

Standard Summary Project Fiche – IPA centralised programmes
(Regional / Horizontal programmes ; centralised National programmes)

1. Basic information

1.1 CRIS Number: 2007/19322

1.2 Title: Improvement of the Penalty System

1.3 ELARG Statistical code: 01.24

1.4 Location: Serbia

Implementing arrangements:

1.5 Contracting Authority: EC

1.6 Implementing Agency: N/A

1.7 Beneficiary (including details of project manager): Ministry of Justice

Financing:

1.8 Overall cost: €9 M (national funding included)

1.9 EU contribution: €5M

1.10 Final date for contracting: 3 years after the signature of the Financing Agreement

1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement

1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement

2. Overall Objective and Project Purpose

2.1 Overall Objective:

Improving human rights protection and re-socialisation in institutions during the execution of penal sanctions in the Republic of Serbia

2.2 Project purpose:

Improvement of prison conditions for the inmates by construction of new and reconstruction of existing accommodation facilities, according to EU standards

2.3 Link with AP/NPAA / EP/ SAA

The European Partnership underlines the need to improve prison conditions in line with the Council of Europe standards, in particular as regards vulnerable groups such as juvenile offenders; and ensure further training of penitentiary staff and improvement of facilities.

The European Partnership calls for Serbia to adapt the Strategy for the Reform of System of Execution of Penal Sanctions in order to fulfil all remaining obligations arising out of membership in the Council of Europe, notably with regard to the European Convention on Human Rights and Fundamental Freedoms and the European Convention for Prevention of Torture.

The SAA Article 80 (Reinforcement of Institutions and Rule of Law) states that particular importance should be given to consolidation of the rule of law, and reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the

administration of justice in particular. Cooperation will notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies and providing adequate training.

2.4 Link with MIPD

The MIPD highlights the need to support penitentiary reform by institution building, improving legislation and standards in prisons, particularly for special status prisoners. Furthermore, MIPD singles out improvement of prisoners' conditions as one of its priorities in consolidation of the rule of law. (section 2.2.1.1. page 16)

2.5 Link with National Development Plan (where applicable)

N/A

2.6 Link with national/sectoral investment plans (where applicable)

Co-funding for prison construction and reform is provided by the National Investment Plan.

3. Description of project

3.1 Background and justification:

Penal sanctions in the Republic of Serbia are executed in 29 correctional facilities. On average, there are a total of 8,500 inmates at these correctional facilities at any given time. The Administration for Execution of Penal Sanctions (AEPS) is the body responsible for these facilities. The AEPS has a task to align Serbia's penitentiary system to agreed international standards.

Introducing a system for provision and protection of the inmates' human rights is one of the key objectives of AEPS. To date in Serbia the Commission for the Protection of the Human Rights of Prisoners have ratified the Optional Protocol of the UN Convention against Torture and developed the Inmates' Human Rights Handbook. In addition the summary and the implementation of the human rights regulations have been included in the training programs for the correctional staff. The Code of Conduct of the Correctional Staff has been drafted and distributed and a legal library for prison staff has been established.

The ongoing economic transition of Serbia, high unemployment rate coupled with increase in drug abuse place further pressures on penitentiary system that has traditionally been underfunded. This situation has resulted in the following problems burdening the penal system in Serbia:

- High levels of overcrowding due to inadequate facilities;
- Insufficient network of specialized facilities;
- Emergence of 'gang cultures' among inmates and informal administrative structures;
- A mismatch between criminological profile of inmates and types of correctional facility/service/-s;
- Inadequate professional/educational/organisational structures of prison staff as compared to the crime profile of the inmate population;
- Outdated security equipment at facilities;

- Lack of work space for inmates;
- Limited inmate treatment services (drug/alcohol) and re-socialisation programmes.

Faced with this situation and tasked with meeting international prison standards, AEPS drew up a programme for construction and reconstruction of correctional institutions to improve the penalty system under the framework provided by the Reform of the Penalty System Strategy (2004). The strategy promotes several priority aims, the most important are as follows:

- Protection of each inmate in a safe and secure way and in conformity with international standards;
- Construction of new and reconstruction of existing prison accommodation and their adaptation to European standards;
- Implementation of new programmes of procedures, individualization and adaptation for special categories of inmates;
- Permanent training and professional improvement of correctional staff;
- Promotion of other types of sanctions, apart from correctional, for punishment and re-socialization of convicted persons.

Under the Prison Reform Strategy the improvement of infrastructure and promotion of security and conditions for placement of inmates has made considerable progress. Much remains to be done if Serbia's prison system is to meet international standards particularly in terms of safeguarding human rights, provision of adequate living conditions and timely and comprehensive health care. To these ends the facilities should be functional, secure and should allow easy surveillance of inmates. They should also offer adequate accommodation, training and leisure activities premises.

With the increase in prison numbers it is important and necessary to project future demands so that the system can respond to the needs of future inmates by quantity and type of facilities. As such it is necessary to categorize the institutions into institutions of "open type", special institutions or special departments of institution for inmates under the special regime. Special attention should be directed to institutions in which special categories of inmates are placed such as minors, women, psychiatric patients, alcoholics, drug addicts and other social groups.

The Reform Strategy highlights the need to better manage existing and identify new funding streams to realize these objectives. This involves an ongoing organisational review of the operation of the prison system in order to identify where the need is the greatest and where more resources should be directed.

Today and in the foreseeable future the most damaging problem remains overcrowding of existing facilities. The immediate solution to this is to build more prison space. This will allow greater opportunities for rehabilitation and re-socialisation measures and thereby reduce the number of second offenders.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

The project will contribute to improvement of efficiency of the penalty system in Serbia, including strengthening of prison capacities. Apart from improvement of facilities, this project will help develop better living and working conditions for the inmates in the correctional institution in Padinska Skela. This project will strengthen the notion that, in order to be

considered a democracy, a society must take into account and respect human rights of all its citizens, including those serving their sentences in correctional institutions.

3.3 Results and measurable indicators:

- 1) Capacities for re-socialisation programmes improved and new programmes and procedures for other types of sanctions implemented;
- 2) Inmates basic rights such as right to physical and moral integrity, right to adequate standard of living, right to basic health care, right to safety, etc. respected.

3.4 Activities:

Padinska Skela - correctional institution

Construction of new and reconstruction of existing facilities to provide additional capacities for the accommodation of 450 persons (total area 12.500 square meters).

The total cost is €9 Million. The Serbian government will provide co-funding of €4 Million and the EU contribution will be €5 Million.

The project will be implemented through a works contract.

3.5 Conditionality and sequencing:

All pre-requisites for the preparation and/or implementation of this project, such as necessary permits, legislation, ownership issues, urban plan amendments, etc. must be in place prior to the start of project.

The implementation of infrastructure actions require prior agreements with the municipality for maintenance, relevant training and evidence that the EC works to be undertaken are reflected in the development plans of the municipality.

Implementation agreements will be signed with the beneficiary detailing responsibilities on the part of all parties so that the project can be successfully implemented.

All works undertaken must be in line with Serbian environmental legislation and the EU environmental requirements and best standards.

3.6 Linked activities

The OSCE and the Council of Europe supported elaboration of the strategy of the AEPS to identify the reform needs of the penitentiary system in Serbia. The strategy is implemented by a coordinating board that includes AEPS, OSCE, Council of Europe, UNICEF, Centre for child's rights and NGOs as members.

With the support of OSCE, AEPS staff has visited EU member state countries to inspect architectural designs and construction methods of correctional facilities.

Since May 2006, the OSCE prison reform team has been assisting the Prison Administration in training of prison staff, with a view to ensuring full, long term ownership of training programmes by the Ministry of Justice.

The reform of the penitentiary system is directly linked with the National Judicial Reform Strategy particularly in relation to implementation of criminal sanctions.

3.7 Lessons learned

4. Indicative Budget (amounts in million €)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1	9.0	5.0	60		5.0	4.0	40					
contract 1.1	9.0	5.0	60		5.0	4.0	40					
contract 1.2												
Activity 2												
contract 2.1												
contract 2.2												

TOTAL	9.0	5	60			4	40					

* expressed in % of the Total Cost

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T+1Q	T+3Q	T+10Q

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

Development Policy Joint Statement by the Council and the European Commission of 10 November 2000 establishes that a number of Cross-cutting Issues shall be mainstreamed into EC development co-operation and assistance.

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs.

Cross-cutting issues will be addressed in a proactive manner, and will present a specific component of projects (at all levels of projects' development, starting from the project identification stage). Synergies between the projects and the objectives of will be identified and developed. Also, the projects' objectives and activities need to be screened in order to ensure they won't impact negatively on gender equality, minorities' inclusion and environment.

Finally, the beneficiary will make sure its objectives, policies and interventions have a positive impact on and are in line with the main principles of gender equality, minorities' inclusion and environment.

6.1 Equal Opportunity

N/A

6.2 Environment

The implementation of works and subsequently the operation of infrastructure and facilities will be carried out in compliance with EU environmental standards.

Because of potentially significant environmental impacts, many infrastructure initiatives will require a more detailed environmental analysis. Such analysis will identify a plan to manage and mitigate risks as well as identify opportunities that make for a better intervention.

6.3 Minorities

N/A

ANNEX I: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number	Improvement of the Penalty System
	Contracting period expires 5 years after the signature of the Financing Agreement	Disbursement period: expires 6 years after the signature of the Financing Agreement
	Total budget : €9.0 Million Euro	IPA budget: €5.0 million Euro

Overall objective	Objectively verifiable indicators	Sources of Verification	
Human rights protection in institutions for executions of penal sanctions in Republic of Serbia and enhanced re-socialisation of inmates.	-adequate facilities constructed	- Government sources - European Commission Progress Reports - Specific surveys	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Improvement of prison conditions for the inmates by construction of new and reconstruction of existing accommodation facilities, according to EU standards	New accommodation facilities constructed, existing accommodation facilities adapted to European standards, type and necessities of certain categories of inmates made	- Project implementation and evaluation report - Facilities constructed	Government support to the reform 4 million € provided from NIP 5 million € donated from EU
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
- Capacities for re-socialisation programmes improved and new programmes and procedures for other types of sanctions implemented - Inmates basic rights such as right to physical and moral integrity, right to adequate standard of living, right to basic health care, right to safety, etc. respected	New accommodation facilities constructed in line with European standards.	- Project progress report - Analysis done by project	Willingness of MoJ to support reform
Activities	Means	Costs	Assumptions
Padinska Skela - correctional institution - additional capacities for accommodation of 450 persons; total area 12.500 square meters	One works contract totalling 5.0 Million Euros (Total value of the project is 9.0 million – 4.0 million is to be financed from the NIP, 5.0 million by the EU)	Total budget €9.0 Million Euro IPA €5.0 Million Euro National €4.0 Million Euro	Willingness of MoJ to support reform

ANNEX II: amounts (in M€) Contracted and disbursed by quarter for the project¹

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Contract 1.1											
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
Cumulated			5.0								
Disbursed											
Contract 1.1			1,000,000	500,000	500,000	500,000	500,000	500,000	500,000	1,000,000	
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
Cumulated			1,000,000	1,500,000	2,000,000	2,500,000	3,000,000	3,500,000	4,000,000	5,000,000	

¹ Total amount is 9 Million

ANNEX III

Description of Institutional Framework

The Ministry of Justice is in charge of implementation and monitoring of this project. The work, mandate and authorisations of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 7.

The Ministry of Justice consists of the following departments:

Judiciary and Misdemeanour Sector

Normative Affairs and International Cooperation Sector

IT Sector

Finance Sector

Directorate for Execution of Legal Sanctions

Ministry Secretariat

ANNEX IV

Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

Key laws, regulations and strategic documents in the area of Home Affairs:

General:

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National Strategy for Serbia and Montenegro's Accession to the European Union
- Action Plan for the Implementation of the European Partnership

Home Affairs:

- Law on Police
- Law on Criminal Procedure
- Law on Misdemeanour
- Criminal Code

Reference to AP /NPAA / EP / SAA/CARDS

The European Partnership underlines to need to improve prison conditions in line with the Council of Europe standards, in particular as regards vulnerable groups such as juvenile offenders; and ensure further training of penitentiary staff and improvement of facilities.

The European Partnership calls for Serbia to adapt the Strategy for the Reform of System of Execution of Penal Sanctions in order to fulfil all remaining obligations arising out of membership in the Council of Europe, notably with regard to the European Convention on Human Rights and Fundamental Freedoms and the European Convention for Prevention of Torture.

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Reference to MIPD

The MIPD highlights the need to support penitentiary reform by institution building, improving legislation and standards in prisons, particularly for special status prisoners. Furthermore, MIPD singles out improvement of prisoners' conditions as one of its priorities in consolidation of the rule of law. (section 2.2.1.1. page 16)

Reference to National Development Plan

N/A

Reference to national / sectoral investment plans

N/A

ANNEX V

N/A