



COMMUNITY ORIENTED PRISONS – PREVENTION OF ILL-TREATMENT IN PRISONS THROUGH REFORM OF REHABILITATION AND RE- SOCIALIZATION

Report “Monitoring respect of human rights of detained and sentenced persons in the Institute for the Execution of Criminal Sanctions in Montenegro 2014-2015”

1. INTRODUCTION

1.1. About the project

From December 2013 through December 2015 NGOs Juventas and Human Rights Action (HRA) implemented project “Community oriented prisons – prevention of ill-treatment in prisons through reform of rehabilitation and re-socialization”, with the support of the European Union through the Delegation of the European Union to Montenegro and the British Embassy in Podgorica.

The project was aimed at improving respect of human rights of prisoners, particularly preventing ill-treatment, inhuman or degrading treatment or punishment in Montenegrin prisons and strengthening the role of civil society in promoting human rights.

The purpose of this report on monitoring respect for human rights is to indicate the extent to which the prison administration, i.e. the Administration for Execution of Criminal Sanctions (AECS) has implemented recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Protector of Human Rights and Freedoms of Montenegro (Ombudsman) and non-governmental organizations.

The agreement on cooperation in this project was concluded with the Ministry of Justice and AECS on 12 February 2014.¹

1.2. About the monitoring

The aim of the monitoring was primarily to assess the fulfilment of recommendations of the European Committee for the Prevention of Torture (CPT)² from the report on the visit of the CPT Delegation to Montenegro in 2013.³

¹ More information available at: <http://www.hracion.org/?p=8202>.

² More information on CPT available at: <http://www.cpt.coe.int/en/about.htm>.

³ In 2013 CPT visited the Institution for Sentenced Prisoners (KPD) and Podgorica Remand Prison, but not

The implementation of NGOs recommendations from the report "Respect for Human Rights of Detained and Sentenced Persons in the Administration for Execution of Criminal Sanctions" drafted in March 2013 by the NGOs HRA, Centre for Antidiscrimination "Equista," Centre for Civic Education and Women's Safe House, was also reviewed. The AECS, in principle, agreed to meet those recommendations at the time.⁴

At the end of 2015, following the analysis of the situation, new recommendations were added to be met in order to improve current circumstances (all the recommendations are listed in a separate section at the end of this report). Additionally, the Ombudsman's recommendations from 2015 were taken into account, as well as 2014 recommendations of the National Preventive Mechanism (NPM)⁵, operating under the auspices of the Ombudsman, and 2015 Report on operation of the Ombudsman⁶. The Annual Report for 2015 drafted by the Administration for Execution of Criminal Sanctions was also taken into consideration.

Individual visits to prisoners in Podgorica were carried out on 11 and 27 December 2013, and on 4, 5, 6 and 20 February and 4 and 6 June 2014. Visit to Prison in Bijelo Polje was completed on 9 February 2014. During 2015, we visited Disciplinary unit in Podgorica (12 March), Podgorica Remand Prison (30 March), Remand Prison in Bijelo Polje (14 April 2015). In the second phase of conducting monitoring visits, AECS in Podgorica was visited in the period from 15 September to 18 September 2015. Visit to Bijelo Polje Prison was completed on 4 December 2015. The final visit to AECS in Podgorica was conducted on 18 April 2016.

Visits included remand prisons in Podgorica and Bijelo Polje, Institution for Sentenced Prisoners (KPD) in Podgorica and within KPD the following units: A (including the admissions department called "Quarantine"), B, C, Disciplinary unit, D, F (including Prison for juveniles) and Semi-open unit as well as Women's prison and Prison for short sentences in Podgorica and Bijelo Polje.

In addition to visiting organizational units accommodating prisoners, the monitoring team (MT) also visited common facilities such as premises for conjugal visits, living rooms, toilets and bathrooms, kitchens, yards, farms, prison workshops, premises used by employees and doctor's offices.

During the monitoring visits MT members were able to speak with inmates without the presence of AECS staff as well as to speak with staff in private. For the duration of the monitoring we have continuously informed AECS Director of all the urgent findings and recommendations, and immediate action was taken upon a number of recommendations (details below). Portion of information was obtained through written requests in line with the Law on Free Access to Information.⁷ Monitoring was conducted by a team composed of: Tea Gorjanc-Prelević, monitoring supervisor, Mirjana Radović, Jovana

the Prison for Short Sentences (which is also part of the complex in Spuz) and Bijelo Polje Prison. The report on the visit was published in 2014: <http://www.cpt.coe.int/documents/mne/2014-16-inf-eng.htm>.

⁴ Report available at: [http://www.hraction.org/wp-content/uploads/Izvjestaj_FINAL_15062012.pdf](http://www.hrraction.org/wp-content/uploads/Izvjestaj_FINAL_15062012.pdf). More information about the project available at: http://www.hraction.org/?page_id=1069.

⁵ Annual report of the National Preventive Mechanism (NPM) for 2014: http://www.ombudsman.co.me/docs/izvjestaji/NPM_2014.pdf.

⁶ The Report was published in March 2016: <http://www.ombudsman.co.me/docs/izvjestaji/final-izvjestaj-za-2015.pdf>.

⁷ *Sl. list CG*, 44/12.

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1.3. The competence and organization of AECS

Both the internal organization of AECS and its mode of operation are determined and regulated by the Government of Montenegro. According to the Regulation on Organization and Operation of the State Administration of the Government of Montenegro, AECS is an administrative body within the Ministry of Justice.⁸

AECS perform tasks related to execution of criminal sanctions such as: imprisonment and juvenile imprisonment, security measures which are, in accordance with the law, carried out by the Administration for Execution of Criminal Sanctions; prison sentences imposed in misdemeanour proceedings and measures for ensuring the presence of the accused in criminal proceedings - detention; as well as other tasks within its competence (Art. 4 of the Regulation).

The following activities are carried out in AECS:

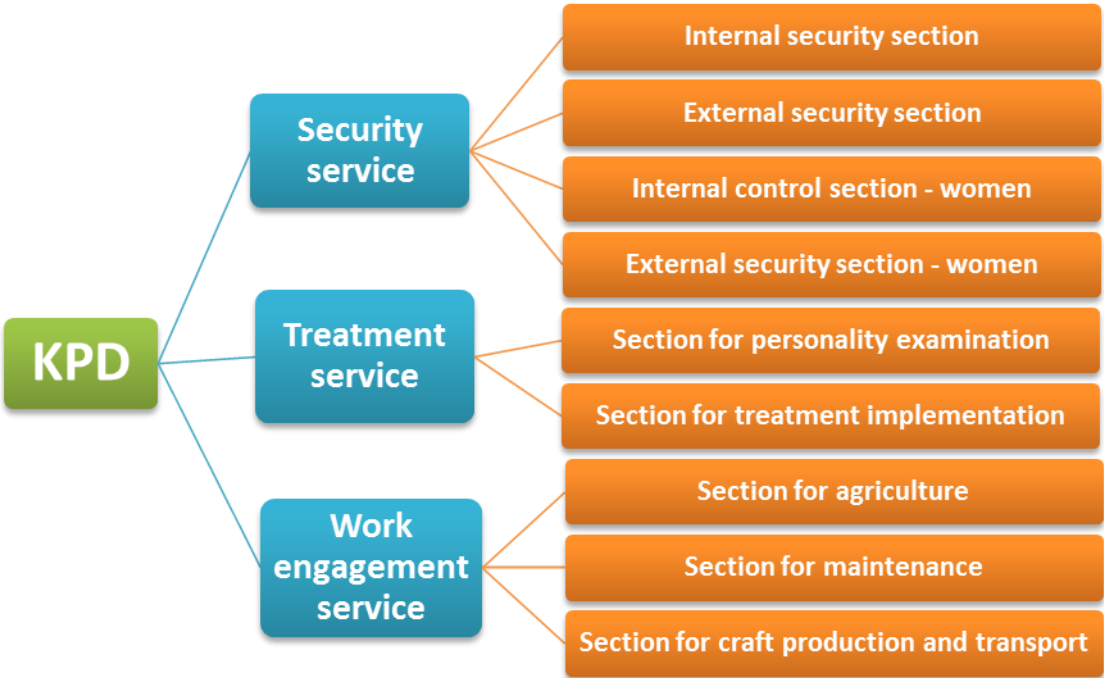
- providing all the conditions necessary for the execution of imprisonment and detention measures;
- deciding on a classification group in which a convicted person, following his/her evaluation, will continue to serve their sentence; deciding on the transfer of prisoners to continue to serve their sentence in another organizational unit; deciding on the placement of prisoners and detainees in a medical institution for treatment;
- cooperation with the competent department of the Ministry of Justice regarding the extradition and transfer of convicted persons to another country or from another country;
- acting on petitions, complaints and appeals of detained persons and persons serving a prison sentence and state employees;
- acting on petitions of other state bodies and institutions, courts and non-governmental and international organizations responsible for the supervision and protection of human rights of detained persons and persons serving a prison sentence;
- supervision over the legality of work and treatment of persons deprived of their liberty and harmonization of work and treatment in organizational units;
- planning the procurement of equipment and investments in the prison system;
- collecting, processing and compiling of all the reports and documentation of AECS organizational units;
- international cooperation.

AECS is divided into six organizational units: Institution for Sentenced Prisoners (KPD), Remand Prison Podgorica, Bijelo Polje Prison, Prison for short sentences, Healthcare service and Education centre, managed by heads of each unit appointed and dismissed by AECS Director.

⁸ *Sl. list CG*, [5/2012](#), [25/2012](#), [44/2012](#) - other regulation, [61/2012](#), [20/2013](#), [17/2014](#) and [6/2015](#).

Services which operate within AECS are responsible for security, re-socialization, work engagement of prisoners, healthcare and common tasks. Services are headed by chiefs appointed by AECS Director.

KPD includes prisoners serving a prison sentence of up to 40 years, prisoners serving a sentence for a term exceeding six months for the convicted men, juvenile imprisonment and prison sentences imposed in criminal and misdemeanour proceedings for women regardless of the length of sentence. KPD has two closed units - unit C accommodating prisoners with the longest sentences and prisoners of unruly behaviour and Disciplinary unit, as well as Semi-open unit, Women's prison and Prison for juveniles.



KPD organizational chart⁹

Within KPD, there are three sectors – for security, treatment and work engagement of prisoners.

Podgorica Remand Prison is an organizational unit for carrying out the measure of securing the presence of the accused in criminal proceedings - detention for detainees from the territory of central and southern region of Montenegro.

Prison for short sentences is intended for the execution of prison sentences imposed in criminal and misdemeanour proceedings for up to 6 months against prisoners from the territory of central and southern region of Montenegro. This Prison has two sections: closed and semi-open.

Bijelo Polje Prison is an organizational unit accommodating prisoners from the northern municipalities (Bijelo Polje, Kolašin, Mojkovac, Žabljak, Pljevlja, Andrijevica, Plav, Berane, Rožaje, Gusinje and Petnjica). Within this prison there are prison and detention units.

⁹ Chart taken from AECS website: <http://www.AECS.me/page.php?id=4>.

Healthcare service is a special organizational unit that deals with the medical care of persons deprived of their liberty.

Staff training centre is an organizational unit dealing with the training of prison staff. The Ministry of Justice performs administrative tasks relating to the organization and operation of bodies for the enforcement of criminal sanctions, supervision over the execution of prison sentences and other criminal sanctions in cases provided by law, pardon, parole, agreement on compensation for damage caused by unlawful deprivation of liberty and termination of a prison sentence.

AECS falls within the competence of the Director General of the Directorate for Execution of Criminal Sanctions within the Ministry of Justice.

AECS is led by a Director appointed by the Government of Montenegro at the proposal of the Minister of Justice, for a period of five years. Director of AECS reports to the Director General of the Directorate for Execution of Criminal Sanctions, Minister of Justice and the Government of Montenegro.

Note: In the course of implementation of the project there have been changes in the legal framework. On 26 June 2015 the Parliament of Montenegro adopted a new Law on Execution of Prison Sentences, Fines and Security Measures¹⁰ governing the execution of a prison sentence, prison sentence of forty years, fines and security measures, rights and obligations of prisoners, as well as other issues of importance for the execution of these criminal sanctions. The Law entered into force on 18 July 2015 and drafting of new by-laws is in progress. The deadline for their completion is 18 July 2016 (i.e. one year from the entry into force of the Law, as required by Art. 198, para 1). Until the new by-laws are adopted, regulations developed in keeping with the previously existing Law on Execution of Criminal Sanctions shall apply, which are not in contravention of applicable law.

1.4 The website and access to information

AECS has a website (<http://www.ziks.me>), which was not updated regularly by the end of implementation of the project (in 2015 only two texts were published in the news section)¹¹. The following are just a few observations: the website does not contain updated information on the number of currently incarcerated prisoners or other current events related to AECS, such as taken or planned activities related to expanding the premises for accommodation of convicts; also, there is no data on craft production in prison, although such section exists. The Law on Execution of Prison Sentences, Fines and Security Measures has not been published on this website, even though it is applied since 18 July 2015.

AECS, as a rule, responds to requests for access to information within the legal deadline. In the first phase of the project we posed several questions at once and waited for answers for almost three months. We believe that this was not due to bad intentions, but rather insufficiently systematized information on operation of AECS, which should be filed and processed in electronic format, and which should not take so long to prepare.

¹⁰ *Sl. list CG*, 36/2015.

¹¹ Website checked on 30 December 2015.

2. CONCLUSIONS

2.1 Accommodation conditions

Although the accommodation capacities in AECS have expanded and improved, and although there has been a reduction in the number of prisoners, the European standard of 4 m² of living space per person is still not met - especially in Unit A in Podgorica, Remand Prison in Podgorica and Bijelo Polje Prison. In all other buildings cells remain overcrowded, with 1-2 persons too many. CPT also noticed the problem of overcrowding during its visit to Montenegro in 2013.¹² No steps have been taken to implement the Master Plan of the Government from January 2011, which envisages the construction of a prison for long sentences and prison hospital in Podgorica (Spuzh).¹³ Despite the announcements and funds that were provided in the budget for 2014, Unit A has not yet been thoroughly renovated nor have the occupancy levels been reduced, as recommended by CPT in 2013.¹⁴ The building of Podgorica Remand Prison does not allow for the respect of human rights of persons in detention, as the standard of 4m² per person is not consistently observed and there is no room for activities outside the cells, except for walks which, at best, last an hour and a half per day (female detainees spend at least 2 hours walking). This was noted by CPT back in 2008, but since then there have been no plans to renovate the existing building or build a new building for Remand Prison.

2.2 Prevention of ill-treatment and protection from ill-treatment

The results of a study conducted in March 2014 on the convicts' perception of exposure to insults, physical injuries and threats in AECS showed reduced perception of physical injury compared to a survey conducted in 2012. However, after this study, in January 2015, as a result of the incident between the inmates and members of the prison police, 13 inmates were assaulted in AECS, three of whom were also exposed to torture - as found by the Ombudsman. This and other allegations of prisoners of ill-treatment that our team pointed out to AECS management during the monitoring have not been effectively investigated or sanctioned within this institution; it is therefore obvious that AECS does not apply the practice of "zero tolerance for torture", as explicitly requested of Montenegro by international organizations. We have noticed that staff in AECS (including physicians) does not inform the Basic State Prosecutor's Office of bodily injuries recorded during medical examinations of persons who are admitted to Remand Prison, even if these persons indicate that the injuries were sustained in the police¹⁵. AECS management claims that the police and relevant

¹² Report on the visit to Montenegro, CPT, para 38.

¹³ *Report Respect for Human Rights of Detained and Sentenced Persons in the Administration for Execution of Criminal Sanctions (AECS)*, p. 51.

¹⁴ Para 46: "The CPT calls upon the Montenegrin authorities to reactivate the plans for the renovation of Pavilion A. Pending the carrying out of that renovation, immediate steps should be taken to reduce as far as possible the occupancy levels in the four existing dormitories, the objective being to meet the minimum standard of 4 m² of living space per prisoner."

¹⁵ State Prosecutor's Office is a state body responsible for the prosecution of perpetrators of criminal offenses and other punishable offenses prosecuted *ex officio*, to whom - according to the Law on Criminal Procedure - criminal charges are filed. The role of a public prosecutor, as a body independent from the police, is crucial for the investigation and prosecution of police officers.

court are informed, but despite the insistence we were not allowed to examine this information.

Analysis of AECS reports on the use of coercive measures in the period from 1 January 2014 to 17 December 2015 pointed to cases of prolonged fixation of prisoners for up to 14 days, while the Ombudsman, based on a complaint, found an instance of a continuous 19-day fixation, which was not recorded in the reports on the use of coercive measures that were submitted to our team. Prolonged fixation for several days, even hours, is considered ill-treatment as per the CPT standards. It was also noted that AECS administration (in the period from January 2014 to mid-July 2015) informed the Ministry of Justice in an untimely and inadequate manner about the use of means of coercion. It is our conclusion that AECS administration does not report on every case of application of coercive measures, which, coupled with the fact that the doctors too are not informed about every such case - is alarming. In addition to being contrary to regulations, such conduct points to concealing of the practice that constitutes ill-treatment.

It is necessary to provide for the independence of medical staff in relation to AECS administration by ensuring that medical staff working in the prison be employed by the Ministry of Health, rather than AECS.

2.3 ACCESS TO RIGHTS

BASED ON THE RESPONSES RECEIVED IN RANDOM INTERVIEWS WITH OVER FORTY PEOPLE IN CUSTODY, WE CONCLUDED THAT A SIGNIFICANT NUMBER OF THEM ARE NOT INFORMED ABOUT THEIR RIGHTS. A VERY SMALL NUMBER OF PRISONERS, BOTH IN CUSTODY AND SERVING A SENTENCE, WAS INFORMED ABOUT THE RIGHT TO USE THE BEDDING PROVIDED BY AECS. AS A RULE, THE DETAINEES WERE NOT INFORMED OF IT AT ALL.

SOME OF THE RANDOMLY INTERVIEWED PRISONERS WERE NOT INFORMED ABOUT THEIR RIGHT TO ADDRESS THE OMBUDSMAN.

2.4 HEALTH CARE

AS A RESULT OF SHORTAGE OF MEDICAL STAFF IN THE PRISON AND LONG WAITS FOR SPECIALIST EXAMINATIONS AND MEDICAL PROCEDURES PERFORMED OUTSIDE OF AECS, THE SYSTEM OF HEALTH CARE THAT IS PROVIDED TO PRISONERS IN PODGORICA IS NOT EFFICIENT ENOUGH. THE LEVEL OF MENTAL HEALTHCARE IS OF PARTICULAR CONCERN. IT IS NECESSARY TO ENSURE THE IMPLEMENTATION OF CPT RECOMMENDATIONS TO ESTABLISH A POLICY FOR TREATING PSYCHOACTIVE SUBSTANCE DEPENDENCE, COHERENT WITH THE NATIONAL POLICY FOR TREATING ADDICTION. IT IS NECESSARY TO ESTABLISH A HOSPITAL WITHIN AECS WITH THE DEPARTMENT FOR SUBSTANCE ABUSE TREATMENT AS WELL.

2.5 Treatment

Prison staff employed in the treatment sector is still burdened with unnecessary administrative tasks such as receiving, processing and forwarding of appeals, complaints, requests and letters of sentenced persons, which is the result of a systemic failure in establishing the scope of work of this sector. Each staff member responsible for treatment implementation, so-called "professor," works with 50 to 60 convicts (with slightly better situation in Bijelo Polje, where "professor" works with 38-40 persons). According to a research conducted in February 2015, the position of the majority of surveyed employees in the prison system is that the optimal number of prisoners in treatment per employee is 20 to 30. The burden of administrative tasks, combined with the work with too many convicts (due to lack of staff) significantly limits the time that could be used effectively in the treatment program, i.e. the provision of psycho-social support and work on rehabilitation and resocialization. For these reasons, the individual treatment program, which formally exists, is not implemented to the full extent.

A system of objective criteria based on which prisoners are transferred from one classification group to another has not yet been established, which raises doubts over equal treatment for all and leads to dissatisfaction.

Structured programs of psycho-social support do not exist and essentially entail occasional conversations at the request of a convicted person, or on the basis of assessment of a special pedagogue. While expressing the desire to receive education, convicted persons are not referred to or adequately motivated to continue their education or start a new level of education while serving their sentence. About 40% of inmates are engaged in work activities at AECS level, and at the level of the Institution for Sentenced Prisoners (KPD) about 50%, implying that at least 80% of individuals have not been engaged in such activities, as recommended by CPT, by modernizing and expanding existing workshops in accordance with the plans of which the delegation was informed back in 2008.¹⁶

2.6. Prison staff

AECS does not employ sufficient number of security personnel, especially commanders, in addition to insufficient staff in the treatment and healthcare sectors. This position, according to the results of the research from February 2015, is shared by most of the staff members, namely 62.2% of those who responded to this question¹⁷. Due to staff shortages, employees often have to work overtime; furthermore, there are complaints that overtime is not fully paid, as also recorded in the survey among employees, where 31.2% of respondents stated that they are not paid all fees earned. In addition, as a result of understaffing, employees are unable to attend in larger groups different courses and trainings that are organized, as their absence disrupts regular work process in AECS. Recommendation that all employees be provided break time during a work shift has not been implemented; this right is respected only in the Prison for Short Sentences. As many as 19% of survey respondents stated that they

¹⁶ "... clearly, steps must be taken to increase the proportion of sentenced prisoners who work. The delegation was informed of plans to refurbish more workshops (the aim being to engage up to 80% of inmates in work activities)...", para 52, CPT Report on the visit to Montenegro, 2008, available at: http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm#_Toc255372643.

¹⁷ *Perception of the conditions and treatment in prison*, Juventas, HRA, 2015.

cannot at all use their break, while 22.6% of respondents use it if they find a replacement. The trend of insufficient care for the working status of employees has been continued to a degree, because fixed-term employment contracts were not consistently transformed into indefinite term contracts, as stipulated by the Labour Law.

3. RECOMMENDATIONS

3.1 Accommodation conditions

1. Take measures to solve the problem of overcrowding and achieve compliance with the European standard of 4 m² per person as required by the Law on Execution of Prison Sentences, Fines and Security Measures in force as of July 2015.
2. Build, in accordance with the plan, new prison for long sentences in Podgorica.¹⁸
3. Provide sufficient quantities of sanitary products (cleaning products and disposable sanitary products) for all units in AECS.
4. Assure that all persons be made aware of their right to prison bedding and pillows, as well as the right to have their prison or personal bedding washed in the laundry room.
5. Periodically inspect the condition of mattresses and pillows in all the units and, if necessary, replace worn-out mattresses and pillows.
6. Introduce measures to improve hygiene maintenance in common areas, e.g. by introducing the obligation for a watchperson and overseeing his work.
7. Enable access to hot water equally for inmates in all the units.
8. Designate a separate room for smokers in all the living rooms and set smoking ban signs in all the hallways and bedrooms while consistently suppressing and punishing smoking.

3.2 Unit A

9. Urgently renovate and expand Unit A (CPT recommendation) as an interim solution until the major reconstruction, i.e. until the conditions are met for the construction of new unit A.
10. Provide adequate heating and cooling and constant access to hot water.
11. Investigate allegations of discrimination, sanction and prevent any form of discrimination.
12. Provide for the possibility to dry laundry in a separate room, not in the rooms where prisoners sleep.
13. Replace all worn out and unusable mattresses with new ones.

3.3 UNIT B

14. Consider removing plexiglass panels from the windows, at least in the common areas.

¹⁸ Report *Respect for Human Rights of Detained and Sentenced Persons in the Administration for Execution of Criminal Sanctions (AECS)*, p. 135, recommendation 36.

3.4 Unit D

15. Consider removing plexiglass panels from the windows, at least in the common areas or on the floor where there are no legitimate security reasons for it.
16. Balance the number of inmates in prison rooms, preventing thus the current overcrowding of a number of rooms.

3.5 Semi-open Unit

17. Procure laser equipment for video surveillance.
18. Demolish dilapidated shacks and build new ones, in line with the standards, which would have more beds and better living conditions.
19. Review the merits of drafted business plan and decisively commence its implementation in accordance with the pre-set deadlines or create a new plan that will be enforceable.
20. Provide work engagement for a minimum of 80% of inmates.

3.6 WOMEN'S PRISON

21. PROVIDE EQUAL RIGHTS TO WOMEN WITH I CLASSIFICATION GROUP TO USE FAMILY VISITS IN THE OPEN AS PROVIDED TO MALE PRISONERS.

3.7 PRISON FOR SHORT SENTENCES

22. Ensure the implementation of the standard of 4m² per person.
23. Provide a room to be used as a living room.
24. Drain the yard or otherwise ensure the functionality of an area for recreation in inclement weather as well.
25. Provide shelter that will allow stay in the fresh air in the case of inclement weather.

3.8 Podgorica Remand Prison

26. Construct a new building of the Remand Prison, which would have rooms with fewer beds, complying with the standard of 4m², and provide a living area with various opportunities for activities outside the cell.
27. Conduct regular, and, if necessary, extraordinary disinsections.
28. Adjust the booth-type visit room to move towards more open visiting arrangements, while leaving the possibility that some visits still be booth-type.
29. In the yards set up at least one basketball hoop, goals for futsal and sports equipment available to everyone for exercise.

3.9 Bijelo Polje Prison

30. Construct, in accordance with the plan, a new building for Bijelo Polje Prison.
31. Until a new building is constructed, ensure the implementation of the standard of 4m² per person.

32. Equip disciplinary rooms with an alarm system and/or video surveillance.
33. For detained persons provide space for walks with a shelter from inclement weather.

3.10 Accommodation of persons with disabilities

34. Create conditions to comply with the Law against Discrimination of Persons with Disabilities and facilitate their stay in AECS without restrictions on discriminatory basis. This particularly applies to facilities and premises used for the provision of health care.

3.2 Prevention of ill-treatment and protection

35. AECS Director should be prepared to impart a clear message to all the employees that no physical or verbal abuse of prisoners shall be acceptable and that all such cases are to be sanctioned (CPT)¹⁹, by uncompromisingly reporting himself the cases of excessive use of force to the State Prosecutor and initiating disciplinary proceedings to punish such conduct as a serious breach of official duties. In case of failing to report crimes, he himself shall become criminally responsible for offences such as Negligent performance of duty, Helping the offender, etc.
36. Ensure that members of the prison police wear their badges with identification - name, number, same as regular police officers.
37. Effectively and efficiently investigate and prosecute all allegations of ill-treatment.
38. Ensure full identification and establish responsibility of all AECS officers who used physical force and rubber truncheon on 14 January after 5 p.m. in the disciplinary department and on 15 January 2015 against convicted persons (in accordance with the recommendation of the Ombudsman), as well as the officers who concealed the torture and abuse.
39. Review the reasons for amendments to the Law on Execution of Prison Sentences, Fines and Security Measures set forth in this report in order to strengthen guarantees for the prevention of torture and ill-treatment.
40. Take into account the proposed amendments to the Law that are based in international standards when drafting bylaws and prescribing internal procedures in AECS, particularly in relation to the application of coercive measures.
41. Apply means of coercion solely in accordance with the Law on Execution of Prison Sentences, Fines and Security Measures and appropriate regulations.
42. Inform a doctor of every instance of application of coercive measures by having the Chief of Security Service submit written data to Health Service daily concerning the use of coercive measures and placing of persons in Disciplinary unit.
43. Organize the Register of the use of coercive measures to include a medical report on whether the person against whom the means of coercion had been applied sustained any injuries.
44. Medical report/findings drawn up following the medical examination of a person against whom coercive measures had been applied should include: a)

¹⁹ This was the first recommendations given in the report *Respect for Human Rights of Detained and Sentenced Persons in the Administration for Execution of Criminal Sanctions (AECS)*, p. 124. CPT reiterated this recommendation once more in its Report on the visit to Montenegro in 2013, para 41.

- a full account of statements made by the person concerned about his state of health and any allegations of ill-treatment; b) a full account of objective medical findings based on a thorough examination; c) the doctor's conclusions in the light of a) and b), indicating the degree of consistency between any allegations made and the objective medical findings.
45. Effectively and efficiently investigate and prosecute all cases of illegal use of means of coercion.
 46. In connection with the alarming practice of prolonged fixation in AECS, it is necessary to pay particular attention to the recommendation of CPT²⁰ to Montenegro.
 47. Inform the Ministry of Justice on the use of coercion in accordance with the Law on Execution of Prison Sentences, Fines and Security Measures.
 48. Establish a uniform practice in reporting on the application of means of coercion using appropriate forms and following the Rules on the Performance of Security Service, Weapons and Equipment of Security Officers in AECS.
 49. The Ministry of Justice should carry out supervision over the work in AECS in accordance with the law, strengthen the control of the legality of use of coercion and require regular reporting on it in accordance with regulations.
 50. Concretize Strategy on the prevention of violence among inmates and adopt an Action Plan for its implementation.
 51. Critically review training and/or programs attended by AECS officers with the aim of complying with the prohibition of torture and ill-treatment, including acquiring of physical and psychological skills to maintain order while preventing ill-treatment and reducing tension, and modify them appropriately.

3.3. Access to rights

52. Continuously inform detained and sentenced persons on their rights and unselectively sanction misconduct, such as the destruction of the House Rules. It is necessary to keep the House Rules in a visible place in all the units.
53. Continuously inform detained and sentenced persons of the possibility to contact the Ombudsman if they believe that their rights have been violated.
54. In agreement with the Ministry of Internal Affairs enable prisoners to obtain biometric ID documents.

²⁰ Report on the visit to Montenegro, CPT, 2013, para 75:

“mechanical restraint should only be used as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail satisfactorily to contain those risks; it should never be used as a punishment or to compensate for shortages of trained staff; it should not be used in a non-medical setting when hospitalisation would be a more appropriate intervention. Any resort to mechanical restraint should be immediately brought to the attention of a medical doctor in order to assess whether the mental state of the prisoner concerned requires his/her hospitalisation or whether any other measure is required in the light of the prisoner's medical condition. The equipment used should be properly designed to limit harmful effects, discomfort and pain during restraint, and staff must be trained in the use of the equipment. The duration of fixation should be for the shortest possible time (usually minutes rather than hours). Persons subject to mechanical restraint should receive full information on the reasons for the intervention. The management of any establishment which might use mechanical restraint should issue formal written guidelines, taking account of the above criteria, to all staff who may be involved. A special register should be kept to record all cases in which recourse is had to means of restraint; the entry should include the times at which the measure began and ended, the circumstances of the case, the reasons for resorting to the measure, the name of the person who ordered or approved it, and an account of any injuries sustained by the prisoner or staff. Further, the person concerned should be given the opportunity to discuss his/her experience, during and, in any event, as soon as possible after the end of a period of restraint. This discussion should always involve a senior member of the health-care staff or another senior member of staff with appropriate training.

55. Offer preferred job posts (gardener, librarian, etc.) proportionally to inmates in all the units according to the state of health of inmates.
56. Enable inmates to talk to senior officers within deadlines prescribed by the house rules regulations.
57. Combat and sanction any form of discrimination against foreign nationals in Remand Prison.
58. Combat and sanction any form of discrimination against Roma in prison.
59. Provide conditions for respect for the right of detainees to spend at least 2 hours a day outdoors.
60. Urgently improve the regime in Remand Prison, with the aim to allow the detainees to spend more hours outside their rooms and engage in meaningful activities of various nature.
61. Provide hygiene product packages to women immediately upon admission to Remand Prison.
62. Provide an area to members of the security service in Remand Prison to use as a kitchenette.

3.4 Health care

63. It is necessary to advise all the doctors currently employed in AECS and any future doctors who will work with detainees and prisoners about their duty to record and report any injuries sustained in prison or injuries sustained prior to the admission to prison, according to CPT standards and the Istanbul Protocol as described in the table.
64. Procure two ECG machines and two defibrillators (for Remand Prison with Prison for short sentences and for KPD).
65. Examine complaints related to problems that arise in organizing the transport of prisoners to specialist medical examinations and in accordance with the findings resolve identified issues.
66. Examine complaints with regard to the wait for the diagnosis and treatment of HIV infection and viral hepatitis C.
67. Continuously encourage health workers to work in prison conditions by offering them employment contract of indefinite duration and other benefits such as higher salary coefficient for work in difficult conditions, longer vacations and the like (CPT). Also, the Ministry of Health should conclude employment contracts with the employees in the healthcare service, rather than the Ministry of Justice. Employees should be offered specialization and professional advancement.
68. Adopt a protocol on the content of a medical examination report of a convicted person upon admission to AECS.
69. Prepare internal annual reports on the quality of health care in AECS, technical equipment, availability of medications, wait for a specialist examination, etc.
70. Initiate work on the construction of the planned prison hospital.
71. Introduce the possibility of carrying out systematic preventive medical examinations in AECS for male and female prisoners.
72. Increase the number of personnel with a university degree (psychologists and social workers), to establish individual and group counselling of detained and imprisoned persons with a history of substance abuse.

73. Introduce the possibility of substitution therapy for opioid users who are in custody or serving a sentence, and have not yet started substitution treatment in the community.
74. Establish and implement procedures for the procurement of methadone for persons who started substitution treatment outside Podgorica.
75. Introduce preventive activities aimed at raising general health awareness in AECS such as informal education, conversation with experts.
76. Offer services in the field of health psychology (psychological support to persons treated for hepatitis C, HIV, chronic diseases), i.e. hire a clinical psychologist who would have access to the detainees, too.

3.5 Treatment

77. Allow minors to participate in activities outside the cells together with the adults, under the supervision of prison staff.
78. Motivate and enable juveniles to receive education (graduate from school, attend vocational courses, etc.).
79. Employ 3 more persons of appropriate professional profile in the Section for personality examination and 4 more treatment facilitators in the Treatment Sector.
80. Establish a system for implementation of treatment with clearly defined scope of work of all the employees.
81. Provide for professional supervision programs and programs for the prevention of "burn-out" syndrome.
82. Establish a system of continuous training on new working methods for all employees in the Treatment Sector, as well as trainings for early recognition of mental disorders and suicide risk.
83. Prepare individual plans for treatment of prisoners in accordance with a multidimensional approach and different work methods.
84. Develop a system to monitor implementation of individual treatment plans on the basis of a defined program and set goals.
85. Improve the existing database in order to effectively monitor the implementation of objectives set in individual treatment plans.
86. Introduce a system of objectification of the criteria for transfer from one classification group to another by drawing up questionnaires with precisely defined criteria to be scored.
87. Provide technical requirements to ensure that the database (PRIS system) be available to all the employees involved in treatment implementation, with selective availability of data. Hire an IT engineer.
88. Develop special support programs for multi-recidivists, convicted persons serving long prison sentences, women serving a prison sentence, persons serving short prison sentences (prison in Bijelo Polje), young adults serving a prison sentence (18-21 years old).
89. Establish a variety of programs of psychosocial support that are specially adapted for prisoners (e.g. anger management programs, communication skills programs), in relation to which it is necessary to further educate treatment facilitators.
90. Motivate prisoners to continue their education with the purpose of better and more efficient resocialization and rehabilitation.
91. Organize literacy courses for all illiterate prisoners.
92. Organize computer training courses for prisoners who have not been trained.

93. Stipulate the realization of the right to basic education, vocational education and higher education in the Rulebook (currently being drafted).
94. Modernize and expand all the workshops within the Institution for Sentenced Prisoners (KPD), with the aim of engaging at least 80% of sentenced persons.
95. Purchase a machine for the production of concrete elements in Bijelo Polje Prison and open a workshop for engagement of prisoners.
96. Establish cooperation with certain companies, in order to engage convicted persons outside AECS as well.
97. Organize cultural events more often and in cooperation with prisoners themselves.
98. Establish cooperation with sports and cultural institutions as well as with different organizations, in order to make sports, cultural and artistic activities a regular, structured, everyday part of treatment implementation. Financial resources could also be provided from the lottery fund, by allocating one part solely for the support of projects to be implemented in AECS.
99. Consider the possibility of providing female prisoners with embroidery, crocheting and painting supplies in order for them to continue to use and improve their acquired skills.
100. Consider implementation of the business plan in the light of a great interest of female and male prisoners to be trained and engaged in the manufacturing of small items (jewellery, toys, natural soap) that have a market value.
101. Provide additional training for instructors who see to prisoners' working engagement, in order to make vocational training an important segment of the work engagement of convicts.

3.6. Prison staff

102. Increase the number of employees on all positions in the security service, with a particular focus on the positions of commander, officers on the watch towers and in the control room.
103. Ensure that overtime be paid in accordance with the regulations.
104. Organize programs and trainings that aim to reduce stress, especially for members of the security service.
105. Provide an early retirement plan - as stipulated by law - for AECS senior officers.
106. Investigate and sanction all forms of illegal influence on the employees in AECS who are unionized or otherwise, in accordance with the regulations, fight for their rights.
107. Timely advertise vacancies in order to allow persons who are already employed in AECS, in case they meet the requirements prescribed by the Law on Civil Servants and State Employees, to continue their work without interruption.
108. Provide time for rest of employees during working hours.
109. Consider arranging a room for the staff they could use during break.