

**REPORT ON HUMAN RIGHTS OF  
JUVENILE IN THE INSTITUTIONS OF  
ISOLATION**

**Human rights committee Valjevo**

**Valjevo, May 2011**

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IN THE INSTITUTIONS OF ISOLATION**

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## INTRODUCTION

### ABOUT US

Human Rights Committee Valjevo since its established 1999 follows the problems of juveniles in conflict with the law. HRCVA is the one of the few organizations in Serbia (and perhaps the former Yugoslavia), which continuously monitors the human rights of juvenile offenders in institutions of isolation. Work with juveniles and monitoring institutions for the isolation have been implemented through several projects since 2002. The main objectives were the prevention of torture and inhuman treatment of persons sentenced to juvenile prison, education of employees in institutions of isolation according with the international standards

HRCVA previous reports on human rights of juveniles in institutions of isolation contributed to change practices, have been used/are used in the preparation and analysis of the situation in this area, for amendments of laws and regulations in the field of juvenile delinquency and preparation of the Alternative Report on the Rights of the Child - the UN Committee on the Rights of the Child (<http://www.cpd.org.rs/Alternativni2007.pdf>), within the NGO Coalition for Monitoring the Implementation of the Convention on the Rights of the Child, which HRCVA is a member of.

Objective and balanced approach to this sensitive social area (juveniles in conflict with the law) contributed to establish a relationship of understanding and active cooperation with the institutions for minors and other government bodies in the field of justice. We were able to point out that civil society and state institutions working on the same goal - better quality of penalty system regarding minors.

Signed Memorandum of cooperation between HRCVA and Ministry of Justice - Office of Criminal Sanctions (2006) is proof of cooperation regarding transparent and effective mechanisms for monitoring and reporting implementation of the reformed juvenile justice system and its compliance with international standards.

### ABOUT REPORT

This report was made as part of the project "Human rights of juveniles in detention" - "Human Rights of minors in detention" (HROMID) supported by Open Society Institute - Budapest OSI-ZUG through the "Human Rights and Governance Grants Program - HRGGP".

After years of monitoring the human rights of minors in conflict with the law, the law team of the HRCVA (monitoring team) concluded that the period of detention to appear before a juvenile judge, as well as time spent in custody, there is the greatest opportunity that minors could be exposed to illegal conduct of officials. HRCVA could not find the information or reports on the status of juveniles in these phases of criminal proceedings (becoming suspect, ordering custody, spending in detention).

For these reasons, HRCVA's aim was to monitor detention facilities in six institutions where minors are detained. Subject of monitoring were detentions in Valjevo, Novi Pazar, Kruševac, Novi Sad, Belgrade and Požarevac with special emphasis on the position of juvenile females or adult female sentenced to juvenile prison.

Besides, one aspect of our project was to obtain information about police treatment of juvenile suspects as perpetrators of crime and the level of harmonization with the law and international standards.

The project envisages the obtaining knowledge of court proceedings against juveniles and implementation of alternative sanctions, as well as the environment and the willingness of the judiciary to implement alternative measures to the minors. Monitoring 25 Higher Courts and judicial practice were carried out through visits the Higher Courts and the analysis of final judgments.

The goals of entire research are pointing out maltreatment, good practice, improving human rights of juveniles, helping to harmonization with international standards and making pressure on state to establish *National Preventive Mechanisms*.

Report on the human rights of these persons could be the basis for creating an appropriate environment for the implementation of alternative criminal sanctions and moving from pilot phase to regular application:

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## METHODOLOGY

During monitoring detentions subject was status and rights detained juveniles and younger adults.

Following areas were subject:

- Treatment of detained juveniles
- Accommodation conditions
- Personal rights of detainees
- Coercive measures
- Disciplinary punishment
- Records
- Health care

Apart from the position of minors, the subjects are the position of employees in the penitentiaries and the functioning of management, working conditions, working hours, number and proportion with the number of prisoners, the criteria of employment, relationship with detainees, education, salaries of employee, the prison system as a public service, prison staff position in society (EPR part V Art. 71-81, Chapter Fourteen PSEA).

Methodology included: personal observations, interviews with staff and detainees, and analysis of questionnaires for staff and administration.

All visits were conducted by TM with the approval of the Penal Sanctions Enforcement Directorate and agreement with the administration of each institution. All institutions in the system and the Penal Sanctions Enforcement Directorate have demonstrated professionalism and openness for cooperation. During the monitoring all employees showed their attentiveness and contributed to the formation of a realistic picture of the situation in the system of penalty.

Before each visit, questionnaires were distributed to establishments for detained persons, employees (especial guards) and administration (the

management of the institution).

Visits to institutions lasted for two days. During each visit TM monitored all rooms, conducted interviews with staff and juveniles in custody and access to records and documents.

Approval for interviews with juveniles and filling the questionnaire HRCVA received from the relevant Higher Courts. Only the Higher Court in Novi Sad did not allow conversations with minors.

Approval from the Ministry of Internal Affairs was obtained for visiting Police administration. These activities had to be reduced, in scope and content, because of long approval procedure.

After obtaining written consent, all interviewees were open, ready to cooperate, and TM gained the impression that there was no hidden information.

HRCVA noticed that police working with juveniles respected the law in the highest degree.

Monitoring of police administrations carried out in several ways:

- visit police administration,
- interview with relevant parties working with minors,
- analysis of questionnaires for managers and service members for combating juvenile delinquency and
- verification of data obtained through interviews with detained minors.

Subject of monitoring were: procedure and work of police and harmonization with domestic and international standards and regulations. Project envisages consultative meetings with presidents of Higher Courts about judiciary practice and possibilities of implementation alternative sanctions, information of environment and willing to real implement alternative sanction.

However, members of TM considered that should expand research and collect facts of juvenile justice sending requests to Higher Courts for access to public information according to Act on Free Access Information of Public Importance and collect official data on judgments regarding the minors.

HRCVA thought that obtained additional knowledge would be relevant and useful to evaluate and compare all the stages during juvenile's

criminal proceedings. At the same time HRCVA used this information as an indicator and verification of learned in detention.

The request for access to public information HRCVA sent to all 25 Higher Courts in Serbia. Of that number, 15 courts (60%) answered and sent final judgement, and 7 courts (28%) informed us that they do not want or could not deliver requested information (unjustified in terms of the Act).. Three Higher Courts (12%) did not answer at all regarding our request.

Some presidents of courts did not be cooperative; they dragged our petitions and requests. For example, Higher Court in Novi Sad did not allow TM to talk to juveniles in detention, or juvenile inmates to fill out questionnaires. During the visit HRCVA obtained approval to talk to young adults (during the investigation permits for visits and talks could only be given by juvenile judge of the Higher Court).

President of the Higher Court in Belgrade did not answer or allowed to talk to him and the juvenile judge

The methodology of monitoring is based on the principles of the UN OHCHR, Committee against Torture (CPT Standards) as well as the training methodology and APT (Association for the Prevention of Torture) Switzerland.

For obtaining data as indicator and verification HRCVA used following documents:

- 1.Strategy for reducing number of prison population - 05 No: 021-5367/2010 on 22nd July 2010 Government RS
- 2.Report of experts COE Strasbourg, 18<sup>th</sup> December 2006, The system of complaints and inspection visit to prisons in Serbia 9-10. October, 2006, Belgrade and Novi Sad
3. Serbian government's response to the report of the visit of the CPT 19-29.09.2007
4. Recommendation. R (97) 12 Member States of the Committee of Ministers of the staff responsible for implementation of sanctions and measures 10th September 1997
5. Recommendation R (80) 11 Member States of the Committee of Ministers concerning custody
6. Recommendation. 13 (Rec (2006) 13) The Committee of Ministers to member states to detain, arrest conditions and protection from abuse

7. Republican Statistical Office-Juvenile offenders for 2008, Bulletin 513-2010 yr.

8. Principles of medical ethics which relate to the role of health personnel, particularly physicians, to protect prisoners and detainees against torture and other Cruel, Inhuman or Degrading Treatment or Punishment - Adopted resolution 37/194 the General Assembly of the United Nations of L8. December 1982.

9. General Comment. 10 (2007) - Children's rights in juvenile justice-Committee on the Rights of the Child-44.sednica, Geneva, 15 January - 2 February 2007.

## **ABBREVIATIONS**

Juvenile (JUV) - a male or female who is, at the time of crime, over the age of 14 and under the age of 18, or is over 18 and not 21 years of age at the time of a trial, and who fulfill other requirements as prescribed in the Article 41 of the LJO.

AEPS - Alternative Execution of Penal Sanctions

CPT –Committee for the Prevention of Torture

SWC - Social Welfare Centre

CP - Central Prison

ECHR -European Convention of Human Rights

ECoHR - European Court of Human Rights

EPR- European Prison Rules

P/CF - Penal/Correctional Facility

CPD - Criminal Police Department

AO - authorized official

DP - District Prison

P/CF DP House Rule Book - Penal/Correctional Facilities and District Prisons House Rule Book ("Official Gazette of RS", No. 72/2010)

House Rules for use of Detention ("Off. Gazette of RS", no. 35/99)

PA - Police Administration

SMRTP - United Nations Standard Minimum Rules for the Treatment of Prisoners

UN United Nations

HC - Health Centre

LEPS- Law on Execution of Penal Sanctions

LCP - Law on Criminal Procedure

LJO - Law on Juvenile Offenders and Criminal Protection of Juveniles

## GRATITUDE

The HRCVA is equally grateful to

- Open Society Institute - Budapest ,OSI-ZUG
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- District Prisons Novi Pazar, Kruševac, Novi Sad i Beograd, Correctional Institution for Women in Požarevac i Investigating part of Correctional Institution Valjevo.
- Police Administrations Valjevo, Kruševac, Beograd, Novi Pazar i Novi Sad
- All employees in Penal Sanctions Enforcement Institutions and police administration.
- Juveniles

All these institutions and individuals are cordially thank you for active participation in the implementation of our projects and to once again proven quality cross-sectoral cooperation

## SUMMARY

When LJO came into force on 1<sup>st</sup> January 2006 Serbia fulfilled the Millennium goals of the UN and constituted grounds for new legal juvenile system

After 4 years of implementation, this law was undoubtedly brought many changes improving position of minors in pre-trial and criminal proceedings.

Particularly, the segment of specialization of all participants in the proceedings against the juvenile by the police to the judiciary is very significant.

With respect to juvenile populations, HRCVA research shows that, despite the new provisions, some institutions for juvenile have resistant to innovation or did not adequately respond to the demands of LJO (eg. SWC).

There is no full implementation of LJO because the implementation of new measures is difficult, some institutes are not fully executed and the state did not take steps to provide institutional support for the implementation of the Act (the delay establishing a Trust Service)

One obstacle achieving the full scope and expected results of the implementation of this law is a condition in the system of criminal sanctions except Valjevo Correctional Institution and Kruševac Educational-Correctional Institution.

This is primarily related to detention facilities located in the district prisons. Although LJO prescribed safeguards for juveniles who are detained or serving some of the institutional measures, based on results of monitoring it could be said that most provisions are not apply.

In the institutions that were the subject of HRCVA interest there were no systematically and organizing violations of human rights, but HRCVA noticed aggravated rights of juveniles comparing the previous monitoring 2007.

The main obstacle to provide full guaranteed rights of minors are: difficult material conditions and overcrowdedness in Serbian prisons. Permanent increase the number of persons deprived of liberty in regard to the year 2003 is 60%.<sup>1</sup>

As a result of these two causes there is also violation of other rights of detainees guaranteed by the law.

The total increase the number of prisoners is a consequence of the number of determining measures of detention. This trend is also present in juvenile justice.

Although LJO (Art.67.) envisaged juvenile detention as an exception, HRCVA gained the impression that this measure is still issuing in larger numbers due to lack of other forms of institutional measures. Another problem with the detention of minors is the length of detention, especially regarding absence of any educational activities and educational work during his detention.

## RIGHTS OF DETAINED

### Material conditions and personal rights

- As it already listed the biggest problem of the system of Penal Sanctions Enforcement RS is overcrowdedness. Existing facilities do not have adequate accommodation, personnel or technical capacity to properly and lawfully carry out an effective penal policy.

Material conditions in visited institutions of Penal Sanctions Enforcement are different, ranging from acceptable to opposing Art. 3 European Convention on Human Rights. For example - in institutions in Novi Sad and Krusevac detainees do not have enough beds and space which directly influence in poor hygiene cells and persons and put their mental and physical health in jeopardy.

<sup>1</sup>"Strategy to reduce overloading of accommodation in prisons for criminal sanctions in the RS in the period from 2010 to 2015.g"- the Government of the RS

According to the ECHR practice this situation could be subsumed under the "degrading treatment" and violation of Art. 3 ECHR. CPT has a similar conclusion during the visiting 2004. but there is no activity undertaken in this field.

- In relation to juvenile institutions overcrowdedness is reflected on lack of implementation of LJO regarding housing juveniles separately from adults. All institutions (except Valjevo) that were subject of monitoring, minors are housed in the same room with adults without a court order.
- The following consequence of overcrowdedness and violations of guaranteed rights of detained juveniles regards the spending at least two hours a day outdoors. This right is not respected in any visited institution. Detainees usually spend about 30 minutes a day on the air.  
In order to eliminate shortcomings, the Ombudsman sent recommendations Penal Sanctions Enforcement Directorate. However, HRCVA noted that there is no positive response from the state.
- Guaranteed rights of detained women are respected with minor deviations. However, they are in more inauspicious positions (in prisons and detentions) regarding lack of possibilities for separation and special treatment in Penal Sanctions Enforcement Institutions. LJO envisages special wards for women detainees in Correctional Institution for Women (wards have not been established). Because of this, position of women could be worse than men in relation with implementation of LJO. For example prohibition carrying guns inside Penal Sanctions Enforcement Institution (Art. 92 LJO).

Article 143 prescribes longer spending on the air for juvenile prisoners, as well as special regime for contacts with the outside world (unlimited messaging and phone calls) and other benefits.

Although the number of detained juvenile women is small HRCVA considers that that there should be a separate ward for them and it is necessary to harmonize regime of serving sentence with LJO.

- A particular problem in the custody of juvenile detainees is the lack of any education and educational work foreseen by EPR and ECHR. According to ECHR custody should have educational influence and allow them "access to social, psychological and educational services, religious and recreational programs or appropriate programs that are available to minors in the community."

In the better position are detained juvenile in the District Prison in Belgrade since the Belgrade Higher Court employs two psychologists who visit juveniles and conduct interviews with them. In all other institutions of juveniles are on their own 23 hours a day without any education program or educational work with them.

It is necessary to provide training and acquiring vocational education to adults as well as juveniles in order to effectively penal social integration. This problem exists at the level of the whole system of penal sanctions.

- When we are in the field of education, it should be mentioned informing minors about their rights. On the basis of monitoring, HRCVA concluded that the level of awareness of their rights is insufficient because there are no copies of the Rules PSEA, LJO and other positive laws ("Off. Gazette of RS" No. 35/99).

Usually the information on the rights of receiving package and contents of package, as well as regime of visits detained juvenile are getting on the one side printed paper.

HRCVA considers that it is necessary to provide informational materials on the basis of criminal law and the rights and obligations of minors in conflict with the law. It is necessary to ensure that these materials are available to juveniles and their parents in the police, courts and Penal Sanctions Enforcement Institutions.

In this regard it should be noted positive example some police departments hand to minors notice of rights depending on the proceeding phase (suspected juvenile, juvenile deprived of liberty or citizen who gives information).

## Data records

- There is no unique method of record keeping, but insight in the records has shown that records include required data according to Instruction of the types of records and keeping records of prisoners and detainees ("Off. Gazette of SRS", No. 58/81). Since 1981 the Instruction has not be changed and its provisions has not harmonized with material and procedural law, as well as in practice.

The methods of keeping records are obsolete, the data is entered manually and there is no adequate method of processing data that contain a variety of records. Also, it is not unusual that some data is entered in few records.

However, in the absence of uniform forms and systematic ways of recording, precise, accuracy and compliance depends largely on individuals who are responsible for them. For example of good practice - records in the District Prison in Novi Pazar are very precise and systematic.

On the other hand the District Prison in Belgrade went forward and installed electronic records that only match the current needs of the working process. It is necessary to endeavour to enable this system in all institutions.

## Health care

- There are no positive steps regarding health care comparing previous monitoring.

In some facilities, health services have been established recently, but in the other it is still in the process. Only the District Prison in Belgrade has developed health service in terms of the human and material resources.

Through the years common problem of health services is the lack of medical experts and lack of systematised job for doctors. Although, juveniles deprived of liberty formally enjoy the same scope of health care as all other citizens, the quality of care is not satisfactory. Based on the interviews and surveys of detainees, it is

clear that in some institutions there is no adequate examination at admission and method of recording injuries make possibility for abuses.

Comparing the CPT notes and recommendations from the 2004 and Provisional responses on the measures and intentions regarding the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Number :7-00-41 / 2005-18 of 21.11.2005 wrote and delivered after visiting institutions Penal Sanctions Enforcement Institutions in Serbia and Montenegro in the period from 16 to 28.09.2004 the same questions and comments could be noted in period of monitoring.

Serbia has not much improved situation noticed by CPT. This statement is confirmed by HRCVA data regarding record injuries of convicted and detained persons. There is still a possibility for improving the work, in terms of greater attention to information given by convicted and detained persons and their better updating. Also, medical examinations should be detailed and objective, precisely documented in medical records with the doctor's conclusions.

There is almost no educational-preventive work with juveniles in the field of health.

### **Nutrition**

- According to the claim of 62% of inmates in all institutions the food is "insufficient and tasteless." After examination, interviews with detainees and surveys, it could be concluded that the quality and quantity of food does not comply with the real needs of juvenile detainees and satisfied only the elementary requirements and standards (EPR 22.1, 20.1 SMRTP; Article 22 of the Rulebook on House Rules in Remand Wards).

### **STAFF**

Particularly in view of the results of previous monitoring and research, positions of staff are worse since 2007.

- The main and biggest problem is lack of number of employees that is not in accord with either increase the number of persons deprived of liberty or national and international regulations and standards related to this area.

Well-functioning institution is primarily merit and contribution of employees who do their job professionally and in accordance with the law.

To allow the regular functioning of institutions, employees (primarily security service) work without the annual and weekly rest. Very often they work in two shifts. Devotion of employees is evident, but this situation is untenable, especially because of a violation of labor rights of employees.

Except legal status, lack of a sufficient number of employees is a major security risk and has a direct impact on the scope and quality of rights of detainees.

But there are no systematic violations of human rights or torture. HRCVA gained the impression that any use of force (separation, the use of the stick, tie) is recorded and legally processed by the prison administration and the Ministry of Justice.

- Another problem is a lack of qualified personnel (especially members of the Security Service) and professional training for members of other services.  
It is necessary to provide better education for staff as well as security service who work with juvenile 24 hours and they are the first line of contact with administration and institutions.

It is necessary that employees know the differences between rights of juvenile and other detainees as well as additional education of staff regarding the juvenile inmates are placed together with adult

detainees in many visited institutions (EPR - 81.3. and paragraph 33. CPT standards, CPT/Inf/E(2002)1 - Rev. 2006).<sup>2</sup>

All noted is base for conclusion that the relation of the state to employees in the Penal Sanctions Enforcement system is not in accordance with Part V (Section 71-81.) EPR.

### **POLICE**

Police officers who are responsible for juvenile offenders in all police administrations have the obligatory certificates and they work in accordance with law relating to treatment of minors.

By simultaneous monitoring, interviews with five members of PA and juveniles in detention HRCVA concluded that there are no systematic violations and major deviations of the legislation regarding human rights of juveniles deprived of their liberty.

The most important problem is lack of representative of SWC during hearing of juvenile, especially at night. This shortage has negative impact to length of presence in rooms of PA.

Irregular payment of lawyers who are hired as ex officio counsel of minors has influence on selection of lawyer and quality of representation during police interrogation and the length of time spending in PA.

In order to improve work of police dealing with juvenile it is require continuous training and education, as well as better material and technical equipment of the Department of Juvenile Delinquency in all PA (computers, vehicles, electronic databases and regulations).

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<sup>2</sup> Care and concern for juveniles deprived of their liberty are particularly difficult tasks. Staff invited to fulfill that task must be carefully chosen on the basis of personal maturity and ability to grapple with the challenges of catching work with people in this age group, thereby ensuring their well-being. Such personnel must be especially committed to working with young people and able to lead and motivate the juveniles entrusted to them. Such staff, including one that has only the duty of the guards, must be professionally trained, trained in both induction and during regular work, and how to use the appropriate external support and be supervised in the performance of their duties.

### **HIGHER COURTS**

Judges who have licenses are in charge to proceeding juvenile offenders. However, it is noted that there are insufficient number of judges.

Visits to juvenile detainees are not in accordance with the law, which is confirmed by data from records in the District prisons and juvenile statements.

Material-technical equipment of the Higher Courts should be improved. It is necessary to provide better technical conditions for trials via video link connection that would connect court and room where is juvenile.

It is necessary to point out the fact that the educational warrants imposed in practice very rarely. Some courts have not pronounced warrants since LJO came into force. The prosecutors should actively participate before preliminary proceedings suggesting warrants according to LJO.

### **INSTEAD OF CONCLUSION**

The juvenile justice is not priority of state. The Government has interest for this field only after media campaigns or international bodies' reports.

State reacts to negative occurrence only when it appears in public. Preventive policy is very low. Strategy and policy for juvenile justice has not been systematically monitored, but it depends on the assessment, willing and knowledge of individuals in the system.

In order to juveniles deprived of their liberty enjoy the full scope of guaranteed rights, it is necessary to further engage the state in solving the problems in the Penal Sanctions Enforcement System. The first positive step was adopting Strategy for reducing overcrowdedness in Penal Sanctions Enforcement Institutions in the period 2010-2015.

Reducing the number of prisoners is only one segment of the problem. State should adopt special act of rights and regime for juvenile deprived

of their liberty according to international standards for rights of child and interest of European Commission on the Status of juveniles in custody.

In addition to the implementation of existing regulations and positive strategy, practice should be changed.

All criminal legislation of RS is moving towards the introduction and implementation of alternative criminal sanctions. Also, LJO envisages the use of special alternative measures - educational warrants, but their implementation is still very low.

The reasons are new practice and the fact that other bodies that are in charge of their implementation are not established.

European practice defines APSE as a form of community service realized at the local level. Therefore, implementation of APSE is very important for the cooperation between public companies in the local community and local governments.

According to HRCVA knowledge, prosecutors and judges are willing to implement these measures but they are not well informed and familiar with all aspects of APSE.

HRCVA hopes that this report points out the good and less good effects and contributes to the harmonization of national and international standards and practices in the field of human rights of juveniles in conflict with the law.

HRCVA considered that informing and advocacy of implementation of alternative sanctions and measures relating to the detention of minors is necessary. Also, it could be possibility for cooperation of civil society, state bodies and institutions.

## **I PART - MONITORING INSTITUTIONS**

## CORRECTIONAL INSTITUTION FOR JUVENILES IN VALJEVO

Address: Loznički put bb  
Date of visit: 29.09.2010.y  
Previous visits: in 2003. and in 2007.y

### *Structure of persons deprived of their liberty*

Capacity of Detention facilities is 250. Inside of this facility there is "Investigation prison". Number of people imprisoned in the entire facility during our visit was 280, from that number there was 66 of them detained (62 male and 4 female). There were no juvenile detainees.

### *Structure of personnel*

In investigation prison 21 members of prison security are employed (one female). Current number of employees was determined when there was three times less detainees.

### *Description of the environment and facilities*

Building where Investigation prison is settled is separated from the rest of the complex. It is surrounded with concrete wall with the barbwire on top. Position of the prison building is not so good, since on one side there is a local road from town Valjevo to town Loznica and on the other side there is a hill from which various prohibited objects can be thrown in the prison yard. Entire institution is covered by video surveillance, metal detectors and X rays.

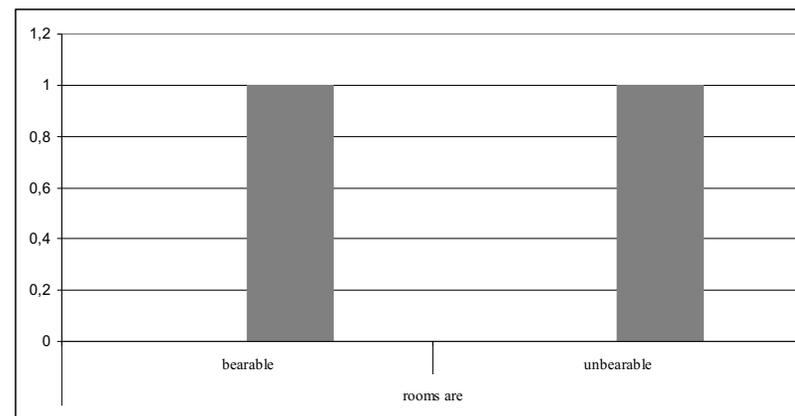
Facility has three levels. It may be seen that it is old from inside, but not neglected, with furniture that is old and not functional.

For detention of juveniles there is a special room (cell) that is not

different from other cells in the facility. Space is not painted; it is equipped with metal furniture (bunk beds table and chairs). It has sanitary facilities separated with the door from the rest of the room, which provides privacy when being used. During the visit there were two younger adults present, but since there are bunk beds it is possible to put 4 people inside. In such case, room itself would not be used in accordance with prescribed criteria that recommend 8m<sup>3</sup> per detainee. Room, even though windows are small, has source of natural light and ventilation. During the visit there was one light bulb on, so room does not fulfil basic criteria, regarding artificial light, prescribed in the Standard Minimum Rules for the Treatment of Prisoners (SMRTP), point 11. Paragraph A and B.

Questioned detainees were equally divided with some claiming that conditions are bearable and some thinking they are unbearable, which leads us to the conclusion that it is the matter of personal impression.

Chart 1.



### **RIGHTS OF THE DETAINEES**

Considering personal hygiene, taking bath is permitted two times per week, without any adjustments being allowed depending on the period of the year.

Bedclothes are being changed every two weeks and detainees are washing personal belongings by themselves.

Walking outside is permitted only for 30 minutes per day, since there is too many people inside of the facility. Detainees from two cells are being taken outside to walk in the circle in the same time, which makes physically impossible to have more than 66 people per day, taken

outside for the walk longer than 30 minutes.

Reconstruction of the facility is planned, which will make possible for detainees to have longer walks outside, in accordance with article 28 paragraph 1 of the Rulebook and article 27 of European prison rules.

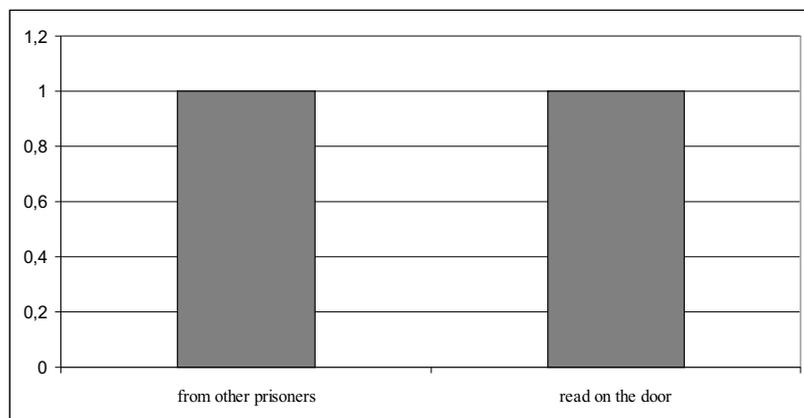
Communication with the outside world is allowed through visits of the relatives once a week for 30 minutes and visits of the lawyer two times per week for 30 minutes. Mail correspondence is being conducted in accordance with Rulebook on House Rules in Remand and as Officials say mails are being delivered in closed envelopes with issued invoice from the facility.

Opinion of the detainees about censorship of mail correspondence is divided and there is an impression that they do not have enough information about censorship criteria.

Access to general information is provided by using television in the rooms, daily newspapers and literature that prisoners may get on their own expense.

Prisoners have been informed about House Rules through different ways, 50% of them got familiar with them through conversation with other prisoners and other 50% by reading the House rules that were hanged on the doors of each room.

Chart 2.



During the visit there were no copies of the House rules or other legal acts present in the room where prisoners were located.

### Data record

Insight in prisoner's book of records has been made, concerning personal information about prisoners, personal visits, visits of the lawyer and personal files. Relevant data about the identity, reasons for detention and Institution that made such decision, Decision itself, date and hour when person was detained and date and time when prisoner was released, as medical file, are being filed.

There is no systematic of documentation or list of acts in the file that would make its supervision easier. In randomly chosen file of a minor detainee, it was determined that legal deadline for detention of minors has been respected.

### Coercive measures

Towards minors coercive measures have not been practiced, while clubs were used twice against adult prisoners. Reasons for taking such measures were in accordance with article 128. of Penal Sanctions Enforcement Act. Insight in data records regarding practice of coercive measures has not been conducted, since it is located in the office of Chief of security, whose office is located in facilities of Valjevo prison.

### Disciplinary measures

Authorized personnel have provided information that disciplinary measures mostly practiced are restrictions regarding reception of packages and number of visits. Insight in the file of one of the prisoners has shown that Discipline violation has been reported by the Prison officials, but the Court dismissed such notice, since verdict relying on that minor prisoner, has become final and binding, in the meantime.

### HEALTH CARE

For providing health care in VCI, section for healthcare of 4 members is authorized (three nurses and one doctor, currently being specialized for psychiatry) Doctor in general practice, which was employed for certain time, abandoned his spot just a few days before monitoring was conducted. Dentist comes two times per week in VCI, and his office completely fulfils every term regarding equipment, therefore it may be said that dental protection is on adequate level.

According to present situation health care is being provided without the presence of doctor with general medical knowledge, which is a significant problem in providing health care to detainees.

Medical office is opened 8 hours per day. On working days morning shift lasts from 07h till 15h and afternoon shift is from 13h till 21h, while during the weekend, night and holidays, medical staff is being called if necessary. Before, doctors were on standby 24 hours, but such practice was cancelled.

Detainees are being informed about practice of medical office in VCI, at the arrival in reception area. After arrival, medical technician conducts examination within 24 hours from the moment of reception of detainee, except during the weekend, when examination is being conducted on the first working day.

Medical office is equipped in a modest way. There is only stethoscope, device for measuring blood pressure and thermometer. Even though office has a computer, documents are still being filed manually.

The supply of medical office depends on current needs of the prisoners and detainees, regarding certain epidemic or spread disease. Therapy is being given by medical technician only in medical office, in accordance with prescribed dose. Detainees are not allowed to keep medication by themselves, except vitamins. Almost every kind of vitamin detainees have to purchase by themselves.

Consultations are being conducted in Medical centre in Valjevo, but that kind of cooperation is currently difficult to accomplish since examinations have to be scheduled in advance and waiting lists are long, so waiting for examination could last for weeks.

Laboratory analyses are being conducted in laboratory in Medical centre in Valjevo on the bases of concluded contract. Detainees are taken to medical centre when there is a need for laboratory analysis. Analysis for Hepatitis C and HIV virus are not being practiced, because of the lack of funds. Besides, data regarding people with Hepatitis C are poor and are based only on information gathered directly from detainees.

Also, there is no education, brochures or material that would inform detainees about health care and medical protection, while being detained.

26 Stationary is located inside of medical office and it has six rooms with

twenty beds, room for leisure and dining room. Stationary is in a very bad shape, rooms are not painted, they are neglected and furniture is old and demolished. Bedclothes that are being used in stationary are also very old.

Therefore it may be said that stationary does not fulfil basic conditions for adequate treatment.

Medical files are available to detainees. While randomly picking files, it has been noticed that detainees visit doctor on regular bases and take proscribed therapy. Nevertheless it has also been noticed that there is no track about present condition and illness of the patients.

In medical office there is an updated protocol about injuries of every patient, time when it happened and what was the cause, way that it has been treated and prescribed therapy. First aid that is being provided when patient has been self-inflicted, is one the most common interventions.

Insight in medical files in Investigation prison, pointed out that medical exams are being conducted when detainee is leaving the institution.

### **Nutrition**

Kitchen is used by both prisoners and detainees. Space is big enough with enough daylight, it has ventilation and poor source of artificial life. Dining room is supplied with big wooden tables, covered with dirty tablecloth and old chairs on the side. Dishes are also very old, and cooking cauldron is not big enough.

Food is being delivered to prisoners and detainees in their cells and there is no difference in nutrition between juveniles and adults.

Supply of kitchen with groceries is unsatisfied regarding diversity of the food and supplies. Menu for seven days is presented in dining room, approved by medical staff, medical technicians, prison director and kitchen chef. The caloric value is adequate, but food is monotonous and with lack of fruit. Religious beliefs are being respected as medical condition and there is also possibility of ordering diet food, which we personally determined.

Groceries are being preserved on adequate temperature in fridges located in the warehouse. Sanitary inspection of employees is being

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conducted in every six months and samples from working space are being taken once a month by Institute of public health.

## CONCLUSION

Human rights of detainees are mostly respected. Deficiency regarding architecture and equipment are obvious and refer to the state of entire system of criminal sanctions execution. Capacity of the institution reached the low level of availability which causes problems in respecting human rights of detainees.

Dedication and professionalism of employees (security service) is obvious, at least among those with who we established contact.

Economic situation in society reflects on bad conditions in institution itself. Presence of old furniture and old facilities in general are obvious, even though management of the facility makes an effort to maintain high quality of hygiene. Nevertheless, since people present in this institution are either minor or younger adults it is necessary to consider improvement of conditions in this facilities as a priority.

Regarding rights of juveniles which fulfilment does not demand significant financial aid (education of juveniles while being detained) it has to be said that there is no improvement in this area, nor did state take adequate measures to apply articles 35.1 and 35.2 of European prison rules.

Health care is on the lower level compared to previous monitoring from 2007., mostly because of the absence of only employed doctor with general practice, absence of motivation and dedication among other personnel while doing their job. Bad equipment also strongly affects and disturbs everyday work in medical centre.

Lack of support from psychiatrist, that is necessary for detainees of this age, has also been noticed, which was not the case during previous research.

Quality and quantity of food is not adequate regarding real needs of detained juveniles, and it only fulfils basic demands and rules prescribed in articles 22. Of EPR article 20.1 and article 22 Rulebook on House Rules in Remand.

Bad hygiene in rooms of health centre creates bad conditions both for patients and employees.

## RECOMMENDATIONS

It is necessary to:

- Repair or change old furniture in the room for accommodation of juveniles;
- Provide a copy of House Rules, LJO, Penal Sanctions Enforcement Act as international conventions such as European Convention on Human Rights in the room for accommodation of juveniles;
- Ensure that juveniles have access to the social, psychological and educational services as well as to recreation and other such programmes in compliance with EPR (35.1 and 35.2);
- Make possible for detainees to walk outside and to spend free time on fresh air in accordance with the Law, at least two hours per day;
- Improve system of data record by importing computers and in such way make higher transparency regarding personal files of juveniles;
- Educate employees that work with juvenile detainees since the Institution functions as Investigation prison;
- Employ a doctor, on a permanent basis, and provide additional training for nurses in terms of triage and identification of injuries caused by torture;
- Precisely register medical state of detainees when receipted with the description of injuries and with reason for redirecting them in medical institution outside of the prison;
- Purchase medical equipment in accordance with article 27. of House rules;
- Renovate medical centre;
- Improve quality of nutrition relying on diversity and needs of juveniles, with the purpose of improving health and keeping strength (article 21.of Standard Minimum Rules for the Treatment of Prisoners)

## DISTRICT PRISON IN NOVI PAZAR

Address: Omladinska 39-a  
Date of visit: 13.- 14.10.2010.y  
First visit

### *Structure of persons deprived of their liberty*

Capacity of the facility is 80. Number of people imprisoned in the entire facility during our visit was 82. There were no juvenile detainees, but only three young adults who committed criminal offenses as juveniles.

### *Structure of personnel*

In the institution works 27 persons and ten persons seconded from other institutions. The current organisational structure and staffing plan provides an insufficient number of employees regarding actual situation and needs of the institution.

### *Description of the environment and facilities*

DP Novi Pazar is in many ways unique. Building of DP is placed in a densely populated city centre. Part of the administration shares the same premise with music school, town archives and a painter's studio. Such position of DP is very unfavourable in terms of security. The building is surrounded on two sides by a concrete wall (the barbed wire on top). Height of the concrete wall on the outside is about two meters.

Although the object is covered by video surveillance the possibility of violation prohibited communication and delivering objects is almost unlimited. Therefore the question arises how the personal safety of detainees and employees is.

The building containing rooms for the accommodation of persons deprived of liberty is a two-storey (floor recently upgraded). The part of the building designated for the accommodation of detainees there are eight rooms (one was empty), because the ongoing reconstruction of the cells for detainees.

Due to lack of accommodations there is no special cell for minors and they are placed in the same cell with adults. Deciding which room will be for juvenile administration decides regarding security aspects and the type of other detained.

Each room accommodates six to eight people, beds are on two or even three floors, although at the time of the visit were not all filled. Natural and artificial light are available in cells. The windows could be opened from inside and fresh air is available through the hallway that divides the room window and the outer wall of the building. In the corridor windows are opened. In all cells there is central heating and TV with cable channels. All cells have bathroom with shower and according to staff and detainees hot water is available every day, which was tested.

## RIGHTS OF THE DETAINEES

Detainees are allowed to hold personal items in metal tape and use of personal bedclothes. The detainees keep personal hygiene and hygiene of premises. Bedclothes are being changed every two weeks if they use the prison and the changing of personnel bedclothes depends on the dynamics of personal visits. Interviewed detainees unanimously voted that taking bath is permitted daily.

Due to overcrowding walking outside is allowed only for 45 minutes per day. Detainees of two cells are being taken outside to walk in the circle in the same time. The circle is very small and it is being used as courtyard and parking for official vehicles. In the courtyard there is a basket for the sports permitted during the walk, without limit.

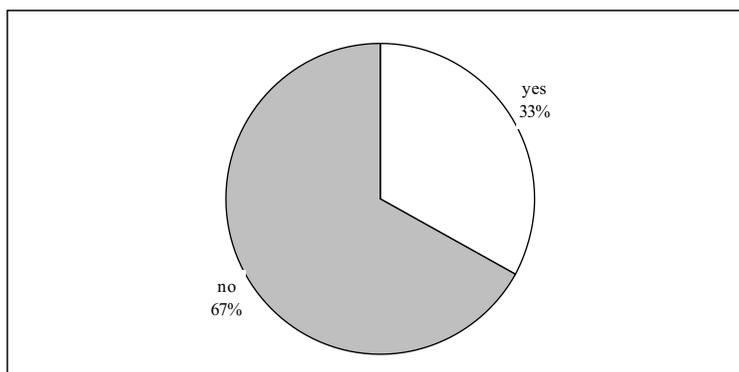
According to information received from the administrator reconstruction of the courtyard is planned, that will enable simultaneous presence in the air more prisoners and detainees, which will be in line with legal provisions (Art 28 (1).House Rules, Artl.27.1 EPR).

All detainees are given certificate of taken items at admission. Female registrar is in charge of women admission (she is higher guard).

In the cells only part of House Rules is posted on a visible wall space related to the content and reception of the package and schedule of daily activities.

According to the survey, 67% detainees stated that are not familiar with the rules.

Chart 1.



Detainees who are familiar with the House Rules (33%) in equal proportion stated about ways of obtaining information: by the officials, by other prisoners and reading at the door.

Communication with the outside world made possible through four visits per month (on Fridays for detainees, and prisoners on Thursdays). Visits are provided according to the permission of the competent court but the time of the visit is less than prescribed (Art.35( 5) House Rules "The visit takes one hour to the detainee, and with the approval of the competent authority may last longer").

There was a problem with the manner of carrying out visits to prisoners and detainees. People, who come to visit, are examined only by the metal detector, without a physical. Between visitors and prisoners or detainees there are only metal bars with large spaces, which do not prevent possible abuses. In this area there is video surveillance. Rooms for lawyers' visits are in a separate section visually controlled by guards

without violation of confidentiality.

According to information provided by detainees and staff correspondence of detainees carried out in line with Art 38 Rulebook on House Rules in Remand Wards. Materials for correspondence are supplied by detainees, but if it is necessary may be required by DP. In the institution there is no library or other facilities for activities.

### **Data record**

Insight in prisoner's book of records has been made, concerning personal information about prisoners, personal visits, visits of the lawyer and personal files, the Ministry of Justice and NGOs as well as the personal file of the detainee. All records are kept separately for detainees, prisoners and misdemeanour convicts.

Records include - the relevant information on identity, the reasons for detention and the authority in charge of decision, the date and hour of admission in the police institution and the time of release from the institution.

Personal record of the detainee consist all documentation of detainee, relevant court decisions on custody and other rights of detainees (permission for visits, etc.).

Each file contains a list of items, particularly decision on custody, court that made decision and the date of decision. This method of record keeping provides visibility and systematic and could be an example of good practice to other Penal Sanctions Enforcement Institutions.

Higher Court in Novi Pazar by additional act, referred to DP, prescribes obligatory of separate cell for juveniles and visits of reintegration officers, psychiatrist or a representative of SWC (EPR Art 35.1).

The records of visits included following data: date and time of visits, the list of persons who visited the detainees, the authority which allowed permit to visit, and the name of supervisor of the visit.

Record of visits by the court, the Ministry of Justice and NGOs contains sections for the date of the visit, a description of conditions and tips section. HRCVA noted that date of first visit is May 2008 and next visit December 2009. Only three visits were recorded during 2010 (last visit was in August). There is no column for authorities who monitored. According to employees, all recorded visits were by the President of the

High Court in Novi Pazar.

All records are extremely accurate and clear and allow easy access to relevant information.

### *Coercive measures*

According to statements of the guards coercive measures are very rare and most used measure is use of rubber truncheons. Last coercive measures were used more than a year ago to prevent inter-detainees violence. Employees largely taken into account the specificities of the detention and the prison population and respect multi-ethnic environment.

HRCVA could not have insight into the use of coercive measures.

### *Disciplinary measures*

According to officials and detainees there are cases of imposition of disciplinary measures, which consist mainly in limiting the receipt of packages and visits

Cooperation with the courts they emphasize as professional.

## **HEALTH CARE**

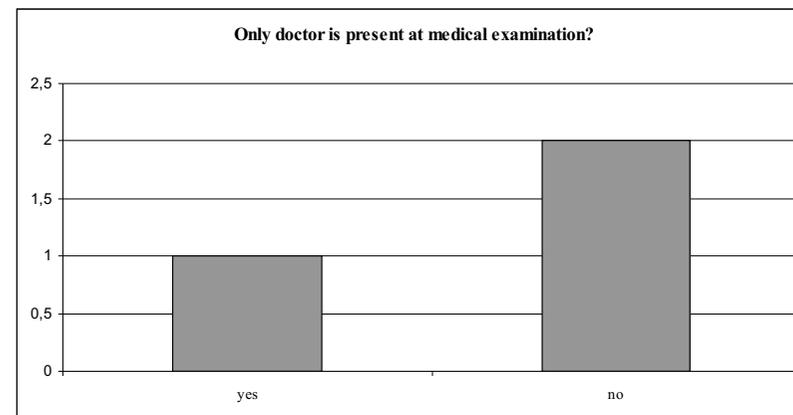
Health care is provided in health unit, which was established several months before the visit. Organisational structure and staffing plan does not prescribe full-time doctors, but only for a medical technician. Health care unit is placed in the same part of building where the detainees are accommodated.

The doctor, general practitioner comes two times per week (Mondays and Thursdays from 9 to 13h ), and if it is necessary, in the afternoon and evening. During the weekends health care is provided on same way. According to the doctor there is no negative influence on quality of service.

Medical examinations are always performed on admission. These examinations are carried out by emergency doctor on duty. According to doctor and insight in regular evidence there are no difficulties during medical examinations. All data are clear with special column of described health condition of examined detainee, time of examination, sign and stamp of emergency doctor. During next 24 hours medical examination are carried out by doctor engaged by DP.

According to responses obtained by questionnaire, guards are often presence medical examination which is contrary to Art 29 House Rules ("medical examination, in accordance with the law, carries out only in the presence of a health worker, unless health worker requires otherwise").

Chart 2.



Interventions are rarely conducted in doctor's surgery and usually prescribed therapy orally. If it is necessary, therapy will be conducted under the supervision of a doctor in the doctor's surgery or emergency services. In the doctor's surgery there are closet with medications in quite sufficient quantity and frequency of pathology and diversity. There is also a basic medical supply (bandages, gauze and saline solutions). The therapy is classified in properly marked boxes in which the tablets sorted by the times and days of taking the length of therapy. Medical treatment could be provided with approval of doctor by guards.

Drug supply is carried out according to the tender decision with pharmaceutical companies. There is evidence for each medicament with date of purchase and quantity.

Detainees do not undergo annual comprehensive check-ups and there are no protocols.

According to the doctors and staff there is good cooperation with the medical centre in Novi Pazar.

No registered requests for doctor of detainee's choice in accordance with Art 32 House Rules.

Evidence of suffering from hepatitis C or other infectious are not

established and there is no laboratory diagnostic. Prevention and education about infectious diseases is unsatisfactory.

Dental practice is not established and dental care performed in HCC. In-patient treatment is carried out in the HCC or prison hospital in Belgrade Central Prison.

Members of the monitoring team were presenting the emergency medical examinations of prisoners carried out in the guard's room. HRCVA noted violation of the right on privacy. Such treatment has negative influence on the communication between doctor and patient. Violation right on privacy could cause poor cooperation with the doctor and misdiagnosis.

Medical examinations are not conducted before release. Adults and minors undergo the same treatment.

### ***Nutrition***

Kitchen is located inside of prison, bright and clean, lined with tiles from floor to ceiling allowing for easier maintenance of hygiene facilities (renovated during the previous year). The dishes are new, clean and tidy.

Detainees have three meals at 7.30, 13 and 18 hours. Assistants who are on duty in the kitchen deliver meals in the rooms. Weekly menu is approved and signed by doctor, Director and chef (a professional chef is actively employed in OZ) and it is posted on a visible wall space. According to detainees and insight in the menu it is noted that the fruit is divided once or twice a week, a salad every day. The caloric value is in accordance with the standards, but they complained that the detainees are given food in insufficient quantities. During the planning of nutrition there is no violation of religious rights.

Quality of food is checked and recorded in food book. Food samples are kept 24 hours in the refrigerator. Foodstuffs are stored in the warehouse that is clean and tidy.

According to doctors, sanitary exams of personnel in the kitchen are carried out every six months (insight in the sanitary book). DP arranged with Office of Public Health manner and schedule of exams. Also, samples from work surfaces are taken at regular intervals. Sanitary

inspection comes unannounced.

Canteen is stocked in accordance with Art. 23 Rules of the package content. Prices in the canteen are lower than prices in retail stores. All items are available without discrimination or restriction (than legal).

HRCVA had an impression that administration and staff show high level of concern of health care and doctor and medical technician show professionalism. Honest answers supported by documented facts show high degree of concern for adequate health care of detainees. Administration, together with the doctor and medical technician, pointed out the need for the necessary equipment and resources. Permanent rising of institution since 2005 is common attitude of all employees.

### **CONCLUSION**

This institution works well thanks to, above all, their dedicated staff who invest huge effort so as to conduct their duties in a professional, law-abiding manner. Within the scope of their duties the staff strive to minimize the security problem arising from the facility location and internal arrangement.

When it comes to the detained juveniles' human rights, we had the impression that there is no systemic violation or significant noncompliances.

The most serious problem appears to be the fact that the detained juveniles share rooms with adult detainees. Another difficulty is that smokers and non-smokers share rooms.

However, the conditions in this institution reveal the fact that the state has not taken measures towards the implementation of the principles 35.1 and 35.2 of the European Prison Rules since the juveniles are not provided with educational support during detention.

Since in this institution juveniles and adult prisoners are not separated, the staff who work with this group of prisoners in custody should be given specific training for their specialized work. (81.3 of the European Prison Rules)

Architectural and construction deficiency, the matter which requires a system solution, is a source of security risk for both the prisoners and

staff.

Apparently, a positive approach has been taken regarding healthcare, equipment for the infirmary and healthcare service establishment. Also, the staff are open and willing to cooperate.

With regards to how stressful their jobs are, the staff are underpaid, their work conditions are poor, their work is insufficiently recognised.

### RECOMMENDATIONS

It is necessary to:

- Provide copies of House Rules of LEPS, LJO and other positive legislation (Official Gazette of RS, No.: 35/99) for each room, especially for the rooms where juvenile prisoners are accommodated;
- Employ a doctor, on a permanent basis, and provide additional training for nurses in terms of triage and identification of injuries caused by torture;
- Provide a separate room for juvenile prisoners;
- Ensure that juveniles have access to the social, psychological and educational services as well as to recreation and other such programmes in compliance with EPR (35.1 and 35.2);
- Provide the staff who work with juveniles with specific training for their specialised work(81.3 of EPR);
- Ensure that prisoners sentenced and prisoners in custody spend at least 2 hours a day walking in fresh air in compliance with the law;
- Ensure that juveniles have the opportunity to continue their education;
- Ensure that there is space on the prison premises for the wardens to change;
- Ensure that the prisoners have visits in accordance with safety standards;

- Ensure that job systematization plan allows for a doctor employed on a permanent basis and more nurses so as to provide 24 - hour healthcare services (European Prison Rules, 4.1, 22.1, United Nations Standard Minimum Rules for the Treatment of Prisoners);
- Comparing objections and recommendations of the CPT of 2004 and the Temporary response of measures taken and intentions related to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment Number: 7-00-41/2005-18 of 21/11/2005, which was written and delivered upon visits to the institutions for execution of sanctions in Serbia and Montenegro in the period 16-28/09/2004, it is obvious that the issues and objections have remained. Serbian state has done little to improve the conditions observed then by CPT., which is also proven by our data on recorded injuries of prisoners in custody and sentenced prisoners. Also, more attention should be paid to anamnesis information that prisoners give and that information should be duly recorded. Furthermore, medical examinations should be more thorough and objective, meticulously recorded in the medical record, along with doctor's findings based on the record.

## DISTRICT PRISON IN KRUSEVAC

Address: Stevana Visokog bb  
Date of visit: 25.- 26.10.2010.y  
First visit

### *Structure of persons deprived of their liberty*

Entire capacity of DPK is 76. Number of imprisoned people during the visit was 98. Inside of institution there are different categories of people: convicted ones-29, convicted for violation-18, detainees-51. In detention there are three female detainees and six younger adults that are being prosecuted for criminal acts conducted as minors.

### *Structure of personnel*

In institution there are 54 employees (40 are members of security service and 4 of them are women). Six of them are from the territory of Kosovo. DPK does not have correctional facilities which are consequence of not being able to find experts in the field of psychology.

### *Description of environment*

Object of DPK is in city centre. It is surrounded by local municipality administration building, deserted building of Military, green market and post office.

Purpose of DPK is to accommodate people sentenced to imprisonment for period not longer than 6 months, detainees and those that were sentenced to imprisonment in Violation proceedings.

This is one the most uncomfortable and most inappropriate facilities in Serbia, regarding capacity for work of employees.

From inside object is covered with video surveillance and at the entrance there are metal detectors.

Accommodation of detainees is being conducted in two parts of the object with 8 rooms in total, so juveniles and younger adults are in the same room with adults. This kind of situation is being justified by the

administration, with insufficient capacity for juveniles. According to statements of the security service when it is being decided in which room juvenile is going to be placed, main criteria are security aspect, violation for which juvenile is detained and crimes that are committed by adults who are sharing the room with juveniles.

### **RIGHTS OF DETAINEES**

Rooms for detention do not fulfil basic criteria; they are not big enough for such number of people with insufficient amount of both natural and artificial light.

In every room there is between 6 and 8 people. There are bunk beds. Also, since there are too many detainees, some of them are sleeping on mattresses placed between the floor and bottom bed and it is space not higher than 40 cm. Since the surface is small, it is impossible to place mattresses between the beds. Mattresses are brought in the hallway during the day, so people that are sleeping only on them, during the day have no place to rest other then chair or on the bed of some other detainee. In these cells it is impossible for more than two detainees to walk in the same time.

Cells do not have classic windows. Openings on the wall high above are faced towards other inside area, so natural light is not available in appropriate amount. On the other side there is ventilation opening faced to joint hallway where air-condition is placed. Artificial light in rooms is available but insufficient so detainees are complaining that sometimes they can't get used to natural light when they go outside.

During winter time, there is central heating connected with near building of local municipality administration. During the visit, according to DPK administration, heating was off cause of malfunction.

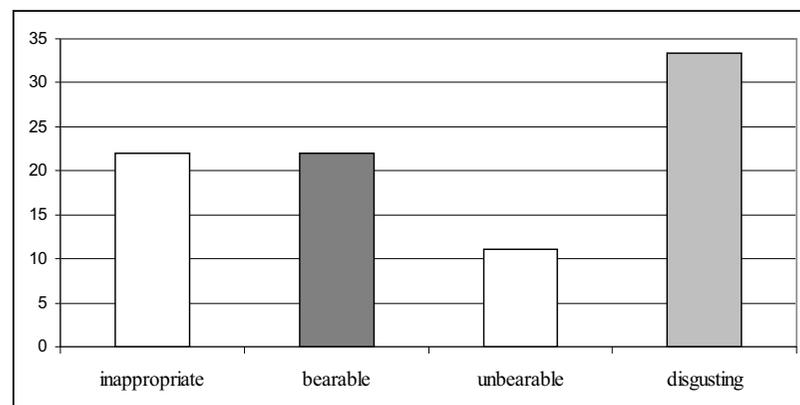
In solitaires there is no ventilation, light, restroom, table or chair. Beds in solitaires are being lifted and hanged on the wall, when not in use. Cause of very bad conditions in solitary it may be said that every detention in such space longer that couple of hours, may be considered as inhuman.

These conditions are against every domestic and international legal act that regulates rights of detainees and prisoners (article 9-14 of SMRTP; article 14. Of the Rulebook, article 18.1-18.7 EPR and standards and

recommendations of CAT). We think that conditions for detainees and prisoners in this facility that are in direct jurisdiction of the State, are inhuman and humiliating according to article 3 of European convention on human rights, and may be the reason for rising complaints against Republic of Serbia.

It is interesting to look at the survey conducted among detainees: 22.2 % think conditions are inappropriate, 22.2 % think they are bearable, 11.1 % think they are unbearable, 33.3% think they are disgusting and 11.1 % did not give any kind of answer.

Chart 1.



Every room is equipped with TV, they have bathroom with the shower and according to employees and detainees hot water is available every day.

Even though detainees take care of their personal hygiene, since facility is very old, during the visit insects were present, and prisoners say their number increases during the night. Facility has conducted disinfection but this measure gives only temporary results. Furniture is made out of metal, it is old and not for use any more (on one bed metal part was wrapped with rags and bandages for preventing injuries). Rooms have not been painted recently.

Presence in outside area with fresh air for prisoners and detainees is provided for 45 minutes per day which depends on which day it is (walks are sometimes organized twice a day in the morning and afternoon) and some detainees stated that cause of the visits on Friday,

they can't go out at all. Shorter time period on fresh air, than proscribed, is justified with overcrowding and impossibility to practice two hour walks during the day.

Circle where walk is going on is small surface area without any additional activities provided, such as sport or other free activities.

During reception detainees are being given with confirmation of taken objects at the entrance and reception of women is being conducted by female guards.

In rooms there are no copies of House rules, except those parts referring to reception and inspection of packages.

Institution does not have library or rooms for free activities or sports activities.

Detainees are allowed to have four visits during one month for 15 minutes. Visits are approved by the court decision, but their length is against article 35 of the Rulebook. Visits are organized in the hallway divided by one wall. Communication between visitors and detainees is being conducted over the phone. There is no special room for visits of the lawyer which violates confidentiality of lawyer-client relation.

Mail correspondence is being conducted according to House rules, as employees and detainees have stated.

Access to information is provided by watching TV in the rooms and through literature and daily newspapers that prisoners get on their own expense.

### **Data records**

Insight has been conducted in: book of records of detainees; chart of reception of packages; chart of visits; chart of money deposits; book of records of prisoners in solitary; book of passing and detentioning; book of conducted enforcement measures; book of lawyer's visits; book of conducted medical examination; book of taken objects from detainees; book of conducted inspections in prison; book of filed request and complaints by prisoners; personal files of prisoners and detainees.

Besides records of detainees that have been kept according to Law, employees have imported some new records (Administration of the institution addresses to the court regarding particular detainee when his

detention period expiries, with the purpose of providing legal time period that person spends in detention and efficient acting of the court in such case).

Book of records for detainees is orderly kept. Personal files of detainees consists of all documentation referring detainee (insight was conducted for randomly chosen files).

Every chart has a list of acts in the file that has a Decision for ordering detention with the date when it was in powered and its number. Record of taken objects is created after every time person enters the institution.

Also, records are being kept about every filled complaint, request, and confirmation of sent letter, filed chart...

In the chart of accepted packages and conducted visits day and month when package or visit happened is also filed, with unlimited number of packages that may be delivered. Knowing how is the state of this institution, such possibility regarding packages we consider as positive attitude of administration.

Records of visits of people in solitary and isolation is also firmly kept, so it may be seen if such measures last from couple of hours to couple of days (mostly from two to three days). Reasons for putting people in solitary in most cases are self-infliction and other security reasons (person can be moved to other room on its own demand).

Book of prison inspections from 2010 shows two visits were conducted by the court and one visit by one NGO. During these visits problem of overcrowding have been recorded.

### ***Coercive measures***

According to statements of guards coercive measures (use of rubber truncheons) are being applied mostly during conflicts between detainees or in cases of self-infliction. Preventing conflicts has been enforced by putting detainees in separate rooms.

In book of records of coercive measures there are four cases of use of rubber truncheons and records contain all elements proscribed in

Instruction of records (Off. Gazette No. 58/81).

### ***Disciplinary measures***

According to officials and detainees (younger adults), there are cases of ordered disciplinary measures (restriction in receiving packages and having visits).

Cooperation with the court regarding this matter, employees see as efficient and professional.

### **HEALTH CARE**

Recently established infirmary is located inside of detention unit.

DPK does not have spot officially planed for permanently employed doctor. In medical service there are two medical technicians (one accepted as permanent and other for limited period of time).

Working hours of infirmary are from 07-15h and from 14-22h every working day (on Saturday it only works in morning shift). During the weekend and on holidays it is not possible to have infirmary opened.

Doctor with general medical specification works according to contract (he comes two times a week, on Monday and Thursday in the morning shift). Neuropsychiatric as consultant comes once a week.

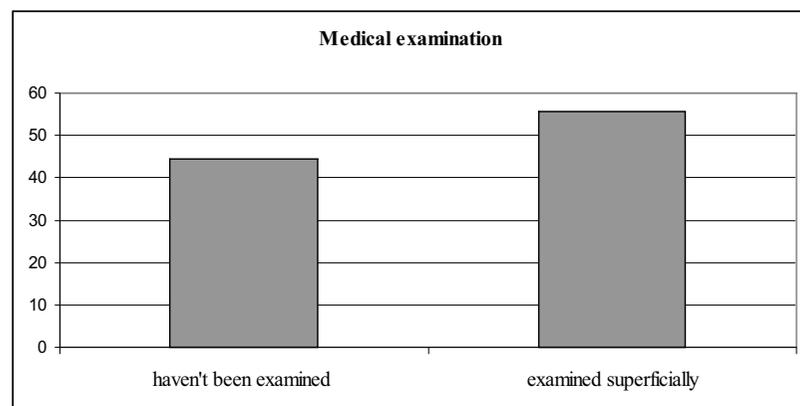
Doctor comes in afternoon shift when needed and urgent matters are dealt by ER unit from authorized health centre.

Examinations of the detainees are being conducted only when Doctor is present, which is not in accordance with article 24. SMRTP article 42.1 EHR article 9 of Rulebook.

At the examination, guard is always present, but on the demand of detainee and doctor, private conversation between doctor and detainee is possible (mostly with female detainees).

According to the results of the survey 44.4% of detainees have stated that they haven't been examined when they were admitted in the DPK, while 55.6% of detainees said they were examined superficially.

Chart 2.



Records about first examination are being filed in medical file that is being used as a record for any data regarding state of health for each detainee. There are no recorded data about conducted examination when detainee is released.

Medical files are not being formed and there is no special record about injuries at work, self infliction or injuries received in a fight.

There is a lack of anamnesis, reasons for person coming to the doctor, with inability to get insight in personal medical documentation of detainee.

Room where infirmary is located is small and insufficiently illuminated. It is equipped only with a device for measuring blood pressure. There is a lack of other basic devices necessary for providing quality medical service as well as first aid.

Supply with medications and other medical material is also on low level, but minimal needs are covered (cotton wool, gauze, alcohol).

Medical examinations in health centre are not being scheduled in advance. According to detainees, medical protection of women is being conducted in cooperation with gynaecologist from original Health centre of detainee, without any problems (waiting list is not long).

Medical treatment in hospital is being conducted also in original Medical centre of detainee or in Prison hospital of Central Prison in

Belgrade.

Biochemical analysis of blood are being done based on a suggestion and prescription issued by the doctor in Health centre, only for basic tests, and discovering contagious diseases is rare. (Hepatitis C or HIV)

Information about sick and contagious detainees does not exist. Educational programs, brochures and similar ways for providing information to detainees about existence and ways to spread contagious diseases, are not present in needed number (old and pale posters are hanged in the hallway of detention unit).

Dental protection is not being conducted in facilities itself since there is not room for such service.

### ***Nutrition***

Food is being prepared in the kitchen of the P/CF Valjevo. Detainees have three meals per day, at 7 30 am, 1 pm and 6 pm. Meals are being delivered to the rooms.

Kitchen is located in the old building but it fulfils conditions regarding illumination (artificial light), cleanliness and equipment. Room is covered with tiles, which makes maintaining basic hygiene easier.

Menu is being signed by the kitchen chef, doctor and Director of DPK and it is created week ahead.

Kitchen chef is a professional cook, permanently employed. DPK has its own sources of food, regarding certain groceries (potato, paprika, tomato, cabbage). Insight in the menu and statements of the detainees, proven that there is not enough fruit on the menu, but fresh vegetables are being given in a form of the salad, almost every day.

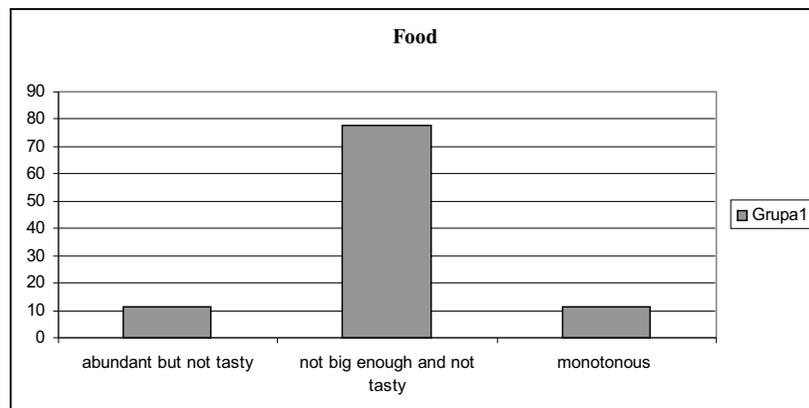
Food record in the form of book is being kept regularly.

There is no canteen in the DPK, but Director said that is planned to be built.

It has been determined by insight in sanitary book, that sanitary exams have been done, regarding kitchen chef and other personnel in the kitchen, on every six months, but there is no record about visits made by sanitary inspection.

Complaints of the prisoners, mostly refer to quality and quantity (only ¼ of bred for the entire day per person). According to survey 11.1% of detainees stated that abundant but not tasty, 11.1% said that it is monotonous and 77.8% stated that portions are not big enough and not tasty.

Chart 3.



### CONCLUSION

The only conclusion that comes out as dominant after visit of this Institution is that intervention of the state is necessary in the sense of solving problems regarding its relocation and capacity.

Since State is not taking such measures for improving conditions for detainees, it may be said that there is systematic and chronically violation of human rights prescribed in article 3 of ECHR.

Slightly better conditions are those in which guards are spending their working hours, but even that space may be considered as highly inappropriate for the job they are doing and responsibility it considers.

The biggest problem is accommodation of juveniles in the rooms with significant number of adult detainees and also violation of some rights they suffered as detainees (daily walks, nutrition, correctional education..)

Even though this institution has more important issues to solve, it has to be said that state has not taken adequate measures (articles 35.1 and 35.2 European prison rules), since there is no correctional education for juvenile detainees during detention.

Health care covers basic needs of detainees. Biggest obstacle for providing adequate care are unequipped facilities, lack of motivation among staff, inadequate structure of the facility and, as detainees emphasize, medical service that is not being provided at time when needed.

### RECOMMENDATIONS

It is necessary to

- Provide copies of House Rules of LEPS, LJO and other positive legislation (Official Gazette of RS, No.: 35/99) for each room, especially for the rooms where juvenile prisoners are accommodated;
- Provide a separate room for juveniledetainee;
- Provide additional time for juvenile detainees in fresh air since current accommodation affects psychological state of detainees in a bad way;
- Ensure that juveniles have access to the social, psychological and educational services as well as to recreation and other such programmes in compliance with EPR (35.1 and 35.2);
- Provide the staff who work with juveniles with specific training for their specialised work(81.3 of EPR);
- Provide conditions for work of medical staff with the goal of offering medical services in more human way and especially to provide to medical staff space for examination and work;
- Urgently, by reorganizing work by importing working spot for Doctor and one more medical technician. Fulfil prescribed obligation from article 27. of the House rules ("Official Gazette RS no.72/100) regarding equipment of the infirmary;
- Taking care of medical documentation (data base of anamnesis and personal medical documentation being available) and

harmonize it with international standards and recommendations of Committee against torture from 2004 and *Temporary response of taken measures and intentions regarding report of European committee against torture* no. 7-00-41/2005-18 from 21.11.2005.

- Import medical education through educational correspondence, brochures about hygiene, contagious diseases, ways of protection and possibilities for its spreading;
- It is necessary to provide better food with additional snack for juveniles as with bigger amount of fruit and fresh vegetables;

## **CORRECTIONAL INSTITUTION FOR WOMEN IN POŽAREVAC**

Address: Mose Pijade bb  
Date of visit: 9-10. 11. 2010.y  
Previous visit: 2007.y

### ***Structure of persons deprived of their liberty***

Number of prisoners throughout the prison facility at the time of the visit is 209 women. There are misdemeanour convicts, too. In prison there are two juvenile inmates and three young adult prisoners

### ***Structure of personnel***

In institution there are 82 employees in accordance with organisational structure and staffing plan. However, due to the large number of inmates new organisational structure and staffing plan envisages increase number (140). Most employees (70%) are women disposed equally in all positions from administration to guards.

Compared to the previous visit in 2007 when the male person was involved only in the outer security, service members are now engaged in a circle and the CIW. The reasons for these changes are security concerns explained by the administration. , This statement could be justified it should be noted that it is not in line with Art.53(3) SMRTP which envisages that the supervision of female inmates should be performed only female guards.

Governor of the CIW said that the major problem for employees lack of regular causing large number of employees on fixed-term contracts.

### ***Description of environment***

The CIW is located in the city. Nearby CIW are residential buildings, and the CIW is surrounded by high concrete wall.

Within the CIW there are facilities for accommodation, meals, work engagement and health care of inmates. The administration is the prison circle, too

Inside the building is covered by video surveillance, at the entrance there are metal detectors

At the time of the visit there is works on the heating system and the necessary measures have taken to protect of injury.

While prison facilities are very old the CIW is one of the most settled. Detainees are accommodated in two buildings. A small single-storied building is a minimum security department, while the other is medium and high security object, department for misdemeanour convicts and admission department.

Inmates stay in rooms for admission 30 days, then they referred to departments depends on treatment.

Recently one part of the high security has been renovated while the other is in bad condition. HRCVA got positive impression regarding the cleanliness, hygiene of premises equipped by details made in a prison's tailor workshop (curtains, blankets, pillows, etc.)

All rooms are relatively spacious with sufficient natural and artificial light and ventilation. The interior of the building is organized so that a sleeping room with bathroom and living room makes one whole.

There are no special facilities for accommodating juveniles. According to administration juvenile inmates rarely occur, and accommodation facilities are limited.

## RIGHTS OF DETAINEES

In the rooms there are bunk beds, metal lockers for personal items and a table with chairs. According to the prisoners that we met in the rooms or living rooms, hot water is daily available as well as hygiene facilities received by administration.

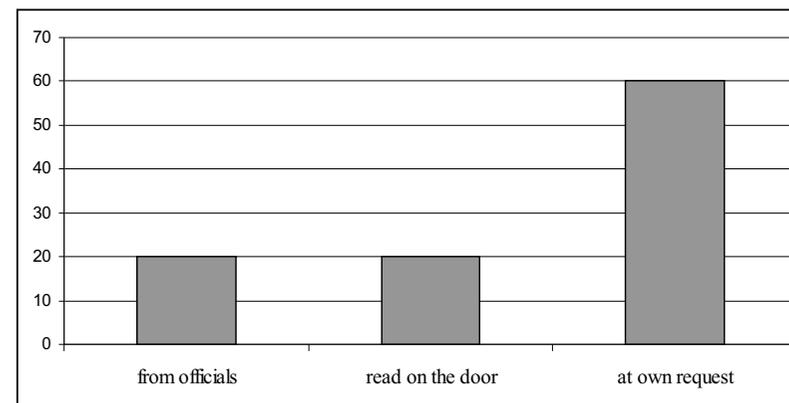
Bedclothes are being changed every two weeks and detainees are washing personal belongings by themselves.

They stay on the air in accordance with the House Rules ("Off. Gazette of RS" No. 72/2010). Misdemeanour convicts said that their right is limited in the last days.

Detainees are provided with information on House Rules in admission department. HRCVA did not see copies of the House Rules.

According to the survey results 60% of inmates found out about their right at own request, while 20% from officials (they read on the door).

Chart 1.



All prisoners who are able for work and declared that they want to be engaged in economics or in the prison tailor workshop.

Primary education carried out through the basic education programs for adult in collaboration with the Centre for training in Nis. Several prisoners has recently completed trainings for tailors. Administration tries to organize painting workshop for women.

Communications with the outside world carry out through visits, correspondence and phone calls (there is no indication of the special treatment of juvenile prisoners).

There is a room for partners' visits three hours every three months.

Received packages are being reviewed and the content is being sorted into plastic bags provided by the institution.

Room for the visit does not provide sufficient conditions for privacy, if carried out several visits at the same time.

The library contains over 6000 titles. Also, there are exercise rooms and hair salon staffed by inmates. Administration tries to provide trainings for work on computers for employees and for inmates. There is a classroom with several computers, but training is currently not implemented due to lack of funds.

Access to general information is provided by watching television and literature.

All inmates wear prison uniform, gray shirt and gray skirt (winter uniform). Although inmate uniform reflect the position in which there are, it would be better to adapt the uniform to current era.

Prisoners are usually taken to solitary confinement because of self-harm and preventing the destruction of property. In solitary confinement there are natural light, ventilation and separate bathroom. The detainees were provided with special clothes (regarding prevention of self-harm). According to employees if it is necessary binding measures could be used. During each isolation, detainee is visited by doctor and chief of service.

### ***Data records***

Insight has been conducted in: book of records of detainees; chart of reception of packages; chart of visits; chart of money deposits; book of records of prisoners in solitary; book of passing and detentioning; book of conducted enforcement measures; book of lawyer's visits; book of conducted medical examination; book of taken objects from detainees; book of conducted inspections in prison; book of filed request and complaints by prisoners; personal files of prisoners and detainees.

The data records are conducted in accordance with the regulations. However, there are no separate records of visitors and receiving packages, visit a lawyer and visiting prison. On the occasion of visit all persons are recorded in the same record as well as all changes during day (HRCVA could not confirm respect of Art 1.115. LJO).

On admission prisoners receive prisoner's ID as personal identification and for canteen. On account of prisoners is paid by prisoners and the means to get to the working engagement in the institution (20% of the minimum wage in the Republic). Funds on deposit are divided into three categories of which month are free to dispose of the amount of average monthly salary in the Republic at the end of each month; inmates receive a pay-slip.

Before work engagement prisoners have to be examined by doctor to confirm ability to work and fill the questionnaire on professional a qualification.

Report on the impact of penalties for juvenile prisoners shall be submitted to courts.

Cooperation between the DP and the SWC is reflected in the notice of

juveniles who are remanded in custody and exchange of all relevant data.

According to records of visiting in solitary confinement it could be noted that the separation lasts few hours to a maximum of ten days. During his stay in solitary confinement is strictly adhered to.

### ***Coercive measures***

According to statements by Chief of the Security Service coercive measures (use of rubber truncheons) are being applied mostly during conflicts between detainees or in cases of self-infliction. The mostly used measures are binding and isolation (the proposal psychiatrist doctor when there is a risk of self harm - Art 18, 23 and 27 Rulebook on Measures for Maintaining Order and Security in Penal Sanctions Enforcement Establishments RS Official Gazette 105/06). These allegations were confirmed by insight into record for coercive measures. Administration is informed about all cases of use coercive measures according to Art.130. PSEA.

The number of coercive measures is less regards previous period (in 2009 coercive measures used 66 times, since 2010 until the day of visit 17).

### ***Disciplinary measures***

Disciplinary proceedings are conducted in accordance with the provisions of the Act on General Administrative Proceedings and PSEA. Prisoners are formally allowed to engage counsel or expert assistance counsellor in prison. HRCVA noted that proceedings were conducted professionally, during the proceeding there is opinion of expert services. The most imposed disciplinary action is warning and confiscation of benefits (rarely isolation).

### **HEALTH CARE**

Health care department is consists of doctor general practice physician, epidemiologist specialist (full time for ten years) and three medical technicians - nurses (two them are full-time employees and one part-time employee).

Occasional involvement gynecologist, a psychiatrist and a dentist providing additional health care. There is no need to constantly employed doctor.

Working time the ambulance is from 7 to 20 h. Nurses work on weekends (one per shift 12 hours a day) while the doctor is available on weekends and at night (if urgent).

Doctor's surgery is located in a separate very old building. However, it is well maintained and clean, bright, clean and painted. There is only stethoscope, device for measuring blood pressure and thermometer, ECG machine, sugar measurement devices, sterilizer and a thermometer.

Dental practice has a dental chair and a complete apparatus and instruments to provide basic dental care. The prosthetic services are in the preparatory phase and that service prisoners have to pay. Also, in this office there is a sterilizer. As opposed to most other dental practice the office in Požarevac conducted record of sterilization.

Giving the prescribed therapy is performed in a room for intervention which is not large but functional.

On the same level there is inpatient rooms consisting of two rooms with nine beds where. At the time of monitoring there were two prisoners.

On the first floor of the same building there is separated space for pregnant convicts and convicts with children up to one year old (one room with three beds for pregnant women and a room for mothers and babies with four beds).

After separation from mother, children are being placed in foster home or relatives and other parent.

At the time of monitoring one pregnant women and mothers with a baby were in prison. The mothers and babies are regularly conducted in protocols.

On the same floor there is a gynaecological office with gynaecological table. The room is bright and clean.

According to the doctor there is need for ambulance because for the transportation of prisoners it used police vehicle or ambulance of HC Požarevac. Administration is informed about this.

Bookkeeping records of infectious waste classified institution in properly organized type of institution.

In the doctor's surgery there is a closet with the most necessary medicines in line with quantity of pathology (antibiotics, analgesics, drugs for rheumatic, internal therapy, sedatives, etc.). Drugs are obtained regards the tender of the Ministry of Justice by the pharmaceutical companies. The medicines are being distributed only with approval of doctor, and a medical technician shares them three times a day.

All data is recorded in medical files (dates, symptoms, diagnosis, medication prescribed). Protocols and consumption of narcotics is regularly conducted.

At the first examination carried out within 24 hours of admission the medical file is been opened. This file includes detailed data (data on body weight, body height, and condition of skin and visible mucous membranes, your general health).

Also, data after medical examination before convicts are released from prison recorded. Prevention is on high level (colposcopy examinations carried out since June 2010, while in the earlier period, according to the House took place one in two years).

By recommendation of the Ministry of Justice the implementation of fluorographic of convicts and employees has been in preparatory phase since 30 November 2010. During November and December 2009 Institute for Oncology and Radiology of Serbia carried out the breast cancer screening with digital mammography.

According to medical staff the most common reasons for doctor's intervention are the clinic respiratory infections, gynaecological problems, gastrointestinal infections, less self-injury and injury to the conflict.

Laboratory examination is in accordance with agreement on cooperation with the private laboratory of Požarevac. This cooperation includes standard laboratory analysis, microbiological examination and specific analysis. There are two types of books: the book provided laboratory services and a book of laboratory results.

Health-educational work is carried out according to the monthly schedule. Posters, brochures and billboards to protect the health,

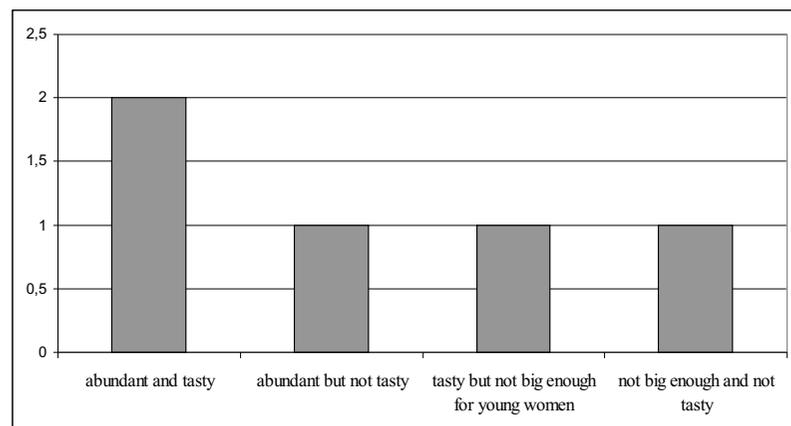
sexually transmitted diseases and viral infections are along the corridor and common rooms. During 2009 vaccination against influenza H1A1 was carried out. Educational lectures are organized. In order to have successful treatment of patients with hepatitis C, prison is included in the Department PEGASIS program in a prison hospital in Belgrade. The first analyzes are being paid by convicts pay but further treatments will pay institution. There are records of patients from a TB infection.

### ***Nutrition***

*CIW* does not have self-catering, but it comes from the OCA frogs. Meals are divided into the spacious dining room which is very bright and clean. In a conspicuous place a prominent seven-day menu, signed by a doctor, chef and manager of the OCA frogs. In accordance with the possibilities of the child and respect the religious needs. Direct insight into the control diet book, it was stated that it is performed once a week. The food taste doctor or medical technician. Food samples are stored in the refrigerator for 24 hours.

The quality of food inmates are referred to as follows:

*Chart 2.*



The diet of fresh foods are represented, and there is a possibility to purchase through the prison canteen, which is provided with food and dairy products, hygiene and cosmetics.

There is no possibility for a greater improvement of quality of food because the institution does not possess its own economy.

## **CONCLUSION**

It is evident well-functioning and commitment of employees as during earlier visit. Specifics of the female population in prison are respected. Employees are well aware of the personal situations and behaviour of inmates in the institution. There is no depersonalization of inmates. Treatment programs are adapted to the personality and the length of the sentence.

The rights of juveniles are respected with minor discrepancies concerning the implementation of provisions related to enforcement of juvenile detention. The small number of juveniles does not mean that they should be placed in the same cell with adults. Staff and law expert expressed interest for additional education. Good knowledge of the regulations is necessary taking various of treatment and lack of some measures into consideration.

Based on the monitoring HRCVA concluded that women inmates are not discriminated compared to male prisoners. The position of women is not specifically regulated and there is possibility for arbitrariness in the treatment.

The position of juveniles in custody is less favourable due to the lack of conditions for separation, special access and treatment. In this institution there is no special department for juveniles and HRCVA noted that female juveniles are not in equal position as male juveniles. This is violation of Art 92 LJO.

Article 143 LJO prescribes a longer stay outside, as well as a special regime for contacts with the outside world (unlimited messaging and phone calls) and other benefits.

Health care is satisfactory and in line with the prescribed standards. Preventative care is available (control of cervical, breast, lung). There is special care for women during pregnancy and motherhood.

According to staff, prisoners have access to their personal medical records.

**RECOMMENDATION**

It is necessary to

- Provide copies of House Rules of LEPS, LJO and other positive legislation (Official Gazette of RS, No.: 35/99) for each room, especially for the rooms where juvenile prisoners are accommodated;
- Provide a special department for the execution of juvenile prison female faces, and in the interim period to provide a separate room for the housing of juvenile inmates;
- Implement provisions of the LJO;
- Provide the staff who work with juveniles with specific training for their specialised work(81.3 of EPR);
- To improve the medical diagnosis of specific areas for this population in accordance with the standards of primary health care;
- Keep medical history of illness for inmates during their stay in inpatient room, a therapeutic-dietary list should be put in the medical record after leaving the inpatient room. Maintain a level of preventive measures of health care for women.

**DISTRICT PRISON NOVI SAD**

Address:

Date of visit: 23.-24.11.2010.y

First visit

***Structure of persons deprived of their liberty***

Number of people accommodated in this facility during the visit was 621. According to prison Director Capacity of this facility is around 750 people. Comparing capacity and number of prisoners it could be noted that the main problem of the Institution is overcrowdedness. In the institution there are various categories of prisoners: people in prison, detainees and persons in police custody.

The capacity of the detention is about 120 persons. During the visit in detention there were 261 persons (14 female detainees, 22 juveniles and young adults who committed criminal offenses as juvenile).

***Structure of personnel***

In this facility there are 200 employees number . institutions, administration expect that the problem of overcrowdedness will be solved by new organisational structure and staffing plan. Two women employed as guards.

***Description of environment***

DP is placed into few buildings and located in the suburb, relatively isolated from surrounding houses and surrounded by a concrete wall.

Prisoners are separated depends on their status and treatment. To solve the problem of housing some cells changed purpose. Also, the facility provided for the prison hospital is used for housing prisoners and solitary confinements are used as cells.

The building is partially covered by video surveillance and is complete

video surveillance system funded by the city budget of Novi Sad, which certainly represents an example of good cooperation.

The building where detainees are placed is two-floor and there are 42 rooms. Female detainees are separated from male (courtyard, sanitary facilities etc).

The separate cell is determined as detention room for minors, but because of the number of juvenile it could not always provide separation.

According to administration, problems of accommodation of minors being mitigated by the deciding in which room will be located the juvenile, take care of security aspects and the type of offenses. Although the DP in Novi Sad is within the jurisdiction of Higher Court who is familiar with the situation of lack of capacity, administration pointed out that court has not given consent to placing minor with adults. On this way court transferred problem to DP.

In the rooms there are accommodated two-nine detainees. There are bunk beds and some detainees sleep on mattresses on the floor. Openings on the wall high above are faced towards other inside area, so natural light is available in appropriate amount. During winter time, there is central heating. The cells are very small and do not in line with standards. In all rooms there are TV, toilet and bathroom.

## **RIGHTS OF DETAINEES**

Bathing and personal hygiene of detainees is allowed only once a week, which is not in accordance with Art. 19.4. EPR.

For personal items inmates are provided metal tapes.

It is allowed to use personal bedding, although during the visit in one room there was no bedding. Explanation of the guards was that the same is the laundry and detainees confirmed it.

The hygiene of premises and personal belongings fend detainees. Stay in the fresh air is well organized. There are four separate parts which allow simultaneous execution of several rooms at same time (one hour). Exercise yard is separated and surrounded by a concrete wall and under the supervision of the guards.

Remand Wards. In the institution there is no library or other facilities for leisure facilities and detainees.

.Communication with the outside world is allowed through visits of the relatives once a week and correspondence.

Rooms for visiting relatives and lawyers were separated with a glass divider and the door is opened all time. We were unable to verify whether the same principle of control is implemented during the visit of lawyer (violation of Article 39. Rulebook on House Rules in Remand Wards).

Materials for correspondence are supplied by detainees, but if it is necessary may be required by DP.

Access to information is provided through TV and daily press which detainees (purchased at own expense).

Detainees receive enabled daily food - a meal to two pounds of weight while receiving regular package is in accordance with Article 22.

## ***Data records***

Insight has been conducted in: book of records of detainees; chart of reception of packages; chart of visits; chart of money deposits; book of records of prisoners in solitary; book of passing and detentioning; book of conducted enforcement measures; book of lawyer's visits; book of conducted medical examination; book of taken objects from detainees; book of conducted inspections in prison; book of filed request and complaints by prisoners; personal files of prisoners and detainees.

Besides records of detainees that have been kept according to Law. Book of records for detainees is orderly kept.

Personal files of detainees consists of all documentation referring detainee (insight was conducted for randomly chosen files).Minors are particularly marked.

Personal papers of juveniles were separated and prepared in advance for a visit.

The records are kept electronically and are updated daily.

The institution has a good practice to inform the court on the expiry of detention in order to provide a lawful arrest.

Record of taken objects is created after every time person enters the

institution.

Court records of visits and monitoring in general, contains sections for the date of the visit, a description of the status quo and tips section.

As for the court concerning the same visit are relatively regularly - on average once a month.

### *Coercive measures*

According to statements of guards coercive measures (use of rubber truncheons) are being applied mostly during conflicts between detainees or in cases of self-infliction. Preventing conflicts has been enforced by putting detainees in separate rooms.

As guidance is not provided specific evidence for juvenile detainees is not known whether the measure applied to this population, but it is clear that had the same status as adult detainees.

### *Disciplinary measures*

According to officials in the civil records, disciplinary offenses of juveniles in custody are rare. Although, according to data from the Higher Court in Novi Sad there were disciplinary punishments. HRCVA could not have insight into record.

According to the employee, a juvenile are informed about disciplinary measure by copy of decision.

Disciplinary measures consist mainly in limiting the receipt of packages and visits.

## **HEALTH CARE**

Health care in DP in Novi Sad is implemented in the health department within a department for treatment.

In the health sector there is doctor with general medical specification who is head of department. Also, there are two doctors and two medical technicians (one fixed and the other permanently employed).

In the health sector were set up two departments (particularly for the detainees and convicted persons) due to the large number of prisoners. The doctor examines 60 to 70 people during working hours. Working hours of infirmary are from 07-16.30h. During the weekend and on

holidays it is not possible to have infirmary opened.

In the morning shift, there are two technicians and one in the afternoon. Only one technician works during weekends and one doctor have to be standby.

Infirmary in the detention area is equipped with basic resources for health care: an apparatus for measuring pressure, thermometer, reanimation and sugar measurement devices. However, in the part for prisoners space has been adapted and uses for examination. In contrast to the infirmary for detainees this room is sparsely furnished and there are office desk and bed.

Often epidemiologist (once a month) and psychiatrist (once weekly) come to prison as consultants.

Dental Care is in line with the standards of services and equipment.

Health records maintained by the medical records that contain a list of general reviews with the main a history, objective findings on admission, information on subsequent visits, the completion of therapy, consultative examinations performed outside the prison, given instructions and work capacity during their stay in prison. Health unit does not conduct pre-release check-ups of the convicts. The protocols are clear and proper. During the first examination after admission dentist examination is obligatory.

There is no separate protocol of injures caused during fights and self-harm only the Book of injuries with the date and manner of injury, the therapy and the current ability to work. There are no data of systematic examinations. Medical documentation is available to detainees.

In the prison methadone program is implemented and books of narcotics are properly maintained. separate room there are medications (analgesics, drugs for rheumatic, antibiotics, internal therapy, antidepressants and narcotics). Medical treatment could be provided with approval of doctor by guards and technicians.

There is good cooperation with emergency service Novi Sad Health Centre in emergency situations, scheduling of diagnostic exams is carried out by phone (waiting a few days). Laboratory services are provided in collaboration with the Health Center which includes the arrival of teams of mobile laboratories in prison. Specific analysis (HIV

and Hepatitis C) are conducted only at the order of the doctor. Prison is included in the Department PEGASIS program.

During monitoring there were 14 female detainees (one pregnant). DP provides specific health care for women in accordance with the rules. Gynecological exams and hospital treatment are carried out in HC or in a prison hospital in Belgrade. It is evident that there is necessary to establish inpatient room. According to doctor preparatory work is started but rooms had to change its purpose and it transformed into cells.

Prevention and education about infectious diseases is unsatisfactory and carry out through lectures and discussions in related counseling and infectious disease specialist psychiatrist (brochures are divided detained and convicted persons - flyers in cooperation with the Ministry of Health, Global Fund and the organization "Support").

HRCVA noted frequency of infectious skin diseases (seven cases of Scabies). According to doctor medical intervention and therapy are conducted timely. Spreading of infection is stopped. The main cause of infection is overcrowdedness.

### ***Nutrition***

Food prepares in the prison kitchen. Detainees receive meals in cells and prisoners in dining room. Capacity of dining room is 80 seats. Inventory in the dining room is an old but functional. The room is bright and clean.

Meals are shared by three times a day. Due to the large number of prisoners sharing a meal is conducted in groups (each group allows 20 minutes for eating) Two cooks are engaged. The chef is constantly employed, and the other for a limited time. Eight to ten persons work in the kitchen.

The kitchen is functional with adequate number of well-maintained old appliance. Foods are purchased in accordance with the possibilities of their own imprisonment and the economy (sheep, laying hens, cabbage, tomatoes, and potatoes).

66 Menu signed and approved by the administrator, physician and chef. It

is designed special menu that respects diet, religious use of fasting, as well as additional meals (twice a day for minors). The right to exercise enhanced nutrition minors obtaining additional snacks.

The caloric value is respected, but uniformity is evident (not enough fresh vegetables and fruits). Food samples are kept 48 hours in the refrigerator. Prepared food is tasted by chief. There is regular book of food quality.

Sanitary inspection of employees is being conducted in every six months and samples from working space are being taken once a month by Institute of public health.

### **CONCLUSION**

The problem of overcrowding in Serbian prisons is clearly visible in this institution (three times the number of persons placed on the capacity of DP).

It is clear that the government does not understand the problem of overcrowdedness and lack of employees. There is question why there is no adequate organisational structure and staffing plan.

There is no systematic violation of human rights and major deviations from the legislation when it comes to juvenile detainees. As the biggest problem is the housing of juvenile detainees in the cells with more adult detainees and the inability to respect the legal provisions relating to certain rights of juveniles in custody (walking, feeding, educational work).

The general problem of all the county prison is lack of specially trained staff for dealing with juvenile detainees.

The medical staff put effort into implementation of adequate health care. The huge number of examination caused poor medical documentation and lack of envisaged protocols.

Lack of hygiene and overcrowdedness caused infectious diseases.

**RECOMMENDATION**

It is necessary to

- Provide copies of House Rules of LEPS, LJO and other positive legislation (Official Gazette of RS, No.: 35/99) for each room, especially for the rooms where juvenile prisoners are accommodated;
- Provide separate rooms for juvenile detainee;
- To enable more frequent use of hot water and personal hygiene for all detainees;
- Ensure that prisoners sentenced and prisoners in custody spend at least 2 hours a day walking in fresh air in compliance with the law;
- Ensure that juveniles have access to the social, psychological and educational services as well as to recreation and other such programmes in compliance with EPR (35.1 and 35.2);
- Provide the staff who work with juveniles with specific training for their specialised work(81.3 of EPR);
- Provide conditions for work of medical staff with the goal of offering medical services in more human way and especially to provide to medical staff space for examination and work;
- To create conditions for the functioning of the dispensary, which would solve the problems of patients with acute housing detainees;
- Provide Health - educational work through educational talks, lectures, printing brochures about hygiene and protection against infectious diseases;
- To provide better hygiene conditions;

**DISTRICT PRISON BELGRADE**

Address: Bačvanska 16a  
Date of visit: 22.- 23.12.2010.y  
Previous visit: 2007.

***Structure of detainees***

Number of people accommodated in this facility during the visit was 1600, 1400 of them were detainees. According to prison Director Capacity of this facility is around 750 people.

During the visit in detention there were 11 juveniles and 122 younger adults (one adult person that is prosecuted for the crime committed as juvenile). In the moment of visit there were no female juveniles.

***Structure of personnel***

In this facility there are 400 employees and 300 of them are members of prison guard. Since some employees from this institution are helping in other prisons, number of employees in DPB is smaller than it should be which functioning and security problem is.

***Description of environment***

Parts of the facility are management building, 5 prison blocks and walking area between the blocks. There is also a special prison hospital.

**RIGHTS OF DETAINEES**

Inside of the facility detainees are accommodated based on their status and treatment.

Juvenile detainees that we have visited during monitoring are situated in block 2.1 that detainees call "Hyatt" since conditions are slightly better than in other parts of the prison (there is hot water and smaller number of people in rooms). Juveniles are separated from adults. During the visit,

10 juveniles were settled in 3 cells that don't have source of fresh air or natural light, since there are no windows. In joint hallway where entrances to the cells are located, there are windows.

In two cells there are 4 juvenile detainees and in third, the smallest one, there are two. Conditions in which detainees spend their time are in accordance with article 14 of Rulebook on House Rules in Remand Wards. (Official gazette of RS no. 35/99).

Maintenance of personal hygiene is available without any limitation since there are toilets with showers supplied with hot water in every room.

For keeping personal belongings there are metal boxes/closets. To juveniles that have no personal belongings institution provides clothes and articles for personal hygiene. Prisoners themselves take care of hygiene of their personal items and rooms.

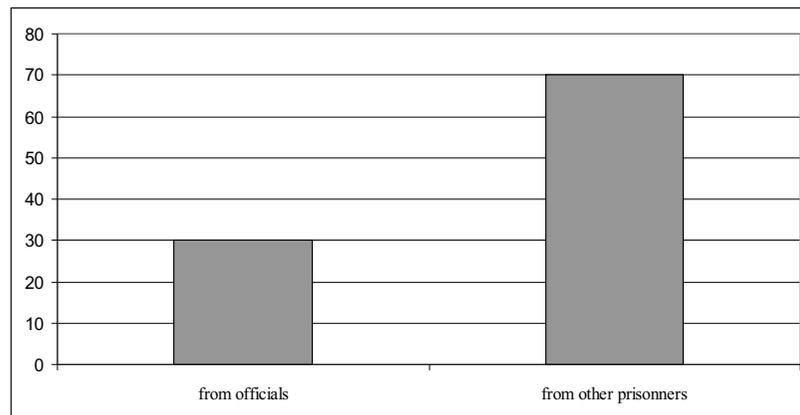
DPB is the only institution of this kind, among those that were monitored, that doesn't have TVs in rooms where juveniles are.

Smoking is forbidden for juveniles in every part of the facility.

They are allowed to spend one hour of free time in fresh air during the day.

According to information gathered through conducted survey and correspondence with juvenile detainees, 30% of them received house rules from guards and 70% from other detainees. It is significant to point out that only information that detainees consider as house rules are those regarding time for waking up in the morning and time for meals.

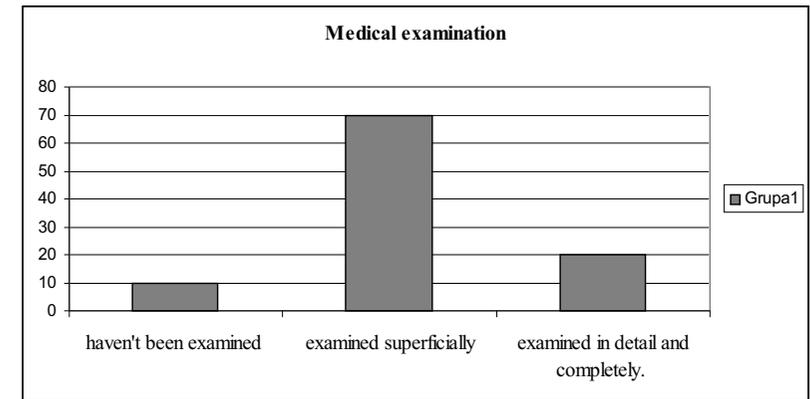
Chart 1.



Facility has no library or other space for free activities.

According to juveniles medical exam that should be taken when detainee is accepted to institution is conducted, in most number of cases, in a form of interview. Therefore 10% of detainees that were questioned said that they were not examined at all, while 70% of them said they were examined only superficially and 20% of them said they were examined in detail and completely.

Chart 2.



Procedure for getting confirmation about injuries that detainees had at the moment of reception stays unclear and there is no reason not to believe them when they claim they are not receiving any report from the doctor when being received in institution.

Communication of detainees with the outside world consists of personal visits approved by court. Room for meetings with the lawyer and relatives is being chosen based on the type of approved visit. Limited visits are happening in rooms with glass wall that separates detainee and visitor, while unlimited visits of the lawyer are organized in rooms not divided by glass. In both cases rooms are covered with video surveillance.

Access to general information is limited due to lack of TV devices and other sources of information, which is against article 24.10 of European house rules.

***Data record***

DPB has improved system of making data records. Chart of every detainee is filed in electronic form. All the data regarding detainee are being entered in the chart as with length of detention, reasons for detention, relocation inside of the facility (rooms where person has been, and detainees he was sharing it with).

Institution has good practice of informing court about length of detention with the cause to secure legal detention.

Date and time of the visit is also filed, with list of visitors and state organ that has approved the visit as with information from the official that did surveillance of such visit.

***Coercive measures***

Coercive measures in DPB are also filed through disciplinary procedures and data record of disciplinary procedures is divided for those where coercive measures were applied and those where they were not. From such way of keeping data records it is clear that coercive measures are being applied only in cases of violation of the House rules. Most common coercive measures are physical force and use of rubber truncheons, while exclusion of people from other detainees is being practiced by putting them in rooms with smaller number of detainees.

Every case of abuse of coercive measures is filed through official complaint against committed violation, by: describing violation; measures that have been taken; reasons for taking such measures; opinion of chief of security; written notification from the official; statement from the person that committed such violation and from other detainees from the room, together with medical report. (Doctor's report)

***Disciplinary measures***

According to DPB management and security service, violations of discipline committed by juveniles are rare, but even though these cases are being reported, Court is not sentencing juveniles. This kind of ignorance from the court creates problems for prison administration since they have authority to punish juveniles. Only one measure that has been taken by the prison is putting juveniles in separate DPB section with less number of detainees, as a form of "sanction".

Disciplinary measures taken towards juveniles are not being filed so there is no data about exact number of them taken. According to statements of prison security, such measures against juveniles are very rare.

There is no information about the ways of informing detainees of taken discipline actions, since courts are ignorant.

**HEALTH CARE**

Health care is provided through medical service that has three infirmaries. Six doctors are employed (two doctors are permanently employed and four are employed on limited period of time).

Work is being done in two shifts, from 7:30 am till 3:30 pm and from 2 pm till 10 pm on working days. On Saturday, infirmary works only in the morning and on Sundays and holidays they are prepared to intervene on call. Seven medical technicians are employed and three of them are in special section of prison where one the infirmaries is located. There is a need for 12 more technicians so service they provide could be adequate.

The biggest problem is distribution of the therapy for detainees that is being done three times a day. During afternoon shift, on weekends and holidays medications are distributed by the guards.

Main infirmary is spacious and bright, painted, clean and neat. It is equipped with EKG device, stethoscope and device for measuring blood pressure, device for level of blood sugar, set for reanimation and thermometer. It has four connected rooms: one for reception, one for intervention, doctor's office and storage for medications and other material. Pharmacy is well supplied and equipped with necessary medications in adequate amount (based on how diseases are frequently diagnosed).

Dentist works in the afternoon on working days. There is possibility for doctors with private practice to come, but those who demand such kind of service have to pay for it. Dental protection is provided in very well equipped office (new chair and sterilization). Files are regularly updated.

Psychiatrist, ophthalmologist, urologist and neurologist provide consultations as with physician and ORL when being called.

There is no record about conducted general exams.

Since special prison hospital is near, it is easy to provide special medical exams when needed.

Cooperation with the lab is good, but materials that are being brought for analysis are being taken in infirmary of DPB. There is also an option of providing methadone therapy, treatment of hepatitis C by Pegasis program, protection from tetanus and HIV infections are controlled.

Medical documentation is kept in electronic form. Patient files contain history of illness, report about first examination that has to be done during 24 h period from the moment of reception (except weekends). Also, file has columns for data regarding doctor visits, provided medical treatment, subscribed therapies and place for exam done when detainee is released.

During the visit, monitoring team has witnessed examination done from the doctor that was mostly in the form of conversation with detainee, without any practical methods taken.

Purchase of medication is being filed electronically.

Doctor visits juvenile detainees once a week and psychologist once in two weeks.

Most common problems are use of narcotics and other types of addictiveness. According to DPB Director and doctor self infliction and injuries gained in fights are rare (once in three months). Such cases are being filed electronically. There are no filed injuries made by prison guards.

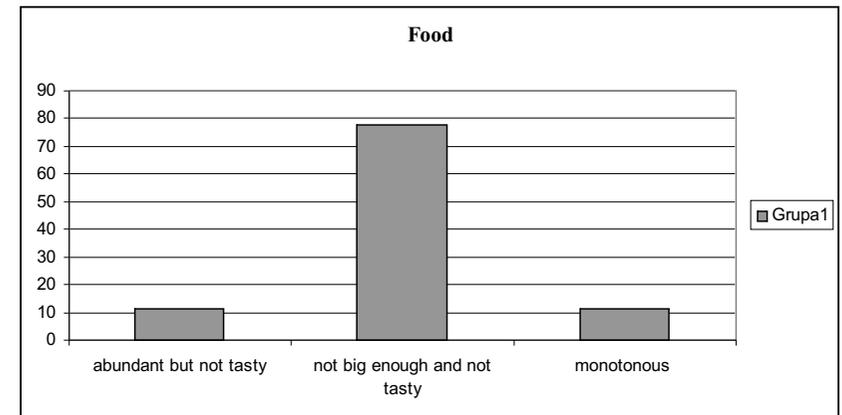
### ***Nutrition***

Kitchen is joint for the entire institution, renovated and equipped with modern devices for preparation of food, enough number of new silverware and plates. It fulfils newest standards regarding preparation and preservation of food and hygiene.

Detainees don't have any insight in the menu, since all three meals are being brought to the rooms. There is no special food prepared for juveniles, but nutrition of religious people is being considered (orthodox and Muslim) as with diets. Menu is prepared for seven days, signed by the Director of the institution, agriculturist cook and doctor. Insight in the menu showed that it is monotonous, even though sufficient in the matter of calories. There is not enough fresh fruit (apples once a

month) and vegetables (only fresh cabbage as a salad).

*Chart 3.*



Food is preserved in the fridges for 72 hours and special data base of tested samples.

Sanitary examination of employees (ten cooks) and assistants are being done by City institute for protection of public health and they are being done every six months.

## **CONCLUSION**

After conducted mentoring and conversations entire institution gives an impression of doing good and professional work. When it is the case of certain areas of work, such as modern methods, electronic data bases and doing work in general, this institution is on much higher level, compared to the others that have been the object of this research. It is not that surprising since human and material resources are mostly located in Belgrade. Also, some security measures are imported (new video surveillance).

Even though all conditions regarding juveniles are not fulfilled, it may be said that they have better treatment than other detainees. They are settled in special rooms separated from other adult detainees.

Lack of education and correctional education during detention is slightly compensated with two psychologists that, together with the judge, visit juveniles once in two weeks.

Also, detainees say that Director of DPB also visits them and that complaints can be submitted to him.

Problem of overcrowding inside of the institution hasn't had any kind of effect on juveniles, during our visit, since management tries to put juveniles in smaller separated rooms.

The way that institution is architecturally designed causes the lack of fresh air and natural light. Nevertheless there are some benefits that management could provide without significant expenses, such as providing TV in rooms where juveniles are situated.

Lack of any kind of activities for this population can be very hard and it is against European house rules (article 35.1). Main problem of district prisons, together with this one, is lack of special programs for work with juveniles and access to such programs.

Nevertheless it can't be said that human rights and law are systematically violated regarding juvenile detainees.

Based on conducted surveys and correspondence with juveniles it may be said that deadlines for providing medical care are longer (especially dental care). Also, there is a possibility that doctors do not diagnose some injuries that juveniles have at the reception.

There is a good organization, professionalism and readiness for cooperation of medical service.

Since there are a lot of detainees to whom health care is being provided and big number of conducted exams, there aren't any mistreatments noticed except superficial exams at the moment of release of detainees.

Correctional education for detained juveniles is not provided, there is no advertising material present like brochures about prevention of contagious diseases, or neither there are any information about given lectures.

## RECOMMENDATIONS

It is necessary to

- Provide copies of House Rules of LEPS, LJO and other positive legislation (Official Gazette of RS, No.: 35/99) for each room, especially for the rooms where juvenile prisoners are accommodated;
- Ensure that prisoners sentenced and prisoners in custody spend at least 2 hours a day walking in fresh air in compliance with the law;
- Ensure that juveniles have access to the social, psychological and educational services as well as to recreation and other such programmes in compliance with EPR (35.1 and 35.2);
- Provide juvenile detainees more information in written form or through internet and TV;
- Ensure that juveniles have the opportunity to continue their education;
- Provide the staff who work with juveniles with specific training for their specialised work(81.3 of EPR);
- Provide additional training for nurses in terms of triage and identification of injuries caused by torture;
- Organize medical education for work with juveniles, provide existence and availability of brochures and leaflets with information about spreading contagious diseases and maintenance of personal hygiene;
- Increase amount of fresh fruit and vegetables and establish additional meal for detained juveniles.

## PSYCHOLOGICAL SEGMENT OF MONITORING

Monitoring of psychologists in this project was implemented in three prisons: Valjevo, Pozarevac and Belgrade. The objectives of monitoring are observation and psychological insight into the status of juvenile detainees and women in prison, how deprivation of liberty and other needs influence on the psychological condition.

Methodology included structured interviews, scale and emotional response questionnaire.

### DETENTION UNITS VALJEVO AND BELGRADE

Based on the data HRCVA concluded that the educational level of juvenile detainees at very low levels, most did not finish even primary school, some are completely illiterate, while only two detainees are current high school students. Most families of juvenile detainees had no financial security, while some of them had a problem with breaking the law. Parental style of family is generally more authoritarian (strict discipline, the father is the main authority, insisting on blind obedience, one-way communications from authorities to those who listen). Risky behaviors include violations of laws and experiences with drug abuse.

The juvenile bear barely the absence of physical activity, poor health care and abstinence from smoking. Through the frequency of visits it is confirmed the absence of family support. The main characteristic of growth of juveniles is general deprivation or lack of the necessary conditions to satisfy the needs for development.

According to the survey most juvenile detainees have a positive attitude about the possibility of work opportunities while serving their sentence. Also it would be an opportunity to develop work habits and to acquire basic job skills that would contribute to the facilitation re-socialization. The test results show increased emotional response depression, anxiety and almost half have irritability directed to itself (an indicator of behavior with elements of self-mutilation).

This type of deprivation has negative effect on mental health of juvenile and causes high level on the depression scale, considering that all mental activity is reduced to a minimum. All this have as consequence generally lowering the tone of life, loss of appetite, constant anxiety, apathy, depression, sadness, feelings of inferiority and a feeling of emptiness. Another problem is the lack of any organized form of instruction especially for juveniles who have only a few years of primary school.

### RECOMMENDATIONS

It is necessary to:

- Organize basic tuition and some other activities significant for mental development.
- In addition to room hygiene maintenance, provide the opportunity for some other forms of work.
- Ensure that there is a copy of the House Rules Book in each room
- Print a brochure on juvenile prisoners' rights.
- Organize individual and group advisory work.
- Organize basic IT training.
- Run seminars for staff on characteristics of adolescence in order to improve their knowledge and competence.
- Avoid detention for juveniles with recurrence and include alternative sanctions instead.

### CORRECTIONAL INSTITUTION FOR WOMEN POZAREVAC

According to psychologist and special pedagogue there are individual and group psychological works with women. The group meets once a week made according to defined criteria and includes a variety of topics with psychosocial issues.

The interview was conducted with five younger prisoner without the presence of officials and video surveillance. During the interview all prisoners had appropriate emotional response in relation to the topic we have discussed. Also, it was noticeable the projection as a mechanism of defense during talking about crime and personal responsibility. Mainly, they see themselves as victims of circumstances and partners, without personal responsibility.

Testing results point out increased depression of emotional reactions in more than half of the respondents.

More than half of respondents are not in a relationship and 30% women have children. Separation from families, especially of children, assessed as the worst consequence

## RECOMMENDATIONS

Despite all the innovations implemented in Women's P/CF in Požarevac that are to be praised, we suggest the following improvements:

- Organize a continuation of education;
- Make better use of the existing capacity and organize work for a larger number of women;
- Activate a workshop that was not used at the time of our visit.
- Provide conditions for more intensive individual and group psychological work with prisoners.
- Organize intended IT training.

## ADMINISTRATION AND EMPLOYEES

One theme of monitoring was status of employees in the Penal Sanctions Enforcement system, particular status of guards who dealing with minors.

Only detailed analysis of conditions in prisons could give us an adequate picture of the current situation in the system.

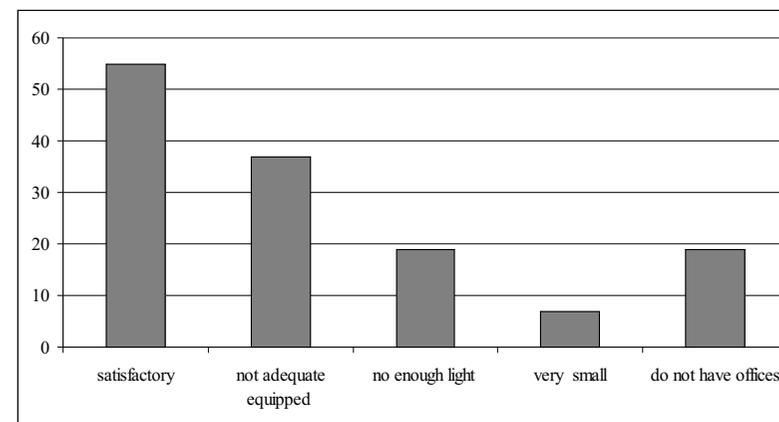
### 1. Work conditions

According to the results of previous monitoring 2007 it is evident that conditions in the Serbian prisons is much worse.

One reason for this situation is overcrowdedness.

In some institutions, working conditions are worse than conditions in cells.

The views of employees of working conditions could be seen on the chart.



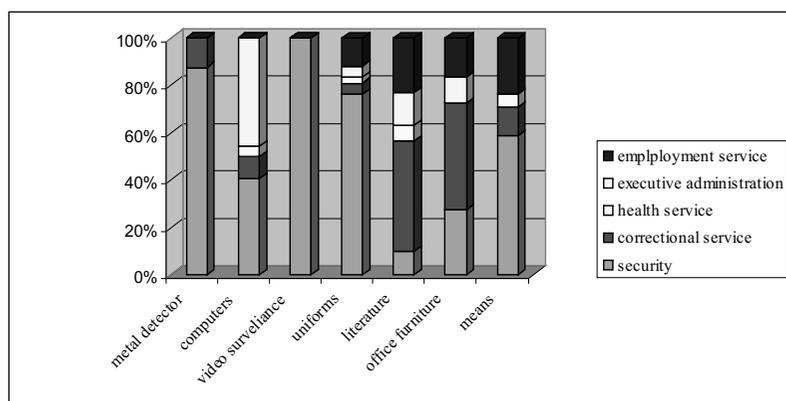
There are few problems: old furniture, lack of adequate offices and shifts (12 hours). Often the offices are without heating, ventilation, windows and natural light.

According to the survey, 45% guards stated that offices are satisfactory, 27% thought that offices are not adequate equipped (14% - there is no enough light and 5% - offices are very small, 14% guards do not have offices). With material and technical conditions for the work concerned it varies by service departments to ensure the highest percentage of

missing uniforms and instruments of labor, services, correctional literature and office furniture and executive-administrative service of computers and technical literature.

The biggest problem is lack of uniforms and means for work. In some institutions the most important problem is lack of uniforms and means (Novi Pazar), in the other there are bad quality of equipments, lack of video surveillance (Novi Sad) and lack of offices and equipments (Krusevac).

Also, there are lacks of computers, office furniture and literature.



The degree of material-technical equipment of the equipment varies from institution to institution. In some institutions point out the problem of equipment and service security (Novi Pazar), poor quality equipment, while in other institutions, the problem of lack of surveillance (Novi Sad), or the lack of premises and equipment (Krusevac).

## 2. Proportion of employees and prisoners

It is evident that there is small number of employees, outdated organisational structure and staffing plan which is not in line with international standards and increasing the number of persons deprived of liberty.

Well-functioning institution is primarily merit and contribution of employees.

Very often employees work without annual and weekly rest, sometimes they work in two shifts. This kind of work is violation of labor rights of employees.

The lack of guards is a major security risk and it negatively influences on the volume and quality of rights of detainees.

All institutions have made a new systematization of jobs which envisage adequate number of employees, but it has not been adopted by the Penal Sanctions Enforcement Administration. In some institutions there are no departments for reintegration, health care (Krusevac and Novi Sad only health care service).

The prisons solved these problems through contract of additional work.

## 3. Working criteria

Hiring of new employees is centralized and carried out by Administration Penal Sanctions Enforcement. The criteria for selection are prescribed by the competition, but there is no transparency of the process.

HRCVA noted that institutions have no any role in the selection.

In some areas there is a problem of finding qualified personnel for certain positions. The Regulation on the classification of jobs and standards for job descriptions of civil servants envisages three years of work experience.

## 4. Relationship between staff and prisoners

In relation to the detainees it is evident progress in respecting human rights, especially regarding minors. There are no systematic violations of human rights or torture.

According to survey, 75% of staff believes that the problems with prisoners should be resolved by talking, 22% believe that administration should be included, while only 3% believe that such situations have to be resolved by force.

HRCVA concluded that staff is not adequately trained to work with juveniles

Particularly in view of the fact that the Rulebook on House Rules in Remand Wards came into force in 1999 it is necessary to highlight that it is not in line with LJO which has negative impact in the practice.

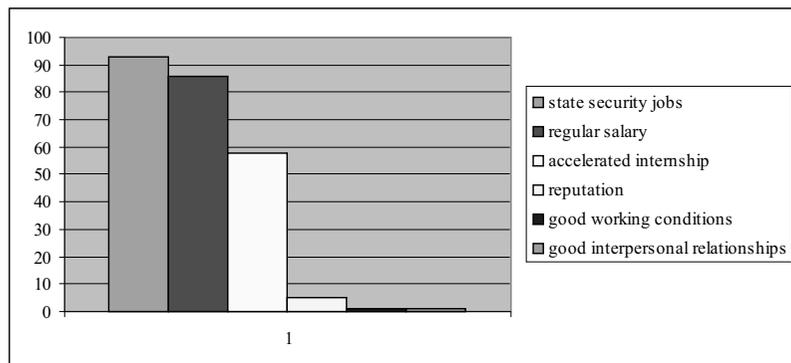
There is violation of rules regarding reintegration.  
 There is violation of the rights of female juveniles regarding lack of special institution for female prisons (prohibition of carrying guns within the institutes and institutions that perform institutional action or juvenile detention Art. 92 LJO).

### 5. Training and education

In most institutions the employees pointed out the problem of lack of qualified personnel especially the security services. They believe that training conducted at the Centre for training employees in the Penal Sanctions Enforcement Administration is not enough.  
 Another kind of problem is the lack of professional training for members of other services (Novi Pazar - the last three years there were no professional education and training for employees which is contrary to Art 1.81.2 EPR).<sup>4</sup>

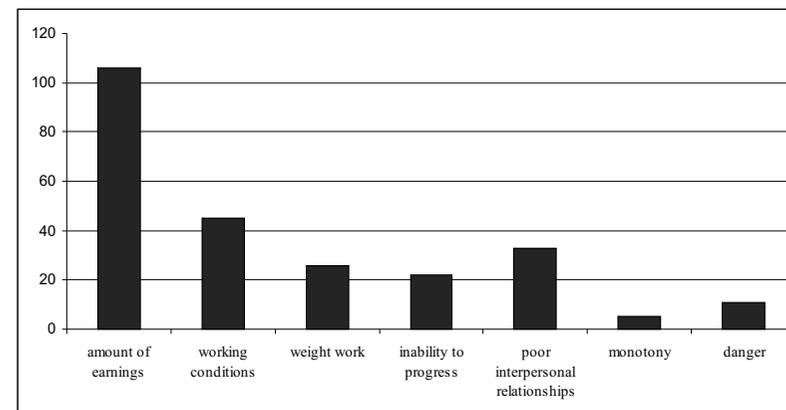
### 6. Job satisfactory

Staff in institutions is under constant pressure. However, there is no adequate compensation regarding salaries, working conditions, and other rights and benefits.



As motives for working in prison, employees listed job security and regular pay.

<sup>4</sup> 81.2 Management ensures that all staff, throughout their career, maintain and enhance their knowledge and expertise by attending training courses, which are organized at suitable intervals.



According to the survey administration believe that the management structure works well (72.2%) and that the relationship between administration and employees is satisfactory (72.2%). Also, 50% surveyed think that opinions of employees are respected regarding their jurisdiction and 77.8% think that society and the environment understand the position but does not help to employees.

### CONCLUSION AND RECOMMENDATION

The greatest asset to the system of execution of penal sanctions is the people who work in it! There is no such facility amongst those visited in which staff are not dedicated to their work regardless the problems they face.

As for the attitude of the state towards the staff, their position is not in compliance with the Part V, principles 71-78 of EPR which refer to the management and staff.

Apparently, staff in all the services are well informed of the rules and norms, so violation of the rules and incidents are isolated instances which are duly identified and processed.

When it comes to international regulations and standards regarding this area, we are of the opinion that further training should be provided for those staff members who showed openness and willingness to comply their job performance with international regulations. Principle 81.4 of EPR recommends training of all staff including instruction in the

international human rights instruments and standards.<sup>5</sup>

The most significant recommendation is for the establishment of a special training programme for staff who work with juveniles, with the emphasis on the security service as it is the only service which is in 24-hour contact with juveniles.

Since juveniles are accommodated together with adult prisoners in most P/C F, it is necessary that the staff are familiar with the difference in the scope of rights of juveniles compared to that of adult prisoners. It is also necessary to further sensitize prison staff to work with juveniles. (EPR 81.3. and par. 33 of CPT Standards, CPT/Inf/E (2002) 1 - Rev. 2006)<sup>6</sup>.

EPR principles related to selection and training of prison staff are obviously not followed.<sup>7</sup>

Staff are not so well paid that appropriate employee could be attracted to the job or kept for long (principle 79.1 of EPR).

One of the prevailing problems regarding the prison wardens is insufficient number of staff members compared to prison population. In order to deal with the issue and ensure both internal and external safety to proxies, staff and the whole institution prison management normally has to introduce extra hours on duty and long work hours for wardens. In the long run, however, this problem can only be solved by increasing the number of security staff.

<sup>5</sup> Training of all staff shall include education on international and regional instruments and standards on human rights, especially the European Convention on Human Rights and European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as the application of the European prison rules.

<sup>6</sup> Care and concern for juveniles deprived of their liberty are particularly difficult tasks. Staff invited to fulfill that task must be carefully chosen on the basis of personal maturity and ability to grapple with the challenges of catching work with people in this age group, thereby ensuring their well-being. Such personnel must be especially committed to working with young people and able to lead and motivate the juveniles entrusted to them. Such staff, including one that has only the duty of the guards, must be professionally trained, trained in both induction and during regular work, and how to use the appropriate external support and be supervised in the performance of their duties.

<sup>7</sup> 76. Staff will be carefully selected and trained, both initially and during the performance of services shall be paid as well as experts and have a socially recognized status.

77. When selecting new staff the prison authorities shall place great emphasis on the need for integrity, humanity, professionalism and personal preference for a complex task that should be executed.

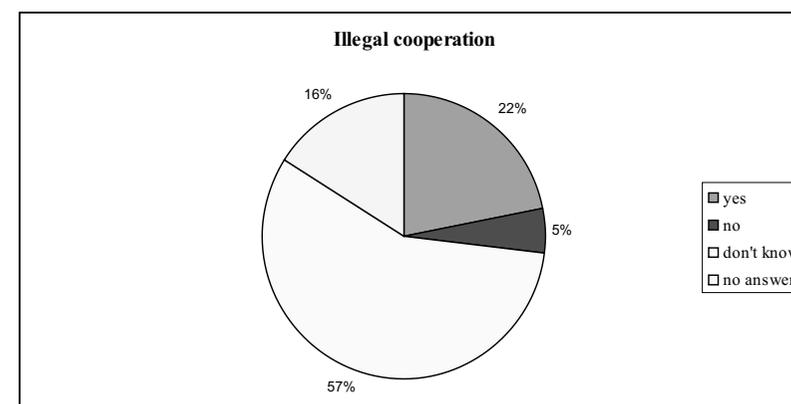
This situation leads to violation of the rights at work (number of working hours per year, weekly and daily leaves, etc). Therefore, is necessary to adopt new job systematization plans in all the institutions and advertise job vacancies for new employees in order to relax the system.

New uniforms for the staff should be provided on a regular basis and technological improvements to facilities should be introduced.

.Prison staff should be actively involved in the creation and introduction of laws and bylaws since such approach to national legislation will have preventive effect and reduce the number of challenges prison staff have to face in the process of law enforcement.

It is also necessary to provide better healthcare service to staff, as 48.8% state that they only had a general medical check-up when they started work, and 25.9% state that they have not had any.

Since the system of execution of penal sanctions is generally considered to be a *men's job*, men and women are not represented in a balanced manner on the prison staff (principle 85 of EPR).The exception is Women's P/CF in Požarevac, which is, at the same time, an example of an institution which employs more women than men, particularly in management positions.



22% of those interviewed said that unlawful relations with prisoners existed.

42.8% of those interviewed would be ready to go public with allegations of corruption and 10.8% of them would do it anonymously.

In real life, institutions are aware of individual cases of corruption, which are identified and processed with the help of conscientious staff.

On the other hand, the employees are not adequately protected against possible provocations and attacks outside of work since competent authorities fail to take efficient protection measures.

On the basis of the monitoring we conducted, we can conclude that there is no social recognition and stimulation for work in this socially significant and responsible sector.

## EMPLOYEES AND BURNOUT SYNDROME

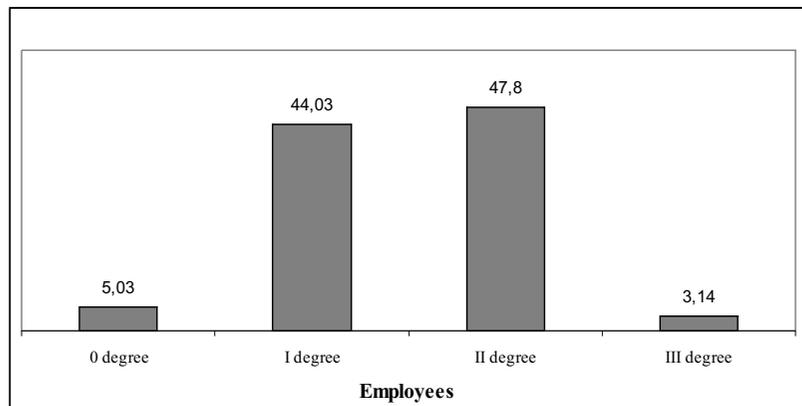
**"Burnout"** is a syndrome of mental, physical or mental and physical exhaustion caused by excessive and prolonged stress. The combination of high job demands and low autonomy in job cause the burn syndrome at work.

The consequences of this syndrome are classified into three groups according to degree of symptoms.

**The first instance** - there is irritability, anxiety, hypertension, insomnia, forgetfulness, arrhythmias, digestive problems, gastrointestinal symptoms; the work is not perceived as pleasure. Almost half of respondents (44%) are in this category (50% of administration, 72% of executive administration).

**The second instance** there is storing energy in order to compensate for stress. It occurs too late for work, storage obligations, not accepting new tasks, break extension, the decline in sexual desire, constant fatigue, isolation from family and friends, the rise of cynicism and apathy, excessive smoking and use of psychoactive substances. In this category is 48% of respondents (61% of security service and 50% of reintegration officers).

**The third instance** there is following characteristics - a job is seen as a burden, chronic depression, low immunity to permanent illness, chronic gastrointestinal problems, chronic mental and physical fatigue, the need to escape from the environment and frequent suicidal thoughts. The study showed that 3% of surveyed has combustion syndrome.

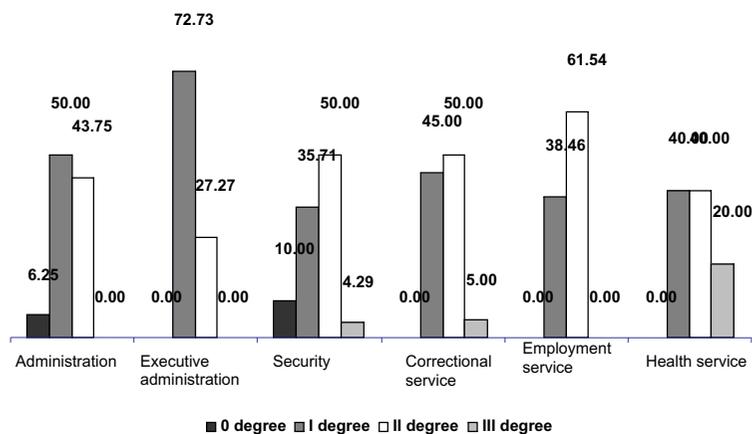


Regarding the administration (50%) and executive administrative services (72%) in prison, in most cases show signs of syndrome of first-degree burn while the highest percentage of workers who are in the second instance, the so-called. candidates for the syndrome of combustion from the group for recruitment (61%), followed by employees of the security and re-education (50%). The biggest work load expected to occur in the services that are in direct and constant contact with pritvorenicma: Service employment, security, and re-education.

## RECOMMENDATIONS

It is necessary to:

- Recommendations to prevent "burnout" syndrome is primarily a good organization of work, and organizing meetings and relaxation with theme nights, vacations in spas and other resorts.
- The most vulnerable groups are recommended for special training and training, counselling and supervision.
- The plan should be adapted to the collective conditions of work and work environment, organize regular medical examinations, give advice to younger colleagues, organize a team work and provide education on healthy lifestyle.
- Additional educate staff about the characteristics of adolescence through seminars.



## II PART – POLICE ADMINISTRATION

### POLICE ADMINISTRATION

According to LJO police gather information from minors in accordance with Art.22.1, 3, 4, 5, 6 and 10 of the LCP in the presence of a parent, adoptive parent or legal guardian Police officer for the juvenile shall (a person who has acquired special knowledge in the field of child rights and juvenile delinquency) gather information.

Monitoring of police work carried out in several ways:

- Visit PA
- Interviews with relevant police officers
- Verification of data obtained through interviews with some of the detained minors.

#### VALJEVO

Municipality of Valjevo, Ljig, Mionica and Osecina are under jurisdiction of PA Valjevo. In PA Valjevo there is no Police Department for juvenile delinquency. Only one female inspector works on the territory of Valjevo PI and police stations Ub, Lajkovac Mionica, Ljig and Osečina (outside the premises of Police). All inspectors who are dealing with minors are certified and work in civilian clothes. Female inspector studied at Faculty of Education, while others at Criminal Police Academy, Faculty of Law and Police College. In PA Valjevo there are sufficient numbers of uniformed police officers who are certified to work with minors.

All of the district police station in Valjevo Police officers are certified to work with minors.

In the PA Valjevo there are no special facilities used by police for juvenile perpetrators. The Juvenile Department has not its own official car, separate rooms or computer equipment. All material and technical resources are shared with DCP.

Inspectors shall work solely in civilian and official vehicles with civilian

license plates. Deviation of general rules is possible only in case the minor is found by police patrol.

Also, the rule is that when arresting a juvenile is not put handcuffs. However, the binding of the minor official, the practice is handcuffed when it is estimated that safety is compromised when there is a possibility of self-harm, or when it comes to juveniles who have previously violated the law and order, and there is a danger that this will happen again. Such situations are rare.

Legal representatives are informed by phone or by sending a patrol to home. If police could not find legal representatives, they have to inform call a representative of SWC. Depends on the situation, in the presence of parents, legal guardians, representatives of SWC, counsel, form should be delivered to minor (information about rights depends on the phase of proceeding: The rights of juveniles deprived of liberty, rights of the juvenile as a suspect, the rights of minors as citizen). These forms should be signed by a minor, legal representative and counsel. Also, form of seized items from the minor should be signed by minor and legal representative (SWC Representative).

During stay in the premises of PA Valjevo juvenile is allowed to receive food and water by their parents.

If a minor is injured, inebriated or under the influence of drugs, police have to call ambulance.

After hearing the juveniles take before juvenile judge of the Higher Court in Valjevo by official vehicles with civilian license plates, accompanied by inspectors or police officers.

Head of department for juvenile keep all types of records related to minors: a book of the seized objects of crime, a book of persons deprived of liberty, book of the seized object of the offense, the book of collection of data and interrogation of minors and book of events involving minors.

## **BELGRADE**

The territory of Belgrade and all suburban municipalities are under jurisdictions of PA Belgrade. In the PA Belgrade there are two departments: Department of Preventive Activities and the Department for operational control. Each division is divided into three groups. Each group has at least one female inspector. Inspectors are obligated to

communicate with police in the schools. All employees are certified to work with minors.

Juvenile Department is located on the fourth floor of the building, separated from other departments of Belgrade Police. Some windows in the offices are covered by protective film to prevent injury or escape of the juvenile. Juveniles are never left alone in the premises. The department is equipped with civilian official vehicle license plates.

Detained juveniles who are interviewed in DP in Belgrade, confirmed that the law is respected by police (40% surveyed said that they were arrested by uniformed police, for three juveniles arrest warrants were submitted).

According to detainees law procedure is respected by police (60%), one (10%) could not state.

According to statements, 60% of juvenile detainees said that they have not be in PA more than eight hours. After that they are taken before Higher Court.

The PA Belgrade keep three records: called / detained, interviewed, books and books of detention

Novi Sad

Police in Novi Sad under the Criminal Police Department has formed a group to combat juvenile delinquency. All members of this group are certified to work with minors and have regular professional development.

The department is equipped with civilian official vehicle. Computers and other equipment are outdated and often break down.

Inspectors shall deal with minors in civilian and official vehicles with civilian license plates. This refers to situations when minors brought from home. Any other transportation of juveniles is conducted by inspectors in uniform (from the scene to the police station, a police station to jail, or court) using marked vehicles.

## **NOVISAD**

Police in Novi Sad under the Criminal Police Department has formed a group to combat juvenile delinquency. All members of this group

PA Novi Sad is responsible for the territory of Novi Sad and the area within its jurisdiction includes the High Court in Novi Sad. Police in Novi Sad under the Criminal Police Department has formed a group to combat juvenile delinquency. All members of this group are certified to work with minors and have regular professional development. As part of the Novi Sad group to combat juvenile delinquency has its five rooms. The department is equipped exclusively with civilian official vehicle license plates, the average age above ten years old and often broken. Computers and other equipment are outdated and often break down.

Inspectors shall deal with minors in civilian and official vehicles with civilian license plates. This refers to situations when minors brought from home. The rule is that the juvenile in detention do not put handcuffs. However, the binding of the minor official handcuffs is practiced when the violent behavior of juveniles, or wants to escape. Any other transportation of juveniles conducted in uniform (from the scene to the police station, a police station to jail, or court) using marked vehicles.

If the detention of minors can not notify parents or legal representatives, invited representatives of SWC. According to inspectors, representatives of SWC is answer the call during regular business hours, within half an hour. Problems in cooperation with the SWC material and technical nature of the holidays, holidays and at night because there is no hotline for those situations provided for employees of SWC have any official vehicle outside working hours.

After hearing the juveniles arrested are being implemented in the juvenile judge of the High Court in Novi Sad by uniformed members of the Novi Sad using vehicles that are marked as civilian vehicles do not meet safety requirements.

## **NOVI PAZAR**

Novi Pazar Police is responsible for the territory of the municipality of Novi Pazar and Tutin and booths. The Criminal Police Department in Novi Pazar has formed a group to combat juvenile delinquency. In addition, the district police station in Tutin has officers certified to work with minors. All members of this group are certified to work with minors.

As part of the Novi Pazar groups to combat juvenile delinquency by using four rooms, of which only two are designed to work with minors. The Juvenile Department has its own official car, but the vehicles used daily requisition from the chief of criminal police. Equipment that uses this service is very old and not in line with contemporary needs in the fast exchange of data and documents.

In juvenile detention handcuffs are used only in critical situations (usually due to frequent fights in the late evening hours, or if people are resisting and are shown violent behavior).

For the transportation of minors from police headquarters to the courthouse or the prison used police vehicles.

Officials SWC regularly calls the police respond during business hours and after hours by those who have their own vehicle and driver's license.

Receipt for the subject caught up in juvenile detention in a juvenile and signed by the parent and given to parents for safekeeping.

After hearing the juveniles arrested are being implemented in the juvenile judge of the High Court in Novi Pazar by uniformed members of the Novi Pazar using vehicles that are marked as civilian vehicles do not meet safety requirements.

## **KRUSEVAC**

PA Krusevac has formed a group to combat juvenile delinquency. All members of this group are certified to work with minors and have regular professional development. In the PA there are 33 officers with the certificate (25 are uniformed and eight are in civilian). The Juvenile Department has no special equipment, but common equipment is available.

Legal representatives are informed by phone or by sending a patrol to

home. If police could not find legal representatives, they have to inform call a representative of SWC. If they are not available PA has good cooperation with Home for Children "Jefimija". SWC has organized a mobile team for immediate intervention. Police are familiar with the layout of the team. Communication between the PA and SWC is carried out by special mobile phone.

PA Krusevac is responsible for the territory of Krusevac and area within its jurisdiction includes the High Court in Krusevac. PA Krusevac within the Criminal Police Department has formed a group to combat juvenile delinquency. All members of this group are certified to work with minors and have regular professional development. The PA for a total of 33 authorized officers of the certificate, of which 25 are uniformed and plainclothes inspectors eight.

All officials are familiar with the procedure for working with minors victims of crime.

The Juvenile Department has no special equipment, but needs to have available to common tools and equipment PA. A juvenile in the intervention leads to the premises of PU, where the states make the identification and age. When it is determined that it is a minor, the inspector calls for minors who continues to work with a minor. Of PU to the courthouse or jail juveniles are conducted mainly on foot because the High Court and the Prosecutor's Office in the immediate vicinity of PA and without the use of handcuffs. In the last five years there was no need for a different mode of action.

Legal representatives are notified of the arrest of juveniles by telephone or by sending representatives of SWC by parents at home. If not available, ie. to wait all night, PU and SWC is available to the receiving station in the Home for Children "Jefimija" in Krusevac. SWC is notified promptly in writing or orally. SWC has organized a mobile team for immediate intervention. Police are familiar with the layout of the team. Communication between the PU and SWC is done through a special mobile phone.

Hearing of minors is done exclusively in the office of the inspector for minors. The duration of the hearing depends on the behavior of juveniles and situations for which they are interviewed. The meeting should attend: the juvenile, parent, attorney, ex officio, a representative of SWC, a representative of the prosecution and competent police officer. Receipt for the subject caught up in the juvenile to bring a parent signed and given to parents for safekeeping.

## CONCLUSION

In all the PA we visited staff who work with juvenile offenders and with minors who are victims of juvenile crime, are members of police force who have had appropriate training and who have acquired appropriate certificates required for work with juveniles (in compliance with Article 60 of the LJO).

Comparative monitoring and talks with members of five CFs and juveniles in custody reveal that there are no systemic violations and significant deviations from the regulations regarding human rights of detained juveniles.

When arresting a juvenile, police inspectors normally do not wear uniform and drive an unmarked police vehicle. The exception is the case when a warrant has been issued for a juvenile's arrest (when they are located by a police patrol vehicle), or immediately upon a crime has been committed (In compliance with the Article 54 of LJO).

Upon questioning of a detained juvenile, they are, in most cases, taken to a judge for juveniles at a competent higher court in a police vehicle with an unmarked licence plate. When it is done in a marked police vehicle it is for the purposes of safety - a police vehicle with unmarked licence plate does not meet safety requirements. Especially, juveniles may be conducted on foot should they be in the vicinity of CF and the competent court (in compliance with the Article 54 of the LJO).

If a juvenile is detained with warrant and conducted to a higher court or a district court that is done in compliance with the Article 61 of the LJO.

Upon detention, when a juvenile is brought to the office, their legal counsels are informed through a telephone call or by sending a police patrol to their home address. If their legal counsels are not found, a SWC representative is summoned (depending on their residence). A juvenile is questioned at the office of the competent CF before a parent or guardian,

SWC representative and a counsel (appointed *ex officio*, in compliance with the Article 60 of the LJO related to the Article 226 of the LCP).

What slows down the work of the police and makes it even harder is the fact that there is no electronic database of juvenile offenders (at present there are juveniles' file - cards where data is entered by hand) or electronic database of regulations which would contribute to further improvement.

Failure to provide SWC representative at juvenile's questioning in some towns, especially at night, is negatively related to the length of the juvenile's stay at the P/CF office.

Inability of P/CFs, not only those observed, but also of P/CFs throughout Serbia, to pay a counsel appointed *ex officio*, negatively affects the choice of defence lawyer and, thus, the quality of representation of a juvenile questioned by the police.

According to the survey findings, 81.13% of the Juvenile Delinquency Suppression Service members are of the opinion that a special training is required for working with juveniles, as they are aware of significance of juveniles as a specific category of offenders, for the purposes of professional development, error reduction and inadequate information on regulations. 37.73% of those interviewed named the main problems: protective relations of parents and poor cooperation with them, establishment of communication with juveniles, juvenile alcohol and drug abuse. For a smaller number of the interviewees, problems are caused by maltreatment by police officers in uniforms resulting from lack of education, insufficient number of certified counsels in some towns, poor cooperation with SWC in some towns.

The survey data provided by members of the management of Juvenile Delinquency Suppression Service support the following conclusions: amongst detained juveniles there were no persons with special needs, predominant offences for which juveniles were detained were: crimes against property, crimes against life and body, crimes against public peace, order and legal traffic, while all the other crimes appear in insignificant numbers.

On the territory of Belgrade four detained juveniles are foreign citizens (in a DP the monitoring team members talked to a juvenile, a citizen of Montenegro, who was not informed of his right to contact Consulate of the Republic of Montenegro in Serbia).

## RECOMMENDATION

It is necessary to:

- Ensure that a sufficient number of females are employed in CFs as inspectors working on juvenile delinquency suppression.
- Provide better technological equipment for the Juvenile Delinquency Suppression Department in all the CFs (computers, vehicles, electronic databases). Provide appropriate work space in some CFs, out of the largest towns, for those who work with juveniles.
- The rooms for juveniles should be equipped in accordance with their needs and interests. Also, it is necessary to have on display brochures, posters and flyers comprising information on children's rights (Point 33 of the Instructions on the way of conduct of police officers towards minors and young adults of the Ministry of the Interior of the Republic of Serbia.)
- Create an electronic database for juvenile offenders which would be, on the whole, of significance for the work of the Ministry of Interior of the Republic of Serbia.

### III PART HIGHER COURTS

## HIGHER COURTS

According to the Act on Organisation of Courts ("Official Gazette" No.116/08), Higher Court is charged with minors.<sup>8</sup> Only judicial panel consisted of one judge and two lay judges (teachers, educators and other professionals who have experience working with children and juveniles) is charged with juveniles. The judge, who is also the judicial panel chairman, must have a certificate.

Monitoring of Higher Courts and judicial practice is carried out in two ways: by visiting the higher courts and analysis of final judgments.

### NOVI PAZAR

The Higher Court in Novi Pazar covers area of three municipalities: Novi Pazar, Tutin and Sjenica. The Court currently employs seven judges (by systematization should be eight), two of them are certified to deal with minors.

The Court does not have a psychologist and it is necessary to change organisational structure and staffing plan (especially in the case with elements of violence and against sexual freedom).

In the court there are no special rooms for the hearing of juvenile (video link). However, there is room which would be used for hiring protected witnesses and juveniles, too.

In 2010 only one juvenile was remanded in custody (Art.113. CC - attempted murder). At the time of the visit there were three persons.

According to the President of the Higher Court judges have good cooperation with the police and SWC.

<sup>8</sup> Under the Seats and Areas of courts and public prosecutors ("Official Gazette" br.116/08) in Serbia has 26 superior courts.

However, SWC reports are not complete and detailed. Only one representative of SWC is charged with one case (according to the regulations issued by the Ministry of Labour and Social Policy).

President of the Court and judge regularly visit detainees. The new elected President of the Higher Court is the juvenile judge.

Three detainees confirmed that they were visited monthly by judges. However, according to the Book of records, HRCVA noted that the first date in the Book was May 2008 and the next December 2009. After that three visits were recorded in 2010 (last in August). The Book does not contain column for name of visitors. According to employees all recorded visits are of the President of the Higher Court in Novi Pazar. This is violation of Art. 68 (2) and 152 (2) LJO (juvenile judges are obliged to visit detained juveniles once per week).

Disciplinary measure was imposed to two juvenile detainees (ban of packages because of possession of a mobile phone)

Educational warrants were not imposed before 2010, but in 2010 there were three warrants.

## NOVISAD

HRCVA sent a letter to the Higher Court in Novi Sad, which explains the goal of the project and includes approval of the Ministry of Justice - Penal Sanctions Enforcement Administration. However, the monitoring team did not receive approval from President of the Higher Court in Novi Sad to interview detained juveniles in DP Novi Sad. Instead, HRCVA received permission to interview the five younger adult persons.

The Higher Court in Novi Sad covers area of few municipalities: Novi Sad, Backa Palanka, Bac, Beocin, Becej, Vrbas, Srbobran, Temecula, Titel and Zabalj.

The Court currently employs 22 judges; two of them are certified to deal with minors.

Taking into consideration the number of juvenile cases in process it is necessary to increase the number of juvenile judge. There are three

judges' assistants (each judge has one judge's assistant and the third is charged with cases of enforcement of sanctions against minors).

In the court there are no special rooms for the hearing of juvenile (video link). If necessary, hiring could be conducted in SWC.

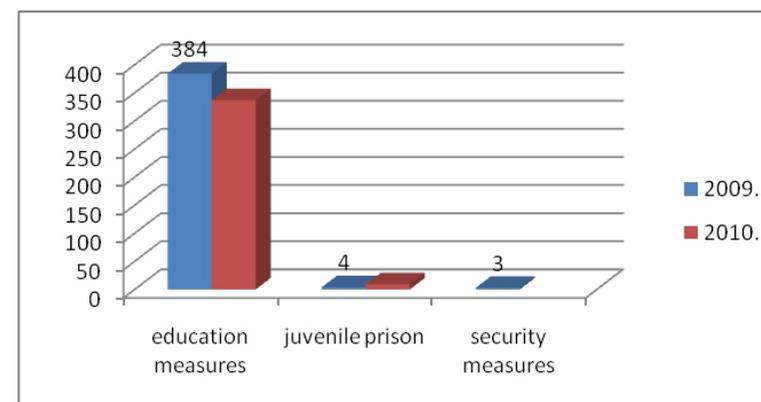
At the initiative of the judge who oversees the DP juveniles are separated from adults. According to detainees there is no violation of law regarding visit by the judges.

## JURISPRUDENCE

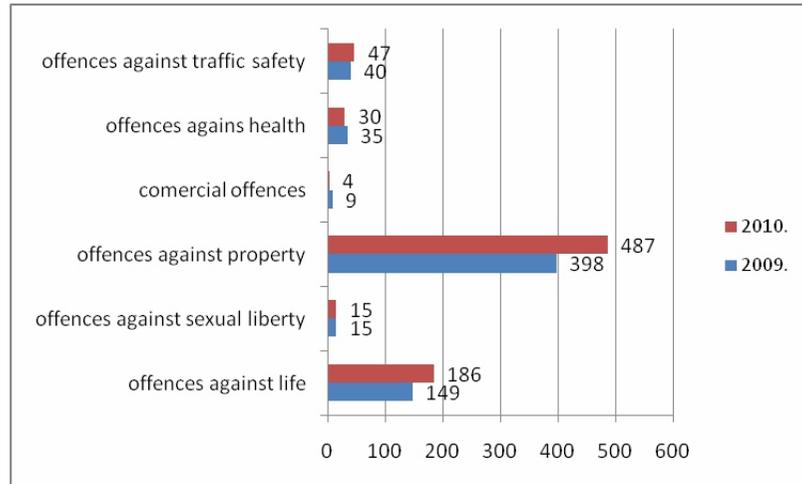
HRCVA sent to 25 Higher Courts requests for access to information of public importance in October and December 2010 asking for copies of final court decisions in proceedings against juveniles, or to fill a table with statistical data. Fifteen of 25 approached courts responded (60%) and 7 Courts (28%) informed us that, for various reasons (unjustified in terms of the Act) cannot or do not want to submit the requested information. Three courts (12%) are not answer at all.

HRCVA analysed these judgements and statistical data (types of offenses, sanctions, education and age structure of minors). The results are shown in charts.

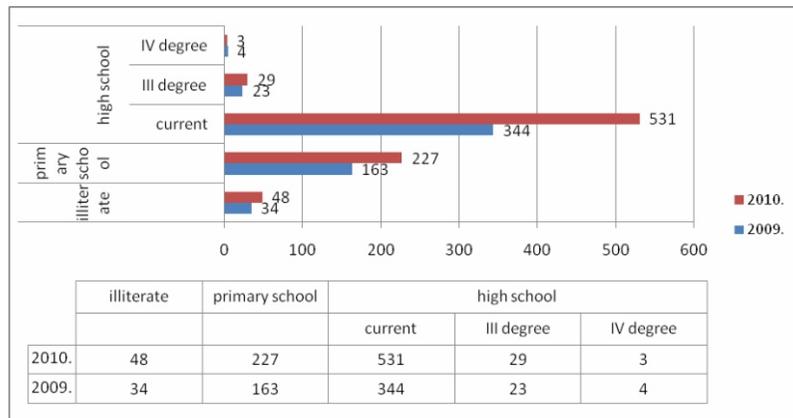
*Chart 1. Sanctions imposed*



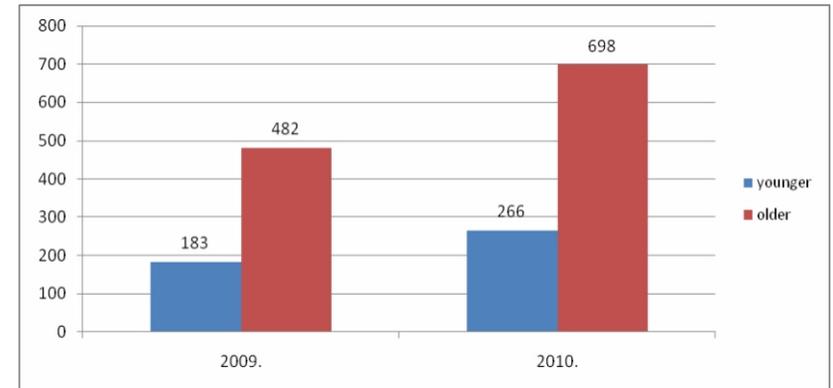
**Chart 2. Criminal acts**



**Chart 3. Education of the minors**



**Chart 4. Age structure of the minors**



**CONCLUSION**

Selection of lay judges is in line with gender, age and religious structure of the population.

Regular visits to detained juvenile detainee are not in accordance with the law.

There is no implementation of education warrant.  
All judges who deal with juvenile are certified.

**RECOMMENDATIONS**

It is necessary to:

- Provide better material and technical equipment
- Harmonize Art. 68 and 152 LJO with practice
- Educate judges who deal with juveniles
- Implement alternative sanctions
- Provide psychologist who will deal with juvenile offenders



