

CPT RECOMMENDATIONS ¹	RECOMMENDATIONS OF THE PROTECTOR OF HUMAN RIGHTS AND FREEDOMS	RECOMMENDATIONS OF THE NGO MONITORING TEAM
✓ Fulfilled Recommendations	0 Partially fulfilled	X Unfulfilled Recommendations
PREVENTION AND PROTECTION FROM ILL-TREATMENT		
X The CPT recommends that a firm message be delivered to staff of the Remand Prison in Podgorica that physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely. (45.3)	1. The Protector of Human Rights and Freedoms recommends to the management of the Institution for Execution of Penal Sanctions to take measures to ensure that all objects in the Prison for Short Sentences, taken from the arrested persons, as well as objects whose possession or use is not permitted, are removed from the manager's office and all other offices and placed in a special room. (16 January 2012.)	1. Director of the Institution for Execution of Penal Sanctions (hereinafter: ZIKS) must communicate a clear message to all employees that physical or verbal abuse of prisoners is not acceptable and shall be punished in accordance with the law. 2. Specify the Rules on the manner of provision of security service, weapons and equipment of security officers in the Institution for Execution of Penal Sanctions by including a warning that, when the resistance is suppressed, it is forbidden and punishable to continue using force, i.e. using force to punish.
X Prison staff should be reminded that the force used to control violent and/or recalcitrant prisoners should be no more than necessary and that once prisoners have been brought under control, there can be no justification for their being struck. (47.3)	2. The Protector recommends to the management of the Institution for Execution of Penal Sanctions to take immediate measures to determine the disciplinary responsibility of ZIKS officers who applied on 7 November 2011 force against prisoner Nerda Dukadžini placed in Unit "C" of Podgorica prison.	3. Provide specifically tailored training to all members of the security service who already have contact with the inmates with the aim of adopting physical and psychological skills to maintain order while preventing abuse and reducing tension.

¹ The Report on the visit to Montenegro carried out by the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment of Punishment (CPT) from 15 to 22 September 2008, March 2009, is available at <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.pdf>

	<p>ZIKS administration should ensure strict adherence to the national regulations, ratified international treaties and generally accepted rules of international law relating to detained persons and ensure respect for their rights (20 February, 2012.).</p> <p>3. The Protector recommends to the management of the Institution for Execution of Penal Sanctions to take measures, without any delay, to determine the disciplinary responsibility of ZIKS officers who applied force and batons on 27 October 2009 against detainees D. N. and I. M. Podgorica prison hallway. The Protector's recommendation for 2010, available at www.ombudsman.co.me</p>	
<p>X In particular, a record should be kept of every instance of resort to means of force against prisoners, with an indication of the precise time and duration of their use. (47.1)</p> <p>X The results of (medical) examination (including any relevant statements by the prisoner and the doctor's conclusions) should be formally recorded and made available to the prisoner. (47.1).</p>		<p>4. Ensure that a record of each application of coercive measures against the detainees and prisoners is kept, without exception.</p> <p>5. Amend regulations to ensure that an inmate against whom the force had been applied is granted access to all relevant statements he/she made as well as the doctor's conclusions.</p>
<p>X It is important to ensure that prosecutors are systematically notified of any use of force by prison staff, and that they are particularly vigilant when examining such cases. (47.2)</p>		<p>6. Amend the Law on the Enforcement of Penal Sanctions to prescribe in detail the procedure of using coercive measures, and particularly to ensure doctor's examination in each case of application of force, documenting of the statement of a person against whom the force has been applied and bringing the case to the attention of the</p>

		relevant ministry and state prosecutor.
<p>X The Committee also recommends that the attention of prosecutors, judges, prison directors and other competent authorities be drawn to the need to exercise extra vigilance and adopt a more proactive approach in order to ensure that no case of ill-treatment goes unnoticed and unpunished (14.4).</p> <p>X Means of force should never be applied as a punishment. (47.1)</p> <p>X Develop a strategy aimed at preventing inter-prisoner violence. (50)</p> <p>X The CPT recommends that the Montenegrin authorities introduce a system for the recording of complaints and their speedy handling. (81.3)</p> <p>X If it is considered necessary for prison officers to carry truncheons, the truncheons be hidden from view. (48)</p>		<p>7. Any case of exceeding or abusing one's authority must lead to initiation of the procedure of determining criminal or disciplinary liability, without hesitation and exceptions. Otherwise, the responsible managers, heads and director of ZIKS should therefore bear the consequences under the Criminal Code, which prescribes liability for abuse of official position, unconscientious performance of duty, concealment of a criminal offense and offender and the like.</p> <p>8. Amend the Rules on the manner of provision of security service, weapons and equipment of security officers in the Institution for Execution of Penal Sanctions by specifying the manner of the use of means of coercion in accordance with the CPT standards, to prevent the abuse and especially punishment by using means of coercion.</p> <p>9. Considering that half of inmates claimed that prison officers are carrying truncheons, further attempt to hide it from view.</p> <p>10. Ensure that ZIKS officers do not use improvised means of coercion and destroy all such means found with the prisoners, in accordance with the</p>

		<p>recommendation of the Protector of Human Rights and Freedoms of 16 January 2012.</p> <ol style="list-style-type: none"> 11. Develop a strategy on the prevention of violence among inmates. Include experts from various fields in its development, as well as employees in contact with prisoners on a daily basis. 12. Increase the number of employees in the Security Sector to protect prisoners and detainees from all forms of illegal behavior and treatment. 13. Ensure application of conciliation and mediation procedures to the greatest possible extent to resolve disputes between inmates. 14. Install video cameras and alarm systems in rooms with a large number of prisoners. 15. Ensure that all video recordings are kept longer than a week in accordance with the recommendation of the Protector of Human Rights and Freedoms.
<ul style="list-style-type: none"> o The CPT recommends that the competent authorities ensure that an effective investigation be carried out into the above-mentioned case (Vladana Kljajić). The Committee would like to receive information about the outcome of the investigation in due course (para. 46.5). 		
DISCIPLINARY BREACHES, PROCEDURES AND MEASURES		
<ul style="list-style-type: none"> X The CPT recommends that appropriate amendments be made to the disciplinary 		<ol style="list-style-type: none"> 16. Amend legal provisions and reduce the period of stay of inmates in solitary confinement to a

regulations ² . (76)		maximum of 21 days.
<p>✓ The CPT recommends that steps be taken to ensure that the documentation and registers concerning disciplinary sanctions are properly maintained, accurately record the times of beginning and ending of the measure, and reflect all other aspects of custody (in particular, the precise location where a prisoner has been held). (77.2)</p> <p>X The Committee also recommends that prisoners upon whom a disciplinary sanction is imposed always be given a copy of the disciplinary decision, informing them about the reasons for the decision and the avenues for lodging an appeal. (77.3)</p>		17. All paperwork relating to disciplinary procedure must be documented orderly, while the charges and the decision must be delivered to prisoners together with the instruction on legal remedy. Provide proof of orderly delivery.
<p>X The CPT must stress that disciplinary punishment of prisoners should not include a total prohibition of family contacts[39] and that any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts. (80)</p>		18. Ensure that persons serving a sentence of solitary confinement have the right to visits from family members and other close persons.
<p>X The CPT reiterates its recommendation that immediate steps be taken to enable all prisoners placed in disciplinary cells to take at least one hour of daily outdoor exercise.</p> <p>X Further, the exercise yards should be provided</p>		19. Bearing in mind the results of the survey among prisoners who spent time in solitary confinement, ensure that all persons held in solitary confinement have the right to stay in fresh air for a minimum period of one hour per day, in accordance with the law.

² "In the CPT's view, the existing maximum period of 30 days for placement in a disciplinary cell in relation to a given offence is already very high, in particular if this entails solitary confinement; under no circumstances should such a period of placement in a disciplinary cell be prolonged without there being an interruption.", paragraph 76. of the Report on the visit to Montenegro

<p>with shelter against inclement weather. (79.4)</p> <ul style="list-style-type: none"> o Steps should also be taken to ensure that prisoners placed in disciplinary cells are offered access to reading matter. (79) 		
		<p>20. Ensure that decisions on solitary confinement be delivered to all inmates before they are sent there, and that only exceptionally inmates are sent to solitary confinement prior to receiving the decision.</p>
		<p>21. When imposing a disciplinary measure of solitary confinement after a convicted person has committed three minor violations of the House Rules, the Head of prison should be particularly vigilant and not allow this measure to be the subject of abuse and type of pressure imposed on prisoners, as it leaves the possibility of arbitrary interpretation of minor violations of the House Rules by the security service.</p>
		<p>22. Ensure that in each case a person sent to solitary confinement has a direct contact with a doctor before being sent to solitary confinement.</p>
		<p>23. Ensure that the decision on the capability for solitary confinement is not decided by the doctor, who is regularly in charge of a prisoner's health against whom disciplinary procedure is undertaken.</p>
<p>The CPT recommends that the Montenegrin authorities take steps to ensure that:</p> <ul style="list-style-type: none"> X A prisoner who is transferred from one establishment to another and placed under conditions of disciplinary confinement is informed 		<p>24. Ensure implementation of the CPT recommendation on the right to appeal regarding the transfer by specifying regulations as well as in practice. Decisions on transfer must include the basis and reasons for transfer of the sentenced</p>

<p>in writing of the reasons for that measure (it being understood that the reasons given could exclude information which security requirements reasonably justify withholding from the prisoner);</p> <p>X A prisoner in respect of whom such a measure is envisaged is given an opportunity to express his views on the matter;</p> <p>o The placement of a prisoner in segregation is for as short a period as possible and is reviewed at least every three months, with a view to re-integrating the prisoner into the mainstream prison population. (78)</p>		<p>person as well as the instruction on legal remedy.</p> <p>25. Lay down the principle that isolation and transfer of a prisoner should take the shortest possible time, and that these decisions are reviewed every month or at least every three months, as recommended by the CPT.</p>
		<p>26. For the purpose of legal certainty, specify the deadline for the adoption of this decision – immediately or, exceptionally, if the safety reasons require so, no later than 24 hours after the transfer or isolation has started. In case the decision is not adopted within the prescribed period, provide for the possibility of immediate initiation of an administrative procedure, or no later than 30 days from the beginning of implementation of a measure.</p>
		<p>27. Amend the Law on the Enforcement of Penal Sanctions to provide for all guarantees of procedural fairness contained in the European Prison Rules.</p>
		<p>28. It is recommended to extend the deadline of 3 days for court protection (initiation of an administrative</p>

		dispute) to at least 7 days, since persons deprived of liberty are in a more difficult position to conduct trials as compared to free individuals, who are entitled to a considerably longer deadline of 30 days.
		29. Inform prisoners on the conditions for access to free legal aid pursuant to the Law on Free Legal Aid. Amend this law to enable the prisoners of lower socioeconomic status to have access to free and impartial legal assistance in disciplinary procedures against them.
		30. Ensure that all prisoners be timely and continuously informed of their rights and obligations.
		31. All inmates must be familiar with the contents of the House Rules and ZIKS Administration must make it available to prisoners. Ideally provide the House Rules in the form of a brochure that would be delivered to every convicted person on admission. In the meantime, ensure that the prison library has enough copies of the House Rules, which can be handed out to convicted persons upon request. □For the needs of foreign prisoners who do not understand the language, provide for translation of the House Rules into several languages.
		32. In case of self-injury, examine mental condition of the convicted person and subject the person to a proper medical treatment, if necessary. Accordingly, legal provisions that treat self-injury solely as a disciplinary offense subject to sanctions should be amended. Also, the Law on the Enforcement of Penal Sanctions should specify that in case of self-injury a medical opinion must be obtained prior to the commencement of a disciplinary procedure.

		33. Encourage peaceful resolution of disputes among inmates in all ZIKS units.
ACCOMODATION CONDITIONS		
X Further steps should be taken to pursue the refurbishment programme, in particular in unit A. (54)		34. It is necessary to urgently renovate and expand unit A within the Institution for sentenced prisoners (e.g. add new floor).
<p>CPT recommends that the Montenegrin authorities take steps to:</p> <ul style="list-style-type: none"> ○ Significantly reduce the occupancy level in the cells at the Remand Prison in Podgorica, the objective being to comply with the standard of 4 m² of living space per prisoner ○ Ensure that every prisoner has a bed and appropriate bedding; ○ Undertake a rolling refurbishment of the cells. (58) <p>✓ In their letter dated from 14 November 2008, the Montenegrin authorities stated that the cells in question had been refurbished, their doors had been removed and exercise equipment had been installed in the cells. (79)</p>	<ul style="list-style-type: none"> ○ Management of the Institution for ZIKS should provide conditions for fulfillment of the national regulation, ratified international agreements, and generally accepted regulations of the international laws regarding the persons deprived of liberty i.e. to ensure respect of their rights. <p>The Protector recommends accommodation capacities to be increased in order to enable adequate accommodation and living conditions for imprisoned persons.</p>	<p>35. Take measures to address the problem of overcrowding and achieve compliance with European standards. Prescribe a minimum standard of 4 m² of free space per prisoner, in accordance with the international standard and comply with this standard in practice.</p> <p>Montenegro needs additional prison complex with enough capacities.</p> <p>36. In accordance with the plan construct a new prison for long sentences in Podgorica.</p> <p>37. Bring down inadequate shacks within the so-called "Economy" (unit E) and build new facilities to accommodate inmates.</p> <p>38. In accordance with the plan construct the Special Hospital.</p> <p style="text-align: center;">Regarding the unit A</p> <p>39. Provide the required bedding, including pillows and pillow cases, which would be</p>

		<p>available to each prisoner. Information on the possibilities of using prison bedding must be made available to all prisoners and detainees.</p> <p>40. If the prisoners choose to clean their clothes or bedding themselves, provide for the possibility of drying the clothes in a separate room, so that it is not done in the rooms they sleep in.</p> <p>41. It is necessary to reconstruct Unit A (for example extra floor can be added) to reduce the occupancy level in the cells.</p> <p>42. Take better care of hygiene in sanitary facilities and provide new sanitary equipment.</p> <p>43. Provide adequate heating and cooling.</p> <p>44. Install video surveillance in the office for educators. (applicable for complete ZIKS complex).</p> <p>45. Designate a separate room for smokers and set smoking ban signs in all the hallways and bedrooms.</p> <p>46. Inform all detained and imprisoned persons of their right to prison bedding, as well as the right to have their personal or prison bedding regularly washed in the laundry room.</p> <p style="text-align: center;">Regarding unit B</p> <p>47. Install central heating in official premises.</p>
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		<p style="text-align: center;">Regarding unit C</p> <p>48. Provide new showerheads and prevent their destruction.</p> <p>49. Construct shelter against inclement weather in the yard and provide sports equipment.</p> <p>50. Take more care about the prison equipment and its destruction and introduce prisoners with the House Rules on these issues.</p> <p style="text-align: center;">Regarding unit D</p> <p>51. Enable the use of prison bedding;</p> <p>52. Make available information on the use of the laundry room;</p> <p>53. Assess the problem of overcrowded rooms.</p> <p style="text-align: center;">Regarding the semi-open unit</p> <p>54. Provide laser equipment for video surveillance.</p> <p>55. Bring down dilapidated shacks and build new ones, in accordance with the standards, which would have more beds and better living conditions.</p> <p>56. Expand the green garden and farm.</p> <p style="text-align: center;">Regarding the Prison for short-term sentences</p> <p>57. Constructing additional premises of about 50 m² next to the existing facilities would</p>
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		<p>considerably help in avoiding overcrowding and thus complying with international standards regarding the placement and conditions of stay of sentenced persons.</p> <p>58. Provide a library.</p> <p>59. Take out excess beds from the room for foreign inmates in order to make more space.</p> <p>60. Construct shelter against inclement weather in the yard.</p> <p style="text-align: center;">Podgorica Remand Prison</p> <p>61. Construct a new building of the Remand Prison, which would have rooms with fewer beds, complying with the standard of 4 m², and provide a living area with computers and other options for activities outside the cell.</p> <p>62. Until the new prison building is constructed, renovate the existing accommodation capacities and paint all the rooms.</p> <p>63. Additionally, renovate rooms that are not currently used.</p> <p>64. Provide non-transparent shower curtains in bathrooms in the female part of the Remand Prison to ensure privacy of female detainees.</p> <p>65. Adapt special rooms for solitary confinement in Podgorica Remand Prison.</p>
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<p>The CPT trusts that the Montenegrin authorities will do their utmost to ensure that the construction of the new prison in Bijelo Polje is completed on time. In the meantime, the Committee recommends that urgent steps be taken to:</p> <ul style="list-style-type: none"> X improve toilet and shower arrangements for sentenced prisoners; ✓ ensure that all cells are appropriately heated for the season; ✓ provide newly arrived prisoners with bed linen and personal hygiene items. (59) <p>X The Committee also trusts that the deficiencies observed in the disciplinary cells at Bijelo Polje Prison will be avoided in the new prison building. In this connection, the CPT recommends that call bells be installed in the disciplinary cells at the latter establishment. (79)</p>		<p style="text-align: center;">Bijelo Polje</p> <ul style="list-style-type: none"> 66. In accordance with the plan construct a new building for Bijelo Polje Prison. 67. Until a new prison building in Bijelo Polje is constructed, it is of priority to build additional rooms - living room and disciplinary cells for prisoners. 68. Renovate bathrooms and toilets in the prison for convicted persons and maintain hygiene. 69. Provide adequate space for prisoners to take walks, with a shelter from inclement weather, especially bearing in mind that prisoners do not have a living room.
<ul style="list-style-type: none"> o The delegation was informed of plans to refurbish more workshops (the aim being to engage up to 80% of inmates in work activities), extend the farm within the establishment's perimeter and build a greenhouse for growing vegetables, set up a computer room and construct a new gym. (52) <p>X The exercise yards should be provided with shelter against inclement weather. (79)</p>		<ul style="list-style-type: none"> 70. Expand farms and build a greenhouse for growing vegetables and flowers. 71. Set up multiple shelters from inclement weather in all the yards.

<ul style="list-style-type: none"> ○ The roots of the problem of overcrowding will require the reconsideration of existing law and practice in relation to custody pending trial. In particular, steps should be taken to ensure that the preventive measure of remand in custody is applied to persons facing criminal charges only when this is really necessary. ○ Further, it is axiomatic that any person remanded in custody should not remain subject to that measure for longer than is strictly necessary. The CPT understands that there are plans to amend the CCP in relation to pre-trial detention. The Committee recommends that the examination of these proposals be considered a priority, the aim being to shorten the length of court proceedings in criminal cases and to circumscribe more closely the circumstances in which recourse can be had to the preventive measure of remand in custody. (43) 		<p>72. Encourage the use of alternative sanctions, particularly work in common interest, in order to reduce the number of convicted persons serving their sentences in prison.</p>
<p>X In the CPT's view, if, exceptionally, juveniles are held in an institution for adults, they must always be accommodated separately from adults, in a distinct unit specifically designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with the young. The Committee believes that the risks inherent in juvenile prisoners sharing accommodation with adult prisoners are such that this should not occur. Given the small number of juvenile prisoners in Montenegro, arrangements might be made to accommodate remand and sentenced juvenile prisoners together in a specialized unit for juveniles; this would be</p>		<p>73. As a rule, provide separate accommodation for minors in detention and juvenile prison from that of adults, either by establishing special facilities or adapting premises in the existing facilities. Provide special treatment for minors.</p> <p>74. Develop brochures on the placement of juveniles in ZIKS. Make transparent all information relating to the regime that will in future be carried out in relation to prisoners or detainees who are minors.</p> <p>75. Provide a special prison unit for under-age inmates.</p> <p>76. Provide conditions for full application of the Art. 153</p>

<p>preferable to mixing juveniles with adults. In the case of there being only one juvenile prisoner of the respective sex, to avoid isolation, he/she should be offered opportunities to participate in out-of-cell activities with adults, under appropriate supervision by staff, and should not be left locked up alone in a cell for extended periods of time. The CPT recommends that the Montenegrin authorities take steps in the light of the above remarks. (44)</p>		<p>of the House Rules and prevent isolation of under-age inmates with their inclusion in diverse activities in compliance with the article 154 and 155 of the above mentioned House Rules.</p>
		<p>77. Have all facilities adapted for persons with disabilities</p> <p>78. Adopt a Rulebook on the treatment of persons with disabilities in ZIKS.</p> <p>79. Adapt a special room for searching people with disabilities, to appropriately carry out the procedural authority to search a person. Ensure that all entrances, doorways and rooms for accommodation of prisoners and detainees with disabilities be adapted for wheelchair users.</p> <p>80. Provide suitable accommodation for prisoners and detainees who are wheelchair users.</p>
		<p>81. Regularly update ZIKS website, publish all by-laws governing the operation of the institution, as well as updated information on the number of inmates, development projects and current events.</p> <p>82. Inform all detained and imprisoned persons of their right to prison bedding, as well as the right to have their personal or prison bedding regularly washed in the laundry room.</p>

		<p>83. Considering that the inmates are allowed to use various household appliances including electronic devices, devices for heating, cooking, gas bottles, etc, their use should be regulated by the House Rules, for the purpose of safe use as well as fire safety.</p> <p>84. Prohibit smoking, except in designated areas</p> <p>85. Provide a computer room in the units within the Institution for sentenced prisoners.</p> <p>86. Increase number of rooms for conjugal visits and arrange them.</p> <p>87. Provide air-conditions in laundry rooms and provide laundry with capacities appropriate for the ZIKS.</p> <p>Disciplinary Department</p> <p>88. Install call bells in all disciplinary cells.</p> <p>89. Install video surveillance in the remaining cells and the yard intended for walks.</p> <p>90. Provide a bench for sitting, sports equipment, treadmills, etc.</p> <p>Yards within ZIKS</p> <p>91. The conditions for sports and recreation could be much better, with fewer financial investments (e.g. purchase of table tennis equipment, marking jogging tracks etc).</p> <p>92. Set up benches in the yard area, in front of the units A, B and D.</p>
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		<p>Kitchen and dining room</p> <p>93. Make additional efforts to inform each prisoner about the possibility of filing a complaint regarding the quality or variety of food.</p> <p>94. Examine the quality of food, given the results of a survey among prisoners.</p> <p>95. Consider the possibility of opening a bakery, where the inmates would be able to train and work.</p>
HEALTH-CARE SERVICE		
<p>X The record drawn up following the medical examination of newly-arrived prisoners contain: (i) a full account of statements made by the person concerned which are relevant to the examination (including his description of his state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the doctor's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings (20).</p>		<p>96. Medical findings after recording injuries should contain all necessary information, as recommended by the CPT.</p>
<p>X Whenever injuries are recorded by a doctor, which are consistent with allegations of ill-treatment made by a detained person, the record should be systematically brought to the attention</p>		<p>97. Such record should be systematically brought to the attention of the relevant prosecutor.</p>

<p>of the relevant prosecutor. (20)</p>		
<p>X Persons who are or have been detained be formally entitled to directly request a medical examination/certificate from a doctor who has received recognised training in forensic medicine (20).</p>		<p>98. In addition, the injured person should be entitled to request a medical examination from a doctor who has received recognized training in forensic medicine.</p>
<p>o Urgent steps to be taken to reinforce the health-care resources at the Remand Prison and the Institution for sentenced prisoners in Podgorica and Bijelo Polje Prison, by providing working conditions that are sufficiently attractive to recruit and retain staff, and in particular to:</p> <ul style="list-style-type: none"> • employ the equivalent of at least one additional full-time doctor and increase nursing staff resources at Podgorica; • employ at least one full-time nurse at Bijelo Polje Prison; • ensure that someone qualified to provide first aid, preferably with a recognised nursing qualification, is always present on the premises of Bijelo Polje Prison, including at night and weekends. (64) 		<p>99. Encourage health professionals to work in prison conditions by offering them an employment contract of indefinite duration as well as other benefits (higher salary calculation coefficient for work in difficult conditions, longer vacations and the like).</p> <p>100. Number of nurses is still below the optimal level and should be doubled.</p>
<p>X A specific register for recording traumatic injuries observed on prisoners (upon arrival and/or in the course of imprisonment) should be opened at each. (65)</p>		<p>101. Establish a separate register for recording traumatic injuries noticed on the prisoners (upon arrival and/or while in prison).</p>
<p>X Montenegrin authorities should increase the psychiatric input in the Remand Prison and the Institution for sentenced prisoners in Podgorica</p>		<p>102. Employ a psychologist who would be a part of the Healthcare Service and whose primary task would imply carrying out psychotherapeutic work with</p>

<p>and develop the role of prison psychologists. (67)</p>		<p>detainees and prisoners.</p> <p>103. Increase number of working hours of the psychiatrist since the current engagement of a few hours, two days per week is not sufficient.</p>
<p>X Montenegrin authorities should take urgent steps to address the situation of the prisoner (mentioned in paragraph 68). (68)</p>	<p>Upon investigation of all facts and circumstances the Protector determined that the competent authorities, by placing and keeping M.Z. detained in Podgorica Prison, did not provide conditions for enforcement of the of the Superior Court ruling Investigation Request No. 158/2006, dated from 3 December 2007. The ruling, as a security measure, prescribes compulsory psychiatric treatment and placement in the health institutions. The ruling determines that the prescribed measure should be put in force in the Special Psychiatric Clinique in Dobrota – Kotor. Therefore, the Protector recommended:</p> <ul style="list-style-type: none"> • to the Ministry of Health to issue, as soon as possible, in accordance with the provisions of Articles 77 and Article 85 of the Law on Execution of Criminal Sanctions, more detailed regulations for implementation of security measures of compulsory psychiatric treatment and placement in the medical institution. Also, to determine the institution in which security measure of compulsory psychiatric treatment and placement of M.Z. will be carried out; <p>and</p> <ul style="list-style-type: none"> • to Ministry of Justice and the Ministry of Health to provide without any delay and within their jurisdiction conditions for the execution of the Podgorica Superior Court ruling Investigation Request No. 158/2006, dated from 3 December 2007. The recommendation has not been fulfilled yet. 	<p>104. Urgently direct M.Z. to treatment and care in an appropriate institution in the country or abroad.</p>

		105. Provide at least two additional ECG machines, one apparatus for defibrillation and equip the mini laboratory.
		106. The existing practice where a guard attends medical examinations of prisoners should be changed immediately. It would be advisable to install security alarms in examination rooms, which would enable health professionals to call help in case the patient becomes violent or tries to escape.
		107. Prevent recurrence of cases of prolonged binding of the mentally ill in ZIKS, as this represents an example of abuse.
		108. Consistently comply with all aspects of the Malta Declaration. Amend the law and specifically authorize the competent ministry to adopt the protocol on manner of conduct of the Healthcare Service in case of hunger strike of inmates (and detained and convicted persons). It is particularly important to define the scope of doctor's examination in assessing somatic functions.
		109. It is advisable to equip the clinic in Bijelo Polje Prison with ECG machine.
		110. Make sure that the doctor in charge of the prisoner does not declare whether that person is capable of serving the disciplinary measure of solitary confinement.
		111. Without further delay enable treatment in the hospital for infectious diseases to all persons suffering from Hepatitis C, in accordance with

		doctor's recommendations.
		112. Provide training for prison staff on topics related to drugs.
		113. Provide permanent education and counseling programs for inmate population on addiction topics.
		114. Establish the Drug-free unit.
		115. Expand therapeutic options for those who enter the prison with already developed addiction.
		116. Provide financial support for NGO projects related to education, rehabilitation and re-socialization of substance abusers.
PRISON REGIME		
✓ Ensure that all remand prisoners are offered the possibility to take outdoor exercise every day for at least one hour. (58)		117. Provide conditions for respecting the rights of remand prisoners to spend minimum 2 hours a day outdoors, in accordance with the law.

<p>X Review the regime of remand prisoners, in the light of the remarks in paragraph 57 (remand prisoners remained for 23 hours or more a day inside their cells, in some cases for several years; the only out-of-cell activity available to them was outdoor exercise taken in two 30-minute periods; exercise was not available on Fridays; for the rest of the time, prisoners remained in a state of inactivity in their cells, the only forms of distraction being playing board games, listening to the radio or watching TV). (58.1)</p> <p>X The remarks in paragraph 57 and the recommendation in paragraph 58 concerning apply equally to remand prisoners at Bijelo Polje. (58.5)</p>		<p>118. Urgently improve the regime in Remand Prisons, in order to allow detainees to spend more hours outside their cells and engage in diverse purposeful activities (work, education, social games, sports).</p>
		<p>119. Employ more persons of appropriate professional profile in the Treatment Sector - three persons in the Department for personality examination, five educators in the Department for treatment implementation in Podgorica Prison and three educators in Bijelo Polje Prison.</p>

		<p>120. Set mailboxes in each unit or organize a service to allow prisoners to submit letters, pleas and requests to the Administration and receive confirmation with the file number..</p>
		<p>121. Develop a system for implementation of treatment, clearly defining the scope of work of all employees.</p>
		<p>122. Provide expert supervision programs and programs for prevention of "burn-out" syndrome for employees in the Treatment Sector.</p>
		<p>123. Provide continuous training for the employees in the Treatment Sector on new methods of work, as well as training for early detection of mental disorders and suicide risk among persons deprived of liberty.</p>
		<p>124. Introduce a system of objectification of the criteria for moving from one classification group to another by developing questionnaires with precisely defined criteria that are scored.</p>
		<p>125. Modernize and expand all the workshops in the Institution for sentenced prisoners as soon as possible, in order to engage in work 80% of the inmates. Provide employment for 80% of female prisoners and expand the choice of work opportunities, including the "economy" as well, so</p>

		that they would have a possibility to choose, as male prisoners with the same status.
		126. Align House Rules for the Enforcement of Prison Sentences with Art. 57 of the Law on the Enforcement of Penal Sanctions in the part concerning the salaries for the employed prisoners and ensure that employed prisoners are paid for their work in accordance with the Law.
		127. Ensure the development of a strategic plan ("business plan") to expand the production in the Institution for Execution of Penal Sanctions (hereinafter: ZIKS)
X The new prison in Bijelo Polje should be provided with workshops, sports facilities, a proper library and other possibilities for purposeful activities. (60)		128. Purchase a machine for the production of concrete elements and organize a workshop for employment of prisoners in Bijelo Polje Prison.
		129. Provide same activities and working arrangements for foreign prisoners as for other prisoners by hiring an interpreter as needed. It is necessary to provide additional support to overcome isolation and ease difficult position of these persons due to language and cultural barriers. Provide translation of the House Rules in several languages.

		130. It is necessary to establish cooperation with businesses in order to provide working arrangements for prisoners outside the prison. These arrangements would have multiple benefits both while in prison, and after completing the sentence.
		131. Adopt amendments to the House Rules for the Enforcement of Prison Sentences (Art. 69 and Art. 70) stipulating that primary education shall be organized for all prisoners who have not completed primary school. Regulate the right to take exams more precisely, so as to ensure extramural completion of primary school, secondary school and university exams.
		132. Organize literacy courses for illiterate prisoners (particularly in Bijelo Polje Prison).
		133. Clearly define the right to use portable computers (laptops) in ZIKS in the House Rules for the Enforcement of Prison Sentences and identify objective conditions for the exceptional limitation of this right.
X	Provide educational programmes and vocational training courses. (54.2)	134. Develop educational programs and vocational training courses for prisoners.

		135. Include educational workshops on substance abuse, HIV/AIDS, sexually transmitted diseases, risks of transmission of hepatitis A, B and C, in the treatment of all prisoners.
		136. Organize training for work on computers for all persons deprived of liberty.
		137. Provide conditions for the consistent application of provisions of the House Rules for the Enforcement of Prison Sentences in ZIKS, which provide for cultural and art performances, workshops, lectures, etc.
		138. It is necessary to develop individual plans for the treatment of prisoners in the ZIKS, which will contain a multi-dimensional approach and the different methods in the process of their social reintegration. Identify measures of progress for evaluation, which would provide assessment of performance, and recommendations for the improvement of individual plans. This particularly refers to the prisoners serving long sentences.
X	Diversify the activities offered to both male and female prisoners and engage more prisoners in work and other purposeful activities. (54)	139. Ensure same conditions for recreation for women serving their sentences as for male prisoners.

		140. Organize more cultural activities in cooperation with prisoners themselves.
		141. Develop a post penal system, which would include various social institutions, humanitarian organizations, associations and individuals who can help prisoners integrate into society.
		142. Abolish the right of ZIKS director to decide on a conditional release.
		143. Profile the membership of the Commission for conditional release so that it consists of different experts (judges or other lawyers, psychologists, doctors, sociologists), which in general or at least most of should not be civil servants, employed in government or ministries.
		144. In the future, consider the possibility that conditional release is decided by the court.
		145. By law or by-law further specify the criteria according to which the Commission decides on a conditional release. Inform in an appropriate way prisoners about the process of decision making on a conditional release.
CONTACT WITH THE OUTSIDE WORLD		

<ul style="list-style-type: none"> ○ In addition to family members being permitted to attend visits, the prison director can extend the right to visit to unmarried partners. The CPT wishes to stress that such a right should exist by law rather than being left to the discretion of the prison management.³ (70) ○ Juvenile remand prisoners, many of them may have behavioral problems related to emotional deprivation or lack of social skills; their contacts with the outside world should be actively promoted. (71.2) ○ The CPT calls upon the Montenegrin authorities to strengthen the position of remand prisoners as regards the right to receive visits, in the light of the remarks in paragraph 71⁴; if necessary, the relevant legislation should be amended. ○ As regards the impossibility for remand prisoners to receive visits from unmarried partners, the CPT reiterates its invitation to the Montenegrin authorities to review the regulations in this regard; in the Committee's view, all prisoners should be 		<p>146. Amend the Law on the Enforcement of Penal Sanctions to define the right to visits from unmarried partners, in accordance with the CPT recommendation. Homosexual partners should have right to conjugal visits. In the perspective prisoners should be given right to spend with their marriage partners, children, and other persons close to them, three hours in separate rooms.</p>
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³ See also paragraph 71 of the Report to the Government of Montenegro on the visit to Montenegro carried out by the CPT from 15 to 22 September 2008, http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm#_Toc255372653

⁴ "The CPT must stress that, in its opinion, remand prisoners should in principle be entitled to receive visits. Any refusal in a specific case to permit such visits should be specifically substantiated by the needs of the investigation and be applied for a specified period of time. Under no circumstances should visits between a remand prisoner and his family be prohibited for a prolonged period. If it is considered that there is an ongoing risk of collusion, visits should be authorized under supervision.", Paragraph 71, CPT Report on the visit to Montenegro

<p>entitled by law to receive visits from any persons with whom they had an established relationship prior to admission comparable in significance to that of a family member. (71. 4.)</p>		
<p>✓ The Committee recommends that the Montenegrin authorities take steps to ensure that the confidentiality of prisoners' contacts with lawyers acting on their behalf is respected. (72. 2)</p>		
<p>X (In relation to the booth-type facility for visits) The Committee would like once again to invite the Montenegrin authorities to move towards more open visiting arrangements for remand prisoners in general. (73)</p> <p>X There was one visiting room at Bijelo Polje Prison which was too small to meet the requirements of the establishment; the CPT trusts that this failing will be addressed in the new prison building. (73.3)</p>		<p>147. Change booth-type visit rooms at the Remand Prison in Podgorica.</p>
<p>X The recommendation in paragraph 71 applies mutatis mutandis to remand prisoners' access to the telephone. If there is a perceived risk of collusion, a particular phone call could be monitored. (74)</p>		<p>148. Increase access of detainees to a phone. If there is a perceived risk a particular phone call could be monitored.</p>

X		149. Align the House Rules with practice which would enable use of mobile phones in Bijelo Polje Prison.
<ul style="list-style-type: none"> ○ The CPT recommends that the Montenegrin authorities strengthen the position of remand prisoners as regards their correspondence. Further, as regards access to books, the Committee considers that the involvement of a judge in this respect is excessive and should be abolished. (para. 75) 		
<ul style="list-style-type: none"> ○ Montenegrin authorities to develop the system of monitoring of prisons by independent outside bodies. In this context, to be fully effective, monitoring visits should be both frequent and unannounced. Further, the monitoring bodies should be empowered to interview prisoners in private and examine all issues related to their treatment (conditions of detention; medical records and other detention-related documentation; the exercise of prisoners' rights, etc.) (82). 		150. Allow unannounced visits and interviews with prisoners and detainees without the presence of ZIKS officials to representatives of NGOs dealing with human rights.

		<p>151. Align the House Rules with the European Prison Rules and the CPT standards (contact with the family cannot be excluded completely, even when the person is sent to solitary confinement, except in case when disciplinary offense has been committed in connection with that contact) and abolish the practice of using the prohibition of contact with the outside world as a disciplinary measure. This refers to Remand Prison as well.</p>
		<p>152. Provide adequate premises for religious services in Bijelo Polje and Podgorica Prisons.</p>
		<p>153. Amend the House Rules to provide for the prisoners and detainees the possibility of electronic communication (via internet or Skype) under supervision. This should be allowed to detainees as well.</p>

PRISON STAFF

X CPT invites the Montenegrin authorities to persevere in their efforts to improve staffing levels in penitentiary establishments. (69)

154. Increase staff levels especially in the sectors of security and treatment.

155. Provide time for rest (break) to all employees during the day.

156. Regulate the legal status of employees hired under contract for a specified time by signing a contract of indefinite duration, since their contracts are considered as such in accordance with Article 26 of the Labor Law.

157. Ensure the payment of benefits owed based on overtime, work during religious and national holidays and night work, in order to prevent court proceedings and further costs of these proceedings.

158. Ensure regular payment of compensation for overtime, work during religious and national holidays and night work.

159. Increase the number of trainings and courses for employees in accordance with a schedule that allows employees to participate in them.

160. Ensure that competent persons with an appropriate education degree are in leadership positions in all organizational units and sectors within ZIKS.

161. Provide by law accelerated retirement plan for heads of ZIKS.

		<p>162. Increase the salaries of employees taking into account work under difficult conditions.</p> <p>163. Provide adequate uniforms and other necessary equipment for ZIKS officers.</p> <p>164. Establish the responsibility of the director, as well as the Administrative Inspection for violation or untimely protection of the rights of ZIKS employees.</p>
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