



HELSINKI COMMITTEE FOR HUMAN RIGHTS IN SERBIA

# Prisons in Serbia

JULY–OCTOBER, 2010

**Monitoring of the prison system reform**

BELGRADE, APRIL 2011

PRISONS IN SERBIA, July–October 2011  
An initial overview of the progress  
made in the reform of the prison system

PUBLISHED BY:

Helsinki Committee for Human Rights in Serbia  
*www.helsinki.org.rs*

AUTHORS:

Marija Jelić  
Dr. Gordana Lukić-Samardžija  
Ljiljana Palibrk  
Ivan Kuzminović



This report has been produced with the assistance of *Civil Rights Defenders*

# Contents

## **POŽAREVAC PENITENTIARY-REFORMATORY FOR WOMEN**

Quality and Conditions of Life . . . . .	4
Security . . . . .	10
Legality of the Prison Regime . . . . .	12
Resocialization . . . . .	14
Contact with the Outside World . . . . .	18
Institutional Personnel . . . . .	19

## **SPECIAL PRISON HOSPITAL**

Living conditions . . . . .	22
Security . . . . .	28
Legality of treatment . . . . .	30
Social resettlement . . . . .	33
Contact with the outside environment. . . . .	38
Institutional personnel . . . . .	39

## **COUNTY PRISON IN NOVI SAD**

Living conditions . . . . .	41
Security . . . . .	46
Legality of treatment . . . . .	48
Social Resettlement . . . . .	50
Contact with the outside environment. . . . .	53
Institutional personnel . . . . .	54

## **PENITENTIARY-REFORMATORY IN SREMSKA MITROVICA**

Living conditions . . . . .	56
Security . . . . .	61
Legality of treatment . . . . .	62
Resocialization . . . . .	64
Contacts with the Outside Environment . . . . .	68
Institutional personnel . . . . .	68

# Požarevac Penitentiary– Reformatory For Women

Visited:	July 6 <sup>th</sup> and 7 <sup>th</sup> , 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.

6

## **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.

13

## **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 – 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.

18

### **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.

20

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**

# Special Prison Hospital

**Date of visit: July 27 and 28, 2010**  
**Type of institution: prison hospital**  
**Population: prisoners, male and female**  
**Capacity: ca. 400**  
**Occupancy: 672**

## **I – LIVING CONDITIONS**

### **a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions and hygiene**

The previous visit to this institution was conducted on January 31, 2006. This took place just before KPD Hospital was renamed into the Special Prison Hospital, and after the institution had been visited by representatives from the Ministry of Health.

Unfortunately, during our current visit, we have concluded that not much has been done since. The relationship between the two Ministries (the Ministry of Justice and the Ministry of Health) has still not been regulated, whereas the debate on this issue has not even begun. At the moment, the Justice Ministry has full competence, which cannot be considered the best possible solution. As is the case with our previous visits and reports, we feel that it is very important to continue the process of genuine restructuring of this institution into a hospital which will be organized primarily according to medical, and not prison principles.

The living conditions and patient accommodation are inexplicably poor, and do not fulfill the required standards of a prison institution, let alone a health institution. As all parameters pertaining to this aspect have been presented in detail in earlier reports, we can only conclude that the current state of things remains unchanged, or that it is even worse in some aspects. Namely, the overcrowdedness that occurred during the past few years has led to the already inadequate accommodation (some rooms are without natural lighting and fresh airflow), poor heating (insufficient during the winter, and yet it is turned on occasionally in the summer, when temperatures are soaring even without heating), very problematic water supply etc. to reach alarming proportions. Only a small number of rooms and other facilities can be considered to be in decent condition, whereas the majority of the rooms by far do not fulfill the minimal conditions for accommodating people. These shortcomings are all the more important given that ill people, many of whom are psychiatric patients, are to be treated in these conditions. On the other hand, the section where they are accommodated (IV floor) has been refurbished and is noticeably in better condition as compared to other areas. Having in mind that this is a prison hospital, we are concluding that this population (as compared to prisoners in prisons) is additionally subjected to inhumane and humiliating treatment on part of the state.

In addition to these major problems, there are also smaller, but certainly not less important ones, such as poor furnishing, worn-out beds and bedding, shortage of hospital slippers and of adequate winter and summer wardrobe, washing the laundry by hand and the like. It is precisely because of these extremely poor conditions that we must emphasize that the attitude of the personnel is remarkably positive. The employees are working in conditions just as inhumane

as those in which their patients are living in, but they seem to be putting in extraordinary efforts attempting to help in various ways which are unforeseen by their job descriptions (by keeping extra supplies of bottled drinking water, by purchasing plastic slippers and smaller articles for their patients at the market etc.) Without any doubt, the facilities and physical conditions in the prison hospital in Serbia are entirely inadequate for a medical institution.

We were told by the institution's management that there are plans to dislocate the hospital to Bubanj Potok in 2020, whereas the current location would become home to the construction site of a new business center. We feel that the construction of a completely new prison hospital is absolutely necessary and urgent, but that the issue of the new location needs to be considered, given the requirement of efficient communication with other health institutions in the city.

### **b) Kitchen, mass hall and food**

The institution employs a dietitian who takes care of developing a menu and meeting the patients' specific needs depending on their ailments and the prescribed dietary measures. An insight into the daily and weekly menus leads to the conclusion that foodstuff variety, including various diet meals has been given due consideration by the institution. Unlike many prisons, the diet contains fruit. Interestingly, the patients have not complained about the quality or the variety of food, which is common in all other prisons. They are, also, allowed to use kettles for preparing coffee, tea etc.

The employed dietitian takes care of sanitary checks of persons preparing the food. Food preparation and delivery are both under constant surveillance.

23

### **c) Medical care**

For the Helsinki Committee's team, this was the dominant aspect in the focus of observation, precisely because of the type of institution concerned. This is also the reason why we are discussing many occurrences as part of medical care, even though they are usually analyzed within other segments.

Many European countries had been facing problems and dilemmas regarding the functioning of prison hospitals. Many countries have formed commissions comprising representatives from the Ministries of Health and Justice, members of prison health services and sometimes independent experts. These commissions had the task of understanding the current state of affairs in health services within prisons and suggesting a modus of their future organization, improvement of their work and forming a system of quality control, as well as determining which Ministry will be in charge of the service's work. We feel that this problem in our country should be addressed in a similar way because there are different solutions for resolving it (the Justice Ministry should remain the competent body; the health service should be adjoined to the Ministry of Health; or the engagement of both Ministries with clearly defined competencies should be combined). At the same time, the European prison rules prescribe that the prison health service is organized in close relation to the national health policy, which additionally implies the necessity of working closer with the Ministry of Health.

The problem which is, at least in part, related to all prison health services being part of the Ministry of Justice is the fact that the medical personnel does not have the same status as

medical workers in other hospitals. This way, medical doctors, psychologists, social workers and the like work as advisors and independent advisors in health positions, that is, they represent a part of the penal system. This position disables the health service's independence, and has a particularly negative impact on their independent responses in possible delicate situations where some sort of torture or maltreatment is suspected. The negative effect of staff dissatisfaction on a personal level with regards to their inadequate status, when compared to their colleagues in other institutions, should also be considered. This discrepancy between the health institutions leads to many other problems, such as the method of payment for afternoon work and being on call; but also the serious problem psychiatry ward nurses are facing because they cannot retire due to an unfulfilled condition for age pension, even though they have spent 30 years (41 years of service) working with psychiatric patients. The nurses themselves, as well as doctors, as their superiors, feel that no one can adequately work for such a vast number of years with psychiatric patients because it is a very stressful and exhausting job.

With regards to the Special hospital, somewhat inadequate conceptual solutions should be reconsidered and perhaps modified in the future. The reason for this is the fact that European practice usually does not support this type of mixed organization of having one hospital for difficult psychiatric patients, substance abuse patients (drug addicts and alcoholics) as well as various somatic patients with varying pathology ranging from malignant to infective diseases (such as TB and the like). It is widely thought that it is economically more efficient and a better solution for the patients to be using the existing specialized civil institutions. The security problem can be resolved by isolating rooms, hallways or parts of wards which are suitable for adequate security and surveillance. At the same time, the most adequate medical care is provided, especially considering that the services of such civil centers are mainly used in their current organization status. Clearly, solutions of this type call for intensive cooperation of the two Ministries and joint strategic planning.

In addition, a big conceptual problem is the way psychiatric patients, who have been prescribed treatment measures, are treated, and its resolution should also include the psychiatric professional community. This is a particularly delicate area which has lately been the subject of significant changes in terms of expert medical attitudes, with which future organization should be coordinated. One of the prominent approaches is to reduce the application of closed, institutional treatment to the absolute minimum. Clearly, each change of approach calls for exceptionally good cooperation and synchronized activity of different services, both medical and social. Unfortunately, this cooperation in its current organizational form is not adequate either. The consequence of poor functioning in this area is that some patients without relatives, or whose families refuse to take them in, remaining in this institution for up to 20 years, without medical indications. Also, the admittance and further control of the application of the prescribed therapy, which is essential in these patients, does not function adequately. Alongside this problem, in post-institutional resettlement, there is also a significant degree of medical ignorance in courts, which results in medical and psychiatric assessments of the existence of the conditions for the termination of the prescribed treatment measure being ignored in certain situations. It should be clear that the majority of these patients cannot be fully cured; rather their disease should be put under control and carefully monitored, which does not mean that these patients should be held in closed-type institutions endlessly.

Another serious problem is the treatment of substance abuse diseases. All addicts, and not only the ones whose treatment measures have been ordered by the court, should be subject



to treatment in the prison system. As drug addicts make up for a very high percentage of the total prison population, new, more efficient solutions in this area should be considered. At the moment, this is left up to prison doctors and psychiatrists who are usually hired on a contract basis in different institutions, which leads to differences in the treatment approaches and represents a reflection of the doctor's individual stance. Unfortunately, there also isn't an organized form of cooperation with the doctors who are engaged in this field at the Special Hospital, which should represent a center for coordination and organization of this aspect of health service throughout the entire prison system. The Special Hospital is clearly not such a center, but as well, the services provided for the patients in these wards do not meet the minimum of standards due to a shortage of staff. The fact that two doctors are working with roughly 220 drug addicts at the time speaks for itself. It is clear that we cannot even speak of genuine expert work. The treatment comes down to the initial examination and the prescription of pharmacological therapy which might, eventually, be modified. There is no group, individual and family psychotherapeutic work at all. Unfortunately, we have to conclude that this service is below the level that was provided in this institution long ago (at the time when there were fewer patients and more doctors), whereas any advancements in expert work are non-existent. At this time, according to the job systematization, the health service has 20 job vacancies for persons with a university degree, 5 job openings for persons with a college degree, and 5 openings for persons with a high-school degree. There is lack of specialized personnel in other wards of this institution as well, but we feel that it is most alarming in the case of drug addicts. The shortage of staff has resulted in the fact that one doctor in the institution remains on call in the afternoon and at night – the same doctor who is also in charge of the prison (located in the same building) at the same time, which is absolutely unacceptable. Only during one short period of time was there a possibility of organizing for two doctors to be on call. It is clear that something needs to be done to attract the interest of doctors for working in this type of institution, given that the call for doctors is open almost continuously, but there seems to be no interest in the posts. Certainly, the facts that the pay is the same or less than in civil institutions and that vacation time has recently been reduced from 40 to 30 days do not represent stimulating parameters. Doctor's salaries have recently had a 30 percent raise, but this raise has not included associates such as psychologists and social workers, whose standing is also problematic. One social worker has been employed on a contract basis for three years on end. Wards A and B (psychoses prescribed with mandatory treatment) employ two psychologists for working with 250 patients, whereas only one of them was employed until recently. This number of patients leads us to the conclusion that psychologists can only meet elementary requirements in terms of clinical testing and patient evaluations, whereas there are neither any possibilities nor time for any form of counselling. As a curiosity, we are giving an illustration of the work methods and conditions, where, in the 21<sup>st</sup> century, a psychologist whose computer is not connected to the printer, needs to carry documents for printing to another computer connected to the printer on a long forgotten 'floppy disc'.

Wards A and B employ one educator who is also part of the health service which deals with recreational-educative work with 250 most difficult cases. She checks their mail, she takes on outings those patients which are allowed this convenience but have no relatives, she takes them on field trips once a year etc. When she is on vacation or on sick leave, no one from the institution carries out these activities regarding taking patients out of the institution.

The health service also has 8 employees engaged on jobs of occupational therapy (whereas the job systematization calls for 9 employees). The number of patients undergoing this type

of therapy at the time of our visit was roughly 100. We welcome the existence of occupational therapy and we feel that it should include many more patients in order to fulfill and enrich their days in the institution. However, we have strong objections about the way this service operates. These activities are available to patients only before noon, rather between 10 am and noon, to be exact. We feel that two hours a day, in the morning hours, which are usually much more lively and filled with medical examinations and similar activities, is very little and that it does not justify the existence of this part of the health service. This kind of organization calls for all activities to be ended by 3 pm, when the employees leave and patients are locked in their blocks; they are left on their own and to the informal system inside the institution, and can receive medical help only in emergencies. This is, by no means, a good solution, and one of the possible changes is the reorganization of the work day of this particular section of the health service, so that it can function in full capacity to encompass a large number of patients and fill the afternoon hours with activities.

The institution hosts a dental clinic which is in poor shape (its construction is dilapidated, with old windows where water seeps through when it's raining). The dentist's chair is old (from 1982), the sterilizers were procured when the hospital was built, and they own only six tooth extracting pliers, which means that the number of such interventions performed per day is limited. This service employs one dentist and one dental technician who perform roughly 1000 examinations per year. As visits to the dentist are organized in terms of blocks, most problems occur on days when treating drug addict patients, because they are numerous and require numerous interventions, resulting in long waits because not everyone gets to be examined and treated.

Also, there is the biochemistry lab, which could function much better if physical conditions were improved, starting with the improvement of facilities, airconditioning, which is necessary for performing analyses and for stable functioning of machines, to the procurement of new equipment. The water bath is in extremely poor condition which is also endangering the safety of employees. As of late, they own a blood analyzer enabling them to carry out this part of the job, however, there is a small capacity for other biochemical analyses (around 20 per day), because outdated methods are being used. If an analysis needs to be carried out urgently, the entire process which has begun before it is ordered needs to be interrupted. This service employs 5 lab technicians and one pharmacist-biochemist. The removal of medical waste continues to be an unresolved problem, with special emphasis on the fact that this institution is frequently faced with infectious materials.

The pharmacy is one of the better organized parts of the hospital, it is spacious enough and decently equipped, especially compared to other parts of the institution. It employs one pharmacist and two pharmaceutical technicians. The pharmacy is well stocked, medicaments are delivered 2-3 times per week, and when a new medication needs to be procured for a new patient, it is delivered to the institution within 24 hours at the most.

The X-ray cabinet is also in operation, 2-3 years ago a new machine was procured and a radiology specialist visits the institution weekly as a consultant. In addition, the institution engages numerous other consultants (surgeon, urologist, orthopedist, infectologist, ear, nose and throat specialist). Alongside these consultants, there are also specialists in psychiatry, pneumo-physiology, cardiology, two neurologists, two general practitioners, as well as the above mentioned dentist and biochemist, all working as full time employees. The institution owns EEG, ECG and ultrasound machines and a defibrillator. There is only one ambulance, however; and given

that an institution organized this way has a high demand for driving patients to civil institutions, its services often have to be waited for.

Since early 2010, there haven't been any suicides, only one attempt. 7 cases of self-harm and 4 cases of hunger strike have been noted. There have been 12 injuries, most of them in fights among patients. 15 patients have died of natural causes. In each death, the body is sent for a clinical autopsy. Hepatitis C infections are frequent (80-90), hepatitis B is much more rare (1-2 per year), there are up to 5-6 HIV patients at the most (at the time of the visit there was only one). There were 7 patients suffering from tuberculosis.

In comparison to the last visit, measures of isolation and fixation/restraining in the acute psychosis ward are still being used as before, with leather belts in rooms with 7 beds (which were all filled at the time of the visit), without inflow of fresh air and without any natural light. The manner in which patients in a state which need to be monitored – the state of excitation, are isolated, needs to be urgently changed without excuse.

### **RECOMMENDATIONS**

- **It is necessary to establish clear competencies and responsibilities between the Ministry of Justice and the Ministry of Health and to restructure the institution to a rational and sustainable model of functioning**
- **In cooperation with other institutions, the best possible solution for accommodating and treating persons with various pathologies and re-integrating them into the open environment needs to be devised**
- **Particular attention needs to be paid to formulating the best possible approach in treating psychiatric patients and addicts, with the use of contemporary methods and the participation of all relevant factors – institutions, family and other persons and organizations.**
- **Repair and complete reconstruction of the facility is urgently needed (that is, building a new one), because the current state of things is jeopardizing the health and safety of patients and employees alike.**
- **In spite of adverse objective conditions, internal organization should be re-examined and adjusted to the patients' needs as much as possible.**
- **It is beneficial and necessary to introduce the institution and the personnel to different methods and ways of thinking, in addition to adopting good practices which can be implemented in the prison hospital as well.**

## II – SECURITY

Internal and external security seems satisfactory at first glance. Efforts and means have been put in to improve this aspect as much as possible. Having in mind the number of patients, the structure, as well as the overall accommodation conditions, in addition to one attempted escape and 13 fights among prisoners, it is clear that security is being given adequate attention.

Apart from the surveillance of the entrance of the facility shared by the District Court and the Special Prison Hospital, there are also two metal detectors at the building's entrance, through which everyone, including employees, must pass. In addition, the institution is covered by video cameras (except for the rooms and bathrooms), whereas the outside area for sports activities is covered by four cameras. All security employees own Motorolas, which facilitate communication and efficiency.

Nevertheless, members of the security are continuously discovering possession of illegal objects on patients, which only goes to show that no control system is perfect. Metal poles, blades, tablets and cell phones are most frequently found. During one of such searches, a certain amount of heroin was discovered. As in other prison institutions, there are also regular and ad hoc searches based on the monitoring process. It is common for searches to take place once a week. Packages are first monitored on an X-ray machine, then manually, and are then finally distributed to blocks. Canned food is not opened in this institution, however meats and other foodstuffs are cut for more detailed contents searches.

Having had an insight into the relevant documentation, we have ascertained that the prescribed procedure is followed in cases of incidents: the operative center is informed, a report which is logged in the incident book is written etc. There were hardly any complaints about the security services by the prisoners (neither in oral, nor in written form)<sup>1</sup>. Although we were accompanied by members of the security during our tour, we were enabled to talk in private with the prisoners, and also to talk in their rooms. Our security escorts were discrete and fully aware of how our mission should be treated, which is not the case in all prisons. We were also enabled access to all facilities we wanted to see, as well as to all the requested documentation.

There are no solitary confinement facilities in the hospital at this time; when needed, a room in the County prison is used. Restraining measures on prisoners are most frequently used in cases of acute psychosis, and the security service assistance is documented.

The employees feel that they are understaffed, given the scope of work and the number of patients. They are also dissatisfied with salaries, but the working conditions might be the greatest problem of all. Indeed, although the working conditions are poor for all employees, we are convinced that the security service members are in a particularly difficult situation. They wear inadequate uniforms and footwear, they work in cold (or overheated) concrete hallways, which they cannot desert. In certain blocks, we noticed a table which was nearly falling apart, with an occasional chair in the middle of the hallway, which is the only place where they can have a seat and have their meals as well. As they are understaffed, as usual, they often spend their entire shifts on their feet. It has been known to happen that one commander is in charge of 200 prisoners, which is very dangerous. The personnel is, also, chronically exerted and in poor health. They say

---

<sup>1</sup> With the exception of the statement by the prisoner T.G. She has stated that she was, along with three other prisoners, heavily beaten with a bat on her entire body. This incident was witnessed by two other commanders and a supervisor. After the beating, they were blackmailed by the commander not to state this in their report, otherwise they would spend a month in solitary confinement.

that they all run a fever much too often, due to their weakened immunity they are susceptible to various viruses and diseases and they never have regular health checkups. We have noticed this problem in other prisons as well, and this is clearly a very significant and incomprehensible systemic omission.

Having all this in mind, we feel that the security system is far from good and that it is very vulnerable. This is why the assessment that the hospital conditions are satisfactory is not the result of a well organized system, but is rather a reflection of circumstances and a well established mode of operation. This cannot be tolerated simply because this all too important aspect is based on chance. In the situation of several simultaneous incidents in different blocks, the security system would display serious shortcomings which could lead to unforeseen consequences. Also, it is realistic to assume that it is impossible to record every violation of house rules or behaviors that threaten the safety of prisoners, the personnel and the hospital. Especially given that a small number of employees cannot monitor everything that happens in rooms, just like they could not respond if faced with a planned attack or escape during the transfer of prisoners. As far as we have been informed, the motor pool consists of three old paddywagons (which have already crossed over 200.000 km) and two others which were made in 2006. One paddywagon crosses between 4.000 and 6.000 km per month, whereas 5 to 15 persons are driven out of the hospital each day. Medical and social workers are currently using one car which is 15 years old.

The abovementioned problems are clearly grounds for dissatisfaction among employees, a state which is favorable to opening possibilities for corruption or other types of illegal behavior.

#### **RECOMMENDATIONS**

- **Urgently start drafting a sustainable and highly professional security system with the assistance of competent persons (from the Ministry and the Administration)**
- **Provide more humane working conditions for the personnel**
- **Organize different types of education programs for the personnel, in accordance with needs and with changes in the structure of prisoners-patients**

### III – LEGALITY OF TREATMENT

As is the case in other prisons as well, the legality of treatment is also taken into account at the hospital based on the adopted rulebooks for the operation of each service, whereas the Service for General Affairs deals with the administrative-legal framework in accordance with legislative acts and instructions from superiors. This service is very dissatisfied because of the fact that many employees have been stripped of their right to accelerated seniority although they are in daily immediate contact with prisoners-patients. In addition, they point to problems with tenders for public procurement which are usually opened for medicaments and medical supplies for the requirements of all prisons in Serbia. We have discussed this problem in several other reports, therefore we are only using this opportunity to briefly repeat that a more efficient model of procurement and supplying prisons with medicaments needs to be designed. There are also problems in cases of urgent hospitalization or providing other services to prisoners in health institutions. The prisoners have also mentioned situations in which they did not receive adequate medical assistance. Complaints about doctors and the health care in the hospital itself have been made by many of our interlocutors. We feel that complaints of this type must be approached with utmost care precisely because of the fact that this is a prison hospital.

The legal service manages affairs regarding both the personnel and prisoners. The provision of legal aid to prisoners is commendable. As we have been told, each week, around 10 of them ask for and receive assistance on legal matters (verdicts, appeals, merging of sentences etc. but also on private matters such as divorces, custody of children, retirement plans and other financial income matters).

The lawyer is also the president of the Disciplinary Committee, and he states that prisoners are always grateful for the assistance they are receiving (especially those who do not have lawyers nor the means to hire them); and they are, of course, dissatisfied when they are the subjects of a disciplinary procedure. Also, there is the sensitive issue of patients with psychiatric diagnoses who are not under disciplinary actions but demand a different approach and treatment by the personnel, whereas there is no rulebook which defines this issue more precisely. Often, in the case of the prison hospital, it is impossible even to apply the pertinent laws. It is all the more unusual that there was no response by the competent authorities to a draft of the rulebook originating in this institution, which would regulate the implementation of the prescribed measures in psychiatric patients and in cases of mandatory treatment of substance abuse. In our opinion, the contacts and the cooperation between the Ministry of Justice, the Administration for the Enforcement of Penitentiary Sanctions and the prison institutions are not good enough; therefore we believe that they should be intensified with more consideration for the experience and initiatives coming from those who are in direct contact with prisoners.

There is a possibility of filing a complaint about the decision of the Disciplinary Committee to the Administration's director, although the decision is legally enforceable even before becoming legally final. We believe this rule should be applied only in exceptional cases and that it would be a good idea to wait for the decision of the second appellate authority of the judiciary, otherwise the appeal system does not make any sense. As of 2006, only one opinion of the Disciplinary Committee has been abolished, 2 have been altered, while the two remaining decisions have been confirmed by the appellate authority. In most cases, legal proceedings are conducted for the possession of psychoactive substances. There is also the practice of 'trading' certain medicaments among patients, although the rules prescribe that medication needs to be taken in

the presence of medical technicians. Each month, there are 2-3 cases of violence towards others, and if abuse or severe forms of violence are detected (such as rape, for example), the measure of solitary confinement is given. According to lawyers, it is very difficult to determine the circumstances in such cases because the proceedings are obstructed by the prisoners themselves. Several cases were recorded where the proceedings were initiated based on a report by the security service or a doctor, however the prisoners have denied being victims. Such statements and confessions can only be obtained when their lives are endangered, or if they have continuously been subjected to violence that they cannot tolerate any longer. In cases of evident injuries, it is compulsory to report the case to the police, which opens an investigation.

As far as disciplinary actions are concerned, one commander was recently fired for drug abuse, having previously been treated and having returned to work afterwards. Other given measures are fines, which are most often given for minor breaches of work duties. Having gained insight into the documentation, we discovered a total of 11 proceedings against employees since 2008. Excess use of coercive measures in violent incidents was recorded in two cases.

As is the case in other prisons, we haven't come across a single international document, nor have the employees ever been familiarized with the rules they are obliged to abide by based on international commitments.

Having made the same complaint several times before, we have ascertained that the prison hospital still does not have a Rulebook of house rules. The prisoners state that they have been familiarized with the rules of behavior, but also that 'all problems are resolved with whom-ever it is necessary' (members of the security, doctors, educators) This sort of 'wangling' the employees are driven to is by no means a viable solution, in addition to the fact that it opens the possibility of voluntarist behavior, various misuses and creating an atmosphere of distrust and unclear authority. This is a very dangerous tendency in prison conditions.

Finally, we would like to emphasize the problems arising from excessive administrative duties which are overburdening the Civil Registry. This is a systemic problem which we have noticed in all prisons, only to differing degrees. We believe that the introduction of new working rules and procedures, inevitable during the implementation of the reform, should be worked out in more detail before its practical application. This would prevent possible confusing situations in which the institutional personnel could not cope, whereas the confusion would reflect on the status of the prisoners who would then receive the least attention. The aggravating factor in the case of the prison hospital is the fact that the computer program which the Administration insists upon has not been adjusted to the specific needs present only in this case (ie. security measures as a form of sanctions are not provided for). Multiple book-keeping is not only unreasonable, it also creates the possibility of errors which could lead to serious consequences.

In spite of these problems, the staff of this service states that there have not been any significant omissions, although they are under a lot of stress given that they serve as the liaison of communication for the courts, prisons, social care centers and other institutions. At the Civil Registry, great care is taken so that a prisoner or a detainee is released immediately upon receiving the decision to abolish measures. They have even introduced the practice of responding to decisions received via fax machine, because it has been known to happen that the original document sent by snail mail would not arrive for days. This is certainly commendable and speaks in favor of the service obeying the law, although it would be better if the communication between state bodies was timely. It is our assumption that the core of the problem is in the courts being overburdened and not being up-to-date, however this leads to another, more

serious shortcoming – the practical non-existence (or the existence of a very defective) release program. In addition, the personnel states that the cooperation with the courts has been improved so that the decisions on the abolishment of measures are received more quickly (roughly around 20-30 days following the receipt of the application). In spite of the legal norms, the adjudication has been known to take months.

There is a problem in cooperation with social institutions which are not willing to admit persons after the security measure has expired. At the time of our visit, there were as many as 250 such cases. Given that these persons have nowhere to go, some of them are practically 'living' at the hospital. From the aspect of human rights, this is a drastic violation, but it is committed by the state. And it is not committed in this institution only.

Finally, we see as important another problem which leads to illegal treatment. The inaccurate, incomplete and falsified documentation accompanying a person sent to the prison hospital (and to other prisons as well) is a serious shortcoming which should be remedied upon greater insistence of prison institutions (including the hospital) and higher instances. We believe that it is necessary to also include the Ministry of Labor and Social Policy, as well as the Ministry of Health with which the cooperation is good, as we have been told at the hospital. A commission of the latter Ministry has visited the hospital and has given a positive opinion. We are wondering what this opinion was based on, given the condition of the objects and the overall treatment and working conditions.

#### **RECOMMENDATIONS**

- **In cooperation with the Ministry of Health and the Republic Institute for Health Insurance (RZZO), devise better and more efficient ways for the procurement of medicaments, as well as for enabling access to all required health institutions and services**
- **Improve the familiarity of prisoners with their rights and ways of defending their rights, and continue the provision of legal aid**
- **Insist that relevant stakeholders create solutions which are adapted to the specificities of the prison hospital**
- **Pay utmost attention to cases of violence among patients and devise new prevention mechanisms**
- **Demand the active participation of all required state institutions in solving the problems which are hindering the promotion of the prisoners' rights**



#### IV – SOCIAL RESETTLEMENT

Given the predominantly medical nature of the institution, the training and occupational engagement, that is, the Training and Employment Service, is not provided for. Work therapy and occupational therapy serve the purpose of the prisoners' medical treatment.

There is a designated area for work/occupational therapy within the institution. These facilities are provided only for persons from the ward treating alcoholism and drug addiction, given that they are capable of working. There is an electrician's workshop with the capacity for six work places, the plumber's workshop engaging one person at the time of our visit, the carpenter's workshop currently engaging three persons, the locksmith's workshop engaging 6 persons and a tailor's workshop engaging three persons. The patients also create various objects made of wood and other materials at the area for occupational therapy. At the painting area, they have the opportunity to present their work twice per year at exhibitions within the hospital, whereas there have been four exhibitions at Belgrade's galleries in the past five years. We have been pleasantly surprised by the fact that the prisoners do read and that they frequently use the library, in addition to the books received during visits. The library collection is not poor (around 2300 books), but there often aren't enough copies, as they say. We are unsure whether the interest in reading is the result of the lack of other activities, the fact that they are not instructed when and what to read, or some other circumstances, but it certainly indicates that there are constructive activities in which a number of prisoners could become interested.

We have observed the social resettlement (resocialization) aspect through the organization and the work of the Treatment Service with the goal to determine whether, and to what degree have the reform activities actually contributed to transformations in this aspect of its work and functioning. In gathering data on this dimension we have relied on the staff of the Treatment Service, prisoners who have been issued the security measure of mandatory treatment of drug addicts and alcoholics, as well as the institution's documentation. At the time of our visit, out of the total number of persons located at the Internal Ward and the Ward for Acute Psychoses, there is a negligible number of those needing the Treatment Service's engagement.

Based on the analyses of collected data and comparisons with our previous reports, recommendations have been made about the direction of further changes in this sphere of work, which would serve the purpose of realizing the rights of prisoners at this institution and promoting the resocialization process.

According to the institution's documentation at the time of our visit, the total number of persons who have been issued the measure of mandatory treatment for drug addicts and alcoholics was slightly above 300. Out of this number, there are 220 drug addicts, and around 90 alcoholics. As compared to previous visits, the trend of an increasing number of drug addicts is now even more visible. Between 2000 and 2006 their number was roughly 100, whereas it now surpasses 200. All comments about the current situation are obsolete if we know that, during the past several years, the number of drug addicts has surpassed the institution's capacities for accommodating this category (70). The number of persons currently being treated for alcoholism has not risen as much, but is certainly not negligible. In comparison to previous years, there is a slight increase in each observed year so that the number is now around 90, whereas there was an average of 60 to 70 alcoholics in the previous period. In any case, the current number of prisoners doubly surpasses the institution's accommodation capacities. The quality and the contents of the work itself in all dimensions of the resocialization process can by no means have the

same quality that an optimum number of beneficiaries would provide. The overcrowdedness is also having a negative reflection on all parameters related to the conditions and the quality of life, which were not at a high level even with a smaller number of prisoners.

In order to overcome this problem the personnel is forced to improvise and adapt in all elements of work and functioning of the institution. The accommodation capacity limitations are resolved by the placement of as many beds as the facilities could possibly hold. The capacity of the admission, or the so called 'zero' ward is around 50 persons. As the personnel states, 'you know, we do not know how many of them will show up each day... the records state that over 200 are awaiting the implementation of their sentences we are praying that as few of them as possible show up because we have nowhere to place them... one day over 100 of them had arrived'. When asked how they manage to 'process' that many persons, they responded by saying that they have 'boosted' the Admissions Department with another team, so that the quality of expert work does not suffer, adding that the period of time spent at the Admissions Department is often reduced from 30 to 15-20 days, depending on the dynamics of new arrivals. We were told by the personnel what is also visible in the documentation – that there has been a standstill in the psychological observation of incoming prisoners because there is only one psychologist, as the other psychologist is on maternity leave. Based on conversations with the prisoners, it is evident that the procedure itself is followed at the Admissions Department in terms of observation of the incoming prisoner/patient from all aspects (social worker, psychologist, special pedagogist, doctor and a security service assessment). Responses on the time spent at the Admissions Department are not uniform, but it can be concluded that the observation period is not shorter than 15 days in any case. Everyone is informed about the house rules, but it is our impression that, based on the prisoners' descriptions of the house rules, (even after having been in the institution for more than a few months) they are not fully aware of the contents and ways in which they can realize their rights with regards to particular medical interventions, free time, religious culture, legal aid, stay in a separate room etc. For the most part, they are all precisely informed about the procedures and penalties that can be imposed for disciplinary violations and inadequate behavior.

A proper observation not only of the person, but also, as a rule, of the complex living situation of the prisoner from the sociological, pedagogical, psychological, criminological, security and medical aspects, represents the basis for proper classification and planning of correctional programs. However, both the classification and the treatment programs become meaningless when the necessary conditions for their realization are absent. The problem is that, with the current number of prisoners and the current capacities, it is impossible to even group together prisoners based on objective criteria (length of sentence, sex, returnees, type of offense etc.), let alone according to the criteria of internal classification which refer to placements based on the types of treatment, work intensity, types of leisure activities, categories of benefits they would be using etc. Let us not forget that, compared to other institutions which have received a population that has, more-less, already been classified based on objective criteria, they are all in one place at the prison hospital. According to statistics, the prisoners sentenced to the measure of mandatory treatment of alcoholics are mostly aged 40 to 70, and a history of family violence (in 56 cases) is typical. The population of drug addicts is dominated by property crimes (around 90), robbery (around 60) and drug abuse – more precisely unauthorized production, storage and trade of narcotic drugs (around 80 cases). This population is young. We have been told that the juveniles under the measure of mandatory treatment (primarily of drug addicts) as a dominant

measure, are no longer placed in this institution (legally, this is not allowed, however, in practice, there isn't an institution for these purposes – although the legislator prescribes one).<sup>2</sup> Out of the total number of women (there are 20 of them), 19 are drug addicts and one is an alcoholic. Women and men have separate accommodation. The fact that up to 76% out of the total number of alcoholics and drug addicts are returnees is alarming. Out of 220 drug addicts, 161 are returnees (73%), whereas the percentage of returnees in alcoholics is as high as 83. At first glance, the effects of the work in resocialization seem devastating, but given the totality of circumstances, the quality of work is as good as is possible and feasible under the circumstances.

A related problem, in connection with the number of prisoners, is the size of educational groups and conditions for the realization of the treatments. Out of the total number of educators (7), 4 are assigned to the Drug Addiction Department, 2 to the Alcoholism Department and 1 to the Internal and the Department of Acute Psychoses. The number of prisoners each educator has in his/her education group ranges from 50 to 60. As a response to our question about how many conversations with the prisoners are conducted daily, we were informed that a maximum of 10 conversations are being conducted, whereas the duration spans between 30 and 40 minutes. However, according to the monthly statistics, this is not exactly the case. Namely, the records of the conducted conversations in a particular month point to the fact that 12 informative-introductory conversations have been held; 21 unplanned and 37 planned ones. Again, based on our conversations with the prisoners, in the majority of cases we heard that they rarely see their educators: 'he/she only comes to the bars', and only a small number said that their educator visits them and talks to them frequently. On the other hand, based on our insight into the work plan in departments it is evident that, aside from conducting individual conversations with prisoners, the educators also carry out numerous other activities regarding participation in doctors visits, the organization of creative workshops, education (alcoholism, drug addiction). Additionally, different kinds of work in groups adapted to various categories, contacts with families and other institutions are also being carried out. In addition, one social worker and two psychologists are also carrying out particular tasks in their respective domains. However, the possibility of carrying out this type of work given the total number of patients is questionable. Based on the documentation provided, we have noticed that family therapy, which plays an important role in resocialization, and is also the only element which has to do with the post-penal program, has been reduced to merely 13 prisoners (50 sessions) for the entire year of 2009. We have been told that family therapy is run by one person only (who has completed training in Systemic family therapy) and that it is physically impossible to realize this type of group therapy in the required numbers and the prescribed dynamics due to the excessive number of prisoners, but also often because of there is no room for this. The lack of a sufficient number of rooms also poses an obstacle to the work of therapists, because the planned and unplanned conversations with the prisoners are not adjusted with the prisoners' needs but rather with the vacancy of 'TV rooms' in the block, offices and similar alternatives.

We were pleasantly surprised to find that, in comparison with other institutions, the offices of the educational-corrective service are located in the same block as the prisoners and that the prisoners can request a conversation with an educator without an application report. In general, the communication of the prisoners and the Treatment Service leaves an impression

---

<sup>2</sup> For the time being, juveniles needing to be treated for the use of psychoactive substances are referred to the Educational-Correctional Institution in Kruševac (a special section of the residence is organized for the admission and accommodation of these persons).

of an atmosphere and relations based on mutual respect and consideration, the prisoners' free expression of opinion, and the absence of fear and rigid forms of communication. However, the mutual relations between the prisoners themselves and the psychosocial climate in the block do not leave an impression of this kind. When asked whether they thought there was a danger of them being hurt by other prisoners, all prisoners we have talked to gave an affirmative answer. Fewer prisoners stated that they could be killed and, perhaps, sexually assaulted. When asked whether the prisoners made good assessments of each other, they all said – yes, and as one prisoner stated 'everyone wears masks, but they drop quickly'. It is interesting that the majority of the prisoners feel that the personnel usually knows, detects and punishes the real culprits; but there are also those who think that the personnel doesn't know and doesn't punish the real perpetrators. The incident statistics confirms these claims. The most conflicts among prisoners (28) were recorded in the past 6 months, in addition to the possession and abuse of psychoactive substances (10). We are assuming that the personnel do not have knowledge of the actual numbers of these incidents ('dark figures') because of 'solidarity' among prisoners. One paradox illuminates the explanation for understanding the above mentioned atmosphere and relations among prisoners – there are many prisoners which do not really belong to this category (we are primarily referring to drug addicts). Namely, the personnel has no dilemma that a large number of drug addicts are not really prisoners; rather they are drug dealers who are attempting in various illegal ways to be given this measure because they find it to be more profitable for a number of reasons. According to the personnel, they make up nearly half (!) of the total number of drug addicts and represent the greatest challenge in their work because, even within the institution, they are well organized and strongly oriented towards distributing illegal drugs and supporting their abuse. In spite of all efforts, the personnel has a hard time dealing with this problem because they are not dealing with individuals but rather with a 'mass', which therefore easily creates a certain value system and informal rules. Clearly, this paradox interferes with the staff's efforts from the very beginning, and it represents the strongest hindrance to the already demanding and complex work on treating actual addicts.

The personnel has pointed to another problem, which again boils down to the problem of the number of prisoners and the institution's capacities. Namely, as is often the case, the measure given to prisoners is interrupted, not because they no longer require treatment but because there is not enough room due to the large inflow of new persons. Based on this, it could be concluded that, in a large number of cases, the criteria are lowered and addiction treatment is reduced only to the first, necessary phase of overcoming physical addiction to pharmacotherapy; whereas further treatment, which includes the needed psychosocial support, is impossible to carry out due to the above mentioned reasons. All of this makes the entire situation more complex. In the current conditions, the number of prisoners in the department Zone without Drugs could serve as an indicator of the possibilities and real effects of treatment. At the time of our visit, there were only 11 such patients/prisoners.

With regards to organized leisure activities of the prisoners, it should be stated that there is an associate engaged on an ad hoc basis who conducts a semiweekly drama workshop which includes prisoners treated for drug addiction, mostly from the department Zone without Drugs (alcoholics have shown no interest in the activity). As we have been told, the prisoners have so far performed several times at the institution, whereas the performance of 'Pinokio' at the 'Vuk Karadzic' cultural center had positive effects on prisoners and a vast response of the public. As commendable as this type of work, its effects and the additional engagement of the

personnel are, we can't but notice that participation in this and other sections is quite modest, as compared to the total number of prisoners. We are here referring also to therapy-oriented activities as part of work and occupational therapy. Although participation in these activities is entirely voluntary, the personnel could certainly pay more attention to motivating prisoners by introducing positive incentives giving examples, making the offered activities seem more attractive and improving their quality. As far as sports activities are concerned, we have been told that they take place exclusively at the time of regular walks, when Generally speaking, it can be concluded that the organized leisure activities are practically non-existent. Perhaps this shouldn't come as a surprise given that, under the current circumstances, the educators don't even have time for basic activities; while at the same time, their working hours do not overlap with the prisoners' free time. In addition, unlike the other institutions, the work systematization does not provide for a person which would be engaged exclusively on such activities.

With regards to religious culture, in comparison with our previous visits, we have noticed that one hall, where prisoners meet with a priest upon his visits to the institution, has been refurbished.

Even though there is no formal type of education available, it should be stressed that up to 50% of prisoners have the need for elementary or high school education. 26 persons do not have an elementary school degree, whereas around 130 persons have only completed elementary school. Perhaps this fact points more to measures of prevention, but it is also significant in planning the required activities and the treatment program.

#### **RECOMMENDATIONS**

- **Take the necessary measures aimed at decreasing the number of prisoners who do not really belong to this type of institution through cooperation on all levels**
- **Improve physical and technical working conditions – ensure privacy for each conversation of prisoners with their educators**
- **Become engaged on planning an improved and more organized follow up and post-penal support for prisoners after the completion of the program**
- **Take certain measures aimed at improving the quality and variety of the organization of the prisoners' leisure time**
- **Pay more attention to the motivation of prisoners and their participation in the activities of work and occupational therapy by introducing new positive incentives, giving examples, making the offered activities seem more attractive and improving their quality**

## **V – CONTACT WITH THE OUTSIDE ENVIRONMENT**

Persons accommodated at the prison hospital have all possible modes of communication at their disposal, in accordance with the legal regulations and their health condition. Recently, a new block ('block without drugs') has been opened, which currently accommodates 11 persons, and they are the only ones to have a phone booth in the block. The prisoners have, however, complained about the usage of the telephone, claiming that the allowed time for conversations is being cut short.

There are no visitation facilities within the hospital, a facility of the County Prison is used for this purpose. The system of visitations and packages functions well, and there have not been complaints by the prisoners, for the most part. However, several families have come to the Helsinki Committee, claiming that their children have not received packages that were sent to them, and that visitations were not allowed for, allegedly, having shown up outside the designated time slot. Although we could not confirm these claims, we feel that the institution's communication with the families should be more flexible, given the fact that, in addition to the legal aspect, the health condition is an additional aggravating circumstance for the families as well as for the patients.

At the same time, we find commendable the engagement of the employees who are engaged in purchasing various items for the patients, who also take account of the expenditure of money and prevent potential misuses by third parties (especially with regards to psychiatric patients) etc.

In addition to permitted outings, some prisoners establish contact with the outside environment via participation in theater plays or exhibiting artwork. Although certain cultural and entertainment programs are being organized at the hospital itself, there should be many more, for the very reason of health limitations which are preventing many patients from leaving the hospital.

38

### **RECOMMENDATIONS**

- **Re-examine the merits of the objections to the right to telephone calls and the receiving of packages**
- **Devise programs for the participation of as many prisoners as possible and enable their active participation throughout the entire process**
- **Expand cooperation with Non-Governmental Organizations and art groups which could perform some of their activities at the prison hospital**

## VI – INSTITUTIONAL PERSONNEL

In comparison to other visits, the number of employees in the Treatment Service has been increased from 15 to 19. However, this certainly does not suffice as compared to the (already mentioned) increase in the number of prisoners. The Treatment Service (the departments of Admissions and Educational-Correctional Work) employs experts with adequate education profiles. The Admissions Department employs 7 persons: psychologists, social workers and social pedagogists. The Educational-Correctional Department employs a department head, an andragogist, 2 psychologists, 1 social worker and 7 educators – specialized pedagogists. The head of the Treatment Service is already engaged at the County Prison in Pancevo for some time, leaving the assignments of the chief to heads of departments. The majority of employees have been working for the institution for 5 years or longer. Their average age is around 36 (spanning from 33 to 52), whereas in terms of gender, women make up the majority.

According to the data and conversations with around 10 employees in this service, it can be concluded that they feel their work is underestimated and that it has low social status and a low standing. Although their job satisfaction assessment is somewhat higher, when asked whether they would change their job, the majority replied that they were unsure. This stance is caused by the slim possibilities of finding a different job, small wages, poor interpersonal relations, a high stress level and the lack of education.

Team meetings are being held frequently, almost on a daily basis, that is a minimum of once per week. The personnel believe that the team work approach improves multidisciplinary work, the exchange of opinions and that it facilitates problem solving. However, a significant number of employees do not feel free to make complaints about living conditions in the institution nor to make suggestions. The majority of personnel consider the position of the Treatment Service as degraded in comparison to their knowledge and responsibility in addition to considering it to be subordinated to the Health Service. Responses about cooperation with colleagues from other services also speak in favor of this – the cooperation with the Health Service and the expert team is considered to be somewhat worse. The cooperation is at its worst in terms of cooperation with Social Care Centers and other health institutions, followed by the cooperation with courts.

The majority of personnel feel that there are too many administrative obligations, an enormous number of the prisoners' complaints and appeals; whereas the resolution of accommodation and prisoners' hygienic problems often takes up much precious time which could be used for concrete and direct work with the prisoners. Nevertheless, they state that they rarely have overtime work commitments, and that they do not work on weekends.

Education and professional development activities are very rarely organized. Only one person has been trained in Systemic family therapy, several persons have attended the seminar about the application of alternative sanctions, one person has received training in the prevention and treatment of substance abuse, and one person has been trained in forensic psychology and holds a psychotherapy and counselling specialization. The personnel feel that more knowledge is much needed about substance abuse and the abuse of psychoactive substances, as well as about social skills, communication skills, empathy etc. Several of them have stated that they need skills for preserving their own mental stability in the current inhumane conditions. The majority of personnel feel that, even when some sort of training is organized, it is always attended by the same (group of) people.

Recommendations and suggestions by personnel regarding the promotion of cooperation with other institutions usually refer to better cooperation and communication which would need to be regulated at the level of the respective ministries. In addition, they feel that legal provisions should be harmonized with realistic possibilities and conditions in institutions, through the cooperation and participation of the people involved in the immediate practice. With regards to expert work, it is widely perceived that many more education activities, which would include a larger number of personnel, are needed. As far as prisoners are concerned, suggestions pointed to the necessity of having smaller education groups, as well as to paying more attention both to the expert's report for receiving treatment measures and during the legal application of the treatment. They are also convinced of the significance of expanding the possibilities and capacities of occupational engagement of the prisoners. The personnel have openly expressed dissatisfaction with recent changes related to the harmonization of wages and other benefits with the increased duration of service and feel that old provisions should be reverted to. There haven't been cases of violation of work obligations and duties on part of any of the service's employees in the past 6 months.

The security service has a total of 5 departments, out of which one deals with transfers (for the purpose of trials, releases, admissions etc.). Previously, the entire service has worked in three shifts, but, based on a recommendation by the Ministry of Justice, the working hours have been cut short. As a rule, one employee cannot work on the same job for more than 6 months. The head of the Security Service, a lawyer, has been working on the same job for the last 10 years. At the moment, the service employs 117 persons, 21 of which are trainees. According to the work systematizations, there are 18 job vacancies. The commander's average salary, including night work, is 32.000 RSDs, whereas the average pay for trainees amounts to around 24.000 RSDs. These wages clearly do not correspond with the gravity and responsibility of the work, not to mention that they do not serve as an incentive. This problem, along with the others, should also be dealt with by the competent persons at the pertinent ministry and the Administration for the Enforcement of Penitentiary Sanctions.

To sum up the overall situation, as is the case in other institutions, we have gotten the impression of general apathy and pessimism among the personnel; the burnout syndrome is apparent, as well as the lack of initiative and enthusiasm.

## **RECOMMENDATIONS**

- **Improve physical and technical work conditions for the entire personnel by increasing their salaries and via other incentive measures for their engaged, conscientious and legal work**
- **Refer to the principle of employee participation in reaching legal and other significant decisions which directly or indirectly refer to the improvement of practice**
- **Organize trainings in accordance to the real needs in practice and include all employees who require additional knowledge and skills**
- **Encourage cooperation with external factors and, through cooperative work and application of both direct and indirect treatments, as much as possible, establish the preparation of prisoners for normal reintegration into society, especially in maintaining and improving their relations with their families, other persons and social organizations**



# County Prison in Novi Sad

**Date of visit: September 22 and 23, 2010**

**Type of institution: semi-open**

**Accommodation capacity: 350**

**Number of detainees: around 260 (out of which 13 women)**

**Number of prisoners: around 360**

## **I – LIVING CONDITIONS**

### **a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions and hygiene**

At the time of the visit by the Helsinki Committee, the prison was accommodating 624 persons, whereas its capacity is 350. This fact itself is illustrative enough not only of the living conditions, but also of all the other aspects important for the execution of sanctions, with regards to the prisoners and the prison's personnel.

Unlike our previous visit in December 2006, when we had ascertained that the detention area was disburdened, the current overcrowdedness problem is a serious one. We have found 247 and 13 women in detention, whereas the detention capacity is a maximum of 140 persons. Having in mind the fact that persons can be detained for long periods of time, as well as the fact that men often sleep on mattresses on the floor given that there is no room for extra beds, it is clear that the minimum of conditions for humane treatment and for complying with international standards have not been met. At the moment, as many as 8 persons are accommodated in rooms sized 12-15m<sup>2</sup>. Due to legal limitations, we were not able to enter the rooms or to talk to persons in detention, but it is evident that the entire object is in very poor condition and that it requires urgent reconstruction. The dampness and mildew pose a serious threat to the health of the detainees and the personnel. Given that there haven't been made any investments in this part of the prison, we are assuming that the furnishings in the detainees' rooms are also worn out or missing, which has been confirmed by the personnel. There are 4 cabins for visitations in the prison, which are separated by a glass partition. Within the detention area for men, there are now 4 walking grounds surrounded by walls and barbed wire, even though this is an institution that does not call for this type of security. There are no awnings in the yards to serve as protection from the sun or rain, nor are there any benches. The female detention area has 4 rooms at its disposal, out of which one serves for police custody for up to 48 hours. The female detainees have a small, separate yard safeguarded by the same security system.

The total number of prisoners is 336, whereas the closed department currently holds 220 persons. The sanitary conditions on the first floor of the closed department are clearly very poor, referring primarily to the appearance and the condition of sanitary facilities – bathrooms and toilets. A serious problem, one that potentially poses a health hazard to the prisoners, is the condition of toilet facilities which are in alarmingly poor condition in parts of the institution, with occasional leakage of fecal matter from the sewage and the like.

The furnishings in the rooms have worn out over time. The rooms also lack cupboards for storing personal belongings (there is one locker per every 4 prisoners). The rooms are poorly

lit and the ventilation poor, making the entire space smell of dampness and unpleasant odors. The shortage of sheets and their upkeep, as well as the shortage of spare clothing for persons who do not have visitors both represent a big hygienic problem. At the time of our visit, the problem of doing the laundry was pressing because the laundromats have been out of service for 3 weeks.

The living conditions on the second floor are somewhat better: the bathrooms are in better shape and some rooms have been painted.

As far as common rooms are concerned, there are two underequipped TV rooms. There are around 20 seats in the TV room, whereas it is, on average, occupied by around 70 prisoners.

Unlike the detention area and the closed department, the conditions in the semi-open and the open departments are certainly better. These two departments have been refurbished two years ago. With regards to accommodation capacities, there are 100 persons in the semi-open department, whereas the capacity allows for up to 150 persons, which raises dilemmas given the overcrowdedness in other departments. There are only 3 persons in the open departments. The building which accommodates these prisoners is new, the rooms are well furnished and the sanitary conditions are good.

There are two rooms with 14 beds each for persons charged for misdemeanors, and they are accommodated separately from other prisoners.

A novelty in the prison is the Admissions Department which has been formed a year ago and has the capacity of accommodating 20-25 persons.

Sports and recreational activities could be better even without much financial investment. The gym has three dilapidated pieces of exercise equipment and weights. Access to this facility is allowed during walks. In one area of the yard there is a basketball court and a soccer field which are being used by all prisoners, but at different times. In order to provide everyone with access to these areas, time spent in the open, to which all prisoners are entitled to, is being shortened, which is a violation of their rights and of the law. Our objection to this practice was replied with the answer that this is a forced solution and that it is less of a problem during the summer, when the days are longer. However, we feel that the management could make an effort to fit smaller closed yards with at least one basketball hoop or with tables for table tennis, a badminton net etc. in order to solve this problem. This objection is all the more justified because the living conditions in rooms are nearly disastrous, making walks and time spent in the open air even more important under the circumstances.

## **b) Kitchen, mass hall and food**

The kitchen employs two professional chefs who are being assisted by 25-25 prisoners with proper sanitary documentation. Supervision over the kitchen is carried out by doctors whose approval is given by signing the records weekly.

Even though the area does not seem pleasant and is modestly furnished, the kitchen and the dining hall are both clean and tidy. The kitchen has appropriate cookware for the preparation of food.

According to the prisoners' claims, meals do not contain milk or dairy products, nor do they contain fruit. They have also complained about the quality of meals and their size. Persons in detention are allowed to purchase goods in a designated canteen on Mondays and Fridays, while prisoners from the semi-open and closed departments have a shopping day (Tuesday and

Thursday, respectively) in another canteen which is properly supplied. Visitors also purchase products from the canteen, whereas they can only bring in prepared food which is stored in transparent containers, which is subject to checks.

### **c) Medical care of prisoners**

At this institution, medical care still does not exist as independent; rather it is part of the Service for Re-education. It employs one full-time doctor who does not carry out medical tasks; instead he carries out the duty of the chief of the Re-education Service; two other doctors are employed on a contract basis. Out of the medical technicians, one nurse is a full time employee, whereas two technicians are employed for a limited time, and one is employed on a contract basis.

The practice of employing the necessary personnel via contract work and for a limited time for jobs which are evidently permanent is present throughout Serbia. We feel that it is generally poor, especially in cases of prisons and other similar institutions where it is difficult to find the needed expert staff as it is. In addition, the limited time type of work is a very unattractive form of employment because it restricts the person in many everyday living situations, such as receiving loans from the bank, inability for transport reimbursement etc. As it is difficult to find an adequate person for working at the prison's medical service, more care should be taken so as to keep the existing personnel. In order to resolve this problem, the completion of the long awaited systematization or the invention of another modality is needed on the level of the entire Administration.

As a consequence of the systematically unresolved status of the Medical Service, this institution too, registers employees who are working on medical jobs as prison clerks, that is as young advisors and officers. We are assuming that this illogical fault will be resolved by the establishment of a new systematization, therefore concluding the work on it is needed as soon as possible.

The doctors work in the daily shifts from 7am to 3pm (one doctor), and from 8.30am to 16.30pm (another doctor), whereas in the remaining period of time (afternoon and night), as well as on weekends, one doctor is always on stand by for coming to the institution when called in emergencies. The doctors work in an out-patient department which is located at the detention part of the institution, and in a room which serves an improvised out-patient department in the closed part. The doctor working in the out-patient department in the closed department does not work with a technician; therefore he takes care of the entire administrative part of work himself. On a contract basis, the institution is visited by a psychiatrist (once per week), and an infectologist (once per month). As regards medical care, we have ascertained that the same facilities and equipment is being used, as described in previous reports.

In the previous report, we have mentioned that under the auspices of the Health Center, a daytime out-patient department for substance abuse and a counseling service were created. This project was carried out in cooperation with the Methadone Center from Novi Sad. Unfortunately, we must note that the envisioned plan has not been brought to life; the planned personnel was not employed and neither therapies nor counseling services have begun. With regards to drug addicts, they are being treated in this institution only as a continuation of methadone therapy that was started prior to admission in the prison institution. The prisoners have expressed their dissatisfaction with the fact that this therapy is being administered around

noon, because, in their opinion, the effect of the therapy itself would be better if they were to receive it earlier in the morning. We feel that, if this is possible in terms of organizational reasons and personnel availability, the prisoner's request should be met and the time of the administration of methadone moved to an earlier time.

At the time of our visit to the institution, there were 256 drug addicts, 33 alcoholics, 76 persons positive for hepatitis C, and no HIV positive persons. It should be noted that there is a significant improvement in terms of detecting hepatitis C, as well as HIV, thanks to the education of doctors and then the daily implementation of the Confidential and voluntary counseling and testing. Thanks to this program a very high percentage of prisoners agrees to be tested.

Around 100 examinations are being carried out daily (around 45-50 per doctor). Based on our conversations with the personnel and the prisoners, we have received the information that the security staff is present during each examination by a doctor. For this reason, we are repeating that this violates the right of the prisoners to a confidential relationship with the doctors, and that medical examinations should be carried out in such a way so that neither the other prisoners nor the prison personnel can hear or see them. The only exception to this rule can be situations which are assessed as dangerous for the doctor, as well as situations when the doctor himself requests this. This certainly cannot refer to all examinations; therefore the daily practice should be changed in this regard.

As of April, the institution employs a dentist on a contract basis. As the institution has a dentist's office, regular dental examinations in cases of all incoming prisoners have been introduced, whereas the services of pain management and tooth extraction are being provided for all prisoners. If disposable supplies were to be provided, the institution fulfills the technical conditions for the provision of other sorts of dental services. The stomatologist visits the institution daily.

The inexistence of a direct phone line brings a lot of problems for the Medical Service personnel. Scheduling numerous examinations by specialists is done over the phone, on a specific day and at a specific time, so that when the nurse is unable to get through, everything is delayed for as long as a month, which is reason for the misunderstanding and revolt of prisoners. The Medical Service owns only one computer and basic medical equipment at the out-patient service. As this is a very important department, and having in mind the number of prisoners and poor living conditions, we feel that the service should be additionally supplied and capacitated for its functional operation.

Among the prisoners, in terms of organic diseases, the most frequent are hypertension disorders (around 200 prisoners), and there are around 20 diabetics, out of which 3-10 receive insulin therapy. The Clinical Center, the hospital in Kamenica and the Emergency Room are most frequently used for ex-institutional examinations.

The records of injuries and self-inflicted injuries are being kept and are part of the periodical reports which the Medical Service forwards to the management. In the period from January until June 2010, only one cut was registered, 5 broken bones, one burn; and there were 8 self-inflicted injuries, out of which 2 cases of self-cutting, 4 swallowings of foreign objects and two poisonings; as well as 3 attempted suicides (one by hanging and two by poisoning). There were no realized suicides, and 2 deaths of natural causes were recorded.

There is a big problem regarding the continuous education of the medical staff for the purpose of keeping work permits is mandatory both for personnel with high-school degrees and those with university diplomas. The problem is multiple, from having days off to paying the

needed participation fees, finding lectures which do not require participation fees etc. Perhaps the greatest problem, which is of a systemic nature, and which should be resolved on the level of all institutions, is the legal obligation for half of the necessary points to be collected at the institution where the person is employed (internal lectures), and the remaining half outside the institution (external lectures).

#### **RECOMMENDATIONS**

- **Urgently start resolving the problem of the prison's overcrowdedness at the level of the Ministry**
- **The old building needs to be refurbished and all installations which are currently endangering the health and safety of the prison's population need to be repaired. In addition, the toilet facilities and bathrooms need to be refurbished in the detention area and the area which accommodates the prisoners**
- **Begin with planned and gradual procurement of new furniture, lockers for personal belongings and other equipment for rooms and common areas**
- **Provide at least the minimum of conditions for the sports and recreational activities in all open areas which are being used by prisoners and detainees**
- **Analyze the food complaints and provide milk, dairy products and fruit**
- **Insist on a continuous education of the medical staff and provide the conditions for its implementation both inside and outside of the institution**
- **Initiate the process of resolving all problems which are burdening the work of the health service in cooperation with the Administration and the pertinent Ministry**

## II – SECURITY

By its architectural and construction characteristics, the County Prison in Novi Sad represents an extremely secured institution, which is in disproportion to its status as a semi-open prison institution. All objects accommodating prisoners and detainees are surrounded by a high wall ending in barbed wire. A large portion of the windows has iron rods. As part of the prison, only the detention area is under video surveillance, but the funds for introducing video surveillance in all departments in the prison have been secured (as part of the project 'A Safe City' in Novi Sad). At the time of our visit, the project was just starting, and certain prisoners were engaged on earthwork preparation as part of occupational therapy.

The Security Service stresses that there were no escapes thanks (also) to such security measures. The security staff states that the fact that persons with shorter sentences are in prison is no longer a guarantee of good behavior because there are many returnees, and the structure of criminals has worsened as compared to previous times.

The Security Service at the County Prison in Novi Sad has 64 full time employees and 19 employees for a limited time. Among the Service's employees, 4 are women. Having in mind the total number of prisoners, the ration of employees is 1:8, which is not enough for an optimum safety level in the prison. According to the Acting Chief of Service, this problem is 'overcome' by keeping watch continuously, although this should not be a permanent solution. The prison has asked for the approval of a new systematization which would provide for 138 work posts for this service. As far as the educational structure is concerned, two employees have a university degree, whereas the others have high school diplomas. The frequency of overtime depends on the scope of work, and particularly on the number of transports which have a daily average of 20, because the County Prison in Novi Sad covers the territories of 17 courts.

The working hours of the Security Service (the so called turnus) looks as follows: the first working day from 7 am to 7p, the second workday from 7 am to 3 pm, then on the same day from 7 pm to 7 am (with only 4 hours in between), one day off, and then the same working schedule starting at 7 am. Having in mind these working hours and the nature of their work, the employees are very exhausted and under stress because of the overtime. The frequent complaints about the working hours speak of the personnel's dissatisfaction. They have personally confirmed that, over time, they are becoming more mentally unstable, and thus less professional at their work place. In addition, their last systematic health check-ups in this prison were carried out in 2004. In addition to overtime work, they are also complaining about the meager equipment, stating as an example that they have received in September the equipment for the summer period. These complaints and, generally, the status of the security staff is typical for other prisons as well and require an urgent response by competent bodies. The Helsinki Committee has warned multiple times about the seriousness of the current practice which completely ignores the health, and especially the mental health of armed people.

There are 3 special vehicles in the motor pool of this institution. Having in mind that, on average, 20 persons are being taken out of the institution, there should be at least 8 special vehicles in order to 'cover' the required number of transports in one day. This type of functioning based on 'getting by' carries a high safety risk.

Package control is carried out firstly by X-ray examination and then manually, after which it is delivered to the block. The prisoners who are not capable of working and/or have no financial means are provided with hygienic packages. The searches of facilities are carried out

only when needed, whereas planned searches are not possible due to the lack of time and shortage of staff.

During 2010, 7 fights among prisoners have been recorded, 1 theft and destruction of personal property and 14 cases of abuse of psycho-active substances. The number of committed serious disciplinary offenses is 99, out of which 92 prisoners have been given a disciplinary punishment. There were 9 incidents which involved coercive measures, the reason being the prevention of self-injury, overpowering passive and active resistance and prevention of violence towards other persons. The coercion measure used was the use of physical force, rubber stick, fixation and separation. An uprising of 32 prisoners, who refused to go back into their rooms following a walk, has been recorded. The reason for their discontent was the harassment and theft of personal property by 5 other prisoners. The prison's Management responded by transferring the 5 problematic prisoners to a designated room and separated them from the other prisoners. According to a member of the security service, the problematic relations between prisoners are impossible to control under the existing conditions. Even though we are noting this argument, we think that the Management and the Security Service need to come up with a way to protect the prisoners. It is our impression that the awareness of this obligation, which stems from domestic and international regulations, is lacking among the personnel in Serbian prisons.

#### **RECOMMENDATIONS**

- **Revise the systematization of the Security Service staff and increase the number of guards up to the level at which they will be able to ensure the unhindered functioning of the institution**
- **Renew the motor pool in order to ensure the safe and timely transport**
- **Provide conditions for scheduled and unscheduled searches of facilities**
- **Provide more humane and better working conditions for the staff, as well as mandatory health check-ups**
- **Organize various types of education for members of the Service in accordance to the needs and changes in the structure of the prison population**

### III – LEGALITY OF TREATMENT

As we have already mentioned, persons convicted to longer sentences are also accommodated in this institution, which is not in accordance to the law, rather it's an extorted solution due to the small number of places in Serbia's prisons. The overcrowdedness, as in other prisons, is affecting all other aspects and, to a lesser or a greater degree, is leading to non-compliance with legal regulations and standards. A partial differentiation of prisoners has been performed at this institution in the sense that those persons serving a sentence for misdemeanor are separated from those with criminal offenses, but this means that it is impossible to make any sort of reasonable differentiation within the latter group. This, further, impacts the quality and measures which are carried out as part of the treatment, but it is also reflected on all other rights of both the prisoners and the personnel.

The Admissions Department, which was formed a year ago, employs a psychiatrist, a defectologist, a social worker and a doctor. The categorization is conducted each Thursday. At this prison, persons are being held at the Admissions Department for 7-10 days, much shorter than is common practice and the legal minimum. Having in mind that these are prisoners with shorter sentences and that the Admissions Department has an expert team for adequate assessments, the shorter stay can be treated as justified and for the benefit of the prisoner, although this is likely an extorted solution due to the large fluctuation. Nevertheless, we feel that care should be taken in each individual case because the wrong assessment made in such a short period of time can have serious long-term consequences for the prisoner while serving his/her sentence.

As regards how well the prisoners are informed, it is our impression that the current state of affairs, especially in the detention and closed departments, should be improved. In spite of unfavorable conditions, the prison has ensured proper functioning of the prisoners' deposit as well as compensation for their work. In this sense, the rights of the prisoners are respected which they have confirmed themselves.

There are only 2 persons working at the Civil Registry, which is insufficient having in mind the scope and nature of work. We have been told that, fortunately, there have not been any omissions so far, although they are overburdened, and cannot make a mistake. As in other prisons, administrative obligations (keeping files in two programs, plus manually in books, writing numerous reports etc.) take up most of the time, at the expense of the prisoners. What is new is that the office now only holds cases from the current year, while the archive has been relocated to the specially secured part of the new building, to which only staff members of the Civil Registry, accompanied by security members, have access. This is a very important detail which can, certainly, be reflected on many aspects of the work and actions of the institution.

There is only one lawyer at the prison, which means that he/she must be available at all times, even if on sick leave or on vacation. Without a doubt, this situation is stressful for that person, and it also carries potential risk for the prisoners. We think that such jobs must be handled by at least two persons, and even that is not enough having in mind the number of convicted and detained persons. Interestingly, Serbia's prisons have few lawyers among its employees, which is, surely, non sensical. In our opinion, this is the consequence of the deeply rooted but inaccurate stance that legal protection should end at the moment a sentence in effect has been given. We need not stress the unsustainability of such an approach from the aspect of human rights today. Therefore, it is our recommendation to all prisons and higher instances to urgently harmonize the practice with real needs which stem from the obligation of the State to



pay attention to the broad range of rights of both the prisoners and the personnel. We are noting that this process needs to be accompanied by a change of consciousness and an education of sorts for the employees at all levels.

Nevertheless, given the conditions in the prison, the number of disciplinary offenses is within average. In cases of prisoners, these cases most often refer to fights, being late etc. As regards the personnel, there have been no procedures for unauthorized bringing of cell phones or psycho-active substances for the past 3 years; whereas members of the Security Service have most often been sanctioned for sloppy appearance and entering detention without authorization; and two employees have been punished because a prisoner has escaped during transport. Without dealing with the details of each individual case, we would like to stress once more the serious omissions in all prisons, which are the result of the unacceptable and nonchalant behavior of the Administration for the Execution of Penal Sanction and the Ministry of Justice with regards the security of the transport.

Even though the legal procedure is formally followed in complaints and disciplinary actions, there are many reasons which make the suspicion that there are omissions in the legality of action justified. The excessive number of prisoners, among which a significant number of addicts, the lack of space and shortage of staff etc. all inevitably lead to different forms of illegal behavior; so that a member of the Security Service told us with resignation: 'Once the doors are closed, no one knows what is really going on', which perhaps gives the best description of prison institutions in Serbia, including the County Prison in Novi Sad.

## **RECOMMENDATIONS**

- **Introduce the practice of continuous re-examination of the availability of accommodation as part of different regimes, in order to utilize the accommodation capacities more efficiently and for the prisoners to receive privileges when they deserve them**
- **More attention should continuously be paid by all services which are in charge of the categorization of prisoners, in order for the prisoners to be provided the right to better treatment and accommodation**
- **Enable additional education of the personnel in terms of professional development as well as on a general level about domestic and international standards which are applied in prison institutions**
- **In agreement with the Administration and the pertinent Ministry, take urgent measures toward the eradication of omissions which are the consequence of inadequate systematization of work places, poor working conditions and the lack of necessary equipment**

## IV – SOCIAL RESETTLEMENT

With the intention of ascertaining whether any changes have taken place in this aspect and what might they be as compared to our report from late 2006, we have observed the same dimensions and activities as in our previous visit (treatment, occupational and professional training, leisure activities, post-penal program). Again, our sources of information were statements by the prisoners and the personnel of the services in charge of particular aspects of resocialization, as well as the institution's documentation.

As was mentioned before, there is an evident increase in the number of both detainees and prisoners, and by 50% at that. The entire situation would not be as alarming if the institution were to have an adequate number of staff and sufficient accommodation capacities. Unfortunately, the overcrowdedness is present in all institutions, so that this problem is also reflected on the prisoner structure, which no longer is nor can be adequate to the type of institution which is to accommodate it. As we have been told, nearly all prisoners are in the status of returnees in this prison, and more than 30% of prisoners have been sentenced to over one year of prison. In addition, the general trend of the growing number of prisoners is accompanied by the increase of psychoactive dependent prisoners, noticed long ago. This is also related to the structure based on the type of crime and age. Out of the total number of prisoners, 80% are aged 18 to 27, out of which 27% are aged 18 to 21. The crime structure points to the fact that grand larceny and larceny are most common, followed by crimes related to drug abuse and robbery. In terms of educational structure, more than 50% have only completed secondary education. The evident overcrowdedness and the complex structure of prisoners inevitably lead to various improvisations and *ad hoc* solutions, which have a negative reflection not only on general living conditions and the daily lives of the prisoners, but also on the activities and the resocialization process as well.

50

Even though, as compared to our previous visit, we can state that there is now an adequate team for the admission of prisoners, the efficiency of their work is limited but the excessive number and spatial deficiencies of the Admissions Department. During the classification of prisoners, the most important criteria are the type of crime and previous convictions (criminological and penological return). The prisoners have themselves said that they spent around 7 days at the Admissions Department, most of them stated that they have been familiarized with the house rules and that the Rulebook is now available at the library.

At the moment, a little more than 200 prisoners are located at the closed department, and around 100 are located in the open and semi-open. The ratio of the number of educators and prisoners is far worse than it was before. Educational groups sometimes have more than 50 prisoners and one educator, whereas that figure used to be around 20 prisoners. In this sense, it is not surprising that the prisoners feel that they are not being given enough attention by the educator, and that they do not feel that he is really helping them in resolving issues they find important. A smaller number of prisoners explain that it is very important who your educator is, that is, there is a positive attitude towards certain educators. In addition, the prisoners perceive that being granted a more favorable regime (open-semi-open) is not a matter of good conduct and engagement, but rather a privilege of those who can pay or to gain the favor of the personnel in other ways. These claims should be seriously considered and it should be investigated whether suspicions of corruption hold ground.

The treatment comes down to individual work, through planned and unplanned conversations. In addition to the high number of convicts, the personnel has stressed that space is

scarce; that there are too many administrative obligations, which all significantly impacts the possibility of the improved quality of work with prisoners. The presence of prisoners who have been given longer prison sentences, the large number of drug addicts and returnees all pose additional problems the staff finds it hard to deal with. Additionally, in their works, nearly all prisoners have psychiatric diagnoses '... there is no difference between the psychiatric ward and the prison, and this is not a treatment facility'. Our previous reports have stressed the significant improvement in resolving the problems of those addicted to psycho-active substances. Unfortunately, the initial enthusiasm, the education of the personnel and cooperation with relevant institutions today seem insufficient for dealing with this problem. Due to the overcrowdedness, the purpose of the area which was foreseen to be the dispensary and the so called Drug Free Department has been changed and are now used to accommodate prisoners. Methadone therapy treatment is limited by numerous problems of subjective and objective nature. A particular problem is the lack of cooperation with factors outside the institution, that is, the impossibility of the continuation of treatment and psycho-social support of the addict after he leaves the institution. In general, special programs of release preparations do not exist.

What is certainly a step back regards the education possibilities is the occupational and professional training of the prisoners (especially considering the current age structure). Earlier, there was the possibility of secondary and high school education because there was a cooperation contract with the school for adult education 'Sveti Sava'. Without having gone into details of the reasons for the termination of this cooperation, we are assuming that, under the current circumstances, the staff no longer has that sort of enthusiasm and energy and is currently focusing on other priorities. According to the manager, the re-establishment of the cooperation with the above mentioned school is in plan. We have already stressed that the educational structure points to the fact that more than 50% of the prisoners only have secondary education, whereas 21 prisoners do not even have a secondary school diploma. This is related to the problem of occupational and professional training. Namely, the institution used to put in much more effort into providing certificates for particular occupations; more precisely there was a cooperation with a certain center for the education of qualified workers. The financing and activities in this regard were exclusively related to the personnel, and the prisoners themselves. We are assuming that the lack of initiative by the higher instances and the assistance of the wider social community have contributed to the cessation of the engagement in this very important resocialization element. The possibilities of occupational engagement at the institution remain within the production of concrete blocks, cardboard processing, agricultural and maintenance work (kitchen, restaurant, canteen). However, due to the excessive number of prisoners, the capacities do not provide sufficient possibilities for the employment of all those wanting to work. The practice of prisoners receiving privileges for occupational commitment is still common, but this is a possibility only for those who have the opportunity to be occupationally engaged. In addition, the prisoners' motivation for occupation certainly also exists for reasons of receiving financial compensation.

There are organized leisure activities, but the same problems continue to exist: not enough space (the same room is used for a number of purposes), the lack of financial means for the provision of better activities, shortage of staff...

The possibility of using the library is satisfactory, as are the conditions for religious culture and religious practices.

## **RECOMMENDATIONS**

- **The overcrowdedness problem needs to be resolved in a way which violates the prisoners' rights as little as possible**
- **During reclassification, primarily rely on criteria which refer to the behavior and engagement of prisoners in the duration of the sentence**
- **Realize the planned cooperation with the school for the education of adults and include prisoners which have the need for a particular type of education**
- **Intensify cooperation with the family and other factors outside the institution in order for the release preparations to be raised to a higher level**
- **Strengthen and support the initiative and enthusiasm of the personnel on all tasks and problems regarding the work with persons addicted to psychoactive substances, with the aim of more efficient application of the program in practice**
- **Pay more attention to the motivation and participation of the prisoners in occupational therapy activities by introducing some positive incentives, by setting examples, and by a better quality and more attractive activities which are offered**

## V – CONTACT WITH THE OUTSIDE ENVIRONMENT

Visitation rights and package delivery are within legal regulations. The majority of the prisoners did not have any complaints as regards the realization of this right, except for some which felt that they deserved better treatment and a better regime, which is followed by more privileges.

The overcrowdedness which has escalated over the previous years is cause for the constant readjustment of the visitation conditions to the number of prisoners, but consideration is given that none of the prisoners are being deprived of this right.

Some prisoners had complaints about communication with courts; however, the Registry feels that this cooperation is now far better than before. It is a fact that certain courts are not up to date, but this creates more problems for the employees of the Registry, which often end up doing the courts' job too.

Telephone use is accessible, although sometimes difficult due to the large number of prisoners.

### RECOMMENDATIONS

- **Under the current circumstances, it is of great importance to maintain the accessibility of all types of communication with the outside world for all prisoners; not only is depriving them of this right against regulations, but could also serve as the trigger for discontent on a larger scale, which , in the conditions of an excessive number of prisoners, poses a significant security risk**

## VI – INSTITUTIONAL PERSONNEL

The Service for Treatment and health protection employs 3 medical workers and 11 persons in treatment jobs. The chief of the Service is a doctor. All staff in charged of treatment has university degrees and adequate education: 5 psychologists, 2 special pedagogues, 3 pedagogues, 1 social worker. All staff members are women. 6 of them are hired for a limited time, and 5 are full time employees. Even though the number of employees in the Treatment Service has been nearly doubled, this does not suffice for the current number of prisoners, especially considering that a team at the Admissions Department was formed and 4 employees of this service are implementing a multidisciplinary approach.

When asked what the social standing of the work they do is and would they change their job, the majority of responses were between 2 and 3 on a scale of 1 to 5. 3 workers were not sure whether they would change their job, whereas the others responded that they would if they had that choice. The majority feel that the numerous problems are not being resolved and that nothing is changing, while others are optimists and feel that the situation will improve. Based on these and other responses of the employees, it is our impression that the situation has drastically changed in terms of work atmosphere. Even though this is still a relatively younger population, this time we have not recognized the enthusiasm and job satisfaction we had noticed during our previous visit to this institution.

Relations among the personnel, as well as with other services as part of the institution are assessed as correct. Team meetings are being held once a week and the majority feels that the team work is contributing to a more efficient decision making and opinion exchange. The majority of employees stated that they mostly have the full liberty of stating objections about anything regarding the life at the institution and that of proposing their suggestions. However, the attitude that this service does not have the role it should given its purpose and the concept of resocialization of prisoners still remains. With regards the cooperation with other relevant institutions, it was assessed that it was the worst with the pertinent Ministry and the courts. Interestingly, nearly all personnel feel general isolation and exclusion with regards to assistance and support within the system ‘... we do not have information feedback ... I feel excluded from everything...’

The majority of the employees claim that educations are being organized rarely or never. There is a very small number of those who have had additional education (mostly regarding substance abuse). The employees feel that they need education regarding burnout syndrome, anti-social personality disorder, prison pathology and interventions in crisis (self-inflicted injuries), as well as communication skills. The majority of them feel that the formally educated profile of a special pedagogue is not sufficiently trained for this type of work. Suggestions and propositions of the personnel regarding work improvement mostly boiled down to more frequent and better organization of educations, accessibility and the provision of expert literature and publications, connectedness and exchange of experiences with colleagues from other institutions. In addition, suggestions were made about the provision of financial means in order to improve general working conditions and in order to provide better leisure activities, occupational engagement, education of prisoners...

The Training and Employment Service employs a total of 14 workers, which is slightly more than in the previous period (9). Two have university degrees, one has a college degree, and the rest have high school degrees. They are all men with work experience of 5 years or more.

They note that they are exposed to stress, but that none of the staff members have been attacked or injured at work. There were no disciplinary proceedings against members of this service. The staff is satisfied with the work of other services, and they also find the status of this service satisfactory. When asked about additional education, they all replied that they haven't thought about it but that they would benefit from it. They all have accelerated seniority, and they are, as they say 'more-less satisfied' with their salaries. The primary complaints referred to outdated technology and worn-out machines, as well as to the insufficient number of working places for all prisoners who are interested in working.

### **RECOMMENDATIONS**

- **Plan the creation of separate services for health care and treatment service**
- **Improve physical and technical working conditions of the personnel (computer equipment, increased earnings, and provide at least another room for the educators' work...)**
- **Create incentives for staff members who demonstrate a maximum of engagement and efficiency in performing their tasks**
- **Continuously encourage and provide all types of support to the staff to enhance their professional knowledge and skills, and to exchange experiences with colleagues from other institutions**
- **Organize educations in accordance with real needs and include all members of staff**
- **Adhere to the principle of employee participation in adopting legal and other significant solutions which refer to the improvement of practice, directly or indirectly**
- **Plan psychosocial programs of preventing staff burnout syndrome as part of different service and conduct them on a regular basis**

# Penitentiary-Reformatory in Sremska Mitrovica

**Date of visit: October 27- 28, 2010**  
**Type of institution: closed**  
**Population: males/persons of legal age**  
**Number of prisoners: around 1700**  
**Number of detainees: around 200**

## **I – LIVING CONDITIONS**

### **a) Buildings and grounds, equipment, ventilation and lighting, sanitary conditions and hygiene**

Since the last visit of the Helsinki Committee in December 2005, several investment undertakings have been carried out by Penitentiary- Reformatory in Sremska Mitrovica. The Pavilion I has been partly renovated, a part of the kitchen has been refurbished, a part of the hospital has been repaired, and three new objects were built: for measures of detention and the admissions department, the Drug-Free Department and an object as part of the semi-open department 'Zelengora'. The Department of Intensified Surveillance, which was severely damaged in the uprising in 2006, has been renovated. The disciplinary area now holds the 'solitary confinement room' and the area for solitary confinement (both of which used to be part of the Pavilion II). The Penitentiary-Reformatory is almost entirely covered by video surveillance, there are also 12 guard towers surrounding it, out of which only two are functioning due to the shortage of employees in the Security Service. One month ago there was an attempted escape.

Pavilion I has been entirely refurbished. The first floor of the pavillion holds the administrative section, whereas three blocks accommodating prisoners are located on the second floor. Each block has 8 rooms with 6 prisoners each. The rooms are new, clean, furnished with a sufficient number of beds and cabinets, the facilities and hallways are well light and aired, all hallways and rooms are equipped with fire extinguishers, floor heating has been built in (the prison has its own boiler room). As we have been told by the management, the bedding is changed and washed in the laundry room once a week; however, the prisoners are not content and claim that their families are regularly sending bedding and hygiene supplies in packages. Each room has a public-address system.

There are 3 phone booths on each floor. Each block has its own TV room which holds one or two tables each, 4 chairs in some cases and none in others, so the prisoners bring chairs from their own rooms. The bathrooms and shower cabins in the A1 block do not fulfill sanitary conditions. In this block, each room lacks tables, so that the prisoners are forced to use cardboard boxes as table replacements. The prisoners are complaining that supply of hot water often is not functioning. The prisoners are currently satisfied with the heating, which, as they claim, had practically not worked at all last year. There are television sets in some rooms in the block A, which were brought by the prisoners themselves. There is hot water and heating in these



rooms, however, again, there aren't any tables. The prisoners are complaining that their clothes are being washed once every three months.

The 'resting place' is a department hosting the elderly and disabled persons. Each room has 4 beds, each room is equipped with a television set, the lighting is good, but there is a big problem because of the lack of toilet facilities – until recently 50 prisoners were using one toilet only. Foreign citizens are complaining that their packages arrive with up to 3 months of delay. In addition, there is the problem of the minute limit for making telephone calls; they feel that 20 minutes (which is the amount of time foreign citizens are allowed to spend on the telephone, whereas the rest of the prisoners are allowed 10 minutes) is not enough because they lose a lot of time trying to establish a phone connection. Additionally, few members of personnel speak foreign languages, making communication with other prisoners difficult if not impossible.

As part of the sports center, there is a 420 meter long running track; there are fitness machines and weights, two soccer fields, a basketball court, a tennis court and a volleyball court. This external part of the sports center is not covered by video surveillance but only with one guard tower, and this is exactly where the attempted escape took place. There is a sports center 'Partizan' where prisoners can exercise and there is an indoor gym, which is used in during the winter.

As was already mentioned, the disciplinary area has been refurbished, all rooms have 2 beds and toilets, and there are lockers, a table, chairs and television sets. The prisoners are allowed 1 hour of walking per day. As part of this area, there is a classroom where a catechism teacher teaches once a month, whereas in the meantime, the prisoners use this area mostly for painting. The classroom and the dining hall hold a mailbox whereby the prisoners can address the warden. As part of the disciplinary area, there is also a well equipped 'solitary confinement room' (bed, table, toilet, faucet, good lighting and ventilation). Next to the 'solitary confinement room' there is also the detention area (for the measure of isolation). The whole block shares a bathroom, there are 6 showers, 6 faucets, everything is new and clean. This area is covered by video surveillance and equipped with fire extinguishers.

There were 113 people in the residential Pavilion III at the time of our visit. On average, there are 4 prisoners in each room. The rooms are too small for this number of prisoners, because they are so small that only two prisoners at the most could be accommodated. As part of this area, there is a poorly equipped television room which is in very poor hygienic condition.

The Pavilion II is the closed area of the Penitentiary-Reformatory. It consists of two levels (ground level and the first floor). The rooms hold 4 beds, a table, and sometimes a television set. The prisoners complain about poor heating. There is also a painting workshop, where prisoners are usually engaged in iconography.

We found around 290 prisoners in the residential Pavilion IV. Each floor has 40 rooms. Two rooms on the second floor are joined and form the television room, which is used by 80-90 prisoners on average. As part of this area, there is a barber shop which is in good shape. The ground floor has 20 rooms, each room has 4 beds.

The Pavilion V is a semi-open department with two main rooms. As part of Pavilion V, very poor architectural-technical conditions are evident, the walls are in very poor condition. The heating is regulated based on wood and coal furnaces, while the smoke goes directly to the rooms; the ventilation is very poor, therefore the air is very stuffy and congested. The lighting is poor, there are no tables but each prisoner has his own bed and locker. Considering that this is a semi-open department, there are no bars on the windows. One room has 40 beds, the other

holds 47 persons, the walls are damp, the floors are in poor condition and there is no video surveillance. In addition to this room, there is another room which holds 4 persons who are employed as part of the fire fighting service, and a couple of other rooms which also hold persons according to their respective work obligations. The bathroom is in very poor condition. There is no heating in the dining hall and the kitchen, there isn't enough cutlery, there aren't enough chairs, whereas the sanitary conditions are extremely poor. There is no fence around the Pavilion, which is in accordance with the law. Nearly all prisoners from this department are occupationally engaged. There are designated rooms for farmers.

The 'Zelengora' Pavilion hosts more than 100 prisoners. As part of the Pavilion, there are two residential areas, the canteen and the boiler room. All prisoners from the 'Zelengora' take weekend outings and have the right to a vacation. The phone booths are located outside, in the open. All rooms have tables next to the beds, television sets, and lockers for each prisoner. The rooms are neat, there is hot water, the heating is good, there are also recreational facilities and a gym. As part of 'Zelengora', there is a cow farm, and persons employed on the farm are accommodated in special designated areas.

'Veliki salas' is an open department. Due to a shortage of staff at the entrance, prisoners act as security guards. The residential area hosts a total of 66 persons. The rooms hold 6 beds each, a locker next to each bed and a table, but there are occasional problems with electrical power. As part of the department, there is a gym with equipment, weights and a table for table-tennis. The bathroom is in very poor condition, and as part of the laundry room there is only one laundromat. There is also a pig farm in this area, a mechanization hall, a shed and three combines.

58

## **b) Kitchen, dining hall and food**

Between two visits of our team, this part of the institute was refurbished. The dining hall was refurbished and refurnished with a sufficient number of tables and chairs, it is well light and with good inflow of fresh air, whereas the kitchen facilities are old and require serious refurbishment.

The menu is clearly displayed but the prisoners are complaining that the kitchen service often does not stick to it and that food from the menu often isn't served. Aside from regular meals, special, dietary meals are prepared (based on the diabetics menu and the general dietary menu). The preparation of meals is in accordance to Muslim religious regulations. The milk from the farm is present in the menu, whereas cheese and yoghurt are procured through a tender. Fruit is rarely served, and mostly that which is provided by the institute's farm. The prisoners often complain about the food, especially diabetics and others on a special diet regime for health reasons.

There are currently 30 prisoners and 4 professional chefs with proper sanitary documentation. It is a very good thing that the kitchen employees are separated from the remaining prisoners and that they are sleeping at the school, which reduces the risk of falling ill and infections. Food samples are being kept for the next 24 hours. Over the past few years, there haven't been any sporadic or regular controls by the Institute for Health Protection.

The dining hall is being heated by radiators. There is a sign in the dining hall stating that prisoners can directly address the manager based on Article 4 of the House rules Rulebook. In addition, there is a mailbox for addressing the Provincial Ombudsman of Vojvodina. The

institute has 5 canteens in the closed department and 3 more in the open one. The canteens in the closed and disciplinary sections are well supplied. What is lacking is a fridge for dairy products, which is why dairy products are not present in the canteen offer, which is the subject of prisoner complaints.

### **c) Medical care of prisoners**

As regards medical care, we have noticed significant changes and improvements as compared to our previous visit. The health service used to consist only of one doctor and one stomatologist. Now, the Medical Service is indeed a service, which is made up of 6 doctors, out of which 3 are full time employees, and three are employed on a contract basis. They are assisted by 24 medical technicians. At the time of our visit, doctors were working from 7 am to 3 pm, but we were told that they will soon start working on a schedule which will cover all 24 hours. 8 technicians have already worked in 12 hour shifts, and the others worked from 7 am to 3 pm. On a contractual basis, the institution is visited by psychiatry specialist (2-3 times per week), internal medicine specialist (2-3 times a month), surgeons, physiatrists, ear-nose-and throat specialists, as well a dermatologist and an urologist (1-2 times per month). On a contract basis, an X-ray technician is engaged, who works when needed and operates the machine which the institution has received 3-4 years ago.

Over that past 3 years, the institution hosted lectures about hepatitis C as part of the Global Fund, and now in the organization of the Indjija health center. Also, there were lectures about HIV, and a lecture is planned about tuberculosis (TBC) as part of the preventative screening action which should encompass all institutions of the penal system. As part of this action, a tour of all institutions, by a bus which is equipped with a lung screening machine, is planned. The screening is voluntary, and after reading the films and detecting suspected cases, the prisoners are called for additional analyses and further treatment, as needed. At the time of our visit, the bus was stationed at the institution. The screening was well organized. The prisoners were brought to the bus based on a schedule according to pavilions and there, in a conversation with the medical staff, they would state whether they consent to the proposed diagnostic procedure. In the first two days, the turnout was satisfactory, and the prisoners expressed satisfaction that the action was initiated. It is our opinion that such screening actions are commendable, especially with regards to contagious diseases in a closed system such as a prison, because they enable the fastest and the best diagnostic measure. The final, summary data will be of particular importance, and they will be a good indicator of the condition of health of the entire prison population, and in a way of the entire society, because the prison population represents a significant part of the population affected by this problem.

Injury records are being kept and submitted to the Management in periodical reports. Injuries are classified in 3 categories (in sports activities, during work and self-inflicted). All injuries are added to health records. We feel that this record-keeping should be more complete, that it should contain other forms of injuries (as part of work and sports, in conflicts among prisoners, by members of the security service in situations of applying the measures of restraining, self-mutilation etc.). In some institutions, we have encountered records containing injuries (cuts, bone breaks, burns, stabs, cutting, swallowing objects and the like), therefore it should be taken into consideration that the way injury records are kept should expand to this institution as well, because the records show that it is an example of good practice. During the first 6 months of

the past year, there were 9 work-related injuries, 13 in sports and 14 self-inflicted injuries. One suicide attempt (by hanging) was reported and one realized suicide (by poisoning), as well as two deaths of natural causes. In all death cases which occur within the institution, an autopsy is carried out in Novi Sad.

During the first 6 months of this year, 10,638 general medical examinations have been carried out in this institution. There were 440 visits to civil institutions for exams by specialists. As in most other prisons, there is a problem with organized transfers of prisoners to civil institutions, and this problem is resolved on a daily basis by coordinating transfers based on court orders. 1228 psychiatric, 300 internist and 804 other medical examinations by specialists were carried out in the institution. Psychotherapeutic work is still not being carried out with this population; instead, only pharmacotherapy is being used. There were 1041 dentist interventions which include repairs and tooth extractions, whereas other services of prothetics and oral surgery are organized in civil or private institutions, as needed.

At the time of our visit, there were 2 HIV positive prisoners in the institution. hepatitis C is common for this population, so that there were 40 recorded cases in the first 6 months. Upon entering the institution, the prisoners are offered to have blood tests for HCV, HBV and HIV, with their consent and in a confidential manner. The treatment of these diseases is carried out in cooperation with the Clinic for Infective Diseases in Belgrade, and the prisoners have access to the program for treating hepatitis C – Pegasus. This program has encompassed around 10 prisoners in the past 5 years.

The out-patient facility consists of 4 blocks with 26 beds, and can accommodate more additional beds as needed. The entire building containing the out-patient facility and medical service facilities is in poor structural and sanitary condition. It resembles a prison more than medical facilities. The poor sanitation should be particularly emphasized, from the bedding, to sickrooms and toilet facilities. The lack of adequate supplies for the maintenance of personal hygiene is evident. These shortcomings are particularly visible in this part of the visit, as compared to the remainder of the institution, which has been refurbished and is in far better condition. Three orderlies are in charge of sanitations and patient care in the dispensary, whereas 87 prisoners have been treated in the first 6 months.

As we have received contradictory information from prisoners and the medical staff about the presence of other prisoners and prison guards during medical examinations, we would like to stress that privacy during medical examinations is a necessary precondition for the achievement of a confidential doctor-patient relationship. Only in situations when it is assessed that the doctor is in danger or when he explicitly demands it, can exceptions to this rule be made.

## RECOMMENDATIONS

- **Make more efforts for providing financial means for the refurbishment of those areas which are in poor conditions, and adequately supply the facilities, according to priority**
- **Considering that the Institute is in good condition for the most part, devise a plan of continuous maintenance and refurbishment in cycles, in order to maintain the quality in areas where it has been achieved, and establish it in those where it is lacking**
- **Work on continuous improvement of the level of sanitation and improve the organization of the laundry service.**
- **Introduce video surveillance in the yard, especially in the sports center area (where the attempted escape has been recorded to have taken place) and activate the guard towers in the yard**
- **Refurbish and supply the kitchen, and supply the canteens with fridges for dairy products**
- **Analyze the problems of the long waiting period for the packages which are received by foreign citizens and ensure that they are delivered within reasonable time**
- **Extend the time allowed for phone calls for foreign citizens, by keeping track of time from the moment they establish a phone connection, for example**
- **Find a person among the staff which speaks English in order to establish communication with foreign citizens.**

61

## II – SECURITY

As in all other institutions of this type, Security Service in the Penitentiary-Reformatory in Sremska Mitrovica encounters numerous challenges in its work. The fact that the Institute takes up a large amount of space, and the fact that it hosts a high-risk population, pose a particular problem. The main problem is the shortage of staff, poor and obsolete equipment, as well as low income as compared to the seriousness and gravity of the work of the security service staff.

At the time of our visit, there were 1764 prisoners in the institution. It should be noted that over 250 are convicted of murder or attempted murder, whereas 750 persons are imprisoned for robbery, grand larceny and larceny. In addition, 300 more persons are imprisoned for criminal offenses related to drug abuse. Such prisoner structure makes the Penitentiary-Reformatory in Sremska Mitrovica one of the 3 institutions with the most dangerous prison population in Serbia.

It is the very structure of the prisoners which determines the needs, fears and problems of the Security Service. Even though this Penitentiary-Reformatory was associated with a high number of incidents in the past (criminal offenses committed both by prisoners and employees), we have ascertained a significant improvement in the work of the Security Service during our

visit. Namely, after a new Manager was appointed and by appointing a new Chief of Security, the Service has been significantly transformed in a short period of time. In addition, according to the prisoners, the relationship between the commander and the prisoner since the appointment of the new Chief has been significantly relaxed.

Additionally, in the previous period, the measure of restraint by the Security Service has been more rarely applied (a total of 65 cases). According to the Chief of Security, order was instituted by strict discipline among the employees, which has resulted in a greater number of suspensions of employees of the Security Service (13 of them were suspended).

#### **RECOMMENDATIONS**

- **Increase the number of guards up to the level at which unhindered functioning of the institution can be ensured**
- **Renew the motor pool in order to enable secure and timely transport**
- **Ensure more humane and better working conditions for the personnel, in addition to the introduction of mandatory health checkups**
- **Organize different forms of training for members of the Service, in accordance to the needs and specificities of the prison population structure**

### **III – LEGALITY OF TREATMENT**

Given that this is the only Institute in the country where foreign citizens are situated , copies of the House Rules Rulebook also need to be provided in languages other than Serbian. We were told by the personnel from the Civil Registry that the rulebooks in other languages are available to the prisoners, unlike in the case of the last visit, when there were none.

During 2010, a total of 458 disciplinary measures have been given. Out of those realized, 172 were referred to 'solitary confinement', 157 are reprimands, whereas in 110 cases privileges are suspended and their use forbidden. The total number of filed complaints is 145. During 2010, measures of coercion have been used in 65 cases, 4 times for the destruction of property, 8 times for attacking officials, 20 times during the prevention of conflicts, 15 in cases of the prevention of self-inflicted injuries... Disciplinary actions are being carried out in accordance to the law.

The Registry consists of two admissions officers, 4 record-keeping Registry associates, one administrator and the chief of service. The Registry's work is overloaded due to a large number of prisoners, and, in addition, the Registry is in charge of keeping track of the prisoners. As is the case in other prisons, the problem is in the parallel record-keeping based on instructions dating from 1979 and based on new instructions. There are also difficulties with the harmonization of old and new legal regulations, especially when they contrast each other, and yet both need to be abided. The employees of the Civil Registry are the only ones in the Institute without accelerated seniority. In addition, according to their claims, based on the Regulation on Assessment, the salaries of employees in all other institutes were raised for 10-20%, whereas theirs weren't.

This is additionally frustrating, given that they are working with a large number of prisoners and that they are the only ones in charge of foreign citizens.

Proper records are being kept about deposits – upon entering the Institute, each prisoner receives a number, which is kept at the Book of Deposited Valuables. Once the sentences have been served, personal belongings are returned to the prisoners, and the system functions well. The deposit for foreign citizens is located within the Registry.

The regulations used in the Institutes work are as follows: the House Rules Rulebook, the Law on the Execution of Penal Sanctions, the Rulebook on the Maintenance of Order, the Rulebook on Disciplinary Actions etc. No international documents are being used. There are specific instructions, such as the Instruction on the Work Engagement of Persons, for example. Lawyers provide legal aid to the prisoners with regards to the enforcement of the prison sentence, various certificates (for the purposes of children’s field trips, passports etc.), assistance in cases of weddings, various , consent forms, pensions, but also in the cases of disciplinary action, although the prisoners rely more on engaging a personal lawyer.

The disciplinary commission for the employees consists of the President (lawyer with 5 years of experience), Deputy President and two committee members. The disciplinary commission for the prisoners consists of the President (lawyer), Deputy President, one member of the Treatment Service staff, and one member of the Security Service staff. A designated book is being kept for records of offences as well as the records for coercion measures, which is filed in the form of a report to the Director of the Management. In the past 8 months prior to our visit, 53 disciplinary actions against employees were initiated.

#### **RECOMMENDATIONS**

- **Resolve the problem of parallel book-keeping based on the 1979 instructions and on the new instructions**
- **Provide accelerated seniority for the employees of the Civil Registry**
- **It is necessary for the Ministry and the Administration for the Enforcement of Penal Sanctions to provide guidelines for the implementation of certain laws in order to avoid the problems currently encountered in the Institute’s work**

## IV – RESOCIALIZATION

At the beginning, we will discuss statistical indicators, that is, changes to the structure of the prison's population. At the moment, the total number of persons deprived of their liberty is around 1900, out of which 1764 with convictions. As compared to the data from 2005, the number of prisoners has risen for 30%. As we were informed, 70% of convicts are returnees, whereas a significant number is in legal procedure for new crimes. The age structure points to the fact that the most represented population is that aged between 19 to 30 years of age (608 prisoners) – which is 34%; which is followed by a category of prisoners aged 31 to 35 years of age (416 of them) – which makes 24%. Therefore, unlike in the previous period, this is a younger population, whereas the crimes are predominantly with elements of violence (robbery- 456; grand larceny- 304; homicides and attempted homicides – 259), and drug abuse – 317. The educational structure points to the fact that nearly 50% of the prison population require some sort of education; more precisely, 231 has not completed secondary education, whereas 545 does not have high school education.

As far as the admissions and treatment of prisoners is concerned, there are no significant changes; that is, certain problems have not been resolved, and those which regard the number of prisoners are even more prominent. Even though significant funds for the refurbishment and construction of new objects have been put in, the current capacities still do not suffice for the accommodation of the current number of prisoners. The increased number of returnees with new crimes is an additional problem, as are those with the maximum punishments. As it is common practice for the classification and reclassification to be based on the type of crime and earlier convictions, under the current circumstances, distribution into departments (and thus the overcrowdedness as well) is in favor of the closed department to a high degree. This ratio of the closed – open and the semi-open departments is 4:1 (1370:320), unlike the previous period of 5 years ago, when it was 2,3:1 (950:400). With regards the classification of convicted persons, this type of orientation is acceptable, surely, during classification, equal importance must be given to the conduct and behavior of the prisoners, but all of those elements which the resocialization process entails in the duration of the sentence, should also be considered. Prisoners themselves perceive that – even though they behave according to rules, they work, put in an effort and they do not have disciplinary punishments – they cannot receive a more favorable treatment. They particularly see as injustice the case of those prisoners which have a more favorable treatment without fulfilling the formal criteria. It is certain that this type of practice reflects on the prisoners' motivation, because the means of incentive, which are built in through the rights and privileges, are becoming nonsensical and are losing purpose. On the other hand, the personnel explain that the decision about the receiving of a better regime is based also on the security assessment of the local environment. This, practically, means that the prisoner, even if he is displaying positive behavior during the serving of the sentence, remains in the closed treatment if the assessment of the local environment is negative. This cannot be withheld if he has semi-open or open treatment. Interestingly, there are cases when it is decisive whether and how the public will react (mostly in cases of prisoners convicted of war crimes and organized crime – the so called 'prisoners with resounding names'), so it is considered to be more practical and smart to remain in closed treatment regardless of the progress they have displayed during the resocialization process. These examples indicate that the decision about reclassification is not always to the benefit of the prisoners, and in broader terms, to the benefit to the personnel, either.



The excessive number of prisoners remains to be the limiting factor for the quality level of the educators' work. Even if there were no other reasons or problems, the education groups with more than 100 persons per one educator, with the obligation of keeping administrative records, leaves little room for any serious type of individual or group work and treatment of prisoners. The shortage of educated staff for the work with a large number of drug addicts and those dependent on psycho-active substance makes the entire situation even more complex.

With regards to the education of the prisoners, in addition to a school as part of the Institute, this resource has not been adequately used. Namely, out of more than 200 prisoners which require secondary education, only 10% of them are included in this type of education. The situation regarding high school education is even worse. Only 15 prisoners are attending the technical high school, whereas 514 prisoners are currently without a high school diploma. The argument made by the personnel that the prisoners are disinterested to participate in the education does not make sense, but it does point to the lack of support and incentives from the educators. A written notification, displayed in each pavilion, which provides information about the possibility of participating in the education program is certainly insufficient and it is not the only way to get the prisoners interested for school and studying. This is supported by the fact attendance is waning, demonstrating that the number of those who complete a class is less than the number which at first enrolled in it.

The situation with training and work engagement of the prisoners is similar. Based on the documentation and conversations held with instructors at production lines we have received somewhat different data about working prisoners, but as compared to the total number of prisoners, these differences are negligible. In closed treatment, a little more than 10% of the convicts are working (138 in industrial production and a negligible number at the maintenance of equipment and facilities); whereas in the open and semi-open department this number is nearly the maximum, but refers exclusively to agricultural jobs. It should not be forgotten that the work engagement is by far more useful for prisoners in the closed than those in the open department. Over the previous period, the number of prisoners with a work engagement was double (25% in the closed department). Different sources offer different explanations for this situation. Those prisoners who want to work and are not occupationally engaged explain that there are no jobs for them. Some of the employees maintain that, in reality, there are capacities for engaging more prisoners than is currently the case, but that most prisoners cannot be employed because they do not fulfill the 'other – more important' criteria in order to be occupationally engaged. Therefore, as in certain other institutions, there is some confusion about what purpose should the occupational engagement of prisoners serve: whether it should be for more efficient production and business activities, or resocialization. It is our opinion that both conditions can be fulfilled, but this requires good will and a much more intensive communication of the service's staff and higher instances, better organization and coordination within the Service for Training and Employment, as well as with each other and other services. Of course, there are still real problems about worn out and obsolete machines, the technology of work etc, but it is our impression that not even the staff considers these to be the key obstacles.

With regards the assessment of the effort of prisoners at work, it is made by a worker (instructor) in charge of a particular prisoner. As we were informed, during the reclassification, the opinion about the work engagement of a particular prisoner is considered only if there is a positive opinion by the Security and Treatment Services. In total, in order for the education and work engagement of the prisoners to be elevated to a higher level, this element of

resocialization needs to be given higher priority in the strategy of the institution itself, or rather its management. In relation with the above stated is our impression that the personnel does not have a clear awareness about the end purpose and goal of the training and work engagement of the prisoners. Namely, when asked whether prisoners who undergo training and master skills for particular occupations receive a certificate ensuring a certain qualification and thus the possibility for employment at large, the majority of employees as part of this service did not have an answer. This, among other things, is another indicator of the inexistence of mutual communication of the personnel. Individuals stated that they 'recall that some commission came last year' and that, following a check of knowledge and skills, 11 prisoners received certificates for occupations for which they were educated. As compared to the number of prisoners which are occupationally engaged, as well as the choice of occupations for which the trainings are being held, this is a remarkably poor result. The instructors and educators would have to pay more attention to this problem. We suppose that the first step should include more intensified cooperation and communication with the craftsmen association and the Training Center in Nis.

When leisure activities are concerned, we haven't noticed any significant changes, except for the refurbishment of certain facilities of the Cultural Center which hosts arts and crafts activities. The number of prisoners participating in different arts and crafts is still extremely low as compared to the total number of prisoners. Only around 50 prisoners are included in the following activities: carving (21), music (12), painting (9), and journalism (5). The translating section is no longer functioning, nor is the computer training. Most prisoners participate in sports activities (football, tennis, gym). Even though the personnel keeps stressing that the lack of space does not permit the improvement and a better organization of leisure activities, it is our impression that this is not the primary problem. The attention should be focused on the prisoners themselves and their interests, as well as on the incentives and motivation for their greater participation in activities which they themselves want.

There were no complaints about the work of neither the library nor regarding religious culture. The area for religious services is satisfactory, and is part of the Culture Center.

Even though the personnel states that there are too many prisoners in the closed department, while the capacities of the open and semi-open department remain unused, it is evident that attention is paid disproportionately more to security than other significant indicators, speaking from the aspect of resocialization and the purpose of the prison sentence. To be more precise, the prisoner serves the sentence in order for professionals to contribute to his resocialization through the enforcement of a certain treatment program. However, if the institution does not have sufficient capacities for the occupational and professional engagement of prisoners, the personnel does not have or does not apply knowledge and skills of creating incentives and motivating prisoners for education, occupational engagement, development of positive social behavior and, at the same time, does not deal with and cooperate with relevant persons outside the institution (indirect treatment), then it can hardly be said that all responsibility in the assessment of the prisoner's behavior in the institution can be attributed to the ascertainment that he is not working, that sources from the local environment are making a negative assessment etc. Practice should not be guided by constant parameters which are not changeable and which the prisoner objectively cannot influence (the type of crime committed, the length of sentence, returnee status etc.). Return in any form represents an important indicator of criminality in all its shapes and forms, but it should not be forgotten that it is also an indicator of the success of the educational and corrective programs. If we add the fact that there is no cooperation even

at the time of release preparations regarding the post-penal resettlement and cooperation with other ex-institutional factors which are important for the prisoner, surely the situation cannot be justified only by an excessive number and complex structure of the prisoners.

All of the above leads to the conclusion that, in practice, there are goals which are not complementary, and that the treatment of prisoners is either hardly carried out, or even not carried out at all. In such circumstances, it should be expected, rather than surprising, that the prisoners create their own informal value system where internal conflicts and destructive behavior present legitimate means in the fight for survival. The reaction of the staff and their responses, under the excuse of prevention and preservation of security, peace and order in the institution, come down not only to isolation in the sense of limitless confinement in closed treatment, but also to different variations of measures which include complete isolation and as little contact without any activities whatsoever. It is exactly this type of approach that is causing the whole problem.

### **RECOMMENDATIONS**

- **Consider the alternatives of the reduction of the number of educational groups in the closed section for the purpose of improved educational and correctional work**
- **In reclassification, utilize the criteria which refer to the conduct and behavior of prisoners, through parameters which demonstrate their progress during the process of resocialization during the prison sentence**
- **By implementing various educational methods and means permanently develop the prisoners motivation for mass participation in education, professional training and various leisure activities**
- **Educate the personnel or engage experts in specific fields for the treatment of prisoners dependent on psycho-active substances**
- **In order for the problems regarding capacities, activities, organization and procedures of education and work engagement of the prisoners to be made more efficient, intensify the communication of the Training and Education Service and the Treatment Service on the level of the institution, through coordination and support of the Management**
- **Intensify cooperation and communication with the craftsmen association and the Training Center in Nis regarding the provision of certificates for particular occupations which exist at the institution**
- **Focus the attention on the prisoners themselves and their interests in order for their participation in certain constructive activities to be raised to a higher level**

## V – CONTACTS WITH THE OUTSIDE ENVIRONMENT

Convicted persons realize their visitations rights, and their right for outings (weekends and vacations), packages etc. based on the Law on the Execution of Criminal Sanctions. We have not received particular complaints from the prisoners regarding these rights, except for the prisoners who are foreign citizens. Namely, foreign citizens are complaining about the rules regarding package delivery (the weight and the time it takes for the package to reach them), because their relatives cannot come to Serbia to visit them, so that the packages are the only form of sending them supplies. Namely, given that these prisoners have the right to packages weighing the same as for all the other prisoners, they are put in an unequal position, because it is more difficult for them to realize their right to packages as compared to the other prisoners (whose relatives can deliver packages with fresh food far more easily and frequently when visiting). In addition, prisoners who are foreign citizens also complain about the fact that the prison canteen does not provide fresh fruit and vegetables (which cannot be sent to them by mail because of the length of the package journey time and customs regulations), which puts them in a discriminated position as compared to the remaining prison population which can obtain fresh products via packages received during visitations.

### RECOMMENDATIONS

- **Under these conditions, it is of extreme importance to maintain accessibility of all forms of communication with the outside world for these prisoners. Depriving them of this right would not only be in opposition to the regulations, but it could also be a trigger for the dissatisfaction on a larger scale, which would be a significant security risk given the excessive number of prisoners**
- **Question the possibility for foreign citizens serving a prison sentence to receive packages from abroad more frequently**

68

## VI – INSTITUTIONAL PERSONNEL

Data received from the Training and Education Service point to the fact that the number of employees, as compared to the previous period, has been significantly reduced. Out of the existing 248, there are now 183 employees. 33 employees have university degrees, 6 have college degrees, 74 have high school diplomas; and there are around 70 highly skilled and skilled workers. The personnel are mostly male. These are employees with adequate occupations and with a long work experience. The majority of employees are working at the department for agricultural production and catering (81), then at the department for industrial production (48), whereas the rest are employed at the department for maintaining equipment (22), department for commercial affairs (20) and the department for transport and maintenance of motor vehicles (12). Even though the number of hired prisoners is not adequate and does not follow this schedule, we are assuming that it is being dictated by the type and complexity of the work itself, as well as by the possible capacities of hiring prisoners. As part of each department, in its

organization, this service employs chiefs, and on lower levels, work organizers and instructors. The manager's position has not been filled for nearly a year. We are assuming that this is contributing to the existence of the problems we have emphasized, which refer to more efficient training and engagement of prisoners. The answers of the personnel about the need for more intensified communication and meetings on the level of the institution and the Training and Employment Service itself are in line with this. Considering that the expert team, which decides about the distribution and reclassification of prisoners is made up of chiefs of all services, the non-existence of a chief of the Training and Employment Service points to omissions in this quite sensitive and significant aspect for the prisoners, as well.

The employees of this service do not feel that they require special education regarding the specificities of the population they work with because they have a long working experience. The instructors explain that they do not have any problems in their work with the prisoners, and the main complaints referred, as before, to the obsolete technology and the need for better working conditions.

Overtime is utilized only exceptionally, if the workload is increased, but this is rare. The staff, which is in direct contact with the prisoners, has accelerated seniority. During the past year, 3 disciplinary procedures have been initiated against employees of this service for unallowed communication with prisoners.

The Treatment Service has 3 employees less than during the previous visit, so that his service now has 23 employees. Out of this number, 4 are employed for a limited time. Given that the ratio of prisoners and educators has not been satisfactory in the previous period either, under the current circumstances of an increased number of prisoners and the decreased number of staff, it is clear that the situation is worse in terms of quality and work itself on the treatment of prisoners. This situation is also reflected on the organization and the distribution of staff, so that a certain number of employees are covering two work places.

The Admissions Department still has 5 employees: 2 psychologists, a social worker and 2 special pedagogues. The ratio of the male and female sex is 1:4 in favor of women. At the Department of Educational and Correctional Work there are a total of 18 employees (17 educators and a chief). The closed department of the Institute employs 12 educators and the open department employs 5, all with university degrees. The closed department has a ratio of 8:4 of men and women, and the semi-open a ratio of 4:1 women and men. The age structure and the length of service points to the fact that these personnel are older and with a long experience: 11 employees have a work experience of 10 years and more, 7 employees have a 3 to 10 year work experience, whereas 5 employees are younger and with a work experience of up to 3 years.

As in other institutions, the staff of this service is dissatisfied with the social status of their job, as well as their working conditions. The staff particularly stresses the problem of the size of educational groups, working conditions, frequent incidents and conflicts among prisoners, pressure stemming from work requirements and administrative and organizational factors, the lack of support and feedback from their superiors etc.

With regards to educations, we have been told that they are organized rarely, and especially not in accordance with concrete problems or knowledge and skills required for their work with prisoners. Considering the significant number of employees which, by basic education, are not professionally competent for working with the prison population (history professors, professors of Marxism, defense and protection, geography...), additional courses should be mandatory regardless of their long experience.

In comparison with the vast number of institutions with which cooperation and coordination in the resocialization process is needed, the personnel estimates that cooperation with all systems outside the institution is not bad. Upon the arrival of prisoners at the institution as well as immediately before their release, those pieces of information from the local environment, more precisely from the Social work Center, are most important. The employees explain that they receive the required information from smaller centers (cities) because these are not overburdened by work, unlike larger cities where, due to the large number of beneficiaries, the employees cannot meet these demands. In addition, given the high number of returnees, there is a good cooperation and exchange of important information from colleagues from other penal institutions. What is interesting is the fact that the personnel was not willing to discuss issues about their cooperation with colleagues from other services.

Considering the predominantly older personnel with a long work experience and chronically unfavorable and stressful working conditions, the fatigue and physical, emotional and mental exhaustion is evident.

### **RECOMMENDATIONS**

- **Increase the number of employees in the Treatment Service in order to raise the number of prisoners and educators to an optimal level, and in order to make the treatment work more efficient**
- **Improve living and working conditions of the personnel by increasing their earnings and by other incentive measures for their engaged, conscientious and lawful work**
- **In the aim of preventing personnel burnout, provide adequate support through the possibilities of more frequent and shorter vacations, work reorganization so as to decrease the number of hours of stressful work; enable flexible work planning, better working conditions, continuous education and clear organization goals**
- **Whenever possible, motivate the staff of the Institute and the social work centers to cooperate and, through cooperative work and application not only of direct, but also of indirect treatment, establish the best possible preparation of prisoners for normal social resettlement, especially in the maintenance and improvement of their relations with their families, other persons and social organizations**
- **Influence the rejection of prejudice and public attitudes regarding the labeling and stigmatization of the prison population and prison institutions in general via media and other means of information**
- **Continuously remind the personnel to improve their knowledge and expertise by attending self-improvement courses, additional trainings and educations, counseling and examples of positive management, with the tendency towards more humane treatment, greater efficiency and an engaged approach to their work**
- **Ensure visits of personnel to other prisons and institutes for an exchange of experiences**