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**Protector of Citizens**  
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**NATIONAL PREVENTIVE MECHANISM**  
**2018 Report**

Belgrade, 2019

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# NATIONAL PREVENTIVE MECHANISM 2018 Report

Belgrade, 2019



# Opening statement of the Protector of Citizens

*Dear associates,*

*Before you is the seventh annual report of the Protector of Citizens on the activities carried out in performing the work of the National Preventive Mechanism (NPM) in the Republic of Serbia, and the second report in a row since I have become the Protector of Citizens in July 2017.*

*During 2018, 44 visits were made to places where persons deprived of their liberty are held or may be located, and on the basis of identified irregularities in their work, 296 recommendations were sent to the competent authorities.*

*Problems faced by persons deprived of their liberty in the previous period in the Republic of Serbia were also recorded in this reporting year. I estimate that progress has been made in the reporting period regarding the prevention and eradication of torture, but that officials still treat persons deprived of their liberty inadequately in a number of cases. Such treatment is caused, among other things, by a lack of staff, by the established stereotypes towards this vulnerable group, and by a lenient criminal policy towards officials. Further aggravating factors include poor accommodation conditions for persons deprived of their liberty and a lack of legal regulations or insufficient legal regulations and insufficient compliance with international standards. Although torture is absolutely prohibited by both national laws and international instruments, much remains to be done to ensure that persons deprived of their liberty are fully protected from all forms of torture and inappropriate treatment.*

*When it comes to police detainment, this year the Report also notes poor material conditions in the detention facilities, inadequate equipment, lack of opportunities for detained persons to stay in open spaces of and insufficient number of premises. The widespread practice of police officers attending the medical examinations of detained citizens was also recorded.*

*The report further identifies a large number of inadequate facilities used to house convicted and detained persons. Prisons in Serbia have been overcrowded for years, with poor material conditions, and are located in facilities that do not meet the modern treatment requirements of persons deprived of their liberty. The problem in most prisons is a lack of officers, especially regarding security and treatment of detainees, as well as their unresolved working status. The NPM in its reports specifically indicates that, due to a lack of activities, the detainees and prisoners from closed wards spend most of their time in their dormitories.*

*There are still a large number of long-term beneficiaries in social welfare homes (so-called homes). The report concludes that no significant progress has been made in the process of deinstitutionalization in this reporting period. In addition, the institutions continued to apply the measure of fixation of beneficiaries, although such form of restraint is not prescribed by law. In some institutions, the accommodation conditions for maintaining the privacy of the beneficiaries are still unsatisfactory, and the chronic problem – the lack of employees, leads to the denial of basic rights of beneficiaries.*

*During 2018, the number of migrants coming to the Republic of Serbia continued to decline, and their route to EU countries changed. As a result, three reception centers were temporarily closed and conditions for migrants staying in existing facilities were improved. Health care is well organized and the inclusion of migrant children in pre-elementary and elementary school education has continued, which is particularly commendable.*

*The Protector of Citizens continued to actively take part in the work of the Southeast Europe NPM Network, and during 2018, meetings were held with the following topics: “Custody in the context of migration and effective alternatives” and “Suicide and overdose prevention at detention facilities”, which were attended by the representatives of the NPM of the Republic of Serbia.*

*The representatives of the Observers of national preventive mechanisms against torture - NPM Obs association continued to evaluate the efficiency of work of the NPM of Serbia, which they started during 2017, and this time they also monitored the way of conducting visits and reporting on them. I expect that the Report of the association and the suggestions made therein will be of great importance for the improvement of work of the NPM.*

*Towards the end of 2018, some organizational changes occurred in the work of the NPM. Former Deputy Protector of Citizens for the rights of persons deprived of their liberty, Miloš Janković, headed the NPM for almost the entire reporting period, until 2 December, 2018, when his term expired. Also, at the end of the year, the National Assembly approved a new Rulebook on the internal organization and systematization of work positions in the professional service of the Protector of Citizens, which increased the number of executive officials in the NPM positions from four to six executive posts, thereby increasing the capacity of the preventive mechanism.*

*During 2018, the Protector of Citizens continued to cooperate with the Provincial Ombudsman and to perform visits to detention facilities located in the territory of the AP of Vojvodina. Also, cooperation with civil society organizations continued. The agreement on cooperation between the associations expired during the year, and four new associations were selected after a new public invitation: Lawyers’*

*Committee for Human Rights (YUCOM), Belgrade Center for Human Rights, International Aid Network (IAN) and the Mental Disability Rights Initiative (MDRI-S).*

*Constructive dialogue and good cooperation with public authorities continued, and after several years, the Protector of Citizens had the opportunity to present to the relevant committees of the National Assembly the NPM Work Report for 2017.*

*I would like to thank all the bodies, associations and individuals with whom we have cooperated during 2018 in performing the work of the National Preventive Mechanism. The report before you, I hope, represents another contribution of the National Preventive Mechanism and its partners from national and international levels to building a society that respects the physical and psychological integrity and dignity of all people deprived of their liberty.*

*MSc Zoran Pašalić  
Protector of Citizens*





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# 1. Introduction

## 1.1. MANDATE

With the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>1</sup> (Optional Protocol) Member States have agreed to establish a system of regular visits to places of detention of persons deprived of their liberty by independent international and domestic bodies, in order to prevent torture and other cruel, inhuman or degrading punishments and actions.

The Optional Protocol establishes a Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Subcommittee on the Prevention of Torture), which is empowered to visit all places of detention and to make recommendations to Member States regarding the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading punishments and actions.

At the same time, the Optional Protocol stipulates that each Member State is obliged to have, establish or designate one or more bodies at the national level to carry out visits to prevent torture and other cruel, inhuman or degrading treatment or punishment.

NPM has the right to:

- access all data on the number and treatment of detainees in detention facilities, as well as the number of institutions and their location;
- access all places of detention, their installations and facilities, at their own discretion;
- hold unhindered interviews with persons deprived of their liberty without the presence of a witness, either in person or with an interpreter if necessary, as well as with any other person whom the NPM considers capable of providing meaningful information, at their own discretion;
- make contact with the Subcommittee on Prevention of Torture, to provide it with information and to meet with it.

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<sup>1</sup> Adopted on 18 December 2002 in New York at the 57th Session of the United Nations General Assembly by Resolution A/RES/57/199, entry into force on 22 June 2006.

The NPM is authorized to regularly check the treatment of persons deprived of their liberty in detention facilities, to make recommendations to competent authorities in order to improve the treatment and situation of detainees and prevent torture, cruel, inhuman or degrading treatment and punishment, taking into account relevant United Nations norms, as well as to submit proposals and give opinions on applicable or proposed laws.

The state is obliged to guarantee the functional independence of the NPM and the independence of its staff, as well as to make available the necessary resources for the functioning of the NPM.

No authority or official may impose, enforce, permit or tolerate any sanction against any person or organization because the NPM has communicated any information, whether true or false, and no such person or organization may bear any other consequences in any other way.

The relationship between the NPM and the state authorities is based on the principle of trust and cooperation. Competent state bodies are obliged to consider the NPM's recommendations and enter into dialogue with it regarding possible implementation measures.

The competent state authorities are obliged to publish and distribute annual NPM reports.

Serbia signed the Optional Protocol on 25 September 2003 and ratified it on 1 December 2005.<sup>2</sup>

Serbia became a state party of the Optional Protocol by submitting its instrument of ratification to the UN Secretary-General on 26 September 2006.

A new NPM body was not formed in Serbia. Instead, an authentic, complex NPM model was chosen, which implies that the NPM's tasks are performed by an existing independent state body, in cooperation with bodies of decentralized units and the civil sector. The NPM was established by the Law on Amendments to the Law on Ratification of the Optional Protocol, adopted on 28 July 2011.<sup>3</sup>

The activities of the NPM are performed by the Protector of Citizens in cooperation with the ombudsmen of the autonomous provinces and associations whose statute stipulates that the aim of the cooperation is the promotion and protection of human rights and freedoms.<sup>1</sup>

<sup>2</sup> "Official Gazette of SCG – International Treaties", number 16/05, Amendments 2/06.

<sup>3</sup> Law on Amendments to the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Official Gazette of the RS - International Treaties", number 7/11).

<sup>4</sup> Law on Amendments to the Law on Ratification of the Optional Protocol, Article 1

## 1.2. THE MOST SIGNIFICANT DATA ON ACTIVITIES IN 2018

During the reporting period, the NPM made 44 visits to detention facilities. There have been 40 reports on the visits made. In the reports from the visits, 296 recommendations were made.

During the reporting period, the Protector of Citizens also attended two meetings of the Southeast Europe NPM Network, organized by the NPM of Montenegro, which also chaired the Network during the reporting period. The topics of the Network meetings were "Custody in the context of migration and effective alternatives" and "Suicide and overdose prevention in detention facilities." The NPM of Serbia chaired the Network's Medical Group during the reporting period.

NPM representatives received several significant trainings during the reporting period related to the monitoring of NPM recommendations, monitoring of forced return and professional training at a foreign NPM (more under item 2.5).

In terms of international cooperation, the NPM has participated in numerous international conferences organized by the Council of Europe, the OSCE, the European Network of National Human Rights Institutions, as well as the NPM of Austria, the Federal Republic of Germany, Armenia, Slovenia and others (more under item 3.6).

During the year, representatives of the Observatory of national preventive mechanisms against torture<sup>5</sup>association continued their assessment of the efficiency of the NPM of Serbia, started in 2017. This time, representatives of the association monitored the way visits to several institutions of different types were conducted and the way they were reported.

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<sup>5</sup> Observatory of national preventive mechanisms against torture (NPM Obs.).



## 2. Methodology, resources and organization

### 2.1. METHODOLOGY

The methodology of work of the NPM of Serbia is primarily based on the provisions of the Optional Protocol. The NPM has a purely preventive approach in its work and it does not control the legality and the rules of operation of the competent authorities in individual cases, but rather informs, in a timely manner, the organizational unit of the Protector of Citizens about it, which handles the complaints of persons deprived of their liberty.

The NPM methodology recognizes the following types of visits: regular visits, follow-up visits, thematic visits, and ad-hoc visits. Visits may be announced and unannounced.

After the initial period, in which the goal set by the methodology was to make regular visits to all institutions, an increase in the number of follow-up control visits is planned in the coming period. This enables monitoring of the situation established during regular visits, in particular the actions of the competent authorities on the NPM's recommendations.

In preparation for the visit to an institution, existing information about the institution is considered. The division of duties, as a rule, is done by dividing the visit team into four thematic groups – the first one observes the accommodation conditions (the group for observation of the accommodation conditions), the second one assesses the realization of legal protection in the institution (the legal group), the third one deals with the issues of treatment of persons deprived of their liberty (treatment group), while the fourth one assesses the exercise of health care for persons housed in an institution (health group). In order to increase the efficiency of gathering relevant information during the visit, all team members are provided, in advance, with work materials (questionnaires, structure and models of parts of the report) to guide them.

NPM teams for visits to detention facilities where people deprived of their liberty are held are multidisciplinary, typically comprised of experienced lawyers, psychiatrists, forensics and psychologists.

Regular visits are generally carried out at predetermined stages. The first stage is a conversation with the management of the institution; the second stage is a joint tour of the institution. In the third stage, representatives of the thematic groups of the NPM team (legal, treatment and health group) interview the heads of the reference services and review the documentation. In the fourth phase, interviews with persons deprived of their liberty are conducted, and in the fifth phase, after a brief meeting of all thematic groups, a final interview with the management of the institution is held, at which preliminary impressions of the visit and the situation observed are given. It is not obligatory to act on the established stages; it depends on the type of the visit and other circumstances. It is common practice to omit certain phases in different types of visits.

In accordance with the methodology of the work, reports are, as a rule, made according to a predefined structure. However, depending on the type of visit and the data collected during a particular visit, at the suggestion of team members, the given report structure can be modified and adapted to the nature of the visit.

In reports on visits to institutions where persons deprived of their liberty are held, the NPM identifies omissions and makes recommendations to remedy the identified shortcomings that may lead or lead to torture or abuse. When a deficiency or irregularity in the work is identified, the relevant regulations and standards which the current situation should be harmonized with are indicated together with the given recommendation.

The reports are submitted to the visited institution and the competent ministry, and, as a rule, they leave a deadline within which it is necessary to act on the recommendations made, together with a call for dialogue with the aim of considering the implementation of the recommendations. The aim of the dialogue is to assess at the situation of the visited institution and the system as a whole, primarily in order to find the best way to implement the recommendations made by the NPM after the visits.

In order to maintain a balance between confidentiality and transparency in work, the NPM report on a visit to the institution, in which all personal information is anonymous, is published after the competent authorities have made a statement regarding the recommendations made in the report. The reports and responses of the authorities are published on the website of the Protector of Citizens and on the NPM subpage.



## 2.2. NPM BUDGET

For the purpose of performing the activities of the NPM, within the approved budget of the Protector of Citizens for 2018, financial resources in the amount of 10,999,489.50 dinars (about €93,000.00) were provided.

## 2.3. SPECIAL UNIT OF THE NPM

Until October 2018, the NPM was managed by a special unit – the Secretariat of the NPM. The Secretariat was directly responsible for its work to the Protector of Citizens, that is, the Deputy Protector of Citizens in charge of NPM affairs. Until December 2, 2018, i.e. until the very end of the reporting period, the NPM was headed by Mr. Miloš Janković, Deputy Protector of Citizens for persons deprived of liberty.

In October 2018, a new Rulebook on the internal organization and systematization of work positions in the professional service of the Protector of Citizens<sup>6</sup> was adopted, which the National Assembly approved in a plenary session in December of the same year. Following the instructions in the new Rulebook, the Secretariat was renamed to a Department and the number of executives working in it was expanded to six – three independent and three senior advisers, one of whom is the Head of the Department. It is also stipulated that the Head of Department shall be responsible for the work of the Department and for his work to the Protector of Citizens, i.e. the Deputy Protector of Citizens in charge of NPM affairs, shall manage the visit team in the absence of the Protector of Citizens or the Deputy Protector of Citizens in charge of NPM affairs, etc.

Administrative and technical tasks for the needs of the activities of the NPM are performed by the Professional Service of the Protector of Citizens.

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<sup>6</sup> Number 213-558/2018 dated 19 October, 2018.

## 2.4. PARTICIPATION OF THE PROVINCIAL OMBUDSMAN AND THE CIVIL SECTOR

In 2018, in accordance with the signed Memorandum of Cooperation,<sup>7</sup> the Protector of Citizens continued to cooperate with the Provincial Ombudsman – the Ombudsman of the AP of Vojvodina (Provincial Ombudsman) in conducting visits to detention facilities in the territory of the AP of Vojvodina. Representatives of the Provincial Ombudsman participated in 6 visits.

During 2018, the agreements on cooperation between the Protector of Citizens and civil society organizations in the performance of NPM activities expired, and after a Public Invitation, published in the Official Gazette<sup>8</sup> and on the website of the Protector of Citizens, four associations were selected with which the Protector of Citizens cooperates: Lawyers' Committee for Human Rights, Belgrade Center for Human Rights, International Aid Network and the Mental Disability Rights Initiative. Agreements have been concluded with these associations for a period of one year with the possibility of extension to another year.

During the year, a new Decision on fees for participation in NPM activities was adopted.<sup>9</sup>

## 2.5. TRAINING OF EMPLOYEES

One NPM representative participated in the “Strengthening NPM Recommendation Monitoring” workshop in Copenhagen, organized by the International Ombudsman Institute, the Ombudsman of Denmark and the Association for the Prevention of Torture.

Two NPM representatives attended the “Forced Return Monitoring” training organized by FRONTEX<sup>10</sup> and other international organizations dealing with the protection of refugees and migrants.

One NPM representative underwent a three-month training course at the NPM of Slovenia, as part of the Program for civil servants in the Western Balkan countries organized by the European Fund for the Balkans.

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<sup>7</sup> Signed on 12 December, 2011.

<sup>8</sup> Number 25 dated 30 March, 2018.

<sup>9</sup> Number 287-84/18 dated 23 October, 2018, with amendments dated 6 November, 2018.

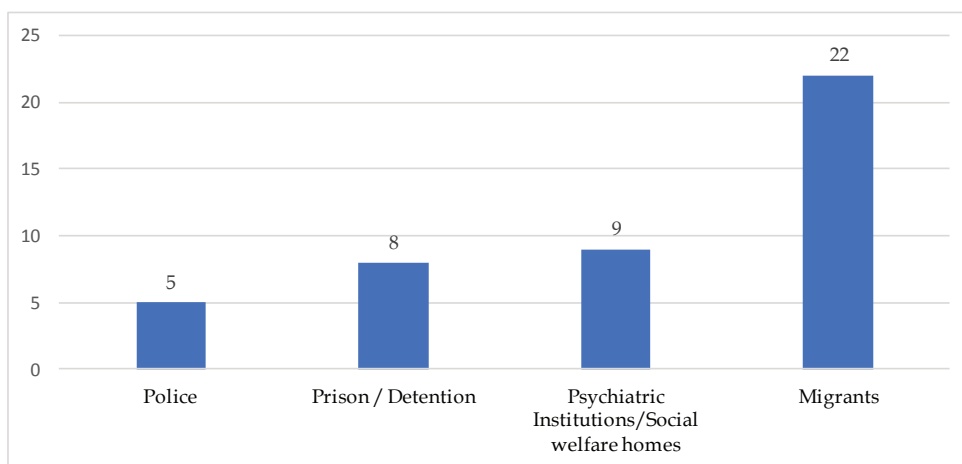
<sup>10</sup> L'agence européenne de garde-frontières et de garde-côtes.

## 3. Fulfillment of the NPM mandate

### 3.1. VISITS TO INSTITUTIONS

During the reporting period, the NPM made 44 visits to institutions where persons deprived of their liberty are held. Five police stations were visited, as well as 8 penitentiary institutions, 4 social care institutions/social welfare homes, one of which was visited 2 times during the year, and 4 psychiatric hospitals/wards. Also, 22 visits were conducted with the aim of monitoring the treatment of refugees and migrants.

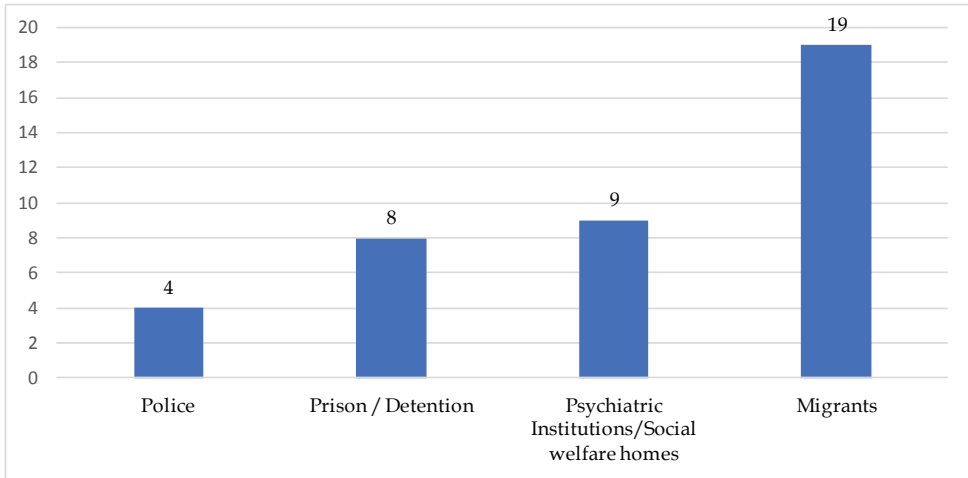
**Chart 1 – NPM visits**



### 3.2. VISIT REPORTS AND RECOMMENDATIONS

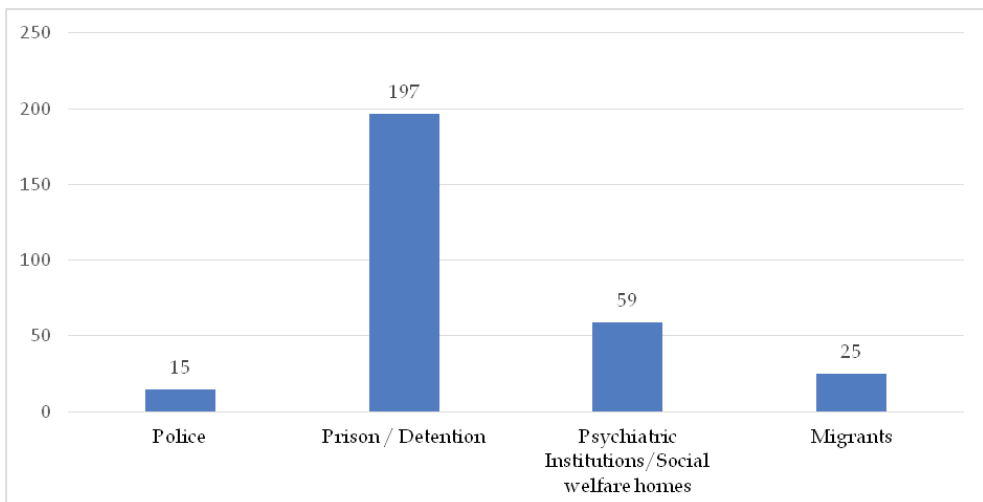
During the reporting period, the NPM compiled 40 visit reports. Out of this number, 4 reports refer to police treatment of persons brought in and detained, 8 reports to treatment of detainees and persons serving prison sentences, 9 reports pertain to the work of psychiatric and social welfare institutions, while 19 reports pertain to the actions of competent authorities towards migrants/asylum seekers.

**Chart 2 – NPM reports in 2018**



In reports from the visits, 296 recommendations were made. Of these, 197 recommendations refer to the treatment of persons subject to detention and imprisonment, 15 recommendations refer to persons subject to police powers who were brought in and detained in police stations, 59 recommendations refer to the treatment of persons being housed and treated in psychiatric institutions and beneficiaries housed in social welfare homes and 25 recommendations refer to an improvement of the situation in the field of migration.

**Chart 3 – NPM recommendations made in 2018**



All recommendations addressed to the visited institutions/competent ministries may be found in the APPENDIX section of the Report.

### 3.3. DIALOGUE WITH AUTHORITIES

NPM representatives had a meeting with the Commission for the implementation of standards of the police conduct in the field of torture prevention, which is in its new composition since February 2018. At the meeting, information and experiences in monitoring police stations were exchanged, and the work of the NPM in the field of police torture prevention was presented, as well as the work of the Commission. At the end of the meeting, future cooperation was agreed.

### 3.4. PROMOTION OF NPM / TORTURE PREVENTION

The mandate and the activities of the NPM were presented at a seminar entitled “Prohibition of torture and inhuman or degrading treatment or punishment –supervision of police conduct”, organized on International Human Rights Day for members of the Ministry of the Interior by the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE).

### 3.5. COLLABORATION WITHIN THE NPM NETWORK

Two meetings were held within the Southeast Europe NPM Network in Podgorica. The first meeting dealt with suicide and overdose prevention and NPM staff status. The second one dealt with detention and its alternatives in the context of migration.

During 2018, the NPM of Serbia chaired the Network’s Medical Group.

### 3.6. OTHER FORMS OF COOPERATION

During the year, representatives of the association Observatory of national preventive mechanisms against torture<sup>11</sup> continued to evaluate the efficiency of work of the NPM of Serbia, started in 2017. This time, representatives of the association monitored the way visits to several institutions of different types were conducted and the way they were reported.

The Protector of Citizens and the Deputy Protector of Citizens participated in a conference in Trier jointly organized by the NPM of Austria, the

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<sup>11</sup> Observatory of national preventive mechanisms against torture (NPM Obs.).

Federal Republic of Germany and the Council of Europe, with the topic of “Monitoring of homes for the elderly”.

On the occasion of the 10th anniversary of the NPM of Armenia, the Protector of Citizens also participated in an international conference held on that occasion in Yerevan. Deputy Protector of Citizens in charge of NPM and other representatives of the institution participated in the conference entitled “NPM impact assessment” in Ljubljana, organized by the NPM of Slovenia and the Council of Europe on the occasion of its 10th anniversary.

The Protector of Citizens participated in a regional conference in Milan entitled “Joining forces to prevent torture and other forms of abuse in the context of immigration detention”. The conference was organized by the Office for Democratic Institutions and Human Rights within the OSCE and the Association for the Prevention of Torture.

The NPM held a meeting with the representatives of the National Ombudsman of the Kingdom of the Netherlands, at which it outlined how to monitor migrant reception and asylum centers, on the basis of research carried out by the representatives of this institution on behalf of the European Committee of the International Ombudsman Institute.<sup>12</sup>

One NPM representative participated in a working meeting organized in Brussels by the European Network of National Human Rights Institutions<sup>13</sup> on the situation in the field of asylum and migration.

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<sup>12</sup> International Ombudsman Institute (IOI).

<sup>13</sup> European Network of National Human Rights Institutions (ENHRI).

### 3.7. ANNUAL REPORT

The NPM report for 2017 was submitted to the National Assembly, the President of the Republic and the Prime Minister, the Public Prosecutor, the Presidents of the Supreme Court of Cassation and the Constitutional Court, the Office for Human and Minority Rights and the Commissariat for Refugees and Migration. The report was also sent to all police departments, criminal justice institutions and psychiatric hospitals, as well as to all line ministries.

In order to inform the general public, the Report was published on the web pages of the Protector of Citizens and the NPM. In addition, the publication is available in both Serbian and English language.

The report in English was submitted to the Subcommittee for the Prevention of Torture (*SPT*), the Committee against Torture (*CAT*), the European Committee for the Prevention of Torture (*CPT*), the Association for the Prevention of Torture (*APT*) and other relevant international organizations.

After several years, the Protector of Citizens had the opportunity to present the NPM's Annual Report to the National Assembly, since the members of the Committee on Judiciary, Public Administration and Local Self-Government, the Committee on Human and Minority Rights and Gender Equality and the Committee on the Rights of the Child considered the 2017 NPM Work Report at a joint session in December 2018.

**The Committee on Judiciary, Public Administration and Local Self-Government, Committee on Human and Minority Rights and Gender Equality and the Committee on the Rights of the Child considered the NPM Report for 2017.**





## 4. Situation and activities by area

### 4.1. POLICE / PROSECUTORIAL DETENTION

During 2018, the NPM visited 5 police stations: the headquarters of Police Departments of Kruševac, Užice, Novi Pazar and Sombor and the Zemun Police Station, which is part of the Belgrade Police Department. Treatment of detainees was also monitored during visits to the penitentiary institutions, since detainees are placed there under the Criminal Procedure Code. Four special reports were compiled on police conduct, in which 15 recommendations were made. Competent authorities acted on 8 recommendations, did not follow 1 recommendation, 4 recommendations needed further monitoring, while 2 recommendations are still within the deadline for implementation.

During the reporting period, the chronic problem regarding police detention remained the premises for the execution of this measure: poor material conditions; insufficient equipment – sanitary equipment, buttons for calling officials and other things; absence of opportunities for citizens to be in open air – which means that the facilities are not adequate for stays longer than 24 hours; insufficient number of premises in police departments – which means that officers of many police stations transport detained citizens to stations in other places or to the closest penitentiary institutions. However, the Ministry of the Interior has taken measures to improve the situation with the premises, given that in 2018 a Rulebook on the conditions to be met by detention facilities was adopted<sup>14</sup>, and that 12 premises were renovated: 2 detention facilities in the headquarters of the Police Station of Subotica, 1 room in the headquarters of the Police Station of Sremska Mitrovica, 2 in the Police Station of Irig, 2 in the Police Station of Indija, 2 in the Police Station of Batočina and 2 in the Police Station of Old Town, which the NPM commends and encourages the Ministry to continue improving the conditions for the residence of detained citizens.

Despite the numerous NPM recommendations, the Instruction on the treatment of persons brought in and detained<sup>15</sup> is still inconsistent with the Council of Europe standards, since the Instruction stipulates that police

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<sup>14</sup> "Official Gazette of the RS", number 34/18.

<sup>15</sup> Number 7898/12-10 dated 10 December, 2012.

officers are required to attend medical examinations of citizens and to bind all citizens they transport. A positive circumstance is that individual police stations, in their practice of conduct, nevertheless assess the justification of handcuffing in specific cases.

The NPM encountered shortcomings in keeping documentation on the process of retaining citizens. Records of measures and actions taken during the detention period are kept erratically, some documents are missing in detention cases, detained citizens are often not allowed to keep a written notice of their rights, and citizens' medical records are utilized in detention cases, thereby violating their right to protection of personal data.

During the visit to the Police Directorate of Sombor, it was found that the police officers of this Police Directorate had received training on the treatment of persons with mental disabilities, which the NPM especially commends, given that for several years it has been indicating the need for this specific training.

#### **GENERAL RECOMMENDATIONS FOR ELIMINATING SHORTCOMINGS**

- 1. The Ministry of the Interior should improve the material conditions of accommodation in police detention facilities, which do not fully comply with applicable standards;**
- 2. The Ministry of the Interior should harmonize the Instruction on the treatment of persons brought in and detained with the applicable standards;**
- 3. The Ministry of Interior should improve the keeping of records on detained persons.**

## **4.2. MEASURE OF DETENTION AND IMPRISONMENT**

During 2018, the NPM visited 8 institutions for enforcement of criminal sanctions: district prisons in Kruševac, Zrenjanin, Novi Sad, Novi Pazar and Užice and the penitentiaries in Šabac, Belgrade – Padinska Skela and Sombor. Visits to prisons in Novi Pazar, Novi Sad and Šabac were conducted following the recommendations made earlier, while other visits were regular systemic visits. In the 8 reports that were prepared on these visits, 197 recommendations were made, of which 98 were followed, 14 were not, 54 needed further monitoring and 31 recommendations are still within the deadline for implementation.

In accordance with the recommendations of the NPM sent in previous years, the new Penitentiary-Correctional Institution in Pančevo commenced

its operation in October 2018. However, in the Republic of Serbia there are still a large number of inadequate facilities used to house persons deprived of their liberty. Most of the prisons visited are overcrowded, with poor material conditions and are in facilities that do not meet the modern requirements for the treatment of persons deprived of their liberty, so the NPM recommended that the Administration for the Enforcement of Penal Sanctions find a more permanent solution for the prisons in Sombor, Kruševac, Užice and Zrenjanin. The NPM also noted the efforts of the Institution to improve the material conditions of persons deprived of their liberty by adapting and maintaining conditions to the extent possible in the given circumstances.

The shortage of officers, as well as the unresolved work status for a part of them, continues to be a problem in most institutions for enforcement of criminal sanctions, where the NPM has recognized a shortage of lawyers, cooks, medical staff, treatment officers and members of the Security Service, for whom the uniforms and their replacement parts still have not been secured systematically. Prison officers also do not have periodic health checks nor are they sufficiently involved in continuous training and specialization. The NPM has made recommendations to increase the number of employees and improve working conditions.

Due to the lack of medical staff, it is not possible to ensure their permanent attendance at the institutions, so night shift therapy is administered by non-medical staff – members of the Security Service, and doctors often do not fulfill all the obligations prescribed by regulations, above all regular health checks of persons in isolation, the periodic controls of conditions in prisons and the health controls of persons deprived of their liberty. The prison infirmaries lack equipment and the facilities for the sick are not adequate in terms of material conditions and accessibility.

Activities of detainees and convicts divided in closed wards continue to be a problem. They are often not provided with living quarters, are not employed or involved in training, so they generally spend most of their time indoors in their dormitories.

Injuries observed on prisoners need to be described in more detail, and the practice of photographing injuries and entering them in a special form – body scheme has to be introduced in all prisons, which is already being applied in some institutions. In particular, procedures should be introduced and strictly applied in the event of injuries observed at the reception that the persons claim to have been caused by force. In this respect, the NPM has noted and highlighted examples of good practice in the district prison of Zrenjanin, where written statements, injuries photographed and described in detail, as well as other documentation are submitted to the Public Prosecutor's Office.

As a rule, prisons do not receive written findings and opinions of experts who have examined and autopsied a person who has been deprived of liberty at the time of death, which would allow them to find out if something could be improved regarding the conditions of stay and treatment of prisoners.

#### **GENERAL RECOMMENDATIONS FOR ELIMINATING SHORTCOMINGS**

- 1. The Administration for the Enforcement of Penal Sanctions should continue activities to harmonize the accommodation conditions in the institutions for execution of criminal sanctions with the applicable standards;**
- 2. The Administration for the Enforcement of Penal Sanctions should increase the number of employees in prison services and improve their working conditions;**
- 3. The Administration for the Enforcement of Penal Sanctions should enable sufficient activities to persons deprived of their liberty, in particular detainees and prisoners divided in closed wards, as well as their stay in common rooms during the day;**
- 4. The Ministry of Justice, in cooperation with the Ministry of Health, should carry out activities for the purpose of organizational displacement of the Health Protection Services from the penitentiary.**
- 5. Institutions for the enforcement of criminal sanctions should improve the documenting of injuries to persons deprived of their liberty;**
- 6. Institutions for the enforcement of criminal sanctions should obtain written findings and opinions of experts who have examined and autopsied the bodies of persons who were deprived of their liberty at the time of death.**

### **4.3. ACCOMMODATION WITHOUT CONSENT IN PSYCHIATRIC INSTITUTIONS AND RETENTION IN SOCIAL CARE INSTITUTIONS**

During 2018, the NPM visited 4 social welfare homes: the Gerontology Center in Kruševac, Gerontology Center in Belgrade – Bežanijska kosa retirement home, Home for the persons with mental disabilities in Tutin and the Institution for children and youth "Sremčica", which was visited 2 times, as well as 4 psychiatric hospitals/wards: the Psychiatric Department of the General Hospital in Kruševac, the Department of psychiatry at the General Hospital "Dr. Laza K. Lazarević" – Šabac, Special hospital for psychiatric diseases "Kovin" and the Specialist mental health clinic of the General Hospital

in Pančevo. Reports were made on the visits in which 59 recommendations were made. Out of this number, the competent authorities followed 22 recommendations, they did not follow 1 recommendation, and 36 recommendations required further monitoring.

During the visits and during this reporting period, the NPM found that there are still a large number of long-term beneficiaries in large social welfare institutions and that no significant progress has been made in the process of deinstitutionalization. In addition, the institutions continued to apply the measure of fixation of beneficiaries, although such form of restraint is not prescribed by law, but instead regulated by the internal regulations of social welfare institutions implementing this measure. In line with the above, the NPM has sent a request<sup>16</sup> to the competent ministry to address these issues legally. The Ministry of Labour, Employment, Veteran and Social Affairs informed the NPM that the Workgroup has completed work on drafting the Law on the Protection of Persons with Mental Disabilities Accommodated in Social Care Institutions and that a public hearing on the draft is planned in the coming period. This law will regulate the procedures for placement of beneficiaries in social welfare institutions with and without their consent, as well as the implementation of restraint measures, etc.

Furthermore, in some residential social care institutions<sup>17</sup> the accommodation conditions and the conditions for maintaining the privacy of beneficiaries are still unsatisfactory and do not comply with the applicable standards. In accordance with the recommendations of the NPM, some institutions<sup>18</sup> have responded to the Protector of Citizens that they will, with the assistance of the competent ministry, find funds to carry out the necessary reconstructions and improve the accommodation conditions for beneficiaries. One of the problems that are still present in most social care institutions<sup>19</sup> is the lack of staff to work directly with the beneficiaries, which has a negative impact on psychosocial rehabilitation and the return of beneficiaries to the social community. As a consequence, beneficiaries often spend most of their time in institutions without any structured daily activities or content.

After visits to the psychiatric wards of the general hospitals and the Special hospital for psychiatric diseases "Kovin", the NPM was informed by the

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<sup>16</sup> Report on the visit to GC Belgrade – Bežanijska kosa Retirement Home and response from the competent authorities available at <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6003-pr-duz-r-u-cilju-un-pr-d-nj-p-l-z-risni-s-sh-nih-u-d-u-b-z-ni-s-s>; Report on the visit to the "Sremčica" Institution for Children and Youth, number 281-47/18 dated 25 June, 2018.

<sup>17</sup> Home for the persons with mental disabilities in Tutin and the Institution for children and youth "Sremčica".

<sup>18</sup> Institution for children and youth "Sremčica".

<sup>19</sup> Home for the persons with mental disabilities in Tutin and the Report on the visit to the Institution for children and youth "Sremčica".

visited Institution that the recommendations had been followed and that the material conditions that enabled a positive therapeutic environment were improved.<sup>20</sup> The Ministry of Health has informed the NPM that projects have been created to complete the reconstruction of the buildings within the Hospital in Kovin that are in the worst condition. These reconstructions will also create smaller rooms with fewer beds, thereby adhering to the standards and acting upon the recommendations of the NPM.

During the reporting period, the NPM noted that there were still shortcomings in the execution and implementation of the physical restraint measure of patients by fixthem, and accordingly, it sent recommendations<sup>21</sup> in the visit reports on how to implement this measure in accordance with the established standards.

#### **GENERAL RECOMMENDATIONS FOR ELIMINATING SHORTCOMINGS**

- 1. The Ministry of Labour, Employment, Veteran and Social Affairs should improve the material conditions for accommodation in social welfare homes;**
- 2. The Ministry of Labour, Employment, Veteran and Social Affairs should take measures within its competence in order to adopt regulations governing the conditions and procedures for placement in social welfare homes and institutions, as well as for the restriction of freedom of movement and physical restraint of beneficiaries;**
- 3. The Ministry of Labour, Employment, Veteran and Social Affairs should increase the number of employees working directly with the beneficiaries in social welfare homes;**
- 4. The Ministry of Health should increase the number of employees working directly with patients in psychiatric institutions;**
- 5. The Ministry of Health should take measures within its jurisdiction to advance the implementation of the physical restraint measure of fixation of patients in psychiatric hospitals;**
- 6. The Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Affairs should establish an appropriate normative framework for the day-to-day and all-round support for persons with mental disabilities (including their families) for living outside psychiatric and social care institutions, in an environment that is as little as possible determined by their mental disabilities.**

<sup>20</sup> General Hospital Šabac and General Hospital Kruševac.

<sup>21</sup> Report on the visit to the Psychiatric Department of the General Hospital in Kruševac, number 281-5/18 dated 14 March 2018 and the Report on the visit to the Special hospital "Kovin", number 281-61/18 dated 16 August 2018.

## 4.4. TREATMENT OF REFUGEES / MIGRANTS

The NPM made 22 visits to monitor the actions of the competent authorities towards refugees and migrants. Visits were made to the asylum centers of Bogovađa, Banja Koviljača, Sjenica and Tutin, the reception centers in Preševo, Bujanovac, Vranje, Bosilegrad, Principovac, Adaševci, Pirot, Dimitrovgrad, Obrenovac, Divljana, Subotica, Sombor and Kikinda, the border crossings Horgoš and Kelebija, the Regional border police center for Bulgaria, the Border police station Belgrade and the transit zone at the “Nikola Tesla” Airport. Through 19 reports on these visits, 25 recommendations were sent to eliminate identified deficiencies and improve conduct. A total of 20 recommendations were followed, and the implementation of 5 recommendations will be monitored.

The NPM continued to monitor the situation of migrants during the reporting period. In 2018, the number of migrants arriving in the Republic of Serbia<sup>22</sup> continued to decline, and their route to EU countries changed. Due to reduced influx of migrants, the Commissariat for Refugees and Migration temporarily closed three reception centers.<sup>23</sup> Also, with the decrease in the number of migrants, the hygiene of the centers was significantly improved, which was one of the recommendations of the NPM, and better privacy was also provided, as each family received a separate room within the reception centers. Following the recommendations of the NPM,<sup>24</sup> the Commissariat for Refugees and Migration established a record of extraordinary events, which the NPM deems important in order to be able to respond properly to events at the migrant reception centers. Furthermore, acting upon the NPM’s recommendations,<sup>25</sup> the Commissariat paid special attention to the nutrition of migrants in reception centers. Health care was well organized in the centers during 2018, and the inclusion of migrant children in pre-elementary and elementary school education also continued.

According to the information of the Ministry of the Interior, the total number of migrants registered by the police since the beginning of 2018

<sup>22</sup> According to MIA data, from the start of 2018, out of a total of 8,432 registered migrants, only 251 of them applied for asylum in the Republic of Serbia.

<sup>23</sup> Reception center Preševo, Reception center Dimitrovgrad and Reception center Divljana.

<sup>24</sup> Reports on visits: Reception center Bujanovac, number 281- 36/18 dated 22 May 2018; Asylum center Tutin, number 281- 74/18 dated 11 September 2018 and Asylum center Sjenica, number 281- 73/18 dated 11 September 2018.

<sup>25</sup> Reports on visits: Reception center Adaševci, number 281- 42/18 dated 22 May 2018; Reception center Bosilegrad, number 281-38/18 dated 22 May 2018; Reception center Bujanovac, number 281- 36/18 dated 22 May 2018; Reception center Pirot, number 281- 41/18 dated 28 May 2018; Reception center Principovac, number 281-43/18 dated 22 May 2018 and Reception center Vranje, number 281- 37/18 dated 22 May 2018.

was 8,432. Of these, there were 2,475 minor migrants (694 unaccompanied) and 559 adult female migrants. In the readmission process, the Republic of Serbia took over 2,631 persons in 2018 (2,165 of its citizens and 466 citizens of third countries). Most of them entered the country via the “Nikola Tesla” Airport – 1,849 of them. In the same period, 23 foreign citizens were returned from the Republic of Serbia to the Republic of Bulgaria. A total of 174 people were sent to the Shelter for foreigners during 2018. During the visit to the Border police station Belgrade and the transit zone at the “Nikola Tesla” Airport, the NPM noted that the premises for detaining foreigners, who were denied entry to Serbia or prevented from continuing the journey due to non-fulfillment of conditions, were still not renovated.

During the reporting period some of the novelties were the Law on Foreigners<sup>26</sup> and the Law on Asylum and Temporary Protection.<sup>27</sup> The new Law on Foreigners expands the competences of the NPM,<sup>28</sup> i.e. it stipulates that the NPM should supervise the process of forcible displacement of foreigners, and in accordance with this, two representatives of the NPM attended the training entitled “Forced Return Monitoring”, organized by FRONTEX<sup>29</sup> and other international organizations dealing with protection of refugees and migrants. In order to improve the treatment of migrants, at the end of the reporting period, the NPM sent an opinion to the Ministry of the Interior on the Draft Law on the Amendments to the Law on Asylum and Temporary Protection<sup>30</sup>

#### **GENERAL RECOMMENDATIONS FOR ELIMINATING SHORTCOMINGS**

- 1. The “Nikola Tesla” Airport should improve conditions in the room in the transit zone for accommodating foreigners who have been denied entry;**
- 2. The Ministry of the Interior should carry out activities within its competence in order to regulate the status of all foreigners – migrants who find themselves in the territory of the Republic of Serbia, taking into account the factual situation.**

<sup>26</sup> “Official Gazette of the RS”, number 24/18.

<sup>27</sup> “Official Gazette of the RS”, number 24/18.

<sup>28</sup> Article 82 of the Law.

<sup>29</sup> L’agence européenne de garde-frontières et de garde-côtes.

<sup>30</sup> Number 183-54/18 dated 25 December 2018.



# APPENDIX I

## Recommendations addressed to public authorities

### I-1 – RECOMMENDATIONS ADDRESSED TO POLICE DEPARTMENTS AND STATIONS

#### Police Department of Kruševac<sup>31</sup>

Police Department of Kruševac will notify all detained persons of their rights by delivering a written notice on the rights of the persons brought in and detained, referred to in Article 4 of the Instruction on the treatment of persons brought in and detained.

Additionally, arrested and detained persons under the Code of Criminal Procedure shall be served a written notice on the rights of arrested persons referred to in Article 69, Paragraph 1 of the Code of Criminal Procedure.

Notifications on rights will be served to detained persons as separate forms, drawn up in a language understood by the person, in two copies, one of which will be saved in the case file together with the detained person's signature as confirmation that he or she has received the form or a statement that the person has refused to sign the receipt of the form, and the second copy will be kept by the detained person.

Police Department of Kruševac will keep an official record on detention of citizens on the basis of the Code of Criminal Procedure.

The Ministry of the Interior will organize training for police officers on the treatment of persons with mental disabilities.

Police Department of Kruševac shall take all necessary measures to improve illumination inside the containment rooms.

The Ministry of the Interior will provide uniforms to police officers of the Police Department of Kruševac.

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<sup>31</sup> Report on the visit to Police Department of Kruševac, number 281-4/18 dated 19 March 2018.

Police Department of Kruševac will ensure that citizens, who have been detained at the District prison of Kruševac, receive funding for personal hygiene.

## Police Station Zemun<sup>32</sup>

Police Station Zemun will properly manage and keep a record of the cases of detention, i.e. each case of detention of a person will contain the following, on all grounds:

- Decision on detention of the person, with the exact time of the beginning of the detention of the person, the exact time of the ending of the detention of the person, with the signature of the detained person, or the statement that the person refused to sign the decision;
- Form on the rights of detained persons, with the signature of the detained person, or the statement that the person refused to sign the form;
- Record of temporarily confiscated items, signed by the detained person, or statement that the person refused to sign the record;
- Record of returned items, signed by the detained person, or statement that the person refused to sign the record;
- Printed copy of an electronic record of detention, prescribed by the Ministry of Interior, detailing the activities carried out against the person, together with the signature of the detained person, or a statement that the person refused to sign the record.

A copy of all the above documents will be served to the detained persons.

The Ministry of the Interior will amend the existing Instructions on the treatment of persons brought in and detained and will bring it in line with the relevant Council of Europe standards, by prescribing that police officers must not attend medical examinations of persons deprived of their liberty, unless the examining doctor requests so.

Police officers will attend a medical examination only at the express request of a physician, of which an official note will be made.

At the Police Station Zemun, detained citizens will be provided with medical records and they will be allowed to keep them for the duration of their detention.

The medical records of detained citizens will not be saved in the records of detention cases or otherwise made available to officials.

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<sup>32</sup> Report on the visit to Police Station of Zemun, number 281- 62/18 dated 16 August 2018.

If a physician or other health care provider who performs the examination or otherwise provides health care to the detained person considers that it is in the interest of the detainee's health that the police officer receives certain information and/or instructions, i.e. information of a medical nature (e.g. the need to provide drugs at a certain time, information on special treatment, etc.), the doctor or other health care provider will communicate this information to the competent police officer. In relation to the information obtained, the police officer shall without delay make an official note which will form an integral part of the case concerning the detention of a person.

The Ministry of the Interior shall amend the Instructions on the treatment of persons brought in and detained by stipulating that the measure of handcuffing will be used only when it is really necessary and not every time when transporting persons to the station, as it is now stipulated.

In the Police Directorate for the City of Belgrade, police officers will not handcuff every person when bringing him/her in using an official vehicle, but will only do so for objective reasons, in cases provided for by the law.

Police Station Zemun will provide boxes with first aid kits on its premises.

Police Station Zemun will place a notice on the inside of each detention room that the room is under video surveillance.

## Police Department in Užice<sup>33</sup>

Police Department in Užice will take measures and activities to improve conditions in the detention rooms, especially with the aim of achieving the following:

- Installing a button for calling the on-duty police officer;
- Placing a notification that there is video surveillance inside the containment room;
- Ensuring the privacy of detainees by making sure that the part around the sanitary block will not be clearly visible on the monitors in the control room while maintaining the existing quality of video surveillance and security.

The Ministry of the Interior will take measures within its competence to implement the proposed measures and activities to improve conditions in the detention facility of the Police Department in Užice.

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<sup>33</sup> Report on the visit to Police Department in Užice, number 281-30/18 dated 30 April 2018.

## Police Department in Sombor<sup>34</sup>

The Ministry of the Interior will take measures within its jurisdiction to provide detention facilities that meet current standards for the Police Department of Sombor and the police stations within its composition.

Police Department in Sombor will ensure the presence of police officers at the Penal Correctional Institution in Sombor when citizens are detained on the premises of the Institution. Police officers will supervise and take other actions for which they are authorized against detainees.

## I-2 – RECOMMENDATIONS SENT TO PRISONS FOR ENFORCEMENT OF CRIMINAL SANCTIONS

### District prison in Kruševac<sup>35</sup>

District prison in Kruševac will stop using the room intended for the execution of disciplinary measures of solitary confinement and special solitary confinement measures until it is adapted in accordance with the standards.

District prison in Kruševac will not place persons assigned to police custody in the same premises – dormitories together with detained persons.

District prison in Kruševac will allow persons deprived of their liberty to wash and dry their laundry and clothes in the common laundry room of the Institution.

The Administration for the Enforcement of Penal Sanctions will implement measures and activities in order to provide a suitable facility for the accommodation of persons deprived of their liberty for the needs of the District prison in Kruševac, in which material conditions will be in accordance with the applicable regulations and standards.

District prison in Kruševac shall, in the absence of an employed professional chef, hire another professional chef to prepare meals for persons deprived of their liberty.

The Administration for the Enforcement of Penal Sanctions will take measures to enable District prison in Kruševac to hire/recruit another professional cook, if needed.

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<sup>34</sup> Report on the visit to Police Department in Sombor, number 281-14/18 dated 20 December 2018.

<sup>35</sup> Report on the visit to District prison in Kruševac, number 281-3 dated 14 March 2018.

District prison in Kruševac shall provide persons deprived of their liberty with nutrition suitable for maintaining their good health and strength, including providing them with fruit at least twice a week.

District prison in Kruševac will allow persons deprived of their liberty to purchase items through a list twice a week, but not two days in a row, and without restrictions regarding the types of products they can buy.

District prison in Kruševac will form a separate case file for each complaint filed with the warden of the Institution, in which the complete documentation from the complaint procedure will be recorded.

District prison in Kruševac will establish an effective complaint procedure.

If the requests from the complaints of the persons deprived of their liberty are rejected, the Head of the Institution or other authorized person of the District prison in Kruševac will explain this decision to the applicants.

In District prison in Kruševac, persons deprived of liberty will be allowed to submit written requests for confidential conversations to the warden of the Institution through a special mailbox.

The mailbox for the requests of persons deprived of their liberty for confidential conversations with the warden of the Institution will be available to all persons deprived of their liberty, will indicate its purpose and will be locked, while the key to it will be kept exclusively by the warden.

When touring the Institution, the warden will check the contents of the special mailbox and take into consideration the requests submitted in this way.

In District prison in Kruševac, persons deprived of their liberty will file submissions, complaints and appeals in three copies, one of which will be forwarded to the competent authority, one will stay with the person deprived of liberty, and one will be filed in his/her personal sheet.

The date of receipt and the name of the official who received the submission in writing shall be entered on the copy remaining with the person deprived of his/her liberty.

In District prison in Kruševac, children will not be searched "naked".

In cases where there is reasonable suspicion that the persons deprived of their liberty received illicit items during a visit, a search will be conducted after the visit and/or testing for psychoactive substances.

District prison in Kruševac will post notices on the video surveillance in the premises where such surveillance exists.

District prison in Kruševac will take necessary measures to keep all video surveillance recordings for at least 30 days.

The Administration for the Enforcement of Penal Sanctions will take all necessary measures to provide the means to improve the video surveillance system in the District prison of Kruševac.

The Administration for the Enforcement of Penal Sanctions will procure uniforms, weapons and other equipment that is needed by the Security Service of the District prison in Kruševac.

The physician of the District prison in Kruševac will record the times of the examinations in the reports on the examinations of persons deprived of their liberty after applying coercive measures (examinations immediately after the application of the measure and repeated examinations between the twelfth and the twenty-fourth hour from the application of the measure).

In the District prison in Kruševac, when bringing sentenced persons from open and semi-open wards and persons punished for misdemeanor out of the Institution, handcuffing will be applied only on the basis of an individual assessment that a person needs to be handcuffed.

District prison in Kruševac will establish and keep records of the implementation of special measures for maintaining order and security.

District prison in Kruševac will form a separate case file for each individual application of a special measure for maintaining order and security, in which all documents related to the individual application of the special measure will be saved.

In the proposals for the application of a special measure, the competent services of the District prison in Kruševac will state the facts and circumstances that are important for the assessment of the justification of a decision.

In the explanation of the decision on the application of a special measure, factual situation shall be stated, as well as the evidence on the basis of which the decision was established, the reasons which were decisive in the assessment of the evidence, the regulations and the reasons which, given the established factual situation, point to the decision to apply solitary confinement in a specific case, and other prescribed explanations of the decision.

District prison in Kruševac will, in the notifications on the right to legal assistance to convicted persons in disciplinary proceedings, point to the Law graduates from the Institute who are obliged to render them such assistance if they do not have their own attorney.

District prison in Kruševac will enable convicted persons to exercise their right to legal assistance in disciplinary proceedings even before the hearing (by enabling the legal aid providers to consult the convicted persons against whom the proceedings have been initiated and to familiarize themselves with case files and other activities related to the legal aid).

District prison in Kruševac will make sure that each convicted person against whom disciplinary proceedings are initiated is given sufficient time to prepare the defense (at least 3 days between the day the call is received and the day of the hearing).

District prison in Kruševac will review the policy of disciplinary punishment of convicted persons, and the disciplinary measure of solitary confinement will only be used in exceptional cases.

The Administration for the Enforcement of Penal Sanctions will take all necessary measures in order to fill in the workplace regarding the treatment of prisoners in the District prison in Kruševac envisaged by the current systematization.

The Administration for the Enforcement of Penal Sanctions will provide training on specialized treatment programs for the treatment officer of the District prison in Kruševac.

District prison in Kruševac will create conditions for the realization of set individual goals.

Convicts will not be automatically deprived of their extended rights and benefits when they are subsequently categorized into a group with a lower degree of extended rights and benefits, but only if the prescribed conditions for their deprivation are met in the specific case.

The proposals of the expert team and the decision of the warden will contain the explanation why, in the particular case, the convicted person should be deprived of the extended rights and benefits.

The Administration for the Enforcement of Penal Sanctions will undertake measures and activities in order for the Probation service in Kruševac to start providing assistance and support services to convicts after their sentence has been completed.

District prison in Kruševac will take measures to fill systematic job positions for persons deprived of their liberty.

District prison in Kruševac will take measures to also recruit the convicts from the "V" group and detainees.

District prison in Kruševac will offer more organized sports activities to convicts.

District prison in Kruševac will take measures to enable convicts to participate in cultural and artistic leisure activities.

When exercising the right to visits, the NPM is of the opinion that the Institution should trust convicts when it comes to their testimonies about extra-marital partners, unless there is a reasonable doubt about the testimonies, at which point evidence of extramarital community would be sought.

The NPM thinks that detained parents should not be prevented from making contact with their children. Denying the mentioned contact is only justifiable in exceptional situations.

District prison in Kruševac will consider setting up more payphones in order to allow all persons to make uninterrupted calls, as well as to enable calls in the afternoon (5pm to 7pm).

District prison in Kruševac will provide detained persons, at the expense of the Institution, with a timely first telephone call upon receipt.

In the District prison in Kruševac, persons deprived of their liberty that require the use of wheelchairs or other aids for movement will be provided with accommodation and other living conditions appropriate to the type and degree of their special needs.

The Administration for the Enforcement of Penal Sanctions will take measures to hire at least one permanent doctor in the District prison of Kruševac, as well as two nurses-technicians.

In the District prison in Kruševac, the way of keeping medical records of persons deprived of their liberty will be improved, so that confidential information contained in them is available exclusively to medical personnel.

In the District prison in Kruševac, the doctor will submit to the warden the appropriate reports, findings and recommendations, verbally as well as in writing – periodic reports on the health status of the convicted persons; a report whenever he finds that the convicted person's physical or mental condition has been disturbed or endangered by the extension or a manner of serving his/her sentence, as well as recommendations for the treatment of those persons; findings and recommendations on the quantity and quality of food for convicts; findings and recommendations on improving hygiene in the institution and inmates' facilities, the state of sanitary conditions and appliances, heating, lighting and ventilation in the premises where the convicts are held; findings and recommendations regarding the necessary physical activities of convicts.



In the District prison in Kruševac, it is necessary to ensure the continuous presence of persons with medical qualifications who, among other professional activities, will distribute medicines, so as to avoid situations when this job is performed by non-medical staff.

The doctor in the District prison in Kruševac will inspect every detainee and prisoner immediately upon admission to the Institution.

District prison in Kruševac will implement measures and activities without delay to provide regular checks for the imprisoned persons and other necessary dentist services.

District prison in Kruševac will provide the services of at least one psychiatrist, by employing a doctor of an appropriate profession, thereby ensuring that a psychiatrist (or neuropsychiatrist) is always present at the Institute, in accordance with the identified needs of the convicted persons.

The Administration for the Enforcement of Penal Sanctions will take appropriate measures within its competence in order for the Institution to implement the given recommendation.

The Ministry of Health will, without delay, perform supervision over the work of doctors at the District Prison in Kruševac.

## Penal Correctional Institution in Šabac<sup>36</sup>

Penal Correctional Institution in Šabac will check the correctness of the buttons for calling members of the Security Service in the closed and detention department and will eliminate possible failures.

Penal Correctional Institution in Šabac will install an electric bell button for calling the member of the Security Service on duty, with sound and light signals, also in semi-open and open departments.

Penal Correctional Institution in Šabac will provide detainees with at least eight cubic meters and four square meters of space.

Penal Correctional Institution in Šabac will adjust the number of beds in dormitories according to current standards.

The Director of the Administration for the Enforcement of Penal Sanctions shall without delay submit to the Minister of Justice a proposal to appoint a warden in the Penal Correctional Institution of Šabac.

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<sup>36</sup> Report on the visit to the Penal Correctional Institution in Šabac, number 281-27/18 dated 30 April 2018.

The Administration for the Enforcement of Penal Sanctions will take all necessary measures to fill the vacancy of the Head of the treatment service at the Penal Correctional Institution of Šabac.

Penal Correctional Institution in Šabac will enable the inclusion of persons classified in the "V" group in trainings and courses, according to their individual interests and affinities.

Penal Correctional Institution in Šabac will create equal conditions for the employment of convicts classified in the "V" group, in accordance with their individual interests and the estimated level of risk.

Prisoners in the Penal Correctional Institution in Šabac will not be given individual goals if there are no possibilities for their realization within the Institution.

Penal Correctional Institution in Šabac will, through the notification on the right to legal assistance to convicted persons in the disciplinary proceedings, indicate law graduates of the Institute, who are obliged to render such assistance to them.

Penal Correctional Institution in Šabac will allow convicted persons in closed wards and detainees to use exercise equipment that is protected from atmospheric precipitation.

The Administration for the Enforcement of Penal Sanctions will take measures to hire a second professional chef in the Penal Correctional Institution in Šabac.

The Penal Correctional Institution in Šabac will train the newly admitted physician on the duties of doctors in the institution, stipulated by the Law on Execution of Criminal Sanctions and on the handling of cases of application of coercive measures in accordance with the Istanbul Protocol.

The Administration for the Enforcement of Penal Sanctions will improve and intensify the system of education of physicians regarding the obligations of physicians in the institution stipulated by the Law on Execution of Criminal Sanctions and will carry out continuous training of medical staff.

## District prison in Užice<sup>37</sup>

District prison in Užice will provide the space required for the accommodation of persons deprived of their liberty, so that at least eight cubic meters and four square meters of space is provided for one person in the dormitory (not counting the toilet, if present in the room).

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<sup>37</sup> Report on the visit to the District prison in Užice, number 281-31/18 dated 14 June 2018.

District prison in Užice will facilitate access to the toilet in the detention unit to persons with reduced mobility.

District prison in Užice will replace all worn out mattresses.

District prison in Užice will not place persons assigned to police custody in the same premises – dormitories together with detained persons.

District prison in Užice will provide and adequately equip a special room for visits by close persons.

The Administration for the Enforcement of Penal Sanctions will implement measures and activities in order to provide an adequate facility for the accommodation of persons deprived of their liberty for the District prison of Užice, in which material conditions will be in accordance with the applicable regulations and standards.

District prison in Užice will allow persons deprived of their liberty to see the prices of items, as well as to purchase items through a list twice a week, on days not one after the other.

District prison in Užice will establish and keep a record of the provision of legal assistance to persons deprived of their liberty.

District prison in Užice will submit a written and explanatory response to the submissions of persons deprived of their liberty.

At the District prison in Užice, written letters (documents) of persons deprived of their liberty, except those addressed to the Institution or under which the Institution is obliged to act by law, will be received by officials from the persons (senders) in sealed envelopes and the senders will be handed receipts of the handover of documents.

If there is suspicion that an illegal item is in an envelope, the official will open and inspect the envelope in the presence of the sender, without gaining access to the contents of the letter, and will make an official note about it.

In the District prison in Užice, persons deprived of their liberty will submit their submissions, complaints and appeals in three copies, one of which will be forwarded to the competent authority, one will remain with the person, and one will be saved in his personal file.

The date of receipt and the name of the official who received the document shall be entered on the copy that remains with the person deprived of liberty.

District prison in Užice will allow persons deprived of their liberty to submit written requests for confidential conversations with the warden of the Institution through a special mailbox.

The mailbox for the requests of persons deprived of their liberty for confidential conversations with the warden of the Institution will be available to all persons deprived of their liberty, will indicate its purpose and will be locked, while the key to it will be kept exclusively by the warden.

When touring the Institution, the warden will check the contents of the special mailbox and take into consideration the requests submitted in this way.

District prison in Užice will put up notifications on video surveillance in all premises that have it.

The Administration for the Enforcement of Penal Sanctions will provide members of the Security Service of District prison in Užice with uniforms and its replacement parts in accordance with their prescribed duration.

In District prison in Užice, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will immediately be sent to health control.

In District prison in Užice, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will be referred to health control at least once in 3 years.

In District prison in Užice, in case there is a need to enforce coercive measures, the use of more severe measures than necessary will be avoided, by providing a sufficient number of Security Service staff and by taking other necessary measures.

In District prison in Užice, any application of coercive measures will be recorded in the appropriate records; a report will be compiled on the implementation of each of these measures and after each implementation of the measures, except for the handcuffing measure, medical examinations will be carried out of the persons to whom the measure was applied.

The Administration for the Enforcement of Penal Sanctions will take measures to fill in the position of a lawyer in the General Affairs Service of the District prison in Užice.

District prison in Užice will ensure that each convicted person against whom disciplinary proceedings have been instituted is given sufficient time to prepare the defense, that is, at least 3 days should elapse between the day the call is received and the day of the hearing.

The body conducting disciplinary proceedings against convicted persons in the District prison in Užice shall receive a report from the counselor on the

convicted person, on the basis of which he/she will determine the facts relevant to the decision regarding the type and amount of possible disciplinary measure and other facts relevant to the proceedings.

The body conducting disciplinary proceedings against convicted persons in the District prison in Užice shall enter the decision and other prescribed information in the minutes of the hearing.

The body conducting disciplinary proceedings against convicted persons in the District prison in Užice shall pay more attention to the defense of convicts by checking the allegations they make and identifying the facts that benefit them.

District prison in Užice will pay special attention to the health status of prisoners during the execution of the disciplinary measure of solitary confinement, by carrying out their medical examinations daily and by allowing them to stay in fresh air for at least 1 hour a day.

In the book on execution of the disciplinary measure of solitary confinement, the doctor who examined the convicted person shall document that he had performed the medical examination and shall confirm this by signature/facsimile.

District prison in Užice will consider placing video surveillance in the premises for the execution of the measure of solitary confinement, taking into account the protection of individuals' privacy.

The Administration for the Enforcement of Penal Sanctions will include the employees engaged in the treatment activities in the District prison in Užice in the training for the implementation of specialized treatment programs.

Bearing in mind that short sentences are carried out at the Institution, and that the period of one year is short in order to organize and carry out other forms of treatment work except individual and work engagement, the NPM's opinion is that it would be good to use this period to organize short trainings/courses whose completion is more certain and where the motivation of the convicted persons to participate is greater as it provides an opportunity for them to retrain or further qualify and therefore ensure their own socio-economic existence.

District prison in Užice will take measures to also recruit the convicts and prisoners from group "V".

District prison in Užice will enable all persons deprived of their liberty to stay in the fresh air daily, in accordance with applicable regulations and standards.

District prison in Užice will provide conditions for practicing physical and sports activities.

The NPM's view is that the District prison in Užice should consider organizing cultural and artistic activities for prisoners who are interested in participating in them.

District prison in Užice will allow the visits to persons deprived of their liberty to last for a minimum of 1 hour.

In the future, during reception, the District prison in Užice will inform all detainees about their right to inform family members or other close persons about their admission to custody and will, at their request, inform the family or other close person designated by them.

The Administration for the Enforcement of Penal Sanctions will undertake measures and activities so that the Probation Office in Užice starts providing assistance and support services to convicts after their sentence has been completed.

The Administration for the Enforcement of Penal Sanctions will take measures to employ a permanent doctor in District prison in Užice, as well as another medical technician.

In the District prison in Užice, the doctor will submit to the warden the appropriate reports, in writing and verbally, as well as findings and recommendations – periodic reports on the health status of prisoners; a report whenever it is established that the convicted person's physical or mental condition has been disturbed or endangered by the extension or the manner of serving his/her sentence, as well as recommendations for the treatment of that person; findings and recommendations on the quantity and quality of food for convicts; findings and recommendations on improving hygiene in the prison and inmates' facilities, the state of sanitary conditions and appliances, heating, lighting and ventilation in the premises of the convicts; findings and recommendations regarding the necessary physical activities of convicts.

In the District prison in Užice, it is necessary to ensure the continuous presence of persons with medical qualifications, who will, among other professional activities, also distribute medicines, so as to avoid situations when this job is performed by non-medical staff.

District prison in Užice will ensure that access to medical records and other records containing medical data and personal information of patients, which are kept in the clinic, is provided exclusively to the medical staff.

The doctor in the District prison in Užice will inspect each detainee and the person sentenced to imprisonment immediately upon admission to the Institution.

The NPM considers that persons who announce a hunger strike should not, as a rule, be singled out in a separate room. All available measures should be taken to keep the medical records of these persons in accordance with the Malta Declaration. A person who has declared a hunger strike is to be placed in a separate room only if certain specific circumstances or behavior of the person pose a security risk, as the mere announcement of a hunger strike does not present any security risk.

The Ministry of Health will immediately supervise the work of doctors at the District prison in Užice.

### Penal Correctional Institution in Belgrade – Padinska Skela<sup>38</sup>

Penal Correctional Institution Padinska Skela will provide a living space of at least 6m<sup>2</sup> in dormitories where one person deprived of liberty is placed, and an additional 4m<sup>2</sup> in group dormitories, not counting the sanitary block if located in the room, for each additional person.

Penal Correctional Institution Padinska Skela will adjust the number of beds in relation to the size of each room-dormitory.

Penal Correctional Institution Padinska Skela will provide detained persons with adequate artificial lighting by installing light bulbs in all rooms-dormitories where they are missing and installing light switches in restrooms within the dormitories.

Penal Correctional Institution Padinska Skela will provide persons deprived of their liberty with adequate bedding by replacing old and worn mattresses.

Penal Correctional Institution Padinska Skela will renovate the premises used by persons deprived of their liberty at the Institution's economy facility by replacing windows, floors and the sanitary appliances within the common sanitary block and bathrooms used by prisoners.

The Administration for the Enforcement of Penal Sanctions will take all available measures to enable persons deprived of their liberty who are sent to solitary confinement to be provided with living conditions in accordance with the standards, that is, the spaciousness of premises of at least 6m<sup>2</sup>, not counting the sanitary block.

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<sup>38</sup> Report on the visit to PCI in Belgrade – Padinska Skela, number 281-60/18 dated 16 August 2018.

Penal Correctional Institution Padinska Skela will replace worn-out sanitary appliances in the sanitary blocks in the rooms-dormitories designated for the execution of the disciplinary measure of solitary confinement; it will provide a table and a chair for sitting, install a button to call the guards and improve the room hygiene.

Penal Correctional Institution Padinska Skela will provide, in the closed part of the Institution, common rooms for persons deprived of their liberty in accordance with the regulations and applicable standards.

Penal Correctional Institution Padinska Skela will renovate the shared bathroom in a semi-open ward without delay and will replace any worn out sanitary appliances in all shared bathrooms and sanitary blocks in the dormitories.

Penal Correctional Institution Padinska Skela will provide complete and timely hygiene packages, as well as a place for cleaning and maintaining prisoners' clothing in a closed ward.

Penal Correctional Institution Padinska Skela will pay special attention to the disinsectization of the premises used by persons deprived of their liberty.

Penal Correctional Institution Padinska Skela will take steps to allow the persons deprived of their liberty who perform work to take a shower immediately after the working day is over.

The Administration for the Enforcement of Penal Sanctions will take measures within its jurisdiction to ensure adequate supply of water in the Penal Correctional Institution Padinska Skela, in all premises where persons deprived of their liberty reside.

Penal Correctional Institution Padinska Skela will pay special attention and consider the remarks of persons deprived of their liberty regarding the quality and quantity of food. The Administration for the Enforcement of Penal Sanctions will be informed of any deficiencies observed as a result of food preparation at the PCI of Belgrade.

The Administration for the Enforcement of Penal Sanctions will take all available measures to eliminate possible deficiencies in the nutrition of persons deprived of their liberty which are a result of food preparation in the PCI of Belgrade.

Penal Correctional Institution Padinska Skela will, when distributing food, ensure that all convicts receive a portion that is appropriate for them and will allow them to use the refrigerator to store food.

Penal Correctional Institution Padinska Skela will, in accordance with the convicts' requests, allow the purchase of fruit through the canteen, as



well as all other appropriate items that the Institution's canteen does not normally provide.

Penal Correctional Institution Padinska Skela will pay particular attention to the shelf life of foods that can be purchased through the Institution's canteen.

Penal Correctional Institution Belgrade – Padinska Skela will establish and maintain records of providing legal assistance to persons deprived of their liberty.

The General Affairs Service of the Penal Correctional Institution Belgrade – Padinska Skela will establish a proactive approach to persons deprived of their liberty and will make direct contact with them to provide the necessary information on the execution of imprisonment and legal assistance regarding the exercise of their rights, especially the application of a parole.

The Administration for the Enforcement of Penal Sanctions will take all measures within its jurisdiction to ensure that the employees of the Penal Correctional Institution Belgrade – Padinska Skela have the same admission and working conditions, so as to avoid the situation where some employees who have the same job are granted accelerated retirement and others are not.

In the Penal Correctional Institution Belgrade – Padinska Skela, persons who are deprived of their liberty will be issued receipts of handover of documents.

Penal Correctional Institution Belgrade – Padinska Skela will take steps to improve the video surveillance system that will allow for better monitoring.

The Administration for the Enforcement of Penal Sanctions will provide the equipment and/or resources that the Penal Correctional Institution Belgrade – Padinska Skela needs to improve video surveillance monitoring.

Penal Correctional Institution Belgrade – Padinska Skela will place notices on video surveillance in prominent places, inside rooms with video surveillance.

Penal Correctional Institution Belgrade – Padinska Skela will make an analysis of the needs for employees in the Security Service and will submit it to the Administration for the Enforcement of Penal Sanctions.

The Administration for the Enforcement of Penal Sanctions will consider the conclusion of the analysis of the need for employees in the Security Service of the Penal Correctional Institution Belgrade – Padinska Skela and shall accordingly take all available actions in order to amend the act on the systematization of jobs and employ additional employees, taking into account the need for gender mixed employment.

The Administration for the Enforcement of Penal Sanctions will provide members of the Security Service of the Penal Correctional Institution Belgrade – Padinska Skela with uniforms and their replacement parts in accordance with their prescribed duration.

At the Penal Correctional Institution Belgrade – Padinska Skela, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will immediately be sent to health control.

At the Penal Correctional Institution Belgrade – Padinska Skela, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will be referred to health control at least once in 3 years.

The NPM welcomes the introduction of report forms drawn up for the enforcement of coercive measures, as they represent a tool for members of the Security Service and physicians for more detailed reporting and documentation of the enforcement of coercive measures and injuries sustained by those subject to them. These forms may prove to be a good means of eliminating the objections so far, of both the NPM and the CPT, in relation to the content of the reports compiled so far.

However, the type and location of injuries on the (scheme) display of the body have not been drawn in any of the cases that the NPM had insight to, and some individual reports of members of the Security Service and the physicians were compiled in the old manner. This may be due to the fact that this is a new way of reporting and that the services need some time to adapt to the new report forms, but also to eliminate the perceived deficiencies in the designed system. It is expected that over time the new system of work will be fully operational. In the meantime, the NPM wants to draw the attention of the management of the Penal Correctional Institution to the need for these forms to be duly completed, and therefore refers to the following:

At the Penal Correctional Institution Belgrade – Padinska Skela, reports from members of the Security Service and reports on medical examinations performed regarding the application of coercive measures will be compiled on the prescribed forms, which will be duly completed. In particular, the reports on medical examinations will indicate the locations and types of injuries on body images (schemes) and provide the physician's findings on the connection of the observed injuries with the manner of their occurrence.

At the Penal Correctional Institution Belgrade – Padinska Skela, the orders for the escort of the convicted persons will indicate whether the convicted

person should be handcuffed and in what way, and the order for handcuffing convicted persons from the open and semi-open wards will only be issued on the basis of an individual assessment that the person should be handcuffed.

At the Penal Correctional Institution Belgrade – Padinska Skela, the prisoners will be bound by their feet during the escort only if it is explicitly stated in the escort order and in accordance with the individual assessment.

Penal Correctional Institution Belgrade – Padinska Skela will prepare an analysis of the needs for law graduate employees and will submit it to the Administration for the Enforcement of Penal Sanctions.

The Administration for the Enforcement of Penal Sanctions will consider the conclusion of the analysis of the need for law graduate employees in the Penal Correctional Institution Belgrade – Padinska Skela and will accordingly take all available measures in order to eventually amend the act on systematization of work positions and employ additional employees.

The NPM believes that the employment of another physician would create the conditions for regular visits to persons subject to the disciplinary measure of solitary confinement and the special measure of isolation, and expects that doctor visits will be performed daily.

The Administration for the Enforcement of Penal Sanctions will take all necessary measures to resolve the long-standing unsolved employment status of some employees in the Penal Correctional Institution Belgrade – Padinska Skela and to recruit more employees in accordance with the needs of the Institution.

Convicted persons and persons punished for misdemeanor do not need to file a written submission for an interview with the employees, but can contact them directly if they feel the need to talk.

The NPM considers that the Institution should provide adequate facilities for performing individual and group forms of correctional work with convicts classified in group “V”.

The NPM considers that offenders should have a more favorable and lenient sentencing regime than the convicted persons classified in group “V”, given that they are persons serving short prison sentences and have been punished for lighter offenses.

Penal Correctional Institution Belgrade – Padinska Skela will provide conditions to enable convicts from the closed ward to be included in trainings and courses according to their interests and affinities.

Penal Correctional Institution Belgrade – Padinska Skela will take steps to increase the number of work positions and employ the convicts in the closed ward.

Penal Correctional Institution Belgrade – Padinska Skela will provide conditions for practicing indoor and outdoor physical and sports activities.

Penal Correctional Institution Padinska Skela will ensure that all offenders are able to watch television program.

When exercising the right to a visit from an extramarital partner, the Institution should believe the convicts when it comes to their testimonies about extramarital partners, unless there is reasonable doubt about the testimonies, at which point evidence of extramarital community would be sought.

Penal Correctional Institution Padinska Skela should examine the allegations of convicts from the closed ward regarding the needs of using a telephone. If the allegations are correct, the Institution will take steps to enable them to use a pay phone at different times during the day, so that each convict can make calls at least four times a week.

The Administration for the Enforcement of Penal Sanctions will take measures to engage a sufficient number of medical technicians at the Penal Correctional Institution Belgrade – Padinska Skela with the goal to achieve a permanent presence of medical staff at the Institution.

The Institution will ensure that the infirmary (special room for performing medical examinations) is equipped with a floor examination lamp, an oxygen dispenser with a bottle, a negatoscope for the examination of x-ray films, as well as other necessary equipment for medical examinations and performing medical interventions.

The Institution will improve artificial lighting and hygiene in all rooms for the accommodation of sick convicts in a semi-open ward. Room 23 will also provide natural light, and until then this room will be put out of use.

The Institution will make the windows transparent in the accommodation room for the sick convicts in the closed ward (will remove the blurred glass).

At the Penal Correctional Institution Belgrade – Padinska Skela, medicines will be distributed exclusively by medical staff.

A doctor at the Penal Correctional Institution Belgrade – Padinska Skela will visit sick persons who are deprived of their liberty every day.

Penal Correctional Institution Belgrade – Padinska Skela will provide regular services of a psychiatrist who will periodically (at least once a week) come to the premises of the Institution for performing specialist examinations.

Penal Correctional Institution Belgrade – Padinska Skela will document the injuries observed on the persons deprived of their liberty upon their admission to the Institution in the same way as documenting the injuries received at the Institution: in addition to the medical records, the injuries will also be entered in a special record and reported to the warden, with all the necessary elements (allegations of the injured person, medical findings, doctor's opinion and the body scheme).

Penal Correctional Institution Belgrade – Padinska Skela will obtain from the procedural authority (public prosecutor or the court that appointed the expert witness) the written finding and the opinion of an expert who has examined and autopsied the corpse of a person who was deprived of liberty at the time of death.

The physician of the Penal Correctional Institution Belgrade – Padinska Skela will periodically submit reports on the health of the convicted persons to the warden of the Institution; a report whenever it is found that the convicted person's physical or mental condition has been disturbed or endangered by the extension or manner of serving his/her sentence, together with the recommended measures for the treatment of that person, including the possibility of termination of the sentence; findings and recommendations on the quantity and quality of food for the convicts; findings and recommendations on improving hygiene of the Institution and the inmates, the state of sanitary conditions and appliances, heating, lighting and ventilation in the premises of the convicts; findings and recommendations regarding the necessary physical activities of convicts.

The doctor will control the food served to persons deprived of their liberty in the Penal Correctional Institution Belgrade – Padinska Skela, which he will confirm by signing the weekly menu.

## District prison in Zrenjanin<sup>39</sup>

The Administration for the Enforcement of Penal Sanctions will implement measures and activities to address the problem of overcrowding in District prison in Zrenjanin and will provide material and living conditions to persons deprived of their liberty in accordance with applicable regulations and standards, in particular those relating to the spaciousness of dormitories, provision of common premises, new beds and mattresses, sanitary appliances, personal hygiene maintenance, disinsectization and moisture on the dormitory walls.

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<sup>39</sup> Report on the visit to District prison in Zrenjanin, number 281-65/18 dated 13 September 2018.

District prison in Zrenjanin will remove the dampness from walls, perform the disinsectization and then the hygienic painting in the rooms-dormitories and sanitary blocks.

District prison in Zrenjanin will enable all persons deprived of their liberty to wash their personal laundry and dry it in the Institution's laundry.

District prison in Zrenjanin will provide persons deprived of their liberty with a nutrition that can maintain their good health and strength, and, inter alia, twice a week they will be provided with fresh fruit.

Persons deprived of their liberty in the District prison in Zrenjanin will receive receipts of submission of their documents to the Institution.

In the District prison in Zrenjanin, during a detailed search, persons deprived of their liberty will not be required to take off all their clothes at the same time. In the first phase, they will remove the clothing from the belt upwards, and in the second phase, they will remove the clothing from the belt downwards and after each phase they will be allowed to put the removed clothes back on.

District prison in Zrenjanin will prepare an analysis of the needs for the employees in the Security Service and submit it to the Administration for the Enforcement of Penal Sanctions.

The Administration for the Enforcement of Penal Sanctions will consider the analysis of the needs for the employees in the Security Service of the District prison in Zrenjanin and will accordingly take all available measures in order to amend the act on the systematization of work positions and employ additional workers, taking into account the need for gender mixed employment.

The Administration for the Enforcement of Penal Sanctions will provide members of the Security Service of the District prison in Zrenjanin with uniforms and their replacement parts in accordance with their prescribed duration.

In the District prison in Zrenjanin, documentation of injuries will be improved by marking the injuries of persons deprived of their liberty on the schematics of the body by the doctor.

In the District prison in Zrenjanin, when the application of the measure of coercion involving fixation of prisoners with leather straps was initiated without the prior opinion of the psychiatrist or neuropsychiatrist, the tied person will be provided with an examination of the psychiatrist or neuropsychiatrist within two hours from the moment of fixation, and his/her physical and mental condition will be continuously and directly monitored by the medical staff.

In the District prison in Zrenjanin, the exclusion of persons deprived of their liberty from the regular regime of serving their sentence will be done on the basis of an appropriate decision taken in the appropriate legal procedure.

In the District prison in Zrenjanin, a doctor will visit and control the psychophysical condition of a person every day, according to which a special measure of isolation and a disciplinary measure of solitary confinement may be carried out.

District prison in Zrenjanin will prepare an analysis of the needs for law graduate employees and submit it to the Administration for the Enforcement of Penal Sanctions.

The Administration for the Enforcement of Penal Sanctions will consider the analysis of the needs for law graduate employees in District prison in Zrenjanin and will, accordingly, take all available measures in order to eventually amend the act on the systematization of work positions and employ additional employees.

The body conducting disciplinary proceedings against convicted persons in the District prison in Zrenjanin shall decide on the type and the amount of possible disciplinary measures on the basis of the facts established in the relevant reports of the prison services.

The Administration for the Enforcement of Penal Sanctions will take measures to resolve the unresolved employment status of some workers in the District prison in Zrenjanin.

The Administration for the Enforcement of Penal Sanctions will undertake measures to relieve certain employees of additional work on the implementation of non-institutional sanctions and measures.

The Administration for the Enforcement of Penal Sanctions will include the employees engaged in the treatment activities in the District prison in Zrenjanin in the training and professional development.

The treatment department in the District prison in Zrenjanin will also include planned activities and thematic discussions in the records on individual interviews with convicts, related to the set individual goals, in order to perform the final evaluation of the success of the set individual goal.

The Administration for the Enforcement of Penal Sanctions will allocate funds annually for the realization of trainings and courses in the District prison in Zrenjanin.

District prison in Zrenjanin will take measures in order to recruit detainees.

District prison in Zrenjanin will ensure that the detainees have the possibility to go outside, in fresh air, for at least two hours a day.

Treatment officers will outline precise activities when treating prisoners in the future, in the area of "actions and activities against the convicted person", with the aim of reducing the high level of risk for the area assessed as such.

District prison in Zrenjanin will allow persons deprived of their liberty to receive, through packages, items that are not identical to those they can buy through the canteen.

The Administration for the Enforcement of Penal Sanctions will undertake measures in order to engage a sufficient number of medical technicians in the District prison in Zrenjanin in order to ensure permanent presence of medical staff at the Institution.

The Institution will ensure that the infirmary (special room for carrying out medical examinations) is equipped with a floor examination lamp, a negatoscope for the examination of x-ray films, as well as other necessary equipment for performing medical examinations and medical interventions.

In accordance with the technical capabilities, the Institution will provide a special room for performing medical interventions.

The Institution will improve the quality of accommodation in the rooms for the accommodation of sick persons, will improve the supply of natural light in the room in which it is insufficient, repair or replace sanitary installations and improve the hygiene.

Medical examinations of persons deprived of their liberty will be carried out only in the presence of healthcare professionals, unless otherwise requested by the physician.

Members of the Security Service are obliged to alert the physician to all safety aspects that are relevant to the physician's decision on the presence of non-medical staff during the medical examination.

If the physician requires the presence of non-medical staff for the examination and/or other medical activities, it is necessary that the facts on such request, as well as the information on the non-medical staff present, be recorded in the medical records for the particular person deprived of his liberty.

District prison in Zrenjanin shall obtain from the procedural authority (public prosecutor or the court that ordered the expert evaluation) a written finding and the opinion of an expert who has examined and autopsied the corpse of a person deprived of liberty at the time of death.



## District prison in Novi Pazar<sup>40</sup>

District prison in Novi Pazar will indicate that the mailbox for requests of persons deprived of liberty for confidential discussions with the warden of the Institution is there for that purpose.

In the District prison in Novi Pazar, when registering injuries of newly admitted persons deprived of their liberty, which coincide with their allegations of abuse by police officers, all information and the complete documentation (medical findings, photographs of injuries, statements of persons and other documents) will be delivered to the competent public prosecutor's office.

## Penal Correctional Institution in Sombor<sup>41</sup>

Penal Correctional Institution in Sombor will replace the worn-out beds and mattresses at the Institution.

Penal Correctional Institution in Sombor will provide all persons deprived of their liberty with adequate cassettes for the storage of personal belongings.

The Administration for the Enforcement of Penal Sanctions will take measures within its jurisdiction to provide adequate beds, mattresses and cassettes for the storage of personal belongings in Penal Correctional Institution in Sombor as soon as possible.

Penal Correctional Institution in Sombor will provide adequate sanitary appliances in all rooms – dormitories in which the devices are worn out, especially in the common bathroom of the Institution, as well as privacy in the shower.

Penal Correctional Institution in Sombor will provide a place for cleaning and maintaining the clothes of persons deprived of their liberty, especially during the winter days, or in adverse weather conditions.

The Administration for the Enforcement of Penal Sanctions will take measures within its jurisdiction to remedy this problem.

All available measures and activities should be implemented without delay in order to secure a suitable facility for the Penal Correctional Institution in Sombor for the accommodation of persons deprived of their liberty in which material conditions will be in accordance with the applicable standards.

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<sup>40</sup> Report on the visit to District prison in Novi Pazar, number 281-71/18 dated 11 September 2018.

<sup>41</sup> Report on the visit to Penal Correctional Institution Sombor, number 281-13/18 dated 26 December 2018.

Penal Correctional Institution in Sombor will publish a weekly menu no later than the last day of the week for the coming week.

In the Penal Correctional Institution in Sombor, metal containers will be provided for serving meals to persons deprived of their liberty, as well as adequate thermal containers for the transport of food.

Penal Correctional Institution in Sombor will introduce the possibility of open visits of defenders/attorneys to persons deprived of their liberty – with no physical barriers between them.

In the Penal Correctional Institution in Sombor persons deprived of their liberty will not be required to remove all their clothing at the same time during a search. In the first phase, they will remove the clothes from the belt upwards, and in the second phase, they will remove the clothes from the belt downwards and after each phase they will be able to put their clothes back on.

Detailed searches of persons will not be conducted in front of other prisoners.

Penal Correctional Institution in Sombor will set up video surveillance in the solitary confinement room, common rooms and other premises within the Institution that it deems necessary.

Penal Correctional Institution in Sombor will post notifications on video surveillance in all premises that have it.

The Administration for the Enforcement of Penal Sanctions will take all necessary measures to provide the means for expanding the video surveillance system in the Penal Correctional Institution in Sombor.

The Administration for the Enforcement of Penal Sanctions will take available measures to fill in the remaining working positions in the Security Service of the Penal Correctional Institution in Sombor, taking into account the need for gender mixed employment.

In the Penal Correctional Institution in Sombor, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will immediately be sent to health control.

In the Penal Correctional Institution in Sombor, employees whose pensionable service is calculated at an accelerated rate so that for every 12 months of effective performance, up to 16 months of pensionable service are calculated will be referred to health control at least once in 3 years.

Penal Correctional Institution in Sombor will take steps to change the practice of security officers wearing rubber batons in a visible way in the prison.

If the authorized officer considers that the legitimate reasons for handcuffing a person undergoing hospital treatment are fulfilled, this will be done with respect for the dignity of the person deprived of liberty, and the application of this measure will be recorded.

In the Penal Correctional Institution in Sombor, decisions on the implementation of a special measure of testing for infectious diseases or psychoactive substances will determine whether this measure should be applied to a specific person.

In the Penal Correctional Institution in Sombor, all visits by the warden to persons who are in solitary confinement will be recorded.

The Administration for the Enforcement of Penal Sanctions will consider the possibility of hiring another law graduate in the Penal Correctional Institution in Sombor and take appropriate measures accordingly.

The disciplinary authority will also enter in the minutes from the hearing the information on the publicity of the hearing against convicted persons in the Penal Correctional Institution in Sombor.

The Administration for the Enforcement of Penal Sanctions will take measures to include the treatment employees in the Penal Correctional Institution in Sombor in training on the implementation of specialized work programs with prisoners.

The Administration for the Enforcement of Penal Sanctions will undertake measures to determine the funds on an annual basis for the realization of trainings and courses for persons deprived of their liberty in the Penal Correctional Institution in Sombor.

Penal Correctional Institution in Sombor will take measures to recruit the detainees.

Penal Correctional Institution in Sombor will allow detainees and persons in the reception room – dormitory, as well as persons housed in semi-open wards who are not employed, to watch TV programs in the morning.

Penal Correctional Institution in Sombor will take measures to equip the special room in accordance with standards.

The Administration for the Enforcement of Penal Sanctions will undertake measures in order to engage sufficient medical staff in the Penal Correctional Institution in Sombor to ensure their permanent presence at the Institution.

Penal Correctional Institution in Sombor will establish and maintain special records of the convicts' injuries.

Penal Correctional Institution in Sombor will provide instruments for the treatment of wounds for its infirmary.

Penal Correctional Institution in Sombor will provide a dormitory for people with mobility problems that will be tailored to their needs.

Penal Correctional Institution in Sombor will ensure that the first medical examination of persons deprived of their liberty is always carried out no later than 24 hours after their admission to the Institution.

The first examination of a person deprived of liberty in the PCI in Sombor will include an examination of all bodily areas, that is, an examination of a patient without clothing, in order to detect possible bodily harm that may be related to the violent treatment of a person deprived of liberty. In connection with this examination, it is necessary to enter in the medical records the appropriate findings – that a complete physical examination has been carried out which did not identify any bodily injuries, i.e. when such injuries are identified they must be described.

The height, weight and blood pressure of persons deprived of their liberty will be measured at the first examination and the results will be recorded in the appropriate documentation.

In the case of bodily injury, it is necessary to describe them in the findings of the physician in more detail in terms of size, localization, appearance, number and other things. On the basis of such a written finding, it is necessary to determine the type of injury, to indicate the diagnosis in Latin, and, if possible, to specify more precisely the mechanism of its occurrence, that is, to explain the correlation between the measure applied and the injuries that occurred.

Injuries will be recorded in a special form designed for this purpose, with a map of the body in which the injuries will be drawn, which will be stored in the health record.

Injuries will be photographed and photos will be stored in a medical record.

Penal Correctional Institution in Sombor will obtain from the procedural authority (public prosecutor or the court that ordered the expert evaluation) a written finding and the opinion of an expert who has examined and autopsied the corpse of a person deprived of liberty at the time of death.

The physician of the Penal Correctional Institution in Sombor will periodically submit reports on the health of the prisoners to the warden of the Institution; a report whenever it is found that the convicted person's physical or mental condition has been impaired or endangered by the extension

or manner of serving his/her sentence, and recommends measures for the treatment of that person, including the possibility of interruption of sentence; findings and recommendations on the quantity and quality of food for convicts; findings and recommendations on improving the hygiene of the Institution and the inmates, the state of sanitary conditions and appliances, heating, lighting and ventilation in the premises of the convicts; findings and recommendations regarding the necessary physical activities of convicts.

### I-3 – RECOMMENDATIONS ADDRESSED TO PSYCHIATRIC AND SOCIAL CARE INSTITUTIONS

#### Psychiatric Department of the General Hospital in Kruševac<sup>42</sup>

The hospital will relocate the psychiatric clinics, the Methadone clinic and the staff premises from the basement without delay.

The hospital will promptly provide material conditions that will facilitate a positive therapeutic environment, by remodeling or procuring beds, mattresses, new cabinets next to each patient's beds, purchasing wardrobes, decorating rooms and walls.

The medical history should be entered in the medical history form, systematized, detailed and understandable. The medical history must include all diagnostic information (including the results of all specialist examinations to which the patient has been subjected), as well as the current records of the patient's mental and somatic condition, and the information on his treatment. The records of prescribed therapy must be clear and unambiguous, kept by an on-duty or on-call physician. Records should be kept of the side effects of the medications.

The hospital will ensure that the subsequent introduction of any new medical measure is preceded by the consent of the patient or his/her caregiver to implementing a specific measure.

The hospital will ensure that information about patients' rights and mechanisms for their protection are clearly visible and accessible to all patients in the appropriate form (posters, brochures, etc.).

The hospital will enable the provision of the missing psychopharmaceuticals in the form of ampoules.

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<sup>42</sup> Report on the visit to the Psychiatric Department of the General Hospital in Kruševac, number 281-5/18 dated 14 March 2018.

Treatment should be based on an individualized approach, which involves drawing up a treatment plan for each patient. This should include occupation and group therapy, individual psychotherapy, artistic, dramatic, music and sports activities, including the opportunity to exercise outside, be educated, and get a proper job. Regular meetings with patients in the form of Therapeutic communities should be held. Conditions should be created for involving as many patients as possible in different modalities of psychosocial rehabilitation. Group psychotherapy should be organized with patients in the same diagnostic categories. Conditions should be created to allow patients to spend a certain amount of time outdoors, regardless of the weather.

The hospital will develop a program of education for the medical staff through identification of needs, a plan for cooperation with educational institutions and organizations and the plan for introduction of procedures for monitoring the organization of training and evaluation of the results achieved.

The hospital will execute the measure of physical restraint by mechanical restriction, the so-called fixation, completely in accordance with the regulations and established standards of treatment of persons with mental disabilities, in particular: 1. the mechanical restraint of the patient will be applied exceptionally when it is the only means to prevent the patient from seriously endangering his or her own life and safety or the life and safety of others; 2. before applying the mechanical restraint measure, less restrictive measures shall be considered and attempted; 3. the mechanical restraint of the patient will be implemented by the application of medical measures that will allow the period of application of the measure to be as short as possible; 4. the mechanical restraint of the patient will be carried out in a safe place and in the least threatening way for the life and health of the patient; 5. the measure of mechanical restraint of the patient will be implemented with dedicated means (belts, etc.) suitable for the restraint to be achieved in a way that minimizes the risk to the life and health of the patient; 6. the psychiatrist makes a decision on the application of the measure of mechanical restriction and the length of its duration, taking into account that the period of application of the measure should be as short as possible, in accordance with the applicable standards and rules of the medical profession; 7. if, in the absence of a psychiatrist, another health care professional performs the mechanical restraint of the patient whom he/she deems necessary and urgent at a given moment, he/she shall immediately inform the nearest psychiatrist about it, who shall immediately approach the patient and evaluate the justification of the applied mechanical restraint; as well as whether it is still needed, and shall make the appropriate decision accordingly; 8. a psychiatrist who has made a decision on the application of a measure of mechanical restriction

shall, during the duration of application of that measure, as well as in the appropriate period after the suspension of the measure, periodically visit the patient to whom the measure was applied and monitor his/her medical condition with due care; 9. when, during the execution of a measure of mechanical restraint, the psychiatrist determines that the patient to whom the measure was applied no longer poses a danger to himself or to another person, the patient will be released immediately from the application of the measure; 10. shortly before the expiry of the time limit for the application of the measure of mechanical restraint, the psychiatrist shall review the necessity of application of the measure in the following period and make a decision thereon, ordering that the mechanically restrained patient be released immediately if further application of the measure is not necessary; 11. during the application of the measure of mechanical restraint, medical staff will give increased attention and, as much as possible, be directly present with the patient who is mechanically restricted, so that this measure would not at the same time represent his isolation; 12. the mechanical restraint measure will not be applied in the room where patients are accommodated to which the mechanical restraint measure was not applied, nor will other patients be allowed access to that room; 13. the psychiatrist who has made the decision to apply the measure of mechanical restraint shall immediately inform the director of the Hospital about it or another person authorized by the director, who shall immediately inform the legal representative of the patient to whom the measure was applied, or the immediate family members of the patient to whom the measure was applied; 14. a special record shall be kept on the application of the mechanical restraint measure, in which all relevant data on the application of the measure shall be entered, namely: -the reasons for applying the measure of mechanical restraint; -a description of the measures taken before the mechanical restriction; -type of means used for mechanical restraint; -information on the place (room) where the mechanical restraint measure was applied; -the exact time (day/hour/minute) of the start of the mechanical restraint measure; -the name of the psychiatrist who made the decision to apply the measure of mechanical restraint; -the name of the health care professional who, in the absence of a psychiatrist, for reasons of urgency, mechanically restrained the disturbed patient before the psychiatrist made a decision; -when was the psychiatrist notified of mechanical restraint; -the opinion of the psychiatrist about the justification of the performed mechanical restraint; -a description of the medical measures applied during the mechanical restriction; -a description of all possible injuries to the patient to whom the measure of mechanical restraint (occurring before and during the application of the measure) was applied, as well as possible injuries to other patients or healthcare professionals (occurring in the event

that preceded the mechanical restraint);-data on periodical visits to the patient to whom the measure of mechanical restraint was applied and monitoring of his health condition by the psychiatrist (number of visits, exact time and duration of visits, performed actions); -information on the time of notification of the director of the Hospital or other person authorized by the director on the applied measure of mechanical restraint, as well as the information whether and when the legal representative or a close family member of the patient to whom the measure was applied was notified; -claims and comments of the patient during and immediately after the mechanical restraint measure has been applied to him; -exact time (day/hour/minute) of completion of the mechanical restraint measure.

The hospital will provide training for health care professionals on the conditions and procedure for implementing the physical restraint measure of disturbed patients, as well as training in the application of advanced nonviolent physical restraint techniques, all in accordance with the specific plan for training health professionals on the manner and the procedure of applying the physical restraint measure. The hospital will procure adequate fixators.

### Department of psychiatry at the General Hospital “Dr. Laza K. Lazarević” Šabac<sup>43</sup>

The hospital will promptly provide material conditions that will facilitate a positive therapeutic environment, by altering or procuring new beds, mattresses and bedding.

The hospital will take measures to replace and repair the old carpentry at the psychiatric ward.

### Special hospital for psychiatric diseases “Kovin”<sup>44</sup>

The hospital will reduce the number of beds in rooms in accordance with current regulations.

The hospital will immediately relocate patients from the Division of extended treatment and treatment of psychosomatic diseases to another appropriate ward, so that patients who use wheelchairs or other aids may be allowed to stay outside the building on a daily basis.

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<sup>43</sup> Report on the visit to Department of psychiatry at the General Hospital “Dr. Laza K. Lazarević” Šabac, number 281-29/18 dated 24 April 2018.

<sup>44</sup> Report on the visit to the Spec. hospital for psychiatric diseases “Kovin”, number 281-61/18 dated 16 August 2018.



The hospital will take steps to provide washing and drying machines and bedding, as well as to renovate the laundry facility.

The hospital will take steps to provide the sufficient amount of wardrobe for patients.

The hospital will immediately cover the floors of sanitary blocks with non-slip material.

The acting physician at the Hospital shall, before applying a medical measure, adequately provide the patient and his legal representative with all information in accordance with Art. 11 of the Law on Patients' Rights, and will obtain written consent for a medical measure in accordance with Art. 16 of the Law on the Protection of Persons with Mental Disabilities.

The Basic Court in Smederevo – The court unit in Kovin should take measures to hire an expert who is not an employee of the Hospital as an expert witness, and the decision on prolonged detention in psychiatric institutions should be made in accordance with Art. 35 Par. 1 of the Law on the Protection of Persons with Mental Disabilities ("Official Gazette of the RS", No. 45/13), following the same procedure by which a decision on detention without consent is issued (new expert evaluation, holding a new hearing, hearing the patient).

Until conditions are met to hire only non-hospital physicians as expert witnesses, in procedures of prolonged detention in a psychiatric institution without consent, the Hospital will not designate a member of the panel of physicians as an expert in a particular case.

Spec. hospital for psychiatric diseases "Kovin" will properly keep records of patients accommodated without consent. The medical records kept on these patients will include all documents regarding their involuntary hospitalization and treatment at the Hospital.

Long-term fixation will be avoided at the Hospital.

The Ministry of Health will undertake measures and improve regulations in terms of financing psychiatric hospitals, in accordance with the services actually provided, which include both the costs of treatment and the rehabilitation of patients.

## Gerontology Center in Kruševac<sup>45</sup>

The Center will enable watching television programs and other adequate content for all beneficiaries who, due to their immobility, are unable to participate in the everyday content on offer.

The Center will not bind beneficiaries under a pre-specified binding order.

The Center will execute the measure of physical restraint by mechanical restriction, the so-called fixation, completely in accordance with the regulations and established standards of treatment of persons with mental disabilities, in particular: 1. the mechanical restraint of the patient will be applied exceptionally when it is the only means to prevent the patient from seriously endangering his or her own life and safety or the life and safety of others; 2. before applying the mechanical restraint measure, less restrictive measures shall be considered and attempted; 3. the mechanical restraint of the patient will be implemented by the application of medical measures that will allow the period of application of the measure to be as short as possible; 4. the mechanical restraint of the patient will be carried out in a safe place and in the least threatening way for the life and health of the patient; 5. the measure of mechanical restraint of the patient will be implemented with dedicated means (belts, etc.) suitable for the restraint to be achieved in a way that minimizes the risk to the life and health of the patient; 6. the psychiatrist makes a decision on the application of the measure of mechanical restriction and the length of its duration, taking into account that the period of application of the measure should be as short as possible, in accordance with the applicable standards and rules of the medical profession; 7. if, in the absence of a psychiatrist, another health care professional performs the mechanical restraint of the patient whom he/she deems necessary and urgent at a given moment, he/she shall immediately inform the nearest psychiatrist about it, who shall immediately approach the patient and evaluate the justification of the applied mechanical restraint; as well as whether it is still needed, and shall make the appropriate decision accordingly; 8. a psychiatrist who has made a decision on the application of a measure of mechanical restriction shall, during the duration of application of that measure, as well as in the appropriate period after the suspension of the measure, periodically visit the patient to whom the measure was applied and monitor his/her medical condition with due care; 9. when, during the execution of a measure of mechanical restraint, the psychiatrist determines that the patient to whom the measure was applied no longer poses a danger to himself or to another person, the patient will be released immediately from the application of the

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<sup>45</sup> Report on the visit to the GC in Kruševac, number 281-6/18 dated 19 March 2018.

measure; 10. shortly before the expiry of the time limit for the application of the measure of mechanical restraint, the psychiatrist shall review the necessity of application of the measure in the following period and make a decision thereon, ordering that the mechanically restrained patient be released immediately if further application of the measure is not necessary; 11. during the application of the measure of mechanical restraint, medical staff will give increased attention and, as much as possible, be directly present with the patient who is mechanically restricted, so that this measure would not at the same time represent his isolation; 12. the mechanical restraint measure will not be applied in the room where patients are accommodated to which the mechanical restraint measure was not applied, nor will other patients be allowed access to that room; 13. the psychiatrist who has made the decision to apply the measure of mechanical restraint shall immediately inform the director of the Hospital about it or another person authorized by the director, who shall immediately inform the legal representative of the patient to whom the measure was applied, or the immediate family members of the patient to whom the measure was applied;

14. a special record shall be kept on the application of the mechanical restraint measure, in which all relevant data on the application of the measure shall be entered, namely: -the reasons for applying the measure of mechanical restraint; -a description of the measures taken before the mechanical restriction; -type of means used for mechanical restraint; -information on the place (room) where the mechanical restraint measure was applied; -the exact time (day/hour/minute) of the start of the mechanical restraint measure; -the name of the psychiatrist who made the decision to apply the measure of mechanical restraint; -the name of the health care professional who, in the absence of a psychiatrist, for reasons of urgency, mechanically restrained the disturbed patient before the psychiatrist made a decision; when was the psychiatrist notified of mechanical restraint; the opinion of the psychiatrist about the justification of the performed mechanical restraint; -a description of the medical measures applied during the mechanical restriction; -a description of all possible injuries to the patient to whom the measure of mechanical restraint (occurring before and during the application of the measure) was applied, as well as possible injuries to other patients or health-care professionals (occurring in the event that preceded the mechanical restraint); -data on periodical visits to the patient to whom the measure of mechanical restraint was applied and monitoring of his health condition by the psychiatrist (number of visits, exact time and duration of visits, performed actions); -information on the time of notification of the director of the Hospital or other person authorized by the director on the applied measure of mechanical restraint, as well as the information whether and when the legal

representative or a close family member of the patient to whom the measure was applied was notified; -claims and comments of the patient during and immediately after the mechanical restraint measure has been applied to him; -exact time (day/hour/ minute) of completion of the mechanical restraint measure.

The Center will provide training for health care professionals on the conditions and procedure for implementing the physical restraint measure of disturbed patients, as well as training in the application of advanced nonviolent physical restraint techniques, all in accordance with the specific plan for training health professionals on the manner and the procedure of applying the physical restraint measure.

### Institution for children and youth "Sremčica"<sup>46</sup>

The Belgrade City Administration will secure the necessary funds for providing housing and support to beneficiaries from the territory of the City of Belgrade.

It is necessary that the Ministry of Health and the Ministry of Labour, Employment, Veteran and Social Affairs take the necessary measures in order to resolve property-legal relations in order to adapt the facilities for accommodation of beneficiaries in the Institution for children and youth "Sremčica".

The expert team will respect the preferences of female and male beneficiaries when deciding on their allocation into groups within the Institution, i.e. they will be actively involved in the decision-making process. This implies that the Institution's professional staff will provide beneficiaries with such information so that they can understand and express their will and desire.

In cases where the expressed preference of the beneficiary is not respected, professional staff is obliged to give a special explanation of the reason for not respecting it, for each beneficiary individually.

The Institution shall take measures within its jurisdiction to provide adequate compensation to its directly employed beneficiaries for their work.

The Institution will develop accessible and customized psycho-social rehabilitation activities for beneficiaries and will involve all beneficiaries in psycho-social rehabilitation and occupational therapy programs in accordance with their needs and tailored to their capabilities.

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<sup>46</sup> Report on the visit to the Institution for children and youth "Sremčica", number 281-47/18 dated 25 June 2018.

The institution will make an analysis of the required number of experts for work in psycho-social rehabilitation and submit the analysis to the Ministry of Labour, Employment, Veteran and Social Affairs.

The City Center for Social Work in Belgrade will take steps to ensure that legal guardians regularly visit their residents at the Institution for children and youth "Sremčica".

The Ministry of Labour, Employment, Veteran and Social Affairs will take measures within its competence in order to adopt regulations that will regulate the conditions and procedure for restricting the freedom of movement and physically restraining beneficiaries housed in social welfare homes/institutions.

The Ministry of Health, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, will undertake measures to improve dental protection of persons with mental and intellectual disabilities.

The equipment in the dental office needs to be modernized.

The Ministry of Health, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, will undertake measures to protect persons with mental and intellectual disabilities and will revise the provisions of the regulations that generally affect consent to a medical measure.

It is necessary that the Ministry of Labour, Employment, Veteran and Social Affairs take the necessary measures towards the competent social welfare centers in order to verify the health insurance cards of all beneficiaries and to regulate the issuance of personal documents with the aim of exercising the right to health care and other rights of beneficiaries.

The Institution will take measures in order to obtain a proper ECG machine.

The therapeutic protocol for agitated beneficiaries will be revised at the Institution in the sense of application of a new generation of antipsychotics, in accordance with the "Guidelines for Good Clinical Practice".

The Institution will take action and provide weather-appropriate clothing and footwear to all beneficiaries.

The Institution, in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, will take measures to accommodate up to four occupants in all rooms and equip them with furniture, in accordance with the Rulebook on detailed requirements and standards for the provision of social care services.

The Ministry of Labour, Employment, Veteran and Social Affairs will take steps to provide the Institution with decent conditions for housing and with respect to the privacy of beneficiaries.

The Ministry of Labour, Employment, Veteran and Social Affairs will take all necessary measures to appoint the Director of the Institution without delay.

## Gerontology Center in Belgrade – Bežanijska kosa retirement home<sup>47</sup>

The City Center for Social Work in Belgrade will take steps to ensure that legal guardians regularly visit their wards at the Bežanijska kosa retirement home and undertake the activities prescribed by applicable regulations.

Recommendation about the measure of physical restraint by mechanical restriction, the so-called fixation (see section *Gerontology Center in Kruševac*),

The Center will provide training for health professionals on the conditions and procedure for implementing the physical restraint measure for disturbed beneficiaries, as well as training in the application of advanced non-violent physical restraint techniques, all in accordance with the specific plan for training health professionals on the manner and procedure for applying the physical restraint measure.

The Home will take steps to allow any immobile beneficiaries whose health permits it to regularly go out into the fresh air and outdoors, with the assistance of the Home staff.

Bežanijska kosa home will take steps to ensure that all rooms in the department for accommodation of mobile beneficiaries with dementia are adequately equipped.

The rooms and other premises occupied by the beneficiaries (living rooms, corridors) will be decorated to give the impression of a more humane environment and to reflect the peculiarities of the persons who use them.

## Home for the persons with mental disabilities in Tutin<sup>48</sup>

The Ministry of Labour, Employment, Veteran and Social Affairs will immediately take the necessary measures to provide the required number of medical, nursing and other staff in accordance with the assessment of the needs for adequate treatment of beneficiaries and the functioning of the Home.

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<sup>47</sup> Report on the visit to the GC in Belgrade – Bežanijska kosa home, number 281-82/18 dated 1 November 2018.

<sup>48</sup> Report on the visit to the Home for persons with mental disabilities Tutin, number 281-85/18 dated 27 November 2018.

The Home will not place female and male occupants together, unless they are cohabiting partners or spouses.

The Home will take steps to ensure that in multi-bed rooms there is 5m<sup>2</sup> of space for each occupant and that there are no more than four occupants in the rooms as well as that the excess beds are removed from the rooms.

The Ministry of Labour, Employment, Veteran and Social Affairs will take measures within its jurisdiction to revise the official number of beds in the Home in relation to the real situation and in accordance with the prescribed standards for determining space per occupant.

The Home will take steps to ensure that all occupants' rooms are adequately equipped.

Home staff will motivate all beneficiaries to decorate the rooms they occupy so that they create the impression of a more humane environment and reflect the peculiarities of the people who use them.

The Home will take steps to separate the sanitary units for female and male beneficiaries, replace the worn-out sanitary appliances and remodel all toilets to ensure user privacy.

The Home will take steps to remove the moisture from walls in all rooms of the beneficiaries.

The Home will take steps to provide space for the organization of sports, recreational and other cultural and entertainment content for beneficiaries.

The Home will take steps to help beneficiaries organize their day-to-day time and fill it with cultural – artistic and other activities and content.

The Home will in the future evaluate the service plan and review it in accordance with the time limits prescribed by the individual service plans.

In the future, the Home will tailor individual service plans to the needs, abilities and interests of beneficiaries.

The Home will in the future duly keep the files of the beneficiaries and file in them all the documentation stipulated in the Rulebook on detailed conditions and standards for the provision of social care services.

The Home will take steps to adapt the healthcare facilities.

The Home will take necessary action and provide hydraulic beds and repair or provide a new ECG machine.

The Home will begin keeping a special and orderly record of the injuries of beneficiaries, in which all cases of beneficiary injuries will be recorded.

Each injury will be described in detail, together with the time of occurrence, the localization, the manner in which the injury occurred, the severity of the injury, information on whether a drug was used, information on whether it was an accident or an intentionally inflicted injury, and the circumstances in which the injury occurred.

The Home will draw up a protocol on the handling of the unexpected (impending) death of the beneficiary, which will include at least the following information: general information, year of birth, diagnosis, time and date of death, the person who recorded the death.

The Ministry of Labour, Employment, Veteran and Social Affairs, in cooperation with the relevant authorities, will draw up a protocol on the handling of the unexpected (impending) death of beneficiaries in social welfare homes.

## I-4 – RECOMMENDATIONS MADE TO IMPROVE THE TREATMENT OF REFUGEES / MIGRANTS

### Reception center in Obrenovac<sup>49</sup>

Commissariat officials will not place migrants who disrupt order at the Reception Center in Obrenovac in isolation, but instead, they will be treated solely by police officers in accordance with legally prescribed conditions.

### Asylum center in Banja Koviljača<sup>50</sup>

The Commissariat for refugees and migration, in cooperation with the Ministry of Health, will undertake all measures and activities within its jurisdiction to enable the engagement of a medical technician in the Asylum Center in Banja Koviljača using existing donation funds (budget of the Danish Refugee Council).

### Reception center in Preševo<sup>51</sup>

The Commissariat will take measures to ensure adequate accommodation conditions for the stay of all migrants in the Reception center in Preševo, primarily with regard to ventilation, heating, lighting and conditions for maintaining hygiene.

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<sup>49</sup> Report on the visit to Reception Center in Obrenovac, number 281-2/18 dated 6 February 2018.

<sup>50</sup> Report on the visit to Asylum center in Banja Koviljača, number 281-19/18 dated 22 March 2018.

<sup>51</sup> Report on the visit to Reception Center in Preševo, number 281-39/18 dated 22 May 2018.



A special record on extraordinary events will be established and maintained at the Reception center in Preševo.

In order to improve hygiene conditions, a schedule for maintaining the hygiene of migrant residences will be established at the Reception center in Preševo.

At the Reception center in Preševo, the Commissariat will consider ways to improve nutrition in accordance with the needs of the migrants.

The Commissariat for refugees and migration will keep records in the Reception center in Preševo of the allocation of essential items to the migrants (hygiene products, clothes, footwear, etc.) so that it can determine the type and amount of items allocated, the migrant to whom they have been allocated and the date of allocation and it will enable the migrant who received the items to confirm the authenticity of this record with his/her signature.

### Reception center in Bujanovac<sup>52</sup>

A special record on extraordinary events will be established and maintained at the Reception Center in Bujanovac.

At the Reception Center in Bujanovac, the Commissariat will consider ways to improve nutrition to meet migrant needs.

The Commissariat for refugees and migration will keep records in the Reception Center in Bujanovac of the allocation of essential items to the migrants (hygiene products, clothes, footwear, etc.) so that it can determine the type and amount of items allocated, the migrant to whom they have been allocated and the date of allocation and it will enable the migrant who received the items to confirm the authenticity of this record with his/her signature.

### Reception center in Vranje<sup>53</sup>

At the Reception center in Vranje, the Commissariat will consider ways to improve nutrition to meet migrant needs.

The Commissariat for refugees and migration will keep records in the Reception center in Vranje of the allocation of essential items to the migrants (hygiene products, clothes, footwear, etc.) so that it can determine the type and amount of items allocated, the migrant to whom they have been allocated and the date of allocation and it will enable the migrant who received the

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<sup>52</sup> Report on the visit to Reception Center in Bujanovac, number 281- 36/18 dated 22 May 2018.

<sup>53</sup> Report on the visit to Reception center Vranje, number 281- 37/18 dated 22 May 2018.

items to confirm the authenticity of this record with his/her signature. A special record on extraordinary events will be established and maintained at the Reception center in Vranje.

### Reception center in Bosilegrad<sup>54</sup>

At the Reception center in Bosilegrad, the Commissariat will consider ways to improve nutrition to meet migrant needs.

### Reception center Principovac<sup>55</sup>

At the Reception center Principovac, the Commissariat will consider ways to improve nutrition to meet migrant needs.

### Reception center Adaševci<sup>56</sup>

At the Reception center Adaševci, the Commissariat will consider ways to improve nutrition to meet migrant needs.

### Reception center in Pirot<sup>57</sup>

At the Reception center in Pirot, the Commissariat will consider ways to improve nutrition to meet migrant needs.

### Reception center in Dimitrovgrad<sup>58</sup>

The Commissariat will take measures to improve the hygienic conditions at the Reception Center in Dimitrovgrad, both in the common rooms and in the rooms where migrants are housed.

The Commissariat will take measures to repair and put back into use the women's bathroom in the Reception center in Dimitrovgrad.

At the Reception center in Dimitrovgrad, the Commissariat will consider ways to improve nutrition to meet migrant needs.

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<sup>54</sup> Report on the visit to Reception center Bosilegrad, number 281-38/18 dated 22 May 2018.

<sup>55</sup> Report on the visit to Reception center Principovac, number 281-43/18 dated 22 May 2018.

<sup>56</sup> Report on the visit to Reception center Adaševci, number 281- 42/18 dated 22 May 2018.

<sup>57</sup> Report on the visit to Reception center Pirot, number 281- 41/18 dated 28 May 2018.

<sup>58</sup> Report on the visit to Reception center Dimitrovgrad, number 281- 44/18 dated 13 June 2018.

## Reception center Divljana<sup>59</sup>

The Commissariat for refugees and migration will keep records in the Reception center Divljana of the allocation of essential items to the migrants (hygiene products, clothes, footwear, etc.) so that it can determine the type and amount of items allocated, the migrant to whom they have been allocated and the date of allocation and it will enable the migrant who received the items to confirm the authenticity of this record with his/her signature. At the Reception center Divljana, the Commissariat will consider ways to improve nutrition to meet migrant needs.

## Asylum center in Tutin<sup>60</sup>

Officers of the Asylum center in Tutin will record all extraordinary events in the record of extraordinary events.

The Commissariat for refugees and migration will take steps to provide migrants at the Asylum center in Tutin with proper drinking water and will consider improving the quality and diversity of nutrition.

## Asylum center in Sjenica<sup>61</sup>

Officers of the Asylum center in Sjenica will record all extraordinary events in the record of extraordinary events.

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<sup>59</sup> Report on the visit to Reception center Divljana, number 281- 46/18 dated 28 May 2018.

<sup>60</sup> Report on the visit to Asylum center Tutin, number 281- 74/18 dated 11 September 2018.

<sup>61</sup> Report on the visit to Asylum center Sjenica, number 281- 73/18 dated 11 September 2018.



## APPENDIX II

# Decision on fees for participation in the activities of the National Mechanism for the Prevention of Torture

**\*Consolidated text in effect from 6 November 2018**

### **Article 1**

This decision determines the amount of compensation for the work of representatives of associations – experts in performing the activities of the National Mechanism for the Prevention of Torture (hereinafter: the NPM), as well as for cooperation with the academic community and research institutions.

### **Article 2**

Based on the involvement of the association's representatives in the activities of the NPM, the associations are entitled to a fee for drawing up reports from visits and other written acts.

### **Article 3**

The association is paid a fee for the engaged expert for the following services for the NPM:

1. analysis, systematization and structuring of materials for the preparation of a visit or other activities;
2. structuring and compiling questionnaires and other supporting materials;
3. preparation of reports on performed visits and recommendations for improvement of treatment;
4. development of expert findings and opinions on the treatment of persons deprived of their liberty;
5. drafting the analysis and the opinions on regulations and standards, as well as their implementation;
6. drafting other written acts;
7. visits to places where people are deprived of their liberty.

#### **Article 4**

The association is paid a fee for the work of the hired expert, calculated by the number of hours that the hired expert spent visiting the places where the persons deprived of their liberty are located, or by the number of pages of text made in A4 format.

The basis for calculating the compensation is twice the average monthly salary per employee in the Republic of Serbia, excluding taxes and contributions, paid for the month preceding the activities of the hired expert, according to the statistics authority.

The accrued compensation for work is the net amount attributable to the hired professional, which is paid to the Association plus the amount of taxes and contributions.

#### **Article 5**

The amount of compensation for the work of experts hired through the association is determined and transferred to the association on the basis of the invoice of the Association, which is accompanied by the calculation and specification of the compensation for the work performed.

The volume of performed work is confirmed by an authorized person of the NPM, the validity of the calculation of the compensation for the performed work is confirmed by the authorized person of the Division for material and financial affairs, and the payment is approved by the authorized person of the Protector of Citizens.

Transfer of the determined compensation is made by the Division for material and financial affairs in accordance with the payment rules of the Treasury system.

If it is agreed to perform several months of work with a fee that is paid periodically for each month, an Invoice shall be made for each period for which the payment is made.

#### **Article 6**

If the activities of the NPM for which a specialist is hired must be performed outside the place of residence of the expert for more than eight hours, including the time required to arrive at the place of performance of the activity and the time required to return, the Protector of Citizens will organize and pay for transportation and accommodation of the expert, in accordance with the Regulation on the compensation and severance pay for civil servants and state employees ("Official Gazette of the RS", No. 98/2007 – consolidated text, 84/2014 and 84/2015).

**Article 7**

Funds for the payment of transport and accommodation outside the place of residence, and the funds for the compensation for the work of experts hired through the association are planned and provided in the financial plan of the Protector of Citizens for each budget year.

**Article 8**

This decision shall enter into force on the day of its publication on the notice board of the Professional Service of the Protector of Citizens.

SECRETARY  
GENERAL

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## APPENDIX III

### Cooperation agreement

Concluded between:

**the Republic of Serbia Protector of Citizens**

and

**the Association**

This Agreement governs the cooperation that the Protector of Citizens will establish with the Association in carrying out the activities of the National Mechanism for the Prevention of Torture (hereinafter: the NPM), based on the Decision of the Protector of Citizens number 285-25/2018, ref. no. 13485 of April 24, 2018, on the selection of associations with which the Protector of Citizens will cooperate in the conduct of NPM affairs and in accordance with Article 2a. Paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*“Official Gazette of SCG – International Agreements”, No. 16/05 and 2/06 and “Official Gazette of the RS - International Agreements”, No. 7/11*).

Cooperation of the Protector of Citizens with the Association in the performance of NPM activities will be carried out through the participation of representatives and permanent expert associates of the Association in:

- the visits to places where the persons deprived of their liberty (hereinafter: PDL) are or may be located;
- the preparation of reports or parts of the reports on visits to places where PDL are or may be located;
- the preparation of recommendations for eliminating identified deficiencies in the work of institutions where PDL are or may be located;
- giving expert findings and opinions on the state of health, especially as a result of physical injuries and mental pain suffered as a result of any form of abuse;
- the dialogue between the NPM and the competent authorities regarding the implementation of the NPM recommendations and the improvement of status of the PDL;

- the preparation of reports or parts of thematic reports in the area of the status of the PDL;
- making contributions to the NPM annual reports;
- the preparation of the analysis and/or opinions on regulations or draft regulations governing the status, rights and obligations of PDL;
- training of the NPM team members on visiting places where PDL are or may be located;
- training of employees in the institutions where PDL are or may be located;
- participation and presentations on meetings organized by NPM to promote torture prevention and combat impunity for torture,

as well as in performing other NPM activities, in accordance with Article 2a. Paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In all acts of the NPM in which the Association participated, its contribution will be indicated and the Association's logo prominently displayed.

The Association is authorized to disclose its role in the performance of activities of the NPM in its acts and public addresses.

The confidential information obtained by the Association on the basis of participation in the activities of the NPM shall be kept secret.

Personal data may not be disclosed without the express consent of the person concerned.

Legal and natural persons have the right to access classified information, in the manner and under the conditions set out in Article 46 of the Data Secrecy Law ("*Official Gazette of the RS*", No. 104/09), i.e. the persons who provide services to the Protector of Citizens under the agreement.

The mentioned persons are obliged to confirm by written statement that they are acquainted with the Data Secrecy Law and the Rulebook on the establishment of the system of procedures and measures for protection of classified information in the Protector of Citizens (No. 272-292/2018, ref no. 10767 dated 3 April 2018).

Access to documents marked with higher levels of secrecy is possible for persons who have the appropriate certificate or permission of the competent state body.

The person who uses the classified information, or who has become acquainted with its contents, is obliged to keep it, in a meaningful way and

from everyone (regardless of the way they learned about it), even after termination of their employment or function in the Protector of Citizens, that is, termination of duties or membership in the Association.

In case of loss, theft, damage, destruction or unauthorized disclosure of classified information, the person who obtains this information, without delay, notifies the competent (authorized) person in the Protector of Citizens. The necessary measures are then taken to determine the circumstances that led to the emergency and to assess possible or caused damage. If damage is caused, activities are undertaken to eliminate or reduce the damage. In addition to the termination of the contract, the authorized person shall inform the competent authority of the measures taken.

The Association is entitled to reimbursement of expenses for activities undertaken pursuant to this Agreement, in accordance with the document of the Protector of Citizens regulating reimbursement of expenses in the performance of NPM activities by the Association.

Cooperation established under this Agreement shall not affect the exercise of the competences of the Protector of Citizens and the activities of the Association based on applicable regulations.

Upon the entry into force of this Agreement, the Association shall designate an authorized person to cooperate with the Protector of Citizens in the performance of the activities of the NPM and shall notify the Protector of Citizens thereof.

Amendments to this Agreement may be made by mutual and written consent.

The Agreement is concluded for a period of one year from the date of conclusion and may be extended by another year by mutual and written consent.

The Agreement was drawn up in four identical copies, two for each signatory.

**PROTECTOR OF CITIZENS**

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**ASSOCIATION**

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