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**O M B U D S M A N**  
Republic of Macedonia

**OMBUDSMAN  
NATIONAL PREVENTIVE MECHANISM**

# **ANNUAL REPORT**

**Skopje, June 2017**



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Dear All,

The sixth annual report is a result of the persistent commitment of the Ombudsman - National Preventive Mechanism (NPM) in the fight against torture and other cruel, inhuman or degrading treatment or punishment in places of deprivation and restriction of freedom of movement.

This report contains an analysis of the situation, findings and recommendations for overcoming the identified negative situations in the places where the persons are deprived or have restricted freedom of movement, which were visited by the NPM during 2016.

The expansion of the cooperation with international organizations, professional associations and the NGO sector, as well as the engagement of external collaborators - experts from different areas during the preventive visits, provided a multidisciplinary approach to the work of the NPM and the activities undertaken in the direction of identifying the possible risks of torture and other cruel, inhuman or degrading treatment or punishment.

Here, I will again emphasize the long-standing problem with the staffing of the National Preventive Mechanism, due to not being able to obtain an approval for employment by the Government of the Republic of Macedonia and the Ministry of Finance. Despite these problems, the Ombudsman - National Preventive Mechanism managed to fully realize the envisaged work programme, primarily as a result of the previously signed Memorandum of Cooperation with the Office of the High Commissioner for Refugees in Skopje (UNHCR), wherewith we temporarily engaged several persons in order to strengthen the capacities of the NPM Unit.

In this context, the Ombudsman - National Preventive Mechanism in the course of 2016 conducted over 50 preventive visits, focusing on the places where the deprivation, i.e. restriction on the freedom of movement of refugees/migrants, takes place.

However, I must emphasize that for the smooth realization of the mandate of the National Preventive Mechanism, staffing, material and financial resources provided by the Budget of the Republic of Macedonia are necessary, and the state must not allow the work of this team to depend on donations, as the team currently operates.



Ombudsman  
Ixhet Memeti

A handwritten signature in blue ink, appearing to read 'Ixhet Memeti', written in a cursive style.

# AUTHORIZATIONS AND ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANIS

# 1

## Authorizations and mandate of the National Preventive Mechanism

By ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2008, the National Preventive Mechanism within the Ombudsman was established in the Republic of Macedonia, thereby assuming the obligation to respect the efforts of the United Nations to combat torture and zero tolerance in case of its existence.

Pursuant to the Law on the Ombudsman, in addition to the other competences, the Ombudsman has the authority to monitor the situation on the respect and protection of the constitutional and legal rights of the persons in places where the freedom of movement is restricted, to undertake activities in accordance with the law and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia.

Within the framework of the legally envisaged competencies, the main task and goal of the National Preventive Mechanism is to identify the risks of torture and other cruel, inhuman or degrading treatment, and to make recommendations to the relevant institutions for the purpose of improving the treatment and conditions for persons deprived of liberty, and at the same time prevention of torture and other cruel, inhuman or degrading treatment.

According to the Rulebook on the manner of prevention of torture and other types of cruel, inhuman or degrading treatment or punishment, adopted by the Ombudsman, the National Preventive Mechanism team has the authority for unhindered access to all places of deprivation of freedom and their facilities, access to all information concerning the number of persons deprived of liberty, as well as to the number of places and their locations, access to all information concerning the treatment of such persons, as well as the conditions of their deprivation of freedom.

In addition, the National Preventive Mechanism has the authority and the opportunity to talk privately with any person deprived of liberty, either personally or with an interpreter, if deemed necessary, as well as talk with any other person for whom the National Preventive Mechanism believes that he/she may provide relevant information.

In the process of successful implementation of its authorizations, during the implementation of preventive visits, the National Preventive Mechanism uses technical devices in order to determine and memorize the conditions in which persons deprived of their freedom are accommodated.

## **Organizational structure and budget of the National Preventive Mechanism**

The National Preventive Mechanism functions as a separate organizational unit within the Ombudsman, whose main task is the prevention of torture and other cruel, inhuman and degrading treatment or punishment. The staffing problems of the National Preventive Mechanism present in the previous years continued throughout the reporting year, as well.

Namely, for the past two years, the Republic of Macedonia has no National Preventive Mechanism (NPM), since despite the persistent requests of the Ombudsman for filling the vacant positions in the NPM Unit, the Government and the Ministry of Finance continuously deliver negative opinions with unserious explanations, citing a Decisions adopted in 2009, by which the Government banned public sector employment.

In this context, at the beginning of the year, the work of the National Preventive Mechanism was performed by only one employee, from the Unit for Protection, since the only permanently employed person in the NPM Unit was using a long-term maternity leave throughout the whole year. In May, as a result of the previously signed Memorandum of Cooperation with the Office of the High Commissioner for Refugees in Skopje (UNHCR), within the National Preventive Mechanism, two persons were temporarily engaged for the purpose of implementing the project "Improving the Legal Protection System Regarding Asylum", and at the same time with a temporary employment contract by the end of the year, another person was engaged.

Bearing in mind that for this body to be able to perform its function, staffing, material and financial resources need to be provided within the State budget, the position of the Ombudsman is that the state must not allow the National Preventive Mechanism to operate thanks to donations, as it does at the moment.

In the reporting year, the NPM had a budget covering the costs for external associates, that is, experts from different profiles, providing a multidisciplinary approach when carrying out the visits, as well as the costs of publishing and distributing the annual report of the NPM. However, it must be emphasized that those funds are insufficient for full exercise of the mandate of the NPM, which, in addition to preventive visits to places of deprivation, should be actively involved in promotional, educational and international activities. In this regard, the costs for most of the activities related to examining the conditions and the treatment of refugees/ migrants in the reception centres were covered by funds provided by the Office of the High Commissioner for Refugees in Skopje (UNHCR).

## **Cooperation with authorities and institutions**

Pursuant to Article 31-b paragraph 2 of the Law on the Ombudsman, all managerial and authorized officials in the bodies, organizations and institutions in where the persons are deprived of their liberty are obliged to provide the Ombudsman - National Preventive Mechanism with unhindered access to all documents and information relating to persons deprived of their liberty, as well as unhindered access to places of deprivation of liberty and the premises thereto.

At the same time, the managerial and the authorized officials in the bodies, organizations and institutions in which the persons are deprived of liberty are obliged to take into account the recommendations and suggestions by the Ombudsman - National Preventive Mechanism and notify them within 30 days at the latest, respecting the legally prescribed deadline, from the date of receipt of the special report on possible measures of application and on the directions of action and proceeding.

The National Preventive Mechanism concluded that in relation to the submitted special reports to the competent authorities and institutions, most of the answers were received outside the legally prescribed deadline of 30 days. For this reason, the Ombudsman intervened with written inquiries for submission of a response from the competent authorities and institutions. However, despite the submitted interventions, some of the competent bodies, institutions and management of institutions did not consider the special reports and given recommendations by the National Preventive Mechanism.

In 2016, during the regular and follow-up visits, the NPM team continued the established cooperation with the officials in the visited institutions and got insight into the material conditions of the places of deprivation of liberty and the temporary transit centers.

The National Preventive Mechanism held meetings and spoke with a large number of persons deprived of their liberty without presence of officials. At no moment, was the National Preventive Mechanism team limited regarding the area of movement, or in terms of the freedom of choosing a person to talk to.

## Initiatives and opinions

The Ombudsman - National Preventive Mechanism during the course of 2016, submitted an Initiative for amendments to the Law on Asylum and Temporary Protection with a Draft Law on Amendments to the Law on Asylum and Temporary Protection on the basis of Article

71 paragraph 2 of the Constitution of the Republic of Macedonia and Article 30 paragraph 1 of the Law on the Ombudsman.

The initiative was submitted together with the Macedonian Young Lawyers Association, the Helsinki Committee for Human Rights of the Republic of Macedonia, the Association of citizens

“Legis” and the Association for Action against Violence and Human Trafficking “Open Gate - La Strada”.

The purpose of the submitted initiative is to harmonize the Macedonian legislation with the European directives and the principles of international refugee law, especially with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

The Law on Asylum and Temporary Protection governs the conditions and the procedure for obtaining and terminating the right to asylum of a foreigner or a stateless person seeking recognition of the right to asylum in the Republic of Macedonia, as well as the rights and duties of the applicants and the persons to whom the right to asylum was granted in the Republic of Macedonia.

According to the assessment of the Ombudsman - National Preventive Mechanism with the latest amendments to the Law on Asylum and Temporary Protection from April 2016, the legislator made additional difficulties for access to the right to asylum by introducing a time limit on the principle of family reunification, and the institute “Safe third country, according to which a national coming from a member state of the European Union, a member state of the North Atlantic Treaty organization (NATO) or a member state of the European Free Trade Association (EFTA)” arriving on the territory of the Republic of Macedonia from these countries shall be returned, without having a chance to prove that the third country is not safe for him/her, given his/her personal circumstances.

The Ombudsman - National Preventive Mechanism finds that this time limitation of the principle of family unification of the immediate family members of a recognized refugee or a person under subsidiary protection is contrary to the EU legislation, namely, directly contravenes

the EU Directive on the Right to Family Unification 2003/86 / EC, which, in Article 12, paragraph 2, makes it clear that States will not temporarily restrict the family reunification of recognized refugees, i.e. they will not require a person with recognized right to asylum to stay in the country for a certain period before they can reunite with their family members.

On the other hand, with the establishment of the institute "Safe third country, a member state of the European Union, a member state of the North Atlantic Treaty Organization (NATO) or a member state of the European Free Trade Association (EFTA)", the applicant is not given an opportunity to challenge the application of the institute safe third country and to prove that the third country is not safe for him/her given his/her personal circumstances, which directly contravenes Article 39 paragraph 3 of the EU Directive 2013/32/EU, which explicitly stipulates that the applicant should have the opportunity to challenge the application and to indicate the reasons why the country is not safe for him/her personally.

The Sector for Legal Affairs within the Ministry of Interior in relation to the submitted initiative stated that the proposed solutions in the submitted draft act will be taken into consideration in the preparation of the new amendments to the Law which will be submitted for the purpose of acquiring an opinion to the European Commission in Brussels.

## **International activities and cooperation with international bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment**

In the course of 2016, the Ombudsman - National Preventive Mechanism conducted a series of activities aimed at cooperation at the international level.

At the beginning of 2016, together with the Ombudsman of the Republic of Albania, the Ombudsman of the Kingdom of Spain and the adviser of the Association of Ombudsmen of the Mediterranean (AOM), he visited the Temporary Transit Centre Tabanovce, on the border with the Republic of Serbia, for the purpose of assessing the situation with migrants/refugees.

Affirming the joint responsibility of the Ombudsman Institutions in the region, in February 2016, the Ombudsman - National Preventive Mechanism attended a meeting in Thessaloniki, Republic of Greece, where an Action Plan was adopted, the primary focus of which are the joint activities and actions of the Ombudsman institutions in the area of protection and promotion of the migrant/refugee rights.

The situation with the migrants/refugees was also the focus of the Regional Conference on "Access to the Right to Asylum and Formal/Informal Return of Migrants/Refugees", which took place on 3-4 November in Ohrid, organized by the Ombudsman of the Republic of Macedonia in cooperation with the High Commissioner for Refugees - UNHCR, within the project "Improving the Legal Protection System Relating to Asylum".

Representatives of the regional Ombudsman institutions, international organizations, representatives of the civil sector, as well as representatives of state institutions and bodies took part at the Conference.

At the Regional Conference, the results of the conducted research on the topic "Access to the right to asylum" were presented, which was prepared by an external expert, hired by the Ombudsman - National Preventive Mechanism.

A publication - "Collection of presentations from the Regional Conference on the topic - Access to the Right to Asylum and Formal/Informal Return of Migrants/Refugees" was prepared in

order to sublimate the research along with the presentations and discussions of all participants at the Conference.

Representatives of the Ombudsman - National Preventive Mechanism, this year actively participated in the meetings of the NPM network of Southeast Europe. Namely, in November, a conference was held on the occasion of the 10th anniversary of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) organized by the South East European Network, held in Zagreb, Republic of Croatia. In December, a conference was held in Belgrade, Republic of Serbia, on the topic "Protecting the human rights of refugees and migrants in the countries of Southeast Europe - preventive approach".

Also, the National Preventive Mechanism participated in the Dialogue of the High Commissioner for Refugees on the topic "Children in the Movement" as well as at the UNHCR and Ombudsman Institutions Worldwide meeting held in Geneva, Switzerland.

Its contribution and active participation was also given at the conferences held in Rabat, Morocco and Paris, Republic of France, referring to migrant/refugee children and unaccompanied children.

Representatives of the NPM participated at the Conference of the South-East European Network of NPMs, on the topic "Care facilities for the elderly and dementia - standards in health care and restrictions on drug-based freedom" organized by the National Preventive Mechanism in Austria, as well as at the meeting of the South-East European Network of Networks (NIPM) organized by the OSCE/ODIHR in Vienna, the Republic of Austria.

At the same time, the representatives of the National Preventive Mechanism participated at all the trainings, workshops and conferences to which they were invited, held in the country, together with the state institutions and bodies, international organizations and representatives of the civil sector.



## Promotion of the NPM and strengthening of the capacities in the area of realization of the rights of the persons deprived of liberty

In order to strengthen the capacities, during the month of September 2016, the National Preventive Mechanism team attended trainings conducted by experts from various fields, in the field of the legal sciences, human rights and the police, psychiatry and forensics.

A representative of the National Preventive Mechanism participated in training on the Standard Operating Procedures for the Reception Centre for Foreigners, which was held under the auspices of the International Organization for Migration (IOM) on August 23 and 24 in Veles.

The training presented the principles on which the Standard Operating Procedures are based, aimed at the operationalization of the Law on Foreigners and the Rulebook on the House Rules of the Reception Centre for Foreigners.

The Sector for Asylum in the Civil Affairs Department of the Ministry of Interior in Ohrid organized a seminar for the preparation of the final version of the Standard Operating Procedures for dealing with the vulnerable categories of foreigners in April, where a representative of the National Preventive Mechanism also participated.

Also, a representative of the National Preventive Mechanism participated in the training on the topic "Strengthening the skills for monitoring the juvenile prisons in the Republic of Albania, R. Kosovo and R. Macedonia, organized by Matra KOPROL, within the project "Improvement of



the prison conditions to reintegrate juvenile prisons in Albania, Kosovo and Macedonia”- supported by the Dutch Ministry of Foreign Affairs.

In the framework of the promotional activities, the National Preventive Mechanism prepared two leaflets in this reporting year in the context of the migrant/refugee crisis. Namely, one is aimed to acquaint the refugees with their rights and the mandate of the Ombudsman, while the other is aimed at raising awareness of the domicile population regarding the status of refugees, the problems they face and, through strong messages, to raise humanity, compassion and awareness among the domestic population.

Also, the Ombudsman - National Preventive Mechanism prepared a brochure on the rights of convicts and detainees at the police stations, as well as a collection of legal regulations on prison rules and the rights of convicted persons.

On the International Day for the Support of Victims of Torture, the Ombudsman presented its annual report for 2015, in which the states regarding the conditions, treatment and action of persons in the places of deprivation of liberty and restriction of the freedom of movement are systematized.

## **Transparency of the operation of the National Preventive Mechanism**

During the reporting year 2016, the Ombudsman through his web site continuously informed the public about all international and domestic activities, about the visits made, the given opinions, initiatives on the following link:

**[www.ombudsman.mk/MK.nacionalen\\_preventiven\\_mehanizam](http://www.ombudsman.mk/MK.nacionalen_preventiven_mehanizam).**

Relevant international regulations and standards, as well as a part of the domestic regulation in the field of prevention and protection against torture, have also been published on the website.

The data on the website is available in three languages (Macedonian, Albanian and English).

## **Presentation and distribution of the Annual report**

On the occasion of the International Day in Support of Victims of Torture, the Ombudsman - National Preventive Mechanism, on June 27, 2016, presented the Annual Report for 2015. Later, the report was submitted to the Government of the Republic of Macedonia, the Assembly of the Republic of Macedonia, the competent ministries, as well as to the places of deprivation of liberty, and was also published on the Ombudsman's website.

According to the Optional Protocol to the Convention against Torture, the Ombudsman - the NPM submitted the Annual Report to the Subcommittee on Prevention of Torture of the United Nations. The report was also submitted to the European Committee for the Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment, as well as other international institutions and organizations for the prevention and protection of human rights.

# VISITS TO THE POLICE STATIONS AND ESTABLISHED CONDITIONS

## 2

Within its mandate and competencies, during the year 2016, the Ombudsman - National Preventive Mechanism continued to exercise its mandate arising from the Optional Protocol to the United Nations Convention against Torture.

The purpose of visits and monitoring in places of deprivation is identifying possible risks for the prevention of torture or other cruel, inhuman or degrading treatment or punishment of the persons deprived of their liberty or with limited freedom of movement.

Visits to the police stations in the current year were unannounced, in accordance with the previously established and approved annual programme.

In the course of 2016, the National Preventive Mechanism - NPM conducted 8 regular visits, of which 7 at police stations of general competence (PS Berovo, PS Resen, PS Cair, PS Tetovo, PS Kriva Palanka, PS Gevgelija and PS Struga) and 1 visit to the border police station Frangovo.

Out of 8 conducted visits, 7 visits were conducted during the day, while the visit to the PS Berovo was conducted in the late afternoon until the night.

The National Preventive Mechanism team conducted most of the visits in cooperation with external collaborators from associations with whom a Memorandum of Cooperation was signed, familiar with the monitoring methodology.

During the visits, the NPM team established efficient cooperation and constructive dialogue with the officials and heads in the police stations.

The NPM team was provided with unobstructed insight into the complete documentation held at the police stations, insight into all premises and material capacities available to them, conversations with all persons of their choice, in complete confidentiality without any presence and supervision by the officials.

The police officers at the visited police stations were acquainted with the mandate and the competencies and authorizations of the National Preventive Mechanism.

The Ombudsman - National Preventive Mechanism for the established conditions after the visits to the police stations in 2016, prepared Special Reports with specific recommendations for improving the conditions and treatment of convicts, detainees and persons deprived of their freedom.

## Police station of general competence Berovo

On 14 July 2016, the National Preventive Mechanism, together with an external collaborator from the Association for Criminal Law and Criminology, conducted a regular unannounced, night visit to the Berovo Police Station.

The Berovo Police Station is within the Sector for Internal Affairs (SIA) Stip, and for its work responds to the Chief of SIA Stip, and according to appropriate lines and before the competent departments of the Ministry of Interior. In the structure of SIA Stip there is the External Office (EO) Berovo, with the competence for prevention and detection of criminality.

The police station is located in the City of Berovo and is located in a building of solid construction, built in 1918 and an extension of ten years ago. The entrance to the police station has an access ramp for people with disabilities, built a year ago.

According to the decision of the Ministry of Interior, the Police Station Berovo is designated as a place for detention of persons deprived of their freedom.

### 2.1.1. Material conditions

#### Premises for interrogation and conversation

**The Berovo Police Station does not have a separate room for interrogation and conversation with detainees and persons deprived of their freedom, nor with a room for conversation with minors, as stipulated in accordance with the Law on Justice of Children.**

Talks with detainees and persons deprived of their liberty are carried out in the office of the shift officer, as well as in some of the other official offices.

#### Premises for detention

The Berovo police station is not covered by the project for renovation of the places for detention of persons deprived of liberty, which is implemented by the Ministry of Interior.

The National Preventive Mechanism has established that within the Berovo Police Station there is one room for detaining people, located in the basement.

The detention room meets the standards for placement of detained persons in terms of size, hygiene and safety. From the performed measurement, an area of 7m<sup>2</sup> was determined, and in terms of temperature and humidity values of 22 °C and 42% of R.H. were measured, which means that all values are within the acceptable minimum international standards in terms of the area per convicted person, temperature and humidity.

During the inspection in the detention room, the NPM team found that it was equipped clean and decent bedding (for short and overnight detentions). In the room there is a fixed table and chair, which are functional and in a proper condition.

In terms of lighting, the room meets the standards for daylight and extra light, but there is no fan for air purification in the room, and the ventilation is set up through the corridor from the basement entrance.

**The NPM concluded that no separate calling system has been installed in the detention room, which makes it difficult for the detainees to contact the officials in case of an urgency.**

The NPM team during the tour of the Berovo Police Station did not encounter any means of intimidation or self-harm.

At the moment of the visit to the PS Berovo there were no detained persons placed in the detention room.

### ***Sanitary knot***

The detention room at the Berovo Police Station does not have a sanitary knot for a detained person, and in case of a need, the detained person is accompanied to the toilet on the ground floor, which is used by the employees and anybody entering the Police Station, which violates the right to privacy and the intimacy of the detained person.

According to the National Preventive Mechanism team, it is necessary to adjust the toilet, which will be exclusively intended for detained persons immediately next to the detention room, while the toilet on the ground floor of the Police station should only be used by the officials.

## **2.1.2. Exercise of the rights of detained persons**

**The NPM concluded that the rights of the persons deprived of their liberty and the detained persons were duly displayed in several places in the Berovo Police Station, both at the entrance door and in the corridor, but they are not displayed in the room of the shift officer, nor in the official premises in which they performed talks with detainees and persons deprived of their liberty.**

Special leaflets were prepared in several languages, which are accessible to persons from the moment of their deprivation of freedom.

All detained persons are informed about the right of a counsel, but according to the allegations of the officials, it is rare for the detained person to request that a counsel be summoned from the list of duty lawyers of the PS Berovo, or to call his/her own legal representative.

The NPM has established that in cases where a person has visible injuries or does not feel well and requests to be examined by a doctor, an emergency medical service is called or the person is taken to the medical centre for providing medical assistance.

In this Police station, according to the received information, there was no case of self-injury.

**According to the standard operational procedures of the Ministry of Interior, the detained persons are provided with one meal minimum during their detention (if they are held more than 6 hours), but the NPM determined that it was not recorded in an official note by the police officers.** The police station has a budget of 1000,00 denars for this purpose, which are kept in the shift officer's office.

**The Berovo police station has no police vans for transport, and if necessary, police vehicles are used for that purpose.**

### **2.1.3. Records and registers of detained persons**

During the visit to the PS Berovo, inspection was performed to the registers and documents for: record of persons deprived of liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against a police officer and measures undertaken, as well as several files for detained persons were inspected (5 random files).

The NPM identified oversight of administrative and technical nature when entering the data in the existing registers, and omissions were also found in the electronic records.

Such technical errors and administrative omissions noted, although they can not be defined as violation of the rights of detained persons, however, indicate to indirect disabling of the use of the foreseen rights. For these reasons, for the sake of greater precision and proper recording, the NPM recommends in the future greater diligence and attention in data entering.

**The records in the Police station are kept chronologically, whereby in entering the hour of the action undertaken, there is rounding until the nearest 5-five or 10-ten minute period.**

From the minutes of the detained person, in one of the individual files, the NPM concluded that the detained person was given medical assistance, i.e. the person was taken to the Health Centre Berovo. That information was stated at the end of the minutes in the "note" section, while in the part of the minutes that was intended for the right, the need and the indicated medical assistance, it was noted that the person does not need medical assistance and the data for the indicated assistance was missing.

At the same time, the National Preventive Mechanism concluded that neither from the minutes of the detained person nor from the records of detained persons one can determine the time, i.e. the hour when the detained person was taken to the Health Centre "Berovo" and was provided with medical assistance.

This is an obvious non-compliance in the record keeping, given that in the "Rulebook on the content and manner of keeping records of the police and the form and content of the police records form", there are precisely prescribed rules for the manner of keeping the records for the detained persons.

**The National Preventive Mechanism was not able to inspect the Register for submitted complaints from citizens against a police officer and undertaken measures and in the Records on the use of means of restraint, since they are kept at the office of the commander of the station, who was not present at the time of the visit at the police station.**

### **2.1.4. Recommendations and acting based on given recommendations**

The Ombudsman - National Preventive Mechanism, prepared a Special Report with specific recommendations for the determined conditions of the conducted visit, which was submitted to the Ministry of Interior, as well as to the commander of the Berovo Police Station.

In that context, these are some of the established conditions with appropriate recommendations and the degree of their implementation by the Ministry of Interior and the commander of the PS Berovo.

*Table No.1*

| Review<br>of recommendations made to the Ministry of the Interior   |   |
|---|---|
| Recommendations   | Response based on recommendations   |
| Ministry of Interior should provide funds for providing a separate room in the PS Berovo for conducting a conversation with detainees, as well as a separate room for conversation and detention of children pursuant to the Law on Children's Justice. | The recommendation will be taken into consideration according to the financial possibilities of the Ministry of Interior, as well as the laws and by-law.   |
| In the detention room a special calling system should be installed, so that the detained persons could be able to contact the officials in case of urgent need.   | The recommendation will be taken into consideration according to the financial possibilities of the Ministry of Interior.   |
| It is urgent to obtain a police van for the transport of arrested persons, since the police vehicles which are used for that purpose do not satisfy security standards.   | The recommendation referring to the procurement of a police van for the transport of arrested persons will be taken into consideration, according to the financial possibilities of the Ministry of Interior. |

*Table No.2*

| Review<br>of recommendations made to the Berovo Police Station  |   |
|---|---|
| Recommendations   | Response based on recommendations   |
| The rights of persons deprived of freedom, the arrested and detained persons should be orderly displayed in the admission room (office of the shift manager), as well as in the part of the detention room. | Information boards for the rights of the people who are called, arrested or detained at the PS Berovo are also displayed at the admission room, as well as in the part of the detention room. |
| Regular completion of an official note regarding the exercise of the right to food/ meal.   | Regarding the recommendation that refers to the completion of an official note for the exercise of the right to food of the detained person, we inform you that it is fully implemented.      |

| <b>Review<br/>of recommendations made to the Berovo Police Station</b>   |   |
|--|---|
| <b>Recommendations</b>   | <b>Response based on recommendations</b>  |
| Premises and documentation that are of interest to the NPM must be available at any time; the PS needs should build a mechanism in order to provide access to the room where seized items are stored, as well as to the corresponding records.                           | Records on the use of means for coercion are kept by the Assistant Commander for Public Order and Peace and Prevention or depending on the workload in some cases by the Deputy Commander. Their offices have not been established for 24 hour work, as is the case with service on duty. |
| When keeping records, one should correctly write down the hour and minutes when actions and activities were undertaken (for eg. received telephone complaints, arrests, detentions, etc.) due to greater accuracy of data and information contained in official records. | The recommendation regarding the precise recording of the hours and minutes of the undertaken actions is fully implemented.   |

## **Police station of general competence Resen**

On 15.06.2016, the National Preventive Mechanism, together with an external collaborator from the Association for Criminal Law and Criminology, conducted a regular unannounced visit to the Police Station of general competence Resen.

The police station Resen in terms of its organization is within the Sector for Internal Affairs (SIA) Bitola, which means that it is responsible for its work before the head of the Sector for Internal Affairs Bitola, and according to the appropriate lines also before the competent departments of the Ministry of Interior.

Given that the Police Station is primarily in charge of maintaining the public peace and order (PPO), one of the NPM's core objectives was focused on the police procedure, especially in cases of police apprehension, deprivation of freedom and detention at the police station. However, during the visit, interviews were also conducted with officials from the External Office (EO) Resen, which is part of SIA Bitola and has competence for prevention and detection of criminality.

The police station is located in a building of solid construction, built in the middle of the last century, and more than a decade ago the building was expanded with an annex thereto.

Taking into consideration the fact that the building is old, the NPM concluded that it was not fully in function of the new needs for efficient implementation of police authorizations.

**At the entrance of the Police Station there is an access for people with physical disabilities, built several years ago, which leads to the administrative services that are in the basement, but not to the police rooms that are on the floor.**

Pursuant to the decision of the Ministry of Interior, the Police Station Resen is designated as a location for detention of persons deprived of their liberty.

## 2.2.1. Material conditions

### **Premises for interrogation and conversation**

**The police station Resen does not have a separate room for interrogation and conversation with detainees and persons deprived of liberty, nor with a room for conversation with minors, as provided for in the Law on Children's Justice.**

Talks with detainees and persons deprived of their liberty are carried out in the office of the shift manager, as well as in some of the other offices.

### **Premises for detention**

The National Preventive Mechanism found that in the police station Resen, in the basement part there is one renovated individual detention room. In addition to this room, there are three more detention rooms in the police station that have not been renovated and for which the NPM has received information that they were not being used.

However, during the inspection in these premises, the team of the National Preventive Mechanism found linen on the beds, which is an indicator of the possibility that detained persons stayed in those premises.

The detention room meets the standards for placement of detained persons in terms of size, hygiene and safety. From the performed measurement activity, an area of 7m<sup>2</sup> was detected, and in terms of temperature and humidity values of 20 ° C and 56% RH were measured, which means that according to the NPM estimates all values are within the acceptable minimum international standards in terms of the space per conviction person, temperature and humidity.

During the inspection in the detention room, the NPM team found that it was equipped with one bed for rest (for short and night detentions), with clean and orderly bedding and mattress. In the room there is a fixed table and chair, which are functional and in a proper condition.

Natural light/ daylight is provided through a small window located above the metal entrance door in the room, but the flow of light is not sufficient. There is no additional lighting in the room.

The NPM determined that there is an installed call system (intercom) in the room, which is used by the detainees to call the guards or the shift manager.

The NPM team during the visit to the Police Station did not find any means of intimidation or self-harm.

At the moment of the visit, in the PS Resen there was no detained person placed in the detention room, with whom the NPM team could talk.

### **Sanitary knot**

At the Police station Resen there is no separate sanitary knot for detained persons, and in case of need, the detained person is accompanied to the toilet on the ground floor, which is used by the employees and the clients coming to the police station, thus violating the right to privacy and intimacy of the detained person.



According to the National Preventive Mechanism team, it is necessary to adjust the toilet next to the detention room, which will be exclusively intended for detained persons, while the toilet on the ground floor of the Police station should be only used by the employees.

### 2.2.2. Exercise of the rights of detained persons

The NPM determined that the Note on the Rights and the Code of Police Ethics were duly displayed in several visible places in the Police Station, but they are not displayed in the other premises (offices and premises) where the detainees stay.

Posters with the rights of persons deprived of their liberty and detainees were provided in 3 languages (Macedonian, Albanian and English), while the Code of Police Ethics was provided in 7 languages (Macedonian, Albanian, Turkish, Roma, Serbian, Vlach and English language).

The NPM was informed that the persons deprived of their liberty are informed about their rights when they were taken to the Police Station. All detained persons are informed about the possibility of using the right to a counsel, and if the person asks to use this right, a counsel from the list of duty lawyers is called, or the person is allowed to call his/her own legal representative.

For a person who has visible injuries or a person who does not feel well and requests to be examined by a doctor, an emergency medical service is called or the person is taken to the medical centre to be provided with medical assistance. In the PS Resen, according to the received information, there are rare cases of need for medical assistance, and there are no cases of self-injury.

**As a serious problem, the NPM team noted the fact that although according to the systematization, four shift managers are envisaged at this police station, only two are currently employed. In cases when the shift managers are not in duty, and there is a need to detain a person, the detained person is to be taken to the PS Bitola.**

According to the assessment of the NPM, this practice is a reduction in the effective action of the police in this Police station and a deviation from the principle of retention of the person in the shortest time possible.

**In PS Resen there is no special food budget for persons who are detained for more than 6 hours, and the detained person receives food only if he/she has money, if the family brings him/her food or if the responsible police officer has given his/her own funds for that purpose.**

### 2.2.3. Records and registers of detained persons

Acting within its competencies during the visit to the Police Station Resen, the National Preventive Mechanism inspected the records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against police officers and measures undertaken and had an insight in several files of detained persons (chosen at random).

From the inspection of the entire documentation, the NPM determined that the records in this Police station are kept chronologically, and in the recording of the hour of the undertaken action, the time is provided approximately for the nearest 5-five or 10-ten minute period.

**On several occasions it has been noticed that in the entry book kept at the PS Resen a pencil is used along with an ink pen. According to the NPM's assessment, this practice should stop and the recording of the deprivation of freedom should be recorded only with ink, in order to prevent possible rewriting in the records.**

Also, the National Preventive Mechanism established an inconsistency of the data in the various registers, which should reflect an identical factual situation, which is an obvious non-compliance in keeping the records.

From the insight into the Register for the use of means of restraint, the National Preventive Mechanism determined that the immediate head police officer, after the expiration of more than one month, has still not stated his/her position on the basis, justification and regularity of the use of the means of restraint.

Such a delay in assessing the justification, the basis and the correctness of the use of the means of restraint, according to the NPM, raises doubts about the legality and legitimacy of the undertaken activities by officials who used means of restraint in the specific cases, especially having in mind that from the inspection in the documentation it appears that means of restraint were taken against the same person on 3 occasions.

According to the "records of submitted complaints from citizens against a police officer and measures undertaken", the National Preventive Mechanism concluded that the boxes referring to the actions and activities undertaken after the receipt of the complaints were blank and not completed, therefore additional clarification from the officials in charge of keeping the records, as well as insight into the subject files for these events, was required.

From the inspection in the individual files, the NPM concluded that the complaints were submitted to the Sector for Internal Control and Professional Standards for further decision-making, and the failure to register such a fact in the records was an obvious omission.

**The National Preventive Mechanism, as particularly worrying, emphasizes the ineffective and unprofessional acting of the Sector for Internal Control and Professional Standards. Notwithstanding the fact that according to the positive legal regulations, this Sector is competent to act upon the complaints of the citizens against police officers and to conduct procedures for assessing the legality of the procedure, until the day of the visit, no measures were undertaken and no responses were received to any of the complaints, which has already exceeded all the deadlines foreseen in the laws and bylaws regulating the action of the Sector.**

In this context, according to the Law on Police, when the person to whom police powers are exercised considers that his/her freedoms and rights have been violated, he/she has the right to file a complain to the Police, and the police is obliged to inspect the allegations and within 30 days from the date of the receipt of the complaint, in writing, to inform the complainant of the measures undertaken.

At the same time, the Rulebook for the performance of the activities of the Sector for Internal Control and Professional Standards of the Ministry of Interior stipulates that the acting of the Sector on a specific complaint shall be completed within 30 days from the day of submitting the complaint.

#### **2.2.4. Recommendations and acting based on given recommendations**

The Ombudsman - National Preventive Mechanism prepared a special report with specific recommendations for the determined states from the conducted visit, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Resen.

In this regard, these are some of the submitted recommendations and the answers of the Ministry of Interior and the commander of the PS Resen, regarding the given recommendations.

*Table No.3*

| <b>Review<br/>of recommendations made to the Ministry of the Interior</b>   |  |
|---|--|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>   |
| MOI should provide funding for provision/ adjustment of a separate room in PS Resen for performing conversation with detainees and conversation with minors.  | The recommendation will be taken into consideration according to the financial possibilities of MOI, as well as the laws and by-laws.  |
| The Sector for Internal Control and Professional Standards should urgently act upon citizens' complaints against police officers and it should conduct evaluation procedures in terms of the legality of the treatment, it should also undertake measures and submit responses on the complaints of citizens, according to the positive regulations in the legally prescribed deadline. | The Sector for Internal Control, Criminal Investigations and Professional Standards comprehensively investigates all complaints against police officers and according to the deadlines set forth in the Law on Police, Law on Internal Affairs and the Law on Handling Complaints and Suggestions, timely informs the citizens about the outcome of the undertaken measures. |

*Table No.4*

| <b>Review<br/>of recommendations made to the Police Station Resen</b>   |  |
|---|--|
| <b>Recommendations</b>  | <b>Response based on recommend</b>   |
| PS Resen should require from the Ministry of Interior internal reorganization and additional number of shift managers (minimum two more are required), whereby it will provide 24/7 fulfilment of the need for competent acceptance and retention of persons in this PS (so far, in the absence of a shift manager, retention is accomplished by the referral of the person to PS Bitola, which reduces police efficiency for retention of the person in the shortest time limit possible). | Request for reorganization/modification of the systematisation of the PS of general competence Resen, i.e. engagement of two additional shift managers was submitted to SIA-Bitola. Namely, on 15 November 2016 with special acts the superintendent and deputy superintendent of the SIA – Bitola were informed, as competent and superiors who could submit the request for decision to the respective services within the Ministry of Interior of RM. |
| An access for persons with physical disabilities should be built, which will allow an easier access to the duty rooms of PS Resen.  | PS Resen as a PS does not possess its own funds, i.e. a budget, and all materially-technical resources and needs necessary for the normal operation of the PS, are obtained from the central budget at the level of SIA-Bitola.  |

## Review of recommendations made to the Police Station Resen

| Recommendations   | Response based on recommend  |
|---|--|
| For greater precision and correct recording of events, greater urgency is necessary when entering the data. In the offence record the data should be entered only by ink, in order to avoid the danger of correction. | The Offence Records are kept in a separate department called OKRA (analytical department), which according to the systematization of the Ministry of Interior is independent within the PS Resen and is not subject to control by the senior staff of PS Resen, but is under direct competence of SIA - Bitola. However, officials are given a recommendation in accordance with the recommendations of the NPM in the future to be careful in terms of proper keeping of the aforementioned register. |
| PS Resen should allocate a separate budget for food/meal for the detained persons who are kept for more than 6 hours, according to the Standard operating procedures of MOI.  | PS Resen as a PS does not possess its own funds, i.e. a budget, and all materially-technical resources and needs necessary for the normal operation of the PS, are obtained from the central budget at the level of SIA-Bitola.  |

## Police station of general competence Cair

On 06.10.2016, the team of the National Preventive Mechanism conducted a regular unannounced visit to the Police Station of general competence Cair.

The police station is located in the Municipality of Butel and is housed in an old building, built in 1964/65. **The location of the Police Station does not correspond to the needs and the purpose, given that it is located on a narrow street that is unfavourable for fast action, there is no parking provided for the visitors, and on three sides it is surrounded by family houses, which in itself indicates to the exposure of certain security risks.**

This police station, despite being named "PS Cair", covers not only the territory of the Municipality of Cair, but also the territory of the municipalities of Butel, Suto Orizari and Cucer Sandevo. Within the police station, a police department was opened in the village of Mirkovci, on the territory of the Municipality of Cucer Sandevo.

**At the entrance of the Police Station, no wheelchair ramp has been built, which makes it impossible or difficult for people with physical disabilities to access the official premises of the station.**

According to the decision of the Ministry of the Interior, the Police Station Cair is designated as a place for detaining persons deprived of their liberty.

### 2.3.1. Material conditions

#### Premises for interrogation and conversation

**The Police station Cair does not have a separate room for interrogation, nor a room for talks with minors, as foreseen in accordance with the Children's Justice Law, and conversations with detainees and persons deprived of their liberty are usually performed in the official premises of the inspectors of the Department for property delinquencies and juvenile delinquency.**

The team of the National Preventive Mechanism from the inspected premises, concluded that the rights of persons deprived of their liberty and the detained persons are not orderly displayed.

#### Premises for detention

The police station has 2 detention facilities, but they are not functional and are out of use for a longer period of time.

Although the Police Station Cair was originally established by means of a Decision as a police station that could perform detention, however, by the decision of the Ministry of the Interior, of August 2012, the arrested persons and persons deprived of their liberty are not detained, given the fact that it does not fulfil the conditions for detention of persons, which was also noted in the previous reports of the National Preventive Mechanism (22 July 2011, regular visit, 5 July 2012, follow-up visit).

In the event of need for detention, arrested persons or persons deprived of their liberty are transported to the nearest police station where the detention is performed, most often in the Police stations Gazi Baba and Bit Pazar.

The National Preventive Mechanism from the inspection in the premises intended for detention noted some indicators that seriously indicated the fact that these premises are not used for a longer period of time (for example, spider-webs at the entrance doors, large quantities of dust, difficulty in opening the doors, etc.).

The team of the National Preventive Mechanism, in the official room of the shift manager, found an order signed by the Assistant Commander of the Police Station, stating that in case of a need to detain a person, such person should not be kept for more than 6 hours at the Police Station.

In that context, if none of the inspectors works with the detained person, an inspector is obliged to check in which of the police stations where detention is performed there is a free space, so that the person would be transported there, and to prepare an official note thereof. At the same time, the order stipulates that detainees or persons deprived of their liberty brought to the Police Station at any moment should not be left alone in the premises, that is, without the presence of an official person.

The National Preventive Mechanism from the insight in the documentation and records of persons deprived of their liberty and detained persons concluded that, however, for short periods of detention for up to 6 hours and conversations with persons deprived of their liberty and detained persons, the police officers use some of the official offices in which they conduct the talks with these people.

**The NPM team also inspected the premises intended for foreign nationals - asylum seekers, the renovation and equipping of which was carried out with the donation of the OSCE Mission to Skopje. The NPM expresses particular concern over the fact that Macedonian names with a Cyrillic alphabet were written on the walls, which indicates that the room was used for accommodation or detention of Macedonian nationals.**

### **Sanitary knot**

Within the Police Station Cair there is only one toilet intended for the employees, and since there is no separate toilet, it is also used by the visitors, as well as from the persons deprived of liberty and detained persons.

According to the National Preventive Mechanism it is necessary to build separate toilets for the employees and the detainees, that is, the persons deprived of liberty, which will be designed according to the security principles for protection of this category of persons.

### **2.3.2. Exercise of the rights of detained persons**

The National Preventive Mechanism found that in the corridor of the Police Station, a poster was displayed in a visible place where the rights of arrested and detained persons in seven languages were presented, and a poster highlighting the rights of the summoned, arrested and detained persons is also displayed in a visible place in the room of the shift manager, where the admission of the persons deprived of liberty is carried out.

At the entrance of the Police Station Cair, a special mailbox is placed, where citizens can file complaints and appeals against the actions of the police officers, directly to the Sector for Internal Affairs and Professional Standards.

The NPM team also inspected the reception room of the asylum seekers where a poster in Arabic language is clearly displayed, which explains the request submission process and the procedure for recognition of the right to asylum, since in this Police station, part of the foreign nationals coming from the Arab states tend to apply for recognition of the right to asylum.

On the day of the visit, the team of the National Preventive Mechanism did not find any summoned, detained or persons deprived of their liberty at the Police Station, to be able to discuss the treatment by the police officers to them, due to which more information on the treatment and the realization of the rights of detainees, persons deprived of their liberty and arrested persons were obtained by insight in the documentation kept at the police station for these persons.

### **2.3.3. Records and registers of detained persons**

During the visit to the PS Cair, the registers and documents were inspected: records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against a police officer and measures undertaken and several files for detained persons (5 random files).

From the inspection in the documentation contained in the individual files, it may be established that the data in the documents correspond to those specified in the Registers and are that the registers are kept chronologically and neatly. The folders for detained persons have certificates for handing over a person, and the police station where the detention was carried out is also stated.

The National Preventive Mechanism has established that in the Register of persons deprived of their liberty and detained persons, the deprivation of freedom and the detention of the same persons is recorded at the same time, which is virtually impossible, since from the moment of deprivation of freedom to the transport to the police station and retention there, it is necessary for a certain period of time to pass.

From the insight in the records, the NPM concluded that the persons deprived of their liberty and the detainees are being informed of their rights, but the same as in the Register of

Detained Persons the record number of the act by which the person is instructed on their rights is not stated.

**During the conducted parallel inspection of the records, the team of the National Preventive Mechanism in one of the cases concluded that the data was inadequate in relation to the date of the used means of restraint. Namely, the NPM noted that in the Register for the use of means of restraint, as the date on which the coercive measure was used, 10 June 2016 was listed, while in the Register for Daily Events as the date of use of the means of restraint 10 August 2016 was listed.**

This non-compliance is an obvious technical error, which is why the National Preventive Mechanism team recommends greater diligence and promptness in keeping records, in order for them to correspond and literally reflect the actual situation.

### **2.3.4. Recommendations and acting based on given recommendations**

The Ombudsman - NPM prepared a special report with specific recommendations for the determined conditions of the visit, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Cair.

In this context, these are some of the established conditions with appropriate recommendations and the answers of the Ministry of Interior and the commander of the PS Cair regarding the given recommendations.

*Table No.5*

| <b>Review<br/>to recommendations made to the Ministry of the Interior</b>  |   |
|--|---|
| <b>Recommendations</b>   | <b>Response based on recommendations</b>  |
| Taking of specific measures for determining the appropriate location and constructing a new solid building in which PS Chair will be located.  | This recommendation will be taken into consideration according to the financial possibilities of MOI, as well as the laws and by-laws.                |
| To the final dislocation of the facility in which PS Chair is located, to provide funds for construction on the access ramp to the official rooms for people with physical disability. | MOI will consider the recommendation and will act in accordance with the financial possibilities, as well as in accordance with the laws and by-laws. |

Table No.6

| Review<br>the recommendations given to the Police Station Chair   |   |
|---|---|
| Recommendations   | Response based on recommendations   |
| Adjust a separate room for conversation with arrested persons, people deprived of freedom and detained persons.   | PS Chair does not have additional spatial possibility for that purpose, wherefore Problem information has been prepared for SIA- Skopje, with a request for financial approval for the conversion of the reception office to a conversation room with arrested persons, persons deprived of their freedom and detained persons, and at the same time to use it for the reception of asylum seekers. |
| The specially designated room for seekers of asylum to be used according to its purpose and not to be used for retention of others.   | PS Chair addressed SIA – Skopje with Problem information and request for the room for asylum seekers to be converted into a shift manager’s office - reception, given the small number of applicants of asylum throughout the year.   |
| Greater efficiency at keeping official records and full data entry, in accordance with the guidelines from the Rulebook on the content and the manner of keeping records by the police and the form and content of the police records form. | A working meeting with the employees was held in the PS Chair in charge of keeping and control of records and verbal indication was given to them for greater efficiency and precision in keeping records in accordance with the Rulebook on the content and the manner of keeping records by the police and the form and content of the police records form.                                       |



## Police station of general competence Tetovo

On 25 November 2011, the National Preventive Mechanism (NPM) conducted a regular unannounced visit to the Tetovo Police Station, together with a representative from the Macedonian Young Lawyers Association and a representative of the Association for Criminal Law and Criminology of the Republic of Macedonia, as an external collaborator.

The Tetovo Police Station is within the Sector for Internal Affairs (SIA) Tetovo in terms of its organizational set-up, and is responsible for the work to the head of the SIA Tetovo, and according to appropriate lines also to the competent departments of the Ministry of Interior.

The police station is located in the centre of the city of Tetovo and is located in a renovated building of a solid construction, in which the Interior Department of Tetovo (IDT Tetovo) functions in separate premises.

**The entrance of the police station has an access for persons with physical dis-**



abilities, which allows access to the police station, but the ramp does not have adequate fence for protection and thus puts at risk the safety of the persons who use it, bearing in mind that the ramp ends directly in the glass door of the Tetovo Police Station.

According to the decision of the Ministry of the Interior, the Police Station Tetovo is defined as a place for detention.

### 2.4.1. Material conditions

#### Простории за распит и разговор

The Tetovo Police Station has two premises for interrogation and conversation with persons deprived of their liberty and detained persons located in the basement immediately next to the corridor, next to the detention rooms.

Especially noticeable were the protective measures taken in these rooms where the chairs and tables were fastened to the floor and they can not be misused for the purpose of injury or self-harm.

**However, as with the visit in 2011, this time, the NPM concluded that these 2 rooms are not equipped with computers and other technical equipment, and therefore the interviews and examination of the persons are carried out in the offices of the inspectors at the above floors of the building.**

**The Tetovo Police Station does not have a separate room for interviewing or detaining minors as provided for in the Children's Justice Law.**

**The NPM considers that by the mere fact that the talks with the children are carried out in the office of the juvenile delinquency inspector, located on the top fourth floor of the building which is not properly arranged for conversation with children, additional traumatization of the child is created.**

Precisely due to that, and having the best interest of the child in mind, the NPM recommends adapting one of the premises on the ground floor of the Police Station to a special room for conversation with children and minors.

#### Premises for detention

The Tetovo police station is covered with the project for renovation of places of detention of persons deprived of liberty, which is implemented by the Ministry of Interior, financially supported by the European Commission.

The National Preventive Mechanism has established that within the Police Station there are 3 new detention rooms, of which 2 are individual and one collective with 2 beds.

From the conducted measurements, the premises have the following features: an area of 13.7 m<sup>2</sup>, a temperature of 17 °C and a humidity of 37% RH, which are within the limits of the prescribed limits for international standards and fulfill the conditions for accommodation and retention of persons in the Police Station.

During the inspection in the detention facilities, the National Preventive Mechanism determined that the premises were clean and orderly arranged (for short and night detention), bed, mattress, blanket and clean pillows.

Regarding the illumination, the rooms are sufficiently illuminated both by natural and arti-

cial lighting (lamp), and within the premises there is a special system of central heating (under-floor heating) and cooling.

The NPM concluded that in the premises there is a system for calling - an intercom, which at the time of the visit did not function. Calling a police officer by a detainee, if there is any need, takes place in a way that the person accesses the door from the room where he/she is held so that he/she can be seen/identified through video monitoring, which functions only in the corridor and to the front door of the room.

The NPM team during the visit to the Police Station did not find any means of intimidation or self-harm.

At the moment of the visit to the PS Tetovo there were no detained persons in the detention room, with whom the NPM team could discuss the treatment and the level of exercise of their rights.

### **Sanitary knot**

The Tetovo Police Station has two separate sanitary knots, one of which is used by the employees and the visitors on the ground floor, while the other is located in the basement, next to the detention rooms and used by the detained persons.

The NPM determined that the sanitary knot in the basement is new and built within the project for renovation of the places for detention of persons, from materials by which the person can not be injured (metal toilet shell, metal sink, etc.) and the hygiene there is on a satisfactory level.

## **2.4.2. Exercise of the rights of detained persons**

The NPM determined that despite the shift manager's room, in the remaining premises of the Police Station there is no visibly displayed information with a note on the rights, nor is the Police Code of Ethics displayed, as well as the Rules for reporting an official who exceeds his/her authorizations and acts improperly at the workplace.

At the Tetovo Police Station a food budget for the persons who are kept in the station for more than six hours is foreseen (if the detained person does not have his/her own funds or if there is no possibility that the food costs to be borne by the members of his/her family).

From the performed inspection in the individual files, as well as from the Register for the records of persons deprived of liberty and detained persons, the NPM concluded that in cases when the detainees had the need to exercise the right to a counsel or the right to see a doctor they were allowed to exercise these rights by the police officials, which was duly entered in the appropriate sections of the records.

## **2.4.3. Records and registers of detained persons**

Acting within its competencies, during the visit of the Tetovo Police Station, the National Preventive Mechanism inspected the records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against police officers and measures undertaken and several files of detained persons (randomly).

**From the insight in the records, the NPM concluded that omissions were made in the recording of events, which, on the other hand, can be recognized as an opportunity for deliberate manipulation of the records.**

Namely, in the Book of Daily Events, there were omissions in terms of lack of registration numbers, which would connect that register with the Register of Detained Persons, as well as with the Register for the use of means of restraint.

From the insight in the Register of Detained Persons, the NPM also found that data on recent events regarding detainees were missing, which points to the fact that there is irregular record keeping.

During the inspection of the Register of submitted complaints from citizens against police officers, the National Preventive Mechanism determined that the section dealing with the measures undertaken by the police services was not completed in all the cases.

This situation points to two possible situations: 1) that none of the complaints of the citizens was grounded or 2) in none of the cases of submitted complaints from citizens, the Sector for Internal Control and Professional Standards has acted upon.

The NPM also inspected the folders of the individual files, and found that they are kept properly, the documentation is complete, recording each action taken, and in the completion and preparation of the documentation there is an obvious logical sequence of the events.

However, in one of the cases, the National Preventive Mechanism concluded that although one person was detained during two working shifts at the police station, the same police officer's was signed at the moment of the detained person's admission, and at the moment when it was released.

Such omission indicates that the minutes are filled in and signed at the first moment when the person is detained/held, that is, they are filled in without establishing the full factual situation, without taking into consideration that certain changes may occur.

#### **2.4.4. Recommendations and acting based on given recommendations**

The Ombudsman - NPM prepared a special report with specific recommendations for the determined conditions of the visit, which was submitted to the Ministry of Interior, as well as to the commander of the Tetovo Police Station.

In this regard, these are some of the submitted recommendations and the answers of the Ministry of Interior and the commander of the PS Tetovo, referring thereto.

*Table No.7*

| <b>Review<br/>to recommendations made to the Ministry of the Interior</b>  |  |
|--|--|
| <b>Recommendations</b>   | <b>Response based on recommendations</b>   |
| To customize a separate room for conversation and examination of minors, pursuant to the Law of Justice of Children, guided by the best interest of the child.   | No funds are supplied for providing a room for questioning and a separate room for detention of minors pursuant to the Law of Justice of Children. |
| Technical equipping of both premises for questioning people (computer, printer, etc.), making these premises function in accordance with their original purpose and this would reduce the risk for the detained persons, which arises at bringing them to a hearing in the offices of the officials. | The interview rooms are equipped with computers and other material and technical means and they function according to their purpose.               |

*Table No.8*

| Review<br>to recommendations given to the Police Station Tetovo   |   |
|---|---|
| Recommendations   | Response based on recommendations   |
| To place boundaries and holders on the access ramp at the entrance of PS Tetovo for persons with physical disability, which will enable security of the people who use it..   | From PS Tetovo there is no answer for the given recommendations of the NPM in the legally prescribed deadline, nor after the given indication for submission of a response. |
| Relocation of the room of the inspector for minors and adapting a separate room for conversation with minors, guided by the best interest of the child.   | From PS Tetovo there is no answer for the given recommendations of the NPM in the legally prescribed deadline, nor after the given indication for submission of a response. |
| Minutes for the arrested/detained person should be completed properly and according to the time of the undertaken actions. Special attention to be devoted to the smooth realization of the right to a counsel, the right to a doctor, and this should be appropriately noted in the minutes. | From PS Tetovo there is no answer for the given recommendations of the NPM in the legally prescribed deadline, nor after the given indication for submission of a response. |

## Police station of general competence Kriva Palanka

On 2 December 2011, the National Preventive Mechanism (NPM) conducted a regular unannounced visit to the Police Station Kriva Palanka, together with a representative from the Macedonian Young Lawyers Association and a representative of the Association for Criminal Law and Criminology of the Republic of Macedonia, as an external collaborator.

The Kriva Palanka Police Station is organized within the Sector for Internal Affairs (SIA) Kumanovo, which means that it is responsible for its work to the head of the SIA Kumanovo, and according to appropriate lines also to the competent departments of the Ministry of Interior.

The police station Kriva Palanka is located in an old building of solid construction, located in the centre of the town of Kriva Palanka. Bearing in mind that the building is old, it is not fully in function of the needs of police work.

The location of the Police Station does not correspond to the needs and the purpose, given that it is located in a narrow street that is unfavourable for fast action, there is no parking provided for the visitors, and borders with houses, which in itself refers to the exposure to certain security risks.

Within the Police Station there is a Police Department in Rankovci, which in the past functioned as a police office.

**The NPM concluded that the entrance of the Police Station does not have an accessible ramp for persons with disabilities, which makes it difficult for these people to access the Police Station.**

According to the decision of the Ministry of the Interior, the Police Station Kriva Palanka is designated as a place for detention of persons deprived of their liberty.

### **2.5.1. Material conditions**

#### **Premises for interrogation and conversation**

**From the inspected material and spatial capacities available to the Police Station, the National Preventive Mechanism concluded that there is no separate room in the Police Station Kriva Palanka for interrogation and conversation with persons deprived of their liberty and detained persons, nor with a room for conversation with minors, as envisaged by the Justice Law for Children.**

Precisely due to the lack of special premises for interrogation and conversation with persons deprived of their liberty and minors, the conversations are carried out in the office of the shift manager, as well as in some of the other offices.

#### **Premises for detention**

In the PS Kriva Palanka there are two rooms for detention, located two floors underground in the basement part and one auxiliary (improvised) room for short-term detention, which is located to the right of the entrance of the PS Kriva Palanka, in continuation of the duty service.

The NPM concluded that the two former detention facilities were no longer used for this purpose, as a result of the recommendations previously provided by the National Preventive Mechanism after the two previous visits to this Police Station.

One of the rooms is used for storing stationery, but what is especially worrying is the fact that the second room is still not equipped with a bed and it is not sealed, which indicates to the possible use of the room for detention of persons.

In the meantime, the police officers use the auxiliary room located on the ground floor at the police station, in addition to the duty service through the corridor as an alternative detention room, as they informed the NPM team only for short-term detention, as this improvised detention facility does not meet the conditions and standards for detaining persons.

The NPM inspected the improvised detention room, where at the time of the visit there were 2 persons, while the third person, a foreign national, was waiting outside the room. In addition, the NPM determined that there is only one chair in the room, it does not have a bed, nor does it have adequate rest premises (mattress, pillow, blanket, etc.)

In the room there is adequate lighting, but there is a lack of daylight flow, and as a serious problem the NPM determined the heating problem in the winter period, because there were no heating facilities in the room. The open and unprotected electric cable, which can undoubtedly be used as a means of self-injury, was also worrying.

In this improvised room, the way the bars are placed brings the detained person in a humiliating position, with the fact that he/she is exposed to a constant monitoring by the employees of the Police Station Kriva Palanka, as well as by other citizens who have access to the Police Station.

The National Preventive Mechanism concluded that this room does not meet the minimum prescribed standards for detaining persons in the police station. The position of the NPM is that the room should not be used even for short-term detention; on the contrary, it is necessary to lead the conversations with the detained persons in the premises of the shift managers or in some of the offices, with the fact that there is no separate room for questioning.

At the moment of the visit, three people were detained at the Police station Kriva Palanka, with whom the NPM team talked about the treatment towards them by the police officers, as well as the level of exercise of their rights.

### **Sanitary knot**

Within the Police Station Kriva Palanka there are two toilets used by officials, visitors, as well as by the persons deprived of their liberty and detained persons. This indisputably points to the need for separate toilets for persons deprived of their liberty and detainees, which will be regulated in accordance with the security principles for the protection of this category of persons.

The National Preventive Mechanism considers that the use of shared toilets by both police officers and persons deprived of liberty and detained persons can undoubtedly lead to violation of the right to privacy and intimacy of the detained person.

## **2.5.2. Exercise of the rights of detained persons**

Two of the detainees were nationals of the Republic of Macedonia, and the third person was a foreign national from Albania who could not communicate in Macedonian language at all. The NPM determined that this person was not provided with an interpreter, which prevented the communication between the officials and the detained person.

**The conversation with one of the detainees was severely interrupted by the shift manager, who entered the room without the prior consent of the NPM team, and demanded to be present during the inspection of the official documentation, on the grounds that "something from the materials in the official folder of the detained person might disappear".**

The NPM assesses that the manner the shift manager interrupted the conversation with the detained person causes an intimidation on the detained person who, after the team left, remained in the premises of the PS Kriva Palanka.

From the interviews with the detained persons, the NPM concluded that there were no violations of their rights regarding the provision of food during their stay, nor were they denied the right to see a doctor (if it is necessary), they were given the right to use a phone call in order to contact a family member, and also the detained persons were informed of their rights upon their admission at the Police Station.

**However, PS Kriva Palanka does not have an institutional solution regarding the realization of the right to food (meal) for retaining persons, so the detainee receives food if he/she provides it from his/her own funds, or from the funds of the family or the responsible police officer.**

During the inspection at the Kriva Palanka Police Station, the NPM established that the rights of the citizens and the code of police ethics are displayed in visible places in the corridor before entering the duty room, as well as in the offices of the shift managers. One of the posters is in 3 languages (Macedonian, Albanian and English), and the second one is in 7 languages (Macedonian, Albanian, English, Turkish, Roma, Vlach and Serbian).

**However, the fact that one of the persons does not understand the Macedonian language and was not provided with an interpreter, indicates that the person is not informed about his/her rights, especially since there was no signature of the person on the documentation regarding his/her detention and the information about his/her rights.**

All detained persons at the Police Station complained about the material conditions in the improvised retention facilities. Namely, two of the persons were accommodated in the improvised room used by the Police Station to detain people, and the third person was sitting in the corridor, in front of this room.

In the course of interviews with detainees, the NPM team concluded that during their detention a regular search was conducted and the two Macedonian citizens were deprived of their belongings, but these were not recorded in the Book of Records of Temporary Confiscated Items.

### **2.5.3. Records and registers of detained persons**

Acting within its competencies, during the visit to the Police Station Kriva Palanka, the National Preventive Mechanism inspected the records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against police officers and measures undertaken and several files of detained persons (randomly).

The general conclusion of the National Preventive Mechanism team is that registers are filled in in a tidy and legible manner, also in the books there is a logical flow and follow-up of events without additional writing in any of the columns/boxes. In these books a review of events is conducted only annually, no review of events on a monthly basis is conducted.

From the insight in the records on complaints submitted by citizens against police officers, the NPM concluded that the records are kept in a proper manner, but nevertheless noted omissions in the box indicating the measures undertaken against the police officer (written indication, proposal for initiating a disciplinary procedure, etc.) i.e. in this column there were no comments on any of the cases of a submitted complaint.

The fact that this box is left without a single note refers to two situations; that none of the complaints of the citizens has been based, or that, the Sector for Internal Control and Professional Standards has not yet acted upon any complaint.

The National Preventive Mechanism team also inspected the separate cases and files kept at this Police Station. Inspection of the official material was conducted for the event - Request for assistance for the transport of a person with intellectual disabilities from the Police Station Kriva Palanka to the Bardovci Medical Centre.

The NPM concluded that no possible remarks/problems occurring during an action/transport were registered. In the official material, there are no data for the medical personnel and a description of the assistance, that is, what the official activities consisted of. Without these data, from the official material it may be concluded that the police officers only carried out the transport of the person with intellectual disabilities, and not that assistance was provided during the transport.

From the insight into the Report on the use of means of restraint and the Evaluation Report, it may be concluded that there is no data and assessment of the proportionality of the use of means of restraint during the transport and the health condition of the person to whom the means of restraint was applied.

In addition, the NPM determined that, the hour, the date and the used means of restraint were noted, the resulting consequence, the personal data of the person, as well as the assessment of the justification of the violence in the Records of daily events for the person against whom the means of restraint were used.

### 2.5.4. Recommendations and acting based on given recommendations

The Ombudsman - National Preventive Mechanism for the determined situations from the conducted visit prepared a special report with specific recommendations, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Kriva Palanka.

In this regard, these are some of the submitted recommendations and the responses of the Ministry of Interior and the commander of the PS Kriva Palanka, regarding the given recommendations.

*Table No.9*

| Review<br>to recommendations made to the Ministry of the Interior   |  |
|---|--|
| Recommendations   | Response based on recommendations  |
| MOI to allocate funds for providing a room for questioning and conversation, as well as a separate room for conversation with minors pursuant to the Law on Justice for Children. | No funds are provided for providing a room for questioning and conversation, as well as a separate room for detention of minors pursuant to the Law on Justice for Children. |
| MOI to provide institutional solution and a separate budget in PS Kriva Palanka for exercising the right to food (meal) for each person retained for more than 6 hours.           | The recommendation regarding the provision of a separate budget for detained persons has been fully implemented.   |

*Table No.10*

| Review<br>of the given recommendations to the Police Station Kriva Palanka  |   |
|---|---|
| Recommendations   | Response based on recommendations   |
| At the entrance of the PS Kriva Palanka an access ramp should be placed for people with physical disability.  | PS Kriva Palanka has submitted a Request for setting up an access ramp for people with physical disability to SIA Kumanovo.   |
| Within the PS Kriva Palanka to appropriately separate and adapt a separate room for conversation with minors, in accordance with the provisions of the Law on Justice for Children. | According to the financial and spatial opportunities measures for adaptation of separate rooms will be undertaken.  |
| To familiarize all the police officers, especially the shift managers, with the mandate and competencies of the Ombudsman - NPM.  | The shift manager is familiar with the mandate and the competencies of the Ombudsman - NPM, and with the current operations it will be implemented also with other police officers. |
| To provide an interpreter in the PS Kriva Palanka, through the list of officially appointed authorized translators.   | An interpreter in the PS will be provided through the Basic Public Prosecutor's Office and the list of officially appointed authorized translators.                                 |



## Police station of general competence Gevgelija

The National Preventive Mechanism, together with a representative from the Macedonian Young Lawyers Association and a representative of the Association for Criminal Law and Criminology of the Republic of Macedonia, in the capacity of external collaborators, on 12.12.2016 conducted a regular unannounced visit to the Police Station of general competence Gevgelija.

The police station Gevgelija is organized within the Sector for Internal Affairs (SIA) Strumica, so that it is accountable for its work before the head of the SIA Strumica, and according to appropriate lines also before the competent departments of the Ministry of Interior.

Events related to border operations are under the competence of the Border Police, which is organizational under the authority of the Ministry of Interior - the Public Security Bureau. In that respect, PS Gevgelija cooperates in the cases for which the border police undertakes police measures (detention of a person) and keeps records of criminal acts in terms of providing evidence, bringing the person before the Public Prosecutor or court, filing criminal charges.

The police station of general competence Gevgelija is located in the city centre of Gevgelija. The building is of solid construction and was built in the last century, with an annex in which the administrative offices are located, and given the fact that this police station was renovated in 2001 it has decent working conditions.

At the entrance of the police station there is an access ramp for people with disabilities built several years ago, leading to the administrative services that are in the basement, but not to the police rooms on the floor.

According to the decision of the Ministry of the Interior, the Police Station Gevgelija is designated as a place for detention of persons deprived of their liberty.

### 2.6.1. Material conditions

#### Premises for interrogation and conversation

From the inspection into the spatial capacities of the Police Station, the NPM concluded that within the PS Gevgelija, on the ground floor of this building, 2 rooms for minors were adapted, in which conversations and admission of minors is conducted.

The National Preventive Mechanism concluded that this police station meets the requirements regarding special premises for interviewing minors, provided for in the Law on Justice for Children.

The rooms are adapted for conversations with minors; they are clean and painted in several colours, decorated with children's drawings. They are also used for recognition in situations where it is needed. The premises are equipped with chairs, a two-seater, a coffee table, a desk, a computer and a printer - all donated by UNICEF.

In the inspected premises the NPM team did not find any means, or objects that could be used for inflicting self-harm.

In addition to the separate rooms for conversation with minors, the NPM concluded that in the basement, near the outer entrance, there are two separate rooms for recognition, interrogation and conversation with persons suspected of being perpetrators of a criminal offense used by the criminal police (sometimes by the Public Prosecutor's Office). According to the assessment of the National Preventive Mechanism, the two premises are appropriate for the purpose for which they are used.

### **Premises for detention**

The police station Gevgelija is covered with the project for renovation of the places of detention of persons deprived of liberty, which is implemented by the Ministry of Interior, financially supported by the European Commission.

The National Preventive Mechanism has established that there are 2 new detention rooms within the police station, with 2 beds in a room.

The NPM concluded that in the detention room, the notes about the rights of the detained person were duly displayed in several languages. The door interphone for communication with the duty office was functional, the interior of the detention room was heated with underfloor heating and central heating, and air humidity was within normal limits.

The NPM team concluded that the premises are clean and tidy without the appearance of moisture or mold in them. From the performed measurement in the premises, it was established that with an area of 12.4 m<sup>2</sup> in the first room and 10.4 m<sup>2</sup> in the second room, with a temperature of 25 °C and humidity of 30% RH, which are within the envisaged limits of the international standards both premises meet the conditions for accommodation and retention of persons at the police station.

The rooms are closed with a metal door, which has an opening for visual and verbal communication with the person in the room. Lighting in the detention rooms, as well as in the corridor, operates at one phase and needs to be fixed (the defect was reported and a team from EVN that was going to intervene was expected).

**The hallway leading to the detention rooms has a video surveillance system. It is a beneficial solution for monitoring the passing through the corridor, but the entire video surveillance (both internal and external) in PS Gevgelija was dysfunctional in the past two weeks.**

During the visit to the police station, the National Preventive Mechanism did not encounter any means of intimidation or self-harm.

At the time of the visit, at the police station Gevgelija there were no detained persons with whom the team of the NPM could talk about the treatment towards them by the police officers, as well as the level of realization of their rights.

### **Sanitary knot**

The police station Gevgelija has 2 separate sanitary knots, one of which is located on the ground floor and is used by officials and visitors, while the other is located in the basement immediately next to the detention rooms and is used by the detained persons.

The NPM determined that the sanitary knot in the basement is new and built within the project for renovation of the places for detention, from materials that can not be used for the detained person to injure itself (metal toilet shell, metal sink, etc.) and the hygiene is on a satisfactory level.

Regarding the previous visit of the National Preventive Mechanism and the noted remark for removing the mirror from the toilet for the detainees, the NPM concluded that the recommendation was successfully implemented and the mirror was removed from the toilet, and at the same time no objects that could be used for inflicting self-injury were observed.

## 2.6.2. Exercise of the rights of detained persons

The National Preventive Mechanism has established that the rights of persons deprived of liberty and the detained persons and the code of police ethics are displayed in visible places, in the corridor before entering the duty room, as well as in the detention premises.

One of the posters was made in 3 languages (Macedonian, Albanian and English), and the second one in 7 languages (Macedonian, Albanian, Turkish, Roma, Serbian, Vlach and English).

**The NPM concluded that in the composition of the PS Gevgelija there was one shift manager - officer responsible for the admission of persons deprived of liberty, who, according to the commander, as well as the single shift manager, is not sufficient for the efficient functioning of the police station.**

According to the Standard Operating Procedures of the Ministry of Interior, minimum one meal is to be provided in the period of detention of the person (if the person has been retained for more than 6 hours).

PS Gevgelija does not have an institutional solution for exercising this right, so the detained person receives food if he/she has personal funds, funds from the family or from the responsible police officer.

From the performed inspection in the individual files, as well as from the Register for the records of persons deprived of liberty and detained persons, the NPM concluded that in the cases when the detainees had the need to use the right to a counsel or the right to see a doctor they were allowed to use these rights by the police officials, which was duly entered in the appropriate sections of the records.

## 2.6.3. Records and registers of detained persons

Acting within its competencies during the visit to the Police Station Gevgelija, the National Preventive Mechanism inspected the records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against police officers and measures undertaken and several files of detained persons.

From the insight into the afore-mentioned registers, the team of the National Preventive Mechanism determined that, with few exceptions, the numerical connection of the Register of daily events with the other registers is evident. At the same time, it was determined that the data in the registers are kept chronologically, with the registration of the hour of the action taken by a rounding up to the nearest 5 or 10 minute period (for example, the records follow the model 10.25, 10.40, 11.15 ...).

**The National Preventive Mechanism recommends that the established practice should stop and accurate recording of the hours and minutes in which the concrete actions and activities were undertaken should commence (for example, received telephone complaints, apprehensions, detention, etc.) for the purpose of greater precision of the data and information contained in these official records that should literally reflect the actual situation.**

From the insight into the Register for the use of means of restraint, the NPM concluded that official notes were prepared for each use of the means of restraint, as well as separate reports on the used means. The grounds, justifiability and correctness of the use of the means of restraint in each particular case have been assessed by the immediate managing police officer as justified.

The team of the National Preventive Mechanism noted that the number of the act was indicated in the register, but the date of the assessment was not specified, as stipulated in ac-

cordance with the Rulebook on the content and manner of keeping the records of the police and the form and content of the police record form.

From the insight in the Records of submitted complaints from citizens against a police officer and measures undertaken, the National Preventive Mechanism concluded that in 2016, 3 complaints from citizens were submitted and in relation to them, appropriate official materials were prepared, the registration numbers of which were registered in the records and they were forwarded to the Sector for Internal Control and Professional Standards.

In addition, in this book of records, it was noted that the column/box referring to the measures undertaken in all the cases is incomplete, indicating two possible situations: 1) that none of the complaints of the citizens has had grounds; or again

2) In none of the cases of submitted complaints from citizens, the Sector for Internal Control and Professional Standards has acted upon.

### 2.6.4. Recommendations and acting based on given recommendations

The Ombudsman - National Preventive Mechanism prepared a special report with specific recommendations regarding the determined conditions of the conducted visit, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Gevgelija.

In this regard, these are some of the submitted recommendations and the answers of the Ministry of Interior and the commander of the PS Gevgelija, regarding the given recommendations.

*Table No.11*

| Review<br>to recommendations made to the Ministry of the Interior   |  |
|---|--|
| Recommendations   | Response based on recommendations  |
| MOI through the supervision and control of the PS Gevgelija to enable overcoming of the organizational weaknesses and to provide the necessary number of shift managers.  | During March 2017, in PS Gevgelija supervision will be conducted and the possibility of filling the vacant work place of a shift manager will be considered, for the purpose of complete implementation of the recommendation. |
| MOI to provide funds for food/ meal for the detained persons who are detained for more than 6 hours in the PS, according to the standard operation procedures of MOI.   | In PS Gevgelija special food/meal budget is provided in all cases where the person is detained for more than 6 hours in the PS Gevgelija.  |
| Continuing education and training of police workers at managerial and tactical level for the importance of legal and the ethical operation of the police and greater police concern for the security of citizens. | Education and training of police workers will be conducted according to the plan and programme for continuous vocational training during 2017.   |

*Table No.12*

| <b>Review<br/>to recommendations made to the police station Gevgelija</b>   |   |
|---|---|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>  |
| <p>PS Gevgelija to request from the Ministry of Interior to amend the adopted Rule-book on systematization of job positions and increasing the number of employees, with another shift manager (there is one, it is necessary to have at least one more). This change can be made from the existing number of employees.</p> <p>It is urgent to repair the video surveillance in the PS Gevgelija, which does not function for more than two weeks.</p> <p>For greater precision of data and information contained in the official records, accurate recording of hours and minutes should be performed when the specific actions and activities were undertaken (eg. received telephone complaints, arrests, detentions, etc.)</p> | <p>From PS Gevgelija there is no answer for the given recommendations of the NPM in the legally prescribed deadline, nor after the given indication for submission of a response.</p> |

## **Police station of general competence Struga**

On December 28, 2011, the Ombudsman - National Preventive Mechanism (NPM) conducted a regular unannounced visit to the Police Station Struga.

The police station of general competence Struga, is located in the city of Struga and is housed in a building of solid construction. Within the Police Station there is a Police Department in the village of Veleshta, as well as 2 police offices in the village of Dedogozhda and in the village of Lukovo.

The Struga police station is organized within the Sector for Internal Affairs (SIA) Ohrid, which means that it is responsible for its work before the Chief of SIA Ohrid, and according to appropriate lines also before the competent departments of the Ministry of Interior.

Given that the Police Station is in charge of maintaining public order and peace (POP), one of the NPM's core objectives was focused on the police procedure, especially in cases of police apprehension, deprivation of freedom and detention at the police station.

Having the location of the city of Struga in mind, as well as the location of the Police Station, foreign nationals are very often detained and kept for a short-term in the PS Struga, who under certain grounds and circumstances are deprived of their liberty by the border police, when trying to cross the state border at the Kafasan crossing to/from the Republic of Albania.

According to the received information from the commander, the Ministry of Interior is informed about any apprehension or short-term detention of a foreign citizen, which through the Ministry of Foreign Affairs contacts the consular office of the home country, which is informed about the particular person

**The NPM determined that at the entrance of the Police Station there is no access ramp for persons with physical disability, which makes it difficult for these people to access the police station.**

Pursuant to the Decision on Determination of police stations for detention of persons, this police station is designated as a police station in which detention can be carried out.

### 2.7.1. Material conditions

#### ***Premises for interrogation and conversation***

**The police station Struga does not have a separate room for interrogation and conversation with detainees and persons deprived of liberty, nor with a room for conversation with minors, as provided for in the Law on Justice for Children.**

Talks with detainees and persons deprived of their liberty are carried out in the office of the shift manager, as well as in some of the other offices.

From the inspection which was performed, it was concluded that the premises in this police station are in poor material condition, which further complicates the daily operation of the Police Station. Namely, in almost all premises where inspection was carried out, there was evident appearance of moisture on the inner walls and an old and dilapidated inventory.

#### ***Premises for detention***

Pursuant to the Decision on the Determination of Police Stations for Detention of Persons, this Police Station is designated as a police station in which detention may be performed, but it does not satisfy the minimum prescribed domestic and international standards for detention of persons deprived of liberty.

**From the inspected material conditions, the NPM concluded that there are 2 detention rooms in the Police Station Struga, which are non-functional and have not been used for that purpose for a longer period of time, as a result of the previous recommendations given by the NPM team.**

In cases when it is necessary to retain a person and a Decision has been adopted for detention of the respective person for a time period longer than 6 hours, that person is transported to the PS of Ohrid.

The National Preventive Mechanism is concerned about the fact that during the inspection of the premises, in the second room there was still a bed with a pillow and the room was not sealed, which indicates the possible use of the room for detention of persons.

In the meantime, as a temporary solution and an alternative room in which persons are held briefly and conversations are carried out with them, one of the available offices is used, which is otherwise used for the admission of persons, as well as the offices of the shift manager and officials.

During the inspection in these premises, no objects that could be used for violence or intimidation were noticed, but no notes were observed about the rights of detainees and persons deprived of their liberty.

On the one hand, the NPM realises the good intention of the PS Struga leadership to act in a more humane manner with the persons deprived of liberty and not to detain such persons in the ground floor, due to the bad and inhumane conditions, but on the other hand, the National Preventive Mechanism expresses concern due to the fact that these persons are accommodated and are retained for a short-term in premises that are used for other purposes.

### **Sanitary knot**

Within the Police Station Struga there is only one toilet intended for the officials, and given that there is no separate toilet, it is also used by the visitors, as well as by the persons deprived of liberty and detained persons.

According to the National Preventive Mechanism, it is necessary to build separate toilets for the officials and for the detainees, that is, the persons deprived of liberty, which will be constructed according to the security principles for the protection of this category of persons.

## **2.7.2. Exercise of the rights of detained persons**

**From the insight at the Police Station Struga, the NPM concluded that the rights of detainees and persons deprived of their liberty and the code of police ethics are displayed in visible places, in the corridor before entering the duty room, but not in the offices where the talks are conducted with persons deprived of their liberty and detained persons.**

One of the posters was in 3 languages (Macedonian, Albanian and English), and the second one in 7 languages (Macedonian, Albanian, English, Turkish, Roma, Vlach and Serbian).

According to the Standard Operating Procedures for the treatment of persons whose rights to freedom and movement are restricted, the person who has been detained in the police station for more than 6 hours must be provided with food (one meal) during the period of his/her detention.

PS Struga has not provided a special budget for exercising this right of detained persons, however, taking into consideration that there is no detention for more than 6 hours at this Police Station, and the persons who should be detained based on the adopted Decision for detention are transported to the PS Ohrid, a budget envisaged for this purpose is not necessary.

The NPM team concluded that one of the more serious problems that this police station faces due to the lack of retention facilities is the retention of problematic and aggressive persons who are also accommodated in premises that do not meet the conditions for admission and retention and which are not adequately secured and protected.

The detention of these persons in official premises under constant surveillance and police presence could increase the risk of inappropriate treatment and degrading conduct, contrary to the provisions of the domestic and international regulations, which prohibit every form of torture and other cruel, inhuman or degrading treatment or punishment.

The NPM concluded that detainees make use of their right to see a doctor when necessary (visible injuries) or at their request (they complain about pain). In these cases, a doctor is always called without the police officer to assess whether the person does or does not need medical care.

From the insight in the records, the National Preventive Mechanism concluded that the persons who asked to make contact with their family were provided with the right to use a telephone call, and also the persons were properly informed about their rights when they were admitted to the police station.

### 2.7.3. Records and registers of detained persons

During the visit to the PS Struga, the registers and documents were inspected for: records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against a police officer and measures undertaken, and several files for detained persons (5 files randomly).

**From the inspection of the Register of Arrested Persons, the NPM has established that the data contained in this Register correspond to the data entered in the Book of Daily Events and the Register of Detained Persons (in terms of the arrested and detained persons), however, the National Preventive Mechanism team identified certain failures regarding the manner of recording the events.**

In this respect, it was noted that the detainees are being acquainted with their rights, but the register does not record the registration number of the official note.

The National Preventive Mechanism also concluded that the persons were provided with medical assistance in cases when they needed such assistance, but in the record, other than the hour of the examination, the state of health of the detained person was not recorded in any case.

Given that this Police station does not meet the minimum standards for detention of arrested persons or persons deprived of their liberty, the National Preventive Mechanism team from the conversation with the officials received information that in cases when the conditions for retention are fulfilled, the persons are most often transported to the PS Ohrid.

However, despite this established practice, from the insight in the Register of persons deprived of liberty and detained persons, the NPM concluded that some persons were retained for several hours (more than 6 hours), without being referred to any other police station, which meets the conditions for retention.

The National Preventive Mechanism team established inadequacy of the data contained in this Register and in one of the individual files of detained persons, which were inspected. In this regard, the team of the National Preventive Mechanism noted that in the file of the detained person it was stated that the person was transferred to the PS of Ohrid, but this information was not recorded in the Register of Detained Persons.

From the insight into the Register on the use of means of restraint, the National Preventive Mechanism concluded that in all cases there was a use of tying devices - handcuffs.

For each use of means of restraint, official notes were prepared, as well as separate reports on the means used. The grounds, justifiability and correctness of the use of the means of restraint in each particular case have been assessed by the immediate head police officer as justified. The National Preventive Mechanism team noted that the date of the assessment was not specified in the Register, as it is provided for in the Rulebook on the content and manner of keeping records of the police and the form and content of the police record form.

### 2.7.4. Recommendations and acting based on given recommendations

The Ombudsman - National Preventive Mechanism for the determined situations from the conducted visit prepared a special report with specific recommendations, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Struga.

In this regard, these are some of the submitted recommendations and the answers of the Ministry of Interior and the commander of the PS Struga, regarding the provided recommendations.



*Table No.13*

| <b>Review<br/>to recommendations made to the Ministry of the Interior</b>   |   |
|---|---|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>  |
| In the shortest possible time to provide funds for the construction of new premises for detention in PS Struga, which will fully meet the basic standards for detention of persons. | The Ministry of Interior has not provided such funds in the budget for 2017. In the draft budget calculation for 2018 funds will be envisaged for renovation of the premises for detention, as well as the premises for conversation with minors. |
| To customize a separate room for interrogation and conversation with minors, in accordance with the Law on Justice for Children, as well as recognition room.                       | The Ministry of Interior has not provided such funds in the budget for 2017. In the draft budget calculation for 2018 funds will be envisaged for renovation of the premises for detention, as well as the premises for conversation with minors. |

*Table No.14*

| <b>Review<br/>of the given recommendations to the Police Station Struga</b>  |  |
|--|--|
| <b>Recommendations</b>   | <b>Response based on recommendations</b>   |
| At the entrance of the PS Struga access ramp for people with physical disability should be built.  | From PS Struga there is no answer for the given recommendations of the NPM in the legally prescribed deadline, or after the given indication for submission of a response. |
| In all the rooms where conversation with detainees or persons deprived of freedom is conducted notes about their rights in several languages should be displayed.  |  |
| To seal the premises for detention until their renovation and adjustment, according to the domestic and international standards.   |  |
| In all the rooms where conversation with detainees or persons deprived of freedom is conducted notes about their rights in several languages should be displayed.  |  |
| To keep more accurate records on the data and events in the registers and individual files, according to the Rulebook on the content and the manner of keeping police records and the form and content of the police records form. |  |



## Police station of general competence Frangovo

On 28 December 2011, the National Preventive Mechanism (NPM), in cooperation with an external associate of the Macedonian Young Lawyers Association (MYLA), conducted a regular unannounced visit to the Police Station for Border Surveillance Frangovo.

The border surveillance police station Frangovo is a part of the Regional Centre for Border Affairs - West and has the authority to carry out border surveillance, which pursuant to the Law on Border Control is "*surveillance of the state border between the border crossings and surveillance at the border crossings beyond the established working hours, in order to prevent escaping from, i.e. avoiding border checks*".

This police station performs border surveillance in an area of 30 km<sup>2</sup>. The conduct of border surveillance aims at preventing the illegal crossing of the state border, preventing cross-border crime and undertaking measures against persons who have illegally crossed the border.

The police station is located in three separate barracks, each with a different purpose. The police station was renovated in 2012. and the premises were relatively well maintained, but it was evident that the inventory was old and dilapidated.

Pursuant to the Decision on Determination of police stations for detention of persons, this police station was not designated as a police station where retention can be carried out.

**From the insight into the material conditions of the Frangovo Police Station, the NPM concluded that there is no accessible ramp for persons with physical disability at the entrance of the PS Frangovo, which makes it difficult for these people to access the Police Station.**

### 2.8.1. Material conditions

#### **Premises for interrogation and conversation**

From the inspected material and spatial capacities available to the Police Station, the National Preventive Mechanism concluded that there is no separate room in the PS Frangovo for interrogation and conversation with persons deprived of liberty and detained persons, nor a room for interviewing minors, as provided for in the Law for Justice for Children.

In that respect, the conversations with detainees and persons deprived of their liberty are usually performed in the offices of the commander and the deputy commander of the PS Frangovo.

#### **Premises for detention**

According to the Decision on Determination of police stations for detention of persons, the Frangovo Police Station is not designated as a police station where detention can be performed, therefore it does not have special rooms for detention of persons.

In case of need for detention, the arrested persons or persons deprived of their liberty are referred to the nearest police station in which the detention may be performed, in the specific case PS Ohrid, due to the fact that PS Struga does not meet the minimum prescribed domestic and international standards for detaining persons deprived of liberty.

### Sanitary knot

Within the Police Station Frangovo there are two toilets, which according to the statements of the officials are divided into a male and female toilet, but there are no signs that they are toilets, nor is it indicated for which gender each of them is intended.

**Only one toilet is in operation, since there is no lighting in the other one and there is no possibility of closing the door (a door handle is missing).**

There are no separate toilets for the detainees and persons deprived of their liberty, so they also use the same toilet as the officials.

## 2.8.2. Exercise of the rights of detained persons

The National Preventive Mechanism concluded that a poster expressing the rights of detainees and persons deprived of liberty in three languages was displayed only in the corridor of the first barracks of the Police Station.

**Bearing in mind that the conversations with the arrested persons and persons deprived of their liberty are usually performed in the offices of the commander and the deputy commander, the National Preventive Mechanism recommends that such posters be placed in a visible place in these or other offices where conversations with the summoned, detained or persons deprived of their liberty are performed.**

Considering that the largest number of detained persons and persons deprived of their liberty are Albanian nationals, the National Preventive Mechanism was informed that the communication with these persons is carried out in Albanian language, which means that in every shift in the Police Station there is an official of Albanian nationality, that is, a person who speaks Albanian.

In addition to the poster with the rights of the summoned, arrested or detained persons, a Police Ethics Code was placed in a visible place in the Police Station, as well as a poster with information about asylum seekers in several languages (Arabic, Farsi ...). For asylum seekers, there are also brochures with complete information about the process and the procedure for applying for recognition of the right to asylum.

The arrested persons and the persons deprived of their liberty are informed about the right to call a counsel, to inform a third party about their apprehension or deprivation of freedom, as well as the right to seek medical assistance. From the insight in the records, the NPM has determined that no person has ever requested to use any of these rights.

Namely, the arrested persons or persons deprived of their liberty in most cases are Albanian citizens who have committed illegal crossing of the state border, mostly due to economic-existential reasons or whose residence permit has expired. As the officials noted, they were all reasonable people, aware that they would be deported back to the country from where they entered.

**The National Preventive Mechanism concluded that the lack of female police personnel at the Police Station directly affects the prolongation of the search of female detainees or persons deprived of their liberty, given the time needed for the arrival of female police officers from the Kafasan Police Station, which is why the National Preventive Mechanism recommends the employment of several female police officers.**

### 2.8.3. Records and registers of detained persons

During the visit to the PS Frangovo, the registers and documents were inspected for: records of persons deprived of their liberty and detained persons, records of arrested persons, records of daily events, records of submitted complaints from citizens against a police officer and measures undertaken and several files for detained persons (5 random files).

From the insight in the daily events record, the team of the National Preventive Mechanism concluded that it is kept properly and chronologically, with the fact that during the registration of the hour of the undertaken action there is rounding up to the nearest 5 five or 10 ten minute periods (for example, the records follow the model 10.25, 10.40, 11.15 ...).

The National Preventive Mechanism recommends that this established practice is to stop and officials should start with accurate recording of the hours and minutes in which the concrete actions and activities were undertaken (for example, received telephone complaints, apprehensions, detention, etc.) for the purpose of greater accuracy of the data and information contained in these official records that should literally reflect the actual situation.

From the insight in the records, it was noted that the detained persons are informed of their rights and an official note is prepared thereof, but the NPM team finds that the register does not include the registration number of the official note.

Despite the instructions about their rights, none of the detainees requested a third party to be notified, they did not ask for a counsel, nor did they ask for medical assistance.

From the performed inspection in the documentation for the records on the use of means of restraint and the records of submitted complaints from citizens against police officers and measures undertaken, the National Preventive Mechanism concluded that since 2014, no means of restraint have been used in any case and no complaints against police officers from this Police Station have been submitted.

From the inspection in the individual files it may be established that the data in the documents correspond to those listed in the Register and that they are kept chronologically and neatly. In the completion and preparation of the documentation there is a logical flow of the events, and for the detainees there are certificates for handing over the person and the Police station where the detention was performed is specified.

### 2.8.4. Recommendations and acting based on given recommendations

The Ombudsman - National Preventive Mechanism, prepared a Special Report with concrete recommendations for the determined situations from the conducted visit, which was submitted to the Ministry of Interior, as well as to the commander of the Police Station Frangovo.

In this regard, these are some of the submitted recommendations and the responses of the Ministry of Interior and the commander of the PS Frangovo, regarding the given recommendations.

Table No.15

| <b>Review<br/>to recommendations made to the Ministry of the Interior</b>   |   |
|---|---|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>  |
| To recruit police officers of female gender due to the lack of female police officers in the PS, which directly affects the prolongation of the search of women detained or deprived of their freedom.. | The Department of Legal and Personnel Affairs within MoI makes efforts to fill the number of police officers according to the systematization of job positions and especially the gender representation in the PS Frangovo. |

Table No.16

| <b>Преглед<br/>на дадени препораки до Полициска станица Франгово</b>  |   |
|---|---|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>  |
| At the entrance of the PS Frangovo an access ramp for people with a physical disability should be built, which will enable them unobstructed access to the interior of the PS.      | In cooperation with the RC for GR West it was planned to overcome this problem during the year, depending on the envisaged budget funds available to the Regional Centre.                                   |
| In all offices where conversations are conducted with the detainees and persons deprived of their freedom posters with their rights should be displayed.                            | Efforts will be made to provide posters for “Rights and lessons for the detainees and persons deprived of their freedom” during the month and they will be delivered to all office premises in PS Frangovo. |
| To adapt separate toilets for the detained persons and the persons deprived of their freedom, existing toilets should be appropriately marked (male - female) and adjusted for use. | The toilets in PS Frangovo are appropriately marked and adapted for their use.  |



## GENERAL RECOMMENDATIONS FOR POLICE STATIONS

1. To reconstruct the police stations and build new police stations in accordance with the adopted "Strategy for Development of the Police 2016-2020", as envisaged in the specific objective 2.5 "Strengthening the Physical Capacities of the Sectors for Internal Affairs and Police Stations";
2. At the entrance of the police stations, to build and adapt an access ramp for persons with physical disabilities, which will enable them to have uninterrupted access to the police station and internal premises;
3. Adaptation and renovation of special premises for interrogation and conversations with detainees and persons deprived of liberty, as well as rooms for interviewing minors in accordance with the Children's Justice Law;
4. To refurbish the detention facilities at the police stations in accordance with the determined action plans, in order to fulfill the minimum international standards for accommodation and protection of persons deprived of their liberty and detained persons;
5. Police stations with detention facilities that do not meet the minimum international standards for retention, should be adjusted and used for other purposes and until their reconstruction or construction of new premises, the detained persons should be referred to Police stations that meet the conditions for retention of persons;
6. Adapting and adjustment of separate toilets for officials and arrested persons, persons deprived of their liberty and detained persons, which will be arranged in accordance with the security principles of protection;
7. In the police stations an institutional solution and a special budget for exercising the right to food (meal) shall be provided for each person who has been held for more than 6 hours;
8. The Sector for Internal Control and Professional Standards should immediately act upon the complaints of the citizens against police officers and it should conduct procedures for assessing the legality of the actions, in the legally prescribed deadline it shall undertake measures and submit answers on the complaints of the citizens, in accordance with the positive- legal regulations;
9. There should be continuous education and training of police officers responsible for detaining persons, police officers on a managerial and tactical level about the importance of legal and ethical operation of the police and relating to greater care for the citizens;
10. Reorganization and provision of additional number of shift managers in accordance with the envisaged Act on Organization and Systematization of Job Positions to ensure 24/7 satisfaction of the need for competent acceptance and retention of persons at the police stations;
11. For the purpose of fully informing citizens of their rights if they are summoned, apprehended or detained in a police station, the rights of the citizens should be visibly displayed in all the places (offices and premises) where these persons stay;

- 12. Proper maintenance and full completion of the records on the arrested persons, persons deprived of their liberty and detained persons by entering the data at the moment of the undertaken actions and observing the logical course of the events.**

# VISITS TO PENAL-CORRECTIONAL FACILITIES AND ESTABLISHED CONDITIONS

# 3

In the course of 2016, the National Preventive Mechanism conducted a total of 4 preventive visits, of which one regular and one irregular visit to the Penal-Correctional Facility Idrizovo, one subsequent visit to the Penal-Correctional Facility of Open Type Struga and one irregular visit to the Skopje Prison.

The regular visit to the PCF Idrizovo and the subsequent visit to the PCF Struga were implemented in accordance with the previously prepared Annual Plan for operation of the National Preventive Mechanism, while the irregular visits were performed for the purpose of examining the situation in the penal-correctional facilities, due to the announced possibility of strikes of the convicted persons.

## PCF "Idrizovo"

The visit to the PCF "Idrizovo" was implemented by the National Preventive Mechanism, in the course of September 2016, in cooperation with external collaborators - representatives from the Association of Psychiatrists of the Republic of Macedonia, the Association for Forensic Medicine within the Macedonian Medical Association, the Association of Social Workers of the City of Skopje and the Association of Nurses, Technicians and Midwives of the Republic of Macedonia, on the basis of previously concluded Memoranda of Cooperation.

The visit was unannounced, on the basis of a previously prepared visit plan, in accordance with the Methodology and the Rulebook on the manner of prevention of torture and other cruel, inhuman or degrading treatment or punishment.

The National Preventive Mechanism regarding the established situations prepared a special report with specific recommendations, which it submitted to the director of the PCF "Idrizovo" and to the appropriate authorities and ministries.

The high level of established violations and disrespect of the rights of convicts serving prison sentences in the PCF "Idrizovo" not only indicate to cruel, inhuman or degrading treatment and punishment, but from a penal point of view they seriously cast doubt on the purpose of the further execution of the sentence in this institution.

In this respect, some of the detected conditions during the visit will be highlighted below.



### **3.1.1. Material conditions**

The accommodation facilities of the PCF - Idrizovo are arranged in several old and dilapidated infrastructural facilities which are in poor material condition.

Namely, in the largest building on three floors, more than eight hundred convicts are placed in several wings, which, according to the names given to them by the administration, are arranged as follows:

- on the ground floor, in addition to the admission unit, there are wings: the so-called "ground floor-new part", "ground floor-right" and "bakery and dining room" (this wing houses convicts working in the bakery and dining room of the Institution)
- On the first floor there are: first, second and third wing
- On the second floor there are: fourth, fifth and sixth wing
- On the third floor there are: seventh, eighth and ninth wing.

In all these wings, except for the admission unit where the classification has not yet been made, the convicts are classified in a closed unit, with treatment B1, B2 or B3.

In a separate building, which houses about two hundred and eighty convicts classified in a closed class, there are the School Unit or the so-called "Skolarci" and "K-Unit".

The Elderly Unit and the so – called New Elderly Unit together with the "E-Unit" is also housed in a separate facility within the Institution.

In the old and ruined building there is the " Hospital unit", which houses about one hundred and fifty convicted persons, deployed in several rooms on two floors.

The convicts classified in the open unit are housed in two separate buildings, the so-called "Preporod" and "Ekonomija" buildings, while the convicts classified in the semi-open unit are placed in another special facility.

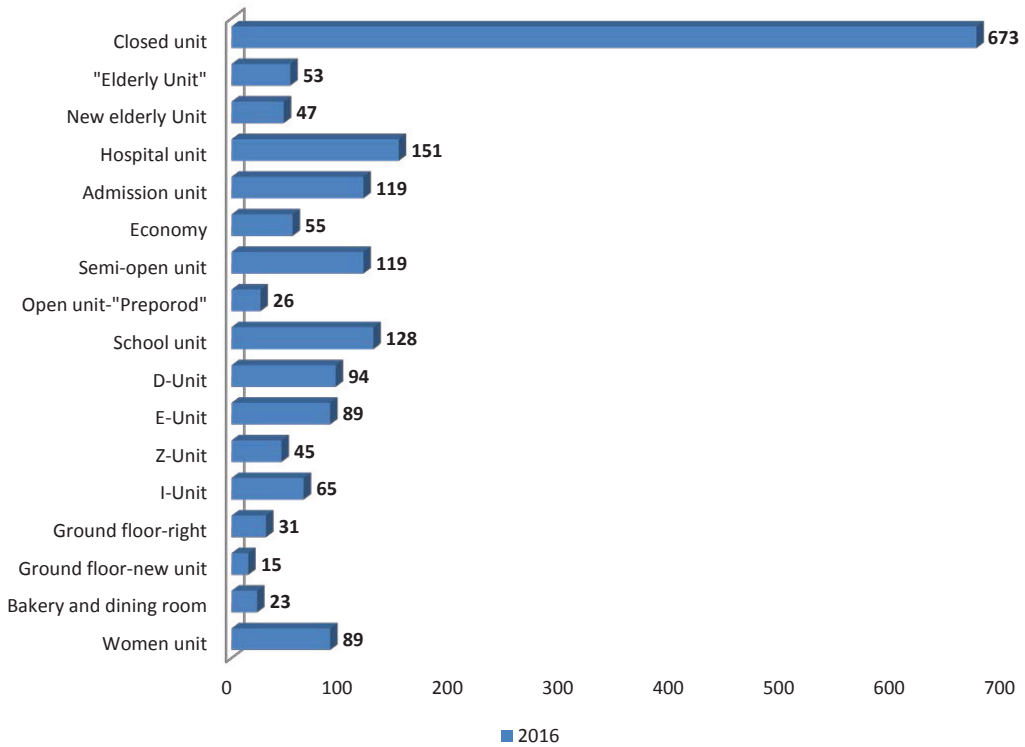
In two separate buildings there are also the so-called "G-Unit" and "I-Unit", where convicts classified in an open and semi-open unit are placed.

In addition to these old, dilapidated and largely ruined facilities, within the PCF "Idrizovo" there are several newly built infrastructure facilities intended for accommodating convicts, but since they are not fully equipped, they are still not used for this purpose.

During the visit, the administrative offices of the administration of the Institution were placed in one of these newly built buildings, as the old administrative building was under renovation.

In the Special Report prepared after the visit, a detailed description of the material conditions for accommodation and stay in the PCF "Idrizovo" has been made, while the conclusions about some of the visited accommodation facilities will be presented below.

*Graph No.1- Number of convicted persons*



**Admission Unit**

The admission unit is located in the ground floor of the main building and consists of 3 large rooms, in which at the time of the visit were accommodated 80 people, divided according to the ethnicity. Contrary to the provisions of the Law on Execution of Sanctions and the House Rules, the convicts remain in this unit for more than 30 days, and some even after 60 days, waiting for their classification to be carried out and to be assigned to the appropriate unit.

In this unit, the legally prescribed space of 9 m<sup>3</sup> or the desired international standard of 4 m<sup>2</sup> area per convicted person (CPT recommendation) is not respected at all. Due to lack of beds, more convicted persons are forced to share the same bed, and there are also those who sleep on pillows and blankets on the floor. On the day of the visit, some of the convicts slept on ordinary cardboard on the floor, in the corridor of the unit.

On the floor in one of the rooms, because of the defective faecal water-supply installation, unclean water is constantly flowing from which unbearable odour spreads, and also in all premises there was evident presence of moisture and mold on the walls and floor, as well as a large number of insects.

The sanitary knots and showers are in extremely poor and ruined condition, dysfunctional, with broken tanks, completely destroyed walls, broken tiles and the hygiene is below the limits of any minimum. Source of danger for the life and health of the convicted persons are the unprotected cables from the electrical installation of the boiler, which are freely overhanging and combined with the high degree of moisture, can cause fatal consequences.

The convicts accommodated in this unit store and consume the food in extremely bad and unhygienic conditions (during the visit it was noted that the food is kept in the open in an improvised kitchen and there were a lot of insects on it). Also, the National Preventive Mechanism concluded that the cutlery and food preparation tools are stored on the floor itself, in a room where the hygiene is at a very low level.

### **Open unit – „Preporod“**

The Open Unit or the so-called “Preporod” unit, besides the premises where the convicts are housed, has a special court yard and workshops.

The accommodation capacity consists of three rooms that accommodate 25 convicted persons, an entrance hall that is used both as a common kitchen and a shared toilet. In the first room, which covers an area of 19 m<sup>2</sup>, there are 7 people, in the second room with an area of 27 m<sup>2</sup> there are 10 persons and in the third room with an area of 18 m<sup>2</sup> there are 8 persons. Given the number of convicted persons accommodated in the premises, they do not satisfy the minimum required standards for space per convict (9m<sup>3</sup>/ 4m<sup>2</sup>), and the temperature of 30 ° C measured in the premises is above the permissible limit of 25 ° C. The additional (artificial lighting in the rooms is not satisfactory, while the daylight breakthrough in the first two rooms is satisfactory, which is not the case with the third room. Regarding the heating, the convicts pointed out that in the winter period the rooms are warmed up with wood stoves and electric heaters. All three rooms were equipped with old iron beds, wooden tables and chairs, as well as old metal cabinets. The walls in the rooms are old, dirty and scratched, and on the floor there is parquet, which is old and wrecked. In addition to non-ventilation and low level of hygiene, the NPM team noted a large number of cockroaches, tatbatbits and other insects in the premises where all the food, clothing and hygienic means of the convicts are kept.

The shared bathroom has one shower, a water heater and three taps, of which only one is functional. The workshop consists of three separate rooms, of which the first is a carpentry workshop, the second is an improvised gym (sports hall), while the third is a tin workshop, where one or two convicts work when needed.

### **Semi-open unit**

The semi-open unit has a capacity for 120 convicts, where on the day of the visit 124 convicts were accommodated, in 14 internal and 3 external rooms. This unit has a separate yard promenade, which is horticulturally arranged and has a sports ground where the convicts play basketball in their free time.

The rooms do not satisfy the minimum space standards per person, they do not have a sufficient flow of natural light, nor do they have adequate additional lighting. They are equipped with old iron beds and improvised cabinets, owned by the Institution, while the rest of the inventory (tables, chairs, TV-set, refrigerator, etc.) is provided by the convicts themselves. Only a few of the beds are provided with mattresses, while the other convicts sleep on sponges. During the visit, the team of the NPM noticed several people sleeping on the floor, on worn-out and messy mattresses. The walls in the rooms are not coloured, filled with moisture and peeled.

The only toilet in the inner part of the semi-open unit is in extremely bad condition, unclean, dysfunctional, with destroyed sanitary knot, improvised faucets and destroyed walls from which water is constantly flowing.

## **Closed unit**

### **Wing 2**

This wing or the so-called "plate" is centrally located on the first floor of the main building and consists of 7 collective rooms. This wing, together with the wing 5 and the admission unit are wings in which the accommodation facilities are in the worst material situation within the main building of the closed unit.

The NPM team established overcrowding in the whole wing, and in one of the rooms with an area of 40 m<sup>2</sup> as many as 27 convicted persons were accommodated. For some of the convicted persons there was no separate bed provided, therefore they were forced to sleep on mattresses on the floor.

In addition to the overcrowding, the material conditions in the rooms of this wing are extremely bad. There is enormous moisture and mould on the walls, as well as a large number of insects, so that the convicts themselves have complained about them. The whole wing's ceiling is damaged and water flows through it, because it is precisely below the bathroom from wing 5 which is ruined, with cracked pipes from which unclean water flows down.

In the toilet there are 5 sanitary knots, of which only one is functional, and there is also the appearance of moisture, dirt and an unpleasant odour.

The shared bathroom has a shower, a water heater and three taps, of which only one is functional. The workshop consists of three separate rooms, of which the first is a carpentry workshop, the second is an improvised gym (sports hall), while the third is a tin workshop where one or two convicts work when needed.

### **School unit – „Skolarci“**

The School Unit or so-called "Skolarci" consists of 9 accommodation rooms, a long dark corridor, one toilet and one bathroom for all convicts.

In the corridor of the unit, in which unhygienic conditions were immediately observed, baskets filled with garbage, decayed walls and dirty floor, the National Preventive Mechanism observed a greater number of convicted persons sleeping on mattresses placed on the floor, due to the lack of space and beds for their accommodation in separate rooms.

In the premises where convicts are housed, the material conditions and hygiene are at an extremely low level. Namely, the rooms are full of beds, and under them the convicts keep their personal belongings and food. In spite of the constantly open windows through which enough daylight comes in, the air in the whole Unit was suffocating and there was an unbearable smell of sweat and urine. In several rooms the windows were broken, and for protection, on their place, the convicted persons had placed blankets. The walls are unpainted and full of moisture, and it constantly leaks from the ceiling.

The toilet is without any conditions for normal maintenance of hygiene, it spreads an unpleasant smell of urine and faeces, has dysfunctional taps and showers, and the tiles on the walls and floor are completely destroyed.

### **„E – unit“**

In a separate ground-floor building in the circle of the institution, there is a unit, the so-called. "D- unit", in which on the day of the visit, a total of 96 people were accommodated in 9 separate rooms.

In the corridor of the Unit, the team of the National Preventive Mechanism observed damage to the ceiling, and by the persons accommodated in this unit it was informed that the abundant rains in the past period led to the demolition of a part of the ceiling construction, due to

which an improvised reconstruction was made, by fastening an upper part of an ordinary dining table, which can fall at any moment and injure a person.

During the inspection in the premises where the convicts were housed, the National Preventive Mechanism team found overcrowding and lack of beds for some of the convicts.

In this respect, in one of the rooms, which has a size of 36m<sup>2</sup>, there were a total of 17 people, and there were only 16 beds, in another room 19 people were accommodated, and there were only 17 beds. At the same time, in another of the premises in which the inspection was carried out, the NPM concluded that there were 20 persons accommodated, and there were only 18 beds.

Most of the beds in these rooms were equipped with old and worn mattresses, and there were also beds on which there was no mattress at all, but only a plain sponge covered with bedding was placed. Convicted persons who are not provided with a separate bed are forced to sleep on sponges or pillows on the floor.

Because of the lack of space, convicts keep their personal belongings and food under the beds or hung on the walls. This additionally contributes to increasing the number of insects, mostly cockroaches and tatbatbits, from the stinging/biting of which most of the convicts had wounds, mostly on their hands and feet.

Because of the lack of hot water, the convicts are forced to use an improvised heater, which is plugged into a socket and placed directly in a bucket of water. This method of heating the water brings a constant and increased risk of undesired consequences.

In a small part of the unit, separated by bars, there is a gym/ exercise room equipped with one exercise device, a bench, and several weights intended for physical activity and recreation of convicts.

This Unit also has two common sanitary facilities designed for showering and satisfying the physiological needs of all persons accommodated in the unit. One of the toilets is equipped with one functional faucet, a broken sink, one urinal knot and one separate sanitary knot with broken door. The second toilet is equipped with a sanitary knot and a non-functional case separated by a separate door, as well as a room intended for showering of the convicted persons, which has one faucet with a shower and one water heater, the electrical installation of which is placed along the inner walls and is exposed to constant moisture.

### ***Hospital unit***

The hospital unit is located in a separate old building in the area of the facility, which is in a bad and ruined state. The exterior walls of the building are damaged, with a decayed facade and a large amount of moisture and mold. In this unit there are a total of 151 prisoners, deployed in 4 units - A, B, C and D.

Unit A is located in the right ground part of the building and consists of one corridor with 8 separate rooms, each with a separate sanitary knot. The hygiene in the corridor is extremely low, and on the walls that are half tiled, moisture was noticeable. On the day of the visit, the team of the National Preventive Mechanism

observed one convict who slept on a mattress placed at the end of the corridor covered with a blanket, and immediately reacted to that, demanding from the officials to provide him with a separate bed in one of the rooms, as soon as possible.

During the inspection in one of the premises in this unit, the National Preventive Mechanism concluded that in a room of 14 m<sup>2</sup> there were 7 convicted persons. For two people a separate bed was not provided and they slept on mattresses, one of which was placed above the sanitary knot and the other one on the floor.

The humidity level of 70% in the room and the measured temperature of 16.5°C are be-

yond the acceptable air temperature and humidity standards<sup>1</sup>. At the same time, the hygiene in the room is below the boundaries of every minimum, and despite the constantly open window through which enough daylight enters, the air was suffocating and an unbearable smell of urine and faeces was felt.

The sanitary knot in this unit is ruined, without a toilet shell, with a broken case, without a sink, only with one non-functional tap from which water constantly flows. The floor in the sanitary knot was covered with faeces and several scattered plastic bottles, a large number of insects were also observed.

In front of the hospital unit there is a promenade where several benches are placed, and within this area, there is a basket, which at the time of the visit was dysfunctional due to the broken hoop. However, the National Preventive Mechanism concluded that there was no covered part on the promenade, which would enable convicts to walk uninterruptedly outdoors in bad weather, as well.

### **New unit – ground floor**

The unit, so-called “New Part” is located in the left ground segment of the Closed Unit of the PCF “Idrizovo”. This unit has considerably better material and hygienic conditions compared to other units.

The new part - ground floor consists of 7 separate rooms, all located along a narrow corridor, which serves as a kitchen and a dining room and there are tables, chairs, refrigerators and a cooking stove in it.

In each of the rooms there are a small number of people, and in some, there was only one convicted person. The rooms are equipped with beds with decent and clean bedding, a TV-set, refrigerators, tables and other necessary inventory. A total of 11 people are accommodated throughout this whole unit, and at the time of the visit there was also an empty room. Each room has a separate toilet, featuring a toilet bowl, a shower and a water heater.

In one of the rooms, in which only one person was accommodated, an area of 11 m<sup>2</sup> was measured, the temperature was 18 °C, and the humidity level was 54% R.H. Insects are an inevitable part of this part of the facility, as well, but still the hygiene in the premises is far better, since the convicts themselves take better care of the maintenance of the space. In this unit, the convicts independently provide the objects in the rooms (TV-sets, refrigerators, etc.).

The overcrowding and the poor material conditions in the remaining parts of the facility point to the fact that the convicts in this wing are in a more privileged situation than the other convicts.

### **Solitary cells**

The solitary cells in the closed male unit are used for serving a disciplinary sentence “solitary confinement” after a disciplinary procedure, as well as for the separation of a convicted person who because of his actions poses a serious danger to the security of the officials and other persons in the institution, or for the purpose of securing the scene of the event and the separation of the perpetrator of the crime from the witnesses.

In PCF Idrizovo there are a total of 12 solitary cells. They are all identical, divided to left and right ones, depending on the placement of the bed in the solitary cell, with an area of 8.5 m<sup>2</sup>. The measured temperature on the day of visit in all solitary cells was 23 °C, with a humidity level of 42% R.H.

<sup>1</sup> Acceptable temperature standards range from 18-25o C, and the humidity standards from 20-60 R.H.

The solitary cells are decently clean; they have a bed, mattress, bed linen, a separate toilet consisting of a toilet bowl and a sink. The floor is laminated, relatively new and well maintained, and the walls are in a better and cleaner condition compared to the rest of the facility.

In the solitary cells the flow of daylight is very weak; there is no additional lighting in each room, but central lighting throughout the hallway. There are no bells, so the communication between the convict and the security staff takes place through a forceful knocking on the metal doors of the solitary cells.

When referring a convicted person to a solitary confinement, a doctor's opinion on the health condition of the convicted person is obtained, but except for the initial examination, the persons who are placed in a solitary cell do not see a doctor at all, nor were they ever visited by the director of the institution.

During the discussions with some of the prisoners who were serving a disciplinary sentence - referral to solitary confinement, the National Preventive Mechanism team received complaints that in a large number of cases when they addressed the representatives of the security service for medical assistance, medical assistance was provided to them, which prevented them from exercising their right to access to a doctor. In this respect, these people stressed that medical interventions are only allowed in exceptional situations, when the health condition is evidently worsening and alarming.

Some of the convicts who were serving a disciplinary sentence – solitary confinement, stressed that they were not always able to exercise their right to a walk (2 hours during the day of fresh air).

### **Other premises**

#### **Central kitchen**

The central kitchen where food is prepared for all convicts in the Institution is located at the back part of the female unit and it is accessible from the outside. The central kitchen is actually a facility consisting of a corridor, a spacious kitchen, four warehouses for storing various food supplies, an administrative room and a toilet.

The kitchen has an area of 105 m<sup>2</sup> and is fully tiled. Moisture is evident on the walls, and the ceiling construction is visibly damaged. On the day of the visit in the central kitchen temperature of 29 °C was measured, and humidity of 65% R.H.

At the same time, during the visit, the National Preventive Mechanism concluded that the hygiene in the kitchen was at a low level, that is, the floor was completely dirty with remains of cooked food, and an unpleasant smell was spreading throughout the room.

The employees complained about the quality of the kitchen utensils, stating that they prepared the food in old and damaged cooking saucepans, and the food transport containers were almost unusable. Therefore, on several occasions, they asked the authorities of the institution to replace or additionally equip the kitchen inventory, but no appropriate measures were undertaken regarding the request.

In addition, the NPM concludes that the kitchen is not equipped with cutlery (spoons, forks, bowls, etc.), which means that the convicts are forced to use their own cutlery, which is often non-standard for prison conditions (ceramics, metal, etc.).

The toilet in the central kitchen has a sink, a toilet shell and shower, with tiled floor and clean walls. The toilet is in a proper and fairly good hygienic condition, and it is used by female convicts who are engaged in the kitchen.

### Pharmacy and therapy provision

From the inspection into the PCF "Idrizovo" pharmacy, the team of the National Preventive Mechanism has established that the medicine supply is at a desirable level and contains all the necessary medications for cardiac, pulmonary, gastrointestinal, skin and eye disorders, and there are medications for psychiatric neurological diseases, as well.

The National Preventive Mechanism has determined that all medicines are of a valid period of use and stored in a dry and dark room.

Drug addiction medicines (eg. methadone) are distributed on a daily basis by the medical personnel, as well as infusion and pathological therapy that are given exclusively in the hospital.

Regarding the method of distribution of the rest of the therapy (which is taken for a longer period of time), the National Preventive Mechanism team found that it was prescribed by the doctor, prepared by the nurse, while the distribution is delegated to one of the convicts.

During the visit, the NPM team received information on the existence of certain abuses in the distribution of drug therapy, that is, it often happened that the medicines were untimely delivered to the convicted persons, and there were cases when they were asked for money for their therapy to be delivered.

### Women unit

*(The data for the women unit were collected during the visits in the months of July and August 2016, for which a special report was prepared with conclusions and recommendations from the Ombudsman.)*

The women unit of the PCF Idrizovo is located in a building built in 1986, in the courtyard of the Institution, near the male unit. The building of the women unit consists of a room for the commander, room for the educator, canteen, two dining rooms, one small kitchen - room for food distribution, central kitchen, and rooms with accommodation facilities - admission unit (1 room and 1 toilet) , open unit (4 rooms and 1 toilet) and closed and semi-open unit (14 rooms for accommodation of convicts, 3 toilets, 2 warehouses, 1 room for medical therapy and 2 solitary cells).

The accommodating capacity of the Women Unit is for 70 persons, and at the time of the visit there were 97 convicts, one of which was placed in the Detention Unit of the PCF "Idrizovo".

### Admission unit at the Women unit

The admission unit is located immediately in front of the open unit and it is divided by bars from the smaller dining room. It is one room with an area of 18m<sup>2</sup>, providing eight old, worn-out, iron beds with prison bedding consisting of unclean, old, woolen blankets, a table, two broken chairs and a toilet within the room.

The measured moisture in this room was 56% R.H., and the temperature was 27 °C. The hygiene in this room is at a low level, an unpleasant smell is present, and the beds are old with dirty and worn bedding, and some of them do not have mattresses at all. The flow of natural and artificial light is poor, so the room seems fairly dark, and the windows are high and protected by metal bars. The walls are dirty and moistured, and the floor is with an old peeled parquet. In the toilet there is moisture and water, and the toilet-shell, shower and sink are in a worn-out state.



### *Open unit at the Women unit*

The open unit at the women unit consists of 4 rooms, which are equipped with beds, bed linen, TV-set, refrigerator, improvised cabinets, curtains, tables and chairs. Apart from beds, chairs and tables, all other items in the premises are provided by the convicts themselves.

The team of the National Preventive Mechanism concluded that the natural and artificial lighting in the premises was inadequate, and the prisoners tried to cover the presence of moisture on the walls with colorful wallpapers. As in most of the rooms, the floor is made of linoleum, and the hygiene is low.

The value of the measured temperature in all four rooms of the open unit is above the prescribed temperature standards (18-25 °C), and the humidity in the three rooms is higher than the limits of the minimum predicted standards for moisture.

The NPM team determined that in this unit there is an overcrowding in the accommodation capacities.

The sanitary knot has a sink, toilet-shell and a shower. The hygiene is low, and on the walls there is a great presence of moisture.

### *Closed and semi-open unit at the Women unit*

The accommodating capacity of the closed/semi-open unit consists of 14 rooms housing a total of 73 convicts. Within the unit, there is also a warehouse for storage of hygiene products, a medical room (medical treatment room), 2 solitary cells and one warehouse and 2 toilets, one of which is dysfunctional.

During the examination of the material conditions, the NPM team determined a state of overcrowding in some of the premises. Namely, in some of the rooms with an area of about 20-25 m<sup>2</sup> there were 6-7, and even more female prisoners. In contrast, in some of the other rooms of the same area, it was found that only 2 to 3 convicts were accommodated.

This type of treatment has a discriminatory basis, which is why some of the convicts are exposed to an unjust and degrading attitude compared to other (privileged) convicts.

In most of the rooms where the temperature and the degree of humidity were measured, the NPM concluded that the measured values exceed the limits of the minimum envisaged standards.

Given that the convicts themselves take care of the hygiene in the room where they are accommodated, the hygiene is at an enviable level, with the exception of several rooms (isolation, room no. 4), which were unaired and from which an unpleasant smell spread.

Regarding the equipment of the premises, the NPM determined that besides iron beds, mattresses, tables, chairs and some of the cupboards, other items and inventory (TV sets, refrigerators, cabinets, curtains, heaters, ventilators, etc.) were provided by the prisoners from their own funds.

The convicts provide the cutlery themselves and store it in the premises in which they are accommodated. This practice, for keeping metal knives, forks and glasses, according to the NPM assessment, increases the risk of self-injury or injury to another person.

The heating in the entire women unit is provided by central heating, wherefrom the prisoners are satisfied.

The closed/semi-open unit has one bathroom and 2 shared toilets, one of which is completely dysfunctional.

The toilet used by the convicts is equipped with two sanitary knots and a tap with a damaged and corrosive sink. The hygiene in the toilet is low and unbearable smell spreads from it.

The bathroom in this unit has only one functional shower and 6 taps. In addition to the non-hygiene, moisture on the walls is also evident.

Right next to the toilet, there is a room in the women unit where there are 4 (four) washing machines, used by the prisoners to wash their clothes and bedding.

### Solitary cells

During the survey conducted in the two solitary cells in the closed unit, the National Preventive Mechanism team identified an identical area of 7 m<sup>2</sup>, the temperature at the time of the visit was 27 °C and the humidity was 62% R.H.

The bed in the solitary cell is made of metal, with no mattress and pillow, and our team obtained the information that every person who serves a sentence – solitary confinement brings a mattress, pillow and bedding from her room.

Regarding the serving of the sentence - solitary confinement, we received an information from the officials that convicts are mostly held in detention for up to 5 days, and during the winter period, because it is cold and the conditions in the solitary confinement do not meet the stipulated international standards in terms of temperature, the convicts are not sent to solitary confinement.

### **3.1.2. Overcrowding**

During the visit to the PCF “Idrizovo”, a total of 1966 convicted persons were serving prison sentences, while the real accommodation capacity of the institution is only for 1094 persons. This undoubtedly indicates that overcrowding is one of the most serious problems that this institution faces.

The direct consequence of this alarming situation is the accommodation of convicted persons in premises with inadequate space and in extremely unhealthy conditions. In many premises, more than 20 convicted persons are accommodated, although the Law on Execution of Sanctions<sup>2</sup> provides for accommodation of up to 5 convicted persons in one room.

A large number of convicted persons are not provided with a separate bed and are forced to sleep on mattresses or pillows on the floor itself. In the units where there is a huge overcrowding in the premises, the National Preventive Mechanism observed convicted people sleeping on mattresses or plain cardboards placed on the floor in the corridors.

The overcrowding as a real problem that the facility faces not only leads to the creation of inhumane conditions in which convicts serve the sentence of imprisonment, but it impedes the proper deployment of convicts on the basis of risk assessment and the needs of each case separately and it directly affects the increase of aggressiveness and deprivation of convicts (especially those with higher prison sentences).

In this regard, some of the convicts who were interviewed stated that they were trying to abstain in their behavior, only in order not to hurt or harm the other convicted persons with whom they were accommodated, but that the absence of privacy due to small space and overcrowding, as well as the unbearable material conditions lead to the extent that they can no longer control themselves.

Overcrowding, in addition to being a direct risk factor for the large volume of threats and violence among convicts, encourages the development of offence subcultures of “defenders” or protectors of the other conditionally referred to as “weaker” convicted persons, at the same time making the appropriate control by the staff difficult (security service) in conditions of violent incidents among the convicted persons themselves.

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<sup>2</sup> Article 104, paragraph 3 of the Law on Execution of Sanctions stipulates that “the accommodation of convicted persons in common premises must not exceed the number of five persons in one room for overnight stay “

Namely, in the units where the premises were overcrowded, the convicts pointed out that mutual incidents, such as various quarrels or “minor fights”, usually remain unnoticed and unregistered by the officials, which is why they are left to solve them “ among themselves”.

### **3.1.3. Staffing of the facility**

According to the Rulebook on systematization of job positions in PCF “Idrizovo”, the projected number of employees in this institution is 430, however, from the conversation with the director, as well as from the performed inspection in the tabular overview of the job positions, it follows that the actual number of filled in jobs is 272.

A shortage of employees is evident in all sectors of the Institution, especially in: Prison Police, Medical Staff, Sector for Re-socialization.

The insufficient number of employees, as one of the problems that this penal-correctional institution faces, was discussed with the director, who in this context stressed that he repeatedly addressed the Ministry of Finance through the Directorate for Execution of Sanctions in order to obtain consent for employment, but the responses received from the ministry officials are that there is no possibility for the realization of the required employment.

In this regard, the National Preventive Mechanism expresses serious concern over the decision of the Ministry of Finance for not issuing approval for new employments, in conditions when this institution faces a huge number of unfilled jobs that seriously endangers the regular functioning and directly affects the treatment of convicted persons, the established violations of their rights and the identified risks of cruel, inhuman and degrading treatment or punishment.

The problem of filling job vacancies in institutions where deprivation of freedom takes place is also subject to consideration by the Council of Europe’s Committee against Torture, which in this regard states that: “... in places where staffing is inadequate, there may be a need for overtime work in order to maintain the basic level of security and the regime in the institution. This situation can easily result in a high level of pressure among staff and its early loss of will to work, which is a condition that is likely to exacerbate tensions inherent in each prison environment<sup>3</sup>.”

### **3.1.4. Violence among prisoners**

*The Law on Execution of Sanctions stipulates that “when executing the sentence of imprisonment, the psychophysical and moral integrity of the convict must be protected and that there must be respect for the human personality and dignity; every form of torture, inhuman or degrading treatment and punishment is prohibited,” and it is also expressly stipulated that “**the right to personal security of the convicted person and the self-esteem of his personality must be guaranteed**”<sup>4</sup>.*

***The safety and security of prisoners, which must be guaranteed at all times, is a basic principle envisaged in the Standard Minimum Rules for the Treatment of Prisoners***<sup>5</sup>.

<sup>3</sup> Extract from the 11 General Report (CPT / Inf (20017) 16) of the Committee against Torture of the Council of Europe

<sup>4</sup> Art. 38 of the Law on Execution of Sanctions

<sup>5</sup> A/RES/70/175 Resolution adopted by the General Assembly on 17 December 2015 (United Nations Standard Minimum Rules for the treatment of Prisoners (the Mandela Rules)) Rule 1:

“The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.”

However, violent incidents among prisoners are commonplace in all prison systems and contain a wide range of phenomena, from subtle forms of harassment to undistinguished threats and serious physical attacks, which is not an exception in the PCF Idrizovo.

Namely, from the interviews with the convicts during the visit, the team of the National Preventive Mechanism concluded that mainly violent incidents among prisoners are more frequent in the parts of the institution where there is a huge overcrowding.

In this respect, prisoners point out that the overcrowding in the premises, in correlation with the disorganization of leisure time, often arises as a cause of a tense atmosphere, which often due to certain banal causes, can escalate into violent incidents, i.e. mutual verbal disputes and physical fights.

From the interviews with convicts and officials, the NPM has received information that in several units where more than 50 people are accommodated, only one security service officer is responsible for maintaining the order and discipline in the whole unit.

The National Preventive Mechanism team, from the interviews with some of the convicts, found that certain prisoners, only because of the nature of the offense for which they serve the sentence of imprisonment (eg. crimes against sexual freedom and morality) are subject to insults, verbal threats, harassment, humiliation, and even physical attacks by other prisoners.

Also, convicts who were addicted to various psychotropic substances complained about this degrading attitude. The fact that the reporting of these incidents to the authorities did not lead to a change in the situation to their greater safety, but on the contrary, put them at risk of more frequent attacks, and made them fear for their safety.

These persons emphasized the degrading treatment of some of the security personnel in the Security Department, and in this context stated that there were cases where they reported a certain event in which they were hurt, the officials told them "You deserve to get more", instead of taking certain actions accordingly.

The National Preventive Mechanism team, as particularly worrying points out the established phenomenon of the so-called informal convict hierarchy of superiors and subordinates, in which subordinates fearful of their safety are forced to behave according to the superiors' instructions, to perform certain tasks, to suffer, to keep their silence about something, etc.

### 3.1.5. Attitude of the officials towards the convicts

*The provisions of the Law on Execution of Sanctions<sup>3</sup> which governs the issue of the attitude of the officials towards the convicts, foresee full respect for human personality and dignity, preservation of their physical and mental health, as well as the fact that the officials in the performance of their duties, the exercise of the treatment and in general in their contacts and communication with the convicted persons should treat convicts with due regard to their personality, calm approach, tolerance, without malice and bad intention, regardless of the position, gender, race, nationality, religion and political beliefs of the convicts.*

<sup>3</sup> Извадок од 11 Општ извештај (CPT/Inf (20017) 16) на Комитетот против тортура на Советот на Европа

<sup>4</sup> Чл. 38 од Законот за извршување на санкциите

<sup>5</sup> A/RES/70/175 Resolution adopted by the General Assembly on 17 December 2015 (United Nations Standard Minimum Rules for the treatment of Prisoners (the Mandela Rules)) Rule 1:

"The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times."

<sup>6</sup> Чл. 6 и чл. 163 од Законот за извршување на санкциите

The majority of the people accommodated in the PCF Idrizovo with whom conversations were conducted, pointed out that the attitude of the officials from the Security Department is generally fair and satisfactory.

However, complaints about improper and degrading treatment and behavior were highlighted by some of the convicts who stated that it is common practice for them to be offended by officials because of their ethnicity (members of the Roma community). The reasons for such insults, among other things, convicts believe are due to the fact that the majority of these persons are social cases, without education, some of them are users of methadone therapy, and there are also convicts who do not receive any visits from the outside.

A frequent target of insults and humiliating treatment by the officials from the Security Department were also some of the convicts placed in the Hospital and the School Unit, and the reason for that is the fact that in these units most of the people are methadone therapy users. At the same time, some of the persons convicted of sexual abuse stated that they were subject to insults, mostly related to the nature of the offense they were convicted of.

In addition to the abusive behaviour, some of the convicts who were interviewed indicated that it was common in case of a mutual fight (prisoner with a prisoner), that security officers from the Security Department, after separating them would "slap them two or three times " or " would give them several punches in the loin. "

Some of the convicts complained that in the past they were beaten by security officers with fists, kicks and rubber bats in all parts of the body and noted there are still cases where other convicts are physically abused.

At the same time, some of the convicts accommodated in the admission unit, as well as some of the people accommodated in some of the solitary cells, complained that in a few cases when they attempted to seek help from a doctor, they were kicked by the officials from the security department since they were knocking on the doors, despite the fact that it was the only way to inform them of the urgent and indispensable need for medical assistance.

Some of the persons who were interviewed, who stated that they were not direct victims of physical violence, stated that they had witnessed cases in which officers from the Security Department physically harassed other convicts.

During the visit, the team of the National Preventive Mechanism after previously received knowledge of an incident in which one of the prison guards at the Institution was injured, interviewed the convicted person suspected of injuring the official, whereby this person was placed in solitary cell.

During the conversation with the convicted person who was summoned to the hospital, visible injuries to the head and body were observed, due to which he was examined by an external collaborator - forensic scientist from the Institute of Forensic Medicine, who on the spot determined a large number of underskin blood blisters in the area on the left side of the face (the eye, cheek and ear), the left shoulder and the entire surface of the back.

Given the appearance, dimensions and coloration of the blood blisters, according to the external collaborator, they were applied with an elongated oval tool (baton), and parts of the body (it is possible that they were caused by a strike with a fist or with a foot, i.e. a shoe).

The convicted person noted that the injuries were inflicted by several officers from the Security Department, and due to the existence of grounds for suspicion of excessive use of force, as well as for a detailed examination of the entire factual situation, the National Preventive Mechanism prepared a separate official note addressed to the Department for Protection within the Ombudsman's Office, where a special case was set up, after which a request was submitted to the Public Prosecutor's Office - Skopje for establishing criminal responsibility against officials from the Security Department.

### 3.1.6. Health care

The National Preventive Mechanism detected complete dysfunction of the health care system, which is a clear reflection of the conditions in the PCF "Idrizovo" and the ill treatment received by the convicts in this penitentiary institution.

Namely, the organization of the health care system has not yet been harmonized with the positive legal solutions, and the number of engaged medical personnel is insufficient to respond to the needs of convicted persons.

In this regard, the National Preventive Mechanism concluded that the performance of health care services is carried out by medical staff hired by the Institution, despite the fact that the Law on Execution of Sanctions stipulates that the health care services in the penitentiary institutions shall be performed by the health care workers employed in the public health institutions, which perform primary health care in the network of healthcare institutions on the territory of which the headquarters of the institution is located.

Thus, the established health care system, where the medical personnel functions as part of the hierarchy of the prison administration, according to the National Preventive Mechanism affects the professional independence of the health care workers.

The medical staff employed by the Institution is composed of a total of 5 health care workers:

- 1 general practitioner
- 1 psychiatrist (engaged by means of a deed contract, who is present only three days a week)
- 1 dentist
- 1 nurse
- 1 laboratory assistant

*Given that in the PCF "Idrizovo" more than 1900 convicted persons serve their prison sentence, then it is undisputed that the engaged medical personnel can not adequately respond to the health needs of convicted persons, nor can they completely fulfill the rest of their tasks (carrying out regular systematic examinations, checking the quality of food, hygiene in the premises, etc.).*

*At the same time, the fact that medical personnel are present at the institution only during the first shift - from 08:30 to 16:30, and then, only in cases when urgent medical help is required ambulance is called, directly leads to a violation of the convicts' right to have an access to a doctor, which interpreted in the CPT positions, stipulates that:*

*"While in prison, convicted persons should be allowed access to the doctor at any time, regardless of their incarceration regime" and that "the health service should be thus organized, so that it allows that medical consultation requests be answered without unnecessary delay".*

In the immediate conversations, the convicts pointed out that very often when they ask security officers from the Security Department to be taken to a doctor, they do not fulfil their requests, nor is there a system of regular systematic examinations established, as envisaged in the Law on Execution of Sanctions<sup>8</sup>.

Hence, failure to provide timely medical assistance directly affects the deterioration of the health condition of convicted persons, and the failure to carry out regular systematic examinations prevents the early detection of certain diseases and illnesses.

The National Preventive Mechanism received numerous complaints regarding the access to specialist examinations outside the institution. Namely, some of the convicted persons stated

<sup>7</sup> Ibid

<sup>8</sup> Article 133 of the Law on Execution of Sanctions stipulates that "a systematic examination should be carried out on young adults at least once a year".

that they were not given access to such examinations at all, while some of the convicts pointed out that access to the services of secondary or tertiary health care is only enabled in extreme cases, in conditions of seriously deteriorated health condition, and according to them, with unnecessary postponement and great delay.

The National Preventive Mechanism also concluded that no regular practice has been established in the Institution, for doctors to provide official information about the injuries they have detected during the examinations.

In this respect, and for the purpose of timely documentation of possible cases of torture or other ill-treatment, a recommendation is given, for the medical personnel in all cases when during the medical examinations of the convicted person, they identify any injuries caused by the use of physical force or means of restraint or other signs of physical and psychological violence, it is obligatory for them to compile minutes and official information with a detailed description of the injuries and a statement on the manner and the means by which the injuries were inflicted. Such official information shall then be submitted to the director of the institution, and the medical officer shall keep a detailed record of the provided written information.

### **3.1.7. Corruption**

During the visit, the National Preventive Mechanism paid special attention to the problem of corruption, which, as a social phenomenon, plays a fundamental role in the appearance and presence of torture, that is, ill-treatment and is present in the entire prison system, involving all the actors - prison officers, prisoners and external parties.

In this regard, the National Preventive Mechanism conducted individual and group discussions with more than 100 convicts, and the very fact that almost all of the convicts were unanimous in the view that corruption is largely represented in this facility, speaks about the extent of this phenomenon.

From the interviews with the convicts, the NPM team found that a part of the prison staff was directly involved in the procurement and entry of illicit objects in the institution, which are then distributed to the convicts and are subject to an illegal market.

The involvement of prison staff in corrupt activities is mostly stressed through participation in trafficking in mobile phones, drugs and other illicit goods.

Considering that prisoners were unanimous in the allegations regarding the prices of illicit services, whether they were provided directly through prison staff or by other convicts (in cooperation with employees of the institution<sup>9</sup>), the National Preventive Mechanism team concluded that in this facility there is a kind of so-called informal pricelist of services that are "available at all times" to convicts<sup>10</sup>.

In the PCF Idrizovo, the conviction that "EVERYTHING CAN BE BOUGHT (WITH MONEY)" and "THAT EVERYTHING HAS IT'S PRICE" is widely spread among the prisoners.

Additionally, this can be supported by the fact that all convicts pointed out that they know where to turn in case they need a certain service, as well as the fact that most of them have used or still use this type of services.

The price for the purchase of a mobile phone in the PCF "Idrizovo" ranges from 100 euros for a regular mobile phone, up to 200, i.e. 500 euros for a phone with touch screen and Internet, depending on the model of the phone.

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<sup>9</sup> Many of the convicts have pointed out that convicts who provide services usually do so with the help or knowledge of the prison staff.

<sup>10</sup> During the interviews, most of the prisoners pointed out that services such as the procurement of a mobile phone, drugs, moving to a better wing and premises, and so on are available at all times to those who are able to pay for them.

Regarding mobile phones, the unauthorized possession and use of which according to the House Rules is a minor disciplinary violation<sup>11</sup>, the prisoners pointed out that in many cases when mobile phones were found during the searches, they were offered to pay a certain amount (which usually ranges from 1000 to 2000 denars), so that they would not be taken away and for the violation not to be recorded.

The National Preventive Mechanism team received information that, the housing in certain wings and premises where the material conditions are better, there is no overcrowding and the relations between the prisoners are more relaxed, also has its own price<sup>12</sup>. In this regard, during the interviews with some of the convicted persons, it was pointed out that they were asked for sums as high as 400 Euros for which they would soon be reassigned from the admission unit to a wing and rooms with better conditions.

The team of the National Preventive Mechanism concluded that after the allocation from the admissions unit, the convicts are accommodated in rooms, that is, premises where there is overcrowding, which is why they are forced to pay 500 or 1000 denars per bed or mattress where they could sleep.

One of the convicts also said they were forced to pay 50 to 200 denars for clothes and linen washing.

Considering the limited possibilities for working engagement of convicts in the institution on the one hand, and on the other hand the large number of people who are capable of working and who want to be engaged in work, the convicts pointed out that subject to an illegal "market" is the engagement of the convicts in various working activities within the institution, especially if we take into consideration that the persons engaged in work have certain advantages in using the right to annual leave.

In addition, some of the convicts pointed out that higher prices (500-2000 Euros) have "services that refer to (mediation) for obtaining benefits", which consist of more frequent contacts with the outside world - visits outside the premises of the institution, free exit from the institution up to 7 hours, absence of 15 days during the year, full or partial use of the holiday outside the institution, interruption of the sentence, etc.

The convicted persons in relation to the established way of communication with the officials in this regard pointed out that it is being conducted in a way that if one of the employees told them "300 times I told you" or "500 times I told you" ... it means that the price they have to pay for the particular service is 300, or 500 euros.

The team of the National Preventive Mechanism, from interviews with the convicts, received information about the involvement of prison staff in corrupt activities related to illegal drug trafficking (procurement and mediation upon delivery). In this respect, there are also allegations for the easy availability and widespread use of drugs in institutions at "favourable prices"

<sup>13</sup> (фучнота) Namely:

- "One joint" costs 150-300 denars
- "One ball for 2" (Marijuana ball wrapped in a bag for 2 cigarettes with marijuana) costs 350-500 denars
- "25 grams of marijuana" cost 7000 - 8000 denars

<sup>11</sup> According to Art. 49 of the House Rules for convicted persons who serve a prison sentence in a penal correction institution, the possession and usage of mobile phones is a minor disciplinary offence.

<sup>12</sup> Some of the prisoners housed in wings and rooms where there are better material conditions and not so much overcrowding, said they were deployed there without the need to pay anything, or to bribe anyone someone else can pay for it.

<sup>13</sup> Many of the convicts pointed out that the access to drugs in the Institution is much easier than in the outside (they think outside the Institution) and that, given its easy accessibility and widespread availability, the price is very favorable, that is, the same and even cheaper than it is outside.



- 5 grams of heroin cost 5000 - 7000 denars
- Subject of trade in the Institution is buprenorphine, which costs 300-400 denars per 8 mg, as well as methadone that is much cheaper.

The National Preventive Mechanism team concluded that the position of the prison system discourages those who intend to report certain corrupt activities, taking into account that some of the convicts who were interviewed stated that *"when they started executing the prison sentence, they had to get used to such a system and accept such a system which is because they not only do not believe that by reporting individual corruption cases something can be changed, but they think that reporting can have further negative repercussions on their treatment for the time of serving the rest of their sentence"*.

### **3.1.8. Re-socialization**

The effective implementation of the process of re-socialization in penal-correctional institutions, where apart from educators, active participation of the officials from the Security Department<sup>14</sup> is also envisaged, contributes to the establishment of positive and relaxed mutual relations of the convicts with the officials as well as among the convicts themselves, which, on the other hand, directly affects the reduction of the risk of torture and other cruel, degrading and inhuman treatment or punishment.

In this context, the National Preventive Mechanism aimed to examine the extent and manner of realization and implementation of the process of re-socialization, for which reason interviews were conducted with officials from the Department for Re-socialization, with convicted persons, and the professional files of some of the convicts were also inspected.

On the basis of the obtained data, the NPM team concluded that in this penal - correctional institution individual psychotherapy is not implemented at all, no group work is carried out, group motivation counseling, group counseling and group psychotherapy, no medical and psychological treatment of the convicted persons is conducted, nor is there moral-ethical education of the convicts, as part of the treatment measures provided for the implementation of individual treatment programmes.

In addition to the fact that the general treatment measures are largely not implemented through regular programmes<sup>15</sup>, the National Preventive Mechanism team concluded that there is no special treatment, that is, specific treatment measures for certain categories of convicted persons are not implemented, for example for convicted persons who abuse drugs and other psychotropic substances, for convicts who abuse alcohol, convicts who are perpetrators of sexual crimes, violent convicts, juveniles, convicted women and convicts serving a life imprisonment sentence.

The neglect of the realization of the process of re-socialization in the PCF "Idrizovo", is further supported by the fact that many of the convicted persons who were interviewed said that they did not have contact with a tutor at all, and a part of them did not know at all that they had a tutor, who is in charge of implementing an individualized programme<sup>16</sup>.

<sup>14</sup> In accordance with the Guidelines for Participation of the Security Department in the Re-Socialization Process Number 07-1289/1 dated 23.12.2011

<sup>15</sup> Pursuant to Article 15 of the Guidelines for Determining the Types and Manners of Treatment of Convicted Persons General treatment measures are: - work of convicted persons; - education of convicted persons; - education of convicted persons by occupation; - moral-ethical education and convict self-organization; and - free activities, sports and recreation of convicted persons.

<sup>16</sup> On the contrary, the officials from the Sector for Re-socialization pointed out that the educators go to the wings every day at 10 o'clock and talk to the convicts.

One of the reasons for the non-functioning of the process of re-socialization in the PCF “Idrizovo” is the small number of employees in this Department, especially in conditions of huge overcrowding of convicted persons in the institution.

Namely, the number of approximately thirty educators is definitely insufficient for the implementation of individual programmes for over one thousand and nine hundred convicts, as well as for carrying out treatment activities in the manner provided for in the Guidelines for Determining the Types and Manners of Treatment of Convicted Persons<sup>17</sup>.

### 3.1.9. Right to a walk and right to contact with the outside world

The National Preventive Mechanism, from the immediate inspection and conversation with the convicted persons, concluded that the right to daily walks is accomplished smoothly, with a minimum allowed time of two hours per day.

In that respect, the convicts from different units use their right to walk at fresh air for several hours daily, at different times during the day.

The National Preventive Mechanism also concluded that the convicts are provided with the right to contact the outside world through various forms of correspondence, telephoning, visits and receiving shipments.

Namely, from the talks with the convicts and officials, as well as from the insight in the records of visits and received consignments, the National Preventive Mechanism determined that the convicts are allowed to have visits and receive consignments, as part of the rights guaranteed by the Law on Enforcement of Sanctions and the house rules for convicts serving prison sentences in the penitentiary institution.

### 3.1.10. Insight into registers

In the course of the visit, the National Preventive Mechanism also inspected the registers for the pronounced reports, that is, disciplinary penalties and the use of the means of restraint.

From the Insight in the Report Book, the National Preventive Mechanism team concluded that the most frequently pronounced disciplinary punishments are: referring to solitary confinement from 3 to 15 days, limitation of the provision of benefits for up to 3 months and a public warning. The most frequently submitted reports and disciplinary sentences were due to flight, physical fights, i.e. fights among the convicted persons and due to the use of a mobile phone.

The fact that in the period of only one month 24 disciplinary penalties for physical incidents, i.e. fights among convicts were imposed, speaks about the high level of registered violence among the convicts, which is certainly a worrying phenomenon that indicates the need for undertaking urgent measures for its reduction.

At the same time, the large number of pronounced disciplinary penalties for using a mobile phone, additionally speaks about the fact that the convicts easily gain access to mobile phones, mostly through the involvement of officials in corrupt activities related to the procurement of the mobile phones<sup>18</sup>.

<sup>17</sup> Article 5, paragraph 5 of the Instructions for Determining the Types and Manners of Treatment of Convicted Persons provides that: “The number of convicted persons in a treatment group with whom an official from the Department for re-socialization is working, shall be determined depending on the classification by units, as follows: in open and semi-open units up to 30 convicted persons, and in a closed unit up to 15 convicted persons.”

<sup>18</sup> Allegations of involvement of officials in corrupt activities related to the procurement of mobile phones were highlighted by a large number of convicts who were interviewed.

From the insight in the Notebook for Record on Tying Means and Batons, the National Preventive Mechanism team concluded that in this register (notebook), it was not specified which means of restraint was used in each specific case, which is why it can not be established in which cases a baton was used as a means of restraint, and in which cases tying means were used.

In this regard, and given the provisions of the "Guidelines on the conditions and manner of using means of restraint by members of the Security Department in penitentiary institutions," the National Preventive Mechanism team recommends instead of "Notebook for Record on Tying Means and Batons, to keep a Book for the Use of Means of restraint, in which, in addition to the other data, it will be stated in each specific case which means of restraint has been used (separation, use of physical force and baton, binding, sniffed water, chemicals, trained dogs).

The National Preventive Mechanism also inspected the records kept for the persons placed in the solitary confinement of the institution and had an insight in the Register for the record of convicts entering and leaving in solitary confinement, the National Preventive Mechanism team concluded that there is no case where in the column "use of means of restraint" use of means of restraint was indicated, although in some of the "official information" which are drawn up by officials when using a rubber club or binder the use of means of restraint is notated.

### **3.1.11. Recommendations regarding the established conditions:**

#### **To the Ministry of Finance and the Government of the Republic of Macedonia**

1. The Ministry of Finance and the Government of the Republic of Macedonia to initiate a reconsideration of the requirements for employment in the PCF "Idrizovo" with an open unit in Veles and in the shortest time possible to give consent for the realization of the necessary employments.

#### **To the Directorate for Execution of Sanctions**

1. Taking urgent measures and activities for the purpose of adjustment, i.e. transfer and accommodation of convicts in the newly built accommodation facilities.
2. Due to the extremely poor material conditions, the Admission Unit is to be dislocated into other premises, which will meet the minimum standards for accommodation of convicted persons.
3. To provide funds for appropriate equipping of the premises where the convicts are accommodated, with the necessary inventory (chairs, tables, lockers for keeping personal items).
4. Emergency restoration of the ceiling construction in the units that have a serious problem with the leaking. (Especially in E-Unit and "Skolarci").
5. To provide funds for urgent renovation of the sanitary facilities in all units of the Institution, with the priority of the premises in the Admission Unit, Hospital, Skolarci, Unit 2 and Semi-Open Unit.
6. Establishing a system for calling the officials in case of urgency in order to prevent escalation of any incidents that may occur.
7. Taking concrete measures that will encourage reporting corruption, as well as protection of the persons who reported such activities.

#### **To PCF IDRIZOVO**

1. Prison staff must be professional, specialized and familiar with the procedures and standards for the treatment of persons deprived of their liberty and their rights. At every takeover of staff from other institutions, appropriate training must be provided

for acquiring skills for working with persons deprived of their liberty.

2. The convicted persons in the admission unit shall not be detained for more than 30 days.
3. For each convicted person to provide a separate bed, appropriate mattress and appropriate bed linen, which will be kept clean and tidy regularly.
4. The number of convicted persons placed in one room should be in accordance with the minimum established standards for area per person (4m<sup>2</sup> per person) and according to the provisions of the Law on Execution of Sanctions (maximum 5 people, i.e. each person must be provided space of at least 9m<sup>3</sup>).
5. Take urgent measures for restoration of the ceiling construction in the units that have a serious problem of leakage. (Especially "E" unit and the unit "Shkolarci").
6. 6. Take the necessary measures to improve the material conditions and hygiene and perform urgent renovation of the sanitary facilities in all units of the Institution, with the priority of the premises in the following units: Admission Unit, Hospital, Skolarci, Unit 2 and Semi-Open Unit.
7. To carry out immediate disinfection, fumigation and deratization in all premises of the Institution.
8. Regular maintenance of the hygiene in the kitchen and the purchase of new kitchen utensils and food transport containers.
9. Medication therapy should be distributed by medical staff and in exceptional situations by members of the Security Department.
10. To stop the accommodation of convicted persons in premises of high capacity, and to accommodate these rooms for accommodation of a smaller number of persons, in accordance with the established standards.
11. Enhance the supervision of members of the Security Department in all units where there is an overcrowding, in order to reduce violent incidents between convicts.
12. Enhance supervision by the Security Department officials and take concrete measures for the safety and security of persons convicted of sexual abuse and prisoners who are users of drugs and psychotropic substances.
13. In the premises of the convicted persons, install a system for calling the officials in cases of urgency for the purpose of preventing and avoiding the escalation of violent incidents.
14. Take concrete measures to prevent the occurrence of humiliating, inhuman and degrading treatment of convicted persons.
15. To seriously approach the examination of all allegations of psychological and physical violence against convicts, to conduct effective investigations and to sanction all identified cases.
16. To carry out detailed checks on all persons who are in direct contact with the convicted persons, and in particular to strengthen the checks of the officials.
17. Take concrete measures to encourage the reporting of acts of corruption, as well as to anticipate and take actions to protect the persons who reported such activities.
18. To increase the number of persons in the Department for Re-socialization in order to enable the officials from this Department to undertake activities for the implementation of individual treatment programmes for convicted persons and to undertake measures for implementing specific treatment measures for: convicts who abuse drugs and other psychotropic substances, convicts who abuse alcohol, convicted persons perpetrators of sexual acts, violent convicts, juveniles, convicted women and persons sentenced to life imprisonment.
19. To provide a full-time and permanent presence of medical personnel at the institu-

- tion, which will provide permanent health care to the convicts without undue delays in emergency cases as soon as possible.
20. Immediately upon receipt at the institution, all convicted persons shall be examined by a medical officer without delay.
  21. Mailboxes for submitting requests for medical assistance should be placed in each unit at an accessible place, and because of the confidentiality of the requests, the members of the Security Department will have no access to them.
  22. In all cases where convicted persons seek medical assistance, they should be allowed to exercise the right of access to a doctor and regular systematic examinations should be carried out to young adults.
  23. In all cases where the medical staff finds any injuries caused to the convicted person by the use of physical force or means of restraint or other signs of physical and psychological violence, the medical officer must compile a record and official information with a detailed description of the injuries and a statement on the manner and means whereby the injuries were caused. The official information should be submitted to the Director of the Institution and the medical officer should keep a detailed record of the provided written official information.
  24. Requests for specialist examinations, i.e. requests for access to the services of secondary and tertiary health care, should be considered in a timely manner, and in cases when the medical person in the Institution did not determine such an examination, the director shall allow the convicted person to have a specialist examination performed at his/her own expense.
  25. Take urgent measures and actions to address the problem of water supply and regularly provide hygienic means for convicts who are not able to purchase them from their own funds.
  26. The institution shall promptly provide bed linen for all convicted persons, in accordance with the established standards, and take concrete measures and activities for regular maintenance and laundering thereof, without any monetary compensation.
  27. The institution shall keep a Book for the use of means of restraint in which, in addition to the remaining data, it will be stated in each specific case which means of restraint has been used and any use of the means of restraint should be recorded in the Report Book.
  28. Completely and accurately complete all columns from the registers, so that there can be a complete and clear image of the measures taken and the order of events.

Regarding the recommendations made, the National Preventive Mechanism until the preparation of this report received an answer only by the Ministry of Finance stating that *"In the budget of the Directorate for Execution of Sanctions for 2017 no funds for new employments in the KPI-CPI" Idrizovo "are planned, and it points out the need for them to be by way of taking over from other budget users or by means of redistribution of employees among the individual users within the budget user, the Directorate for Execution of Sanctions "*.



## A follow-up visit to the PCF of open type Struga

The follow-up visit to the PCF Struga was conducted on 26-27.12.2016 by the National Preventive Mechanism (NPM) in cooperation with external collaborators from the Association for Forensic Medicine within the Macedonian Medical Association, the Association of Social Workers of the City of Skopje and the Macedonian Young Lawyers Association, based on previously concluded Memoranda of Cooperation.

This visit was aimed at monitoring and assessing the level of implementation of the recommendations from the 2012 Special Report of the NPM, as well as determining the actual situation in order to identify possible risks of torture or other cruel, inhuman or degrading treatment or punishment.

After the visit, the National Preventive Mechanism concluded that only 4 of the recommendations addressed to the administration of the institution were fully implemented, 4 were partially implemented and one recommendation was not implemented, while from the recommendations addressed to the Directorate for Execution of Sanctions 4 recommendations were not implemented at all, one was partially implemented and one was fully implemented.

### 3.2.1. Recommendations and their implementation

Table No.17

| Review on recommendations given to the management of the institution  |   |                    |
|---|---|--------------------|
| Recommendations   | Response based on recommendations   | Estimate           |
| Daily visit from a doctor to convicts found in solitary confinement, and during the examination only the convicted person and medical staff should be present in the room (employees of the security department only in exceptional situations). Data on the health condition of the convicted person should always be entered in the individual health cards as well, and not only in the hospital book. | From the conversations with several convicts and officials in the institution, the NPM concluded that convicted persons serving a disciplinary punishment - solitary confinement are examined by the doctor and receive everyday visits from the nurse. In the performance of medical examinations of convicts, only medical staff is present, except in exceptional situations when for certain safety reasons there are officials from the security department. In terms of the medical documentation, the NPM concluded that a health card is opened for each convicted person, but it is not clearly indicated which convicted person is concerned, they are not sorted by specified order in which they could easily be found, nor are they stored in special drawers or cabinets. | partly implemented |

| <b>Review on recommendations given to the management of the institution</b>   |   |                        |
|---|---|------------------------|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>  | <b>Estimate</b>        |
| The manner direct and immediate supervision over persons placed in solitary confinement is implemented must not invade their personal dignity and the intimacy of the person and in this context the NPM considers that the sanitary knot in the solitary cell should be physically separated from the rest of the room.  | From the insight into the room used to refer convicts to serving the disciplinary punishment - solitary confinement, NPM concludes that the situation is still unchanged, i.e. the sanitary knot is located in the room itself, and in order not to disturb the personal dignity and the intimacy of the person who endures the disciplinary punishment-solitary confinement, the opening of the metal door was moved so that there is no direct view to the sanitary knot.                           | partly implemented     |
| The search of the convicted persons should not be performed in the room of the service on duty, because this room has large glass windows and during the search the person can be exposed to direct observation by others officials and convicted persons, which can invade their personal integrity and dignity.   | From conversations with several convicts and officials in the institution, the NPM concluded that the personal search of the convicts is carried out in the room that is located next to the duty service, however this room does not meet the conditions for conducting a personal search of persons because it is directly exposed to a view by officials and convicted persons, which violates the right to privacy, and personal integrity and dignity of the person being subject to the search. | Partly implemented     |
| When dividing the evening therapy by officials, the health care department must act with increased attention and take measures in the direction of the full protection of the confidentiality of data that is related to the disease and the therapy being given, so that the doctor-patient relationship would not be disturbed and to eliminate the risk that confidential data for the health condition of the convicted person would be shared with other unauthorized persons or abused. | The NPM concluded that the therapy is prepared by the health care department in special non-transparent plastic cups with the name of the convict who should receive it and from which it can not be found out what kind of disease and what kind of disease therapy is concerned.  | Completely implemented |

**Review on  
recommendations given to the management of the institution**

| <b>Recommendations</b>   | <b>Response based on recommendations</b>  | <b>Estimate</b>        |
|--|---|------------------------|
| The administration of the institution should be more efficient in the preparation and approval of the monthly food lists.  | From the inspection of the kitchen and utility rooms, as well as from the talks with some of the convicts and officials, the NPM concluded that every month a list of dishes is prepared by a healthcare worker, the cook and one of the convicts, which every first day of the month is approved by the director of the institution. | Completely implemented |
| To place a separate mailbox for registering convicted persons for medical examination, in accordance with Article 42 of the house rules for the convicts.  | The NPM team concluded that in PCF Struga there are no mailboxes through which convicts could register for medical examination, so in cases when it is necessary, the convicts refer verbally to the security department or to the nurse.   | It is not implemented  |
| The opinion of the doctor in decisions for disciplinary punishment referring to solitary confinement needs to be confirmed (verified) not only by his/her signature, but also by the appropriate doctoral facsimile. | From the insight into the documentation the NPM concluded that the opinions of the doctors about the ability and condition of the person to be referred to a disciplinary measure – solitary cell are verified by a signature and by a doctoral facsimile.  | completely implemented |
| A Book of registration of disciplinary proceedings should be kept regularly and accurately by the services in the PCF Struga.  | During the inspection in the complete documentation that is kept in the PCF Struga, the NPM concluded that in the institution a record book of disciplinary proceedings is kept, but certain sections in it are not filled, which indicates the need of greater accuracy in the entering of data.                                     | partly implemented     |
| To introduce a separate book for recording complaints and appeals of convicts.   | During the inspection in the documentation that is kept in the PCF Struga, the NPM concluded that in the registration service there is a Book for complaints and appeals from convicted persons, but so far no case of complaint or appeal by a convicted person in PCF Struga has been recorded.                                     | completely implemented |



Table No.18

| <b>Review<br/>of recommendations made to the Directorate for Execution of Sanctions</b>   |  |                       |
|---|--|-----------------------|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>   | <b>Estimate</b>       |
| Improving the conditions for accommodation in the room for reception (reception unit) and its separation from the rest part of the open/semi-open unit of the PCF.  | The NPM team concluded that in the PCF Struga there are no mailboxes through which convicts could register for a medical examination, so in cases when it is necessary, convicts refer verbally to the Security Department or to the medical nurse.  | It is not implemented |
| Complete renovation of the sanitary knots and showers in the semi-open/ open unit, which are in an extremely poor condition.  | NPM during the inspection of the material conditions of the accommodation facilities of the institution concluded that the sanitary knots on both floors have recently been renovated, and one of the convicts is currently engaged in maintaining the hygiene. In the toilets there is no presence of moisture, they are clean and neat, with functional taps and showers.  | Implemented           |
| Complete renovation or relocation of the room for serving a disciplinary measure reference to solitary confinement – urgent improvement of the conditions as follows: reducing moisture, installation of a heating device, setting up a system for calling/alarm and renovation of the sanitary knot, as well as its physical separation from the rest of the room. | During the inspection in the room which is used to serve the disciplinary punishment - solitary confinement, NPM found that physical separation of the sanitary knot from the rest of the room was still not implemented, and in order not to disturb the personal dignity and intimacy of the person serving a disciplinary punishment solitary confinement, the opening of the metal door was moved, so that there is no direct view towards the sanitary knot. In this room there is no special call system installed, and as a result the people who are referred to a solitary cell are forced to call the officials by shouting or knocking on the door. | partly implemented    |

**Review  
of recommendations made to the Directorate for Execution of Sanctions**

| <b>Recommendations</b>  | <b>Response based on recommendations</b>   | <b>Estimate</b>              |
|---|--|------------------------------|
| <p>Increasing of the number of permanent employees in PCF Struga, in accordance with the act on systematization, in the security department, employment of a psychologist in the professional service and permanent employment of a doctor, for the purpose of quality and continuous health protection of the convicted persons.</p> | <p>From the conversation with the director of the Institution and the documentation presented by him, NPM concludes that despite the requests for employment submitted to the Ministry for Justice, this institution is not yet fully staffed according to the organizational setup, and that additional staff is indispensable, especially in the security and resocialization departments.</p>   | <p>It is not implemented</p> |
| <p>Equipping of the service for security with new transportation vehicles which will be appropriate to the goal for which they are used and will meet the security and safety measures.</p>   | <p>The NPM concluded that PCF Struga does not have a special vehicle for transportation of convicts to the competent institutions. We were informed by the director of the Institution that to the Ministry of Justice and DES requests have been made for increasing of the fleet and providing a vehicle for transportation, but that until the day of the visit no feedback was received.</p>   | <p>It is not implemented</p> |
| <p>To provide instruction for primary and secondary education according to the law, as well as to equip workshops in which the convicts will be able to become appropriately engaged.</p>   | <p>The NPM concluded that the Institution still does not implement a formal process of education for people who have not completed their primary or secondary education, nor do they implement any educational activities. In PCF Struga, as well, there are no special workshops in which convicts could be engaged, since work engagements are implemented in the Economic Unit of the facility for agricultural work on the land or outside the institution in external companies, after a previously given consent by the Director of DES.</p> | <p>It is not implemented</p> |

### **3.2.2. Newly established states**

In the period of the follow-up visit, in the PCF Struga there were 51 convicted persons, 1 of whom had fled. Considering the fact that the accommodation capacity of PCF Struga is for 50 convicted persons, the NPM concluded that it was completely filled.

The National Preventive Mechanism received information on the current number of employees in the Institution, and it was found that in the PCF Struga, besides the Director and the Deputy Director, 16 persons are currently employed, and additionally with a contract for engagement from the General Hospital Struga, two people - psychiatrist and internist, who come to the Struga Penitentiary once a week, were engaged.

Considering the fact that the Act on systematization and organization of jobs in this institution provides a total of 29 regular employees, the National Preventive Mechanism stated that the organizational structure of this institution is not fully staffed and that additional staff is needed, especially in the security and resocialization departments. The Department for Re-socialization in the PCF Struga is composed of one Head, who is an economist and two educators- pedagogues, from whom one Macedonian and one Albanian. In this regard, the National Preventive Mechanism concluded that the Department for Resocialization faces lack of staff from the other necessary expert profiles that would contribute to the successful implementation of the process of re-socialization, especially social worker and psychologist.

One of the most serious problems that this institution faces is the reference, i.e. the transfer of convicted persons from other penitentiary institutions, classified with treatment in a closed unit. Namely, given that this penitentiary institution is of open type and does not have conditions for admission of convicted persons with such a classified treatment, the officials from the Sector for Re-socialization are facing problems in the implementation of the treatment measures, which directly affects the increase of the risk of possible disturbing of the relations among convicts and the occurrence of different types of violence (psychological, physical, etc.).

In addition, the officials noted that a serious problem is the lack of budgetary funds for providing enough heating oil for the institution, and therefore the heating system, which is very old and uneconomical, is switched on only two hours during the day, and the temperature in the accommodation capacities is far below the minimum stipulated temperature standards. In this context, the National Preventive Mechanism during the inspection of the premises in which the convicts are accommodated found that the temperature in the premises ranges from 12.5 °C to 15°C.

From the inspection in the hospital, the National Preventive Mechanism found that there were shortcomings of the basic medical devices that a general hospital should possess, such as an ECHO device, a vision checking device, a hearing check and other basic appliances, and no resuscitation apparatus was provided.

As a positive practice, the National Preventive Mechanism highlights the cooperation with non-governmental organizations that conduct lectures and educate convicts about addiction diseases, sexually transmitted diseases and infectious diseases.

From the inspection of the kitchen and the weekly food preparation lists, the National Preventive Mechanism concluded that for people with permanent diseases no special dishes are prepared, as appropriate to the nature of the disease, given the fact that there are convicted persons with diabetes who need special meals.

The National Preventive Mechanism concluded that there are no specific activities in the institution which would contribute to the moral and ethical education of the convicts.

There is no drama, music, art and IT activity, and also there are no organized group visits to cultural events outside of the institution, which is due to the limited human resources in the institution.

Regarding the newly established situation, the NPM team made appropriate recommendations to the administration of the Institution and to the Directorate for Execution of Sanctions,

and in relation to the recommendations given from the previous visit that were not implemented or partially implemented, the National Preventive Mechanism noted that they still remain current and it is necessary to undertake urgent measures for their implementation.

*Table No.19*

| <b>Review of given recommendations to the management of PCF Struga</b>                                |  |
|---|--|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>   |
| To prepare special dishes appropriate to the nature of the illness of people with permanent diseases. | Acting upon the recommendation, the director of the institution obligated the cook and the nurse to take care of the diet of these people while preparing the list of dishes.  |
| To organize activities which would contribute to the moral-ethical education of convicts.             | Acting upon the recommendation, the director of the institution obligated the head of the department for resocialization and the educators to start organizing appropriate activities which would contribute to moral - ethical education of convicts. |

*Table No.20*

| <b>Review of recommendations made to the Directorate for Execution of Sanctions</b>   |  |
|---|--|
| <b>Recommendations</b>  | <b>Response based on recommendations</b>   |
| Immediately stop the practice of referral, i.e. transfer of convicted persons from other penitentiary institutions, classified with treatment of a closed unit.   | The Directorate for Execution of Sanctions considers that the cases of relocation of convicted persons who are in closed treatment to the PCF of open type Struga are exceptions for which according to the circumstances it was established that there was a legal basis, that is, the convicts were moved to this facility on certain grounds. |
| To provide budget funds necessary for providing sufficient quantities of oil for heating of the institution throughout the entire heating season and to provide additional heaters in all rooms in which there are convicted persons. | According to the DES, the fulfilment of such a recommendation is the responsibility of the director who manages the institution and who is obliged to perform identification, analysis, and assessment of all types of risk in the operation, detecting problems and finding ways for overcoming them.   |

| <b>Review<br/>of recommendations made to the Directorate for Execution of Sanctions</b>  |   |
|--|---|
| <b>Recommendations</b>   | <b>Response based on recommendations</b>  |
| The hospital must be supplied immediately with the basic medical devices, such as an ECHO device, vision examination device, hearing examination device and resuscitation apparatus. | Even though activities have not been implemented by the Ministry of Health for taking over of health care workers, the space, equipment and working means, as provided in the amendments to the Law on Execution of Sanctions, according to the Directorate for Execution of Sanctions the obligation to comply with such a recommendation is responsibility of the Ministry of Health. |

## **Extraordinary visits to PCF Idrizovo and the Prison "Skopje"- Skopje**

After the announcement of a possible protest, i.e. expression of revolt through a strike of prisoners from the penal-correctional institutions due to the decision of President Ivanov to pardon, i.e. to release from prosecution without conducting a procedure, several persons suspected of committing criminal acts, the Ombudsman - National Preventive Mechanism on 05.05.2016 conducted extraordinary visits to the PCF

"Idrizovo" and the Prison "Skopje"-Skopje, in order to directly perceive the situation in these penal-correctional institutions.

During the visits, meetings were held with the directors of the institutions and direct conversations were conducted with several prisoners. The directors of the two institutions explained that no announcement was made to them about the possible strike of the prisoners, nor that any official and written notification was submitted to the Directorate, as was the case in the past when there were individual or group cases of hunger strikes by prisoners.

The convicted and detained persons interviewed in the Prison Skopje, stated that they did not organize or even declare any commonly expressed revolt through a possible strike. By contrast, many of the convicts who were interviewed in the PCF Idrizovo pointed out that they are facing intense pressures by officials to give up support for any protest or an organized manner of expressing revolt. Namely, these people pointed out that they are subject to constant blackmail and threats of losing certain benefits (weekend absences, visits, etc.) or transfer to rooms and wings with worse material conditions.

This behaviour of the officials in the PCF Idrizovo was publicly condemned by the Ombudsman and it was suggested that any form of unlawful pressure on the convicts should immediately stop.



## General recommendations for penal-correctional facilities

1. Establishment of a quality and effective re-socialization process, through the increase of the engaged staff, opening of workshops and additional capacities, which will influence the improvement and reintegration of the persons deprived of liberty in the society;
2. Urgent undertaking of measures and activities for full implementation of the legal provisions regulating the health care and health insurance of the convicts;
3. Providing conditions for timely and continuous realization of primary and secondary education in accordance with the law, through mutual coordination of the Ministry of Education and the Directorate for Execution of Sanctions, as well as establishing programmes for professional training of the convicted population;
4. Increasing the competencies of the Directorate for Execution of Sanctions in the supervision of the implementation of education and health protection as basic rights when imposing sanctions on convicts, although directly responsible for the implementation of these provisions are the Ministry of Education and the Ministry of Health;
5. Providing human resources, as well as technical and material preconditions for the smooth functioning of the penal-correctional institutions, thus achieving respect for the rights of the convicts;
6. Compulsory recording of visible injuries in the medical records and preparation of special official notes by the medical personnel, in cases when the convicted persons point out that the injuries were acquired by excessive use of force.

## VISITS TO OTHER PLACES WITH A LIMITED FREEDOM OF MOVEMENT

# 4

In addition to the usual visits to places where persons deprived of liberty are kept, in 2016 the National Preventive Mechanism also visited a Public Institution in which there is no classic deprivation of freedom. However, the freedom of movement of persons is to some extent limited.

### Visit to the Public Institution for Social Protection Special Institute – Demir Kapija

The Ombudsman - National Preventive Mechanism on 23 June 2016, 25 June 2016 and 27 June 2016, accompanied by an external associate - psychiatrist, made a regular unannounced visit to the Public Institution for Social Protection Special Institute - Demir Kapija.

#### 4.1.1. Organizational structure and structure of employees

Pursuant to the Statute, the basic activity of the Institution is accommodation of persons with disabilities in mental development, accommodation, care, health care, rehabilitation, working and occupational therapy, in accordance with the capabilities of the users and the health status<sup>19</sup>.

With the acts on internal organization and systematization of job positions, in the Public Institution Special Institute - Demir Kapija a total of 58 job positions, with 227 employees were determined and described.

Unlike the envisaged number of employees, the current number of employees in the Institution is 151 persons, which in itself indicates a lack of working staff, especially professional staff.

<sup>17</sup> Art. 8 from the Statute of the Public Institution for Social Protection Special Institute - Demir Kapija

The NPM concluded that the Public Institution Special Institute Demir Kapija has been facing a problem with a lack of a doctor for a long time, since only a few months after the employment, he started a specialization in neurology in Skopje, which is why the beneficiaries in the Institute are again left without daily health care and the doctor is present at the institution only once a week.

This situation by the NPM was noted as a problem during the previous visits to the Institution, after which the Ombudsman submitted to the competent ministries a recommendation for a more urgent work engagement of the doctor who will perform the primary health care.

Also, the fact that the number of engaged caregivers is lower by 25 employees than the number envisaged in the Rulebook on Systematization of Job Positions is worrying.

An additional problem with staff shortages occurs during the use of annual leaves or during sick leaves.

***Conclusion No 1: The lack of working staff from all profiles, primarily the lack of professional staff and caregivers, as well as the insufficient number of persons engaged during one shift, in an institution the primary activity of which is the accommodation of persons with the most severe mental disabilities, has negative implications on the treatment received by users.***

#### 4.1.2. Number and structure of users

The number of users placed in the Public Institution for Social Protection Special Institute - Demir Kapija, on the day of the visit, amounted to 227 users, and the age limit ranged from 4 to 96 years. During 2016, 7 new users were received, while 1 user was dismissed, and 6 died.

The current structure of beneficiaries in the Public Institution Special Institute - Demir Kapija, categorized according to their mental disability, age, gender and nationality is as follows:

*Table No.21*

| Categorization of users according to their mental disability |                 |            |            |
|--|-----------------|------------|------------|
| Categorization   | Number of users | Gender     |            |
|  |                 | Female     | Male       |
| Moderate mental disability                                   | 29              | 11         | 17         |
| Severe mental disability                                     | 187             | 85         | 103        |
| The hardest mental disability                                | 11              | 5          | 6          |
| <b>TOTAL</b>   | <b>227</b>      | <b>101</b> | <b>126</b> |



*Table No.22*

| <b>Categorization<br/>of users according to the age and gender structure</b> |                            |               |             |
|--|----------------------------|---------------|-------------|
| <b>Age structure</b>   | <b>Number of<br/>users</b> | <b>Gender</b> |             |
|  |                            | <b>Female</b> | <b>Male</b> |
| Minor users  | 13                         | 7             | 6           |
| Users above 18 years of age  | 214                        | 94            | 120         |
| <b>TOTAL</b>   | <b>227</b>                 | <b>101</b>    | <b>126</b>  |

*Table No.23*

| <b>Categorization<br/>of users according to nationality</b> |                            |               |             |
|---|----------------------------|---------------|-------------|
| <b>National structure</b>                                   | <b>Number of<br/>users</b> | <b>Gender</b> |             |
|   |                            | <b>Female</b> | <b>Male</b> |
| Macedonians   | 194                        | 85            | 109         |
| Albanians   | 13                         | 7             | 6           |
| Roma  | 17                         | 9             | 8           |
| Other nationalities   | 3                          |               | 3           |
| <b>TOTAL</b>  | <b>227</b>                 | <b>101</b>    | <b>126</b>  |

### **4.1.3. Deinstitutionalization process**

The deinstitutionalization process involves activities for the preparation of beneficiaries accommodated in institutions for their return to their biological families, or accommodation in some of the forms of non-institutional protection at the local level (foster family, home family or small group home). Through the development of these forms of protection at the local level, it is projected to reduce the number of beneficiaries accommodated in institutions on one hand, while also preventing the need for new accommodation in institutions on the other.

The trend to refer and receive new users every year in the institution is against the policy of deinstitutionalization, envisaged in the "National Strategy for de-institutionalization in the system of social protection in the Republic of Macedonia 2008-2018" and non-compliance with the commitments stipulated in the Memorandum of Understanding, signed in June 2000 between the Ministry of Labour and Social Policy, the Office of UNICEF and the World Health Organization, under which there will be no admission of new beneficiaries to social protection institutions.

The National Preventive Mechanism concluded that the discontinued deinstitutionalization process is a return to the old system of institutional treatment of persons with mental disabilities which is abandoned in all developed and modern countries, and is contrary to all principles of

respect for the human rights of persons with mental disability , as well as the policies and efforts made in the Republic of Macedonia in this field over the last 20 years.

According to the NPM, this process represents a serious decline in the field of respect for the human rights of persons with mental disabilities in the Republic of Macedonia and serious and urgent activities are required by the Ministry of Labour and Social Policy for re-actualizing the processes of deinstitutionalization and reintegration in the society of persons with mental disability.

In support to the conclusion that the process of de-institutionalization is not implemented at all, are the information received from the employees of the Institution, who stated that for four years no person has been dismissed from the Institution, and the fact that recently a retrograde practice of returning in the Institution of beneficiaries that were already dismissed several years ago is additionally worrying, within the beginning of the implementation of the deinstitutionalization project.

**Conclusion number 2: The continuous admission of new users in the Institution is contrary to the policy and principle of deinstitutionalization, envisaged in the "National Strategy for deinstitutionalization in the system of social protection in the Republic of Macedonia 2008-2018 "**

#### **4.1.4. Material conditions**

The Public Institution for Social Protection Special Institute - Demir Kapija, is infrastructurally composed of two facilities that include accommodation facilities for users, one administrative building, separate kitchen, laundry and warehouse facilities.

In the first accommodation facility are the units A, B and C, while the second accommodation facility is the so-called "new building". The National Preventive Mechanism visited all the units within each of the stated departments in order to determine the material conditions and the actual situation in all premises where the beneficiaries are accommodated.

##### **Department A**

The National Preventive Mechanism determined that the placement of the premises is identical in all units of the Public Institution Special Institute - Demir Kapija and that each unit consists of 4 bedrooms, a room for daily stay – activity room, improvised dining room located in the corridor and sanitary facilities.

From the inspection of the accommodation facilities of Unit A, the National Preventive Mechanism team concluded that the Department which was reconstructed two years ago is composed of four units - A1, A2, A3 and A4, which are located within a single building, divided in two block on the ground floor and on the first floor. Units A1 and A2 are located on the ground floor of the building, while the other two units are on the first floor.

The current number of beneficiaries accommodated in the Department is 56 persons, out of which:

- 13 in unit A1,
- 15 in unit A2,
- 14 users in unit A3 and
- 14 users in unit A4.

The rooms in Department A in all units are 17 m<sup>2</sup> and meet the minimum standards for spatial accommodation, because they accommodate three persons, and in 2 cases, 4 people.

The NPM concluded that during the accommodation of the users in the rooms, in the first two units (unit A1 and A2) there was no appropriate separation according to gender.

The rooms for daily stay – activity rooms are equipped with a TV-set and air-conditioning and users spend most of the day there, and the responsible persons use these premises to animate the users and communicate with them.

In several of the premises the NPM determined that some of the beds had no mattresses, and in their place worn-out and torn sponges and old and dirty pillows were placed.

The NPM noted that despite the renovation of this Department, some of the furniture and laminate floors were severely damaged.

The beneficiaries receive meals three times a day in improvised dining rooms, which are located in all units of department A in the corridor next to the sanitary facilities. The NPM notes that an unpleasant smell of urine is felt in the corridors of the units and the part where the food is consumed, there is a large amount of moisture, flies and other insects and baskets with food leftovers. Ventilation of the space is achieved only with aeration (opening of the windows).

The NPM concluded that the corridors do not meet the minimum necessary hygienic and spatial conditions for consuming food, especially because they are close to the sanitary knots that are the source of countless infectious diseases.

The general impression is that although the minimum necessary space standards for accommodating the current number of users in this department are satisfied, however, the urine smell and low level of hygiene, especially in the premises where users consume their meals, as well as the messy sanitary knots and the presence of many insects, are sufficient indicators that indicate that the quality of conditions for accommodation do not meet the minimum standards necessary for an institution of this kind.

The accommodating capacity of the Women Unit is for 70 people, and at the time of the visit there were 97 convicts, one of whom was placed in the Detention Unit of the Idrizovo Penitentiary.

## **Department B**

During the inspection of the accommodation facilities of Department B, the National Preventive Mechanism concluded that this Department is composed of two units - B1 and B2.

The number of users accommodated in this Department is 52, of who:

- 24 users in Unit B1,
- 28 users in Unit B2.

**In unit B1**, immobile adults are accommodated, which are divided into 6 rooms with 4-four beds. The rooms are 17 m<sup>2</sup> in size and meet the minimum standards for spatial accommodation.

In this Department, as well, when allocating users to rooms, no appropriate separation based on gender was performed, therefore in some of the rooms there are male and female users.

**In unit B2**, in 6 rooms with 4 beds there are:

- 22 immobile children under the age of 18,
- 6 teenagers who are accommodated in 2 rooms within this unit.

From the insight in the premises where the children are accommodated, the team of the National Preventive Mechanism concluded that the rooms are neat and clean, with sufficient daylight, and they meet the minimum stipulated standards for accommodation of persons, con-

sidering that their area is 17 m<sup>2</sup>. However, the sanitary facilities in this unit, as well, are in extremely poor condition, they are uncleaned, with dysfunctional taps and showers and untidy toilets.

### **Department C**

The Department C has been renovated, but it is not yet used to accommodate users and is empty, while the rest of the Department is divided into two units - C1 and C2, which accommodate only male users with heavy and the most difficult obstacles in mental development and manifestations of aggressive, destructive and self-destructive behaviour.

The number of users placed in block C is 23, of who:

- 11 beneficiaries accommodated in Unit C1,
- 12 beneficiaries in Unit C2.

The NPM concluded that only 1 defectologist and 1 nurse are in charge of the users in the whole block, who are present only in the first shift and a total of 8 carers, 4 each in each unit, organized in two shifts of 12 hours and 1 in shift. Only one hygienist takes care of the hygiene in the block, who only works first shift.

Each of the units is located on a separate floor and consists of two bedrooms, a living room-activity room, a room for carers and a toilet with a bath. The team of the National Preventive Mechanism concluded that both units at the moment of the visit were stifling and unaired, with evident, unpleasant urine smell.

Unit C1 is located on the first floor and during the inspection of the premises it was determined that in the bedrooms there are a total of 11 beds, of which 6 beds are in one bedroom, with a total area of 23 m<sup>2</sup>, while the other 5 beds are in the other bedroom room, with a total area of 22 m<sup>2</sup>.

Unit C2 is located on the second floor of the building and during the inspection of the premises it was determined that one bed is placed in the living room, while the bedrooms have a total of 11 beds, of which 6 beds are in the one bedroom, which has an area of 34.5 m<sup>2</sup>, while the other 5 beds are in the other bedroom, which has an area of 22.5 m<sup>2</sup>.

**The National Preventive Mechanism concluded that the conditions in Unit C1 are the worst in comparison with the rest of the units, that is, the inadequate inventory, the unpleasant smell, the choking air, the ruined sanitary facilities, the presence of a large number of insects in no way meet the prescribed standards for placement of this category of persons, or regarding the maintaining of the hygiene in the premises.**

### **New building**

From the insight into the so-called. "New building", the team of the National Preventive Mechanism concluded that it stretches on 2-two floors, as follows:

- on the first one there is a clinical room,
- 1 room for defectologists,
- 1 dining room,
- 1 creative Workshop and
- 2 suits.

The other 4 suits are on the second floor. Typical of the whole facility is the large presence of moisture, and especially concerns the fact that moisture is present even close to the electrical

installations, which indicates the possibility of immediate danger for the occurrence of serious harmful consequences.

This facility houses users of both genders with severe and the most difficult mental disabilities.

The total number of users at the time of the visit was 96, of who:

- 42 users are accommodated in suits 1 and 2, located on the first floor,
- The remaining 54 users are accommodated in the other 4 suits, located on the second floor.

Of the beneficiaries accommodated in this facility, a total of 12 carers are in charge, who are organized as three per shift, while the rest of the staff, who is present only in the first shift, consists of 2 defectologists, 2 physiotherapists, 1 nurse, 1 educator and 1 instructor.

The National Preventive Mechanism found overcrowding in the suits on the first floor, because in the bedrooms with a total area of 15 m<sup>2</sup> there were four beds, and beds were also placed in the rooms intended for daily stay.

In the second-floor suits there are 11 users in wheelchairs. The National Preventive Mechanism team concludes that these users, who are immobile or semi-mobile, find it significantly more difficult to access the outdoor space for a walk and the physical therapy room, which is located in the basement part of the building, given that the elevator has been out of operation for a long time.

The National Preventive Mechanism considers that in this manner the freedom and space of movement of these users are limited, which is why it is necessary to put the elevator in operation as soon as possible.

The toilets on both floors of the new building are equally furnished, and each of the suits is provided with a separate toilet. The state of hygiene and maintenance of the toilets is identical in each of the toilets, and they are unclean, without doors, broken cases and toilet bowls, corrosion pipes, lack of showers or unmaintained and broken showers, etc.

**Conclusion number 3: Inadequate conditions, beyond all standards, in which the beneficiaries consume their food, which is served in improvised dining rooms located in the corridors, next to the sanitary facilities, which represents a real danger of transmission of infections and infectious diseases.**

**Conclusion number 4: Unbearable and strong urine smell, low level of hygiene, poor condition of sanitary knots and dysfunctional toilets, the appearance of many insects, moisture, etc., which affects the exceptionally poor living conditions that do not meet the minimum standards necessary for the functioning of an institution of its kind.**

**Conclusion number 5: Lack of suitable mattresses, clean bedding and pillows in some of the rooms, especially in Department C, as well as damaged inventory, the cabinets for storing clothes, tables and chairs that are damaged and dysfunctional.**

**Conclusion number 6: Lice appearance among users, which presents a real danger to their health, i.e. a source of infectious diseases, the appearance of a large number of insects, in all parts of the Special Institute, including in the kitchen.**

### Other premises

In addition to the accommodation facilities of the Institution, the NPM team also inspected the laundry, external/yard premises of the Institution, the physical therapy room, as well as the kitchen and warehouse premises.

The NPM determined that in the warehouse there are means for maintaining hygiene in the institution, means for maintaining personal hygiene of the users, donated clothing, small inventory and spare parts, which were arranged in order.

The physical therapy room, as a room of extraordinary importance for the users, due to the inaccessibility of the users for whom it is intended (the reason - the dysfunctionality of the elevator), is redesigned and practically functions as a warehouse space in which supplies of new mattresses and other inventory are stored.

**Conclusion No 7: There is inability for adequately conducting of physical therapy, because the physical therapy room is out of use and the therapy is carried out in the accommodation rooms.**

The kitchen in which daily food is prepared for the users and the warehouse in which the food supplies are stored are physically separated from the facilities in which the accommodation facilities are located. Such a distance, especially from the so-called "new building" causes difficulties in distributing food to users, given that carers who are three per shift, and are responsible for the care of about 100 users, are forced in order to serve each meal, to go and return to the kitchen several times, which is more than 60 meters away.

From the inspection in the kitchen of the Institution, the team of the National Preventive Mechanism concluded that it is spacious and equipped with many kitchen appliances, but most are non-functional. Also, adequate ventilation is lacking and the hygiene is not satisfactory.

Insight was also made in the sanitary records of the employees in the kitchen, from which it was evident that regular medical examinations were performed.

**Conclusion No 8: In the kitchen hygiene is not on the required level, there is no adequate ventilation, kitchen appliances are missing, and many of the existing ones are not operational, which greatly complicates the preparation of food.**

## **4.1.5. Realisation of user rights**

### **Treatment**

During the visit, the National Preventive Mechanism did not notice any conditions that would directly indicate physical or psychological harassment of users, nor did they receive complaints about the attitude of the employees towards the users. However, the poor material conditions and the low level of hygiene, in correlation with the insufficient number of employees, are indicators that suggest that the level of quality of the living conditions does not meet the minimum standards necessary for an institution of this kind and contribute to the fact that the treatment the users receive to qualify as inappropriate and degrading.

The National Preventive Mechanism concluded that one of the main risk factors that influence the quality of treatment and the extent of the exercise of the rights of users is the number of employees who need to take care of the users and in general of the functioning and management of the Institution.

The NPM determined that due to the lack of caregivers, the weekly bathing list is not observed, and according to the employees, it is a usual practice for the users to be bathed by people who are taken care of in the institution or from persons of the opposite gender.

During the visit, the National Preventive Mechanism from the immediate inspection concluded that when accommodating the beneficiaries, in some departments no account is taken regarding the gender, having in mind that persons of different gender were accommodated in many of the rooms, which is contrary to the Programme for the activities of the Special Institute - Demir Kapija, where it is clearly envisaged that the placement of the beneficiaries is done "through admission and distribution in groups according to gender, age and psychophysical characteristics".

**Conclusion No. 9: In all parts of the institution, except for Department C, there is no separation of users by their gender, so that in one room there are both male and female beneficiaries. Such deployment is contrary to the Programme and the activities of the Special Institute Demir Kapija.**

The National Preventive Mechanism as an exceptional problem that was noted during the visit was the non-operation and the dysfunction of the elevator in the so-called "New building", which prevents many of the users placed on the second floor of the building (semi-mobile and immobile) to have access to occupational therapy, physical therapy and outdoors for a walk.

The fact that this problem has been noticed during the previous visit of the National Preventive Mechanism in this institution and that, despite the given recommendations for its immediate overcoming, the situation is unchanged is worrying. The National Preventive Mechanism again emphasizes that in this manner the freedom and the space of movement of users is limited and therefore it is necessary to put the elevator in operation as soon as possible, and to develop alternative ways that will provide unhindered access to users to the aforementioned premises, as well as an unobstructed exit to the courtyard of the Institute.

**Conclusion No. 10: The elevator has been dysfunctional for years because of which the users are not able to exercise the right to walk outdoors and remain trapped in the premises on the floor in the "New Building".**

The National Preventive Mechanism also reminds the Ministry of Labour and Social Policy again that in accordance with the principle of "reasonable adaptation" of the UN Convention on the Rights of Persons with Disabilities, the state is obliged to provide adequate and necessary modification, if necessary in a particular case, to ensure that persons with disabilities exercise human rights and fundamental freedoms on an equal basis with others. This implies the duty of the state (the Ministry of Labour and Social Policy and the administration of the Institute) to implement appropriate changes in the procedures and physical location of the accommodation facilities, provided they do not represent an unproportional or inadequate burden.

In that respect, the National Preventive Mechanism believes that the smooth and continuous operation and use of the elevator is not a disproportionate burden and it is a reasonable adjustment to the needs of the users. The continued avoidance of the need to take measures in order to comply with the principle of reasonable accommodation may cause de facto deprivation of freedom and the creation of conditions of life that may lead to degrading, inhuman or cruel treatment.

### **Health care**

For the needs of the health care of the beneficiaries in the Public Institution Special Institute Demir Kapija, MKD 1,500,000 are provided annually (verbal data), which represents a minimum budget for an institution of this kind and with such a capacity, that is, the increase of the health care budget is an urgent matter for the competent authorities.

In the institution, one doctor has a regular labour relation, who immediately after the employment was sent to a specialization in neurology, and he is obliged to come to the institution once a week.

Primary health care services are provided by determining a personal doctor from Demir Kapija for all protégés with a contract for engaging a person for occasional and temporary work,

who is obliged to come to the Institute before or after the working hours at the private health institution where she is employed, once a week and on a call when needed.

Besides the personal doctor, the Institution has also concluded a contract for engaging a person for occasional and temporary work with a doctor - a neuropsychiatrist from Gevgelija who is in charge of providing health assistance to the beneficiaries accommodated in the Public Institution Special Institute- Demir Kapija 3 (three) times a month, and when needed on call.

The Institute has not concluded an agreement with a dentist and a specialist - gynecologist, as we were informed due to the lack of interest of healthcare professionals to work in this type of institution.

Daily health care is also carried out by the nurses who are responsible for the distribution of therapy.

The NPM concluded that the number of 66 carers who are engaged in the Institution is insufficient to care for 227 users, considering that their work is organized in shifts and that they are in charge of daily care of users.

An additional staff problem arises during the use of annual leaves or sick leaves. Namely, during the visit of the so-called "New building" the National Preventive Mechanism noted that only 3 carers take care of 96 users, during one shift, which in itself speaks of the factual impossibility for them to fulfill all the obligations stipulated in the Rulebook on systematization of job positions, which directly affects the (non)quality of services received by the users in the Institution.

**Conclusion No. 11: PI Special Institute Demir Kapija faces a problem due to the lack of a doctor who will perform the primary health care, and at the same time the institution is exposed to additional expenses for engaging an external personal doctor. The number of 66 carers is insufficient for daily care of users. The neuropsychiatrist is present at the Institution occasionally, and the Institution does not have an agreement for engaging a dentist and has not employed a gynecologist.**

Regarding the manner of implementation of health care, the NPM estimates that it is necessary to provide regular and permanent health care, and the visits should be carried out more often.

The social worker employed 2 years ago has provided documentation for regular health care for almost all protegees, which is a significant step towards improving the manner of keeping records on the health care of users.

The NPM team interviewed several persons accommodated at the Institution, whereby all persons stated that they are satisfied with the attitude of the employees, and that they have adequate accessibility of all employees in accordance with the needs. There was no case of violence registered either by employees or by users.

An interview was also conducted with the medical staff - the nurses, as well as with the social worker. From the insight in the documentation, the NPM concluded that the medical personnel performed the medical and administrative part of the work quite properly, but that the lack of a separate budget had a negative impact on the effectiveness of the healthcare service, as well as their undefined status - the higher education of the nurses is not recognized.

The NPM determined that contraception was provided to female users, and from the inspection in the medical documentation, it was evident that the contraceptive means were given to persons incapable of work only if the guardian's written consent was obtained.

According to the documentation, all persons were examined at the reception in the institution, and user examinations were performed in the event of an urgent need. It is evident from the performed inspection that adequate health documentation is being kept for both acute cases and the needs of chronically ill patients.

Regarding the availability of the therapy, the NPM has established that major share of the treatment is provided for chronically ill persons. A case of proper diagnosis and provision of long-term treatment of a person with a serious illness was observed, and the recommended operational treatment and chemotherapy were timely and adequately provided. There was no



case of a person with a decubitus ulcer, which is a sign of good care by the staff of the Institute to the accommodated persons.

The NPM also inspected the Clinic, and found that it consists of two connected rooms in which the basic health care instruments (pressure measuring device, ECG apparatus, inhaler, aspirator and oxygen bottle) are provided. Within the health care system there is also a laboratory, which is quite old and provides only basic laboratory tests. A solid drug supply has been noted, despite the lack of some more specific medicines that are at a higher price.

The NPM notes that the Public Institution has a problem with the transportation of users, because the ambulance is not working, which is in a defective condition and needs to be serviced.

### **Nutrition**

Regarding the nutrition of the users in the Public Institution Special Institute Demir Kapija, the NPM team received for a review a monthly menu of dishes that are prepared for the users in the Institution. The menu was prepared by the main chef with the consent of the main nurse, signed and approved by the Director of the Public Institution Special Institute Demir Kapija.

From the employees of the Institution, the NPM received information that in terms of food, they are trying to preserve the envisaged menu and to give the users everything that was provided in the menu.

However, the NPM concluded that fruit and vegetables lacked in the nutrition, although it was evident that there was a sufficient quantity and variety of groceries in the warehouse, according to the needs of the users on a weekly basis.

***Conclusion No. 12: Lack of fresh groceries in the food distributed to users, such as fruits and vegetables, milk and dairy products, although they are provided according to the daily nutrition menu.***

### **4.1.6. User animation**

In accordance with the Annual Programme of Activities of the Institution, among the envisaged competencies of the service for accommodation, care, health care and rehabilitation, is also the conducting of activities aimed at socialization and integration of the beneficiaries in the immediate and wider social environment. In this context, each of the departments of this Service in its programme activities has envisaged structuring the free time and conducting activities with the beneficiaries, in order to enrich the cultural and entertainment life, through specifically stated planned activities on a monthly basis, which should be implemented throughout the year.

From the interviews with the persons employed at the Institution, the National Preventive Mechanism learned that excursions in the nearest surroundings were occasionally organized, according to the possibilities of the beneficiaries and the suitability of the terrain, and at the same time, depending on the achieved level of social adaptation, some of the beneficiaries visit local theater performances and other cultural manifestations.

However, from the conversation with officials, the NPM concluded that, for several years now, almost no workshops and activities were organized that would contribute to the development of certain skills of the users of the Institute.

***Conclusion No. 13: Sports, creative and educational activities are lacking, as well as more organized excursions and visits to manifestations of cultural and entertainment nature. The users are not included in any work or occupational activity in accordance with their physical and mental abilities.***

### 4.1.7. Deaths in Special Institute – Demir Kapija

From the inspection in the medical and personal files of the beneficiaries, the National Preventive Mechanism concluded that in the course of 2016, 6 beneficiaries died, of who 4 beneficiaries died in the institution itself, while 2 beneficiaries died in a health institution (one user died at the clinics in Skopje, and the other user in a hospital in Veles). Unlike the health facilities where the death of each patient must be analyzed individually at the professional collegium of the institution where the patient died, the Public Institution Special Institute - Demir Kapija does not have a separate obligation to demand an autopsy on the user who died within the Institution.

**Conclusion No. 14:** In the last 5 years none of the beneficiaries who died in the Institution was subjected to autopsy, neither at the request of the institution itself, nor at the request of the centres for social work, on the basis of the decisions of which the users are accommodated in the institution, nor at the request of the appointed guardians of the deceased users whose working ability was seized.

### 4.1.8. Recommendations and their implementation

The Ombudsman - NPM prepared a Special Report with recommendations for the established conditions, which was submitted to the Ministry of Finance, the Ministry of Labour and Social Policy, and the Public Institution Special Institute Demir Kapija.

From the received answers from the Ministry of Labour and Social Policy and from the Public Institution Special Institute Demir Kapija, the degree of implementation of the given recommendations can be determined.

The Ministry of Finance has not yet submitted a response based on the Special Report on the conducted regular visit to the Public Institution for Social Protection Special Institute - Demir Kapija.

Table No.24

| Review of given recommendations and answers on given recommendations |  |  |
|--|--|--|
|  | Recommendation   | Response based on recommendation   |
| Conclusion No.1  | The Ministry of Finance and the MLSP to act according to the requests for new employments in PI Special Institute Demir Kapija and enable employment of the additionally required staff. | According to the Annual Plan for Employment, new employments should follow on the basis of accomplished right to full age pension and on the basis of new employments due to the performance of the activity in the Institution. The Ministry of Information Society and Administration gave a positive opinion regarding the Annual Employment Plan for 2017, according to which during 2017, 42 new employments are planned. |

| <b>Review of given recommendations and answers on given recommendations</b> |  |  |
|---|--|--|
|   | <b>Recommendation</b>  | <b>Response based on recommendation</b>  |
| Conclusion No.2   | It is necessary for the process of deinstitutionalization to continue, that MLSP and the Special Institute undertake specific activities for preparation and placement of users in biological families or in another form of non-institutional protection, to actively implement the measures of deinstitutionalization. | From the total number of users who until now have been housed in residential units for organized living with support, 58 are beneficiaries from the PI Special Institute Demir Kapija. Because of the continuous implementation of the process of deinstitutionalization, in 2015 the MLSP prepared an Action Plan for enlargement of the network of residential units (for the next 10 years), according to which there are plans to include another 105 people with disability in their mental development, from all the institutions of this kind in the Republic of Macedonia. |
| Conclusion No.3   | To provide dining rooms at the appropriate place in which users will consume food in conditions which will satisfy the basic sanitary, spatial and health standards, in order to avoid the danger of transmitting infections and contagious diseases.  | Because of the lack of a dining room in the A block, users from this block will they consume food in the daytime rooms.  |
| Conclusion No.4   | To improve the level of hygiene and the condition in the sanitary knots and material conditions of the Institution in general, through the renovation of the Institution and through employment of more hygienists.  | According to the Annual Plan for employment of the Institution, requests for employment of more hygienists have already been submitted, for which approval by the MLSP is expected and provision of funds by the Ministry of Finance.  |
| Conclusion No.5   | It is necessary to equip the accommodation facilities with a new inventory, replacing of non-functional cabinets, tables and chairs and setting of new mattresses, pillows and clean bedding.  | With the annual public procurement plan for 2017, the Institution will foresee means for the supply of cabinets, chairs, pillows and bedding, for which also approval from the MLSP is expected.   |
| Conclusion No.6   | Regular pest-control, disinfection and fumigation at all premises, which would remove the insects and the appearance of contagious diseases and infections.  | The institution regularly performs pest-control, disinfection and fumigation at all premises.  |

**Review of  
given recommendations and answers on given recommendations**

|                  | <b>Recommendation</b>  | <b>Response based on recommendation</b>   |
|------------------|--|---|
| Conclusion No.7  | Urgently enabling of the hall for physical therapy in order to conduct an appropriate medical treatment.   | The hall for physical therapy is already functional for work with users.  |
| Conclusion No.8  | To increase the level of hygiene and maintenance of the kitchen area, as well as to fix the existing and to buy new kitchen appliances, and repair the ventilation system.   | In terms of maintaining the hygiene, kitchen workers (whose number is also reduced) are maximally engaged to implement this recommendation, while in terms of the procurement of new kitchen appliances, approval of funds is required from MLSP. |
| Conclusion No.9  | Make a relocation of users in the premises of the Institute and accommodation should be carried out according to the Programme of Activities of the Special Institute Demir Kapija and in that respect persons of the same gender should stay in one room.   | The institution has undertaken activities for relocation of users, within the spatial possibilities.  |
| Conclusion No.10 | Functioning of the elevator so that users can exercise their right to a walk and can have easier access to the physical therapy hall.  | The institution undertakes measures for putting the elevator into operation and procedures for the procurement of parts are in progress.  |
| Conclusion No.11 | In the shortest time to hire a doctor in the institution, who will constantly be present and will satisfy the primary health care needs of users daily, and at the same time to re-examine the case with the currently employed doctor. Daily presence of a psychiatrist and engaging a dentist is required, who will take care of the dental health and user hygiene and gynaecologist for the health of women-users. | The employed doctor terminated the employment contract, and the institution will require approval for a new employment. Therefore, the Institution is expecting funds to be approved from MLSP for the engagement of a dentist and gynaecologist. |

| <b>Review of<br/>given recommendations and answers on given recommendations</b> |  |   |
|---|--|---|
|   | <b>Recommendation</b>  | <b>Response based on recommendation</b>   |
| Conclusion No.12  | Keeping of the daily menu and daily, as part of the meals, users should have fresh fruit and vegetables, milk and dairy products.  | According to the concluded procurement contracts for food for 2016, fresh fruit and vegetables, milk and dairy products are procured and these groceries are present in the meals of the users.   |
| Conclusion No.13  | Adherence to the Annual Programme for activities of the Institution and in that context to organize sports, creative, educational and working activities for users.                                | Given the reduced number of employees who directly work with users, the Institution is making efforts to intensify the dynamics of sports, creative, educational and working activities, which correspond to the Annual programme of activities of the Institution (activities are planned on a monthly basis).   |
| Conclusion No.14  | In the event of the occurrence of unusual death among users, social work centres should, or the management of the special institute should ask for an autopsy, as to determine the cause of death. | The Ministry of Labour and Social Policy submitted a written notification to the PI Special Institute Demir Kapija and written notification to the centres for social work, pointing to the need in the case of occurrence of unusual death of users, that the management of the PI Special Institute Demir Kapija and the Centre for social work, based on the decision of which the user was accommodated in the institution, to require an autopsy to be performed in order to determine the reasons of death. |

# VISITS TO FACILITIES FOR FOSTERING AND ACCOMMODATION OF FOREIGNERS, ILLEGAL MIGRANTS AND APPLICANTS OF ASYLUM

# 5

In 2016, the National Preventive Mechanism conducted visits to the institutions for care and accommodation of foreigners, illegal migrants and asylum seekers. Namely, during the reporting year there were four visits to the PI Reception Centre for asylum seekers - Vizbegovo and six visits to the Reception Centre for foreigners Gazi Baba, Skopje.



## Visit to the PI Reception Centre for asylum seekers - Vizbegovo

The Ombudsman - National Preventive Mechanism, during the 2016, conducted four visits to the PI Reception Centre for Asylum Seekers - Vizbegovo. The first regular visit was conducted on 17 May 2016, wherefore a Special Report was prepared. The next visit, in order to inspect the newly emerged conditions in the Centre, was carried out on 14 October 2016. On 28 October 2016 a follow-up visit was carried out, wherefore a Special Report was prepared for the follow-up visit, and on 8 November 2016 an irregular intentional visit to the Reception Centre for asylum seekers – Vizbegovo was carried out.

### 5.1.1. Regular visit to the PI Reception Centre for asylum seekers – Vizbegovo

#### Organizational structure and structure of employees

In the Reception Centre for Asylum Seekers - Vizbegovo, several bodies and organizations with divided competences are constantly present, which through joint coordination participate in the management of the Centre.

The leading, i.e. the management of the Reception Centre for Asylum Seekers, is under the authority of the Ministry of Labour and Social Policy. The total number of staff employed in the Centre is 14 employees, out of who 1 – director/manager, a psychologist by profession, 3 persons employed as educators in the professional service (pedagogue, sociologist and one

person with a completed faculty of defense) and 10 persons hired as technical personnel - 6 guards, handyman, janitor, economist and warehouse worker. The Ministry of Labour and Social Policy ensures the overall functioning of the Centre, including the maintenance of hygiene and the provision and delivery of food.

Within the Centre there are offices of several bodies and organizations, as follows: the office of the Department of Asylum at the Ministry of the Interior, the office of the Macedonian Young Lawyers Association, the Office of the NGO La Strada, and the Office of the Jesuit Service for Refugees (JSB) - Branch office in the Republic of Macedonia.

***Conclusion No.1: There is a lack of professional staff, given the need for quality provision of psycho-social support to asylum seekers and the performance of other professional activities, as well as lack of staffing, that is, persons providing security for the Centre for Asylum Seekers.***

### ***Material conditions, treatment and action***

The Reception Centre for Asylum Seekers - Vizbegovo has an accommodation capacity for 150 people, and on the day of the visit, there were 52 asylum seekers accommodated.

Of these, 21 were men, 11 women and 20 children.

Within the Reception Centre for Asylum Seekers - Vizbegovo, there are three separate facilities - two-storey buildings. The first building is of administrative nature, the second building is used to accommodate asylum seekers, while the third, which is also used to accommodate asylum seekers, at the moment of the visit, was out of operation, due to renovation.

In the building where the asylum seekers are accommodated, the male persons are separated from the female persons and children. Single mothers and children are accommodated on the first floor, while on the second floor there are male asylum seekers.

Considering the small number of asylum seekers, there was no overcrowding at the time of the visit to the Centre, the conditions for accommodation were decent, the rooms and the toilets had a satisfactory level of hygiene, and the bed linen and the mattresses were clean and in good condition.

The Centre also has a field adapted for sport activities.

In a conversation with the responsible persons who manage the Centre, the NPM team received information that these people are accommodated in the Centre immediately after the submission of the written request for recognition of the right to asylum. Upon receipt, the persons are photographed and their electronic records are entered in the software, whereupon they are issued a plastic card that identifies them as persons accommodated at the Reception Centre for asylum seekers. However, it is essential that during their admission, these persons are not subject to mandatory medical examination. The NPM team estimates that it is necessary for every person to receive a preventive examination while being admitted at the Reception Centre, in order to determine their health condition and at the same time to prepare a special medical record for them.

The NPM has received information that, in case of any expressed need to leave the Centre, asylum seekers must demand a certificate of exit. The applicants are allowed to leave the Centre until 10 pm, and until then they must return to the Reception Centre, otherwise they will be checked out from the Centre without the possibility of re-entry.

### **Health care**

The healthcare system in the Reception Centre for asylum seekers - Vizbegovo is organized in a way that the Centre has concluded an agreement with a Private Healthcare Institution. Doctors from different specialties come from the private healthcare institution to the Centre (depending on who of them is working during the shift) and they work twice a week in the Centre for 2 to 3 hours a day or longer when needed.

The NPM also inspected the medical book - Bulletin of daily events and prescribed therapies, where records are regularly kept for each conducted examination of persons seeking asylum. From the inspection in the records it was concluded that on average 5 interventions are performed daily with common diagnoses, such as colds, viruses and infections. If there is a need for any serious medical procedure or intervention, the persons with a previously prescribed referral from the doctor are transferred to the local clinics and hospitals.

The ambulance is equipped with medicines and devices necessary for carrying out the basic interventions and is sufficiently supplied according to the needs of the persons accommodated in the Centre.

**Conclusion No. 2: The health care of the people in the Reception Centre is not satisfactory, since only twice a week there is a primary health care doctor in the Centre. Medical treatment of the persons is not carried out by the same doctor, i.e. there is no continuous monitoring of the health status of patients. Although the doctor issues referrals for specialist examinations, after examinations and interventions in secondary health care are performed, the health status of patients in the Centre is not monitored, and there are no special medical records.**

### **Nutrition**

Food at the Reception Centre for Asylum Seekers is served in the refurbished kitchen, which is a donation from the Jesuit Refugee Service (JRS) and it is clean and tidy according to the required standards.

In addition to the envisaged food which is distributed twice a day, asylum seekers are also given packages with additional products such as milk, croissants and dairy products (a donation from the international organization JRS).

The asylum seekers had remarks about the taste, quality, quantity and uniformity of the food, the number of hygiene products, and the restriction of access to the information centre and the use of the Internet and the watching of television programmes.

**Conclusion No 3: The quality and quantity of food do not satisfy, the food is uniform and unsuitable for the taste of the users. At the same time, there is a lack of sufficient quantities of fruits and vegetables, so that the nutrition in the Centre does not meet the international standards.**

### **Conversation with asylum seekers**

During the visit to the Centre, the NPM team with the assistance of an interpreter conducted interviews with persons accommodated in the Reception Centre for asylum seekers who did not complain about the treatment of the employed persons and the officials.

The persons were satisfied with the material conditions in the Centre and the opportunity to exercise their rights. They pointed out that they have an unimpeded opportunity to exercise their right to a walk, as well as access to recreational opportunities and sports activities.



According to the information received from the persons in the Centre, the hygiene packages distributed to them to meet their monthly needs, which include the basic products for maintaining personal hygiene, do not meet the needs of one family in terms of quantity. It was noted that despite the excellent supply of hygienic packages in the warehouses, asylum seekers were not provided with additional quantified from these hygiene packages.

**Conclusion No 4: The hygienic packages distributed to asylum seekers do not contain sufficient means to meet the necessary hygiene needs. Despite the excellent supply of hygienic packages in the Centre’s warehouse, no additional supplied for maintaining their hygiene were provided to the asylum seekers.**

**Conclusion No 5: The premises where the information and communication centre was located on the day of the visit was open for use, but asylum seekers stated that the usual access to the information and communication centre is limited so that they can not regularly use the Internet and watch television programmes.**

**Recommendations and their implementation**

The Ombudsman - NPM prepared a Special Report with recommendations for the established conditions, which was submitted to the Ministry of Labour and Social Policy and to the Reception Centre for Asylum Seekers - Vizbegovo.

From the received answers from the Reception Centre for Asylum Seekers - Vizbegovo, the degree of implementation of the given recommendations can be determined.

From the Ministry of Labour and Social Policy, in spite of the additional submission, no answer has yet been received on the Special Report on the regular visit to the Reception Centre for Asylum Seekers - Vizbegovo.

*Table No.25*

| Review of<br>given recommendations and answers on given recommendations |   |  |
|---|---|--|
|   | Recommendations   | Response based on recommendation   |
| Conclusion No.1   | To hire extra professional staff considering the needs for quality psycho-social support to asylum seekers and to increase the number of employees in the security department of the Centre for Asylum Seekers - Vizbegovo. | In accordance with the recommendations of the Government of the Republic of Macedonia for reporting surplus and deficit of human resources, PI Reception Centre for Asylum Seekers - Vizbegovo, through the MLSP will make efforts to overcome the state of lack of persons employed in security. In view of the established need for additional professional staff for psycho-social support, the Centre has signed a memorandum of cooperation with two non-governmental organizations, through which psycho-social help is given to asylum seekers. |

**Review of  
given recommendations and answers on given recommendations**

|                 | <b>Recommendations</b>  | <b>Response based on recommendation</b>  |
|-----------------|---|--|
| Conclusion No.2 | It is necessary to hire a doctor during all working days, so as to allow access to everyday medical care according to the needs of the persons placed in the Centre. Medical treatment of persons to be carried out by the same doctor, which will provide continuous monitoring of the health condition of patients. After the performed specialist examinations and interventions in the secondary health care, the doctor should monitor the health state of the patients and keep medical records for each of them. | MLSP for the needs of the Institution permanently provides funds for satisfying the health needs of asylum seekers through which costs for surgical interventions are covered, childbirth, regular provision of medicines and so on. |
| Conclusion No.3 | To improve the quality and the amount of food and to include fruits and vegetables in the daily nutrition of the applicants of asylum in the Reception Centre for Asylum Seekers - Vizbegovo.   | The department which exists within the Ministry of Labour and Social Policy, regularly controls the quality and quantity of food which is given to asylum seekers.   |
| Conclusion No.4 | Hygienic packages should not be stored in the warehouse, upon request and, if necessary, additional hygiene means should be provided, which will satisfy the necessary hygiene needs of the asylum seekers.   | The personal hygiene products are distributed to asylum seekers in accordance with the envisaged monthly hygienic package, defined by the norms of the State Household Institute.  |
| Conclusion No.5 | Asylum seekers should be enabled access to the smooth and daily use of the ICT centre, using the Internet and watching television programmes.   | Asylum seekers have access to the ICT centre every day, in a period that is prescribed from the Institution.   |

### 5.1.2. Follow-up visit to the PI Reception Centre for asylum seekers – Vizbegovo

The initial objective of implementing the follow-up visit to the PI Reception Centre for Asylum Seekers - Vizbegovo on 28 October 2016 was to review the implementation of the recommendations from the Special Report of the NPM on 17 May 2016, as well as to analyze the newly emerging conditions in the Centre.

Regarding the degree of implementation of the given recommendations, the following situation was established:

*Table No.26*

| Review of the degree of implementation of the given recommendations |   |  |                       |
|---|---|--|-----------------------|
|   | Recommendations   | Degree of implementation   | Conclusion of NPM     |
| Conclusion No.1   | To hire extra professional staff considering the needs for quality psycho- social support for asylum seekers and to increase the number of persons employed in the security of the Centre for Asylum Seekers -Vizbegovo.  | In the Reception Centre for asylum seekers four new employees have been engaged. Of these, three are social workers and one sociologist. They are included in the Service for professional activity in the Centre, on the basis of full time engagement and work on the provision of psychosocial support to asylum seekers. | Partly implemented    |
| Conclusion No.2   | It is necessary to engage the doctor during all work days, so that it would be possible to have access to everyday medical care according to the needs of the people accommodated in the centre. Medical treatment of persons to be implemented by the same doctor, which will provide continuous monitoring of the health state of patients. After the performed specialist examinations and interventions in the secondary health care, the doctor should monitor the health state of the patients and keep medical records for each of them. | The Reception centre for asylum seekers makes efforts to provide quality basic health care for asylum seekers, but, still only one doctor is present in the Centre, twice a week, which is not enough.   | It is not implemented |

**Review of the  
degree of implementation of the given recommendations**

|                 | <b>Recommendations</b>   | <b>Degree of implementation</b>  | <b>Conclusion of NPM</b> |
|-----------------|--|--|--------------------------|
| Conclusion No.3 | To improve the quality and the amount of food and to include fruits and vegetables in the daily diet of asylum seekers in the Reception Centre for Asylum Seekers -Vizbegovo.              | The persons housed in the centre still receive food from the same distributor, which, neither in quality, nor in quantity, nor in the variety, has been changed.   | It is not implemented    |
| Conclusion No.4 | Hygienic packages should not be stored in the warehouse, upon request and if necessary to provide additional hygiene means, which will meet the necessary hygiene needs of asylum seekers. | The hygienic packages provided to the persons accommodated in the Centre are sufficient for their needs. The people were satisfied both from the quality and from the quantity of the means intended for them.             | conducted                |
| Conclusion No.5 | Asylum seekers should be enabled access to the smooth and daily use of the ICT centre, using the Internet and watching television programmes.  | The room intended for using the Internet and watching television programmes is open in the period prescribed by the centre and asylum seekers have unobstructed access to the Internet and watching television programmes. | conducted                |

**Newly detected conditions**

During the follow-up visit, 15 people were accommodated at the Reception Centre for Asylum Seekers Vizbegovo, of who 10 male and 5 female. Of these, 8 were minors in families (6 male and 2 female children) and 7 adults (4 male and 3 female).

**Material conditions**

From the insight in the accommodation facilities of the Centre, the NPM concluded that on the day of the visit all the initiated activities of building and renovation of the accommodation rooms for asylum seekers were completed, and they were clean, orderly, with organized beds with clean and new bedding and new and renovated sanitary facilities.

In addition, within the Reception Centre playgrounds intended for sports and recreational activities (football, basketball) were built.

**Right to education**

For the children in the Reception Centre, educational activities are organized by the representatives of the non-governmental organization "La Strada", in which Macedonian and English are taught. However, these educational activities are informal.

**Constation No 1: Educational activities of informal nature are conducted for asylum seeking children, but they still do not exercise their right to formal education, in accordance with the regulations for primary and secondary education, as provided for in the Law on Asylum and Temporary Protection.**

**Conversation with asylum seekers**

From the interviews with the asylum seekers housed in the Centre, the NPM concluded that they are generally satisfied with the material conditions and have no complaints regarding the treatment by the management of the Centre.

There is still dissatisfaction with the quality and quantity of food they receive. At the same time, the people complained about the fact that they were given food once a day, usually at 1 pm, when all three daily meals are distributed. Also, on weekends, food delivery is done once for the next two days.

There is no suitable interpreter in the Centre. Namely, there is an interpreter in the Centre who is present only in the first shift, so the lack of an interpreter is especially noticeable in the afternoon.

The NPM has also received complaints about the lack of daily activities and appropriate work engagement, such as visiting classes for language learning, creative and recreational activities, sewing, painting. In this respect, the NPM team has received information that some of the persons are occasionally engaged in the work of the Centre, for which they receive a certain monetary compensation, but such an engagement is not sufficient.

During the talks, the asylum seekers expressed a desire for organized visits outside the city and visits to historic landmarks.

**Conclusion No.2: The Centre for asylum seekers doesn't have an interpreter in the afternoon and night hours.**

**Conclusion No. 3: Daily creative and recreational activities and more work engagement for persons accommodated in the Center are missing.**

**Conclusion No. 4: Asylum seekers expressed the need for organized visits to cultural manifestations and historical landmarks.**

**Recommendations and their implementation**

The Ombudsman - NPM prepared a special report on the follow-up visit with new recommendations for the level of implementation of the given recommendations and the newly established conditions, which was submitted to the Government of the Republic of Macedonia, the Ministry of Labour and Social Policy and the Reception Centre for asylum seekers- Vizbegovo.

*Table No.27*

| Review of the given recommendations and responses to the given recommendations |   |          |
|--|---|----------|
|  | Recommendations   | Response |
| Conclusion No.1  | The Ministry of Education to undertake concrete measures and activities for involving children in the formal education process, in compliance with the regulations for the primary and secondary education.   |          |
| Conclusion No.2  | To ensure the presence of an interpreter in the afternoon and at night for easier information and communication.  |          |
| Conclusion No.3  | To organize creative and recreational activities for asylum seekers (visiting classes for learning languages, sewing, painting, music, etc.), which would animate the time that asylum seekers spend in the centre, which would have a positive impact on their psycho-physical condition, as well. At the same time to provide conditions and means for greater work engagement of asylum seekers. |          |
| Conclusion No.4  | Organize visits of cultural events and historical landmarks (visits to parks, museums, cinema performances, concerts, etc.), to animate the time of persons accommodated in the Centre.   |          |

No replies have been received from the relevant institutions on the Special Report on the follow-up visit to the Reception Centre for asylum seekers -Vizbegovo.

### **5.1.3. Irregular visit to the PI Accommodation Centre for asylum seekers - Vizbegovo**

According to the authorizations, on 8 November 2016, the team of the National Preventive Mechanism also made an extraordinary intentional visit to the Reception Centre for asylum seekers, which was aimed at examining the allegations for the long duration of the procedures for recognition of the right to asylum.

In this regard, the National Preventive Mechanism team has inspected each individual file for asylum seekers in relation to the course of the asylum procedure. The files were made available to us by the representatives of the Macedonian Young Lawyers Association, who are official representatives of asylum seekers in the procedures for recognizing the right to asylum.

From the conversation with the representatives of the Macedonian Young Lawyers Association and from the insight in the individual files, it was concluded that the current number of asylum seekers accommodated in the Reception Centre is 42, of who 21 persons were brought from the Temporary Transit Centre "Vinojug" on 4 November 2016, while 12 persons were brought from the Temporary Transit Center "Tabanovce" on 7 November 2016.

From the conducted inspection, it was concluded that the exceeding of the deadlines for deciding in the procedure for recognition of the right to asylum is exclusively in the part of the procedure that is conducted before the Administrative Court, the decisions of which are pending for six, nine and eleven months, despite the fact that in accordance with Law on Asylum and Temporary Protection, the Administrative Court is obliged to adopt a decision within two months (in a regular procedure), or within 30 days (in an urgent procedure), from the date of filing the complaint<sup>20</sup>.

Namely, the National Preventive Mechanism team found unjustified delay of the procedure in five procedures involving sixteen persons.

Asylum seekers were introduced with the possibility to submit complaints to the Ombudsman for the protection of their rights, if they consider that the procedures for recognition of the right to asylum are unjustifiably delayed before the Administrative and the Higher Administrative Court.

### **5.1.4. General recommendations**

- 1. To hire a doctor during all working days, in order to provide access to everyday medical care according to the needs of the persons accommodated in the Centre. The medical treatment of the persons should be carried out by the same doctor, which will ensure continuous monitoring of the health status of the patients.**
- 2. To improve the quality and quantity of food and to include fruits and vegetables in the daily diet of asylum seekers, in the Reception Centre for Asylum Seekers - Vizbegovo.**
- 3. To ensure the presence of an interpreter in the afternoon and night hours for easier information and communication.**
- 4. To organize creative and recreational activities for asylum seekers (attending classes for language learning, sewing, painting, music, etc.), which would animate the time that asylum seekers spend in the Centre, and this would have a positive impact and their psycho-physical condition. At the same time, to provide conditions and means for greater working engagement of asylum seekers.**

<sup>20</sup> Art. 32 paragraph 3 and Article 37 paragraph 3 of the Law on Asylum and Temporary Protection



## Visit to the Reception Centre for Foreigners– Gazi Baba, Skopje

During the year 2016, the Ombudsman - National Preventive Mechanism conducted six visits to the Reception Centre for Foreigners Gazi Baba, Skopje. The first regular visit was carried out on 26 May 2016, for which a Special Report was prepared. The next four visits were conducted on 5 August 2016, 12 August 2016, 16 August 2016 and 22 August 2016, in order to perceive the newly occurring conditions in the Centre.

On 22 September 2016 a follow-up visit was made, for which a special report on the follow-up visit to the Reception Centre for foreigners Gazi Baba was prepared.

### 5.2.1. Regular visit to the Reception Centre for Foreigners– Gazi Baba, Skopje

#### Organizational structure and structure of employees

The reception centre for foreigners is housed in a facility the primary purpose of which was accommodation of children from the youngest age (kindergarten), which is why its location is in a settlement, and in one part it borders with a green belt, i.e. forest.

**Conclusion No. 1: The facility in which the Reception Centre for foreigners is located is inadequate and its purpose does not satisfy the international standards in terms of location, conditions for accommodation and treatment of foreigners.**

In the Reception Centre for Foreigners Gazi Baba, which functions within the Ministry of Interior, 30 employees are employed, including 1 head, 2 independent inspectors, 1 chief social work advisor, 1 chief counselor - psychologist, 1 host administrator, 1 general worker and 23 employees working for the security of the Centre. The security of the Centre operates in four shifts and usually there is 1 manager, 1 duty officer and several security officers, depending on the needs, working in one shift.

The reception centre for foreigners Gazi Baba has an accommodation capacity of 80 to 85 people. On the day of the visit, the Centre accommodated 33 people, of who 29 men and 4 women.

#### Material conditions, treatment and action

In accordance with the Rulebook on the House Rules of the Reception Centre for Foreigners, the people in the centre are accommodated in different rooms by their gender.

On the day of the visit, all male persons present in the Centre were accommodated in three group rooms, although a large segment of the accommodation facilities of the Centre was not completed.

**Conclusion No. 2: Overcrowding of persons in several rooms despite the large number of available accommodation facilities.**

The walls of the premises in which the migrants/ refugees were housed were not coloured, with writing on them and although the rooms had sufficient natural light, they were unaired, the air in them was stifling, and a large number of insects (flies and cockroaches) were observed. The NPM noted that the windows of the premises had bars. In the rooms where the men were housed, there was old inventory, old tables and chairs, and there were no storage cabinets.



The sanitary knots in the part where the males were housed were in an extremely poor and ruined condition, unlike the sanitary knots in the female part which were in better condition. The toilets had hot water consistently, but some of the taps were non-functional and not used.

The National Preventive Mechanism has established that the hygiene conditions in the Centre are in an alarmingly poor condition. The rooms in which the people were accommodated had beds and mattresses, but they were in poor condition, dirty and torn.

***Conclusion No. 3: The material conditions and equipment of the premises where migrants/refugees were accommodated in the Reception Centre for foreigners are extremely bad.***

### ***Nutrition***

From the received information from the officials and detained persons in the Reception Centre, the NPM concluded that the food provided is most often canned, and it is delivered to the detained persons once a day for all three meals. According to the information received from the migrants/refugees, bread, fresh groceries, fruits and vegetables are lacking, while milk products are less represented.

***Conclusion No. 4: The food provided in the Reception Centre does not satisfy the qualitative and the quantity needs of the migrants/refugees.***

### ***Access to rights and treatment***

The Rulebook on the House Rules of the Reception Centre for Foreigners envisages the realization of the right to a walk – spending time outside on clean air, 2 times a day for 60 minutes, recreational activities, a visit in duration of 30 to 60 minutes, the right to use a telephone, the right to receive packages and money.

The National Preventive Mechanism concluded that the persons accommodated in the Centre are able to use these rights selectively.

Namely, the NPM team concluded that the exercise of the right to a walk for male persons was selective, since only a small number of people were allowed to go for walks.

Women were allowed to go for an everyday walk in the courtyard of the Centre for a period of ten minutes.

The migrants/refugees had no objections to the behaviour and treatment of officials employed in the Centre.

The NPM concluded that the detainees have a limited right to use the telephone, for which special records are kept, which contains data on the persons who used this right and for the time they used it.

The NPM also finds that the right to an interpreter is not exercised and communication is most often carried out through persons who speak English and who translate to other migrants/refugees, and complaints to the administration are still.

***Conclusion No. 5: The rights prescribed in the Rulebook on the House Rules are exercised selectively. Namely, walks on clean air are allowed only to a small number of people. The right to an interpreter is not exercised, and complaints are filed verbally.***

**Health care**

One general practitioner of the primary health care, engaged by the Macedonian Red Cross is responsible for the health care of the persons accommodated in the Centre. The doctor is present at the Center from Monday to Friday, 6 hours a day, and if necessary comes outside of working hours and at weekends.

The hospital in the Centre is equipped with the necessary medicines and equipment. In the hospital a hospital diary is kept, in which the records of persons who have requested regular and urgent medical help are properly entered.

**Legal procedure**

The Ombudsman concluded that the Ministry of Interior, contrary to the legal procedures that regulate the issue of detaining foreigners in the Reception Centre for Foreigners, adopts decisions that limit the freedom of movement of this category of persons.

The factual situation determined by the interviews conducted with the majority of detainees shows that these persons are most often detained in the Centre for more than a month, and the real reason for their detention is to ensure their presence as witnesses in criminal proceedings against third parties.

The Ombudsman concluded that the long-term detention and restriction of the freedom of movement of these persons in order to ensure their presence as witnesses in the proceedings is contrary to all legal principles and regulations, both in the international and in the domestic legislation.

**Conclusion No. 6: The Ministry of the Interior adopts decisions restricting the freedom of movement of persons with illegal entry, contrary to the legal procedures that regulate the issue of detention.**

**Recommendations and their implementation**

The Ombudsman - NPM prepared a special report with recommendations for the findings, which it submitted to the Ministry of Interior and to the Reception Centre for Foreigners Gazi Baba.

From the received answers from the Ministry of Interior, the degree of implementation of the given recommendations can be determined.

From the Reception Centre for Foreigners Gazi Baba, no response has been submitted regarding the Special Report on the regular visit to the Centre. The Ministry of the Interior has submitted a response within the legally prescribed deadline.

Table No. 28

| Review of given recommendations and responses on given recommendations |  |                            |
|--|--|----------------------------|
|  | Recommendations  | Response on recommendation |
| Conclusion No.1  | Accelerating the procedure for dislocation of the Reception Centre for foreigners and realization of the announcements for building a new and suitable centre, which will satisfy the international standards for facilities of this type. |                            |

| <b>Review of<br/>given recommendations and responses on given recommendations</b> |  |   |
|---|--|---|
|   | <b>Recommendations</b>   | <b>Response on recommendation</b>   |
| Conclusion No.2   | The responsible persons in the Centre should arrange migrants/ refugees in the free and unused premises, enabling the people in the centre better treatment and better accommodation conditions.   | According to the received written notification from MOI, the recommendation was carried out and the persons are reassigned in more rooms.   |
| Conclusion No.3   | To renovate the premises and to restore the sanitary facilities, to whitewash the walls in the rooms in which the persons are kept, to daily air and regularly disinfect and fumigate the premises and to renew the sanitary facilities.   | Activities for renovation and arranging the premises and sanitary facilities have been undertaken.  |
| Conclusion No.4   | To provide new beds, healthy mattresses and clean pillows and bedding, to provide a washing machine, for more regular maintenance of hygiene, which will improve the material conditions in the Centre.  | Some of the material means and appliances are provided and new beds and bed linen was procured, and the centre is in cooperation and negotiations with non-governmental organizations for the provision of other necessary equipment. |
| Conclusion No.5   | It is necessary to provide appropriate food for the detained persons, to provide hot meals, fresh fruits and vegetables, as well as milk and dairy products.   | The food at the Centre is provided according to the available capacities of MOI, and in the meantime alternative solutions for the provision of food of better quality and varied food were sought.                                   |
| Conclusion No.6   | Consistent exercise of the rights prescribed in the Rulebook on the house rules and in that context to provide outdoor walks for all persons detained at the Centre. For that purpose, the MOI should provide funds for enclosing the yard and for reassignment of employees, in order to have more persons responsible for the security of the space and people. To accomplish the other guaranteed rights, such as the right to an interpreter and the right to submit written complaints. |   |

| Review of<br>given recommendations and responses on given recommendations |  |                            |
|---|--|----------------------------|
|   | Recommendations  | Response on recommendation |
| Conclusion No.7   | To observe the legal procedures that govern the issue of retention of foreigners. Decisions for foreigners whose identity cannot be determined and by which the measure “retention of a foreigner in a temporary centre” is determined, to be brought by a competent court. Also, the long-term retention and limitation of the freedom of movement of the persons for ensuring their presence as witnesses in procedures against third parties should stop, because this practice is opposite to all legal principles and regulations, both in the international and in the domestic legislation. |                            |

### 5.2.2. Follow-up visit to the Reception Centre for Foreigners– Gazi Baba, Skopje

A follow-up visit to the Reception Centre for Foreigners was conducted on 22 September 2017 for the purpose of analyzing the level of implementation of the recommendations from Special report of the NPM dated 26 May 2017, as well as review of the newly emerged states in the Centre.

Regarding the degree of implementation of the given recommendations, during the follow-up visit to the Reception Centre for Foreigners Gazi Baba, the following situation was observed:

*Table No.29*

| Review<br>of the degree of implementation of a given recommendation |  |  |                       |
|---|--|--|-----------------------|
|   | Recommendations  | Degree of implementation   | Conclusion of NPM     |
| Conclusion No.1   | Accelerating the procedure for dislocation of the Reception Centre for foreigners and realization of the announcements for building a new and suitable centre, which will satisfy the international standards for facilities of this type. | The centre is still on the same location and NPM does not possess any information about the soon dislocation and building of a new facility. | It is not implemented |

| <b>Review<br/>of the degree of implementation of a given recommendation</b> |  |  |                          |
|---|--|--|--------------------------|
|   | <b>Recommendations</b>   | <b>Degree of implementation</b>  | <b>Conclusion of NPM</b> |
| Conclusion No.2   | The responsible persons in the Centre should arrange migrants/ refugees in the free and unused premises, enabling the people in the centre better treatment and better accommodation conditions.   | NPM during the inspection in the accommodation facilities found that the persons accommodated in the Centre are deployed in several different rooms, so that in each individual room a smaller number of people is placed, providing them with better accommodation conditions and better treatment.   | implemented              |
| Conclusion No.3   | To renovate the premises and to restore the sanitary facilities, to whitewash the walls in the rooms in which the persons are kept, to daily air and regularly disinfect and fumigate the premises and to renew the sanitary facilities. | The NPM concluded that the accommodation facilities in the centre had been renovated, the entrance doors and the windows were replaced, the floors were renovated and the overall sanitary knot, the installation for the central heating was repaired and two kitchens were installed. Services for regular performance of disinfection and pest-controls are engaged in the centre.  | implemented              |
| Conclusion No.4   | To provide new beds, healthy mattresses and clean pillows and bedding, to provide a washing machine, for more regular maintenance of hygiene, which will improve the material conditions in the Centre.                                  | In some of the accommodation premises where women are placed, the beds, mattresses and bed linen were completely changed. However, the NPM determined that new beds and bedding in the rooms where male migrants/ refugees were accommodated are still to be provided.   | Partly implemented       |
| Conclusion No.5   | It is necessary to provide appropriate food for the detained persons, to provide hot meals, fresh fruits and vegetables, as well as milk and dairy products.   | Regarding the improvement of the quality and quantity of the food nothing has not been changed. People placed in the Centre are still dissatisfied; food is still distributed once daily and most often consists of dry and canned food, but lacking fresh food and dairy products. Despite the allegations about the attempts at the Centre to organize a procurement of food of better quality, the conclusion is that this condition is entirely unchanged. | It is not implemented    |

**Review  
of the degree of implementation of a given recommendation**

|                   | <b>Recommendations</b>  | <b>Degree of implementation</b>   | <b>Conclusion of NPM</b>     |
|-------------------|---|---|------------------------------|
| Conclusion No. 6  | <p>Consistent exercise of the rights prescribed in the Rule-book on the house rules and in that context to provide outdoor walks for all persons detained at the Centre. For that purpose, the MOI should provide funds for enclosing the yard and for reassignment of employees, in order to have more persons responsible for the security of the space and people. To accomplish the other guaranteed rights, such as the right to an interpreter and the right to submit written complaints.</p>  | <p>The court part of the Centre is not enclosed; some people still do not come out at all for walks and fresh air. NPM concluded that the people accommodated in the Centre still do not exercise their right to an interpreter.</p>  | <p>It is not implemented</p> |
| Констатација бр.7 | <p>To observe the legal procedures that govern the issue of retention of foreigners. Decisions for foreigners whose identity cannot be determined and by which the measure “retention of a foreigner in a temporary centre” is determined, to be brought by a competent court. Also, the long-term retention and limitation of the freedom of movement of the persons for ensuring their presence as witnesses in procedures against third parties should stop, because this practice is opposite to all legal principles and regulations, both in the international and in the domestic legislation.</p> | <p>It continues with the practice of non-implementation of the legal procedure for keeping a foreigner in the centre. Thereby, people who are used as witnesses in procedures against third parties are still accommodated in the Centre and they are unlawfully retained for a long time, despite the fact that this practice is illegitimate.</p> | <p>It is not implemented</p> |

## **Newly detected conditions**

### **Conversation with the management and insight in the records**

During the follow-up visit to the Reception Centre for Foreigners Gazi Baba, NPM concluded that 29 people are accommodated in the Centre, of who 18 are male and 11 female.

### **Insight into the personal files**

From the inspected personal files of the persons detained in the Centre, the National Preventive Mechanism concluded that the Reception Centre still continues with the practice of keeping persons in the Centre on the basis of Decisions on temporary detention of a foreigner, adopted by an incompetent authority (the Regional Centre for Border Affairs North of the Ministry of the Interior (RC for BA North of the Ministry of Interior)).

The persons accommodated in the Reception Centre for Foreigners Gazi Baba are admitted and kept in the Centre in a manner which is not covered by the legislation (Law on Foreigners and the House Rules for the Reception Centre for Foreigners).

**Conclusion No. 1: The Reception Centre for Foreigners Gazi Baba, has no legal basis for accepting foreigners on the basis of decisions issued by the Regional Centre for Border Affairs North within the Ministry of Interior.**

**Conclusion No. 2: Pursuant to Article 132 of the Law on Foreigners, the detention of a foreigner in the Reception Centre for Foreigners for the purpose of determining the identity is possible exclusively based on the Decision for detaining a foreigner delivered by the competent court.**

The NPM has established that the persons who stay in the Centre do not receive any copies of the issued detention decisions, thus preventing them from using the right to legal protection.

**Conclusion No. 3: The Regional Centre for Border Affairs North of the Ministry of Interior (pursuant to Articles 79, 80 and 83 of the Law on General Administrative Procedure) has a legal obligation to issue a copy of the Decision on temporary detention to the persons accommodated in the Centre, so that they would be able to use the right to legal protection in a timely manner**

During the visit to the Centre, after it was established that the detained persons do not possess a copy of these decisions, and thus are not familiar with the reasons for their detention, the NPM team intervened to the Centre's manager. After the intervention and the recommendations of the National Preventive Mechanism, copies of the decisions (photocopies) were handed over by the management of the Centre to all detained persons and the reasons for their detention were partly explained.

The NPM points to the obligation for the delivery of the decisions to be made by the decision-maker (Regional Centre for Border Affairs North of the Ministry of Interior), and appropriate proof (delivery note) to be provided for that, indicating the date of the delivery, because since that date the deadlines for lodging an appeal are counted.

### Conversation with detained persons in the Centre

From the interviews with the detainees at the Centre, the NPM concluded that the rights of the detainees guaranteed by the legal act Rulebook on the House Rules of the Reception Centre for Foreigners are still not fully respected. Namely, the person with whom the conversation was conducted, despite being not informed about the reasons for his detention (contrary to Article 7 of the Rulebook), also complained about the inability to make a telephone call to contact his family, which is contrary to Article 16 of the Rulebook.

The NPM encountered another case of a detained person whose rights were violated. Namely, the person was kept in the Centre without being informed about the reasons for the detention, and he complained that he was prevented from making a telephone call to his family and to a legal representative - a lawyer. The person filed a complaint with the Ombudsman for the protection of his rights. The complaint was implemented by the Department for Protection within the Ombudsman, and after the implemented activities, the case was positively completed.

**Conclusion No. 4: The detainees in the Centre are still not able to exercise the rights they have, in accordance with the Rulebook on the House Rules of the Reception Centre for Foreigners.**

**Conclusion No. 5: The persons detained in the Centre also complain about the inability to make telephone calls for the purpose of contacting their family and a counsel/ lawyer.**

### Recommendations and their implementation

The Ombudsman - NPM prepared a special report on the follow-up visit with new recommendations, which was submitted to the Government of the Republic of Macedonia, the Ministry of Interior and the Reception Centre for Foreigners Gazi Baba on the level of implementation of the given recommendations and the new established conditions.

The Ombudsman submitted a letter - Suggestion to the President of the Government of the Republic of Macedonia requesting that the Special Report be reviewed at a Government session, at which a Decision will be adopted, which will oblige the competent authorities and institutions to undertake measures for improvement of the conditions and the treatment of migrants in the transit centres.

Table No.30

| Review of<br>given recommendations and responses to given recommendations |  |   |
|---|--|---|
|   | Recommendations  | Response to recommendation  |
| Conclusion No.1   | The administration of the Reception Centre for foreigners Gazi Baba, should take urgent responsibility for the illegal retention of persons in the Centre and stop the practice of retention of foreigners in the Centre, based on decisions for keeping a foreigner for the purpose of determining their identity, adopted by the Regional Centre for Border Affairs North of the Ministry of Interior. | The Ministry of Interior - Department for Border Affairs and Migration within the Public Security Bureau in the Ministry of Interior, after the meetings held with the Ministry of Labour and Social Policy, several non-governmental organizations and UNHCR, announced that in 2017 it will start building a new facility for the reception centre for foreigners, for which a suitable location is sought. |



| <b>Review of<br/>given recommendations and responses to given recommendations</b> |   |   |
|---|---|---|
|   | <b>Recommendations</b>  | <b>Response to recommendation</b>   |
| Conclusion No.2   | Stop the illegal retention of foreigners in the Reception centre due to identifying the identity, and retained persons should be displaced from the centre.   | The legal basis for accommodation in the reception centre for foreigners is in compliance with the Law on Foreigners and their accommodation is in coordination with the Basic Public Prosecutor's Office for organised criminal. Most of the persons accommodated in the Centre are persons who were smuggled. |
| Conclusion No.3   | The Regional Centre for Border Affairs-North of the Ministry of Interior should, mandatorily give the people who are accommodated in the Centre a copy of the Decision for temporarily retention, so that they could use the right to legal protection.   |   |
| Conclusion No.4   | Retained persons upon admission to the Centre, should be inevitably in a clear manner and in a language they can understand informed about the reasons for their retention.   |   |
| Conclusion No.5   | The detainees at the Centre should be allowed on a regular basis to make telephone conversations in order to establish a contact with their family and with a defender/ lawyer.   |   |
| Conclusion No.6   | Consistent exercising of the rights prescribed in the Rulebook on the house rules and in that context to provide outdoor walks for all persons retained in the Centre. To that end, the MOI should provide funds for enclosing the yard and for reassignment of employees in order to have more persons responsible for securing the space and people. To accomplish other guaranteed rights, such as the right to an interpreter and the right to submit written complaints. |   |

### 5.2.3. General recommendations for the Reception Centre for Foreigners - Gazi Baba

1. To undertake specific actions in order to accelerate the procedure for dislocation of the Reception Centre for foreigners and implement the announcements for the construction of a new and suitable Centre, which will meet the international standards for facilities of this type.
2. To stop the practice of admission of persons to the Centre on the basis of decisions made by an incompetent body, as well as to stop the long-term detention of persons in the Center on grounds that are against the law.
3. To enable the persons to exercise their right to go out and walk in clean air. To provide interpreters for the appropriate languages spoken by persons accommodated in the Centre, which would make it easier to communicate with them and they would be informed about their rights, as well as about the reasons for their retention in the Centre.
4. To provide three meals per day which will be distributed at appropriate intervals in accordance with Article 13 of the Rulebook of the House Rules of the Reception Centre for Foreigners, and they should be in accordance with the envisaged standards.

## Visit to the Temporary Transit Centre "Vinojug"

During 2016, the National Preventive Mechanism team conducted a total of 13 unannounced visits to the Temporary Transit Centre "Vinojug", for which 2 Special Reports were prepared with specific conclusions and recommendations addressed to the respective ministries, authorities and institutions.

The first Special Report is the result of the occurrences during the first regular visit conducted on 16 May 2016, while the second consecutive report was prepared after the visit on 17 October 2016.

In this context, the conclusions, recommendations and indications directed to the competent authorities and institutions for overcoming and removing the identified negative situations, as well as the submitted responses and the undertaken activities in this regard, will be presented below.

### 5.3.1. Regular visit to the Temporary Transit Centre "Vinojug", Gevgelija

#### **Organizational setup and functional competence of the bodies and organizations in the Temporary Transit Centre**

In the Temporary Transit Centre there are constantly several bodies and organizations present with divided competences and functions, which through their joint communication and coordination participate in the leading and management of the Centre.

The basic functional and management role for managing the Temporary Transit Centre is

under the authority of the Ministry of Labour and Social Policy (MLSP), which in coordination with the Centre for Crisis Management (CMC), the extended competence of which covers the entire crisis area and beyond the Temporary Transit Centre, take care of the overall functioning of the Centre, starting from the allocation of passes, through the maintenance of hygiene, up to the reception and distribution of all nutrition and non-nutrition related products.

The Ministry of the Interior (MOI) is responsible for ensuring the safety, order, discipline and facilities within the Temporary Transit Centre, and this type of security and surveillance function is also performed for the "Habitat" tent, which is located in the immediate vicinity of the Temporary Transit Centre.

The representatives of the Ministry of Health, the Centres for Public Health and the Macedonian Red Cross are in charge of the medical care and health care of the persons retained in the Temporary Transit Centre.

In addition to the representatives of state bodies and institutions, a number of activities within the Temporary Transit Centre are organized and implemented by representatives of international and domestic non-governmental organizations which are constantly present on the field.

Organizations with the constant presence of their representatives in the TTC are: International Organization for Migration (IOM-IOM) which manages and updates the lists of admitted and accommodated persons in the Centre, the Macedonian Young Lawyers Association (MYLA) which conducts counseling and advocacy regarding the procedure for recognizing the right to asylum, Open Gate - the Association for Action against Violence and Trafficking (La Strada) which undertakes activities for providing psycho-social assistance and protection, as well as a number of other non-governmental organizations which with their activities provide additional assistance and support to the persons detained in the Centre.

During the visit conducted on 16 May 2016, the National Preventive Mechanism from the immediately established factual situation, as well as from the discussions with the officials in the Centre and the representatives of the international and non-governmental organizations, established that the cooperation and coordination between the competent bodies that participate in the management and the organization of the Temporary Transit Centre is not at the required level, as is their relationship, cooperation and coordination with the non-governmental and international organizations present on the spot.

At the same time, the National Preventive Mechanism (NPM) strongly condemned the attempt by the representatives of the Crisis Management Centre to impede the NPM team in the fulfillment of its mandate by disabling the insight into the documentation and daily reports which refer to persons detained in the Centre, during the visit on 16 May 2016.

**Conclusion No 1: The cooperation and coordination between the authorities that participate in the management and organization of the Temporary Transit Centre is not at the required level, as is their relationship, cooperation and coordination with the non-governmental and international organizations present on the spot.**

**Conclusion No 2: Obstruction of the NPM team in the fulfillment of its mandate, by disabling the insight into the documentation and daily reports referring to the persons detained in the Centre.**

### **Material conditions**

During the visits to the Temporary Transit Centre, regarding the material conditions in the accommodation capacities, the National Preventive Mechanism noted the improvement of the material infrastructure, owing primarily to the donations of the international and non-governmental organizations.

Namely, unlike the beginnings of the refugee crisis, when people were accommodated in large tents for several families, now each family has a separate living container. These contain-

ers are of a standard size of about 15 m<sup>2</sup> and accommodate an average of 3 to 5 persons. They are equipped with a bed and mattress for each person and air conditioning, but due to the small space, there are no cabinets where the persons could keep their personal belongings, clothes and other products.

In the Centre collective sanitary knots are located, separately for men and separately for women, which are also adapted for children and for the needs of people with disabilities.

However, the National Preventive Mechanism concluded that the accommodation, that is, the retention within the Temporary Transit Centre, is carried out only to the persons who arrived and found themselves in the Republic of Macedonia before the official closing of the borders and the so-called "Balkan Route".

In contrast, those persons who have been found on the territory of the Republic of Macedonia after the closure of the borders are kept in the so-called "Habitat tent", which is located next to the Temporary Transit Centre. On the day of the visit (16 May 2016), the National Preventive Mechanism established a completely opposed factual situation from the one within the Temporary Transit Centre, which indicates a chaotic management that does not satisfy even the temporary accommodation standards. Namely, 84 people were accommodated in the tent in substandard conditions. This number is constantly changing, given that the accommodation of these persons is of temporary and short-term nature (usually 12 to 15 hours) and lasts until their re-deportation to the country from which they have irregularly entered the territory of the Republic of Macedonia. There were only wooden benches in the tent, and the people were lying on the floor. The hygiene was at an extremely low level and there were scattered food leftovers and waste everywhere.

**Conclusion No. 3: Substandard and unsuitable material conditions in the tent "Habitat".**

### **Access to the procedure for recognition of the right to asylum**

The Ombudsman - National Preventive Mechanism paid special attention to the possibility of persons accommodated in the Temporary Transit Centre and in the tent of "Habitat", which is located immediately next to the Centre, to approach the procedure for recognition of the right to asylum, due to which a great segment of the visit was dedicated to examining the actual situation in this regard.

From the direct talks, the National Preventive Mechanism concluded that persons accommodated within the Temporary Transit Centre have been instructed and informed about the possibility to apply for recognition of the right to asylum in the Republic of Macedonia, and that for legal advice and legal assistance they can at any time address the representatives of the Association of Young Lawyers, who are constantly present at the Centre and are at their disposal.

In contrast, the National Preventive Mechanism concluded that people accommodated in the "Habitat" tent are not at all aware of the possibility to apply for recognition of the right to asylum in the Republic of Macedonia, nor have they been given official access to the representatives of the Association of Young Lawyers to instruct them about their rights.

**Conclusion No. 4: Prohibited access of non-governmental organizations which perform legal counseling and representation in the procedures for granting the right to asylum to the tent "Habitat".**

Particularly worrying data were received from the conversation with some of the persons accommodated in the tent, pointing to the fact that the persons who directly stated before the authorized officials of the Ministry of Interior that they had a clear intention to submit a request for recognition of the right to asylum were rejected with an explanation that such a right is not granted to them in the Republic of Macedonia and that they can exercise this right after the deportation, that is, in the country from which they irregularly entered the territory of the Republic of Macedonia.

***Conclusion No. 5:*** Оневозможен пристап до постапката за признавање право на азил на лицата сместени во шаторот „Хабитат“ и нивно групно депортирање во Р. Грција, без соодветна процедура и без да се води официјална евиденција за тоа;

***Conclusion No. 6:*** Отсуство на претставници на Секторот за азил при МВР во Привремениот транзитен центар, со што би се олеснил пристапот до постапката за признавање право на азил и би се овозможила непречена регистрација на барателите на азил.

**Recommendations and their implementation**

The Ombudsman - NPM prepared a special report with recommendations for the established conditions, which it submitted to the competent bodies and institutions.

In addition, the received responses from the Crisis Management Centre in relation to the recommendations will be presented:

*Table No.31*

| Review of given recommendations and responses to given recommendations |  |  |
|--|--|--|
|  | Recommendations  | Response to recommendation   |
| Conclusion No.1  | To improve the cooperation and coordination between the authorities participating in managing and organizing the TTC and cooperation with non-governmental and international organizations.  | From the CCM an answer was received that each morning within the current work there is a briefing meeting between representatives of the Ministry of Interior, MLSP and CCM, and also every Thursday coordination meeting is held with all the institutions and non-governmental organizations working in the TTC. |
| Conclusion No.2  | The representatives of the Centre for Crisis Management should stop with the obstruction of the NPM in the execution of its competencies, and should provide it with an insight in the daily reports and the overall documentation they possess.                     | The regional department – Regional crisis management centre Gevgelija after obtaining the consent from the Director of the CCM for submission of the information regarding the current conditions in TTC “Vinojug”, will deliver them to the Ombudsman electronically on a daily basis.                            |
| Conclusion No.3  | To improve the conditions for stay in the tent “Habitat”, to increase the level of hygiene and cleanliness and to reduce the overcrowding in this tent, by transferring people within TTC, considering that in it there are plenty of free accommodation facilities. | Regarding this recommendation from the CCM an answer was obtained that they are working on the improvement of the accommodation conditions and the hygienic conditions in the tent “Habitat”.  |

**Review of  
given recommendations and responses to given recommendations**

|                  | <b>Recommendations</b>   | <b>Response to recommendation</b>  |
|------------------|--|--|
| KConclusion No.4 | Enable unhindered access of non-governmental organizations to the tent “Habitat”, in order to provide effective and appropriate legal assistance and protection of migrants/refugees..   | The regional department – Regional Centre for Crisis Management Gevgelija answered that the activities outside the TTC are within the competence of the security services and they are to assess who, when and how will perform activities outside the TTC regarding the illegally entered migrants.   |
| Conclusion No.5  | To enable unhindered access to migrants / refugees to the procedure for recognition of the right to asylum and stop the group deportation. MoI is to keep records of the number of persons admitted to the tent “Habitat” and to keep official documentation of the method and the procedure for their return in the country from which they have committed irregular entry. | No answer was received based on this recommendation. The recommendation is not taken at all into consideration in the delivered notice in response to the Special Report of NPM from 01.06.2016.   |
| Conclusion No.6  | To ensure the presence of representatives from the Sector for Asylum in the “Vinojug” TTC, in order to make the access of migrants/refugees to the procedure for recognition of the right to asylum easier.  | Regarding this recommendation, from the CCM an answer has been received that at the forty-ninth session of the General headquarters a conclusion was reached on dislocation of three containers from the border stone number 59, right next to the entrance of the TTC “Vinojug”, which will enable continuous presence of employees from the Sector for Asylum. |

### **5.3.2. Follow-up visit to the Temporary Transit Centre “Vinojug”, Skopje**

The purpose of the follow-up visits was to review the degree of implementation of the recommendations made and to observe the newly emerging situation in the Centre.

Regarding the degree of implementation of the given recommendations, during the follow-up visits of the Temporary Transit Centre, the following condition was established:

*Table No.32*

| <b>Review of<br/>the degree of implementation of a given recommendation</b> |  |   |                                  |
|---|--|---|----------------------------------|
|   | <b>Recommendations</b>   | <b>Degree of implementation</b>   | <b>Conclusion of<br/>the NPM</b> |
| Conclusion No.1   | To improve the cooperation and coordination between the authorities participating in managing and organizing the TTC and cooperation with non-governmental and international organizations.  | The NPM team concluded that the cooperation and coordination between the authorities participating in the management and organization of the TTC had improved, and at the same time the cooperation with international and non-governmental organizations present on the ground improved, with which on several occasions coordinated meetings were carried out.  | Implemented                      |
| Conclusion No.2   | The representatives of the Centre for Crisis Management should stop with the obstruction of the NPM in the execution of its competencies, and should provide it with an insight in the daily reports and the overall documentation they possess.                     | During the follow-up visits, the NPM team has found good cooperation and collaboration by the representatives of CCM. Status reports on the field and activities undertaken by authorities and organizations within the Temporary Centre, were submitted to the Ombudsman electronically, on a daily basis.   | Implemented                      |
| Conclusion No.3   | To improve the conditions for stay in the tent “Habitat”, to increase the level of hygiene and cleanliness and to reduce the overcrowding in this tent, by transferring people within TTC, considering that in it there are plenty of free accommodation facilities. | The NPM team concluded that new practice has been established regarding the migrants/refugees who are placed in the tent “Habitat”. Namely, during the visits overcrowding in the tent was not recorded, given that only one part of irregular migrants found on the territory of RM are brought to the tent and they are no longer accommodated there for days, but are retained only briefly (for a few hours), before being deported to the country from which they entered the Republic of Macedonia (mostly Greece). | Implemented                      |

**Review of  
the degree of implementation of a given recommendation**

|                 | <b>Recommendations</b>   | <b>Degree of implementation</b>   | <b>Conclusion of the NPM</b> |
|-----------------|--|---|------------------------------|
| Conclusion No.4 | Enable unhindered access of non-governmental organizations to the tent “Habitat”, in order to provide effective and appropriate legal assistance and protection of migrants/refugees.  | From the conversations with representatives of the international and non-governmental organizations who provide legal assistance and protection of migrants/refugees, the NPM team concluded that they had access to the tent “Habitat” and are allowed to have talks with migrants/refugees.   | Implemented                  |
| Conclusion No.5 | To enable unhindered access to migrants / refugees to the procedure for recognition of the right to asylum and stop the group deportation. MoI is to keep records of the number of persons admitted to the tent “Habitat” and to keep official documentation of the method and the procedure for their return in the country from which they have committed irregular entry. | The NPM team concluded that the practice irregular migrants found on the territory of the Republic of Macedonia, after a couple of hours of a short time accommodation in the tent “Habitat”, to be deported in groups to the country from which they entered (mostly Greece) continues, without any formalities and without keeping official records.  | not Implemented              |
| Conclusion No.6 | To ensure the presence of representatives from the Sector for Asylum in the “Vinojug” TTC, in order to make the access of migrants/refugees to the procedure for recognition of the right to asylum easier.  | The NPM team concluded that the Sector for Asylum within the Ministry of Interior has not secured permanent presence of its representatives within the framework of the TTC, but that in cases whenever there was a need, such as for example: due to registration of the persons who have applied for recognition of the right to asylum or for interviewing asylum seekers, representatives from the Sector visited the TTC on several occasions. | partly Implemented           |



**Newly detected conditions**

**Treatment of asylum seekers**

During the visits, the National Preventive Mechanism Team determined that asylum seekers from the Temporary Transit Centre "Vinojug", unlike previously, are no longer brought to the Reception Centre for asylum seekers in Vizbegovo - Skopje, but are placed in houses (containers) which are located directly to the enclosed part of the Temporary Transit Centre "Vinojug".

**Conclusion No. 1. Newly established practice of placing the asylum seekers in the living containers which are located in the enclosed part of the Centre instead of accommodating them in the Temporary Transit Centre.**

Namely, at the moment of the last follow-up visit, 21 persons had submitted a request for recognition of the right to asylum, of who 11 persons were located outside the enclosed space, immediately next to the Temporary Transit Centre, while the remaining 10 people were still accommodated within the Centre.

The National Preventive Mechanism team determined that the accommodation of asylum seekers within the Temporary Transit Centre "Vinojug" is based on decisions adopted by the PI Inter-municipal Centre for Social Work Gevgelija.

The asylum seekers have been issued identification documents, which, in accordance with the Law on Asylum and Temporary Protection, confirm their right to stay in the territory of the Republic of Macedonia, but they are not allowed to leave the Centre freely or to go far from the Temporary Transit Centre.

**Conclusion No.2 Although identity documents have been issued to asylum seekers, they are not allowed to leave it freely or to move away from the Temporary Transit Centre.**

Asylum seekers housed in cottages (containers), located outside the enclosed section of the Temporary Transit Centre, said they were not secure and feared for their safety. Namely, they noticed several times that close to the containers where children play, there were cars where certain persons were trying to deceive their children, offering them sweets to go with them.

According to the National Preventive Mechanism it is unacceptable and unjustified to place asylum seekers in the houses (containers) that are placed right next to the enclosed part of the Temporary Transit Centre, in conditions when there are vacant accommodation facilities in the Reception Centre for Asylum Seekers in Vizbegovo-Skopje.

In this context, the National Preventive Mechanism team concludes that the established practice in that manner points to unequal, selective and discriminatory treatment of the asylum seekers from the Transit Transit Centre "Vinojug" - Gevgelija, in relation to the other asylum seekers who are accommodated in the Reception Centre for asylum seekers in Vizbegovo - Skopje.

Additionally, in support to the fact that such treatment for asylum seekers is inadequate, is the fact that these people, despite the feeling of insecurity and fear for their safety, are limited in the freedom of movement, that is, they are not able to freely and unaccompanied leave or go far from the Temporary Transit Centre, a right which, according to the internal acts of the institution, is enjoyed by the asylum seekers accommodated in the Reception Centre for Asylum Seekers in Vizbegovo - Skopje.

Based on that, the Ombudsman, as a National Preventive Mechanism, recommended that asylum seekers from the Temporary Transit Centre be immediately transferred to the Reception Centre for asylum seekers in Vizbegovo - Skopje and to enable them to enjoy the unhindered and equal use of all the rights that they are entitled to as asylum seekers, in accordance with the Law on Asylum and Temporary Protection.

### Material conditions and treatment of convicted persons

The National Preventive Mechanism concluded that several infrastructure activities were undertaken aimed at improving the material conditions within the Temporary Transit Centre "Vinojug". In this regard, it was determined that a children's playground was built for the youngest, and paths with bacon tiles were built. All houses (containers) where people stay overnight are equipped with heating devices, and TV sets are placed in the big tents (Rubb Hall), where the persons spend some time during the day.

Daily activities are undertaken for regular operation and maintenance, such as maintaining hygiene in the yard, toilets and kitchen, performing minor repairs to the electricity and water infrastructure, and at certain time intervals, disinfection and fumigation is carried out within the entire Temporary Transit Centre.

Regarding the health care at the Transit Centre, the Macedonian Red Cross has provided additional presence of a pediatrician for children every Tuesday and Thursday, and from the talks with the officials present on the field, the NPM has received information that efforts are being made to provide and an additional special container intended for medical activities.

The National Preventive Mechanism team conducted from the interviews with persons accommodated within the Temporary Transit Centre that they are generally satisfied and have no complaints regarding the material conditions, however, the revolt that these people feel and manifested due to months of detention within the Temporary Transit Centre "Vinojug", without having an information on the reasons due to which their freedom of movement is limited nor their status in this country, is evident.

### **Conclusion No.3 Migrants/refugees publicly manifest the revolt they feel for months of detention within the Temporary Transit Centre and the non-determination of the legal status.**

From the direct contacts with the detainees and from the talks with the representatives of the non-governmental organizations that provide psycho-social support, the National Preventive Mechanism team has come to the conclusion that the months-long retention of refugees in the Temporry Transit Centre without the opportunity to freely go out of its borders or leave, is manifested by changes in their mental health.

Such findings led to the need to conduct comprehensive research on the psychological situation of the refugees, which is why the National Preventive Mechanism engaged external collaborators, members of the Association of Psychiatrists of the Republic of Macedonia and the Psychologists' Chamber, which had the purpose following the conducted research on the mental health of the detainees, to prepare a report with specific conclusions and recommendations for overcoming the possibly identified negative conditions.

To this end, during the month of August 2016, external collaborators performed several consecutive visits, observing the current activities, behaviour and non-verbal communication of children, adolescents and adults. At the same time, discussions were held with the volunteers and medical staff present on the ground, and specially structured questionnaires intended for children and adults retained in the reception transit centres were processed. As a result of the conducted research, a special report on the situation of refugees in the Temporary Transit Centres was prepared 21.

Namely, the report states that the conditions in the Temporary Transit Centre restrict the daily life of migrants/refugees in their habits, daily obligations and activities, which seriously creates dissatisfaction, anxiety, a sense of lack of freedom and lack of control over their lives and it all has a negative impact on their mental health.

The threats to the psychological health of refugees arising from surviving traumatic experiences and the current conditions in which they are found, were presented in the research carried out by external collaborators.

***Conclusion No.4*** The presence of depression and anxiety among migrants / refugees accommodated in the Temporary Transit Centre; there is anxiety and depression disorders among children as well which causes behavioural problems.

***Educational activities***

During the visits, the National Preventive Mechanism team determined that educational and activities are carried out for the children in the Temporary Transit Centre by representatives of international and non-governmental organizations the activities of which are aimed at providing assistance and support to refugee children, on the basis of a programme approved by the Ministry of Labour and Social Policy.

The National Preventive Mechanism considers this to be a positive step towards the educational development of children accommodated in the Temporary Transit Centre "Vinojug", but estimates that it is necessary for the Ministry of Education to participate.

Nevertheless, the NPM estimates that it is necessary for the representatives of the Ministry of Education to give their opinion and assessment of the appropriateness of the educational programme and the manner in which it is being implemented, to take concrete measures for verifying the adequately completed level of education, which would enable the extension of the educational process of children.

***Conclusion No.5*** The Ministry of Education is not sufficiently involved in the implementation of educational activities and has not undertaken measures that would have the purpose of verifying the adequately completed level of education.

Regarding children with the status of asylum seekers, the National Preventive Mechanism recommends taking concrete measures and activities to include them in the formal education process, in accordance with the regulations for primary and secondary education, since this right is to be enjoyed by asylum applicants, in accordance with the Law on Asylum and Temporary Protection.

The Ombudsman - NPM sent new recommendations to the Ministry of the Interior, the Ministry of Health and the Ministry of Education for the new established conditions, and the Special Report was submitted to the Government of the Republic of Macedonia, from where the response was received that it was submitted for consideration to the Steering Committee on Coordination and Governance in the Crisis Management System.

In addition, the Ombudsman sent a letter-Indication to the President of the Government of the Republic of Macedonia and requested that the Special Report be reviewed at the Government session, at which a Decision will be adopted obliging the competent authorities and institutions to undertake measures for improvement of the conditions and the treatment of migrants in transit centres.

<sup>21</sup> The integral text of the Special Report on the Status of Refugees in the Temporary Transit Centres is an integral part of this Annual Report

## Recommendations and their implementation

Table No.33

| Review of<br>given recommendations and responses to given recommendations |   |  |
|---|---|--|
|   | Recommendations   | Response to recommendation   |
| Conclusion No.1   | MLSP should undertake measures and activities, for asylum seekers from TTC, to be immediately transferred to the Reception Centre for Asylum Seekers in Vizbegovo - Skopje and to enable them smooth and equal use of all rights they have as asylum seekers, in accordance with the Law on Asylum and Temporary Protection.  | MLSP did not submit a written response to the the activities they will undertake for fulfilment of the given recommendations, but from directly led conversations with representatives of state bodies and representatives of the international and non-governmental organizations that are constantly present in the “Vinojug” TTC, the NPM concluded that it was fully acted on the first recommendation and all asylum seekers have been transferred and placed in the Reception Centre for asylum seekers in Vizbegovo, while in relation to the second recommendation NPM concluded that it is only partially fulfilled and that the migrants/refugees are allowed to go out outside the circle of the TTC “Vinojug” only accompanied by representatives from the Macedonian Red Cross. |
| Conclusion No.2   | MLSP should undertake measures and activities whereby the freedom of movement to the migrants/refugees housed in the TTC “Vinojug” will not be restricted and they will be allowed to freely leave the Centre.  |  |
| Conclusion No.3   | MOI to undertake concrete measures to regulate the legal status of persons accommodated at the Vinojug TTC.   | The Ministry of Interior submitted an answer that migrants accommodated at the TTC “Vinojug”, given the fact that they have not submitted a request for recognition of the right to asylum have no legally regulated residence in the state and are treated as foreigners with illegal residence, according to the Law on Foreigners.  |
| Conclusion No.4   | For migrants/ refugees who manifest pronounced symptoms of post-traumatic stress disorder (PTSD), anxiety and depression MLSP and the Ministry of Healthcare to provide combined psychiatric-psychological, medicament and psychotherapeutic treatment, and for those who do not have strongly pronounced symptoms to be enabled psychological support. At the same time, also to provide appropriate treatment for children who have psychological problems. | From the Ministry of Health a response was received that the need of specialist psychiatric help for every adult migrant/refugee, as well as for children, is provided within the General Hospital Gevgelija, within the specialist-consultative clinic, following a referral issued by the doctor from the clinic in the transit centre.  |

| Review of<br>given recommendations and responses to given recommendations |   |   |
|---|---|---|
|   | Recommendations   | Response to recommendation  |
| Conclusion No.5   | The Ministry of Education should give their opinion and evaluation about the appropriateness of the educational programme and the way it is being implemented within the TTC “Vinojug” and it should undertake specific measures for verification of the appropriate completed degree of education, which would allow extension of the educational process of the children. | From the Ministry of Education no answer at all was delivered for the activities which will be undertaken regarding the fulfilment of the given recommendation. |

## Visit to the Temporary Transit Centre “Tabanovce”

In the course of 2016, the National Preventive Mechanism conducted 13 preventive visits to the Temporary Transit Centre Tabanovce, for which 3 Special Reports were prepared with specific conclusions and recommendations addressed to the respective ministries, bodies and institutions.

Unlike the visit carried out on 22 February 2016, which was announced to the authorities in the Temporary Transit Centre, all other visits were conducted without prior notice.

### 5.4.1. Irregular visit to the Temporary Transit Centre “Tabanovce”

The Ombudsman - National Preventive Mechanism, on 22 February 2016, visited the Temporary Transit Centre, together with the Ombudsman of the Republic of Albania, the Ombudsman of the Kingdom of Spain and an adviser to the Association of Ombudsmen of the Mediterranean AOM.

The purpose of this visit was to determine the changes in the conditions for admission and stay of the refugees in the Transit Centre, compared to the actual situation of the last visit that the Ombudsman - National Preventive Mechanism made on 10 December 2015.

At the same time, the joint visit was aimed at sharing and exchange of experiences in the way of receiving and treatment of migrants/refugees, as well as the opportunity to exchange views on how to deal with the challenges posed by this issue and the refugee crisis in these countries, hoping to strengthen the Ombudsman institutions’ cooperation on migrant/ refugee issues.

Due to the seriousness of the refugee/migrant crisis itself and the increased influx of mass movements, in order to more effectively manage and deal with the challenges that arise, the

Ombudsman - National Preventive Mechanism insisted on making maximum efforts by all active stakeholders to respect the realization of the rights of refugees guaranteed by national laws and international acts, in particular the 1951 Geneva Convention on the Status of Refugees and to identify all possible risks for the prevention of any kind of torture and other cruel, inhuman and degrading treatment and punishment.

During the visit, the material conditions and accommodation facilities were inspected, and conversations were conducted with the Manager of the Centre, and immediate meetings were held with the refugees accommodated in the Centre at the time of the visit.

The NPM concluded that the management of the Temporary Transit Centre, just as in 2015, is under the authority of the Crisis Management Centre, and the Ministry of Labour and Social Policy is also involved in the management.

Refugees arrive at the Reception Transit Centre "Tabanovce" from the Temporary Transit Centre "Vinojug", by trains, organized by MR "Transport" - Macedonian Railways, and less frequently by buses and taxis.

After the arrival of the refugees in the vicinity of Tabanovce, they are welcomed by the employees of the Crisis Management Centre who, in cooperation with representatives of domestic and foreign humanitarian organizations, receive refugees and provide them with all the necessary products and groceries (food, water, juice, hygienic material, blankets ...)

Regarding the transport of refugees/migrants, the Ombudsman - National Preventive Mechanism concludes that there is no proper and fair categorization of the price of tickets for rail transport, that is, the price is too high, and the refugees/migrants who pay 25 euros for the ticket are in unequal position compared to Macedonian citizens. Due to these conclusions, a recommendation was sent to the Government of the Republic of Macedonia and to the transport company in which reduction of the price of tickets was requested.

The Ombudsman, together with representatives of the Ombudsman Institutions from Spain and Albania, during the visit, went and passed the path leading to the border crossing with R. Serbia.

In this context, it was concluded that unlike the last visit in 2015, the path is composed and lit, there are boards with information on the distance of the border crossing, and on both sides it is enclosed with wire, thus the refugees are protected from the railway path, which is in the immediate vicinity.

The Manager of the Transit Centre informed that persons with physical disabilities and disabled people are transferred to the border crossing by special vehicles. The Ombudsman believes that this is a positive example, but the remark for inhuman treatment towards children and pregnant women remains, who, as a vulnerable category of people, should pass this path on foot, and then further walk two kilometers to the reception center "Miratovci" in the Republic of Serbia.

The Ombudsman - National Preventive Mechanism, from the insight into the material conditions and accommodation facilities in the Temporary Transit Centre Tabanovce, expresses concern over the overcrowding in the Temporary Transit Centre, especially due to the lack of comprehensive care for the vulnerable groups, because there are not enough facilities intended for vulnerable groups. In most cases, children, women, pregnant women, elderly people and persons with disabilities are placed in facilities that are unsuitable for the stay of these persons. Also, the Centre does not have the capacity to provide adequate health care and protection to all persons.

Refugees/migrants complained about the quality and quantity of food, especially since food was not adapted to their culture and needs and indicated that there was occasionally a lack of water. Regarding health care, they stressed that the medical team, although present, can not receive all patients. In conditions of overcrowding in the Centre, the Ombudsman found a low level of hygiene maintenance, and the refugees complained that there was no warm water, so that personal hygiene was at a very low level.

The Ombudsman - National Preventive Mechanism from the joint visit with representatives of the Ombudsman Institutions from Spain and Albania, as the most serious issues and omissions, detected the following:

- Disorganization and incompetence in the management of the Temporary Transit Centres "Vinojug" and "Tabanovce" and inadequacy of the conditions for short stay;
- Weak system of keeping records, i.e. registration of refugees/migrants, is performed solely on the basis of documents issued in the Republic of Greece;
- Inadequate security control of the luggage and persons transiting and staying in the Temporary Transit Centre;
- Poor coordination between the border police of the Republic of Macedonia, the Republic of Serbia and the Republic of Greece, often resulting in arrival of several thousands of refugees/migrants at the border crossings, staying for hours outdoors, at harsh weather conditions;
- International organizations and NGOs are present on the ground and provide material assistance and support to refugees, but in some cases there is insufficient cooperation with the competent institutions and authorities of the Republic of Macedonia.

#### **5.4.2. Regular visit to the Temporary Transit Centre "Tabanovce"**

After the official closing of the borders and the so-called "Balkan Route", the Temporary Transit Centres the initial purpose of which was short-term accommodation and provision of initial assistance and satisfaction of the elementary needs, were in fact converted in a kind of refugee camps for migrants/refugees who were found on the territory of the Republic of Macedonia.

In order to determine the material conditions, the treatment of persons placed in this Centre and the degree of exercise of their rights, as well as for identifying possible risks of torture and other cruel, inhuman and degrading treatment and punishment, the National Preventive Mechanism team on 20 May 2016, made a regular unannounced visit.

##### **Organizational setup and functional competence of the bodies and organization bodies in the Temporary Transit Centre Tabanovce**

In the Temporary Transit Centre Tabanovce, several bodies and organizations with divided competences are constantly present, which through joint communication and coordination participate in the leading and management of the Centre.

The Centre for Crisis Management, in coordination with the Ministry of Labour and Social Policy (MLSP), takes care of the overall functioning of the Temporary Transit Centre Tabanovce. The Ministry of Interior (MOI) is in charge of ensuring the safety, order and discipline of persons and facilities within the Temporary Transit Centre.

Among the international organizations active in providing assistance in Tabanovce, apart from UNHCR, the International organisation for migration - IOM, UNICEF (UNICEF) and SOS Children's Village were also present, while from the non-governmental sector with the constant presence of their representatives on the field, besides the rest, the Macedonian Association of Young Lawyers (MYLA) and the Citizens Association "Legis" are active, who regularly offer legal and medical assistance to the refugees/migrants accommodated in this Centre.

**Conclusion No. 1: The National Preventive Mechanism, concludes that the cooperation and coordination between the competent bodies that participate in the**

**management and organization of the Temporary Transit Centre is not at the required level, as is their relationship, cooperation and coordination with non-governmental and international organizations present on the ground.**

Responsible for provision of medical services, health care and protection of migrants/refugees housed in the Temporary Transit Centre are the Ministry of Health, the Centres for Public Health, and the Macedonian Red Cross. The health care providers, engaged in the Centre, are engaged through two sources - through the Project Hope, a project of engaged people through the Ministry of Health and through employees from the health centers, namely the Health Centre Kumanovo, the Health Centre Kriva Palanka, the Health Centre Kratovo and the Health Station Lipkovo.

**Material conditions**

During the visit, the NPM concluded that the Temporary Transit Center Tabanovce has 47 living containers, 36 IKEA modular cottages, 3 tents, 1 tent designed to be a kitchen, 1 distribution center, 1 main warehouse, 4 toilets with 10 toilet units, 2 shower cabins, 1 walk in fridge and 1 modular warehouse.

The Transit Center has accommodation capacity for 1,000 persons, but on the day of the visit it was impossible to get information on the exact number of persons staying in the Center, because none of the bodies responsible for managing the Center had such records. The authorities responsible for keeping these records were shifting the responsibility between each other.

The unofficial daily figure on the day of the visit, which the National Preventive Mechanism obtained from the representatives of the Ministry of Interior and the Ministry of Labor and Social Policy as a result of the count conducted during breakfast.

The Ombudsman stated that the competent bodies in the Temporary Transit Center "Tabanovce" do not keep official records of the number of persons arriving as well as those leaving the Center (categorized by age, sex, date of arrival, etc.), nor are the persons who occasionally leave and enter the Center on a daily basis recorded.

**Conclusion No. 2: Greater level of cooperation between the field representatives of the competent authorities and organizations and the National Preventive Mechanism team is required, in order to provide insight into all data related to the number of persons retained in the Center.**

**Conclusion No. 3: There is no official and updated record of the number of persons arriving and persons permanently or occasionally leaving the Center (categorized by age, sex, date of arrival, etc.)**

During the visit, the team of the National Preventive Mechanism concluded that, unlike the Transit Center "Vinojug" which operates as a Center of completely closed type, and thus the migrants/refugees are not allowed to move freely outside its borders, the Transit Center "Tabanovce" is more of an open type so the migrants/refugees are free to leave the Center.

Having got insight in the material conditions, the NPM concluded that there are separate toilets for men and women, and they were adjusted for both children and persons with disabilities.

In the Transit Center, there is also a room for childcare for children up to 10 years of age which operates thanks to UNICEF and SOS Children's Village. There are Reports for the number of children using this childcare room, according to which, on the day of the visit there were 119 children. In this childcare room, there are organized activities for psychosocial support, educational and recreational activities, language courses, etc. The room for baby care is open / available 24 hours a day.

Regarding the food that is being distributed in the Temporary Transit Center "Tabanovce", the NPM got information that the persons get three meals per day, and the Ministry of Labor and



Social Policy and the Macedonian Red Cross are responsible for the procurement and distribution thereof, unlike previously when the food was provided through donations of the NGOs.

### **Access to the procedure for recognition of the right to asylum**

The Ombudsman - National Preventive Mechanism, from the talks with representatives of several non-governmental organizations present on the ground, as well as from the direct talks with three people from Syria who expressed a clear intention to submit a request for recognition of the right to asylum, concluded that these persons, are prevented from submitting a request for recognition of the right to asylum from members of the Ministry of Interior.

Namely, the persons who intend to submit a request for recognition of the right to asylum are talked out of it in different ways by the members of the Ministry of Interior, using different methods to change their intention (in the meaning, "to reconsider and reassess whether they really want to apply for recognition of the right to asylum", as well as the frequent allegations by the police officers that they should consult with the managerial officials in relation to enabling the filing of a request for the exercise of the right on asylum).

In this regard, the NPM recommended that the Ministry of Interior provide for the presence of representatives from the Sector for Asylum in the Temporary Transit Centre, in order to provide unhindered access to the procedure for recognition of the right to asylum and the timely registration of asylum seekers.

**[Conclusion No. 4: The Temporary Transit Centre has no representatives from the Sector for Asylum.](#)**

### **Recommendations and their implementation**

The Ombudsman - NPM prepared a special report with recommendations for the established conditions, which was submitted to the competent bodies and institutions.

Some of the received answers from the competent bodies will be presented bellow, following the given recommendations of the National Preventive Mechanism.

Table No.34

| Review of given recommendations and responses to given recommendations |  |  |
|--|--|--|
|  | Recommendations  | Response to recommendation   |
| Conclusion No.1  | It is necessary to have better and more effective cooperation and coordination between the authorities that manage and lead the TTC.   | Coordination takes place on weekly levels (coordinative meetings, organized once weekly-every Thursday) with institutions of the system, as well as the non-governmental sector and international organizations represented in the TTC Tabanovce, and within the framework of the current work every morning briefing meetings are held between the commander of GS North, MLSP and the Manager of the TTC Tabanovce, who is also a representative of CCM. |
| Conclusion No.2  | Greater co-operability of field representatives of competent authorities and organizations and enabling uninterrupted insight of NPM in the record list of persons present in the Centre.  | Keeping records of persons with name and surname, gender, age, place of birth and country of arrival is carried out by the MLSP and adequate records and personal documentation has been prepared for that, as well as appropriate document in the form of an ID card with image and identification data. Also, identification cards with barcode readers are provided for the acquiring of food and other products for each person separately.            |
| Conclusion No.3  | Keeping official and up-to-date record of the number of arrived persons and persons who permanently or temporarily leave the Centre (categorized by age, gender, date of arrival and the like).  | Keeping records of persons with name and surname, gender, age, place of birth and country of arrival is carried out by the MLSP and adequate records and personal documentation has been prepared for that, as well as appropriate document in the form of an ID card with image and identification data.  |
| Conclusion No.4  | MOI to ensure the presence of representatives from the Sector for Asylum in the TTC, in order to inform about the right to submit a request for recognition of the right to asylum and to enable unobstructed access to the procedure. | Regarding this recommendation an answer was not received Until the date of the preparation of this Follow - up Report, to the Ombudsman office no response from the Ministry of Interior was submitted, although an indication for submission of a response was sent on 20 July 2016.  |
| Conclusion No.5  | The competent authorities should provide greater transparency in distribution of donor funds.  | Regarding this recommendation an answer was not received Until the date of the preparation of this Follow - up Report, to the Ombudsman office no response from the competent authorities and institutions was submitted.  |

### 5.4.3. Follow-up visit to the Temporary Transit Centre “Tabanovce”

The follow-up visit to the Temporary Transit Centre conducted on 28 September 2016, was aimed at monitoring the level of implementation of the recommendations from the Special Report of the NPM dated 20 May 2016, as well as to observe the newly emerged situation in the Centre.

Regarding the degree of implementation of the given recommendations, during the follow-up visit to the Temporary Transit Centre “Tabanovce”, the following situation was established:

*Table No.35*

| Review of<br>the degree of implementation of a given recommendation |  |   |                   |
|---|--|---|-------------------|
|   | Recommendations  | Degree of implementation  | Conclusion of NPM |
| Conclusion No.1   | Better and more effective collaboration and coordination between the authorities which manage and lead the Temporary Transit Centre “Tabanovce” is necessary.  | During the visit, as well as for the previous follow-up visits, the NPM team could see that the cooperation and coordination between the authorities and organizations present on the field is far better and more efficient, and is aimed at better functioning and organizing the activities in the temporary transit centre “Tabanovce”.   | implemented       |
| Conclusion No.2   | Greater co-operability of field representatives of the competent authorities and organizations and enabling uninterrupted insight of the team of the National Preventive mechanism in the list for records of persons present in the centre. | Regarding this recommendation, the NPM team after the given recommendations have good cooperation with the competent institutions, in the direction of enabling unobstructed insight into the list for records of persons housed in the temporary transit centre “Tabanovce”. Responsible authorities and institutions keeping these records, at each visit provide the NPM team an insight in the lists of people present at the moment and everything that will be additionally requested for insight by the team of NPM. | implemented       |
| Conclusion No.3   | Keeping an official and an up-to-date record of the number of arrived persons and persons which permanently or temporarily leave the Centre (categorized by age, gender, date of arrival and the like).                                      | From the established factual situation, the NPM team concluded that the records for the number of officially accommodated and detained persons in the TTC “Tabanovce” are properly kept.  | implemented       |

**Review of  
the degree of implementation of a given recommendation**

|                 | <b>Recommendations</b>  | <b>Degree of implementation</b>   | <b>Conclusion of NPM</b> |
|-----------------|---|---|--------------------------|
| Conclusion No.4 | MOI to ensure presence of representatives from the Sector for Asylum in the TTC, in order to provide them with information to submit a request for recognition of the right to asylum and to allow unobstructed insight into the procedure. | Teams of the Asylum Sector are not present within this Centre, given the changed factual situation and declining number of refugees accommodated in the Centre, and all the information and legal advice regarding the procedure of recognition of the right to asylum continues to be enabled through conversations with field representatives of the Macedonian Young Lawyers Association (MYLA).   | Partly implemented       |
| Conclusion No.5 | Competent authorities to provide greater transparency in distribution of donated funds.   | During the visit, as well as during the follow-up visits, the team of the NPM received an information that in relation to the given recommendation for more transparent distribution of donated funds and groceries, the teams of the Red Cross in front of the distribution Centre placed a list, translated into English and Arabic language, of donated funds and material products which refugees receive weekly, monthly and quarterly in TTC "Tabanovce". | implemented              |

**Newly detected conditions**

In order to directly monitor the treatment of migrants/ refugees and the extent to which their rights were exercised, the National Preventive Mechanism team continued to conduct unannounced visits to the Temporary Transit Centre.

In this regard, the National Preventive Mechanism found a trend of decline in the number of total accommodated persons, primarily due to the fact that people accommodated in this temporary transit center can leave the centre much easier, unlike the Temporary Transit Centre "Vinojug" where the number of people has been the same for a longer period of time.

From the conversation with the representatives of the NGOs, the NPM team received an information that in the Reception Centre "Tabanovce" also arrive and temporarily stay groups of irregular migrants, found on the territory of the Republic of Macedonia.

What is particularly worrying is the fact that some of these persons are unaccompanied minors, for whom the Standard Operating Procedures for treatment of unaccompanied children-foreigners are not implemented, as the Centre for Social Work, which should appoint a guardian, is not immediately informed about it.

**Conclusion No. 1: Non-compliance and incomplete treatment in accordance with the Standard Operating Procedures for dealing with unaccompanied minors.**

The National Preventive Mechanism from the inspected material conditions determined that measures have been undertaken in the Temporary Transit Centre Tabanovce to improve the material infrastructure, i.e. the existing houses have been replaced with living containers, and in terms of food and its provision and supply, the responsibility is exclusively within the competence of the Red Cross.

At the same time, a children's playground was built in cooperation with "UNICEF" and "SOS Children's Village", and there are also window protectors against mosquitoes in the accommodation capacities of the migrants. The construction of the biological treatment plant was also initiated, and construction of paved paths for easier movement within the Temporary Transit Centre "Tabanovce" has been planned.

During the visits, the National Preventive Mechanism Team noted the evident deterioration of the psychological condition of persons accommodated in the Temporary Transit Centre, due to the lack of information about the status they have in this country and the uncertainty about their future.

The programme activities for children are divided into recreational and educational classes and are adapted and structured according to their age. As most productive, the outdoor activities were singled out, and at the same time it was mentioned that from the lessons of "art therapy" it is learned very much about the psychological state of the children. In this respect, it was emphasized that children already feel hyperactivity and small aggression, because of the limited space they are in.

**Conclusion No. 2: Organization of recreational and educational lessons for children, adjusted according to their age.**

From the discussions with the psychologist and social workers engaged in some of the NGO's, the NPM came to the conclusion that persons accommodated in the Temporary Transit Centre had anxiety, depression, anticipation, high level of depression, which leads to sleeplessness, tachycardia and even and to cases in which certain individuals have shown suicidal intentions.

**Conclusion No. 3: There is presence of depressiveness and anxiety among migrants/refugees accommodated and retained in the Reception Transit Centre.**

Because of these newly emerging conditions, the National Preventive Mechanism in relation to the problem of the deteriorated psychological situation of the refugees in the Temporary Transit Centre "Tabanovce", during August, hired external associates from the Association of Psychiatrists of the Republic of Macedonia, with the help of whom a research was conducted of the mental state of migrants/ refugees accommodated in the Temporary Transit Centres.

**Current situation regarding the educational activities intended for the youngest**

From the talks with the representatives of "UNICEF" as well as the competent bodies and institutions responsible for managing and coordinating the Temporary Transit Centre "Tabanovce", the NPM team got information on the implementation and launch of an educational programme for children in the Centre, which was approved by the Ministry of Labour and Social Policy.

The educational programme is of formal character and aims to enable children to attend classes every day where they will have the opportunity to learn and build their knowledge, in an effort to keep up with the educational background, compared with their peers throughout the world.

The National Preventive Mechanism considers this a positive step towards the educational

development of children accommodated in the Temporary Transit Centre, but estimates that the participation of the Ministry of Education is necessary.

**Conclusion N. 4: The Ministry of Education is not sufficiently involved in the implementation of educational activities and has not undertaken measures to verify the adequately completed level of education.**

In that respect, it is necessary for the representatives of the Ministry of Education to give their opinion and assessment of the appropriateness of the educational programme and the manner in which it is being implemented, to take concrete measures for verification of the appropriate completed level of education, which would enable the continuation of the educational process of the children.

In addition to the implementation of this educational programme for children, the competent authorities and institutions also informed about the established practice to organize a walk of the refugees to the city of Kumanovo and the surroundings of the city once to twice a month.

Nevertheless, from the interviews with some of the refugees, the NPM concluded that still a serious problem is the unregulated status of the refugees who have been in the same situation for several months, which only increases their intolerance and anxiety, who stuck in the territory of the Republic of Macedonia, keep hoping that the borders will soon be opened so that they can freely transit to the desired destination.

**Recommendations and their implementation**

Table No.36

| Review of given recommendations and response to given recommendations |   |  |
|---|---|--|
|   | Recommendations   | Response to recommendation   |
| Conclusion No.1   | Undertaking of specific measures for regulating the status of persons located in TTC "Tabanovce".   | An answer was received from the MOI that migrants accommodated in the TTC "Tabanovce", given the fact that they have not applied for recognition of the right to asylum do not have a legally regulated stay in the state and are treated as foreigners with illegal residence, according to the Law on Foreigners.  |
| Conclusion No.2   | In each case procedures for unaccompanied children, according to the Standard Operating Procedures for dealing with unaccompanied children - foreigners to be implemented in a timely manner. | Regarding the given recommendation no written response was submitted by the competent institutions, and from talks with representatives of non-governmental organizations present on the field, the NPM team got information that there are cases in which it was not acted in accordance with the Standard operating procedures for dealing with unaccompanied children - foreigners. |

| <b>Review of given recommendations and response to given recommendations</b> |  |  |
|--|--|--|
|  | <b>Recommendations</b>   | <b>Response to recommendation</b>  |
| Conclusion No.3  | For refugees who manifest pronounced symptoms of post-traumatic stress disorder, anxiety and depression, indispensable is a combined psychiatric -psychological, medicament and psychotherapy treatment.   | From the Ministry of Health a response was received that the need of specialist psychiatric help for every adult migrant/refugee, and for children, is provided within the General Hospital Kumanovo, within the specialist-consultative clinic, following a referral issued by the doctor from the clinic in the transit centre.  |
| Conclusion No.4  | To organize different psychological workshops for children for dealing with psychological difficulties and understanding, and when necessary to provide the necessary psychiatric medicament treatment.  | Regarding the given recommendation no written response has been received from by the competent institutions, and from the talks with the officials in the Centre and representatives of non-governmental organizations present on the field, the NPM team concluded that the competent authorities and organizations do not take activities at all in the direction of fulfilment of the given recommendation and that it is left under the competence of non -governmental and international organizations. |
| Conclusion No.5  | The Ministry of Education should give their opinion and evaluation ssabout the appropriateness of the educational programme and the way it is implemented within TTC “Vinojug” and to undertake specific measures for verification of the appropriate degree of education, enabling continuation of the educational process of children. | From the Ministry of Education no response was delivered for the activities they will take regarding the fulfilment of the given recommendation.   |

**Annex 1: Research of prof. PhD. Liljana Ignjatovska**

**Analysis of the treatment and care of drug users in the PCF "Idrizovo"**

During the visit of the PCF "Idrizovo", the National Preventive Mechanism, in cooperation with a representative from the Association of Psychiatrists, paid special attention to examining the conditions, treatment and care received by convicted users of psychotropic substances.

Within the predefined methodology, several interviews with officials and convicts selected in focus groups were conducted, observations were made, as well as an analysis of the content in the doctor's office - the hospital and in several units where convicted users of drug and psychoactive substances are accommodated (hospital, skolarci, elderly, wings 2, 3, 5 and 8, as well as women unit).

Individual interviews were conducted with 14 people deprived of liberty (9 males and 5 females), and interviews in focus groups with 2-10 people deprived of liberty were realized in eight units. An interview was made with security employees, a psychiatrist, rehabilitation unit workers, as well as with persons deprived of liberty who are treated with methadone or buprenorphine, abstainers and people who use psychiatric substances.

**Coversations with employees**

From the conversation with the officials, as well from the insight in the records that are being conducted for the convicted persons who abuse drugs and other psychoactive substances, it was concluded that 221 of the total number of convicted persons in the Institution 221 undergo an opioid agonist therapy, of which 214 men and 7 women.

However, the presumed real number of people abusing psychoactive substances is much higher, and the estimate differs depending on whether it is sent by officials or convicts, ranging from 700 to 1000 people.

The biggest numbers of drug addicts, in terms of the capacity of the unit in which they are accommodated, are in the so called "Skolarci" unit, where there are as many as 80 addicts, most of whom are Roma, who are of low education or without any education.

The fact that these people are not at all included in the educational process, that is, there is no organized system of education and literacy for those who have not finished primary education, is particularly worrying.

| <i>Conclusion:</i>   | <i>Recommendation:</i>  |
|--|---|
| <p>➤ <b>There is no organized system for education and literacy of persons deprived of liberty who lack basic education.</b></p>   | <p>➤ <b>Provision of conditions for obligatory education/qualification.</b></p> |
| <p>❖ <b>Expected result:</b></p> <ul style="list-style-type: none"><li>- Acquisition of educational/qualification skills that can lead to the reduction of recidivism in prison.</li></ul> |   |



## Interview with educators

From the interviews with the educators, information was received that there is no psychosocial support in the Institution, as a form of treatment for persons with drug disorder, nor are the educators trained for psychosocial treatment.

In this context, despite being not qualified enough and educated to work with people who are drug addicts and abuse other psychoactive substances, the educators complained of a lack of written literature on this issue, in the form of manuals and guides. At the same time, it was pointed out that the small and insufficient number of employees in this Department faces practical impossibility to respond to the excessive scope of work and meet the needs of all convicted persons.

| <b>Conclusion:</b>  | <b>Recommendation:</b>  |
|---|---|
| <ul style="list-style-type: none"> <li>➤ <b>Lack of job qualifications and insufficient vocational education for the staff, as well as lack of written literature in the form of manuals and guides.</b></li> </ul>   | <ul style="list-style-type: none"> <li>➤ <b>Staff training, the activation of medical and other staff for work in prison and prevention of burnout syndrome among prison staff (providing a healthy and safe workplace)</b></li> <li>➤ <b>Conduct training for preventing overdose, preparing for release from prison, and on a voluntary basis also possible reintoxication with substitution therapy in persons at high risk of reversion.</b></li> </ul> |
| <ul style="list-style-type: none"> <li>❖ <b>Expected result:</b> <ul style="list-style-type: none"> <li>- Better quality treatment for persons deprived of liberty with drug-induced disorder;</li> <li>- Reducing mortality from overdose after exiting the prison.</li> </ul> </li> </ul> |   |

The educators pointed out that people with drug abuse disorder have minimal opportunities for working engagement and thus less chance of gaining and using the benefits provided for in the House Rules. Namely, the established practice refers to the fact that these persons have the opportunity to be engaged solely for the maintenance of hygiene in the premises and the surroundings, but in no case in the kitchen or bakery, with the explanation that there are other comorbid diseases such as hepatitis B , C, TB, HIV and others present in those persons.

| <b>Conclusion:</b>   | <b>Recommendation:</b>   |
|--|--|
| <ul style="list-style-type: none"> <li>➤ <b>There is no work engagement for all persons deprived of liberty, especially for persons with drug disorder.</b></li> </ul>   | <ul style="list-style-type: none"> <li>➤ <b>Provide working, occupational therapy for drug addicts.</b></li> </ul> |
| <ul style="list-style-type: none"> <li>❖ <b>Expected result:</b> <ul style="list-style-type: none"> <li>- Better response to the treatment of addiction, equal rights to use resr and financial compensation.</li> </ul> </li> </ul> |  |

## Interview with a psychiatrist

After the conversation with the psychiatrist at the Institution, information was received that every convicted person, that is, a patient who will require treatment with methadone, and for that there is an indication, is immediately available to use methadone and that there are no waiting lists for it.

Treatment information can be obtained at the hospital from a doctor, from educators and other prison employees.

Treatment with buprenorphine is available for treatment and is only received by those convicted persons who came to the facility with the already started treatment at the Clinic for Toxicology and Emergency Medicine, where they continue to treat them. Namely, biological material - urine is taken from these persons in the presence of security personnel and it is referred to the

Clinic for Toxicology and Emergency Medicine where the toxicological analysis for the presence of certain drugs is made and a certain amount of buprenorphine is raised.

The excessive workload, the need to wait 5-10 minutes for the sublingual tablet buprenorphine to melt under the language of each patient and the possibility of misuse of buprenorphine tablets, or the possibility of such tablets being sold by persons deprived of liberty, are stated as the reasons why buprenorphine should not be provided in the facility.

In that respect, the psychiatrist also stated that the buprenorphine is more attractive among the convicts, which is why the possibility of trafficking by convicted persons with a drug-related disorder is much greater.

In PCF Idrizovo, there is no special detoxification unit, which means that the reduction of methadone in cases where the patient requires it is done in hospital conditions, without it being followed by psychosocial support during dose reduction.

Drugs for the treatment of psychiatric comorbidity in the prison are available, but although they are prescribed to some convicts, it may happen that they do not receive the therapy because the medicines are taken to them by a convicted person, not a medical person. Some patients take their medication under supervision, but that is not always the case.

The large number of patients, and the small number of doctors and medical staff, is according to the psychiatrist the reason for the inability to use a standard instrument for assessing the patient's status, as well as the availability of the patient's records to non-medical persons who sometimes bring medical records to the doctor.

The services in the hospital are not aimed at meeting the needs of patients with comorbid somatic conditions, and although many of the persons dependent on psychoactive substances have hepatitis C, they are not subjected to special medication treatment.

Some patients are treated for thrombosis and vein inflammation, and treatment for TB and AIDS is also available. However, one of the problems in this regard was the lack of vaccines.

In addition, persons deprived of their liberty use heroin, marijuana, psychotropic drugs, and much less frequently stimulants.

During the conversation, the psychiatrist stated that there were cases of overdose of heroin, methadone, tablets, etc., but that there is no evidence of the incidence and prevalence of that phenomenon, nor was he certain that there is an overdose antidote in the pharmacy.

Overdosed persons are referred to the Clinic of Toxicology and Emergency Medicine.

The psychiatrist stated that there was no overdose of a person receiving buprenorphine, given that it qualifies as a safe remedy and does not lead to an overdose unless it is combined with other psychoactive substances.

Prior to leaving the institution, convicted persons with drug-related disorders are not trained to prevent overdose, nor are there any preparations or possible reintegration on a voluntary basis with substitution therapy.

The lack of a multiprofessional staff in the institution is evident, and the current medical staff in dealing with this issue has the feeling that they are "left alone". This directly affects the state that the hospital is very often left without a doctor for months, resulting in a burnout syndrome among medical staff.

Treatment of people with drug disorder is carried out according to the protocol for the use of methadone, and monitoring of such treatment is carried out by the Ministry of Justice - Directorate for Execution of Sanctions and the Ministry of Health, by reporting to these ministries and through the reports from performed supervisions.

| <i>Conclusion:</i>   | <i>Recommendation:</i>  |
|--|---|
| <p>➤ <i>There is no therapy for people who use drugs, and particularly concerning is the fact about the absence of such therapy in dose reduction and detoxification in persons.</i></p>   | <p>➤ <i>Provision of psychosocial support (therapy) for drug users, especially in dose reduction and detoxification of persons treated with an opioid agonist (detoxification without continuation of treatment and care for those individuals afterwards, only increases the risk of overdose in the recurrent reversion which occurs in the majority of drug addicts due to the nature of the disease).</i></p> |
| <p>❖ <b>Expected result:</b></p> <ul style="list-style-type: none"> <li>- <i>Better efficacy of the pharmacotherapy, that is, better results from opioid agonist treatment, and with total reduction of the dose reduced risk of reversion and reduced mortality from reversion overdose.</i></li> </ul> |   |

## Interview with security personnel

The Security Department in the PCF "Idrizovo" has been facing a huge shortage of staff for a long time, and the working activities of the officials in this Department are aimed at maintaining the peace and security of convicts in the institution, preventing escape, as well as detecting drugs, mobile phones and other illicit items and assets.

Officials from the Department noted that there are very frequent cases of inter-convict violence involving convicts who abuse drugs and other psychoactive substances and that the most common preventive measures undertaken to prevent this phenomenon are the separation, i.e. division and placement of these persons in different units.

Officials stated an example from the past when a convicted person complained that he was not feeling well and that he was overdosed and was therefore taken to the hospital, where security officers were intercepted by a larger group of men who helped him and enabled the convict to escape.

Such unpleasant experiences of the officials from the Security Department make them very cautious in the trusting of the statements of the convicts, especially the drug addicts seeking medical help.

## Monitoring

The conducted monitoring of the material conditions in the accommodation facilities directly refers to the fact that the premises in which the convicted persons who are addicted to drugs and psychoactive substances are accommodated are in an extremely poor condition. Almost all the rooms are overcrowded, unclean, with an unpleasant odor, with broken windows, broken sanitary elements, and especially concerning is the fact is that some persons sleep on mattresses placed on the ground and in the corridors.

| <i>Conclusion:</i>  | <i>Recommendation:</i>   |
|---|--|
| <p>➤ <i>Poor and inhuman material conditions, unacceptable for accommodating persons.</i></p>   | <p>➤ <i>Improvement of the living conditions and improvement of the hygiene (to reduce overcrowding, have a bed available to everyone, mattress and sufficient space for everyone, hygiene products, hygiene maintenance, etc.).</i></p> |
| <p>❖ <b>Expected result:</b></p> <ul style="list-style-type: none"> <li>- <i>Better quality of life and prevention of the spreading of various infections.</i></li> </ul> |  |

## Individual interviews and focus groups with people with drug abuse disorder

The individual interviews with the convicts and the focus groups with people with drug abuse disorder were aimed at obtaining more information related to their treatment, the availability of drugs, medicines and the like.

### Availability of medicines based on evidence-based medicine for the treatment of opiate dependence

Methadone therapy, i.e. methadone treatment is available to convicted drug addicts and users of psychoactive substances in the PCF "Idrizovo".

Some of the persons with drug abuse disorder who are not abstaining from drugs have the conviction that methadone can cause their teeth to deteriorate, that it gets into the bones and is harmful, and therefore decide to continue using illegal drugs, which is usually heroin.

The lack of availability of buprenorphine in the Institution plays a significant role for some of the convicts to continue to use illegal drugs or to try to get the drug "on the black market". Namely, given the fact that methadone is much more stigmatized than buprenorphine, some of the convicts with drug-related disorders try and most often manage to reach buprenorphine, which costs from 300 to 400 denars per 8 mg "on the black market".

During the conversation with the convicted persons, the "good practice" of successful self-initiated detoxification with buprenorphine was highlighted for a person who during the prison sentence illegally procured buprenorphine at the price of 350 denars for 8 mg and managed to detoxify, i.e. to abstain from drugs.

Some of the convicts noted that despite the desire to be receive a treatment with buprenorphine, it is not provided within the Institution, and a case was also emphasized where a convicted person as a punishment that he tried to escape, was given a lower dose of buprenorphine after his return.

| <b>Conclusion:</b>   | <b>Recommendation:</b>  |
|--|---|
| <ul style="list-style-type: none"> <li>➤ <i>The stigmatization of the method by the addicts and the difficult access to buprenorphine directly influences the opening of the so-called. "Black market" with buprenorphine..</i></li> </ul>   | <ul style="list-style-type: none"> <li>➤ <i>Availability of the medicine buprenorphine to all addicts who will need a buprenorphine treatment;</i></li> <li>➤ <i>Inclusion of as many drug users as possible who have developed dependence on it in the opioid agonist treatment programme (methadone or buprenorphine).</i></li> </ul> |
| <ul style="list-style-type: none"> <li>❖ <b>Expected result:</b> <ul style="list-style-type: none"> <li>- <i>Increasing the number of people using drugs in treatment programmes (recommendation 1) (buprenorphine will be provided to people who abuse drugs, for whom methadone is not attractive or does not render positive results); Reducing the black market with buprenorphine, reducing debt-related violence, reducing the risk of overdose and death from overdose (the drug is a partial agonist and is safer than methadone in terms of overdose);</i></li> <li>- <i>Reducing the use of illegal drugs and psychotropic substances procured on the black market; Reduced violence and other illegal activities in the prison; Reduced use of needles; Improving somatic health; Reduction of blood-related infections.</i></li> </ul> </li> </ul> |   |

In the PCF "Idrizovo" no opiate antipode is available, which is used in case of overdose of opiates. According to the received information from the conversations, the overdosed persons are referred to the Clinic for Toxicology, but the road to the clinic can in certain emergency situations prove to be too long to save the life of the addict.

| <i>Conclusion:</i>   | <i>Recommendation:</i>  |
|--|---|
| <p>➤ <i>Unavailability of the antidote can cause severe consequences and even death from overdose.</i></p>   | <p>➤ <i>Provide an opioid antipode in the Institution so that the consequences of overdose can be timely repaired).</i></p> |
| <p>❖ <i>Expected result:</i></p> <ul style="list-style-type: none"> <li>- <i>Reduction and prevention of severe consequences or possible mortality from overdosage.</i></li> </ul> |   |

Opioid antagonists are also not available in the institution, which are used to prevent relapse of opiates in highly motivated persons for abstinence.

Particularly worrying is the fact that in the PCF "Idrizovo" there are neither programmes for detoxification, nor special care programmes after the detoxification.

### **Access to illegal drugs and psychoactive substances**

From the interviews with the convicts, the National Preventive Mechanism finds wide distribution of various types of drugs and psychoactive substances in the Institution at "very favourable prices".

Namely, all convicted persons that were interviewed pointed out that the access to drugs at the Institution is much easier from the outside (they mean outside the institution) and that, given its easy accessibility and widespread distribution, the price of these drugs is very favourable, i.e., it is even cheaper from the outside.

The subject of trade is buprenorphine, the price of which "on the black market" ranges from 300 to 400 denars for 8 mg or 100 denars per tablet of 2 mg. Due to the easy accessibility, methadone is much cheaper and purchased "on the black market" costs 10 denars per milligram. Very often there are also tablets for soothing, as well as other drugs, so that one Diazepam tablet costs 10 to 20 denars.

Particularly worrying is the fact that many people who have undergone a successful abstinence began to use drugs again in the PCF Idrizovo, and there are also cases of convicted persons who for the first time took, that is, started using drugs at the institution.

The NPM received information from a person who, at the time of the visit, abstained, that it is very difficult to abstain at a unit where from 11 people 10 are "stoned" (are being under intensive drug use) and that he repeatedly asked the administration to be moved to another unit, but the administration has not yet responded to his requests. Some of the prisoners stated that for the same reasons, numerous times (some stated that even 40 times) they submitted written requests to the director for transfer to other units of the institution, but unfortunately, the requests were not positively answered.

### **Violence and ill-treatment**

Drug abuse in the institution directly affects the emergence of debtor-creditor inter-convict relations with very large or so-called "usury" interest rates, which very often later appear as the cause of violent incidents.

Namely, from the conversations with the convicted persons, it was concluded that drug addicts often decide to "borrow" money at very high interest rates so that they could procure drugs, and the inability to return the money leads to physical violence against the "debtor", to seizing parcels of food sent from outside or selling various personal items.

One of the persons who was interviewed individually pointed out a specific example where for a loan 300 denars, in one week he had to return 1000 denars, or for a loan of 500 denars, he

would have to return 2,000 denars for a week, and if he did not pay the borrowed money within a certain time limit, he would be threatened with physical violence.

The National Preventive Mechanism concluded that due to the widespread high interest "lending", debtors who, in the majority of cases, were addicted to drugs, were constantly exposed to psychological and physical abuse, while allegations of sexual harassment and violence were also stressed.

Particularly worrying are the allegations that the officers from the Security Department, despite the fact that in certain situations they have directly witnessed such maltreatment, only due to the fact that drug users are concerned, contrary to their duty, do not undertake anything and do not document such incidents.

### **Intravenous use**

According to the allegations of convicts in the PCF Idrizovo, a clean syringe and needle can be purchased for 500-600 denars, but used needles and syringes are much more commonly used.

Addicts say there are examples of injecting methadone with water, as well as addicts who, in addition to taking 12 ml of methadone, inject other psychotropic substances.

The assumed number of persons who inject drugs in the institution, according to people with drug abuse in the prison, is about 3% of all persons with drug abuse disorder.

### **Somatic comorbid conditions**

Some of the convicts who were found during the visit had inflamed veins and open wounds on their arms and legs, which due to difficult access to medical care have not been examined or bandaged.

Some of the convicts pointed out that the use of dirty injection equipment leads to the occurrence of thrombophlebitis (thrombosis and vein inflammation), and the poor and unhygienic material conditions contribute almost every other day a convicted person to suffer from diarrhea or vomiting.

The convicts noted that when they were admitted to the Institution they were not subjected to screening tests for HIV, hepatitis B or C, and that besides the large number of people who have hepatitis C, they are not subjected to any kind of medical treatment.

| <i>Conclusion:</i>  | <i>Recommendation:</i>  |
|---|---|
| <p>➤ <i>Lack of tests and examinations for HIV, C and B hepatitis, as well as lack of B jaundice vaccine, which are necessary for reducing the risk of spreading diseases and reducing mortality. Lack of treatment of somatic comorbid conditions caused and related to the use of drugs..</i></p>   | <p>➤ <i>Voluntary and confidential counseling and testing for HIV, C and B hepatitis and available treatment for C hepatitis for those who need it (if the punishment lasts for a long time, the disease progresses to a stage when it can not be treated and has a poor prognosis, so by failing to receive treatment in the prison, a person can be brought into a state that is irreversible and cannot be healed after leaving the prison);</i></p> <p>➤ <i>Provide a B-jaundice vaccine for voluntary testing of people who use drugs;</i></p> <p>➤ <i>Treatment of all somatic comorbidities caused and associated with the use of drugs (inflammation of veins, skin wounds, abscesses, B hepatitis), and those not related to drug use.</i></p> |
| <p>❖ <i>Expected result:</i></p> <ul style="list-style-type: none"> <li>- <i>Reduced risk of disease spread and reduced mortality from the disease;</i></li> <li>- <i>Prevention of B jaundice;</i></li> <li>- <i>Improving the health of persons deprived of liberty, reducing the risk of spreading infections, reduced morbidity and reduced mortality.</i></li> </ul> |   |

**Psychotic comorbid conditions**

The small number of medical personnel on the one hand, and the large number of convicted persons, on the other hand, lead to the state that many of the convicts who need assistance to be left without the necessary psychiatric assistance.

Many of the convicts pointed out that people with drug-related disorders face serious psychological problems that often lead to suicidal intentions and specific cases of self-injury.

| <b>Conclusion:</b>  | <b>Recommendation:</b>   |
|---|--|
| <p>➤ <i>There is no diagnosis and treatment of comorbid psychic conditions among convicts, for the purpose of improving the mental health and reducing the number of suicides</i></p> | <p>➤ <i>Self-injury, suicidal thoughts, intentions and tendencies, depression and other comorbid psychic conditions should be diagnosed, treated (including and ensuring that the prescribed therapy reaches the person for whom it is intended) and followed with great care.</i></p> |
| <p>❖ <b>Expected result:</b><br/>- <i>Improvement of the mental health and reduction of suicides with or without a fatal outcome.</i></p>   |  |

**Conditions in which persons deprived of their liberty - users of a substance are accommodated**

The material conditions in the accommodation facilities of the Institution are generally poor, but the devastating conditions in the premises where the convicts who are drug addicts or users of other psychotropic substances are seriously concerning.

Namely, in one room 20 convicted persons on beds of two or even three levels are accommodated. In some cases, two convicts sleep in one bed, some on mattresses in the corridors, and some on the floor. In the units there is an unpleasant odor from the toilets. The convicts complain that there are insects that bite them, they have no lamps, no hygienic means, the dishes are sometimes washed with soap or shampoo, they receive one sponge and one dish washing liquid in 3-4 months for all persons in the room (21-23 persons). In the toilets there are broken shells, in the rooms there are flies, mold, dirty walls, broken windows, and insects on the bread.

As a result of this situation, the convicted people complained of frequent stomachaches and diseases. They also complained that there are no usable taps in the toilets, the sewage is often non-functional and they step on faeces. The possibilities for maintaining personal hygiene was low, and because of the lack of hot water, they rarely have the opportunity to bathe.

**Stigmatization**

Most of the convicts who are addicted to drugs stated that they were stigmatized and humiliated by other convicts who call them abusive names (they are most often referred to as ZOMBI).

Apart from the fear of the imposed stigma, some of the convicted persons hide that they are persons with drug-related disorder also due to the established practice that addicts are very rarely engaged in working activities.

**Treatment of female addicts deprived of liberty**

Women convicts that are drug addicts and are addicted to psychotropic substances stated that they have easy access to various types of drugs in the women unit, including heroin as an exceptionally heavy drug.

From the conversations with the female addicts, information was received that some of the prisoners were still injecting drugs, which is usually done with old-used needles.

Some of the prisoners complained that they did not receive methadone on time, that is, they were sometimes waiting to receive methadone until 14.00 hrs., and also stressed that buprenorphine therapy is not available to them.

Regarding their work engagement, women with drug-related disorders complain, just like men, that there is little or no work for them.

The conditions in the women unit are better than the conditions in the other units, which among other things is influenced by the smaller number of addicts in terms of their number among male convicts.



**Annex 2:**

**Monitoring of the psychological state of the detainees in the Temporary Transit Centres in the Republic of Macedonia**

In accordance with the mandate and the authorizations, the Ombudsman, as a National Preventive Mechanism, in addition to the other activities, performs permanent and continuous monitoring of the level of exercise of the rights and treatment of persons accommodated in the Temporary Transit Centres "Vinojug" - Gevgelija and "Tabanovce"-Kumanovo, in order to identify possible risks of torture and other cruel or inhuman treatment and punishment.

From the conducted visits, the direct contacts with the detainees and the conversations with representatives of the non-governmental organizations that provide psychosocial support, the team of the National Preventive Mechanism has come to the conclusion that the retention of refugees in the Temporary Transit Centers for several months is manifested by changes in their mental health.

Such findings have led to the need to conduct a comprehensive research on the psychological situation of the refugees, wherefore the National Preventive Mechanism engaged external collaborators, members of the Association of Psychiatrists of the Republic of Macedonia and the Chamber of Psychologists, which had the purpose after the conducted research on the mental health of the detainees, to prepare a report with specific conclusions and recommendations for overcoming the possibly identified negative conditions.

For this purpose, during the month of August 2016, the external associates prof. PhD Dimitar Bonevski, psychiatrist, and PhD Andromahi Naumovska, psychologist, conducted several consecutive visits to the Temporary Transit Centres "Vinojug" -Gevgelija and "Tabanovce" - Kumanovo, whereby they observed the current activities, behaviour and non-verbal communication of the children, adolescents and adults. At the same time, discussions were held with the volunteers and medical personnel present on the ground, and the specially structured questionnaires intended for children and adults kept in the Temporary Transit Centres were processed.

As a result of the conducted research, a Special Report on the Status of Refugees in the Temporary Transit Centres was drawn up.

**Information on the psychological situation of the refugees in the Temporary Transit Centres in Macedonia**

In recent years, the number of refugees in Macedonia from the conflict zone in Syria and Afghanistan has rapidly increased, and the unpredictability of the political situation maintains a serious risk of new major refugee outbreaks on our borders and on our territory.

◆ **Introduction**

Refugees have high risk factors for mental disorders. It is undoubted that most of the refugees arriving in Macedonia experienced traumatic events, persecution, violence, loss of identity and culture, and often loss of family members. Such experiences have a direct impact on the symptoms of psychological disorders at the individual, family and group level.

On the other hand, the difficulties they face in their everyday life as refugees additionally

contribute to the disorder of the psychological state. It is very obvious, from the outside, that a large proportion of the refugees manifest serious mental health problems.

Estimates of the prevalence of post-traumatic stress disorder (PTSD) among adult refugees in various research carried out so far in the world range from 3% to 86%, and for depression they range from 3% to 80%. Accepting the lowest rates as valid is a step towards neglecting the mental health of refugees and the inverse emphasis on the upper end of the expected prevalence of psychiatric disorders leads to stigmatization of the refugees as population with very high psychiatric comorbidity.

Findings from some recent studies indicate that in 9% (10-11%) of refugees there is PTSD, and in 5% (4-6%) a major depression, with many psychiatric comorbidity.

More extensive studies give lower prevalence rates than studies with less optimal designs, but heterogeneity persists even in the findings of larger studies.

Serious meta-analysis suggests that about 1 in 10 adult refugees in western countries have post-traumatic stress disorder, 1 in 20 has major depression, and 1 in 25 has a generalized anxiety disorder, with a likelihood that these disorders often overlap.

PTSD and depression, i.e. their symptoms are primarily associated with survived traumas, stressful events during displacement, but psychological symptoms are increased further by the uncertainty and the unresolved status.

Aggression and behavioural problems that are often visible among refugees are indicative of affected mental health and negatively affect their social functioning.

The somatizations they present: headache, abdominal pain, stomach problems, myalgia, etc. are actually a significant component of the symptomatology that points to psychological problems.

Disturbances in the impulse sphere, such as insomnia, hypersomnia, anorexia, indicate again their psychological suffering.

Without a doubt, special attention should be paid to the mental health of refugee children who are the most vulnerable group, since their overall mental development is significantly affected.

It is important to emphasize that traumatic experiences in refugee children have acute-direct but also long-lasting consequences for their mental health. Many recent studies suggest that the most common problem is PTSD followed by depression, and behavioural and emotional disorders are common, including aggression and affective disorders. The presence of these disorders in conditions such as conditions in Temporary Transit Centres without proper environment, in terms of support and care, especially in the possible absence of parents (dead, missing) further significantly increases the risk of serious consequences for the mental health in the course of their life.

PTSR and depression are the most frequently observed problem with the mental health of refugee children and they disturb the everyday interactions with their families, friends, peers. Over 25% of refugee children show signs of PTSD, and 44% of refugee children report symptoms of depression. The proportion of gender, that is, 54% of girls, and 26% of boys have symptoms of depression, is also important. Undoubtedly, girls are at a much greater risk of depression.

A large percentage of refugee children with psychosomatic symptoms (pain in different parts of the body), 25% of refugee children have body pain (for comparison in the United States 15% of children has psychosomatic pains). In the context of cultural norms of emotional expression and manifestation of psychological stress, somatisation is an important component in refugee children.

Problems with attention, hyperactivity, aggression and social withdrawal in formal groups are observed in refugee children.

◆ **Survey on Assessment of Mental Health of Refugees in the Two Temporary Transit Centres in Macedonia, in the Period 2015/2016**

Although the research carried out so far in the world, discussed above, provides relevant data for insight into the situation with the mental health of refugees, it is still necessary to make a separate assessment of the situation of refugee mental health in the two Temporary Transit Centres in Macedonia ("Vinojug" - Gevgelija and Tabanovce-Kumanovo).

For this purpose a visit was made to the Temporary Transit Centres, whereby:

- The current activities in the Temporary Transit Centres have been observed,
- • The behaviour and non-verbal communication of children and adolescents and adults was observed,
- • Talks were conducted with volunteers, helpers in the Temporary Transit Centres, medical staff and people working at the information desk.

Specifically structured questionnaires for self-assessment by refugees for their psychological condition have been used.

For adult refugees, the "Mental Health General Questionnaire" was used, and "Child & Youth Mental Health General Questionnaire Recommendations" was used for refugee children. The questionnaires were filled by 1/3 of the refugees in both centres.

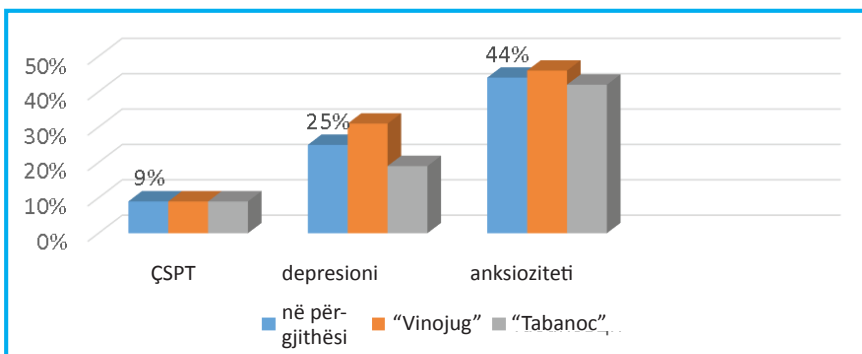
The basic objectives of the examination were to determine:

1. the frequency of psychological-psychiatric disorders in children and adult refugees;
2. an assessment of the need for treatment of these disorders and its specification in the conditions of refugee camps.

◆ **Received data**

In the temporary refugee centre "Tabanovce" -Kumanovo there were 81 refugees, 40 of whom are under the age of 18 and 40 are adults, while 130 refugees have been found in the Temporary Transit Centre "Vinojug" -Gevgelija, of whom 60 children under the age of 18 and 70 adults.

From the structured questionnaires used, among adults generally data are given on the frequency of psychological-psychiatric disorders that is within the expectations, in relation to the results of the existing 5 researches on the mental health of refugees in the world.



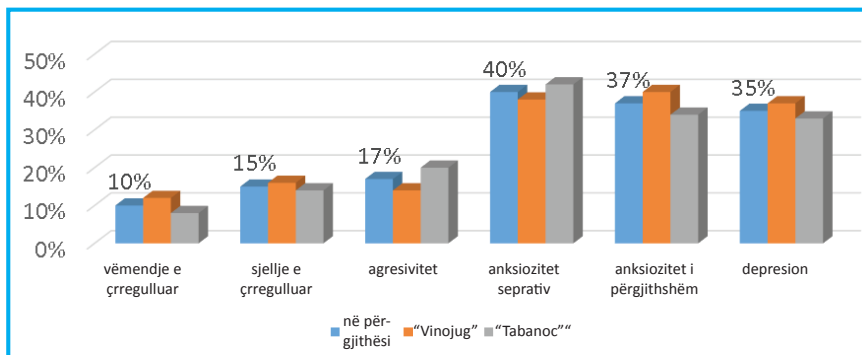
Grafiku 1. Çrregullime psikologjike-psikiatrike tek refugjatët e rritur

The frequency of PTSD in adult refugees in both centres is identical (9%), the mean depression rate is 25% (significantly more pronounced for refugees in the Temporary Transit Centre "Vinojug" -Gevgelija), and the frequency of anxiety is the highest (44%) (something more pronounced among the refugees in the Temporary Transit Centre "Vinojug" -Gevgelija).

This relatively higher prevalence of depressiveness and anxiety among refugees in Macedonia, despite the representation of the PTSD, points to a more pronounced influence on the current situation in which they are found because of the traumas of the wars in their countries and the transport to our country. Namely, the long-term stay in these centres causes a very pronounced level of anxiety and depression, following the great uncertainty about the realization of their emigration plan to the desired destinations in the Western countries.

Adult refugees from the Temporary Transit Centre "Vinojug" -Gevgelija have more pronounced depression and anxiety, due to the pronounced restrictiveness in the possibility of leaving the centre and the awareness of the physically greater distance from the border leading them to the desired destination. On the other hand, refugees at the Temporary Transit Centre "Tabanovce" are more likely to hope, and the expectations for faster departure from there and going to the desired destination are higher, which, realistically, happens occasionally with some of the refugees.

In refugee children, the separation anxiety is most pronounced, which is shown by 40% of children (somewhat more pronounced in children in Tabanovce). Generalized anxiety is present in 37% of the children (more pronounced in children in "Vinojug"). Depression is present in 35% of the children (more pronounced in children in "Vinojug"). Aggression is present in 17% (more emphasized in children in Tabanovce), behavioural problems at 15%, and disturbance of attention at 10% (more emphasized in children in "Vinojug").



Grafiku 2. Çrregullimet psikologjike-psikiatrike tek fëmijët refugjatë

Children from the Temporary Transit Centre "Vinojug" have somewhat more pronounced generalized anxiety and depression, which is to be seen in a more serious disorder of their attention and behaviour. The reason for that is, probably the high anxiety and depression of their parents with the phenomenon of psychological induction. Namely, children tend to directly take on the negative emotional experiences of people close to them.

On the other hand, refugee children from the Temporary Transit Centre Tabanovce have more pronounced separation anxiety and aggressiveness, which is probably due to the more frequent instability of the situation in the centre, in terms of new arrival and departure of some of the refugees.

The threats to the psychological health of refugees arising from surviving traumatic experiences and the current conditions in which they are found could be summarized in the following order:

- High incidence of depression, anxiety, PTSD;
- Uncertainty in the future;
- Forced dependence on the system, lack of autonomy;
- Regression caused by the structure of life in a camp;
- Constant worries and uncertainty for further legal immigration procedures, especially for those who are not in the asylum procedure;
- The need for a home away from others;
- Any problems that arise due to linguistic and cultural barriers;
- Recent traumas;
- Fears for asylum, for those who seek it;
- Fears about the unification of the family, in those who are separated from the loved ones;
- Conflicts in the centre due to ethnic and national differences among refugees;
- Lack of psychological assistance and support at all present in the centres, no kind of individual or group counselling, psychotherapy;
- Fears about other health problems.

◆ **Current activities regarding the psychosocial aspect in the Temporary Transit Centres and recommendations for their improvement in the context of mental health protection**

There are some educational workshops for children, but it is far from complete education that would be the equivalent of learning in order to get a certificate of completion for a semester or a school year. This means that children suffer from this aspect, they are educationally neglected. On the other hand, it is very important for their parents to get involved in their education, because in that manner they will have certain activities themselves, will have the experience that they are important, and can better coordinate certain educational activities with the current educators. It would also positively affect the children for their school engagements and social adaptation.

For adults, apart from the possibility of learning a language, there are no organized educational and psychosocial activities, due to which they have excessive free time and contributes to emphasizing anxiety and other psychological disorders.

Introducing psychosocial activities for adults would be of great importance for the improvement of the overall psychological state. In this context, creating a certain occupational work - therapy for adults (especially with a possibility for a certain amount of money) would have a positive impact for improving the image for oneself, for their sense of satisfaction and for reducing the frustration that they are staying in a place where they are closed, in isolation, in a country where they do not want to be, and they face uncertainty as to when their situation will change. By reducing the boredom and feeling of loneliness, it would certainly help to reduce the symptoms of depression, anxiety, PTSD, and at the same time a feeling of greater security for their new life would be built and it would contribute to building a sense of power, as opposed to insecurity, the powerlessness and the uncertainty that they currently feel.

For this purpose, for the beginning, it is possible to design workshops in which they would acquire certain skills for work, in order to prepare for their work, and to perceive their future, as well as to improve their psychological state. In this way, they are helped to build a new identity, because their identity is lost, they are helped to socialize in a culture in which they want to continue their lives.

In addition to certain psychosocial activities, there should also be a place that could be used by refugees for spontaneous social activities. It would, psychologically, mean that they have their own personal space and a common, group space for autonomous interactions, and not only for organized group activities, which would provide them with certain autonomy that they need. To realize this, it is necessary that the place be planned and designed together with the refugees who are in the centre. The increased sense of autonomy and freedom with the ability to partially live as they wish can reduce the regressive dependence and the experience that is determined from the outside.

It is necessary to allow refugees to occasionally leave the centre in a controlled and safe manner, which would help reduce the sense of helplessness and failure and would allow the return of a partial experience of own control. Namely, the results of this research indicate that among the refugees from "Vinojug"-Gevgelija, who have no opportunity to leave the centre for a moment, there are more significant symptoms of anxiety and depression.

The impression is that experts involved in the work of psychosocial activities with refugees manifest evident signs of symptoms of burnout syndrome due to the undoubted stress of such work, so they need specific psychotherapeutic support for them, for education for recognizing the symptoms of stress and trauma among refugees, an appropriate attitude towards them, and recognition of their own symptoms of stress and burnout in work and exemption techniques.

### ◆ **Recommendations on priorities for the treatment of refugee mental health**

Refugees who are faced with displacement, leaving their home, immediate and wider surroundings and their way of life have suffered from separation from their wider families, some of them from the primary family, were initially primarily targeted to basic survival, such as providing food, water and shelter. In other words, they were faced with primary fears of survival and security for themselves and their loved ones. After their placement in a safe environment (the centres), their primary concern is directed to the uncertainty associated with their future. They are currently experiencing anxiety, fear, helplessness, depression, a sense of loss of control, apathy, fatigue, grief, isolation, etc.

In the context of that, it is necessary that the focus of care for them be put on their mental health.

Certainly surviving trauma during displacement is an initial trigger for mental health disorder, but actual worries and uncertainty about the future and lack of day-to-day constructive activities further affect their mental health.

The conditions in the camps restrict the daily life of the refugees, their habits, everyday obligations and activities, which seriously create discontent, anxiety, a feeling of lack of freedom and lack of control over their lives, and all of that has a negative impact on their mental health.

Engagement through a certain type of occupational therapy (work activities) and training for professional education would divert their attention to a particular activity and would help them to be useful, actively and would return a positive picture of their future, which would also reduce the symptoms of anxiety and depression.

For refugees who manifest pronounced symptoms of PTSD, anxiety and depression, combined psychiatric-psychological, drug and psychotherapeutic treatment is necessary.

For refugees who do not have the symptoms of these disorders, psychological support is also required in terms of psychotherapy-psychological counselling due to the undoubted psychological worsening in the conditions of surviving stresses and the uncertainty about their own future in which they are currently. Namely, the psychotherapeutic approach, that is, psychological counselling is necessary because of prevention, and not only for the treatment of certain

already manifested psychiatric disorders.

We think that it is necessary to give priority to this approach, which has been neglected due to other identified needs.

World experiences suggest that this therapeutic approach has shown efficiency in working with refugees, but care must be taken of the problems that follow. Above all, the stigma among the refugees themselves regarding the treatment of psychological disorders must be taken into account, given the different approach and treatment of mental illnesses in their countries of origin. Also, another expected difficulty is the inability to provide professionals (psychiatrists, psychologists, psychotherapists) who speak their language.

Taking into account the fact that refugee children are the most vulnerable group among refugees and mental health disorders in the conditions in which they are found can leave very significant consequences for the overall psychological development and further psychological functioning, most urgent need of their proper psychological-psychiatric treatment emerges. In addition, the psychiatric-psychological treatment of refugee children should be carried out for those who manifest certain psychiatric disorders (PTSD, depression, anxiety, behavioural disorders and attention, etc.), as well as for the rest of the children.

It is necessary that the psychotherapeutic approaches to treatment of refugee children be implemented with children, as well as with their parents, i.e. families, as well as with the staff working with them on certain programmes. In this context, additional psychosocial programmes for refugee children are also necessary.

The setting in which psychosocial interventions are currently being conducted is a good place for the stationing of mental health services, since it requires both group and individual psychotherapeutic interventions.

Psychosocial activities can provide initial contact with mental health services, and this can be done through occupational therapy and education. Of particular importance is education for the country where they are, as well as for the country where they want to go, language learning, the way of preparing food, dressing, etc., with an exchange in the sense that they can themselves present their culture by preparing their traditional food, the presentation of their traditional clothes and the like. Such psychosocial activities should facilitate communication; provide an opportunity to express their thoughts, dilemmas and fears. In doing so, one should take into account the current trigger factors for the continuation of stress and to allow conversation for them, putting them in the position of active stakeholders. This would reduce the feeling of helplessness and there would be a facilitating influence on the possibility of starting the process of psychotherapy.

The use of techniques for dealing and strengthening personal capacities through techniques such as storytelling, music, art, and dance are alternative methods that can also facilitate the process of introducing psychotherapeutic methods.

The accommodation of psychotherapeutic treatment services in the same space with the psychosocial programmes being implemented can be a moment which helps to overcome the stigma that any request requires, i.e. acceptance of the psychological-psychiatric help and support. Namely, the perceiving of the space as a space for group social activities for children, for example, adults (parents) would more easily accept their own participation in them. Individual group consultations related to their children would be linked to such group activities, and eventually it would be possible to negotiate individual consultations with parents only. Inclusion of adults in psychotherapeutic treatment is of great importance, because mental health and well-being of parents is a protective factor for children, especially for children who deal with trauma and who have certain mental problems. Mental health of adults is also a protective factor for maintaining the family and easier adaptation to the new culture in which they come.

Psychosocial activities, psycho-education, counselling and psychotherapy in both camps, especially with adults, do not exist as an activity at all.

Psychotherapeutic models that should be provided in both campaigns should include oppor-

tunities for individual, family and group psychotherapy, preventive interventions, and for cases with pronounced symptoms of psychiatric disorders (PTSD, anxiety, depression) psychiatric drug treatment is required.

Objectives of the psychotherapeutic approach:

1. Establishing security and security
2. Integration of the individual and the family in the new cultural context
3. Redefining the individual identity, including acculturation and acquiring new skills for dealing with, solving problems and conflicts, competence skills.

In the psychotherapeutic approach to work with refugees, the techniques of:

- Ventilation,
- Desensitization,
- Relaxation and
- Cognitive restructuring,

for children, adolescents, and adults are particularly important.

These techniques have a dual purpose, the treatment by telling (ventilation) has an important role for the individual, but the application of techniques in a group is also important for the group, because everyone has the knowledge that he/she is not alone in the process, but also that other individuals face the same or similar problems, and it helps helpers who understand the culture more easily, they become familiar with the clients and more easily use techniques for intervention. In situations where clients face more pronounced symptoms of PTSD, anxiety, and depression, it is important to work with individual group psychotherapy in parallel with group interventions.

The group activities allow orientation and education for the new culture and life in it, thus reducing the cultural difference, as well as the generational difference that is created between parents and children, especially because children are more easily adapted to a new culture. It is important that culturally relevant data be shared, although most refugees do not seek asylum in the Republic of Macedonia. Namely, this information can be helpful in order to reduce the anxiety associated with the uncertainty about their future.

It should be emphasized that the timely (early) psychotherapy treatment of children with symptoms of PTSD, anxiety, depression, attention disturbances and behaviour, etc., is of particular importance, as prevention of further consequences in the form of numerous permanent disorders of their mental health throughout life.

## **Recommendations of the creators of the programmes**

1. Consultation with professionals - psychologists, psychiatrists, social workers, educators, lawyers and so on, before planning activities with children, adolescents, and parents.
2. To take into account legislative and legal norms relating to immigration, refugees and their adaptation with regard to the everyday lives of refugees in the country.
3. Providing medical and social assistance, which already exists, but also preventive programmes, such as psychological assistance and support and psychiatric treatment.
4. Make sure that the family stay together and have privacy from other families arriving, as well as from those who arrive individually.
5. When assessing the situation of refugees, take into account that experiencing traumatic events can alter or distort memory, so discrepancies in personal stories are not immediately noticed as deviation from the truth.



◆ **Conclusion**

We consider that for the protection and promotion of refugee mental health, the following is necessary:

Providing psychiatric centres for the treatment of psychiatric disorders that are present in some of the refugees (predominantly PTSD, anxiety and depression), as well as for the prevention of mental disorders in the entire refugee population, with a special emphasis on children.

Centres need to provide:

1. Refugee treatment which would include:
  - 1.1. Individual counselling and psychotherapy, for adolescents and adults, in order to be released from the post-traumatic symptoms, to develop coping mechanisms, to gain confidence in themselves;
  - 1.2. Group counselling and psychotherapy, for children, adolescents and adults, in order to get to know each other, gain mutual trust, strengthen cohesion among refugees;
  - 1.3. Psychological workshops for children for coping with psychological disorders and relaxation;
  - 1.4. family therapy, in accordance with their culture, in order to understand those members who are experiencing post-traumatic symptoms, and to understand those who are secondary victims and were not directly exposed to a more serious traumatic event;
  - 1.5. Non-verbal therapies using techniques through art, relaxation, movements;
  - 1.6. Workshops on cultural orientation with the culture they should face;
  - 1.7. Workshops for acquiring skills in order to get employed more easily in the future;
  - 1.8. If necessary, psychiatric drug treatment for children, adolescents and adults with pronounced symptoms of PTSD, anxiety and depression.
2. Psychological support for professionals involved in working with refugees which would include:
  - 2.1. Training everyone for educational and social support to recognize the signs of trauma and develop skills to help them;
  - 2.2. Appropriate psychotherapy treatment for professionals involved in helping refugees to overcome their own stress of such work and preventing the syndrome of burnout.

**Suggestion for the location of centres**

1. Such centres should be located spatially in the already existing points of psychosocial support, which would facilitate their functioning and would contribute to reducing the stigma of refugees.

Skopje, 26 September, 2016

### Annex 3: Review of visits and activities of the National Preventive Mechanism in 2016

- Preventive visits
- Visits carried out within a project
- Domestic and international activities

| Date             | Location         | Activity  | Participants   | Organized by                                       |
|------------------|------------------|---|--|--|
| 22.02.2016       | Tabanovce        | Visit to the Temporary Transit Centre Tabanovce   | O - NPM, Ombudsman Spain, Ombudsman Albania  | NPM  |
| 13-15.04.2016    | Ohrid            | Workshop "Standard operating procedures for dealing with vulnerable category of persons"                        | NPM, state institutions, non-governmental and international organizations                    | Sector for Asylum and the Ministry of the Interior |
| 05.05.2016       | Skopje           | Extraordinary visits to Prison Skopje and PCF - Idrizovo  | NPM  | NPM  |
| 09/10/11.05.2016 | Pristina, Kosovo | Training "Strengthening the skills for monitoring the juvenile prisons in R.Albania, R.Kosovo and R. Macedonia" | Regional Ombudsman Institutions and Regional NGOs  | Matra CoPROL, Dutch Ministry of Foreign Affairs    |
| 16.05.2016       | Gevgelija        | Regular visit to the Temporary Transit Centre Vinojug   | NPM  | NPM  |
| 17.05.2016       | Skopje           | Regular visit to the Reception Centre for asylum seekers  | NPM  | NPM  |
| 20.05.2016       | Tabanovce        | Regular visit to the Temporary Transit Center Tabanovce   | NPM  | NPM  |
| 23.05.2016       | Gevgelija        | Regular visit to the Temporary Transit Center Vinojug   | NPM  | NPM  |
| 26.05.2016       | Skopje           | Regular Visit to the Reception Centre for Foreigners  | NPM  | NPM  |
| 31.05.2016       | Gevgelija        | Visit to the Temporary Transit Centre Vinojug   | NPM  | NPM  |
| 03.06.2016       | Tabanovce        | Visit to the Temporary Transit Centre Tabanovce   | NPM  | NPM  |
| 10.06.2016       | Gevgelija        | Visit to the Temporary Transit Centre Vinojug   | NPM  | NPM  |
| 23/25/27.06.2016 | Demir Kapija     | Visit to the PI Special Institute Demir Kapija  | NPM with a representative from the Association of Psychiatrists of the Republic of Macedonia | NPM  |
| 28.06.2016       | Paris, France    | Conference on "Protection of Refugee Children"  | NPM, Ombudsman Institutions and International organizations                                  | NPM  |
| 01.07.2016       | Gevgelija        | Visit the Temporary Transit Center Vinojug  | NPM  | Council of Europe                                  |
| 08.07.2016       | Tabanovce        | Visit to the Temporary Transit Center Tabanovce   | NPM  | NPM  |
| 14.07.2016       | Berovo           | Regular visit to the PS Berovo  | NPM with a representative from the Association for Criminal Law and Criminology              | NPM  |
| 15.06.2016       | Resen            | Regular visit to the PS Resen   | NPM with a representative from the Association for Criminal Law and Criminology              | NPM  |
| 22.07.2016       | Tabanovce        | Visit to the Temporary Transit Center Tabanovce   | NPM  | NPM  |
| 27.07.2016       | Gevgelija        | Visit the Temporary Transit Center Vinojug  | NPM  | NPM  |
| 29.07.2016       | Tabanovce        | Visit to the Temporary Transit Center Tabanovce   | NPM  | NPM  |
| 04.08.2016       | Gevgelija        | Visit the Temporary Transit Center Vinojug  | NPM  | NPM  |
| 05.08.2016       | Skopje           | Visit to the Reception Center for Foreigners Gazi Baba  | NPM  | NPM  |

|                        |                     |  |  |                   |
|------------------------|---------------------|--|--|-------------------|
| 10.08.2016             | Tabanovce           | Visit to the Temporary Transit Center Tabanovce                                  | NPM  | NPM               |
| 12.08.2016             | Skopje              | Visit to the Reception Center for Foreigners Gazi Baba                           | NPM  | NPM               |
| 16.08.2016             | Skopje              | Visit to the Reception Center for Foreigners Gazi Baba                           | NPM  | NPM               |
| 18.08.2016             | Tabanovce           | Visit to the Temporary Transit Center Tabanovce                                  | NPM  | NPM               |
| 22.08.2016             | Skopje              | Visit to the Reception Center for Foreigners Gazi Baba                           | NPM  | NPM               |
| 23/24.08.2016          | Veles               | Training "Standard operating procedures for the Reception Center for foreigners" | NPM , State institutions and International organizations   | IOM               |
| 24.08.2016             | Gevgelija           | Visit the Temporary Transit Center Vinojug                                       | NPM  | NPM               |
| 01/02/05/06/13.09.2016 | Skopje              | Regular visit to the PCF - Idrizovo  | NPM in cooperation with several associations   | NPM               |
| 22.09.2016             | Skopje              | Follow-up visit to the Reception Center for Foreigners Gazi Baba                 | NPM  | NPM               |
| 23.09.2016             | Gevgelija           | Visit the Temporary Transit Center Vinojug                                       | NPM  | NPM               |
| 28.09.2016             | Gevgelija           | Follow-up visit to the Temporary Transit Center Vinojug                          | NPM  | NPM               |
| 06.10. 2016            | Skopje              | Regular visit to the PS Chair  | NPM  | NPM               |
| 10-12.10.2016          | Vienna, Austria     | Conference of the South East European Network of NPM "Homes for the Elderly"     | NPM, International Ombudsman Institutions and International Organizations  | OSCE/ODIHR        |
| 12.10.2016             | Tabanovce           | Visit to the Temporary Transit Center Tabanovce                                  | NPM  | NPM               |
| 13.10.2016             | Gevgelija           | Visit to the Temporary Transit Center Vinojug                                    | NPM  | NPM               |
| 14.10.2016             | Skopje              | Visit to the Reception Center for asylum seekers                                 | NPM  | NPM               |
| 17.10.2016             | Gevgelija           | Visit to the Temporary Transit Center Vinojug                                    | NPM  | NPM               |
| 28.10.2016             | Skopje              | Follow-up visit to the Reception Center for asylum seekers                       | NPM  | NPM               |
| 03/04.11.2016          | Ohrid               | Regional Conference "Access to the right to asylum"                              | NPM, regional Ombudsman institutions, international and non-governmental organizations                                       | NPM and UNHCR     |
| 08.11.2016             | Skopje              | Visit the Reception Center for asylum seekers                                    | NPM  | NPM               |
| 22-24.11.2016          | Rabat, Morocco      | Conference on "Children on the move"   | NPM, Ombudsman Institutions and International organizations  | AOM               |
| 25.11.2016             | Tetovo              | Regular visit to PS Tetovo   | NPM with a representative from the Macedonian Young Lawyers Association and the Association for Criminal Law and Criminology | NPM               |
| 29/30.11.2016          | Zagreb, Croatia     | Conference on the occasion of 10 years of OPCAT                                  | Regional Ombudsman Institutions  | Ombudsman Croatia |
| 29.11. 2016            | Tabanovce           | Visit to the Temporary Transit Center Tabanovce                                  | NPM  | NPM               |
| 30.11.2016             | Gevgelija           | Visit the Temporary Transit Center Vinojug                                       | NPM  | NPM               |
| 02.12.2016             | Kriva Palanka       | Regular visit to PS Kriva Palanka  | NPM with a representative from the Macedonian Young Lawyers Association and the Association for Criminal Law and Criminology | NPM               |
| 08/09.12.2016          | Geneva, Switzerland | Conference "Children on the move"  | Ombudsman institutions and international organizations   | UNHCR             |

|               |                  |   |  |                  |
|---------------|------------------|---|--|------------------|
| 12.12.2016    | Gevgelija        | Regular visit to PS Gevgelija   | NPM with a representative from the Macedonian Young Lawyers Association and the Association for Criminal Law and Criminology | NPM              |
| 13/14.12.2016 | Belgrade, Serbia | Conference on "Protection of human rights for migrants and refugees - preventive approach " | NPM, Regional Ombudsman Institutions and international organizations   | Ombudsman Serbia |
| 26/27.12.2016 | Struga           | Follow-up visit to PCF of open type Struga  | NPM in cooperation with several associations   | NPM              |
| 28.12.2016    | Struga           | Regular visit to PS Struga  | NPM  | NPM              |
| 28.12.2016    | Struga           | Regular visit to PS Frangovo  | NPM with a representative of the Macedonian Young Lawyers Association  | NPM              |

**Annex 4: List of external collaborators**

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5. Velka Lukic, Association of Nurses, Technicians and Midwives of
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13. PhD Andromahi Naumovska - Chamber of Psychologists of the Republic of Macedonia;
14. Jasmin Redzeqi - Citizens' Association Legis;
15. Svetlana Koseva - Macedonian Young Lawyers Association;
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