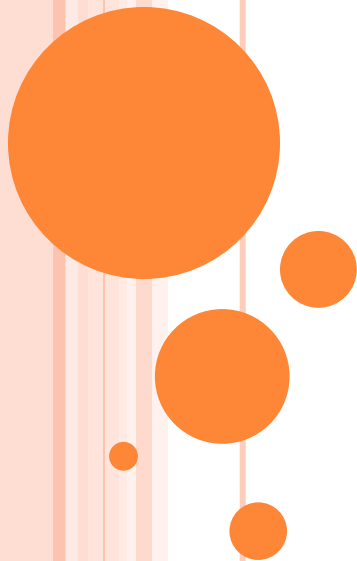


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Imprisonment in Serbia – Legal Framework and Statistical Overview





Legal Framework

1. Criminal Material Law

Types of criminal sanctions according to Criminal Code of the Republic of Serbia (CC): penalties, cautionary measures, security measures. Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles proscribes educational measures – sanctions for juvenile offenders.

Types of penalties (art. 43 of CC):

- a) imprisonment;
- b) fine;
- c) community service;
- d) revocation of driver's license.





A sentence of imprisonment may not be less than **thirty days** or more than **twenty years** (art. 45 CC).

Exceptionally - a term of imprisonment from **thirty** to **forty** years (art. 45 CC).

Amendment to CC of 2009 introduced a possibility of house arrest sentence under certain conditions

Draft Amendment to CC of 2015 introduces three different types of imprisonment:

- a) Life imprisonment;
- b) Imprisonment;
- c) House arrest.





2. Law on Execution of Penal Sanctions

Primary law sources:

1. Law on Execution of Penal Sanctions (2014).
2. Law on Execution of Penal Sanctions for Organized Crime (2009).
3. Law on Execution of Non-Custodial Sanctions and Measures (2014).

Secondary law sources:

1. Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (2005).
2. Law on Liability of Legal Persons for Criminal Offences (2008).



Imprisonment Practice

Categories of Penal Institutions in the Republic of Serbia



- 1) penal and correctional institutions and district prisons – for the execution of prison sentences;
- 2) penal and correctional institutions for women - for the execution of prison sentences and juvenile prison imposed on women;
- 3) penal and correctional institutions for juveniles - for the execution of prison sentences imposed on juveniles;
- 4) special prison hospitals – for the medical treatment of convicted persons and persons in detention, for the execution of security measures of compulsory psychiatric treatment and custody in a health-care institution and for compulsory treatment of narcotics addicts and alcoholics;
- 5) education and correctional institutions – for the execution of educative measures of incarceration in educational and correctional centres.





2.2. Conditions in Penal Institutions

Reports on conditions in Serbian Penal Institutions:

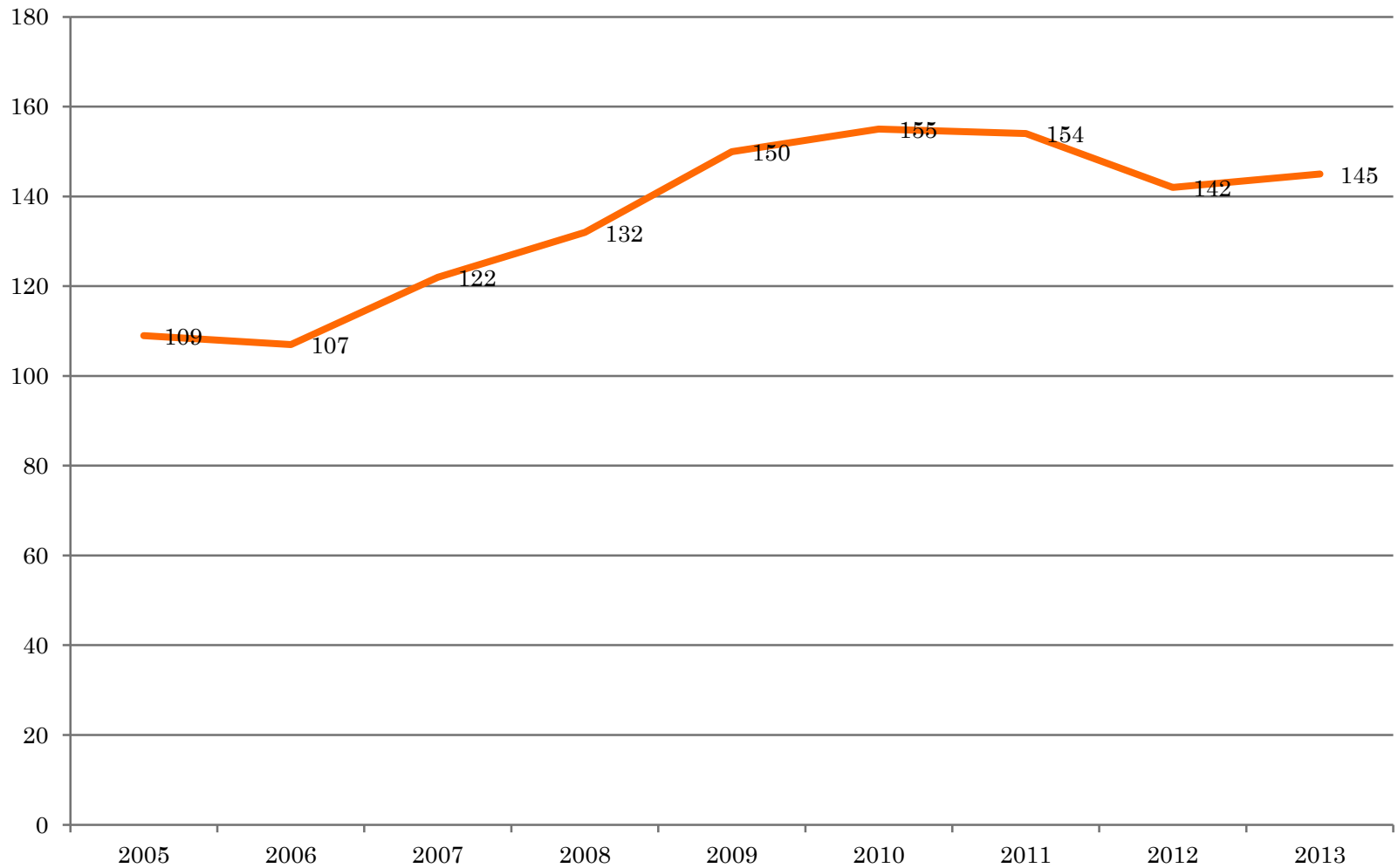
1. Ombudsman's annual reports
2. National Mechanism for Prevention of Torture
3. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
4. NGO

According to Ombudsman's report for 2014 some of the main problems are:

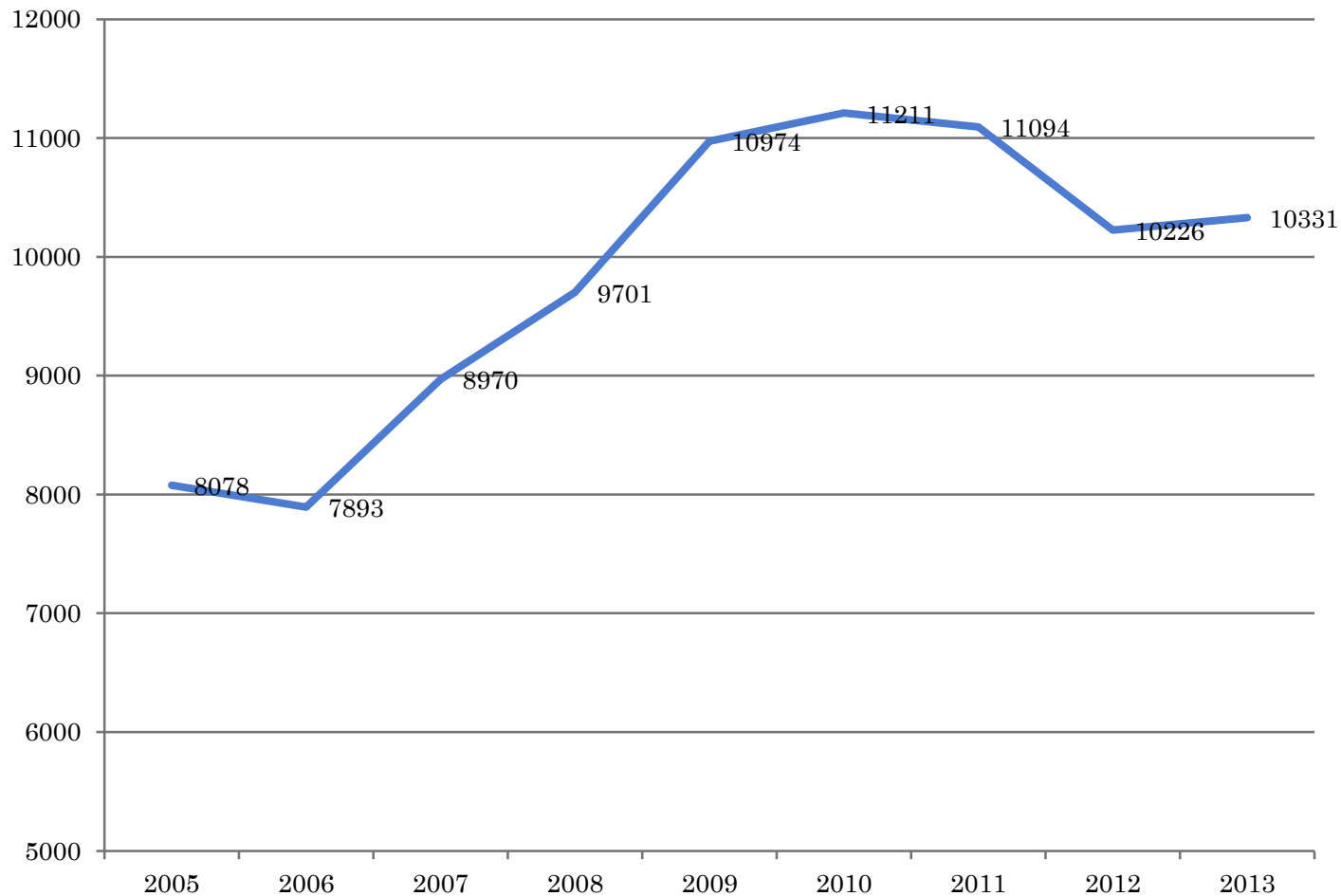
1. Overcrowding of prisons;
2. Unacceptable material conditions in several penal institutions which are not in accordance to legal standards;
3. Inadequate health-care system;
4. Lack of external control of the authorities responsible for the enforcement of penal sanctions



Prison population per 100 000 population



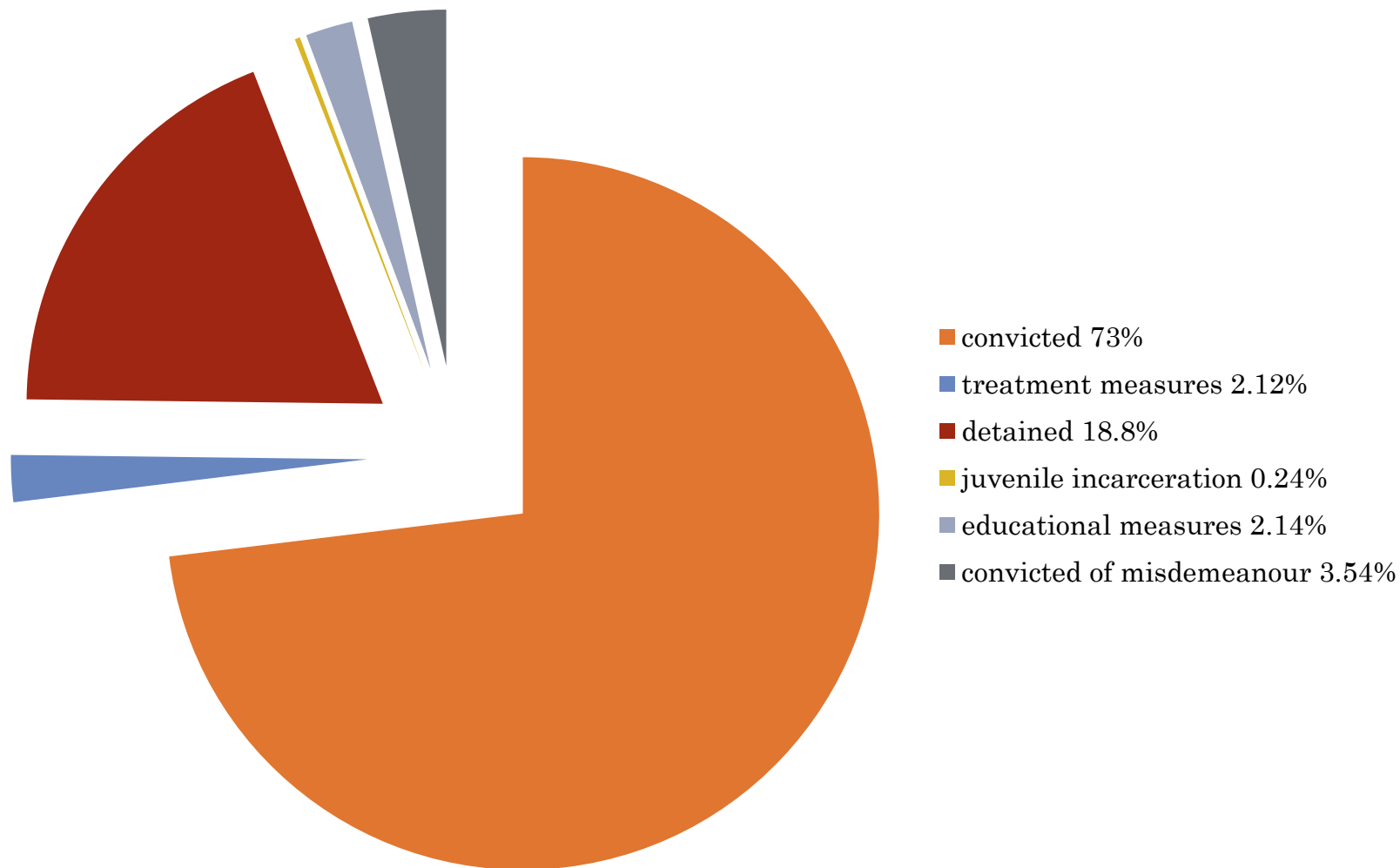
Trends in the number of correctional population



Source: Ministry of Justice



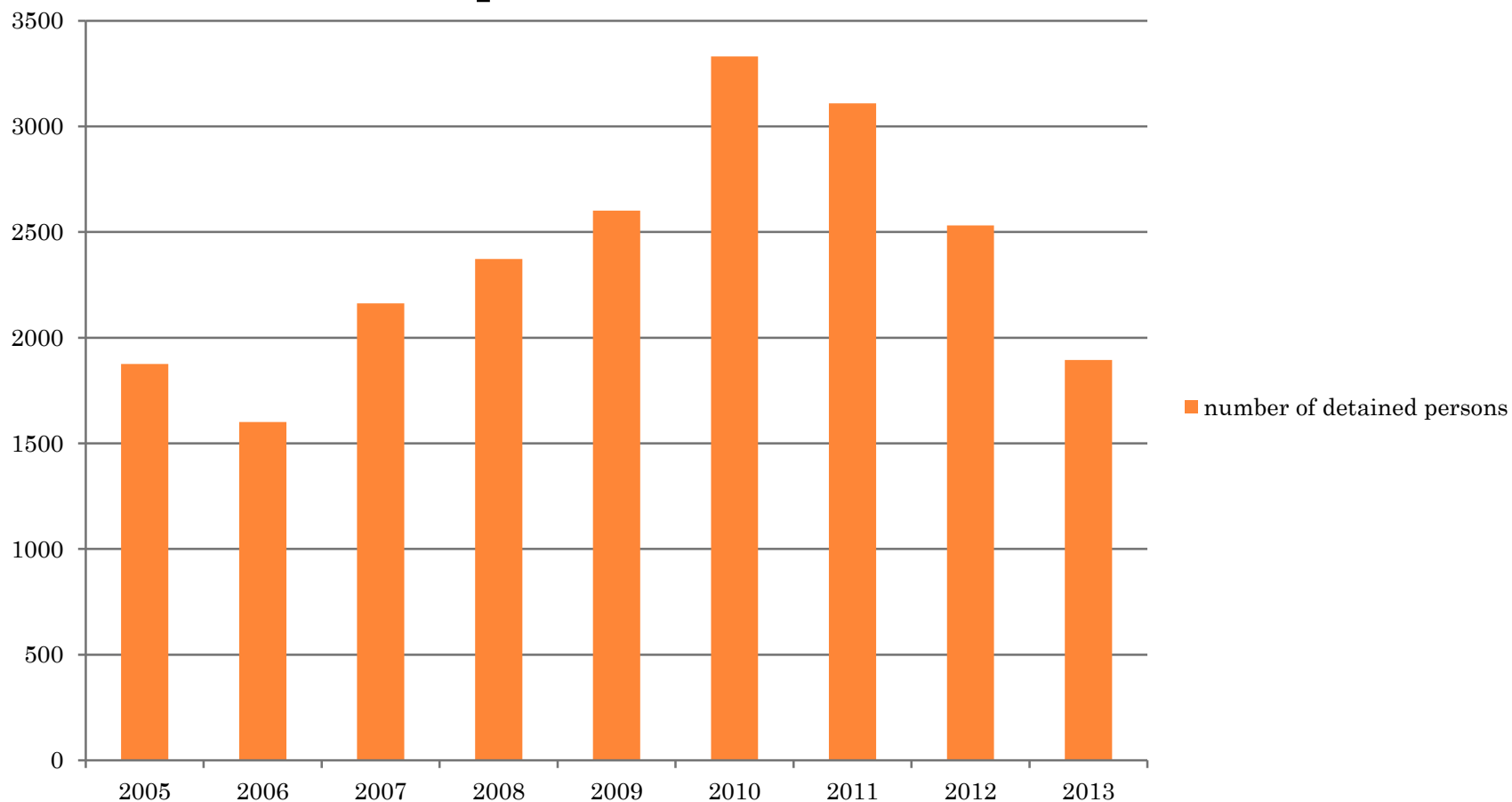
Structure of the correctional population by category in 2013



Source: Ministry of Justice



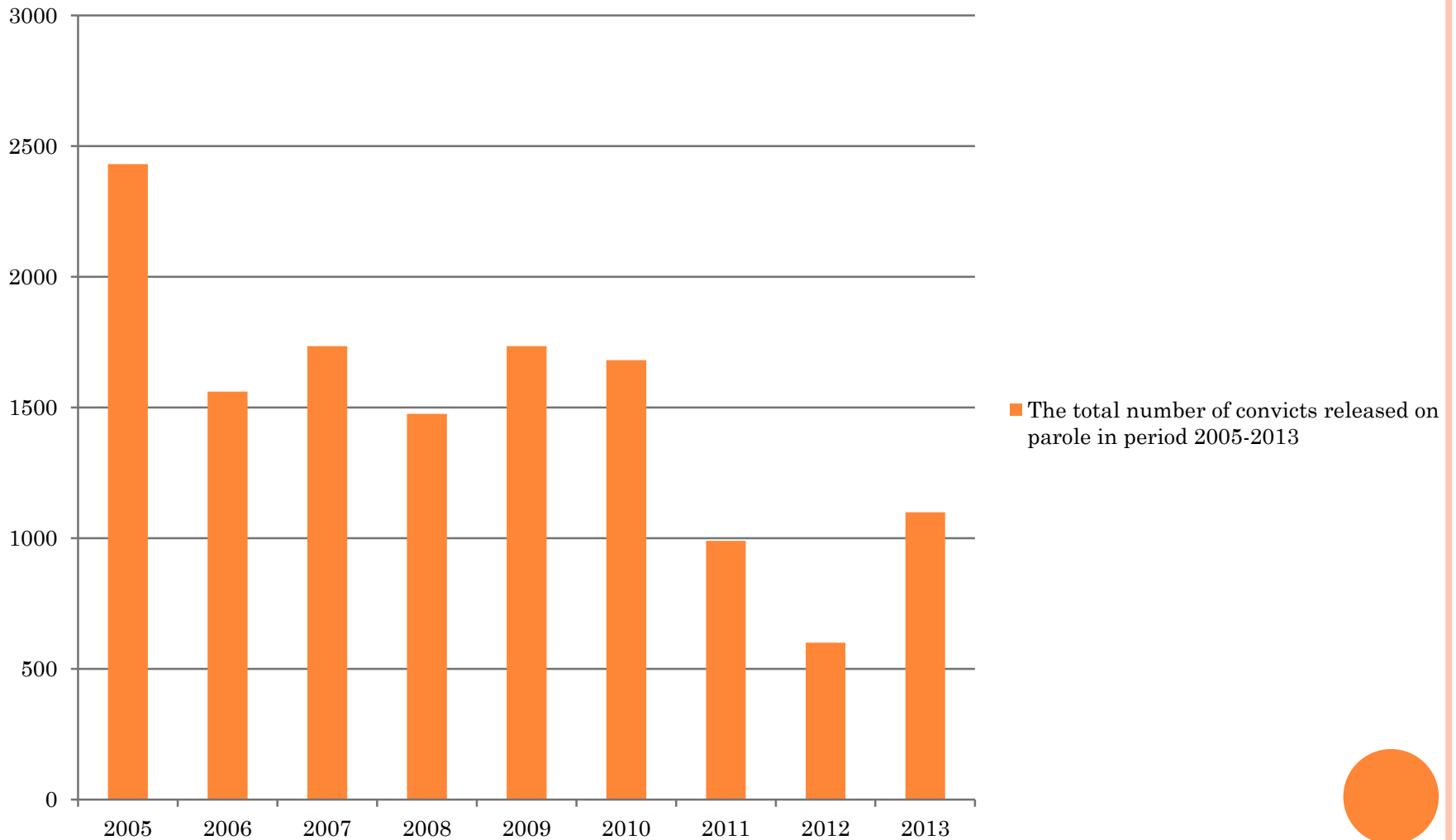
Trends in the number of detained persons in period 2005 - 2013



Source: Ministry of Justice



Trends in the number of convicts released on parole in period 2005-2013



Sentence of Imprisonment - statistics



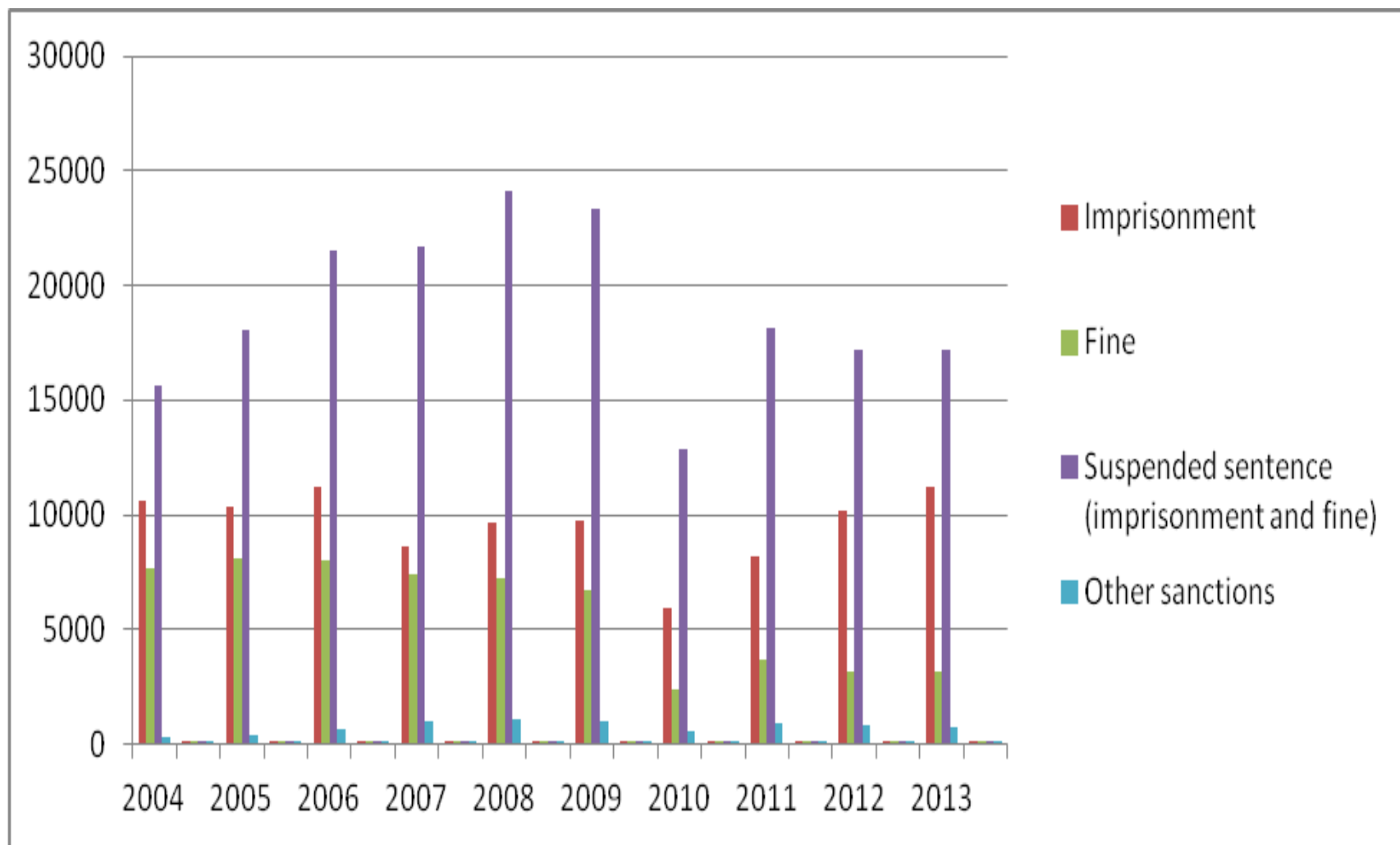
In 2013 sentence of imprisonment was the most often imposed sanction in the Republic in Serbia (both suspended and unsuspended) –around 88%
unsuspended 35%
suspended sentences of imprisonment 53%.

In comparison – fine was imposed in 9.74% of all convictions .

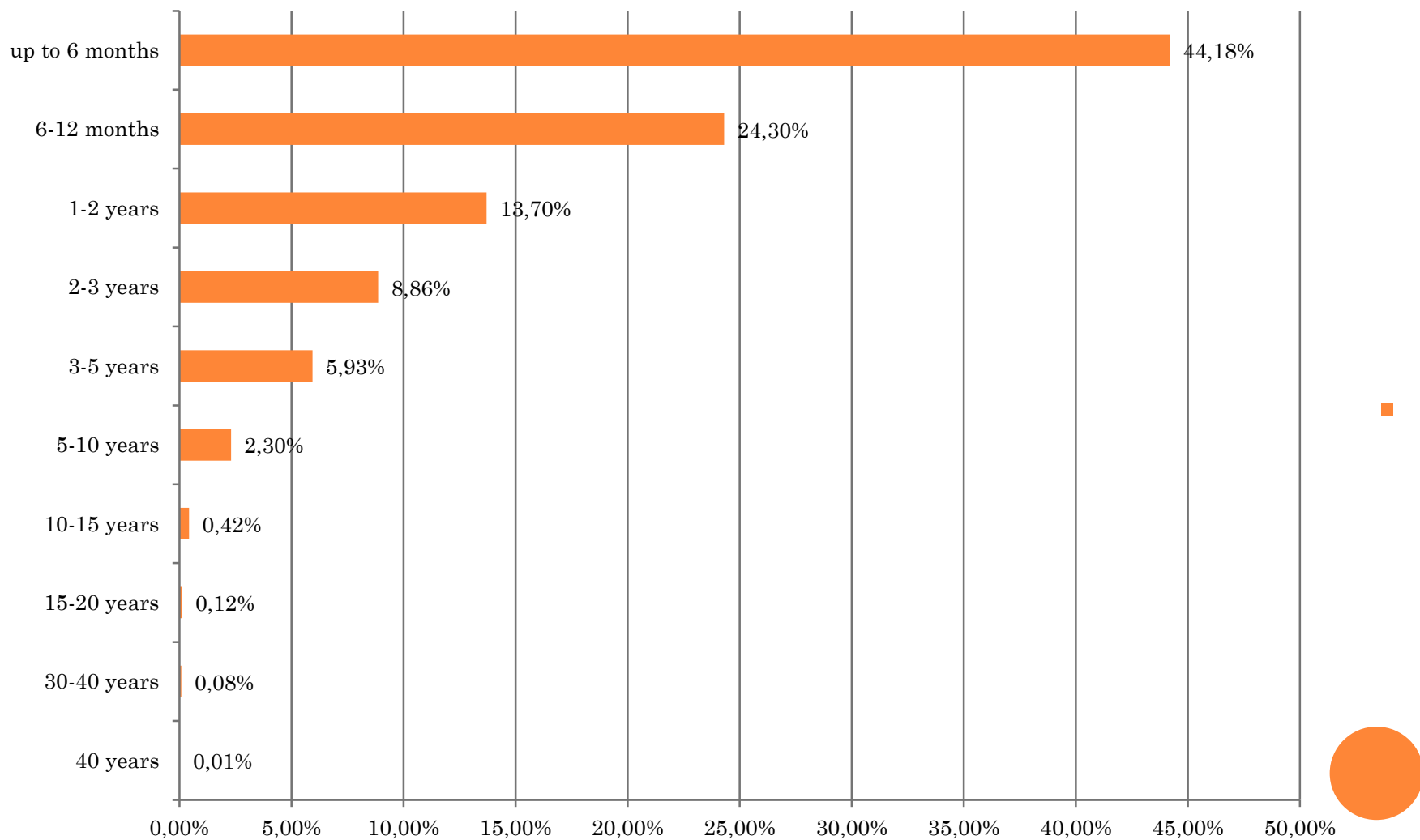
Other criminal sanctions: less than 2% (community work, educative measures, judicial admonition, revocation of driver's license).



Types of imposed sanctions in period 2004-2013



Length of Sentence of Imprisonment in 2013



Thank you for your attention!

