



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

Prisons in Serbia

APRIL, 2010

Monitoring of the prison system reform

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PRISONS IN SERBIA, APRIL 2010
An initial overview of the progress
made in the reform of the prison system

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POŽAREVAC PENITENTIARY

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Požarevac Penitentiary– Reformatory For Women

Visited:	July 6 th and 7 th , 2010
Type of institution:	semi-open
Capacity:	ca. 177
Number of prisoners:	221 sentenced for crime and 12 sentenced for misdemeanor

I – QUALITY AND CONDITIONS OF LIFE

a) Buildings And Grounds, Equipment, Ventilation And Lighting, Sanitary Installations And Hygiene

The team of the Helsinki Committee for Human Rights in Serbia (HCHRS) has always paid particular attention to the Penitentiary-Reformatory for Women in Požarevac given that it is the only institution in Serbia for women under sentence, with numerous specificities this entails.

Having in mind the reports on previous visits, it can be concluded that the prison conditions are still far from adequate, although steps have been taken regarding the maintenance and renovation of this institution. Certain parts of the prison are decently adapted and furnished given that these activities are funded by modest working capital, however the majority of accommodation facilities remain in need of urgent transformation. This refers to an entire wing of the prison ward in particular, as well as to the numerous premises used both by the prisoners and the staff. It should be noted that some of the buildings of the Penitentiary-Reformatory for Women in Požarevac are among the oldest in the system of the execution of criminal sanctions of the Republic of Serbia. The main building was built 136 years ago, and has since been considerably reconstructed twice (in 1911 and 1971).

Renovation works on pavilions II and IV have recently been completed, and the in-patient facility has been furnished with new beds. There are plans for the renovation of the ‘so-called admission department’, the pavilions I and III, as well as for the adaptation of a studio apartment for family visits. The department for the prisoners sentenced for misdemeanor doesn’t fulfill the minimal criteria for humane accommodation of women, regardless of the fact that they are detained for an average of 30 days. There is a considerable number of returnees, and the high fluctuation of prisoners certainly contributes to a faster deterioration of facilities. However, this can by no means justify the utter disrepair and appalling conditions of the current state of affairs. Conditions are considerably better in the open ward, as well as in the ward for pregnant women and nursing mothers. The dining hall has also been renovated and seems clean and tidy.

The furnishings in the common rooms are old and obsolete more often than not. A great number of rooms doesn’t have lockers for personal items, instead, there are wooden cases as a replacement. A large number of beds (many of which are bunk beds) and mattresses are not suitable for use, the floors are occasionally retiled or refitted with linoleum, but there is also some remaining worn-out wood floor covering or concrete. The furniture is very meager and, evidently, there won’t be sufficient funds for its replacement in the foreseeable future. The poor

condition of the walls etc. as well as the notable absence of colors, decorative objects and flowers contribute to the gloomy impression and the destimulating and depressing atmosphere.

From an architectural-technical point of view, the installations (plumbing, electrical etc.) pose an additional problem. Prior to the HCHRS' visit to the prison, there has been a small fire (due to a malfunction in the electrical installations), however, thanks to the levelheadedness of the prisoners and the commander on call (member of the security service), the fire was quickly extinguished without consequences for the safety and health of the prisoners and employees. No need to additionally stress that the inflow of fresh air and natural light is insufficient, while artificial lighting is inadequate in most parts of the prison.

Although there has been an effort to provide the minimum of conditions for enabling more or less normal functioning of the institution, the large increase of the number of prisoners significantly interferes even with such living conditions and quality of life, thus further hindering the institution's organization. The number of convicts varies daily, most often their number ranges from 230 to 250, which surpasses the existing capacities. There are difficulties in maintaining personal hygiene due to the overcrowdedness in the Penitentiary-Reformatory for Women. For example, in the IV pavillion, 70 women share two toilets and two shower cabins. The fact that some women do not receive items for maintaining personal hygiene was explained by the management as a money-saving measure, adding that the 'more affluent' convicts who receive money and packages can provide for their needs themselves. Although we understand that the state has financial problems, this practice cannot be justified and all convicts must receive basic hygienic products. Weekly, the convicts receive hydrochloric acid for cleaning toilet facilities, which certainly doesn't suffice. The sanitary equipment is in very poor condition in some toilets, and privacy isn't provided throughout all facilities.

The Penitentiary-Reformatory for Women owns a laundry room with three washers (two smaller and one large), which are used for washing the bedding. The convicts wash their clothes by hand, which, up until a few years ago, meant the exclusive use of cold water. However, this problem was resolved by connecting to the long distance heating supply of hot water. However, during our visit to the Penitentiary-Reformatory for Women, the tap water was cold, as it was the end of the winter heating season, and there is an insufficient number of water boilers, which are, in addition, selectively used due to the weak state of electrical installations. We haven't received an explanation by the management as to why each convict must wash her own laundry by hand. Even more rigid is the rule that convicts must not hang someone else's laundry to dry. We were told by one convict that, due to her work obligation, she was unable to hang her laundry to dry, another had the same problem having fallen ill, and the laundry had laid wet until she was able to gather her strenght to stand. It remains unclear whether the management considers this kind of treatment as some sort of occupational therapy, or it is rather someone's personal whim for enforcing discipline. It is our opinion that hand-washing laundry could be offered to the convicts as a possibility, but it could also be organized as a work activity, which would, then, have to be paid. The assumption that it is a woman's duty to clean and wash is deeply linked with misogyny, even if for lack of awareness of it. Additionally, it is incredible that all prisons for men were able to organize a laundry service (including ironing and sewing reparations), whereas in the only women's prison this job is perceived as 'natural' for women. Also, there are no arguments in favor of banning women from helping each other.

In the Penitentiary-Reformatory for Women, there is also a dress code, which is another absurdity. We were told that women are sensitive about their appearance, hence wearing

uniforms is to prevent tensions and negative feelings which could surface as a result of financial differences between convicts. This is why not wearing a prison uniform is considered a serious offence. At the time of our visit, the outside temperature was above 30 degrees Celsius, which presented an obvious problem for the prisoners, who are obligated to wear the same uniform throughout the year, regardless of weather conditions, whereas this practice is in breach of the European Prison Rules (EPR). The institution contains a modestly furnished room for hair-styling services, but we haven't seen a single woman with tidy hair. Personal appearance is a very important aspect of building and strengthening self-confidence, as well as regaining lost dignity. In addition to the list of strict rules, the members of the security service are obligated to wear their official hats at all times (except when seated), which poses a big problem in hot weather, also jeopardizing their health. Needless to say that explanations given do not hold. However, the lack of sensitivity to specific needs of women and the incapability of finding creative solutions for their problems and needs (including resocialization), make ground for serious questioning of the purpose of such prison rules.

Even though this is a semi-open institution which should not have this type of security, there is a high wall surrounding the entire prison, making it a shortcoming of the Penitentiary-Reformatory for Women. The plan to have its upper parts toppled, i.e. to cut the wall a few meters down, turned technically unviable. Though the prison director agrees that the wall should be removed, she stresses that the prison is located in downtown Pozarevac, which leaves open the possibility of uncontrolled communication between the prisoners and the town residents that might endanger the security regime, hence this technical undertaking is not being considered at this time.

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b) Kitchen, Dining Hall and Food

Building a kitchen solely for the needs of the Penitentiary-Reformatory for Women remains an unresolved long-standing problem. Food is still prepared and delivered from the Pozarevac-Zabela Penitentiary-Reformatory. It is inexplicable that Serbia's only prison for women still doesn't have its own kitchen. Apart from considerably improving the prison's food quality, new cooking facilities would, more importantly, open a number of possibilities, including education, practical learning and occupational activity, and even the possibility of servicing the market... We are convinced that the financial aspect of this project isn't the largest obstacle – rather it is the lack of interest and resourcefulness of all former directors, as well as a serious lack of understanding of the essence of penal policy and the purpose of the institution's sanctions.

Nearly all convicts had objections to the monotonous food which doesn't include fruit, dairy products and sweets. Particular complaints were heard by the convicts who were denied the right to have dietary modifications during a religious fast. The prison's management claims that there is an insufficient number of convicts for dietary modifications during the fast to be carried out, however this approach is in breach of both domestic and international regulations. Considering that all food is prepared in one of the largest penal institutions in the country, the problem of delivering a certain amount of dietary meals to the women's prison seems unbelievable. The only logical explanations are that there is either poor communication between the pertinent services of the two prisons, or that the convicts' rights are easily ignored. Packages and the canteen are an alternative, however, for various reasons, they do not represent an adequate

solution for all convicts, although the canteen is well stocked and accessible to convicts. The omission of very important foodstuffs, such as dairy and fruit poses yet another problem, especially among women. Employee responses such as 'you could buy yourself milk if you wouldn't smoke' are beyond comment. They are merely an illustration of the inadequacy of conduct towards convicts and the incompetent and unsuccessful treatment they are subjected to.

The dining hall is newly painted and with new floor tiling, however adequate furniture and details adding a human touch are lacking. Sanitary conditions are a serious problem. At the time of the visit, during lunch time, there were at least ten pigeons in the dining hall. The presence of any sort of animals in the dining hall poses a health risk for the convicts, hence this problem needs urgent attention.

c) Medical Service

Prior to this visit, the HCHRS had the opportunity to inspect the Penitentiary-Reformatory for Women in Pozarevac. Our first visit was in 2002, the second in 2003 and third in 2005. As there hasn't been a significant change in the appearance of the the Medical Service with regards to its facilities and equipment, nor in its position in the institution and its general principles of work organization, we will use this opportunity to point to certain statistical data regarding the Medical Service in the past decade, comparing the changes to our previous visits.

The first novelty is the increase in the number of doctors involved in the primary care of the women. Two additional doctors working the afternoon shift are hired on a contract basis (every working day from 4 to 7 pm), whereas the full time doctor (specialized in epidemiology, who has been working in the institution for quite a while) covers the morning hours shift. In addition to the two previously employed full time nurses, there is another fixed-term nurse who has been working part-time for the past two years. We would like to emphasize the difficulty of finding adequately educated medical personnel willing to work in prison surroundings, which we found to be the case in all prison institutions. Therefore, we feel that this situation should not be made more difficult than it already is by inadequate long-term hiring of employees. In spite of the grave administrative and financial difficulties, we hold that finding an adequate solution within two years is realistic, especially bearing in mind that there is a need for a nurse at the institution, and that there haven't been any complaints regarding the nurse's work.

Several convicts have made complaints about a particular doctor working on a contract basis. The complaints refer to their health problems not having been taken seriously and, accordingly, their therapy being inadequately weak, mostly consisting of recommendations for using teas and chamomile poultices. We have no intention of making assessments regarding this treatment and whether the adequacy of such therapeutic treatments were adequate or there is a higher inclination towards medication on part of the convicts. Instead, we are referring to this example in order to emphasize the impossibility of verifying these and similar complaints. The reason for this lies in the fact that the medical service in the entire prison system isn't an independent unit. Instead, it is a part of particular institutions, and these types of complaints are referred to the pertinent prison director or his deputy (to whom, in this particular institution, the medical staff is directly subordinated). The directors or deputies have no medical education, which makes them incompetent for controlling, supervising or organizing medical services. Therefore, the biggest remaining problem is the inadequate setup and organization of medical services within the entire penal system, without hierarchy and a chain of responsibility within

the medical service itself, and, thus, with a lack of internal control of expertise. At the same time, the external control of medical services is due to the poorly defined relationship between the Ministry of Health and the prison's medical service. There has been some improvement lately in that all medical services were visited by a health inspection, however this appears to be more of a random event, rather than a systematic practice. During his last visit to the Penitentiary-Reformatory for Women in Pozarevac the health inspector had prescribed the harmonization of internal protocols with the type of protocol normally used in civil health care institutions. We are hopeful that these visits will become more frequent in the future and that, besides a formal evaluation, the inspection will assess staff expertise as well as the health status of convicts, as these are the preconditions of establishing the right to equal access to medical services.

We have noted an improvement in the work of the dental clinic. The dentist performs roughly 10 interventions during each of his weekly visits. Only the procurement of dental material still remains an occasional problem. An improvement in dental care can also be noticed in the number of interventions, which has risen from 263 in 2008 to 265 in the first half of 2010.

Another positive improvement in health services is the organized mammographic screening with a mobile mammograph, which has enabled the screening of the entire prison population for breast cancer. The convicts have shown a high interest in the examination (87 have used this possibility), and were satisfied both by the examination and the fact that society had paid attention to their needs. We were told that efforts are made to enable a screening for cervical cancer, whereas this service is expected in the near future. These are long expected changes, which follow the general population screening trends. We would like to stress the importance of maintaining the continuity of this practice, rather than it being an isolated event.

In a comparison between data for the years 2008, 2009 and the first half of 2010, a constant number of physical examinations in the institution is maintained, ranging from 8000 to 9000 annual exams. The most were performed in 2008 (9170), whereas a monthly average totals 600 to 800 exams. The number of regular on admission exams is also constant, ranging from 200 to 300 per year, out of which circa 200 exams are performed on a regular basis for prisoners sentenced for misdemeanor, which is prescribed by law.

A negative change has been noted in the decreased frequency of testing for hepatitis C and B as well as HIV testing. In 2008, 72 tests were carried out, whereas not a single test has been performed in 2009 and 2010. Although prison doctors are officially allowed to send prisoners to have these types of tests done if medically indicated, it is the HCHRS's experience that this rarely occurs in practice. Considering that these analyses are no longer performed upon admission at the Juvenile Prison in Valjevo, it is our impression that there is a negative tendency in this aspect of medical care, which calls for an assessment of the current state of affairs and the need for distributing clear and binding instructions to doctors in penal institutions. At the time of the visit to the Penitentiary-Reformatory for Women in Pozarevac, there was one HIV positive convict and 36 persons with hepatitis C.

Substance dependence remains, by far, the largest health problem. At the beginning of July there were 22 alcoholics and roughly 70 drug addicts in the institution. The general health habits of the institution's population are illustrated by the anamnestic data that only three out of 230 women were not smokers. Methadone therapy is provided for those convicts who had begun treatment prior to imprisonment (there are usually 5-6 convicts on methadone therapy, 4 at the time of our visit). Unfortunately, besides methadone therapy, there is no other form of therapy for these patients. The institution is visited by two neuropsychiatrists (a total of 4 visits

per month) who perform around 600 examinations annually. However, the treatment is only pharmacological, without any other psychotherapeutic activities.

The most concerning was the fact that self-mutilation resulted in isolation and use of instruments of restraint (fixation) on several occasions. On occasion, fixation had lasted up to 48 hours, and instruments of restraint were used both on the arms and legs, and the convict would be released for meals and personal hygiene maintenance. Whereas the measures of isolation and increased supervision seem sensible in such circumstances, we find there isn't sufficient medical justification for placing prisoners under isolation and increased supervision when long periods of time had lapsed after self-mutilation and subsequent surgical care. In cases of continuous aggression and self-aggression, transferring the convict to the Medical center and having her admitted at the psychiatry ward is more adequate. For this measure, a neuropsychiatrist always provides written consent stating that isolation is permitted and the instruments of restraint can be used against the patient as needed. We find this form of consent unacceptable because the assessment of the need for fixation is left up to the prison staff without adequate official training. In fact, fixation can only be requested by a neuropsychiatrist and it must be entirely medically indicated, whereas its duration must be as short as possible, usually until pharmacological substances reach their full effect. The length of time under restraints (up to a maximum of 48 hours) is also determined solely by a neuropsychiatrist. The way fixation is used in this institution is unacceptable as it makes this medical service a function of disciplining the convicts, which must be avoided at all costs.

The institution traditionally treats pregnant prisoners well and the same goes for their babies, who spend their first year with their mothers, also receiving financial and medical assistance at the same time. At the time of this visit, the institution hosted two babies and two pregnant women in the third trimester. However, most convicts complained that they had applied for a visit to the gynecologist according to procedure, however, for reasons unknown to them, were never invited for the visit. There were also complaints about services which the convicts felt should be free of charge, whereas they were told that these services must be paid for.

The Penitentiary-Reformatory for Women is the only penal facility without an ambulance. Regardless of the fact that the institution is located in the city, an increasing number of convicts, many of which with ailments pre-existing incarceration, insist on the procurement of at least one ambulance for emergencies.

RECOMMENDATIONS

- Obtain funds for renovating the most timeworn objects
- Solve food quality problems in cooperation with Pozarevac-Zabela Penitentiary-Reformatory staff
- Carry out a project for building a self-contained kitchen and make a plan for educating convicts in food preparation, catering etc. in cooperation with relevant institutions
- Plan for and prepare in advance alternative accommodation and operation methods for potential overcrowdedness
- Enable the convicts to exercise of the right to free health care and systematic control of all diseases frequent in this population
- Inform convicts of the reasons for the presence or absence of the possibility of performing a certain medical procedure and helping them find a solution to a concrete medical problem

II – SECURITY

As mentioned before, although this is a semi-open institution, the high wall surrounding the compound remains in place as an obstacle to escaping and communicating with the outside environment. However, according to the management and the staff, the safety is satisfactory. Namely, during the past year, there hasn't been a single recorded case of escape or attempted escape, nor was there an attempt to smuggle in illegal objects or substances via mail or otherwise. The psychology and temperament of female convicts clearly differs drastically from that of male convicts. We, therefore, feel that serious steps towards humanization of the premises and life in prison should be taken and more appropriate solutions for security measures should be found.

The incident statistics for the past 6 months show that there were 6 attacks on convicts (amongst themselves) and 4 cases of self-mutilation. This figure is not alarming in itself, however the particular type of incidents indicates that certain convicts react to deprivation and hardship by aggression towards other convicts or towards themselves. Thus, it might be more efficient to focus on the causes and problems leading to certain incidents and work on their alleviation – that is on preventing conflicts and self-mutilation, and not only on punishing convicts. We were informed by the staff that there are roughly 15 'problematic' convicts who are in the closed ward, whereas more severe disciplinary measures are rarely used on them. At the time of our visit, there wasn't a single person in isolation, nor under measures of 'intensified surveillance'. However, we were surprised to find that, besides 'intensified surveillance' and isolation, there are two additional rooms whose purpose, according to convicts who have been placed there at some point in time, seems very similar to 'intensified surveillance'.

The security service consists of 42 employees, out of which 19 female and 23 male security officers. The male officers are in charge of external security, whereas the female security guards are in charge of internal security. According to the head of security, the institution's Security Service needs at least 10 more employees.

The management holds that the institution's security complies with the standards which are necessary and proscribed by law. However, during our visit, we have noticed several unnecessary aspects:

- In addition to the aforementioned surrounding wall, some security measures resemble institutions with higher security requirements. We would like to stress the unnecessary harassment of convicts by making them stand at attention whenever in presence of any member of staff or security. Making the convicts rise and look down is inhumane, it is physically and psychologically exhausting and degrading and cannot be justified by security requirements.

- We found the way sick and elderly women are treated to be highly problematic. They are also expected to rise, bow their heads and look at the floor while an employee passes by. Also, the elderly and sick convicts need a written approval by the prison's doctor if they would like to rest in their beds during the day. Yet, at the same time, if they have been granted such approval, they are forbidden to sit or walk around the room – they need to lay on the bed without exception! A woman with back problems had explained to us how difficult and painful continuous lying down is for her, yet if she were to stand up and walk around, she would be risking having to return to work and to perform other mandatory activities, which she isn't capable of. This type of treatment is in serious violation of human rights and the law and can be characterised as torture as well as inhumane and demeaning treatment.

– Dealing with packages is far more rigorous than in many prisons with many more security problems... Namely, the security service opens each and every object in a package (including canned food). As a result, most of these items can be considered unusable, especially with regard to foodstuffs which spoil easily. Although the Law on the Execution of Criminal Sanctions (LECS) doesn't sanction such behavior, we must emphasize that many convicts come from economically deprived communities and families, therefore this destruction of their private property is irrational and unjustified. Let us stress once more that the packages had not contained a single illegal object or substance for a long period of time.

– The institution's management takes pride in the fact that measures of isolation are not used, however it is our impression that the absence of isolation is compensated for by fixation. We have already drawn attention to this problem, which was also confirmed by the convicts. During 2010, coercive measures were used 12 times. The management states that restraints are used only in cases of self-mutilation, whereas the convicts claim the opposite is true. In 2009, there were 26 cases of fixation for the duration of 24 hours, the reason being – self-mutilation.

As in the case of other institutions visited, prisoners are transported in two police vans which, due to their obsolence, do not meet even minimal standards for humane transportation of convicts.

RECOMMENDATIONS

- Keep statistical and other relevant data records not only for the sake of formality, but as grounds for periodical critical analysis and use this data for detecting problems and resolving them in a more timely and efficient manner
- Educate and encourage staff with insufficient knowledge regarding reward and punishment efficiency, conflict prevention, non-violent conflict resolution, mediation etc. to apply these skills in practice

III – LEGALITY OF THE PRISON REGIME

Even though the management of this prison (as was the case in others) claims that they abide by the law and bylaws, even a brief look at the data and the reality of the state of affairs without a doubt points not only to significant deviations but to their necessity under the circumstances. We are primarily referring to violations of the convicts' rights which are all the result of poor accommodation conditions, lack of money, overcrowdedness, inadequately trained staff or lack thereof etc. As is the case in other prisons, the aforementioned circumstances are a direct cause of poor quality of life and living conditions. In addition, they also prevent optimal classification of convicts, choosing the best possible treatment for them, including education and/or attainment of professional training... As in all previous reports, the HCHRS would like to emphasize the fact that the state cannot continue to justify the violation of elementary human rights and disregarding the law with arguments of economic hardship. The same goes for prisons. Neither political and budgetary circumstances nor internal problems in the system for executing penal sanctions stand as arguments for justifying poor organization, wrong personnel selection choices, tolerance of vacuity and errors, lack of knowledge and actions towards humiliating or torturing people.

Aside from objections to the legality of treatment of convicts which are mentioned in this report in various aspects, we would like to emphasize here the unclear position of foreign citizens. At the time of our visit, the institution had several such convicts. According to the director and her deputy, it is customary in all prisons in Serbia for these persons not to be allowed to leave the prison compound, which means that they never get a chance to spend a day in the town, they do not get a weekend off nor do they have the chance to use their vacation time outside the institution. Our insistence on accessing any type of document or official memo from the Ministry or the Central Prison Administration has gone unanswered. We are stressing that the Law on the Execution of Criminal Sanctions doesn't deal with foreign citizens, whereas serving prison sentences is also not regulated by the Law on Foreign Citizens. Under such circumstances, the prison directors can only abide by the instructions given by a higher instance, even if only in oral and not in written form. In our opinion, this situation is unsustainable and needs urgent legal regulation. We were told by the institution's director that foreign citizens in this prison enjoy all other rights, whereas in the Sremska Mitrovica prison the convicts are not even given the possibility of status change, which means they cannot be transferred to the semi-open ward. One of the convicts we interviewed claims that the above isn't true and that she was harassed in more ways than one merely because she is a foreign citizen without anyone to protect her.

Several women have spoken about 'convicts with privileges' who are rewarded for providing the staff with various types of information. On the other hand, we were told that convicts marked as 'rebellious' or those who only socialize with them are subjected to harassment, humiliation and meaningless punishment. Socially deprived women and women without any support are exposed to the same ill-treatment. Of course, these claims can be a form of manipulation or subjective interpretation. It is, however, concerning that many women had testified about the frequent use of fixation and even convicts being slapped. As we couldn't confirm such claims, we are only making a mention of them in the context of possible misuse and breaches of the staffs' duties because we feel that this prison has not reached the standards which would make such claims obsolete.

The convicts are informed about their rights and obligations during their sentence no better than in most other prisons. On admission, all women are familiarized with the law and the institution's rules, they sign a statement about this and can request legal aid if they need it. We have noticed mailboxes for mail and complaints in the institution's wards, as well as a clearly marked address of the Ombudsman (Protector of Citizens). However, the convicts are reluctant to write complaints - they see them as 'pointless' and, according to them, they often suffer consequences from writing them. These claims should be thoroughly investigated and any attempt of usurping the right of complaint should be sanctioned, especially in the cases of the employees taking 'revenge' on convicts who have filed complaints against the staff's conduct. We also feel that the management needs to pay more attention to enforcing rules which directly affect the convicts' standing in the institution.

Complaints about these rules being applied selectively and at will and their enforcement depending on the staff's assessment point to voluntaristic behavior which cannot be tolerated.

Based on our interviews with the convicts and employees at the service for legal and administrative affairs, we found there isn't a pronounced need for legal aid. We find this a bit odd, considering that most convicts are in situations of financial hardship and have a low education. The ongoing lack of interest for the prisoner's rights is still evident. Therefore, it is not unusual for the prisons' legal counselors not to be in the habit of assisting the convicts in legal matters, with the exception of matters directly regarding prison rules. This practice is undergoing slow change and, in certain prisons, we have come across the increase in hiring of employees of various backgrounds who are involved in improving the convicts' current status in the institution as well as their future status in society. We feel that the management of the Penitentiary-Reformatory for Women should pay more attention to this issue, especially considering that it hosts a particularly sensitive category of the population. On this note, there is a need for a greater awareness of all aspects of the convicts' lives as well as the need for more intense communication with organizations, institutions and other natural or legal persons relevant for their successful resocialization.

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RECOMMENDATIONS

- Enforce legal and other provisions consistently, especially those regulating 'intensified surveillance' accommodation and fixation, as well as the procedure for filing the convicts' complaints regarding violations or diminishing of their rights
- Rise the agility of the general affairs service and increase cooperation between the security service and the treatment service
- Establish a clear and transparent system for applying the rulebook on rewarding and punishment, as well as for the control of its enforcement
- Enable transparency and accessibility of tenets of laws and bylaws regarding rights and duties in the form and manner clearly understandable to all convicts, including foreign citizens
- Guarantee efficient appeal proceedings whenever a violation of rights is suspected

IV – IV RESOCIALIZATION

We have monitored the process of resocializing convicts based on the organization and contents of their professional and occupational engagement, education, individual and group work, leisure activities and pre-release preparations. We have made comparisons to dimensions monitored during our previous visit, more precisely what kind of improvement, if any, has been achieved in preparing the convicts for a normal life following release.

It needs to be emphasized that there has been a significant change in the classification of convicts according to offense. Namely, as compared to the previous period marked by a predominance of convicts who have committed murder as a defense against long-lasting domestic violence, most crimes committed by women now are property crimes, and there is an increase in returnees. Based on this data and the social circumstances, we can draw a broad conclusion that the transition process, combined with a long-lasting economic crisis impacts criminality type. It also leads us to conclude that traditional relations in the family, as well as the woman's role in it are changing. In the past, the number of women under sentence was under 50% of the institutions capacity, whereas this number has now doubled and surpasses accommodation capacities. Returnees make up for half of the total number of convicts. In addition, it is not surprising that the psychoactive substance abuse percentage is growing under the circumstances. No need to explain the link between the abuse of psychoactive substances and crime, especially property crime. Out of 233 convicts, 70 convicts (ca. 30%) are addicts. Previously (in 2005), this number was far lower – out of 130 convicts, 18 convicts (ca. 10%) were addicts. It is evident that such changes call for an adjusted approach on part of the staff. However, it is our general impression that there hasn't been a significant change.

Tailoring and agricultural activities still remain the dominant professional and occupational engagement of the convicts. In 2009, only 6 convicts have received certificates for completing a tailoring course from the Nis Training Center. Compared to 2005, it can be said that the staff is trying to make the selection of occupational engagement more diverse. However, each attempt (training for bakers, furniture-making, pottery making etc.) has proven to be short-lived due to the lack of staff and funds for procuring raw materials and semi-finished products, maintenance and reparations of old or procurement of new furnaces etc. We were told that negotiations with a company regarding the processing of aromatic herbs were under way. The idea is that the Penitentiary-Reformatory for Women should supply the space and work force, whereas the employer would supply the mechanization and raw materials. It seems that this prison shares the fate of other penal institutions – it is marked by the lack of a consistent policy for executing penal sanctions paired with society's indifference. This leads to very serious long term consequences, especially affecting the young population and women.

A very small number (less than 10 convicts) have an occupational engagement outside the institution. Considering the modest capacities of the tailoring workshop and the agricultural compound, nearly half of the convicts are engaged in maintenance work and light manual work. Practically all professional and occupational education is reduced to tailoring and agricultural work, whereas the work technology (outdated sewing machines, lack of funds for agricultural equipment...), capacities (a maximum of 30) and conditions (leaking roof at the tailor workshop, no sanitation facilities, heating is out of service, floor made up of concrete...) are at the very limit of tolerance even for these types of jobs. The agricultural jobs pay less than tailoring jobs, and they also include heavy agricultural labor, which is used by the staff as a method of

reward and punishment. From the convicts' perspective, this system is not always just. The only upside to working on an agricultural compound is leaving the prison compound, however, this type of work is often described as exhausting and not appropriate to a woman's physical constitution. The women clearly have a higher motivation to work, any type of work which we find to be very positive, and which is also what distinguishes them from the men under sentence. This argument is made to appeal for support and help of the wider community and the authorities in finding funds for diverse and market-oriented professional and occupational engagement of the convicts. If this is not the case, the idea of resocialization through the existing professional training certainly doesn't facilitate their future social inclusion following release.

This problem goes hand in hand with the educational profile of the convicts. Namely, 21 convicts are illiterate, 30 haven't completed secondary school, 50 have completed secondary school and 3 haven't completed their high school education. According to the staff, this poses another obstacle to planning work for the convicts. Only the so called light manual work and jobs such as embroidery, cooking, laundering, cleaning, garden work, raising poultry etc. are available to this uneducated category of women. These are, for the most part, mainly traditional women's jobs, most of them include maintenance work in the prison and they are paid very little. On the other hand, the institution doesn't provide any type of formal re-education, or vocational training. The staff's current engagement is limited to organizing occasional literacy courses, which are usually led by one of the literate convicts on a voluntary basis. Recently, a course in German was led by one convict. This course was in high demand, however, there were only small groups, which meant not all interested could participate, and the entire activity ended upon release of the course leader.

Regarding the treatment of the convicts in its narrow sense, we haven't noticed any significant changes as compared to our previous visit. The treatment of convicts is still mainly on an individual basis, whereas the type of treatment is defined as continuous or occasional by the expert team when drafting a classification plan and treatment program for each convict. Co-counselling is organized for groups of 30 on average. Monthly sessions range from 15 to 20, which means that each convict is worked with once a month on an expert basis. According to the staff, there are also ad hoc counselling sessions, which depend on the circumstances. However, based on our interviews with the convicts, it seems that, necessary as they may be, these dynamics are not efficient. The convicts have complained most about their educators, who are 'never around when we need help...', 'when I'm having a crisis, I have no one to talk to... I need someone I can trust...', the 'counsellor denied my request, so I had to use the mailbox to address the warden...', 'we have no one to talk to, they all keep each other's backs...'

Based on our conversations with 50 convicts, it is our impression that they see the fact that they are not treated with dignity and respect as the core of their problems: 'we are treated in such a way that I have lost all remaining faith in people...', 'we are treated as we are part of the cat and mouse game... you know - near captures at one moment and repeated escapes at the next. They make women crazy with confusion', 'we suffer from their discontent... I have seen them slap women for no reason a number of times...' Most convicts feel that their already existing inferiority is being abused by the staff: 'do I really need to stand up 10 times within 15 minutes and stand at attention?... there are women who are ill and cannot get out of bed...', 'I am a convict, that is why I am here... why do I have to interrupt any activity I am partaking and stand at attention to feed their vanities...', 'they do not treat me as a person... it's as if they loathe us... I often feel humiliated...'

Generally speaking, the convicts' perception of the situation is realistic, they do not emphasize problems which are the result of objective circumstances, even though they find these demeaning. They are most affected by the fact that they can't wear their own clothes, because they don't look like women in their prison uniforms: 'we are stripped of our femininity and personal identity, they don't even allow us to dress as women during visitations', 'wearing civilian clothes is allowed in male prisons... this doesn't make sense, why are we any different?'

All of the above implies that the treatment of convicts by the staff is characterized by demanding cooperation, giving out orders, monologues, criticism and focusing on errors etc. In other words, the convicts are addressed and treated in a very rigid and autocratic manner. Based on the convicts' responses, the effects of this type of treatment on psychosocial relations are visible not only among convicts themselves, but also in the relations between the convicts and the staff.

When asked about their leisure activities, the convicts responded that they spend time after work resting and that reading is their favorite activity. Books are provided mainly via visitations, as the library isn't stocked in a satisfactory way. There are leisure activities such as drawing, knitting, aerobics and team sports, however most women are not interested in these activities, hence these have few active participants. We were also informed that basket balls are often deflated, the volleyball net is torn etc. Although the convicts are keen on attending computer courses which used to be held at the institution, there are no staff members capable of teaching the course, nor is there a sufficient number of computers. There is a computer room on the premises, it is neatly decorated and spacious, furnished with new tables and chairs, but holds only a few computers. Given the fact that half of the convicts are under the age of 40, we feel that additional efforts should be made to procure more computers and organize continuous computer courses, which would prove very useful after their release. During our visit, we were shown two rooms undergoing adaptation, which are planned to be used for recreational and leisure activities.

Even though this initiative is commendable, it should be preceded by an analysis of the institution's structure and the convicts' interests and include these in the program. Their participation is a key element of the resocialization process, but this also calls for shedding the staff's existing rigid attitude and adopting an empathetic and sensitive approach to the convicts' needs. Cooperation on organizing cultural events with outside institutions is poor and rare due to an inadequate approach.

Regarding religious practices, at this time, there aren't designated areas for these purposes at the institution. The staff claims that there isn't a great interest for religious practices, the convicts claim that they are interested but that they aren't able to exercise this right. However, both sides have confirmed that a priest has recently started visiting the institution, and that furnishing a room exclusively for religious purposes is being considered. The relationship of the Serbian Orthodox Church towards the prison population is unseemly and in opposition to basic Christian principles.

Pre-release preparations of convicts do not include any specific programs or activities. Interestingly, nearly all institutions, including this one, have a special function of slow adaptation of newcomers to life in prison, but there isn't such a program for preparing the convicts for life outside the institution.

Generally speaking, both the planned and organized activities which should focus on resocialization and the living conditions in the institution are unsatisfactory. There are many

intertwined reasons for this, which doesn't hint that positive steps could be expected in the near future. Current circumstances, in total, contribute more to the convicts' feeling of helplessness than to their resocialization and preparation for normal life outside the institution.

RECOMMENDATIONS

- Find the most efficient solutions for professional and occupational training which would include cooperation on all levels, including the Training Center in Nis
- Improve cooperation with the local community and make an effort for finding more diverse occupational engagement of convicts outside the institution
- Consider the possibility of organizing secondary and high school education while the convicts are serving their sentences
- Adjust the methods and types of individual and group work to the convicts' needs
- Pay more attention to organizing leisure activities. If needed, assign a person in charge of these activities solely
- Encourage the staff to realize their professional obligations and tasks while giving personal examples of positive management and respecting the persons and dignity of the convicts. The authoritative attitude of the staff should be minimized
- Design or draw on existing creative methods and good practice for increasing participation of convicts in planning and organizing certain activities
- Develop specialized pre-release programs in cooperation with experts from different professional backgrounds

V – CONTACT WITH THE OUTSIDE WORLD

Contact with the outside world is established by the convicts in a number of ways. There weren't any major complaints regarding telephone contacts, in fact, this form of communication has been improved since our last visit. There are 7 phone booths now: two in the closed unit, where convicts get a 10-minute call twice per week; two in the semi-open unit and one each in the open unit, the maternity ward and the in-patient unit, where the convicts have unlimited access to this form of communication. The convicts didn't have complaints regarding the schedule and the dynamics of using the phone, nor regarding newspapers or television.

Visitations are carried out in a regular manner. Aside from the designated rooms for visitations for convicts with children (for the duration of 3 hours), there are 2 more rooms for visitations – one for the few whose visitation rights are limited to 1 hour, and the other for two-hour visits. We have already mentioned the problem of opening packaged goods which meet prison standards both in terms of shape and the manner in which they have been submitted.

The educators are not present during visitations. Instead, their infrequent communication with the family and persons close to the convicts is conducted over the telephone, or when called by the family. We feel that this cooperation needs to be more frequent for the duration of the sentence, and especially during the pre-release preparations of the convicts. Based on our interviews, we found that this communication is based merely on the exchange of information, with regards to the last addresses known to the Referral Center.

The cooperation with health institutions and legal bodies is assessed as adequate. The convicts also have contact with the outside world via sporadic visits by various artists and cultural agents, Non-Governmental Organizations and other persons or organizations authorized for monitoring the conditions in the institution. In addition, by law, the convicts have the right to other possibilities in terms of working, spending their vacation time outside the institution, having the weekend off, having the day off etc. We think this aspect could be improved and made more creative, even in given conditions.

RECOMMENDATIONS

- Intensify communication and cooperation between the educators and relevant figures/factors outside the institution, especially during pre-release preparations
- Improve the convicts' contact with the outside world through organizing cultural, arts and sports events and through visits of relevant organizations and societies

VI – INSTITUTIONAL PERSONNEL

The most significant positive change regarding personnel is the increase in the number of services. The Training and Employment Service now functions independently.

The existence of the Training and Employment Service has raised awareness about the need for a more varied occupational and professional training of convicts. However, as we have already pointed out, little has changed. Nevertheless, this does not mean that there isn't a need for this service – on the contrary. The quality of work and the training process have been improved. However, the increase in quantity of professional training and work engagement is not possible without additional financial resources. The Training and Employment Service's staff has 8 employees, whereas the systematization of workplaces provides for 9 posts. Out of these 8 employees, 2 have university degrees (the warden and the associate) and 6 have high school degrees (the instructors). We were surprised by the fact that 4 out of 8 employees were hired on a contract basis and that fluctuation of employees is high. In the past year, one employee gave his/her resignation and another was fired. Clearly, working on a contract basis is more stressful due to the fear of losing one's job. This also points to a higher tolerance to abuses of the employee's rights. Generally speaking, the Training and Employment Service's staff are dissatisfied with the pay and find it disproportionate to their engagement and the stress level in this type of institution. They find the cooperation with other services satisfactory, especially with the Treatment Service, as they communicate the most. Given the fact that proposed treatment includes occupational engagement, we find it illogical that the expert team does not include the head of the Training and Employment Service. The appearance of fittings and technical equipment in the Service's staff workplace in equally poor shape as the convicts' living/working space (worn out old furniture, poor lighting and ventilation, overcrowdedness, lack of computers and other equipment etc.). The staff has, also, complained about the overwhelming administrative and other technical tasks which they struggle to complete; they often work under pressure due to shipment deadlines, they have tremendous problems in placement and sales of certain products which are not competitive in terms of the market's standards etc. All employees possess adequate qualifications, whereas they see the lack of funds as an obstacle to additional education, in addition to the fact that the system doesn't provide for the education of this service. Only one employee has had training in occupational health and safety. They have emphasized the need for more open communication with other institutions, such as the Institute for Occupational Medicine, the Ministry of Labor and Social Policy and the Labor Inspectorate. They have stressed that contacting colleagues from other institutions, exchanging views and discussing problems is impossible.

The Treatment Service staff counts 10 employees, whereas the systematization of workplaces provides for 11 posts. This includes 2 social workers, 3 psychologists and 5 special pedagogues. At the time of our visit, one psychologist was on maternity leave. This service, too, has witnessed a personnel change over the past few years. At the moment, there are only 3 senior educators, whereas the others have a shorter working history. The continuous change in employee structure often leads to working in two different roles simultaneously, or the employees 'covering' one another in order to meet the institution's organizational and functional needs. We were told that employees work in teams and that they perceive the relations amongst themselves, the other services and the management as appropriate. When asked about the educational and correctional work with convicts, the employees point to the fact that their

administrative duties, combined with a shortage of staff, often prevent them from communicating with the convicts in a more direct and meaningful way. In addition, the lack of financial resources hampers additional education which would serve to help with the current problems and needs of the convicts, especially with regards to an increasing number of those dependent on psychoactive substances. The staff confirms that there are various seminars and other forms of 'instant' education, however, they find it all a 'shot in the dark', as it is not practically applicable. They also point out that organized education activities only pertain to the full time employees, whereas the numerous employees with contracts would have to rely on their own resources to fund their professional education. This is the main reason preventing the majority of staff from attending educational trainings and courses which would improve their work with convicts.

The security service is specific in many ways. Unfortunately, we are under the impression that the importance of this service is not appreciated neither by the institution itself nor by the Central Prison Administration. We are primarily referring to the inadequate treatment of women in this service. The security officers are forced to wear the same uniform in all seasons, including the mandatory pants and hats, as well as 'ammunition' boots. We understand that it is probably a good idea for the employees to be dressed warmly given the poor working conditions (cold and damp premisses, hallways paved with concrete, with insufficient lighting and ventilation, unfurnished office space etc.). However, given that they do not undergo regular health checkups (this is typical for security systems throughout the country), no importance is given to their health. This fact is scandalous in at least two ways – firstly, it demonstrates that the safety of both the convicts and the outside environment is entrusted to persons whose health is not reviewed; secondly, it shows neglect of the health of employees working in high risk environments. Having this in mind, the imposition of inadequate uniforms is a harsh violation of elementary human rights, as well as a form of harassment of employees and endangerment of their health.

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There also isn't an acceptable explanation of the ban on bringing in food during shifts from 7pm and 6am. The dinner provided for security officers at the beginning of their shift doesn't suffice for the 12 subsequent hours, especially given that they cannot fall asleep or temporarily leave their workplace. The number of security officers is disproportionate to that of the convicts and the great responsibility that the officers bear, hence this rule doesn't make any sense, apart from additionally exhausting and irritating the already fatigued and disrespected staff. The guards' rights to a vacation, the length and payment of overtime, using days off etc. – all guaranteed by law – are also subject to serious complaints.

It is indictive that the convicts don't normally complain about the security service, and that they are able to distinguish precisely between those who don't do their jobs in a professional and legal way and the majority whom they consider fair and professional. The same distinction is made by the security service staff, which points to the existence of tensions within the service and the dissatisfaction with certain job appointments. The convicts display more trust and respect towards security officers than towards the Treatment Service's and the Training and Employment Service's personnel.

The security staff comment that they don't have problems with the convicts for the most part, and that communication and constructive cooperation is quickly established. This is one of the rare prisons where corruption hasn't been recorded, and it is our impression that the

security officers have better results and are more responsive than their superiors, who demand of them to behave 'like an army... based on the principle – if you don't like it, you can leave'.

We believe that this impression is the result of the totality of relations in the institution and the daily contact of security officers with the conflicts, rather than the result of a well thought-out penal policy. With the exception of professional qualifications required for employment that they already possess, the security staff had not participated in additional education, nor have they partaken in programs introducing them to security operation in other institutions. Given that they can barely complete their current workloads (internal and external security, walks etc.) it is impossible to conduct any program aimed at increasing their competence and strengthening their personal and professional capacities under the given circumstances. We find this to be a serious shortcoming, especially given that this service clearly has more impact on the convicts' behavior and attitudes than merely enforcing and maintaining peace and order.

RECOMMENDATIONS

- Harmonize the number of employees with the systematization of workplaces for each service
- Avoid contract-based employment and ensure the harmonization of the existing contracts of personnel employed on this basis with the legal framework and practical needs as soon as possible
- Relieve staff members working directly with convicts of administrative work by devising simpler and more efficient forms and methods of record-keeping
- Include a member of staff with the highest competence for training and employing convicts
- Secure funding and include and encourage the entire personnel to enroll into professional specialization courses according to topics and areas
- Encourage the exchange of practical experiences regarding reform processes among the staff and with relevant institutions in order to reduce stress and raise the staff's self-confidence