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Executive Summary

to the Report

**to the Government of Serbia
on the visit to Serbia
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)**

from 26 May to 5 June 2015

Strasbourg, 24 June 2016

EXECUTIVE SUMMARY

The fourth CPT's visit to Serbia was of a periodic nature and provided an opportunity to assess the progress made by the country since the Committee's 2011 visit. In the course of the visit, the CPT's delegation reviewed the treatment and conditions of detention of persons deprived of their liberty by law enforcement agencies and of remand and sentenced prisoners in several establishments. It also carried out a visit to a psychiatric hospital and a social care home.

The CPT's delegation generally received good co-operation from the national authorities throughout the visit. Nevertheless, the Committee expresses concern regarding the fact that the bulk of its previous recommendations in the field of prisons have not been implemented. It also finds the response received from the Ministry of Interior in relation to the Committee's preliminary findings concerning police ill-treatment unconvincing.

Law enforcement agencies

A significant number of allegations of physical ill-treatment of criminal suspects by the police were received. The alleged ill-treatment consisted primarily of slaps, punches, truncheon blows but also included hits with non-standard objects, prolonged handcuffing in stress positions, placing of plastic bags over the head of suspects inducing suffocation and infliction of shocks with hand-held electric devices, as well as the so-called "falaka". The CPT stresses the necessity of the adoption of a multi-faceted approach to end ill-treatment by police officials consisting inter alia of delivering a strong message that ill-treatment of detained persons is illegal, unprofessional and will be subject to appropriate sanctions. It recommends that an effective system of investigations into allegations of police ill-treatment be established. Judges and prosecutors should also be reminded of their duty to ensure that allegations of ill-treatment are promptly and properly investigated.

As to the safeguards against the ill-treatment of persons deprived of their liberty, a number of shortcomings were observed in relation to the delayed notification of custody, the access to and the poor performance of ex officio lawyers in preventing ill-treatment, and the lack of confidentiality of medical examinations of detained persons. Further, clear guidelines on the conduct of interrogations of criminal suspects by the police should be adopted.

In terms of material conditions, the CPT acknowledges the efforts invested by the Serbian authorities to refurbish police detention units. That said, most of the cells in the police establishments visited remained unfit for overnight stay due to, inter alia, poor access to natural light, insufficient ventilation and hygiene and absence of mattresses and bedding.

Prison establishments

As regards prison overcrowding the CPT observes that the decrease of the overall prison population (i.e. from 11,500 to 10,600) is mainly related to the enforcement of the 2012 Law on Amnesty rather than to a more frequent recourse to the available alternative measures of detention.

The atmosphere at Belgrade District Prison had improved considerably since the CPT's visit in 2011. However, in the other five prison establishments visited numerous allegations of physical ill-treatment were received. The allegations consisted of slaps, punches and blows with truncheons against recalcitrant inmates or as informal punishment by custodial staff. The CPT stresses in this respect the importance of confidential medical examinations of inmates and accurate recording of injuries following such episodes in prisons as well as the necessity for the management of the prisons visited to demonstrate increased resolve in tackling ill-treatment of inmates by staff. Further, the level of inter-prisoner violence and intimidation was particularly worrying at Sremska Mitrovica Correctional Institution and Pančevo District Prison, and was linked to their understaffing. The CPT recommends that the authorities devise an effective national strategy to curb this phenomenon, which will require additional prison officers.

As regards material conditions, the situation has considerably improved at Belgrade District Prison, where extensive renovation works had been taking place since 2011. However, material conditions of detention were particular poor at Pavilions III, IV, and "Odmaralište" building of Sremska Mitrovica Correctional Institution, Pavilion II of Niš Correctional Institution as well as the closed regime sections of Pančevo District Prison. Cells and sanitary facilities in these sections were found to be in a poor state of repair, with inadequate access to natural light and ventilation, deplorable hygienic conditions and a level of decay which could represent a threat to the safety of prisoners (e.g. collapsing ceilings, concrete dust, large holes in the floor and dripping sewage installations). The situation was further aggravated by the serious levels of overcrowding (e.g. six inmates sharing cells measuring 8m² at Pančevo District Prison). Such material conditions could amount to inhuman and degrading treatment; therefore, the authorities should take urgent steps to remedy the situation by reducing the occupancy levels to a minimum of 4m² of living space per person in multi-occupancy cells and proceeding to extensive refurbishments.

Remand prisoners were still not offered any purposeful activity and were compelled to spend up to 23 hours per day in their cells; many were not even afforded the two hours of outdoor exercise provided by the law. Similarly, the exception being Niš Correctional Institution where more than 40 percent of the inmates under closed-regime had a permanent working activity, the percentage of sentenced prisoners engaged in work remains very low (up to 17 percent) at the establishments visited. Further, the CPT is also critical of the lack of transparency in and rigid implementation of the system of classification of prisoners.

The staffing complements of the health-care services at Belgrade and Pančevo District Prisons as well as Niš Correctional Institution were basically acceptable. However, the poor staffing levels at Sremska Mitrovica Correctional Institution (e.g. three doctors for 2,055 inmates at the time of the visit) as well as the deplorable material conditions of the health-care unit at the same establishment (e.g. decrepit furniture, broken window glass, thick flakes of mould and damaged flooring) did not befit a medical institution. The improvement of psychological and psychiatric care for inmates, the adoption of a national strategy for prisoners with drug-related problems, and the removal of obstacles to access to specialised care for remand and sentenced prisoners are the subject of further recommendations by the CPT.

As regards custodial staff, their numbers should be increased at Sremska Mitrovica Correctional Institution and Pančevo District Prison. Recommendations are also made to enhance prisoners' contact with the outside world, to improve the operation of the system of discipline and the application of the measure of enforced supervision.

At the Special Prison Hospital, a couple of allegations of ill-treatment of patients by nursing staff were received and inter-patient violence remained a problem (especially in Ward A). The Serbian authorities should establish a clear strategy on action needed to address the issue of inter-patient violence. Further, urgent steps should be taken to improve the poor living conditions in the hospital, notably in Wards A, C and D, to develop the range of rehabilitative psycho-social activities and to ensure that an individual treatment plan is drawn up for each psychiatric patient. Recommendations are also made to reinforce the health-care staffing levels and to strengthen the effectiveness of the legal safeguards for patients undergoing psychiatric treatment. In addition, the resort to fixation in the Prison Hospital should be reviewed and the principles and minimum safeguards recommended by the CPT applied rigorously.

At Valjevo Juveniles Correctional Institution, a number of allegations of ill-treatment of inmates by custodial staff were received; the allegations included the infliction of baton blows as a form of disciplinary sanction and were in some cases corroborated by documentation. The Committee is critical of the occasional practice of naked strip searches of offenders, the Spartan and dilapidated conditions in the dormitories of the 'School' and 'Workshop' Units, the paucity of purposeful activities on offer (targeting only some 40 percent of offenders). The Serbian authorities should address the disproportionately restrictive regime for those placed under an enforced supervision measure, as well as the poor conditions of this unit, and lack of safeguards around the enforced supervision placement procedure. Urgent steps must be taken to reinforce the custodial and health-care staffing levels. Further, the Committee criticised the accommodation of juveniles with adult inmates, the lack of a tailored regime for juveniles and the restrictive month-long induction procedure, to which all inmates (including juveniles) were subjected.

Special Hospital for Psychiatric Diseases "Dr Slavoljub Bakalović"

The CPT was able to observe that staff at the hospital had, in general, a caring attitude towards patients. That said, some allegations of deliberate ill-treatment of patients by staff (i.e. slaps and verbal assaults) were received. Further, numerous accounts of inter-patient violence and intimidation were noted. The CPT recommends that the level of staffing on all wards be sufficient to adequately care for, supervise and protect the patients.

In terms of material conditions, despite recent renovations in some parts of the hospital, the wards were generally impersonal, un-decorated and the interiors austere. Conditions were particularly poor at the O-ward in terms of hygiene and state of repair in both the dormitories and sanitary facilities. The CPT also observes that most patients were in practice offered few activities to occupy themselves. While their treatment was mainly based on pharmacotherapy, there were some psychotherapeutic approaches as well as occupational and community therapy but they were underdeveloped. A more individualized approach should be taken towards patients' treatment plans. Further, the CPT assessed that the health-care staff levels were insufficient to care for the therapeutic needs of some 800 patients, and recommended that the number of doctors, psychiatrists and nurses should be increased.

Concerning resort to mechanical fixation, the measure was not frequently applied and fundamental safeguards were generally complied with. That said, the CPT observed that an autistic patient had been restrained for prolonged periods in front of other patients and without proper medical supervision. In addition, informal seclusion of patients was also frequently applied by staff in particular at night. The Committee puts forwards concrete recommendations in order to regulate and limit the recourse to the use of means of restraint and seclusion of patients to specific circumstances.

In terms of legal safeguards for involuntarily hospitalised patients, the CPT is critical of the persistent absence in the Serbian legislation of a maximum period of duration of involuntary placement, the lack of an independent external psychiatric expert opinion during the placement (and continuation of placement) proceedings and the apparent systematic extension, by the courts, of mandatory hospitalisation and treatment measures. The CPT also calls upon the Serbian authorities to speed up the implementation of their strategy for de-institutionalisation.

Veternik Residential Facility

The establishment accommodated 542 adult and juvenile residents and continued to admit new residents at the time of the visit in contradiction to the national legal requirement which limits the capacity of social care establishments to 100 places.

The CPT's delegation observed that staff appeared generally to have a caring and professional attitude towards residents. That said, a few allegations of physical ill-treatment (i.e. slaps) and verbal abuse by staff towards residents were received. Further, inter-resident violence also was a daily occurrence in the secure pavilions of the establishment and was linked to the low levels of staff.

Concerning the use of means of restraint, the CPT found that blanket authorisations provided by an off-site psychiatrist in respect of 11 residents (including a few juveniles) resulted in frequent, and sometimes unjustified, recourse to fixation of these residents for prolonged periods (occasionally up to three weeks at a time). The CPT considers that such a practice may amount to inhuman and degrading treatment.

The CPT delegation was also concerned by the widespread recourse to psychoactive medication to residents who did not suffer from a mental health disorder, the lack of regulation of, and safeguards surrounding, the administration of psychoactive medication as well as the high level (and high dosages) of sedation of residents, many of whom were juveniles. Consequently, the CPT has recommended that an external independent body conduct a review into the use of chemical restraints at the establishment. The CPT also made a preliminary observation concerning the need for the immediate cessation of the seclusion of an incontinent female resident in a dilapidated room overnight.

The report describes the poor and cramped material conditions in some pavilions of the establishment (especially A-Old, A1 and A2) which compelled residents to sleep on make-shift mattresses. Further, there is a real need to increase the range of therapeutic and occupational activities for residents. The CPT also deplores the low staffing levels which may result in instances of negligent care of residents with potentially serious consequences to their health. Finally, the report addresses the fundamental safeguards surrounding the placement of residents, recommending that the Serbian authorities ensure that residents can challenge their placement in a social welfare institution and that the placement decision be subject to regular court reviews. It also calls for a better regulation of guardianship issues, including that all decisions on deprivation of legal capacity are subjected to a regular court review.