

NPM ANNUAL REPORT - 2023

POLICE

Regarding the material conditions of detention facilities, this reporting year once again highlights the **Police Unit in Bijelo Polje** as a particularly poor example. A reiterated recommendation was made to decommission the detention facilities until they are fully renovated and adapted to meet the required standards. Despite the repeated recommendation from the **National Preventive Mechanism (NPM)**, these facilities remain in operation. Furthermore, the maintenance of hygiene within detention rooms continues to be a matter of concern. Although efforts to improve the situation have been noted, there remains a lack of systematic regulation addressing this issue at the level of the **Police Administration**. The **Ombudsman** commends the adoption of the **Rulebook on Conditions for Detention Facilities for Persons Deprived of Liberty and Detainees**, which was adopted in March 2024. This Rulebook is aligned with international standards, and it is expected that the necessary resources will be allocated for its practical implementation. The needs of the **Podgorica Airport** border crossing have not been met with adequate support from airport operators, specifically in terms of providing suitable material conditions for the detention of individuals. The airport, in coordination with border police, should promptly take measures to ensure that foreign nationals who have been denied entry into the country are accommodated under appropriate material conditions.

Procedural Guarantees – Standardization of Practices within the Police Administration

Regarding the summoning of citizens for the purpose of providing information as citizens, the **NPM** observed during its visits that in most cases this is executed through written summons. However, there are instances where citizens are summoned verbally or by telephone, with such actions generally recorded in an official note. It was observed that in some cases, the specific reason for the summons was not provided, i.e., the circumstances under which the individual was being called to provide information as a citizen were unclear, which is inconsistent with the provisions of the **Law on Internal Affairs**. Consequently, the NPM has identified inconsistencies in the practices of various security departments in handling these matters and emphasizes that citizens must be informed of the circumstances prompting the summons. The Ombudsman, in its capacity as the NPM, further observed variations in the procedures used for drafting **Records of Information Provided by Citizens**, particularly in terms of documenting the start and end times of the information-gathering process. There should also be a formal requirement to systematically record the start and end times of interrogations, any requests made by the detainee during questioning, and the identities of those present during each session.

The NPM reiterates that the electronic recording of police interrogations constitutes an additional safeguard against the mistreatment of detainees.

As in previous years, the NPM reviewed the treatment of persons deprived of liberty (PDL) and detained individuals (DI) in detention facilities, as well as the maintenance of records and files concerning these individuals. The **Ombudsman**, in its NPM capacity, once again stresses the consistent application of the obligation to inform every person deprived of liberty, in their own language or a language they understand, of the reasons for their detention. They must also be informed that they are not obliged to make any statements, that they have the right to a lawyer of their own choosing, and that they can request a person of their choice to be notified of their detention. Diplomatic or consular representatives of the country of which they are a citizen, or representatives of an appropriate international organization in the case of stateless persons or refugees, must also be notified. The NPM reiterated its previous recommendation to cease the practice of collective official notes concerning the

use of force. Upon reviewing the documentation, the NPM team observed that the practice of preparing an initial official note regarding the use of force has remained unchanged. The official notes are drafted in such a manner that all officers sign a single note without providing individual accounts of the situation. It was previously emphasized that official notes should be prepared individually, i.e., each officer who used force should independently draft an initial official note.

The NPM reiterates its previous recommendation that medical examinations within security departments must be conducted in a manner that ensures the highest possible degree of privacy and confidentiality in the patient-doctor relationship. At a minimum, these examinations should be conducted out of the hearing range of officers.

PRISONS

The protection of prisoners from abuse is a critical aspect of human rights protection. The material conditions in prison facilities remain inconsistent across different organizational units, within pavilions, and even within individual rooms. We continue to encounter drastically different conditions—ranging from overcrowded rooms lacking furniture to rooms that are fully adequate for habitation. The penal system in Montenegro must continue to improve the conditions under which prison sentences are served, starting with old buildings, outdated furniture, and poor sanitary conditions. Overcrowding not only hinders the normal functioning of inmates but also complicates staff supervision, which can impact the ability to respond promptly in unforeseen or conflict situations. Additionally, the penal system in Montenegro is struggling with a shortage of staff, with nearly one-third of positions unfilled. A significant number of employees work on fixed-term contracts, which exacerbates the sense of dissatisfaction. In terms of healthcare, the NPM once again emphasizes the need to focus particularly on those requiring enhanced medical care. In 2023, the conditions for such individuals housed in the infirmary of the **Investigative Prison** remained exceptionally poor.

The implementation and understanding of the **Istanbul Protocol** by medical professionals are essential for the prevention of abuse. Healthcare in prisons must adhere to the same ethical principles as those in the broader community.

It was once again highlighted that the confidentiality of medical data must be respected as rigorously as it is for the general population. Prisoners should be examined individually, not in groups. Third parties who are not medical personnel (other prisoners or non-medical staff) should not be present during medical examinations. Detainees should not be handcuffed during medical consultations, and security personnel should remain at a distance where they cannot hear or see the physical examination unless requested by the doctor or medical technician for personal or general security reasons.

Medical professionals play a vital role in the prevention of torture. They can assess and treat individuals who have survived torture, and some can document critical evidence of torture in medical-legal reports. The general impression of the NPM is that there is a lack of education regarding torture, as well as the ethical and legal issues surrounding it. It would be highly beneficial to address these topics through additional education and seminars.

PSYCHIATRIC INSTITUTIONS AND SOCIAL WELFARE FACILITIES

In the treatment of psychiatric patients, continued efforts must be made to increase the representation of occupational therapy and activities, as well as treatments that incorporate more frequent counseling support. Organizing activities that allow patients to feel supported and understood, alongside medication, produces the most effective outcomes. One noted issue is the shortage of psychiatric

specialists in psychiatric wards. To ensure that the various aspects of psychiatric diagnostics and treatment, which meet the needs and experiences of individuals living with mental health disorders, can be implemented in an optimal manner, staffing needs must be planned and addressed in a timely fashion.

The NPM consistently emphasizes that homes for the elderly are facing shortages of healthcare staff and a general lack of interest from healthcare professionals in these positions due to significant wage disparities. Healthcare workers with the same qualifications employed in institutions under the Ministry of Health receive significantly higher salaries.