



Ministry of Justice of Republic of Serbia
Administration for the Execution of Penal Sanctions

Penal Reform Strategy for Serbia

June 2005

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Detailed Assessments and Action Plans for each of the Reform Commissions have been developed and are bound in a separate document.

Executive Summary

Purpose of the Penal Reform Strategy

The Penal Reform Strategy sets out the current situation in Serbia's penal system and the priorities for reform. It links the proposed reforms to overall Government policy, and describes the key challenges and priority actions in each priority area of reform. It demonstrates how the reforms are part of a coherent strategy to execute sanctions humanely, in order to protect the citizens of the Republic of Serbia and reduce re-offending, in line with international standards.

Background to the Strategy

In late 2004, the Ministry of Justice developed a 'Platform for the Strategy for Reform'. Following on from this initiative, the Administration for the Execution of Penal Sanctions (AEPS) has developed a Penal Reform Strategy and has established a number of Reform Commissions. Their task has been to suggest amendments to legislation and find practical ways to improve the overall performance of the penal system.

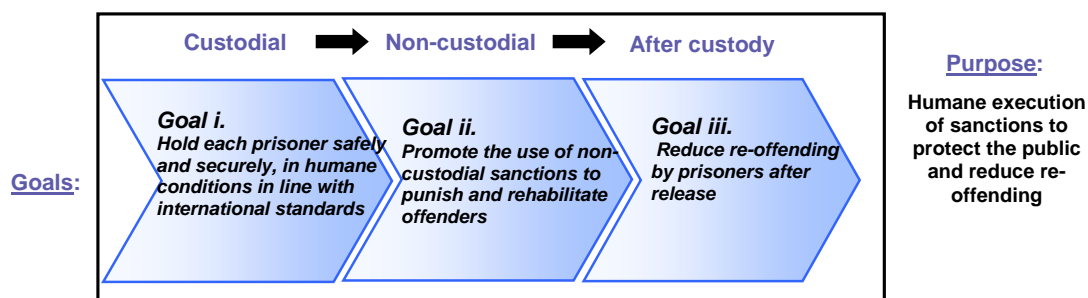
The high-level achievements to date are:

- February 2005: Review of priority areas for reform by new Director of AEPS;
- March-April 2005: Assessments conducted of key challenges. Possible solutions identified and initial action plans drafted;
- April 2005: Priorities and plans presented to international agencies and NGOs;
- Early May 2005: Draft Penal Reform Strategy developed on the work of the Commissions, together with other interviews and research;
- May 2005: Amendments suggested to the proposed Law on the Execution of Penal Sanctions.

The Ministry of Justice has also developed a Judicial Reform Strategy which has clear linkages with the Penal Reform Strategy.

Purpose and Goals of the penal system

The penal system is an important part of the broader justice and home affairs system. Justice and home affairs are a reform priority for the Government of the Republic of Serbia, highlighted for example in the Action Plan for meeting the priorities of the European Partnership.



The Penal Reform Strategy identifies three goals for the Serbian penal system, shown in the figure above. These focus on the three linked stages in the system: custodial, non-custodial and after custody. Together, all contribute to the purpose of the penal system, which is the humane execution of sanctions to protect the public and reduce re-offending.

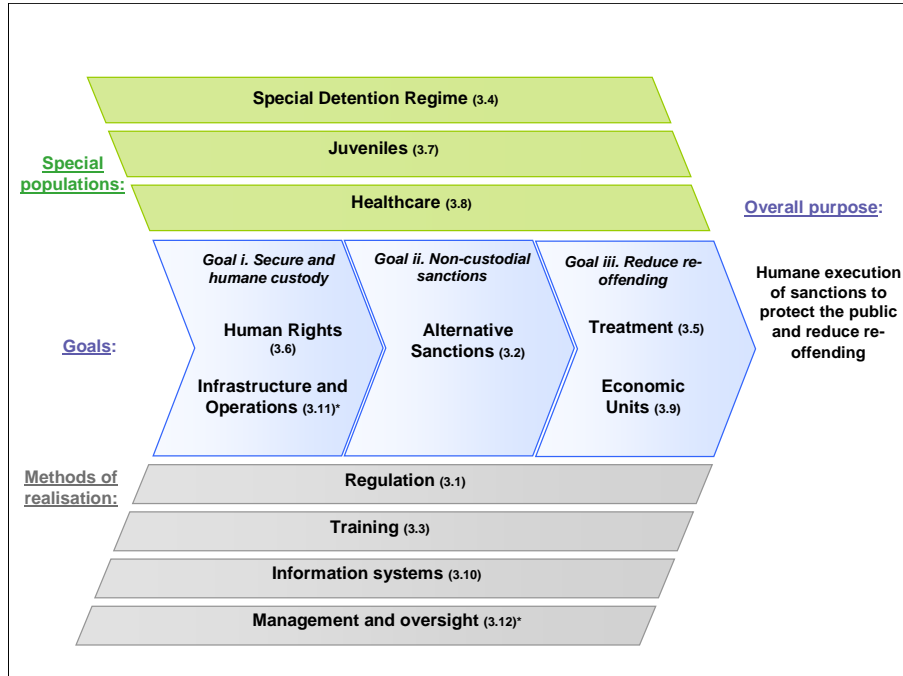
Priority areas for reform

There are now 10 Reform Commissions, with two further Commissions planned; all of these form key parts of the overall Strategy. The table below sets out the objectives for all 12 Commissions.

Commissions	Specific objective for the Commission
1. Regulations Commission	Ensure legislation provides the framework for a modern prison regime in line with international standards.
2. Alternative Sanction Commission	Ensure that Serbia has an appropriate range of supervised and unsupervised sanctions to punish and rehabilitate offenders.
3. Training Commission	Ensure that all staff are provided with training to build their skills, knowledge and motivation
4. Special Detention Regime Commission	Ensure that Serbia is able to meet the challenge of holding suspects awaiting trial or convicted of war crimes or organised crime. This will require new facilities, appropriate regimes in line with human rights standards, and specialised training.
5. Treatment Commission	Ensure that a range of rehabilitation programmes (education, training, social) are provided in order to change attitudes, build skills and prepare for release.
6. Human Rights Commission	Ensure that human right standards are adhered to, including the monitoring of conditions, both by internal and external parties and prevention of abuse of human rights.
7. Juvenile Commission	Ensure that the specific needs of juvenile offenders are recognised in terms of their rights and their re-integration into society
8. Healthcare Commission	Ensure that prisoners have access to healthcare equivalent to that provided in the community and tackle growing problems such as drug abuse, Hepatitis C, B and HIV/AIDS.
9. Economic Units Commission	Ensure that Economic Units are managed to provide constructive work opportunities (helping the rehabilitation of inmates) and to produce goods that help control prison costs.
10. Information Systems Commission	Improve the management information available to the AEPS to support effective planning, decision-making, and allocation of resources.
11. Infrastructure and Operations (<i>Commission not yet established</i>)	Improve the safety, security, operational management and maintenance of the buildings, infrastructure and facilities.
12. Management and Oversight (<i>Commission not yet established</i>)	Ensure there are effective systems for developing operational policies in line with international standards, implementing them and monitoring them. Also ensure that there is a proper system of independent inspections, staff disciplinary procedures and resolution of complaints by prisoners.

Summary of the Penal Reform Strategy

The relationship between the work of the Commissions and the overall goals of the prison system are set out in the figure below. Five of the Commissions sit within the core goals of the prison system. Three of the Commissions focus on special offender populations, exploring improvements for those special populations across the three goals. Four of the Commissions are focusing on how to realise the goals.



Next steps

After endorsement of the Strategy, the main reform focus of the AEPS will be to co-ordinate the work of the Reform Commissions and ensure that they deliver on their objectives, using the mechanism of the Penal Reform Strategy Steering Board.

The Commissions have developed detailed action plans and will report to the Penal Reform Strategy Steering Board on a regular basis. Where external funding is needed, donors will be approached for support. The Steering Board will publish regular updates on progress in implementing the Penal Reform Strategy.

1 Introduction

1.1 Background

In October 2004, the Ministry of Justice of the Republic of Serbia set out a 'Platform for the Strategy for the Reform of the Judiciary', which included some high-level priorities for the Serbian penal system. Since then, the Ministry of Justice has achieved a number of successes in prison reform, and has brought together the broader challenges and priority actions into a Penal Reform Strategy.

This document, the Penal Reform Strategy, refers throughout to the 'Administration for Execution of Penal Sanctions' and the 'prison system'. Both these terms in Serbian imply a focus on prison institutions; however, the Strategy as a whole is intended to be broader than this, covering the entire penal system.

The Strategy is divided into 4 main sections:

- The purpose of the Penal Reform Strategy and its linkages to the overall priorities of the Government of Serbia (Section 1);
- A summary of the current situation, key challenges and progress and the objectives for the Administration for the Execution of Penal Sanctions (Section 2);
- The key challenges and priority actions in the priority areas for penal reform (Section 3);
- Priority actions (Section 4);

Appendix 1 sets out a list of the individuals and some of the reports and documents that have been used to prepare the draft Penal Reform Strategy, Appendix 2 lists current support from international organisations and NGOs; and Appendix 3 sets out illustrative links with the Judicial Reform Strategy. In a separate document, we set out detailed assessments and action plans for all the 'Commissions' that lead reforms in priority areas.

The draft Penal Reform Strategy has been developed by the Administration for Execution of Penal Sanctions with support from the UK Department for International Development's (DFID's) Justice Project.

1.2 The purpose of the Penal Reform Strategy

The Penal Reform Strategy sets out the priorities for reform. This is an important document in order to:

- Communicate the priorities for penal reform and to direct the efforts of staff, international organisations and NGOs to support reforms in these priority areas;
- Demonstrate how the Administration for Execution of Penal Sanctions plans to meet international standards, and prepare itself for the requirements of the Stabilisation and Association Process (SAP) with the European Union;
- Ensure that reforms in the prison system are complementary with each other, as well as with planned reforms in other justice institutions and other Ministries;
- Develop detailed costed action plans and identify a funding strategy. This will include identifying reforms which can be led by the AEPS and other areas where external support (expertise and funds) are required;
- Provide detailed reform plans against which progress can be monitored, evaluated and communicated;

- Demonstrate the professionalism, credibility and commitment of the AEPS to lead the reform programme.

The EU SAP Feasibility Study Report for Serbia and Montenegro (April 2005) complimented the AEPS in Serbia for its efforts to develop a Penal Reform Strategy. It is important that the Penal Reform Strategy is officially endorsed to demonstrate progress.

1.3 Linkages to other reform priorities

The penal system is part of Serbia's broader justice and home affairs system. The number of offenders who pass through the penal system is influenced by the performance of other parts of the system, such as the success of the police in apprehending suspects, the quality of the work of the prosecutors, the speed with which the courts are able to complete trials, and the choice of sentences made by the courts. In turn, the performance of the penal system itself has an impact on crime – both by acting as a deterrent and by rehabilitating criminals so that they are less likely to re-offend after release. If the penal system is a weak link in this chain, the whole system is less effective.

Penal reform is thus an integral part of reform of the justice and home affairs system. This is recognised as one of the main priorities of the Government of the Republic of Serbia. The most comprehensive recent statement of Government priorities is the action plan on meeting the priorities of the European Partnership, amended in November 2004. One of the key priorities in the action plan is 'Democracy and the rule of law', which contains a number of commitments to reform the justice and home affairs system. The specific commitments in the Government of Serbia's action plan relating to 'prison conditions' are:

- Improve prison conditions in line with Council of Europe standards, in particular as regards vulnerable groups such as juvenile offenders;
- Ensure further training of penitentiary staff and improvement of facilities.

The responsible authority for these actions is the Ministry of Justice. In addition to these, there are many broader actions relevant to the execution of criminal sanctions. These include a number of actions under the headings of:

- Public administration reform;
- Fight against corruption and organised crime;
- Human and minority rights.

In addition, the Government of the Republic of Serbia's Budget Memorandum for 2005-7 emphasises the importance of reforms and states that 'Resources for more efficient functioning of [state] institutions will be provided and reforms of the police, prosecutors' office and judiciary accelerated'.

This Penal Reform Strategy is closely linked to the broader reform priorities set out by the Government of the Republic of Serbia.

2 Current situation

2.1 Background information on prisons in Serbia

There are 34 prisons in Serbia, of which 6 are in Kosovo and Metohija. Of the 28 prisons managed by the AEPS in the Ministry of Justice of the Government of the Republic of Serbia, there are 17 semi-open District prisons; one strictly closed prison at Pozarevac; one closed reformatory facility and one educational correctional facility for juveniles; two closed prisons for males (at Nis and Sremska Mitrovica); one semi-open prison for females at Pozarevac; four open prisons for males and one prison hospital.

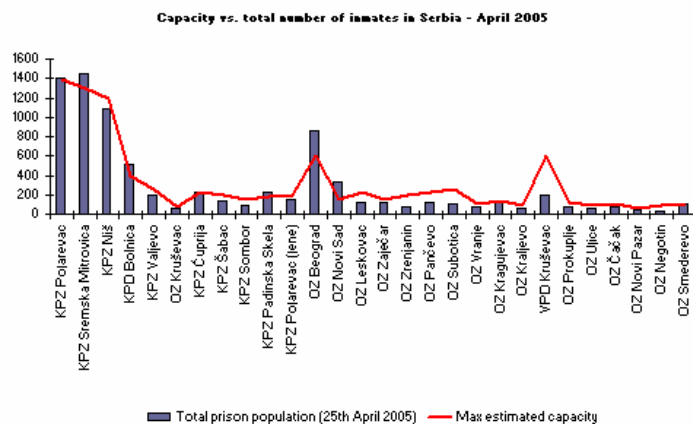
Figure 1: Prison system in Serbia: Key facts



The number of prisoners has risen steadily from 3,600 in the early 1990s to 6,000 in 2000, 7,800 in 2004 (December 2004) and 8181 (March 2005). The proportion of pre-trial prisoners was 22% at the end of March 2005, a figure close to EU norms. There are 315 juveniles in correctional facilities (179 in Correctional facility in Krusevac, 125 in Valjevo reformatory facility¹ and 11 in other prisons). The total number of women imprisoned is 154, which is lower than EU norms.

The estimated maximum capacity of the prisons in Serbia is 8,887. However, this estimate is provisional, and is not based on international standards (sometimes specified as 8 sq m per prisoner). Some prisons are very overcrowded, whereas some of the smaller prisons are below their maximum capacity. The chart below shows the number of prisoners compared with the estimated maximum capacity of the prison for all the institutions in Serbia.

¹ 4 individuals less than 18, and 121 individuals 18-23 years

Figure 2: Capacity vs total number of inmates in Serbia per prison

Figures from Operative Centre, Administration for Execution of Penal Sanctions (April 2005)

The prison system has been under the responsibility of the Ministry of Justice since 1968. The system is managed by the Director of the Administration for the Execution of Penal Sanctions. He is recommended by the Minister of Justice and appointed by the Government for a four-year term. The Director supervises the work of all prisons. A Governor is appointed for each prison by the Minister of Justice for a period of four years. There are 3,447 staff employed in the prison system, of whom just over half are security officers. There are 26 posts in the Administration for Execution of Penal Sanctions (AEPS), although some of these posts are currently vacant. The budget for the prison system in 2004 was 2,117,787,225 dinars (or 25,826,673 euros²), of which almost 80% is used for staff salaries. There has been relatively limited support from international donors in comparison with other justice institutions, such as the courts or the police.

The main legislation governing the work of the AEPS is the Penal Code (1976), the Criminal Procedure Code (2002) and the Law on the Execution of Penal Sanctions (1997). Each of these Laws is currently being revised.

2.2 Key challenges and recent improvements

The Republic's penal system faces many challenges. The prison population has increased over time and it has a relatively high prisoner rate per population in comparison with other countries in the region. This is in part due to a minimal use of non custodial sentences. This has led to overcrowding and increased costs.

There are many other challenges such as outdated legislation, limited management systems and limited funds. Prisoners are also typically not held in conditions in line with international standards due to poor infrastructure and facilities, little training for staff and limited rehabilitation programmes.

The AEPS faces new challenges with a rising rate of juvenile offenders, increasing healthcare problems such as drug abuse and more recently, how to hold prisoners accused of crimes related to war crimes or organised crime both securely and in line with international human rights standards.

In recent years, the Administration for Execution of Penal Sanctions has made good progress in reform, in often very difficult circumstances. Some of the many high-level achievements of the AEPS include:

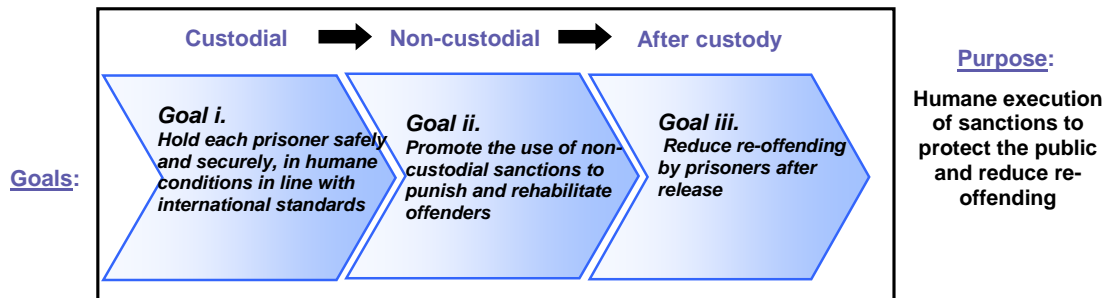
- Introducing the practice of allowing NGOs to visit prisons for monitoring purposes in 2001;

² using exchange rate -April 2005

- Establishing co-operation with the OSCE, Council of Europe and UNICEF in 2001 and involving other international bodies in the reform process;
- Implementing a system to allow inmates to vote during elections;
- Establishing a new training centre in Nis and developing and delivering a number of quality training programmes to improve the skills of staff;
- Starting to introduce a range of new treatment programmes for juveniles;
- Receiving praise from external monitors – for example, despite the Belgrade Prison Hospital’s limited resources, the Helsinki Committee for Human Rights recently praised its “*highly competent and conscientious service delivery*”;
- Conducting a review of the Law on Penal Sanctions and making revisions to ensure that the prison system operates within a modern framework and in line with key international standards.

The process of amending the Law on Penal Sanctions and setting up Reform Commissions helped to define the goals of the Serbian penal system. Three goals have been devised and are illustrated in the figure below. These goals focus on the three linked stages in the system: non-custodial, custodial and after custody. Together they contribute to the suggested overall purpose of the system, which is the “*humane execution of sanctions to protect the citizens of the Republic of Serbia and reduce re-offending*”.

Figure 3: The Goals and Purpose of the Serbian prison system



2.3 Commissions for Penal Reform

Commissions (or working groups) were formed by the Administration for Execution of Penal Sanctions in late 2004. Their task has been to suggest amendments to legislation and find practical ways to improve the overall performance of the penal system.

The Commissions are responsible for:

- Identifying opportunities for improvement, agreeing priority activities and developing action plans;
- Estimating the cost of their proposals and identifying sources of funding (through MoJ budget or donors);
- Developing project proposals and seeking support where external funds are required;
- Ensuring implementation of the reform activities and monitoring and reporting on progress

The achievements to date are:

- February 2005: Review of priority areas for reform by new Director of Administration for Execution of Penal Sanctions;
- March-April 2005: Assessments conducted of key challenges. Possible solutions identified and initial action plans drafted;

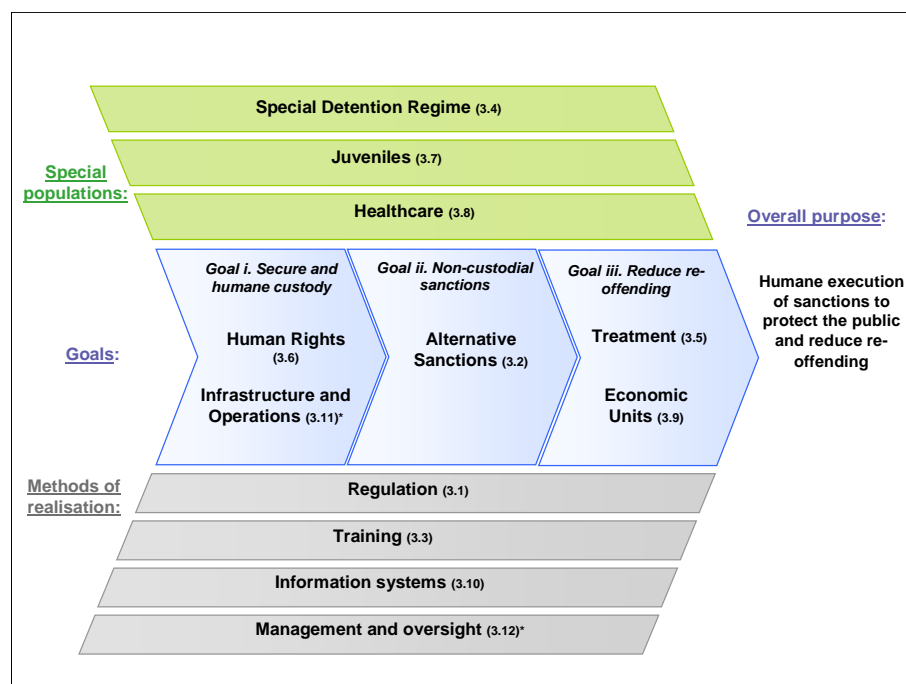
- April 2005: Priorities and plans presented to international agencies and NGOs;
- Early May 2005: Penal Reform Strategy and Action Plans drafted for the Commissions.
- May 2005: Amendments suggested to the proposed new Law on the Execution of Penal Sanctions.

2.4 Subject areas of the Commissions

The relationship between the three prison goals and the Commissions is set out in the diagram below, which summarises the overall Penal Reform Strategy. There are many linkages and interdependencies between the Commissions. Five of the Commissions sit within the core goals of the AEPS (*Alternative Sanctions, Human Rights, Infrastructure and Operations, Treatment and Economic Units*). Three of the Commissions focus on special offender populations (*Special Detention Regime, Juveniles and Healthcare*), providing improvements for those special populations across the three goals. Four of the Commissions (*Regulation, Training, Information Systems and Management and Oversight*) focus on how to realise the three goals.

Together, all 12 Commissions contribute towards the overall purpose of ‘*Humane execution of sanctions to protect the citizens of the Republic of Serbia and reduce re-offending*’.

Figure 4: Overview of the Penal Reform Strategy



Numbers in brackets correspond to Section in this report where the Commissions are discussed in more detail

*Commissions not yet established

The Table below sets out the objectives for the 10 Commissions. It also sets out objectives for the 2 planned new Commissions.

Commissions	Specific objective for the Commission
1. Regulations Commission	Ensure legislation provides the framework for a modern prison regime in line with international standards.
2. Alternative Sanction Commission	Ensure that Serbia has an appropriate range of supervised and unsupervised sanctions to punish and rehabilitate offenders.
3. Training Commission	Ensure that all staff are provided with training to build their skills, knowledge and motivation

4. Special Detention Regime Commission	Ensure that Serbia is able to meet the challenge of holding suspects awaiting trial or convicted of war crimes or organised crime. This will require new facilities, appropriate regimes in line with human rights standards and specialised training.
5. Treatment Commission	Ensure that a range of rehabilitation programmes (education, training, social) are provided in order to change attitudes, build skills and prepare for release
6. Human Rights Commission	Ensure that human right standards are adhered to, including the monitoring of conditions, both by internal and external parties and prevention of abuse of human rights.
7. Juvenile Commission	Ensure that the specific needs of juvenile offenders are recognised in terms of their rights and their re-integration into society
8. Healthcare Commission	Ensure that prisoners have access to healthcare equivalent to that provided in the community and tackle growing problems of drug abuse, Hepatitis C, B and HIV/AIDS.
9. Economic Units Commission	Ensure that Economic Units are managed to provide constructive work opportunities (helping the rehabilitation of inmates) and to produce goods that reduce prison costs
10. Information Systems Commission	Improve the management information available to the Administration for Execution of Penal Sanctions to support effective planning, decision-making, and allocation of resources.
11. Infrastructure and Operations (<i>Commission not yet established</i>)	Improve the safety, security, operational management and maintenance of the buildings, infrastructure and facilities;
12. Management and Oversight (<i>Commission not yet established</i>)	Ensure there are effective systems for developing operational policies in line with international standards, implementing them and monitoring them. Also ensure that there is a proper system of independent inspections, disciplinary procedures against staff and resolution of complaints by prisoners.

There are many linkages and interdependencies between the different Commissions. The linkages are explored in more detail in the individual appendices for each Commission.

2.5 Linkages with the Judicial Reform Strategy

The Ministry of Justice has developed a ‘Judicial Reform Strategy’ in parallel with the Penal Reform Strategy. The Judicial Reform Strategy is organised around 4 key ‘priorities for judicial reform: independence, transparency, accountability and efficiency’. Below, we set out the linkages between the Penal Reform Strategy and these 4 ‘priorities’ for Judicial Reform.

- *Independence*: this is not relevant to the prisons system, which is part of the executive of the Government of Serbia and not part of the independent judiciary. However, in some countries, prisons administration is separated from the Ministry of Justice;
- *Transparency*: this is fundamental to the Penal Reform Strategy, and will be one of the main focuses of work of the Management and Oversight Commission, as well as the Human Rights Commission, Regulation Commission and others;
- *Accountability*: again, this is a priority in the work of several of the Commissions, including Regulation, Management and Oversight, Human Rights, Information Systems and Training, and more broadly underpins all of the Commissions;
- *Efficiency*: This will be a key principle guiding the work of both the Infrastructure and Operations Commission and the Management and Oversight Commission. Efficiency is also directly addressed by work in the Economic Units Commission and the Information Systems Commission. More broadly, successful implementation of the recommendations of the Alternative Sanctions and Treatment Commissions should lead to lower numbers of prisoners and fewer prisoners reoffending on release, which will in turn improve efficiency.

In Appendix c, we summarise other linkages between the Penal Reform Strategy and the Judicial Reform Strategy.

3 Key challenges and priority actions

This Section sets out the key challenges and proposed actions in each of the 12 areas of prison reform where Commissions are already functioning or planned. A separate document contains more detailed Assessments and Action Plans for all the Commissions.

3.1 Regulation

The prison system operates within a **legislative framework** in which the most important laws are the Penal Code (1976), the Criminal Procedure Code (2002) and the Law on the Execution of Penal Sanctions (LEPS) which was enacted in 1997. Appropriate laws, in line with modern international standards, are required to specify the structure and tasks of the agencies that are responsible for operating prisons and supervising non-custodial sanctions. These laws must create strong agencies with clear lines of accountability. However, they must also be flexible enough to encourage innovation and improvement as new approaches are implemented. The laws and bye-laws should be consistent with international standards for the treatment of offenders to which the Government of Serbia has subscribed.

The proposed Law for Juvenile Offenders of Criminal Acts and their Protection while in Custody was sent to the Serbian Parliament for their review in 2004. This proposal represents a meaningful advance of the Serbian juvenile justice system towards meeting European standards.

The Government of Serbia is developing a Strategy for EU Integration. A new mechanism, institutionalised in the Government Rules of Procedure, stipulates that every proposed bill must now be accompanied by a statement of compliance with the *EU acquis*.

Key Challenges

Current legislation limits the scope for developing a modern penal system. The main law governing the work of the AEPS is the 'Law on the Execution of Penal Sanctions'. Currently, it does not meet important international standards and some of its provisions have not been implemented due to a lack of funds. Revisions being considered for other legislation – such as the Criminal Code, the Criminal Procedure Code and the proposed Law for Juvenile Offenders of Criminal Acts and their Protection while in Custody - will impact on the work of the AEPS.

Priority Actions for the Commission

A revised Law on the Execution of Penal Sanctions was submitted to Parliament in late 2004. However, further important revisions have been identified and in April 2005, experts appointed by the Minister of Justice have finalised a set of 55 amendments to the existing draft, which include provisions related to alternative sanctions, establishment of the Training Centre, the special detention regime and independent inspection. Future priority actions include:

- Calculating the cost of the proposed revisions to the LEPS and the Law for Juvenile Offenders of Criminal Acts and their Protection while in Custody, and identifying appropriate sources of funds;
- Developing a set of new bye-laws consistent with the new Laws;
- Communicating the essential aspects of the new Laws to those responsible for implementing them;
- Developing a process for monitoring implementation of the Laws.

A more detailed Assessment and Action plan for 'Regulation' is set out in Appendix 1 (Separate document: 'Commission Assessments and Action Plans')

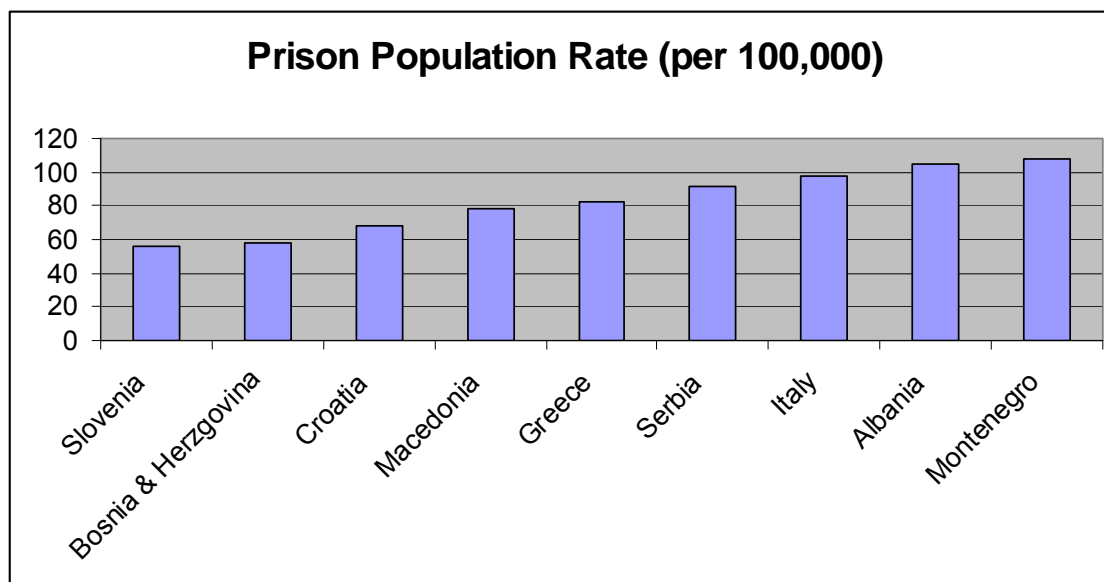
3.2 Alternative sanctions

Alternative sanctions are widely used in the European Union³. Membership of the Council of Europe requires that a range of non-custodial sentences are available. EU accession questionnaires require detailed responses on the use of alternative sanctions.

³ See Green Paper on the approximation, mutual recognition and enforcement of criminal sanctions in the European Union, Brussels 30.04.2004

There are many benefits of introducing alternative sanctions, including: a greater range of sentences available for the courts, cost savings, reducing pressure on over-crowded prisons and the rehabilitation of prisoners. The number of prisoners in Serbia is increasing (see section 2.1), which has led to overcrowding and increased costs. The prison population rate is high in Serbia compared to other countries in the region, as demonstrated in the graph below.

Figure 5: Prison population rate in selected countries



Figures from International Centre for Prison Studies (April 2005)

Some alternative sanctions already exist in Serbian law (such as fines, property confiscation and compulsory treatment). Other countries in the region have introduced a wider range of alternatives to custodial sanctions. Proposed amendments to the Law on the Execution of the Penal Sanctions and the Criminal Law put forward two new types of alternative sanction: unpaid work in the community and probation. Proposals to introduce reparation to the victim (mediation) could also be introduced through separate legislation.

Key Challenges

After the new laws are adopted, it will be necessary to develop bye-laws with more detailed regulations. Before reaching that stage, it will be important to draw on other experience before deciding on the best model for implementation of alternative sanctions. Also, possible resistance from the public and special interest groups (such as the police and the courts) towards introducing alternative sanctions should be anticipated. Although some will support the measures, others will believe that prison is the most suitable punishment for crime. Finally, when the new law is adopted, it will be vital to train judges and court officials to understand and use alternative sanctions appropriately.

Priority Actions for the Commission

- Agreeing the mechanisms and responsibilities for supervising the execution of alternative sanctions, and conducting a short and long term cost-benefit analysis;
- Organising a roundtable (with the support of the Council of Europe) to discuss the enhancement of the system
- Developing bye-laws that will govern the execution of alternative sanctions;

- Raising awareness about alternative sanctions with judges (for passing these sanctions), citizens (to accept these measures), and the Administration for Execution of Penal Sanctions (to ensure necessary conditions for implementation)
- Training judges, court officials and staff involved in supervising alternative sanctions.
- Setting up pilot programmes to test certain types of alternative sanctions (those requiring supervision and those that do not) and monitoring the results.

A more detailed Assessment and Action plan for ‘Alternative Sanctions’ is set out in Appendix 2 (Separate document: ‘Commission Assessments and Action Plans’)

3.3 Training

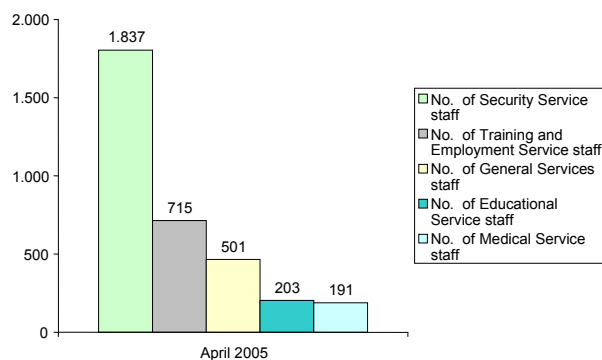
Managers and staff are the most important asset of the prison system. To date, staff have received limited training, and many lack important skills and knowledge to ensure they are able to cope with the challenges of working in a difficult prison environment and to carry out their duties in line with appropriate human rights standards.

Key Challenges

Significant progress has been made over the last year with support from OSCE. A training centre has been opened in Nis and a range of training programmes for all disciplines and all grades have been developed. Selected staff are now being trained to act as tutors on the courses. The Minister of Justice has recently approved and integrated in the system the set of 168 lesson guides and 36 lesson plans developed in spring this year. However, much remains to be done.

The number and type of staff (e.g. security, education, medical) varies widely across the prisons, with some prisons having limited numbers of staff in important areas such as treatment and healthcare. As the chart below shows, over 50% of staff are security guards. This ratio of security guards is typical in many countries although security guards usually take on a wider range of responsibilities than in Serbian prisons.

Figure 6: Breakdown of types of staff in the Serbian prison system



Figures from Operative Centre, Administration for Execution of Penal Sanctions (April, 2005)

Staff training programmes for special populations in the prison system, including: juveniles, women, and individuals with special needs, physical and/or mental illnesses, are urgently required in order to assist staff to meet international standards.

At present neither the Training Centre nor training is defined in law, which means that funds are not available from the MoJ budget. There is no budget to continue the work of the Training Centre at Nis. There is also a lack of technical equipment required for effective delivery of modern interactive approaches to staff training. More handbooks and expert guidance is needed to help staff carry out their

duties. Most specialist staff (doctors, educationalists) do not have access to specialist reference training or reference documents. In addition, there are no residential training facilities, which is expensive in terms of costs and staff time. Finally, there is no effective system for managing the performance of staff and ensuring that new skills and knowledge is applied in the workplace.

Priority Actions for the Commission

Significant progress has been made to establish a training centre and to develop good quality training materials for most disciplines and grades. However, there is more to be done to ensure effective delivery of the training programmes and to ensure that the training leads to improvements in the skills and behaviour of prison staff. Priority actions include:

- Appointing a full time ‘Head of Training’ in the Administration for Execution of Penal Sanctions headquarters to co-ordinate all training activities. (OSCE may be able to cover this salary for the first 18 months but the MoJ should fund this post thereafter);
- Ensuring that the Training Centre is properly established in the Law (as envisaged in the latest proposed amendments) and dealt with in detail in a book of rules (a book of rules has already been drafted and is awaiting final approval from the MoJ) and funded from the annual budget
- Purchasing additional equipment to ensure effective delivery of courses;
- Developing clear responsibilities and procedures for the Training Steering Boards to manage and co-ordinate all training for prison staff across Serbia. This should include procedures to identify priority training needs; to develop an annual programme; to identify individuals to attend the training and to evaluate the training delivered etc
- Continuing to develop, deliver and evaluate the training programmes in agreed priority areas;
- Expanding the current capacity of Nis Training Academy perhaps by opening small training units in Belgrade and Novi Sad Prisons
- Developing a performance management system to identify training needs and to manage the performance of staff.

OSCE and the Council of Europe are supporting the AEPS with this work. A more detailed Assessment and Action plan for ‘Training’ is set out in Appendix 3 (Separate document: ‘Commission Assessments and Action Plans’)

3.4 Special Detention Regime

Organised crime is one of the main obstacles to achieving safety, security and strengthening the Rule of Law in Serbia. Prisons contain a growing number of individuals who are charged with organised crime or war crimes. Members of criminal gangs have the physical and financial power to pose risks to security and to pervert the course of justice. It is essential that special measures are in place to hold these prisoners as well as to investigate, prosecute and adjudicate cases and ensure that prisoners are not able to organise criminal activities while in prison. Dealing effectively with these individuals will have consequences beyond Serbia.

Key Challenges

Special legislation (Law on Combating Organised Crime) was introduced in 2002 to improve Serbia’s ability to deal with these increased threats. Some parts of the justice system, including the police and the courts, have been strengthened to cope with the challenges of organised crime and war crimes. However, more attention must now be given to the issues faced by the prisons.

Belgrade District Prison currently holds just over 100 men who are waiting for their cases to be dealt with by the Special Department of Belgrade District Court for Organised Crime and War Crimes. Some of these individuals are very high profile. Holding such suspects requires new standards of security, facilities and regimes in line with international standards.

There have been no major incidents to date, but it is believed that the relatively calm atmosphere is due largely to the hope of acquittal. However, if inmates are convicted and sentenced to long terms of imprisonment their mood is expected to change substantially. The current legislation was not designed to cater for the risks and needs presented by this special group of prisoners and should be revised. The existing accommodation at Belgrade District Prison is unsuitable and poses security risks. Finally, attention should be focused on staff to enable them to resist violent intimidation or sustained campaigns targeted on specific individuals. This will include: training, support mechanisms and systems to manage corruption.

Priority Actions for the Commission

OSCE is supporting the AEPS with some aspects of this work. Key priority actions include:

- Amending related legislation (Amendments on the Law on the Execution of Penal Sanctions have already been prepared and a new Law on Organised Crime is also ready); In addition a ‘lex specialis’ covering the Special Detention Regime should be passed. OSCE has financed a working Group that has already prepared a basic draft.
- Developing a new regime for high security prisoners with a full set of operating instructions;
- Devising a suitable management structure and the roles and responsibilities of staff. Developing and delivering specialised training programmes for staff;
- Determining the appropriate facilities required to hold these prisoners (e.g. new prison, adapt units of one or more existing prisons) and identifying sources of funding for the new accommodation and equipment

A more detailed Assessment and Action Plan for the ‘Special Detention Regime’ is set out in Appendix 4 (Separate document: ‘Commission Assessments and Action Plans’)

3.5 Treatment (rehabilitation programmes)

International standards require that prisoners be given the opportunity for work, education and social programmes. They should also be given appropriate advice and support before release. Rehabilitation programmes aim to change attitudes, improve knowledge and teach new skills to prisoners. It is important to try to reduce the rate of re-offending and to enable prisoners to re-integrate into the community. Rehabilitation programmes often also contribute to a more positive prison environment with fewer violent incidents and less deterioration in mental health.

Key Challenges

Assessments by NGOs and international organisations suggest that the current rehabilitation programmes provided in many prisons in Serbia are inadequate. The lack of work, education and social activities mean that many prisoners spend large amounts of time in their cells unoccupied. This in turn leads to the development of negative attitudes and an anti-staff culture. A recent report by the Helsinki Committee for Human Rights stated that *“prisoners are rarely offered a variety of meaningful activities that would motivate them for work and education.....inappropriate layout of prisons, the lack of competent staff and deficient funds hinder the rehabilitation programmes that are currently provided”*.

A number of improvements have been made in individual prisons. For example, Novi Sad has signed a contract with an education school to enable prisoners to attend training where they are able to get a vocational qualification. The Pozarevac Prison has established social activities such as a drama group and exercise classes. However, there is no overall policy for the rehabilitation of prisoners and there is limited co-ordination of rehabilitation programmes and sharing of knowledge and experience across different prisons. In addition, prison staff often have to spend their time on bureaucratic activities such as compiling records, preventing them from running a range of rehabilitation programmes for prisoners. Finally, existing rehabilitation programmes have not been properly monitored to assess their impact on the behaviour of prisoners.

Priority Actions for the Commission

Some of the priority actions include:

- Developing an overall policy on rehabilitation setting out recommended programmes for different types of prisoner;
- Strengthening the assessment of prisoners on entry into prison and analysing the data available in order to determine the most appropriate programmes to be provided (e.g. programmes to deal with drug addiction; literacy problems etc);
- Identifying rehabilitation programmes that are effective in Serbia and other countries in the region. Developing mechanisms to share ‘good practice’ across different prisons;
- Piloting new rehabilitation programmes in priority areas and monitoring their effectiveness. This may include piloting vocational training programmes where prisoners could achieve vocational qualifications;
- Conducting an assessment of the number and type of staff required to deliver rehabilitation programmes in each institution. Developing a training programme for all staff involved in the delivery of rehabilitation programmes and raising awareness of the importance of rehabilitation programmes with all staff, at all grades;
- Establishing a system of monitoring re-offending rates of prisoners after their release.

A more detailed Assessment and Action plan for the ‘Treatment’ is set out in Appendix 5 (Separate document: ‘Commission Assessments and Action Plans’).

3.6 Human Rights

The Government of Serbia has signed international agreements which set out minimum standards for the treatment of prisoners. Serbia has joined the Council of Europe and has signed and ratified the European Convention on Human Rights and optional protocols, and has signed the United Nations Conventions on the Rights of the Child and the Optional Protocol of the UN Convention against Torture. In addition, EU accession questionnaires require detailed responses on the steps taken to ensure there is no ill-treatment of prisoners, and to reduce overcrowding.

International standards require that independent agencies are encouraged to assist in the monitoring of conditions and the prevention of abuses of human rights in prisons. Inhumane treatment will make prisoners less likely to be able to lead a stable and honest life after release.

Key Challenges

The living conditions in Serbian prisons are typically below international standards. In many prisons, the accommodation is poor – often overcrowded and lacking adequate ventilation, heating and natural lighting. Old and neglected facilities affect hygiene. Many prisoners in the larger prisons are accommodated in large dormitories. In prisons such as Pozarevac-Zabela, dormitories have triple bunk beds with as many as 90 prisoners held in one room. A lack of living space and facilities means that many prisoners spend most of their time unoccupied and locked in the dormitories. In addition, many prisoners complain that there is a lack of fresh food and milk products.

Arrangements to enable prisoners to have contact with family and friends can be unsatisfactory. Many prisons do not have the necessary facilities such as phone booths or visiting rooms. A system of complaints for prisoners is in place for all prisons. However, external reviews have concluded that the current complaints system is inadequate for many reasons which could lead to arbitrary and inconsistent treatment of prisoners.

It is believed that cases of abuse by prison staff are not frequent, although there are occasional alleged cases of abuse.. External organisations report that the prisons do not always deal with cases of inter-prisoner violence and bullying as promptly and efficiently as required.

The transparency of the prisons has improved in recent years. There is more openness with the media and selected international NGOs have been allowed to monitor the situation in prisons since 2001. However, there are still many limitations with regard to transparency, inspections and monitoring. This is dealt with in more detail in Section 3.12.

Priority Actions for the Commission

Some of the priority actions related to human rights include:

- Revising the Law on Execution of Penal Sanctions in line with international Human Rights standards; Members of this Working Group have already fed into the set of 55 Amendments drafted in Spring 2005;
- Supporting the passing of Law for Juvenile Offenders Committing Criminal Acts and their Protection while in Custody;
- Improving conditions for prisoners through access to documents setting out their rights, improving contact between prisoners and their friends or family;
- Implementing a phased and prioritised programme of refurbishment across all prisons to improve living conditions;
- Strengthening the complaints systems for prisoners in line with international standards; and strengthening the transparency, monitoring and inspection of prisons (see: section 3.12)

A more detailed Assessment and Action plan for the ‘Human Rights’ is set out in Appendix 6 (Separate document: ‘Commission Assessments and Action Plans’).

3.7 Juvenile Offenders

As Serbia continues its transition to a market economy, it is anticipated that the rate and severity of juvenile crime will increase. Assessments in recent years by UNICEF show that young people are increasingly becoming involved in more serious types of offending “... *the types of crimes are more serious and the nature of the juvenile offender is changing.*”⁴ It is also estimated that unemployment in the age group up to 24 is almost 50% higher than the average figure which ultimately turns more juveniles towards criminal activities.

There is a high risk that juveniles offenders will continue with a life of crime. Interventions at an early stage can develop social skills of juveniles, discourage inappropriate behaviour, and reinforce the support of local communities towards the re-integration of juveniles. All of these interventions would contribute towards a reduction of the number of juveniles who continue with a life of crime. There are International Standards related to juvenile justice, including the UN standard Rules for the Administration of Juvenile Justice (‘Beijing Rules’). Many have been incorporated in existing Serbian legislation but have not been consistently implemented.

Key Challenges

AEPS is responsible for two large institutions for juvenile offenders, the Juvenile Correctional (Educational) Institution in Krusevac and the Juvenile Prison in Valjevo. They are costly to operate and present managers with enormous problems when balancing the needs of security, behavioural control and re-education with limited staff resources. Numbers are rising and the juvenile offenders are becoming

⁴ Conragan, Carol (January 2002). *Children in Conflict with the Law: Victims of the Transition*. UNICEF report. Belgrade, UNICEF, pp 13-14.

more disruptive and criminally sophisticated. Drugs are playing an increasingly harmful part in life in these institutions. Assessments made by reception staff indicate that at least 50% of juveniles in these institutions have a history of drug abuse.

Alternative ways to rehabilitate and reintegrate juvenile offenders are urgently needed in Serbia. These could include psychosocial rehabilitation programmes, victim-offender mediation (also called 'restorative justice'), unpaid work for the benefit of the local community, treatment for addiction problems and even modern solutions such as electronic monitoring. Institutional care should be the last resort reserved for severe cases in which the public would be at risk.

Priority Actions for the Commission

UNICEF/Sida are supporting some key reform activities to improve the treatment of juvenile offenders. However, much work needs to be done in co-operation with other Ministries, including the Ministry of Interior, Ministry of Education, Ministry of Health and the Ministry of Social Affairs. Some of the priority activities include:

- Developing formal Agreements with other Ministries and NGOs to co-ordinate and lead reforms related to juvenile offenders;
- Making the required changes to the Legislation to permit a modern juvenile justice policy in line with international standards and human rights;
- Introducing non-custodial measures for juveniles. A mediation project based on UK methods has been introduced in the re-education centre at Krusevac. It involves offenders understanding the effect of their crimes on their victims and agreeing how they can repair any harm they have done. Initiatives such as this could be developed further;
- Strengthening the rehabilitation and pre-release programmes for juveniles. This includes improvements to management, staffing, rehabilitation programmes, buildings and equipment;
- Providing increased training for staff to ensure they have the knowledge, skills and motivation to implement required reforms, by introducing standardised training, licensing and standards for professional work in the field of juvenile justice;
- Improving the communication and inter-agency coordination among all elements of the juvenile justice system;
- Developing a strategy to increase the awareness of the general public and professional communities about the needs of juveniles at risk and juvenile offenders, with the goal of reducing the stigmatisation and marginalisation of these juveniles and opening an opportunity for change;
- Forming a separate department within the AEPS for juveniles.

A more detailed Assessment and Action plan for the 'Juvenile Offenders' is set out in Appendix 7 (Separate document: 'Commission Assessments and Action Plans')

3.8 Healthcare

Healthcare standards for prisoners are an important feature of international agreements signed by the Government of Serbia. Apart from the obvious human rights dimension, there are other reasons why good healthcare standards should be achieved. Lack of basic treatment for health problems is a major cause of resentment that can easily spark disruptive behaviour. Rates of infectious diseases such as HIV, TB and Hepatitis C are increasing in prisons, bringing additional risks to the public when prisoners are released.

Key Challenges

Healthcare is a priority for reform for the Prisons Sector in Serbia. Legislation is outdated and does not reflect international standards.

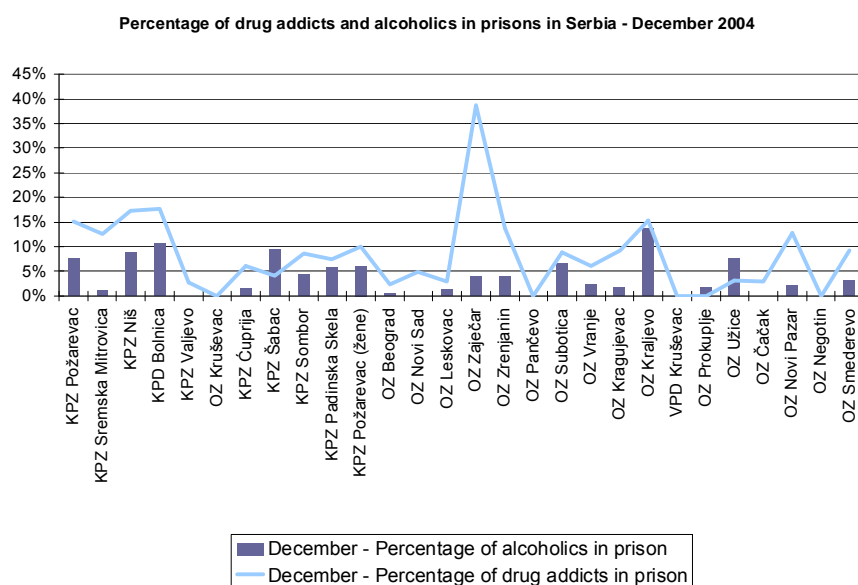
The quality and quantity of healthcare services varies dramatically across prisons in Serbia. Not all prisons employ their own doctor or medical staff and many prisons rely on visiting doctors who are not always able to provide timely assistance. This can also result in the expensive practise of escorting prisoners to local hospitals for medical treatment. The Head of the Prison Hospital has recently submitted a proposal for a significant increase in medical staff and doctors.

The Prison hospital urgently needs refurbishment. One recent report stated that the conditions were “*unacceptable and below the humanity standards*”. Staff are committed and cope well in difficult circumstances particularly since they receive inadequate training to ensure that they are able to maintain their skills and knowledge. In addition, until recently, there has been limited co-operation with the Ministry of Health. It is important that there is ‘continuity of care’ which means that treatment programmes continue when a prisoner enters and leaves prison. Lack of continuity of treatment reduces effective of treatment and wastes money.

Within the scope of the Prison Hospital, there are inadequate conditions for the placement and treatment of juvenile offenders.

Drug addiction among prisoners is rapidly increasing and proving to be an expensive drain on scarce resources. In addition, it is feared that many addictive diseases (e.g. HIV, TB, Hepatitis C) will continue to increase in prisons, especially since the prisons lack the resources to provide adequate treatment programmes. A recent Stabilisation & Association Report (April 2004) identified the fight against drugs in prisons as a priority for EU Accession. “.... *special attention should be paid to further improvements of prison conditions of vulnerable groups such as juveniles, but also drug addicts*”. The chart below sets out the recorded percentage of alcoholics and drug addicts at the end of December 2004. However, it is believed that the actual figures are much higher.

Figure 7: Percentage of prison inmates who are alcoholics /drug addicts



Figures from the Operative Centre, Administration for Execution of Penal Sanctions (December 2004)

Priority Actions for the Commission

- Revising the legislation to reflect international standards for Healthcare;

- Conducting an assessment of the organisation structure and staffing needs to provide adequate healthcare across all prisons. This should consider the anticipated trends in healthcare, proposed responsibilities, staffing requirements, anticipated costs, cost savings and benefits;
- Developing a formal agreement of co-operation between the Ministry of Justice and the Ministry of Health. Representatives from the AEPS should also be involved in the Ministry of Health Commissions on strategies and clinical protocols to deal with HIV/AIDS, TB, and Drugs;
- Piloting and implementing activities from the draft Prisons Drugs strategy, including measures to reduce supply, demand and harm reduction;
- Carrying out urgent refurbishment work in the prison hospital (with the assistance of the Council of Europe).

A more detailed Assessment and Action plan for the ‘Healthcare’ is set out in Appendix 8 (Separate document: ‘Commission Assessments and Action Plans’)..

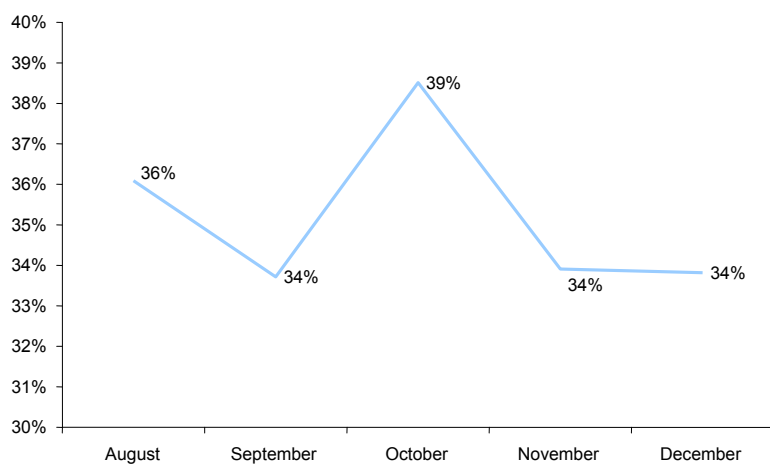
3.9 Economic Units

Constructive work for prisoners is recognised to be an essential part of a healthy prison regime. It provides a means of occupying time and reducing the likelihood of disruptive behaviour. The skills learned through work can help prisoners build a new life when they are released from prison. In addition, in previous years, economic units have earned revenue for the prisons.

Key Challenges

The work currently available in Economic Units generally uses outdated production techniques, and limited training is provided to prisoners. Prisoners are unlikely to be able to use the skills gained or to get jobs in this type of work after they are released. In many institutions, only a small proportion of prisoners have the opportunity to work and instead are left occupied in their cells: *“Less than 25 percent of prisoners are engaged in prison work, though many more of them are capable of work. For instance, out of 850 prisoners in the closed unit only 200 are engaged in prison work.”* (Helsinki Committee for Human Rights Report, 2004). The chart below shows the percentage of prisoners with regular work opportunities between August 2004 and December 2004.

Figure 8: Percentage of prisoners with regular work opportunities



Figures from the Operative Centre, Administration for Execution of Penal Sanctions (December 2004)

The number of prisoners engaged in regular work is lower than other European countries, where typically approximately 75% of prisoners would be expected to work more than 25 hours per week.

As the private sector in Serbia develops, economic units in prisons will find it increasingly difficult to compete. The Law on the Protection of Competition currently before the Serbian Parliament is likely to have implications on the legality of prison economic units producing goods in competition with the private sector. There is also a danger that economic units will begin to *cost* the AEPS more than the revenue they earn. There is therefore a need to review which goods are currently produced in prisons, perhaps involving a shift toward goods that could be used by the prisons themselves (e.g. agriculture, stationery, furniture).

The Economic Units are managed by individual prisons, with limited co-ordination from the AEPS. The prisons do not always follow commercial practices (e.g. business plans; cost reduction; inventory control etc). In addition, minimal management and financial information is produced centrally that would help analyse the performance of Economic Units and identify opportunities for improvement.

There is no consistent set of policies and procedures across the prisons in areas such as health and safety, payment of prisoners and allocation of prisoners to work. Operating rules and procedures do not conform to modern industrial and human rights standards. Some work areas are potentially dangerous places which are difficult to supervise. As a consequence, few high security prisoners have opportunities to work.

Priority Actions for the Commission

The Commission has developed a comprehensive document which sets out proposed changes to the legislation and other recommendations related to economic units. However, more work is required to implement the proposed improvements. Some of the priority actions include:

- Drafting bye-laws to enable reform of the work opportunities in prisons;
- Revising institutional arrangements for Economic units. This should ensure that Administration for Execution of Penal Sanctions is able to co-ordinate and support the work of the economic units;
- Improving the financial management of economic units. This will include establishing a simple database for key data (e.g. financial, inventory, capital outlay, materials), establishing a special sub-account in the Ministry of Justice to manage the finances for economic units and supporting economic units to improve their financial management;
- Reviewing the type of goods and services that economic units should produce. Key criteria should include: needs of the AEPS and other government departments; opportunities for prisoners to develop useful skills as well as other criteria such as likely costs;
- Providing clear guidance and policies to ensure decent and fair working conditions for prisoners e.g. health and safety, payment for prisoners.

A more detailed Assessment and Action plan for the 'Economic Units' is set out in Appendix 9 (Separate document: 'Commission Assessments and Action Plans')

3.10 Information Systems

Effective management requires that accurate and relevant information is readily available. Paper-based systems are time-consuming, present security risks and do not allow trends to be identified easily. New computer technology can bring this information to managers and increase data protection.

In recent months two new systems have been under development. A '*Prisoner database*' has been developed and piloted, which stores information about each prisoner on a central database (developed by experts in Sremska Mitrovica prison). This can be used to identify trends, as well as being a secure method of holding sensitive information.

In addition, a monthly '*Prison Statistics Report*' presents information about operational issues such as security incidents, staff levels, number of prisoners given work, etc.

Key Challenges

Initial steps have been taken to develop both systems. However, more needs to be done before the AEPS can realise the benefits from the information systems.

Additional resources are required to roll-out the '*Prisoner Database*' to all prisons. The software has already been developed but most prisons lack basic IT equipment. This database will reduce the time that staff have to spend on manual record-keeping (which often prevents them from valuable activities such as running rehabilitation programmes). It will also lead to many cost savings – for example, the new prisoner database includes information about all drugs that have been prescribed for each prisoner. This should reduce the opportunities for prisoners to obtain multiple drug allocations and sell the surplus to addicted prisoners.

The '*Prison Statistics Report*' provides valuable information which could be used to improve the management of the prisons. However, more needs to be done to improve the accuracy of the data collected. The AEPS is not able to make informed decisions on the priorities of the prison system and monitor progress until it has access to accurate and timely statistics.

Priority Actions for the Commission

The Commission has demonstrated great initiative in implementing improvements to the information systems in the prison system. However, progress is now hindered until additional resources are available to introduce the information systems to all prisons. Priority actions include:

- Conducting an evaluation of the pilot of the *Prisoner Database* and capturing the benefits and potential cost reductions of rolling out the *Prisoner Database* to all prisons.
- Developing a roll-out plan for the '*Prisoner Database*' including costed action plans and seeking funds for implementation;
- Improving the accuracy of data collected and presented in the *Prison Statistics* reports;
- Communicating the purpose of the reports to managers and training them to use the statistics to inform decision making, planning and resource allocation;

A more detailed Assessment and Action plan for the 'Information Systems' is set out in Appendix 10 (Separate document: 'Commission Assessments and Action Plans').

3.11 **Infrastructure and Operations**

Guided by current legislation and government policies, the overall responsibility of the Administration for Execution of Penal Sanctions is to achieve the best possible operational standards within available resources. The courts are sending increasing numbers of people to prison. At its disposal are an enormous set of buildings in its 28 prisons, almost 3,500 staff and managers and a limited budget.

Although the Yugoslav prison system was highly regarded in the past, it is generally accepted that economic and political problems over recent decades have resulted in a deterioration of standards. Managers have had limited opportunities to learn about progress and efficiency savings in other countries.

A new Commission will be established to enquire into these issues. It will have two main areas of work:

Infrastructure

The Platform for the Strategy for Judicial Reform, published by the Ministry of Justice in September 2004, highlights the importance of '*secure conditions and infrastructure for enforcement of criminal sanctions*'. However, many of the prison buildings are old and neglected. Their equipment and facilities have not kept pace with modern developments. Maintenance and repair is a significant cost for the AEPS. Some prisons still have large, overcrowded dormitories, and there are not enough classrooms and workshops for rehabilitation activities. EU accession questionnaires require detailed responses on what is the number of prisoners per cell, and what is being done to reduce overcrowding.

Issues that need to be examined include:

- A review of the cost and location of each prison. This should be linked with a forecast of future prisoner numbers, in order to explore the case for closing some prisons, expanding others and constructing new ones;
- Analysing information about the condition and usefulness of each building so that limited funds for repair or conversion can be prioritised according to needs;
- A system of ‘planned preventative maintenance’ using new materials that may be more durable and reduce repair costs;
- Assessing the potential savings in staff costs from introducing security technology such as CCTV and improved perimeter defence.

Operations

There are limited statistics available on the overall security performance of the AEPS. However, in the period August to December 2004 there were 25 escapes, 14 attempted escapes and 71 absconds – suggesting that more could be done to keep prisoners secure. Typically, the security of prisons in Serbia relies on armed guards. Most other European countries use a variety of other methods in which staff resources are targeted towards active duties (e.g. supporting rehabilitation activities) rather than passive ones (e.g. watching prisoners).

Issues that need to be examined include:

- Developing the concepts of ‘dynamic security’ and ‘direct supervision’ that involve shifting some security staff to supervise constructive activities with prisoners rather than the ‘passive’ approaches of watching and patrolling;
- Revising the profile and deployment of all managers, specialists and security staff in each prison in order to increase the resourcing of constructive activities and take staff away from passive security procedures;
- Testing automatic ways to ensure that security routines are followed (such as electronic ‘bar code readers’ that check whether night staff regularly visit the areas they are required to supervise);
- Exploring new methods of searching prisoners, staff and visitors for contraband items; also searching of buildings and deliveries;
- Revising incident management procedures.

A more detailed Assessment and Action plan for the ‘Infrastructure and Operations’ is set out in Appendix 11 (Separate document: ‘Commission Assessments and Action Plans’).

3.12 Management and Oversight

Modern demands to improve the quality of public services – fuelled by the need to meet international standards – require clear operational policies to be established, stricter checks on all practical operations and tight control of finances. Traditionally the Central Administrations in Eastern European prison services have not been expected to carry out the assertive role that is now required, and have been slow to adapt to the requirements for internal and external inspection of the prison system. An increasing number of countries in the region are adapting to these new challenges.

Effective management systems are important to support effective policy making, planning and allocation of resources (finances, staff etc). In an environment of limited resources, it is important that the AEPS is able to allocate resources in line with its priorities.

Effective systems for inspection and monitoring are an important element of a prison system aiming to comply with European standards for the treatment of prisoners. This relates to the inspection system (carried out by Administration for Execution of Penal Sanctions or external bodies), the disciplinary procedures against prison staff and the system of complaints for prisoners. EU accession questionnaires require detailed responses on what has been done to improve transparency and independence. A number of reviews by external organisations have clearly stated that the current systems of internal and external inspections are inadequate. At the end of 2002, the Council of Europe described them as “...not adequate and not in conformity with the European Convention of Human Rights”. A European Union report also stated that “..gaps need to be addressed relating to the complaint and petition procedures and independent means of control” and the lack of “an independent body guaranteeing rapid and impartial decisions on these complaints”.

To date, a Commission for ‘Management and Oversight’ has not been established, although there is a department within the AEPS that manages the inspections of prisons. The proposed new Commission will focus on the following priority activities:

- Reviewing the role of the AEPS, as part of the amendments to the Law on the Execution of Penal Sanctions;
- Revising the systematisation of the AEPS and the wider prison system;
- Improving the professional competence of the staff of the Administration for Execution of Penal Sanctions;
- Implementing new methods to control the use of resources;
- Improving the inspection system managed by the AEPS; appointing at least two more full time investigators and ensuring that specific training on investigative techniques is delivered
- Developing a standing agreement for NGOs to support the monitoring of prison operations;
- Strengthening disciplinary procedures for prison staff;
- Strengthening the complaints system for prisoners;
- Strengthening co-operation with the Provincial Ombudsman (and once established also with the State Ombudsman) as an independent means of control.

An OSCE report, on Internal and External Accountability Mechanisms in the Serbian Prison System, sets out comprehensive recommendations in some of the areas above.

A more detailed Assessment and Action plan for the ‘Management and Oversight’ is set out in Appendix 12 (Separate document: ‘Commission Assessments and Action Plans’).

4 Implementation

4.1 Responsibilities

The AEPS within the Ministry of Justice is responsible for supervising reforms presented in this Strategy. The Strategy for Penal Reform sets out key challenges and priorities for reform. Ten Commissions have been established to lead reforms in priority areas and most of these Commissions have started holding regular meetings and are in the process of defining priorities and developing Action Plans.

It is important that mechanisms are established to ensure effective and timely implementation of this Penal Reform Strategy. ‘Penal Reform Strategy’ Steering Board meetings will be held in order that the Commissions can report against progress. These meetings will be chaired by the Director for the Execution of Penal Sanctions or an appointed ‘Penal Reform Strategy Co-ordinator’. Every three months, the Director (or Penal Reform Strategy Co-ordinator) will inform the Minister of Justice in writing of progress on implementation and pending issues.

Some Commissions have also already started to implementing key reforms such as the amendments to the regulation; training and reforms in the juvenile institutions. Amendments to the Law on the Execution of Penal Sanctions have also been developed submitted to Parliament. It is anticipated that Parliament will discuss the revised Law on Penal Sanctions by the Autumn. This will be an important step forward to implementing key reforms in the penal system.

4.2 Summary of actions

The table below sets out a summary of the priority reforms for the penal system in the short term, the medium term and the long term.

Short term 2006-2007	Medium term 2008-2010	Long term 2011-2013
Law on the Execution of Penal Sanctions revised and approved, and bye-laws developed	Funds allocated and the revisions to the Law on the Execution of Penal Sanctions communicated and implemented	
Feasibility study conducted on Alternative Sanctions , provision in law approved and bye-laws developed	Agreed methods of Alternative Sanctions (unpaid work in community and probation) piloted and evaluated	Institutional arrangements in place and agreed methods of Alternative Sanctions implemented
Training Centre permitted in Law, budget allocated and book of rules developed	Annual training plan developed and training delivered in line with priorities	System for vocational qualifications established and performance management system in place
Provision in Law made for Special Detention Regime (i.e. criminals accused and convicted or war crimes and organised crimes)	Funds secured from international donor and appropriate facilities constructed Special Detention regime developed and appropriate staff structures and training in place	Detention of high security prisoners meets human rights and international standards
Assessment conducted of current rehabilitation programmes	New rehabilitation programmes piloted and evaluated, and appropriate changes to staffing, training implemented	Rehabilitation programmes implemented in line with international standards and impact evaluated
Awareness of international requirements for Human Rights (e.g. Council of Europe membership, European Convention for Human	Prioritised requirements implemented to improve conditions in prisons, contact with outside world and monitoring and inspection of prisons	Meets international standards for human rights

<i>Rights and Optional Protocols of the UN Convention against Torture)</i>		
Law amended for juvenile offenders. New rehabilitation and non-custodial programmes piloted and evaluated	Programmes for rehabilitation, pre-release programmes and non custodial measures for juveniles strengthened	Staff training, licensing and professional standards of work implemented
Improved co-operation with the Ministry of Health and Prison Administration. Strategies developed to tackle problems in priority areas (e.g. staffing, drugs)	Revisions to structure and staffing for the provision of healthcare costed and agreed. Implementation of agreed strategies in priority areas (e.g. drugs)	Revised structure and staffing arrangements implemented On-going improvement of healthcare standards in priority areas
Revised bye-laws and institutional arrangements for Economic Units - to shift focus from profit-making to rehabilitation of prisoners	Type of work in all prisons reviewed to provide rehabilitative opportunities for prisoners and to save costs in prisons Improved mechanisms for financial management implemented	New types of work in prisons implemented
Funds secured for improved information system	Information system rolled out across all prison estate	Management information used to inform policy making, planning and allocation of resources
Review of the prison estate conducted and funds required for infrastructure and refurbishment identified and prioritised	Recommendations for changes to prison estate (e.g. prisons to be closed, merged, built) agreed Funds secured for programme of refurbishment	Recommendations for changes to prison estate implemented
Review of structure and systemisation conducted Mechanisms for control and oversight improved – inspection system and monitoring by NGOs	Recommendations for structure and staffing agreed Mechanisms for control and oversight improved – complaint system for prisoners and staff disciplinary procedure	Recommendations for structure and staffing implemented Mechanisms for control and oversight meet international standards

Appendices

- a. Individuals involved in the development of the Penal Reform Strategy and key reports and documents reviewed
- b. Current support to the Prison System from the international community
- c. Illustrative links with the Judicial Reform Strategy

More detailed Assessments and Action Plans have been developed for each of the Commissions – please contact the Administration for Execution of Penal Sanctions for more detail. Detailed Assessments and Action Plans for each of the Commissions are bound in a separate document and include:

- 1 Regulation Commission: Assessment and Action Plan
- 2 Alternative Sanctions: Assessment and Action Plan
- 3 Training: Assessment and Action Plan
- 4 Special Detention Regime: Assessment and Action Plan
- 5 Rehabilitation: Assessment and Action Plan
- 6 Juvenile offenders: Assessment and Action Plan
- 7 Human Rights: Assessment and Action Plan
- 8 Healthcare: Assessment and Action Plan
- 9 Economic units: Assessment and Action Plan
- 10 Information systems: Assessment and Action Plan
- 11 Infrastructure and Operations: Assessment and Action Plan
- 12 Management and Oversight: Assessment and Action Plan

Appendix a: Individuals involved in the development of the Penal Reform Strategy and key documents

Key individuals involved in the development of the Penal Reform Strategy

<i>Name</i>	<i>Title and organisation</i>
Dragoljub Lončarević	Director for Administration for Execution of Penal Sanctions,
Velimir Čavić	Head of Commission: Training Head of Commission: Special Detention Regime
Snežana Popović	Head of Commission: Economic Units
Dr Milenko Radoman	Head of Commission: Alternative Sanctions Head of Commission: Regulation
Dr Borislav Marić	Head of Commission: Treatment
Dr Miodrag Anđelković	Head of Commission: Healthcare
Stevan Aksentijević	Head of Commission: Juvenile
Igor Dumančić	Head of Commission: Information Systems
Aleksandar Stojanović	Council of Europe
Livio Sarandrea	OSCE
Nataša Novaković	Head of Commission: Human rights Helsinki Committee for Human rights
Mihajlo Čolak	Fund for an Open Society
Dušica Vujacic-Richer, Dr. Vesna Kutlešić, Jasna Hrnčić	UNICEF
Justine Hall, Marija Petrovic, Martin Seddon	DFID

Key Reports and documents

Agency	Title	Date
COUNCIL OF EUROPE/ OSCE/ODIHR	Prison Service Reform in countries and regions of South Eastern Europe. Assessment visit of the Federal Republic of Yugoslavia	May / June 2001
Council of Europe	Experts visit to evaluate the Prison Healthcare Services in Serbia	February 2005
OSCE	Report of the Coordination Board for Prison Reform in Serbia	January 2005
OSCE	Review of the Prison Hospital	2001
OSCE	High Security	
OSCE	Internal and External Accountability Mechanisms in the Serbian Prison System	2004
Administration for Execution of Penal Sanctions	Annual Report for Prisons	
	Minutes for the Steering Board meetings	
	Law on the execution of Penal Sanctions	
	March 2005 Statistics Report	
HEUNI (European Institute for Crime Prevention and Control) affiliated with United Nations	Further Developments in the Prison Systems of Central and Eastern Europe: Achievements, problems and objectives	
UNICEF	Children in conflict with the Law: Victims of the Transitions	January 2002
Helsinki Committee for Human Rights in Serbia	Prisons in Serbia	April 2003 / April 2004
Walmsley	International comparisons in Central and Eastern Europe	
EU	SAP EU Assessment	April 2004
EU	Feasibility Study Report	April 2005
Helsinki Committee for Human Rights in Serbia	Prisons in Serbia for April 2004 – April 2005	April 2005
Fund for an Open Society	Alternative Sanctions: Study on Acceptable Solutions by Prof. Dr Nataša Mrvić-Petrović, Marijana Obradović, Nataša Novaković	
DFID	Review of Economic Units	
Government of Republic of Croatia	Responses to EU accession questionnaire	March 2004
Government of Former Yugoslav Republic of Macedonia	Responses to EU accession questionnaire	February 2005

Appendix b: Current support provided to the Prison system from the international community and NGOs

The table below sets out current support that is being provided to the Prison system by international organisations and NGOs. Current support provided typically covers a small proportion of the planned work of the Commissions.

Commissions	Current support by international organisations and NGOs
Regulations Commission	OSCE, Council of Europe
Special Regime Commission	OSCE
Alternative Sanction Commission	Fund for an Open Society, Council of Europe, OSCE, Helsinki Committee
Human Rights Commission	Helsinki Committee for Human Rights, OSCE
Training Commission	OSCE, Council of Europe
Juvenile Commission	UNICEF/Sida
Healthcare Commission	DFID, UNDP, Council of Europe
Information Systems Commission	DFID (statistical reports)
Treatment Commission	
Economic Units Commission	
Infrastructure and Operations (Commission not yet established)	
Management and Oversight (Commission not yet established)	DFID, OSCE

Appendix c: Illustrative links between the Penal Reform Strategy and the Judicial Reform Strategy

Priority in the Penal Reform Strategy	Key linkages
Regulation and legislation	The Law on the Execution of Penal Sanctions focuses on the Administration for Execution of Penal Sanctions. However, reforms in other Laws (e.g. Criminal Procedure Code, Law on organised Crime) will also impact the work of the prisons. Such links will be even more visible in relation to issues such as Alternative Sanctions
Alternative Sanctions	Devising and implementing an appropriate policy for sentencing and other measures should be led jointly by the judiciary, the prisons and a range of other institutions.
Human Rights	Both the prisons and the courts should comply with international standards on human rights
Special Regime Prisoners (organised crime/ war crimes)	All justice institutions (police, courts, prisons) have to develop a new approach to deal with high security prisoners accused/convicted of war crimes and organised crime. Prisons play an important role managing the safety and security of these prisoners to ensure that criminal behaviour is not allowed to flourish in prisons. Security of information held by those kept in remand is crucial to an effective outcome of the investigation phase.
Training	A Prison Training Centre and Judicial Training Centre have been established. Future institutional and funding arrangements need to be agreed for both institutions. Opportunities for shared training are already being discussed.
Information Systems	Both the courts and prisons work with old fashioned, bureaucratic, paper-based systems. There is a need to automate many procedures to improve efficiency and to allow sharing of timely information across different institutions. All automation should be carried out within the framework of the MoJ IT Strategy.
Juveniles	Juvenile offenders being admitted to the two centres operated by the Ministry of Justice are committing more serious crimes. They are linked to drugs and gang activities. All justice institutions need to work together to ensure the special needs of juveniles are addressed and to develop programmes for their effective rehabilitation into communities.
Treatment/ rehabilitation	A well functioning penal system can contribute towards a reduction of crime. Effective rehabilitation programmes in prisons should reduce the rate of re-offending
General efficiency) (e.g.	Improved co-operation between the courts and the prisons should contribute to improved efficiency of the courts. For example, reducing the time that prisoners are held on remand, ensuring that prisoners are transported to court on time etc

There are many linkages between the Judicial Reform Strategy and the Penal Reform Strategy. These should be identified and reviewed on a continual basis.