

National Preventive Mechanism of Republic of Serbia
2012 Report

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National Preventive Mechanism of Republic of Serbia

2012 Report

Dear reader,

The work of the National Preventive Mechanism for prevention of torture in Serbia results from obligations of the Republic of Serbia to its citizens and the international convention to which it acceded representing a novelty to our legal system and life. This is the first annual report of the Protector of Citizens as a National Preventive Mechanism.

Presenting the findings and general and specific recommendations for improving current status, the Report provides a clear and accessible route to the society without torture as an ideal goal. However, the report clearly shows that steps towards unattainable ideal are not shrouded in fog themselves, unattainable, or even too difficult or expensive.

It remains to strive to them as quickly as possible, without excuses and exceptions for the sake of the victims of torture, as well as our own dignity. Where there is a human being subjected to inhuman treatment, no one's dignity may be unconditional.

I'd like to express my appreciation to all authorities, civil associations and individuals I have collaborated with while performing the duties of the National Preventive Mechanism for the prevention of torture.

Saša Janković,
Protector of Citizens

Belgrade, 15 April 2012

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1. Prohibition of Torture

1.1. National legislation

The Constitution of the Republic of Serbia¹ guarantees human dignity, the sanctity of life and inviolability of physical and mental integrity, and explicitly prohibits ill-treatment².

The Constitution of the Republic of Serbia, Article 25 Paragraph 2
 Nobody can be subjected to torture, inhuman or degrading treatment or punishment³.

Prohibition of torture is foreseen by other legal regulation, among others by the Criminal Procedure Code⁴, Law on Police⁵ and Law on Execution of Criminal Sanctions⁶. Criminal Code⁷ determinates torture and ill-treatment as a separate offense⁸.

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- 1 „Official Gazette of the Republic of Serbia“, No.98/2006
 - 2 Constitution of the Republic of Serbia, Articles 23, 24 and 25
 - 3 Taken from the Article 5 of the Universal Declaration of Human Rights , Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms
 - 4 „Official Gazette of the Federal Republic of Yugoslavia„, No. 70/2001 and 68/2002 and „ Official Gazette of the Republic of Serbia„, No. 58/2004, 85/2005, 115/2005, 85/2005 – state law 49/2007, 20/2009 – State Law 72/2009 and 76/2010
 - 5 „Official Gazette of the Republic of Serbia„, No. 101/2005, 63/2009 - Constitutional Court's decision and 92/2011
 - 6 „Official Gazette of the Republic of Serbia„, No. 85/2005, 72/2009 and 31/2011
 - 7 „Official Gazette of the Republic of Serbia„, No. 85/2005, 88/2005 - modification 107/2005 - modification 72/2009, 111/2009 and 121/2012
 - 8 Convention against Torture, Article 4: (1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. (2) Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Criminal Code of the Republic of Serbia, Article 137.

1. Whoever ill/treats another or treats such person in humiliating and degrading manner, shall be punished with fine or imprisonment up to one year.
2. Whoever inflicts severe pain or suffering on a person by forcing, coercing or committing any other unpermitted action, for such purposes as obtaining from him or a third person a confession, declaration or any other information, or intimidating or illegally punishing him or a third person, or if done from motives based on any form of discrimination, shall be punished with imprisonment from six months to five years.
3. If the offense specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished for the offense specified in paragraph 1 by imprisonment from three months to three years, and for the offense specified in paragraph 2 of this Article by imprisonment of one to eight years.

1.2 International instruments

Serbia is a State party to all the most important treaties concerning prohibition i.e. prevention of torture. International Covenant on Civil and Political Rights⁹, which in its Article 7 adopts a provision regarding prohibition of torture from the Article 5 of the Universal Declaration of Human Rights¹⁰, was ratified in 1971¹¹.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹² (Convention against Torture) was ratified in 1991¹³. It became one of the most important international instruments dedicated to the struggle against torture.

9 Signed on 19th December 1966 in New York.

10 Adopted by the United Nations General Assembly on 10th December 1948 in Paris

11 „Official Gazette of the Socialist Federal Republic of Yugoslavia„ No. 7/71

12 Adopted on 10th December 1984 in New York

13 „Official Gazette of the Federal Republic of Yugoslavia – International treaties, No. 9/91

Convention against Torture, Article 1 Paragraph 1

Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of have committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of with the consent or acquiescence of a public official or other person acting on an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Besides giving the most complete definition of torture, the Convention against Torture contains various provisions, important to eradication of torture.

Convention against Torture, Article 2 Paragraph 1

Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

The Convention against Torture obliges each State Party to ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment¹⁴.

Convention against Torture, Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

In that sense, each State Party shall ensure that any individual who alleges he has been subjected to torture has the right to complain to and to have his case promptly and impartially examined its competent authorities, ensuring the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given¹⁵.

¹⁴ Convention against Torture, Article 10 Paragraph 1

¹⁵ Convention against Torture, Article 13

Convention against Torture, Article 14 Paragraph 1

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible¹⁶.

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made¹⁷.

The Convention against Torture establishes a Committee against Torture¹⁸. The States Parties shall submit to the Committee reports on the measures they have taken to give effect to their undertakings under this Convention. Each report shall be reviewed by the Committee which may make such comments or suggestions on the report as it considers appropriate, and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee¹⁹. The Republic of Serbia had submitted reports to the Committee, who made comments on them²⁰.

Serbia is Member State of the Council of Europe. European Convention for the Protection of Human Rights and Fundamental Freedoms²¹ and European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment²² (European Convention for the Prevention of Torture) were ratified in 2003²³.

European Convention for the Prevention of Torture establishes a European Committee for the Prevention of Torture²⁴. Each State Party is obliged to permit visits to the Committee, to any place within its jurisdiction where persons are deprived of their liberty²⁵. Each State Party is obliged to permit to the Committee, access to its territory and the right to travel without restriction, full information on the places where persons deprived of their liberty are being placed, unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction, and the right to interview in private persons deprived of their liberty, or any person whom it believes can supply relevant information²⁶. After each vi-

16 Convention against Torture, Article 14

17 Convention against Torture, Article 15

18 Convention against Torture, Article 17

19 Convention against Torture, Article 19 Paragraph 1

20 Comment made by the Committee for the Prevention of Torture at its 41st session, from 3 November to 21 November 2008 on Report of the Republic of Serbia

21 Opened for signature on 4 November 1950 in Rome

22 Signed on 26 November 1987 in Strasbourg

23 „Official Gazette of Serbia and Montenegro – International treaties“, No. 9/2003, 5/2005 and 7/2005 – modified and Official Gazette of Serbia and Montenegro – International treaties , No. 9/2003)

24 European Convention for the Prevention of Torture, Article 1

25 European Convention for the Prevention of Torture, Article 2 and Article 7 Paragraph 1

26 European Convention for the Prevention of Torture, Article 8

sit, the Committee shall draw up a report on the facts found during the visits²⁷. The Committee has visited Serbia three times, in 2004, 2007 and 2011²⁸.

2. Optional Protocol to the Convention against Torture

The State Parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²⁹ (The Optional Protocol), reaffirm that torture is prohibited and constitutes serious violations of human rights³⁰.

The State Parties to the Optional Protocol, have agreed to establish a system of regular visits undertaken by independent and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.³¹

The Optional Protocol intention to facilitate visits or continuous presence of mechanisms on prevention of torture in the institutions where persons deprived of their liberty are placed is a result of understanding that the biggest problem of closed institutions is exactly the fact that they are closed and that whatever happens inside is out of the public eye.

The State Parties to the Optional Protocol are obliged to allow visits by the mechanisms established by the Protocol to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (places of detention).³²

2.1. Subcommittee on Prevention of Torture³³

The Optional Protocol establishes Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³⁴.

²⁷ European Convention for the Prevention of Torture, Article 10 Paragraph 1

²⁸ Reports on visits to the Republic of Serbia and responses made by the Government of the Republic of Serbia can be consulted on the webpage of the European Committee for the Prevention of Torture www.cpt.coe.int/en/states/srb.htm

²⁹ Adopted on 18 December 2002 in New York, at 57th session of the United Nations General Assembly by Resolution A/RES/57/199, came into force on 22 Jun 2006

³⁰ Optional Protocol, preamble

³¹ Optional Protocol, Article 1

³² The Optional Protocol, Article 4 Paragraph 1

³³ www2.ohchr.org/english/bodies/cat/opcat/

³⁴ The Optional Protocol, Article 2 Paragraph 1

Subcommittee on Prevention of Torture is authorized to visit any place of detention and make recommendations to State Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment³⁵.

States who become parties to the Optional Protocol undertake:

- to receive Subcommittee on Prevention of Torture in their territory;
- to grant unrestricted access to all places of detention, their installations and facilities, and liberty to choose such places;
- to grant opportunity to have private interview with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention of Torture believes may supply relevant information;
- to provide unrestricted access to all the information regarding the number of the persons deprived of their liberty, the number of places of detention and their location, unrestricted access to all the information regarding the treatment of such persons and detention conditions, as well as to provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;
- to examine the recommendations of the Subcommittee on Prevention of Torture and enter into dialogue with it on possible implementation measures³⁶.

Subcommittee on Prevention of Torture has not yet visited the Republic of Serbia.

2.2. National Preventive Mechanisms against Torture

State parties to the Optional Protocol is obliged to set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment – National Preventive Mechanism (NPM)³⁷,

35 The Optional Protocol, Article 11 item (a)

36 The Optional Protocol, Article 12 and 14

37 The Optional Protocol, Article 3

NPM is entitled to:

- access to all information concerning the number of persons deprived of their liberty in places of detention, as well as the number of places and their location;
- access to all places of detention, their installations and facilities, with the liberty to choose such places;
- to have private interview with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the NPM believes may supply relevant information, by their own choice³⁸.

NPM has the authority to regularly examine the treatment of the persons deprived of their liberty in places of detention, to make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations, as well as to submit proposals and observations concerning existing or draft legislation³⁹.

The State Parties shall guarantee the functional independence of the NPM, as well as the independence of their personnel⁴⁰.

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the NPM any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way⁴¹.

The State Parties undertake to make available the necessary resources for the functioning of the NPM⁴².

Relation between NPM and authorities of the State is based on the principles of trust and cooperation.

The competent authorities of the State Party shall examine the recommendations of the NPM and enter into a dialogue with it on possible implementation measures⁴³.

The competent authorities of the State Party shall publish and distribute annual reports of the NPM.

38 The Optional Protocol, Article 20

39 The Optional Protocol, Article 19

40 The Optional Protocol, Article 18 Item 1

41 The Optional Protocol, Article 21 Item 1

42 The Optional Protocol, Article 18 Item 3

43 The Optional Protocol, Article 22

3. Setting-up NPM in Serbia

The Optional Protocol had been signed on 25 September 2003, and ratified on 1 September 2005 by the Republic of Serbia⁴⁴.

Republic of Serbia had become State Party to the Optional Protocol on 26 September 2006⁴⁵.

3.1. Designation of the NPM in Serbia

It took four years before Serbia fulfilled its obligation to maintain, designate or establish independent national preventive mechanism for the prevention of torture at the domestic level, at the latest one year after the entry into force of the present Protocol or of its ratification or accession.⁴⁶

NPM in Serbia has been designated by the Law amending the Law on the Ratification of the Optional Protocol, adopted on 28 July 2011.⁴⁷

In accordance with the agreement reached during the public debate, new NPM organ in Serbia was not designated, rather authentic, complex NPM model was adopted for, which implies that all the duties of NPM are carried out by the existing independent state organ, in collaboration with the authorities of the decentralized units and civil sector.

Protector of Citizens shall carry out the duties of the NPM in collaboration with the Ombudsmen of the autonomous provinces and the associations (NGOs) whose statute intended goal is the promotion and protection of human rights and freedoms⁴⁸.

When deciding on a complex NPM model in Serbia, principles related to the status of national institutions for the promotion and protection of human rights were given due consideration.⁴⁹

44 "Official Gazette of Serbia and Montenegro – International treaties", No. 16/2005, modifications 2/2006

45 30 days after the deposit of the instrument of ratification to the Secretary-General of the United Nations

46 The Optional Protocol, Article 17

47 Law amending the Law on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Official Gazette of the Republic of Serbia– International Treaties" No. 7/11

48 Law amending the Law on the Ratification of the Optional Protocol, Article 2a

49 The Optional Protocol, Article 18 item 4

Under the Constitution of the Republic of Serbia⁵⁰, Protector of Citizens is designated as the independent state organ which safeguards the rights of citizens and controls the activities of the bodies of government administration, as well as of any authority with the exercise of public powers⁵¹. The Law on the Protector of Citizens⁵² lays down that the Protector of Citizens is independent, autonomous in performing its duties, a state body which safeguards and looks after promotion of citizens' rights⁵³. In April 2010 the Protector of Citizens was recognized as the body acting on the basis of the Paris principles⁵⁴.

The Protector of Citizens independent, autonomous state body, a general-type Parliamentary Ombudsman, accredited as a National Human Rights Institution, with „A“ status.

The Law on the Protector of Citizens lays down that the Protector of Citizens is entitled to visit institutions at which persons deprived of their liberty (PDLs) are kept, have private interview with the persons deprived of their liberty and any employee in the institution, access any information, which are of importance for the fulfillment of the goal of his preventive operation, regardless of the degree of confidentiality of such information⁵⁵.

Protector of Citizens' competence in respect to the protection of rights of persons deprived of their liberty, under The Law on the Protector of Citizens, is equivalent to the NPM mandate, laid down in the Optional Protocol.

The appointment of the Protector of Citizens to carry out duties of NPM, was influenced by the fact that the monitoring team of the Protector of Citizens, symbolically called Preventive Mechanism (PM), continuously carried out intensive preventive activities in the previous period. A large number of visits was conducted to police stations, remand departments, prisons, residential social care institutions, psychiatric hospitals, asylum centers, etc.

The reason for prescribing cooperation between the Protector of Citizens and the Ombudsmen of the autonomous provinces and associations in performing the NPM duties lies in the fact that provincial Ombudsman of the Autonomous Province of Vojvodina and NGOs have been extremely active for many years now in protecting the rights of PDLs and in preventing torture, and that they hold a wealth of know-how in monitoring the institutions where PDLs are held.

50 "Official Gazette of the Republic of Serbia", No. 98/2006

51 The Constitution of the Republic of Serbia, Article 138 Paragraph 1

52 "Official Gazette of the Republic of Serbia", No. 79/2005 and 54/2007

53 The Law on the Protector of Citizens, Article 1 Paragraph 1 and 2 and Article 2 Paragraph 1

54 http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf

55 The Law on the Protector of Citizens, Article 21 Paragraph 1 and 2 and Article 22

In the explanatory note to the Draft Law on designation of the NPM⁵⁶ envisaged material conditions, necessary to execute NPM mandate are:

- four job positions in the Expert Service of the Protector of Citizens;
- earmarked funds of 10% of the Budget of the Protector of Citizens (additional funds in the Budget of the Protector of Citizens)⁵⁷

3.2. Organizing and work preparations of the NPM in Serbia

After its designation as a body in charge of executing the tasks of the NPM in Serbia, the Protector of Citizens did not start right away visiting facilities at which persons deprived of their liberty are kept.

During the first 6 months after being designated by the Law to act as NPM, the Protector of Citizens conducted all necessary preparatory work in order to create conditions for performance of duties of NPM and execution of its mandate.

Preparatory activities of the NPM, conducted in the second half of 2011, have been thoroughly described in the publication „Setting-up NPM in Serbia“⁵⁸.

In order to indentify the forms of cooperation prescribed by the law related to performing duties of the NPM, the Protector of Citizens signed a Memorandum on Cooperation with the Provincial Ombudsman of AP Vojvodina, as well as Cooperation Agreements with nine NGOs.

By signing a Memorandum, cooperation between the Protector of Citizens and the Provincial Ombudsman has been agreed in relation to execution of the mandate of the NPM in the territory of AP Vojvodina.

Under the Public Call for cooperation in executing the tasks of the NPM, and in accordance with the recommendation of the appointed Commission, the Protector of Citizens concluded cooperation agreements with Belgrade Center for Human Rights, the Victimology Society of Serbia, Dialogue – Valjevo, the International Aid Network (IAN), the Committee for Human Rights – Valjevo, Mental Disability Rights International Serbia (MDRI-S), Lawyers’ Committee for Human Rights (YUCOM), the Helsinki Committee for Human Rights in Serbia and the Human Rights Center – Niš. Each association, according to the signed agreement, should systematically monitor the status of PDLs in one of the most important areas of NPM expertise (institutions:

⁵⁶ Law amending the Law on the Ratification of the Optional Protocol to the Convention against Torture

⁵⁷ Draft Law on Amendments to the Law on the Ratification of the Optional Protocol, explanatory note

⁵⁸ Described in the publication <http://www.zastitnik.rs/attachments/lzvestaj%20NPM%20final.pdf>

police stations, detention units, prisons, psychiatric hospitals, stationary-type social welfare institutions, vulnerable groups: women, disabled persons and minors).

The Protector of Citizens established working methodology, procedures, and assignments of the team members during the visits, designed questionnaires, defined structure and created samples of reports on visits to the institutions.

The Protector of Citizens in cooperation with Provincial Ombudsman and selected NGOs prepared the plan of visits to be undertaken by the NPM in 2012.

It was planned for Serbian NPM to undertake regular visits to all institutions where PDLs are placed within the first four years of its operation.

For the purpose of creating conditions for the efficient performance of the NPM, material resources were provided.

For the purpose of performing duties of the NPM, within the premises of the Protector of Citizens, two offices fully outfitted and a van for the transport to the institutions at which team members conduct visits were provided.

The Protector of Citizens submitted his report to the National Assembly and other competent authorities on activities related to NPM setting-up, from the moment of its designation in mid 2011 up to the end of 2011⁵⁹. The report has been published on the website of the Protector of Citizens⁶⁰, while its English version was sent to the Subcommittee on Prevention of Torture⁶¹.

4. Methodology, resources and organization of the NPM in 2012

4.1. Metodology of the NPM

The complexity of the NPM tasks, especially of the NPM model in Serbia, requires working in accordance with the methodology which ensures efficient execution of the NPM mandate.

59 Posted on the web page of the Subcommittee on Prevention of Torture
http://www2.ohchr.org/english/bodies/cat/opcat/docs/Serbia_JulyDec2011.pdf

60 Protector of Citizens' web page www.zastitnik.rs/attachments/lzvestaj%20NPM%20final.pdf

61 Web page of the Subcommittee on Prevention of Torture
http://www2.ohchr.org/english/bodies/cat/opcat/docs/Serbia_JulyDec2011.pdf

NPM in Serbia conducts visits to institutions in which the PDLs are placed, according to previously established methodology.

Methodology of the NPM in Serbia is above all based on the intention of the Optional Protocol to establish system of regular visits to the institutions. In that sense, the quality of NPM performance is reflected primarily through regularity of visits and the length of the time spent in the institutions in which are the PDLs placed.

The plan of NPM in Serbia is to conduct visits to all institutions in which PDLs are placed within the first four years.

Apart from previously mentioned, NPM working methodology assumes conducting high quality visits, as well as reports drafting and making recommendations.

Preparatory activities are to be carried out prior to the visit, during which the existing data on institution are analyzed, personnel assignments are determined and the working material is delivered to the team members (questionnaires, structure and samples of parts of the reports).

NPM teams conducting visits to the institutions where PDLs are placed are multidisciplinary and usually made up of experienced lawyers, psychiatrists, physicians-forensic experts and psychologists.

Visits are carried out according to previously established phases. First phase foresees an interview with the management of the institution, and second phase a joint visit of the institution. During the third phase, team is divided into groups for specific areas, most commonly into group for general legal affairs, group for treatment, group for health care, when interviews with heads of relevant organizational units are held and the documentation reviewed. During the fourth phase, interviews with PDLs are conducted, and in the fifth phase, after the short meeting of all groups, the final interview with the management of institution is carried out, in which a preliminary impression concerning the situation in the institution is identified. Acting upon established phases is not mandatory; it depends on the type of visit and other circumstances.

NPM Methodology defines the following types of visits: regular visits, follow-up (control) visits, thematic visits and extraordinary (ad hoc) visits. Visits may be announced or unannounced.

Questionnaires used and filled-out by the team members during the visits are drawn-up for the purpose of more efficient and systematic work performance.

Reports are made according to previously defined format, but they can be structured differently depending on the type of visit and other circumstances. The questionnaires are

adapted to the report structure, so that once filled-out, they can be easily incorporated in the main report on the visit.

In the reports on visits to the institutions where PDLs are placed, NPM identifies deficiencies and issues recommendations in order to eliminate identified irregularity which could lead or lead to torture or ill-treatment. Once the deficiencies is identified or certain irregularity in work, relevant regulations and standards are referenced in the recommendation issued with which it is necessary to bring into line the actual state or conduct.

Reports are delivered to visited institution and competent ministry, along with the invitation to a meeting during which the report is to be considered and reviewed.

Subsequent to delivery of the report, NPM engages in permanent, continuous dialogue with the visited institution and competent ministry, in order to mutually analyze and examine current situation in the particular institution, as well as in the system as a whole. Based on the remarks to the report content, made by competent authorities and proved to be justified, NPM compiles revised version of the report.

In order to maintain balance between confidentiality in its relation with authorities and the necessity of its transparency, NPM publishes the report on the visits to institutions i.e. posts them onto the website of the Protector of Citizens upon the completion of the reports analysis made during the course of the cooperative dialogue.

4.2. Material resources for performing the duties of the NPM

In accordance with the explanatory note of the Law by which NPM was designated, necessary funds for its proper functioning in 2012, have been provided.

The adopted budget of the Protector of Citizens⁶² for 2012⁶³ envisages separate funds intended for performing the duties of the NPM and amounting to RSD 7.670.000 (EUR 68.000)⁶⁴.

For the purpose of performing duties of the NPM, at the Protector of Citizens' premises, two offices fully outfitted and a van were provided for the transport to the institutions at which team members conduct visits.

62 from RSD 162.839.000 (EUR 1.440.000)

63 Law on Budget of the Republic of Serbia for year 2012 ("Official Gazette of the Republic of Serbia", No. 101/2011)

64 this amount does not cover salaries of the employees working in the separate NPM organizational unit

4.3. Separate pro-active NPM Organizational Unit

During 2012, NPM duties have been carried out by the employees in the Expert Service of the Protector of Citizens working on complaints of persons deprived of their liberty. By the end of 2012, the Expert Service of the Protector of Citizens separated re-active duties related to proceedings upon complaints of PDLs and pro-active activities aimed to prevent torture.

By the end of 2012, a separate NPM Organizational Unit has been formed, whose task is to pursue activities aiming to prevent torture.

The staffing scheme of the NPM Organizational Unit envisages four employees, of which only two are employed for an indefinite period of time. Pending modification of the staffing scheme in the Expert Service of the Protector of Citizens should enable employees to get employed on a full-time basis.

4.4. Cooperation of the Protector of Citizens in performing duties of the NPM with the Ombudsman of the Autonomous Province of Vojvodina

In compliance with the signed Cooperation Memorandum, The Protector of Citizens in 2012 cooperated with the Ombudsman of the Autonomous Province of Vojvodina in the monitoring team's visits to the institutions where PDLs are placed in the territory of the AP Vojvodina.

Representatives of the Ombudsman of the Autonomous Province of Vojvodina participated in 28 visits to the institutions where PDLs are placed during 2012.

Representatives of the Ombudsman of the Autonomous Province of Vojvodina also participated in several monitoring visits to NPM institutions outside of AP Vojvodina. In some of the visits a representative of the Ombudsman of the Autonomous Province of Vojvodina was the leader of a monitoring team.

The Ombudsman of the Autonomous Province of Vojvodina has been systematically monitoring the position of persons placed in nursing homes and geriatric centers, and as a result of it, he drafted four reports completely autonomously (nursing homes for elderly and retired people in Apatin, Mol and Futog; Gerontology Center in Bečej), as well as the report on monitoring visit to social welfare institution- home for women with disabilities „Sveta Petka“, in village Izvor, next to the city Paraćin.

4.5. Cooperation of the Protector of Citizens in performing duties of the NPM with NGOs

In compliance with the signed Cooperation Agreements, the Protector of Citizens cooperated closely with the majority of NGOs with whom the Cooperation Agreements were signed during 2012.

The role of NGOs in performing duties of the NPM was not only in aim of the transparency of NPM work.

Each NGO cooperating with the Protector of Citizens carried out activities, assuming responsibility for performing duties of the NPM in their special area of competence of which particularly responsible (primarily participating in the monitoring visits and drafting of the reports). Performing the activities of NPM in 2012 the Protector of Citizens conducted 60 visits in cooperation with the NGOs.

A full cooperation was established with Belgrade Center for Human Rights in the field of police custody with 41 visits to the police stations jointly conducted, on which the reports were prepared in timely manner with about 150 recommendations made to remedy identified irregularities.

In the field of police detention, along with the Lawyers' Committee for Human Rights (YUCOM) and Belgrade Center for Human Rights, 6 visits to detention units were undertaken, on which the reports were prepared in timely manner along with 20 recommendations made to eradicate the identified irregularities.

In the field of penitentiary, 8 visits to prisons were carried out with Helsinki Centre for Human Rights in Serbia and reports including 100 recommendations for elimination of the identified irregularities were prepared.

In the field of the protection of rights of persons admitted to psychiatric hospitals, a full cooperation was established with the International Aid Network (IAN), with 4 visits conducted to psychiatric institutions and reports were made including around 50 recommendations to remedy the identified deficiencies.

In the field of the protection of rights of persons placed in stationary type social care institutions, a full cooperation was established with the Mental Disability Rights Initiative of Serbia (MDRI-S); 5 institutions were visited, a general report on position of people with mental disabilities was prepared, while recommendations to eliminate the identified irregularities will be issued after upcoming control (follow-up) visits have been conducted.

In the field of the protection of rights of women deprived of liberty, one regular and one control (follow-up) visit to the prison for women were conducted along with the Victimology Society of Serbia; a summary report on a visit was prepared including 20 recommendations for elimination of the identified irregularities.

In the field of the protection of rights of persons with disabilities with the Centre for Human Rights – Nis, as well as in the field of the protection of rights of juveniles with the Human Right Committee - Valjevo and the Dialogue - Valjevo, commonly expected cooperation has not been established yet as a direct consequence of the lack of capacities of the Protector of Citizens. We expect that forming a special NPM Unit within the Expert Service will enable eradication of the above mentioned deficiency in the work of the NPM in 2013.

4.6. Engagement of the external experts in performing duties of the NPM

Team members conducting monitoring visits, representatives of the Protector of Citizens, representatives of the Ombudsman of the Autonomous Province of Vojvodina and of the associations are mainly lawyers, as well as sociologists, psychologists and pedagogs.

External experts contracted to perform duties of the NPM are mainly doctors - legal (forensic) medicine specialists and psychiatry specialists.

Experts engaged in NPM tasks are: Đorđe Alempijević M.D.-Ph.D., forensic medicine specialist, professor at the Faculty of Medicine- University of Belgrade; Zoran Ilić M.D.-Ph.D., professor at the Prevention and Treatment of Behavioral Disorders study program at Faculty of Special Education and rehabilitation of the University of Belgrade; Dragan Ječmenica M.D.-Ph.D., forensic medicine specialist, professor at Faculty of Medicine - University of Belgrade; Vladimir Jović M.D.-Ph.D., psychiatrist, professor at the Faculty of Philosophy of the University of Pristina temporarily seated in Kosovska Mitrovica; Srđan Milovanović M.D.-Ph.D., psychiatrist, working as a professor at the Faculty of Medicine - University of Belgrade and at the Clinical Center of Serbia, Institute of Psychiatry; Mira Petrović, psychiatrist, working at the Clinic for psychiatric disorders "Dr Laza Lazarevic" in Belgrade.

Engagement of the external experts on the basis of their expertise have raised quality of NPM performance, primarily when it comes to number of elaborated reports and recommendations aimed to eliminate identified irregularities.

4.7. Training of the NPM team members

In the course of 2012 NPM organized continuous educational trainings for the NPM team members. In April 2012, Eric Rosenthal, Executive Director of Disability Rights International from Washington, gave lecture on monitoring institutions where persons with disabilities are placed. A workshop under the theme of Monitoring of the psychiatric institutions took place in May 2012. A member of Subcommittee on Prevention of Torture, Mari Amos visited the Serbian NPM and its team members in June 2012, during which she gave an interactive lecture on methodology of the monitoring visits to the institutions where persons deprived of their liberty are placed. A workshop under the title of Measures of Prevention and Integration organized by the Council of Europe took place in July 2012. Eva Szeli, a professor at the University of Arizona and expert in the field of the rights of persons with mental disabilities, gave lecture in October 2012.

Serbian NPM has carried out consultations and exchange of knowledge and experience with the representatives of NPM of Slovenia, Spain, Switzerland, Albania, Macedonia, Denmark, Montenegro, Ukraine and Azerbaijan.

4.8. Other forms of cooperation

In the course of 2012 NPM activities was supported primarily by the OSCE Mission to Serbia. Conferences, workshops and study visits, were organized for the purpose of the promotion of the work and role of the NPM, staff training, as well as the improvement of the situation of the persons deprived of their liberty and prevention of torture and other forms of ill-treatment. Support was also given by publishing a leaflet and publication "Setting-up NPM in Serbia" printed in both Serbian and English languages. Described activities definitely increased institutional visibility of the NPM in Serbia and improved effectiveness in achieving its mandate.

Successful cooperation was established with the Council of Europe. In June 2012 Serbian NPM within a "European NPM Project" of the Council of Europe, hosted the 9th thematic NPM workshop, with numerous participant from Serbia and the entire region. In July 2012 a workshop on measures to prevent potential asylum seekers from leaving the country was held. In November 2012, representative of the Serbian NPM attended Geneva forum on "Agreements on readmission and the role of national mechanisms in follow-up of migrants in host countries or countries of origin". In December 2012 in Belgrade, Serbian NPM participated in roundtable discussion on the topic of internally displaced persons.

Previously established cooperation with the Association for the Prevention of Torture was continued. Within the annual OSCE member states meeting, held in September 2012 in Warsaw, Serbian NPM practice was presented at the side event on which experiences regarding the functioning of the NPMs in OSCE partner countries have been exchanged. In October 2012 in Odessa, Serbian NPM participated and presented NPM model and organization in Serbia.

NPM established cooperation with Criminal - Police Academy of the University of Belgrade, Faculty of Law of the University of Belgrade, Faculty of Special Education and rehabilitation of the University of Belgrade, Faculty of Medicine - University of Belgrade, Medical Associations of Serbia among many others.

5. Execution of the NPM mandate in 2012

During 2012 all necessary requirements for the execution of the Serbian NPM mandate were met based on the intensive preparation activities carried out in accordance with the applicable guidelines.

The Protector of Citizens started executing duties of the NPM in 2012.

5.1. Visits to the institutions where persons deprived of liberty are placed

In February 2012 the Protector of Citizens, in accordance with the adopted Plan of visits for 2012, started executing tasks of the NPM – by visiting institutions where persons deprived of their liberty are placed, in cooperation with the Ombudsman of the Autonomous Province of Vojvodina and majority of NGOs with whom cooperation agreements have been signed.

In the course of 2012, NPM carried out 69 visits to the institutions at which PDLs are held. 47 days were spent in conducting the visits.

41 police stations (within 8 Police Administrations), 8 prisons (including 6 detention units), 4 psychiatric hospitals, 5 stationary-type social welfare institutions, 5 Gerontology centers, as well as 2 visits to shelters for asylum-seekers were visited, and 4 monitoring of the reception of the returnees under the readmission agreements at the Nikola Tesla Airport were conducted. Most of these visits were announced.

Chart on realization of plan of visits for 2012:

	PLANNED VISITS IN 2012	CARRIED OUT VISITS IN 2012.	PLAN REALIZATION IN 2012.
Police stations	50	41	82%
Prisons (and Remand departments)	8	8	100%
Psychiatric hospitals	4	4	100%
Psychiatric Departments in hospital of general type	4	0	0%
Residential social care institutions	6	5	83%
Nursing homes for the elderly people / Gerontology centers	10	5	50%
Asylum centers	1	2	200%
Returnees under the readmission agreements	1	4	400%
Total	84	69	82%

While executing the plan, NPM concluded that additional attention should be paid to quality and timely elaboration and delivering of the reports on undertaken visits to institutions and competent ministries. This has resulted in NPM decision, not to fulfill completely the plan in terms of quantity targets.

5.2. Cooperation with the public authorities during monitoring visits to the institutions

All visited institutions at which persons deprived of their liberty are placed, including Police Directorate of the Ministry of Internal Affairs, Directorate for Execution of Penitentiary Sanctions of the Ministry of Justice and Public Administration, Ministry of Health and Ministry of Labour, Employment and Social Policy, as well as the Commissariat for Refugees and Migration, e provided support and assistance related to executing the NPM mandate.

Competent public authorities have provided satisfactory cooperation during monitoring visits undertaken by the NPM in the course of 2012.

An unrestricted access to all the institutions in which persons deprived of their liberty are placed, interviews with all PDLs and employees of the institutions, as well as the access to all documentation, regardless of the degree of confidentiality, were provided to NPM in the course of 2012.

5.3. Reports on visits to the institutions

In 2012 NPM made 52 reports on visits to the institutions where persons deprived of their liberty are placed.

Having in mind that NPM carried out 69 visits during 2012, promptness regarding report drafting within the calendar year is 75%.

Maximum efficiency was observed in draw-up of the reports on visits to the police stations. Far less efficiency was detected in elaboration of reports on visits to prisons and psychiatric hospitals. This is a consequence of the complexity of those institutions and report volume (for example, the report on visit to Sremska Mitrovica Penal-Correctional Institution has 170 pages, and 69 sent recommendations).

Visiting team whose members were representatives of the Protector of Citizens, representatives of the Ombudsman of the Autonomous Province of Vojvodina and selected associations, as well as contracted experts, participated in draw-up of the reports on conducted visits and identified factual situation. The Ombudsman of the Autonomous Province of Vojvodina independently prepared 5 reports with correspondent recommendations regarding the situation of PDLs in nursing homes for elderly and geriatric institutions. Mental Disability Rights International Serbia (MDRI-S) NGO independently made report on situation regarding children with disabilities in development and adults with intellectual disabilities in Serbia.

5.4. Recommendation of measures for elimination of identified irregularities

Reports on visits to the institutions at which PDLs are placed sent to competent public authorities by the NPM, contain recommendations made for the purpose of elimination of identified irregularities.

In 2012 NPM sent 229 recommendations for elimination of identified irregularities to competent public authorities.

Each recommendation referenced relevant legislation and standards, to ensure that factual situation or a conduct of the institution or a competent authority would comply with such legislation and standards.

Reports are delivered to the visited institution and competent ministries, together with the invitation for a meeting during which a report is to be reviewed.

5.5. Establishing a cooperative dialogue with public authorities

In accordance with the adopted methodology, upon the delivery of the reports on conducted visits, NPM establishes permanent dialogue with the visited institution and competent ministry, for the purpose of mutual assessment of the situation in the visited institution and the entire system, in order to prevent torture or any other kind of ill-treatment.

In 2012 the Protector of Citizens while performing the duties of the NPM, established permanent cooperative dialogue with the representatives of the majority of the visited institutions and competent ministries – the Ministry of Internal Affairs, the Ministry of Justice and Public Administration and the Ministry of Health.

A dialogue established between NPM and the Ministry of Internal Affairs - Police Directorate is an example of good practice. In the first place, 26 delivered reports on visits to police stations were reviewed together with the representatives of the visited police administrations. Afterwards, a meeting with representatives of all police administrations in the territory of the Republic of Serbia was organized. On that occasion, recommendations made in these reports were reviewed and commented, as well as other valid standards related to police treatment of the persons deprived of their liberty and prevention of torture.

5.6. Improving legislation on prevention of torture

The Protector of Citizens while performing duties of the NPM, issued official opinions to competent authorities regarding improvement of the legal regulations related to the protection of the rights of the PDLs and prevention of torture.

With regard to the Draft Law on Execution of Penal Sanctions, the Protector of Citizens among other things pointed out to inadequate categorization of the institutions for

the execution of criminal sanctions based on their kind⁶⁵ and type⁶⁶; he also indicated that it is necessary to establish mandatory active occupational engaging of the prisoners serving sentences for crime committing; that a medical service should be detached from the Ministry of Justice and Public Administration and put under the immediate competence of the Ministry of Health; that it is necessary to detach the existing internal control mechanism from the Administration for the Execution of Criminal Sanctions, so that the separate organization unit of the Ministry of Justice and Public Administration is in charge of supervising the work of the Administration for Execution of Criminal Sanctions and institution.

The Protector of Citizens draw attention to necessity of adopting the Law on Probation, in order to protect society from crime, facilitate re-socialization of the perpetrators and their re-integration in the society, and provide assistance to the victims, aggrieved parties and their families.

The Protector of Citizens pointed out to the Commission in charge of drafting of amendments to the Law on Extra-judicial Proceedings, that it is necessary to improve the mentioned legal regulation, so that the nature of illness or disability cannot represent legal grounds for detention, yet it can be exceptionally justified only if done for the purpose of protection of life or health. Besides the necessity to clearly make a distinction between consent to the medical treatment and consent to placement into institutional care, it is of fundamental importance to have precise legal regulation regarding detention of patients in healthcare institutions and beneficiaries of the residential social care institutions. It is crucial to legally prescribe and clearly estipulate that no one can be detained, or deprived of liberty, on the basis of its own, or somebody else's will or consent, but only on the basis of a decision of the competent authority.

With regard to Draft Law on the Protection of Persons with Mental Disabilities, the Protector of Citizens in his official opinion delivered to the Ministry of Health, indicated that the mentioned legal regulations should comply with the international law and valid standards, as well as with the Strategy on Development of Mental Health Protection⁶⁷, implying that treatment and care of those persons should be carried out in the community, as closely as possible to the family of the patient. It has been pointed out that long-term detention of the persons with mental disabilities in dislocated psychiatric hospitals in which is impossible to achieve psychosocial rehabilitation, hinders the inclusion of such persons in their environment within the community, and shows elements of inhuman and degrading treatment.⁶⁸

65 Penal-Correctional Institution / District Prison

66 closed/ semi-open / open

67 Official Gazette of the Republic of Serbia", No. 08/2007;

68 About 800 patients are situated in the psychiatric hospital in Vrsac of whom a half for more than a year, and about 110 for more than 10 years. The question is whether this is considered to be a treatment if it lasts ten years or for life, or it is rather a sort of asylum. Of particular concern is the fact that only in the psychiatric wards in that hospital from 350 to 400 patients die every year;

5.7. Promotion of the NPM and prevention of torture

For the purpose of the promotion of the rights of persons deprived of their liberty and prevention of torture, as well as proper public informing on the activities carried out by the NPM, NPM web page available in Serbian and English has been installed on the Protector of Citizens' web site <http://ombudsman.npm.rs/>

In 2012 NPM was continuously drawing attention to the position of PDLs in Serbia, as well as to the element suggesting a presence of torture and other forms of ill-treatment. Attention was dedicated to identified, existing irregularities, as well as to the necessity to improve regulations in accordance with the valid standards. NPM released numerous communiqués informing the public about all important events related to the prevention of torture. In the communiqué issued with the occasion of International Day in Support of Victims of Torture on 26 July, Serbian NPM called upon the public to show their solidarity with the victims of torture. Special attention was paid to marking a Day against the Death Penalty.

For the purpose of promotion and protection of the rights of the PDLs and the prevention of torture, in the course of 2012 NPM took part in numerous conferences, roundtables and workshops. At the conference in Belgrade in March 2012, Serbian NPM was presented as well as its working methodology. Journalists were informed and given lectures on prevention of torture and NPM activities. NPM organized a workshop on the topic of the treatment of PDLs in prisons. In May 2012 NPM participated in a workshop on monitoring of the position of the PDLs in psychiatric facilities. In September 2012 a seminar on prohibition of torture was organized for the members of law enforcement. In October 2012 NPM organized a conference on protection of mental health in Serbia. NPM participated in numerous activities of the civil sector gathered around the project „Together against Torture“.

5.8. Cooperation with the Subcommittee on Prevention of Torture and Other NPMs

In the course of 2012 NPM Serbia has established an ongoing cooperation with the Subcommittee on prevention⁶⁹ and with particular NPMs of other State Parties of the Optional Protocol.

In February 2012, Protector of Citizens delivered a report to the Subcommittee on Prevention of Torture which included all undertaken activities in relation to NPM

69 Subcommittee on prevention of torture guidelines, points 39 and 49, on Subcommittee website http://www2.ohchr.org/english/bodies/cat/opcat/docs/SPT_Guidelines_NPM_en.doc

setting-up as of its establishment in the period from the middle to the end of 2011⁷⁰. Mari Amos, member of the Subcommittee on Prevention of Torture, visited NPM of Serbia taking part in unannounced visits to a psychiatric hospital, two police stations and a nursing home for the elderly in conjunction with the NPM team members for visits, which were conducted during one night.⁷¹

Immediate cooperation has been established with numerous NPM of other state parties of the Optional Protocol. During 2012 continuous communication and interchange of employees' visits were maintained with NPM of Slovenia. In May 2012 representatives of the Serbian NPM visited Spanish NPM representatives conducting a joint visit to a police station in Madrid. Documents exchange had been carried out with NPM of Macedonia. In June 2012 NPM of Slovenia, Macedonia and Serbia were invited by NPM of Albania on which occasion they conducted a joint visit to a psychiatric hospital in Tirana. In August 2012 a seminar, intended for prison staff, that was held in Ulcinj in organisation with NPM of Montenegro. In November 2012 Serbian NPM visited NPM of the Kingdom of Denmark. Documents exchange had been carried out with NPM of Azerbaijan followed by a visit in Baku. Cooperation with NPM of Ukraine was established; in November 2012 a representative of Serbian NPM delivered a lecture on the theme related to NPM organisation and methodology of conducting visits.

Within active participation of Serbian NPM in activities of the European NPM Network of the European Council, Serbian NPM agreed with NPM of Slovenia, Albania and Macedonia on the establishment of the NPM regional network in the Balkans / South-eastern Europe. Regional network development will enable not only smoother introduction to valid standards regarding treatment of persons deprived of their liberty and prevention of ill-treatment, but also development of NPM treatment standard, its organisation, methodology of conducting visits, producing reports, structure of references, forms of communication with authorities as well as balance among confidentiality and transparency of its work. Serbian NPM had taken a responsibility to organise an inaugural meeting in early 2013, to which all NPM regions representatives shall be invited along with the representatives from the Subcommittee on Prevention of Torture and other relevant parties.

70 Posted on Subcommittee on Prevention of Torture website
http://www2.ohchr.org/english/bodies/cat/opcat/docs/Serbia_JulyDec2011.pdf

71 "Dr Laza Lazarevic" Psychiatric Clinique in Padinska Skela, Belgrade; Police Stations Cukarica and Zemun; Gerontological nursing home in Bezanijska kosa, Belgrade.

6. State of progress in the field of protection from ill-treatment in 2012

During numerous visits to the detention facilities in 2012, it was observed that a number of weaknesses concerning the position of PDLs and their protection from ill-treatment occurred at different levels. An issue may arise from an individual relation between an authorised officer and the PDLs, through deficiencies in organisation and functioning of a particular institution, deficiencies of the system as a whole, to the irregularities of the regulations or lack of regulations, and finally to broad social relations manifested through stigmatization of persons deprived of liberty, implying awareness of the justification for their ill-treatment.

In Serbia, the effort to protect the rights of PDLs as well as advocating the prohibition of ill-treatment, in many cases is seen as an attempt to provide privileges to such persons - to give them more rights and protection than they have, or deserve.

Although human dignity, the right to inviolability of the physical and psychological integrity and the prohibition of torture, inhuman or degrading treatment or punishment are guaranteed by the Constitution, by various laws and major conventions ratified by Serbia, there is no honest belief that these basic human rights are sacrosanct, that every citizen is entitled to them including the one who is arrested, detained or convicted, asylum seeker or illegal migrant, as well as all beneficiaries with mental disabilities or special needs.

It was observed that efforts and commitment to respect international standards in Serbia is usually seen as something imposed as the acceptance of other people's rules inapplicable in this area. Thesis about uniqueness of cultural human rights or cultural peculiarity, tradition and particular customs in this region have led to populist beliefs about the need for inappropriate harsh sentencing policies and even ill-treatment approval. Consequently there are ideas of re-introduction of the death penalty, increase of the length of imprisonment sentences, and among other things, ideas for introducing chemical castration as a punishment are continually being renewed.

Notwithstanding the foregoing, in institutions where the PDLs are placed, the trend of increasing awareness of the need to eradicate any form of ill-treatment is evident.

Based on numerous past visits to places where PDLs are kept, NPM of Serbia did not find evidence of torture in terms of being organized, encouraged or supported by the system.

However, during 2012 certain instances of ill-treatment of persons deprived of their liberty were identified.

Individual instances of ill-treatment of PDLs are seen to a large extent as a result of deficiencies in the system itself that is established in such manner as not to represent an impediment of occurrences of torture, its exposure, and identification of those responsible for its creation.

There was a lack of effectiveness of the internal control mechanisms. Their efficiency increase, which means clear establishment of their competence and independence in their work, would represent a significant contribution to prevention of occurrence of torture.

The negative aspects of the status of PDLs in Serbia are largely reflected in the fact that the living conditions in prisons are not in compliance with regulations and existing standards.

Deficiencies that are reflected in poor accommodation and other living conditions in institutions, as well as certain neglects or irregularities in the treatment of PDLs in its continuity in itself assume the character of inhuman or degrading treatment.

Establishment of adequate police custody facilities, decline of prison overcrowding and renovation of crumbling prison facilities, as well as relocation of patients requiring psychiatric intervention, transfer of patients or other individuals from poorly conditioned asylum institutions being taken care for in the community, are the requirements necessary to be complied with in order to eradicate ill-treatment in Serbia.

Serbia is still pending a fundamental confrontation with concerning issues regarding the status and protection of the rights of PDLs, as well as reaching standards by which the rights limitations of these persons should be minimal, necessary and proportionate to the legitimate aim.

6.1. Police custody (police stations)

NPM carried out 41 visits to police stations⁷² during 2012 and sent more than 100 recommendations to remedy the irregularities identified during the visits⁷³.

In Serbia, the majority of police custody facilities are not in line with existing standards.

Poor conditions of the existing police custody facilities are justified by the lack of funds for their renovation. Indeed, adaptation of the premises typically situated in the basements of police stations and generally damp, would require unreasonably large sums of money. However, it would be financially reasonable if police custody facilities were to be situated in such areas of police stations not ruined or damp, and where possible without major difficulties to provide a direct flow of air and natural light.

Several hours of detention within inadequate police custody facilities in its continuity can lead to torture, and whatever the case may be, it represents degrading treatment.

In some police stations, there are no special police custody facilities, or they are not utilized at all for being unusable, hence the detainees are kept in offices or placed in remand departments in the prison itself. Such practice of keeping detainees for several hours in the offices and especially coming to all day detention should be discontinued immediately. Placement of persons in need of police custody in the remand departments located within the prison facilities is justified by the fact that there are better living conditions, despite the fact that remand departments are generally filled to capacity being inadequate, causing both organizational and security concerns, which may lead to infringement of rights of detainees, therefore this practice should be discontinued with in the future.

NPM found that 24 police stations use special custody areas which to a greater or lesser extent are not in line with the basic minimum standards. The recommendations were sent to completely suspend the police custody function in nine police stations in the existing areas designated for that purpose, due to their inadequacy, and to adapt police custody facilities to the existing standards⁷⁴ in another 15 police stations.

⁷² In Republic of Serbia there are around 200 police stations, within 27 Police Administrations

⁷³ NPM reports on the subject of visits to the Police Administration / stations in 2012 including recommendations for correction of deficiencies, available at http://www.ombudsman.rs/nacionalni_mehanizam_za_prevenciju_torture;

⁷⁴ NPM recommendations in reports concerning visits to Police Administrations/stations in 2012 are available at http://www.ombudsman.rs/nacionalni_mehanizam_za_prevenciju_torture;

Rooms within police custody facilities should be large enough, to have a minimum of 6, recommended 7 square meters if intended to accommodate one person only or at least 4 square meters per person if ment to accommodate more persons; distance between the walls of the room should be at least 2 meters, height from the foor to the ceiling at least 2.5 meters, and if they are smaller size they may be used only for stays no longer than a few hours, they must be clean, dry, and ventilated, there must be a flow of fresh air with both natural and artificial light, heated according to climatic conditions, equipped with a bed, a mattress and a sufficient number of blankets; there should be an alarm button to enable contact with guards and video /audio surveillance control which does not violate the privacy, there should be no elements in the normal course of events that may be used for self-harm; detainees should be granted unlimited access of drinking water as well as running water necessary for maintenance of hygiene at all times, toiletries and sanitary ware; it is also necessary to provide space for spending time in the fresh air.⁷⁵

The position of certain individuals deprived of liberty by the police on suspicion of having committed a criminal offense has been further exacerbated by the fact that they have been denoted guilty publicly and beforehand, albeit the court proceedings to determine their criminal responsibility at the time have not even started.

Several instances were noted where the presumption of innocence of PDLs by the police is being violated publicly, using media so that it creates the impression of being guilty for the offense they were charged with, whereas not only that their guilt has not been determined by the final judgment, but they have not even been brought before the Court.

The above mentioned may also represent a certain pressure on the judge before whom the person deprived of liberty will soon be brought for a possible decision ordering custody measures, especially when such claim is being imposed by a senior state official through the media.

There was no evidence of torture in police conduct in terms of being organized, encouraged or supported by the system, however individual instances of ill-treatment were identified.

It was affirmed that the rights to physical and mental integrity of a PDLs were violated for the reason that during his admission and detention in the police station he was subjected to torture. The above case is determined primarily on the basis of existing do-

75 *ibid*

documentation submitted by the police station and penitentiary institution in which the citizen was serving custodial sentence. In effect, at the time of his admission to the prison on account of the execution of his custodial measure, visible body injuries were identified by the prison service and the doctor, while the police did not provide any evidence that the person was injured prior to his deprivation of liberty.

Recommendation was sent to the police department in order to establish the liability of police officers for torture, sanctioning them accordingly; to protect the rights of all persons in the future treatments concerning respect for their physical and mental integrity, and take all possible measures with the aim of prevention of torture; to apologize to the citizen for the illegal and inappropriate conduct of police officers and to inform him of eligibility for monetary compensation and any other rights.⁷⁶ The relevant prosecutor's office was informed about the case and all required documentation was submitted upon their subsequent request.

It is indicative that in this case the internal control, while investigating the case, did not identify any irregularities.

It is necessary to increase the effectiveness of internal police mechanism in the aim of enhanced protection of PDs from ill-treatment.

6.2. Pre-trial / trial detention (remand departments)

Judicial reform in Serbia has not yielded the expected results in the field of pre-trial/trial detention.

The general impression is that decisions of pre-trial detention are imposed lightly, and that decisions of detention during trial are extended for inappropriately long period of time.

During the visits of remand departments it was found that a large number of detainees are being held in trial detention over prolonged periods of time. Proceedings, by which their criminal liability is established, last for several years, even though regulations necessitate its urgent treatment.

Position of detainees is additionally exacerbated by the fact that representatives of the authorities and the media portend the prisoners guilty in advance, even though their liability is determined in the proceedings held against them.

⁷⁶ Protector of Citizens recommendation No 12-2379/11 dated 26. 12. 2012

In public, through the media, the presumption of innocence of detainees is often being violated, so that it creates the impression of detainees already being liable for the offense they were accused of, yet their culpability has not been determined by the final judgment.

The above raises legitimate suspicion that by doing so the right of a detainee to a fair trial is violated. The question is whether the decision of the judge, by which the custodial decision was ordered or extended, was made under pressure if through the media and prior to its adoption a senior state official claimed that the person did commit an offense, that there is a danger of his escape, and that if he remains free it will certainly disturb the public.

In a large number, pre-trial / trial detention represents punishment prior to conviction.

During 2012, NPM visited six remand departments⁷⁷ and sent 20 (twenty) recommendations to remedy identified irregularities.

Based upon conducted visits, it was observed that the position of the detainees was additionally aggravated by accommodation and other living conditions on account of generally not being in compliance with pertinent standards; additionally limitations arising from the necessity for criminal proceedings are placing them at a disadvantage compared to the persons already sentenced to imprisonment.

Remand departments are generally overcrowded; detainees in the main do not avail of space in the dormitories of at least eight cubic meters and four square meters. Some of them sleep on mattresses on the floor or triple bunk beds, which undermines the idea of a separate bed.

A large number of remand departments facilities are in poor condition, unpainted and dirty; in many inadequate supply of fresh air makes it especially difficult for non-smokers; some areas receive almost no natural light whereas artificial lighting is reduced to the extent where reading is not possible without causing damage to the eyesight⁷⁸; toilettes are mostly ruined, damp, water is always leaking, sanitary ware are in poor condition, with no means provided for maintaining hygiene.

Notwithstanding according to valid existing regulations detainees have the right to spending at least 2 (two) hours outdoors every day, there were cases where less than an hour a day was actually allowed. Existing walking areas generally do not have adequa-

77 Execution of custodial measures takes place in the special detention units in the institution for the execution of criminal sanctions.

78 The concerning issue in the District Prison in Belgrade, the largest detention facility in Serbia with over 1,000 detainees, most dormitories do not have windows so that fresh air and natural light can only reach them through the bars from a shared hallway.

te eaves, i.e. suitable for protection from precipitation. Moreover, facilities intended for physical activity are inadequate, especially under adverse weather conditions.

Status of detainees is to some extent less favorable than that of the persons already sentenced to imprisonment i.e. those found culpable of criminal offences, given that many of the prisoners do not spend most of their time inside the dormitories, detainees are usually spend 23 hours locked in a cell. In addition, detainees are not adequately enabled the realization of the right to education and paid work.

Accommodation and other living conditions of detainees in remand facilities do not meet current standards.

There are numerous cases whereas a person is held in detention for long periods of time without being convicted. As a redress, such persons are paid compensations financed from the budget of Republic of Serbia for the time spent in custody and conversely an effective system of subsidizing in Serbia has not yet been established.

The position of female detainees in remand facilities is particularly challenging, who, unlike the male detainees, due to their low numbers, custodial measures they mainly execute in isolation.

The above stated leads to a conclusion that what is used as a temporary or a disciplinary action against a prisoner represents a common way of execution of pre-trial/trial detentions of detainees.

It was noted that juvenile detainees are accommodated in the remand facilities along with adult detainees, but not for the reason that juvenile judge determined it was in their best interest, but rather due to the lack of accommodation facilities.

It was noted that when accommodating inmates the previous conviction is not taken into account, so that detainees who have not been previously convicted are usually placed in the same dormitory with inmates convicted more than once, which is not in accordance with the regulations.⁷⁹

⁷⁹ Law on the Execution of Criminal Sanctions, Article 237, Paragraph 2

6.3. Execution of criminal sanctions (prisons)

During 2012 NPM visited eight institutions for execution of criminal sanctions (prisons)⁸⁰. Over 100 recommendations were sent in order to eliminate irregularities found within the areas of work organization and conduct.

Based on visits to the penitentiaries, conducted during 2012, NPM noted that there was no significant improvement of the conditions previously identified.

Accommodation and other living conditions in prisons are generally not in accordance with the regulations and current standards.⁸¹

Prisons in Serbia are overcrowded. The existing capacity is not sufficient for about 10,000 persons currently accommodated (detainees, prisoners, misdemeanors, persons subjected to security measures of ...), which means that significant number of inmates are not allowed a space of at least eight cubic meters and four square meters in the dormitory. Some sleep on mattresses on the floor or triple bunk beds which undermine the idea of a separate bed.

Towards the end of 2012, consequences of the amnesty were reflected in a reduction of overcrowdings of prisons aimed for prisoners. Albeit they will be released from prison on that particular basis in the coming period, it is expected that the effects of the amnesty will be short-lived.

Irregularities of existing institutional capacities are reflected primarily in the fact that some were built early in the last century many of them are located in the central parts of cities, therefore not adaptable to the existing standards. A large number of dormitories are not being maintained and in poor condition. In some dormitories there is no direct inflow of air or natural light, but it comes through the common hallway, and artificial lighting is usually sufficient. Sanitary facilities are generally dilapidated, damp with worn sanitation ware.

A large number of PDLs is not allowed enough time in the fresh air, often less than an hour a day, although regulations require a minimum of two hours. This is primarily due to the lack of acceptable walking areas in prisons. Existing walkways generally do not have adequate eaves, suitable for protection from precipitation. Moreover, facilities intended for physical activity are inadequate, especially under adverse weather conditions.

Active, individual and group therapy work of educators with prisoners is insufficient. Moreover, the impression drawn from the conversations with educators and prison of-

80 There are 29 prisons in the Republic of Serbia

81 See Detention and Rehabilitation Centre Sremska Mitrovica NPM visit report 71-161/12, dated 05 November 2012

ficials is that by the current system of classification there are unreasonably limited possibilities for prisoners to transfer to a more favorable treatment group as a recognition of their good behavior. The absence of discharge units leads to a large number of cases where prisoners are being released from prison directly from the closed department.

Programs created to provide social support to prisoners after their release are consolidated; offender is left on its own after being released, which increases the person's risk of promptly re-doing the crime for the reason of not being adequately adapted to life outside of prison conditions.

A large number of those sentenced to various years in prison are placed in cramped and inadequate premises, locked 23 hours a day, without a job, training or education, no psychosocial support, without adequate preparation to be released and his gradual acceptance of it evidently results in a higher rate of recidivism.

Medical examinations upon admission to prison were observed as superficial, that there was no full body medical examination during the first medical check, there are no unified protocols, that there are not regular medical examinations of prisoners in less than three month intervals, and that offenders who are ill are not being checked by doctors on a daily basis. In many prisons the doctor's presence is reduced to only two hours a day, whereas on weekends and bank holidays there are not any available in the institution. It is also common for non-medical staff to be present during the examinations. There are cases where non-medical staff attends medical examinations without being requested by a health care provider, which results in violation of privacy of prisoners and the right to the confidentiality of their medical condition.

It was noted that persons with disabilities generally are not provided accommodation and assistance that meet their needs. In some prisons, rooms and toilet facilities are not adapted, wheelchair ramps are not installed and door widths are too narrow for them to pass through. A particular issue is that the institutions continue to accommodate persons with severe mental disorders, not considering the fact that there are no adequate conditions for their medical treatment.

In the only women's prison, all female prisoners, regardless of treatment group in which they are deployed, and women arrested on misdemeanor are placed in a closed regime type penitentiary facilities, surrounded by high walls⁸².

82 NPM report on a visit of Penal-Correctional Institution for women in Pozarevac, including recommendations for eradication of deficiencies, available at http://www.ombudsman.rs/nacionalni_mehanizam_za_prevenciju_torture;

In treating offenders there was no evidence of torture in terms of being organized, encouraged or supported by the system however individual cases of ill-treatment were identified.

At start of 2012 it was established that members of the security in the Correctional facility Pozarevac - "Zabela" caused a large number of visible bodily injuries to an offender using a rubber baton. Caused injuries of the offender were not documented in the official records, nor reported to the prison governor. It was indicated that the above stated represents an unlawful and improper behavior i.e. an act of torture. Recommendations were sent to the institution in order to establish the liability of the officers for the person's ill-treatment, for failing to document inflicted bodily injuries and to report the same to the prison governor and because the injured offender was not taken to be medically examined by a doctor.⁸³ The relevant prosecutor's office was sent a report regarding the case submitting supporting documentation relevant to the case. However, the Ombudsman was not informed of the outcome of the proceedings by the Public Prosecutor.

Detention and rehabilitation centre confirmed allegations of violations of the offender, stating it was impossible to determine who caused the injury due to the lack of cooperation of the injured party, and that all officers "explicitly stated that they were not personally nor any other officer" involved in any coercive interactions with the offender, and that none of the inmates heard or saw that the offender was beaten.

Institutions for the execution of criminal sanctions should provide effective mechanisms for prevention of ill-treatment therefore establish a system of strict liability of employees whereas competent national authorities are required to conduct an effective investigation.⁸⁴

Over the course of 2012 it was determined that the Institution does not provide competent judicial authorities with the information related to the admissions of the persons with visible physical injuries suspected of being ill-treated or tortured.

Institutions for the execution of criminal sanctions are obliged to immediately inform the competent national authorities of any findings or suspicions of ill-treatment of an offender in the period from his deprivation of liberty to his admission to the Institute.⁸⁵

83 See the Protector of Citizens recommendation 12-3630/12 dated 31 January 2012

84 *ibid*

85 See the Protector of Citizens recommendation 12-2379/11 dated 26 December 2012

6.4. Detention of persons with mental disorders (psychiatric hospitals and departments)

During 2012 NPM conducted four visits to psychiatric hospitals, three announced day visits and one unannounced night visit. 25 recommendations were sent in order to balance current condition with valid regulations and standards.

During the visits, a number of negative consequences resulted from a long-term detention of people with mental disabilities within dislocated psychiatric hospitals were noted. According to the doctors, patients are not discharged from the hospital after their hospital treatment is no longer needed, given that there is no system established in the community to provide the necessary health care and social support in line with their needs. In one of the largest psychiatric hospitals in Serbia more than a half is being treated for more than one year, and more than a hundred for more than 10 years⁸⁶. The question is whether this is considered to be a treatment if it lasts ten years or for life, or it is rather a sort of asylum. Patients who spent various years in psychiatric hospitals, completely isolated from the regular social environment, of which many are locked in, they gradually lose social and other skills, and become less capable of living independently.

Long-term detention of patients as a system within dislocated psychiatric hospitals, especially in accommodation conditions which do not meet current standards as such - can be a source of individual cases of torture, and whatever the case may be, it represents inhuman and degrading treatment.

The accommodation conditions in psychiatric hospitals are different, both within a hospital and among hospitals. Some accommodation facilities are in a relatively good condition, new or renovated, maintained, clean, bright, ventilated, with toilets in decent condition, dormitories are decorated, but not too large, there is enough space between the beds, bedding is clean, and there are spaces for disposal of personal items. However, in other facilities, compared to all described aspects, the situation is completely different. The staff efforts to create more favorable living conditions are notable, regardless of the available resources and the general state of the facilities.

A lack of expert medical staff was noted; gaps in education of nursing staff, lack of adequate criteria for securing suitable financing of labor in hospitals; deficiencies of the labor engagement of patients and their monetary compensation for the work completed; patients are not encouraged to participate in decisions relevant to their

⁸⁶ About 800 patients are situated in the Psychiatric Hospital in Vrsac of whom 460 for more than a year, and over 110 for more than 10 years. Of particular concern is the fact that only in the psychiatric wards in that hospital from 350 to 400 patients die every year.

stay and treatment; staff stated that there is no security service provided on the premises.

Irregularities in documenting and performing restraint measures (tying) of disturbed/violent patients were identified. The recommendations were sent to ensure that tying occurs only when control of aggression could not be established in any other medically appropriate way, and that it must be a last resort having verified that less restrictive measures proved unsuccessful, done exclusively on the basis of the psychiatrist order, performed according to the legitimate methods utilizing appropriate means that prevent injury, lasted as less as possible discontinuing it as soon as patient's anxiety ends as a result of application of other means and methods and ensured presence of a physician while the patient is tied and not in the same room with other patients. In addition, it is necessary to keep accurate records of all activities during the application of restraint measures and the reasons for their undertaking.

It was found that pharmacotherapy in psychiatric hospitals is the main method of treatment and that approach related to occupational therapy, group therapy, individual psychotherapy, art, drama, music and sports, additional training, are often inadequate for most patients, and is not same for all patients.

A recommendation was sent to include all patients in psychosocial rehabilitation programs in line with their needs, their abilities and therefore provide the necessary personnel. Another one was sent to carry out activities aimed at informing patients of their rights (i.e. creation of newsletters - brochures) in the psychiatric hospitals as well as to encourage the use of legal means to protect their rights.

6.5. Detention of persons with disabilities (residential social care institutions)

During 2012 NPM completed ten visits to the residential type social protection institutions, that is, 5 residential institutions for people with disabilities and 5 residential institutions for the elderly, i.e. gerontology centers.

Throughout the visits, a number of irregularities were noted in relation to the long-term detention of children with disabilities and adults with intellectual and mental disabilities within dislocated social protection institutions, similar to asylum, in which these people are preserved primarily for the reason that there is no system established in the community to provide the necessary health care and social support in line with their needs.

A significant number of beneficiaries in institutions for social protection is completely isolated from the regular social environment resulting in eventual loss of their social and other skills and becoming less competent of living independently. The above stated, taking into account accommodation conditions which do not meet current standards as such - can be a source of individual cases of torture, and whatever the case may be, it represents inhuman and degrading treatment.

During the visits to the residential social care institutions it was observed that a significant number of beneficiaries in them are PDLs on a long term basis (locked or otherwise restrained), even though current regulations do not assume such a possibility. In this regard, it is necessary to establish the legal framework, particularly taking into account the protection of fundamental human rights of residents.

The current practice of placing beneficiaries in residential social care institutions holds inadequate causal connection between his deprivation of capacity to exercise rights and his placement in the institution. With regard to persons deprived of legal capacity in the future it is necessary to take their views into account regarding placement in stationary institutions. If the person does not agree with his placement in the institution, he/she has the status of a PDLs hence his detention in the institution must have a legal basis.

The accommodation conditions in social protection institutions vary, both within an institution and among institutions. Some accommodation facilities are in a rather good condition, whereas the other in very bad. Staff pointed out deficiencies in the financing system of labor of institutions. There is an evident lack of staff of many different backgrounds, from nurses, to physicians, educators, psychologists and doctors. Insufficient number of psychiatrists and physical therapists has led to the neglect of the needs of beneficiaries who are immobile.

Irregularities in documenting and performing restraint measures (tying) of disturbed/violent persons were identified. In some institutions, it was found that certain people were detained in continued isolation, solitude, in the absence of regular supervision of professional staff, in poor conditions, without access or with limited access to running water and toilet, which represents an act of ill-treatment.

Actions taken to reduce the number of users are evident however this process is slow and is focused mainly on juveniles.

It is essential to create conditions more rapidly so more beneficiaries, who are placed in stationary type social protection institutions, are taken care for in the community and are closer to their families.

NPM reports on visits to the nursing homes for the elderly and gerontology centers⁸⁷, show the irregularities which are necessary to be eradicated. Among other things, it was recommended that, with the goal of a more humane attitude to the beneficiaries placed in one of the institutions, it is necessary to remove the barbed wire fence which is, even without it, high enough allowing sufficient level of protection of the building, more precisely, to be removed from the fences at the entrance; regarding the admittance and accommodation of the beneficiaries deprived of their legal capacity in the nursing homes for the elderly a written consent (statement) of their guardians must be obtained; that in order to enable staff availability to the beneficiaries, in the rooms where they are located, both disabled and semi disabled, it's necessary to provide each beneficiary with an adequate call system for contacting staff, so the beneficiaries are not forced to get their attention by knocking or shouting.

6.6. Treatment of asylum seekers (asylum centres)

During the course of 2012 NPM paid special attention to the treatment of the competent authorities of those who have expressed intention to seek asylum in the Republic of Serbia, who on that basis are entitled to accommodation in the asylum centers.

In 2012 NPM conducted two visits to the Asylum Centre in Bogovadja, which is under the jurisdiction of the Commissariat for Refugees and Migration. Several irregularities regarding the treatment of beneficiaries were identified.

Several families with young children were seen in the courtyard of the Asylum centre in Bogovadja due to the lack of accommodation facilities available inside the building of the Centre.

Recommendations were sent to remedy identified deficiencies. In the process of the actual dialogue with the Commissariat representatives, the efforts to expand current capacities to accommodate asylum seekers were eminent, and to some extent accomplished towards the end of 2012.

NPM will continue to monitor the treatment of asylum seekers, which is why NPM had already established cooperation with the Police Department, the Commissariat and UNHCR in Serbia.

87 NPM reports on visits of Nursing homes for the elderly and retired Apatin, Mol, Futog and gerontology centres in Bečež and Bežanijska kosa in Belgrade

6.7. Reception of returnees in the process of readmission (state border)

During 2012 NPM conducted four visits to the airport "Nikola Tesla" in order to establish facts concerning the treatment of persons who are returning to the Republic of Serbia, according to the decision of the competent authorities of the countries with which Serbia concluded readmission agreements.

During the visits, it was observed that police officers, upon landing of a plane, meet the group of returnees, and immediately, in a language they understand, inform them orally of their rights and the procedure for exercising the same. If deemed necessary, an immediate emergency medical care is provided. Subsequently interviews are being held in the Office for readmission of the Commissariat for Refugees and Migration. On this occasion, basic personal and medical information of the returnees are collected with their consent for providing the same, they are given information regarding the readmission process, their rights and responsibilities filling out the questionnaire concerning the state of their needs in order to provide them with the necessary assistance in the coming period thus to promote reintegration. They are allowed to telephone their family and friends and it is explained that they can turn the Trusteeship for Migration and other services at the local level, for further assistance. In case they do not have money for transport to the place of residence, they are provided with transportation.

Returnees who do not have family or any other form of support and accommodation in Serbia are referred to the Centers for emergency reception, which were established in Šabac, Bela Palanka and Zaječar. The centers provide accommodation and meals for up to 14 days.

All officers at the airport "Nikola Tesla" in Belgrade (representatives of the Border Police Station and the Office for Readmission of the Commissariat for Refugees and Migration) achieved a full cooperation with NPM and provided all requested information.

Based on its findings have not shown any form of ill-treatment against persons returned in the readmission.

7. General recommendations of the NPM / 2012

1. All state authorities are obliged, in accordance with their competence, to take all possible measures to prevent the occurrence of incidents of ill-treatment, to investigate carefully all circumstances that indicate the existence of ill-treatment, to

sanction accordingly both the perpetrators and ones justly responsible, as well as to ensure injured party's appropriate satisfaction.

2. It is essential that the Internal Control Sector of the Ministry of Interior in its future work take into account all relevant facts more carefully and objectively determine liability of police officers in cases of torture or any other form of ill-treatment. Ministry of Interior must increase the level efficacy of existing internal control mechanisms.
3. The Ministry of Interior, without any further delay, must ensure police custody facilities comply with current regulations and standards, since keeping people in decrepit premises for several hours is harassment.
4. Police in published statements, that is, police officers and officials in statements intended for public, shall not violate the presumption of innocence of the citizens i.e. to publicly qualify that particular individuals committed certain criminal offenses if it has not yet been established by the Court's final judgment.
5. By expedient enforcement of existing regulations it is necessary to improve the execution of per-trial/trial detention, anticipating facile pronouncement, often inappropriately long lasting, so therefore in the future, taking into account the poor living conditions, detention is no longer a kind of punishment prior to conviction.
6. It is necessary to solve the problem of overcrowded District Prison in Belgrade, the largest remand department in Serbia, with an inadequate architecture and ruined, and whose significant part is utilized for inappropriate residing of current and former workers' families of the Prison.
7. It is necessary to adopt the Law of Probation, in order to protect society from crime, social reintegration of perpetrators of crimes and their reintegration into community, as well as to provide assistance to injured parties, plaintiffs and their families;
8. Accommodation capacities of prisons require to be renovated in order to comply with the applicable requirements of the existing regulations and standards;
9. It is necessary to improve the existing by-laws related to the treatment of prisoners, primarily to: establish intensive and active occupational therapy with prisoners; functional and stimulative classification and allocation of specific rights of prisoners; implementation of effective preparation for their release within special discharge units; as well as the effective gradual acceptance that will enable reintegration of offenders after their release.
10. Health Care Service i.e. doctor of the institution, should be detached from the system for execution of criminal sanctions. Medical staff providing health care service in prisons should be under the jurisdiction of the Ministry of Health.

11. It is necessary for prisoners with severe mental disorders to be displaced from the ordinary prison conditions and to be sent to the Special Prison Hospital i.e. stationary health care unit within the institution where the conditions are suitable for their medical care and treatment, or other appropriate institution.
12. Ministry of Justice and Public Administration should implement measures to safeguard from ill-treatment in institutions for execution of criminal sanctions. Therefore, it is indispensable to displace the existing internal control mechanisms (Department for Supervision) relocated from the Directorate for Execution of Sanctions so that the supervision of work of the Administration as a whole is performed by a separate organizational unit of the Ministry of Justice and Public Administration;
13. It is necessary to immediately adopt the law of protection of persons with mental disorders and change the provisions of the Law on extrajudicial proceedings related to detention of persons with mental disabilities in stationary institutions, in accordance with the rules of the International law and relevant standards, in particular according to the Strategy of mental health protection which states that the treatment and care of such persons should take place in the community, as closer as possible to the patient's family.
14. Discontinue the practice of keeping beneficiaries in the long-term isolation residing in social welfare institutions; to intensify efforts in their relocation from such asylum institutions and their care with the support from the community.

8. NPM plan of activities for 2013

The Plan for 2013 envisages carrying out the same number of visits to institutions as in 2012, with special attention directed to the systematic tracking of the status of juveniles, women, LGBT and disabled PDLs.

Some visits will be regular, i.e. visits to institutions not visited in the past period, some will only be control (follow-up) visits in order to monitor the execution of the recommendations sent, whereas some will be topic-related, and if deemed necessary, extraordinary (ad-hoc) visits will also be conducted.

The unannounced visits will be intensified with some of them conducted at night.

For intended performing of duties of NPM in 2013 the budget of the Protector of Citizens envisaged the same level of funds as in 2012.

9. Dissemination / Review of the NPM Report for 2012

Protector of Citizens shall submit the report on the NPM performance of duties in 2012 to the National Assembly of the Republic of Serbia and relevant ministries.

Competent state authorities are obliged to consider NPM recommendations and arrange discussions with NPM regarding potential implementation measures.⁸⁸

Protector of Citizens shall publish the Report on its website⁸⁹.

The Optional Protocol state parties are obliged to publish and disseminate the NPM annual report⁹⁰

Report on the work of the NPM in 2012, Protector of Citizens shall submit to the UN Subcommittee on Prevention of Torture and relevant international organizations.

88 The Optional Protocol, Article 22

89 <http://www.ombudsman.rs/>

90 The Optional Protocol, Article 23

Recommendations Proposed to Public Authorities in 2012

Recommendations to the Police

Police Headquarters in Zrenjanin⁹¹:

In all detention facilities, metal panels should be replaced with grid bars, which would provide more natural light and fresh air.

To provide proper heating of detention premises at Zrenjanin Police Headquarters in the winter period by installing a heating source therein.

To improve video surveillance system at the detention premises at the Police Headquarters, providing for privacy of detained persons, in such manner that the area around the squat toilet shall not be clearly visible, but blurred, while maintaining current level of video surveillance and security.

To install alarm mechanism for calling police officers within the police detention premises.

To provide detainees with clean blankets.

To provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

At the police detention premises at Police Headquarters in Zrenjanin, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Special records of visits of detained persons by police officers shall be maintained, especially the information on their physical condition, as well as information on water or food brought.

91 Report on the visit to the Police Administration in Zrenjanin, February 2012, No 71-20/12

A leaflet containing information about detainees' rights, besides in Serbian and English, shall be made available in languages of the national minorities living in the territory under jurisdiction of the Police Administration. Each detainee should sign two copies of the aforementioned information, one to be retained by the person deprived of liberty and the other one by the Police.

Police station in Žitište⁹²:

Alarm mechanism for calling police officers on duty shall be installed within the police detention premises.

Detention facilities should be covered by video surveillance system, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

To provide an adequate lighting by removing the existing metal panel above the entrance door and placing a grid bar in order to ensure sufficient amount of artificial light.

To paint the premises, the entrance door, and to repair the floor in both detention premises.

To maintain toilet hygiene on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

Detained persons shall be provided one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper). Detained persons shall also be provided with sufficient quantities of drinking water in original plastic containers.

Special records of visits of detained persons by police officers shall be maintained, which will contain information on physical condition of the detainees, as well as the information on water and food brought.

To provide proper heating of detention premises in the winter period by installing a heating source therein.

A rights leaflet should be handed out to all persons deprived of liberty, and not only to the ones detained under suspicion of committing a crime made punishable by the Criminal Procedure Code. A leaflet containing information about the rights of the detainees, besides in Serbian and English, should also be available in languages of the national minorities living in the territory under jurisdiction of the Police Station. Each detai-

nee should sign two copies of the aforementioned information, one to be retained by the person deprived of liberty and the other one by the Police.

Police Station in Sečanj⁹³:

Alarm mechanism for calling police officers shall be installed within the police detention premises.

Detention facilities should be covered by video surveillance system, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

Metal window panels should be replaced with grid bars, in order to provide sufficient amount of light and fresh air.

Detained persons shall be provided one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper). Detained persons shall also be provided with sufficient quantities of drinking water in original plastic containers.

A leaflet containing information about the rights of the detainees, besides in Serbian and English, should also be available in languages of the national minorities living in the territory under jurisdiction of the Police Station. Each detainee should sign two copies of the aforementioned information, one to be retained by the person deprived of liberty and the other one by the Police.

Police Station in Novi Bečej⁹⁴:

Alarm mechanism for calling police officers shall be installed within the police detention premises.

Detention facilities should be covered by video surveillance system, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

Maintain toilet hygiene on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

Detained persons shall be provided one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 ho-

93 Report on the visit to the Police Station in Sečanj, February 2012, No71-38/12

94 Report on the visit to the Police Station in Novi Bečej, February 2012, NO 71-36/12

urs, detained person shall be provided three meals a day (breakfast, lunch and supper). Detained persons shall also be provided with sufficient quantities of drinking water in original plastic containers.

A special records of visits of detained persons by police officers shall be maintained, which will contain information on physical condition of the detainees, as well as the information on water and food brought.

A rights leaflet should be handed out to all persons deprived of liberty, and not only to the ones detained under suspicion of committing a crime made punishable by the Criminal Procedure Code. A leaflet containing information about the rights of the detainees, besides in Serbian and English, should also be available in languages of the national minorities living in the territory under jurisdiction of the Police Station. Each detainee should sign two copies of the aforementioned information, one to be retained by the person deprived of liberty and the other one by the Police.

It is necessary to remove all non-standard objects that can be used for intimidation or infliction of corporal injuries from all police premises intended for interrogation or confinement of the persons deprived of liberty. All objects used as material evidence during the course of an investigation must be properly marked, inventoried, preserved and stored in separate storage facilities.

Police Station in Nova Crnja⁹⁵:

Alarm mechanism for calling police officers shall be installed within the police detention premises.

Detention facilities should be covered by video surveillance system, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

A window should be installed instead of the opening in the wall, in order to enable access to natural light and fresh air.

To remove or protect a pipe stretching across the ceiling, in order to prevent a risk of self-harm of the persons deprived of liberty.

Maintain toilet hygiene on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

Detained persons shall be provided one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

95 Report on the visit to the Police Station in Nova Crnja, February 2012, NO 71-37/12

Detained persons shall also be provided with sufficient quantities of drinking water in original plastic containers.

A special records of visits of detained persons by police officers shall be maintained, which will contain information on physical condition of the detainees, as well as the information on water and food brought.

A rights leaflet shall be handed out to all persons deprived of liberty, and not only to the ones detained under suspicion of committing a crime made punishable by the Criminal Procedure Code. A leaflet containing information about the rights of the detainees, besides in Serbian and English, shall also be available in languages of the national minorities living in the territory under jurisdiction of the Police Station. Each detainee should sign two copies of the aforementioned information, one to be retained by the person deprived of liberty and the other one by the Police.

Police Headquarters in Jagodina⁹⁶:

At the police detention premises at Police Headquarters in Jagodina, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks*), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Headquarters in Jagodina shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Jagodina shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Headquarters in Jagodina shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Headquarters in Jagodina, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Headquarters in Jagodina shall, by improving video surveillance system at the detention premises at Police Headquarters, provide for privacy of detained persons, in such manner that the area around the toilet bowl shall not be clearly visible, while maintaining current level of video surveillance and security.

Police Headquarters in Jagodina shall improve the system for keeping items confiscated from detained persons, by forming a special holding place under lock and key, where the items temporarily confiscated from detained persons shall be secured.

Special records of items temporarily confiscated from detained persons shall be kept.

In its future operation, Police Headquarters in Jagodina shall include in the decisions on detention, as time of a commencement of detention, the time of deprivation of liberty, and not the time of issuing of the decision on detention.

Traffic Police Substation in Jagodina:

Traffic Police Substation in Jagodina shall fulfill bellow mentioned recommendations, taking into account all foregoing recommendations with respect to detention premises at Police Headquarters in Jagodina:

Tap with running water shall be installed at the detention premises, or detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Detainees should be provided with at least one meal in no case later than 6 hours as of the moment of deprivation of liberty.

Electric buzzer button for calling police officers on duty within the police detention premises shall be installed.

Special records of visits of detained persons by police officers on duty shall be maintained, especially the information on water or food brought.

To improve video surveillance system at the detention premises, providing for privacy of detained persons, in such manner that the area around the toilet bowl shall not be clearly visible, while maintaining current level of video surveillance and security.

Police Station in Čuprija⁹⁷:

At the police detention premises at Police Station in Čuprija, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Čuprija shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Čuprija shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Station in Čuprija, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Čuprija shall, by improving video surveillance system at the detention premises at Police Administration headquarters, provide for privacy of detained persons, in such manner that the area around the toilet bowl shall not be clearly visible, while maintaining current level of video surveillance and security.

The Police Station in Čuprija shall post a sign in detention facilities, notifying that a room is under video surveillance.

The Police Station in Čuprija shall improve the system for keeping items confiscated from detained persons, by forming a special holding place under lock and key, where the items temporarily confiscated from detained persons shall be secured.

A special records of items temporarily confiscated from detained persons shall be kept.

In its future operation, the Police Station in Čuprija shall include in the decisions on detention, as time of a commencement of detention, the time of deprivation of liberty, and not the time of issuing of the decision on detention.

The Police Station in Despotovac⁹⁸:

Until providing detention premises in compliance with the applicable standards, the building of Police Station in Despotovac shall not be used for police detention.

Police Station in Paraćin⁹⁹:

At the police detention premises at the Police Station in Paraćin, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Paraćin shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Paraćin shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Paraćin shall install electric buzzer button for calling police officers on duty within the police detention premises.

98 Report on the visit to the Police Station in Despotovac, March 2012, No 71-41/12

99 Report on the visit to the Police Station in Paraćin, March 2012, No 71-39/12

At the Police Station in Paraćin, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Paraćin shall post a sign in detention facilities, notifying that a room is under video surveillance.

Police Station in Paraćin shall remove all objects that are not a part of a standard equipment from the premises intended for interrogation or confinement of the persons deprived of liberty. All objects confiscated as material evidence during the course of criminal investigation must be inventoried in a separate record, properly marked (labeling the police case number) and stored in separate storage places.

In its future work Police Station in Paraćin immediately upon informing detainees of their rights, shall note down such a fact in official custody record, which will be confirmed by detainee's own signature.

Police Station in Svilajnac¹⁰⁰:

Current detention facilities at the Police Station in Svilajnac shall not be used until providing detention premises in compliance with the applicable standards.

Until providing detention premises in compliance with the applicable standards, the building of the Police Station in Svilajnac shall not be used for police detention.

Police Headquarters in Zaječar¹⁰¹:

At the police detention premises at the Police Headquarters in Zaječar, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Headquarters in Zaječar shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Zaječar shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Headquarters in Zaječar, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

100 Report on the visit to the Police Station in Svilajnac, March 2012, No. 71-40/12

101 Report on the visit to the Police Administration in Zaječar, May 2012, No. 71-45/12

Police Headquarters in Zaječar shall, by improving video surveillance system at the detention premises at Police Administration headquarters, provide for privacy of detained persons, in such manner that the area around the toilet bowl shall not be clearly visible, while maintaining current level of video surveillance and security.

Police Headquarters in Zaječar in cooperation with the District Prison in Zaječar shall improve bedding hygiene by providing clean linen and other adequate hygienic conditions for detainees.

Police Headquarters in Zaječar shall improve the system of safekeeping of the items confiscated from the detainees by forming a special holding place kept under lock, in which detainees' temporarily confiscated belongings shall be properly marked, inventoried, preserved and stored.

Police Station in Sokobanja¹⁰²:

Police Station in Sokobanja shall post a sign in detention premises, notifying that a room is under video surveillance.

At the police detention premises at the Police Station in Sokobanja, taps with running water shall be installed, or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Sokobanja shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Sokobanja shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Knjaževac¹⁰³:

Current detention premises at the Police Station in Knjaževac shall not be used for police detention.

Police Station in Knjaževac shall provide separate detention premises in compliance with the applicable standards.

102 Report on the visit to the Police Station in Sokobanja, May 2012, No. 71-86/12

103 Report on the visit to the Police Station in Knjaževac, May 2012, No 71-85/12

Police Station in Boljevac¹⁰⁴:

Current detention premises at the Police Station in Boljevac shall not be used for police detention.

Police Station in Boljevac shall provide separate detention premises in compliance with the applicable standards.

Police Headquarters in Bor¹⁰⁵:

At the police detention premises of the Police Headquarters in Bor, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Headquarters in Bor shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Bor shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Headquarters in Bor, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Headquarters in Bor in cooperation with the District Prison in Zaječar shall improve bedding hygiene by providing clean linen and other adequate hygienic conditions for detainees.

Police Station in Negotin¹⁰⁶:

Police Station in Negotin shall provide clean and dry rooms with proper sanitary ware, providing for privacy of the detainees, by carrying out all necessary adaptations of the existing toilets.

At the police detention premises of the Police Station in Negotin, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

104 Report on the visit to the Police Station in Boljevac, May 2012, No 71-87/12

105 Report on the visit to the Police Administration in Bor, May 2012, No 71-44/12

106 Report on the visit to the Police Station in Negotin, May 2012, No 71-98/12

Police Station in Negotin shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Negotin shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Negotin shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Station in Negotin, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Majdanpek¹⁰⁷:

Detention premises in compliance with the applicable standards shall be provided within the building of the Police Station in Majdanpek.

Police Station in Kladovo¹⁰⁸:

Within the building of the Police Station in Kladovo, existing detention premises shall be reconstructed by forming detention premises in compliance with the applicable space requirement standards, equipped with a bed, a mattress and a blanket, water installations – tap with running water and a toilet in accordance with security standards (flush tank concealed inside the wall, so there are no protruding parts), there must be a flow of fresh air with both natural and artificial light, heating source, electric buzzer button for calling police officers on duty and video surveillance camera that does not violate the privacy of the detainees.

The existing detention premises shall not be used until reconstructed and adapted in compliance with the applicable standards.

Police Headquarters in Užice¹⁰⁹:

At the police detention premises of the Police Headquarters in Užice, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

107 Report on the visit to the Police Station in Majdanpek, May 2012, No 71-99/12

108 Report on the visit to the Police Station in Kladovo, May 2012, No 71-97/12

109 Report on the visit to the Police Station in Užice, July 2012, No 71-118/12

Police Headquarters in Užice shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Užice shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Headquarters in Užice, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Headquarters in Užice shall, by improving video surveillance system at the detention premises at Police Headquarters, provide for privacy of detained persons, in such manner that the area around the toilet bowl shall not be clearly visible, while maintaining current level of video surveillance and security.

Police Headquarters in Užice shall post a sign in detention facility, notifying that a room is under video surveillance.

Police Station in Požega¹¹⁰:

At the police detention premises of the Police Station in Požega, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Požega shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Požega shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Požega shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Kosjerić¹¹¹:

At the police detention premises of the Police Station in Kosjerić, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

110 Report on the visit to the Police Station in Požega, July 2012, No 71-119/12

111 Report on the visit to the Police Station in Kosjerić, July 2012, No 71-120/12

Police Station in Kosjerić shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Kosjerić shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Kosjerić shall provide video surveillance system in detention premises, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

At the Police Station in Kosjerić, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Kosjerić shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Čajetina¹¹²:

Detention premises in compliance with the applicable standards shall be provided within the building of Police Station in Čajetina.

Police Station in Čajetina shall remove all objects that are not a part of a standard equipment from the premises intended for interrogation or confinement of the detainees, especially the objects confiscated from perpetrators charged with a criminal offence.

Police Station in Čajetina shall ensure that all objects confiscated as material evidence during the course of criminal investigation will be inventoried in a separate record, properly marked (labeling the police case number) and stored in separate storage places.

Police Station in Bajina Bašta¹¹³:

At the police detention premises of the Police Station in Bajina Bašta, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Bajina Bašta shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

112 Report on the visit to the Police Station in Čajetina, July 2012, No 71-121/12

113 Report on the visit to the Police Station in Bajina Bašta, July 2012, 71-122/12

Police Station in Bajina Bašta shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Bajina Bašta shall post a sign in detention facility, notifying that a room is under video surveillance.

At the Police Station in Bajina Bašta, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Arilje¹¹⁴:

At the police detention premises of the Police Station in Arilje, a flush tank shall be installed and concealed inside the wall, with the flush button being level with wall surface, resulting in absence of any protruding parts that may cause self injury or that could be easily damaged.

At the police detention premises of the Police Station in Arilje, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Arilje shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Arilje shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Arilje shall provide video surveillance system in detention premises, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

At the Police Station in Arilje, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Headquarters in Prijepolje¹¹⁵:

At the police detention premises at Police Headquarters in Prijepolje and Traffic Police Substation in Prijepolje, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

114 Report on the visit to the Police Station in Arilje, July 2012, 71-123/12

115 Report on the visit to Prijepolje Police Administration, September 2012, 71-124/12

Police Headquarters in Prijepolje and Traffic Police Substation in Prijepolje shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Prijepolje and Traffic Police Substation in Prijepolje shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Headquarters in Prijepolje shall provide proper heating of detention premises at Police Headquarters in Prijepolje and Traffic Police Substation in Prijepolje in the winter period by installing a heating source therein.

Police Station in Nova Varoš¹¹⁶:

At the police detention premises of the Police Station in Nova Varoš, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Nova Varoš shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Nova Varoš shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Priboj¹¹⁷:

At the police detention premises of the Police Station in Priboj, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Priboj shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Priboj shall install electric buzzer button for calling police officers on duty within the police detention premises.

116 Report on the visit to the Police Station in Nova Varoš, September 2012, 71-125/12

117 Report on the visit to the Police Station in Priboj, September 2012, 71-126/12

Police Headquarters in Novi Sad¹¹⁸:

Police Headquarters in Novi Sad shall ensure that a leaflet containing information about the rights of the detainees, besides in Serbian and English, is also available in languages of the national minorities living in the territory under its jurisdiction. Translated rights leaflet shall be sent to all police stations of Police Headquarters in Novi Sad.

The office for admission, questioning and interrogation of the detainees (so called "admission room") in the Police Headquarters in Novi Sad shall not be used as a police detention facility.

Police detention shall be carried out in premises intended for such purpose; therefore it is necessary to finish adaptation of detention premises as soon as possible.

Police Headquarters in Novi Sad shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Headquarters in Novi Sad shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Headquarters in Novi Sad, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Headquarters in Novi Sad shall improve the fire protection system by posting evacuation plan together with the fire instructions in visible locations within the building of the Police Headquarters in Novi Sad n, for the purpose of protecting physical integrity of the detainees.

Police Headquarters in Novi Sad shall organize and carry out an appropriate First Aid training for police officers, and provide first aid box for the Police Administration.

Police Station in Bač¹¹⁹:

Current detention facility in Police Station in Bač shall remain unused for the purpose of police detention, whereas a special detention premises in compliance with the applicable standards shall be formed at the new police station.

118 Report on the visit to Novi Sad Police Administration, November 2012, 71-148/12

119 Report on the visit to the Police Station in Bač, November 2013, 71-151/12

Police Station in Bačka Palanka¹²⁰:

Police Station in Bačka Palanka shall provide adequate supply of natural light and fresh air by removing the existing metal bars across the windows and replacing them with window grillage allowing sufficient light and fresh air; clean linens and pillows shall also be provided.

Police Station in Bačka Palanka shall provide a special area allowing access to fresh air to the persons detained up to 48 hours.

Police Station in Bačka Palanka shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Bačka Palanka shall install electric buzzer button for calling police officers on duty within the police detention premises.

At the Police Station in Bačka Palanka, special records of visits of detained persons by police officers shall be maintained, especially the information on water or food brought.

Police Station in Bačka Palanka shall improve the fire protection system by installing fire extinguishers in appropriate places and posting evacuation plan together with the fire instructions in visible locations within the building where detention premises are located, for the purpose of protecting physical integrity of the detainees.

Police Station in Bačka Palanka shall organize and carry out an appropriate First Aid training for police officers, and shall provide first aid kit.

Police Station in Bačka Palanka shall post a sign in a detention facility, notifying that a room is under video surveillance.

Police Station in Bački Petrovac¹²¹:

Police Station in Bački Petrovac shall improve artificial lighting system in below described detention facility.

Police Station in Bački Petrovac shall provide clean linen and bed covers to the detainees.

Detention premises shall be painted and maintained in proper hygienic conditions, in order to provide clean and decent environment for the detainees.

To maintain toilet hygiene on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

120 Report on the visit to the Police Station in Bačka Palanka, November 2013, 71-149/12

121 Report on the visit to the Police Station in Bački Petrovac, November 2013, 71-150/12

At the police detention premises at the Police Station in Bački Petrovac, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Bački Petrovac shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Bački Petrovac shall install electric buzzer button for calling police officers on duty, and shall maintain a special record containing the information on the visits of detained persons by police officers, and especially the information on water or food brought.

Police Station in Bački Petrovac shall improve the fire protection system by installing fire extinguishers in appropriate places and posting evacuation plan together with the fire instructions in visible locations, for the purpose of protecting physical integrity of the detainees.

Police Station in Bački Petrovac shall organize and carry out an appropriate First Aid training for police officers.

Police Station in Bački Petrovac shall, by improving video surveillance system at the detention premises, provide for privacy of detained persons, in such manner that the area around the squat toilet shall not be clearly visible, but blurred, while maintaining current level of video surveillance and security.

Police Station in Bečej¹²²:

Until providing detention facilities in compliance with the applicable standards, current detention facility at the Police Station in Bečej shall remain unused for the purpose of police detention.

Police Station in Beočin:

Police Station in Beočin shall provide detention premises in compliance with the applicable standards.

Police Station in Srbobran¹²³:

At the police detention premises at the Police Station in Srbobran, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Srbobran shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Srbobran shall install electric buzzer button for calling police officers on duty, and shall maintain a special record containing the information on the visits of detained persons by police officers, and especially the information on water or food brought.

Police Station in Srbobran shall improve the fire protection system by installing fire extinguishers in appropriate places and posting evacuation plan together with the fire instructions in visible locations, for the purpose of protecting physical integrity of the detainees.

Police Station in Srbobran shall organize and carry out an appropriate First Aid training for police officers, and shall provide first aid kit.

Police Station in Sremski Karlovci¹²⁴:

Police Station in Sremski Karlovci shall improve the system of lighting and ventilation in detention premises.

Police Station in Sremski Karlovci shall maintain toilet hygiene on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

At the police detention premises at Police Station in Sremski Karlovci, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or else the detained persons shall be provided with sufficient quantities of drinking water in some other appropriate way.

Police Station in Sremski Karlovci shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Sremski Karlovci shall install electric buzzer button for calling police officers on duty within the police detention premises.

123 Report on the visit to the Police Station in Srbobran, November 2013, 71-153/12

124 Report on the visit to the Police Station in Sremski Karlovci, November 2013, 71-155/12

Police Station in Sremski Karlovci shall improve the fire protection system by installing fire extinguishers in appropriate places within the Police Station building, and posting evacuation plan together with the fire instructions in visible locations, for the purpose of protecting physical integrity of the detainees.

Police Station in Sremski Karlovci shall organize and conduct appropriate training of police officers in first aid and provide the box with first aid kit.

Police Station in Sremski Karlovci shall install video surveillance system in detention facilities, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

Police Station in Temerin¹²⁵:

Police detention shall not be conducted in the building of Police Station in Temerin until detention premises which meet relevant standards are provided.

Police Station in Titel¹²⁶:

It is necessary to paint the detention facilities and maintain hygiene inside of them on regular basis.

At the police detention premises at Police Station in Titel, taps with running water shall be installed (*ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks*), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Titel shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Titel shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Titel shall install electric buzzer button for calling police officers on duty within the police detention premises, and maintain special records of visits of detained persons by police officers, which will contain information on their physical condition, as well as information on water or food brought.

Police Station in Titel shall improve the fire protection system by installing fire extinguishers in appropriate places within the building of Titel Police Station and by posting eva-

125 Report on the visit to the Police Station in Temerin, November 2013, 71-157/12

126 Report on the visit to the Police Station in Titel, November 2013, 71-159/12

cuation plan together with the fire instructions in visible locations, for the purpose of protecting physical integrity of the detainees.

Police Station in Titel shall organize and conduct appropriate training of police officers in first aid.

Police Station in Titel shall install video surveillance system in detention facilities, providing at the same time storing and archiving of the recorded material, in order to ensure protection and security of the detainees, as well as to reduce the risk of violence and other incidents that may jeopardize their safety.

Police Station in Vrbas¹²⁷:

Police Station in Vrbas shall install video surveillance system in detention premises, providing at the same time storing and archiving of the recorded material.

Detention premises shall be painted and maintained in proper hygienic conditions on a regular basis, in order to provide clean and decent environment for the detainees.

Sanitary ware hygiene will be maintained on a regular basis, assuring that detainees can fulfill their physiological needs in clean and decent conditions.

At the police detention premises at the Police Station in Vrbas, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Vrbas shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Vrbas shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Vrbas shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Vrbas shall maintain special records of visits of detained persons by police officers, which will contain information on their physical condition, as well as information on water or food brought.

Police Station in Vrbas shall improve the fire protection system by installing fire extinguishers in appropriate places within the building of Police Station in Vrbas and posting eva-

cuation plan together with the fire instructions in visible locations, for the purpose of protecting physical integrity of the detainees.

Police Station in Vrbas will organize and conduct appropriate training of police officers in first aid and provide the box with first aid kit.

The Police Station in Vrbas shall post a sign in detention facilities, notifying that a room is under video surveillance.¹²⁸

Police Station in Žabalj:

In the police detention premises at the Police Station in Žabalj, taps with running water shall be installed (ensuring that such taps do not pose risk of injury or damage – to be modelled on existing toilet flush tanks), or else the detained persons shall be provided with sufficient quantities of drinking water in original plastic containers.

Police Station in Žabalj shall provide to detained persons one meal of food no later than 6 hours from the time of their deprivation of liberty, and if the duration of detention is in excess of 12 hours, detained person shall be provided three meals a day (breakfast, lunch and supper).

Police Station in Žabalj shall provide proper heating of detention premises in the winter period by installing a heating source therein.

Police Station in Žabalj shall install electric buzzer button for calling police officers on duty within the police detention premises.

Police Station in Žabalj shall improve the fire protection system by posting evacuation plan together with the fire instructions in visible locations within the building of Police Station in Žabalj, for the purpose of protecting physical integrity of the detainees.

Police Station in Žabalj shall organize and conduct appropriate training of police officers in first aid and provide the box with first aid kit.

Recommendations to the Prison Administration for Enforcement of penal Sanctions

Recommendations to Penal - Correctional Institution Sremska Mitrovica¹²⁹:

It will be ensured that the remand unit of Penal - Correctional Institution Sremska Mitrovica has necessary space for the placement of detainees, so that minimum eight cu-

128 Report on the visit to the Police Station in Žabalj, November 2013, 71-158/12

129 Report on Penal - Correctional Institution Sremska Mitrovica, April 2012, 71-161/12

bic metres and four square metres of space in the rooms/dormitories are allowed for each detainee.

In Penal - Correctional Institution Sremska Mitrovica, the detainees without previous convictions will not be placed in the rooms/dormitories with the detainees with previous convictions, while special attention will be paid to the assignment of detainees to rooms/dormitories by the type of criminal offence they have been charged with.

Bunk beds with three bed frames will not be used in Pavilion II of Penal - Correctional Institution Sremska Mitrovica, i. e. the third bed frame will be removed.

Penal - Correctional Institution Sremska Mitrovica will immediately start the adaptation of shared sanitary facilities in the central part of Pavilion III, in accordance with the applicable regulations and standards.

Penal - Correctional Institution Sremska Mitrovica will immediately start the adaptation of Pavilion IV, in order to ensure that all accommodation conditions are in accordance with applicable regulations and standards. The building will be adapted so that the number of beds in the dormitories allows minimum eight cubic meters and four square meters of space for each prisoner; a separate room should be made for the common living room with the necessary equipment; sanitary facilities should be made inside the dormitories, separated by a wall and a door, with installed ventilation.

The building "School" will be vacated immediately and will not be used for housing prisoners until its possible adaptation, by which all the accommodation requirements, laid down by applicable regulations and standards, will be fulfilled. If the building is adapted, the existing dormitories will be partitioned to create the Penal - Correctional Institution Sremska Mitrovica dormitories for a smaller number of prisoners and beds, so that each prisoner has a minimum of eight cubic meters and four square metres of space; a separate room should be made for the common living room with the necessary equipment; sanitary facilities should be made inside the dormitories (and separated by a wall and a door, with installed ventilation), or the existing shared sanitary facility should be expanded and equipped in accordance with the capacity of the accommodation unit.

Penal - Correctional Institution Sremska Mitrovica will begin the adaptation of the Resort building, which should consist of wall painting, painting or replacement of doors and windows, repairing floors, as well as furnishing the common room with the kitchenette. The sanitary facilities should be made inside the dormitories (separated by a wall and a door, with installed ventilation), or the existing shared sanitary facility should be adapted and furnished according to the capacity of the accommodation unit.

Penal - Correctional Institution Sremska Mitrovica will complete the adaptation of accommodation units in the Industrial Complex building in accordance with applicable regulations and standards. By partitioning the existing large dormitories, the dormitories for a smaller number of prisoners and beds should be created, so that each prisoner has a minimum of eight cubic meters and four square metres of space; the common living ro-

oms should be adapted and furnished with necessary equipment; sanitary facilities should be made inside the dormitories (and separated by a wall and a door, with installed ventilation), or the existing shared sanitary facilities should be adapted and equipped in accordance with the capacity of the accommodation unit.

Penal - Correctional Institution Sremska Mitrovica will complete the adaptation of accommodation units in "Fire Station" Pavilion in accordance with applicable regulations and standards. By partitioning the existing dormitories, the dormitories for a smaller number of prisoners and beds should be created, so that each prisoner has a minimum of eight cubic meters and four square metres of space; sanitary facilities should be made inside the dormitories (and separated by a wall and a door, with installed ventilation), or the existing shared sanitary facility should be adapted and equipped in accordance with the capacity of the accommodation unit.

Penal-Correctional Institution Sremska Mitrovica will immediately adapt the shared bathroom/shower room used by the prisoners so that it completely fulfils the existing hygienic and sanitary requirements and ensures privacy of persons taking a shower.

Penal - Correctional Institution Sremska Mitrovica will ensure that each prisoner placed in the admission ward has a separate bed.

In Penal - Correctional Institution Sremska Mitrovica, the persons remanded to police custody will be placed in the rooms/dormitories separated from the persons in pre-trial/trial detentions and the persons serving a prison sentence.

The necessary space will be ensured in Penal - Correctional Institution Sremska Mitrovica as to allow minimum eight cubic meters and four square meters of space for each prisoner.

Penal - Correctional Institution Sremska Mitrovica will better perform routine maintenance of the facilities for accommodation of prisoners, including regular painting, maintenance of doors and windows, repair of floors and sanitary facilities. Penal - Correctional Institution Sremska Mitrovica will implement available measures and actions in order to encourage the prisoners to maintain hygiene of the premises in which they live, and the Institution will create conditions for maintaining hygiene by providing necessary supplies and equipment.

Penal - Correctional Institution Sremska Mitrovica will pay special attention to the quality, variety and quantity of food. The competent services, in particular the Health Care Service or the medical doctor will control nutrition regularly. Written findings and recommendations will be submitted periodically, and whenever necessary, to the Director and kitchen staff.

A sanitary inspection of the kitchen premises and equipment in the Institution will be carried out immediately by the competent authority/organisation.

At the time of handing over a letter to the Institution's official in order to be sent by registered mail, the person deprived of liberty will be given a receipt on handing over the letter in order to be sent by registered mail, containing the full name of the person who handed over the letter, name (first and last name) of the addressee, date of handing over the letter, registration number, official's signature and stamp of Penal - Correctional Institution Sremska Mitrovica.

In Penal - Correctional Institution Sremska Mitrovica more attention will be paid to the protection of privacy and dignity of prisoners during their physical examination or search. An intimate examination related to a search of persons deprived of liberty may be conducted by a medical practitioner only. Non-medical staff will not be present during examination unless the doctor requests it for security reasons, and it will be entered, together with the doctor's explanation, in the medical file and documentation prepared in this regard.

A conspicuous surveillance sign will be posted in the room for visits of Penal - Correctional Institution Sremska Mitrovica.

Penal - Correctional Institution Sremska Mitrovica will take immediate actions in order to provide more extensive video surveillance coverage of the Institution and to ensure the ongoing monitoring and storing of recorded material for the minimum period of 30 days.

Penal - Correctional Institution Sremska Mitrovica will immediately take measures to install alarm buttons for calling the guards in case of incidents in all the premises used for accommodation of persons deprived of liberty.

In Penal - Correctional Institution Sremska Mitrovica, the person deprived of liberty against whom a coercive measure has been used will be subjected to medical examination immediately after the use of coercive measure and again between the 12th and 24th hour after the used measure.

Penal - Correctional Institution Sremska Mitrovica will immediately, in accordance with applicable standards, create and refurbish a separate room for accommodating the prisoners on whom the special measure of placement in a specially secured room without dangerous implements has been imposed.

The adequate number of employees in the Treatment Service of Penal - Correctional Institution Sremska Mitrovica, necessary for the fulfilment of the purpose of treatment, will immediately be ensured.

Sremska Mitrovica Correctional Institution will not keep the convicted persons in the admission ward longer than 30 days.

Penal - Correctional Institution Sremska Mitrovica will perform correctional work, i.e. apply effective procedures and perform activities related to the treatment of prisoners, in accordance with the treatment programme determined individually for each prisoner.

The aforementioned refers primarily to more intensive individual and group work with prisoners, in accordance with the staff tasks regarding the implementation of individual treatment programmes.

Penal - Correctional Institution Sremska Mitrovica will decide on granting special privileges to the prisoners classified in groups also between the reviews of treatment programme, in order to allow gradual granting of special privileges, as envisaged by the Rulebook. The educators in Penal - Correctional Institution Sremska Mitrovica will duly inform all the prisoners about the ways and conditions for granting special privileges.

The educators in Penal - Correctional Institution Sremska Mitrovica will duly inform the prisoners about the course of procedure for granting special privileges within the group in which they are classified.

The educators in Penal - Correctional Institution Sremska Mitrovica will duly inform all prisoners about the ways and conditions for the review of treatment programmes.

The educators in Penal - Correctional Institution Sremska Mitrovica will duly inform the prisoners about the course of procedure for reviewing their treatment programmes or the reasons for not introducing modifications in this regard. The expert team of Penal - Correctional Institution Sremska Mitrovica will duly and fully inform the educators about the decisive reasons for not proposing to the Institution Director to modify the individual treatment programmes, upon educators' initiative.

Penal - Correctional Institution Sremska Mitrovica will submit to the Administration for Enforcement of penal Sanctions a written report on the problems encountered in the implementation of the Rulebook on the treatment, individual treatment programmes, classification and re-classification of prisoners, particularly related to re-classification.

Penal - Correctional Institution Sremska Mitrovica will duly inform the competent guardianship authorities about the placement in the Institution of those prisoners who have minor children, and in cooperation with these authorities and in accordance with its competences, it will facilitate the achievement of the best interest of the child whose father serves a sentence of imprisonment in the Institution. Penal - Correctional Institution Sremska Mitrovica will duly inform the competent guardianship authorities about the placement in the Institution of those prisoners who are the only carers of other persons. Penal - Correctional Institution Sremska Mitrovica will duly provide the prisoners with all information obtained in the contacts with the competent guardianship authorities regarding their minor children or other persons whose only carers are these prisoners.

Penal - Correctional Institution Sremska Mitrovica will include the preparation for release in the treatment of prisoners. An after-care programme will be established within the individual treatment programme before the release of the prisoner from the Institution. Penal - Correctional Institution Sremska Mitrovica will maintain the required cooperation in the provision of assistance to prisoners after release with the Administration's organisational unit responsible for treatment and alternative sanctions or with the guardian-

ship authority responsible for the territory of the prisoner's last place of permanent or temporary residence.

Penal - Correctional Institution Sremska Mitrovica will enable the prisoners to exercise their right to education by organising primary and secondary education, and other forms of education for the prisoners, according to the treatment programme and on the basis of their established needs and individual goals.

Penal - Correctional Institution Sremska Mitrovica will enable the prisoners to exercise their right to work by allowing them to work.

A shelter will be constructed in the space for spending time in the open air (walking) within the detention unit of Penal - Correctional Institution Sremska Mitrovica and its dimensions will be such as to allow all persons taken out for a walk to have shelter from precipitation.

Penal - Correctional Institution Sremska Mitrovica will allow the prisoners to stay outdoors at least one hour a day during the execution of the disciplinary measure of solitary confinement.

A separate space will be created in the detention unit of Penal - Correctional Institution Sremska Mitrovica, equipped for physical exercise and designated for physical activities of detainees both in the open air and indoors (for exercising when the weather is inclement).

Penal - Correctional Institution Sremska Mitrovica will provide necessary sports equipment (balls, handball goals, posts and nets for volleyball, table tennis equipment) and gym equipment in the Sports Centre Partizan. The Treatment Service will compile a list of sports fields, facilities, equipment and other installations necessary for performing physical activities by persons deprived of liberty; and Establish a programme of organised physical exercise and sports activities for persons deprived of liberty, according to which these activities will be carried out in the Institution.

Juvenile detainees in Penal - Correctional Institution Sremska Mitrovica will be placed in the same rooms/dormitories with adult detainees only on the basis of decision issues by a juvenile judge. When it is necessary to place a juvenile detainee in the same rooms/dormitories with adult detainees in order to avoid factual isolation, Penal - Correctional Institution Sremska Mitrovica will immediately notify the competent juvenile judge thereof for the purpose of issuing a proper decision on the possible placement of that particular juvenile detainee with adult detainees.

Penal - Correctional Institution Sremska Mitrovica will provide such accommodation facilities and other living conditions that are adjusted to the prisoners with disabilities who need to use a wheelchair or other orthopaedic aids, i. e. the accommodation that is adequate for the type and degree of their special needs.

Penal - Correctional Institution Sremska Mitrovica will immediately prepare a written analysis of the required number and professional profiles of employees in the Health Care Service (medical technicians and medical specialists, especially a surgeon, a dentist and a psychiatrist), necessary for providing all persons deprived of liberty placed in the Institution with health care services in accordance with the applicable regulations and standards, taking into account the structure and number of employees in the same kind of services in the newly established prison facilities in Serbia. Penal - Correctional Institution Sremska Mitrovica will submit the above-described analysis, without delay, to the Administration for Enforcement of penal Sanctions.

Penal - Correctional Institution Sremska Mitrovica, in accordance with the above-described analysis, will engage a required number of medical technicians and medical specialists for the Health Care Service.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica will timely record in the registers of injuries all sustained injuries, including the injuries resulting from self-harm, and duly update all the data relevant for the occurred injury.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica will keep the protocols on provided health services in a proper manner and enter all relevant data.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica will create and keep an electronic database of medical examinations and interventions performed.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the medical doctor, will submit to the Institution Director written periodic reports on the state of health of persons deprived of liberty, in the intervals not longer than one year or more often if needed. The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the medical doctor, will submit to the Institution Director a written report each time when it is established that a prisoner's physical or mental condition is impaired or compromised by the extension or the manner of serving his sentence, and propose measures for treating that person, including the possibility of the suspension of sentence. The Institution Director will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or if he disagrees with the measures, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

Penal - Correctional Institution Sremska Mitrovica will adapt the Infirmary building, by removing dampness, restoring the floors and performing the necessary painting work. The passing rooms and one patient room will be adapted to accommodate persons with physical disabilities. A kitchenette with the fridge will be created in each common living room and the preparation of food in the rooms will be prohibited. Smoking in the Infirmary will be prohibited, except in one designated room.

Penal - Correctional Institution Sremska Mitrovica will furnish the patient rooms in the Infirmary with bedside tables or lockers for each bed where patients will store their personal belongings and with the beds that meet the usual standards for hospital beds.

Penal - Correctional Institution Sremska Mitrovica will equip the rooms designated for medical examinations, i.e. the doctor's offices in the Institution, with all required medical equipment and devices, in accordance with regulations. Penal - Correctional Institution Sremska Mitrovica will provide a defibrillator in the doctor's office in the Infirmary.

Penal - Correctional Institution Sremska Mitrovica will provide the dental office with more functional equipment in accordance with applicable standards, as well as a sufficient amount of supplies, including anaesthetics, materials for fillings and other medications for root canal treatment. The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the dentist in the Institution, will immediately compile a specification of required equipment, supplies and materials for the treatment, restoration and extraction of teeth, which are necessary for the provision of dental care in the Institution in accordance with applicable standards, and promptly submit it to the Institution Director as part of the measures proposed for improving the health care provided to prisoners.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica will immediately prepare a written analysis of required medicines and other medical therapeutic means and supplies required for the provision of health care to persons deprived of liberty, taking into account the real needs of these persons, in accordance with applicable standards. Penal - Correctional Institution Sremska Mitrovica will promptly submit the above-described analysis to the Administration for Enforcement of penal Sanctions. The Health Care Service of Penal - Correctional Institution Sremska Mitrovica will make decisions on the manner of treatment or therapy for persons deprived of liberty according to real medical needs (indications) and will not change it for non-medical (economic) reasons in terms of adjusting the types and quantities of medicines and therapies to those available in the Institution.

Medical examinations of persons deprived of liberty in Penal - Correctional Institution Sremska Mitrovica will be conducted only in the presence of medical staff, unless the medical practitioner requests otherwise. On the external side of the entrance door to the doctor's offices and inside the doctor's offices, signs will be posted in visible places to indicate the prohibition of the presence of non-medical staff during medical examinations of persons deprived of liberty. If a medical practitioner requests the presence of the Security Service staff or other non-medical staff during medical examinations of persons deprived of liberty, an official note will be made thereof, which will include the reasons that guided the medical practitioner in requesting the presence of non-medical staff during the medical examination.

The doctor of the Health Care Service of Penal - Correctional Institution Sremska Mitrovica will examine all body parts of persons deprived of liberty during the first examination upon their admission to the Institution, i.e. the patients will be examined without the-

ir clothes on. It will be recorded in the medical records that the full physical examination has been conducted. If there are no injuries, that fact will be recorded. If there are injuries, the doctor will describe them and also include the allegations of the examined person concerning the circumstances of injuries, and give a medical opinion on the correlation between the explained circumstances of injuries and the diagnosed injuries. Where there is an indication that the examined person has been treated violently, the institution director will be promptly notified thereof.

The doctor of the Health Care Service of Penal - Correctional Institution Sremska Mitrovica will examine prisoners regularly, at least every three months. Regular periodic examinations of persons deprived of liberty will have all the elements of the first medical examination upon their admission to the Institution. Other medical measures will also be taken in accordance with the state of health of the examined person and other special needs. If any sign or indication that the examined person is treated violently is noticed during regular periodic examinations, and when it is established that his physical or mental physical or mental condition is impaired or compromised by the manner of serving the sentence, the Institution Director will be informed thereof in writing and without delay and the measures for treating that person will be recommended.

In Penal - Correctional Institution Sremska Mitrovica, doctor's reports on the medical examination of the prisoners against whom a coercive measure has been used will include: allegations of the person against whom a coercive measure has been used about the circumstances of injuries, and doctor's opinion about the correlation between the measures applied and the resulting injuries.

In Sremska Mitrovica Correctional Institution the doctor will examine the ill persons deprived of liberty every day.

In Penal - Correctional Institution Sremska Mitrovica, parenteral therapy (injections, infusion) will be administered only in the patient rooms or separate rooms designated for examination of prisoners / doctor's offices. The routine administration of injections will not be performed through bars or cell hatches, except in specific cases where such procedure is necessary due to the specific risk for health-care staff, which will be recorded in the medical documentation of the person concerned.

Penal - Correctional Institution Sremska Mitrovica will not deny the transportation to haemodialysis outside the Institution or the provision of any other type of health care to persons deprived of liberty because of being improperly dressed or violating the Institution's House Rules in any other way. A person deprived of liberty will not be deprived of health care because of violating the order or other rules of conduct, but he will be imposed a disciplinary measure instead if a disciplinary offence is established in the conducted procedure.

Penal - Correctional Institution Sremska Mitrovica will ensure that persons deprived of liberty are timely transported to scheduled specialist examinations and other medical in-

terventions in medical institutions outside the Institution. Penal - Correctional Institution Sremska Mitrovica will create an electronic database of scheduled specialist examinations and other medical interventions scheduled outside the Institution. In Penal - Correctional Institution Sremska Mitrovica the transportation of persons deprived of liberty to scheduled specialist examinations and other medical interventions in medical institutions outside the Institution will have priority over all other transportations.

In Penal - Correctional Institution Sremska Mitrovica, dental examinations of prisoners will be conducted upon their admission to the Institution, within one month at the latest; regular periodic dental examinations will be conducted within periods not longer than 12 months; individual dental files of prisoners will be created and maintained, and dental interventions will not be reduced mainly to teeth extractions but will include also restorations, i.e. fillings, and other dental services.

Penal - Correctional Institution Sremska Mitrovica will promptly transfer all prisoners suffering from severe mental disorders to the Special Prison Hospital or other adequate medical facility. Persons suffering from severe mental disorders will in the future be placed in Penal - Correctional Institution Sremska Mitrovica only if the conditions are subsequently created for their adequate treatment.

In Penal - Correctional Institution Sremska Mitrovica, medical records will include the injured person's allegations on the circumstances of injury and doctor's opinion on the connection between the injured person's allegations on the circumstances of injury and the occurred injuries; in case of indications that a prisoner has been treated violently, the doctor will promptly inform the Institution Director thereof in writing.

In Penal - Correctional Institution Sremska Mitrovica non-smokers will not be placed in the same rooms with smokers or in the rooms where other prisoners smoke. The non-smokers who are placed in the same rooms with smokers, or in the rooms where other prisoners smoke, will immediately be transferred to non-smoking rooms. Easily visible no-smoking signs will be posted in the rooms where non-smokers are placed and in all other rooms where smoking is prohibited. Easily visible sign indicating that smoking is allowed will be posted in the area where smoking is allowed in the Institution.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the doctor, will control accommodation, hygiene, sanitary and other conditions that have impact on the health of persons deprived of liberty, and will submit to the Institution Director in writing the findings and recommendations for improving hygiene in the Institution and personal hygiene of prisoners, state of sanitary installations and equipment, heating, lighting and ventilation of the rooms in which persons deprived of liberty live. The Institution Director will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he does not agree with them, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the doctor, will submit to the Institution Director in writing the findings and recommendations regarding the necessary physical activities of persons deprived of liberty. The Institution Director will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the doctor, will control nutrition in the Institution and submit to the Institution Director in writing the findings and recommendations regarding the quantity and quality of food for persons deprived of liberty. The doctor's written findings and recommendations regarding the quantity and quality of food will be immediately forwarded to the cook, about which the cook will make a written statement and submit it to the Institution Director without delay. The Institution Director will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

The Health Care Service of Penal - Correctional Institution Sremska Mitrovica, i.e. the doctor, will control accommodation of non-smokers and other conditions that have an impact on the health of persons deprived of liberty in order to protect them from harmful exposure to tobacco smoke. The doctor will also submit to the Institution Director in writing periodic findings and recommendations regarding the accommodation of non-smokers and other conditions that have an impact on the health of persons deprived of liberty in order to protect them from harmful exposure to tobacco smoke.

The Institution Director will immediately undertake the measures proposed by the doctor, and if some of them are not within his competence or he considers them unfeasible or does not agree with them, he will immediately forward them to the Director of Administration for Enforcement of penal Sanctions.

District Prison in Negotin¹³⁰:

District Prison in Negotin, persons in police custody shall be placed in the rooms/dormitories separately from the persons in per trial/trial detention and the persons serving a prison sentence.

District Prison in Negotin shall construct a shelter in the space for spending time in the open air (walking) within the detention unit of District Prison in Negotin and its dimensions will be such as to allow all persons taken out for a walk to have shelter from precipitation.

A separate space will be created in the detention unit of District Prison in Negotin, equipped for physical exercise and designated for physical activities of detainees both in the open air and indoors (for exercising when the weather is inclement).

The moisture problems in the walls of the rooms/dormitories shall be overcome, the walls shall be painted and sanitary ware shall be repaired, and where necessary, new sanitary ware shall be installed.

District Prison in Negotin shall install electric buzzer button for calling police officers on duty within the dormitories.

A separate space equipped for physical exercise and designated for physical activities of prisoners both in the open air and indoors (for exercising when the weather is inclement) will be created.

The moisture problems in the walls of the room/dormitory of semi-open department in District Prison in Negotin shall be overcome and the rooms shall be painted.

Special attention shall be paid to the quality, variety and quantity of food.

Competent services, in particular health care service or a doctor, shall regularly monitor the nutrition. The findings and recommendations will be periodically, and whenever it is necessary, delivered in writing to the prison warden and employees in the kitchen premises.

District Prison in Negotin shall carry out the complete renovation of the kitchen premises and equip them in accordance with the applicable standards.

In the case of the use of coercive measures, doctor's reports on the medical examination of the prisoners shall include the information required by law, as follows: (1) allegations of a person against whom a coercive measure has been used with regard to circumstances of injuries, i.e. anamnestic injury data, and (2) a doctor's opinion about the correlation between the measures applied and the resulting injuries.

Within the treatment program District Prison in Negotin shall take into account the procedures of the services of the Institute for preparation for the release of the prisoners.

In its future work District Prison in Negotin shall regularly pay remuneration to the prisoners with work engagement in the Prison, no later than the end of the month for the previous month.

District Prison in Negotin shall allow the prisoners to stay outdoors at least one hour a day.

District Prison in Negotin shall allow the prisoners the right to physical activity, enabling them to use the available capacity intended for physical activity and sport equipment.

Immediately upon their admission to the Institute, District Prison in Negotin shall allow the prisoners - members of national minorities to receive information about their rights in their own language.

District Prison in Negotin shall equip the ambulance in compliance with applicable regulations and standards.

District Prison in Negotin shall enable the distribution of information on infectious diseases, both to the persons deprived of liberty and to the prison staff.

District Prison in Zaječar¹³¹:

Moisture problems in the walls of all rooms/dormitories shall be overcome and the walls shall be painted.

The reason for water leakage from radiator pipes shall be established and the causes that lead to it shall be removed.

Better ventilation system in the rooms/dormitories will be provided as well as possibility of letting fresh air in.

District Prison in Zaječar shall implement available measures and actions to encourage the prisoners to maintain personal hygiene and hygiene in the area in which they reside, and the Prison shall create the conditions to maintain hygiene by providing necessary means and equipment.

A shelter will be constructed in the space for spending time in the open air (walking) within the detention unit of District Prison in Zaječar and its dimensions will be such as to allow all persons taken out for a walk to have shelter from precipitation.

At the District Prison in Zaječar, minors shall be accommodated in the same room-dormitory with adult persons, solely based on the decision of the competent juvenile judge.

A shelter shall be constructed in the space for spending time in the open air (walking) within the closed ward of District Prison in Zaječar and its dimensions will be such as to allow all persons taken out for a walk to have shelter from precipitation.

Moisture problems in the walls in all the rooms/dormitories shall be overcome and the walls shall be painted. Better ventilation system in rooms-dormitories shall be provided. Worn sanitary ware shall be replaced.

District Prison in Zaječar shall implement the measures and actions to encourage prisoners to maintain hygiene in the premises in which they live, and the Institute shall create the conditions for maintaining hygiene by providing the necessary means and equipment.

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District Prison in Zaječar shall allow the prisoners in the admission ward to stay outdoors at least two hours a day.

District Prison in Zaječar shall solve the moisture problems in all the rooms/dormitories, paint the walls and repair sanitary ware.

In the admission ward at the District Prison in Zaječar, smokers and nonsmokers shall not be accommodated together in the same dormitory.

In the rooms/dormitories of the admission ward, District Prison in Zaječar shall install electric buzzer button for calling officer on duty.

Special attention shall be paid to the quality, variety and quantity of food.

Authorized services, in particular health care service or a doctor, will regularly monitor the nutrition. The findings and recommendations will be periodically, and whenever necessary, delivered in writing to the prison warden and employees in the kitchen.

Sanitary inspection of the kitchen premises and the equipment shall be conducted without delay by relevant authority/organization at the District Prison in Zaječar.

District Prison in Zaječar shall make available the Serbian Constitution, Criminal Code, Criminal Procedure Code, the Law on Execution of Criminal Sanctions, the Law on Amnesty, the Law on the Protector of Citizens, bylaws which were adopted on the basis of Law on Execution of Criminal Sanctions, as well as texts of ratified international laws related to the enforcement of criminal sanctions and human rights and freedoms. District Prison in Zaječar shall separately in each room-dormitory clearly display a House Rules of penitentiary-correctional institutions and county jails.

In District Prison in Zaječar the person deprived of liberty against whom a coercive measure has been used will be subjected to medical examination immediately after the use of coercive measure and again between the 12th and 24th hour after the used measure.

In the case of the use of coercive measures, doctor's reports on the medical examination of the prisoners shall include the information required by law, as follows: (1) allegations of a person against whom a coercive measure has been used with regard to circumstances of injuries, i.e. anamnestic injury data, and (2) a doctor's opinion about the correlation between the measures applied and the resulting injuries.

Within the treatment program District Prison in Zaječar shall carry out the procedures of the Institute for preparation for the release of the prisoners in cooperation with centers for social work.

In its future work, the District Prison in Zaječar will regularly pay remuneration to the prisoners with work engagement in the Institute, no later than the end of the month for the previous month.

District Prison in Zaječar shall provide separate premises adequately equipped in order to permit prisoners to have private visits with their spouses, children or close friends.

District Prison in Zaječar shall provide accommodation facilities adjusted to the prisoners with disabilities, i. e. the accommodation that is adequate for the type and degree of their special needs.

Immediately upon their admission to the Institute, District Prison in Zaječar shall allow the prisoners - members of national minorities to receive information about their rights in their own language.

In District Prison in Zaječar, doctor's reports on the medical examination of the prisoners against whom a coercive measure has been used will include: allegations of the person against whom a coercive measure has been used about the circumstances of injuries, and doctor's opinion about the correlation between the measures applied and the resulting injuries.

District Prison in Kraljevo¹³²:

It will be ensured that the detention unit of District Prison in Kraljevo has necessary space for the placement of detainees, so that minimum eight cubic metres and four square metres of space in the rooms/dormitories are allowed for each detainee.

In District Prison in Kraljevo the prisoners shall be provided with direct access to sanitary facilities within the living room premises.

In District Prison in Kraljevo the prisoners in the admission ward shall be provided accommodation in accordance with law and standards, paying particular attention to providing privacy.

In the premises used for the execution of specific measures of isolation and solitary confinement, the problem of lack of natural light will be solved so as to enable reading without causing visual disturbance, at the same time providing adequate supply of fresh air.

Within the treatment program the District Prison in Kraljevo shall carry out the procedures for preparation for the release of the prisoners in cooperation with centers for social work..

District Prison in Kraljevo shall provide separate premises adequately equipped in order to permit prisoners to have private visits with their spouses, children or close friends.

District Prison in Kraljevo will provide such accommodation facilities adjusted to the prisoners with disabilities, i. e. the accommodation that is adequate for the type and degree of their special needs.

Recommendations to Psychiatric Hospital

Recommendations to Special Psychiatric Hospital Sveti Vračevi¹³³:

The wards Psychiatry 2 and Psychiatry 5 will be adapted. The existing large rooms will be partitioned to create smaller ones. Patients' privacy in the toilets will be ensured.

The Hospital will encourage patients to wear daytime clothes during the day.

The Hospital rooms and other areas where patients reside (living rooms, hallways, dining room, etc.) will be decorated in the way to create the impression of a more humane environment and to reflect the particularities of the patients who use them. The Hospital will encourage patients to bring their personal belongings: books, magazines, photos.

The staff will provide additional support to all hospital patients who need such support in order to enable them to spend as much time outdoors as possible, in accordance with their abilities and to participate in organised exercises on a daily basis.

The Hospital will make an analysis of the required number and professional profiles of employees, particularly psychiatrists and occupational therapists, sufficient for providing health care and psychosocial rehabilitation to all patients in accordance with modern standards.

The hospital will submit this analysis to the Ministry of Health of the Republic of Serbia.

The Hospital will make an analysis of the existing system of its financing, highlighting the existing gaps and proposing the model of financing that would allow the full enjoyment of the right to treatment and rehabilitation, and better functioning of the hospital. The hospital will submit this analysis of the Ministry of Health.

The Hospital will create an electronic database, suitable for the analysis of all parameters related to treatment and rehabilitation of patients.

The Hospital will introduce regular meetings / supervisions for all the staff engaged in working with a particular group of patients under the guidance of a more experienced doctor / head of ward to facilitate the exchange of experiences regarding the problems in their work with patients and to prevent the burnout syndrome. The hospital will particularly introduce the opportunities for education and support outside the institution such as individual supervisions, study visits and the like. The Hospital will encourage cooperation with independent bodies, researchers and educational institutions.

In case of admitting a patient to hospital treatment upon his or her own consent, the patient's statement of consent to admission must be given in the presence of two witnesses, whose identity data must be entered.

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When there are reasons to doubt the relevance of the patient's free will due to being incapable of sound judgment, the Hospital will not retain him or her for treatment based on his or her statement of consent to admission, but because of the nature of his or her illness, in accordance with the regulations governing the placement and retention of mentally ill persons without their consent.

The Hospital will not retain patients for treatment on the basis of their temporary guardian's statement of consent to admission.

In cases of admitting patients on the basis of their consent, the Hospital will obtain their consent both to proposed medical measure (treatment) and admission to hospital (hospitalisation).

The Hospital will timely deliver to patients the rulings on admission and retention in Hospital, received by the court, in a manner to enable them to exercise their right to effective legal remedy.

The medical doctors employed in the Hospital will not act in the capacity of expert witnesses before the court in non-contentious procedures in which the Hospital is a requesting party.

Physical restraint/fixation will not be implemented in the Hospital by tying only one limb.

The Hospital will keep a specific register/patient restraint records in a proper manner; it will enter the exact time of the beginning of restraint, immediately after restraining a patient, in a separate column, and the exact time of the termination of restraint, immediately after ending it, also in a separate column, as well as the reasons for resorting to such a measure, the name of the medical doctor who ordered or approved the measure, description of all the injuries of patient and staff that may occur, and other relevant circumstances of the case.

The Hospital will develop the information materials presenting the hospital procedures and patients' rights, which will be issued to patients and their families/guardians immediately upon admission to hospital treatment. Each patient who is not able to understand the brochure will receive appropriate assistance adjusted to the patient's intellectual capacities.

The Hospital will perform the activities aimed at informing patients about their rights and encouraging them to file complaints with the protector of patient rights when they are not satisfied with the provided health care service and their treatment, and to request legal assistance when they need it. The Hospital will keep records of the aforementioned activities in specific registers. Periodic reports on filed complaints will be prepared.

All necessary psychosocial rehabilitation programmes will be added to individual treatment plans for Hospital patients, including the programmes of occupational therapy, group therapy, individual psychotherapy, activities in the field of drama, music, sports and other. Experts in various fields and the patients themselves will be involved in the

preparation of treatment plans. Individual treatment plans should also include a plan of support after discharge from hospital. They should be enclosed to each medical record in writing and implemented by experts in various fields. The patients themselves should be actively involved in their development and evaluation. Individual treatment plans should include a plan of support after discharge from Hospital.

The Hospital will promptly prepare an analysis of the existing needs for appropriate mental health care services in the community that can take care of patients after their discharge from hospital, in the field of work covered by the hospital. The Hospital will submit the analysis to the Ministry of Health.

The Hospital will immediately create conditions for the inclusion of as many patients as possible into different forms of individual and group psychotherapy.

The Hospital will develop a programme of education for the nursing staff by assessing the needs, elaborating a plan of cooperation with educational institutions and organisations and introducing procedures for overseeing the organisation of training and evaluation of achieved results through its existing bodies.

The Hospital will develop accessible and tailored activities of psycho-social rehabilitation for hospital patients, and include all patients in the programmes of psychosocial rehabilitation in accordance with their needs and adjusted to their abilities. The Hospital will make an analysis of the required number of experts for performing the work of psycho-social rehabilitation and/or enable psychiatric nurses and medical technicians to acquire knowledge and develop skills necessary for successful rehabilitation of persons who are currently almost exclusively treated pharmacologically. The hospital will submit the aforementioned analysis to the Ministry of Health.

The Hospital will improve psycho-social rehabilitation in the form of cultural, entertaining or sports activities. The hospital will invest efforts to include a large majority of patients in the aforementioned programmes, in accordance with their needs and adjusted to their abilities.

The Hospital will, as soon as possible and in an organised manner, involve patients in making important decisions relevant to their stay and treatment in hospital. The Hospital will organise information sessions for the patients and employees, and provide technical support to the organisation and conduct of elections and the activities of the patients' council.

Recommendations to the Asylum Centre

Asylum Centre in Bogovađa¹³⁴:

The Commissariat for Refugees shall draft without any further delay the Rules on internal organization and staffing scheme (conducive to the implementation of all the planned work activities of the Center) and submit it to the competent authority for approval.

Upon adoption of the Rules on internal organization and staffing scheme, all job vacancies shall be filled without any further delay.

Asylum Centre in Bogovađa, in cooperation with the Commissariat for Refugees, shall provide without any further delay an adequate accommodation and other living conditions for all asylum seekers who have applied for accommodation at the Centre.

Asylum Centre in Bogovadja shall put an end to the practice of 'saving' rooms / beds for asylum seekers on previously reported leave of absence for several days.

Rooms / beds vacated by asylum seekers who took previously reported leave of absence shall be given to applicants who are on the waiting list for accommodation.

Asylum seekers who return to the Center after reported leave of absence shall be provided accommodation in the Centre in accordance with the available accommodation capacity of the Center and the current waiting list for accommodation.

The officers of the Asylum Centre in Bogovađa shall not retain / seize the original copies of certificate of intent to apply for asylum, issued by the Ministry of Internal Affairs.

The officers of the Asylum Centre in Bogovađa shall provide the conditions for carrying out medical examinations, as well as necessary health care to all asylum applicants who have applied for accommodation, paying special attention to the health care of children.

Asylum Centre in Bogovadja shall submit daily reports to the Commissariat for Refugees on the number of asylum seekers who have applied for accommodation at the center, and to whom it may not have been made possible due to lack of available accommodation capacity.

Asylum Centre in Bogovadja shall form the book of records of extraordinary events that will contain basic information about the event (date and time, description of an event, participants, the consequences ...) as well as about the measures taken on the occasion.

The Asylum Centre shall submit daily reports to the Commissariat for Refugees on extraordinary events.