relevant republican bodies, but no disciplinary proceedings have been instituted against these officers. This is why prisoners are reluctant to report cases of misconduct to relevant authorities.

II

Incompatibility with or deviation from relevant legislation and rules

- "The Administration shall supervise the work of the institution through persons in authority. Supervision is exercised to control the application of rules and professional work in the enforcement of institutional sanctions. The services of scientific and professional bodies and individuals may be enlisted in supervising the professional side of institution work." (Article 346 of the LECS);

- "Persons in authority on supervision work shall have the right and duty to check the institution's plans and programmes of work, the record-keeping, the work of the institution services, the general vocational training of the personnel, the application of rules relating to uniform, emblems, titles, ranks, arms and the use of the instruments of restraint, the progress of corrective education work, the vocational training of convicted and juvenile prisoners, the application of disciplinary punishment and measures towards convicted and juvenile prisoners, and the exercise of rights and privileges by convicted and juvenile prisoners laid down by this law and the house rules act." (Article 348 of the LECS);

- "There shall be regular inspections of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be, in particular, to monitor whether and to what extent these institutions are administered in accordance with existing laws and regulations, the objectives of the prison services and the requirements of these rules." (Paragraph 4 of the EPR, similarly Paragraph 55 of the UN Minimum Rules).

III

Recommendations

- With a view to monitoring and controlling whether and to what extent the institution is being administered in accordance with the LECS, inspections by representatives of the Administration for the Enforcement of Criminal Sanctions should be more frequent. Prisoners should be allowed to meet tête-à-tête with these representatives;

- Drafting of a new regulation should be sped up. A regulation as such should differently define the status and privileges of prisoners in strictly closed institutions and clearly provide in what ways prisoners may influence changes in their statuses and be entitled to these changes in keeping with norms.

Social Resettlement

I

Unlike the Serbian LECS, international rules and regulations clearly express the idea of social resettlement as the objective of institutional sanctions.

Given that the above aspects of social resettlement involve training and employment personnel, reformative training officers and prisoners, all the three categories have been used as sources of information. Besides, such organizational structure keeps prisoners actively employed, while, on the other hand, hampers idleness and bad conduct.

According to training and employment officers, vocational training in trades such as metalworking, mechanical engineering, carpentry, farming and catering is organized for prisoners. Since the prison compound includes 200 hectares of farmland, prisoners may grow crops and vegetables, and breed cattle. Technology is outdated, while the machinery at prisoners' disposal old and mouldering. The institutional administration manages the working process.

Prisoners are assigned jobs on the basis of their occupations in the outside community, but most of them take that no heed is paid to their wishes and dispositions. Viewed from the angle of prisoners' social resettlement, the activity of the training and employment services usually boils down to daily monitoring and assessment of prisoners' conduct and industry. Trade instructors submit monthly reports to relevant masters. On the grounds of these reports, masters give their opinions and recommendations about every prisoner at team meetings and weekly staff meetings.

Actually, employed prisoners amount to only 50 per cent of the total number of inmates. Therefore, one master is virtually in charge of one to four prisoners. Objective factors such as the lack of funds for the purchase of raw material that would boost both production and employment additionally make prisoners disinterested in work. Unskilled prisoners may take vocational training classes, while the others are given the opportunity of upgrading their skills or getting qualified for other jobs. However, few are those that take such opportunities.

The prisoners have eight-hour workdays, i.e. their weekly working hours amount to forty. Weekends are rest-days. They work overtime only if and when it suits them.

Precautions laid down to protect the safety and health of free workmen are minimally observed. One-third of each prisoner's earnings is put aside, as his personal savings, while he can spend the rest at will. All interviewed prisoners are displeased with their earnings averaging 400-500 dinars per month.

Answers to the questions about the reformative training services will be compared here with the services' operations. Upon arrival to the institution prisoners are sent to the Admission Department. It should be noted, however, that the lack of fully qualified personnel, i.e. experts' disinterestedness in getting jobs in institutions as such, figures as a major problem. For instance, an open position for a qualified psychologist has been announced a number of times, but no candidate applied. Proper assessment and classification of prisoners, as well as guidance provided for them are, therefore, disputable. A team composed of a social worker and an educator (without a psychologist) interviews and observes each prisoner over thirty days and then puts forth a treatment program for him. Along with the team, the director then decides on the prisoner's classification and treatment. A treatment program lays down the training group a prisoner is to join, elementary schooling or vocational training to be provided, workplace, recreational activities and intensity of individual and group treatment. Classification of every prisoner is reviewed at three-month intervals if proposed so by the team of experts. A prisoner's conduct stands for a major

criterion to decide whether or not he will be classified otherwise. His conduct is evaluated not only by training officers, but also by officers from other services. Their judgements are entered in each prisoner's cumulative file.

Interviews indicated that conditions for and overall involvement in treatment are inappropriate. Namely, prisoners are provided individual treatment solely, since, as interviewees put it, the institution is understaffed when it comes to competent personnel to be engaged in any other type of treatment. On the other hand, institutional officers themselves take that some categories of prisoners (drug addicts, sexual abusers and the like) should undergo special treatment programs. Although there is ever more prisoners in need of specialized treatment programs, their treatment differs not the one provided to the rest.

Quality guidance is impossible due to sizes of reformative training groups. The situation where one training officer is in charge of sixty to seventy prisoners is far from being optimal. According to training officers, prisoners are interviewed bimonthly on the average, while, apart from informal conversations, planned interviews total 20 per month. Interviews take about two hours. As for prisoners, they said they rarely meet with their training officers, while interviews hardly ever lasted longer than fifteen minutes.

In spite of the fact that the reformative training services should play a key role in an institution as such, gathered information and the team's impression show that priority is given to security and maintenance of in-house order, rather than to programs aimed at social resettlement.

In the matter of education, prisoners are given the opportunity to attend elementary and secondary school classes. Diplomas issued by the institution qualify prisoners for jobs in the outside community, since programs are adjusted to regular curricula. A branch of the Požarevac higher school for mechanical engineering is located in the institution. Unfortunately, no prisoner is presently enrolled. According to education officers, prisoners are unwilling to attend classes and unmotivated in terms of education and prison work.

The prison has two libraries. One is located in the central administration building and the other in the cultural centre. Library users take quality and quantity of existing titles as mediocre. Daily newspapers are regularly supplied to prisoners. The number of radio and TV sets is appropriate.

Leisure time and recreational activities are well organized. Sports activities are more popular than cultural, artistic and other. Prisoners have at their disposal a new, recently renovated swimming pool, a football field, a jogging track and a gym. In the process of renovating the Pavilion 7 heed has been paid to this aspect of prisoners' life. Thus, goal posts have already been installed in the walled-in area of the pavilion, while baskets will be posted in near future.

The institution used to publish an in-house magazine. It is no longer issued due to the lack of funds. Both personnel and prisoner take that restarting of the magazine would enhance spare time activities. The same refers to the in-house public address system. Various round tables, competitions, etc., are organized from time to time. Prisoners join these activities in keeping with their preferences. A special officer is in charge of culture and entertainment.

In terms of religious guidance and prisoners' religions, most of them belong to the Serbian Orthodox Church. Though prisoners show interest for worship, the institution cannot for the time being secure adequate premises for religious ceremonies and pastoral visits.

Plans are being made for the construction of a church inside the prison compound.

In our view, cooperation between the institutional personnel and factors in the outside community boils down to the institution's *ex officio* obligations. This is about a regular procedure of

keeping the relevant social work centre and the police department informed about ongoing activities and developments.

Pre-release preparation implies no special programs and activities on the part of the personnel. Though the existing capacities allow mutual cooperation and co-ordination with families in the first place, implementation of the latter, in our opinion, depends not on the institution exclusively, but on the other side as well.

II

Incompatibility with or deviation from relevant legislation and rules

- "The reformatory training service shall employ such methods and procedures as to dissuade prisoners from committing criminal offences in the future. The reformatory training service shall co-ordinate the work of other participants in the reformatory training process" (Article 17 of the LECS);

- "It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible." (Paragraph 63 (3) of the UN Minimum Rules);

- "To these ends all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities;

b. arrangements to ensure that these activities are organized, so far as possible, to increase contacts with and opportunities within the outside community so as to enhance the prospects for social resettlement after release;

c. procedures for establishing and reviewing individual treatment and training programs for prisoners after full consultations among the relevant staff and with individual prisoners who should be involved in these as far as is practicable;

d. communications systems and a management style that will encourage appropriate and positive relationships between the staff and prisoners that will improve the prospects for effective and supportive regimes and treatment programs." (Paragraph 66 of the EPR);

- "Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners." (Article 97 of the LECS);

- "As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a program of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives." (Paragraph 68 of the EPR);

- "Within the regimes, prisoners shall be given the opportunity to participate in activities of the institution likely to develop their sense of responsibility, self-reliance and to stimulate interest in their own treatment." (Paragraph 69 (1) of the EPR);

- "A comprehensive education program shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programs should have as their objectives the improvement of the prospects for successful

social resettlement, the morale and attitudes of prisoners and their self-respect." (Paragraph 77 of the EPR);

- "Every institution shall have a library for the use of all categories of prisoners, with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in cooperation with community library services." (Paragraph 82 of the EPR);

- "Religious services shall be held in special, proper rooms of a correctional facility." (Article 102, paragraph 1 of the LECS).

III

Recommendations

- Possibilities to have the number of prisoners reduced should be considered for the purpose of qualitatively upgraded reformatory training work;

- The institutional personnel should recognize the crucial role of the reformatory training services in the process of prisoners' social resettlement;

- Programs of and workshops in effective conflict-solving should be organized;

- The institutional personnel should be trained in treatment of specific categories of prisoners or experts should be engaged for this purpose;

- Funds to boost production and, for that matter, prisoners' employment should be secured;

- The problem of prisoners' education and vocational training should be addressed;

- New titles should be added to the library and funds should be secured for the practice of worship and pastoral visits;

- Educational methods focused on encouraging and motivating prisoners to work, upgrade their skills or get qualified to pursue other trades should be introduced, along with more state-of-the-art technology, diversified jobs, and prizes and privileges for industry and degrees obtained;

- Methods aimed at encouraging and motivating prisoners to attend classes should be considered, along with the purchase of modern teaching aids, organization of various courses such as foreign language or computer classes, and establishment of a better system of rewards and privileges for excellence in schooling;

- Possibilities for prisoners' gradual social resettlement – such as special pre-release programs to be implemented in the prison or some other appropriate institution, or, for that matter conditional release under some kind of supervision combined with effective social control - should be considered.

Contacts with the outside world

I

Prisoners freely use ten-odd coin-operated telephones installed in the institution – there is no special procedure whatsoever for this type of communication.

Prisoners' letters and petitions are not subject to censorship, though all are being read before dispatched. No letter has been confiscated over the past six months. At first glance the communication regime is liberal. However, as interviewed prisoners put it, they hardly ever quote illegal acts or similar events in their letters, as they are fully aware that such letters would never

reach the republican or any other administration or that they would be, this way or other, internally punished for going public with these matters.

The above refers not to parcels sent to prisoners. Guards inspect parcels and keep record on their contents. According to sources from the institution, some parcels or parts of them have been confiscated. All interviewed prisoners deem the quota of parcels they are entitled to should be increased. Reception of money orders is unlimited.

Almost all prisoners receive visits. Frequency and duration of visits depend on categories in which prisoners have been classified.

Visits to be received in "the special room" are scheduled. Prisoners' complaints about the plan's implementation were minor.

A prisoner can communicate with his defence attorney whenever necessary or on his request. When proposed and considered appropriate by a training officer or, the director decides on prison leaves.

II

Incompatibility with or deviation from relevant legislation and rules

- "Every prisoner shall have the opportunity every day of making requests or complaints to the director of the institution or the officer authorized to act in that capacity.

"A prisoner shall have the opportunity to talk to, or to make requests or complaints to an inspector of prisons or to any other duly constituted authority entitled to visit the prison without the director or other members of the staff being present. However, appeals against formal decisions may be restricted to the authorized procedures.

"Every prisoner shall be allowed to make a request or complaint, under confidential cover, to the central prison administration, the judicial authority or other proper authorities.

"Every request or complaint addressed or referred to a prison authority shall be promptly dealt with and replied to by this authority without undue delay." (Paragraph 42 (1) of the EPR).

III

Recommendations

- A mailbox should be installed to enable prisoners to send, under confidential cover, letters to the Administration for the Enforcement of Criminal Sanctions, the International Red Cross or NGOs. This would hamper or significantly reduce misconduct, i.e. punishment by the prison administration.

The institution personnel

I

The security services have a staff of 200, which is taken as sufficient. Security officers average thirty-five to forty years of age. Around 60 per cent of the staff, including forty probationers, are under thirty. Women officers in the services total 7 per cent and are mostly assigned to administrative jobs. Members of the security services are satisfied with being regularly paid, but dissatisfied with the amounts of their salaries. According to the head of security services, usually

few people apply to announced vacancies, while the employees themselves are untrained or incompetent for the work in the services. On their part, officers pinpoint that they are inappropriately equipped (worn out uniforms and shoes, and inadequate instruments for physical restraint) and lack state-of-the-art technology (cameras, sensors), all of which additionally complicates activities dealing with both external and internal security.

The head of the security services, with a thirty-three-year experience in prison work, says relations between the personnel and prisoners are better than in the past period, but still not at a proper level. Therefore, the threat of physical assaults is still real.

No disciplinary measures against members of the service have been taken over the past six months. In the head's view, the service operates in keeping with the relevant law and all bylaws. Officers are entitled to shorter length of service. Overtime work is just occasional, since the service is adequately staffed and the number of prisoners has been reduced when compared with the period preceding the rebellion.

The service managers consider it necessary to set higher criteria for admission to the service, as well as to introduce advanced courses in martial arts, but in-service training in the domains of psychology, sociology, penology and human rights. On their part, the interviewed members of the staff take that improved conditions for their physical fitness (a gym, a shooting gallery, etc.) would not only help relieve them of stress, but also turn more fit for the job.

The training and employment services enrol ninety out of 130 planned workers, which makes them understaffed. On the average, officers are forty years of age, and mostly men. 20 per cent of them have university degrees, 10 per cent have graduated from higher schools, while the rest have finished secondary schools. The structure of the personnel meets the criteria laid down in the LECS and the Law on Employment in Government Agencies.

Interviewed officers said they were satisfied with their jobs, the administration's efficiency and relations with other services. They perceive their personal safety as a top priority and the administration's attitude to them fair up to now. They have daily team meetings and attend weekly meetings held at institutional level. At the latter, the head makes suggestions related to the department and each individual prisoner.

Major complaints were about outdated technology, work conditions and the issue of working capital. All interviewed officers take their jobs involve a considerable stress level and fear prisoners might attack them. Most said they would gladly move to other jobs, but expounded not the issue. Their answers to the questions related to remuneration indicate they are satisfied with the regularity of payments, but not with amounts of salaries. Overtime is occasional and adequately paid. The personnel are entitled to shorter length of service.

According to interviewees, ten-odd breaches of orders have taken place over the past six months - disciplinary measures have mostly been taken against officers late for job.

The general administration service has a staff of twenty-odd, which is adequate. On the average, employees are forty years of age. Though seeing the overall competence of the personnel up to the mark, the head of the service deems it should be by far better. According to him, computerization of the office would significantly add to its efficiency, while organizing seminars to enable the exchange of views and experience with experts and colleagues from other institutions would upgrade the overall functioning. Like in other services, the office personnel are satisfied with the regularity of payments, but not with amounts of salaries.

The head is not pleased with the service's status and the situation in the institution. In his opinion, the new director's "arbitrariness" has brought about resentment among the personnel. He

also believes the present improvement is short-lived and no genuine progress has been made, since some aspects of the institution's functioning are still illegal.

Out of eighteen workers laid down in the job classification, the reformatory training service employs sixteen. Employees average forty years of age. One training officer is in charge of between eighty and ninety prisoners. The admission department includes two employees (an educator and a social worker), the open and half-open section of the institution enrolls three training officers (in charge of 200 prisoners), while the closed section has eight training officers (with 600 prisoners on their hands). There are also two administrative officers - one is tasked with leisure and recreational activities, and the other with matters related to conditional release and amnesty.

Men make up the entire staff. This is explained by security reasons. Though in our view the security level - i.e. the threat of physical assault on the part of prisoners - is primarily contingent on mutual relationship rather than on gender, to all appearances the gender criterion will continue to play a crucial role whenever a woman applies for a position in this and other similar institution.

The reformatory training personnel takes that admission criteria should encompass personal suitability for the work, since the administration's insistence on professional capacity proved to be insufficient and secondary.

Speaking about advanced courses for the personnel, it seems the latter are not enough motivated in mastering new methods of work. Except for one sick leave, all employees have been regular at their jobs over the past six months.

All interviewees consider the stress level high. When asked whether any of them has been harmed at job, all replied negatively. The entire staff is entitled to shorter length of service. Everyone is satisfied with regularity of salaries, but not with amounts. Overtime is rare and usually remunerated, except in the case of the head of services.

Mutual communication is deemed good, while the services' significance is viewed as crucial as compared with other services.

II

Incompatibility with or deviation from relevant legislation and rules

- "All members of the personnel shall be expected at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect." (Paragraph 56 of the EPR; similarly Paragraph 48 of the UN Minimum Rules);

- "The administration shall introduce forms of organization and management systems to facilitate communication between the different categories of staff in an institution with a view to ensuring cooperation between the various services, in particular with respect to the treatment and re-socialization of prisoners." (Paragraph 59 of the EPR);

- "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

"The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used." (Paragraph 46 (1 and 2) of the UN Minimum Rules);

- "After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals." (Paragraph 47 (3) of the UN Minimum Rules);

- "In view of the fundamental importance of the prison staffs to the proper management of the institutions and the pursuit of their organizational and treatment objectives, prison administrations shall give high priority to the fulfilment of the rules concerning personnel." (Paragraph 51 of the EPR);

- "The prison administration shall provide for the careful selection on recruitment or in subsequent appointments of all personnel. Special emphasis shall be given to their integrity, humanity, professional capacity and personal suitability for the work.

"Personnel shall normally be appointed on a permanent basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency, good physical and mental health and an adequate standard of education. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work." (Paragraph 54 (1 and 2) of the EPR);

- "On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests unless their professional qualifications make that unnecessary.

During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals.

Arrangement should be made for wider experience and training for personnel whose professional capacity would be improved by this.

The training of all personnel should include instruction in the requirements and application of the European Prison Rules and the European Convention on Human Rights." (Paragraph 55 (1, 3 and 4) of the EPR).

III

Recommendations

- The personnel lacking professional capacity or practical experience should be given a course of training in their general and specific duties;

- Selection and recruitment of the personnel should primarily depend on their social and emotional competence;

- Salaries paid to the entire personnel should be increased and they should be otherwise motivated to pursue their duties in an efficient, conscientious and law-abiding manner;

- The personnel should be constantly encouraged to upgrade their knowledge and professional capacity by attending courses of in-service training, advanced courses and seminars on positive management, so as to enhance their humanity, personal suitability for the work and efficiency;

- Training in efficient and humane restraint of aggressive prisoners should be organized for the personnel of the security services;

- Recruitment discrimination based on any prejudice, and particularly gender discrimination, should be prevented;

- Training programs for and workshops in constructive conflict-resolution skills should be organized;

- The personnel should be trained in or specialists should be engaged for treatment of specific categories of prisoners;

- Sensitivity training or similar education should be organized.

THE PENITENTIARY AT SREMSKA MITROVICA

Date of visit: 28 February 2003

Type of institution: closed

Population: men/adults/foreign nationals

Capacity: approx. 1,100

Number of prisoners: approx. 1,100

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

a) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

This is the largest penitentiary in Serbia. It comprises a cluster of buildings begun in 1883 and completed in 1897. The institution proper occupies sixty hectares and owns another 700. Although the buildings were erected long ago, they look nice and their surroundings very pleasing with many trees, benches, and well-kept gardens. The favourable impression is marred by the look of two buildings burned and demolished by the inmates during a November 2000 riot. The institution is still waiting for funds to rebuild and renovate them.

The walls of rooms and corridors are in a good condition, having been repainted fairly recently, and there are no signs of excessive dampness. Every room in the institution used to accommodate prisoners is fitted with windows which can be opened to let in sunlight and fresh air. However, owing to the increase of the population of some 15 per cent compared with 2001, there is some overcrowding in the large rooms belonging to the building designated as Pavilion I. There are eighty prisoners to a room equipped with bunk-beds and the cubic content of air is far below the statutory eight cubic metres per prisoner. The administration insists that the living conditions of the 800 or so inmates of this Pavilion cannot be improved until the demolished Pavilion III is bought back into use.

The whole institution is heated by radiators connected to the central boiler room using heating oil. The temperature in all the rooms used by prisoners is adequate.

The toilets and bathrooms are in a poor state of repair and the appliances worn out. For a long time the institution suffered from an acute shortage of running water due to an inadequate water supply system and pumps. The problem was solved in 2002 by overhauling and replacing the worn-out piping, so the supply of potable and industrial water is now quite adequate. Hot water for showers and other needs is still scanty because the sanitary appliances are worn out and out of order.

Pavilion II houses the admission department, solitary cells, and rooms with two beds each. Although this arrangement suggests heightened security measures, the rooms remain unlocked until evening and prisoners from different rooms are free to mix together or visit the sitting room to watch television or do anything else whenever they please. The rooms are reserved for prisoners

who require enhanced supervision for various reasons such as attempted escape, conflicts with other inmates, psychopathological disorders, etc. The rooms are large enough and adequately heated; the barred windows can be opened to let in sunlight and fresh air. They are equipped with a bunk-bed, a washstand, a toilet bowl, and lockers for personal possessions.

At the time of the visit, there were three prisoners in the solitary cells, none of whom had any objection to this kind of punishment and to the conditions. The conditions in these rooms are similar to those in the rest of the Pavilion, except that these prisoners are locked in all the time. They said that their right to promenade for two hours a day is honoured.

Generally speaking, the level of hygiene in the rooms in which the prisoners sleep and live is adequate. The dormitories are more easily cleaned now that the old dirty linoleum flooring has been replaced. However, the institution still lacks funds to keep the prisoners continuously supplied with toilet articles, so they must either receive them from relatives or buy them in the prison canteen. The poorest prisoners who have no paying job in the institution are the hardest hit by this problem.

The beds, mattresses, bedding and blankets are worn out and dirty. Prisoners often complain that bedding and blankets are in short supply and therefore cannot be changed twice a month as the rule provides. The administration insists that the Ministry of Justice has been requested repeatedly to provide a supply of new bedding, blankets, prison uniforms and shoes, but that its reply has been that funds are still inadequate. The Ministry of Justice has even failed to provide new uniforms for the security personnel and the administration had to do this at its own expense.

b) THE KITCHEN, MESS-HALL AND FOOD

The kitchen and the mess-hall are in the worst condition of all we saw in the institution. The mess-hall roof is leaking with rain, the walls are damp, decrepit and unpainted, the heating is inadequate, and the kitchen floor is falling to pieces. The kitchen and the ancillary rooms are so dirty that they pose a health hazard. The kitchen staff say they have enough kitchen furniture appliances and utensils to prepare all the food the institution needs. The table-cloths in the mess-hall are dirty because they cannot be regularly washed or replaced with new ones.

The new kitchen and mess-hall building under construction is expected to be finished in a month. If properly equipped and run, the conditions in which the prisoners consume their food should improve considerably.

The regular menu is determined on a weekly basis and the schedule is signed by the director, his deputy who is a medical officer, the kitchen manager, the director of the hotel operating within the institution, and the prisoners' representatives. There are separate diets for diabetics and tubercular prisoners.

Prisoners say that the food served to them is plentiful but of poor quality. In spite of the fact that meat and meat preparations figure on the menu every day, they are not satisfied with what they get. Although the institution runs cattle, pig and laying hen farms and grows vegetables and fruit, milk products rarely appear on the menu, the choice of vegetables is poor, and fruit is absent from the menu altogether. Milk is served rarely and is watered and unpalatable. Nonetheless, prisoners who have served time in other institutions say that their food is better here.

Prisoners also receive food in their parcels and can buy some food products at the well-stocked prison canteens at market prices.

C) THE MEDICAL SERVICE AND FACILITIES

The medical service employs sixteen people of whom five work on a short-term contract basis. The head of the service is a transfusion specialist but actually works as a general practitioner. The other doctor is a dentist who specializes in oral surgery. Although the institution constantly advertises vacancies for highly skilled medical staff, employees say that unemployed doctors do not want to work in penal institutions.

The medical team with secondary education qualifications consists of nine medical nurses. In the afternoons the service is reinforced by a surgeon, an industrial medicine specialist, and three consultants from the Sremska Mitrovica Health Centre working on a permanent part-time basis. Other Health Centre employees are engaged as and when necessary. The head of the service says that an institution of this type needs a full-time neuropsychiatrist. We believe that in view of its population the institution needs at least another general practitioner.

In view of the fact that the institution is practically located in the town, provision of urgent medical services at the Health Centre should pose no problem. However, the institution still lacks an ambulance to facilitate transport of patients.

The medical service is located in a special building, an in-patient facility undergoing the final stage of renovation. The building is freshly painted, the flooring has been replaced, the rooms are spacious mostly with two beds each, the heating arrangements are good (radiators), and there is plenty of sunshine and fresh air. The clinic has thirty-six beds of which fourteen are currently occupied.

The ground floor houses the general practitioner surgeries as well as the dental surgery. The latter is fully equipped and can provide prosthetic services to patients who can afford them. The largest room serves for interventions and is equipped with an examination bed, cupboards for medical supplies, a dry sterilizer, an old ECG unit, an old otoscope, a lamp, an infusion stand, two blood-pressure gauges, and a medical scale for taking a patient's weight and height. The biochemical laboratory is the best-equipped of all although the equipment is rather old. It has four sterilizers, a centrifuge, a microscope, a water bath, and a small supply of laboratory accessories. The head of the service says the laboratory mostly does analyses of the blood (blood count) and urine as well as sedimentation and blood-sugar level tests. Other analyses are performed at the town Health Centre.

The pharmacy is located in the administration building for security reasons. Personnel say that the stocks are adequate and that prisoners can buy medicines on the free market. The stocks are replenished every fifteen days. The most frequently used drugs are sedatives, antibiotics, and analgesics. The prescription and dispensation of drugs is controlled by computer and by means of cards, each patient having his own card recording the drug, dosage and duration of treatment. On the day of the visit, computer data showed that 145 prisoners were on anxiolytic drug treatment (Bensedine).

At present, two prisoners are being treated for tuberculosis and ten for diabetes, four of the latter taking insulin. Of the forty-seven registered drug users none is HIV positive. Three prisoners diagnosed as schizophrenics are staying in the in-patient facility although such patients are generally treated at the Penitentiary-Hospital in Belgrade.

The records show that a total of 21,495 medical services of all kinds were rendered during 2002, including 11,036 in the general practitioner's surgery, 1,670 by specialist doctors, 5,977 in the dressing-station, 470 by the laboratory, and 961 in the investigation department.

There were eighty-seven injuries at work, all of them slight except one. Also twenty-two cases of self-inflicted wounds were registered in 2002.

The medical personnel say that their work is stressful and that they are in danger of being attacked by prisoners. However, they have only been verbally threatened and not seriously physically attacked.

On Mondays, the personnel thoroughly examine all new arrivals, write down their medical case history and open their medical cards. Every prisoner has a medical card. Prisoners can have their health condition checked every day but must first report to the commanding officer. An average of 100 prisoners report for medical examination each day.

The health condition of a prisoner committed to a solitary cell for a breach of discipline is checked before he is locked up. This kind of disciplinary punishment cannot be carried out if the prisoner is not examined. Such prisoners undergo medical check-ups every Tuesday or more often if necessary.

Prisoners are not routinely sprayed against lice upon admission. This measure is applied only if a person is suspected of being infested.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- 'The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law' (Article 58 (1) of the LECS and Article 14 (1) of the House Rules);

- 'The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene.' (Article 58 (2) of the LECS);

- 'The duty of the prisoner is to keep his body, clothes, footwear and bedding clean whereas the duty of the institution is to make this possible.' (Article 39 (1) of the House Rules);

- 'All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation' (Paragraph 10 of the UN Minimum Rules);

- 'In a number of countries visited by the CPT, particularly in central and eastern Europe, inmate accommodation often consists of large capacity dormitories which contain all or most of the facilities used by prisoners on a daily basis, such as sleeping and living areas as well as sanitary facilities. The CPT has objections to the very principle of such accommodation arrangements in closed prisons and those objections are reinforced when, as is frequently the case, the dormitories in question are found to hold prisoners under extremely cramped and insalubrious conditions. No doubt, various factors - including those of a cultural nature - can make it preferable in certain countries to provide multi-occupancy accommodation for prisoners rather than individual cells. However, there is little to be said in favour of - and a lot to be said against - arrangements under which tens of prisoners live and sleep together in the same dormitory.

Large-capacity dormitories inevitably imply a lack of privacy for prisoners in their everyday lives. Moreover, the risk of intimidation and violence is high. Such accommodation arrangements

are prone to foster the development of offender subcultures and to facilitate the maintenance of the cohesion of criminal organizations. They can also render proper staff control extremely difficult, if not impossible: more specifically, in case of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case by case risk and needs assessment, also becomes an almost impossible exercise. All these problems are exacerbated when the numbers held go beyond a reasonable occupancy level; further, in such a situation the excessive burden on communal facilities such as washbasins or lavatories and the insufficient ventilation for so many persons will often lead to deplorable conditions.

The CPT must nevertheless stress that moves away from large-capacity dormitories towards smaller living units have to be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in purposeful activities of a varied nature outside their living unit.' (Paragraph 29 (1,2 and 3) of the CPT Standards, CPT/INF(2001)16);

- 'Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.' (Paragraph 15 of the UN Minimum Rules and similarly paragraph 20 of the EPR);

- 'Every prisoner shall be provided with a separate bed and separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.' (Paragraph 24 of the EPR and similarly paragraph 19 of the UN Minimum Rules);

- 'Every prisoner shall be provided with free underwear, clothing and footwear suitable for the local climatic conditions.' (Article 63 of the LECS).

III

Recommendations

- Funds should be raised urgently to bring the demolished pavilions back into use and thus alleviate overcrowding;

- Funds should also be found for renovating the bathrooms and replacing the worn-out sanitary installations;

- Enough bedding, blankets and prisoner uniforms should be provided to enable their regular washing and replacement;

- Vacancies for highly-trained medical personnel should be advertised in the wider territory of the institution.

Security

I

Our analysis shows that external security is satisfactory although there is considerable room for improvement. In view of the size of the institution, the security arrangements could also be better from a technical point of view. The institution grounds are encircled with a 5.60-metre-high wall with barbed wire on top and towers on the corners manned by guards armed with automatic rifles. The security service benefits from the use of electronic equipment including video-cameras covering a part of the grounds, and sensors which detect anybody approaching the wall within ten

metres. There has been only one escape and a few attempted escapes in the past six months. Such incidents, representing a potential threat to the outside community, were much more frequent before.

As regards internal security, we got different replies from different sources. Members of the security service are seen as the prime target of possible attacks and training officers as being in somewhat less danger. There have been no attacks on any personnel recently.

Most prisoners believe that there are enough personnel to provide their security. However, our impression based on interviews with prisoners is that there is widespread intimidation among prisoners themselves and that some of them are afraid and insecure in the company of their fellow inmates. We were told of incidents involving physical attacks, violence, racketeering, theft, etc. The 2000 riots which affected a number of prisons in Serbia were organized and started here and its consequences were the most serious of all in this institution. Although, in order to improve the notoriously bad situation in the institution, the administration has since been transferring informal gang leaders to other prisons or relocating them to different pavilions, the impression is that it has not fully solved the problem. Prisoners say that new gang leaders have emerged who enjoy privileges and exert considerable influence on personnel and who bully and terrorize prisoners not belonging to their informal gangs.

The internal security is complicated by the fact that a good many prisoners work in metal and wood workshops where they can easily make a knife, awl, bar, knuckle-duster or similar object that could be used to kill or inflict severe bodily harm. Prisoners say that although the premises are inspected and they are bodily searched, especially on returning from work, such articles are nevertheless smuggled into the grounds.

II

Incompatibility with or deviation from relevant legislation and rules

- 'The security service shall be responsible for the safety of people and property in the institution, provide escort during the transfer of convicted and untried prisoners, and perform other duties laid down by law.' (Article 18 of the LECS).

- 'The duty of care which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. In fact, violent incidents among prisoners are a regular occurrence in all prison systems; they involve a wide range of phenomena, from subtle forms of harassment to unconcealed intimidation and serious physical attacks.

Tackling the phenomena of inter-prisoner violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. Prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive fact in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Further, management must be prepared fully to support staff in the exercise of their authority. Specific security measures adapted to the particular characteristics of the situation encountered (including effective search procedures) may well be required; however, such measures can never be more than an adjunct to the above-mentioned basic imperatives. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners.' (Paragraph 27 (1 and 2) of the CPT Standards, CPT/Inf(2001)16).

III Recommendations

- The level of internal security should be raised by transferring the leaders of informal gangs to other institutions;
- The administration should react promptly and effectively in cases where a prisoner has been threatened by another or a group of prisoners; as a last resort, the prisoner who has received such threats should be allowed to be transferred to another institution;
- Prisoners, their rooms, and the institution grounds should be searched more frequently and thoroughly;
- The administration should seek, within the existing institution structure, to develop channels of communication and provide a management style in order to stimulate proper and positive relations between personnel and prisoners as well as among prisoners themselves;
- The administration should organize programmes and workshops for constructive, non-violent conflict solution to allay the insecurity and fear of prisoners and thus improve the general security of both prisoners and personnel.

Lawfulness (equity) of treatment

I

The House Rules are available and clear, and every prisoner is acquainted with them on arrival. The institution has over 120 twenty foreign inmates but this does not seem to be a problem in this regard. Personnel and some prisoners say that most foreign nationals speak Serbian and that those who do not are informed about the House Rules by fellow inmates who speak both Serbian and their language. Whenever necessary, a court interpreter is engaged to explain the rules to a prisoner.

In the past six months, the administration has imposed solitary confinement for breaches of discipline on ninety-six occasions: escape or failure to return after leave (15); attempted escape (2); attacking and insulting an officer (1); quarrelling and fighting (36); use and sale of alcohol (8); theft and fraud (11); possession of cellular phones (17); leaving one's place of work (1); illicit use of medical drugs and narcotics (5); illicit trade (2); inflicting a wound on oneself (6); and disobeying orders (5).

As a positive development, the administration has instituted disciplinary proceedings against personnel for dereliction of duty. About fifteen of them, including medical technicians, security officers, and instructors, have been dismissed after being found guilty of taking bribes or abusing their office in other ways.

It ought to be noted that no personnel have been charged with applying unnecessary force or beating prisoners. No prisoner complained that security personnel engaged in such treatment.

The above information indicates no drastic deviation from the LECS regarding even-handedness of punishment of perpetrators of disciplinary offences. However, serious deviations of other kinds are still in evidence.

The matter of lawfulness being closely related to the matters of security and control, we gained the impression that the personnel were not fully in control of some of the prisoners. We

were told by a number of prisoners that some inmates were favoured in the sense of enjoying privileges and that some were even untouchable by the personnel. They also complained that practices such as the use of stool pigeons, unpunished corruption, organized smuggling, racketeering, etc., were poisoning the climate and the relations in the institution. In addition, such practices undermine the prisoners' confidence in the personnel; for this reason, prisoners choose not to report mutual conflicts and problems to the personnel and prefer either to deal with them personally or to simply endure torture in silence. For instance, a prisoner told us that he had repeatedly complained to the administration that a group of prisoners had been making serious threats against him; he also warned the administration that he was armed and would be forced to use the weapon to defend himself unless he was given protection. He had approached the administration after several months of physical and psychological abuse at the hands of a group he described as the most powerful in the institution. The administration took no action and a fight ensued in which a person was seriously injured.

Asked whether there was any corruption in the institution, neither personnel nor prisoners denied that it existed, but neither wished to elaborate. The information on disciplinary punishment shows that cellular phones, narcotics, alcohol, and various objects are occasionally smuggled in. Prisoners insist that the practice is far more widespread than the official data show.

Corruption will remain a problem in this and most other institutions for a long time if, for instance, a member of the security service or a corrective training officer can earn twice or three times his monthly salary simply by smuggling in a cellular phone or making a recommendation that entitles a prisoner to privileges.

II

Incompatibility with or deviation from relevant legislation and rules

- 'The Administration shall supervise the work of the institution through persons in authority. Supervision is exercised to control the application of rules and professional work in the enforcement of institutional sanctions. The services of scientific and professional bodies and individuals may be enlisted in supervising the professional side of institution work.' (Article 346 of the LECS);

- 'Persons in authority on supervision work shall have the right and duty to check the institution's plans and programmes of work, the record-keeping, the work of the institution services, the general vocational training of the personnel, the application of rules relating to uniform, emblems, titles, ranks, arms and the use of the instruments of restraint, the progress of corrective education work, the vocational training of convicted and juvenile prisoners, the application of disciplinary punishment and measures towards convicted and juvenile prisoners, and the exercise of rights and privileges by convicted and juvenile prisoners laid down by this law and the house rules act.' (Article 348 of the LECS);

- 'There shall be regular inspections of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be, in particular, to monitor whether and to what extent these institutions are administered in accordance with existing laws and regulations, the objectives of the prison services and the requirement of these rules.' (Paragraph 4 of the EPR and similarly paragraph 55 of the UN Minimum Rules).

III Recommendations

- The administration should continue and step up its efforts to ensure lawfulness of work of the institution's services by investigating all complaints by prisoners and instituting disciplinary or criminal proceedings against offending personnel where necessary;

- In order to encourage personnel to work towards mutual trust, the relationship between prisoners and personnel should be viewed as one of interaction, i.e. a product of mutual influence.

Social resettlement

I

The training and employment service trains and employs prisoners in two sectors: farming and industry. Prisoners are specifically trained and employed as metal workers, wood workers, printers, farm workers, and caterers. The technology of work is outdated and the machinery mostly worn out. The work is managed by the administration.

Prisoners are assigned to their workplaces according to their previous occupation, most of them saying that their wishes and preferences are also taken into consideration. From the point of view of social resettlement, work of the training and employment service amounts to monitoring and assessing a prisoner's attitude and perseverance at work on a daily basis. At the end of the month, the instructor submits a report to the foreman; on the basis of the report, the foreman presents his views and makes suggestions in respect of each prisoner at team meetings and before a commission.

Our conclusion is that the personnel pay due attention to work as a vital component of social resettlement and corrective training of prisoners. Personnel say that some 50 per cent of all prisoners are involved in some work or other, or as many as 95 per cent in the open unit, fewer in the semi-open unit, and fewer still in the closed unit.

We were told that more prisoners could be employed if funds were available to buy the semi-manufactures and raw materials necessary to start production, as well as that there was less work for the inmates of the closed unit for reasons of security. Prisoners say they are interested in work because their time passes more quickly if they have something to do, as well as that they can earn some privileges if they are well-behaved and industrious at their workplace.

The working day is eight hours and the working week forty hours. There is no work for prisoners during weekends. Overtime work is optional or organized to carry out seasonal work.

The conditions of work and industrial safety arrangements are just about adequate. The prisoners receive one-third of their wages, the rest being deposited as savings. The amount a prisoner earns depends on his workplace and the number of hours worked.

A couple of Romanian citizens we interviewed complained that the administration avoids giving work to Romanian prisoners. They say that unlike most 'domestic' prisoners, who earn money as well as receive parcels and money through post, they are practically without money. To make matters worse, they say that being unemployed deprives one of the possibility to earn privileges on account of good conduct and perseverance at work. Personnel say they are reluctant to give work to Romanians and other aliens because there have been several attempts by such prisoners to escape from their workplaces.

The work of the reformatory training service starts in the admission department when a new inmate is admitted. A team comprising a general educator and an educational specialist observes each new prisoner for fifteen days and then recommends appropriate treatment. The team's prisoner classification and treatment plan and schedule are reviewed by a commission consisting of the most experienced training officer, the heads of the reformatory training (a psychologist), security, and training and employment services, and a medical officer. It is only after such an extensive, detailed and interdisciplinary review that the director approves a treatment plan and schedule for each prisoner. The principal prisoner classification criteria are health condition, need to work, qualifications, personality structure and security assessment. The classification determines assignment to a reformatory training group and pavilion, the intensity of individual and group work, the workplace category, the kind of leisure activities. Prisoner reclassification takes place every three months at the proposal of the professional services, notably the reformatory training service.

Whether or not a prisoner is reclassified depends mostly on his conduct, which is comprehensively assessed by his training officer, the pavilion supervisor, and the instructors who are in direct contact with the prisoner. The proposal is then reviewed by a commission which has the same professional composition as the classification commission; finally, such a systematic, objective and multidisciplinary assessment is submitted to the director for endorsement. Records of every stage of the procedure are filed in the cumulative dossier of each prisoner.

We learned that the conditions of treatment and participation in it were unsatisfactory. We were told that work was entirely individual in nature because there was no educated and trained personnel for any other kind of treatment. The personnel themselves realize the need for different treatment of special categories of prisoners such as addicts, who receive the same treatment as others.

The size of groups undergoing treatment does not make for quality, there being one training officer for every eighty or so prisoners. The officers say they meet a prisoner on average six times a day for about an hour.

The institution is short of expert personnel because people with the required qualifications are not interested in working in such an establishment. For instance, the institution still needs a psychologist although it has advertised the vacancy several times. Knowing that the social worker too has long been absent - we were told for a good reason - one cannot help wondering about the quality of prisoner assessment, classification and treatment.

Prisoners on their part insisted that their contacts with training officers were far less frequent and that they almost always took place at their own insistence.

We learned that there has been no education of prisoners in the institution since the school premises were demolished in the riots. Personnel say there are also problems of education officers and lack of interest in schooling among prisoners themselves. At present, 20 per cent of prisoners are illiterate and primary school dropouts, and 27 per cent only primary school graduates. Our estimate is that 50 per cent of all prisoners need primary or secondary school education. We think this is a serious problem regarding their social resettlement. Although the personnel blame the situation on the circumstances, we think that the problem goes deeper than that. The fact that school and learning are not highly popular among prisoners comes as no great surprise; however, one is surprised at the lack of willingness and effort on the part of personnel to encourage prisoners to attend classes in greater numbers. In short, the personnel do not seem fully aware of the great role of education in prisoners' social resettlement.

The library used by both prisoners and personnel is located in the school building. The prisoners who use the library consider the quality and size of the stock average. Many books were

destroyed in the riots and the 200 or so acquisitions made since are not enough. The library possesses a small number of foreign editions for use of the foreign nationals serving their sentences in the institution.

As regards other sources of information, we were told that the prisoners receive their newspapers daily and had enough radio and television sets.

The organization and realization of all recreational and leisure activities is the responsibility of two officers. There are also sports, cultural, artistic and other activities. Prisoners participate in these activities depending on their interests. The most popular are sports activities, which are permitted three times a week for two hours each. The institution has exceptional sports facilities including a basketball court, a football field, a trim track, various apparatus for exercise, and a gymnasium. Prisoners not fit to take part in sports activities can enjoy walks in the neat and attractive park-like grounds surrounding the inner prison complex.

The Culture Centre, which comprises a cinema, a chapel, and other rooms suitable for various entertainment and recreation activities, stands as a separate building. Unfortunately, there have been no film shows for years because the projector is out of order.

The institution used to have film, theatre, music, painting, carving, and journalism hobby groups, which helped many prisoners to pursue their favourite pastimes and thus make constructive use of their free time. Only the painting and carving groups survive, working when there is money to buy the materials. A periodical was wound up for lack of money. The prisoners would like to restart the periodical and to have a public address system.

A number of prisoners have shown growing interest in participation in religious activities and services since the present deputy governor, an instructor in catechism, arrived two years ago. For this purpose, a part of the former church now serving as the Culture Centre has been converted into an Orthodox Christian chapel. An officer has been appointed to give religious instruction to interested prisoners and pastoral visits can be arranged on request. Most of these visits are by an Orthodox priest.

While members of other churches are permitted to practice their faith, no separate rooms have been provided for this purpose.

Prisoners are free to receive and read religious literature.

Preparations for the release of prisoners do not involve any special programmes and activities on the part of personnel.

II

Incompatibility with or deviation from relevant legislation and rules

- 'It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred...' (Paragraph 63 (3) of the UN Minimum Rules);

- 'To these ends [see preceding paragraph of EPR] all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include: a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities. b. arrangements to ensure that these activities are organized, so far as

possible, to increase contacts with and opportunities within the outside community so as to enhance the prospects for social resettlement after release.' (Paragraph 66 (a, b) of the EPR);

- 'Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners.' (Article 97 of the LECS);

- 'A comprehensive education programme shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programmes should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect.' (Paragraph 77 of the EPR);

- 'Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in co-operation with community library services.' (Paragraph 82 of the EPR).

III

Recommendations

- Alternative possibilities should be explored to reduce the size of training groups in order to improve the quality of work. This should include the possibility of employing more officers;

- Personnel should be educated or experts engaged to treat the special categories of addicts;

- Funds should be raised to increase production with a view to employing more prisoners;

- The reasons why more Romanian nationals are not given work should be investigated;

- The education problem should be addressed and solved urgently;

- Methods should be worked out to encourage and interest prisoners to acquire education;

- The library stock should be replenished;

- In view of the considerable interest among prisoners, a periodical and a public address system should be launched. This would enrich the prisoners' leisure activities and reduce idleness and negative behaviour;

- Possibilities and alternatives should be considered gradually to prepare prisoners for their social resettlement through programmes and activities preceding their release within this or another institution. This should combine some kind of supervision and effective social support;

- Help from media and other means of public information should be enlisted to dispel public prejudices against and stigmatization of the prison population and penal institutions in general.

Contacts with the outside world

I

There are five coin-operated telephones in the closed unit. There are no special arrangements for using them and no problems concerning this kind of communication. Some prisoners in the open unit complain that the telephones are a long distance from them.

Correspondence and petitions are not subject to censorship, and no letters have been withheld in the past six months. The parcels are inspected by the guards and their contents registered. We were told that the number of seized parcels or articles from parcels is negligible.

Nearly all prisoners have visits, their frequency and duration depending on their particular treatment. A special room for visits without supervision is located in the Hotel Srem situated within the institution. Prisoners exercise their right to receive visitors under the LECS and may be granted more frequent visits if they are well-behaved. Prisoners had no complaints regarding the exercise of this right.

A prisoner is allowed to see his attorney whenever necessary and upon request.

Both the administration and some of the Romanian prisoners say that the Romanian embassy is not very interested in the sixty or so Romanian nationals in the institution. Visits from the embassy are very rare and assistance minimal.

Although foreign nationals are permitted to write and receive letters, they have no money for postage stamps and their telephone credit cards do not last long because they have to make international calls. They receive parcels from abroad rarely because the cost is high and the procedure complicated and lengthy.

In our opinion, in cooperating with the outside community the institution does only what it is required by law and no more.

Visits to the town on a pass and leave are recommended by an officer and approved by the governor. We dealt with the complaints and problems regarding the exercise of this right in the passage entitled Lawfulness (equity) of treatment.

II

Incompatibility with or deviation from relevant legislation and rules

- 'In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support.' (Paragraph 88 of the EPR);

- '1. Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment. 3. The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner.' (Paragraph 89 (1, 3) of the EPR).

III

Recommendations

- Possibilities and alternatives should be considered gradually to prepare prisoners for their social resettlement through programmes and activities preceding their release within this or another institution or through conditional release arrangements combining some kind of supervision and effective social support;

- Approved representatives should be allowed access to the institution and to the prisoners in order to help the preparation for their release and to participate in programmes of their

rehabilitation. Institution and social work personnel should be involved and encouraged whenever possible to cooperate, through the application of both direct and indirect treatment, in preparing prisoners to re-establish themselves in society in the best possible manner, especially by maintaining and improving their relations with their families, other persons, and social organizations;

- The conditions and atmosphere should resemble those of life at liberty to the maximum extent possible.

The institution personnel

I

The 200-strong security service represents a full complement according to the internal job systematization plan. The average age of the security officers is about thirty-five. There are six women officers among them. The head of the service alone has a university degree, two officers have higher vocational qualifications, and the rest are secondary school graduates.

The deputy head of the service, whom we interviewed, considers that the personnel are not keen on obtaining further education. He believes that vocational and additional training is essential, especially to acquaint personnel with European and international trends regarding non-violent treatment of prisoners.

The members of this service work according to an accelerated retirement scheme under an appropriate law. Overtime work is paid but is limited to 240 hours a year. The deputy head of the service, who himself put in some 500 hours of overtime work last year, regards the hours exceeding the statutory limit as 'purely humanitarian work'.

In the past six months, two members of the service have been investigated on disciplinary charges and both have been dismissed. Both cases involved gross dereliction of duty and abuse of office: a guard superintendent was dismissed for receiving money from prisoners, and the chief escort officer over an escape.

The deputy considers that the service has a central place and role in the institution and says that its cooperation with the administration and other services is correct. While he had no complaints about the administration, he criticized competent government agencies, especially the Ministry of Justice, for neglect and lack of interest in the service. He stressed that no Ministry official had visited the institution for years to talk to the members of the service and to inquire whether there were any problems in their daily work.

Daily meetings of the service personnel are regular procedure. The head of the service has a meeting with his deputy and the guard superintendents every morning to work out the work schedule for the day.

The deputy believes that the numerical strength of the security service is adequate for the institution's population. He says that there have been no attacks on the security personnel and no use of the truncheon as an instrument of restraint in the past six months.

The general administrative service has a full complement of sixty-five including sixty women. The average age of the members is about forty. Twelve members have university-level qualifications, four have higher education qualifications, and the rest are secondary school graduates. The personnel work according to an accelerated retirement scheme laid down by the appropriate law.

Service personnel have of late been attending instruction in the use of computers.

No member of the service has been dismissed in the last six months and five members are on maternity leave.

The head of the service is highly satisfied with his job, and with cooperation with other services and the administration. He is also pleased with his personnel and points out that 'new, expert people are installed in the appropriate positions'. Meetings with the heads of the financial and legal services are held daily.

Nevertheless, the head of the service stresses that the work involves much stress because the previous administration left behind large debts which have to be paid on time.

The training and employment service has 250 members or half the institution's personnel. The personnel are male, their average age being thirty-five. High education qualifications are possessed by 30 per cent, higher education qualifications by 10 per cent, and the rest are secondary school graduates. They are experts in metal-working, mechanical engineering, printing and wood-working trades and have worked on average between ten and fifteen years. About 100 of them work in the open and some 120 in the closed unit. There is approximately one instructor for every five prisoners. The qualifications of the personnel fulfils the employment criteria laid down by the LECS and the Law on Employment in Government Agencies.

Members of the service say they are satisfied with their work, the administration, and their cooperation with other services. They say that the administration's attitude towards them is correct. Team meetings within the service take place every day. Once a week, the head of the service attends a general collegium meeting at which he makes suggestions in respect of each prisoner. The personnel's chief complaints are about the obsolete technology they use in their work. They say their work involves some stress but do not see any danger of being attacked by prisoners. Most say they would not change their job although they are dissatisfied with the amount they earn. Overtime work is available mostly as seasonal work and is then paid. The personnel enjoy the benefits of an accelerated retirement scheme. We were told that four members have been charged with disciplinary offences, mostly for being late at work, in the past six months.

The reformatory training service is fully manned by twenty-two members, seven women and fifteen men. Three of them have higher education qualifications and nineteen are with university qualifications. Their average age is about forty. The ratio of officers to prisoners is approximately 1:80, the highest of all services. The admission department employs two (a general educator and a educational specialist), the open unit two training officers (for some 200 prisoners), the semi-open unit three training officers (for some 250 prisoners), and the close unit nine training officers (for some 700 prisoners). The service has four expert assistants responsible for conditional release and pardon, education and cultural and entertainment work, physical culture, and training and employment. The training officers are special educators and the head of the service, a woman, is a psychologist. The social worker is currently absent by virtue of his political function and his workplace is being kept for him. The qualifications of the personnel fulfils the employment criteria laid down by the LECS and the Law on Employment in Government Agencies. They say that when job-seekers are screened, their personality should also figure as a criterion because knowledge alone has proved inadequate and of secondary importance in practice.

The personnel do not appear sufficiently motivated to acquire further training or adopt new methods of work.

In the past six months, one member has been on sick leave, two have had their contracts terminated by mutual consent, and one has been suspended. While all members of the service say that their job is highly stressful, none of them has ever been injured on duty. Members of this

service too enjoy the benefits under an accelerated retirement scheme. They are dissatisfied with the amount of their pay although it is regular.

Of the four members charged with dereliction of duty, two have had their contracts terminated by mutual consent and two have been fined. The personnel say that their mutual communication is good. They consider their service the most important of all in the institution from the point of view of ensuring that the purpose of sanction is fully achieved.

II

Incompatibility with or deviation from relevant legislation and rules

- 'The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal stability for the work that the proper administration of the institution depends.' (Paragraph 46 (1) of the UN Minimum Rules);

- 'Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial...' (Paragraph 81 of the UN Rules for the Protection of Juveniles Deprived of their Liberty);

- 'To secure the foregoing ends [set out in paragraphs 81 and 82 of these rules] personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men...(Paragraph 83 of the UN Rules for the Protection of Juveniles Deprived of their Liberty);

- 'After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.' (Paragraph 47 (3) of the UN Minimum Rules).

III

Recommendations

- The conditions of life and work of the entire personnel should be improved by raising their pay and providing other incentives for their committed, conscientious and lawful work;

- Personnel should be stimulated at all times to add to their knowledge and to improve their vocational skills by attending vocational development, training and education courses and seminars and by offering examples of positive management in order to encourage humane treatment and enhance efficiency and commitment;

- Personnel should be educated or specialists engaged to deal with special categories of prisoners;

- The acute problem created by the absence of the social worker should be solved by engaging a part-time or volunteer worker or in any other appropriate and feasible manner;

- Workshops and programmes should be designed to educate personnel in the skills of constructive conflict-solution;

- In selecting personnel, due account should be taken of the applicant's social and emotional competence.

THE WOMEN'S PENITENTIARY AT POŽAREVAC

Date of visit: 21 October 2002

Type of institution: semi-open

Population: women (adults, juveniles, with criminal records)

Capacity: around 220

Actual number of detainees: about 110 prisoners under sentence and around 15 sentenced for misdemeanour

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The prison accommodates women sentenced for crimes and misdemeanour as well as juveniles. The institution is composed of a closed section, the one for women sentenced for misdemeanour and a section for juvenile detainees. The diversity of the prison population is explained by the fact that this is the only women's prison in the territory of Serbia.

The oldest buildings were built back in 1874. Another two wings, a laundry, a bathroom and walls were added later on. In 1971, the prison was thoroughly reconstructed and the central administration building was erected.

High walls still surround the prison that is categorized as semi-open. An institution of this type should not be so guarded. In the director's view, walls should be removed. However, since the prison is located almost in downtown Požarevac she take the removal of walls might enable illegal or unwelcome communication between women prisoners and town residents. Should upper parts be toppled, i.e. walls cut a few meters down, that might solve the problem for the time being.

Women prisoners are accommodated in four pavilions. The Pavilion 5 to serve as a half-open prison is presently renovated and, therefore, out of use. Given that some pavilions have also been recently renovated, walls are freshly painted, woodwork is in good shape and hygiene is perfectly maintained. Flowerbeds and flowerpots all over the compound and in pavilions - prisoners themselves take care of - considerably enhance their living space and surroundings.

Three-four prisoners occupy a room, and some rooms are double. Rooms are of adequate size and are not overcrowded. All are clean and well-kept, windows let in sufficient natural light and fresh air. Each room is equipped with wooden chests with locks for storing prisoners' belongings. Bedding is changed biweekly or at shorter intervals if necessary.

The entire prison is heated via radiators connected to the town central heating system. The quality of heating, therefore, is at the same level as provided to Požarevac residents.

Bathrooms and toilets are adjusted to women's needs and can be used as frequently as necessary. There are so-called daily bathrooms and the ones wherein prisoners take baths at prescribed times. Sanitary installations are noticeably dilapidated. Prisoners themselves purchase toilet articles, except for some trifles provided by the prison administration.

Prisoners wear prison dresses that are clean and kept in relatively proper condition. Generally speaking, quality of life and hygiene in the prison meet highest standards.

B) THE KITCHEN, MESS-HALL AND FOOD

As the prison has no kitchen of its own, all food is being driven in from the Zabela Penitentiary in Požarevac. Therefore, all observations about the quality of food in the latter apply to this prison.

Interviewees complained of quality and monotony of their daily meals, as well as of scarce milk products. Parcels and the canteen prisoners deem adequately stocked figure as additional sources of food.

The mess-hall room is of proper size and ventilated through windows. However, we take that, regardless of artificial light, the windows do not let in sufficient natural light. The number of radiators in the mess-hall is adequate to its size.

Every pavilion has a so-called coffee shop where prisoners make their coffee and tea or sit down to have a juice.

C) THE MEDICAL SERVICE AND FACILITIES

The prison's medical services operate within the reformatory training services.

Actually, hospital facilities are housed in a pavilion within the prison compound and mostly resemble a dispensary with a sickroom and a dental surgery. A small waiting room and a nurse's room with a drug cabinet, a small sterilizer and a medicine stand are located in the basement. Doctors' office is spacious and has one bed for examination of patients, a file cabinet and a locked drug cabinet. Apart from an old sphygmometer, spatulas and disposable hypodermic syringes, no other medical instruments were to be seen. A small double room used by two prisoners working as nurse's aids, two sickrooms, a double room for pregnant women in their last weeks of pregnancy and one six-bed room occupied by two patients with cancer are also in the basement. Rooms are clean, centrally-heated and have windows large enough to let in fresh air and sunlight.

A so-called delivery room located on the first floor is presently unoccupied. Under the LECS, women and their babies may stay here until a child turns twelve months. A father, relatives or a social care institution are then given custody of the child.

Until three years ago, the prison had no full-time physician. A neuropsychiatrist working for the Zabela prison used to pay occasional visits. Nowadays, a woman doctor, an epidemiologist, occupies the post. The doctor has a seventeen-year experience as general practitioner and school epidemiologist. She is assisted by two experienced nurses, each with over ten-year careers in the prison.

According to job classification, the services are 100 per cent staffed. A dental surgery has recently been fully equipped under the supervision of the stomatologist from the Zabela prison. This dental officer will be providing services whenever necessary in the period to come. Presently, prisoners with acute dental diseases are taken for treatment to the Požarevac Health Centre. Prisoners who can afford services of private dentists may do so.

A gynaecologist visits the prison twice a month. Once or twice a month a technician for the Požarevac Health Centre comes to collect samples to be tested in the Centre's laboratory.

The dispensary is adequately stocked. Medicaments are administered in individual doses and directly to patients. The prison gets medical supplies at market prices and pays for them from

its own resources. Prisoners or their relatives may procure some medicaments that are strictly controlled to prevent any abuse.

Twenty-odd prisoners apply for check-ups each day. They mostly complain of troubles in upper respiratory organs.

A breakdown of medical services' activity in 2001:

Check-ups	2,934
In-patient clinic treatments	95
Gynaecological check-ups	164
Visits by a laboratory technician	62
Injections	533

Bodily injuries:

Serious bodily injuries	0
Light bodily injuries	1
Self-injury	1
Suicides	0
Natural deaths	0

Medical check-ups outside the prison:

Penitentiary-Hospital, Belgrade	13 (404 days)
Belgrade Clinical Centre	1
Belgrade University Clinic	1
Požarevac Health Centre	56 (141 days)
Zabela prison in Požarevac	16
St. Sava Hospital, Belgrade	1 (4 days)

Presently, no prisoner suffers from tuberculosis, and none is HIV positive or a diabetic. Special diets are available on request.

One case of suicide (self-poisoning) has been registered over the past six months.

Delousing is obligatory upon admission, and taken later on if necessary. Measures of DDT protection are taken at regular intervals.

Unlike other monitored prisons, this one has organized healthcare education. The doctor delivers monthly lectures on subjects she selects together with prisoners. The interview conducted with the doctor reflects her professional capacity and eagerness to upgrade the quality of medical services. On the other hand, she is limited by available funds.

Interviewees' complaints when it comes to medical services are minor. They also take that the dispensary should be more adequately stocked.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Women's Penitentiaries (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

No major incompatibilities with or departures from the relevant regulations have been registered.

III

Recommendations

- The supply of medicaments and medical instruments should be improved.

Security

I

An analysis of gathered information shows an adequate level of external security. This is testified by the fact is that no cases of prisoners' violating the security of the outside community have been registered over the past six months. However, bearing in mind the level of precaution prescribed for semi-open institutions such as the women's penitentiary in Požarevac, actual security measures by far exceed those prescribed and necessary. In addition to above-mentioned high walls surrounding the institution, other measures of precaution are more suitable for closed or maximum-security institutions. Each day twenty-six security officers watch over 133 women prisoners, twelve of them being sentenced for misdemeanour. The external security involves three security officers working day and night shifts - two are posted at gates and one watches prisoners from a bunker. As for internal security, a chief of guards is in charge of the telephone exchange, while an internal security supervisor, a shift leader and other members of the security services are allocated in pavilions within the prison compound.

Records show that the ratio between officers and prisoners is the highest in comparison with other services. However, it should be noted that security officers and prisoners alike said the position and the role of the services have drastically changed when measured against the previous period. According to them, priority is given to the services no more. This is being attributed to the change in personnel structure, primarily when it comes to the head of the security services. She is a professional andragogist and advocates an utterly different approach to the services' functions and tasks. Besides, the interviewees deem the general atmosphere in the prison better beyond compare ever since the new head has been appointed. According to several sources, nowadays the priority is given to the reformatory training and social resettlement services.

Having interviewed a variety of sources about the internal security, our impression about it was unanimous. Namely, with no intention to dig deeper into what is behind the situation as such, the fact is that all issues dealing with security were positively assessed both when it came to prisoners' mutual relationship and to personnel-prisoners relations.

Though most prisoners said some inmates controlled the others, the number of security officers, as they put it, made them feel safe and secure. Informal conversations pointed to a minimal sense of in-house insecurity. This is best illustrated by the fact that there have been no major incidents or conflicts.

II

Incompatibility with or deviation from relevant legislation and rules

- "The penal-correctional institution for women and the reformatory-correctional house are institutions of a semi-open type." (Article 13, paragraph 1 of the LECS);
- "In the semi-open-type institutions the security service, which monitors the movement of the convicted persons, constitutes the only obstacle to prevent escape." (Article 12, paragraph 3 of the LECS);
- "Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this." (Paragraph 64 of the EPR).

III

Recommendations

- Material and other necessary resources should be secured with a view to finding an adequate solution to removing or lessening the security measures that intensify prisoners' sense of being isolated and unable to move freely in keeping with current regulations and house rules;
- The media and other appropriate means of mass communication should be used to fight prejudice and public opinion in terms of stigmatization of prison population and such institutions in general.

Lawfulness (equity) of treatment

I

Information gathered in this area show that the House Rules are available and understandable to every prisoner upon admission to the institution. However, some interviewees take that more attention should be paid to those who are illiterate when it comes to their proper understanding of house rules. Occasionally, illiterate prisoners, said our sources, do not grasp the meaning of the house rules and their literate counterparts have to explain it to them in words so as to make it possible for them to observe these rules.

Interviewed members of the personnel and prisoners alike responded positively to questions dealing with the personnel's impartiality, fairness of disciplinary measures, privileges and awards, complaints made and replies received. Prisoners have been subject to twenty-seven disciplinary measures over the past six months. Most were reprimanded or given suspended solitary confinement, while two of them were punished by five-day solitary confinement. The administration deems the above disciplinary measures were in keeping with law.

When asked whether the personnel tracked down and punished real culprits, and equally treated all prisoners, just some interviewees commented that these issues depended on an training officer in question, adding, "Some have their favourites." Asked whether or not there was corruption in the prison, members of the personnel and prisoners alike replied negatively.

At this point, there is only one juvenile in the prison; fifteen-odd prisoners have been sentenced for misdemeanour, and the rest has been sentenced to jail (about two-thirds are with short sentences, while one-third of them are with long sentences). Different categories of prisoners are not detained separately, but the administration explained that due account is taken of their judicial and legal situation. According to the administration, the actual situation is to be ascribed to ongoing renovation and adaptation of facilities aimed at securing conditions for efficient and useful regimes of treatment.

II

Incompatibility with or deviation from relevant legislation and rules

No major incompatibilities with or departures from the relevant regulations have been registered.

III

Recommendations

- The adaptation of facilities should be assisted so far as possible with a view to creating prescribed conditions for the treatment of prisoners and enabling smooth functioning of the institution.

Social Resettlement

I

According to training and employment officers, vocational training in trades such as sewing and tailoring, catering and farming, as well as in the so-called odd jobs (in laundry, canteen, dispensary, etc.) is organized for prisoners. Technology is outdated, while the machinery at prisoners' disposal old and mouldering. The institutional administration manages the working process.

Prisoners are assigned jobs on the basis of their occupations in the outside community, with due respect being paid to their wishes and dispositions. Viewed from the angle of prisoners' social resettlement, the activity of the training and employment services usually boils down to daily monitoring and assessment of prisoners' conduct and industry. The services' judgements and suggestions are crucial when it comes to decisions on privileges and prizes to be granted.

The actual number of working prisoners can be labelled as maximal. Seventy prisoners out of 135 are engaged in prison work; the others are freed from work for health or some other justifiable reason. Even when not feeling well prisoners insist on going to their workplaces, according to officers. The ratio between the personnel and prisoners show that one officer is in charge of twenty prisoners. However, this hardly affects the process of work and can be explained

by prisoners' interest in the work and sense of responsibility. Given that sewing and tailoring figure as the prison's basic business activity, yet another full-time tailor will be added to the payroll. Though one-third of working prisoners is engaged in the sewing workshop, the latter actually operates below capacity notwithstanding the prisoners' interest in the work. The basic problem here is that prisoners lack even elementary sewing skills. This is why addition of another professional tailor to the staff would help to solve the problem. We deem that, in spite of circumstances, the sewing workshop operates almost perfectly: it has produced well-designed uniforms for workers of the "Security" firm in Belgrade - the latter have been very pleased with the quality of products. Presently, the workshop produces ready-made cloths for the Red Cross and jackets for the Yugoslav Railroads.

Prisoners were obviously proud and imbued with sense of self-respect because of compliments paid to them by contracting parties. The same refers to prisoners who have been engaged in producing file folders. They also pinpointed that the contacting party was deeply impressed by the efficiency and quality of their work.

All above mentioned instances testify that work - a crucial aspect of the social resettlement and reformatory training - is certainly seen as such by the personnel that, therefore, pay maximum attention to it. Viewed from this angle, the personnel's endeavour to organize a course in fire protection and safety and health precautions to be attended by both prisoners and the staff is a most positive development. According to the plan, one member of the personnel will be trained as a training officer and thus set in the practice of education in this field.

Speaking about the work as a crucial element of social resettlement, we cannot but stress that no other personnel of the institutions we have visited are so highly aware of the significance of the said element as this one. Such interest, good will and active attitude to work taken by both the personnel and prisoners should motivate all relevant authorities to maximally assist their endeavour and encourage their optimism and creativeness. They should have an ear for better production and better vistas for prisoners' employment, which is being hindered by the lack of funds for the purchase of raw materials.

The prisoners have eight-hour workdays, i.e. their weekly working hours amount to forty. Weekends are rest-days. They work overtime only if and when it suits them.

Precautions laid down to protect the safety and health of free workmen are appropriate. One-third of each prisoner's earnings is put aside, as her personal savings, while she can spend the rest at will. The prisoners' monthly earnings ranging from 750 to 1,200 dinars (contingent on jobs and number of working hours) indicate that they are being paid more for their work than their counterparts in other prisons we have visited up to now.

Answers to the questions about the reformatory training services will be compared here with the services' operations. Upon arrival to the institution prisoners are sent to the Admission Department. Presently no social worker is included in the Department's team, but, according to the prison administration, this problem is about to be solved. The team puts forth a treatment program for each prisoner. Along with the team, the director then decides on the prisoner's classification and treatment. A treatment program lays down the reformatory training group a prisoner is to join, elementary schooling or vocational training to be provided, workplace, recreational activities and intensity of individual and group treatment. Classification of every prisoner is reviewed in three-month intervals if proposed so by the team of experts. A prisoner's conduct stands for a major criterion of her reclassification. Her conduct is evaluated not only by training officers, but also by officers from other services. Their judgements are entered in each prisoner's cumulative file.

Entries into these files are, in our view, detailed and all-inclusive. In addition to cumulative files, the staff keeps records about planned interviews or unplanned conversations with every prisoner, and takes care of daily, monthly and annual work plans.

All interviewees take treatment conditions and individual involvement in treatment programs appropriate. Treatment programs are individual, since all attempts to set up group programs proved ineffective, according to the interviewees. Institutional officers themselves take that some categories of prisoners (drug users) should have special treatment programs. Although there are ever more prisoners in need of specialized treatment programs, their treatment differs not the one provided to the rest due to the lack of competent personnel.

Sizes of training groups enable quality guidance though the personnel perceive treatment of female population a more demanding job than the treatment of men. One training officer is in charge of thirty prisoners. According to training officers, prisoners are interviewed bimonthly on the average, while, apart from daily conversations and informative interviews, planned interviews total twenty per month. Records kept by a training officer show that sixty unplanned, twenty planned and fifty informative interviews took place in September. Interviews average two hours. As for interviewed prisoners, they said they could meet with and contact their training officers at will. Gathered information and the team's impression show that top priority is given to programs aimed at prisoners' gradual return to life in society.

Most prisoners have not finished even elementary schools, while just few hold secondary school degrees. At first glance the fact that the prison has no school facility points a finger at the prison administration. But when viewed from other angles this is not so. Namely, regular schooling is almost impossible when one bears in mind that two-thirds of prisoners are with short sentences (one to three years). As for training officers, they deem prisoners' ignorance of elementary personal hygiene and decent manners a by far bigger problem. This is why they are mostly focused on teaching them these matters. The staff has found an alternative solution to the schooling problem. Viewing illiteracy as a major problem, they have organized a course in adult literacy, wherein both literate and illiterate prisoners take active parts. Those able to read and write tutor their illiterate inmates. It is only natural that proper degrees cannot be thus obtained, but the solution seems to be maximally viable and correct under present circumstances. Of course, this excludes not the need for a regular school and endeavours to attain a goal as such for but, on the other hand, implies securing bigger capacities than existing ones and involvement of other institutions and relevant administrations. This also refers to the prison library. The prisoners use it, but complain about ineptly chosen and old titles. Many have pledged their cooperation in solving the problem but everything usually boiled down to empty words.

Daily papers (*Politika*) are regularly delivered to the prison. The number of radio and TV sets is appropriate.

Leisure time and recreational activities are rich and excellently organized. Volleyball and basketball tournaments are organized in summertime, while winters turn table tennis a most popular game. Drama and music troupes are very active. A recently staged play by Branislav Nušić will also have its television premiere. Namely, movie and TV director Radoslav Mosković agreed to tape-record the performance and make it available to a larger audience. Other plays have been performed as well. The prisoners are also massively engaged in literary, poetry reading, needlework, painting and other group activities. All of them enhance and positively channel prisoners' spare time, while preventing idleness and negative conduct. No specific officer is assigned to take care of group activities. We were told that the entire scope of cultural and

entertainment activities is the result of the staff and prisoners' enthusiasm. This is yet another proof that the method of active participation produces exceptional effects.

In terms of religious guidance and prisoners' religions, most of them belong to the Serbian Orthodox Church. The institution cannot for the time being secure adequate premises to house religious ceremonies and pastoral visits. Priests pay monthly visits to the prison. Prisoners can have private conversations with a priest in the library. Sermons are held in the theatre hall. Interviewed members of the staff and prisoners said there was no need for more frequent visits by priests and religious ceremonies.

Pre-release preparation implies no special programs and activities on the part of the personnel. The interviewed members of the staff said they were aware of the necessity of such programs. On the other hand, as they put it, pre-release programs cannot be planned and carried out on their own and are hardly viable without a team effort and involvement of other institutions. Though the existing capacities allow mutual cooperation and co-ordination with families in the first place, implementation of the latter, in our opinion, depends not on the institution exclusively, but on other sides as well.

II

Incompatibility with or deviation from relevant legislation and rules

- "Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners." (Article 97 of the LECS);

- "A comprehensive education program shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programs should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect." (Paragraph 77 of the EPR);

- "Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in cooperation with community library services." (Paragraph 82 of the EPR).

- "In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support." (Paragraph 88 of the EPR);

III

Recommendations

- Funds should be secured to boost production in the prison and thus open vistas for better employment of prisoners;

- The issue of prisoners' schooling and vocational training should be tackled;

- The staff should be trained in providing treatment to specific categories of prisoners or specialists should be engaged for the purpose;

- Possibilities should be considered and steps taken to ensure prisoners' gradual return to life in society through pre-release programs and activities organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support;

- Efforts should be made to ensure better cooperation with major social institutions, and particularly with social work centres that are crucial for communication between the prisoners and their children.

Contacts with the outside world

I

There is only one coin-operated telephone in the prison and the use of it is restricted: prisoners may make fifteen-minute phone calls once a week. All interviewed prisoners take that more phone kiosks should be installed and duration of their calls prolonged.

Prisoners' letters and petitions are not subject to censorship. No letter has been confiscated over the past six months.

Reception of parcels undergoes a different procedure. Guards inspect parcels and keep record on their contents. According to sources from the institution, no parcels or parts of them have been confiscated.

Most prisoners receive visits the duration of which, the same as sizes of parcels, depend on treatment regimes. The latter refers only to prisoners classified to closed regimes.

Visits in a "special room" are not secured since no room has been set aside for the purpose. If necessary, however, prisoners use benefits of the Zabela prison. Since these benefits are rarely used, prisoners generally spend the assigned three-hour visits in the so-called coffee room. Such visits are treated as uncontrolled, while controlled visits take place in visitors' hall, which is not fully adequate for the purpose. For the time being, no investment can be made in it due to the lack of funds.

A prisoner can communicate with her defence attorney whenever necessary or on her request. When proposed and considered appropriate by a training officer, the director decides on prison leaves.

In our view, cooperation between the institutional personnel and factors in the outside world boils down to the institutions *ex officio* obligations. This is about a regular procedure of keeping the relevant social work centre and the police department informed about ongoing activities and developments. According to the interviewed staff members, quality of such cooperation depends on each individual centre - in other words, the cooperation is better with social work centres that are more efficient than the rest or those wherein some officers have friends or acquaintances.

II

Incompatibility with or deviation from relevant legislation and rules

- "All prisoners should have the benefit of arrangements designed to assist them in returning to society, family life and employment after release. Procedures and special courses should be devised to this end." (Paragraph 87 of the EPR);

- "Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment.

- "The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care program of the prisoner." (Paragraph 89 (1 and 3) of the EPR).

III

Recommendations

- Funds should be secured for "a special room" and appropriate visitors' hall;

- Another phone booth at least should be installed;

- Possibilities should be considered and steps taken to ensure prisoners' gradual return to life in society through pre-release programs and activities organized in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support;

- Staffs of social work centres should be encouraged to whenever possible assist institutional personnel in the procedures of admission, monitoring and social resettlement, and particularly when it comes to closer relations between the latter and prisoners' families;

The institution personnel

I

Organizational structure of this prison is somewhat different from the other visited institutions. The training and employment services are included in the general administration services. The services enrol three out of four planned officers. One officer, the head of services, has a university degree, while the other two, instructors, have finished secondary schools. On the average, officers are thirty-five years of age, and all are women. Their working experience averages two years. The structure of the personnel meets the criteria laid down in the LECS and the Law on Employment in State Agencies.

Interviewed officers said they were satisfied with their jobs, the administration's efficiency and relations with other services. They perceive the function of their services as a top priority and the administration's attitude to them fair. They have daily team meetings.

Major complaints were about outdated technology, work conditions and the issue of working capital. Most interviewees said they were not looking for other jobs.

Their answers to the questions related to remuneration, indicate they are satisfied with the regularity of payments, but not with amounts of salaries. Overtime is occasional and adequately paid. Members of the staff are entitled to shorter length of service.

According to interviewees, no breaches of orders have taken place over the past six months.

The security services employ forty-five workers, which is in keeping with the relevant job classification. The services may even be considered overstaffed when taking into account an addition of six probationers. The staff averages thirty-five years of age. Out of total number of officers, twenty-nine are women and nineteen men. Forty-one officers have finished secondary schools, two higher and only the head of the services has a university diploma. Though all the personnel meet requirements for the work in the services, no special or in-service courses have been organized for them over the past six months. According to the head, in-service courses used to be organized, particularly in the domain of penological andragogy, but the practice is now almost abandoned. In November 2002 they planned, she said, to ask the Serbian Ministry of Justice to help them engage experts for courses in martial arts.

Over the past six months no officer was dismissed. Three of them are on maternity leaves. In the same period the services have instituted disciplinary proceedings against three officers for misconduct.

As the head put it, cooperation between her staff, the central prison administration and other services is almost perfect, and relevant activities are maximally co-ordinated. She pinpoints the teamwork by her services and the reformatory training services. In her view, the position of the reformatory training services is central to the institution and these services play the role of a co-ordinator. She takes this fully adequate to the standards of prisoners' social resettlement. She is somewhat critical about the work and conduct of officers of the training and employment services. In her opinion, they are not fully capacitated for the work and are often unable to professionally distance themselves from prisoners.

The personnel are entitled to shorter length of service - twelve months are counted as sixteen. The head of services considers pay levels an inappropriate compensation for the staff's hard work and responsibility. Therefore, as she put it, higher salaries would motivate officers and thus considerably boost the services' efficiency.

Team meetings are regular, in particular with interior and exterior security officers. The head says she plans to meet with interior security officers in shorter intervals and seize the opportunity for in-service training.

The reformatory training services include the Admission Department, medical services and one training officer. There are twelve officers out of thirteen envisaged in the job classification. The staff averages forty years of age. On the average, one officer is in charge of ten prisoners. Women make the entire personnel. Two officers (an educational specialist and a psychologist) work for the Admission Department, three training officers are engaged in open and semi-open sections of the institution and one in the closed. An employment officer and a typist are also included in the services.

Except for one sick leave, all employees have been regular at their jobs over the past six months.

All interviewees agree their jobs are stressful in terms of exertion and empathy for prisoners' misfortunes and problems, rather than fear of assaults. The entire staff is entitled to shorter length of service. Everyone is satisfied with regularity of salaries, but not with amounts. Overtime is rare and usually remunerated, except in the case of the head of services.

No officer was subject of disciplinary measures. Mutual communication is deemed good, while the services' significance is viewed as crucial as compared with other services.

II

Incompatibility with or deviation from relevant legislation and rules

- "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that proper administration of the institution depends.

- "The prison administration should constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used." (Paragraph 56 (1 and 2) of the UN Minimum Rules).

III

Recommendations

- The entire personnel's standard of living and conditions of work should be improved through adequate salaries and other remuneration for those who perform their duties diligently, conscientiously and in a law-abiding manner;

- The personnel should be constantly encouraged to upgrade their skills and professional capacities by attending advanced or in-service courses and seminars, as well as through examples of good management;

- The personnel should be trained in or specialists should be engaged for treatment of specific categories of prisoners.

THE PENITENTIARY-HOSPITAL AT BELGRADE

Date of visit: 28 January 2003

Type of institution: closed

Population: men and women

Capacity: approx. 500 inmates

Number of prisoners: approx. 500

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The Penitentiary-Hospital (its full name being penal-correctional hospital centre) is the only institution in Serbia for convicted prisoners who must undergo psychiatric treatment or be treated for alcoholism and drug addiction. The institution's population includes juveniles committed to reformatory training or serving a sentence who also must undergo the above treatment. The institution also serves as a general prison hospital for untried and convicted prisoners who need hospitalization.

The institution occupies the third and fourth floors of the building housing the Belgrade District Court. Lack of direct sunlight and fresh air in the patients' rooms is the biggest fault of the building. The rooms either have no windows at all or they open onto the corridor. As a result, the patients spend the whole of their time under artificial light, breathing stale air. The antiquated ventilation system, which operates for fifteen to twenty minutes every three hours, is totally inadequate especially in summer. Owing to lack of time and space, untried prisoners from the District Court and walking patients from the institution can spend only half an hour in the shared courtyard instead of two hours as provided for by law. Being confined for most of the day in a suffocating atmosphere without the possibility of proper physical exercise borders on torture.

The capacity of the institution is some 450 beds. Although about 400 patients would be optimal under the circumstances, there were 500 patients at the time of the visit. Prisoners requiring special security treatment are accommodated in rooms having between four and eight beds each depending on size. The rooms are dirty and have not been repainted for a decade; the floors are unswept, there are no wardrobes, and the beds are rickety. Some patients have a small locker next to their beds but others do not have even that. The mattresses, blankets and bedding are worn out and dirty.

Owing to a large influx of prisoners over the past year, overcrowding is another severe problem. For instance, the department providing treatment to drug users is designed and equipped to cater for forty to fifty patients but has 100 instead at present.

Heating continues to be a problem. The whole hospital is heated by radiators fed from the boiler situated in the basement of this four-storey building. Although both the District Prison and the institution suffer from lack of heating oil and worn installations, the problem is worse in the

institution where the room temperature is almost unbearably low. During our visit, which was in January, both the patients and staff were clearly freezing in spite of wearing their outdoor clothes indoors.

Hygiene is another major problem directly affecting the well-being of the patients. The problem is not due to any lack of cleaning materials and toilet articles, which are in sufficient supply, but to the fact that the LECS and the internal rules stipulate that the inmates themselves must see to their personal hygiene and the cleanliness of their rooms. Persons with serious psychiatric or other grave complaints can hardly be expected to keep themselves and their surroundings clean. Their rooms are messy, dirty and stuffy, and a foul odour emanates from the sanitary facilities of which some are located within rooms. There seems to be no solution to the problem for now; even if money could be found to hire outside help to do the cleaning, it is not easy to find someone willing to work among psychiatric patients convicted of crimes.

The rooms occupied by the alcoholics and drug users undergoing compulsory treatment are much cleaner because they can look after themselves as far as hygiene is concerned. But here too they have problems washing and drying their clothing as there are no special rooms for this purpose.

Generally speaking, the toilets are filthy and in need of repainting, and the sanitary ware is either semi-functional or out of order. According to the inmates, a hot-water bath is available once in a fortnight or twenty days.

The general impression is that the building, equipment, ventilation and lighting, sanitary appliances and hygiene are inadequate for the accommodation and treatment of untried and convicted prisoners.

Nevertheless, the recent reconstruction and adaptation of the women's quarters shows that even the structural faults of the building can be fully corrected. Thanks to a foreign donation of 200,000 euros, these quarters were completely altered in some four months. In some of the rooms walls were torn down and rebuilt elsewhere and new windows fitted to let in sunlight and fresh air. These rooms are also large enough and freshly painted with new flooring; they are equipped with new radiators, beds, lockers and other furniture; new sanitary ware (water heaters, wash-basins, showers, toilet bowls, etc) has been installed.

As a result of the reconstruction of this area accommodating about thirty women - which, unfortunately, accounts for a mere 8 per cent of the total floor area of the institution - the conditions in which they live and treated are excellent. This shows that even this wholly inappropriate building can be made to conform to relevant European standards with a certain amount of investment.

B) THE KITCHEN, MESS-HALL AND FOOD

The food is prepared in a kitchen on the premises. The kitchen is in such a poor state that it needs urgent repair and adaptation. As there is no mess-hall, the food is served in the day-rooms. Although this compounds the problem of hygiene, it is necessary in the case of bed-ridden patients. The inmates say that the food is bad. Although they receive three meals a day, the food is so bad and unpalatable that sometimes it cannot be eaten. The diet is monotonous and the difference between the normal and special diets is slight. The patients complain that they rarely receive milk, milk products and fruit.

In view of the fact that the institution's primary role is that of a hospital which must provide constant care and frequently a varied and rich diet to its patients, the Ministry of Justice must increase the monthly outlay on it.

C) THE MEDICAL SERVICE AND FACILITIES

The institution is on duty twenty-four hours a day and ready to admit patients at any time. It has departments for the compulsory treatment of psychiatric prisoners, of convicted alcoholics and drug users, of prisoners from other institutions with acute psychic problems, and of prisoners from other institutions with acute somatic problems. Untried and convicted prisoners, as well as men and women, are kept separately in each department.

The personnel numbers 110, including nineteen neuropsychiatrists, four internists, two ophthalmologists, two general practitioners, and one dentist. There are also laboratory workers, a pharmaceutical technician, an X-ray technician, and about sixty nurses. According to the job plan in force, there is no more room for staff expansion. But personnel complain that the institution is understaffed and say that a new job systematization plan has been made and is waiting to be approved by the Ministry of Justice.

The institution engages as permanent consultants a number of otorhynolaryngologists as well as a surgeon, an orthopaedist, an infectologist, a neurologist and a urologist. Other specialists are engaged when necessary. Certain kinds of treatment are provided by other health establishments and the expenditure is borne on the accounts of the institution.

The internal department cares for patients with chronic cardiovascular, lung and endocrine complaints. At the moment, the department has about twenty tubercular patients and about as many diabetic and cardiovascular cases each.

The department has an internal medicine surgery which has only one functional electrocardiograph, a dry sterilizing unit, an oxygen cylinder with a mask, and several cupboards for medicine and disposable materials. There are also two or three unserviceable appliances donated as humanitarian aid which were out of order when they arrived.

The institution also has an X-ray unit with a working X-ray machine and an operating theatre which has been out of use for ten years. The biochemical laboratory is poorly equipped and only capable of performing blood and urine tests of the simplest kind, especially for the presence of drugs in urine. A thirty-year-old blood analysis instrument broke down recently and cannot be repaired.

Doctors say there are no AIDS patients and only a few HIV positive cases. Controls are regular.

The procurement of medicines and disposable medical materials is a big problem. Some medicines are bought on the free market and others received from various humanitarian organizations. In spite of the problems, personnel say that the hospital is adequately supplied. He were unable to see just how 'adequate' this was because we had no opportunity to see the stocks ourselves. During our last year's visit to the institution and its central pharmacy, we saw that its stocks of medicines were modest, with only a minimum supply of antibiotics and cardiotonics, and just a few drugs in ampoules. Since the institution's population has increased by 20 per cent since then, with no corresponding increase in funds for the purchase of expensive medicines, we doubt that the stocks are as 'adequate' as the personnel said they are. It is, of course, possible at least some of the medicines are donated by humanitarian organizations.

Since the institution works non-stop, there are always a doctor and two nurses on afternoon, night and weekend duty. In view of the total population, the duty team is too small to cope and must be reinforced.

As a rare redeeming feature of this institution, we wish to stress the personnel's efficient team work and their regular team meetings in their respective wards. A team of various experts

examines every new prisoner on admission and recommends a course of therapy. The therapy application and results are monitored daily. If there is any improvement, the therapy is terminated and various privileges such as weekend leave recommended; if, however, a patient's condition deteriorates (this applies primarily to psychiatric patients), the first step is to modify his or her therapy by increasing the prescribed dose of drug. In extreme cases, aggressive patients are restrained by straps and chains for as little as possible, usually one to three days.

Every patient admitted to the institution is registered and has a medical card. The personnel assured us that the records are confidential and available only to the doctor in charge of the patient or to a team of doctors and other specialists who must reach a collective opinion on the state of the patient's health.

Both drug users and psychiatrist patients occasionally inflict mostly slight injuries to themselves. Such injuries are also frequent when patients, mostly drug users, fight among themselves.

The general impression is that the institution is deficient primarily in equipment, but also in personnel, for complex medical treatment. For this reason, patients with serious complaints are dispatched to specialized clinics in Belgrade, above all the City Hospital, which are not always happy to have patients under armed escort. This is a source of many problems primarily of an organizational nature because before a patient is sent to a civil hospital it is necessary to make prior arrangements and provide a vehicle with escort. Since all this requires time, patients often have to wait for their special treatment or examination longer than necessary.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR), and General Reports of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

- 'The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law.' (Article 58 (1) of the LECS and Article 14 (1) of the House Rules);

- 'The rooms in which prisoners are kept, work and receive their food shall be heated in winter. Subject to the climatic conditions, the rooms shall as a rule be heated from October 15 to April 15. Subject to weather conditions and other objective consideration, the institution governor may shorten or prolong the heating season.' (Article 15 (4) of the House Rules);

- 'All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.' (Paragraph 10 of the UN Minimum Rules);

- 'The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation.' (Paragraph 15 of the EPR);

- 'The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene.' (Article 58 (2) of the LECS);

- 'The duty of the prisoner is to keep his body, clothes, footwear and bedding clean whereas the duty of the institution is to make this possible.' (Article 39 (1) of the House Rules);

- 'A prisoner is entitled to spend at least two hours of his free time out of doors.' (Article 59 of the LECS);

- 'Creating a positive therapeutic environment involves, first of all, providing sufficient living space per patient as well as adequate lighting, heating and ventilation, maintaining the establishment in a satisfactory state of repair and meeting hospital hygiene requirements.

Particular attention should be given to the decoration of both patients' rooms and recreation areas, in order to give patients visual stimulation. The provision of bedside tables and wardrobes is highly desirable and patients should be allowed to keep certain personal belongings (photographs, books, etc.). The importance of providing patients with lockable space in which they can keep their belongings should also be underlined; the failure to provide such a facility can impinge on a patient's sense of security and autonomy.

Sanitary facilities should allow patients some privacy. Further, the needs of elderly and/or handicapped patients in this respect should be given due consideration; for example, lavatories of a design which do not allow the user to sit are not suitable for such patients. Similarly, basic hospital equipment enabling staff to provide adequate care (including personal hygiene) to bedridden patients must be made available; the absence of such equipment can lead to wretched conditions.' (Paragraph 34 (1,2 and 3) of the CPT Standards, CPT/Inf(98)12);

- 'Patients' food is another aspect of their living conditions which is of particular concern to the CPT. Food must be not only adequate from the standpoints of quantity and quality, but also provided to patients under satisfactory conditions. The necessary equipment should exist enabling food to be served at the correct temperature. Further, eating arrangements should be decent; in this regard it should be stressed that enabling patients to accomplish acts of daily life - such as eating with proper utensils whilst seated at a table - represents an integral part of programmes for the psycho-social rehabilitation of patients. Similarly, food presentation is a factor which should not be overlooked. The particular needs of disabled persons in relation to catering arrangements should also be taken into account.' (Paragraph 35 of the CPT Standards, CPT/Inf(98)12);

- 'Of course, psychopharmacologic medication often forms a necessary part of the treatment given to patients with mental disorders. Procedures must be in place to ensure that medication prescribed is in fact provided, and that a regular supply of appropriate medicines is guaranteed...' (Paragraph 38 of the CPT Standards, CPT/Inf(98)12);

- 'Resort to instruments of physical restraint (straps, straight-jackets, etc.) shall only very rarely be justified and must always be expressly ordered by a doctor or immediately brought to the attention of a doctor with a view to seeking his approval. If, exceptionally, recourse is had to instruments of physical restraint, they should be removed at the earliest opportunity; they should never be applied, or their application prolonged, as a punishment. The CPT has on occasion encountered psychiatric patients to whom instruments of physical restraint have been applied for a period of days; the Committee must emphasize that such a state of affairs cannot have any therapeutic justification and amounts, in its view, to ill-treatment.' (Paragraph 48 of the CPT Standards, CPT/Inf(98)12).

III Recommendations

- Funds should be provided as soon as possible to undertake gradual reconstruction of the entire building to bring it up to the high standards of the women's department;
- The rooms accommodating somatic patients should be readapted and equipped to conform to the minimum standards required for the treatment and recovery of such patients;
- Technical and personnel improvements are necessary in order to provide patients with somatic complaints with adequate treatment including complex medical interventions;
- A sufficient quantity of heating oil should be secured in order to keep the room temperature adequate throughout the heating season;
- The time the patients are allowed to spend out of doors for physical exercise and fresh air should be extended to conform to the house rules,
- The food should be improved and adjusted to the individual needs of the patients.

Security

I

By virtue of its security arrangements, the institution ranks as a closed establishment. Accordingly, it has adequate external security arrangements operated by the District Prison security service.

The internal security situation, given the gravity and nature of the crimes committed by the inmates, is highly precarious. Of the 375 resident inmates, 172 have committed criminal offences including elements of violence (criminal acts against life and limb) and no fewer than 133 or them are persistent offenders. Violent outbursts towards personnel and other prisoners are always a possibility and the likelihood of all kinds of accidents high. Incidents during 2002 included three escapes, two attempted escapes, three large fights, one suicide and one attempted suicide, and sixteen cases of self-inflicted wounds. No cases of sexual abuse and arson were registered.

The rooms were searched thoroughly twelve times, surprise searches being carried out routinely whenever possession of an illegal object is reported. A thorough body search is carried out whenever a prisoner enters or leaves the institution. While several cellular phones were smuggled in, no weapons and drugs were found although the latter is believed to be available through parcels and consumed on the premises. We learned from various sources that drug users were the most troublesome in every respect including security. There are several compact groups of them and their mutual clashes are a constant source of danger and annoyance for the rest of the inmates of the department. Owing to the specific nature of the institution, the only disciplinary measure that can be used against a troublemaker is isolation, which may not exceed the statutory time-limit of fifteen days, after which the culprit is returned to the department. The institution being the only one of its kind in Serbia, it cannot follow the practice of other penitentiaries of permanently isolating such persons from their environment by sending them to another institution.

It was pointed out to us that, in order to conform to the provisions of the Law on the Enforcement of Criminal Sanctions, a closed establishment of this particular type should have some 20 per cent more security personnel than the institution currently employs. The ratio of security

personnel and prisoners is 1:50 during the day; at night, however, the ratio is far more unfavourable and everybody, including security personnel themselves, is that much more at risk.

II Incompatibility with or deviation from relevant legislation and rules

- 'It is also essential that appropriate procedures be in place in order to protect certain psychiatric patients from other patients who might cause them harm. This requires inter alia an adequate staff presence at all times, including at night and weekends. Further, specific arrangements should be made for particularly vulnerable patients; for example, mentally handicapped and/or mentally disturbed adolescents should not be accommodated together with adult patients. (Paragraph 30 of the CPT Standards, CPT/Inf(98)12).

III Recommendations

- The security arrangements should be improved by employing more security personnel or in some other way;
- The situation of the drug using population should be reviewed with a view to improving internal security in the institution.

Lawfulness (equity) of treatment

I

Although the LECS provides that a prison hospital and a psychiatric ward must be physically separated, the structure of the institution's population leaves no doubt that the institution continues to combine these two roles.

The absence of a specific set of house rules for quite some time gives rise to concern. The personnel do the best they can working according to various amendments and supplements to the old house rules while a new draft of house rules has waited for approval by the Ministry of Justice for more than six months. As a result, the prisoners are not quite clear as to what their rights and obligations are.

In this regard, we wish to point out that supervision of the enforcement of security measures in the institution is within the jurisdiction of courts. On the other hand, supervision of the medical competence of the personnel is a responsibility of the Ministry of Health. Our conclusion is that the personnel fully abide by the two sets of relevant standards applying to the dual character of the institution. However, they do not believe that such supervision arrangements make for efficiency in practice. Their experience has taught them that specialists and other personnel who are in direct and continuous contact with prisoners undergoing treatment are and must be the best judges of the effectiveness of specific criminal sanctions from the point of view of security, health, and reformatory training. The LECS provides that at least once a year or whenever requested the institution must report a prisoner's health condition to the court which imposed the restrictive measure; it must also inform the court when, in its opinion, the prisoner's treatment in the institution

is completed and recommend termination of the restrictive measure. However, the court often ignores such a recommendation and prisoners remain in the institution far longer than their health condition calls for.

II

Incompatibility with or deviation from relevant legislation and rules

- 'The living and working conditions of prisoners shall be specified in more detail by an act on the house rules. The act on the house rules shall be passed by the Minister of Justice.' (Article 23 of the LECS);

- 'An introductory brochure setting out the establishment's routine and patients' rights should be issued to each patient on admission, as well as to their families. Any patients unable to understand this brochure should receive appropriate assistance.' (Paragraph 53 (1) of the CPT Standards, CPT/Inf(98)12);

- 'Involuntary placement in a psychiatric establishment should cease as soon as it is no longer required by the patient's mental state. Consequently, the need for such a placement should be reviewed at regular intervals.

When involuntary placement is for a specified period, renewable in the light of psychiatric evidence, such a review will flow from the very terms of the placement. However, involuntary placement might be for an unspecified period, especially in the case of persons who have been compulsorily admitted to a psychiatric establishment pursuant to criminal proceedings and who are considered to be dangerous. If the period of involuntary placement is unspecified, there should be an automatic review at regular intervals of the need to continue the placement.

In addition, the patient himself should be able to request at reasonable intervals that the necessity for placement be considered by a judicial authority.' (Paragraph 56 of the CPT Standards, CPT/Inf(98)12).

III

Recommendations

- A new set of House Rules should be adopted urgently in keeping with the recommendations of the personnel.

- The problems and causes of insufficient cooperation with competent courts should be investigated with a view to modifying the future LECS;

Social resettlement

I

In view of the fact that in psychiatry multidisciplinary teamwork has long been established as a valid principle, it strikes one as unusual that in this institution medical personnel alone should be responsible for the psychiatric treatment of prisoners. For this reason, our information relates only to the alcoholics and drug users undergoing compulsory psychiatric treatment and the personnel in charge of them.

As part of the treatment programme, the institution carries on work therapy, where prisoners are trained as carpenters, electricians, locksmiths, plumbers and tailors, or occupational therapy so that prisoners can do handiwork or make artistic objects according to their preference and aptitude. Our impression is that the professional service in this institution takes a rather literal view of the principle of voluntary participation and that therefore inmates are not encouraged and motivated enough for such work. The workshops do mostly repair and maintenance work for the institution and engage prisoners who did this kind of work before. As to occupational therapy work, it is done mostly by those who are particularly keen.

The reformatory training service says it employs various methods and approaches in its work such as individual and group work and group therapy including transactional analysis, family therapy and therapy communities. The size of the groups - twenty to thirty prisoners - makes it possible to work effectively. However, personnel say that they lack space for both individual and group work. Because some training officers do not have their own office, individual interviews often take place in the presence of three or four colleagues.

The number of prisoners using the library is very small. Daily newspapers are available and there are enough radio and television sets.

Organized leisure activities should take the form of sports activities and vocational work therapy. Although the old house rules assign one day in a month for sports activities, the institution has no appropriate grounds or hall. There is also no cinema theatre or room for cultural events. The institution provides no organized education and vocational training either.

The records are exhaustive in respect of each prisoner: in addition to a general file, records are kept of all scheduled and unscheduled interviews, and there are also daily, monthly and yearly work schedules.

The majority of prisoners are Orthodox Christians. Although there are no separate rooms for religious service and pastoral visits, the prisoners do not consider this a particular disadvantage.

The release of a prisoner does not entail any special preparations or activities on the part of the personnel. The success of the treatment is gauged mainly by the level of the prisoner's social adaptation and willingness for social resettlement.

The length of stay of prisoners undergoing compulsory psychiatric treatment, which can be many years, is a source of problems for both personnel and prisoners in question. The negative effects of long stay in closed institutions include severance of social ties, increasing habituation to life in a hospital, loss of remaining capacity for work, deepening of regressive personality changes, etc.

We wish to point out that the situation is compounded by the absence of tests made before prisoners are released, of statutory weekend leave, treatment in semi-open or open psychiatric establishments or in out-patient facilities.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.' (Paragraph 78 of the UN Minimum Rules);

- 'A comprehensive education programme shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programmes should have as their objectives the improvement of the prospects for successful

social resettlement, the morale and attitudes of prisoners and their self-respect.' (Paragraph 77 of the EPR);

- 'Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in co-operation with community library services.' (Paragraph 82 of the EPR);

- 'Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners.' (Article 97 of the LECS);

- 'Religious services shall be held in separate and appropriate rooms in the institution, in conformity with law. Prisoners are visited by a priest appointed by mutual consent by the religious community and the director of the Directorate for the Enforcement of Institution Sanctions, in conformity with law.' (Article 37 of the LECS);

- '...It [psychiatric treatment] should involve a wide range of rehabilitative and therapeutic activities, including access to occupational therapy, group therapy, individual psychotherapy, art, drama, music and sports. Patients should have regular access to suitably-equipped recreation rooms and have the possibility to take outdoor exercise on a daily basis; it is also desirable for them to be offered education and suitable work.

The CPT all too often finds that these fundamental components of effective psycho-social rehabilitative treatment are underdeveloped or even totally lacking, and that the treatment provided to patients consists essentially of pharmacotherapy. The situation can be the result of the absence of suitably qualified staff and appropriate facilities or of a lingering philosophy based on the custody of patients.' (Paragraph 37 (1, 2) of the CPT Standards, CPT/Inf(98)12).

III

Recommendations

- A multidisciplinary approach to the treatment and social resettlement of all categories of patients should be introduced;

- The work of professional services should be improved with a view to raising their commitment and encouraging patients to take part in work and occupational therapy;

- A hall or room for cultural-artistic and sports activities should be provided;

- Arrangements should be made to provide education for suitable categories of prisoners, i.e. alcoholics and drug users undergoing compulsory treatment;

- The workshops for work therapy should be better equipped;

- Funds should be secured to replenish the library stock;

- Prisoners who so wish should be provided with room for religious services and pastoral visits.

Contacts with the outside world

I

Prisoners may use the two coin-operated telephones twice a month for fifteen minutes each though these rules are not strictly enforced.

No letters have been confiscated in the past six months. As to parcels, the security personnel consider that their number should be limited. Reception and inspection of parcels addressed to drug users and alcoholics poses a special problem. Such parcels are inspected regularly and 'all suspicious articles' removed from them. Owing to the absence of house rules, neither these prisoners nor their relatives are quite sure which articles may and may not be sent. Attempts at smuggling in psychotropic substances or alcohol through parcels is a far greater problem. Heroin has been mixed into the icing of cakes and alcohol and other psychotropic substances injected into fruit. In spite of all precautionary measures, illicit substances and alcohol occasionally find their way into the institution.

Unlike the other institutions we visited, this one does make an effort to cooperate with prisoners' families. For example, relatives may visit inmates every Wednesday and talk to the professional personnel.

Contacts with attorneys are permitted and prisoners say they have no problems in this regard.

As to their cooperation with authorities outside the institution, personnel stress that they cooperate much better with competent social agencies than with competent judicial authorities. However, most problems occur when a prisoner is due for release, the social work centres in his home municipality sometimes being unable to provide the after-care. There are no specialized health institutions in Serbia which can provide further treatment to such patients and monitor their condition, and no reception centres to accommodate such patients without families. In some cases, the family simply does not want the patient back.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Following discharge from a health institution, a person against whom a commitment measure was imposed shall be entrusted for after-care to the appropriate authority which was responsible for the territory of his domicile at the time when the commitment measure became effective.' (Article 196 of the LECS);

- 'Although no longer requiring involuntary placement, a patient may nevertheless still need treatment and/or a protected environment in the outside community. In this connection, the CPT has found, in a number of countries, that patients whose mental state no longer required them to be detained in a psychiatric establishment nevertheless remained in such establishments, due to a lack of adequate care/accommodation in the outside community. For persons to be deprived of their liberty as a result of the absence of appropriate external facilities is a highly questionable state of affairs.' (Paragraph 57 of the CPT Standards, CPT/Inf(98)12).

III Recommendations

- Cooperation between the Ministry of Justice and the Ministry of Social Affairs should be improved in order to enable competent local authorities to provide adequate after-care and assistance to persons released from the institution;
- Open and semi-open psychiatric establishments should be organized to supervise the treatment and social adaptation of institution inmates following their release.

The institution personnel

I

The workload requires that the security service consisting of eighty-five officers should be enlarged by 20 per cent. The average age of personnel is about thirty-five years, 90 per cent of them being men. Most personnel have secondary education qualifications, have worked for fifteen to twenty years, and are entitled to benefits under an accelerated retirement scheme. Like their colleagues working in similar institutions, their working year is counted as sixteen months in service. At present, there are four vacancies representing 4 per cent of the force's strength according to the job plan. The LECS sets the upper age limit on recruitment at twenty-five years for applicants with secondary education and twenty-seven for holders of high education diplomas. Two officers have resigned in the last six months and two are currently on sick-leave. The head of the service and his deputy say they are 'partially' satisfied with their jobs. The present administration is said to be better than its predecessor and things are said to be improving gradually. The personnel say that the administration's attitude towards them is correct.

They describe their work as very stressful and highly risky and consider that the conditions of work in other similar institutions are much better. The pay is regular but very low. Occasional overtime work is rewarded by granting a day off duty.

There have been a total of six breaches of discipline in the past twelve months, including three cases of sleeping on duty, two of absenting oneself from duty, and one of smuggling in alcohol and a cellular phone. The person responsible for the last offence was suspended under a criminal complaint.

There are about eight to ten team meetings under the unit commanders (heads of shift). Although personnel are interested in gaining additional training and improving their physical fitness and vocational skills, there are no funds for such activities.

Our information regarding the operation of the reformatory training service is limited to the psychiatric treatment of alcoholics and drug users because the service practically deals with only this population. The service operates at full numerical strength comprising ten officers. The two psychologists, two social workers and six special education officers all have higher education certificates. Their average age is about forty and their average length of service about three years. Two of them are men and eight women.

There is generally one officer for every fifteen prisoners or one in charge of reformatory training groups numbering twenty to thirty prisoners. The personnel meets the employment criteria laid down by the LECS and the Law on Employment in Government Agencies. The personnel told

us that they are satisfied with their jobs, the administration, and their cooperation with other services. They consider their work as being of primary importance in the institution and that the administration's attitude towards them is correct. Team meetings are held as necessary and professional meetings of all services once in ten days. They would not change their jobs and are satisfied with the regularity of pay but not with the amount. Overtime work was not frequent. All the personnel enjoy benefits under an accelerated retirement scheme.

We noticed that the educational specialists were extremely dissatisfied and were told that under recent statutory amendments their status had been lowered to the rank of independent officers. Both as persons and professionals, they consider that their status has unnecessarily and justly been depreciated compared to other professions of comparable importance and qualifications.

We were told that there had been no cases of dereliction of duty by any officer in the last six months and only one resignation. While there was stress at work, no member of the service has been attacked or injured by a prisoner.

The general administrative service has a full complement of twenty-five. Under a new job organization plan expected to take effect shortly, the service is to be enlarged by the addition of two departments, i.e. food preparation and technical maintenance. The service will then number fifty-five.

Although on average the personnel are in their late thirties, they have already seen from fifteen to twenty years of service. Women account for 90 per cent of this personnel. Most of them have secondary education certificates and their recruitment criteria are laid down by the Law on Employment in Government Agencies. According to the new job organization plan, there should be one employee for every seven prisoners. The personnel are not particularly interested in additional training. They tend to stick to their jobs and only a few of them have been retired at their own request. The head of the service is satisfied with her job and the work of the administration and other services.

The personnel say their work is highly stressful and the likelihood of being attacked by a prisoner great; however, not one of them has been injured in the past six months. The pay was described as regular but too low for this kind of work. The personnel enjoy the benefits under an accelerated retirement scheme, their working year being counted as sixteen months of service. There is no overtime work. There has been only one case of dereliction of duty in the last six months and disciplinary proceedings are pending against the offender. The administration's attitude towards this service was described as correct. Brief working meetings are held each morning and team meetings to discuss affairs in detail once in two or three months.

Since very few people answer the vacancy advertisements, the administration frequently has to opt for second best regarding quality. The general lack of interest in working for the institution is attributed to low pay and hard conditions of work.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Staff resources should be adequate in terms of numbers, categories of staff (psychiatrists, general practitioners, nurses, psychologists, occupational therapists, social workers, etc.), and experience and training. Deficiencies in staff resources will often seriously undermine attempts to offer activities of the kind described in paragraph 37; further, they can lead to high-risk

situations for patients, notwithstanding the good intentions and genuine efforts of the staff in service.' (Paragraph 42 of the CPT Standards, CPT/Inf(98)12);

- 'In some countries, the CPT has been particularly struck by the small number of qualified psychiatric nurses among the nursing staff in psychiatric establishments, and by the shortage of personnel qualified to conduct social therapy activities (in particular, occupational therapists). The development of specialized psychiatric nursing training and a greater emphasis on social therapy would have a considerable impact upon the quality of care. In particular, they would lead to the emergence of a therapeutic milieu centered on drug-based and physical treatments.' (Paragraph 43 of the CPT Standards, CPT/Inf(98)12);

- 'External stimulation and support are also necessary to ensure that the staff of psychiatric establishments do not become too isolated. In this connection, it is highly desirable for such staff to be offered training possibilities outside their establishment as well as secondment opportunities. Similarly, the presence in psychiatric establishments of independent persons (e.g. students and researchers) and external bodies (cf paragraph 55) should be encouraged.' (Paragraph 46 of the CPT Standards, CPT/Inf(98)12).

III Recommendations

- The conditions of life and work of the entire personnel should be improved by increasing their pay and providing other incentives for their committed, conscientious and lawful work;
- Funds should be provided to improve the vocational training of medical personnel through attendance of seminars in the country and abroad, subscription to professional journals, etc;
- The security personnel should undergo urgent and comprehensive instruction about psychiatric diseases and addiction and the best methods of dealing with such patients;
- The security personnel should undergo training to overpower aggressive prisoners quickly and humanely.

THE PENITENTIARY AT PADINSKA SKELA

Date of visit: 23 July 2002
Type of institution: open
Population: male
Capacity: about 250 prisoners
Number of prisoners: about 120 of whom on the day of our visit were convicted of misdemeanour offences
Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

Padinska Skela Penitentiary was built in 1952-1953. It covers an area of 38 hectares, but prison facilities stretch on an area of five hectares only. The rest of the area is occupied by arable land which is functionally used. There is also a hen farm, pig-fattening farm, corn warehouses, greenhouses in which vegetables are grown and the fish-farm.

The compound is very clean and nicely arranged. Contrary to other prisons, administration of this one is not housed in the best building. In fact in that best and most recent building dating back to the 90's are dormitories and other premises of prisoners. Administration is currently building a facility for accommodation of prisoners working in the fields, and in the fish-farm. Persons serving misdemeanour sentences are accommodated on the ground-floor, and are physically separated from those serving prison sentences on more serious criminal convictions.

Rooms are spacious, clean, well lit, equipped with new furniture, beds, cabinets for personal items, and tables. Every room has a bathroom with new tiles and sanitary installations. In wintertime rooms are heated directly via radiators.

The same level of hygiene and equipment was noticeable on the first and second floor of that building, which houses dormitories and other premises of prisoners serving sentences for grave criminal offences. Most rooms have three beds, while there are also dormitories with eight beds. Bedding is clean and tidy, and changed at least twice a month.

Solitary cells are on the ground floor level. They are also clean and have new furniture and bathrooms. They are directly heated via radiators and well-lit. Prisoners exclusively wear their personal clothes. Administration supplies hygiene items to the cash-strapped prisoners, notably those convicted of misdemeanour offences, illegal crossing of border or disturbance of public peace and order.

B) THE KITCHEN, MESS-HALL AND FOOD

Kitchen was recently renovated, is very spacious, squeaky clean, equipped with the most modern appliances. Menu is certified every day by the prison doctor. According to director and

kitchen chef, high-quality food is prepared in line with the nutritional value prescribed by the Law on the Enforcement of Criminal Sanctions of the Republic of Serbia.

Contrary to administration claims, all prisoners with whom we talked during our visit, complained about the food quality and quantity.

The mess-hall is well designed and has all amenities.

C) THE MEDICAL SERVICE AND FACILITIES

There is no separate medical unit in this prison, but the one which functions as the ward within training services. According to director this is due to the fact that health units has only three employees (a medical doctor, a dentist, and a nurse). Soon a dental nurse shall be employed. Contrary to the situation in other prisons, this medical unit employs two women. A psychiatrist works part-time in this prison, that is, makes twice a week visits to patients.

According to the health unit employees, ten to fifteen prisoners register for the medical examination every day. Most frequently prisoners complain about respiratory infections. In the past year there were five reported cases of tuberculosis which were successfully cured. Although certain number of patients with heart problems were not duly registered in the last annual report of this unit, employees told us about them and their regular therapy.

On average five prisoners every day see the dentist for the tooth extraction, tooth draining, pain killing, etc. Filling is done on the rare occasions when the material is available.

The unit has best supplies of sedatives, for 30 per cent of prisoners take regularly this kind of medicines. Antibiotics, pain-relievers and anti-pyretics are also much used. Medicines are regularly distributed to patients, although they also procure for themselves the medicines they need. Medicines are given personally, in prescribed doses.

In case of serious illnesses prisoners are transferred to city hospitals. In the course of 2001 twenty prisoners were hospitalized in Belgrade clinics.

In 2002 there were no cases of self-inflicted injuries. In the past four years two persons died in the prison, one of whom was a heart patient. In recent years only one case of AID-s was registered.

Pharmacy and dry sterilizer are available in the medical and dental surgery (separated by cupboards).

Personnel say that there is practically no health education of prisoners owing to their considerable fluctuation.

In-house hospital consisting of two premises with three beds, is in another pavilion. It is currently not operational, for want of patients.

DDT protection is carried out regularly thanks to good co-operation with the personnel of the PKB agricultural combine nearby.

Medical personnel mostly complained about lack of funds, for the latter directly affects the quality and extent of medical services of this prison.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- "Prisoner is entitled to nutrition adequate for his/her good health, strength, to three daily meals, whose total nutritional value should not be less than 12,500 Jules.

Prisoner doing hard work, an ill prisoner, a pregnant woman and a woman who has recently given birth are entitled to the doctor-prescribed nutrition/diet." (Article 61 (1 and 2) of the LECS);

- "Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality, and well prepared and served." (Paragraph 20 (1) of the UN Minimum Rules);

- "In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics, and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious or cultural requirements. (Paragraph 25 (1) of the EPR);

III

Recommendations

- Bring to and maintain the nutritional value, quantity and diversity of meals at the level envisaged by the law.

- Improve medical and sanitary material supplies.

Security

I

Contrary to other kinds of institutions, in this open type prison there are no obstacles to escape attempts by prisoners, because the emphasis is laid on self-discipline and personal responsibility of prisoners.

Security services employ only twenty-eight people who are not tasked with guarding prisoners or preventing their escape. Due to absence of the escape-prevention devices prisoners can leave it if they wish to do it.

On the basis of analysis of collected data, we can nonetheless say that both external and internal security are at a satisfactory level. This is confirmed by the fact that in the past six months security of broader community was not threatened by prisoners, nor there were more serious conflicts in the prison proper. According to pertinent documentation relations between prisoners and security staff are not good, but are much better than in the past. No security member was attacked or injured by any prisoner.

According to prisoners and prison employees in the past six months there were no fights between prisoners. Almost all prisoners have a positive attitude towards prison personnel.

The level of perceived danger of a possible attack by prisoners is very low among members of all services. This in turn indicates that the type and organisation of this prison have a positive impact on inter-personal relations between prisoners and personnel and a good, overall atmosphere.

II

Incompatibility with or deviation from relevant legislation and rules

There are no major discrepancies or deviations.

III

Recommendations

-Continue with the current practice of maintaining the external and internal security.

Lawfulness (equity) of treatment

I

As regards work organisation of this institution, its structure, rights guaranteed to prisoners by domestic legal and sub-legal acts, even acts of international organisations, we may state that there are no major deviations from legality. All prisoners with whom we have talked during our visit stressed that they were exceptionally satisfied with the received treatment, attitude of personnel towards them, and the prison conditions. None of prisoners mentioned the problem of corruption. Both personnel and prisoners stressed very good atmosphere in the prison and good relations between them and personnel.

However there is one major deviation from the Law on the Enforcement of Criminal Sanctions of the Republic of Serbia: persons serving misdemeanour sentences and those serving prison terms for grave criminal offences communicate, work in the same plants, and spend a lot of time together. Their separation is effected by their accommodation in different parts of the same building, which means that their dormitories and rooms are physically separated.

We want to stress something else: in this prison there are prisoners serving sentences for committing grave criminal offences, namely burglary and rapes. But, due to very lenient penal policy, they were sentenced to minimal prison terms ranging from one to three years in prison. This practice is tantamount to the most blatant abuse of intentions of law-maker, who laid down which categories of prisoners were to be accommodated in open type prisons.

II

Incompatibility with or deviation from relevant legislation and rules

- "Persons convicted of misdemeanour shall serve their prison sentences in a special department of the district prison, separately from those convicted of criminal offences." (Article 290 (1) of the LECS);

- "In allocating prisoners to different prisons or regimes, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first-time offender, or habitual, offender, short sentence or long sentence,) of the specific requirements of their treatment, of their medical needs, their sex and age." (Paragraph 11 (1) of the EPR);

- "The purpose of classification or re-classification of prisoners shall be:

a) to separate from others those prisoners who by reasons of their criminal records, or their personality, are likely to benefit from that or who may exercise a bad influence, and

b) to assist in allocating prisoners to facilitate their treatment and social re-settlement taking into account the management and security requirements." (Paragraph 12 of the EPR)

- "The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.(Paragraph 8 (1) of the UN Minimum Rules);

III

Recommendations

- To organisationally and territorially prevent communications and contacts between grave criminal offenders and those convicted of committing misdemeanour offences.

Social resettlement

I

Primary source of data for this dimension were stances of training and employment personnel, and reformative training services. The former told us they organised and carried out vocational training in metal-working, mechanical engineering, carpentry and catering. There are the following production units: locksmith, turner, carpentry, clothes-making, and catering units (café, restaurant and kitchen). Prisoners also work in a cattle-fattening facility, hen farm, green-houses and arable fields.

Technology of work is similar to the one in normal community. All these work activities are managed by the prison administration. Prisoners are allocated to job positions in line with their previous employment, and personal wishes and affinities.

Training and employment services also monitor and evaluate prisoners' conduct and work performances on a daily basis. Every master of production sector submits a monthly report to head of such units. Then all those reports are compiled and on their basis, at team meetings and a weekly staff meeting, proposals related to prisoners are put forward.

Number of prisoners included in the process of work is maximal, one trainer covers the work of between five and nine prisoners. Unskilled prisoners have a possibility to be trained in various skills and also earn higher educational degree or be trained in another profession (the latter is however rarely practised in view of the shortness of sentences). In view of a wide spectrum of professions not requiring any knowledge or professional skill, there are no problems in this area of employment. Work day lasts eight hours, that is forty hours a week. On week-ends prisoners don't work. There is overtime, mostly during high agricultural seasons, and if prisoners accept it. Work conditions and those of protection at work are good. The only big problem is old technology. One-third of income is put away in the savings fund, and the rest is given to prisoners.

Now let us discuss activities of the reformative training services: admission of prisoners begins in the admission department. Team composed of a social worker and two psychiatrists, after two-week long observation and examination of every prisoner, proposes treatment for each of them. Their classification and treatment is also decided by and approved by the prison director. Program of treatment includes: appointment of training officer and allocation to training group, workplace, intensity of individual and group work, primary and vocational training, leisure activities. Further monitoring and re-classification are carried out in line with the needs and at proposals of training officers.

The most important criterion of re-classification is conduct of prisoners, evaluated both by training officers and training and employment services. Re-classification presupposes the change of group, and workplace.

In examining conditions of treatment we got diverse answers. Personnel laid emphasis on individual and group work, while prisoners and some training officers told us that only individual treatment is applied.

Size of training group is satisfactory. One training officer takes care of thirty prisoners. Average number of monthly meetings with each prisoner is two or three, and total number of meetings during the day is three. Those meetings usually last about one hour. Talks may be spontaneous, and initiated either by training officers or prisoners. Prisoners say they see their trainers mostly to ask them for something (weekend or other leave of absence) and that other topics are hardly every discussed.

Concept and organisation of this kind of institution don't foresee the existence of school, but there are those who attend courses or are allowed to attend schools in the nearby community.

There is a library amply used by prisoners, but they complained of both the quality and quantity of book stock.

We learnt that there were radios and TV sets, and that daily press was regularly received.

There are diverse recreational and leisure activities. Many prisoners engage in sports, cultural and artistic activities. Various panel-discussions and competitions are organised too. Prisoners choose their activities in accordance with their interests. The sports and cultural-artistic manager is in charge of those activities. We consider that the proximity of Belgrade offers greater potential as far as cultural and entertainment activities are concerned. However, the passivity of the reformatory training personnel may be excused by the generally short sentences served by the prisoners.

As regards the religious structure of prisoners, most of them are of the Christian Orthodox faith. Despite their interest in practising their beliefs, it is currently not possible to allocate a special premise for rites and pastoral visits. But in view of the type of prison and the level of privileges enjoyed by prisoners, we think that prisoners can to a large extent exercise their religious rights outside the prison.

Under the LECS, the Padinska Skela Penitentiary is envisaged for first-time offenders, those who committed offences out of negligence, and those who are serving very short prison sentences (from one to three years in prison). However in this institution is currently imprisoned a very large number of those who have committed grave criminal offences, and were meted out minimal sentences or persistent offenders who have been sentenced for the first time. Hence in Padinska Skela are currently many prisoners who under the LECS require a strict regime of treatment, and who, judging by their personality structure should not be confined to an open type institution. But the data gathered indicated and the atmosphere and inter-personal relations in the prison are at an enviable level, and that unlike in other prisons with a much higher security, in Padinska Skela there were no major difficulties in realisation of program of reformative training. This paradox opens many issues related to the criteria of classification of prisoners, organisation and regime of institutions, the sense and factors of the process of re-integration and social resettlement of convicts, and all the aforementioned requires an in-depth research.

Pre-release preparations don't include any special program or activities of personnel. The customary procedure is notification of a competent centre for social work and police.

II

Incompatibility with or deviation from relevant legislation and rules

- "From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interest of his family and his own social rehabilitation. (Paragraph 80 of the UN Minimum Rules);

"The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future from the beginning of his sentence.

It is desirable that activities of such agencies shall be centralised or co-ordinated as far as possible in order to secure the best use of their efforts." (Paragraph 80 (2 and 3) of the UN Minimum Rules);

"The preparation of prisoners for release should begin as soon as possible after reception in a penal institution. Thus, the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies and social workers should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners, particularly maintaining and improving the relationships with their families, with other persons and with the social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners. (Paragraph 70 (1) of the EPR);

"Prison administration should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment. (Paragraph 89 (1) of the EPR);

"The approved representatives of the social agencies or services shall be afforded all necessary access to the institution and to prisoners, with a view to making a full contribution to the preparation for release and after-care program of the prisoner." (Paragraph 89 (1 and 3) of the EPR);

- " If the prisoner after release need assistance, the prison notifies the guardian body in charge of the prisoner at the time when the sentence was imposed and became final. That guardian body is also notified of the assistance required." (Article 164 of the LECS).

III Recommendations

-Re-organise the work of the social work centre and engage it in a more adequate way to assist the prison personnel in the procedures of admission, monitoring and social resettlement of prisoners. Work of the social work centre should be centralised and co-ordinated to the largest possible extent. The authorised representatives should be allowed access to the institution in order to enable them to assist in preparations of release of prisoners and take part in prisoners' rehabilitation.

Contacts with the outside world

I

We were told that there were four telephone boxes in the prison and that no special procedure for the use thereof was in place.

Correspondence and petitions are not subject to censorship. Letters, via general services, are forwarded to training officer, and then via prisoner-monitor to prisoners, although correspondence is not a frequent contact in view of frequent visits to, outings of prisoners and shortness of their sentences. No letter was seized in the past six months.

No parcels or contents thereof were seized either. All prisoners receive visits, but their frequency and duration depends on treatment.

Contacts with lawyers are possible whenever the need arises or prisoners so requires. Both prisoners and personnel confirmed that complaints relating to granting of some privileges are rare

Interpersonal relations, according to both prisoners and personnel, are good.

II

Incompatibility with or deviation from relevant legislation and rules

There are no major deviations.

III Recommendations

-Continue the good practice which gives positive results and surely contributes to the good mood in the institution.

The institution personnel

I

Of envisaged eighty-two posts, only seventy-two people are employed. There are four services/departments: reformatory training, security services, administrative-executive services (general administrative affairs) and training and employment services. It has been already mentioned that health services exist as a department within the reformatory training services.

According to the prison director, a professor of special education, there are two vacancies in the reformatory training department (a training officer and a dental technician), three vacancies in the administrative-executive department, and in the security services, two vacancies. In the training and employment services there are five vacancies.

All personnel are entitled to early retirement, each year of service counting as sixteen months.

Of envisaged seventeen, these services employ only fifteen full-time employees. They work in the admission department, health unit, training department, registry department and in leisure activities unit. Their average age is thirty-five to forty. Ratio between number of workers and training officers is 30: 1. In admission department there are three workers (2 psychologists, a social worker), reformatory training services have four training officers and one clerk for leisure and recreational activities, health services have three workers and the registry also three. All the employees, as we have already mentioned, meet the employment criteria. Training officers and head of these services are by profession educational specialists and males (on security grounds.)

They all assessed that the level of stress is very low, and none was ever injured at work. They all have shortened years of service, are satisfied with their salaries, but not with their income bracket. Overtime work is rare and is mostly compensated (except to head of services).

There were no breaches of work duties and obligations or disciplinary measures against employees. Interpersonal relations and communications among staff is good and it is widely considered that these services play in key role in reformatory training and social resettlement of prisoners.

Only one employee was on a sick leave longer than a month, the injury involving fracture of a thigh bone.

Security services employ twenty-eight people and their duty is not to prevent the escape of prisoners, but rather to keep order in the institution proper. Security services cover the security of the housing part of the prison, economic one (plants and farms) and the fish-farm, which is physically separated from the complex.

All employees of these services with whom we had conversed, told us that the level of stress was not too high, in view of absence of danger to prisoners and prison personnel.

Average age of employees of security services is thirty-eight. They are all males. Their educational structure is the following: one employee has a university degree, two have high school diplomas, and others have completed secondary education. All employees in these services are qualified to carry out their duties, in compliance with legal provisions in place.

The personnel do not have any major complaints about the amount of pay but object to overtime work.

According to head of security services his staff are interested in additional education only when the state passes a new legal act, or when specific skills should be developed, notably marksmanship drills are organised.

Data collected from the training and employment services indicate that those services have thirteen, instead of eighteen envisaged workers. They are all males, and about forty years of age. Three employees have university diplomas, one has higher education degree, and other others have completed secondary education. They are all metal-working, mechanical engineering and wood-processing workers. None was additionally trained. Average years of service are twenty. Structure of employees of these services meets the admission criteria envisaged under the LECS and the Law on Employment in Government Agencies.

Ratio between labour active prisoners and masters of those services is 9: 5. There was just one reported sick leave.

Employees of these services told us that they were both satisfied with their jobs and co-operation with other services. They thought they were equal to staff of other services. They had meetings every day, and at the level of the institution a weekly meeting at which head of these services gave his opinion about each prisoner and pertinent proposals.

All of them assessed that the stress level was minimal. None of them perceived high level of danger from prisoners. There were only few injuries at work, and none of prisoners expressed wish to change his job. They also told us that their salaries were regular, but were discontent with their income bracket. Overtime work is compensated and organised when the need arises. Employees of these services have shortened years of service.

There were no disciplinary actions against or breaches of work duties by personnel of these services.

II

Incompatibility with or deviation from relevant legislation and rules

- "Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

After entering on duty and during their career the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals." (Paragraph 47 (1 and 2) of the UN Minimum Rules);

- "Prison staff shall be continually encouraged through training, consultative procedures, and a positive management style to aspire to humane standards, higher efficiency, and a committed approach to their duties." (Paragraph 52 of the EPR);

- "The prison administration shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff, so as to encourage public understanding of the importance of their contribution to society." (Paragraph 53 of the EPR);

- 'On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests unless their professional qualifications make that unnecessary.

During their career all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised by the administration at suitable intervals.

Arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this" (Paragraph 55 (1, 2 and 3) of the EPR).

III

Recommendations

- Guided by international rules, and in view of collected data, we think that the admission criteria should include the personality factor, for in practice insistence on educational degree shows to be an insufficient and unsure criterion with respect to the personality factor. Hence sensitivity training or some new education in those terms is necessary. Also, in view of the purpose and objective of enforcement of criminal sanctions, the prison personnel should be encouraged all the time to enrich their knowledge, and professional skills, by attending courses aiming at mastering new skills and knowledge, counselling and positive style management courses;

- Organise workshops and training programs in skills and knowledge of the constructive conflict resolution;

- Educate personnel and engage experts of various profiles for the treatment of special categories of prisoners.

THE PENITENTIARY AT ČUPRIJA

Date of visit: 11 December 2002

Type of institution: open

Population: untried and convicted prisoners

Capacity: approx. 300 inmates

Number of untried prisoners: 43

Number of convicted prisoners: 217

Composition of the visiting team: two lawyers, a pathologist and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The penitentiary at Čuprija comprising three buildings, parcels under cultivation and farming facilities occupies some 1,500 square metres. The building occupied by the administration and the prisoners serving their sentences in semi-open or closed units was built in 1980. Another building, erected in 1850, houses the untried prisoners.

The open unit built in 1987 is located two kilometres away. It forms part of a complex called Ada and is situated away from the town centre. The complex comprises arable land and farming and livestock breeding facilities.

The conditions in these two complexes are completely different and will therefore be discussed separately.

The main problems of accommodation of prisoners in the semi-open and closed units stem from the institution's limited capacity. In these units overcrowding is severe. The upper storey of the building contains only one dormitory in which the prisoners are locked in all day. It is obviously far too small to offer adequate accommodation for the thirty-six prisoners who have to stay in it around the clock.

The barred room windows let through plenty of sunlight and fresh air.

The conditions in the semi-open unit on the ground floor are almost identical, the prisoners spending the day until bed time in the locked mess-hall for lack of more appropriate premises. Although the rooms are reasonably clean and equipped with solid mattresses and clean bedding, the general impression is one of severe restrictions. The bunk beds are so close together that two men cannot stand or do anything in the space separating them at the same time.

The size and appearance of the improvised open-air area used by untried and convicted prisoners augments the above impression. The yard measuring some forty square metres and bounded by a three-metre-tall wall with barbed wire running along its top is reached through the building accommodating the untried prisoners. At the back of it is a latrine used by the untried prisoners. Owing to the small size of the 'promenade' (there being two identical ones) relative to the large number of inmates of the semi-open and closed units, the administration has been forced to restrict the time for open-air exercise to two hours a day per prisoner.

The institution's open unit located in the building erected in 1987 leaves quite a different impression. At the time of the visit its population numbered some 120. The conditions and hygiene in this new building are of a very high standard. The rooms are large, clean and very bright and the furniture is almost new. The washing and toilet facilities are well-equipped and very clean.

After visiting this spacious and tidy new building, the visitor cannot help recalling the gloomy atmosphere and inadequate conditions in the semi-open and closed units.

b) The kitchen, mess-hall and food

The kitchen is located in the compound housing the administrative building and the detention unit. The kitchen is cramped and musty and difficult to keep clean. This part of the institution has no proper mess-hall because the room which serves the purpose is occupied during the day by the open-unit inmates.

The majority of prisoners we interviewed described the quality and quantity of food as decent though monotonous and without fruit.

There being no canteen, a list of necessities is drawn up twice a month and the things purchased on the free market.

The prisoners are allowed to receive food parcels from home.

c) The medical service and facilities

The institution has no medical service to speak of, its medical technician being the only health worker employed. The administration's job plan provides for no other full-time medical employee. Prisoners who need medical help report to an officer orally or in writing and are examined by a part-time general practitioner who visits the premises on Mondays and Thursdays. The medical technician examines prisoners during the morning roll-call and deals with the light cases himself while others are taken mostly to the Health Centre in Čuprija. The medical technician is assisted by an inmate in preparing medication.

The institution has no hospital-type unit and no medical apparatus.

Upon admission, all new inmates are thoroughly examined and provided with medical record cards. Although they are not routinely sprayed against lice, suspicious cases are immediately sent out for a dermatological examination.

Every prisoner is medically examined before being confined in a solitary cell. The state of his health is checked daily.

The general impression is that the Health Centre in Čuprija is the sole provider of medical services for the prisoners. During 2002 it carried out 1,243 examinations and interventions of which 30 per cent were examinations by specialists. There were also sixty interventions by dentists. There is a clear commercial interest on the part of the Health Centre to provide such services because, under an arrangement with the penitentiary, it is repaid in farming produce raised by the latter.

Most of the twenty or so injuries sustained by prisoners last year were the result of sporting activities. There were also two cases of inflicting self-injury, both prisoners cutting their wrists.

At the time of the visit, the institution had three diabetics, some ten cardiomyopathy patients and three chronic lung patients. There were no tubercular or HIV positive patients.

Some fifty prisoners are estimated to be addicted to pills. Of the ten or so psychiatric patients, two are hospitalized at the Penitentiary-Hospital in Belgrade and one at the Medical Centre in Čuprija.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Open Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- 'The rooms in which prisoners are kept must be so spacious as to provide each convicted person with at least eight cubic metres of space, and must be heated and well lighted, in keeping with the law.' (Article 58 (1) of the LECS and Article 14 (1) of the House Rules);

- 'All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.' (Paragraph 10 of the UN Minimum Rules);

- 'A prisoner is entitled to spend at least two hours of his free time out of doors.' (Article 59 of the LECS).

III

Recommendations

- The problem of overcrowding in the semi-open and closed units should be solved urgently;

- Funds should be provided to renovate the kitchen and mess-hall in the semi-open and closed units as well as the toilet facility serving the detention unit;

- The untried and convicted prisoners in the semi-open and closed units should be allowed more time out of doors;

- The possibility of employing a full-time general practitioner on the premises should be considered.

Security

I

Although the external and internal security arrangements were found to be satisfactory, it was felt that modernization in the way of installing cameras and sensors would be fully warranted.

The institution is organized and operates as two units. Security in the semi-open and closed units is tighter than in the open unit and the windows of communal rooms are secured with bars. Thanks to these measures there have been no incidents outside and inside the institution in the last six months at least.

In the Ada open unit physical obstacles to prevent escape are kept at a minimum and the number and role of security personnel arranged accordingly. In this unit, the emphasis is on encouraging self-discipline and individual responsibility on the part of the prisoners.

Although security personnel are still the most numerous of all staff relative to the institution's population, this ratio is now far less than it used to be and, more importantly,

qualitatively different. The main problem affecting the operation of the institution and also bearing on its security is the fact that the detention unit serves as many as thirty-four municipalities. Projected as an open institution, the institution was supposed to have only a small force of guards because their primary role in such an establishment is not to prevent the escape of prisoners serving their sentences. However, owing to the large number of municipalities it serves, the institution must keep enough guards each day to escort the many untried persons to and from the courts situated throughout this large territory. Under the internal job plan the number of security personnel has been reduced to thirty-three. In addition to carrying out its regular duties, this small force also managed to provide escort on 1,400 prisoner journeys to and from the institution throughout the large territory it serves.

In spite of the workload the administration and the security personnel have to cope with, there has been no attack by prisoners on any member of the staff of either sex during the last six months.

Nearly all the prisoners exhibited a positive attitude towards the personnel. The fact that no particular personnel appeared more likely than other to be attacked by prisoners indicates that the institution is organized and run in such a manner as to foster positive relations between the personnel and the prisoners.

II

Incompatibility with or deviation from relevant legislation and rules

No major problems of this kind were detected.

III

Recommendations

- In view of the general increase in the number of convicted prisoners and the fact that more and more prisoners are being admitted to the penitentiary's closed unit owing to overcrowding elsewhere, it may be necessary to review the number of security personnel.

Lawfulness (equity) of treatment

I

Before discussing this aspect of the institution's work, we shall first see how the institution was established and organized. The institution was set up by a Serbian Government enactment as an open establishment. In addition to a detention unit, it comprises a semi-open and a closed unit. The last two were meant to be used only in exceptional cases, i.e. for accommodating convicted prisoners who require different treatment on account of their behaviour. However, the premises are used for prisoners assigned to serve their sentenced in closed institutions. This is an extra burden on the administration and adds to overcrowding in the semi-open and closed units.

The house rules are clear and displayed prominently. The new prisoners are made familiar with them while they are still in the admission department.

We noticed that the institution personnel abide by and correctly apply all the LECS provisions according to the specific category of each prisoner.

The personnel pointed out that the persistent offenders and perpetrators of grave criminal offences (armed robbery, rape) allocated to this kind of institution on account of their minimal sentences required different treatment. They number about thirty and are mostly placed in the closed unit where they can be given different reformatory training from the other categories of prisoner.

The personnel try to use truncheons as little as possible and prefer other means in dealing with troublemakers, notably segregation. There have been about sixty disciplinary proceedings against prisoners in the last six months, resulting mostly in mild disciplinary punishment because no breach was serious enough to merit solitary confinement.

When asked about personnel impartiality, disciplinary punishment, benefits and rewards and appeal procedure, neither personnel nor prisoners had any serious objections. However, informal interviews with a number of prisoners left the impression that certain unpredictable, arbitrary and illegitimate decisions by personnel were resented. Although corruption was largely reduced compared with the previous period, a few prisoners complained that personnel partiality to individual prisoners for personal gain affected the general climate considerably. This attitude should not come as a surprise because the prisoners take a very personal view of the rewards and punishments and other things which personnel are authorized to mete out. For one thing, permission to have contact with the outside community can mitigate a prisoner's feeling of deprivation and frustration with prison life, if only temporary. For this reason, the prisoner's view of the system of dispensation of prohibitions and privileges is exceptionally important if one is to understand his situation and his possible reactions to it. On the other hand, the prisoners tend to exaggerate the personnel's power to reward and punish and believe that it is exercised in an unpredictable, arbitrary and illegitimate manner.

Nevertheless, given the nature of the institution as well as the fact that over 80 per cent of its population enjoys a liberal treatment, we conclude that no major problems exist in this regard.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties' (Paragraph 52 of the EPR).

III

Recommendations

- In assigning a prisoner to a unit where he will serve his sentence, one should consider in particular the nature of the offence of which he has been convicted and whether he is a persistent offender;

- The administration should give priority to reformatory training programmes, communications systems and a management style that will encourage appropriate and positive relationships between personnel and prisoners in order to improve the prospects for effective and supportive regimes and treatment programmes.

Social resettlement

I

Our principal source of information were the training and employment and reformatory training personnel because prisoners are being prepared for their social resettlement through work either in the workshop or the farming facilities. The reformatory training service is responsible for the following aspects of social resettlement: treatment, education and vocational training, leisure and recreational activities, and after-care. Such organization makes it possible to involve the prisoners in constructive activities to prevent idleness and negative behaviour.

The training and employment service prepares the trainees for employment in the metal-working, wood-working, and catering industries. Convicted prisoners are also engaged in agricultural work on the institution's large area of arable land which includes facilities for raising cattle, pigs and laying hens. They are also employed outside the institution. Only some 60 per cent are employed because there is no work for all.

The work is managed by the administration. Wherever possible, prisoners are given work according to their occupation and personal preferences. For the purposes of social resettlement, the training and employment personnel monitor and evaluate a prisoner's work attitudes and progress on a daily basis. At the end of each month, the masters in charge of groups submit reports to the foremen. At present, a master is in charge of some twenty-five prisoners. On the basis of such reports, the foremen present their views and make suggestions in respect of each prisoner at team and collegium meetings held once a week.

The working week is forty hours or eight hours a day and the weekends are free. However, prisoners complain that they have to work on Saturdays and longer than eight hours a day. If the nature of work necessitates longer working hours (i.e. seasonal work) and the prisoner agrees to work longer, such overtime work is paid. A prisoner who was asked to describe the kind of work he does outside the prison said: 'All work a convict is given to do is hard. People don't normally engage convicts for other kinds of work.' Most consider they are grossly underpaid for both regular and overtime work.

The working conditions and industrial safety were good, outdated technology presenting the only major problem. The prisoners receive one-third of their wages, the rest being deposited as savings.

Owing to the shortage of work mentioned above, there is practically no possibility of training, upgrading and re-training prisoners for specific occupations. However, our view is that this certainly valid argument should not be used by personnel as an excuse for doing nothing to improve the situation.

As to the work of the reformatory training service, it begins as soon as a new prisoner enters the admission area. There being no special team in charge of observation and admission, these tasks are performed by the training officers who carry on reformatory training and treatment work. After examining the new inmate, the team comprising a social worker, an education officer, a sociologist and a psychologist draws its conclusions and recommends the appropriate treatment. Its classification and suggested treatment programme is approved by the institution director in consultation with the team. The treatment programme involves individual and group treatment of a set intensity under an appointed training officer and assignment to a specified workplace. If necessary, supervision and re-classification are modified at the suggestion of the training officer. Since the behaviour of the prisoner is the crucial factor in considering his possible re-classification,

an opinion is sought not only from his training officer, but also from the training and employment service and the security service.

Our inquiries about the conditions of, and participation in, in treatment work elicited different answers: while personnel insisted that both group and individual treatment was given, prisoners and some training officers said that individual treatment was all the prisoners got. The groups were too large for quality work. At the time of the visit, there were only three training officers to work with 217 prisoners, one training officer being absent on maternity leave for a year. As one training officer was in charge of the forty or so prisoners in the closed unit, the other two working in the open unit had to deal with groups numbering eighty or ninety each. There are three group meetings a day lasting on average about one hour, each prisoners having a chance to see the training officer in private two or three times a month. The interviews may be spontaneous or initiated by either the training officer or a prisoner.

However, some prisoners said that they saw and talked with their training officer only very rarely. Although the institution personnel are qualified for the job, we were told that institutions of this type found it very hard to recruit the right kind of personnel because of prejudices among potential applicants.

As regards conventional education, the institution is not planned and organized to operate a school. Prisoners who wish to attend a course or receive other kind of instruction are permitted to go outside.

The institution operates a library which some prisoners use though they complain that the stock is small and of poor quality. As to other sources of information, we were told that the prisoners receive their newspapers daily and have enough radio and television sets.

The absence of recreational and leisure activities apart from some occasional sports activities mentioned to us indicates that no efforts are being made to plan and organize the prisoners' leisure time in a constructive manner.

There were no organized cultural activities either. We were told that there are hardly any cultural events in the town of Čuprija itself.

Most of the prisoners are Orthodox Christians. Although at present the administration cannot spare room for religious services and pastoral visits, we were told that prisoners could be visited by a priest if they so requested. At any rate, they can satisfy their religious needs outside the premises because the nature of the institution and the rights and privileges they enjoy enable them to do so.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Convicted prisoners are employed inside or outside the institution. Work inside the institution shall be organized and carried out in a manner as closely resembling the conditions of similar work outside as possible.' (Article 79 of the LECS);

- 'To these ends [see preceding paragraph of EPR] all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include: a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities.' (Paragraph 66 (a) of the EPR);

- '1. Prison work should be seen as a positive element in treatment, training and institutional management. 3. Sufficient work of a useful nature, or if appropriate other purposeful activities shall be provided to keep prisoners actively employed for a normal working day.' (Paragraph 71 (1 and 3) of the EPR);

- '1. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work so as to prepare prisoners for the conditions of normal occupational life. It should thus be relevant to contemporary working standards and techniques and organized to function within modern management systems and production processes.' (Paragraph 72 (1) of the EPR);

- 'Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organized in co-operation with community library services.' (Paragraph 82 of the EPR);

- 'The reformative training service shall employ such methods and procedures as to dissuade prisoners from committing criminal offences in the future. The reformative training service shall co-ordinate the work of other participants in the reformative training process.' (Article 17 of the LECS);

- 'The institution shall organize cultural, recreational and sports activities so as to promote the cultural, recreational and sporting life of the prisoners and to preserve their mental and physical health. These activities shall take place during leisure time under the organization and management of the reformative training service.' (Article 47 of the House Rules).

III

Recommendations

- Prisoners' complaints about the duration and frequency of unpaid overtime work should be verified by the Ministry of Justice;

- The penitentiary administration should work out methods to encourage and stimulate the prisoners' interest in participating in work, upgrading and re-training activities by providing modern technology and diverse work alternatives and introducing awards and benefits for those who excel at work and training;

- The reformative training service should lay greater emphasis and pay more attention to organizing and employing prisoners in positive and constructive leisure and recreational activities to prevent idleness and negative behaviour;

- Funds should be secured to replenish the library stock and prisoners encouraged to use it;

- The size of the groups undergoing reformative training should be reduced as far as possible in order to improve the quality of treatment;

- The reformative training service personnel should be made to realize and be constantly reminded of the crucial importance of their work for the social resettlement of the prisoners.

Contacts with the outside world

I

There are two coin-operated telephones in the institution available to the prisoners according to a set schedule. The prisoners had no complaints about the arrangements but said that those in the open unit had a problem of reaching the telephones as both are installed in the closed unit.

The mail and petitions are subject to customary censorship procedure. The mail is delivered by general administrative service personnel to the training officer, who in turn passes it on to the prisoner on monitor duty to distribute it among the prisoners. The prisoners are not in the habit of corresponding often because their sentences are not long and they frequently receive visitors or go out on a pass. No letter has been confiscated in the past six months.

We were told that no parcel or article from a parcel had been seized either during the period. All the prisoners are receiving visitors, the frequency and duration of visits depending on the nature of a prisoner's treatment.

The lack of a special room for visitors does not pose a particular problem for the inmates of the semi-open and open units because they may visit their families or receive visits outside the institution. However, those restricted to the closed unit could benefit from such a room.

Contacts with lawyers are possible whenever necessary or requested by a prisoner. The lawyer must report his visit in advance.

In our opinion, in cooperating with the outside community the personnel do only what they are required by law and no more. When asked whether their training officers had met their families, most prisoners replied in the negative. On the other hand, the officers themselves believe that unless a prisoner wants them to meet his family their insistence on doing so would be an intrusion on the prisoner's private life.

The pre-release preparations do not entail any special programmes and activities by personnel.

II

Incompatibility with or deviation from relevant legislation and rules

- 'The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.' (Paragraph 61 of the UN Minimum Rules);

- 'From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relation with persons or agencies outside the institution as may promote the best interest of this family and his own social rehabilitation.' (Paragraph 80 of the UN Minimum Rules);

- '1. Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment. 3. The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner.' (Paragraph 89 (1 and 3) of the EPR).

III

Recommendations

- Institution personnel and social centre workers should be engaged and encouraged whenever possible to cooperate in properly preparing prisoners for their reintegration into society.

The institution personnel

I

The security service employs thirty-three officers at present. According to the internal job plan, this is as many as the institution needs. The average age of the security personnel is thirty. The head of the service alone has a university degree, the rest having secondary school education. In the past six months, only one member has been called to account on disciplinary charges; however, this was not for abuse of office or maltreatment of prisoners, but because he declined to undergo an unscheduled medical examination.

The head of the service considers that his subordinates need comprehensive training and has undertaken personally to work out a training plan, programme and schedule on the lines of a model adopted in Italy.

The security officers are paid for overtime work according to law. In spite of the fact that they have to deal with great problems each day, the service has committed no misprison in the past six months. The service's most serious problem is of a systemic nature: being an open establishment, the institution has reduced the numerical strength of the security force to thirty-three men, in accordance with its current job plan. However, given that the institution has a large unit for untried prisoners and covers the territory of thirty-four municipalities, the force is too small to provide proper daily escort of prisoners to and from competent courts and other institutions. The head of the service points out that the current job plan is at fault, giving rise to all sorts of problems to the service in its daily work and therefore exposing himself and his men to unnecessary stress.

The training and employment service has five male officers, their average age being about forty. One officer has a university degree and the rest are graduates of secondary vocational schools. Although they are specialists in metal-working, wood and timber processing and agriculture, none of them has had any additional training. The service personnel meet the employment criteria for state agency personnel laid down by the LECS and the Law on Employment in Government Agencies.

The members of the service said that they were satisfied with their jobs, the administration, and their cooperation with other services. They regard their service as being equally important as the rest. The personnel said they experienced hardly any stress at work and did not consider

themselves in danger of being attacked by prisoners. They also said there had been no injuries at work recently and that none would change his job.

The pay was regular but in their opinion inadequate. They do overtime work when necessary and get extra pay for it. The members of this service work according to an accelerated retirement scheme.

No member of this service has been charged with a disciplinary offence in the past six months.

The reformatory training service has five full-time officers although it needs six according to the job plan. Besides helping with the admission of new prisoners, they work in the medical (one), treatment (three) and registry (one) departments. Work in the admission department is done by a psychologist, educational specialist and a social worker. Their average age is between thirty-five and forty. Except for the educational specialist, who has had fifteen years work experience, the other officers have worked for two or three years. The majority of them are women and all are fully qualified for the job.

The officers do not seem interested in new methods of work and in undergoing further training to improve their skills. On the other hand, they themselves realize the need for specialized treatment of certain kinds of prisoners such as addicts, whose numbers are on the increase. Since the institution has no personnel specially trained to deal with such prisoners, they receive the same treatment as the rest. No officer has left the institution and only one has been on sick leave during the past six months.

The reformatory training officers assessed the level of stress at work as very low and said that none had ever been injured on duty. They are entitled to the benefits under an accelerated retirement scheme and receive their pay regularly but are not satisfied with the sum. With regard to remuneration, some of them said that their individual contribution, as well as that of the service as a whole, were undervalued compared to other services.

None of the officers has been charged with a disciplinary offence in the past six months. They described communication and cooperation among the various categories of personnel as very good especially with regard to the treatment of prisoners. This indicates that the service plays a central and satisfactory part in organizing and co-ordinating the whole process of prisoner treatment.

The general administrative service employs a full contingent of nine officers. There are approximately as many men as there are women, their average age being about forty. The head of the service is the only officer with university education; one officer has a higher education degree and the rest secondary school qualifications. In common with the other services, the personnel work under an accelerated retirement scheme according to law.

Although a disciplinary proceeding has been instituted against the treasurer in the past six months, his alleged guilt has not yet been substantiated.

The head of the service is satisfied with its treatment and status within the institution and with its cooperation with other services.

The medical technician is the only medical worker employed in the institution on a full-time basis and the internal job plan envisages no more such employees. He works according to a fixed-term contract under an accelerated retirement scheme and is entitled to overtime pay under the relevant law. He is satisfied with his job and status and the operation of the medical service.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial...' (Paragraph 81 of the UN Rules for the Protection of Juveniles Deprived of their Liberty);

- 'After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.' (Paragraph 47 (3) of the UN Minimum Rules);

- '1. The prison administration shall provide for the careful selection on recruitment or in subsequent appointments of all personnel. Special emphasis shall be given to their integrity, humanity, professional capacity and personal suitability for the work. 2. ...Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.' (Paragraph 54 (1 and 2) of the EPR);

- '2. During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals. 3. Arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this.' (Paragraph 55 (2 and 3) of the EPR).

III

Recommendations

- The conditions of life and work of the entire personnel should be improved by higher pay and other measures to stimulate their commitment and conscientious and lawful work;

- The personnel should be encouraged at all times to add to their vocational knowledge and skills by attending vocational development, additional training and education courses as well as by counselling and example of positive management;

- The personnel should be educated or outside experts engaged to deal with special categories of prisoners;

- In selecting and recruiting personnel, priority must be given to the candidate's social skills and emotional stability;

- The security service job systematization should be modified according to the real problems and challenges the service has to cope with.

THE PENITENTIARY AT ŠABAC

Date of visit: 9 June 2003

Type of institution: open

Population: convicted prisoners/untried prisoners

Untried prisoners: around 60

Convicted prisoners: around 100

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The Šabac penitentiary is an open prison. Actually, there are two semi-detached buildings constructed in 1990. The compound encompasses twenty-five hectares of farmland, manufacturing facilities, and a farming complex with fish-farm (with nursery), pig-fattening, milk cow and sheep farms. The farmland is supplied with an irrigation system.

The prison can house some 220 persons of both categories (untried and convicted). Presently, there are sixty-two prisoners under arrest or awaiting trials, ninety-four under sentence, plus three prisoners sentenced for misdemeanour.

The building accommodating untried prisoners is a separate unit in terms of organization, and has all architectural and technical characteristics of a closed prison. In other words, the building is walled and under internal and external surveillance, typical for closed prison.

The other semi-detached house is the prison's open unit. It is not walled up or surrounded by other obstacles. By its architectural and technical characteristics, the buildings meet both domestic and international standards. Accommodation is adequate, since the building itself was built a couple of years ago. Dormitories are spacious and painted in bright colours, beds are in good condition, the same as mattresses and bedding. Windows are large enough to allow in fresh air and natural light, and have no bars. Each prisoner has a locker of his own.

At the time of our visit, prisoners were renovating the bathroom. The rooms for solitary confinement are in the attic. If necessary, prisoners are transferred from solitary confinement to the closed unit. Rooms accommodating prisoners under sentence for misdemeanour share the same hall. Though the team was told there were three prisoners under such sentence, their sleeping accommodation looked as if no one has lived there for long. Apparently, such persons are accommodated with other prisoners.

Though it is about a relatively newly constructed building, there is no area serving as a living room. Therefore, prisoners use the mess-hall for social and leisure activities.

B) THE KITCHEN, MESS-HALL AND FOOD

Spacious, clean and well-furnished kitchen and mess-hall meet all domestic and international requirements of health. The above-mentioned lack of a living room and the fact that the mess-hall serves double purpose is the only shortcoming in architectural and technical terms.

A professional cook is employed on permanent basis. Food is prepared as prescribed in menus that need to bear the director's signature. A medical officer controls the food sporadically and organoleptically.

Prisoners did not complain of quality or quantity of the food served to them, or the way it was prepared.

Food parcels they receive figure as additional nourishment.

According to prisoners, the prison canteen is well-stocked and serves their daily needs.

C) THE MEDICAL SERVICE AND FACILITIES

The prison has no health care service. According to job classification, there is one experienced medical officer working within the reformative training service.

In the prison administration building, one office was turned into a medical facility with dispensary. The facility is modestly equipped, probably in keeping with the prison's accommodation capacity.

There is no in-patient facility. Medical doctors from the Šabac Health Centre, engaged as part-timers, visit the prison when necessary and provide medical service. In the event of an emergency, a prisoner is driven to Šabac or Belgrade. The Šabac Health Centre performs all laboratory tests.

The dispensary is well-stocked. Prescribed doses are handed over to prisoners. Sedatives, analgetics and antibiotics are mostly in demand.

Dental services, provided by the Šabac Health Centre, imply only tooth extractions. No other services are available to prisoners.

Medical files containing information about special examinations are poorly kept. According to personnel, this is due to the frequency of admissions and releases.

All untried and convicted prisoners are physically examined after admission. However, no medical files are opened because of, as personnel put it, prisoners' short detention in the institution. Prisoners apply for medical examinations twice a week, i.e. for scheduled visits by medical doctors.

There have been ten-odd cases necessitating emergency treatment over the past six months. Sick prisoners are sent to medical centres once or twice a week on average.

Presently, no prisoner suffers from tuberculosis or other transmittable disease. One prisoner is a diabetic and insulin dependent. Some fifteen prisoners are drug addicts, and another twenty to twenty-five either used to be addicts and now take psychoactive substances occasionally. No prisoner is HIV-infected or suffering from AIDS. Five prisoners have applied for psychiatric help over the past six months.

Except for one prisoner, no other case of self-injury has been registered over the past six months. The prisoner who tried to cut himself with a sharp object was urgently sent to the Šabac Health Centre and then transferred to the Belgrade Penitentiary-Hospital. Statistically, most injuries (generally just light wounds) resulted from sport activities.

When punished by solitary confinement, each prisoner is firstly examined by a medical doctor. The prisoner is sent to a solitary only if the doctor puts in writing that such punishment will not affect his physical or mental condition.

No health care information or physical education is provided to prisoners. Prisoners procure toilet articles at their own expense. If they have no money, such articles are provided by the institution.

No interviewed prisoner complained of so organized medical service.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules), the European Prison Rules (EPR), and Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- "At every institution there shall be available the services of at least one qualified general practitioner. The medical services should be organized in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality." (Paragraph 26 (1) of the EPR);

- While in custody, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime. The health care service should be so organized as to enable requests to consult a doctor to be met without undue delay." (Paragraph 34 (1) of the CPT Standards, CPT/Inf (93)12);

- "A medical file should be compiled for each patient, containing diagnostic information as well as an ongoing record of the patient's evolution and of any special examinations he has undergone. In the event of a transfer, the file should be forwarded to the doctors in the receiving establishment." (Paragraph 39 (1) of the CPT Standards, CPT/ Inf (93)12);

- "In comparison with the general population, there is a high incidence of psychiatric symptoms among prisoners. Consequently, a doctor qualified in psychiatry should be attached to the health care service of each prison, and some of the nurses employed there should have had training in this field." (Paragraph 41 (1) of the CPT Standards, CPT/Inf (93)12);

- "A medical protection service shall be responsible for health prevention, healing convicted and arrested persons, and supervising hygiene and quality of food and water." (Article 21 of the LECS);

- "The task of prison health care services should not be limited to treating sick patients. They should also be entrusted with responsibility for social and preventive medicine." (Paragraph 52 of the CPT Standards, CPT/Inf (93)12).

III

Recommendations

- Employment of a general practitioner on permanent basis should be reconsidered;
- Detailed and updated medical files for all prisoners should be urgently organized;

- For the purpose of prisoners' health care instruction, a qualified person should be invited to deliver thematic lecture once in three months at least.

Security

I

An open prison, such as the Šabac one, implies minimal security measures both in terms of physical obstacles and the number of security officers engaged. Prisoners' regimes are based on self-discipline and self-responsibility. No walls or other physical obstacles surround the prison, which makes it possible for prisoners to leave it at will. Gathered information related to this aspect indicates that both internal and external security measures are adequate.

The team was told that over the past six months, and even way back, no case of prisoners' endangering the safety of the outside community had been registered. Two prisoners did not return from their leaves and are formally treated as runaways.

Further, no prisoner assaulted or injured any prison officer. Only one case of self-injury was registered.

Prisoners are allowed to freely move throughout the farming complex. After the 9:30 p.m. curfew, they are obliged to go to their dormitories, which are never locked from the outside.

Presently, twelve prisoners are under strict surveillance. Most of them are drug addicts prone to violence and provoking incidents. However, no serious conflicts between prisoners took place.

When it comes to untried prisoners, one incident occurred during the state of emergency. Six detainees barricaded their dormitory, and eight security officers had to intervene. No one was hurt on the occasion.

Rooms and dormitories are searched in detail once a month. Small quantities of prohibited medicines (mostly sedatives) are found occasionally.

No case of impermissible or excessive restraint on the part of prison personnel was registered, a fact confirmed by interviewed prisoners as well.

Almost all interviewed prisoners manifested a positive attitude towards the prison personnel. No specific category of prison officers stressed the danger of being attacked by prisoners as a special concern, which, in a way, indicates that the manner in which the prison is organized contributed to a positive atmosphere and satisfactory relations between the personnel and prisoners.

II

Incompatibility with or deviation from relevant legislation and rules

No major incompatibilities or departures were noticed.

III

Recommendations

- The prison's ongoing external and internal security measures, i.e. building of good relations between prisoners and the personnel, should be maintained.

Lawfulness (equity) of treatment

I

In terms of the prison's organization, structure of its services, and the rights the prisoners' are guaranteed by domestic legislation and by-laws, there are almost no departures from the law. House rules are available to each prisoner immediately after his admission. Prisoners' answers to the questions dealing with their perception of the personnel's impartiality, fairness of disciplinary punishments, privileges granted to some, as well as with the procedure of making complaints and its efficiency could be marked as positive. Replies obtained in the same field from the personnel fully correspond to those of the prisoners.

All interviewed prisoners said they were most satisfied with manner in which they were treated, personnel and the director's commitment to their jobs, and conditions under which they were serving their sentences. Prisoners and personnel alike pointed out the good climate in mutual relations.

In this context, however, the team wishes to draw attention to the anachronism of implementation of legally provided external - and, therefore, internal as well - classification of prisoners. Namely, the composition of prisoners in this institution largely departs from the LECS provisions, which questions its functioning in practice, as well as the very concept of open prisons as laid down in the LECS. According to records, some 40 per cent of the prison population are persistent offenders who, under Article 31 of the LECS, should not be sent to open prisons. Such large number of persistent offenders certainly necessitates more elaborate regimes that cannot be provided to them in the open prison.

And yet, in spite of the fact that 40 per cent of the entire prison population should be detained in closed institutions, the team was left under the impression that the general atmosphere is extremely good and the prison's functioning smooth. This paradox opens the question of legal criteria for prisoners' allocation to different institutions, relevant regimes in each institution, but also of the role prison personnel may play in contributing to overall climates in detention facilities and other questions and suppositions calling for further analysis and research.

II

Incompatibility with or deviation from relevant legislation and rules

- "Convicts who were sentenced on the prison terms shorter than one year, as well as those whose remnants after counting the time spent in arrest and other deprivation of liberty concerning the same criminal offence, shall be disposed, as a rule, in county prisons." (Article 30, paragraph 1 of the LECS);

- "Convicts who have committed negligent offences and who were first time sentenced on the prison term less than a year, or exceptionally under three years, shall be disposed in the correctional facilities of the opened or semi-open types." (Article 31, paragraph 1 of the LECS);

- "In allocating prisoners to different institutions or regimes, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age." (Paragraph 11 (1) of the EPR);

- "The purpose of classification or re-classification of prisoners shall be:

a) to separate from others those prisoners who, by reasons of their criminal records or their personality, are likely to benefit from that or who may exercise a bad influence; and

b) to assist in allocating prisoners to facilitate their treatment and social resettlement taking into account the management and security requirements." (Paragraph 12 of the EPR);

III

Recommendations

- In keeping with legal provisions dealing with external classification of prisoners, the central prison administration should make a point of allocating different categories of prisoners to different institutions, and take due account of their judicial and legal situation, criminal records and special requirements of their treatment.

Social resettlement

I

The employees of the training and employment service, as well as of the reformative training service were primary source information related to this aspect. Actually, it is the training and employment service that tackles prisoners' social resettlement through work either in workshops or farming complex. On its part, the reformative training service copes with this aspect through schooling and vocational training, leisure and recreational activities, and post-penal integration in the community at large. Such organization enables prisoners' engagement in constructive activities, prevents idleness and negative behaviour. According to the information obtained from the training and employment personnel, the service organizes and carries out vocational training within and outside the institution. Within the institution, prisoners are mostly engaged in agricultural and catering work (canteen, restaurant, kitchen). The big farmland, fish and other farms, hot houses, etc. make it possible to have a high percentage of prisoners engaged in farming.

Presently, nine prisoners work in the outside community as mechanics and workers in the power facility. The technology of work is similar to that employed outside the prison.

Prisoners are assigned to various jobs on the grounds on their professions in the outside world, personal preferences and affinities. From the angle of social rehabilitation, the training and employment service daily monitors and evaluates a prisoner's behaviour and commitment to his job. The number of prisoners involved in the work process is almost maximal. One master is in charge of twenty-odd prisoners. Prisoners work eight hours a day, i.e. forty hours per week. They are free on weekends. Overtime depends on jobs prisoners are assigned to (seasonal necessities) and is voluntary.

Working conditions and precautionary measures are acceptable. Prisoners themselves are eager to work since, as they put it, the days they spend in prison are not so long.

In reference to the reformative training service, the team wants to draw attention to the fact that there is no admission department in the prison, and that there is no psychologist to examine a prisoner after admission. Actually, the latter is performed by the reformative training personnel that includes not a psychologist. Prisoners are observed seven days at the most. After observing and

examining each prisoner for seven days, the team composed of a social worker and two educators, puts forth a prisoner's regime. The program assigns a prisoner to a specific training officer and training group, specifies his workplace, and leisure activities. Training officers propose reclassification when they deem it necessary on the grounds of the prisoner's overall behaviour.

The major criterion for a prisoner's reclassification is his behaviour, which is assessed not only by training officers, but also by security officers and the training and employment staff. Referring to programs themselves, prisoners and some training officers take that only counselling is provided. The personnel stress the necessity of providing treatment for special categories of prisoners (drug addicts). Though the latter are few at this point, the fact is that no officer has been trained in dealing with them. Therefore, they are treated in the same manner as other prisoners.

The number of prisoners included in a training group can be called adequate, and particularly so when compared with the situation in other prisons. One training officer is in charge of thirty-odd prisoners. Each training officer has two or three individual meetings with prisoners per month, which amounts to three daily meetings. Such meetings take about one hour. Discussions are often spontaneous, and topics initiated either by training officers or prisoners.

As for schooling, the law does not provide for mandatory schools in the institutions of this type. Each prisoner eager to attend a course or any kind of training may do so in the outside community. According to records, prisoners' level of education is generally very poor. Almost 50 per cent of the prison population lack elementary school education, while 30 per cent of prisoners have finished elementary school. Therefore, serious thought should be given to the problem of illiterate prisoners with a view to finding an adequate solution in spite of the fact that the LECS does not regulate schooling in open prisons and for prisoners under shorter sentences. Further, 70 per cent of prisoners average out to twenty-two to thirty-two years, which makes the prison population relatively young. This additionally justifies the necessity of developing alternative methods aimed at encouraging prisoners to pursue their schooling.

Prisoners rarely go to the prison library. Some complain of poor quality and scarceness of available books. Therefore, even literate prisoners are reluctant to use the library's services. As for other means of mass communication, the team was told that daily papers were regularly supplied in addition to radio and TV sets at prisoners' disposal.

In our view, recreational and leisure activities are inappropriate. Besides, no officer is in charge of leisure activities.

The prison has a football field. Sport events are sporadically held.

In terms of religious composition of the institution, most prisoners profess Serbian Eastern Orthodoxy. Though they are rather interested in the exercise of religious right, the prison presently has no spare room for religious observance. However, this hardly figures as a major problem in an open prison, since prisoners may at all times exercise their religious right in the outside world.

Pre-release preparations do not include special programs or activities to be carried out by the personnel. Usually, an authorized social care centre and the Ministry of Internal Affairs are informed about a prisoner's release.

II

Incompatibility with or deviation from relevant legislation and rules

- "Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners." (Article 97 of the LECS);

- "The institution shall organize cultural, recreational and sports activities so as to promote the cultural, recreational and sporting life of the prisoners and to preserve their mental and physical health. These activities shall take place during leisure time under the organization and management of the reformatory training service." (Article 47 of the House Rules);

- "Within leisure activities and in accordance to their preferences and abilities, prisoners may make artefacts or pursue similar activities. The material necessary for leisure activities shall be procured by a prison. Leisure activities shall be organized in the premises set aside for this purpose." (Article 48 of the House Rules);

- "As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a program of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives." (Paragraph 68 of the EPR);

- "A comprehensive education program shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programs should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect." (Paragraph 77 of the EPR);

- "Specific programs of remedial education should be arranged for prisoners with special problems such as illiteracy or innumeracy." (Paragraph 80 of the EPR);

- "The prison regimes shall recognize the importance to physical and mental health of properly organized activities to ensure physical fitness, adequate exercise and recreational opportunities." (Paragraph 83 of the EPR);

- "Thus a properly organized program of physical education, sport and other recreational activity should be arranged within the framework and objectives of the treatment and training regime. To this end, space, installations and equipment should be provided." (Paragraph 84 of the EPR);

- "Provision shall be made for the further education of all prisoners capable thereby, including religious instruction in the countries where this is possible. Education of illiterates and young prisoners should be compulsory and special attention should be paid to it by the administration." (Paragraph 77 of the UN Minimum Rules);

- "Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners." (Paragraph 78 of the UN Minimum Rules).

III Recommendations

- More attention should be paid to prisoners' education, particularly when it comes to illiterates;
- Prison personnel should be tasked with organizing leisure and recreational activities. If necessary, a special officer should be engaged for the purpose on permanent basis;
- Adequate treatments of prisoners dependent on psychoactive substances should be secured through engagement of additional staff or training of the incumbent one;
- Establishment of an admission department, as well as the quality of a study of the personality of each prisoner after admission, should be reconsidered.

Contacts with the outside world

I

When it comes to this aspect, the team was told that three coin-operated telephones are available to the prisoners who can use them at will.

Prisoners' letters and complaints are not subject to censorship. Letters sent to prisoners are forwarded to training officers and then distributed to recipients by a prisoner on duty as monitor. Since prisoners are entitled to frequent visits and leaves, and bearing in mind the length of their sentences, this type of communication is not usual. No letter has been confiscated over the past six months.

The same refers to parcels or parts of parcels. All prisoners receive visits, duration and frequency of which depend of each prisoner's treatment. Prisoners may contact their defence attorneys whenever necessary and whenever they ask for it. Prison personnel and prisoners alike said that complaints of the way some benefits or awards are granted are rare.

In our view, the personnel cooperate with the factors in the outside community exclusively in keeping with the institution's *ex officio* obligations. Pre-release preparations do not imply any special program or activity to be carried out by the personnel. All in all, the team takes that the institution poorly co-ordinates its work with outside factors such as courts or social care centres.

II

Incompatibility with or deviation from relevant legislation and rules

- " If the prisoner after release need assistance, the prison notifies the guardian body in charge of the prisoner at the time when the sentence was imposed and became final. That guardian body is also notified of the assistance required." (Article 164 of the LECS);
- "Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment." (Paragraph 89 (1) of the EPR).

III Recommendations

- The prison administration and other authorized institutions should exert efforts with a view to enhancing mutual cooperation, particularly in a prisoner's pre-release stage.

The institution personnel

I

The institution engages fifty-nine full-time employees who are assigned to four services: the reformatory training service, the security service, the general administrative service and the training and employment service. The medical service is integrated in the reformatory training service. According to the prison director, instead of heads of service, co-ordinators are in charge of the reformatory training service and the training and employment service. The team was told that those service were so organized due to 'legal and financial considerations'.

The training and employment service enrolls three out of five workers planned in the job classification. On the average, officers are thirty to thirty-five years of age, and mostly men. Only one officer has graduated from a higher school, while the rest have finished secondary schools. The service's co-ordinator is an agricultural engineer, while the employees are of veterinarian profession. No one underwent in-service training. Their working experience averages fifteen years. The composition of the service meets the recruitment requirements of the LECS and the Law on Employment in Government Agencies. Each instructor is in charge of between twenty and twenty-five prisoners capable of work.

As they said over the interviews, officers were satisfied with their jobs, the prison administration's efficiency and relations with other services. They perceive their service's status as equal with that of other services. They have daily team meetings and attend weekly meetings held at institutional level. At these meetings, the co-ordinator makes suggestions related to the service as a whole, and each individual prisoner. The officers take their jobs involve a minimal stress level. When asked whether they fear prisoners might attack them, none responded affirmatively. Their answers to the questions related to remuneration indicate they are dissatisfied both with the regularity of payments and amounts of salaries. Overtime is occasional and the staff takes days off as remuneration. The personnel are entitled to shorter length of service.

There were no breaches of orders on the part of the personnel or disciplinary measures taken against any.

The reformatory training service employs six out of seven officers planned in the job classification. There are two educational specialists and one social worker - the three are in charge of the reformatory training process. Besides, the service includes a medical attendant, and officer in charge of admission and release, and a typist. No psychologist has ever applied to a vacancy, though calls have been publicized on several occasions. Out of six workers, two have university diplomas, two have graduated from higher schools, while the other two from secondary schools. Criteria of gender equality are adequately met. On the average, the employees are forty years of age. The service's co-ordinator has attended a course in systematic family therapy.

All employees are entitled to shorter length of service. No breaches of order or disciplinary proceedings have taken place over the past six months. The personnel are adequately qualified for

their jobs. They take the stress level very low, and say no one has ever been attacked by a prisoner. Overtime is occasional and the staff take days off as remuneration. The employees consider mutual communication good, and see the role of the service they work for as crucial in the process of reformatory training and social resettlement of prisoners.

As for the security service, its head said over the interview that his service enrolls thirty-two officers, which makes it adequately staffed. Officers' age average thirty-five. All of them are men, some 70 per cent of them having finished secondary education and the rest the first three years of secondary school.

On the daily basis, one security officer is in charge of six or seven prisoners. Eight unarmed officers are tasked with the prison's open unit, while twenty-two are assigned to the closed unit. The closed unit (for untried prisoners or those awaiting trials) has a head and a guard supervisor. The head said he was satisfied with his job and the prison administration's efficiency, adding the work was just routine and not stressful. Officers worked overtime only during the state of emergency - namely, during that period each officer worked 100 hours overtime on the average.

One officer was subject to disciplinary proceedings. He was punished by 10 per cent cut in his salary over a two-month period. Team meetings are quite rare, since daily communication among such small number of officers in a small institution as such poses no problem.

The general administrative service has a staff of thirteen. On the average, employees are forty-three years of age. Only the head of service (woman) is a university graduate. Other employees have finished secondary schools. There is one vacancy - a cook. The head of the service is satisfied with her job and the prison administration's efficiency.

The cooperation between the prison and relevant courts is smooth and very good. However, as the interviewed personnel put it, some administrative issues at governmental level were still unsolved. These include reimbursement of travel costs, recruitment and end of service. Many prisoners are daily admitted and released. However, the relevant records are kept manually, given that the prison is not computerized. In addition, meetings with service heads from other prisons, as well as with representatives of the Ministry of Justice are never organized.

II

Incompatibility with or deviation from relevant legislation and rules

- "Before entering on duty, the personnel shall be given a course of training in general and specific duties, and be required to pass theoretical and practical tests. After entering on duty, the personnel shall maintain and advance their knowledge and professional capacity by attending courses in in-service training to be organized in regular intervals." (Paragraph 47 of the UN Minimum Rules);

- "The prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties." (Paragraph 52 of the EPR);

- "On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical test, unless their professional qualifications make that unnecessary. During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized by the administration at suitable intervals. Arrangements should be made for wider experience and training for personnel whose professional

capacity would be improved by this. The training of all personnel should include instruction in the requirement and application of the European Prison Rules and the European Convention on Human Rights." (Paragraph 55 of the EPR).

III

Recommendations

- The problem of two vacant posts - for heads of the reformatory training service and the training and employment service - should be urgently solved;

- Bearing in mind the purpose of detention, the personnel should be constantly encouraged to improve their knowledge and professional capacity through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties;

- The vacant post of a psychologist should be filled as soon as possible;

- The Ministry of Justice should organize periodic meetings with and seminars for all heads of prison administrative services in the territory of Serbia, so as to enable exchange of views. The Ministry should also make all bylaws related to prison administrative services uniform. Further, these services should be computerized and their personnel trained in computer use;

- Prison personnel should be trained in dealing with special categories of prisoners, or pertinent specialists should be engaged;

- Prison personnel should be stimulated through salary rises and other benefits.

THE PENITENTIARY AT SOMBOR

Date of visit: 17 June 2003

Type of institution: open

Population: untried and convicted prisoners, and prisoners under misdemeanour sentence

Untried prisoners: 64

Convicted prisoners: 63, plus 2 under misdemeanour sentence

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

Organizationally and physically, the prison is located in two places. Its detention and closed units are in downtown Sombor, while the open unit is five kilometres away. The institution has been a district prison for years. It was turned into an open prison in 1998 after passing of the decree on detention facilities in Serbia. This is why the capacity of the closed unit exceeds by far the one of the open one. The former can accommodate around 130 prisoners - eighty prisoners can be housed in the detention unit, while the rest are supposed to be tried prisoners and those under misdemeanour sentence. The open unit can accommodate between fifty and sixty prisoners.

Built back in 18th century, the closed unit is composed of two buildings - the central administration and the building housing the detention unit, the closed unit and the admission department. Given that two centuries ago these buildings were not designed to serve as prison, they had to be considerably reconstructed and adjusted for the purpose. Anyway, the prison itself is quite unlike other institutions the team has visited. Though very old and renovated many times, the buildings' capacities and characteristics are actually in keeping with the standards laid down in domestic legislation. Namely, cubic meters of floor space per prisoner are fully adequate and each prisoner has a locker of his own. All dormitories have sanitary installations, but the latter are old and should be replaced.

According to both prison administration and prisoners, heating is appropriate in wintertime. In our view, the only problem in terms of accommodation are small and barred windows that cannot but block full entrance of natural light and fresh air.

The bathroom has six showers, but no partitions between them. Prisoners have to take their showers together. A library situated in the closed unit is also used as a living room.

The open unit, five kilometres away from downtown Sombor, was built in 1999. There is a carpentry workshop within the compound. The workshop figures as a major source of the prison's income. The prison has a three-hectare farmland and a pig farm.

The building housing the open unit has all characteristics of a hotel: parquetted rooms with two beds each are spacious, there are no bars on windows, furniture is new the same as sanitary installations, bathroom walls are covered with tiles from top to bottom, paintings hang in halls,

flowerpots are all over, etc. The prison organizes "painting colonies" every year, and the assembled artists donate their works to it.

Hygiene is almost perfect. Prisoners procure toilet articles at their own expense like in other prisons throughout Serbia.

All prisoners wear civilian clothes.

B) THE KITCHEN, MESS-HALL AND FOOD

The prison has two kitchens and two dining rooms, which is only natural due to two different locations. The kitchen of the closed unit is well-furnished kitchen and hygiene is satisfactory. However, the entrance of fresh air is poor (just one small window), which surely bothers people engaged in food preparation. The food for the open unit is prepared in this kitchen.

The mess-hall in the closed unit is located in the basement where untried and convicted prisoners are accommodated. Built in 19th century, the thirty-square meter basement is not exactly adequate for a mess-hall, as it allows not the entrance of fresh air and natural light.

Technically, the kitchenette and the mess-hall in the open unit meet all domestic and international standards. The interviewed prisoners take the food is generally good, but complain of poor quality of fresh fruits and vegetables. As they put it, this is impermissible, the more so since the prison's yearly production of vegetables amounts to twenty tons. They also criticized the manner in which their meals are prepared, but took their meals large enough.

C) THE MEDICAL SERVICE AND FACILITIES

The prison has no medical service as a separate department. Some forty days before our visit, the prison engaged a medical technician on permanent basis. This technician has no professional experience and is the only full-time medical officer in the prison.

A prison officer, trained in a high school to deal with handicapped people, has worked as a medical technician over the past fifteen years. He used to work as a training officer and medical technician at the same time, and is now appointed security officer.

Engaged as a part-timer, a general practitioner comes to the prison once a week to examine prisoners. Occasionally, the prison engages a neuropsychiatrist.

The room for medical examinations is located in the closed unit. Training officers and security officers use the room when no examinations are scheduled. There is a drug cabinet and a sphygmomanometer as the only medical apparatus available in the prison.

Systematic examinations are mandatory upon admission. A medical file is opened for each prisoner. All relevant medical information ranging from work injuries to prescribed drugs are entered into these files.

The prisoners apply for medical examinations to an inmate on monitor duty who enters such requests into a logbook. Given that there is no full-time general practitioner in the prison, no one supervises menus or determines the state of health of a prisoner punished by solitary confinement. The part-time physician prescribes special diets for sick prisoners.

The prison has no in-patient facility. The dispensary is poorly stocked, and mostly provides sedatives, antibiotics and analgetics. Doses of medicines are distributed individually. No cases of drug abuse or theft have been registered.

All biochemical tests and medical interventions are performed in the Sombor Health Centre.

Dental services are also provided by the same centre. Tooth extractions are free of charge, i.e. they are defrayed by the prison, while prisoners have to pay for all other stomatological services. Over the past six months, these services were provided to thirty-four prisoners.

According to records, 276 sick prisoners have been transferred to the Sombor Health Centre as of the beginning of 2003, while three of them have been driven to other specialized institutions. Sixty-nine prisoners have undergone surgeries, twenty-eight have been examined by radiologists (for lung conditions), thirty-eight by urologists, eleven by dermatologists, and forty-one have been transferred to emergency wards.

Presently, several prisoners are asthmatics and a couple of them have heart conditions and take pills. One prisoner is an insulin-dependent diabetic. No prisoner is HIV infected. Two are registered drug abusers.

In the first half of 2003 no prisoner died and there were no cases of self-injury.

Most interviewed prisoners complained of having to wait for medical examination, i.e. of non-existent prompt and proper medical treatment in the prison. Also, majority of prisoners' complaints were about non-existent medical ward.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Open Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules), the European Prison Rules (EPR), and Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climate conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." (Paragraph 10 of the UN Minimum Rules);

- "In all places where prisoners are required to live or work, (a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial light." (Paragraph 11 (1) of the UN Minimum Rules);

- "The CPT recognizes that the delivery of decent living conditions in penitentiary establishments can be very costly and improvements are hampered in many countries by lack of funds. However, removing devices blocking the windows of prisoner accommodation (and fitting, in those exceptional cases where this is necessary, alternative security devices of an appropriate design) should not involve considerable investment and, at the same time, would be of great benefit for all concerned." (Paragraph 30 (2) of the CPT Standards, CPT/Inf (2001)16);

- "In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food, which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene, and takes into account their age, health, the nature of their work and so far as possible, religious or cultural requirements." (Paragraph 25 (1) of the EPR);

- "The disciplinary punishment of the confinement cannot be ordered before a written medical opinion is obtained concerning the health condition of the convicted person proving that the person is able to endure the solitary confinement." (Article 126, paragraph 3 of the LECS);

- "A convicted person in solitary confinement shall be visited by:

1) a physician - every day;

2) a manager and an educator - once in seven days." (Article 132 of the LECS);

- "At every institution there shall be available the services of at least one qualified general practitioner. The medical services should be organized in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper case, the treatment of states of mental abnormality." (Paragraph 26 (1) of the EPR);

- "While in custody, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime (as regards more particularly access to a doctor for prisoners held in solitary confinement, see paragraph 56 of the CPT's General Report: CPT/Inf (92) 3). The health care service should be so organized as to enable requests to consult a doctor to be met without undue delay.

- "Prisoners should be able to approach the health care service on a confidential basis, for example, by means of a message in a sealed envelope. Further, prison officers should not seek to screen request to consult a doctor." (Paragraph 34 of the CPT Standards, CPT/Inf (93)12);

- "A medical file should be compiled for each patient, containing diagnostic information as well as an ongoing record of the patient's evolution and of any special examinations he has undergone. In the event of a transfer, the file should be forwarded to the doctors in the receiving establishment.

"Further, daily registers should be kept by health care teams, in which particular incidents relating to the patients should be mentioned. Such registers are useful in that they provide an overall view of the health care situation in the prison, at the same time as highlighting specific problems which may arise." (Paragraph 39 of the CPT Standards, CPT/Inf (93)12);

- "In comparison with the general population, there is a high incidence of psychiatric symptoms among prisoners. Consequently, a doctor qualified in psychiatry should be attached to the health care service of each prison, and some of the nurses employed there should have had training in this field.

"The provision of medical and nursing staff, as well as the layout of prisons, should be such as to enable regular pharmacological, psychotherapeutic and occupational therapy programs to be carried out." (Paragraph 41 of the CPT Standards, CPT/Inf (93)12);

- "The CPT wishes to stress the role to be played by prison management in the early detection of prisoners suffering from a psychiatric ailment (e.g. depression, reactive states, etc.), with a view to enabling appropriate adjustments to be made to their environment. This activity can be encouraged by the provision of appropriate health training for certain members of the custodial staff." (Paragraph 42 of the CPT Standards, CPT/Inf (93)12);

- "A prison health care service should ensure that information about transmittable diseases (in particular hepatitis, AIDS, tuberculosis, dermatological infections) is regularly circulated, both to prisoners and to prison staff. Where appropriate, medical control of those with whom a particular prisoner has regular contact (fellow prisoners, prison staff, frequent visitors) should be carried out." (Paragraph 54 of the CPT Standards, CPT/Inf (93)12);

- "Suicide prevention is yet another matter falling within the purview of a prison's health care service. It should ensure that there is an adequate awareness of this subject throughout the

establishment, and that appropriate procedures are in place." (Paragraph 57 of the CPT Standards, CPT/Inf (93)12);

- "Medical screening on arrival, and the reception process as a whole, has an important role to play in this context; performed properly, it could identify at least certain of those at risk and relieve some of the anxiety experienced by all newly-arrived prisoners.

"Further, prison staff, whatever their particular job, should be made aware of (which implies being trained in recognizing) indications of suicidal risk. In this connection it should be noted that the periods immediately before and after trial and, in some cases, the pre-release period, involve an increased risk of suicide." (Paragraph 58 of the CPT Standards, CPT/Inf (93)12);

- "Prison health care services can contribute to the prevention of violence against detained persons, through the systematic recording of injuries and, if appropriate, the provision of general information to the relevant authorities. Information could also be forwarded on specific cases, though as a rule such action should only be undertaken with the consent of the prisoners concerned." (Paragraph 60 of the CPT Standards, CPT/Inf (93)12);

- "Any signs of violence observed when a prisoner is medically screened on his admission to the establishment should be fully recorded, together with any relevant statements by the prisoner and the doctor's conclusions. Further, this information should be made available to the prisoner.

The same approach should be followed whenever a prisoner is medically examined following a violent episode within the prison (see also paragraph 53 of the CPT's 2nd General Report: CPT/Inf (92) 3) or on his readmission to prison after having been temporarily returned to police custody for the purposes of an investigation." (Paragraph 61 of the CPT Standards, CPT/Inf (93)12);

- "The health care service could compile periodic statistics concerning injuries observed, for the attention of prison management, the Ministry of Justice, etc. (Paragraph 62 of the CPT Standards, CPT/Inf (93)12);

- "Whatever the formal position under which a prison doctor carries on his activity, his clinical decisions should be governed only by medical criteria.

"The quality and the effectiveness of medical work should be assessed by a qualified medical authority. Likewise, the available resources should be managed by such authority, not by bodies responsible for security or administration." (Paragraph 72 of the CPT Standards, CPT/Inf (93)12);

- "Prison doctors and nurses should possess specialist knowledge enabling them to deal with the particular forms of prison pathology and adapt their treatment methods to the conditions imposed by detention.

"In particular, professional attitudes designed to prevent violence - and, where appropriate, control it - should be developed." (Paragraph 75 of the CPT Standards, CPT/Inf (93)12).

III

Recommendations

- Necessary adjustments should be made with a view to improving entrance of fresh air in the dormitories of the closed unit;

- The quality of daily meals should be improved through a better offer of fresh fruit and vegetables;

- A health care service should be established by engagement of at least one general practitioner on permanent basis;

- A out-patient facility should be organized, and equipment required by basic medical standards and patients' needs should be secured;

- A detailed record of all medical examinations carried out in the prison should be kept;

- Distribution of awareness-raising information about health care, and particularly about transmittable diseases, to prisoners and prison personnel should be better organized;

- A health care service should be so organized as to function in strict keeping with the standards of health care in the outside community, which would guarantee the service's independence of prison administration.

Security

I

The open unit is in keeping with the standards required for such institution. It means there are no obstacles to escape, and the number of security officers corresponds to legal provisions. Prisoners' treatment is based on the principle of self-discipline and personal responsibility.

The prison section used for detention - and housing the closed unit as well - looks like a closed prison. In other words, the building is surrounded by a barbed wall, and the dormitories for untried prisoners and convicted prisoners alike have small, barred windows. Cameras are installed to enable permanent control over the prison compound.

In February 2002, five untried prisoners managed to escape. They dug a hole in their dormitory, used sides of beds for a makeshift ladder, and skipped the wall. Subsequently four security officers were suspended and the management strengthened video surveillance of the compound. Though the interviewed security officers provided various pretexts for the incident, quoting, among other things, the understaffed service, the team was left under the impression that it was negligence on the part of security service that made it possible.

However, no prisoner has ever attacked any member of the personnel, regardless of gender or the service an officer works for. Almost all prisoners have a positive attitude towards the prison staff. All officers, no matter in which service they work, are almost unanimous when speaking about their personal sense of danger or fear of being attacked by prisoners. This may indicate that the prison's organization contributes to good atmosphere and mutual relations between the staff and prisoners. Records show that the ratio between prisoners and security officers is bigger than in other services, but still by far smaller than it used to be.

II

Incompatibility with or deviation from relevant legislation and rules

There was no major incompatibility or deviation.

III

Recommendations

- The adequacy of external security measures should be reviewed.

Lawfulness (equity) of treatment

I

As far as the team could tell, the personnel respect and properly implement all provision of the LECS and the Law on Criminal Proceedings that are beyond their influence and have to do with the nature of punishments (convicted and untried prisoners). Untried prisoners are accommodated separately in the units organized as closed prisons, while convicted prisoners are housed in open and closed units. However, the team noticed that some prisoners immediately after admission, prisoners that should be classified in closed units, untried prisoners and even some that should be classified in open units are all together allocated in the unit organized as a closed prison. Prisoners who were internally classified in the open unit told us that they were accommodated in the closed unit due to the nature of their jobs (for instance, a cook is assigned to the closed unit because this is where the kitchen is). The team takes it impermissible that a workplace to be occupied by a prisoner classified to an open treatment is located in the closed unit. The two categories are accommodated separately, but their dormitories are in the same building and, moreover, on the same floor, which is also intolerable.

Further, records show that the composition of prisoners in the institution is not in keeping with the LECS provisions. Besides, like in the Šabac prison, external classification of prisoners is discrepant with the internal one, which makes the latter contrary to the LECS provisions too.

Namely, according to records, around 50 per cent of prisoners are habitual offenders who, under Article 31 of the LECS, should not be assigned to open institutions. Such high percentage of habitual offenders who surely necessitate more complex educational and correctional treatment questions the very organization of this institution and legality of the regime for prisoners punished to open prisons.

House rules are clear-cut and available to every prisoner upon admission. Interviewed members of the personnel and prisoners alike responded positively to questions dealing with the personnel's impartiality, fairness of disciplinary measures, privileges and awards, complaints and efficiency of the relevant procedure. However, after interviewing some prisoners the team was left under the impression that there is a feeling of injustice among prisoners, caused by unpredictable, arbitrary or illegal decisions the personnel make especially when it comes to benefits. Favouring certain prisoners, the use of informers (rats), etc. fuel to a certain degree a bad atmosphere in the prison and impair relations between some prisoners and the personnel.

Persons punished to prison for misdemeanour and serving their time in this institution figure as another serious problem. According to the prison administration, a number of foreign citizens, sentenced for misdemeanour, have been assigned to this institution. Some were women. Though women are separated from other prisoners, the team takes their assignment to this prison contrary to contrary to both domestic and international regulations. Besides, there are no women among security officers. This is why women officers from other services are tasked with delicate jobs such as searches of women prisoners. However, this cannot be a permanent solution to the problem.

Ever since new prison administration was appointed, not a single prisoner from both closed and open units was beaten up, said the prisoners. Beatings used to be rather frequent at the time of the former security service head, actually on a long sick leave.

There were no cases of this kind in the open unit.

II

Incompatibility with or deviation from relevant legislation and rules

- "Convicts who were sentenced to the prison terms shorter than one year, as well as those whose remnants after counting the time spent in arrest and the other deprivation of liberty concerning the same criminal offence, shall be disposed, as a rule, in county prisons." (Article 30, paragraph 1 of the LECS);

- "Convicts who have committed negligent offences and who were first time sentenced to the prison term less than a year, or exceptionally under three years, shall be disposed in the correctional facilities of the opened or semi-opened types." (Article 31, paragraph 1 of the LECS);

- "Persons convicted of misdemeanour shall serve their prison sentences in a special department of the district prison, separately from those convicted of criminal offences.

"A sentenced woman shall serve prison sentence in the penitentiary-corrective facility for women." (Article 290, paragraphs 1 and 2 of the LECS);

- "In allocating prisoners to different institutions or regimes, due account shall be taken of their judicial and legal situation (untried and convicted prisoner, first offender or habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age." (Paragraph 11 (1) of the EPR);

- "The different categories of prisoners shall be kept in separate institutions taking account of their sex, age, criminal record, the legal reason for detention and the necessities of their treatment." (Paragraph 8 (1) of the UN Minimum Rules);

- "The purposes of classification shall be:

a. To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

b. To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation." (Paragraph 67 of the UN Minimum Rules);

- "The purpose of classification or re-classification of prisoners shall be:

a. To separate from others those prisoners who, by reasons of their criminal records or their personality, are likely to benefit from that or who may exercise a bad influence; and

c. To assist in allocating prisoners to facilitate their treatment and social resettlement taking into account the management and security requirements." (Paragraph 12 of the EPR);

- "Only women shall be employed and manage correctional facilities, penitentiary-corrective facilities for women and the sections in other correctional facilities where women are housed.

Men who are employed or nominated shall not enter a correctional facility, penitentiary-corrective facilities for women and the sections in other correctional facilities where women are housed unless they are escorted by a female manager of the correctional facility, or other female executive or another woman authorized by them." (Article 330 of the LECS);

- "As the CPT stressed in its 9th General Report, mixed gender staffing is an important safeguard against ill-treatment in places of detention. The presence of male and female staff can have a beneficial effect in terms of both the custodial ethics and in fostering a degree of normality in a place of detention.

"Mixed gender staffing also allows for appropriate staff deployment when carrying out gender sensitive tasks such as searches. In this context, the CPT wishes again to emphasize that persons deprived of their liberty should only be searched by staff of the same gender and that any search which requires an inmate to undress should be conducted out of the sight of custodial staff of the opposite gender. (Paragraph 23 of the CPT Standards, CPT/Inf (2000)13);

- "The specific hygiene needs of women should be addressed in an adequate manner. ready access to sanitary and washing facilities, safe disposal arrangements for blood-stained articles, as well as provision of hygiene items such as sanitary towels and tampons, are of particular importance. The failure to provide such basic necessities can amount, in itself, to degrading treatment." (Paragraph 31 of the CPT Standards, CPT/Inf (2000)13);

- "Insofar as women deprived of their liberty are concerned, ensuring that this principle of equivalence of care is respected will require that health care is provided by medical practitioners and nurses who have specific training in women's health issues, including in gynaecology." (Paragraph 32 (2) of the CPT Standards, CPT/Inf (2000)13).

III Recommendations

- The Central Prison Administration should pay more attention to the implementation of the regulation under which different categories of prisoners are allocated to different institutions, taking into account their criminal records, reasons of their detention and special requirements of their treatment;

- In terms of internal classification in the closed unit, the problem of accommodation of different categories of prisoners should be solved;

- Prisoners sentenced for misdemeanour should be allocated to district prisons that are organized as semi-open institutions;

- Women sentenced for misdemeanour should be allocated to the Požarevac semi-open prison for women.

Social resettlement

I

According to the training and employment service, it organizes and carries out vocational training in metal working, carpentry and catering. The prison's farmland makes it possible for prisoners to get engaged in pig-breeding, crop farming, etc. Besides, in keeping with the type of institution, the prisoners are assigned to jobs in the outside community. They mostly provide services such as painting, construction works, etc. Presently, six prisoners are engaged in such jobs. They are assigned to specific jobs on the grounds of their professions in the outside community, preferences and affinities. The prison administration manages the prisoners' work.

In terms of social resettlement, the activity of the training and employment service boils down to daily monitoring and evaluating each prisoner's behaviour and endeavour. Each master submits monthly reports to a foreman. The foreman compiles all reports and once, on the basis of information provided, presents his views and proposals concerning each prisoner at team meetings and weekly prison administration meetings.

The prisoners maximally participate in the work process. Each master is in charge of five prisoners on the average. According to the staff, the prisoners are obliged to work eight hours per day, i.e. forty hours per month. Weekends are free.

However, the prisoners' responses to the same question were different. They said that just a couple of days before our visit they had to work for minimum ten hours, that Saturdays were

workdays, and even Sundays when necessary. All interviewed prisoners claimed they were overexerted. They stressed, however, that the new director showed more understanding for such situation than the former one.

The team was left under the impression that the prisoners' work is focused on profit making, rather than on maintaining and improving their working abilities, working habits and skills (cf. Article 76 of the LECS).

Working conditions and precautionary measures are acceptable. Except for outdated technology, there are no major problems. One-third of a prisoner's earning is put aside as a savings fund, while the prisoner can use the rest at will. The prisoners are very dissatisfied with the amounts of their salaries taking into account their overexertion. The LECS provides impermissibly low remuneration for prisoners' work: 20 per cent of the lowest labour cost, while 50 per cent are added for overtime. So, even when they work overtime, the prisoners cannot earn more than 1,000 dinars per month (15 EURO.), which is far below the standards for mere existence. Prisoners who do not receive food packages of money orders from their families or friends cannot afford even cigarettes, let alone put something aside to use upon release. And what makes things even worse is that the LECS provides that 30 per cent of each prisoner's earning should be put aside and given to the prisoner upon release, and only in extraordinary circumstances while he is still in the prison.

The overall performance of the reformatory training service will be illustrated here through the activities in is in charge of. As for the prisoners' admission, there is no team of specialists to observe and evaluate each newcomer - this task is assigned to training officers. After this initial observation, a team composed of a social worker, an educator and a psychologist proposes treatment for each individual prisoner. The prison director, in tandem with this team, has a final say about a prisoner's classification and his treatment program. The latter implies specifying the prisoner's training officer educator and groups, workplace, intensity of individual and group treatment, as well as leisure activities. The prisoner is reclassified when his training officer deems it necessary. The major criterion for a prisoner's reclassification is his behaviour, which is assessed not only by training officers, but also by security officers and the training and employment staff. Referring to programs themselves, answers given by the prisoners and the personnel are different. Namely, the personnel emphasizes much of individual and group treatment provided to the prisoners, while the prisoners take just individual treatments are provided.

Formally, the size of training groups makes quality work possible. Three training officers are presently in charge of fifty prisoners. Two of them are assigned to the closed unit (training thirty-odd prisoners), and one works in the open unit with the rest. The service staff meet recruitment criteria.

The law does not provide for establishment of schools in open prisons like this one. The prisoners who wish to attend some course may do it in the outside community.

There are two libraries - one is located in the open unit, and the other in the closed. Books available to the prisoners are old, while the libraries themselves poorly stocked. Supply of daily papers to which the prisoners are subscribed is regular. The prison also has radio and TV sets, as well as video recorders.

Almost all prisoners take part in a variety of recreational and leisure activities. Moreover, upon admission prisoners fill in questionnaires dealing with recreational activities and their preferences. However, the information obtained from prisoners was not exactly the same. They said the house rules provide two-and-a-half-hour recreational activity twice a week. Occasionally, the training officer on duty denies them the right to recreation for no specific reason.

In terms of religious composition of the institution, most prisoners profess Serbian Eastern Orthodoxy. The prison presently has no spare room for religious observance. The team was told that priests are called in on prisoners' request.

Also, there are no special rooms where prisoners can meet their spouses and families in private.

However, given that this is an open prison, the prisoners may exercise their religious right and meet other needs in the outside world over weekend leaves, etc.

Pre-release preparations do not include special programs or activities to be carried out by the personnel. Usually, an authorized social care centre and the Ministry of Internal Affairs are informed about a prisoner's release.

II

Incompatibility with or deviation from relevant legislation and rules

- "A convicted person capable of working has the right and obligation to work. The purpose of work is for a convicted person to gain, maintain and develop his working capabilities, working skills and expert knowledge." (Article 76 of the LECS);

- "The work of convicted persons shall be reasonable and shall not be degrading. Realizing economic profit from the work of convicted persons must not interfere with the realizing of the purposes of the work." (Article 77 of the LECS);

- "A convicted person normally works forty hours per week, but working hours can be longer under conditions established by law.

"A convicted person can be ordered to work outside working hours up to two hours per day maximum on cleaning jobs and other regular duties in a correctional facility." (Article 81, paragraphs 1 and 3 of the LECS);

- "The organization and methods of work in the institutions shall resemble as much as possible those of similar work in outside institutions, so as to prepare prisoners for conditions of normal occupational life. The interests of the prisoners and of their vocational training, however, should not be subordinated to the purpose of making a financial profit from an industry in a prison." (Paragraph 72 of the UN Minimum Rules);

- "Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners and of their treatment must not be subordinated to that purpose." (Paragraph 72 (2) of the EPR);

- "The institution shall organize cultural, recreational and sports activities so as to promote the cultural, recreational and sporting life of the prisoners and to preserve their mental and physical health. These activities shall take place during leisure time under the organization and management of the reformatory training service." (Article 47 of the House Rules);

- "Within leisure activities and in accordance to their preferences and abilities, prisoners may make artefacts or pursue similar activities. The material necessary for leisure activities shall be procured by a prison. Leisure activities shall be organized in the premises set aside for this purpose." (Article 48 of the House Rules);

- "A comprehensive education program shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programs should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect." (Paragraph 77 of the EPR);

- "Recreational and cultural activities shall be provided in all institutions for the mental and physical health of prisoners." (Paragraph 78 of the UN Minimum Rules).

III

Recommendations

- In drafting a new law on execution of criminal sanctions, special attention should be paid to provisions dealing with prisoners' labour rights, including more appropriate remuneration;

- The prisoners' working hours should be adjusted to the LECS provisions;

- The purpose of the prisoners' work should be perceived in the context of their reformatory training, rather than that of the prison's financial profit;

- Due respect should be paid to the prisoners' right to leisure and recreational activities.

Contacts with the outside world

I

The team was told that three coin-operated telephones - one in the closed and two in the open unit - are available to the prisoners. The interviewed prisoners said that phoning schedule meets their needs.

Prisoners' letters and petitions are subject to usual censorship. No letter has been confiscated over the past six months. The prisoners did not complain of the way this mode of communication is implemented.

According to most prisoners, no parcels or parts of parcels have been confiscated over the same period.

All prisoners receive visits, duration and frequency of which depend of each prisoner's treatment. The lack of a special room for meetings in private figures as the only problem. A room located in the "old" building is used for visits received by untried prisoners, so that visits to the prisoners from both open and closed units take place in the premises that are not set aside for that purpose only.

The prisoners may meet their lawyers whenever necessary and upon request.

According to the personnel, the cooperation social care centres is very good. However, as they put it, this is not so when it comes to relevant courts. Pre-release preparations do not imply any special program or activity to be carried out by the personnel.

II

Incompatibility with or deviation from relevant legislation and rules

- "Visits to prisoners are scheduled and take place in a room set aside for this purpose. Visits can also take place in appropriate open air areas within the prison compound." (Article 23, paragraph 3 of the House Rules);

- "From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish relations with

persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation." (Paragraph 80 of the UN Minimum Rules);

- "Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment.

"The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care program of the prisoner." (Paragraph 89 (1 and 3) of the EPR).

III Recommendations

- A solution to the problem of non-existent adequate premises for visits should be found in tandem with the Ministry of Justice;

- Authorized officials should be enabled access to the prison and to prisoners with a view to making a full contribution to the preparation for release and partaking in the prisoner's social resettlement;

- Efforts should be exerted to improve the cooperation with relevant courts.

The institution personnel

I

The training and education service has a staff of ten, their age averages forty and they are all men. One officer has a university diploma, two have graduated from high schools, while the rest have finished secondary schools. The officers' vocations mostly have to deal with metal working, carpentry and agriculture. No officer has attended in-service training. All employees meet recruitment criteria laid down in the LECS and the Law on Employment in Government Agencies. One instructor is in charge of around five prisoners capable of work. Interviewed instructors said the administration's goals were set too high for such small staff and their actual possibilities. This is why they mostly see their service's status as subordinated. Besides, they are dissatisfied with their salaries and regularity of payment. Overtime is frequent but rarely remunerated. The instructors are allowed to take days off instead.

They take the cooperation with other services, particularly with the prison administration, better than before.

Team meetings are held every day. At weekly meetings of the institutional personnel, the head of the service speaks about accomplishments of each prisoner and puts forth relevant proposals. The instructors consider their jobs stressful. However, when asked about the possibility of being attacked by prisoners, they replied they nourished no such fear. All of them are entitled to shorter length of service.

No disciplinary measure has been taken against any member of the service, and not breaches of order have ever taken place.

The reformatory training service has seven out of eight employees as laid down in the job classification. They are assigned to the admission department, medical service (one male nurse), training department (three), and the record keeping office (one officer is in charge of the prisoners' employment, an administrative officer and a typist). An educator, a social worker and a psychologist are in charge of the prisoners' reformatory training, admission and observation. Three employees hold university diplomas, two have graduated from high schools, and two have finished secondary schools. Their age averages thirty, and professional experience five to seven years.

Composition of training groups depends on each prisoner's treatment regime. So, two training officers are in charge of thirty prisoners in the closed unit, while one is assigned to the open unit accommodating twenty-odd prisoners. The service meets both recruitment and gender equality criteria.

One training officer is about to obtain his master degree. Some are trained in transactional analysis and Gestalt psychology. However, these methods are not applied because, as they put it, it is inappropriate for prisoners actually in detention. The training officers stressed that habitual offenders and drug addicts should be specially treated. Though there are more and more drug users in the prison, they get the same treatment as other prisoners as no prison officer is trained to deal with them. No one has resigned over the past six months. The personnel take the level of stress high, but no one claimed he has ever been attacked by a prisoner. All are entitled to shorter length of service. They do not complain of the regularity of their payments, but are dissatisfied with the amounts of their salaries.

No disciplinary measure has been taken against any member of the service, and no breaches of order have ever taken place. The service personnel consider cooperation with other personnel very good, particularly when it comes to the prisoners' treatment. This indicates that the service plays the most important role in the process of the prisoner's social resettlement.

According to the head of the security service, there are thirty security officers. Eight of them are in charge of the open unit. The officers' age averages thirty-five. Only the head's deputy has graduated from a high school, while the others have finished secondary schools. After the February incident, the prison asked for the Ministry of Justice's permission to hire more security officers. The Ministry approved one-year engagement of four officers. The deputy head said he was anxious about the service's efficiency unless these four officers were employed on permanent basis.

Should the actual illegal practice of allocating women sentenced for misdemeanour in the prison continue, the Ministry of Justice would finally have to decide to have women officers employed as well.

Generally speaking, security officers are satisfied with their jobs. However, they emphasize hard conditions in which they work and say they are overloaded. Because of the state of emergency, the level of stress in the service was rather high in the past six months. Team meetings are held on monthly basis, while informal consultations among members of the service take place once a week.

Since the head of the administrative department was absent, the team interviewed the department's jurist. The interview was brief, given that the jurist joined the prison staff only two months ago. Before he was engaged on permanent basis, other members of the personnel used to provide the prisoners with legal aid. The department has seven employees, which is in keeping with the job classification. Three of them are university graduates, one has finished a high school, and the rest secondary schools. In the jurist's view, the department's personnel fear not of being

attacked by the prisoners, but take the level of stress they are exposed to high. Weekly team meetings are regular.

II

Incompatibility with or deviation from relevant legislation and rules

- "So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors. The services of social workers, teachers and trade instructors shall be set on permanent basis, without thereby excluding part-time or voluntary workers." (Article 49 of the UN Minimum Rules);

- "After entering on duty and during their career, the personnel shall maintain and upgrade their knowledge and professional capacity by attending courses of in-service training organized at suitable intervals." (Paragraph 47 (3) of the UN Minimum Rules);

- "...Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work." (Paragraph 54 (2) of the EPR).

III

Recommendations

- The personnel shall be permanently encouraged to upgrade their knowledge and professional capacity through examples of positive management and by attending courses of in-service training, additional training, counselling, etc;

- The personnel should be trained to deal with special categories of prisoners or specialists should be engaged for the purpose;

- On selection and recruitment of the staff their personal suitability for the job should be primarily taken into account;

- At least one women officer should be employed full-time in the security service;

- More people should be employed full-time in the reformatory training service with a view to enabling the existing staff to fully dedicate themselves to the prisoners' reformatory training; admission procedures, therefore, should be entrusted to newly admitted professionals who would consult the existing staff whenever necessary;

- If appropriate to the prison's needs, more people should be engaged full-time in the training and employment service so as to avoid frequent overtime and thus improve relationship among the prison staff;

- Conditions of life and work of the prison personnel should be improved by providing more adequate salaries and employment benefits in view of the exacting nature of the work.

THE REFORMATORY AT KRUŠEVAC

Date of visit: 8 May 2003

Type of institution: semi-open

Population: juveniles and young adults

Capacity: around 180

Actual number of wards: about 750

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

Main purpose of the reformatory at Kruševac is to train, reform and properly bring up juveniles, adults who have committed crimes while juveniles, and, in exceptional cases, persons who have committed crimes while young adults and were, therefore, sentenced to corrections in a reformatory.

Established in 1947, the institution is the only of this type in Serbia. The thirty-hectare compound includes fifteen buildings, parks, basketball and football fields and a breeding place for agricultural production. The first building in the compound was constructed in 1947, while the last in 1982. Given that some buildings have been handed over to the Priština University, they are not available to the institutions' inmates. There is also an industrial plant with two workshops, one of which is equipped with machinery.

Inmates are housed in five buildings. The buildings are separated and each of them is organized as a separate department (admission, open, semi-open, closed and women). Generally, facades leave a very bad impression. According to the institutional personnel, around 90 per cent of these facilities are dilapidated. Except for the central administration's building and the one housing the closed unit, other buildings look ruinous, shabby and even about to topple. Due to insufficient state funds on the one hand, and bad shape of the housing facilities on the other, the reformatory could not but cover the renovation and repairs over the past decade from its own resources.

The number of inmates accommodated in one dormitory varies from unit to unit. The biggest number of inmates in one dormitory is to be found in the semi-open unit, with some dormitories accommodating eight people. This unit numbers 120-180 inmates. Juveniles are separated from young adults sentenced to reformatory training, i.e. juveniles who attained legal age while in the reformatory.

The size of dormitories meets the standards laid down in this category. Though modestly furnished, the dormitories are spacious enough, full of light and clean. There are no bars on the windows that allow entrance of natural light and fresh air. Bathing and shower installations are time-worn, while drains are almost worn-out.

The women department houses only nine juveniles. Inmates from a women prison (ten) working for the institution as cooks and waitresses are accommodated on the last floor of the same

building. Though inmates are physically separated from juveniles, communication between two categories seems possible.

The best accommodation is provided in the closed unit (twenty). Actually, this unit was build and furnished much later than the rest. Rooms for solitary confinement, i.e. solitaires, figure as the unit's problem. They are undersized, allow not entrance of sufficient natural light and fresh air, and are heated from nearby corridors. Presently, these rooms accommodate untried inmates arrested during the Sabre operation. The latter have been transferred to the reformatory from the overcrowded Kruševac District Prison.

Inmates mostly procure toilet articles at their own expense, though none of them pinpoints this as a major problem. Bedding is changed regularly, but are old and threadbare. The same refers to mattresses, beds and lockers. As it seems, the inmates have, more or less, got used to such conditions. However, they are dissatisfied - and openly drew our attention to it - with insufficient warm water. They take there are no excuses for this shortage.

B) THE KITCHEN, MESS-HALL AND FOOD

The kitchen is spacious, clean and well furnished for preparation and service of food. The dining room is neat, but its furniture is battered. Its size is adequate to the institution's capacity.

Quality and quantity of food was what the inmates criticized the most. Though information coming from the prison administration and personnel was quite the opposite, the fact is that it was only a day before we visited the reformatory the inmates of the closed unit had ended the strike they had gone on because of poor quality food. Precisely, the inmates complained of meatless dishes, insipid meals, scarcity of fresh fruit and unvaried diets.

C) THE MEDICAL SERVICE AND FACILITIES

The institution's medical service presently employs four officers. The service is located in one of the pavilions and takes an entire wing of its basement. A general practitioner is in charge of a modestly equipped out-patient facility: there are two medicine cabinets (dispensary), a bed, two dry sterilizers, a lamp and an outdated otoscope. Next to it is an emergency ward that seems to be out of function. The dental surgery has an old, but still functioning dentist's chair. Some 1,400 extractions, fillings, etc. were performed in the dental surgery in the course of 2002.

The institution's in-patient facility comprises two rooms and a bathroom. The facility has ten beds. Though no patients were hospitalized at the time of our visit, the entire facility was dirty and neglected. For instance, there was a bowl with leftover on floor. Stale air smelt of dust and dirt. Beds were unmade, mattresses were all over the room, bedding nowhere to see. What we saw could hardly be called an in-patient facility.

According to the head of the health medical service, the dispensary is well-stocked. Antibiotics, analgetics, sedatives and antidepressant are mostly used. Each patient is handed his dose and must drink it physician's presence. No drugs have been stolen or misused up to now.

The medical care service presently employs a head of the department (stomatologist), and three nurses. According to the job classification, the services should engage a general practitioner, but no one applies to the proposal to fill the vacancy. A general practitioner used to work in the institution until a year ago. When he left, the institution engaged another under contract, but she resigned after a juvenile killed himself. Today a general practitioner and a neuropsychiatrist working for the Kruševac Health Centre come biweekly to the institution on part-time basis.

The head of the medical care service convenes personnel meetings twice a week. She is pleased with the cooperation with other services, and with her service's status in the institution.

Internal statistics of medical services provided to inmates is faulty and cannot be relied on. Some estimates indicate that there were around 3,800 examinations in the course of 2002.

Accurate statistics were kept just for medical services provided outside the institution. So, 230 various medical services were provided in the Kruševac Health Centre over the past year.

To make an appointment with a doctor inmates must come to the out-patient facility or do it in writing.

Every newly arrived prisoner is physically examined and given antitoxin upon admission, and once again vaccinated after a year. A medical file is opened for every newcomer. Delousing is only carried out on suspicious or certified inmates. Physical examinations are obligatory once a year.

When punished by solitary confinement, an inmate must be examined by a medical doctor. Daily check-ups of prisoners in solitary confinement are obligatory.

In 2002, there were eleven cases of self-injury, five prisoners swallowed metal objects, and six of them cut their forearms with sharp objects. Two suicides by hanging took place in the same year.

No prisoners suffering from TB and AIDS, or a HIV positive one have been registered in the institution. Two inmates have hepatitis B, and six of them hepatitis C. According to the head of the medical service, some fifteen people could be classified as drug addicts.

Information about transmittable diseases is rarely imparted. On average, once in six months a medical doctor delivers thematic lectures.

A medical doctor is charged with supervising catering arrangements. Quality of food is controlled sporadically and organoleptically, and no relevant reports are submitted. Special diets are prepared for inmates suffering from hepatitis.

The inmates did not specifically complain about the medical service's functioning. One should note here that this is about young people not much concerned with medical treatment.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (UN Rules - Juveniles), and Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- "The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight square meters of pace, adequate heating and sufficient lighting.

"The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Article 58 of the LECS);

- "All accommodation provided for the use of prisoners and in particular all accommodation shall meet all requirement of health, due regard being paid to conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." (Paragraph 10 of the UN Rules - Juveniles);

- "In all places where prisoners are required to live and work, (a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be equipped so that they can allow the entrance of fresh air whether or not there is artificial ventilation." (Article 11 (1) of the UN Rules - Juveniles);

- "A well-designed juvenile detention centre will provide positive and personalized conditions for young persons deprived of their liberty. In addition to being of an adequate size, well lit and ventilated, juveniles' sleeping and living areas should be properly furnished, well-decorated and offer appropriate visual stimuli. Unless there are compelling security reasons to the contrary, juvenile should be allowed to keep a reasonable quantity of personal items." (Paragraph 29 of the CPT Standards, CPT/Inf/(99)12; similarly Paragraph 32 of the UN Rules).

Note:

The above departures relate just to the rooms located in the closed unit and accommodate prisoners punished by disciplinary measure of separation.

- "A juvenile has the right to nutrition that is - from a dietary, hygienic and health aspect - adequate to his age, keeps him in good health and fitness, and enables his psychophysical development.

A juvenile has the right to at least three meals per day, with a total value of at least 14,600 kilogram calories." (Article 257 of the LECS);

- "Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time." (Paragraph 37 of the UN Rules - Juveniles);

- "It is also desirable that a leaflet or booklet be handed to prisoners on their arrival, informing them of the existence and operation of the health care service and reminding them of basic measures of hygiene." (Paragraph 33 (2) of the CPT Standards, CPT/Inf (93)12);

- "While in custody, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime (as regards more particularly access to a doctor for prisoners held in solitary confinement, see paragraph 56 of the CPT's 2nd General Report: CPT/Inf (92) 3). The health care service should be so organized as to enable request to consult a doctor to be met without undue delay.

"Prisoners should be able to approach the health care service on a confidential basis, for example, by means of a message in a sealed envelope. Further, prison officers should not seek to screen requests to consult a doctor." (Paragraph 34 of the CPT Rules, CPT/Inf (93)12);

- "A medical file should be compiled for each patient, containing diagnostic information as well as an ongoing record of the patient's evolution and of any special examinations he has undergone. In the event of a transfer, the file should be forwarded to the doctors in the receiving establishment.

"Further, daily registers should be kept by health care teams, in which particular incidents relating to the patients should be mentioned. Such registers are useful in that they provide an overall view of the health care situation in the prison, at the same time as highlighting specific problems which may arise." (Paragraph 39 of the CPT Standards, CPT/Inf (93)12);

- "The smooth operation of a health care service presupposes that doctors and nursing staff are able to meet regularly and to form a working team under the authority of a senior doctor in charge of the service." (Paragraph 40 of the CPT Standards, CPT/Inf (93)12);

- "In comparison with the general population, there is a high incidence of psychiatric symptoms among prisoners. Consequently, a doctor qualified in psychiatry should be attached to the health care service of each prison, and some of the nurses employed there should have had training in this field.

"The provision of medical and nursing staff, as well as the layout of prisons, should be such as to enable regular pharmacological, psychotherapeutic and occupational therapy programs to be carried out." (Paragraph 41 of the CPT Standards, CPT/Inf (93)12);

- "The CPT wishes to stress the role to be played by prison management in the early detection of prisoners suffering from a psychiatric ailment (e.g. depression, reactive state, etc.), with a view to enabling appropriate adjustments to be made to their environment. This activity can be encouraged by the provision of appropriate health training for certain members of the custodial staff." (Paragraph 42 of the CPT Standards, CPT/Inf (93)12);

- "A prison health care service should ensure that information about transmittable diseases (in particular hepatitis, AIDS, tuberculosis, dermatological infections) is regularly circulated, both to prisoners and to prison staff. Where appropriate, medical control of those with whom a particular prisoner has regular contact (fellow prisoners, prison staff, frequent visitors) should be carried out." (Paragraph 54 of the CPT Standards, CPT/Inf (93)12);

- "As regards more particularly AIDS, appropriate counselling should be provided both before and, if necessary, after any screening test. Prison staff should be provided with ongoing training in the preventive measures to be taken and the attitudes to be adopted regarding HIV-positivity and given appropriate instructions concerning non-discrimination and confidentiality." (Paragraph 55 of the CPT Standards, CPT/Inf (93)12);

- "Suicide prevention is another matter falling within the purview of a prison's health care service. It should ensure that there is an adequate awareness of this subject throughout the establishment, and that appropriate procedures are in place." (Paragraph 57 of the CPT Standards, CPT/Inf (93)12);

- "Medical screening on arrival, and the reception process as a whole, has an important role to play in this context; performed properly, it could identify at least certain of those at risk and relieve some of the anxiety experienced by all newly-arrived prisoners.

Further, prison staff, whatever their particular job, should be made aware of (which implies being trained in recognizing) indications of suicidal risk. In this connection it should be noted that the periods immediately before and after trial and, in some cases, the pre-release period, involve an increased risk of suicide." (Paragraph 58 of the CPT Standards, CPT/Inf (93)12)

- "A person identified as a suicide risk should, for as long as necessary, be kept under a special observation scheme. Further, such persons should not have easy access to means of killing themselves (cell window bars, broken glass, belts or ties, etc.).

"Steps should also be taken to ensure a proper flow of information - both within a given establishment and, as appropriate, between establishments (and more specifically between their respective health care services) - about persons who have been identified as potentially at risk." (Paragraph 59 of the CPT Standards, CPT/Inf (93)12);

- "The health care staff in any prison is potentially a staff at risk. Their duty to care for their patients (sick persons) may often enter into conflict with considerations of prison management and security. This can give rise to difficult ethical questions and choices. In order to guarantee their

independence in health care matters, the CPT considers it important that such personnel should be aligned as closely as possible with the mainstream of health care provision in the community at large." (Paragraph 71 of the CPT Standards, CPT/Inf (93)12);

- "Whatever the formal position under which a prison doctor carries on his activity, his clinical decisions should be governed only by medical criteria.

"The quality and the effectiveness of medical work should be assessed by a qualified medical authority. Likewise, the available resources should be managed by such authority, not by bodies responsible for security or administration." (Paragraph 72 of the CPT Standards, CPT/Inf (93)12).

III Recommendations

- Necessary funds to have buildings reconstructed, and toilets and sanitary installations renovated should be secured;
- Better mattresses and sufficient quantity of bedding so as to have it changed at regular intervals should be provided;
- The rooms wherein some inmates are being separated from the rest should be adjusted to European and international standards, as well as to those laid down in domestic legislation;
- The quality and quantity of food should be improved, and fruit, milk and milk products should be added to meals;
- The in-patient facility, hygiene in particular, should be so adjusted as to serve its purpose (treatment of sick people);
- The inmates should be provided with booklets about basic measures of hygiene and health protection;
- Detailed records of all examinations the inmates are undergoing in the institution should be kept;
- A post of a psychiatrist should be included in the job classification, and some nurses should be trained in this specific field;
- Medical personnel should be trained in recognizing indications of suicidal risk and taking appropriate measures as to prevent suicides.
- Both inmates and institutional personnel should be kept better informed about health care, transmittable diseases in particular;
- All injuries and hints of ongoing violence against inmates should be systematically registered;
- Periodical statistics of injuries suffered by inmates should be kept and forwarded to the prison administration and the Ministry of Justice;
- The medical service should be so organized as to function exclusively in keeping with the standards of health care provision in the community at large, which would guarantee the service's independence from prison administration;
- Health care authorities should keep control over the functioning of the medical service;
- All medical personnel working for the medical service should be provided in-service training in prison pathology.

Security

I

An analysis of gathered information indicates an adequate level of external security, which corresponds to the standards laid down for semi-open institutions. This is justified by the fact that no cases of inmates' violating the security of the outside community have been registered over the past six months and even longer, while instances of misused benefits (disrespect for leave rules, etc.) have been just few.

As for internal security, the inmates driven to the city hospital for examination attacked two security officers in 2002. Statistics of incidents shows there are conflicts between juveniles that are being solved through assaults, fistfights and violence. According to records, there were two escape attempts, two suicides, several cases of self-injury, a hunger strike, racketeering, etc.

In our view, such incidents should be perceived and understood only interactively, i.e. from the angle of mutual influence of conditions of life and general atmosphere in the institution on the one hand, and specificity of adolescent age on the other. Namely, sense of insecurity and discontent, characteristic for this age group, is intensified by prison conditions, as well as by notable discrepancy between juveniles' needs and the possibility to satisfy these needs. This is what turns juveniles depressive and tense: the tension is mostly relieved through a variety of impulsive reactions and behaviours, either violent or aggressive, and either directed against oneself, others or objects. Further, given that juveniles can hardly cope with depression, the latter often turns into its opposite, acting-out reactions in the first place. Such reactions take various forms such as use of psychoactive substances, escape attempts, and aggression aimed at other people or objects, or at oneself - ranging from self-inflicted cigarette burns, cut wrists to suicide attempts. Inmates do such things to themselves to relieve, if only temporarily, their unbearable suffering.

This is why lawmakers, bearing in mind specificity of this age group, have provided the regime that differs from the one applied to adult prisoners.

II

Incompatibility with or deviation from relevant legislation and rules

- "In the semi-open-type institutions the security service, which monitors the movement of the convicted persons, constitutes the only obstacle to prevent escape." (Article 12, paragraph 3 of the LECS);

- "Although a lack of purposeful activity is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juveniles deprived of their liberty should be offered a full program of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that program." (Paragraph 31 of the CPT Standards, CPT/Inf (99) 12);

- »The deprivation of liberty should be effected in conditions and circumstances, which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programs which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those

attitudes and skills that will assist them in developing their potential as members of society." (Paragraph 12 of the UN Rules - Juveniles).

III Recommendations

- The part of the institution used as the so-called closed department should be adjusted, architecturally and organizationally, to the standards for semi-open institutions;
- The institution should be so reorganized as to conform with the spirit of the UN Rules - Juveniles and CPT's recommendations dealing with treatment of juveniles deprived of their liberty;
- Bearing in mind developmental specificity of the institution's population, the existing facilities, and communication and management patterns should be reconsidered. Further, with a view to developing a more efficient regime and program, juveniles should be given the opportunity to influence relevant decisions and house rules;
- Workshops and other training in constructive solution of conflicts should be organized.

Lawfulness (equity) of treatment

I

The fact that house rules have not been set is the main obstacle in the way of determining the institution's functioning and organization. According to interviewed juveniles, house rules have not been detailed to them upon admission, which makes them unaware of whether or not there are any at all. As explained by institutional personnel, the existing house rules are outdated and inappropriate to present circumstances; therefore, the institution has developed new house rules that are still to be under the Ministry of Justice's consideration.

Actually, apart from the LECS' sketchy provisions, the institution has no other principles or requirements that would serve as precise guidelines for various regimes to be applied to juveniles. In other words, a juvenile's assignment to the closed unit that equals a closed institution is left to personnel's discretion. And, it is on the same personnel to decide how long the juvenile will be kept in this unit - a period that can theoretically last a couple of years.

Pursuant to the above paragraph, the team want to draw special attention to the problems faced by psychophysically disadvantaged juveniles (amounting to 20 per cent of the total reformatory population). Namely, though the law provides corrections in a special institution, there is no such institution whatsoever. On the other hand, the very fact that this category of juveniles are to be sent to a special institution indicates that psychophysically disadvantaged delinquents necessitate a regime that is essentially different from the one applied to other juvenile offenders. Against such backdrop, it is quite unnecessary to comment obvious illegality of the regime applied to this category of juveniles. Besides, bearing in mind that even internal classification does not take into account this category of juveniles, it makes no sense to discuss the issue of organizational and regime efficiency, let alone the purpose of corrections by which they are punished.

Regardless of the crucial deficiency quoted above, interviewees' responses to questions about their perception of personnel's impartiality, fairness of disciplinary measures and granted benefits, complaints and efficiency of the relevant procedure, lead to a positive assessment.

Speaking about major problems they face, the interviewed inmates often say that truncheons are frequently used, i.e. used in situations not provided by the law. Though the institutional personnel pinpoints that truncheons are used only when such treatment cannot be avoided, we were strongly impressed by juvenile prisoners' stories and cannot but presuppose that the security service uses truncheons as "traditional" instrument of restraint and obviously loosely interprets the relevant legal provisions.

For example, according to inmates, security officers beat the inmates of the closed unit with truncheons for quite insignificant breaches. One of them told us that two security officers have beaten him up with truncheons when, after playing football, he went to his room for a soap to wash up. He reported the incident to the guard sitting in the guardroom, he said, as no other officer was around. We saw haematomas still visible on his thighs and legs. The interviewed inmates also complained that masters slap them in the face for "educational purposes whenever they fail or refuse to carry out a task.

II

Incompatibility with or deviation from relevant legislation and rules

- "The living and working conditions of prisoners shall be specified in more detail by an act on the house rules. The act on the house rules shall be passed by the Minister of Justice." (Article 23 of the LECS);

- "In the semi-open-type institutions the security service, which monitors the movement of the convicted persons, constitutes the only obstacle to prevent escape." (Article 12, paragraph 3 of the LECS);

- "On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public of private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension." (Paragraph 24 of the UN Rules - Juveniles);

- "As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and program required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and program required and to be pursued..." (Paragraph 27 of the UN Rules - Juveniles);

- "...The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being." (Paragraph 28 of the UN Rules - Juveniles);

- "Throughout execution of penalties, juveniles shall be dealt with in a manner that is appropriate to their age, level of psychological development, abilities and tendencies..." (Article 216 of the LECS);

- "Juveniles are assigned to educational groups in accordance with their age, mental development, and other personal characteristics, and also in accordance with the program for dealing with them." (Article 255, paragraph 1 of the LECS);

- "A juvenile sentenced to educational measure of sending to special institutions due to retarded psychophysical development shall be sent to adequate institution of social protection, where he has the same rights and duties as other juveniles housed in the institution." (Article 277, paragraph 1 of the LECS);

- "Force is to be used against a convicted person only if it is necessary to prevent: 1) escape; 2) physical assault on another person; 3) self-inflicted injury; 4) causing material damage; and 5) active or passive resistance during the execution of legal orders by an official." (Article 137 of the LECS);

- "All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned..."(Paragraph 67 of the UN Rules - Juveniles);

- "In a number of other establishments visited, CPT delegations have been told that it was not uncommon for staff to administer the occasional 'pedagogic slap' to juveniles who misbehaved. The Committee considers that, in the interests of the prevention of ill-treatment, all forms of physical chastisement must be both formally prohibited and avoided in practice. Inmates who misbehave should be dealt with only in accordance with prescribed disciplinary procedures." (Paragraph 24 of the CPT Standards, CPT/Inf (99)12);

- "In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular as follows:

"a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever." (Paragraph 87 of the UN Rules - Juveniles).

III

Recommendations

- Experts should be consulted so as to have house rules reviewed and adopted under summary procedure;

- Problems related to disadvantaged juveniles should be urgently considered and solved either through establishment of a special centre or a special unit within the reformatory. In the meantime, special programs for this category should be developed and personnel qualified to deal with disadvantaged juveniles should be engaged full-time;

- The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to their particular needs;

- Coercion, punishment and disciplining through disciplinary measures should be reduced to minimum;

- Any unlawful use of the instruments of restraint should be punished according to the law.

Social resettlement

I

According to the training and employment service, this service organizes and carries out vocational training in twenty-five trades related to mechanical engineering, automobile repair, panel beating, carpentry and hairdressing. Inmates are also provided the opportunity to work on a farm. In addition to farming, juveniles are engaged in the chicken farm and pig farm. The technology is outdated. Prison administration controls and manages the work process, and all juveniles are obliged to work. They are free on weekends. Overtime is facultative and implies extra points.

The personnel takes that vocational training and work are integrated, meaning the work is focused on training inmates in their future trades, rather than on producing goods. Instructors supervise the work. Inmates are assigned to various jobs in keeping with their needs and the institution's capacity, but also with their preferences and talents. We were told that the need for particular professions in inmates' home towns is taken into consideration. From the angle of inmates' return to the community, the training and employment service's concern boils down to daily monitoring and evaluation of their behaviour and attitude to work. One instructor is in charge of five to eight juveniles. Working conditions and precautionary measures are acceptable. Except for the outdated technology, there are no other major problems. Fifty per cent of a prisoner's earnings are put aside as a savings fund, while he can spend the rest at will.

The reformative training service will analyze here primarily on the basis of its activities. Newcomers are firstly sent to the admission department. A team composed of a social worker, an educator and a psychologist question and observe a juvenile delinquent for thirty days and then puts forth how a program that suits him. In tandem with the team, director of the institution approves the juvenile's categorization and program. The program assigns the juvenile to a one of training groups, sets whether he needs elementary education or vocational training, specifies his workplace, spare time and intensity of individual or group treatment, and evaluates duration of his detention. Training officers propose reclassification once in three months. The major criterion for the juvenile's reclassification is his behaviour, which is assessed not only by training officers, but also by members of the training and employment service, education personnel and the security service. We were told that apart from individual and group treatments, the institution organizes family therapies. We were told that personnel not only face the problem of mentally disadvantaged juveniles, but also those who are drug users. Since no officer has been trained in dealing with these inmates, everything boils down to a psychiatrist who, whenever necessary, provides treatment and take other steps. Serious cases are transferred to the Belgrade Penitentiary-Hospital.

Sizes of training groups are adequate. One training officer is in charge of ten to fifteen juveniles. On average, the training officer has two or three individual meetings with each inmate. These meetings last about an hour.

Statistics show that forty-eight inmates are illiterate, sixty have finished four grades of elementary school, while thirty-two have finished elementary school. Juveniles are provided elementary and secondary schooling. The elementary school is located within the compound. As for secondary school education, professors from secondary schools in the community at large are engaged. As referred to in the paragraphs above, the secondary school education encompasses twenty-five trades related to mechanical engineering, automobile repair, panel beating, carpentry and hairdressing. As it seems, the institution cannot provide education in social sciences.

Inmates have the status of part-time pupils and are given up to four-lessons a day of en bloc instruction in accordance with the regular curricula. However, their diplomas are the same as those issued in the community at large.

There is no special curriculum for mentally disadvantaged juveniles.

To all appearances, inmates are rather disinterested in schooling. Educators do their best to motivate them. So, for example, the highest grade (five) figures as a criterion for some benefits (longer visits, an extra outing, etc.) Workdays of the juveniles attending school are proportionately shorter.

We take that schools, the same as other buildings in the compound, are not adequate in architectural and technical terms. Further, school lack modern teaching aids and creative material that might stimulate juveniles and make them interested in learning. The inmates show an interest in computer and foreign languages courses, which may also indicate that they are in need of contacts and communication with the outside world, and wish to be part of contemporary trends in communications and learning. The institution has two libraries - a school library, and one in a cultural centre. However, those who regularly go to these libraries are few. The quality and quantity of available books probably explains why the libraries cannot attract juveniles. As for other means of communication, we were told that the supply of daily newspapers is regular, and that there are radio and TV sets in the institution.

Pre-release preparation does not include any special program or personnel's activity. Even the usual information imparting procedure, i.e. communication with authorities in charge of post-penal care, is quite inappropriate. We take that the society in general should be by far more concerned with juvenile delinquents, take care of them and protect them, as well as help them join in activities that would fully integrate them into community, rather than isolate from it.

Leisure time and recreational programs are relatively rich and engage inmates in sport, cultural, artistic and other activities. Though various debates and competitions are organized, juveniles are not exactly satisfied and ask for more. Four officers are in charge of organizing and implementing these programs.

In terms of religious composition of the institution, most inmates profess Serbian Eastern Orthodoxy. They are highly interested in the exercise of religious right. There is a room for religious observance, and a priest pays regular visits to the institution. However, in our view, this room is nothing but a makeshift and hardly corresponds to its purpose.

II

Incompatibility with or deviation from relevant legislation and rules

- "If there are no lessons of a certain kind or level of education in the educational-corrective institution, juveniles shall attend lessons outside the educational-corrective institution." (Article 260, paragraph 1 of the LECS);

- "...Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education." (Paragraph 38 of the UN Rules - Juveniles);

- "Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs." (Paragraph 39 of the UN Rules - Juveniles);

- "Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it." (Paragraph 41 of the UN Rules - Juveniles);

- "Whenever possible, juvenile should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for conditions of normal occupational life." (Article 45 of the UN Rules - Juveniles);

- "All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end. (Paragraph 79 of the UN Rules - Juveniles);

III

Recommendations

- Methods able to encourage the juveniles and enhance their interest in vocational training and work should be developed. Juvenile should provided with modern teaching aids, as well as with more options for work engagement. Besides, there should be more awards and benefits for those who excel at learning and work;

- Curricula and programs compatible to true potentials, limitations and characteristics of the juvenile population presently detained in the institution should be developed;

- Juveniles should be encouraged and interested in education through modern and creative teaching methods and aids, various courses including those of language and computer instruction, awards and incentives;

- Methods and activities designed to assist in juveniles' communication with the outside community should be permanently encouraged. To these ends, social care centre should be engaged whenever possible to help institutional personnel in admission, monitoring and social resettlement programs, and particularly in maintenance a juvenile's ties with his family, other persons and organizations. These centres should be consulted from the very beginning about a juvenile's reformatory training program so as to be able to classify and re-classify him in the best possible way;

- Authorized representatives of relevant social organizations should be given access to the institution and juveniles in order to assist in the preparation of pre-release programs and partake in social resettlement programs. Therefore, options for juveniles' gradual return to the society, i.e. special pre-release programs and activities should be considered and then carried out either in the same or similar institution, or through early release under some kind of supervision combined with efficient social care;

- Personnel should be trained in dealing with special categories of juveniles or experts should be engaged for the purpose. Special programs and regimes for such juveniles should be developed and fully implemented;

- Funds should be secured so as to provide more suitable facility for religious observance.

Contacts with the outside world

I

When it comes to this aspect, we were told that not a single coin-operated telephone is available to juveniles to be used at will. Juveniles may make their calls only in training officers' offices.

Inmates' letters and complaints are not subject to censorship. No letter, parcel or part of a parcel has been confiscated over the past six months.

Almost all inmates receive visits. Frequency and duration of visits depend on regimes that juveniles have been assigned. Complaints about the way benefits and awards are granted are frequent - this was confirmed by inmates and personnel alike. These complaints are understandable given that benefits, awards or punishments - issues fully under personnel's control - figure as juveniles' major concerns. These issues determine their contacts with the outside world, which, at least for a moment, lessen their sense of deprivation and frustration.

The team was left under the impression that personnel's cooperation with outside factors - during a juvenile's detention and in the pre-release stage - is rather bad. In our view, there are by far more options to realize this cooperation, with families and custodial centres in the first place. Namely, today's juvenile delinquents are not mere offenders, but probably the biggest victims of circumstances under which they lived - and this generally refers to adolescent population as a whole they come from. Besides, one should bear in mind that regulation of behavioural problems in adolescence by the means of prohibitions proved insufficiently efficient, and that in a number of adolescents such regulation is overwhelmed by personal feelings that seek pleasure. In the situation in which a juvenile's surroundings are involved in the resolution of his problems and dilemmas, it is the quality of that surroundings' response and actions that is decisive for the juvenile's ability to come to grips with his problems. What matters here is whether or not a juvenile's surroundings will act as a kind of additional, supportive system for his acceptance of the adopted values and rules.

As it seems, most programs and activities actually provided to juvenile delinquents are by far less attractive and acceptable to them than the "easy come, easy go" style that eventually deprived them of their liberty.

II

Incompatibility with or deviation from relevant legislation and rules

- "A guardianship authority shall permanently keep connection with a juvenile, his family, a correctional facility or institution where the juvenile is housed throughout execution of the educational measure and the juvenile prison sentence.

A correctional facility or the institution where the correctional measure and the juvenile prison sentence are executed shall inform on release the juvenile's parents, guardians and the guardianship authority, and shall recommend them measures for acceptance of the juvenile no later than three months before release of the juvenile." (Article 286 of the LECS);

- "Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order to effectively enjoy this right..." (Paragraph 61 of the UN Rules - Juveniles);

- "Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community." (Paragraph 80 of the UN Rules - Juveniles);

- "The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources. .

The active promotion of such contacts can be especially beneficial for juveniles deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills.

The CPT also wishes to stress that a juvenile's contact with the outside world should never be restricted or denied as a disciplinary measure." (Paragraph 34 of the CPT Standards, CPT/Inf (99)12).

III

Recommendations

- Coin-operated telephones should be installed in the same way as in other prisons, and more flexible rules for this form of communication should be developed;

- Efforts should be made to reduce inasmuch as possible the gap between life in prison and life in the community at large, and an atmosphere resembling life in the outside world should be created wherever possible;

- A juvenile should be encouraged to maintain and establish contacts with persons and institutions outside the reformatory that would benefit his family, but also enhance his reformatory training;

- Social care centres should be engaged whenever possible to assist personnel in admission, monitoring and social resettlement programs, and particularly in maintenance a juvenile's ties with his family, other persons and organizations. These centres should be consulted from the very beginning about a juvenile's reformatory training and social resettlement programs;

- Institutional personnel and social care centre officers should be encouraged to cooperate, whenever possible, directly or indirectly, with a view to maximally prepare a juvenile for smooth reintegration into the community at large.

The institution personnel

I

The reformatory training service has a staff of forty-three employees, whereby it is considered adequately staffed. The employees are assigned to the admission department, school, educational department and to the post of leisure time officer.

The staff averages thirty-five to forty years of age, and the number of men and women is well balanced. Three officers have finished secondary schools, three have graduated from high schools, while thirty-seven have university diplomas. One training officer is in charge of ten to fifteen juveniles. Apart from the head of the service, the admission department has three officers (educator, psychologist and social worker). The open department and the women department employ one training officer each, there are twelve training officers in the semi-open unit, and three in the closed. All of them are educational specialists. There are six administration officers. Thirteen employees are engaged in reformatory training process.

All members of the personnel are qualified for their jobs. We were told that the reformatory training service plays the major role in all aspects of juveniles' social resettlement. However, under present circumstances the staff of forty-three can hardly carry out all the duties in a best possible way. The employees take that recruitment criteria should also include personal suitability for the work, since the sole criterion of expertise turned out insufficient in dealing with juveniles, as a most specific category.

As for in-service training, five officers have been trained in family therapy. Generally speaking, the personnel motivated to upgrade their performance and be instructed in new methods. However, as they told us, this necessitates additional funds and the initiative taken beyond their service.

All interviewees consider the stress level high. The entire personnel are entitled to shorter length of service. Regardless of being regularly paid, most of them are dissatisfied with the checks they get. Overtime is just occasional and generally remunerated.

Except in one case, there were no breaches of orders on the part of personnel, or disciplinary measures taken against any. According to interviewees, mutual communication is good, and their service is more significant than the rest in terms of implementation of educational measures.

The training and employment service includes a staff of fifty-two, which corresponds to the number of employees planned in the job classification. On the average, employees are between thirty-five and forty years of age, and mostly men. Three of them have faculty diplomas, one has graduated from a high school, and the rest from secondary schools. As for their profession, they are competent in metal working, mechanical engineering and carpentry. None has undergone in-service training.

The personnel's professional structure meets the recruitment criteria for the service, laid down in the law. One master is tasked with four to eight juveniles. According to interviewees, they like their jobs and are pleased with the prison administration's performance and cooperation with other services. They take the status of their service equal with other services. Team meetings are convened on daily basis. At weekly meetings of the institutional personnel, the head of the service speaks about accomplishments of each juvenile.

The interviewed personnel mostly complained of outdated technology at their disposal. They consider their jobs stressful. However, when asked about the possibility of being attacked by juveniles, they replied that no serious incidents took place ever.

The fact that no one has ever been harmed at his workplace, and the interviewees saying they were not looking for better jobs, testifies, in a way, of the paragraph above. All interviewees said they were satisfied with being paid regularly, but not with amounts of their salaries. Overtime is occasional and remunerated. All personnel are entitled to shorter length of service.

Three disciplinary proceedings were instituted against the officers who have failed to take precautionary measures at their workplaces.

The security service has a personnel numbering sixty-three, five of whom are women. The number of employees fits in the job classification. On the average, security officers are thirty years of age. Two of them have faculty diplomas, four have graduated from a high school, and the rest finished secondary schools.

The head of the service - a graduate from the Military Academy - has been working for the service for two years now. He takes the number of security officers inadequate when compared to the institution's size and specificity. His staff, he says, has an additional burden of dealing with inmates that have been transferred to the reformatory from the Kruševac District Prison during the state of emergency. As security officers are also in charge of inmates' transfer, the service has been under strong pressure of extra work over the past several months.

Disciplinary proceedings have been instituted against seventeen officers in the past twelve months. One officer was charged with excessive violence against juveniles. He had to resign on the basis of mutual agreement. Another four officers were fired for having breached the rules. The rest were either fined or got warning notices.

According to the head of the service, officers are interested in in-service training that would upgrade their performance and the service's efficiency. Up to now, they have attended special courses organized by UNICEF and OSCE, as well as two courses of in-house training in gun handling.

II

Incompatibility with or deviation from relevant legislation and rules

- "Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on permanent basis. This should not preclude part-time of volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in free community, according to the individual needs and problems of detained juveniles." (Paragraph 81 of the UN Rules - Juveniles);

- "The secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men..." (Paragraph 83 of the UN Rules - Juveniles);

- "The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career." (Paragraph 85 of the UN Rules - Juveniles).

III

Recommendations

- The personnel should be permanently encouraged to improve their knowledge and professional capacity by attending in-service courses, as well as special training and seminars that

would help them to fulfil their duties and obligations in a human, committed, professional, fair and efficient manner;

- Full-time engagement of professionals qualified to deal with special categories of juveniles such as mentally disadvantaged juvenile or drug users should be considered;
- More specialists in adolescent problematic (psychologists, educators, social workers, jurists, etc.) should be employed on permanent basis;
- In the process of personnel's selection and recruitment, particular attention should be paid to candidates' personal and emotional suitability for the job;
- The personnel's everyday living should be improved through increased salaries and other benefits.

THE JUVENILE PENITENTIARY AT VALJEVO (I)

Date of visit: 23 April 2002
Type of institution: closed
Population: males/juvenile
Capacity: about 250
Number of inmates: about 150
Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The juvenile penitentiary at Valjevo is located several kilometres away from the city of Valjevo with which it is connected by a highway. It is composed of six buildings and one industrial plant spreading on an area of ten hectares. The prison compound is clean and maintained with care every day by inmates. External walls of buildings constructed in 1959 are in a relatively good state. Some buildings were partly damaged by the flood which in June 2001 threatened even lives of inmates and personnel. They need to be completely repaired, and thanks to efforts of centre's director those works should be brought to a successful completion soon.

Dormitories are spacious, clean, freshly painted, and well aired. On some walls and ceilings and basement dormitories there are traces of humidity. In each dormitory there are big windows without bars, which provide for a lot of natural light and free circulation of fresh air. Corridors and dormitories have artificial light.

Dormitories are sparsely, but functionally equipped (beds and chest of drawers for keeping personal items). Heating is effected via radiators in each dormitory, and in the basement the centre has its own boiler room. Quality/adequacy of heating in wintertime depends on timely provisions of fuel by the centre's administration.

Beds in dormitories are in good shape, and bedding is changed twice a month. Hygiene, in care of inmates is at a decent level, and disinfection, disinfestation and deratization are carried out regularly.

Like in other prisons in Serbia, administration is not in the position to provide personal hygiene items for inmates. Hence they are compelled to buy them in the prison canteen or get them via family parcels.

Bathrooms and showers are on every floor of the building housing dormitories too. Under the House Rules inmates are allowed to take shower once a week, but cannot do it, if the need arises, more frequently. Sanitary installations and equipment are in bad shape, there isn't enough hot water, plumbing and sewage installations should be repaired, and there are humid spots in bathrooms.

There is enough tap water and it is always accessible.

Inmates are duty-bound to wear prison uniforms (summer and winter one), but underneath they may don civilian clothes.

B) THE KITCHEN, MESS-HALL AND FOOD

Kitchen and mess-hall are in a separate building within the compound, at a small distance from dormitories. Both have functional windows which provide for a lot of natural light and fresh air, and there is artificial light too.

Hygiene level of food preparation and preservation is mediocre. Kitchenware is old, but still functional. Mess-hall is big, adequate and clean, and equipped with well-preserved chairs and tables.

Under the provisions of the Law on the Enforcement of Criminal Sanctions of the Republic of Serbia, underage inmates must be served three daily meals with the nutritional value of at least 14,600 calories. Although the director who signs the menu every week and professional cook maintain that the provision is fully enforced, interviewed inmates are of opinion that food is of poor quality, monotonous and below the required standards. Meat and processed meat are on the menu every day, but are of poor quality, while milk and processed milk products like fruit are served only once or twice a month.

Prison canteen has middling supplies, and inmates think that it should be better stocked as goods are sold at the market prices.

An additional nutritional source is food which inmates get through the family parcels.

Inmates may use so-called café, a small premise with several tables and chairs where one inmate, appointed by administration, sells non- alcoholic beverages and coffee.

C) THE MEDICAL SERVICE AND FACILITIES

Medical services employ full-time two medical technicians, one has twenty-six years of service, while the younger one has only eight months of service. According to the employment structure of the centre, it should also employ on qualified general practitioner, a psychiatrist, a dentist and two technicians. Until 1991 the centre employed full-time one general practitioner, who then retired. In the meantime it employed for short periods of times several doctors, but all left because of difficult work conditions. At this moment of time an internist, and a dentist visit the centre twice a week.

Unfortunately due to security reasons no female doctors may find employment in this centre.

There is an in-patients facility with six rooms and a total of twenty beds, a fully-equipped dentist surgery, two smaller clinics with several cabinets and cupboards, and a big safe-box in which some medicines and a modest supply of sanitary material are locked. Quantities of medicines in that in-house department are minimal, and consist of several types of antibiotics, analgetics, antipyretics, and tranquilisers. Medicines are administered to patients personally, in single doses, on the basis of the doctor-prescribed therapy.

In the centre there are practically no medical instruments or devices. All more serious medical analysis (biochemical, RTG etc.) are done in Valjevo hospital. Patients in need of a longer treatment are sent to the Penitentiary-Hospital in Belgrade. Four inmates are currently hospitalised there.

Of 150 prisoners, five or six register for the first, early morning check-up. During the day that number sporadically grows. In the in-house unit there are currently seven patients.

Annual report of medical services indicates that in 2001 1,670 first medical check-ups, 724 repeated check-ups were carried out while dentist's services were provided to 503 inmates. In the course of the same year 22 inmates were hospitalised elsewhere.

In the centre there is currently only one inmate suffering from diabetes, and he is on a tablet therapy. There are no tubercular or HIV patients. HIV analysis are done usually after education and health enlightenment, and are carried out every six months by doctors from Valjevo hospital, within the framework of voluntary blood donation action.

In the last year ten psycho-active substance-abusers were treated in Belgrade and the Penitentiary-Hospital. Thirteen lighter cases of substance abuse, and six cases of pill addiction, according to doctors, were successfully stabilised by low doses of sedatives and hypnotics.

According to the report, the most frequent illnesses in 2001 were:

-Upper respiratory organs infections	42 per cent
-Bodily injuries (brawls, self-inflicted wounds)	6 per cent
-Neuropsychiatric conditions	17 per cent
-Gastro-intestinal conditions	14 per cent
-Myalgia	4 per cent
-Skin infections	3 per cent
-Urinary tract infections	3 per cent
-Anemias	1 per cent

Bodily injuries expressed in absolute numbers in 2001 were as follows:

- Industrial injuries (light)	5
- Light injuries of unknown causes	7
- Light injuries inflicted in fights	21
- Light injuries-self-inflicted	3

The most frequent form of self-inflicted wound is cutting of below-the-elbow veins. In all cases first aid was provided, while transport to surgical ward of Valjevo Hospital (when necessary) and antibiotics protection was ensured.

Dentist's services are provided under the procedure in place: making appointments for an early morning check-up, check-up and intervention, while X-raying is done in dentist surgery of the Valjevo Health Centre.

Interviewed inmates were not content with the quality of medical services. They considered check-ups superficial, complained that doctor was not available when they needed him, and stated that medicaments therapy mostly consisted of aspirins, brufen, or antibiotics. They also considered inadequate treatment of alcoholics and a large number of drug users, for it was based mostly on sedatives.

According to inmates' claims the basic problem is shortage of dentist material. Hence dentist's interventions are mostly reduced to tooth extraction and other urgent interventions.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Rules for the Protection of Juveniles Deprived of their Liberty (UN Rules - Juveniles)

- "The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Article 58, paragraph 2 of the LECS);

- "The duty of the prisoner is to keep his body, clothes, footwear and bedding clean whereas the duty of the institution is to make this possible." (Article 39, paragraph 1 of the House Rules);

- "A juvenile has the right to nutrition that is - from a dietary, hygienic and health aspect - adequate to his age, keeps him in good health and fitness, and enables his psychophysical development.

A juvenile has the right to at least three meals per day, with a total value of at least 14,600 kilogram calories." (Article 257 of the LECS);

- "Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and descent manner."

- "Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of quality and quantity to satisfy the standards of dietetics, hygiene and health, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time. (Paragraph 37 of the UN Rules - Juveniles)

- "Every juvenile shall receive adequate medical care, both preventive and remedial, including dental and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community. (Paragraph 49 of the UN Rules - Juveniles)

- "Juvenile detention centres should adopt specialised drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles. (Paragraph 54 of the UN Rules - Juveniles)

III

Recommendations

- Provide funds for completing the repair work on the flood-damaged facilities;
- Provide minimum funds for re-vamping bathrooms and sanitary installations;
- Provide minimum funds for regular supplies of toilet articles to inmates;
- Provide the necessary fuel for the heating season, to ensure an adequate temperature throughout winter;
- Improve diet of inmates, in compliance with the standards envisaged by the law;
- Improve medicines and medical material supplies;
- Intensify and up-date treatment of drug-dependent juveniles.

Security

I

On the basis of collected data we may say that external security is not on an adequate level. It falls short of the legally prescribed norms for this kind of closed institution. There is a concrete wall with barbed wire and guard towers shielding armed guards entitled to use their machine-guns in case of attempted escapes of inmates. There are no other security instruments: video-cameras, sensors and other electronic devices, which makes more difficult the work of security services. Hence the prison administration is compelled to have more guards on the external wall towers, than on the ground: less than ten guards take care of security of about 150 juvenile detainees. The problem of external security is compounded by the fact that the facility is located in the valley, and flanked by a hill with a forest (some ten metres away from the prison wall). But despite the forgoing there were no escape attempts in the past six months. It is interesting to note that in the wake of the flood damage, in June 2001, no prisoner tried to escape despite the fact that some ten meters of the external wall were torn down.

As regards the internal security, we got different information from different sources. According to documentation the ratio between number of guards and juvenile detainees is higher than in other services. There were no sexual harassment cases or attacks by inmates. But judging by interviews, prison guards fear more such incidents than training officers or teachers.

Interviewed inmates however told us that their security varied, that is, that they had most contacts with guards, then with managers and even less with training officers. They have a positive attitude towards managers, and when speaking about personnel they most frequently mention the guards.

On the other hand, in informal conversations, inmates told us that in that midst they often felt insecure and fearful. The research indicates that in such a closed milieu, characterised by frustration and deprivation, specific relations develop. Statistical figures indicate frequent conflicts, physical assaults and violence between inmates. There were two attempted escapes (abuse of privileged position), two cases of sexual harassment, one suicide attempt and several cases of racketeering. A day before our arrival in the workshop fight four juveniles were injured. Although there are many serious criminal offenders among juvenile detainees, the aforementioned incidents may be seen as a kind of response to deprivation and frustration to which they are exposed in the prison conditions of life, but also as expected, in view of the average age of inmates and existence of so-called informal groups struggling for a dominant position.

II

Incompatibility with or deviation from relevant legislation and rules

- "In the correctional facilities of closed type, beside the security guards, shall exist some other obstacles for escaping (surrounding walls and technical devices); (Article 12 of the LECS);

- "The carrying and use of weapons by personnel should be banned in every juvenile detention facility" (Paragraph 56 of the UN Rules - Juveniles).

III

Recommendations

- Demand the Ministry of Justice of the Republic of Serbia to urgently provide funds for the purchase of modern technical security devices (cameras, sensors, etc). By installing those devices on the ground a larger number of security services members would be deployed on the ground and by extension their presence would prevent conflicts and incidents between detainees.

Lawfulness (equity) of treatment

I

We also want to draw attention to the obsolete approach of this centre to the enforcement of legally prescribed external and internal classification of prisoners. In other words, this juvenile detention centre, envisaged for underage individuals sentenced to juvenile prison terms, is supposed to have a special department for adults to whom this punishment was also meted out, and for those inmates who shall come of age while serving their prison terms. But currently in this centre the majority of inmates are adults and only one underage inmate (under eighteen). In view of the aforementioned then there isn't much sense in discussing the entire issue of lawful enforcement of provisions and laws related to juvenile offenders in the case of this centre. On the other hand, in view of a growing juvenile delinquency, and grave criminal offences, one must logically pose the question why there is only one juvenile detainee in the institution envisaged for reformatory training and social resettlement of such young offenders. Added to that in view of the current under-utilisation of this facility -of envisaged 250, there are only 150 inmates therein- one must also question the functionality and purpose of the legal concept of this institution.

If we exempt those facts, which are not the priority goal of prison monitoring and were caused by criminal state policy, and assess only the other obtained data, we shall see that the House Rules are accessible and clear to any convict, upon his/her immediate arrival in the institution. Although there are no major deviations from enforcement of the LECS we noticed that disciplinary measure of accommodation in a separate unit is not always enforced consistently and legally. However it bears saying that it is not always possible to meet the condition of accommodating two or several juvenile inmates in a special unit. So it happens that the convict to which the said measure was meted out, sometimes is in the company of a guard, instead of his similarly punished peer.

Replies and stands of personnel relating to questions about legality of disciplinary measures and their just enforcement, granted advantages and privileges, impartiality of personnel, complaints procedure, are positive. But in informal conversations with inmates we gained impression that they were dissatisfied with some voluntary and unlawful decisions of personnel. However that discontent was less intense than the one we felt in some of other prisons we had toured, notably, Sremska Mitrovica Penitentiary and Požarevac-Zabela Penitentiary.

When asked about corruption in prison, both personnel and inmates confirmed its presence, but declined to give details, for it is obviously mutually beneficial to both groups.

II

Incompatibility with or deviation from relevant legislation and rules

- "A disciplinary measure of accommodation in a separate premise covers two or several juveniles. Only one juvenile cannot be confined to a solitary premise." (Article 273, paragraphs 1 and 2 of the LECS);

- "Adults (over 18 years of age) sentenced to serving sentence in juvenile detention centre are accommodated in a special premise. In a special premise are also accommodated underage juveniles who come of age while serving their prison terms." (Article 282 of the LECS);

"Legislation or regulations adopted by the competent administrative body should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of underage juveniles:

- a) conduct constituting a disciplinary offence,
- b) type and duration of disciplinary sanctions that may be inflicted;
- c) the authority competent to impose such sanctions;
- d) the authority competent to consider appeals (Paragraph 68 of the UN Rules - Juveniles)

"Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities." (Paragraph 72 of the UN Rules - Juveniles)

- "After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national laws, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution. (Paragraph 74 of the UN Rules - Juveniles)"

- "In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities.;

(c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power. (Paragraph 87 of the UN Rules - Juveniles)

III Recommendations

- Jointly define the age limit of juveniles sentence-serving in this detention facility. Also precisely define treatment of different categories of convicts in line with specific characteristics of their age, at the time of commission of offence and judgement passing, and during all the time of sentence-serving.

- In line with the foregoing draft a special House Rule of the institution which shall more precisely define the legal solutions;

- Provide inmates with opportunities to influence the procedure of the regime and house rules-drafting.

Social resettlement

I

In contrast to the Law on the Enforcement of Criminal Sanctions of the Republic of Serbia, international provisions (UN Rules for the Protection of Juveniles Deprived of Their Liberty), clearly express the idea of return of prisoners to the community as the purpose of the enforcement of institutional sanctions.

Within the context of that return most frequently are mentioned the following elements: treatment, work, education and professional/vocational training, leisure time, recreation activities, religious culture and post-penal reintegration into society.

Primary source of data for this aspect were positions of training and employment officers, reformatory training services personnel and of inmates. Training and employment services implement the guidelines of return to the community program by engaging inmates in activities/work in various workshops or in agricultural work. Those service also realise other aspects of social resettlement program: treatment, education and vocational training, leisure activities, recreation, the post-penal reintegration into society. Such an organisational scheme enables engagement of prisoners in positive, constructive activities and prevents the emergence of misconduct.

The data provided by the training and employment service indicated that prisoners were vocationally trained in various skills, notably the metal-working, mechanical engineering, wood-processing, likewise in catering and hostelry. There are the following productive workshops: carpentry, welding, locksmith, tool-making, and the following facilities within the institution (café, restaurant, kitchen) employ prisoners. There are also two farms which employed prisoners. One is within the compound, and the other is seven km away from the detention facility.

Labour technology is obsolete and machinery old. Estates are managed by prison administration. Prisoners are given jobs in line with their previous occupational profiles and personal wishes and affinities. Vocational training and employment services on a daily basis monitor and evaluate prisoners' conduct and performances. Every month the group's master submits a report to the manager. He compiles all reports and on the basis thereof, at team meetings and a weekly staff meeting gives his job-related evaluation and proposal for every inmate. Currently only sixty are employed, although many more are labour-fit. One group/team consists of five to nine inmates. The unskilled inmates may take vocational training classes in the school's workshop. There are opportunities for getting higher educational degrees and changing vocation,

but inmates are not much interested in them. Workday lasts eight hours, or forty hours every week. Week-ends are non-working days. Inmates who want to may work overtime. Work conditions and protection at work are good. One-third of earnings are put aside, as savings, while the rest is given to prisoners directly.

Let us now describe activities of reformatory training services. Inmates are admitted after being questioned by a team consisting of a social worker, psychologist, and an educator. After a month-long observation and questioning of every inmate, future treatment of every single inmate is suggested. The team and director together take decisions regarding program of treatment and classification of inmates. Program of treatment covers the choice of training group, primary education and vocational training, workplace, leisure activities, and intensity of individual and group work. Re-classification is effected every three months at the suggestion of training officer. The key criterion of re-classification is conduct of inmates, as evaluated by educators, and officials of training and employment services, school personnel, and security officials.

In conversations with inmates we learnt that that they were not satisfied with their work program. Namely inmates engage mostly in individual work in view of absence of personnel competent for another kind of treatment. On the other hand the facility's personnel would like to engage in different kinds of treatments of special categories of inmates (addicts, sexual delinquents, etc.)

The size of training group is satisfactory. One training officer takes care of thirty inmates. According to training officers, average number of weekly meetings with inmates is two or three, while a total number of daily meetings is from ten to fifteen. Average duration of meetings is two hours. Talks may be spontaneous and initiated either by training officers or inmates. However, inmates told us that they contacted rarely their training officers, usually once a month and that meetings lasted only fifteen minutes.

The major problem is disparity between educational profile of training officer and the work criteria. Some training officers majored from the Defence and Protection Faculty and Political Sciences and Sociology Faculty. Also a former employee, a worker, is now employed as training officer.

Although reformatory training services should play a central role, notably in this kind of institution, on the basis of collected information, and according to our personal impression, priority should be given to security and preservation of internal peace and not to social resettlement.

As regards education, there are possibilities to attend primary and secondary school in the institution, on the basis of the long-running co-operation with secondary technical school "Miliica Pavlović" in Valjevo. Diplomas are equal to the ones awarded in civilian education, as the program is fine-tuned to the regular school curricula. Professors from that school impart classes in the detention facility. Inmates have the status of special pupils and have so-called block-classes. Now, according to the opinion of personnel, educational set-up of inmates has vastly improved. Of fifty-five inmates attending those classes, four are illiterate, eleven have finished only three grades of primary school, and forty attend secondary school.

Personnel stresses that many inmates are not motivated enough for this kind of education. Number of those who need secondary education, is much superior to the number of inmates enrolled at this school. There are also financial problems. Many inmates cannot attend classes and acquire diplomas due to under-funding or high cost of tuition, exams, etc. Thus there are the privileged and underprivileged inmates.

General impression is that inmates are not interested in education and the learning process. Personnel tries in various ways to stimulate their interest or to motivate them. For example

the highest mark (five) entails granting of some privileges, notably, longer visits, one more outings to the city. Inmates attending school classes are entitled to shortened work hours. By and large training and employment services have a good co-operation with the school. Personnel of those services and school teachers have the least problems with inmates, and vice versa. According to inmates this is due to the fact that the school ambience and atmosphere are quite similar to the ones in the normal community.

As regards the design of school, and its technical amenities, our impression is that it is not at the satisfactory level. State-of-the-art equipment and devices are needed, for they could additionally stimulate inmates to enrol at this school.

There is a library within the compound, and the second one is in the Cultural Centre. But both have a small number of users, despite high quality of the book fund.

Inmates are interested in computer courses and foreign languages, which indicates their need for contacts with the outside world, and interest in the modern communications and teaching methods. Detention centre receives every day about twenty dailies, and there are radio and TV sets. Inmates may subscribe to certain print media.

Recreation and leisure time are well-organised. There are sports and cultural, and artistic events, activities, manifestations. Inmates have their own daily "Putokazi," whose financing was ensured by the facility's director. There are various panel-discussions, competitions, etc. Inmates are free to choose the activities in which they want to engage. All those activities are organised by one official for sports activities, and two for cultural-entertainment ones.

Our impression is that this facility's personnel co-operates with other competent institutions, to the extent required, and not more. They just resort to the customary procedure of reporting to the competent body for social work and the police.

Preparations for the release of inmates don't include any special programs or activities by the personnel. We think that closer co-operation should be established with families of inmates and guardians- be they individual or collective- but to that end more efforts should be made by the former.

There is documentation on the quality and implementation of treatment in the shape of questionnaires filled in by inmates upon admission to and release from detention facility.

As regards religious education and religious structure there are Muslims, Catholics and Orthodox inmates. Despite inmates' interest currently there is no possibility to ensure a premise for pastoral visits and holding of religious services. We were told that the premise envisaged for that purpose was damaged by the recent flood. But, there are possibilities for contacts with religious officials.

II

Incompatibility with or deviation from relevant legislation and rules

- 'Every prisoner has the right to primary and secondary education, such education being provided at the institution in conformity with the general rules. Institutions shall also organize other forms of education for the prisoners.' (Article 97, paragraph 1 of the LECS);

- 'Religious services shall be held in special, proper rooms of a correctional facility.' (Article 102, paragraph 1 of the LECS);

- "A guardianship authority shall permanently keep connection with a juvenile, his family, a correctional facility or institution where the juvenile is housed throughout execution of the educational measure and the juvenile prison sentence.

A correctional facility or the institution where the correctional measure and the juvenile prison sentence are executed shall inform on release the juvenile's parents, guardians and the guardianship authority, and shall recommend them measures for acceptance of the juvenile no later than three months before release of the juvenile." (Article 286 of the LECS);

-All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end (Paragraph 79 of the UN Rules - Juveniles);

-Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure to the extent possible, that the juvenile is provided with suitable residence, employment, clothing and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community. (Paragraph 80 of the UN Rules - Juveniles)

III

Recommendations

- Urgently resolve the problem of under-funding of education of inmates;

- Elaborate methods stimulating inmates' interest in education by purchasing modern equipment and devices, by providing educational alternatives, namely enable their attending of different language and computer courses, and by awarding good pupils;

-Elaborate methods stimulating inmates' interest in work activities, vocational training, change of vocation, or attending higher schools, by providing modern technology, work alternatives and introducing awards and amenities for the best performing inmates;

- Discuss methods and alternatives for a gradual re-integration of inmates into social life, through special, pre-release programs and activities, within the framework of that or other institution, or by paroling inmates under a kind of control combined with an efficient social backing;

-Re-organise and engage centres for social work to assist whenever possible the prison personnel in the procedure of admission, monitoring or return to the community, and notably in improvement and maintenance of their contacts with families, other persons and social organisations. In those terms activities of social work centre and detention facility should be centralised and fine-tuned. Authorised representatives should have a free access to detention facility and inmates in order to make their contribution to preparations for the release and also ensure their participation in programs of inmates' rehabilitation.

-ensure a premise for officiating of religious rites and pastoral visits.

Contacts with the outside world

I

We have learnt that in this detention facility there is only one coin-operated telephone, which can be used only in accordance with the previously made list of interested users. Training officer approves the emergency use of that telephone. Inmates may receive calls only indirectly, through their training officer.

Inmates had no complaints regarding parcels.

Correspondence and petitions are not censored. Letters are forwarded by general administrative services to training officer, and then the inmate on monitor duty hands them over to inmates. In the past six months no letter was seized.

Almost all inmates receive visits and their frequency and duration depend on the treatment.

Stay in an exceptionally nice "special premise" is envisaged once every three months, but inmates and personnel don't think that it is enough, in view of developmental characteristics of detention facility population.

Contacts with lawyer are allowed whenever the inmate so requires, and there is need thereof. Convicts from open and semi-open unit are entitled to one to seven day leaves twice a year. Final decision on those leaves is taken by the director in line with the proposal and opinion of training officer. Outings to town are possible only if the inmates receives a visit. Then again the director grants or rejects such a permission on the basis of training officer's opinion or advice.

II

Incompatibility with or deviation from relevant legislation and rules

There are no major discrepancies or deviations.

III

Recommendations

- Increase number of coin-operated telephones and introduce more flexible rules on the use of thereof;
- In view of developmental characteristics and needs of institution population, discuss possibilities of more frequent stay in a special premise, than the one envisaged by the law;
- As much as possible create ambience and mood similar to the one in normal community.

The institution personnel

I

Data collected by training and employment services indicate underemployment, for, instead of envisaged forty-one officers, there are only thirty-one. They are all males and their average age is thirty-five. Only three officers have university diplomas, one has higher school diploma, while the others have secondary school diplomas. They are mostly metal-workers, mechanical engineers, carpenters. Average years of service are seven.

Structure of personnel meets the criteria envisaged by the LECS and the Law on Employment in Government Agencies. Apart from one sick leave, no other forms of under-utilisation/dissipation of personnel were reported. Individuals employed by those services told us that they were satisfied with their jobs, the work of administration and co-operation with other services. They perceive their services as equal to other services in the facility. They have daily team meetings, while there are weekly meetings of all the services, at which their head gives proposals regarding every inmate.

Basic complaints are related to out-dated technology and necessity for better conditions of life. All stated that their work conditions were highly stressful. But judging by their replies, they don't seem to fear attacks by inmates. None of them was injured at work, and none of them expressed wish to change his job. Most of them are satisfied with regularity of their pays, but not with their income brackets. There is a possibility for overtime work, and adequate remuneration. The personnel are entitled to early retirement.

There were no disciplinary measures, breaches of work obligations, and duties.

Of envisaged twenty-one, the reformatory training services employ seventeen full-time officers and two part-time ones. They work in admission department, school, educating department, and leisure activities sector. Their average age is forty. But only one training officer takes care of thirty inmates, which is indeed an inadequate ratio. In the admission department there are three officers (an educator, psychologist, social worker, etc.) in the open type and semi-open type facility one training officer and in the closed type facility four training officers. As we have already mentioned most personnel does not meet the educational criteria required by those services.

Apart from the educator in the admission department and director of school all other employees are male. We were told that such a selection was due to security reasons. Paradoxically 90 per cent of students being educated for this profession are, females. Although we gained impression that the probability of attacks by inmates was more conditioned by the nature of their relations with personnel of these services than the sex of training officers, it is most likely that this institution shall continue to employ only male staff. Aside from prejudices against such type of institutions and reservations towards them, which certainly don't make them a popular workplace, we think that it is impermissible that services playing the key role in the purposeful enforcement of criminal sanctions, notably reformatory training and return to the community, employ personnel lacking of elementary knowledge from this area.

Officers however think that the admission criteria should include the personality factor, for insistence on knowledge (educational level and expertise/professional capacity) has turned to be, in practice, an insufficient and secondary criterion with respect to the personality factor. Although we agree, we consider professional knowledge and skills in dealing with juvenile delinquents essential in this kind of work.

As regards additional training or education currently one employee of these services is being trained in the family therapy. "Non-forcible conflict-resolution" Educational Program carried out by the "Most" group, on some grounds was not accepted well by the personnel.

We detected a general lack of motivation for the high quality work, additional education and some new work methods. But during informal talks hints were made that if there were broader financial backing and initiative, there are individuals who would welcome innovations in approach to and implementation of treatment. The lack or existence of motivation is reflected in answers relating to satisfaction derived from job: some are dedicated to their profession and would never change it, while others were quite disgruntled.

All employees said that the stress level is very high, but no-one suffered injuries at job. They are all satisfied with regularity of their pays, but not with the income bracket. Overtime works is rare, and is mostly remunerated, barring the one done by head of services.

There were no breaches of work obligations or disciplinary measures taken against personnel of these services. Personnel describe their interpersonal relations as good and consider that they make the greatest contribution of all services in the institution towards fulfilling the purpose of the enforcement of juvenile detention.

II

Incompatibility with or deviation from relevant legislation and rules

-Personnel should be qualified and include a sufficient number of specialists, notably educators, vocational instructors, counsellors, social workers, psychiatrists, and psychologists. These and other specialised staff should work full-time. This should not preclude volunteers or part-time workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all educational, remedial, moral and spiritual resources and other resources and forms of assistance existing in the community in line with individual needs and problems of detained juveniles. (Paragraph 81 of the UN Rules - Juveniles);

- The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work. (Paragraph 82 of the UN Rules - Juveniles);

- To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective. (Paragraph 83 of the UN Rules - Juveniles)

- The administration should introduce forms of organisation and management that facilitates communications between different categories of staff in each detention facility so as to enhance co-operation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties. (Paragraph 84 of the UN Rules - Juveniles)

- The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the right of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals throughout their career. (Paragraph 85 of the UN Rules - Juveniles).

III

Recommendations

- Personnel lacking suitable expertise/professional capacity and work experience should be trained to fulfil their special and general duties;

- In selection and admission of personnel to the facility, focus should be placed on their social and emotional capability of job applicants;

- Permanently encourage personnel to improve their knowledge and professional capacity by attending additional courses in positive management, counselling and specific education, to make them strive to humane treatment, greater efficiency, and dedication to their work;

- Prevent bias in employment policy, mostly gender-related prejudices;

- Organise workshops, and programs for training in skills and knowledge of constructive conflict-resolution.

- Educate personnel or engage specific experts for treatment of special categories of inmates;

THE JUVENILE PENITENTIARY AT VALJEVO (II)

Date of visit: 12 August 2003

Type of institution: closed, plus a semi-open and open unit

Population: men/juveniles

Capacity: around 250

Actual number of inmates: about 160

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The juvenile penitentiary at Valjevo is the only institution specialized for the administration of juvenile justice. The institution is located some five kilometres away from Valjevo. There are five pavilions within the institution's compound accommodating juvenile offenders and housing a kitchen, a dining room, in-patient and out-patient facilities, a cultural centre with 250 seats, as well as a school for elementary and secondary education and accompanying workshops. A building for spousal visits, a pavilion under heightened surveillance, a visitors' hall and other facilities are also situated within the compound. Beyond the walls of the institution are the investigating prison (under the institution's jurisdiction) and a farm in the village of Gornja Bukovica.

The institution's grounds resemble a well-kept park with benches, trees and flowers. The inmates daily groom them. All facilities, built in 1959, are in a relatively good shape. Some were partially damaged in the 2001 flood. Actually, basements and lower floors were mostly affected, while the building of the investigative prison was totally destroyed. That is why untried prisoners are nowadays accommodated in the unit under heightened surveillance. According to the director, construction of a new prison has been much delayed due to lacking documentation (as it turned out, the old prison was unlicensed) and funds. As these problems have been solved in the meantime, it is to be expected that will be under construction in a month or two.

Dormitories are spacious, neat, relatively freshly painted and well ventilated. There are large windows without bars, allowing entrance of natural light and fresh air. The dormitories are partitioned off so as to make small, semi-detached single or double bedrooms. The dormitories are without doors, though it is obvious that they used to have doors once.

Hall and dormitories alike have artificial lighting.

Though scarcely furnished (a bed and a locker), the dormitories are functional. The inmates have placed flowerpots in some or hung pictures and posters. Window frames in some dormitories have been recently painted. However, flooring is the biggest problem. Plastic tiles are either cracked or missing.

Beds are appropriate and bedding is changed twice a month. The inmates may use their own bedding. Hygiene is acceptable. According to the director, disinfection and disinsectization are

carried out regularly. However, the interviewed inmates said they were mostly bothered by rats, which were impossible to exterminate in spite of all measures taken. They are forced, therefore, to make traps in addition to rather inefficient glue provided by the administration.

Each dormitory has a separate, spacious living room with benches and TV sets.

The pavilion under heightened surveillance is separated from other buildings by barbed wire and wall. The investigating prison with solitary cells is now housed in one wing of this pavilion. The solitary cells have sufficient floor space, iron beds and acceptable lighting. Bedding are distributed to the inmates in solitary confinement in the evening and taken away first thing in the morning. Therefore, mattresses were all the team saw while touring solitary cells.

Each solitary cell has a washbasin and a toilet bowl that are partitioned off by a door. The juveniles take showers in the bathroom down the hall. They are taken out for walks to a walled area of acceptable size with a patch of grass surrounded by paths.

The admission department has been redecorated recently and looks better than other premises. This is where the prison personnel interviews and examines newcomers.

All dormitories are heated through the central heating system. Though last year the prison administration managed to secure sufficient quantity of crude oil, the inmates said they were cold in wintertime and had to put on three or four blankets to keep them warm at night. Actually, radiators are too small are few to properly heat large dormitories with large windows.

There are bathrooms and showers at every floor. Under the LECS, the inmates should take weekly showers. However, the administration allows them to take more frequent showers. The bathrooms are dilapidated. Large portions of plaster are missing from ceilings, tiles are cracked and window frames are broken. Sanitary installations, pipes and drains are almost inoperable, hot water is insufficient and humidity is all over the place.

As is the case in most prisons in Serbia, the administration cannot provide all inmates with toilet articles. Therefore, they mostly procure these articles at their own expense in the prison canteen or receive them in parcels. Drinking water is sufficient and available at all times.

The inmates are obliged to wear summer/winter uniforms, but may also wear their civilian clothes underneath. The uniforms look bad. The administration explained that was not because they were old, but because of the poor quality fabric they were made of.

B) THE KITCHEN, MESS-HALL AND FOOD

The kitchen and mess-hall are housed in a separate building nearby the dormitories. Windows are so designed to allow entrance of natural light and fresh air. There is also artificial light.

Hygiene in the premises where food is prepared is better than it used to be at the time of the team's last visit. Pots are old and some cannot be used at all. The mess-hall with relatively well-preserved wooden chairs and tables is spacious and adequate for its purpose. However, one-third of the ceiling has no plaster at all. Actually, the damaged sewer on the upper floor has not been fixed and water keeps dropping on the mess-hall floor. According to the administration, fixing this sewer would be of no avail, since plumbing in the entire institution is so bad that it is imperative either to replace or thoroughly reconstruct all installations.

Under the LECS inmates shall get three daily meals equalling 14,600 kilogram calories at least. The interviewed inmates say the food is better than it was last year, but complain of poor quality meat in the dishes. Milk, yoghurt and milk products are served once or twice in a week. More fresh fruits are on the menu in summertime. The inmate also complained that they never get cake as dessert.

The prison canteen cannot be taken as well-stocked. The inmate take it should be better supplied, the more so since it sells goods at market prices. An ice-cream box has been installed recently and the inmates may treat themselves with ice-cream if they can afford it.

Allowed articles of food the inmates get in parcels stand for additional source of nourishment.

The so-called coffee shop is available to inmates. Its furnishing includes several tables and some chairs, a counter and a tape-recorder. The administration assigns two inmates to prepare and serve coffee at their leisure time.

C) THE MEDICAL SERVICE AND FACILITIES

Almost nothing has changed in the medical service since the team's last visit. Only two male nurses still make the entire staff. The vacancy for a physician has not been filled, since, according to the administration, no candidate applied. A gastro-enterologist and a stomatologist are engaged on part-time basis. The only novelty is that as of the beginning of 2003 a neuropsychiatrist visits the prison twice a week. According to him, ten to fifteen inmates ask to be examined each week.

Literally, not a single medical instrument or apparatus are to be found in the institution. All medical tests (biochemistry, ECG, etc.) are performed in the Valjevo hospital. The inmates who need longer hospitalization are transferred to the Penitentiary-Hospital in Belgrade or to the Valjevo Health Centre.

In 2002, fifty-six inmates were treated in the inpatient ward (totalling 2,486 days). Nine inmates are presently hospitalized in the ward. As they hardly look sick, they have apparently been isolated in the ward as associates.

According to the service's annual report for 2002, there were 1,311 first examinations and 850 re-examinations. Further, 504 dental services were provided, along with 221 examinations performed in the investigating prison. In the same year, fifteen inmates were transferred to the Penitentiary-Hospital in Belgrade for psychiatric treatment, while nine to be treated by specialists in internal medicine.

Presently, there is only one diabetic on drug therapy. No inmate suffers from tuberculosis. Four inmates are HIV infected. A specialist in infectious diseases from the Valjevo hospital carries out courses of training in medical care in regular six-month periods. This is when blood donation actions take place and the inmates undergo HIV tests. According to the personnel's estimate, at least 10 per cent of inmates in the institution are dependent on psychoactive drugs.

According to medical files, the specialists of the Valjevo Health Centre performed the following examinations:

Pulmonary	2	Neurological	2
ophthalmologic	39	Gastro-enterological	1
Internal medicine	6	Dermato-venereal	6
Psychiatric	15	Stomatological	11
Physiotherapy	9	Blood transfusions	1
Orthopaedic	54	Radiological	7
Surgical	58	Laboratory tests	8
ORL	25		

Bodily injuries in 2002 were as follows:

- Industrial injuries	1 severe, 4 light
- Unknown causes	1 severe, 10 light
- Fights	2 severe, 28 light
- Self-injury	2 light
- Sport activities	3 severe
- Injuries suffered outside the institution	2 severe

Dental services are provided in the same way as all other medical services - an inmate has to make an appointment in the first place, and only then he gets examined and, if necessary, treated. Such services are available biweekly when a visiting stomatologist comes to the institution. Inmates may have their teeth fixed by a private dentist and pay such services from their own pockets.

The interviewed inmates are more or less satisfied with the quality of medical services. They say sick inmates who need to be hospitalized outside the institution are promptly transferred, but take that they are offhandedly examined in the very institution, have no access to a doctor when they need him and are prescribed nothing but aspirins and antibiotics. They also consider treatment of alcoholics and a number of drug addicts inappropriate as it boils down to administering sedatives only.

According to the inmates, the dental surgery functions better than before when it only provided tooth extractions.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Rules for the Protection of Juveniles Deprived of their Liberty ((UN Rules - Juveniles), and the Standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT Standards)

- "The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Article 58, paragraph 2 of the LECS);

- "The duty of the prisoner is to keep his body, clothes, footwear and bedding clean whereas the duty of the institution is to make this possible." (Article 39, paragraph 1 of the House Rules);

- "Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with his personal needs in privacy and in a clean and decent manner." (Paragraph 34 of the UN Rules - Juveniles);

- "The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or

mental difficulties, should be examined promptly by a medical officer." (Paragraph 51 of the UN Rules - Juveniles);

- "Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programs administered by qualified personnel. These programs should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug or alcohol dependent juveniles." (Paragraph 54 of the UN Rules - Juveniles);

- "The CPT pays special attention to the specific medical needs of juveniles deprived of their liberty.

"It is particularly important that the health care service offered to juveniles constitutes an integrated part of a multidisciplinary (medico-psycho-social) program of care. This implies inter alia that there should be close co-ordination between the work of an establishment's health care team (doctors, nurses, psychologists, etc.) and that of other professionals (including social workers and teachers) who have regular contact with inmates. The goal should be to ensure that the health care delivered to juveniles deprived of their liberty forms part of a seamless web of support and therapy.

"It is also desirable that the content of a detention centre's program of care be set out in writing and made available to all members of staff who may be called upon to participate in it." (Paragraph 38 of the CPT Standards, CPT/Inf (99) 12).

III

Recommendations

- Funds necessary to for new plumbing or thorough reconstruction of the existing one should be urgently secured;
- At least minimal funds should be secured so as to renovate toilets, bathrooms and sanitary installations;
- Funds necessary for regular supply of toilet articles should be secured;
- Engagement of a general physician on full-time basis should be considered;
- The supply of medicines and other medical material should be improved;
- Treatment programs for the inmates dependent of psychoactive drugs should be intensified and modernized.

Security

I

In the team's view, the situation in this domain remained about the same since its last visit. Apparently, the team's recommendations related to the necessity of securing funds for the purchase of modern security equipment (cameras, sensors, modern vehicles, etc.) have not been considered a priority so far. In addition, regardless of the fact that the ratio of officers and inmates is bigger than in other services, the personnel say they often turn to be understaffed in terms of maximal internal and external security. In spite such problems, security officers manage to pursue their duties in a professional manner. Namely, no cases of escapes, attempted escapes or other forms of threats to the outside community have been registered since the team's last visit.

Therefore, the team takes the external security appropriate. Ever since the 1999 riot, no serious incident has taken place in the institution. Though the inmates are organized in some kind of gangs and have their leaders, such structures are not powerful enough to endanger either the external security or functioning of the institution, according to the head of the security service.

As for the internal security, the team was told that the inmates had never assaulted or injured any member of the personnel regardless of gender or the service this member might work for. However, the head of the service takes that the level of internal security is not quite adequate. Here he has in mind that the inmates have free access to the prison administration building, i.e. administrative officers and accountants. Therefore, the prison administration has submitted a project envisaging a new building outside the prison compound and turning the one now housing the administrative personnel into an accommodation facility. As it seems, to be implemented the plan will have to wait for necessary funds.

When it comes to the inmates' safety, it should be noted that conflicts resulting in fights and violence are frequent, the same as racketeering and cases of self-injury. According to the personnel, such conflicts and relations between the inmates figure as the biggest problem the institution has to cope with. Groups or individual inmates permanently "fight" for supremacy. Fights and stabbings are almost daily events. Security officers do search premises frequently. However, they cannot always detect various types of sharp objects or other weapons the inmates easily make in the workshops to which they are assigned. In spite of the fact that many inmates are under sentence for committing crimes and other violent acts, the team takes inmates' violent behaviour should be attributed to their sense of deprivation and frustration with prison conditions, as well as to their age.

So far, the administration has not found a solution to the problem of violence in the institution. They take that partitioning of the dormitories might lessen the problem, as that would at least prevent the fights taking place at night. Nights are anyway most critical since insufficient number of security officers work night shifts, and even those on duty are not present in dormitories so as to be able to promptly intervene in the event of an incident.

The team once again draws attention to the problem of inadequate vehicles used for inmates' transfer to other locations such as courts. Except for one car, all other vehicles at the institution's disposal are old and dilapidated, do not allow entrance of natural light and fresh air, and have inappropriate seats. In such vehicles transfers that often take three or four hours stand for a kind of torture. Security officers in charge of transfers often have to pull up such vehicles so as to give an inmate some water and let him breathe in fresh air. The problem of inappropriate vehicles is also pressing in other institutions visited by the team.

II

Incompatibility with or deviation from relevant legislation and rules

- "The duty of care which is owed by custodial staff to those in their charge includes the responsibility to protect them from other inmates who wish to cause them harm. In fact, violent incidents among prisoners are a regular occurrence in all prison systems; they involve a wide range of phenomena, from subtle forms of harassment to unconcealed intimidation and serious physical attacks.

"Tackling the phenomenon of inter-prisoner violence requires that prison staff be placed in a position, including in terms of staffing levels, to exercise their authority and their supervisory tasks in an appropriate manner. Prison staff must be alert to signs of trouble and be both resolved and

properly trained to intervene when necessary. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Further, management must be prepared fully to support staff in the exercise of their authority. Specific security measures adapted to the particular characteristics of the situation encountered (including effective search procedures) may well be required; however, such measures can never be more than an adjunct to the above-mentioned basic imperatives. In addition, the prison system needs to address the issue of the appropriate classification and distribution of prisoners." (Paragraph 27 (1 and 2) of the CPT Standards, CPT/Inf (2001) 16);

- "In this connection, the CPT believes that aptitude for interpersonal communication should be a major factor in the process of recruiting law enforcement personnel and that, during training, considerable emphasis should be placed on developing interpersonal communication skills, based on respect for human dignity. The possession of such skills will often enable a police or prison officer to defuse a situation which could otherwise turn into violence, and more generally, will lead to a lowering of tension, and raising of the quality of life in police and prison establishments to the benefit of all concerned." (Paragraph 60 of the CPT Standards, CPT/Inf (92) 3);

- "The custody and care of juveniles deprived of their liberty is a particularly challenging task. The staff called upon to fulfil that task should be carefully selected for their personal maturity and ability to cope with the challenges of working with - and safeguarding the welfare of - this age group. More particularly, they should be committed to working with young people, and be capable of guiding and motivating the juveniles in their charge. All such staff, including those with purely custodial duties, should receive professional training, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties." (Paragraph 33 (1) of the CPT Standards, CPT/Inf (99) 12);

- "Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness." (Paragraph 33 of the UN Rules - Juveniles);

- "In the correctional facilities of closed type, beside the security guards, shall exist some other obstacles for escaping (surrounding walls and technical devices); (Article 12, paragraph 4 of the LECS);

- "The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship or indignity shall be prohibited." (Paragraph 50 (2) of the EPR);

- "The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity." (Paragraph 26 of the UN Rules - Juveniles).

III

Recommendations

- The Ministry of Justice should be requested to provide funds necessary for the purchase of modern security equipment and devices;

- Technical adjustments in the dormitories aimed at preventing violent incidents among inmates should be made and necessary funds secured for this purpose;

- Engagement of additional security personnel on full-time basis should be given thought;

- Programs of and courses of training in communication skills should be organized for the personnel that would thus be able to contribute to overall positive relations (inter-personal between personnel and inmates, between personnel, and between inmates);

- A provision explicitly prohibiting transportation of inmates in inadequately ventilated and lit vehicles should be incorporated in a new LECS or in an amendment to the existing one;

- Funds should be secured for the purchase of at least one vehicle for the transport of inmates that meets the above-mentioned standards.

Lawfulness (equity) of treatment

I

Judging by the information obtained, every inmate is instructed in some basic rules of conduct while undergoing personality tests after admission. However, this is about just several basic rules, given that the house rules have not yet been developed. The rules passed twenty years ago are no longer in force as inappropriate in terms of humane conditions in such institutions. Two years ago, the personnel drafted the house rules and put them forth for the Ministry of Justice's consideration. This draft is still pending, i.e. the Ministry has neither responded nor offered an alternative solution so far.

The team believes that such legal gap considerably influences the legality of treatment and the personnel's efficiency. In other words, it affects the purpose and goals of juvenile detention, and thus the personnel's respect for law as the crucial element of their duties. This major shortcoming has been taken into account in the team's monitoring of all other aspects of juvenile detention in this institution. For, improper behaviour or some illegal actions taken by the personnel are unavoidably contingent on the circumstances in which there is no act to elaborate and precisely define the LECS provisions.

Except for one inmate under eighteen, the others are of age. The team's previous report dealt with this issue. As it is about a system question beyond the institution's competence, it will not be analyzed in this report.

According to the inmates' answers to the questions dealing with the personnel's impartiality, justifiability of disciplinary measures and benefits granted, and the efficiency of complaint procedure, this segment cannot be positively evaluated. More precisely, the inmates did not complain much of the manner in which disciplinary measures against them were taken. Over the past six months, disciplinary proceedings have been instituted against fifty inmates. Instruments of restraint (truncheons) have been used against ten inmates. The use of truncheons was justified in nine cases. In one case disciplinary proceedings against a security officer is underway as there is reasonable doubt to believe that he used a truncheon for no justifiable reason.

After informal interviews with some inmates, the team was left under the impression that there was a strong feeling of resentment caused by some arbitrary or illegal decisions taken by the personnel. Only one out of twelve interviewed inmates said the privileged are distributed justifiably and according to merits. They told us that an inmate was once granted an extra visit as a form of privilege, but was not allowed to use the special room for this visit. And, they added, had he

exercised the right to the special room, he would be deprived of the extra visit. Apparently, this is both unreasonable and unnecessary in terms of reformatory training in particular. Moreover, this is illegal given that an inmate should be deprived of no right or already granted privilege, except in the event he has breached some disciplinary rule in the meantime.

The personnel and inmates alike said corruption existed in the institution, but refused to elaborate the topic. No one denied cell phones, narcotics and other articles prohibited under the LECS were procured from the outside community. According to the interviewees, these articles are usually procured by security officers. Some inmates said their "privileged" inmates were given better rooms and allowed to keep more personal articles than the rest. They are also assigned to the so-called "better regime positions" and granted more frequent leaves than others who do meet all necessary conditions. The team takes the very phrase "all necessary conditions" is problematic. It is only logical that it implies the manner in which the inmates are awarded, classified and reclassified to more favourable regimes of treatment - actually, the conditions that should be laid down in house rules. Unless there are clearly defined rules to channel the behaviour of the reformatory training service in the first place and other services, as well as of the inmates, there will always be the room for manipulation, corruption or arbitrary decisions by the personnel. Such decisions cannot be always legally contested as the relevant norms are non-existent. The situation is even worse when one bears in mind the shamefully small salaries to which the reformatory training personnel are entitled (see 6. Personnel).

The team believes the adoption of house rules would if not eliminate, but surely reduce the scope of corruption as these rules would lay down the issues of privileges and awards, and thus enhance communication and relations within the institution.

II

Incompatibility with or deviation from relevant legislation and rules

- "The living and working conditions of prisoners shall be specified in more detail by an act on the house rules. The act on the house rules shall be passed by the Minister of Justice." (Article 23 of the LECS);

- "A convicted person has the right to a visit by a spouse or children once in three months in the special rooms of the correctional facility.

"The manner of the implementation of this right of a convicted person shall be regulated in more detail under the act on indoor order." (Article 72 of the LECS);

- "The regimes of a number of the juvenile detention centres visited by the Committee have included generalized incentive schemes, which allow juveniles to attain additional privileges in exchange for displaying approved behaviour.

"It is not for the CPT to express a view on the socio-educative value of such schemes. However, it pays particularly close attention to the content of the base-level regime being offered to juveniles subject to such schemes, and to whether the manner in which they may progress (or regress) within a given scheme includes adequate safeguards against arbitrary decision-making by staff." (Paragraph 32 of the CPT Standards, CPT/Inf (99) 12);

- "Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspection on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all person employed by or working in any facility where juveniles are or may be deprived of their

liberty, to all juveniles and to all records of such facilities." (Paragraph 72 of the UN Rules - Juveniles);

- "After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution." (Paragraph 74 of the UN Rules - Juveniles);

- "In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superiors authorities or organs vested with reviewing or remedial power." (Article 87 of the UN Rules - Juveniles).

III

Recommendations

- The age of the persons sentenced to juvenile detention facilities should be laid down in the law that should define in detail the treatment regimes for various categories of juveniles taking into account the specificity of their age at the time of crime and in pre-trial period, as well as throughout their detention;

- The communication between the relevant ministry and the institution should be encouraged with a view to passing house rules that will define legal provision in detail and enable inspectors to adequately assert possible misconduct and illegal actions by the personnel;

- Juveniles should be given the opportunity to influence the solutions to be laid down in house rules.

Social resettlement

I

According to the training and employment personnel, the service engages juveniles to perform jobs related to metal working, mechanical engineering, carpentry and catering. Inmates are also provided with the opportunity to work on two farms. One farm is located within the institution's compound, while the other in the village of Gornja Bukovica, seven kilometres away from the institution.

The technology applied in the process of prison work is outdated, and machines are old and dilapidated. According to the personnel, work and vocational training are integrated, meaning that a primary function of an inmate's work is to prepare him for an occupation in the outside community, rather than to make profit for the institution. The prison administration is in charge of work process, while instructors in various trades communicate with the inmates. The inmates are

assigned to workplaces in keeping with their vocations in the outside community and personal preferences, said the personnel. However, some inmates denied that was the case. They take that one's assignment to a "better" workplace depends more on his privileged position than on his adequate behaviour.

Judging by the information obtained, precaution against industrial injury and inmate's right to free weekends and vacations are appropriately implemented. The inmates have eight-hour workdays and are free on weekends. Overtime, which implies extra bonuses, is facultative. The interviewed inmates were dissatisfied with their monthly earning ranging from 200 to 1,200 dinars (about thirty-five Euros) and depending on the jobs they are assigned. A month ago, the director raised their earnings by 100 per cent, which they welcomed.

From the angle of inmates' return to the community, the training and employment service's concern boils down to daily monitoring and evaluation of their behaviour and attitude to work. Every instructor submits monthly reports on his group's progress to the foreman. The latter, on the grounds of these reports, gives his opinion about every inmate, along with relevant recommendations at weekly team meetings. Presently, some 100 inmates are engaged in prison work, though more of them are actually capable of work. One instructor is in charge of five to seven inmates. Those having no specific occupation in the outside community are given the opportunity to attend courses of training in several trades. Inmates may also attend advanced courses or get instructed in trades other than theirs. However, they are rather disinterested in these opportunities. In this connection, the team's attention was drawn to the fact that the inmates would be more interested in both work and education should the trades included be more attractive to them. Namely, inmates take the trades they are instructed in (locksmiths, metalworkers, etc.) as unprofitable and, as they put it, inferior. According to the personnel, it's hard to present them with strong arguments that might make them change their opinions. "It's hard to expect a young criminal from Belgrade, sentenced for several robberies or drug dealing, to become a welder once he is at large again," said an instructor. The personnel take it necessary to offer the inmates training in more attractive trades and skills on which they might willingly earn their living after release.

The reformatory training service will be analyzed here primarily on the basis of its activities that start with an inmate's admission. Newcomers are firstly sent to the admission department. A team composed of a social worker, an educator, a psychologist and a medical doctor question and observe a juvenile delinquent for thirty days at most and then puts forth a treatment program that suits him. In tandem with the team, director of the institution approves the inmate's categorization and program. There are six types of treatment programs. Major criteria for an inmate's classification are the type of crime he committed, the length of his sentence and his psycho-social characteristics. The treatment program assigns an inmate to one of educational groups, sets whether he needs elementary education or vocational training, specifies his workplace and leisure activities, as well as the intensity of individual or group treatment. The purpose of these activities is to individualize inmates' treatments and enhance their social resettlement. However, as some inmates said over interviews, there are newcomers that are not exactly classified in keeping with the above-mentioned criteria.

Training officers propose reclassification once in three months. The major criterion for an inmate's reclassification (once he has served one-third of the length of his sentence) is his behaviour, which is assessed not only by training officers, but also by members of the training and employment service, education personnel and the security service. Some inmates commented the reclassification procedure in the same way as the classification one.

The personnel's motivation for work and awareness of the necessity to implement contemporary forms of treatment, including both group and individual work, are noteworthy. Transactional analysis, gestalt therapy, family therapy and various types of counselling are practised. This modern approach was launched at the time the present director used to be the head of the reformatory training service and key promoter of new ideas and scientific attainments in the domain of inmates' social resettlement. His successor followed in his footsteps and wrote a guidebook for training officers titled "Working in Small Groups: Practical Experience." However, the team was left under the impression that, regardless of the personnel's professional capacity, the actual implementation of these various methods, primarily the group work, was just sporadic. Personnel explain such shortcoming by deficient funds that are necessary for education of the entire personnel. However, the team takes this has more to do with inter-personal and intra-personnel relations. This means not that the problem cannot be solved, the more so since the team perceived all employees in the service as open-minded people ready to discuss the problem and help to find the best solution to it. Indeed, some aspects of this problem imply more engagement of authorized bodies in the outside community.

The size of training groups is adequate. One training officer is in charge of thirty-odd juveniles. According to training officers, every inmate is called for individual meeting twice a week, while total number of daily meetings averages eight or ten. Such meetings last about thirty minutes. Topics discussed either come spontaneously or are initiated by training officers or inmates. The team noticed that the inmates' attitude towards training officers was more co-operative than it used to be at the time of the last visit. As such change implies interaction, training officers themselves must have become more co-operative and efficient in the work. All in all, reformatory training and social resettlement are considered in the institution matters of equal, if not of more importance than the safeguard of order and discipline.

The institution formally provides elementary and secondary education. Classes that range from the first grade of elementary school to the third grade of vocational training in twenty-six trades are organized for the inmates. Actually, the latter is a branch of the secondary technical school "Milica Pavlović" in Valjevo, the institution has been cooperating with ever since its establishment. Presently, nine inmates attend elementary school classes. They are taught in keeping with the curricula of adult programs and get elementary school certificates at the end of schooling.

Not a single inmate actually attends the secondary school classes. According to the administration, the institution cannot afford visiting professors from the town school. That means that the inmates learning a trade in school workshops acquire practical knowledge and experience, but are not entitled to diplomas that would testify of their professional capacity.

Mostly all inmates presently detained in the institution have finished elementary schools, but have not managed to graduate from secondary schools. A few of them attend higher schools. Obviously, the majority of inmates need secondary school education. Apart from the lack of necessary funds for the purpose, the personnel emphasize the inmates' low motivation for learning. Should more of them be interested in schooling, they say, the funds would be probably secured. As it is, it would be unwise to pay professors to teach just a handful of students.

Generally speaking, inmates are rather disinterested in learning no matter what methods to motivate them are applied. The inmates manifest some interest in computer and foreign language courses, which in itself indicates that they want to be in contact with the outside world and follow contemporary trends in society. This tendency should be taken into consideration in terms of their enhanced motivation for education.

The inmates included in the process of education do not work full working hours. The school, the same as the training and employment service function smoothly and communicate well with the inmates. The personnel say the problems they face in their relations with the inmates are negligible. The inmates claim the same.

Unfortunately, no programs have been developed for the inmates with special needs. According to a teacher, such inmates are given individual lessons, often with a helping hand of their concerned inmates.

The team was left under the impression that the school premises are adequate in technical and architectural terms. The school is short of modern teaching aids that would be valuable in the process of motivating the inmates for learning. There are two libraries - one is located within the school, while the other in the cultural centre. However, few inmates regularly visit the school library, as the editions available are mostly old. On the other hand, the library in the cultural centre is among few prison libraries that are regularly supplied with new editions, attractive to the inmates who, therefore, often go to fetch some books to read.

Daily papers are regularly delivered to the institution. There are plenty of radio and TV sets, and satellite programs are occasionally available to the inmates. Inmates may subscribe to some other newspapers or magazines. Besides, the inmates are allowed to bring in personal items such as video recorders and CD players, but have to leave it behind upon release.

Recreational and leisure activities are rich and perfectly organized. They include sport, cultural, artistic and other events. Such events are divided into special and regular. Special events include performances or manifestations to mark state or religious holidays, the institution day, etc. What characterizes these events is that the inmates fully partake in their preparations and realization. Additional funds for this purpose would certainly help to improve the quality of performances. Regular events include all performances and manifestations that are organized in regular intervals (movies, bands, literary soirees, painting shows, visiting troupes, etc.). There is a nice hall with 250 seats that is used on such occasions, but also comes handy as a basketball, volley ball or football field. Frequency of regular events depends on the interest the inmates display for them, but also on the funds available. The inmates take active part in writing for and editing an in-house bulletin titled "Signposts," which is issued mostly thanks to the director's personal endeavour. The inmates also partake in various round tables, competitions and the like. They are mostly interested in sport activities for which the institution has provided excellent conditions. There are playing fields for football and basketball, a gym, running tracks, table tennis hall, etc. Two teams - one composed of inmates and the other of personnel - play a traditional football match once a year. All in all, three officers are in charge of all these activities.

In terms of religious composition of the institution, most inmates profess Serbian Eastern Orthodoxy. According to the prison administration, they are highly interested in the exercise of religious right. For the time being, the institution is not in the position to secure a room for religious observance and pastoral visits. However, inmates may see a priest at their request. Bearing in mind the actual trend of church building within prison compounds, one should expect a church to be constructed in this institution in near future.

No special pre-release programs or activities have been developed. Occasionally, social workers pay visits to some inmates. However, this can be treated as an exception, rather than a rule. As for the communication with inmates' families, the personnel takes that the visiting days, which are scheduled for weekends when training officers are not on duty, reduce the possibility of maintaining close ties with families. The team takes that contacts with inmates' families and custodial authorities should be by far better, which does not solely depend on the personnel's

engagement. The authorities in the outside community should manifest more interest in the matter. This is most important in terms of post-penal integration. So, unless authorized governmental agencies substantially change their attitude towards inmates' post-penal integration, all efforts invested in the process of social resettlement will turn meaningless once the inmates are at large.

II

Incompatibility with or deviation from relevant legislation and rules

- "Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment." (Paragraph 42 of the UN Rules - Juveniles);

- "With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform." (Paragraph 43 of the UN Rules - Juveniles);

- "Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life." (Paragraph 45 of the UN Rules - Juveniles);

- "Although a lack of purposeful activity is detrimental for any prisoner, it is especially harmful for juveniles, who have a particular need for physical activity and intellectual stimulation. Juveniles deprived of their liberty should be offered a full program of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that program." (Paragraph 31 (1) of the CPT Standards, CPT/Inf (99) 12);

- "Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs." (Paragraph 39 of the UN Rules - Juveniles);

- "...Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education." (Paragraph 38 (1) of the UN Rules - Juveniles);

- "All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release and special courses, should be devised to this end." (Paragraph 79 of the UN Rules - Juveniles);

- "A guardianship authority shall permanently keep connection with a juvenile, his family, a correctional institution where the juvenile is housed throughout the execution of the educational measure and the juvenile prison sentences.

"A correctional facility or the institution where the correctional facility educational measure and the juvenile prison sentence are executed shall inform on release the juvenile's parents, guardians and the guardianship authority, and recommend them measures for acceptance of the juvenile no later than three months before release of the juvenile." (Article 286 of the LECS);

III

Recommendations

- The problem of financing inmates' schooling should be urgently solved;

- Schemes and methods that enhance inmates' interest in learning and vocational training should be considered. To this end, relevant authorities should be called to provide modern teaching aids and technology and assist in organizing computer and foreign language courses. This will not only help inmates to find suitable employment when they return to their communities, but also encourage them to exert more effort with a view to being awarded for their attainments in the education process. These aspects are among crucial elements of a successful social resettlement;

- All possibilities for inmates' gradual integration into society should be considered. This primarily refers to development of special pre-release programs to be implemented either in this or other similar institution, or to conditional release;

- Whenever applicable, social care centres should be engaged in assisting the personnel in inmates' admission, observation and social resettlement, and especially in maintaining and improving of their relations with their families, other persons and potential employers.

Contacts with the outside world

I

In connection with this aspect, the team was informed that there still was just one coin-operated telephone available to inmates. They are entitled to make phone calls in keeping with a schedules. According to the personnel, one telephone meets the inmates' needs. Though the inmates themselves did not complain of insufficient coin-operated telephones, they drew the team's attention to the fact that they could not make their anyway brief phone calls in private as security officers standing by were overhearing whatever they said. The inmates can take calls only indirectly, through a training officer.

A training officer collects all the letters sent to inmates and hand them over to an inmate on monitor duty, who distributes them to recipients. No letter has been confiscated over the past six months.

Security guards check contents of parcels sent to the inmates and list each item. Some parcels or parts of parcels have been confiscated, which incited the inmates to protest. To prevent any misuse of the procedure and misunderstanding, the administration decided that a list of items sent in each parcel should make part of it.

Almost all inmates receive visits. Frequency and duration of visits depend on regimes that inmates have been assigned.

The inmates are entitled to receive their visitors in the "special room" once in three months. The personnel and inmates alike take such visits should be more frequent, the more so when one bears in mind their positive effect on the prison population with specific developmental needs.

This problem was referred to in the paragraphs dealing with the legality of treatment. Viewed from the angle of the contact with the outside world, any deprivation of the right to this form of inmates' communication with other persons frustrates their social resettlement.

The personnel's cooperation with outside factors depends on institutions or authorities in question. The cooperation with medical centre and few social care centres is considered good. The personnel are mostly dissatisfied with relevant courts' co-operativeness. Contacts with courts usually have to do with inmates' early releases. Judges make decisions on the grounds of documentation solely, say personnel, and, therefore, have no full insight in all circumstances of the cases that are on the table.

II

Incompatibility with or deviation from relevant legislation and rules

- "The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or consideration linked to available resources. The active promotion of such contacts can be especially beneficial for juveniles deprived of their liberty, many of whom may have behavioural problems related to emotional deprivation or a lack of social skills. The CPT also wishes to stress that a juvenile's contact with the outside world should never be restricted or denied as a disciplinary measure." (Paragraph 34 of the CPT Standards, CPT/Inf (99) 12);

- Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community." (Paragraph 80 of the UN Rules - Juveniles);

- "Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel." (Paragraph 60 of the UN Rules - Juveniles);

- "Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order to effectively enjoy this right. Every juvenile should have the right to receive correspondence." (Paragraph 61 of the UN Rules - Juveniles).

III

Recommendations

- The number of coin-operated telephones should be increased or more flexible rules for the exercise of this right to communication laid down;

- Taking into account developmental specificity and needs of juveniles deprived of their liberty, the possibility to ensure more frequent visits in private rooms than regulated by law should be given thought;

- The issue of the cooperation between prisons and relevant courts should be placed on the table with a view to making the procedure entailing early releases as efficient as possible;

- Regardless of objective difficulties, efforts should be made so as to maximally utilize all available possibilities of both institutions and social care centres that might ensure better conditions for inmates' post-penal reintegration. Authorized representatives should be access to inmates with a view to assisting them in their return to the community and partaking in the programs of their social resettlement. Prison personnel and the personnel of social care centres should be encouraged to mutually cooperate and, whenever possible apply the programs of both direct and indirect treatment aimed at preparing inmates for successful reintegration into society.

- A constructive solution to more frequent contacts within the training officer-family-juvenile triangle should be sought after;
- The environment resembling as closely as possible the conditions in the outside community should be created.

The institution personnel

I

According to the incumbent job classification, the security service should engage ninety-six officers on full-time basis. A new job classification, which is about to be passed, plans yet another two posts for security officers. The service presently employs ninety-three officers. Their age averages thirty. As for the gender composition, there is one women officer, while the rest are men. Most security officers have finished secondary schools. Five of them have graduated from high schools, while only one officer has a university diploma.

The head of the service has a long-standing professional experience and has been working in his present capacity for twelve years. He is a jurist and has been employed in the institution ever since 1977. He is satisfied with the work of his service, as well as with its cooperation with other services. He likes his job and deems his salary adequate.

Security officers show up at their jobs regularly and hardly ever take long sick leaves. This is particularly so since the new labour law came into force, providing 65 per cent of the total amount of salaries for workers on sick leaves.

Officers on probation, like in other prison, have to pass examination after one-year practical training in the service. The prison administration takes that the present system of training and recruiting new officers is inadequate in terms of duties and responsibilities the job implies. A six-month course of training prior to recruitment should be reinstated, according to the prison administration. For, ever since this practice was abandoned, the service has been affected in terms of competent officers able to perform their duties in a humane and appropriate manner.

Team meetings are held once in a month. If necessary, the head of service convenes supervisors and foremen for a weekly meeting. The service is composed of four departments the personnel of which work shifts. Up to forty hours of monthly overtime are paid, while the rest is remunerated in the month to follow. Overtime is not paid only to the head of the service.

Over the past six months, disciplinary proceedings have been instituted against four security officers. Two were accused of sleeping during night watches, one of using a cell phone within the compound without proper permission, and the fourth of the excessive use of truncheon against an inmate. Namely, the officer overpowered the inmate, tied him up and than started to beat him with a truncheon.

It should be stressed that inmates did not complain much of security officers' attitude towards them. The team noted that the prison administration took particular care that the use of truncheons against inmates should be reduced to a minimum and only when truly necessary to overcome an inmate's active or passive resistance or to separate those engaged in fights. Every use of truncheon against an inmate is registered on a special form that is then forwarded to the relevant ministry. The team believes the prison administration is deeply aware that excessive, unjustified and arbitrary use of truncheons against inmates results in contrary effects and, in the long run, affects inmates' social resettlement.

The job classification plans forty-one officers in the training and employment service. Presently, there are ten vacancies in the service, which questions the service's efficiency. All employees meet the recruitment criteria laid down in the LECS and other relevant laws. Three instructors have university diplomas, one has finished a high school, while the rest secondary schools. On the average, they have seven years of professional experience and thirty-five years of age. All instructors are men. Their vocations mostly have to do with metal working, mechanical engineering and carpentry. The personnel are more or less satisfied with the overall atmosphere in the service, as well as with its cooperation with other services. They mostly complained of outdated technology at their disposal and working conditions. Further, they are satisfied with regularity of payments, but not with the amount on their checks. They work overtime when necessary and get paid for it. The personnel are entitled to shorter length of service.

No disciplinary proceedings have been instituted against the service's personnel.

The reformative training service employs seventeen full-timers out of twenty-one planned in the job classification. A three-member team (educator, psychologist and social worker) is assigned to the admission department. Five training officers - four university graduates and one with a high school diploma - work in the reformative training department. Though some do not meet formal qualification criteria, the team was left under the impression that they pursue their duties with commitment. The service also includes three officers in charge of leisure activities and four teachers. The staff's age averages thirty-five and they are all men.

As for the level of stress at work, they deem it high. However, no officer said he has ever been physically attacked by an inmate. One training officer is in charge of thirty-five inmates. The entire staff are entitled to shorter length of service. They are satisfied with being paid regularly, but take their salaries inappropriate. Overtime is occasional and remunerated.

The same as their colleagues in other institutions, the reformative training personnel strongly protest against the Ministry of Justice's latest decision whereby all prison personnel, except reformative training personnel, got raises. Now some less qualified officers who were anyway extra paid due to the nature of their jobs (night shifts, transfer of inmates, etc) earn more than their highly qualified colleagues do. The above-mentioned decision questions the purpose of juveniles' detention as it indirectly gives priority to the maintenance of order in an institution over the reformative training process and inmates' successful reintegration into community. In the team's view, a decision as such not only manifests disinterestedness in post-penal integration, but also gives upper hand to retribution. Further, it affects the atmosphere in the very service, the same as its cooperation with other services.

As referred to in the paragraphs above, some officers of the reformative training service have attended courses of training in various methods of group therapy. However, these methods are not applied continually. In the team's view this is to be attributed to inter-personal relations within the service, rather than to a lack of funds. Namely, according to sources from the service, some training officers are privileged and, therefore, given the opportunity for advance training, while the rest are neglected. The bottom line is that training officers are encouraged to advance their knowledge, but not all of them are given the chance do to so. As there is no doubt that personnel directly involved in reformative training in particular would benefit from appropriate education and specific courses, something should be done about this as soon as possible.

This explains why members of the personnel gave different answers to the questions about whether or not they were satisfied with their job. Some said they were pleased with their job, while the others replied they would gladly apply for some other post.

At this juncture we wish to mention the commendable example of someone who greatly contributes to the service although he does not formally belong to it. The enthusiasm of the deputy director, who is wholeheartedly backed by the director, is certainly a valuable addition to the service's overall performance. He not only wrote a guidebook for the reformative training personnel (Experience of work in small groups), but his overall activity is aimed at implementation of modern practical and theoretical scientific methods in applied penology. Individual endeavours as such certainly contribute to necessary reforms in this field. Unfortunately, such important work rests, for the time being, on individual efforts only.

II

Incompatibility with or deviation from relevant legislation and rules

- "The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work." (Paragraph 82 of the UN Rules - Juveniles);

- "To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive model and perspective." (Paragraph 83 of the UN Rules - Juveniles);

- "The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance cooperation between the various services engaging the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties." (Paragraph 84 of the UN Rules - Juveniles);

- "The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals throughout their career." (Paragraph 85 of the UN Rules - Juveniles).

III

Recommendations

- In the process of selecting and recruiting institutional personnel, particular attention should be paid to their social and emotional suitability for the work;

- The personnel lacking proper professional qualification and experience should attend courses of in-service training aimed at enabling them to carry out their duties and responsibilities in competent and humane manner, and in keeping with the concept of reformative training and social resettlement of juveniles;

- The decision whereby the staff of the reformative training service has been placed in an inferior position should be urgently reconsidered and revoked;

- Sensitivity training or some similar education in interaction skills should be introduced;

- The personnel should be continually encouraged to advance their knowledge and professional capacity by attending courses of in-service training, remedial and other specialized training, with a view to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner and provide juveniles with a positive model and perspective;

- The personnel should be educated in dealing with special categories of juveniles or specialists should be engaged for this purpose;

- Workshops and programs of training in constructive resolution of conflict situations should be organized.

THE DISTRICT PRISON AT BELGRADE

Date of visit: 12 November 2002

Type of institution: semi-open

Population: untried prisoners and prisoners under sentence

Capacity: around 900

Number of untried prisoners: about 480

Number of convicted prisoners: 28

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

Restriction: As provided by law, members of the team were allowed to interview just the institutional personnel; interviews with untried prisoners detainees are prohibited.

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING, SANITARY CONDITIONS, AND HYGIENE

The Belgrade District Prison compound was built in 1952 and bears a strong resemblance to Russian prisons. Architectural, technical, sanitary and other conditions in the institution are inadequate and inhuman for longer detention. The outside and especially the inside of the prison show that repair of various kinds is long overdue. Nearly all the ground-level walls are in a poor state of repair due to humidity and decades of neglect.

The building is so constructed that it allows the entrance of light and air from halls - in other words, rooms are deprived of natural light and fresh air. This means that the detainees spend most of their day under artificial light, inhaling stale air. The antiquated ventilation system, which is switched on every three hours for fifteen to twenty minutes, is absolutely inadequate, especially in summer.

Overcrowded rooms accommodate ten to twelve prisoners and look unkempt. Mattresses, blankets and bedding are old and threadbare and in short supply, so they cannot be washed, disinfested and replaced on time. Although a quantity of bedding has been provided by humanitarian organizations, it is not regularly washed and replaced. Although management does all in its power to keep hygiene at a high level, it cannot do much owing to the lack of funds and the worn-out condition of the entire equipment.

The bathrooms and toilets are dilapidated and the sanitary equipment falling to pieces. The administration has no money to provide enough toilet articles (soap, toothpaste, shaving cream, shampoo, toilet paper), so prisoners are forced to buy these articles in the canteen at market prices or ask relatives and friends to send them. According to the House Rules, detainees take showers once a week or more often if they are given work to do.

The corridors are fitted out with 700 radiators fed from the heating-oil-fired boiler room located within the prison complex. The heating arrangements are inadequate because the complex spreads on 95,000 square metres and most cells have no radiators. In winter, if there is enough heating oil, the boiler room can push the temperature up to 16 or 17 degrees centigrade at most; however, the temperature mostly stays around 10-11 degrees.

The prison capacity amounts to around 900 untried prisoners. Actually, it accommodates 500 such persons. In keeping with different classes they are divided into, untried prisoners are accommodated in separate sections of the institution. Untried prisoners are classified as follows: persons detained for reasonable doubt that they have committed non-violent crimes or crimes of negligence, as well as first offenders; persons detained for reasonable doubt that they have committed serious crimes; untried women prisoners; and juvenile offenders. Convicted prisoners with open treatments are allocated in the so-called garage section. We have noticed that conditions are somewhat better in the rooms accommodating juveniles and in renovated sections, nicknamed Hyatt I and II, for untried prisoners. These rooms accommodate two detainees each, they are furnished with windows letting in fresh air and natural light, and are by far better maintained and kept clean. This is yet another proof that proper investment in the institution can greatly improve conditions of life. The prison administration has initiated renovation of yet another section for untried prisoners.

The ratio between a small exercise space and a large number of prisoners still figures as a problem for the prison administration. Therefore, the administration cannot objectively provide two-hour exercise in the open air to all detainees and fifteen minutes appears to be the maximum.

Since the institution can be financed from the state budget solely, it cannot secure on its own additional resources that are more than necessary. The institution is overcrowded, has been neglected for decades and no investment in its infrastructure and equipment has been made. Therefore, bad conditions of life are to be expected.

B) THE KITCHEN, MESS-HALL AND FOOD

Located in the basement, the prison kitchen is in intolerable condition. The ceiling is ruined and humid, with large portions of plaster fallen apart. The prison personnel were the only available sources of information about the quality of food and sizes of meals. According to these officers, nutritional value and quality of food, as well as sizes of meals are in keeping with relevant legal provisions. Special diets are prepared for detainees with health conditions. Convicted prisoners are served their meals in the kitchen hall, while untried prisoners have their meals brought to them in rooms, as prescribed by detention regime. Untried prisoners are allowed to receive parcels with food or procure food at their own expense in the well-stocked prison canteen.

According to the interviewed members of the staff, there were no cases of food poisoning in spite of the bad state of the kitchen. Occasional food poisoning was to be attributed to food parcels only.

C) THE MEDICAL SERVICE AND FACILITIES

The Belgrade District Prison's medical services have an organizational structure of their own and at this moment employ nine medical officers. Three general practitioners (one of them is ophthalmologist but works as a general practitioner), one stomatologist, four technicians and one dentist assistant make up the personnel. On workdays prisoners may turn to medical services from

8:00 a.m. to 9:00 p.m. The prison administration plans to engage on full-time basis yet another general practitioner and necessary technicians with a view of making medical services available round the clock. The medical personnel receive a 30 per cent bonus on top of their pay for their working conditions and are also entitled to early retirement. But in spite of these benefits, few of them wish to stay. The head of the service, a woman, is the longest-serving member of the staff, having worked for the institution for ten years.

The institution also employs as consultants on a part-time basis a surgeon, a urologist, an orthopaedist, a pneumo-physiologist, and an otorhinolaryngologist. The consulting services of an ophthalmologist and a neuropsychiatrist from the Penitentiary-Hospital are also available.

Night emergencies are administered by doctors from the Penitentiary-Hospital located in the same building.

On admission, every untried and convicted prisoner undergoes mandatory medical examination that also includes personal and family case history and appropriate entries into a medical record. Since all medical information is additionally entered into computer files, double records are being kept for each inmate.

In cases of severe injuries upon admission, such prisoners are firstly treated in the Belgrade Casualty Clinic and then taken to the prison along with their medical records.

Prisoners are sanitized on admission and their clothes are sterilized.

Medical officers visit all prisoners at regular biweekly intervals, regardless of whether any of them has applied for a check-up. Prisoners complaining of any health troubles are examined and treated in an in-patient facility and, if necessary, driven to appropriate institutions for additional research. Since the prison has no biochemical laboratory of its own, blood and urine tests are performed in the Penitentiary-Hospital.

The prison has no in-patient facility. The out-patient facility is equipped with standard furniture and apparatuses, along with a PC, a refrigerator for medicaments and an incomplete professional first aid kit (all it contains is an oxygen mask without storage tanks). According to the head of the medical services, the dispensary is adequately stocked with analgetics, antibiotics and tranquillisers.

The prison purchases most medicaments from its own funds. Some medicines are obtained through humanitarian aid. Prisoners are entitled to receive parcels with medicines. However, doctors firstly inspect such parcels and then administer drugs in proper doses.

The medical services include a properly stocked dressing ward. The dentist surgery is well equipped and provides all sorts of stomatological services, except for dentures.

Over the past six months fifteen prisoners have been transferred to specialized institutions. Neuropsychiatric patients are sent to the Penitentiary-Hospital. Engaged as a consultant, Professor Šuvaković visits the prison once a week to examine four patients with HIV infection. These prisoners are isolated from the rest. However, their accommodation is inadequate.

According to the head of the medical services, 45 per cent of untried prisoners are drug users. Official records show that no prisoner suffers from acute tuberculosis. Three prisoners, treated for tuberculosis, are regularly examined. Two prisoners suffer from diabetes and are on insulin therapy, while four diabetics take medicaments. Fifteen-odd untried prisoners have heart conditions and are regularly controlled by doctors. The rate of bodily injuries and self-injury is rather low (ten to fifteen cases in the past six months). The above mostly refers to light injuries suffered in fistfights.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- "The rooms in which convicted persons live and work must be of sufficient space that each convicted person has, at a minimum, eight cubic meters of space, adequate heating and sufficient lighting." (Article 58, paragraph 1 of the LECS; Article 15, paragraph 1 of the House Rules);

- "All rooms occupied by prisoners shall be regularly aired and kept clean." (Article 15, paragraph 3 of the House Rules);

- "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." (Paragraph 10 of the UN Minimum Rules);

- "In all places where prisoners are required to live and work, the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation." (Paragraph 11 (a) of the UN Minimum Rules);

- "The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirement of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation." (Paragraph 15 of the EPR);

- "In all places where prisoners are required to live and work, the windows shall be large enough to enable the prisoners, inter alia, to read or work by natural light in normal conditions. They shall be so constructed that they can allow the entrance of fresh air except where there is an adequate air conditioning system. Moreover, the windows shall, with due regard to security requirements, present in their size, location and construction as normal an appearance as possible." (Paragraph 16 (a) of the EPR);

- "The rooms shall not be humid and shall be supplied with sanitary appliances and other necessities for the maintenance of personal hygiene." (Article 58, paragraph 2 of the LECS);

- "Adequate bathing and shower installations shall be provided so that every prisoner may be enabled to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate." (Paragraph 13 of the UN Minimum Rules, Paragraph 18 of the EPR);

- "The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner." (Paragraph 12 of the UN Minimum Rules; similarly Paragraph 17 of the EPR);

- "Prisoners shall be required to keep their persons clean and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness." (Paragraph 15 of the UN Minimum Rules; similarly Paragraph 20 of the EPR);

"Every prisoner shall be provided with a separate bed and separate and appropriate bedding, which shall be kept in good order and changed often enough to ensure its cleanliness." (Paragraph 24 of the EPR; similarly Paragraph 19 of the UN Minimum Rules);

"In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food, which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work and so far as possible religious or cultural requirements." (Paragraph 25 (1) of the EPR).

'Detainees shall be allowed to exercise in the open air for at least two hours a day provided the prison has an appropriate fenced-off area.' (Article 28 (1) of the House Rules).

III

Recommendations

- Funds should be secured, as soon as possible, with a view to implement the project of renovation of the entire facility - kitchen, toilets, bathrooms and sanitary installations in the first place;
- At least minimal funds should be secured for regular supplies of indispensable toilet articles;
- Supply of crude oil for heating season, sufficient for maintenance of acceptable level of temperature in wintertime should be secured;
- Prisoners should be enabled to have longer exercise in the open air, in keeping with existing regulations.

Security

I

One should note here that the District Prison and the Penitentiary-Hospital actually share the same building. Since the prescribed security level classifies the hospital as a closed institution, and the District Prison as a semi-open one, it is only natural that the measures of external security are not applicable to both. Actually, these measures are incompatible with relevant provisions for semi-open institutions since the entire building has been constructed as a closed institution. The very structure of the prison population figures as yet another security problem. Unlike other district prisons with the 2:1 ratio between untried and convicted prisoners, the District Prison in Belgrade has by far more untried prisoners (480) than those under sentence (about thirty), which, under law, implies security measures for closed institutions.

The prison administration did not impart the information about the number of security officers. According to the report the team made in 2001 when it visited the prison for the first time, there were 210 security officers. There is no telling whether changes have taken place in the meantime, as the incumbent administration treats such piece of information as confidential. The administration put an emphasis on the problem of the services functioning when viewed from the angle of the job classification drawn back in 2000. As the administration officers put it, the number of security officers laid down in the job classification is inadequate for implementation of security measures in an institution of such capacity and type. Besides, prisoners are often removed to or from the institution, which necessitates appropriate escorts.

However, the fact that no untried or convicted prisoner has violated the safety of the outside community in the past six months might be ascribed to such high security level.

As for internal security, there seem to be no major problems. No major incidents or conflicts have taken place. A tour of the rooms that accommodate untried prisoners, showed that some rooms were empty, while others were overcrowded with by far larger number of prisoners than prescribed as optimal. Presently, between ten and twelve prisoners occupy one room. The personnel explained that according to the ongoing renovation project one should accommodate four prisoners. Once realized, the project will not only provide better accommodation for prisoners, but also, as the personnel put it, hinder incidents and conflicts and thus upgrade security of both untried and convicted prisoners.

II

Incompatibility with or deviation from relevant legislation and rules

- "In the correctional facilities of semi-opened type, the security guards shall supervise movements of convicts as the only obstacle of escaping." (Article 12, paragraph 3 of the LECS);
- "Convicts who were sentenced on the prison terms shorter than one year, as well as those whose remnants after counting the time spent in the arrest and the other deprivation of liberty concerning the same crime exceed not one year, shall be disposed, as a rule, in county prisons." (Article 30 of the LECS);

III

Recommendations

- All relevant authorities should endeavour to find a proper solution to the problem of separating the Penitentiary-Hospital from the District Prison;
- The existing job classification should be reviewed and the prison administration should be consulted in this process;
- An optimal solution should be found either to remove or abate security measures that intensify prisoners' feeling of isolation in terms of free movement and in keeping with current regulations on in-house order.

Lawfulness (equity) of treatment

I

Since untried prisoners make the majority, the legality of treatment actually refers to the personnel's observance of the rules of prison custody. This is the more so since prison custody is a part of a legal process, rather than a criminal sanction. This is why the president of the District Court is in charge of supervision. In other words, supervision of untried prisoners is in the Court's exclusive jurisdiction. In this respect and bearing in mind the specificity of the building's design, we concluded that the personnel observes and properly implements all relevant provisions of the Criminal Procedure Code and the LECS. In our view, there are no major departures from these acts when it comes to untried prisoners' status and treatment. Nevertheless, we wish to stress that we had no permission to interview the detainees.

However, the legality of treatment is disputable if one bears in mind the small population of convicted prisoners. Measures of external security are unsuitable for a semi-open institution such

as the District Prison - a matter already referred to in the paragraphs above dealing with security issues. The existing degree of physical security intensifies prisoners' feeling of isolation and suffering in terms of free movement and in keeping with current regulations and house rules. It seems that the treatment of this small population of prisoners under sentence lack all crucial elements of resettlement and reformatory training such as prison work, appropriate treatment, recreational activities, admission department and sufficient number of relevant officers (the institution employs just two training officers; no psychologist is included in the personnel).

Generally speaking, not only security measures, but also the prison regime and organizational structure do not meet the requirements of treatment of prison population and are, thereby, incompatible with their rights and privileges.

II

Incompatibility with or deviation from relevant legislation and rules

- "Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this." (Paragraph 64 of the EPR);

- "In allocating prisoners to different institutions or regimes, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age." (Paragraph 11 of the EPR);

- "So far as possible separate institutions or separate sections of an institution shall be used to facilitate the management of different treatment regimes or the allocation of specific categories of prisoners." (Paragraph 13 of the EPR).

III

Recommendations

- So far as possible renovation of the prison should be sped up and ended with a view to create necessary conditions for treatment regimes for untried and convicted prisoners, and enable smooth functioning of the institution;

- Viewed from the angle of social resettlement, more attention should be paid to the dynamics and contents of treatment regimes.

Social Resettlement

I

It is obvious that district prisons too shall implement the concept of social resettlement regardless of the length of sentences (up to one year) that are decisive in allocating prisoners to this type of institutions. The following elements are mostly referred to in the context of social resettlement: treatment, work, education and vocational training, leisure time and recreational activities, religious guidance and after-care.

One training officer was the only source of information when it came to this aspect. Namely, the District Prison has no reformatory training services or training and employment services that are in charge of prisoners' social resettlement. The prison enrolls just two training officers - a social worker and an educational specialist. According to them, they fully meet the needs of a constantly small population of convicted prisoners (thirty at present) and probably better do their jobs than their counterparts in the institutions with fully staffed reformatory training services. Their answers to more specific questions showed that they were solely engaged in weekly counselling sessions, apart from by far more frequent informal contacts with prisoners. Prisoners are not divided in groups. Both training officers are in charge of all prisoners, probably because they are rather few. Prison work is not specifically organized. Prisoners are employed in accordance with the institution's needs and are usually assigned to kitchen, restaurant, canteen and a cardboard facility. The prison has locksmith and construction workshops. A space set aside for a library is still empty. When it comes to mass media, newspapers are regularly delivered to the prison, and the number of radio and TV sets is adequate, according to the interviewees.

Leisure time and recreational activities are not organized. The personnel did not elaborate the issue.

Detailed records are kept for every untried/convicted prisoner. In addition to individual cumulative files, entries on all planned and unplanned interviews are made in a separate file, along with daily, monthly and annual plans.

Pre-release preparation implies no special programs and activities on the part of the personnel. Shortly before a prisoner is released, relevant authorities are informed under regular procedure. Bearing in mind short periods of the deprivation of liberty, we deem the above adequate.

In terms of religious guidance and prisoners' religions, most of them belong to the Serbian Orthodox Church. The institution cannot for the time being secure adequate premises for religious ceremonies and pastoral visits. Since we were not allowed to interview untried prisoners, we cannot judge whether or not they are interested in pastoral visits.

II

Incompatibility with or deviation from relevant legislation and rules

- "The administration shall introduce forms of organization and management systems to facilitate communication between the different categories of staff in an institution with a view to ensuring cooperation between various services, in particular, with respect to the treatment and re-socialization of prisoners." (Paragraph 59 of the EPR);

- "To these end all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a.) spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities." (Paragraph 66 of the EPR);

- "As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a program of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives." (Paragraph 68 of the EPR);

- "The institution shall organize cultural, recreational and sports activities so as to promote the cultural, recreational and sporting life of the prisoners and to preserve their mental and physical health. These activities shall take place during leisure time under the organization and management of the reformative training service." (Article 47 of the House Rules);

- "Books from the prison library, as well as books prisoners obtain by themselves shall be available unless they incite criminal activities. The book stock of the prison library shall be carefully selected and replenished." (Article 42, paragraphs 1 and 2 of the District Prison House Rules);

- "Religious ceremonies shall take place in separate and appropriate premises on an institution in keeping with law. Untried prisoners may receive visits of religious representatives who shall be mutually assigned by a religious community and a director of an institution in keeping with law." (Article 37 of the House Rules).

III

Recommendations

- Convicted prisoners should be enabled to partake in positive and creative free time activities that hinder idleness and negative conduct;

- The question of the library should be opened and funds should be secured to replenish the library by new editions;

- Untried prisoners should be enabled to partake in religious ceremonies and receive visits by religious representatives.

Contacts with the outside world

I

One coin-operated telephone is at prisoners' disposal. Prisoners awaiting trial are not permitted by law to use telephone. When it comes to untried prisoners, their correspondence and complaints they make are in the competence of judicial bodies in charge of their cases. All letters sent by or addressed to an untried prisoner are firstly conveyed to the relevant judicial body and then treated in accordance with this body's decision.

The above refers not to parcels sent to prisoners. Guards inspect parcels and keep record on their contents. According to sources from the institution, no parcels or parts of them have been confiscated.

Mostly all untried/convicted prisoners receive visits in accordance with law. The same refers to the visits they receive by their lawyers. A room without physical obstacles is set aside for contacts with lawyers.

In our opinion, the personnel's cooperation with the factors in the outside community boils down to the institution's *ex officio* obligations. According to personnel, this cooperation is good although expenses incurred by the institution, such as the cost of transferring detainees to and from courts, are not met on time.

II

Incompatibility with or deviation from relevant legislation and rules

There are no noticeable incompatibilities with or departures from the said regulations.

III

Recommendations

- Funds should be secured to enable renovation of premises allocated to family meetings.

The institution personnel

I

The role of institutional personnel is crucial for implementation of all sanctions - i.e. it is considered a major source of variations in all other aspects of an institution's functioning and purpose.

The personnel of the Belgrade District Prison perform their tasks and duties within three institutional services: general administration services, medical services and security services.

With regard to the institution's specificity and type the security services play the most important role. As referred to in the section of this report dealing with security matters, the prison administration did not provide any information whatsoever about the number of security officers, their age, gender or professional qualifications. All we managed to learn had to do with the job classification and appropriateness of officers' salaries. In the prison administration's view (shared, as they put it, by security officers), the number of security officers laid down in the present job classification is inadequate for the services to function efficiently. This aspect combined with relatively meagre salaries in view of the exacting nature of the work, clearly indicate that security officers perform their duties under considerable stress day in day out. Officers take that new additions to the staff and higher salaries would greatly improve the services' efficiency.

We obtained no information about disciplinary measures taken against the officers for breaches of orders.

The general administration services include a staff of fifty-odd. Employees are assigned to several departments (Central Registry and Depository, Legal Office, Accounting Office, Computer Centre, Maintenance Services and Food Preparation). The personnel's age average forty. Out of the total number of employees, four are university graduates, four have finished higher and the rest secondary schools. Men and women are almost equally represented. According to the head of the services, the employees are interested in in-house computer training. She also says that the services have functioned smoothly over the past six months - no member of the staff has been fired, missed a day of work or gone on long sick leaves. She pinpoints good cooperation with the prison administration and other services.

Speaking about other cadres, we were told that two training officers and several trade instructors met the institution's needs and their professional capacities were adequate. Both training officers - an educational specialist and a social worker - are women. The personnel's years in service average seven.

All of them meet the admission criteria laid down in the LECS and the Law on Employment in Government Agencies. When interviewed, training officers said they were satisfied with their job, the efficiency of the prison administration and the cooperation with other services. They take reformatory training as the institution's top priority and see the administration's attitude to them as correct. Team meetings are convened once a week. The personnel are satisfied with regularity of salaries, but not with amounts. Overtime is just occasional. All of them are entitled to shorter length of service. No breaches of orders have taken place over the past six months. Except for one sick leave, no one missed a day of work in the same period.

Asked about the stress level at work, they said their jobs were stressful though no one has been assaulted or hurt by untried or convicted prisoners.

II

Incompatibility with or deviation from relevant legislation and rules

- "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

"The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used."

- "To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil services status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work." (Paragraph 46 of the UN Minimum Rules);

- "After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals." (Paragraph 47 (3) of the UN Minimum Rules).

III

Recommendations

- Conditions of life and work of the entire personnel should be improved through increased salaries and other employment benefits for those who work efficiently, conscientiously and in a law-abiding manner;

- The personnel should be constantly encouraged to improve their knowledge and professional capacity by attending advanced courses, courses of in-service training and seminars, and by following examples of positive management;

- Addition of at least one psychologist to the staff should be considered to work with both convicted and untried prisoners.

THE DISTRICT PRISON AT NOVI SAD

Date of visit: 19 November 2002

Type of institution: semi-open

Population: untried prisoners and prisoners under sentence

Capacity: around 500

Number of untried prisoners: about 110

Number of convicted prisoners: around 130

Composition of the visiting team: two lawyers, a pathologist, and an educational specialist

The quality and conditions of life

I

A) BUILDINGS AND GROUNDS, EQUIPMENT, VENTILATION AND LIGHTING,
SANITARY CONDITIONS, AND HYGIENE

Built in 1986, the prison compound covers an area of some nine hectares. Apart from buildings, the compound includes the institution's industrial and agricultural facilities. The central administration building is located outside the compound. Institutional buildings accommodate untried and convicted prisoners, and house a cardboard workshop. Modern recreation grounds with football and basketball fields are also located within the compound. Agricultural facilities including farmland, a chicken farm and a pig farm are outside the compound. The industrial facility named "concrete workshop" the people from the administration take as the institution's most profitable business is situated nearby the farms.

Constructed to house 500 people, the institution actually accommodates about 110 untried prisoners and around 130 prisoners under sentence. The latter includes persons sentenced for misdemeanour. The number of such prisoners varies. There were thirty-odd of them at the time of the team's visit to the institution.

Architectural-technical conditions and general hygiene of the institution seem more than satisfying. The rooms where untried and convicted prisoners live and work are in perfect condition. Dormitories are clean and tidy, windows are so constructed that they let in sufficient natural light, sanitary installations are appropriate and hot water is available to all prisoners.

The number of prisoners per room is optimal and each prisoner has a cupboard of his own. Mattresses, blankets and bedding are in good shape and some are even newly procured. Floors are heated in the section housing untried prisoners, whereas the other pavilion has a central heating system. Temperature of rooms and halls is proper.

A general conclusion in terms of this aspect of prison life is more than favourable, and particularly so when compared with other institutions the team has visited.

However, there is a problem that calls for urgent solution. Namely, persons imprisoned for misdemeanour share rooms with persons imprisoned by reason of criminal offence. Such unimpeded communication between the two categories is impermissible and should be ended.

B) THE KITCHEN, MESS-HALL AND FOOD

The prison kitchen and mess-hall room are noticeable clean, tidy and spacious. The kitchenware is new and modern. Spacious food stores are located within the kitchen area. The cook puts forth weekly menus, which are then verified by the director. Special diets are prepared for diabetics.

Construction of a bakery that will primarily meet the institution's needs is underway.

Almost all interviewed prisoners (twelve) deemed the quality of food and sizes of meals very good.

The prison canteen is adequately stocked. Parcels the untried and convicted prisoners receive stand for additional sources of food.

C) THE MEDICAL SERVICE AND FACILITIES

The prison's medical services operate within the reformatory training services. The management of medical services is different from that in other institutions. Actually, the services employ just one full-time nurse. A general practitioner and a dentist are employed full-time in the Novi Sad Health Centre and their work in the prison is based on an agreement signed between the two institutions. The Health Centre has thus extended its job classification to another two posts, while the prison has freed itself of a "burden" of paying full-time workers.

The out-patient facility has one bed for examination of patients, an ECG, a sphygmometer, an otoscope, a drug cabinet, a dry sterilizer and a file cabinet. The dispensary is adequately stocked. The institution's funds are used to purchase medicaments at market prices. Monthly supplies of medicaments mostly include antibiotics, analgetics and tranquillisers. Untried and convicted prisoners can procure medicines at their own expense. Medical officers are in charge of distribution of medicines.

Though the dental surgery is fully equipped, the only services provided to prisoners free of charge and provided at all are teeth extractions. Untried and convicted prisoners are allowed to be visited and treated by their own dentist if they need any other treatment.

There is no in-patient facility. Prisoners in need of hospitalization are driven to the Penitentiary-Hospital in Belgrade, whereas emergencies are taken care of in the Novi Sad Clinical Centre or the Sremska Kamenica Hospital. To have their blood and other tests done sick prisoners are driven to the laboratory of the Institute of Hygiene in Novi Sad.

Thorough check-ups are mandatory upon admission. Delousing is no longer obligatory. However, to get rid of lice when detected during examinations prisoners are given special shampoos.

A professional nurse sees untried prisoners every day, regardless of their state of health. Fifteen cases of injured prisoners have been registered over the past six months. According to the nurse, it was about light injuries such as cuts, scratches and bruises all of which were sustained at workplace. Not a single case of self-injury has been recorded over the same period.

From early 2002 till late November around 120 prisoners have been hospitalized in Novi Sad medical institutions. None of the prisoners suffers from tuberculosis or is HIV infected. Three diabetics are administered medicaments and none of them needs insulin therapy. At this point, five prisoners suffer from chronic respiratory diseases and cardiomyopathy.

In addition to thirteen prisoners treated occasionally in the Penitentiary-Hospital in Belgrade for mental disorders, five have applied for psychiatric treatment from the beginning of

2002. In the nurse's view, around 25 per cent of overall prison population are drug dependent and drug users.

The medical services' status is appropriate, while teamwork and meetings figures as a standard practice, according to interviewees.

Prisoners' complaints of the services' functioning can be labelled as minor.

II

Incompatibility with or deviation from the Law on the Enforcement of Criminal Sanctions (LECS), the House Rules for Closed and Maximum-security Institutions (House Rules), the UN Standard Minimum Rules for the Treatment of Prisoners (UN Minimum Rules) and the European Prison Rules (EPR)

- "Persons convicted of misdemeanour shall serve their prison sentences in a special department of the district prison, separately from those convicted of criminal offences." (Article 290, paragraph 1 of the LECS);

- "In allocating prisoners to different institutions or regimes, due account shall be taken to their judicial and legal situation (untried or convicted prisoner, first offender of habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age." (Paragraph 11 (1) of the EPR);

- "The purpose of classification or reclassification of prisoners shall be:

a) to separate from others those prisoners who, by reasons of their criminal records or their personality, are likely to benefit from that or who may exercise a bad influence; and

b) to assist in allocating prisoners to facilitate their treatment and social resettlement taking into account the management and security requirements." (Paragraph 12 of the EPR);

- "The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment." (Paragraph 8 (1) of the UN Minimum Rules).

III

Recommendations

- The problem of separating persons sentenced to imprisonment from those sentenced for misdemeanour should be solved in technical and organizational terms.

Security

I

A concrete wall, three watchtowers and sophisticated devices such as video cameras, sensors and the like add up to the prison's external security. This surely provides a high level of security, but also facilitates the tasks of the security services. Though such level of security is quite adequate for untried prisoners, it is not in keeping with security provisions for semi-open institutions, i.e. the population of convicted prisoners. The institution personnel explained the actual lack of funds made it impossible to secure a separate facility for prisoners that should not be so

strictly walled up. However, they take that daily prison work outside the institution and minimal surveillance measures (one guard watches over thirty prisoners) are illustrative of a treatment properly adjusted to a semi-open institution.

Records show that the staff of the security services is bigger than in other services, which is only natural when one takes into account that out of 240 inmates 50 per cent are untried prisoners.

No member of the institution personnel has been attacked or hurt by prisoners regardless of his or her gender of the services he or she works for. We have noticed prisoners' differentiated attitude to specific categories of the personnel. Therefore, as seen from the angle of internal security, a difference should be made between these categories. The type and closeness of an officer's relations with prisoners largely lean on the services he works for. Almost all prisoners display positive attitudes to their instructors. However, when referring to the personnel they mostly mean guards.

As far as the eye could tell, the prison faces no major security problems. This not only applies to the relationship between the personnel, the untried and the convicted prisoners, but also to imminent dangers or incidents. The fact that no major incident or conflict has taken place best testifies to the above.

II

Incompatibility with or deviation from relevant legislation and rules

- "In the correctional facilities of semi-opened type, the security guards shall supervise movements of convicts as the only obstacle of escaping." (Article 12, paragraph 3 of the LECS).

III

Recommendations

- An optimal solution should be found either to remove or abate security measures that intensify prisoners' feeling of isolation in terms of free movement and in keeping with current regulations on in-house order.

Lawfulness (equity) of treatment

I

The lawfulness of treatment partially involves the personnel's observance of the rules of prison custody. This is the more so since prison custody is a part of a legal process, rather than a criminal sanction. In our view, the institutional personnel fully observes and properly implements the provisions of the Criminal Procedure Code and the LECS dealing with prison custody and the status of an untried prisoner. However, this is only a superficial impression since we were forbidden to interview prisoners awaiting trial.

House rules are clear-cut and available to every prisoner upon admission.

The prison compound is divided in two sections - one accommodating untried prisoners and the other prisoners under sentence. Untried prisoners are allocated to units with closed regimes, while convicted prisoners and those sentenced for misdemeanour are allocated to units

with closed and semi-open regimes. The high level of physical security for a semi-open institution as this one is officially treated has already been referred to in the paragraphs above. Interestingly, the prison houses a rather large number of convicts with both short and long sentences. This is because some prisoners from closed institutions such as those in Požarevac and Sremska Mitrovica have been moved to this prison for justifiable reasons. The latter add up to almost one-third of the prison population (forty-odd convicts) and are mostly allocated to the closed departments. It is only logical that their treatment should be different, i.e. that individual treatment for this category of prisoners should be reconsidered. When asked about impartiality on the part of the institutional personnel, fairness of disciplinary measures, benefits and awards, complaints and efficiency of relevant procedure, officers and prisoners alike gave positive answers. Here we once again pinpoint the fact that prisoners sentenced for misdemeanour share premises with those with short of long sentences. In our view, this problem should also be viewed from the angle of legality of the regime in this institution.

II

Incompatibility with or deviation from relevant legislation and rules

- "So far as possible separate institutions or separate sections of an institution shall be used to facilitate the management of different treatment regimes or the allocation of specific categories of prisoners." (Paragraph 13 of the EPR).

III

Recommendations

- Due attention should be paid to the requirement of different treatment regimes that should be adjusted to legal statuses of prisoners;

- The problem of accommodation of prisoners sentenced to imprisonment and those sentenced for misdemeanour should be solved in terms of different premises and management's.

Social resettlement

I

It is obvious that district prisons too shall implement the concept of social resettlement regardless of the length of sentences (up to one year) in accordance to which prisoners are allocated to them. As stressed in the paragraphs above, apart from prisoners with short sentences, the prison population is to a considerable extent composed of prisoners who should be classified to serve their time in closed institutions. This refers to the prisoners with long sentences, who have been moved in with reason. Therefore, it is the more so important to pay due attention to the concept of social resettlement as the object of punishment by confinement. The following elements are mostly referred to in the context of social resettlement: treatment, work, education and vocational training, leisure time and recreational activities, religious guidance and after-care.

Prisoners and officers of the services in charge of specific aspects of social resettlement were sources of the relevant information. For the purpose of social resettlement the institution enrolls two instructors tasked with prison work and two training officers working on other aspects of

social resettlement, who are directly involved in the process of re-education. Prison work - covering chores (kitchen, restaurant and canteen), a cardboard workshop, a concrete site and farming - is for the most part organized in accordance with the institution's needs. There are two trade instructors.

Prisoners and officers alike do not consider prison work a problem. According to officers, prisoners are kept maximally employed and are motivated to work.

As for the prisoners, they said they were not able to choose the type of employment in which they wished to participate since decisions as such were exclusively dependent on the personnel and current requirements of the institution. Machines and the technology in the cardboard workshop are outdated, but the machines in the 'concrete facility' are modern and brand new, according to interviewed prisoners. Employment opportunities and vocational training mostly have to do with technical drawing, building and carpentry. Some prisoners are also employed in the outside community. This results from contracts signed with the public greenery service and the Budućnost Construction Company. As the personnel put it, the prisoners have an eight-hour workday, while overtime is paid to them and officers alike.

When it comes to safety and health precautions, noise pollution and contacts with possible harmful machines are mostly referred to. However, a circular saw is exclusively managed by a skilled prisoner. Though vocational training is actually secured, prisoners do not get certificates qualifying them for jobs in the outside community. For their diligence and endeavour they are often granted leaves.

All interviewees take that treatment conditions and personal involvement in treatment programs are inappropriate. Namely, treatment programs are individual, since there are no officers competent to provide other types of treatment. Institutional officers themselves take that some categories of prisoners (drug users) need special treatment programs. Although there are ever more prisoners in need of specialized treatment programs, their treatment differs not the one provided to the rest due to the lack of competent personnel.

Sizes of reformatory training groups hinder quality guidance. One training officer is in charge of seventy prisoners, which hardly secures optimal conditions for quality guidance. The institution is in bad need of competent staff. No social worker is on the payroll. One of the two training officers is a geography professor. Since no admission department makes a part of the reformatory training services, one cannot but conclude that classification and procedures for establishing treatment programs - first major steps in the reformatory treatment process - are superficial and neglected.

According to training officers, prisoners are provided just weekly counselling services, while informal conversations and daily contacts with them are by far more frequent. Most prisoners either said they were unaware of the training officers in charge of them or referred to a training officer who, as we learned later on, had not worked for the institution for three months already.

In spite of the fact that some prisoners lack even elementary education, classes of elementary and secondary education cannot be arranged, at least not within the prison compound since there is no proper facility. The institution provides opportunities for prisoners willing to pursue their education in outside educational institutions. However, such prisoners are few, according to the personnel.

Supply of daily press is regular and the number of radio and TV sets is appropriate. There is a TV set in every room of the section accommodating untried prisoners. Prisoners under sentence can use a library that is quite adequately stocked with both recreational and instructional books.

Leisure activities are diverse and well organized. Apart from a recreation ground, a table tennis hall and a gym are used in wintertime. There is also a movie hall that is presently inoperable as such due to technical reasons. However, as the personnel put it, the hall itself is creatively exploited.

Pre-release preparation implies no special programs and activities on the part of the personnel. Shortly before a prisoner is released, relevant authorities are informed under regular procedure. Bearing in mind short periods of the deprivation of liberty, we deem the above justifiable and adequate.

In terms of religious guidance and prisoners' religions, untried/convicted prisoners belong to various religions. Presently, a priest regularly visits the institution. Since the prisoners are largely interested in religious ceremonies, the construction of a church within the prison compound is underway.

II

Incompatibility with or deviation from relevant legislation and rules

- "The reformatory training service shall employ such methods and procedures as to dissuade prisoners from committing criminal offences in the future. The reformatory training service shall co-ordinate the work of other participants in the reformatory training process." (Article 17 of the LECS);

- "As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a program of treatment shall be prepared for him in the light of knowledge obtained about his individual needs, his capacities and dispositions." (Paragraph 69 of the UN Minimum Rules);

- "Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment." (Paragraph 70 of the UN Minimum Rules);

- "To these ends all the remedial, educational, moral spiritual and other resources that are appropriate should be made available and utilized in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities;

c. procedures for establishing and reviewing individual treatment and training programs for prisoners after full consultations among the relevant staff and with individual prisoners who should be involved in these as far as is practicable." (Paragraph 66 of the EPR).

III

Recommendations

- The personnel should be continually encouraged to perceive the crucial role of the reformatory training services, i.e. prisoners' social resettlement as a top priority;

- The reformatory training services should pay more attention to admission procedures and observation of prisoners;

- With respect to specific needs of the prison population, options for quality and viable individualization of treatment should be considered, and particularly in the case of the prisoners who have been move in from Požarevac and Sremska Mitrovica penitentiaries;
- Prisoners should be given the opportunity to influence, to a certain extent, the type of employment in which they wish to participate;
- Methods aimed at encouraging prisoners to partake in the process of adult education should be developed;
- With a view of providing the best possible conditions for treatment the issue of much too large reformatory training groups should be solved as far as is possible;
- The personnel should be trained in or specialists should be engaged for the treatment of specific categories of prisoners.

Contacts with the outside world

I

The interviews conducted showed that untried and convicted prisoners alike exercised their rights related to the contact with the outside world in keeping with their respective statuses. Almost all untried/convicted prisoners receive visits and do it in the manner prescribed by law. The same refers to the visits they receive from their attorneys. A room is set aside for such visits.

On coin-operated telephone in the basement (closed section) and another on the floor (open and semi-open section) are available to prisoners at all times. None of the interviewed complained of this type of communication.

When it comes to untried prisoners, their correspondence and complaints they make are in the competence of judicial bodies in charge of their cases. All letters sent by or addressed to an untried prisoner are firstly conveyed to the relevant judicial body and then treated in accordance with this body's decision.

The inspection and distribution of parcels is according to the procedure in force in penitentiaries. No major complaints were registered.

In our opinion, the personnel's cooperation with the factors in the outside community boils down to the institution's *ex officio* obligations.

II

Incompatibility with or deviation from relevant legislation and rules

No major incompatibilities with or departures from relevant regulations have been noted.

III

Recommendations

- The present practice of paying due respect for untried/convicted prisoners' rights dealing with the contact with the outside world should be pursued.

The institution personnel

I

The personnel of the Novi Sad District Prison perform their tasks and duties within two institutional services: the security services employing sixty-five officers and an umbrella department encompassing general administration, medical, reformatory training and training and employment services, and totalling twenty-odd officers.

With regard to the institution's specificity and type the security services play the most important role. According to the present job classification, the services are 100 per cent staffed. Namely, in addition to fifty-nine full-time officers, four security officers from Kosovo have been assigned to the institution. The staff averages thirty-five years of age. Three officers are women and the rest are men. Only the head of the services has a university degree. One officer has a higher school diploma, while the others have finished secondary schools. According to the head, officers are interested in in-service training in the domain of psychology.

After respective disciplinary proceedings, two officers have been given walking papers in the past six months. One was dismissed for having conveyed to prisoners warnings and threatening messages from the outside community and the other for having allowed a prisoner to escape by climbing out the walls. One officer on probation was deposed by mutual agreement. Team meetings and shift meetings in particular are convened at regular intervals.

The head of the services said he was satisfied with punctuality of payments, but not with amounts of salaries. Overtime is remunerated up to 240 hours per month, while the rest is compensated through days off. Officers are entitled to shorter length of service. The head is very pleased with the services' position in the institution and the prison administration's efficiency.

Replies from training officers were differentiated, i.e. contradictory. According to one source, the institution employs two training officers - a geography professor and a psychologist. Another source said the staff included three people, pinpointing a full-time social worker, as laid down in the job classification. Besides, a same source claimed he was satisfied with the cooperation with other services and, in parallel, deemed his endeavour inappropriately recognized.

The training officers average thirty-five years of age. Both women officers are university graduates. Team meetings are convened once a week. None of the interviewed officers was looking for another job and all of them are satisfied with regular payments, though not with the amounts of their salaries. Overtime is rare. The personnel are entitled to shorter length of service. According to the interviewees, no breach of orders has taken place in the past six months. Asked about the stress level at work, they said their jobs were stressful though no one has been assaulted or hurt by untried or convicted prisoners.

The fact that just two training officers are in charge of 130-odd convicted prisoners is rather alarming. Programs of individual treatment can hardly be implemented under such circumstances. The inadequate treatment regime might be ascribed to the short-staffed services, but also to the lack of good will and the personnel's subjective reasons.

When it comes to the personnel in charge of training and employment, we learned there were just two trade instructors with secondary school diplomas. Both instructors are men. One trade instructor is tasked with around sixty actively employed prisoners. They said they were satisfied with their jobs, the cooperation with other services and the prison administration's efficiency. Their status is treated as equal with other staff members, as they put it. Given that just heads of services attend team meeting at the institutional level (collegium) and the training and

employment services do not make a separate unit, the relevant personnel just indirectly and informally influence proposals for and views about any prisoner.

Asked about the stress level, they called it minimal, if any. Also, when asked whether or not they were afraid of being attacked by prisoners, both manifested no sense of danger. They would not change their jobs and say that no serious injuries at work had been suffered.

The two are satisfied with the regularity of their salaries, but not with the amounts. Overtime is occasional (mostly for seasonal work) and properly remunerated. The trade instructors are entitled to shorter length of service.

No breaches of orders or disciplinary proceedings have taken place over the past six months.

II

Incompatibility with or deviation from relevant legislation and rules

- "The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institution depends.

The prison administration shall constantly seek to awaken and maintain the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

....Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work." (Paragraph 46 of the UN Minimum Rules);

- "After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals." (Paragraph 47 (3) of the UN Minimum Rules);

- "So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors." (Paragraph 49 (1) of the UN Minimum Rules);

- "(Rule 46, paragraph 3 of the UN Minimum Rules).

III

Recommendations

- With a view to upgrading the overall functioning of the institution, the possibility of adding more qualified people to the full-time personnel should be given thought; this particularly refers to the needs underlying admission procedure, careful observation and classification of prisoners;

- Conditions of life and work of the entire personnel should be improved through increased salaries and other employment benefits for those who work efficiently, conscientiously and in a law-abiding manner;

- The personnel should be constantly encouraged to improve their knowledge and professional capacity by attending advanced courses, courses of in-service training and seminars, and by following examples of positive management;

- The personnel should be continually encouraged to perceive the crucial role of the reformative training services, i.e. prisoners' social resettlement at a top priority;

- Members of the staff lacking adequate professional capacity and experience should attend relevant classes of relevant in-house training;

- The personnel should be trained in or specialists should be engaged for the treatment of specific categories of prisoners.

CONCLUDING REMARKS

The coming into force of the new Law on the Enforcement of Criminal Sanctions (LECS) on 1 October 1998 and of the Decree on the Establishment of Institutions for the Enforcement of Institutional Sanctions on 23 May 1998 were major steps forward in reforming and modernizing our country's system for the enforcement of criminal sanctions and its harmonization with relevant international legal acts. Nonetheless, although five years have passed since their adoption, a great many of their provisions are yet to be put into practice. What is more, although at the time of its adoption the new law was welcomed as a long-overdue innovation designed to meet the pressing need to bring our country's legislation into line with relevant international standards, at the time of writing it appears obsolete and incompatible. This is why an analysis of the system of enforcement of institutional criminal sanctions in our country and its comparison to those of other countries on the basis of relevant legal provisions alone would be purely fictitious. We therefore decided against such an approach.

The current state of affairs outlined above made our task much more difficult in many ways. Instead of concentrating on detecting 'minor' inconsistencies in the enforcement of criminal sanctions and contemplating ways of eliminating them, we found ourselves confronted with something we considered inconceivable, i.e. the absence of a single strategy, of a well-conceived system, and of a well-defined network of institutions. In so chaotic a climate, marked by disregard for even fundamental legal provisions (e.g. those determining the categories of institution, their classification, etc.), it was impossible to verify the general theoretical propositions on which the whole system ought to rest and consequently to see their practical implications. Instead, much of our effort consisted in detecting and discussing major derogations from the LECS and relevant international standards.

The final chapter of this work comprises general conclusions based on the findings presented on the preceding pages, as well as recommendations for promoting the enforcement of criminal sanctions, primarily with a view to protecting the basic human rights of imprisoned or detained persons. In order to ensure systematic presentation and ease of reference, the conclusions and recommendations are subsumed according to their content under the six subjects discussed earlier.

a) The Quality and Conditions of Life

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

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

On the whole, these institutions are of considerable accommodation capacities. This refers not only to large penitentiaries able to house around 1,000 prisoners, but also to reformatories with

about 200 juvenile offenders. Some institutions are filled to full capacity (such as those in Sremska Mitrovica and Sombor), while the others to 45 per cent of their full capacity. Though the latter is often the case, such institutions seem overcrowded due to inadequacy of buildings that accommodate too many prisoners. Such impression is justified by the fact that one-third of all monitored prisons do not provide prisoners with legal minimum of floor space.

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

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

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

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

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

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

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

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

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

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

b) Security

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

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

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

Unlike the external security, the internal security is inadequate.

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

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

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

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

c. Lawfulness (equity) of treatment

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

Except for the Penitentiary-Hospital in Belgrade and Valjevo and Kruševac penitentiaries that have not set down new house rules up to now, these regulations are available to prisoners in

all other monitored institutions where prison personnel take care that each and every prisoner is kept informed about their provisions.

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

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

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

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

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

d) Social Resettlement

On the whole, social resettlement of prisoners is inadequate.

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

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

Not a single institution confining adult persons provides education. According to available information, over 20 per cent of prisoners allocated in "big" prisons are illiterate. Non-existent schooling and vocational training in such institutions affect prisoners' reintegration into society after release. Schooling provided to juveniles in Kruševac and Valjevo reformatories faces a number of problems. These prisons have no elementary schools, while secondary school education is organized in tandem with local community schools. However, since teachers in local schools are not trained to deal with prison population, they often have to be replaced by colleagues willing to try

their hands at teaching juvenile offenders. Such changes make it impossible to establish close relations between students and their teachers. Though curricula in principle correspond to those applied in local schools, classes are actually adjusted to adult education programs, which cannot properly qualify juvenile students. There are no special programs for mentally or learning disabled juveniles, or for those whose mother tongue is other than Serbian. Schools are housed in inadequate facilities, and teaching aids are outdated.

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

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

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

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

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

e) Contacts with the Outside World

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

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

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

f) The Institution Personnel

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

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

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

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

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

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

General climates and mutual communication in almost all prisons are extremely bad. New management's and heads of services have been appointed in most prisons over the past several years, which partially stabilized the overall situation. The recent decision whereby salaries of

security officers have been considerably raised just deepened the ancient grudge between them and other employees.

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

Recommendations

a) The Quality and Conditions of Life

- In the short run, old and dilapidated facilities should be renovated; in the long run, thought should be given to construction of new facilities or to so adjusting the existing ones that they meet modern prisons standards;
- Problems caused by inadequate water supply, sanitary installations and heating should be urgently solved;
- The quality of prisoners' everyday life should be upgraded through better hygiene, furnishing, food, clothing and health care;
- An independent commission should be set up within the Ministry of Justice with a view to periodically evaluate conditions of life in prisons;
- Personnel and prisoners alike should undergo systematic medical examinations once a year;
- The possibility to have medical services function as branches of local medical centres should be considered, or independent work of these services should be secured in some other manner;
- The Ministry of Health should regularly supervise the work of medical services in prisons so as to enable them to work independently and in keeping with the standards of health care in the outside community.

b) Security

- An independent commission to review allocations of prisoners to different institutions, as well internal classifications should be set up within the Ministry of Justice;
- Level of security should be adjusted to prison regimes and treatment objectives;
- Construction of new and smaller institutions, more adequate to treatment objectives should be considered;
- Security should be improved through installation of modern devices to monitor and control prisoners' movement;
- The number of prisoners who share rooms and other facilities should be reduced;
- All developments that impair security should be carefully registered with a view to taking adequate measures;
- An independent commission to follow functioning of security services and, if necessary, investigate irregularities should be appointed within the Ministry of Justice;
- Prison administrations should seek to establish communication between personnel and prisoners that are based on humane relations deprived of any violence.

c) Lawfulness (equity) of Treatment

- New house rules should be urgently adopted in the Penitentiary-Hospital in Belgrade, the juvenile penitentiary, and the reformatory;

- For the purpose of maintaining the legality of prison regimes, authorized bodies should intensify their control over institutions;
- Possible repression against prisoners should be under strict control, and cases indicating illegal disciplinary measures, instruments of restraint or disrespect for prisoners' rights should be investigated;
- Detailed and accurate records of complaints filed, requests made, privileges granted, disciplinary measures taken and instruments of restraint used should be kept;
- Work of services should be modernized through computerization;
- A unique database to facilitate communication between different institutions, evaluation of prisoners and their reclassification should be created;
- Convicted/untried prisoners should be provided free access to authorized bodies;
- Prison administrations should be in daily touch with prisoners;
- An independent body should review and constantly monitor the situation of foreign nationals deprived of their liberty.

d) Social Resettlement

- Prisoners should be kept constantly engaged in purposeful activities through clear-cut daily agendas;
- Treatment objectives should figure as the main criterion of internal classification;
- Provisions dealing with prison work should be reconsidered and those dealing with working conditions and remuneration should be amended;
- The organization and methods of work should be aimed at developing professional competence of prisoners, especially in skill that are in demand in the outside community;
- Schooling and vocational training should be modernized through securing adequate conditions and instructors, but also mechanisms ensuring that prisoners' attainments should be taken as a major standard of treatment's efficiency and criterion for privileges;
- Activities aimed at developing prisoners' social skills should be organized;
- Prisoners should be encouraged to participate in sporting, cultural and artistic activities organized by professionals and in close cooperation with the outside community;
- Funds for the purchase of new books to be added to prison libraries should be secured;
- Conditions for implementation of psychiatric counselling and other treatment (size of educational groups, specialists, premises, etc.) should be created;
- Religious observance in adequate premises for prisoners of religions other than Serbian Eastern Orthodoxy should be enabled;
- The strategy of pre-release preparations and post-penal integration should be developed by the Ministry of Justice, given that such endeavour exceeds the capacity of prison administrations.

e) Contacts with the Outside World

- Independent bodies (NGOs, expert commissions, etc.) should be given the opportunity to freely inspect and monitor prisons, and communicate with prisoners;
- Convicted/untried prisoners should be enabled to freely communicate with prison administrations, higher authorities or NGOs (e.g. through personal letters to be controlled only by a director or other authorized person);

- Prisoners' communication with their families and other persons in the outside community should be encouraged and, if necessary, mediated;
- More coin-operated telephones should be installed;
- The rooms set aside for visits should be adapted and appropriately furnished;
- Cooperation between prisons and referential systems (legal services, social care centres, medical centres, schools, employment agencies, employers, etc.) in a prisoner's hometown should be regulated under adequate provisions;
- Cooperation with referential faculties and institutes should be formalized (e.g. prisons should engage consultants from these institutions).

f) The Institution Personnel

- All services should be staffed in accordance with relevant job classification either through engagement of professionals from local communities, part-timers or volunteers; it goes without saying the existing job classifications should be reconsidered and, if necessary, new officers should be employed on full-time basis;
- A special commission to periodically evaluate prison personnel's competence and personal suitability for the job, their physical and mental health and the need for in-service training should be established within the Ministry of Justice; thought should be given to introduction of working licenses, particularly when it comes to reformative training officers;
- Recruitment criteria should be upgraded; candidates for the jobs and incumbent officers should be encouraged to aspire to higher efficiency and committed approach to their duties through good working conditions and higher salaries;
- Implementation of humane standards and legal treatment should be highlighted, and any breach of orders should be rigorously punished;
- All prison personnel should attend courses of special training to obtain basic knowledge about the specificity of prison population, efficient treatment, fundamental human rights and relevant international standards;
- Specialized courses for members of various services, focused on modernization and mastery in efficient methods and techniques should be organized (e.g. security officers should be trained in dealing with prisoners' active and passive resistance);
- Handbooks for personnel detailing each service's concept and objectives, role and task, guiding rules and working instructions should be made for every individual institution;
- Programs of support to personnel should be introduced (e.g. consultations, periodical replacements, etc.);
- The strategy to overcome animosity among personnel in most institutions should be developed by the Ministry of Justice.