



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

**Monitoring of the
Prison System Reform**

Institutions for the Execution of Criminal Sanctions for Minors

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**Institutions for the Execution of
Criminal Sanctions for Minors**

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Institutions for the Execution of Criminal Sanctions for Minors

I – INTRODUCTORY REMARKS

Over the past ten years, the Helsinki Committee for Human Rights in Serbia (HCHRS) has conducted dozens of visits to prisons in Serbia, with the aim of making an assessment of the human rights conditions for imprisoned and detained citizens. Since 2001, the HCHRS has visited all 28 institutions for the execution of criminal sanctions, many of which several times. In a vast number of reports¹, the HCHRS has conducted analyses and noted non-compliance with solutions prescribed by national legislature and international law on the one hand, and with common practices in the system of execution of criminal sanctions on the other.

During the first visits to prisons in 2001, it was determined that human rights conditions were extremely poor. At that time, there were around 6,500 convicted and imprisoned persons in Serbia. Ten years later, resulting from vast efforts by non-governmental organizations (NGOs), international organizations (OSCE, UN, CoE), but that of the state as well, the human rights conditions in prisons have been significantly improved, primarily when the decreasing practice of torture and introduction of new (contemporary) legal solutions in the field of criminal sanctions are concerned. The implementation of the institute of alternative execution of criminal sanctions² has finally begun in 2011. It includes the possibility of serving a sentence in home confinement (with or without electronic monitoring) for persons serving prison sentences of up to one year, or the conversion of the prison sentence to community work. However, the number of sentenced and detained persons in prison has nearly doubled over the same period of time.

The data on juvenile delinquency, which has significantly risen over the past decade, are particularly alarming. Serbia falls among countries with serious problems in this area.

It is quite clear that the two decades of political and economic violence have had consequences particularly on the social group of young people. Given that education, family and society have lost their preventative and control function, all in the context of serious social problems in the process of unsuccessful transition, the vast number of crimes committed by juvenile

¹ All hitherto reports and publications are available at: <http://www.helsinki.org.rs/serbian/ljptortura.html>

² At the time of writing this report (December 2011), ca. 150 citizens are serving the penal measure of alternative sanctions. In early 2012, thanks to an EU donation, Serbia will have at its disposal a total of 600 electronic bracelets, which will additionally reduce the number of citizens in prisons.

offenders (or younger adults) is more than logical. Paradoxically, the state's only response is a stricter judicial policy, which results in referring a large number of young people to the system of criminal sanctions execution.

The standards which apply in cases of depriving persons of their liberty are of a specific nature and stem from a range of international documents, as well as from domestic regulations. Although Serbia has not yet reached a satisfactory level of implementation, this must be insisted upon in the future.

This report of the Helsinki Committee aims to encourage all actors who are in any way competent for dealing with minors, to ensure consistent enactment of regulations and introduction of necessary and binding standards for Serbia.

During repeated visits to institutions for the execution of measures and sanctions for juvenile offenders and while writing this report, the HCHRS has had in mind the recommendations and standards of the following key documents: the Convention on the Rights of the Child from 1989, the *UN Standard Minimum Rules for the Administration of Juvenile Justice* from 1985 (*The Beijing Rules*), the and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the UN Guidelines for the Prevention of Juvenile Delinquency (*Riyadh Guidelines*), CPT standards, the Law on juvenile criminal offenders and criminal protection of juveniles etc.

Educational–Correctional Institution in Kruševac

The Educational–Correctional Institution in Kruševac³ represents a unique institution in Serbia for the accommodation of juvenile offenders who have committed a crime for which they were sentenced by the court to the educational measure of being referred to an educational–correctional institution.

During four visits to this institution in 2011, around 212 juveniles were detained under this educational measure, two thirds of which were of legal age. The average age of protegees is 17 years and 8-9 months, whereas it was ascertained over the past years that the average age happened to be even above 18. The lower limit for the educational–correctional institution is 14, whereas the upper limit is 23 years of age, when the execution of a measure automatically ceases.

At the time of the HCHRS' visit, the institution also hosted 11 girls. The largest number of juveniles are of Serbian and Roma nationality (in nearly equal percentage); there were also 11 youths of Hungarian nationality, 7 of Bosnian nationality, 3 of Romanian and 1 of Albanian nationality.

In the past five years, out of the total number of juveniles referred to the institution, two thirds have committed crimes with elements of violence. As many as 70% of them have used marijuana, whereas 20% have used heroin.

I – SAFEGUARDS AGAINST THE ABUSE OF MINORS

In spite of the generally accepted notion that juveniles should be deprived of their liberty only as a last resort, the extremely unfavorable political and socio-economic circumstances and the society's inadequate response have influenced the rise of criminal behavior of juveniles and the severity of committed crimes.

Although intended for minors, the vast majority of the population in the Educational–Correctional Institution in Kruševac are persons of the age of majority (by two thirds) with a court sentence for a crime they had committed as minors. This legal solution is, in essence, confusing because it leads to the fact that already formed serious offenders are referred to this

³ Detailed reports from the Educational–Correctional Institution in Kruševac from 2004 and 2005 are available at the Helsinki Committee's web page.

educational-correctional institution for treatment. This way, the sentence to this educational measure, which should be stimulating for young people, practically opens the door towards prison for many of them. Moreover, more serious offenders use legal benefits for committing a range of crimes which are sentenced to educational measures. By the age of 23, they practically substitute being in a juvenile prison for the far more comfortable treatment at the Educational-Correctional Institution in Kruševac. However, their stay at this institution poses a serious challenge both for the management and for those minors who are referred to the institution for minor offenses. All of this leads to the creation of serious informal groups. During 2011, an informal group which has systematically harassed and even threatened juveniles has (upon the suggestion of the institution's security service) had to be allocated to the department of increased supervision. This move on part of the management has led to a more relaxed situation at the institution.

As has been mentioned, over the past five years, the structure of crimes committed by proteges of the Educational-Correctional Institution has been significantly changed. Earlier, the majority of them had been referred there for committing crimes of theft (petty theft), whereas now the majority of proteges at the institution are there for committing serious crimes, including murders, rapes etc. Over the past five years, out of the total number of minors entering the institution, 2/3 of them have committed offenses with elements of violence. This fact calls for particular attention of various state institutions and their synchronized reaction. Unfortunately, it is still missing and this crucially lessens the possibilities for successful treatment at the Educational-Correctional Institution. At the same time, this is also a fact which has a significant impact on abusive practices and is subversive to the guarantees the state has committed itself to, and which should be provided by the institution. Under the current conditions, it is not possible to ensure that juveniles are separated from the majors; hence it is also difficult to ensure their physical safety and psychological stability.

The HCHRS wants to draw attention to another concerning fact. Namely, out of the 212 proteges, 95 are members of the Roma national community (45 percent). Having in mind that juvenile delinquency is generally on the rise, it can be concluded that the courts are far more strict towards minors of the Roma population. In addition, this points to the fact that other social-preventative mechanisms towards the young Roma are either not functioning, or are not being used. This fact in itself testifies of the discriminatory behavior towards this national minority group. In addition, in practice, members of the Roma population (thus juveniles as well) do not have equal access to mechanisms of legal protection as compared to their peers from the general population.

Intentional abuse, as a systematic approach, certainly does not exist at the institution. However, certain behaviors and actions, whatever the justification may be, are coming dangerously close to this qualification.

During the visits to the institution, it is nearly impossible to come across an evident case of abuse. The fact that around 35 protegees have complained about physical violence committed by members of the security service (including girls), is reason for serious concern and for taking adequate measures, even if it is the case of attempted manipulation. Three girls have stated claims that a member of the security service has punished them by a beating on occasion (they admit to having caused problems). Also, one of the protegees accommodated at the department of increased surveillance has shown us traces of beatings on his body (located on his left thigh). Two team members have seen hematomas which could possibly have been caused by the use of an official baton. The protegees whom we have found at the department of increased surveillance have stated a claim that the application of physical coercion by members of the security service is a very frequent occurrence. Two minors have testified that they had been beaten by members of the security service while they were still at the admissions department, during their first week at the educational-correctional institution.

We would like to stress another fact which was stated by several minors – that they were harassed and abused at police stations before being referred to the Educational-Correctional Institution in Kruševac. The HCHRS maintains that it is the obligation of the institution's management to report such cases to the competent authorities, as is the Administration for the Execution of Penitentiary Sanctions' obligation to alarm the Ministry of Internal Affairs.

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II – ACCOMMODATION CONDITIONS FOR MINORS

The conditions in institutions accommodating minors deprived of their liberty need to be adapted to their age and specific needs. The current conditions at the Educational-Correctional Institution in Kruševac do not satisfy these criteria, but there is an ongoing construction of new facilities which should provide much better conditions both in terms of accommodation and the treatment altogether.

It should be stressed that the staff have put in an effort to make the space hosting minors as pleasant as possible. Additionally, they are allowed to have personal items, which, at their age, is extremely important for emotional stability and gaining self-confidence.

However, in spite of the dilapidated state of the buildings and expectation of new accommodation capacities, there is an impression that more could have been done in this respect. The lack of motivation of minors is a general social problem; however, in institutions such as the Educational-Correctional Institution in Kruševac, it is also an indication of the lack of motivation and professionalism on part of the staff.

III – PERSONNEL

The personnel in institutions for the execution of criminal sanctions for minors must be selected carefully and with special attention; it must be professional and well educated. At the Educational-Correctional Institution in Kruševac, there are highly qualified and dedicated professionals, but there are also those who have not lived up to their very sensitive tasks. The institution employs persons of both sexes, which is good and desirable; however this quality is not being put to sufficient use.

It is also important that such institutions are being headed by persons with high managing skills and a good knowledge and understanding of the problems of the youth population. The Director of the Educational-Correctional Institution in Kruševac has been an incumbent for seven years, and has been employed at the institution for more than 11 years. A graduated psychologist with previous experience as an educator, he has introduced significant changes into the functioning of the institution, even though they haven't been fully implemented. In the HCHRS' opinion, such managers are desirable, with the suggestion that they should not lose contact with the proteges, because successful management depends on understanding their needs.

The difficult and demanding work with minors susceptible to crime cannot serve as an excuse for poor conduct and lapses in professional behavior. Although the staff in penitentiary institutions across Serbia often isn't selected according to capabilities, the high professional standards and the change in approach to human rights in general, and children's rights in particular, obliges them to continuous improvement. The personnel must be particularly committed to working with young people and it should be capable of guiding and motivating the minors at their care.

The staff and the management must pay serious attention to complaints by minors, but also to those by independent control bodies which occasionally visit the Educational-Correctional Institution in Kruševac. In this sense, the HCHRS feels that it is intolerable to ignore the claims of certain proteges that they are being "pedagogically punished" from time to time. To give an example, some of the girls have told the HCHRS that one of such punishments entails cleaning corners or radiators with a toothbrush. They have also complained of certain (female) commanding officers who are on the lookout for their mistakes, who verbally abuse them and call them derogatory names ("local sluts"), and physically punish them (if they fight amongst themselves, they get beaten by bats afterwards, and they claim that there have been cases of restraint by handcuffs).

The female pavilion is on the outskirts of the complex and is physically separated from the remaining parts of the Educational-Correctional Institution by a low metal fence. The pavilion doors are usually locked, because the employees fear that proteges might escape, or rather

mix with male protegees, who are allowed to walk around the institution's yard. The female protegees are allowed to sojourn outside the pavilion only when supervised by one of the employees. Such a practice is inadequate and the staff must find a way to change it.

IV – SANITARY CONDITIONS

The sanitary conditions, which correspond with the objects' age and physical condition, are unsatisfactory. Having in mind the completion of new buildings, significant improvement in this aspect should be expected; however, the HCHRS would like to draw attention to the problem of poor social status of the majority of juveniles, which does not allow for their basic needs for hygiene to be satisfied. It is necessary for the state to provide better supplies of sanitary items, having in mind particularly the hygienic needs of young girls. The lack of sanitary items is in itself degrading and humiliating treatment.

V – KITCHEN AND ALIMENTATION

The supervision of food quality is particularly important for minors, because they have not yet reached their full potential in terms of growth and development. Given that the consequences of inadequate alimentation can be far more severe than in persons who have reached full physical maturity, the health personnel must play an active role in supplying alimentation of good quality.

Although the Educational-Correctional Institution in Kruševac caters to specific needs (dietary alimentation, religious customs etc.) the juveniles state that the daily food menu is poor and does not contain sufficient dairy products, sweets, fruit and meat. In addition the kitchen and mass hall do not seem particularly clean, and the juveniles claim that they often find insects in the food and that there are often pigeons in the mass hall while they are eating.

Although the HCHRS has not taken notice of the above stated situations, we have been made aware of their existence in other places, which leads to the suspicion that this is quite possible at the Educational-Correctional Institution in Kruševac as well. We feel that it is not necessary to additionally stress that such a state of affairs is utterly unacceptable.

Additionally, the argument that the lack of funding dictates the food quality is also unacceptable. The state must provide sufficient funding for adequate alimentation of minors. As far as the institution itself is concerned, this important segment calls for greater attention and additional efforts to be put in for the provision of all necessary foodstuff for the physical development of minors.

VI – HEALTH SERVICES AND ACCESS TO THE DOCTOR

The work of the juvenile health service should have a multi-disciplinary (medical-psycho-social) approach.

At the Educational-Correctional Institution in Kruševac, this service is organized in the following way: it consists of general medicine, dental service and an out-patient department. We maintain that it would be a good idea to have a laboratory, even if for the most basic of tests, as part of the institution. At this time, the Health Center in Kruševac provides these services.

The general medical service hires one general practitioner and six medical technicians. The physician works in the morning shift, and the medical technicians work in 20 hour shifts, two at a time. During the night, one technician on call is present, so it can be said that basic health protection is well organized at the Educational-Correctional Institution. However, the majority of the minors which the HCHRS has interviewed have had serious complaints about the physician. They feel that he is not interested in their problem, which they describe by the statement that “a person should lose consciousness for him to notice them”. The mass dissatisfaction with the health service is serious grounds for an intervention on part of the Director, and not only in this particular service, but also in all others which also share responsibility for noticing health problems of the protegees and responding to them.

There are also occasional problems in the cooperation with health institutions and dentists in Kruševac, due to their ignorant and/or discriminatory attitude towards minors from the institution. We are emphasizing that this is a widespread practice in Serbia’s health system which wants for a serious reaction on part of the Ministry of Health.

The good thing is that the Educational-Correctional Institution in Kruševac has maintained the good practice of conducting systematic medical check-ups and mandatory testing for HIV, hepatitis B and C, as well as chest x rays. Anti-tetanus protection is also obligatory. If the court documentation contains a report about a previous chronic contagious or non-contagious illness, it is also documented in the new health chart. The worrying fact is that in 2010 as many as 34 juveniles have tested positive for hepatitis C, whereas 4 have tested positive for hepatitis B.

An increasing psychiatric symptomatology is noticeable over the past years. Only during 2010, 722 psychiatric examinations at the Educational-Correctional Institution in Kruševac and 23 at the Health Center have been conducted. Over the past nine years, a psychiatrist, engaged on a contract basis arrives three times a week, or more often, when needed.

At the Health Service, it is stated that there is a vast number of juveniles with “serious psychological disturbances”, and that they are aggressive and destructive. In most cases, depending on the young person’s condition, the psychiatrist treats anxiety and tension with medications from the benzodiazepame family (Bensedine and Bromazepam), with the treatment

lasting around ten days. The psychiatrist claims that the juveniles are treated with less powerful medicaments. In more difficult cases, the measure of fixation is used, lasting up to eight hours, during which time the person is under video surveillance. Difficult cases are referred to the hospital of the Central Prison in Belgrade by the psychiatrist.

The HCHRS is very concerned about the extensive use of tranquillizers in such a young population, whereas the distressing measure of fixation and the inadequately long duration of this measure are reasons for serious concern. In our opinion, there is no medical justification for fixation lasting for several hours; hence any other reason for this can only be qualified as torture and abuse. This measure should be immediately reexamined and strict criteria for its use should be introduced.

We are stressing that psychological tension, insomnias and establishment of emotional balance in young people should primarily be treated via an expert-based educational-pedagogical and social approach, rather than pharmacologically.

On the other hand, although there are many juveniles at the Educational-Correctional Institution who have abused drugs at some point or who are registered drug-users, there is no addiction treatment in place. Namely, juveniles from this group are subject to methadone treatment at the hospital of the Central Prison in Belgrade prior to arrival at the Educational-Correctional Institution. This is not a sign that the institution does not have a problem with addicts. Interestingly, the youths show the most interest in educational workshops for overcoming drug addiction, as well as for dealing with and treating hepatitis and HIV. Given that minors are, as a general rule, more prone to risk-taking behavior, particular attention should be paid to their health education.

The Educational-Correctional Institution has organized the administration of treatment for those who are ill, be it medicaments for oral use or injections. A medical technician is in charge of administering the medicaments, which is done at the out-patient department exclusively.

The general practice service keeps records of suicides, injuries and self-inflicted injuries. In addition to the juvenile's name, last name and type of crime the juvenile was referred to the institution, the suicide protocol also contains data on the attempted suicide method, the date and time of the attempt, a description and reasons for the attempt, as well as its consequences. One suicidal attempt by hanging was recorded in 2009, one attempt by poisoning in 2010, and one by hanging in 2011 (by September). In addition to usual information, the protocol on injuries also includes records on the way injuries were inflicted (in a fight, while working, or by accident), as well as records on the severity of the injury (minor or severe). Lacerations and burns are the most frequent injuries. In 2009, 84 injuries have been recorded, 56 in 2010, and 40 in 2011 (by September). Most often, injuries are inflicted by cutting and swallowing metal objects.

The cooperation between the health service of the Educational-Correctional Institution in Kruševac and the Ministry of Health does not exist, which poses a huge systemic problem.

VII – DISCIPLINARY SANCTIONS

Facilities hosting juveniles deprived of their liberty, nearly without exception, prescribe disciplinary sanctions for misconduct of the protegees.

The practice of keeping minors in conditions similar to prison solitary confinement, a measure which can harm their physical and/or psychological integrity is cause for particular concern. Although the law prescribes that this measure should be used only as an exception, the HCHRS regrettably notes that this is not the case in practice.

Additionally, the recommendations and standards suggesting that the isolation of minors from the other protegees should be as short as possible are not being implemented. Based on conversations with minors who have been isolated for various reasons, the HCHRS has ascertained that, in some cases, the “isolation” lasts very long, which is most often justified by security reasons. Ensuring appropriate contact with people, access to books, magazines etc. and at least one hour of physical exercise in the open air are also problematic. Having also in mind the very poor accommodation conditions, it is clear that the existing shortcomings can produce very serious consequences.

The department of increased surveillance is part of the institution which is no different than the closed departments in prisons. The management of the Educational-Correctional Institution in Kruševac has explained that the protegees who are allocated to these departments are prone to demonstrating violent behavior and abusing other minors, and that (following a major incident) the management was, thus, forced to transfer them to the department of increased surveillance. On our second visit, we have noticed that some of them were transferred to the institution’s general section, which is commendable, and demonstrates that the institution is giving them a ‘second chance’. This example illustrates that it was better to have referred a number of protegees to serving a prison sentence at the Valjevo Juvenile Penitentiary-Reformatory, and that the judicial practice of referring serious offenders to the Educational-Correctional Institution is wrong.

Finally, we are emphasizing that all disciplinary actions taken against minors must be duly recorded and supported by formal guarantees. Several minors have informed us that their complaints do not reach the Director, because they are being torn up by members of the security service and certain educators.

This claim should be verified and a control mechanism guaranteeing an efficient appeal procedure should be established.

VIII – SOCIAL AND FAMILY RELATIONS

Maintaining good contact with the outside world for all minors deprived of their liberty is of utmost importance. All limitations of such contacts should be based exclusively on serious security reasons, or available means reasons.

Active improvement of such contacts is especially useful, because many minors have behavioral problems relating to emotional deprivation or the lack of social skills. Although the Educational-Correctional Institution personnel are putting in an effort to enable contacts of minors with their respective families, we feel that this requires a greater and more continuous engagement of the entire staff.

The HCHRS also wishes to stress that the juveniles' contact with the outside world should never be limited or denied as a form of disciplinary measure, which is the currently the case.

IX – ACTIVITIES AND STIMULATION FOR MINORS

Unless minors with problems are not given adequate attention, there is a danger of long-term social maladjustment. In order to minimize or avoid this, special efforts on part of an array of experts, based on a multidisciplinary approach, should be put in. Teachers and educators, instructors, psychologists and other professionals have the task of ensuring a secure socio-therapeutic environment for the minors' individual needs to be expressed as best as possible.

Minors have the need for physical activity and intellectual stimulation; hence the lack of purposeful activity is particularly harmful to them. Minors deprived of their liberty should be provided with an educational program, sports, professional training, recreation and other activities. It is of particular importance that girls and young women deprived of their liberty have equal access to such activities as regards their male counterparts. Unfortunately, the Educational-Correctional Institution offers female juveniles such activities which are stereotypically considered "appropriate" for them.

The treatment at the Educational-Correctional Institution in Kruševac includes a general system of stimulation which enables juveniles to acquire additional privileges in exchange to demonstrated good behavior. However, it is of extreme importance that the way that they may progress (or regress) as part of the given program contains enough guarantees as insurance from voluntary decisions of the personnel. In prisons in Serbia, the Educational-Correctional Institution in Kruševac included, this is highly problematic.

A unique grading system (UGS), as the most important instrument of progress assessment of protegees at this institution, is being used. It is one of the main methods of measuring the degree of resocialization – re-education. The grading system provides a general structure for

positive behavior. If, during the implementation of a measure at the Educational-Correctional Institution, a protegee demonstrates good conduct (which is being analyzed on a daily, weekly, and bi-annual basis) and reaches the highest grading level, the institution gives a positive opinion which is very significant when the court is reaching a decision on the termination/change of the measure. The measure is being revised every six months.

According to the Director, the grading system has enhanced the treatment. “The system of grading and levels is a general program which describes and gradually develops desired behavior in minors during their time at the Educational-Correctional Institution. The main idea of the system is: noticing good behavior and rewarding it, rather than punishing bad behavior” (quotation from the flyer “Review of the system of grading and levels and accompanying programs of the Educational-Correctional Institution in Kruševac”, 2011). When asked how the personnel accept and apply this new and significantly different approach to minors, the Director has stated that they still need to be reminded of the “new philosophy”.

Based on interviews with minors, it is evident that the system of grading and levels is being applied, that they are very interested in it and that this approach provides them with a framework for greater possibility of managing their own behavior. What could be concluded from the conversations with juveniles and the personnel is that this method also easily becomes a punitive measure in practice, because it is much easier to lose than to gain a favorable position. It is our impression that the method is being used as a “carrot and stick”, that adjustments according to characteristics of individual minors are not being made and that support plans for weak points in their behavior are not being made, but that, rather, it is waited for them to make an offense and be downgraded to a lower level.

For example, one young man was transferred to the lower grade level because of having an argument with his brother over the phone. The educator had overheard and reprimanded him, but he, according to her words, could not stop himself, the anger having overpowered him. The young man’s problem is a broken home which is in constant conflict and does not support him. Another young man was transferred to the lower grade level after not being allowed to go home to see his wife who had just given birth to their child. He had escaped and, as he claims, has returned on his own, but he was placed in detention and has lost all hitherto accrued benefits.

The grading system is an innovative method and deserves attention and acknowledgement. However, the personnel at the institution have also seen that, following the initial trial phase of its implementation, this instrument needs to be reformed, improved and harmonized with practice. The system is a creation of the Director of the institution and several of its employees. One of them has developed and designed a software program which enables the personnel to see the progression or regression of the juveniles in the grading system at any moment. The mentioned program is a useful tool for the employees who grade the individual progress of the

protegees at the end of each working day, and it could be standardized and applied in other institutions for the execution of criminal sanctions as well.

However, it is our impression that not only at this Educational-Correctional Institution, but in others as well, there is a lack of interest of a part of the staff for this (or any other type) of innovation. At both the Educational-Correctional Institution in Kruševac and the Valjevo Juvenile Penitentiary-Reformatory, the innovative approach is being sustained exclusively thanks to the personal dedication of the Director and several employees (younger people, as a rule). Such an attitude towards work and their profession is unsustainable in the long run, and has a particularly negative impact on young persons deprived of their liberty.

In addition, the Educational-Correctional Institution has introduced supplementary programs for acquiring life skills which should facilitate the social resettlement of juveniles after leaving the institution. The programs include: Aggression replacement therapy, Prevention and treatment of drug abuse, Prevention and treatment of alcoholism, Active job searching, Non-violent communication; Alimentation, clothing and habitation; Mediation; Most frequent house repairs; Etiquette. According to the Report on the realization of the program for acquiring specific skills at the Valjevo Juvenile Penitentiary-Reformatory during 2010-2011, which the HCHRS had insight into, most trainees were part of the program Most frequent house repairs, and the fewest were part of the program Aggression replacement therapy (52). The HCHRS finds this data very interesting, and it should be subject to a detailed analysis by the personnel as well. In addition, these two programs have had the greatest number of trainee truancy (20%), whereas this was the case in 10% and less in other programs. The Mediation program has not been implemented in the reporting period.

An analysis of key goals of these programs demonstrates that, in essence, they should promote higher and high levels of ethical understanding, skills of rage management, adoption of constructive social skills, tolerance and mutual respect, expressing feelings in a way that is not hurtful to others, raising the level of personal hygiene and the sanitation levels at the place of residence, good eating habits as an important element of maintaining personal health. A paradox can be noticed between the values which are being promoted by these educational programs and the existing values in the juveniles' surroundings, which include poor quality of food, an extremely low level of hygiene, absence of the minimum of aesthetic criteria, neglect, strong restrictive measures.

The institution's staff has pointed to other weak spots in their work. An example was the fact that juveniles are of differing age, and that the nature of their offenses varies. It was also stated that the community does not include "post-penal juvenile social resettlement". Based on interviews with the protegees, we have been informed that, out of all activities which have been introduced to enrich the life at the institution and to prepare them for social resettlement, the

only activities the juveniles see as serving this purpose are the school and the workshops for acquiring craftsmanship skills.

The HCHRS particularly stresses that sporadic occurrences hardly have any impact on the juveniles' quality of life, even less on their socialization and rehabilitation. By this, we are referring to the existing practice to easily suspend any activities (sports, cultural, educational) via a decision about treatment change, by prescribing disciplinary measures, and even resulting from a non-transparent decision of an educator, teacher or an instructor, which is based on their personal assessment. When working with a sensitive and problematic group as are the young people at the Valjevo Juvenile Penitentiary-Reformatory, there should be no room for voluntarism, and each decision must be the result of serious consideration by various experts.

Interviews with young people demonstrate that they predominantly feel rejected, worthless and angry. The obsolete and habitual modes of conduct of a part of the employees do not contribute to alleviating such feelings which always lead to destruction and auto-destruction.

In order to make changes in this segment, the institutions and the general community need to start caring and giving support to the institution so that a good quality mode of functioning can be established.

The responsibility for establishing a system of continuous social support and cooperation in the juvenile rehabilitation process is primarily that of the Administration for the Execution of Penitentiary Sanctions and the Ministry of Justice. They need to initiate the process of inter-sector cooperation and insist that all institutions of importance for the wellbeing of the youth should take part and take on their respective responsibilities.

The outcome of the absence of such a strategy can most clearly be seen based on data on recidivism. Officially, recidivism amounts to between 15 and 20 percent. However, according to data collected by the institution itself, after educational and correctional measures, the juveniles that were referred to the Valjevo Juvenile Penitentiary-Reformatory return to the criminal offense system in 70% of cases if they come from a small town and in a 100% of cases if they come from a big city. This distressing fact gives testimony of the inefficiency of the measures which are being implemented at the institution, but even more about the inertia and the lack of interest of the general surroundings to establish programs which would enable adaptation and social resettlement of juveniles upon leaving the institution.

X – EDUCATION

Providing conditions for schooling and professional training of young delinquents is crucial not only as regards the treatment during their stay at the Valjevo Juvenile Penitentiary-Reformatory, but also for their future. The languid and ignorant attitude of the state and the society towards this segment of life of juveniles is, thus, unacceptable.

The lack of coordination between the length of educational measures and the educational system poses a particular problem which is complicated further by revisions which are carried out every six months and which often result in a change of measure, and the termination of education as a result. The school system at the surroundings to which a juvenile is being relocated often does not provide the possibility of continuing the education process. It is, also, incomprehensible that the state has not developed an education system for the education of the vast number of young people who have not attended school, and do not fit the adult education category.

The Principle of the school adjacent to the Educational-Correctional Institution maintains that the proteges “accept school pretty well, considering that they have rejected it before their sentence”. He stresses that, while at school, they rarely cause disturbances. In 10 years, there was one major breach of the code of conduct. Additionally, the juveniles do not cause physical damage to the school inventory, which was also noticeable during the visit. While preparing a play for Saint Sava’s day, no one was in detention for two months, which is unusually long for being without punishment at this institution.

Interruptions in the education of proteges and repeating grades primarily occur when they are punished with detention or increased supervision. These are times when the school has no contact with them. It can also happen that a protegee purposely behaves in a way that would result in repeating a grade, in order to extend his/her stay at the Educational-Correctional Institution. In the words of the school’s Principal, a methodical system is suitable to the proteges as does the fact that the school is the only place at the institution where young men and women are together.

What can be indirectly concluded based on what was being said is that the school answers their needs and interests, that interacting with teachers, direct contact based on topics which are not related to their difficult experiences and stigmatization, make significant improvements in the behavior of proteges, and that an analysis of their behavior at school demonstrates their potential for socially adequate behavior.

XI – MECHANISMS OF CONTROL

All international documents and contemporary standards state as extremely important the developed mechanisms by which independent bodies monitor juvenile institutions. The Valjevo Juvenile Penitentiary-Reformatory stresses that nearly 90% of minors are visited by judges, given that the judges predominantly come from big cities and visit several juveniles in one visit. The HCHRS, however, notices that such practice is not particularly effective because the limited time of a particular visit and the large number of juveniles which are to be visited cannot provide true insight into their respective situations, treatments and potential complaints. In

addition, it is evident that during visits to juveniles whom they have sentenced to educational measures do not oversee the work of the institution and are not investigating the issue of the implementation of the treatment.

With consideration of the separation of competences, we feel that the courts must have a more active stance as regards this issue. In that sense, additional education of judges is needed, and a possibility of additional experts who could accompany them in their visits and who could make a more adequate assessment of the institution's work and the attitude towards minors should be considered.

Visits of the Ombudsman to institutions for juveniles should be more frequent, and there are no obstacles to local offices of the protectors of citizens being included in the independent assessment process. This has not been the case thus far.

RECOMMENDATIONS

- **Enrich cultural and sports activities and conduct them in continuity;**
- **Reduce punitive measures and strengthen support;**
- **Prevent the interruption of schooling due to punitive measures;**
- **Make the system of grading and rewarding objective and visible;**
- **Carry out and increase the scope of the programs of life skills and non-violent communication;**
- **Strengthen cooperation with the school and cooperate with it in enriching activities;**
- **Take measures for additional monitoring of all services and work on continuous education of personnel;**
- **Establish safeguards against any type of abuse and degrading conduct towards minors;**

Valjevo Reformatory

The reformatory in Valjevo is Serbia's only prison institution for young offenders, males exclusively.

And yet, adult prisoners have been accommodated in the institution for years now. At the time of the Helsinki Committee team's last visit the Reformatory had accommodated 232 prisoners out of which 70 were adults (recidivists allocated by the Central Prison Administration), 28 were underage, whereas the rest young adults.

Widespread abuse of psychoactive substances still plagues the institution. Besides, numbers of juveniles had been incarcerated there for murder and other violent crimes. Such structure of prison population only logically calls for special treatment regimes and organizational arrangements but also for full support from relevant institutions of the system.

I – GUARANTEES AGAINST ILL-TREATMENT OF JUVENILES

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International recommendations about the shortest possible incarceration of juveniles are hardly applicably to Serbia where extreme violence among young is much too frequent.

By far more juveniles with long criminal records are accommodated in the Valjevo Reformatory than in the one in Kruševac. Actually, this institution is quite specific by the number of juveniles under long sentences.

On the other hand some juveniles punished for serious crimes have got inappropriately mild sentences. This indicates arbitrariness in the judicial policy and, moreover, the state's undefined strategy for this category of young offenders.

The structure of prison population and juveniles and adults that are not accommodated separately are by far more pressing problems. The influence of young adults on those underage is more detrimental than influence of adult prisoners who should not be accommodated there in the first place. The fact that different categories of prisoners are not psychically separated implies in itself the risk of inter-prisoner exploitation and various forms of maltreatment, as well as seriously affects the rehabilitation process.

The prison is so constructed that it is impossible to have underage offenders separated from adults (recidivists) or young adults. At present the prison management is working on a reconstruction plan. But as thing stand now the plan cannot be effectuated in foreseeable future.

Therefore, the team takes that the authorities should start collecting funds for its realization without undue delay.

None of the interviewed complained of having been abused or ill-treated by the staff. Explaining cuts and bruises visible on some, they ascribed them to inter-prisoner fights that had been carefully planned in advance and therefore could not have been prevented by security officers. Such fights are occasional but extremely violent. Prison officers should pay a watchful eye on any hint of fighting because it could be fatal to those involved.

According to the interviewed prisoners, the police regularly torture them upon arrest and in custody. One cannot but be concerned with such testimonies.

II – CONDITIONS OF LIFE

Nothing has changed in the “intensified surveillance” ward /OPN/ since the team’s last visit. Dormitories are still dark, humid and poorly ventilated, and toilets and window frames in deplorable state. Bedclothes are still being removed at daytime. The later can only be labeled harassment. Restrictions in the ward are traumatic enough for those accommodated there – juveniles under disciplinary measures and those whose personal safety is endangered.

Conditions in other sections also do not meet the standards for juvenile accommodation though the prison administration tries its best to make them bearable. The team takes that additional funds could help change the things for the better.

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III – INSTITUTIONAL PERSONNEL

Though all forms of physical punishment are prohibited under law and avoided in practice, the interviewed prisoners often quoted cases of humiliating treatment by personnel. Here one should bear in mind that many of them do not see humiliating treatment as something impermissible – they come from socially deprived environment where humiliation is part of the everyday. What causes anxiety is that some officers on the staff cross the line but justify their actions as pedagogical measures.

The respect for gender equality in recruitment of personnel has been producing positive effects notably on juvenile offenders.

The prison administration plans to make major changes in the domain of security and introduce, among other things, the “prison without arms” model. For the time being such transformation of the institution and its security service is open to question given that it involves large investment. Be it as it may, any consideration given to less rigid conditions for some parts of prison population is always most welcome.

Though the institution is rather experienced in catering juvenile offenders its personnel are not always carefully recruited and capable of coping with the challenges of the work with this category of prisoners and taking care of their wellbeing at the same time. It goes without saying, therefore, that the Ministry of Justice and the Central Prison Administration should pay more attention to pre-recruitment training and in-service courses of training for institutional personnel.

IV – HYGIENE

Toilets, bathrooms and toiletries available at all times are most important for this category of prison population. Unfortunately, like in the Kruševac Reformatory, general hygiene is not satisfactory while the state fails to manifest understanding for such complex issue as juvenile criminality.

V – KITCHEN AND FOOD

The same as in other prisons throughout Serbia fruits, milk products and sweets are rarely on menu. The team takes that some improvements in this aspect could be made despite meager funds the more so since this is about most important items in young persons' diet.

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VI – MEDICAL CARE

In its previous report the team drew the attention to the negative change in the institution's practice of testing all newly admitted prisoners for hepatitis B and C, and HIV infection. Since such testing has not been resumed in the meantime the team once again appeals to the Ministry of Justice and the Central Prison Administration to make sure that it is implemented in this institution. Numbers of juveniles and young adults having consumed various psychoactive substances prior to admission and their earlier environments are high-risk factors affecting their health and overall conditions in the reformatory.

The institution keeps records of all medical services provided to prisoners. The information of numbers of those suffering from depression and various types of psychoses causes anxiety but is not unexpected. Despite the claims that the institution has established good cooperation with psychiatrists in the Valjevo Hospital and Belgrade's prison-hospital, the team holds that the practice of having of psychiatrist engaged on contractual basis should be resumed. A psychiatrist's presence on the premises is the more so necessary since prisoners are kept in OPN for long. Besides, his/her presence would remove doubts about legality of treatment in the case of inter-prisoner violence.

One suicide that took place since the team's last visit causes anxiety and indicates failures in personnel's work. Symptoms of depression manifest even among the youngest prisoners (who openly discussed their feelings with team members) indicate insufficient and/or non-existent care and not by medical officers only.

The team also takes that the medical service should recruit additional professionals and work round the clock rather than till 9:00 pm.

All prison officers without exception should be concerned with juvenile's health. The medical service (physicians, nurses, psychologists, etc) need to coordinate their work with other professionals in permanent communication with juveniles. A medical program with emphasis on most important aspects of healthcare should be available in writing to all members of the staff expected to participate in it.

A medical service's duty – and particularly when it comes to juveniles deprived of their liberty – is not only to heal the sick but also to prevent all types of illnesses.

VII – DISCIPLINARY MEASURES

As expected among young deprived of their liberty strong “informal systems” constantly hamper the institution's functioning. Over its fact-finding missions the team has registered the existence of two strong “informal” groups and several lesser subgroups. According to prison officers, the informal system does not affect that much those accommodated in the semi-open ward, who communicate freely and socialize regardless of their affiliation to this group or other. This is not the case in the closed ward where the rules of the game are by far stricter and considerably undermine the institution's functioning and security. Prison officers openly speak about their difficulties in keeping these groups under control, preventing fights and self-mutilation.

It is with much difficulty that the institution copes with this problem the nature of which overcomes prison treatments and calls for action by institutions in the outside community. Since the prison has not developed a systemic approach to the problems of young delinquents all crises are solved through isolation of those identified as gang leaders. In its earlier reports the team has stressed that such practice is contrary to law as it leads towards inappropriately long-term disciplinary measures in OPN and allocations to the closed ward. Some interviewed prisoners were obviously under stress, some were visibly frightened and some depressive. No doubt that compromised safety negatively affects both prisoners and the institution as a whole. On the other hand disciplinary measures that are presently taken against juveniles seriously undermine their mental and physical health. The state should get more actively engaged in solving this problem in tandem with the prison administration.

As things stand now grievance procedures are not available to prisoners and fulfillment of their other rights such as rights to education, meaningful work, exercise and recreation is also questionable.

VIII – SOCIAL AND FAMILY TIES

One cannot but be concerned with the fact that as many as 80-90 percent of juvenile offenders never receive family visits. Prison officers on their own cannot secure support and communication from families and other persons young prisoners care about. Social care centers, schools and other institutions in the communities juveniles come from should play major roles in this aspect.

When it comes to the activities that connect prisoners with the outside world, the prison organizes annual poetry festivals and painting colonies. In 2011 eight painters joined the colony, which unlike previous 4-day events lasted one day only.

IX – MOTIVATIONAL ACTIVITIES

In catering juveniles only full commitment by the staff could reduce the risk of their long-term social dysfunction.

The prison's general motivational system makes it possible for juveniles to earn extra privileges in return for proper behavior.

The prison's plan includes a variety of activities aimed at encouraging constructive social skills and positive interests in juveniles. However, the team noted that only some of these activities were actually implemented and that only a small number of juveniles only occasionally took part in them.

Of all clubs in writing only sports club is active at all times in the form of recreational activity. The journalist club usually produces some stories to mark the St. Sava Day, there is not telling whether the church choir practices at all, the painting club operates only within the painting colony, while the music club was closed down when juveniles smashed their instruments.

The prison's psychosocial program includes social skills, anger control, alcoholism support group, family therapy, post-penal preparations and individual therapy.

The great majority of juveniles have tried some psychoactive substance. Most of them are drug addicts. Up to now the prison has organized only one 1-year rehab program with eight juveniles out of which five went through it all the way. It goes without saying that by far more juveniles should be encouraged to join such programs.

The family therapy is well-designed the more so since a considerable number of prisoners are married and have families. The program includes genograms, messages, role-playing and

letters of forgiveness and reconciliation. Groups are mixed – meaning that they encompass prisoners from open and closed wards alike. Four groups have gone through it up to now.

Pre-release period is a period of crisis for all prisoners. The pre-release program is organized twice a year for those who will be released within the next six months. Ten 10-member groups have been organized so far but the number of those who have actually finished it is smaller. It aims at developing the sense of personal responsibility and compassion, building personal integrity and helping prisoners in overcoming the obstacles awaiting them in the outside community. In this context they are taught how to write CVs, cope with stigmatization and develop personal 1-year plans of action. Experience has shown that the existing program has had no beneficial effect on prisoners from the closed ward.

Being poorly educated and poor, a big majority of families are not capacitated to provide adequate support to their children. Small steps can gradually make things move for the better in local communities where juveniles are returning upon release and, therefore, should be taken to facilitate their reintegration. According to prison officers, establishing communication between juveniles and their families is beyond their power. The team takes that this aspect of social rehabilitation is too important to be given up.

No doubt individual psychological treatments are most welcome. Unfortunately such good practice cannot fully satisfy the needs of a large number of prisoners.

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All the above-mentioned programs are not available to all prisoners. For instance prisoners in the closed ward have had no opportunity to attend the program dealing with social skills, anger control and anti-alcoholism treatment. The interviewed officers manifested awareness about the pressing need for having this program in the closed ward and said they were planning to organize it.

According to prison officers, it is almost impossible to bring together persons seeing themselves as socially superior and those they consider inferior (like Roma) in one psychotherapeutic group. This is the reason why many among the latter have never been included in such programs. The team takes that a proper solution to the problem must urgently be found.

Officers who have created the psychotherapeutic program take motivation for joining the program as a major problem – namely most prisoners and some members of the prison staff alike treat joining the program as a sign of weakness. Out of 7-10 persons forming a group at the beginning only some 5 go through the entire course. The team was told the juveniles are more interested in school and vocational activities than in therapy. Generally speaking, they are more interested in the activities that could help them get better prison regimes.

One of the reasons why a small number of prisoners are included in psychotherapeutic programs is the resistance to it within the system. Five members of the professional staff work on the program, including the prison manager, whose other duties do not allow full commitment

to it. Five professionals is almost nothing when compared with the significance of this form of support provided to prisoners.

Vocational training is realized in prison workshops and by the program developed within the Reformatory. Prisoners can attend courses of training for metalworkers, locksmiths and carpenters. According to the prison administration, some hundred participants are included in these programs on annual basis. All the courses are organized in cooperation with the Vocational Center in Nis so that the certificates issued to participants bear no evidence of being earned in prisons. If they wish so, prisoners may also attend courses of training in coating surfaces with paint and baking. As of recently an elementary course in computer literacy has been available to prisoners. At present the prison administration is seeking for a solution to certificates that will not bear evidence of prison. At the time of the team's last visit a group of ten prisoners from the closed ward and another ten from the open one were attending this course.

The prison has formed a juvenile team composed of representatives of all services. The team is tasked with coordination of all activities and monitoring the overall situation of juvenile prisoners. Establishment of a team as such is a major step forward. Unfortunately, its work has not been reflected yet in the quality of prison treatment. Major activities such as educational, occupational or psychotherapeutic are still cancelled because of disciplinary measures taken against individuals. Proper support to juveniles' and young adults' capacity for abiding to socially recognized rules of conduct and to their education should be a top priority during incarceration. This would lessen the probability of recidivism on the one hand and encourage their integration into the outside community after release on the other. Judging by what it observed during the monitoring, the team acknowledges the institution's endeavor to introduce positive changes in the areas of juveniles' education, constructive conduct and skills capacitating them for the life in the outside world. And yet, methods of punishment predominate over this endeavor. This indicates that cooperation between different services and mutual observation are still inadequate. The team left under the strong impression that personnel's attitude towards prisoners primarily depend on the former's individual commitment and initiative.

The institution has not established the practice of in-service courses of training for prison officers. Participation in such trainings is left to individual interest in acquiring new knowledge and skills. So far, one course of training in encouraging behavioral changes has been conducted by the prison manager with the assistance from OSCE Mission to Serbia. Not all instructors working with prison population have attended it.

X – SCHOOLING

Prisoners are provided the opportunity to finish elementary school. Classes are organized by the Adult Education School from Obrenovac. Presently, some 16-17 prisoners attend these classes.

Prisoners can also attend secondary school classes in Valjevo but only those accommodated in semi-open and open wards. Besides, a prisoner's schooling depends on his family's financial resources. Families have to cover the costs of admission and exams, textbooks and transportation, which totals some 30,000 RSD per student. Bearing in mind that financial resources of these families are usually scarce, it is clear that many juveniles cannot exercise their right to schooling.

The prison administration has not made arrangements with secondary schools to organize classes within the prison institution. Instead, all students-prisoners have to be transported to local secondary schools. At present only three of them attend classes (technical and economics schools) though more prisoners would be only glad to continue their schooling.

According to the interviewed prison officers, some students drop out. The team has not obtained the information about the number of those who have dropped out. Allegedly, they have had to be hospitalized. The team takes prisoners punished by disciplinary measure and those isolated for security reasons must be in this category.

Though the available data were not precise enough, it is obvious that only a small number of juveniles and young adults are enabled to continue their schooling. More attention, therefore, needs to be paid to this problem.

XI – MECHANISMS OF CONTROL

Bylaws provide that the reformatory shall submit annual reports to court of law on prisoners' treatments and the state of their physical and mental health, whereas courts of law shall inspect the reformatory also on annual basis. True, the latter do respect this provision. However, their inspections boil down to rather formal procedures and as such hardly have any beneficial effect on the institution's functioning.

The reformatory is occasionally inspected by representatives of the Office of Citizens' Ombudsman. A mailbox on which the Ombudsman's address is visibly posted is available to prisoners in OPN ward. The interviewed prisoners say the rarely appeal to the Ombudsman – some fear reprisal by the institution while others take a complaint will make no difference. Regardless of such rationale by prisoners, the team recommends that the institution should improve its grievance procedure and keep juveniles better informed about their rights.

RECOMMENDATIONS

- Improve prison officers' capacity for team work;
- Train prison officers in contemporary approaches to treatment (in-service courses of training);
- Diversify cultural and sports activities for prisoners and organize them on regular basis;
- Reduce the number of disciplinary measures against prisoners and provide support to them instead;
- Prevent dropping out on the account of disciplinary measures'
- Make the system of benefits and rewards more objective and transparent;
- Organize more trainings in the skills juveniles can profit on upon release.