

PREVENTION OF AND PROTECTION FROM ILL-TREATMENT

In 2012 AECS recorded a total of 7 cases of excess use of force, and in 2013 not a single case has been recorded. From June 2012, when preliminary monitoring report was published, until mid-March 2013 AECS Management did not receive any complaint of ill-treatment by officials from detainees or convicted persons. Since June 2012, during interviews with groups of detainees and prisoners (in living rooms, in their rooms) without the presence of guards, members of the NGO team have not been informed about ill-treatment by AECS officers. During the same period the Ombudsman examined two cases of application of force by AECS officials and found that there had been no abuse in the said cases. Prosecution of two cases of excessive use of force by officers in Remand Prison in May and October 2012 is ongoing.

AECS should ensure that each case of allegations of abuse, either by officials or other inmates, be immediately reported to competent authorities for prosecution (police and public prosecutor). In one case of allegations of beating of a detainee AECS management informed the police about the case with undue delay of five months, however, subsequently a practice has been established to inform the police immediately.

The new Law on Execution of Criminal Sanctions, which is currently in the process of drafting, should provide all necessary guarantees for the prevention of abuse in accordance with CPT recommendations, emphasized in our Report.

<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
1. AECS Director must convey a clear message to all employees that physical or verbal abuse of prisoners is not acceptable and	Order has been communicated and a written message put up in the offices of security officers on duty. Meetings were held with the heads of shifts and an excerpt from the Rules on the Performance of Security Service	<u>Recommendation fulfilled</u> Training of the security sector staff should ensure that everyone understands the terms of physical

<p>will be punished in accordance with law. (CPT)</p>	<p>submitted to them.</p>	<p>and psychological abuse, and that there be no confusion about their meaning.</p>
<p>2. Specify the Rules on the Performance of Security Service, Weapons and Equipment of Security Officers in the Administration for Execution of Criminal Sanctions by including a warning that, when the resistance is suppressed, it is forbidden and punishable to continue to use force, i.e. use force as a punishment. (CPT)</p>	<p>Current Rules are in line with the current Law on Execution of Criminal Sanctions, which does not authorize the use of force when the reasons for it cease, i.e. when the resistance is overcome. With the adoption of the new Law all regulations will be harmonized.</p>	<p><u>Recommendation not fulfilled</u></p> <p>The Law on Execution of Criminal Sanctions in Art. 61 states that coercion shall be used "only when necessary to prevent resistance", which is indisputable. However, we believe that the by-law should further specify this, as the practice has proven that the force was abused mostly in this manner.</p>
<p>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.</p>	<p>According to the program on the use means of coercion during April and May 2012, 118 guards from the security sector took a course and passed the exam on obtaining the title of a guard. This exam includes knowledge of relevant regulations.</p> <p>Ninety-eight security officers attended the course on "Handling weapons, organizing and carrying out the shooting"; 118 security officers attended the course "Adoption of physical skills and handling of coercion to maintain order while preventing abuse and reducing tension among prisoners".</p>	<p><u>Recommendation fulfilled</u></p> <p>However, mentioned programs did not include particular topics – the human rights of persons deprived of their liberty as a separate topic, or concept of the prohibition of torture and other ill-treatment.</p> <p>The following programs were reviewed:</p> <ul style="list-style-type: none"> - Introductory course (training curriculum for civil servants and employees of the Administration for Execution of Criminal Sanctions); - Specialist course "Handling weapons, organizing and carrying out the shooting";

		<p>- Specialist course "Adoption of physical skills and handling of coercion to maintain order while preventing abuse and reducing tension among prisoners";</p> <p>- Specialist course "Adoption of psychological skills to maintain order while preventing abuse and reducing tension among prisoners".</p> <p><i>We believe that it would be valuable to inform the officials about examples of torture and ill-treatment in prisons reviewed by international bodies for the protection of human rights, as well as the conclusions of these bodies in this regard.</i></p>
4. Ensure the keeping of records of each application of coercive measures against the detainees and prisoners, without exception. (CPT)	Special protocol book has been established. Special registers containing case files have been established in all organizational units accommodating persons deprived of liberty; special register has been introduced for recording the use of force, which, inter alia, contains data related to the start and duration of the use of force.	<p><u>Recommendation fulfilled</u></p> <p>Registers are kept in all organizational units.</p>
5. Amend regulations to ensure that the inmate against whom the force was applied is granted access to all his relevant statements, as well as to the doctor's conclusions. (CPT)	Every prisoner against whom force has been applied is granted access to all his relevant statements, as well as to the doctor's conclusion.	<p><u>Recommendation fulfilled</u></p>
6. Amend the Law on the Execution of Criminal Sanctions to	AECS informs the Ministry of Justice and the Police Directorate about the use of force, and then the Police	<p><u>Recommendation not fulfilled, because the Law is still in the drafting phase.</u></p>

<p>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 was applied and bringing the case to the attention of the relevant ministry and state prosecutor. (CPT)</p>	<p>Directorate informs the Prosecutor's Office. Drafting of the Law on the Execution of Criminal Sanctions is in progress.</p>	<p>Immediate reporting to the competent public prosecutor is in accordance with the recommendations of the CPT, as well as other allegations from the recommendation, as explained in the Report, p. 17-20.</p> <p>In practice, doctor's examination is ensured in each case of application of force. Records of the application of force in the Institution for sentenced prisoners, for example, show that the means of coercion have been applied only twice from June 2012 to date, i.e. in relation to two persons during the same incident in December 2012 (Lončar and Bošković).</p> <p>In 2013 in the Prison for short sentences, in the case of self-harm, fixation was applied during a period from 9 p.m. to 1 p.m. the following day. The CPT recommended that fixation be measured by hours, not days (Report, p. 22). In future, after engaging more medical staff, they should try to spend more time with persons in this position and monitor whether they have calmed down in order to discontinue fixation.</p>
<p>7. Any case of exceeding or abusing one's authority must be recorded and must lead to initiation of the procedure of</p>	<p>If a superior officer or employee exceeds authority in the performance of the security service, whether by applying force to a greater extent than allowed or by abusing a prisoner, disciplinary procedure shall be initiated; if such</p>	<p><u>Recommendation partially fulfilled</u></p> <p>In the period from June 2012 to March 2013 there were no recorded cases of excess use of force or</p>

<p>determining criminal or disciplinary liability, without hesitation and exceptions. Otherwise, the responsible chiefs, heads and director of AECS should therefore bear the consequences in accordance with the Criminal Code, which prescribes liability for abuse of official position, negligent performance of duties, concealment of a criminal offense and offender, etc. (CPT, 14.4)</p>	<p>behavior violates legally stipulated rights of a convicted person or inflicts bodily harm against them, AECS shall inform the Police Directorate and State Prosecution for further processing.</p>	<p>abuse of authority. However, as regards the case of alleged abuse of Marko Đurković in the Remand Prison on 3 May 2012, covered by the media, AECS informed the Police about it only on 24 October 2012, while the State Prosecutor questioned Đurković two months later - in late December 2012. Such conduct does not meet the requirement of urgency in accordance with international standards. Also, AECS conducted disciplinary action only against two officers, and subsequently the State Prosecutor launched a criminal investigation against three officers. Đurković stated that he had been hit by at least four officers, while others watched without objecting. There is doubt that this disciplinary action and the investigation included all responsible for active participation or consent to actions against Đurković.</p> <p>In October 2012 security officer in the Remand Prison N.N. applied excessive force against a detainee; the police was immediately notified, criminal charges were filed against the officer and the prosecutor ordered an investigation. The officer has been suspended, fined and meanwhile returned to work and is currently working on a watchtower.</p> <p>AECS Management has also immediately informed the police about the case of alleged beatings of prisoners Bošković and Lončar. This case was investigated by Ombudsman as well, who concluded that there was no evidence of abuse.</p>
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<p>8. Amend the Rules on the Performance of Security Service, Weapons and Equipment of Security Officers in the Administration for Execution of Criminal 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. (CPT)</p>	<p>Following the adoption of the Law on Execution of Criminal Sanctions bylaws shall be drafted, including the Rules on the Performance of Security Service, which will specify special authorities of officers.</p>	<p><u>Recommendation not fulfilled</u></p>
<p>9. Since more than half of prisoners claim that officers carry truncheons, it is necessary to make additional efforts to hide them from view. (CPT)</p>	<p>Proposed Rules on uniforms have been drafted and submitted to the Ministry of Justice for further procedure. This recommendation was taken into account in drafting of the Rules.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>Draft Rules on uniforms do not include information on how to carry a truncheon, which is not part of the uniform; there is rather "a hole for the truncheon" which is additional equipment (Art. 9), carried without restrictions. According to the Management of AECS, new uniforms will have pockets for carrying a truncheon.</p> <p>Monitors did not notice officers who carry truncheons during their visits.</p>
<p>10. Ensure that AECS officers do not use improvised means of restraint and destroy all such means found with the prisoners, in accordance with the</p>	<p>All illegal items found with prisoners or detainees during the search will be confiscated, stored or destroyed in accordance with the Rules.</p>	<p><u>Recommendation fulfilled</u></p> <p>House Rules (Art. 112) stipulate that illegal items found in prisoners shall be temporarily confiscated and that a record shall be made about it. Monitors</p>

<p>recommendation of the Ombudsman of 16 January 2012.</p>		<p>were told that these items are kept in a separate storage within AECS in Podgorica, or destroyed, depending on the type of illegal items or substances in question.</p>
<p>11. Develop a strategy on the prevention of violence among inmates. Include experts from various fields in its development, as well as staff members in contact with prisoners on a daily basis. (CPT)</p>	<p>Strategy for the Prevention of Violence among Inmates has been adopted and communicated to staff in all organizational units accommodating convicted and detained persons.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>We were informed that the Strategy was developed by AECS working group. We do not know whether it involved various experts.</p> <p>The strategy is evidently predominantly rooted in the CPT standards, which is certainly useful. Certain standards that are not in favour of AECS have not been included, such as the standard stipulating that detainees must be provided with meaningful activities outside the cell for a period of 8 hours a day, etc.</p> <p>Although it is a very important declaration of principles and standards, the main shortcoming of a Strategy is that it does not define short, medium and long term goals and does not provide for the adoption of action plan for achieving these goals. We suggest that the text of the Strategy be amended with this in mind. It will then become clear what has already been applied, and what is yet to be provided.</p> <p>Remarks:</p>

<p>12. Increase the number of employees in the Security Sector. (CPT)</p> <p>13. Ensure the application of conciliation and mediation procedures to the greatest possible extent to resolve disputes among inmates.</p>	<p>Act on Systematization proposed staff increase. AECS is currently engaging staff in accordance with the job vacancy announcement.</p> <p>Mediation team was formed and it includes psychologist, pedagogue and defectologist with experience in mediation and necessary certificate.</p>	<p>Paragraph 5 deals with the obligation to provide detainees with one hour in fresh air, which is not in accordance with the law which provides for 2 hours (Report, p. 98; CPC, Art. 182, para. 2).</p> <p>In Article 12, "independent body" referred to in international standards (e.g. European Prison Rules - EPR, p. 93) is not a government authority, referred to as "governmental inspection" (EPR, p. 92). Accordingly, the judge or official of the Ministry of Justice are not an independent body, as stated in the mentioned paragraph of the Strategy.</p> <p><u>Recommendation fulfilled</u></p> <p>It is certain that the number of employees in the security sector will increase.</p> <p><u>Recommendation partially fulfilled</u></p> <p>Although the mediation team was formed more than half a year ago, prisoners are not interested in mediation, because according to the head of the Institution for sentenced prisoners, they abide by the system and values of informal community. We suggest the exchange of experience on the topic of mediation with representatives of prisons in Bulgaria, Slovenia and the UK who have had similar experiences. Consider the possibility of including the prisoner in the team as an ad-hoc member.</p>
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<p>14. Install video cameras and alarm systems in rooms with a large number of prisoners.</p> <p>15. Ensure that video surveillance footage be stored much longer than 7 days.</p>	<p>Expert opinion was sought from the Agency for the Protection of Personal Data, but the opinion received did not contribute to the adoption of a decision in favor of the implementation of this recommendation.</p> <p>Video surveillance footage is stored longer than 7 days in most of the units.</p>	<p><u>Recommendation not fulfilled</u></p> <p><u>Recommendation fulfilled</u></p> <p>In certain units footage is stored for up to 30 days or less. The problem is related to hardware and software. Systems have not yet been connected. However, when an incident occurs, as monitors have been informed, the footage is immediately used for further procedure.</p>
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DISCIPLINARY VIOLATIONS, PROCEDURES AND MEASURES

Most of the recommendations have been implemented, documentation of disciplinary actions is properly kept and the House Rules are available to both detainees and prisoners. Punishment of solitary confinement for more than 21 days occurred in 10% of cases, but such longer placements under solitary confinement were usually terminated earlier. As regards the upcoming amendments to the Law on Execution of Criminal Sanctions, latest recommendations of the CPT in relation to solitary confinement should be borne in mind, particularly the one stating that solitary confinement should last no longer than 14 days. The new Law should also improve guarantees of fairness of disciplinary proceedings, extend the deadlines for court protection, prescribe periodic reviews of decisions on solitary confinement and transfer, prescribe remedies against those decisions, etc. Decisions on transfer still do not contain an instruction on legal remedy. It is necessary to encourage inmates to take advantage of mediation team services in the event of a conflict.

No.	<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
16.	Amend legal provisions and reduce the period of stay of inmates in solitary confinement to a maximum of 21 days.	Of a total of 249 disciplinary actions ("reports") conducted within the Institution for sentenced prisoners in 2012, 34 inmates received a sentence of solitary confinement for more than 21 days, of which 17 were punished by a maximum of 30 days (for escape and assault of an officer). Out of 50 disciplinary actions conducted in 2013, there were 5 sentences of more than 21 days, one prisoner was sentenced to a	<p style="text-align: center;"><u>Recommendation partially fulfilled</u></p> <p>Regulations have not changed, however, disciplinary punishment of solitary confinement for more than 21 days is proportionally rarely used in practice (about 10% of cases). It has been noticed that placement under solitary confinement for more than 21 was usually terminated earlier.</p>

		<p>maximum of 30 days. However, no person was in solitary confinement for a total of 30 days – the punishment was terminated earlier.</p> <p>Drafting of the Law on the Execution of Criminal Sanctions is in progress and this issue will be aligned with international standards; until that time the current law will be applied.</p>	<p>In its 21st General Report from 2011, CPT recommended that solitary confinement should last no longer than 14 days.</p>
17.	<p>All paperwork relating to disciplinary procedure must be documented orderly, while the charges and the decision must be delivered to prisoners with an instruction on legal remedy. Provide proof of orderly delivery. (CPT)</p>	<p>All paperwork relating to disciplinary procedure is documented orderly; charges and decision with an instruction on legal remedy are delivered to prisoners, with the signature of a prisoner as a proof of orderly delivery.</p>	<p><u>Recommendation fulfilled</u></p> <p>After inspecting the records of disciplinary reports from the Institution for sentenced prisoners and individual cases, we have found that the documentation is in order and that each decision has the signature of a prisoner in question.</p>
18.	<p>Ensure that persons serving a sentence of solitary confinement have the right to visits from family members and other close persons. (CPT)</p>	<p>Regardless of the imposed disciplinary punishment against a sentenced person, receiving regular visits is a statutory right that can never be brought into connection with a disciplinary offense. The same is stipulated by the House Rules adopted in December 2012.</p>	<p><u>Recommendation fulfilled</u></p> <p>Several prisoners, including those in solitary confinement, confirmed in an interview that their right to regular visits has not been denied during solitary confinement.</p> <p>New House Rules do not prescribe the denial of regular visits as a form of punishment while serving a sentence.</p>

19.	Ensure that all persons held in solitary confinement have the right to stay in the fresh air for a minimum period of one hour per day, in accordance with the law. (CPT)	National and international standard stipulating that all persons held in solitary confinement have the right to stay in the fresh air for at least 1 hour per day is complied with.	<p><u>Recommendation fulfilled</u></p> <p>According to the duty book in Disciplinary unit and interviews with prisoners, particularly those in solitary confinement, it was concluded that the recommendation has been implemented.</p>
20.	Ensure that the decision 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.	Decision on solitary confinement is delivered to all inmates before their isolation.	<p><u>Recommendation fulfilled</u></p> <p>Persons in Disciplinary unit (in solitary confinement) confirmed that they had received a decision before being taken to solitary confinement.</p>
21.	When imposing a disciplinary measure of solitary confinement, after a convicted person has committed three minor violations of the House Rules, the prison Chief should be particularly vigilant and not allow this measure to be the subject of abuse and type of pressure on the prisoners, as it leaves the possibility of arbitrary interpretation of minor violations of the House Rules by the Security Service.	House Rules adopted in December 2012 do not provide for the possibility of imposing a disciplinary measure of solitary confinement against a convicted person after the person has committed three minor violations of the Rules.	<p><u>Recommendation fulfilled</u></p> <p>New House Rules do not provide for the punishment of solitary confinement in the case of three minor violations of the Rules.</p>
22.	Ensure that in each case a person sent to solitary confinement has direct contact with the doctor before being sent to solitary confinement.	After the imposition of a disciplinary measure, just before being sent to solitary confinement, prison doctor determines if the convicted person is capable of isolation. Upon receiving	<p><u>Recommendation fulfilled</u></p> <p>However, this recommendation is no longer featured in the European Prison Rules. The said Rules (p. 43.2) require regular doctor's</p>

		doctor's confirmation, the person is sent to solitary confinement.	visits to prisoners who are in isolation.
23.	Ensure that the doctor who normally looks after the health of a prisoner against whom the disciplinary proceedings have been initiated does not decide on his/her ability to undergo the punishment of solitary confinement.	Health care in the organizational units in AECS in Spuž is provided by two full-time engaged doctors - one works in the Remand Prison and the other in the Institution for sentenced prisoners and Prison for short sentences. If deciding on detainee's ability to undergo the punishment of solitary confinement, the necessary examination will be carried out by the doctor who examines convicts and vice versa.	<u>Recommendation not fulfilled</u> In the second half of 2012 two doctors were employed in AECS in Podgorica, however, as of 1 March 2013 AECS employs only one doctor. See the recommendation above.
24.	Ensure the implementation of the CPT recommendation in relation to the right to appeal with regard to transfer by specifying regulations and in practice. Decisions on transfer must include basis and reasons for transfer of the convicted person and instruction on legal remedy. (CPT)	The right to appeal the decision on transfer to another organizational unit as well as with regard to all other administrative acts is guaranteed by the Law on General Administrative Procedure. All decisions include an instruction on legal remedy.	<u>Recommendation not fulfilled</u> After examining multiple decisions adopted in 2012 and 2013 it was found that none of them contained an instruction on legal remedy. Regulations have not been specified. Also, although we are told that some decisions were adopted at the request of convicts, the decision itself does not state that, but only that the Treatment Sector requested the transfer.
25.	Prescribe the principle that solitary confinement and transfer shall be for the	The legislation does not provide for time limits regarding the stay of inmates in	<u>Recommendation not fulfilled</u>

	shortest possible time and that decisions on isolation and transfer be reviewed e.g. every month or at least every three months. (CPT)	another organizational unit. However, decisions to transfer inmates to another organizational unit are reviewed once a month and further stay in another organizational unit depends on whether the reasons for transfer have ceased.	<p>Law on Execution of Criminal Sanctions that should regulate this issue has not yet been amended.</p> <p>During the reporting period there was only one case of solitary confinement for security reasons, which ended by release of the prisoner in September 2012. Amendments to the Law should regulate this issue.</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. If 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.	Article 120 of the House Rules stipulates that after conducting disciplinary proceedings and determining the facts, the head of the organizational unit will adopt a decision on disciplinary responsibility within 48 hours. Other deadlines related to disciplinary procedure or transfer, if not regulated by any other act, shall be applied in accordance with the Law on General Administrative Procedure.	<p><u>Recommendation not fulfilled</u></p> <p>Law on Execution of Criminal Sanctions that should regulate these issues has not yet been amended.</p>
27.	Amend the Law on Execution of Criminal Sanctions to provide for all guarantees of procedural fairness contained in the European Prison Rules.	Drafting of the Law which will incorporate all international standards is in progress.	<p><u>Recommendation not fulfilled</u></p> <p>Drafting of the Law on Execution of Criminal Sanctions is in progress. Although the new House Rules contain many guarantees, not all of them have been laid down (e.g. the defendant's right to offer evidence and call witnesses).</p>

28.	It is recommended that the deadline of 3 days for initiation of an administrative dispute be extended to at least 7 days, since persons deprived of their liberty are in a more difficult position to conduct trials as compared to free individuals, who are entitled to a considerably longer deadline (30 days).	The deadline of 3 days defined by the House Rules applies to the filing of complaints to the director and decision on disciplinary responsibility. The deadline of 30 days determined by the Law on Administrative Procedure applies to the protection before the Administrative Court as well as to the protection of the convicted person.	<p><u>Recommendation not fulfilled</u></p> <p>In the Report we referred to Article 64d of the Law on Execution of Criminal Sanctions, which deals with the stated deadlines for action for judicial protection.</p>
29.	Inform prisoners about 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.	<p>Convicted persons are always informed of the conditions for access to free legal aid provided in AECS when serving a prison sentence. They are entitled to legal aid within AECS .</p> <p>They also have an access to Brochure on free legal aid in Montenegro.</p>	<p><u>Recommendation partially fulfilled</u>, in the part within the competence of AECS.</p> <p>Brochures on free legal aid of the Basic Court in Podgorica are available to prisoners. Law on Free Legal Aid has not been amended.</p>
30.	Ensure that all prisoners be timely and continuously informed of their rights and obligations.	Upon admission all prisoners learn about their rights and responsibilities and confirm this with their signature. Legal acts that regulate the execution of criminal sanctions have been made available to them.	<p><u>Recommendation fulfilled in principle</u></p> <p>Although prisoners confirmed that now they receive the House Rules and other regulations upon request, there are also those who do not know about available legal remedies. We suggest that a simple brochure be handed to all the prisoners to inform them about legal remedies at their disposal.</p>

31.	All inmates must be familiar with the contents of the House Rules and AECS Management must make it available to prisoners. Ideally provide House Rules in the form of a brochure that would be delivered to every convicted person at admission. In the meantime, ensure that the prison library has enough copies of the Rules that can be handed out to convicted persons upon request. For the needs of foreigners who do not understand the language, provide for translation of the Rules into several languages.	House Rules are available at each living room and library. House Rules and Rules for the Enforcement of Custody were translated into English and Albanian languages and made available to foreign prisoners and detainees in AECS.	<u>Recommendation fulfilled</u> During the visit of the monitoring team there were no copies of House Rules in the living rooms in units, however, prisoners confirmed that the Rules are available in all prison libraries.
32.	In case of self-injury, examine mental condition of a 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 penalties should be amended. Also, the Law on the Enforcement of Criminal Sanctions should specify that in case of self-injury a medical opinion must be obtained prior to initiation of a disciplinary procedure.	Any person who attempts to harm themselves or inflicts self-harm is examined by a psychiatrist, as such behavior in inmates is at first perceived as a result of a mental disorder. If self-harm or attempted self-harm is not the result of mental disorder, then it represents a serious disciplinary offense.	<u>Recommendation fulfilled</u> According to the new House Rules, self-injury is considered as serious disciplinary offense, if not the result of a mental disorder. In each specific case an opinion of a psychiatrist is sought.
33.	Encourage peaceful resolution of disputes among inmates in all AECS units.	A team was formed composed of psychologists and educators trained in mediation - peaceful resolution of conflicts among prisoners.	<u>Recommendation partially fulfilled,</u> mediation team has been established, but prisoners need to be encouraged to use this form of conflict resolution (see also Recommendation no. 13 above).

ACCOMMODATION CONDITIONS

Accommodation facilities are reconstructed to some extent, however, new prison facilities in Bijelo Polje and Podgorica have not been constructed, as the CPT was informed in 2008. Funds have now been provided for the construction of a prison in Bijelo Polje, prison for long sentences in Podgorica and Special Prison Hospital. Construction of the necessary new building of Unit A at the Institution for sentenced prisoners in Podgorica, where there are still cases of 28 people staying in the same cell, without regard to the minimum standard of 4m² and without sufficient heating, is planned for 2014.

However, such plan does not exist for Remand Prison in Podgorica, although people stay locked up for 23 hours a day for several years in its cramped cells, which also does not meet the standard of 4m². We urge the authorities to provide resources for the construction of a new remand prison in Podgorica.

No.	<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
34	Urgently renovate and extend unit A within the Institution for sentenced prisoners (e.g. add new floor). (CPT)	Lack of financial resources. Capital budget for 2014 envisages the reconstruction of unit A. During this year bathrooms in the said unit will be renovated.	<u>Recommendation not fulfilled</u> , but it is encouraging that the construction of a new building is planned for 2014 and that the funds have been provided for this purpose.
35	Take measures to address the problem of overcrowding and achieve compliance with European standards. Prescribe a minimum	AECS management is undertaking a series of activities to resolve the issue of	<u>Recommendation partially fulfilled</u> There is no overcrowding in most of the units, in contrast to unit A, which

		standard of 4 m ² of free space per convict, in accordance with the international standard and comply with this standard in practice. (CPT)	overcrowding and generally improve the conditions of stay of persons deprived of their liberty. Reconstruction and renovation of almost all the units increased prison capacity, so in some facilities the accommodation conditions are now close to European standards.	does not even closely comply with the standards for accommodation of prisoners (28 beds in about 50 m ²). In unit F there are rooms accommodating 6 people in a maximum of 16 m ² . The problem of non-compliance with the standards is still present at the Remand Prison (e.g. room with 11 detainees in 25 m ² , second floor, Room L3), although the situation is much better than in previous years (the number of detainees does not exceed 300, the capacity is 370 beds, and in 2008 there were over 500 people in Podgorica Remand Prison). However, all this should be viewed in the context of detainees who are locked in cramped cells for 23 hours a day for <i>several years</i> . All this together represents treatment that can not be considered as humane.
36		In accordance with the plan, construct a new prison for long sentences in Podgorica.	The Action Plan of the Government of Montenegro and the Master Plan envisage the construction of a prison hospital, prison for long sentences and prison in Bijelo Polje, which will address the issue of overcrowding in other facilities as well.	Recommendation not fulfilled , but the construction has been scheduled and resources provided.

37		Bring down inadequate shacks within the so-called "Economy" (unit E within the Institution for Sentenced Prisoners) and build new facilities to accommodate inmates.	Several facilities in the Economy were adapted to accommodate 30-40 people. Other facilities will be demolished and new ones built when the conditions are met.	<u>Recommendation partially fulfilled</u>
38		In accordance with the plan, construct the Special Hospital.	Building of a prison hospital has been envisaged by the Action Plan of the Government of Montenegro and the Master Plan. The Council of Europe Development Bank will finance 3 facilities, funds have already been secured.	<u>Recommendation not fulfilled</u> , but the construction has been scheduled and resources provided.
		<i>Unit A</i>		
39		Provide the required bedding, including pillows and pillow cases, which should be available to every convict. Information on the possibilities of using prison bedding must be made available to all convicts and detainees.	AECS provides bedding for all persons deprived of their liberty, but also allows the use of own bedding. Tailor's workshop has been opened, 4 prisoners were trained to work in the workshop, 2500 bed sheets and 1300 pillowcases were made, as well	<u>Recommendation partially fulfilled</u> Prisoner from unit A, a foreigner, did not know he was entitled to bedding and borrowed it from one of the convicts. A few other prisoners confirmed that the prison authorities "did not make an effort to notify them of the right to bedding ...". On the other

			as 100 work suits for prisoners.	hand, some other inmates confirmed that they have been informed. The problem of insufficient information could be solved by handing brochures to everyone upon admission to prison.
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.	In some units it has been made possible to dry bedding in the open.	<u>Recommendation partially fulfilled</u>
41		It is necessary to reconstruct the unit A (e.g. add new floor) to address the issue of overcrowding. Meanwhile, paint the walls.	In the capital budget for 2014 the Ministry of Justice and AECS proposed construction of a new unit A.	<u>Recommendation not fulfilled</u> The problem of overcrowding is still present - 28 prisoners sleep in bunk beds in the bedroom of 50 m2. Rooms are painted, in part.
42		Pay more attention to the hygiene of sanitary facilities and provide new sanitary equipment.	Since June 2012, 30,000 Euros have been invested in sanitary equipment; 30,000 Euros is planned for this year.	<u>Recommendation fulfilled</u> Sanitary equipment has been repaired in most units; bathrooms in each room in the Prison for short sentences are currently being reconstructed.
43		Provide adequate heating and cooling.	Air conditioning has been installed in all living rooms and hallways. According to Director's decision, prisoners are allowed to have a	<u>Recommendation partially fulfilled</u> There are radiators and other heating devices in dormitories and rooms, which are the property of prisoners, but the prisoners still complain about

			mobile air conditioning (water cooling fan) in the summer.	<p>the heating. During the visit it was noted that there was only one radiator in the living room that can accommodate up to 30 people. There are air conditioners in the hallways, not in the rooms.</p> <p>In unit A, in the most numerous room with 28 people there are only three radiators, which can not be used simultaneously with TV sets, due to problems with the electrical system.</p>
44		Install video surveillance in the office for educators.	Not planned under the project.	<p><u>Recommendation not fulfilled</u></p> <p>In the anonymous survey conducted in March 2012, convicts stated that educators' offices had also been used for ill-treatment, particularly in unit A.</p>
45		Designate a separate room for smokers and set smoking ban signs in all the hallways and bedrooms.	Due to the lack of accommodation and other capacities, there are no conditions to designate separate rooms for smokers in the facilities used to accommodate persons deprived of their liberty. All facilities have 'no smoking' signs placed in appropriate places.	<p><u>Recommendation not fulfilled</u></p> <p>Inmates still smoke in dormitories. AECS management is trying to establish non-smoking rooms, but this is not always possible.</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.	Prisoners have access to all the documents governing their life and work during their stay in AECS. House Rules stipulate that all prisoners in the Institution for sentenced prisoners shall be notified of the right to use prison bedding as well as their own bedding. Upon admission they sign a statement that they are familiar with the House Rules.	<u>Recommendation partially fulfilled</u> Monitors spoke to several inmates, especially in the Remand Prison and units A and C, who were not informed about the right to use the laundry room and obtain prison bedding. On the other hand, inmates in units B and D were familiar with the above rights.
		<i>Unit B</i>		
47		Install central heating in staff premises.	Air conditioner has been installed.	<u>Recommendation fulfilled</u>
		<i>Unit C</i>		
48		Provide new shower heads and prevent their destruction.	Seven shower cabins were installed in rooms accommodating prisoners. House Rules specify material liability of convicts who damage AECS property.	<u>Recommendation fulfilled</u> Shower cabins have been replaced in the common bathroom.

49		Set up a shelter from inclement weather in the unit C yard and purchase sports equipment.		<p><u>Recommendation not fulfilled</u></p> <p>Courtyard in unit C is still very small and without any shelter from bad weather conditions. In addition, this unit does not have sports equipment or, for example, a basketball hoop.</p> <p>We recommend that the shelter be made of transparent material to allow surveillance from the watchtower.</p>
50		It is necessary to reduce the destruction of prison equipment, by informing inmates about the responsibilities for such behaviour laid down in the House Rules.	Since June 2012 several decisions on material responsibility for the destruction of AECS property were adopted. Material liability for damage is specified in the House Rules.	<u>Recommendation fulfilled</u>
		<i>Unit D</i>		
51		Enable the use of prison bedding.	Sufficient quantities of sheets have been supplied and distributed to all the facilities lacking bedding.	<p><u>Recommendation fulfilled</u></p> <p>Prisoners are informed of their right to use prison sheets; inmates in this unit had no remarks to this end.</p>
52		Make available information on the use of the laundry room.	Prisoners have been informed about their right to use prison bedding and laundry room.	<p><u>Recommendation fulfilled</u></p> <p>A number of prisoners uses the</p>

				laundry room, mostly those who have less frequent contact with their family members who could wash their linens.
53		Address the problem of overcrowded rooms.	For many years AECS has been faced with the problem of lack of accommodation capacities. Certain rooms in unit D occasionally outnumber actual accommodation capacity. We try as much as possible to evenly distribute the prisoners, not only in the rooms but also the units.	<u>Recommendation partially fulfilled</u> At the time of the visit there was no overcrowding in the rooms in this unit.
		<i>Semi-open unit</i>		
54		Provide laser equipment for video surveillance.	Project documentation and resources required.	<u>Recommendation not fulfilled</u>
55		Bring down dilapidated shacks and build new ones, in accordance with the standards, which would have more beds and better living conditions.	Conditions for the destruction of shacks have not yet been created because the funds for the construction of new ones are not provided. In the meantime, all shacks in the Semi-open unit have been renovated and adapted, creating thus decent conditions for stay.	<u>Recommendation partially fulfilled</u>

56		Expand the greenhouse and farms.	Preparation of the business plan in collaboration with the Faculty of Economics in Podgorica is in progress.	<u>Recommendation not fulfilled</u> , but we welcome the development of a business plan, which is one of the fulfilled recommendations.
		<i>Prison for short sentences</i>		
57		Constructing additional premises of about 50 m ² next to the existing facilities would considerably help in avoiding overcrowding and thus complying with international standards regarding the placement and conditions of stay of sentenced persons.	Reconstruction of part of the building of the Prison for short sentences is in progress, which will increase its accommodation capacities.	<u>Recommendation partially fulfilled</u> The reconstruction, which implies the replacement of shared bathrooms with bathrooms in each room, will provide for an extra room in every department, in addition to better comfort, but this will not provide as much space as constructing of an additional floor would. In the meantime, AECS Management informed us that constructing of an additional floor in this building is not possible due to technical reasons.
58		Provide a library.	Reconstruction of this building provided for a room for library.	<u>Recommendation fulfilled</u> , although the library that we have found is very meager. We were informed that the central library will be established for all prisons, i.e. units.

59		Take out excess beds from the room for foreign inmates in order to make more space.	Renovation of rooms for foreign inmates is currently in progress.	<p><u>Recommendation fulfilled</u></p> <p>At the time of the visit, in March 2013, not one foreign inmate resided in AECS. This situation is extremely rare.</p>
60		Set up a shelter from inclement weather in the yard.		<p><u>Recommendation fulfilled</u></p> <p>However, during a visit in March 2013, the entire sports court in the backyard was flooded, which is an issue that needs to be addressed.</p>
<p>Remand Prison Podgorica</p> <p>Most of the premises in the Remand Prison have been renovated, living conditions improved, as well as the space for walking. However, there is still a problem of failure to meet the standard of at least 4m² per person which, in combination with the fact that inmates usually spend 23 hours a day locked in such small rooms (female detainees 22 hours), constitutes inhumane treatment. Courts should therefore order custody extremely restrictively and, in particular, not allow stay in detention for several years, as this is in violation of European standards. We are advocating for the construction of a new remand prison building, which will allow for the application of the CPT standard according to which detainees should spend several hours a day in activities outside of their cells.</p>				
61		Construct a new building of the Remand Prison, which would have rooms with fewer beds, complying with the standard of 4 m ² , and provide a living area with computers and other options for activities outside the cell.	The measure has been partially applied due to the lack of funds in the budget.	<p><u>Recommendation not fulfilled</u></p> <p>Unfortunately, we have not been informed of any plan envisaging the construction of a new remand prison building in future.</p>

62		Until the new prison building is constructed, renovate the existing accommodation capacities and paint all the rooms.	Reconstruction of Remand Prison is in the final stage.	<u>Recommendation fulfilled</u> Most of the rooms have been painted, and it is planned to paint the rest of them as well. There are toilet facilities in the rooms and in the shared bathroom.
63		Renovate rooms that are not currently used.	Rooms that had not been used were renovated and intended for archive, storage and possibly a mini library.	<u>Recommendation fulfilled</u> , all rooms are operational. However, these premises - former isolation rooms - are now used for training on stationary bikes, but they are extremely narrow and inadequate for that purpose.
64		Provide non-transparent shower curtains in bathrooms in the female part of the Remand Prison to ensure privacy of female detainees.	Non-transparent shower curtains have been provided in bathrooms.	<u>Recommendation fulfilled</u>
65		Adapt special rooms for solitary confinement in Podgorica Remand Prison.	The process of reconstruction is in progress.	<u>Recommendation fulfilled</u>
<p>Bijelo Polje Prison</p> <p>Conclusion: Although in its report from 2009 the CPT stated that it believed that the government would take steps to complete construction of a new prison in Bijelo Polje on time, this has not happened, however, funding has been provided and the construction is in plan.</p>				
66		In accordance with the plan, construct a new building for Bijelo Polje Prison. (CPT)	Construction is envisaged by the Master Plan, funds have been provided.	<u>Recommendation not fulfilled</u> , but funds have been provided and the construction is in plan.

67		Until a new prison building in Bijelo Polje is constructed, it is of priority to build additional premises - living room and disciplinary cells for convicted persons.	Directorate of Public Works signed a contract for works on the reconstruction of Semi-open unit in Bijelo Polje Prison. The reconstruction will start soon.	<u>Recommendation not fulfilled</u> , although it appears that it will be soon.
68		Renovate bathrooms and toilets in the prison for convicted persons and maintain hygiene. (CPT)	Sanitary facilities were made in the Semi-open unit, and the Closed unit lacks 1 bathroom and 1 toilet.	<u>Recommendation partially fulfilled</u>
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. (CPT)		<u>Recommendation not fulfilled</u> , but according to AECS management the reconstruction, which is expected to begin in a few months, will resolve this issue.
70		Expand farms and build a greenhouse for growing vegetables and flowers. (CPT)	Chicken farm has been expanded to about 5,000. Part of eggs produced is used for the consumption of prisoners and detainees, and some are sold through retail outlets in AECS and Bazar.	<u>Recommendation partially fulfilled</u> The greenhouse has not been expanded. Business plan will show if this will be profitable.
71		Set up multiple shelters from inclement weather in all the yards.	Shelters have been set up.	<u>Recommendation partially fulfilled</u> There is no shelter in the disciplinary section in unit C.

72		Encourage the use of alternative sanctions, particularly work in common interest, in order to reduce the number of convicted persons serving their sentence in the prison.	The Ministry of Justice is currently drafting the Law on Alternative Sanctions.	<u>Recommendation not fulfilled</u>
<p>JUVENILES</p> <p>Conclusion: Placement of juveniles in the Remand Prison does not meet the standards.</p>				
73		As a rule, provide separate accommodation for minors in detention and juvenile prison from that of adults, either by constructing special facilities or adapting premises in the existing facilities. Provide special treatment for minors and actively promote their contact with the outside world. (CPT)	Department for juveniles has been set up in all organizational units, except in Bijelo Polje Prison. There are no spatial capacities in prison in Bijelo Polje.	<u>Recommendation partially fulfilled</u> Special conditions for juveniles, a special unit, have been provided in the Institution for sentenced prisoners in Podgorica, within unit F. Minors have their separate big yard, but without sufficient sports equipment (there is no football or basketball field, although there is enough space. Gym equipment is scarce and worn out). The conditions of detention for juveniles are just as bad as for other inmates. During the visit to a juvenile who was in Remand Prison we noticed that he was in a cell with an adult who, according to the assessment of a staff member, was accused of "one of the minor offences - general endangerment and illegal possession

				of weapons", so that he would not be alone in the cell. Conditions in the cell were poor. The only difference compared to adults is that minors are allowed to stay outdoors 3 times a day for an hour. (see description of the application of recommendation no. 154).
74		Develop brochures on the placement of juveniles in AECS. Make transparent all information relating to the regime that will in future be carried out in relation to juvenile prisoners or detainees.	Brochure was developed and made available to juveniles in AECS.	<u>Recommendation fulfilled</u>
75		Provide a special prison unit for juvenile inmates.	Juvenile imprisonment is carried out in AECS. Mentioned sentences are carried out in the juvenile unit, established within the Institution for sentenced prisoners.	<u>Recommendation fulfilled</u>
76		Provide conditions for the consistent application of Art. 153 of the House Rules, and prevent isolation of minors by allowing them to participate in different types of activities in accordance with Art. 154 and 155 of the said Rules.	The said Articles are now Art. 132, 133 and 134.	<u>Recommendation partially fulfilled</u>

PERSONS WITH DISABILITIES

Conclusion: The main recommendation remains the same – ensure functional access to people with disabilities in all organizational units as well as suitable accommodation for detained and convicted persons who are wheelchair users.

77		Adapt all facilities for persons with disabilities.	Access ramps were set up in the Institution for sentenced prisoners in unit F and in the Semi-open unit.	<u>Recommendation partially fulfilled</u> Access ramps have been set up, but not by the standards – they are steep and narrow, do not have a fence and are not adequately marked. There are no ramps that would allow wheelchair users or those with walking difficulties exit to the yard in unit F, Semi-open unit (although there is a ramp at the entrance, and since the unit is semi-open it is possible to use it to go outside, however, it is still desirable to set up a ramp at the exit to courtyard area) or in Prison for short sentences (reconstruction is currently in progress and we were assured by the Chief that a ramp will be set up at the exit to the yard). Access ramp at the entrance to the Prison for short sentences is better than those in other units, but it was not made by the standards. Inside the building of Prison for short sentences there is a difference in floor level of 5 to 6 cm that needs to be bridged by a ramp (near the entrance). Doorsteps
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				are higher than expected, and should be bridged by small ramps (it was said that this would be done during the reconstruction).
78		Adopt a Rulebook on the treatment of persons with disabilities in AECS.	Guidelines on the treatment of persons with disabilities during the execution of the sentence of imprisonment and detention was adopted. Brochure for inmates with disabilities was developed and made available.	Guidelines on the treatment need to be improved, as the UK brochure was used that has not been properly adjusted.
79		Adapt a special room for searching persons with disabilities, in order to appropriately carry out the procedural authority to search a person.	Room for searching has not been provided due to the lack of accommodation capacities.	<u>Recommendation not fulfilled</u>
80		Provide appropriate accommodation for prisoners and detainees who are wheelchair users.	A room has been provided on the ground floor in unit F, as well as in Semi-open unit and in Prison for short sentences. AECS management immediately acted on the recommendation and transferred prisoner M. from unit F to Prison for short sentences.	<u>Recommendation not fulfilled</u> The said room on the ground floor in unit F has not been adapted for disabled people. This room accommodates 6 prisoners, two of whom use both wheelchair and crutches, which is too much for such a small area (16 m ²). A person with amputated lower extremities said that the conditions were not good. Toilet, which is part of the room, is too narrow

				<p>and it is impossible to access it in a wheelchair, and although the door has been widened, it is practically impossible to get into it because it is small. Interestingly, doorsteps were bridged with little ramps. People with disabilities use toilet with the help of other inmates. Beds have not been provided with appropriate equipment (e.g. trapeze to lift a person from a lying position). Their food is brought into the room. Bathroom close to the room is inadequate. Entry into the bathroom is not adequate because the door can not be opened all the way, which is a problem when entering, there are no handles. It is impossible to access shower cabins, six of them, in a wheelchair. There is enough space in the bathroom to adapt one shower cabin. If using crutches, there is a risk of falling, i.e. getting injured because of the slippery floor (tiles). Convict M. complained about falling in the bathroom and breaking his prosthesis. He takes a bath with the help of others. He said that he used to have a "companion" (another prisoner who assisted him) who was transferred elsewhere.</p>
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			<p>There is no room for people with disabilities in the Semi-open unit. There is a room called the "sick room", which was absolutely inaccessible, starting from the door width (70 cm), interior, extra door for another part of the room and toilet door that is difficult to reach. This room has been partitioned to enable ill inmates to get help when needed - a bed has been placed inside to accommodate an inmate to assist ill inmate.</p> <p>In Prison for short sentences there is a room designed to accommodate persons with disabilities (with four beds; it is currently accommodating an inmate with visual impairments). In the room there is a toilet which is more spacious (although not completely following the standard) and it is possible to access it in a wheelchair. There are no handles and it would be advisable to set them up. There are clinic and dining room near this room.</p> <p>Conclusion: There are no conditions in the Semi-open unit to accommodate inmates with disabilities. In unit F it is necessary to adapt the toilet and bathroom for prisoners with</p>
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				disabilities, and in the meantime find a way to transfer an inmate currently staying there to a more appropriate part of the prison (for example, to Prison for short sentences).
81		Regularly update AECS website, publish all by-laws governing the operation of this institution, as well as updated information on the prison population figures, development projects and current events.	So far the website has been updated with information about the Management and contact person for cooperation with NGOs. Update of information on laws, regulations and other news is in progress.	<u>Recommendation partially fulfilled</u>
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.		<u>Recommendation partially fulfilled</u>
83		Considering that 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 and fire safety.	Prisoners and detainees are prohibited from using gas cylinders, which has been confirmed by inspection of all the premises within AECS. Guidelines on fire protection will be adopted.	<u>Recommendation partially fulfilled</u>
84		Prohibit smoking, except in designated areas.	This is not possible in Remand Prison because each room	<u>Recommendation not fulfilled</u>

			would need a separate room for smokers. "No smoking" signs were put up in all appropriate places.	
85		Set up the computer room in units within the "Circle".	Computer room has been set up in Semi-open unit and at the moment a number of computers are being repaired. In a short time prisoners will be able to use them.	<u>Recommendation not fulfilled</u>
86		Provide more premises for conjugal visits and refurbish them.	Premises are painted, but the number has not increased.	<u>Recommendation partially fulfilled</u>
87		Install air conditioning in the laundry room and ensure that its capacity is sufficient for the entire AECS.	Air-conditioning has been installed; there is enough capacity, it is in plan to purchase new professional laundry machine.	<u>Recommendation fulfilled</u>
<p>Disciplinary unit</p> <p>Conclusion: call bells have been installed in disciplinary cells, however, it is recommended to better organize space for walking (provide sports equipment, shelter from inclement weather).</p>				
88		Install call bells in all disciplinary cells.	Call bells have been installed.	<u>Recommendation fulfilled</u>

89		Install video surveillance in all other cells and in yards intended for walks.	This measure will be implemented during this year, through video surveillance system upgrade.	<u>Recommendation partially fulfilled</u> Three solitary confinement cells have video surveillance, three cells do not.
90		Set up benches, sports equipment and shelter from inclement weather in the yards intended for walks.	A sufficient number of benches were produced and set up.	<u>Recommendation not fulfilled</u> We did not notice benches in one of the three yards in Disciplinary unit.
		<i>Yard within the Circle</i>		
91		The conditions for sports and recreation could be much better, with fewer financial investments (e.g. purchase table tennis equipment, set up shelter from inclement weather, mark jogging tracks etc).	Treadmill, table tennis and other exercise equipment has been provided in the Female unit.	<u>Recommendation fulfilled</u>
92		Set up benches in the yard area, in front of the units A, B and D.	Benches have been set up behind the facilities.	<u>Recommendation fulfilled</u>
		<i>Kitchen and dining room</i>		
93		Make additional efforts to inform each prisoner about the possibility of filing a complaint regarding the quality or variety of food.	Each prisoner has been informed about their rights (right to food) and how to protect them within the institution and outside the institution - Ombudsman, NGOs involved in human rights.	<u>Recommendation fulfilled</u> We saw prisoners carrying requests and complaints about food to the Director and we are familiar with the cases providing special diets. It seems that the complaints system works.

94		Examine the quality of food, given the results of a survey among prisoners.	<p>In accordance with the Rules on food tables, prison doctor checks the quality of meals every day. There is a book of observations. Prisoners were surveyed at AECS level about the quality of food and related issues – nutrition in accordance with one's religion, diet, etc.</p> <p>Prisoners are interviewed on admission.</p>	<p><u>Recommendation fulfilled</u></p> <p>Daily samples are taken for bacteriological testing of food safety.</p> <p>Prisoners still complain about the food, especially that breakfast and dinner are the same, however, after examining a number of weekly menus, we did not gain that impression.</p>
95		Consider the possibility of opening a bakery, where inmates would be able to train and work.	<p>There are no financial resources.</p> <p>Tender for new prison kitchen worth €230,000 will be announced.</p>	<p><u>Recommendation not fulfilled</u></p> <p>It is not profitable.</p>

HEALTH CARE

It is necessary to hire sufficient number of doctors and nurses and provide appropriate stimulus for medical staff for the work in prison conditions, especially by ensuring their annual leaves, as well as adequate compensation which includes overtime pay. In connection with the lack of sufficient number of doctors, there is also a problem of not carrying out medical examination within 24 hours upon admission of a prisoner (Report, p. 81).

ECG machines should be provided for prisons in Podgorica and Bijelo Polje and offer of medications increased. Also, provide a device for defibrillation and equip a mini laboratory in Podgorica Prison.

It is necessary to set up a drug-free unit within the prison with a higher level of supervision, in order to provide an environment free of drugs.

In addition, during the recording of injuries doctors should enter in the medical record of a prisoner their conclusion as to whether the observed injuries are consistent with the allegations of the injured person about the manner they have been sustained, in accordance with the CPT recommendation.

Amend the House Rules for Enforcement of Prison Sentences in accordance with the European Prison Rules and CPT recommendations and abolish the obligation of doctors, envisaged by the House Rules, to provide their precise and reasoned written opinion as to whether a person is fit to undergo solitary confinement prior to the execution of a disciplinary punishment of solitary confinement; introduce an obligation for a health professional to visit the prisoner placed in solitary confinement at least once a day and be attentive to the possible harmful effects of solitary confinement on the mental and physical health of isolated individuals. Furthermore, health-care staff should be informed of every instance of disciplinary isolation.

RESPONSE BY AECS

In the previous period in certain cases doctors failed to carry out medical examination within 24 hours upon admission to prison. These issues are now overcome and, pursuant to the House Rules provisions, AECS management will make an effort so as to prevent these cases from happening in future.

The situation is more stable now, smaller quantity of other antidepressants was procured and tendering procedure for medications for this year is

ongoing. Full normalization is expected after the completion of tender procedure, with the optimum amount of a wider range of psychiatric therapy.

<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
<p>96. After the recording of injuries, medical report should contain all necessary information. (CPT)</p>	<p>Procedure of recording of injuries has been adopted in accordance with the CPT recommendations.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>All injuries to persons admitted to AECS are thoroughly described and recorded in the medical records. Prison doctors record in detail objective medical findings in personal health records of given prisoners, including a brief reference to statements of that person, in most cases. However, there is no conclusion as to whether the observed injuries are consistent with the allegations of injured person (i.e. whether they have occurred in the way the injured person described). See p. 83 of the Report.</p>
<p>97. Such report should be submitted to a competent prosecutor systematically. ("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 of the relevant prosecutor", CPT, p. 20)</p>	<p>If a doctor records injuries in a person deprived of liberty sustained as a result of abuse, he submits the report to Chief of the organizational unit who then takes further appropriate steps, including notifying the Police.</p> <p>Past practice has shown that the most effective way of clarifying all events is timely notification of the Police by AECS on a specific event, which then takes further appropriate steps within its competence and prosecutes criminal charges in</p>	<p><u>Recommendation not fulfilled</u></p> <p>It is necessary to stipulate an obligation to report directly to the State Prosecutor, who shall, in accordance with the CPC, receive criminal charges and qualify the facts.</p>

	cooperation with the competent prosecutor.	
98. Also, the injured person should be able to seek medical examination from a doctor who has received recognised training in forensic medicine. (CPT)	This examination is their right and they have been informed about it. It is available to all persons deprived of their liberty and carried out at the expense of convicted and detained persons as defined by the House Rules.	<u>Recommendation fulfilled</u> House Rules stipulate that the prisoner is entitled to examination by a medical specialist of their choice and at their own expense (Art. 62).
99. Stimulate health professionals to work in prison conditions by offering them a contract of indefinite duration and other benefits (higher salary coefficient for work in difficult conditions, longer vacations, etc).	The process of staff recruitment in accordance with job vacancy announcement is in progress. Pursuant to Act on internal organization and job systematization, current vacancy announcement is for one doctor and eight nurses. Pursuant to Decision on increasing civil employees and servants' remuneration for performing certain tasks, earnings of staff in the Health-care service increased up to 30% due to difficult working conditions.	<u>Recommendation partially fulfilled, given that the process of medical staff recruitment is in progress.</u> Health care professionals are not stimulated. A number of medical professionals are still employed under a service contract. A number of them are employed for a limited time period. Overtime hours are not paid. Health-care service nurses are not able to take annual leaves due to the lack of staff. Fees of all professional consultants (doctors specialists who come to AECS certain number of times per month) have been reduced by 50% as of 1 March 2013.
100. Number of medical technicians is still below the optimal level and needs to be doubled. (CPT)	Systematization Act provides for a large number of nurses, and the process of admission of candidates in accordance with job vacancy announcement is in progress.	<u>Recommendation partially fulfilled,</u> by prescribing a greater number of nurses (12 in total - 10 in Podgorica, 2 in Bijelo Polje, compared to 7 currently in Podgorica), who have not yet been employed. However, the number of nursing staff has not been doubled pursuant to the systematization and we believe that the prescribed number of 10 nurses is

		<p>not sufficient for 1,200 prisoners. Currently one chief nurse works at the health-care service, as well as 7 shift nurses, 2 lab technicians, pharmaceutical technician and physical therapist. After 15 hours of work, until 7 a.m., there is only one nurse on duty in charge of about 700 people in the Institution for sentenced prisoners (714 on 21 March 2013) and one nurse in charge of 400-500 people (469 on 21 March 2013). This is a pressing problem and the number of nurses needs to be promptly and drastically increased in order to solve other issues in the health-care sector. One doctor left the prison on 1 March and now one doctor works eight-hour shifts on weekdays.</p>
<p>101. Establish a separate register for recording traumatic injuries observed on prisoners (upon the admission and/or during their stay in prison). (CPT)</p>	<p>Special registers were established for recording traumatic injuries observed in inmates, both upon admission and during the stay in AECS. Special registers are part of a personal health record and can be found in all organizational units in AECS accommodating persons deprived of their liberty. This activity has been carried out in accordance with the Action plan for the prevention of torture adopted by the Government of Montenegro.</p>	<p><u>Recommendation fulfilled</u></p>
<p>102. Hire a psychologist who would be a part of the Health-care Service and whose primary task would imply psychotherapeutic work with detainees</p>	<p>It is not envisaged that a psychologist works as a psychotherapist within the Health-care Service, but that several psychologists work in the Treatment Sector, whose job description is to "participate in the</p>	<p><u>Recommendation not fulfilled</u></p> <p>It is essential that a psychologist be part of the Health-care Service. Within the Health-care Service</p>

and prisoners.	therapeutic work of the Prison Hospital expert team..."	s/he would deal solely with psychotherapy and would not have other duties implied in the Treatment Sector. Psychologist would have access to detained persons, not only prisoners, because the Treatment Sector deals exclusively with prisoners. It is desirable to employ a clinical psychologist, additionally trained for psychotherapy.
103. Increase the number of psychiatrist's working hours, since the existing engagement twice a week for several hours is insufficient.	New Systematization Act envisages a psychiatrist employed for unlimited time period.	<u>Recommendation partially fulfilled</u> , as it has been envisaged to employ a psychiatrist full-time, but in the meantime sufficient engagement of a psychiatrist was not provided. Psychiatrist often examines more than 40 people during a visit and the standard of such examination can not be satisfactory. If there was an optimal number of nurses, then one psychiatrist could have a task to use triage, i.e. determine who needs urgent examination and who can wait for the next visit of the psychiatrist.
104. Urgently refer M.Z. to treatment and care in an appropriate institution in the country or abroad. (CPT and Ombudsman)	The procedure was reinitiated and all the relevant institutions informed.	<u>Recommendation not fulfilled</u>
105. Provide at least two additional ECG machine, a device for defibrillation	Listed devices and equipment have been supplied (handheld ECG machine, stethoscope and	<u>Recommendation not fulfilled</u> It is necessary to provide at least two additional

<p>and equip a mini laboratory.</p>	<p>laboratory for biochemical analysis).</p> <p>Handheld ECG, stethoscope and a mini-lab were donated.</p> <p>Handheld ECG is not functional, because its use requires a computer and special belts for each analysis, which requires considerable investment; mini lab is also not in use, a stethoscope is used.</p> <p>There are no ECG and defibrillator.</p>	<p>ECG machines, a device for defibrillation and equip a mini laboratory.</p>
<p>106. The existing practice where a guard attends medical examination of prisoners should be changed immediately. It would be advisable to install security alarms in examination rooms, which would enable health professionals to call for help if a patient becomes violent or tries to escape.</p>	<p>For reasons of safety the presence of a security officer may be required, and only at the request of a physician.</p>	<p><u>Recommendation not fulfilled</u></p> <p>Presence of a guard in the same room where the examination is being conducted is more often the rule than the exception. Efforts should be made to make the presence of security officers during a medical examination an exception.</p> <p>Security alarms in doctors' offices were not installed. See p. 81 of the Report.</p>
<p>107. Prevent recurrence of cases of prolonged fixation of the mentally ill in AECS, as this represents an example of abuse.</p>	<p>Fixation is carried out as required by the Rules on the performance of the security service and the recommendation of a psychiatrist.</p> <p>Case of segregation and fixation in the Prison for short sentences occurred because of the self-harm due to current psychological distress. After the event a physician examined the convicted person prior to fixation, as evidenced by the report on occurrence of temporary psychological distress in that person.</p>	<p><u>Recommendation fulfilled</u></p>

	<p>Fixation took place from 9 p.m. on 17 February 2013 to 1 p.m. on 18 February 2013, when the doctor examined the prisoner just before untying him and concluded that there was no need for further fixation because the situation has stabilized. During fixation the prisoner was allowed to visit the toilet several times and in the morning of 18 February 2013, in accordance with the House Rules, took half an hour walk.</p>	
<p>108. Consistently comply with all aspects of the Malta Declaration. Amend the law and specifically authorize the competent ministry to adopt the protocol on a manner of conduct of the Health-care Service in case of a hunger strike of inmates (both detained and convicted persons). It is particularly important to define the scope of doctor's examination in assessing somatic functions.</p>	<p>Procedure has been developed. Protocols for recording health information of persons who engage in a hunger strike have been established.</p> <p>The examination includes the following:</p> <ul style="list-style-type: none"> - statement of the patient on current health problems and previous illnesses; - basic information about the general state of the patient (state of consciousness, orientation in space and time, etc.); - vital functions check (heart, lungs, blood pressure, pulse, and if necessary ECG and blood sugar); - additional examination if there are data from the personal history that indicate that (laboratory, X-ray diagnostics, ultrasound); - body weight; - daily follow up and recording of patient's general condition and vital functions (blood pressure, pulse, skin hydration, state of visible mucous tissues and body weight) - further diagnostic and therapeutic measures are 	<p><u>Recommendation fulfilled</u></p>

	taken in accordance with the state of somatic and psychological health of the patient.	
109. It is advisable to equip the medical office in Bijelo Polje Prison with ECG machine.	During this year the medical office in Bijelo Polje Prison will be equipped with ECG machine.	<u>Recommendation not fulfilled</u>
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.	<p>Since two doctors are employed in Spuž (one for detainees, another for prisoners) and one doctor in Bijelo Polje, it is secured that a psychologist who is not in charge of regular medical examinations of a person provides his statement on whether that person is capable of serving disciplinary measure of solitary confinement.</p> <p>Pursuant to the House Rules provisions, prior to execution of the disciplinary punishment of solitary confinement a doctor is required to provide accurate and reasoned written opinion on whether the person is fit to serve the punishment. Recommendation provides that the physician in charge of the prisoner does not provide his opinion, however, due to the lack of staff, as only one doctor works in the Health care Service, this is impossible to ensure.</p>	<p><u>Recommendation not fulfilled</u></p> <p>Please see once again pages 82 and 83 of the Report and footnotes 304 and 305.</p> <p>We propose harmonization of the House Rules for the enforcement of sentences of imprisonment with the revised version of the European Prison Rules and CPT's 21 General Report from 2011 (p. 49, points 62 and 63, the translation will be provided and delivered). The point is that before the execution of disciplinary punishment of solitary confinement doctor should not have to provide his statement on the ability of a prisoner to be referred there, as this undermines the trust between doctor and patient. The doctor should be notified immediately when someone is placed in isolation, visit this person as soon as possible and then regularly visit him/her. (CPT strongly urged Serbia to refrain from the practice where physician must certify that prisoners are fit to undergo the punishment of solitary confinement, see CPT Report on 2007 visit to Serbia,</p>

		p. 104).
111. Without further delay, enable the treatment in the hospital for infectious diseases to all persons suffering from Hepatitis C, in accordance with doctor's recommendations.	The dynamics of treatment has been determined in collaboration with the Infectious Diseases Clinic. Currently one person is being treated and others will soon be subjected to treatment.	<u>Recommendation fulfilled</u> Two inmates are currently receiving treatment and, according to allegations, three more will soon be able to undergo treatment.
112. Provide the training for prison staff on topics related to drugs.	Courses on the subject of drugs are organized periodically, but there is no necessary continuity and these courses do not cover enough staff. During this year activities on the education of prison staff on topics related to drugs will be intensified.	<u>Recommendation partially fulfilled</u>
113. Maintain the continuity of educational and counselling programs for prison population on the problem of substance abuse.	Counseling on drugs organized by NGOs Juventas and 4Life are continuous. Prison population attended and still attends this training on a voluntary basis. Upon the assessment and observation of prison population by a psychologist, in cases where there is need for it, continuous counseling on the problem of addiction is conducted, but also if a convict express the need for such program.	<u>Recommendation partially fulfilled</u> AECS Management needs to bring more initiative into providing this training on a regular basis, in cooperation with NGOs.
114. Establish a Drug-free unit.	AECS does not have spatial or administrative capacities for the establishment of such unit at the moment.	<u>Recommendation not fulfilled</u> We believe that it is possible to ensure this with the existing spatial capacities. Recommendation is

		explained on p. 93 of the Report.
115. Expand therapeutic offer for those who enter the prison with the dependence.	Therapy is prescribed in accordance with available medications and recommendation of a psychiatrist. Inmates who began treatment of addiction prior to the execution of the prison sentence in any of the treatment centers continue to receive their treatment as recommended by that center.	<u>Recommendation partially fulfilled</u> Current therapeutic offer implies medication therapy prescribed by a psychiatrist. Multi-disciplinary programs should be introduced to help convicted persons overcome the problem of addiction, with the ultimate goal of enabling them to lead socially adapted life after the release from prison.
116. Provide state financial support to NGO projects related to education, rehabilitation and resocialization of substance abusers.		<u>Recommendation partially fulfilled</u> Support exists, but is insufficient.

TREATMENT

Treatment is a key component for achieving the purpose of imprisonment. However, this is also an area that has not been significantly improved since the report from June 2012, so it is necessary to reorganize the existing treatment system without further delay. We have noted in the Report that the main issues have been the lack of a sufficient number of qualified staff and very numerous educational groups, including 60 to 100 persons in Podgorica Prison and up to 150 people in Bijelo Polje Prison, with only one educator working with this group. In the meantime, except for interns, no additional professional staff have been engaged. Educators ("professors") still help prisoners write their appeals, complaints, requests, etc., and later distribute them to AECS Management, which burdens educators, distracts them from performing their professional duties and prevents the implementation of quality treatment and thus the achievement of the purpose of imprisonment. It is necessary to employ additional professional staff and precisely define the scope of work of

educators in accordance with their qualifications, organize ongoing training for staff on new methods of work, provide professional supervision programs and programs for the prevention of "burn-out" syndrome.

It is necessary to clearly define treatment plans at the level of the institution (social reintegration programs, reducing of recidivism and improvement of the mental health of prisoners) and implement plans in accordance with individual needs, offer additional and meaningful activities and provide conditions for their implementation.

We wish to commend a decision by AECS management to implement the recommendation to develop a business plan for the improvement of production in AECS in order to increase opportunities for employment of prisoners. Monitors have been informed that the expert team of the Faculty of Economics, University of Montenegro is drafting this plan.

In accordance with the recommendation of the CPT, it is necessary to change the regime for detainees, whose position is particularly unfavourable. Lack of outdoors activities has devastating effect on their mental and physical health, given that detainees spend majority of their time in the cells, with the exception of a one-hour walk, especially if taken into account that some of them have been in custody for 6 years or even longer. It is particularly worrying that nearly the same regime applies to juveniles in custody.

No.	<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
117.	Provide conditions for respecting the rights of detainees to spend minimum 2 hours a day outdoors.	Bijelo Polje Prison provided 2-hour walks for detainees. In Prison in Podgorica detainees spend an hour outdoors.	<p><u>Recommendation not fulfilled in relation to detainees in Podgorica.</u></p> <p>In Podgorica Remand Prison detainees are still not provided with the stay in the fresh air for 2 hours a day. They stay in the fresh air twice a day for 30 minutes, and on Thursdays and Fridays, visiting days, only 30 minutes (although the visits do not</p>

			<p>take place outdoors).</p> <p>Female detainees enjoy the right to 2-hour walks, while a juvenile, who was in custody at the time of our visit, was able to stay in the fresh air for an hour and a half, i.e. three times a day for half an hour.</p> <p>We reiterate that the time which prisoners spend outdoors is typically the only time they spend out of their cramped cells. It is therefore very important to ensure 2-hour walks, as required by law.</p>
118.	<p>Urgently improve the regime in the Remand Prison, in order to allow detainees to spend more hours outside their cells and engage in meaningful activities of various natures (work, education, group games, sports). (MT, CPT¹)</p>	<p>Implementation of this measure depends on the number of detainees. Sport activities have been provided in designated and adapted areas within the Remand Prison.</p>	<p><u>Recommendation not fulfilled</u></p> <p>Detainees do not engage in any activities outside their cells, except for walks within extremely limited time period and limited environment. It is necessary to improve the regime in Remand Prison in terms of purposeful activities, such as work and education. Continuous stay in the cells has devastating effect on mental and physical health of detainees, especially if one considers that some of them have been in</p>

¹ Revise the regime of remand prisoners in light of the following remarks in paragraph 57 (remand prisoners spent 23 hours or more a day in their cells, in some cases for several years, with the only activity outside the cell being a walk in the open air for 30 minutes twice a day; on Fridays they could not practice physical activity, the rest of the time they stayed in their cells and their pastime included playing board games, listening to the radio, watching TV). (58.1) Remarks under paragraph 57 and recommendations specified in paragraph 58 are applied to remand prisoners in Bijelo Polje. (58.5)

			<p>custody for 4, 6 or more years. The same regime was applied in relation to a juvenile, 16-year-old high school student.</p> <p>As regards sports and recreational activities, 4 narrow cells with old stationary bikes are not appropriate for physical activity and are rarely used by detainees.</p>
119.	Employ more persons of appropriate professional profile in the Treatment Sector - three persons in the Section for personality examination, five educators in the Section for treatment implementation in Podgorica Prison and three educators in Bijelo Polje Prison. (MT)	AECS is currently engaging 4 persons in accordance with the job vacancy announcement, namely: social worker, psychologists, defectologist and pedagogue.	<p><u>Recommendation partially fulfilled</u></p> <p>Since the Report was published in June 2012, not a single person of adequate professional profile was employed in the Section for personality examination or Section for treatment implementation.</p> <p>As part of the Government's professional training project, two psychologists and two criminologists are doing their internship.</p> <p>Systematization Act provides for half the increase of the number of employees in relation to the recommendation.</p>
120.	Set up mailboxes in each prison unit or establish a service where prisoners could submit their letters, appeals and requests for the Management and receive a	Mailboxes for inmates' letters have been set up as part of the project "Open Prison", intended for addressing the Ombudsman.	<p><u>Recommendation fulfilled</u></p> <p>From interviews with prisoners we learned that, despite the existence of mailboxes,</p>

	confirmation with the filing number. (MT)	Mailboxes through which persons deprived of their liberty may address AECS Management were installed in all organizational units in July 2012.	<p>educators ("professors") still help convicts write their appeals, complaints, requests and submit them to the Management.</p> <p>AECS should abolish the practice of educators carrying letters, appeals and requests of prisoners to the authorities in the Management, so they could have more time to perform duties in accordance with their professional qualifications, and also to prevent the "disappointment" at educators in case that the reaction does not arrive on time or is negative.</p>
121.	Develop a system for treatment implementation, which will clearly define the scope of work for all employees. (MT)	Act on Systematization clearly specifies the scope of work for all positions in the job description.	<p><u>Recommendation not fulfilled</u></p> <p>The situation remains unchanged. We maintain the position that the scope of work of educators should be defined in accordance with professional qualifications of employees, as it is regulated, e.g. in a German prison system (see p. 100 of the Report).</p>
122.	Introduce a program of evaluation of the treatment of prisoners, and for the employees of the Treatment Sector provide professional supervision programs and programs to prevent the burnout syndrome. (MT)	In the second half of 2012 the program of supervision and the program of prevention of burnout syndrome were adopted.	<p><u>Recommendation not fulfilled</u>, because the implementation of the program has not yet started, but it is encouraging that it was adopted.</p> <p>It is necessary to start the implementation</p>

			of this program as soon as possible.
123.	Provide ongoing training for staff in the Treatment Sector on new methods of work, as well as training for the early detection of mental disorders and suicide risk in inmates. (MT)	<p>Training program for employees of the Treatment Sector has been developed and during this year a number of activities on this topic will be implemented.</p> <p>Training of five experts from the Section for treatment implementation is ongoing. Training is carried out in the Ministry of Justice, and the lecturers are experts from Germany and the Netherlands. After the training the participants will receive relevant certificates.</p>	<p><u>Recommendation fulfilled</u></p> <p>Efforts should be made to establish ongoing training for all staff members at the Treatment Sector in future.</p>
124.	Introduce a system of objectification of the criteria for transfer from one classification group to another by developing questionnaires with precisely defined criteria that are scored. (MT)	<p>Classification of prisoners is done in the manner prescribed by the Law and House Rules which ensure that, during the reclassification, each person is considered in an objective manner. Different system of determining the criteria for reclassification would be in contradiction with the above regulations.</p>	<p><u>Recommendation not fulfilled</u></p> <p>The situation is unchanged.</p> <p>Unit F accommodates a number of convicts who had the status of the first classification group for several months, but have not yet been transferred to the Semi-open unit due to lack of accommodation facilities. Also, they do not enjoy the benefits of the first classification group status.</p>

			<p>Head of the Treatment Sector explained that the Semi-open unit has been faced with the problem of overcrowding and that a part of convicts reclassified to the first classification group will be moved to the Semi-open unit after the prisoners from the first classification groups receive parole.</p> <p>House Rules (Art. 95-99) stipulate that the benefits of the first classification group (awards) can be enjoyed only after two months spent in the Semi-open unit, and that the decision on awards (treatment change) is a specific decision, which is not automatically linked to transfer to the first group, i.e. Semi-open unit.</p>
125.	<p>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.</p> <p>Provide employment for 80% of female inmates and broaden the choice of work activities, including the "economy", so that they could have the same choice of engagement as men with the same status. (MT)</p>	<p>Implementation of this recommendation requires considerable resources that are not provided in the Budget for this year. For the purpose of engaging a greater number of prisoners, AECS management is developing new production programs that do not require greater financial investment.</p>	<p><u>Recommendation not fulfilled</u></p> <p>The percentage of 60% of employed women compared to the earlier 30% is the result of a reduced number of female inmates - now there are 18, earlier there were 28.</p> <p>As for the types of engagement of female inmates, the situation remained unchanged.²</p> <p>Further efforts need to be made in order to</p>

² See Report, p. 108.

		Management is undertaking activities aimed at the development of programs for greater rate of employment of convicted women. Currently 60% of the female prison population is employed.	secure the conditions for engaging of convicts. AECS management informed us that the business plan for the improvement of production in AECS is currently being drafted in cooperation with the Faculty of Economics, which is commendable.
126.	Align the House Rules for Enforcement of Prison Sentences with Art. 57 of the Law on Execution of Criminal Sanctions in the part concerning the wages for employed prisoners and ensure that employed prisoners be paid for their work in accordance with the Law. (MT)	Income of employed prisoners is calculated and paid in accordance with the Law for the achieved norm and full number of working hours.	<u>Recommendation not fulfilled</u> Article 51 of the Rules states that "Working prisoners are entitled to a pay of at least 30% of the minimum wage in Montenegro", while the Law stipulates a minimum of 50%. We conclude that the Rules are still not in compliance with the Law.
127.	Ensure the development of a business plan for expanding the production in AECS. (MT)	Data on workshops capacities, land, available financial resources, farms were forwarded to the Faculty of Economics in Podgorica in order to develop a "business plan" to expand production in AECS. Business plan is in a drafting phase.	<u>Recommendation fulfilled</u>
128.	In Bijelo Polje Prison, buy a machine for the production of concrete elements and	There are no conditions at the current capacities. In planning and	<u>Recommendation not fulfilled</u>

	<p>organize a workshop for employment of prisoners. (MT)</p> <p>It is essential that the new prison in Bijelo Polje be provided with workshops, sports facilities, a proper library and other possibilities for purposeful activities. (CPT, p. 60)</p>	<p>performing the work on adaptation of Bijelo Polje Prison, the possibility of implementation of this recommendation will be considered.</p>	<p>The situation is unchanged.³</p>
129.	<p>Offer foreign prisoners the same activities and work engagement as to other prisoners by engaging an interpreter when needed. It is necessary to provide additional support to overcome isolation and improve difficult position of these persons which are the result of language and cultural barriers. Provide a translation of the House Rules in several languages. (MT)</p>	<p>Foreign prisoners are engaged same as other prisoners. For now, in everyday communication translation services of other prisoners are used, and in case of official actions a registered translator is engaged.</p> <p>Regulations governing the rights and obligations of persons deprived of their liberty have been translated into Albanian and English and made available to persons deprived of liberty who are not familiar with Montenegrin language.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>During our visit to unit F we have noticed pleasant atmosphere among the convicts, and some prisoners were translating into Albanian and Italian questions of the monitoring team to convicted persons who do not understand Montenegrin language.</p>
130.	<p>It is necessary to establish cooperation with certain companies in order to employ convicted persons outside the prison as well. Employment outside the prison would</p>	<p>The new Law on Execution of Criminal Sanctions and the Law on Alternative Sanctions will standardize this area.</p>	<p><u>Recommendation not fulfilled</u></p> <p>The situation is unchanged.⁴</p>

³ See Report, p.106.

⁴ See Report, p. 107.

	have multiple benefits, both during incarceration and after the release. (MT)		
131.	Adopt amendments to the House Rules for the Enforcement of Prison Sentences (Art. 69 and 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 the part-time completion of primary, secondary or high education. (MT)	<p>Management allows all prisoners who express interest in primary or other form of education to take exams outside of AECS.</p> <p>Based on the recently conducted survey, a group of convicts was formed who will be involved in the literacy program in collaboration with the Centre for Education of Montenegro.</p> <p>House Rules envisage examination for all levels of education.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>The new Rules do not precisely define whether examination outside the premises of AECS refers to the part-time completion of primary, secondary or high education.</p> <p>Currently one convicted person, a student of the Faculty of Law, uses this right.</p>
132.	Organize literacy courses for illiterate prisoners (particularly in Bijelo Polje Prison).	<p>A group of convicts who will participate in the literacy program has been formed in Podgorica Prison. The program will be implemented in cooperation with the Center for Education of Montenegro.</p> <p>As regards Bijelo Polje Prison, it is not possible to organize literacy course for persons sentenced to</p>	<p><u>Recommendation partially fulfilled</u></p> <p>Literacy courses for illiterate prisoners in Bijelo Polje Prison were not organized.</p>

		short prison sentences, but we will consider that possibility.	
133.	Clearly define the right to use portable computers (laptops) in AECS in the House Rules for the Enforcement of Prison Sentences and define objective conditions for the exceptional limitation of this right. (MT)	No regulation envisages the possibility of using portable computers. Use of any equipment or technical devices must be prescribed by applicable regulations. The possibility of using lap-tops and other devices will be considered in drafting of new regulations.	<u>Recommendation not fulfilled</u> The situation is unchanged.
134.	Develop educational programs and vocational training courses for all prisoners. (MT, CPT)	Educational and vocational training program for prisoners has been adopted. According to the Director, there is the possibility currently being discussed that prisoners who have been professionally trained in the workshops receive a certificate, which would help them in finding employment after the release from prison.	<u>Recommendation fulfilled</u>
135.	Include educational workshops on substance abuse, HIV/AIDS, sexually transmitted diseases, risk of transmission of hepatitis A, B and C, in the treatment program of all prisoners. (MT)	NGO "Juventas" conducts workshops on substance abuse, infectious diseases, HIV and AIDS. NGO "4Life" conducts workshops on substance abuse treatment in 12 steps.	<u>Recommendation partially fulfilled</u> We believe that, in addition to educational workshops conducted by NGOs, it is necessary to organize training workshops on substance abuse as part of treatment for all prisoners. For the implementation of this recommendation management needs

			to engage more people in Sector for the implementation of treatment ⁵ and unburden educators from the obligation to carry appeals, requests and complaints of convicts to AECS Management. ⁶
136.	Organize training for the work on computers for all persons deprived of liberty. (MT)	Computer room will again be made operational and available to all prisoners when computers are fixed and re-installed. In the meantime, information is collected on the number of inmates interested in training to work on computers.	<u>Recommendation partially fulfilled</u>
137.	Provide conditions for the consistent application of provisions of the House Rules for the Enforcement of Prison Sentences in AECS, which provide for cultural and art performances, workshops, lectures, etc. (MT)	In cooperation with cultural institutions in Montenegro AECS occasionally organizes cultural events. According to the Head of the Institution for sentenced prisoners, the plan is to open a position for the organizer of cultural and sporting activities, who would be responsible for this segment of work with convicted persons.	<u>Recommendation partially fulfilled</u> Cultural and art events, workshops, lectures, etc., are not organized to a sufficient extent, especially not at the initiative of AECS management. Opening of the exhibition space is in plan, where works of convicts would be exhibited and available for sale. It is essential that civil society organizations be more involved in the implementation of these activities and thus contribute to improving the quality of life of prisoners.

⁵ See recommendation no.

⁶ See recommendation no.

138.	Develop individual plans for the treatment of sentenced persons in AECS which will include a multi-dimensional approach and different work methods in the process of their resocialization. Establish standards in order to assess their success and provide recommendations for further improvement of individual plans. This particularly for prisoners serving long sentences. (MT)	Special treatment proposal is made for each convicted person, adapted to his/her mental and physical characteristics and capacities, respecting thus the fundamental principle of imprisonment - individualization.	<u>Recommendation not fulfilled</u> Special treatment proposal is made for each convicted person during the process of psychosocial diagnosis of convicts ⁷ , but there are still no individual plans in the implementation of treatment of prisoners.
139.	Ensure same conditions for recreation for women serving their sentences as for male prisoners. (MT, CPT, p. 54)	Since the publication of the Report treadmill, mats, weights and table tennis were purchased.	<u>Recommendation fulfilled</u> It is necessary to provide a separate room for exercising in the women's prison, because the mentioned equipment is located in the visiting room.
140.	Organize more cultural activities, in cooperation with prisoners. (MT)	Cultural events are organized occasionally, but insufficiently. We invite NGOs to cooperate on this issue.	<u>Recommendation not fulfilled</u> The situation is unchanged. ⁸
141.	Develop a post-penal system which would include various social institutions, humanitarian organizations, associations and individuals who can help prisoners integrate into society. (MT)	Implementation of this recommendation is the responsibility of the Ministry of Justice.	<u>Recommendation partially fulfilled,</u> through the establishment of the <u>Directorate for Parole with the Ministry of Justice.</u>

⁷ See Report, p. 102.

⁸ See Report, p. 113.

			<p>The situation has somewhat changed. The Ministry of Justice is responsible for the post-penal treatment of persons who deserve probation and on that basis leave AECS. There is the Directorate for Parole within the Ministry whose officials have recently been employed, are currently involved in training programs and are already in touch with the people who come out on parole. It is expected that this service will soon start to work at full capacity and in new premises.</p> <p>During the visit of the monitoring team to women's prison one female convict, who served a long sentence, was visibly concerned about the lack of adequate support after leaving AECS. She is alone and without family support, housing, resources, job, so she does not see the way to provide herself with adequate living conditions.</p> <p>It often happens that after serving the sentence convicted persons are left to themselves, abandoned by their families and stigmatized by society. Proper treatment of these people requires more effort.</p>
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142.	Abolish the right of AECS Director to decide on a parole.	Parole of convicted persons at the discretion of Director is regulated by law. Drafting of the new Law is in progress.	<u>Recommendation not fulfilled</u>
143.	Profile the membership of the Parole Commission so that it consists of various experts (judges or other legal experts, psychologists, doctors, social scientists), who are not civil servants or employees of the Government or ministries.	The structure and operation of the Parole Commission are regulated by the Rules of Procedure of the Commission. Recommendation is the responsibility of the Ministry of Justice	<u>Recommendation not fulfilled</u> Commission is composed of the Ministers of Justice, Health, Interior and Human Rights, as well as Deputy Supreme State Prosecutor, judge of the Supreme Court, AECS Director and Advisor at the Ministry of Justice.
144.	In perspective, consider the possibility of a court deciding on prisoners' parole.	This recommendation is subject of consideration of the Criminal Code and the Law on Execution of Criminal Sanctions.	<u>Recommendation not fulfilled</u>
145.	Further specify the criteria upon which the Parole Commission decides on a parole by the law or by-law. Inform convicts about the process of deciding on a parole and the criteria in a way accessible to them.	Criteria upon which the Parole Commission decides are regulated by the Law and the Rules of Procedure of the Commission.	<u>Recommendation not fulfilled</u> Implementation of the recommendation is responsibility of the Ministry of Justice

CONTACT WITH THE OUTSIDE WORLD

According to the European Prison Rules, inmates are granted the right to communicate without limitation, through letters, phone or otherwise, with their families, other persons and representatives of outside organizations and to receive their visits. Contact with the family must not be completely ruled out, even when the person is sent to solitary confinement, except in the case of a disciplinary offense committed in connection with the contact. We commend AECS Management for implementing the recommendation to harmonize the House Rules with these standards and thus abolish the practice of the prohibition of contact with the outside world used as disciplinary measures against detainees and prisoners. Also, persons in custody are allowed to use telephone with the approval of the court.

However, visiting rooms at the Remand Prison in Podgorica remained the same, i.e. "booth-type", which does not ensure privacy or physical contact between prisoner and visitor. In addition, due to the lack of adequate facilities, 3-hour family visits with children have not been allowed. The current Law on Execution of Criminal Sanctions does not grant the right to conjugal visits to unmarried and homosexual partners.

As for the juveniles in custody, regime of the contact with the outside world is the same as for the adult detainees, although the CPT recommended that their contact with the outside world should be actively promoted. (71.2) (CPT)

We commend the Management for allowing us to speak with detainees and prisoners without the presence of guards, which is a significant improvement compared to the previous year of monitoring.

No.	<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
146.	Amend the Law to provide for the right to visits from unmarried partners. Allow homosexual partners the right to conjugal	Law on Execution of Criminal Sanctions provides for the right of prisoners to conjugal visits by spouses, excluding thus the	<u>Recommendation not fulfilled</u>

	visits. In the future, allow sentenced persons the right to receive three-hour visits from their spouse, children or other close persons once every three months, in separate rooms. This would expand the right to conjugal visits to unmarried partners. (MT,CPT)	possibility of this kind of visits by unmarried and homosexual partners. It is currently not possible to organize family visits with children for 3 hours for technical reasons, because rooms for this purpose have not been adapted. Depending on the investment, we anticipate adaptation of premises for that purpose.	The situation is unchanged. The new Law on Execution of Criminal Sanctions has not yet been passed. There is only one small room for family visits with children and a small garden with a playground for children for inmates placed in the Semi-open Unit of the Institution for sentenced prisoners.
147.	Change booth-type visit rooms at the Remand Prison. (MT) The Committee would like once again to invite the Montenegrin authorities to move towards more open visiting arrangements for remand prisoners in general. 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. (CPT, p. 73)	There are no booth-type visit rooms in any of the organizational units.	<u>Recommendation not fulfilled</u> "Booth-type visits" are still present in Remand Prison. All visits, except for lawyers' visit, are conducted in a room divided by unclean thick glass, where convicted person and visitor communicate over the phone, in front of guards and other inmates/visitors, who are arranged in a row. Physical contact between prisoners and visitors is prevented by plexiglass plates. Situation in Bijelo Polje Prison is also unchanged.
148.	Improve the situation of persons in Podgorica Remand Prison in terms of their access to a telephone, with the possibility of monitoring those calls that carry a risk of collusion. (MT, CPT)	Detainees can use a telephone with the permission of the court.	<u>Recommendation fulfilled</u>

149.	It is necessary to align the existing practice of allowing the use of mobile phones in Bijelo Polje Prison with the House Rules.	No response.	<p><u>Recommendation not fulfilled</u></p> <p>New House Rules do not define the use of mobile phones in Bijelo Polje Prison.</p>
150.	Allow unannounced visits and interviews with prisoners without the presence of AECS officials to representatives of NGOs dealing with human rights. (MT) CPT recommends that the Montenegrin authorities 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.) (CPT, p. 82)	This issue will be regulated by provisions of a memorandum of cooperation with NGOs dealing with human rights.	<p><u>Recommendation fulfilled with regard to interviews with detainees without the presence of guards.</u></p> <p>Unannounced visits were not sought, because the Agreement with the Ministry of Justice and AECS implied announced visits.</p> <p>Enabling interviews with detainees and prisoners without the presence of AECS officials is a significant improvement compared to the first year of monitoring.</p>
151.	Harmonize the House Rules with the European Prison Rules and CPT standards (disciplinary punishment should not include a total prohibition of family contact, even when a person is sent to solitary confinement, except in the case of a disciplinary offence committed in connection with such contact) and	<p>Regardless of the imposed disciplinary punishment against an inmate, regular visit which represents a statutory right is not associated with the disciplinary offense, as prescribed by the new House Rules as well.</p> <p>However, the use of extraordinary visit that is directly related to the conduct of the</p>	<p><u>Recommendation fulfilled</u></p>

	discontinue the practice of using the prohibition of contact with the outside world as a disciplinary measure.	convicted person is limited.	
152.	Provide conditions for the respect of religious rights of convicted persons. (MT)	One of the statutory rights of a convicted person while serving a sentence or while in custody is the right to religious life. At the request of inmates, clergymen of religious communities perform ceremonies in AECS, thus far in the improvised conditions.	<u>Recommendation partially fulfilled</u>
153.	It is necessary to provide conditions for electronic communication with the outside world (via the Internet or Skype), under supervision, and amend the House Rules so as to provide for the possibility of electronic communication.	Electronic communication in AECS is not available for now for technical reasons. It is also not required under applicable laws and regulations.	<u>Recommendation not fulfilled</u>
Repeated recommendation of the CPT	As concerns juvenile remand prisoners, many of them may have behavioural problems related to emotional deprivation or lack of social skills; their contacts with the outside world should be actively promoted. (CPT, p. 71)		<u>Recommendation not fulfilled</u> At the time of our visit there was a 16-year-old juvenile in the Remand Prison. We were told that his complete isolation was prevented by placing him in a cell with an adult alleged to have committed the lightest offence - illegal possession of weapons. The juvenile was allowed contact with the outside world to the same extent as other detainees, i.e. he had the right to a phone call and received visits from his family and his lawyer only once a week. This is by no means sufficient, given that the stay in

			<p>custody (prison) for the first time in his life is certainly a trauma for the child. Since this was a child who attended school regularly, there was no way to allow him to stay up to date with school curriculum, which made him particularly worried. He met with a psychologist 3 times a week and spent time outdoors 3 times a day for half an hour.</p> <p>Contact of juvenile detainees with the outside world should be more intense and organized differently, especially for those who regularly attend school.</p>
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STAFF

New staff are being engaged in accordance with the new job systematization. This procedure will ensure an increased number of employees in addition to positions being covered by persons with the appropriate level of expertise. March salary has been increased due to difficult working conditions and overtime hours were paid. However, disputes are still being conducted due to previous debts to employees. Funds for new uniforms have been provided. Increased number of employees who should start working in the coming months will relieve pressure on AECS staff, particularly in the security and treatment sectors. However, we believe that the new job systematization does not provide for a sufficient number of medical staff and that AECS needs for more than 2 doctors and 13 nurses in Podgorica to take care of 1300 inmates. We expect that the increased number of staff will allow everyone to use the necessary break during their shift ("time-out"). We also expect that a training program for the prevention of burn-out syndrome will be implemented, to the benefit of all staff members who are in constant and direct contact with detainees and convicted persons.

<i>Recommendation - 2012</i>	<i>Response by AECS</i>	<i>Assessment of the fulfilment - 2013</i>
154. Increase staffing levels, especially in the security and treatment sectors. (CPT)	AECS is currently engaging 254 employees in accordance with the job vacancy announcement.	<u>Recommendation fulfilled</u> The number of employees has increased in accordance with the new systematization and the process of hiring is in progress.
155. Provide time for rest (break) to all employees during the day.	All employees use the right to break starting from 9 a.m. until the end of their shifts, due to the work at different working hours.	<u>Recommendation not fulfilled</u> Due to insufficient number of employees, AECS staff members do not know that they are allowed to use a break, so they turn off their attention and/or walk outside their workplace.
156. Regulate the legal status of employees hired under a fixed-term contract by concluding a contract of indefinite duration, since their contracts are considered as such in accordance with Article 26 of the Labour Law.	AECS is currently engaging 254 employees in accordance with the job vacancy announcement. All employees who were engaged on a temporary basis filed an application in accordance with the job vacancy announcement.	<u>Recommendation partially fulfilled</u> New Act on job systematization in AECS was developed, as the institution has become an integral part of the Ministry of Justice. Based on the new systematization, a competition was announced for the hiring of a greater number of employees.

<p>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.</p>	<p>This measure is being implemented in cooperation with the Ministry of Justice and Agency for the Peaceful Settlement of Disputes.</p>	<p><u>Recommendation not fulfilled</u></p> <p>Court procedures are still being conducted.</p>
<p>158. Ensure regular payment of compensation for overtime, work during religious and national holidays and work in night shifts.</p>	<p>The law establishes an obligation to require an approval of the Administrative Inspection for the introduction of overtime work. This was done during 2012 and the approval has been granted.</p>	<p><u>Recommendation fulfilled</u></p> <p>Salary for March 2013 has been increased due to overtime hours.</p>
<p>159. Increase the number of trainings and courses for employees in accordance with a schedule that allows employees to participate in them.</p>	<p>All programs in line with the recommendations were developed and implementation of individual programs has started.</p>	<p><u>Recommendation partially fulfilled</u></p> <p>All programs in line with the recommendations were developed, but trainings were implemented slowly due to the lack of staff and expected new job systematization.</p>
<p>160. Ensure that competent persons with an appropriate education degree be in leadership positions in all organizational units and sectors within AECS.</p>	<p>Possibility for the implementation of this measure is somewhat limited by the lack of personnel who meet the requirements prescribed by law or other regulations. Public job vacancy announcement that was issued advertised jobs for senior executives as well.</p>	<p><u>Recommendation partially fulfilled</u>, but is expected to be applied to a greater extent upon the completion of the process of recruitment of new staff, which is ongoing.</p>

<p>161. Provide by law accelerated retirement plan for heads of AECS.</p>	<p>The Ministry in charge of the Fund for Pension and Disability Insurance proposed to the Government the Decree regulating job positions with accelerated retirement plan. AECS was involved in drafting of the Decree and suggested that all jobs positions in AECS keep accelerated retirement plans.</p>	<p><u>Recommendation not fulfilled</u></p>
<p>162. Increase the employees' salaries taking into account the work under difficult conditions.</p>	<p>Wage of all AECS employees is increased by 30% on the basis of difficult working conditions (Decision on salary increase of civil servants and employees).</p>	<p><u>Recommendation fulfilled</u></p>
<p>163. Provide adequate uniforms and other necessary equipment for AECS officers.</p>	<p>Proposed Rules on uniforms, ranks and insignia was drafted and submitted to the Ministry of Justice for further action. Uniforms will be purchased upon the adoption of the Rules. The funds for the purchase of uniforms are provided in the Budget for this year.</p>	<p><u>Recommendation fulfilled</u></p> <p>Funds were provided and announcement of a tender for the purchase of uniforms is in plan.</p>
<p>164. Establish the responsibility of the Director, as well as the Administrative Inspection for violation or untimely protection of the rights of AECS staff.</p>	<p>Responsibility of the Director and Administrative Inspection on these issues is regulated by applicable regulations.</p>	<p><u>Recommendation not fulfilled</u></p> <p>No one has been prosecuted for violation of the labour rights of AECS employees.</p>