

CHRNis Contribution 2011, dealing with Discrimination of prisoners, members of minority groups in wider sense, through the system and procedures

(Jun 2010.)

(Prisoners Bosniaks)

1. Disciplinary procedures: Lack of possibilities to conduct a procedure/s using the Latin alphabet, which is much more understandable by prisoners of Bosniak minority.
2. System lack of minimum material conditions for religious rites.

(Roma prisoners)

3. Disciplinary procedure: It is nowhere determined whether Roma (or other minority) prisoners know the Serbian language generally or well enough to be able to equally participate in the procedure. This fact is necessary to be determined prior to procedure.
3. There is no establishment of social and economic status of prisoners at the admission, based on which, provision of hygienic parcels or other appropriate assistance during sentence serving, without submitting a request.
4. Lack of measures of positive discrimination in the provision of jobs to the poor, for which they are qualified.

(Disabled prisoners)

5. The lack of procedures for the engagement of an interpreter for sign/ gesture language in the process that prisoner goes through during admission.
6. Lack of procedures which implement engagement of an interpreter, prescribed by law, at any stage of sentence serving, when necessary.
7. Lack of engagement of personal assistants for disabled persons who need it.
8. Lack of conditions for adequate daily stay of disabled persons in Nis Penitentiary and it is reflected in: (1) the existence of architectural barriers at the access to, at least, the following facilities: health care unit, hospital, dining room, library, (2) the lack of sound signals and belt for movement of the blind, (3) the lack of practice of engaging an interpreter for sign/ gesture language, (4) lack of personal assistants.
9. Insufficient sensibility and appropriate professional skills of prison staff working with persons with disabilities.

- Note: First step for the provision of adequate accommodation capacities for the prisoners with disabilities is to know: the exact number of them, the type of their disability and remaining sentence serving time. Based on this information, adaptation of some penitentiaries could be planned. That is why CHR-Nis planned the activity of the creation of database and we got the consent from Directorate before the project was approved. During almost 10 months of the activity (from the planned 12) so far, we have not received any data from Directorate. This is another example of ignorance whose result should be obstruction of planned.

(Prisoners, members of small religion communities)

10. Lack of recording religion at the admission of prisoners.
11. Lack of making differences in recording between religion and nation (refers to Muslim - Bosniak).

(Prisoners Albanians)

12. Lack of recording the material status of prisoners at the admission to the institution.
13. Lack of mandatory existence of translated texts in the Albanian language (and languages of other ethnic minorities) of the Law on Enforcement of Prison Sanctions and by-laws issued in

relation to the enforcement, and particularly regulations on House rules during their stay in the Admission department.

14. Lack of mandatory checks and determination of the level of knowledge of the Serbian language that would result in the engagement of an interpreter for a person who does not speak the language well enough, in all circumstances that the law anticipates, even if is not required by a prisoner him self.

15. Lack of extraordinary solutions at the state level that would enable the realization of the right to family visits to prisoners from territories with special status (at the moment Kosovo).

II/ Situation of prisoners, members of minority groups in wider sense

According to the national structure of sentenced persons, minorities in the wider sense constitute about 20% of the total prison population in Penitentiary Nis.

From the official data obtained during the project it can be seen that the minority members in percentage of over 90% are set in the lowest two categories (V2 and V1), although from the records of disciplinary proceedings a conclusion could not be drawn that the prisoners - members of minority groups are less disciplined than members of majority. Following categorization, members of minorities are, with negligible number of exceptions, are set in the in the pavilion where the physical conditions of stay are extremely poor.

More detailed overview is enclosed: **Annex 1**

III/ Problems from transition

Process of readmission:

Experience of CHRNis monitoring team is that Roma prisoners from Serbia speak and understand the Serbian language well. Of the two who lived in Germany, one speaks Serbian, the other one hardly.

We want to draw attention to the Roma who spent great number of years in Western Europe and would continue to arrive to Serbia on the basis of readmission agreements. Some of them will probably be prisoners. They usually do not speak Serbian, but only the language of the country from which they will arrive, and Roma language. Now is the right time to design and prepare in which way they will be provided equality and respect of law.

Roma prisoners:

With some Roma prisoners there is a problem of realization of family visits, because their wives do not have identity cards or any other identification document. In order to register a wife in the list of persons whose visits are approved, based on the request of sentenced person, it is necessary to specify the number of identity card so that that person could be identified for the visit.

Albanian prisoners from Kosovo:

All the prisoners, regardless of origin, residence and citizenship, according to the Law on Enforcement of Prison Sanctions have equal rights including the right to exercise contact with their families, which includes the right to visits. It is observed, however, that persons, whose relatives serve their sentences in Niš Prison and possess documents issued by UNMIK, are not allowed to cross the administrative border towards Kosovo and Metohia, move or stay in Serbia, and therefore there is no possibility of visits to prisoners who serve sentences in Nis Penitentiary. This is even more incomprehensible because jurisdiction of the UNMIK administration is based on resolution 1244, which the Republic of Serbia fully accepted. Therefore it is necessary to, at

the level above the level of Directorate for Enforcement of Prison Sanctions, find acceptable solutions that will prevent further discrimination on this basis.