



**AN OVERVIEW OF THE RESULTS OF MEASURES UNDERTAKEN IN
ACCORDANCE WITH THE GOVERNMENT OF SERBIA STRATEGY FOR
REDUCING OVERCROWDING IN PENAL INSTITUTIONS IN THE REPUBLIC OF
SERBIA IN THE 2010-2015 PERIOD**

June 2013

Introduction

This overview was prepared within a project the Belgrade Centre for Human Rights (BCHR) has been implementing since February 2013 with the aim of contributing to the reduction of overcrowding in Serbia's penal institutions through monitoring, advocacy and sharing of best practices of other countries. It endeavours to summarise the results of the measures various state authorities have been undertaking pursuant to the 2010 Strategy for Reducing Overcrowding in Penal Institutions in the 2010-2015 period and the Action Plan for its implementation, which was adopted in November 2011. The overview aims to contribute to the successful implementation of the Strategy in the ensuing period, primarily by informing a constructive public debate on the measures that should be taken in the coming years to reduce overcrowding in the Serbian penal institutions.

The overview draws on the information collected from various state authorities, including over two-thirds of the courts in Serbia, civil society and international organisations and on the information the BCHR has obtained during its visits to penal institutions since 2009. The information the overview is based on mostly pertains to the period from early 2010 to end April 2013.

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The Strategy for Reducing Overcrowding in the Penal Institutions in the Republic of Serbia in the 2010-2015 Period

The Strategy for Reducing Overcrowding in the Penal Institutions in the Republic of Serbia in the 2010-2015 Period (hereinafter: Strategy) was adopted on 22 July 2010¹ and the Amending Decision on 25 August 2011.² The Action Plan for the Implementation of the Strategy, which sets out the activities for the implementation of the Strategy measures, was adopted on 24 November 2011.

The need to adopt the Strategy arose due to the considerable increase in the Serbian prison population in the preceding years, which is why the overpopulated penitentiaries have for years been falling short of the Penal Sanctions Enforcement Act³ requirements and the standards on the living conditions all persons deprived of liberty must be provided with (defining the living space per inmate, the time they spend outdoors, etc) developed under Council of Europe auspices.

31 Dec 2005	31 Dec 2006	31 Dec 2007	31 Dec 2008	31 Dec 2009
8078	7893	8970	9701	10974

Prison Population in the 2005-2009 Period⁴

The inmate population continued growing right after the Strategy was adopted and began falling in 2012, mostly thanks to the Pardons Act,⁵ adopted at the end of that year. Pardon is, however, a one-off measure and it would be reasonable to expect that the number of people deprived of liberty in the penal institutions will soon rise to the 2010 level. It may, therefore, be concluded that the overcrowding of the penal institutions has not been considerably alleviated since the adoption of the Strategy, although their capacities have been slightly increased in the meantime.⁶ The authorities thus clearly need to continue with implementing the Strategy and the measures to reduce the overcrowding in the penal institutions.

¹ *Sl. glasnik RS* 53/10.

² *Sl. glasnik RS* 65/11.

³ *Sl. glasnik RS* 85/05, 72/09 and 31/11.

⁴ Source: The Strategy for Reducing Overcrowding in the Penal Institutions in the Republic of Serbia for the 2010-2015 Period.

⁵ *Sl. glasnik RS* 107/12.

⁶ A new penal institution with a capacity of 450 was built and the capacities of several other penitentiaries have been negligibly increased in the meantime. It should, however, also be borne in mind that the reconstruction of some institutions resulted in slight decreases in their capacities. More on these issues in the Penal Sanctions Enforcement

31 Dec 2010	31 Dec 2011	31 Dec 2012	June 2013
11211	11094	10226	cca 10300

Prison Population in the 2010-June 2013 Period

The 2010 Strategy sets as its main goal the design and enforcement of measures and activities to reduce overcrowding in penal institutions, in order to enable:

- The improvement of the status of convicts, remand prisoners and other people deprived of liberty and of the realisation of their rights;
- The humanisation of the penal sanctions enforcement system and the more comprehensive enforcement of international standards in that field;
- The introduction of feedback to monitor the enforcement of criminal law in the penal sanctions enforcement segment with the aim of amending the courts' penal policy and the main crime policy commitments;
- The improvement of the effectiveness of the performance of the Penal Sanctions Enforcement Administration within the Justice Ministry, charged with administering, organising and monitoring the enforcement of penal sanctions;
- The reduction and reallocation of state budget funding for the enforcement of penal sanctions;
- Greater safety of all members of society.

The activities that are to facilitate the achievement of these goals regard:

- 1) Alternative sanctions and measures;
- 2) Parole and early release;
- 3) Introduction of enforcement judges;
- 4) Commissioner and probation Services;
- 5) Increase in the penal institutions' capacities and improvement of the conditions in them;
- 6) Upgrading of the professional capacities of the Penal Sanctions Enforcement Administration staff;
- 7) Pardon; and
- 8) A single IT system.

This Overview will focus on the results of activities regarding alternative sanctions and measures, parole and early release, commissioner services, increase in the penal institutions' capacities and improvement of the conditions in them, and pardon.

1. Alternative Sanctions and Measures

1.1. Measures Ensuring the Presence of Defendants and Unhindered Conduct of Criminal Proceedings (Alternative Measures)

The Strategy and its Action Plan set out the measures geared at ensuring the broader enforcement of measures alternative to pre-trial detention. Specifically, they envisage: 1) expanding the grounds for granting bail; 2) specifying precise conditions for house arrest or the ban on leaving one's temporary place of residence; 3) regulating the system of electronic surveillance of defendants placed under house arrest or subject to another obligation.

1.1.1. Expansion of the grounds for granting bail. – The grounds for granting bail were expanded by the new Criminal Procedure Code⁷ adopted in 2011 (hereinafter: the 2011 CPC) and bail may now be granted also to persons reasonably suspected of committing a crime warranting minimum ten years of imprisonment or of committing a crime with elements of violence warranting minimum five years of imprisonment and to defendants sentenced by a court of first instance to a term of imprisonment of five or more years in the event the manner in which they committed the crime or the gravity of its consequences have upset the public to such an extent that this may threaten the fair and unhindered conduct of criminal proceedings.⁸ The 2011 CPC, however, simultaneously narrowed the grounds for granting bail as it does not include the provision in the 2001 Criminal Procedure Code⁹ (hereinafter the 2001 CPC), under which the court may grant bail to people reasonably suspected of a crime in the event circumstances indicate that they may destroy, conceal, change or forge evidence or traces of the crime or if particular circumstances indicate that they may disrupt the proceedings by exerting influence on the witnesses, expert witnesses, accomplices or accessories.¹⁰ The enforcement of the 2011 CPC has, however, been postponed (to 1 October 2013), with the exception of cases prosecuted by prosecution offices with special jurisdiction (for war crimes, organised crime and cybercrime), where it has applied since the beginning of 2012, wherefore it remains to be seen whether the expansion of the grounds for granting bail will result in fewer detention orders. The courts have granted bail extremely rarely to date.

⁷ *Sl. glasnik RS* 72/11, 101/11, 121/12, 32/13 and 45/13.

⁸ Article 202 in conjunction with Article 211(4), 2011 CPC.

⁹ *Sl. list SRJ*, 70/01 and 68/02 and *Sl. glasnik RS*, 58/04, 85/05, 115/05, 85/05 – Other Law, 49/07, 20/09 – Other Law, 72/09 and 76/10.

¹⁰ Article 137(1), 2001 CPC.

Namely, most of the courts in Serbia have not rendered any decisions setting bail in the course of a year. Even when the 2011 CPC comes into effect, the expansion of grounds for setting bail can hardly be expected to significantly impact on the number of detention orders i.e. the overcrowding of the remand wards in the penal institutions. The tables below provide a statistical overview of the courts' bail decisions.¹¹

Higher Courts not keeping records of the number of people against whom criminal proceedings have been instituted but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			Bail Decisions		
	2010	2011	2012	2010	2011	2012
Novi Sad	634	714	696	3	5	3
Novi Pazar	121	104	76	1	2	1
Prokuplje	71	58	69	2 ¹²		
Šabac	176	147	140	0	0	0

Higher Courts keeping records of the number of people against whom criminal proceedings have been instituted

Location	Number of People against Whom Criminal Proceedings have been Instituted			Bail Decisions		
	2010	2011	2012	2010	2011	2012
Belgrade	4107	4350	4575	2	5	6
Čačak	225	193	139	1	0	0
Kraljevo	479	382	228	0	1	0
Kruševac	163	165	167	1	0	0
Leskovac	314	203	204	0	0	0
Negotin	109	87	84	0	0	1
Niš	907	412	461	3		
Pančevo	223	186	210	0	0	2
Pirot	258	88	86	0	1	1
Požarevac	219	135	129	0	0	1
S. Mitrovica	342	195	160	2	2	0
Subotica	165	167	144	0	1	2
Užice	304	187	175	0	0	0

¹¹ These and other statistical data in the Overview were collated on the basis of information the courts provided the BCHR in reply to its requests for access to information of public importance. Unfortunately, not all courts have replied to the BCHR's requests. Furthermore, some courts communicated information which the authors of the Overview were unable to use. Namely, there is no uniform method for keeping court statistics; some courts keep records of the number of criminal proceedings instituted before them, while others also keep records of the number of people against whom criminal proceedings have been instituted. Some courts keep records of the number of people ordered into detention, while others only keep records of the number of "detention cases" which do not specify whether one or more defendants were remanded in a particular case (if there is more than one defendant). Notwithstanding the shortcomings of the statistics, they can serve as a relevant indicator of the courts' case law, given that they comprise data of over two-thirds of the courts.

¹² The data obtained from the Prokuplje Higher Court do not specify when the two bail decisions were rendered.

Valjevo	60	109	146	0	0	2
Zaječar	311	334	250	0	0	1

Basic Courts not keeping records of the number of people against whom criminal proceedings have been instituted but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			Bail Decisions		
	2010	2011	2012	2010	2011	2012
Belgrade II ¹³	-	-	6344	3	1	0
Bor	291	489	652	0	0	0
Čačak	1539	1223	1115	0	0	0
Kragujevac	2414	2765	2911	3	2	3
Loznica	1130	1160	931	0	0	0
Niš	9138	3895	3338	0	0	0
Novi Sad	3015	3829	3554	1	0	0
Smederevo	2633	1921	1409	1	0	2
Sombor	1372	1251	1607	0	0	0
Subotica	1704	2040	1854	1	0	0

Basic Courts keeping records of the number of people against whom criminal proceedings have been instituted

Location	Number of People against Whom Criminal Proceedings have been Instituted			Bail Decisions		
	2010	2011	2012	2010	2011	2012
Kikinda	1172	1706	962	0	0	0
Kraljevo	1240	1353	1735	8	1	3
Kruševac	1627	1784	1843	0	2	3
Novi Pazar	2655	2602	2756	2	1	1
Paraćin	1141	1318	1003	0	0	2
Pirot	909	1068	940	1	0	0
Požega	933	846	776	2	0	0
Prijepolje	598	451	477	3	1	0
S. Mitrovica	7098	8427	7998	0	0	0
Užice	1096	948	789	0	0	1
Valjevo	1354	1553	1773	0	0	2
Vranje	1506	1441	1380	12	8	10
Vršac	712	1113	1030	0	0	0
Zrenjanin	882	1197	1530	0	0	0

1.1.2. Specifying precise conditions for house arrest or the ban on leaving one's temporary place of residence. – Given that the 2001 CPC articles on house arrest and the ban on leaving one's temporary place of residence have not been amended and that the 2011 CPC, which does specify the conditions for ordering house arrest and the ban still applies only to cases prosecuted by the war crime, organised crime and cybercrime prosecution offices, it may be concluded that this

¹³ Data on the number of proceedings instituted in 2010 and 2011 were not available.

measure has not been implemented fully yet. That said, if the 2011 CPC takes effect in October 2013 as planned, this measure will have been implemented.

The 2001 CPC deals with the conditions under which a court may place a person under house arrest or ban him from leaving his temporary place of residence in only one, albeit long Article. The 2011 CPC is more thorough and devotes seven articles to this matter. It introduces the following novelty: a restraining order may now be issued independently, not only in conjunction with house arrest or the ban on leaving one's temporary place of residence, as provided for by the 2001 CPC. This is clearly a welcome novelty from the perspective of the proportionality of measures restricting the human rights of the defendants. Furthermore, like the 2001 CPC, the 2011 CPC lays down that these measures shall be in effect as long as necessary, but it also specifies that their extension shall be subject to reviews every three months (the 2001 CPC says that such reviews shall be conducted every two months). Therefore, the 2001 CPC is in this respect somewhat more favourable for the defendants and ensures the proportionality of measures limiting the human rights of the defendants in criminal proceedings to a greater extent.

Like bail, the house arrest and ban on leaving one's temporary place of residence measures have not significantly impacted on reducing overcrowding in penal institutions to date. The expansion i.e. development of the probation service, charged with the electronic surveillance of the defendants and monitoring the enforcement of the house arrest and the ban on leaving one's temporary place of residence orders, might contribute to the more frequent implementation of these measures. The following statistical overview shows how often the courts in Serbia have ordered house arrest or banned defendants from leaving their temporary places of residence in the 2010-2012 period.

Higher Courts not keeping records of the number of people against whom criminal proceedings have been instituted but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			House Arrest/Ban on Leaving Temporary Place of Residence		
	2010	2011	2012	2010	2011	2012
Novi Sad	634	714	696	1	1	13
Novi Pazar	121	104	76	0	0	0
Prokuplje	71	58	69	7		
Šabac	176	147	140	0	0	0

Higher Courts keeping records of the number of people against whom criminal proceedings have been instituted

Location	Number of People against Whom Proceedings have been Instituted			House Arrest/Ban on Leaving Temporary Place of Residence		
	2010	2011	2012	2010	2011	2012
Belgrade	4107	4350	4575	20	23	11
Čačak	225	193	139	0	0	0
Kraljevo	479	382	228	3	1	2

Kruševac	163	165	167	0	0	3
Leskovac	314	203	204	0	0	1
Negotin	109	87	84	0	0	1
Niš	907	412	461	8		
Pančevo	223	186	210	0	14	2
Pirot	258	88	86	0	3	2
Požarevac	219	135	129	0	0	0
S. Mitrovica	342	195	160	0	3	4
Subotica	165	167	144	4	6	9
Užice	304	187	175	4	3	1
Valjevo	60	109	146	1	1	2
Zaječar	311	334	250	0	6	2

Basic Courts not keeping records of the number of people against whom criminal proceedings have been instituted but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			House Arrest/Ban on Leaving Temporary Place of Residence		
	2010	2011	2012	2010	2011	2012
Belgrade II ¹⁴	-	-	6344	5	11	20
Bor	291	489	652	0	0	0
Čačak	1539	1223	1115	0	2	0
Kragujevac	2414	2765	2911	6	3	1
Loznica	1130	1160	931	0	0	1
Niš	9138	3895	3338	0	0	0
Novi Sad	3015	3829	3554	0	0	0
Smederevo	2633	1921	1409	0	5	2
Sombor	1372	1251	1607	0	0	0

Basic Courts keeping records of the number of people against whom criminal proceedings have been instituted

Location	Number of People against Whom Proceedings Have Been Instituted			House Arrest/Ban on Leaving Temporary Place of Residence		
	2010	2011	2012	2010	2011	2012
Kikinda	1172	1706	962	0	0	0
Kraljevo	1240	1353	1735	0	4	2
Kruševac	1627	1784	1843	1	2	2
Novi Pazar	2655	2602	2756	0	0	0
Paraćin	1141	1318	1003	0	1	2
Pirot	909	1068	940	2	13	23
Požega	933	846	776	1	3	2
Prijepolje	598	451	477	0	0	0
S. Mitrovica	7098	8427	7998	9	8	11
Užice	1096	948	789	2	4	15
Valjevo	1354	1553	1773	0	0	4
Vršac	712	1113	1030	0	0	0
Zrenjanin	882	1197	1530	0	0	0

¹⁴ Data on the number of proceedings instituted in 2010 and 2011 were not available.

As the above data indicate, the number of court ordered house arrests/bans on leaving one's temporary place of residence has grown in 2011 and 2012 compared to 2010. If the trend continues, the house arrest/ban on leaving one's temporary place of residence measures and the restraining order measure, envisaged by the 2011 CPC, may significantly contribute to reducing the overcrowding of the remand wards in the penal institutions.

1.1.3. Regulation of the system of electronic surveillance of defendants placed under house arrest, subject to the ban on leaving their temporary places of residence or another obligation. – Under the Strategy and Action Plan, the probation service, to be established under an Act on Probation, is to be charged with electronic surveillance as of 2013. The Ministry of Justice and State Administration presented the draft of the Act in May 2013 and its adoption is expected by the end of the year. The Electronic Surveillance Sector within the Penal Sanctions Enforcement Administration Reintegration and Alternative Sanctions Department will remain in charge of the electronic surveillance of defendants until then.

The electronic surveillance measure was first enforced on 1 July 2011.¹⁵ It was ordered four times in 2011. Twenty defendants were placed under house arrest/banned from leaving their temporary places and simultaneously put under electronic surveillance in 2012.

1.1.4. Changes in the number of remand prisoners. – All of the above-mentioned measures aim at halting the increase in the number of remand prisoners, that is, their share in the total prison population. The data on the number of remand prisoners since the adoption of the Strategy indicate that they have been successful. Namely, the number of remand prisoners was significantly lower (by 900) at the end of 2012 than at the end of 2010, when the Strategy was adopted.

Number of Remand Prisoners at the End of the Past Six Calendar Years

2007	2008	2009	2010	2011	2012
2187	2351	2586	3328	3019	2478

However, the number of times the courts ordered measures alternative to pre-trial detention clearly indicates that they were not the reason for the drop in remand population given that most courts have witnessed a fall in the number of criminal proceedings, as the statistical overview below corroborates.¹⁶ It demonstrates that there are no significant discrepancies in the

¹⁵ Information obtained from the Electronic Surveillance Sector.

¹⁶ These statistics also suffer from the shortcomings referred to in the section on the measures alternative to remand – bail, house arrest and the ban on leaving one's temporary place of residence. Namely, there is no uniform method in place for keeping records, wherefore some courts keep only records of the number of proceedings, i.e. the number of detention orders, while others also keep records of the number of people against whom criminal proceedings have been conducted and of the number of people ordered into detention.

ratio of the number of detention orders that is, the number of defendants ordered into detention and the number of instituted criminal proceedings, that is, the number of defendants against whom proceedings have been instituted. It may, therefore, be concluded that the judges have in principle been ordering detention just as often as they used to before the Strategy was adopted.

Higher Courts not keeping records of the number of people against whom criminal proceedings have been instituted or of the number of defendants ordered into detention, but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			Number of Detention Orders		
	2010	2011	2012	2010	2011	2012
Novi Sad	634	714	696	107	144	139
Novi Pazar	121	104	76	59	49	40
Prokuplje	71	58	69	23	26	16
Šabac	176	147	140	64	56	33
Total	1002	1023	981	253 (25%)	275 (27%)	228 (23%)

Higher Courts keeping records of the number of people against whom criminal proceedings have been instituted and of the number of people ordered into detention

Location	Number of People against Whom Proceedings have been Instituted			Number of People Ordered into Detention		
	2010	2011	2012	2010	2011	2012
Čačak	225	193	139	48	31	19
Kraljevo	479	382	228	22	38	30
Kruševac	163	165	167	47	72	44
Leskovac	314	203	204	109	59	49
Negotin	109	87	84	19	11	21
Niš	907	412	461	137	109	92
Pančevo	223	186	210	61	41	65
Pirot	258	88	86	23	24	21
Požarevac	219	135	129	51	21	33
S. Mitrovica	342	195	160	146	90	62
Subotica	165	167	144	81	58	55
Užice	304	187	175	59	44	43
Valjevo	60	109	146	27	41	24
Zaječar	311	334	250	52	30	48
Total	4079	2843	2583	882 (22%)	669 (23.5%)	606 (23%)

A Higher Court keeping records of the number of people against whom criminal proceedings have been instituted and the number of detention orders (which may be issued against more than one defendant), but not of the number of defendants ordered into detention

Location	Number of People against Whom Proceedings have been Instituted			Number of Detention Orders		
	2010	2011	2012	2010	2011	2012
Belgrade	4107	4350	4575	618	552	522

Basic Courts not keeping records of the number of people against whom criminal proceedings have been instituted or of the number of defendants ordered into detention, but only of the number of instituted proceedings (that may be conducted against more than one defendant)

Location	Number of Proceedings			Number of Detention Orders		
	2010	2011	2012	2010	2011	2012
Smederevo	2633	1921	1409	55	61	58
Sombor	1372	1251	1607	166	194	117
Total	4005	3172	3016	221 (5.5%)	255 (8%)	175 (5.8%)

Basic Courts not keeping records of the number of people against whom criminal proceedings have been instituted, but keeping records of the number of instituted proceedings (that may be conducted against more than one defendant) and of the number of people ordered into detention

Location	Number of Proceedings			Number of People Ordered into Detention		
	2010	2011	2012	2010	2011	2012
Belgrade II ¹⁷	-	-	6344	191	163	181
Bor	291	489	652	26	42	40
Čačak	1539	1223	1115	77	33	27
Kragujevac	2414	2765	2911	174	144	77
Loznica	1130	1160	931	18	20	21
Niš	9138	3895	3338	272	190	212
Novi Sad	3015	3829	3554	193	232	270
Total¹⁸	17527	13361	12501	760 (4.3%)	661 (4.9%)	647 (5.2%)

Basic Courts keeping records of the number of people against whom criminal proceedings have been instituted and of the number of people ordered into detention

Location	Number of People against Whom Proceedings have been Instituted			Number of People Ordered into Detention		
	2010	2011	2012	2010	2011	2012
Kikinda	1172	1706	962	5	15	10
Kraljevo	1240	1353	1735	70	114	48
Kruševac	1627	1784	1843	47	72	44
Novi Pazar	2655	2602	2756	236	149	199
Pančevo	1682	2094	1764	106	83	67
Paraćin	1141	1318	1003	46	65	34
Pirot	909	1068	940	27	37	45
Požega	933	846	776	8	7	4
Prijepolje	598	451	477	4	9	11
S. Mitrovica	7098	8427	7998	61	195	129
Užice	1096	948	789	26	24	39
Valjevo	1354	1553	1773	70	83	66
Vranje	1506	1441	1380	30	89	100
Vršac	712	1113	1030	29	22	22
Zrenjanin	882	1197	1530	45	47	36
Total	24605	27901	26765	810 (3.3%)	1011 (3.6%)	854 (3.1%)

¹⁷ Data on the number of proceedings instituted in 2010 and 2012 was not available.

¹⁸ Without the Second Belgrade Basic Court.

1.2. Enforcement of Penal Sanctions outside a Penal Institution

The Strategy and Action Plan envisage a number of measures aimed at facilitating the development of the system of alternative sanctions. Home imprisonment is now defined as an independent penal sanction, which has resulted in corresponding amendments to the Penal Sanctions Enforcement Act and the adoption of a Rulebook on the Enforcement of Home Imprisonment.¹⁹ The courts have been increasingly opting for this penal sanction and quite a few convicts are serving their prison sentences at home.

Number of Enforced Home Imprisonment Sanctions in the Past Three Years

2010	2011	2012
2	88	610

Increasing the number of hours of community service is another measure envisaged by the Strategy and Action Plan. The plan was to increase the number of hours of community service to 450 hours, but this measure was not implemented, and convicted felons may be sentenced to maximum 360 hours of community service.

Some headway has been achieved with respect to the frequency of the imposition and enforcement of community service. The number of enforced community service penalties has grown with the expansion of the probation service network. Initially, only convicts in Belgrade could perform community service; by the end of 2012, convicts in seven Serbian cities could pay their dues to society through community service (Belgrade, Kragujevac, Niš, Novi Sad, Sombor, Subotica and Valjevo). The greatest problem arising with respect to the enforcement of community service is that the probation service network covers only a limited number of cities, putting at a disadvantage convicts living in the rest of the country, where there are no alternative sanctions offices.

Community Service

Year	2009	2010	2011	2012
Number of Judgments Forwarded to the Community Service Offices for Enforcement	42	80	338	-
Number of Enforced Judgments	17	17	90	215

¹⁹ *Sl. glasnik RS* 64/10.

It also needs to be noted that the Strategy and Action Plan planned for the introduction of simplified forms of criminal proceedings in which the courts would pronounce alternative sanctions. This plan did not materialise by June 2013. The same can be said of another planned measure – expansion of the legal grounds for deferring i.e. discontinuing criminal prosecution by the prosecutor in the event the defendant fulfilled the imposed obligations – given that the 2011 CPC, which has expanded these grounds, is yet to come into force (as mentioned, it is applied only in war crime, organised crime and cybercrime cases).

1.3. Advanced Professional Training of Judges, Prosecutors and Deputy Public Prosecutors

Specific training focusing on the implementation of the Strategy has not been organised since 2010, when the training on alternative sanctions for judges and prosecutors was discontinued because the probation service network had not been sufficiently developed yet. Some of the Strategy measures are elaborated within the general curriculum of the Judicial Academy.

2. Parole and Early Release

As far as reducing the overcrowding of penal institutions through parole is concerned, the most important step envisaged by the Strategy is the amendment of the Criminal Code to allow convicts sentenced to maximum three years' imprisonment to apply for parole after serving half of their sentence. Once implemented, this measure will likely yield tangible results. Under the Criminal Code, convicts may apply for parole after serving two-thirds of their sentence.

Courts have been granting parole less and less frequently, but it should be borne in mind that the 2012 Pardons Act covered numerous convicts, who had been entitled to apply for parole at the time. This is why the number of granted paroles cannot be taken as a relevant indicator of the courts' practices. Still, the slump in the number of granted paroles in 2011 may indicate the courts' growing reluctance to grant parole.

Parole and Early Release in the 2010-2012 Period

Year	2010	2011	2012
Number of paroled prisoners	1681	990	600
Number of prisoners released early	38	244	217

3. Commissioner Services

The adoption of an act that would regulate the enforcement of various alternative sanctions and measures which would be carried out by a probation service, although a measure envisaged in the Strategy, has not yet occurred. According to the Action Plan, this measure should be implemented by the end of 2013. In May 2013 a draft law on the enforcement of non-custodial

sanctions and measures was presented to the public. Hence, the establishment of a probation service in accordance with the Strategy and the Action Plan remains possible.

At the moment, the enforcement of alternative sanctions is not possible in the whole territory of Serbia, which means that defendants in criminal proceedings carried out in Serbia are not equal. In other words, some defendants cannot expect an alternative sanction instead of imprisonment. Enforcing alternative sanctions is possible only in seven towns where offices for the enforcement of alternative sanctions exist: Belgrade, Novi Sad, Subotica, Valjevo, Niš, Sombor, and Kragujevac. The Penal Sanctions Enforcement Administration's short term plan is to open seven new offices, in the following towns: Sremska Mitrovica, Požarevac, Užice, Leskovac, Čačak, Smederevo, and Pančevo.²⁰ The lack of offices for the enforcement of alternative sanctions, or their small capacity, resulted in the fact that, to date, never more than just above 200 alternative measures per annum were enforced (see above under 1.2).

4. Increasing the Capacities and Improving the Living Conditions in the Penal Institutions

The construction of a correctional facility in Belgrade with a capacity of 450 has been completed as planned. New penitentiaries are to be built in Pančevo, Kragujevac and Medveđa as well. The reconstruction and adaptation of some penal institutions have been completed or are under way, wherefore the living conditions of convicted and remand prisoners in them have improved. Notably, the reconstruction of some Belgrade Special Prison Hospital and District Prison wards will finally provide the inmates with direct access to natural light and fresh air and allow for the installation of heating in these facilities. However, most of the premises in these two establishments are still in a desultory state, which is particularly concerning in the case of the Special Prison Hospital. Both of these establishments should in the longer term be relocated from the building they are using at present. Apart from the planned increase in capacities, some penitentiaries have over the past few years expanded their capacity by force of circumstance. For instance, inmates in the Sremska Mitrovica penitentiary are currently living in facilities not originally intended for the accommodation of prisoners. The conditions in these facilities do not satisfy the legal requirements and should be vacated as soon as possible, as the National Preventive Mechanism recommended as well. Several other facilities in the largest Serbian penitentiaries are also in extremely poor shape and should either be shut down or, if possible, renovated. This particularly holds true for Pavilion IV in the Sremska Mitrovica penitentiary and Pavilions II and C in the Niš penitentiary.

The fact that most penitentiaries are unable to provide their inmates with the opportunity to engage in any meaningful work or educational or recreational activities, which has greatly undermined their re-socialisation, may, perhaps, be an even greater problem than the poor living conditions in some of them. Three of the largest penitentiaries have been implementing an

²⁰ See *Penal Sanctions Enforcement Administration 2012 Annual Report*, pp. 40-45, available in Serbian and English on its web page: <http://www.uiks.mpravde.gov.rs/cr/articles/izvestaji-i-statistika/>.

extremely well-conceived project offering the inmates training in various crafts and it is a shame that it cannot cover a greater number of convicts. It would be good if funding could be secured to involve a greater number of convicts in these kinds of projects. Although the number of remand prisoners has fallen since the beginning of the year, the conditions they are living in are still extremely disagreeable. Namely, they spend nearly the whole day (23 hours a day) in their cells and rarely have the opportunity to engage in any meaningful activities.

5. Pardon

The Pardons Act, adopted in late 2012, covered quite a broad group of people and immediately relieved the capacities of the penal institutions. By end 2012, 1228 prisoners were released pursuant to this law, reducing the prison population from circa 11300 to 10226. However, since a one-off measure is at issue, it would be reasonable to expect an imminent rise in the number of people deprived of liberty, perhaps even to the level reached a few years ago. Furthermore, it needs to be noted that the effects of the Pardons Act were felt the most in minimum and medium security wards, while the number of inmates in the high security wards, in which the living conditions are the worst, has remained almost unchanged.

CONCLUSION

Although the number of people deprived of liberty in the penal institutions is lower than in 2010, when the Strategy was adopted, the prison establishments are still overcrowded wherefore the implementation of the Strategy should proceed at full steam, all the more since the mild decrease in the prison population can mostly be ascribed to the one-off pardon measure rather than the long-term systemic measures envisaged by the Strategy. However, some of these measures, notably those aimed at the development of the alternative sanctions system and the consolidation of the probation service network, are expected to contribute to reducing the overcrowding in the penal institutions. This, of course, does not mean that the other Strategy measures are less important and it goes without saying that priority should be attached to the implementation of some of them, particularly those geared at improving the living conditions in specific penitentiaries.