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AVOKATI I POPULLIT
Republic of North Macedonia
O M B U D S M A N

**Republic of North Macedonia
Ombudsman
National Preventive Mechanism**

Annual report 2018

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Abbreviations

APT	Association for Prevention of Torture
LES	Law on Execution of Sanctions
PHI	Public health institution
PI	Public institution
PCF	Penitentiary and correctional facility
PCI	Penitentiary and correctional institution
ECPT	European Committee for the Prevention of Torture
MOI	Ministry of Interior
MLSP	Ministry of Labor and Social Policy
OM	Ombudsman
OM – NPM	Ombudsman - National Preventive Mechanism
NPM	National Preventive Mechanism
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
OPCAT	Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PS	Police station
PSBC	Police station for border control
PSGJ	Police station of general jurisdiction
PSBS	Police station for border surveillance
TTC	Temporary Transit Center
AECS	Administration for Execution of Criminal Sanctions
UNICEF	Children's Fund of the United Nations

UNHCR	High Commissioner for Refugees
CCM	Center for Crisis Management
SAC	Social Affairs Centre

Ladies and Gentlemen,

In front of you is the eighth in the row Annual Report of the Ombudsman - National Preventive Mechanism, which is a report of the undertaken activities within the determined mandate for prevention of acts of torture and other cruel and inhuman or degrading treatment or punishment in the places of deprivation of liberty, and detention.

The established conditions from the preventive visits made by the National Preventive Mechanism team, as well as the recommendations made, are a clear indicator of the need for greater commitment and additional efforts of the authorities in accomplishing the commitments undertaken with the ratification of the Convention against Torture and the Facultative Protocol thereto.

In this sense, once again I want to remind the competent authorities that torture is a serious violation of fundamental human rights and a threat to democratic principles and values in every society, because of which efforts to combat torture and zero tolerance in case of its existence must not be only of a declarative character.

Hence, undertaking of measures and activities for the timely removal of the identified risks that can lead to torture and other forms of cruel and inhuman or degrading treatment or punishment in the places of deprivation of liberty and detention cannot and must not be delayed, especially with an explanation that the state has not provided enough financial resources.

The Ombudsman - National Preventive Mechanism will continue to monitor the conditions in the places of deprivation of liberty and detention, in accordance with the mandate and competencies stipulated in the Law on the Ombudsman, in order to ensure full respect for human dignity and humane treatment of persons deprived of their liberty.

OMBUDSMAN
Ixhet Memeti

1 AUTHORIZATIONS AND ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANISM

1.1 Authorizations and mandate of the National Preventive Mechanism

The formal absolute prohibition of torture and other forms of cruel and inhuman treatment stems from the adoption of the 1984 UN Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment. In order to enhance the protection and prevention against torture in institutions and in general in the facilities where persons deprived of their freedom are accommodated, the UN General Assembly additionally adopted the Optional Protocol to the UN Convention against Torture (OPCAT), which entered into force in 2006.

Article 4 of the Optional Protocol provides that each State Party to the Protocol shall permit visits to places of detention, and Article 17 obliges each State Party to the Protocol to establish an independent national preventive mechanism for the prevention of torture at home.

Acting in this direction, in 2008 the Republic of North Macedonia ratified the Optional Protocol to the Convention against Torture and by the Law on Ratification designated the Ombudsman to act as a National Preventive Mechanism, thus taking over the obligation to comprehensively combat torture and zero tolerance in case of its existence.

Consequently, in 2009, with the amendments to the Law on Ombudsman, a separate unit, the National Preventive Mechanism, was established within the Ombudsman, which primary task was the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment, which commenced work in March 2011.

The competences of this unit within the Ombudsman are to regularly examine the treatment of persons deprived of their liberty, to make recommendations to the relevant authorities in order to prevent torture and other forms of inhuman treatment, as well as to make suggestions and observations regarding the existing or draft legislation. In this context, the National Preventive Mechanism is authorized to have unhindered access to all places of detention, access to all information concerning the number of persons deprived of their liberty, as well as access to information concerning the treatment of persons and the grounds of their deprivation of liberty.

In order to establish a system of visits which basic function is prevention of torture, the National Preventive Mechanism has also prepared a special Rule-book on the manner of conducting torture prevention and a Methodology on the manner of

conducting regular and follow-up preventive visits to places where persons deprived of their liberty are or may be accommodated.

According to the Rule-book on the Manner of Torture Prevention, the National Preventive Mechanism conducts visits to police stations, units for detention and units for convicts in penitentiary and correctional facilities, correctional institutions, psychiatric hospitals, other places of detention, as well as to unofficial places for which there may be information that persons are deprived of their liberty.

1.2 Organizational structure of the National Preventive Mechanism

According to the Law on the Ombudsman, the National Preventive Mechanism operates within the institution of Ombudsman as a separate team with clearly defined competences for actions in accordance with the Optional Protocol to the Convention against Torture.

The Republic of North Macedonia has ratified the Optional Protocol to the Convention against Torture, thereby committing itself to provide funds for the staffing of the National Preventive Mechanism as one of the prerequisites for its undisturbed and successful functioning. However, the National Preventive Mechanism worked without any employee due to the ignorant treatment of the authorities more than three years, a problem that was overcome in the reporting period and finally by mid-2018 the National Preventive Mechanism managed to form a team composed of three lawyers, one of whom was a state counselor and two counselors for the prevention of torture and other forms of cruel and inhumane treatment or punishment.

Within the many years of cooperation with the Office of the High Commissioner for Refugees, part of the visits to the places of accommodation and detention of migrants and refugees have been undertaken by temporary hired staff - executors of the project "Improving the System of Legal Protection Related to Asylum and Naturalization".

1.3 Preventive visits realized in 2018

The Ombudsman - National Preventive Mechanism within its mandate and competences, during 2018 continued to implement the obligations arising from the Optional Protocol to the United Nations Convention against Torture and its anti-torture and zero tolerance in case it exists.

The visits were carried out without prior notice by the NPM team, in accordance with the previously established Annual Program for conducting preventive visits.

In order to provide a multidisciplinary approach to the work while conducting the preventive visits the National Preventive Mechanism team engaged external collaborators, experts from various fields, from organizations and associations with

which the Ombudsman - National Preventive Mechanism has concluded a Memorandum of Understanding: Association of Psychiatrists, Institute of Forensic Medicine, Criminology and Medical Deontology, Macedonian Association of Young Lawyers, Association for Criminal Law and Criminology, Association of Social Workers of the City of Skopje, the Association of Nurses, Technicians and Midwives of the RM and the Chamber of Psychologists.

External collaborators provided expert and professional approach to the analysis of conditions, treatment and conditions in places of deprivation or restriction of freedom of movement, and their expert analyses were included in the Special Reports that the NPM submitted to the competent authorities and institutions.

In this regard, in 2018 the team of the National Preventive Mechanism made a total of 11 visits, 2 of which in penitentiary and correctional institutions, 3 in police stations of general jurisdiction and 6 in police stations for border control and border surveillance.

In addition, 31 visits were also made to the places of accommodation and retention of migrants and refugees as part of the project "Improving the System of Legal Protection Related to Asylum and Naturalization", within which as one of the program activities was also conducted a thematic survey entitled: "Degree of respect of the rights of foreign nationals serving a prison sentence in the penitentiary and correctional facility Idrizovo, with a focus on the persons from refugee crises", for which two visits were made to the penitentiary and correctional facility Idrizovo.

2. VISITS TO POLICE STATIONS AND ESTABLISHED CONDITIONS

During 2018, the National Preventive Mechanism - NPM made 2 regular visits to the Police Stations of general jurisdiction Gjorce Petrov and Kisela Voda and 1 follow-up visit to the Negotino Police Station of general jurisdiction, which was regularly visited during 2015. Also, 6 visits were made to the Police Stations for Border Control and Border Surveillance: Belanovce, Pelince, Mihajlovo, Star Dojran, as well as the Police Stations for Border Control at Skopje and Ohrid Airports.

The National Preventive Mechanism has found that poor material infrastructure at police stations, insufficient knowledge of police officers on asylum matters, low level of knowledge of methods for identifying and referring to vulnerable categories of migrants are the main indicators that indicate a possible risk of inhuman and degrading treatment of this category of persons.

The National Preventive Mechanism also expressed serious concern because although it has been indicating and recommending for many years to improve the material conditions at police stations in order to eliminate the potential risks of inhumane and degrading treatment of detained persons and persons deprived of their liberty, the conditions remained mostly the same.

Of particular concern is the fact that the authorities accept the Ombudsman's - the National Preventive Mechanism's recommendations, but do not implement them in practice, often suggesting that their implementation depends on the provision of more financial resources, which is unjustifiable from the aspect of the NPM's mandate.

2.1 POLICE STATION OF GENERAL JURISDICTION KISELA VODA

On 03 June 2018, the National Preventive Mechanism has made a regular visit to the Kisela Voda Police Station of general jurisdiction without prior notice.

Kisela Voda Police Station of general jurisdiction exercises its authority in the area of Kisela Voda and Sopsishte municipalities, which is inhabited by more than 90,000.00 inhabitants with a total area of about 258 km². Namely, the Kisela Voda Police Station is the largest police station for the reception of persons, which is why persons from nearby police stations are often brought there.

The visit to this police station was made early in the morning (5:30 a.m.) during a weekend, but the NPM team did not find any detained persons or persons deprived of their liberty. Despite this, the NPM team made inspection into the material conditions, the records of detained persons and persons deprived of their liberty, and had a interview with official persons of this police station.

The immediate inspection of the rooms for interrogation and interview with persons deprived of their liberty and underaged persons, as well as the rooms for detention, revealed that in PS Kisela Voda there is one room for interviews with underaged persons, six collective rooms for detention, as well as three rooms for interrogation and interview with persons deprived of their liberty.

2.1.1 Material conditions

Detention rooms

The six collective detention rooms have the capacity to accommodate two persons in each room (12 persons), and are located in the basement of the police station.

The remark is that there is no accessible ramp for persons with physical disabilities to the detention rooms, and in a conversation with an officer from this police station the NPM team was informed that in case when it is necessary to detain a person with physical disabilities, due to the above mentioned lack (lack of access to the premises), the person is not detained at this police station, but is transferred to a nearby station where such access is enabled.

Having in mind that PS Kisela Voda is the largest police station for reception, the NPM team was informed during the conversations with the official persons that detained persons from other police stations which do not meet the standards related to detention are often brought to this police station, and most often from PS Aerodrom and PS Drachevo.

The detention rooms have a call system (alarm) installed, which is operational and which the detained persons use to alert when they are in need of intervention or communication with the shift manager. There is also functional video surveillance in the detention rooms, which monitor the condition of detained persons through the on-duty service.

Rooms for interrogation and interview with persons deprived of their liberty

PS Kisela Voda has a special room for interview with underaged persons which complies with the standards for interrogation and interview with children under the age of 18.

Special interrogation rooms are located in the immediate vicinity of the rooms for detention, they have video surveillance and are also used for searching those persons.

2.1.2 Exercising the rights of detained persons

At the very entrance of PS Kisela Voda, a poster is displayed in a prominent place, showing the rights of detained persons, and a Codex of Police Ethics is also posted in a prominent place in the hallway at the Police Station. The Police Station has a box for complaints to the Sector for Internal Control.

The National Preventive Mechanism team was informed by the director and the shift manager that brought persons and persons deprived of their liberty at the Police Station are also informed of their right to call a defense counsel, to notify a third party about their deprivation of liberty, as well as about their right to seek medical aid.

From the interviews with the official persons, the NPM team was informed that there is no separate room for detention of underaged persons in PS Kisela Voda, and that they are usually not retained in the rooms for detention of the Police Station. If there

is a need for longer retention of underaged persons, the retention is carried out in one of the police offices.

2.1.3 Records and registers of detained persons

From the inspection into the documentation (registers, individual files) the general conclusion of the National Preventive Mechanism team is that there are inconsistencies in the keeping of records regarding the diligence and entering data in the registers and individual files. Namely, when inspecting individual files of persons deprived of their liberty, that is, detained persons, the National Preventive Mechanism team found that they contained all the necessary documents, but the data contained in these files did not fully correspond to the data in the respective registers.

Recommendations and acting upon recommendations given

The Ombudsman - NPM prepared a special report on the established conditions during the visit, with specific recommendations, and submitted it to the Ministry of Interior, as well as to the Commander of the Police Station of general jurisdiction Kisela Voda.

Overview <i>of recommendations given to the Ministry of Interior</i>	
Recommendations	Response upon recommendation by PSB-MOI
Taking urgent actions to increase the number of police officers at the Police Station;	The Ministry of Interior did not respond upon this recommendation.

Overview <i>of recommendations given to the PS Kisela Voda</i>	
Recommendations	Response upon recommendation by PSB-Moi

<p>The ambient temperature in the rooms for detention in all cases of detention must be within the internationally accepted temperature standards (18-25°C);</p>	<p>In the detention rooms there is underfloor heating which contributes to the heating of the rooms where the detained persons are accommodated.</p>
<p>Taking urgent measures to improve hygiene in the detention rooms and equipping the beds with clean bedding for over night stay;</p>	<p>The beds in the detention rooms are furnished with clean bedding which is regularly and immediately replaced as needed, all rooms are clean, including the toilet used by the detained persons and three rooms for interview with persons.</p>
<p>Regular control of the registers and individual files by the commander or an officer authorized by him in order to check that the records are kept in full compliance with the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form.</p>	<p>The records are duly completed, in accordance with the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form.</p>

2.2 GJORCE PETROV POLICE STATION OF GENERAL JURISDICTION

On 30. March 2018, a regular visit to the Police Station of general jurisdiction Gorce Petrov was made without prior notice, which is housed in a completely new solid construction building, in an urban area of the municipality, wherein the police station is placed in an accessible location convenient for police officers to act easily and quickly.

The building is provided with a metal fence and functional video surveillance inside and outside the Police Station, while at the entrance of the building there is an external modern elevator, which is functional and provides unhindered access for persons with a physical disability.

2.2.1 *Material conditions*

On the ground floor of PS Gjorce Petrov, besides the duty office and the room for shift managers there are also: a room for interview with clients and summoned persons, a meeting room, as well as administrative services for issuing personal documents to citizens.

The NPM found that there is an office for issuing personal documents to the citizens, as well as a waiting room, next to the premises of the shift managers, where the citizens fill out the forms and wait in line to enter the administrative services. This location of the office next to the room of shift managers is inappropriate, because the detained persons, that is, persons deprived of their liberty, are unnecessarily exposed to the views of third parties, and the situation is particularly concerning in cases of dealing with aggressive persons when use of certain means of coercion is possible, where there is also a risk of endangering the safety of third parties.

Detention rooms

PS Gjorce Petrov has two completely new individual detention rooms located in the basement of the police station. From the survey of the premises, NPM established that their size is between 10.9 m² and 10.1 m² and meet the minimum international standards for detention of persons.

Regarding the temperature and humidity in the rooms, the NPM found that they are within the optimal values. Namely, during the visit temperature of 17°C and humidity of 38 R.H. % were measured, while regarding the daylight and additional (artificial) lighting, the National Preventive Mechanism has found that the premises are well lit, with functional lights and sufficient daylight.

The detention rooms have call system (alarm) installed for detained persons, as well as functional video surveillance, both in the hallway in front of the premises and in the detention rooms, through which the shift manager and other police officers monitor and control detained persons.

Rooms for interrogation and interview with persons deprived of their liberty

In addition to the rooms for detention of persons in this basement, there is also a separate room for interview and interrogation of detained persons, equipped with appropriate video monitoring, as well as a separate room for consultations with a lawyer.

2.2.2 Exercising the rights of detained persons

In the conversation with the official persons, information was received that by the day of the visit there were no detained persons in this Police Station, because the rooms were being remodeled for this purpose.

The NPM team was also informed that detained persons and persons deprived of their liberty brought at the Police Station are always informed that they have the right to inform a third party of their arrest or detention, to call a lawyer and to seek medical aid.

In cases where injuries have been identified in persons detained or deprived of their liberty and taken to the police station, according to the information received, they are immediately identified and recorded in the relevant forms. The shift manager does not make an assessment of the need for medical assistance in these cases, but whenever the person requests medical assistance, the Emergency service is notified, that is, a medical team is called even in those cases where persons do not explicitly require medical assistance, but because of the situation in which they are, the reception officers - shift managers have estimated that it is needed.

Regarding the injuries suffered by persons detained at a police station, data have been received that in most cases, these are injuries caused during the intervention of the police officers from the ALPHA Unit, which is of particular concern.

It was further emphasized that during the searches conducted at the Police Station, it is taken care so that the person being searched is not exposed to the views of third parties and that the search is performed with full respect for the dignity and integrity of the person.

Searches of female persons are always carried out by female police officers.

The National Preventive Mechanism also established that there is no permanent juvenile delinquency inspector at the police station, due to which in cases of arrest or deprivation of liberty of children, most often inspectors from PS Karposh are notified.

2.2.3 Records and registers of detained persons

Inspection of the records of PS Gjorce Petrov showed a state of proper recording. Unlike the cases in which police officers from PS Gjorce Petrov acted which can be traced according to which police officer has acted, against which was acted upon, what was the ground and whether the applied police intervention was necessary, that is, whether it was correct (appropriately) applied, in cases when there is intervention by members of the Alpha Unit, the assessment of the justification for the use of force is missing.

The explanation that the NPM team received from authorized official persons regarding the lack of information on actions taken by the members of the Alpha Unit is that the assessment of the applied police intervention is made by the immediate head of the organizational unit to which the police officer belongs. Assessment of the applicable police intervention in these cases is available about the police station to which the Alpha Unit police officer belongs, about the Sector of Internal Control within the Ministry of Interior, as well as about the Sector for Analytics and Documentation at the Secretariat

of Internal Affairs Skopje, but not about the police station in which area the police intervention was made and which according to local jurisdiction has registered the event.

Inspection of the Register of Citizens' Complaints revealed shortcomings in filling certain sections. Namely, the police officer to whom the complaint relates was not recorded, which is a ground for suspicion of covering the concerned official person. Again, as is the case in other police stations, there was no respond to any of the complaints submitted from the Sector for Internal Control regarding the assessment of the justification of the complaint.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report on the established condition during the visit, with specific recommendations, which it submitted to the Ministry of Interior, as well as to the commander of the Police Station of general jurisdiction, Gjorce Petrov.

<i>Overview</i>	
<i>of recommendations given to the Ministry of Interior</i>	
<i>Recommendations</i>	<i>Response upon recommendation</i>
The room for issuing personal documents should be moved at other location, so that detained persons or persons deprived of their liberty who are brought at the Police Station would not be exposed to the views of those waiting for the issue of personal documents.	The Ministry of Interior responded that the Ministry, in coordination with the Secretariat of Interior Skopje, will take appropriate measures to improve the conditions.
The police station should adapt a separate room for interviews with	The Ministry of Interior responded that according to the 2017-2019 Strategic Plan of the Ministry of Interior it is foreseen the construction of new police stations and new buildings of the Secretariat of Internal Affairs, as well as the reconstruction of a part of the existing buildings of the Secretariat of Internal Affairs, then the

children.	reconstruction of some of the existing buildings of the Secretariat of Internal Affairs , the reconstruction of premises for children - victims in the Police stations of general jurisdiction in accordance with the priorities, for which adaptation of such a room is also foreseen in the PSGJ Gjorce Petrov.
To increase the number of police officers at the Police Station.	The Ministry of Interior responded that since 2013, five public announcements for recruitment of police officers have been published so far, the latest of which was published in 2017 for the recruitment of 500 police officers which is exactly in the direction of filling the job positions at the Police Stations within the Secretariat of Interior Skopje.

Overview <i>of recommendations made to PS Gjorce Petrov</i>	
Recommendations	Response upon recommendation
The room for issuing personal documents should be moved at other location, so that detained persons or persons deprived of their liberty who are brought at the Police Station would not be exposed to the views of those waiting for the issue of personal documents.	The Police Station responded that the responsible structures in the SIA Skopje have been verbally informed on several occasions and have been informed several times in writing, but there was no feedback or more concrete initiative for resolving this issue, that is, problem.
The police station should adapt a separate room for interviews with children.	The Police Station responded that this issue would be discussed, that is, it would be possibly considered after the office for issuing personal documents would be relocated.
Keeping up to date the Register of	The Police Station responded that the

Citizens' Complaints against a police officer, as well as the measures taken and recording the police officer to whom the complaint relates.	Registry is kept up to date, timely and with the recording of all cases of complaints filed against police officers, as well as the established procedure for processing such complaints by citizen is strictly followed.
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2.3 FOLLOW-UP VISIT TO THE POLICE STATION OF GENERAL JURISDICTION NEGOTINO

The Ombudsman - National Preventive Mechanism (NPM) on 23 March 2018 made a follow-up visit to the Police Station Negotino (PS Negotino), which purpose was to check the implementation of the recommendations given in the report from the regular visit carried out on 21 September 2015.

Overview of recommendations made to the Ministry of Interior			
Recommendations	Response upon recommendation	Established condition	Assessment
Most urgent construction of new detention rooms that will fully meet the basic minimum standards for detention of persons, which will also include separate toilets for persons deprived of their liberty.	The Ministry of Interior responded that the Public Security Bureau delivered the relevant report to the Department of General and Common Affairs for immediate acquaintance and acting upon the recommendations within their competences.	The NPM team concluded that no new detention facilities have been constructed and that the existing premises still do not meet the minimum standards for detention of persons, especially with regard to lighting and heating.	Препораката не е спроведена.
To arrange a special room for detention of children in PS Negotino in	The Ministry of Interior responded that the Public Security Bureau	The NPM team established that the Police Station does not yet have	The recommendation has not been

accordance with the legislation on child delinquency.	delivered the relevant report to the Department of General and Common Affairs for immediate acquaintance and acting upon the recommendations within their competences.	a separate room for detention of children, as provided by the Law on Juvenile Justice.	implemented.
To set up a call or intercom system to alert police officers in a timely manner if the detained person is in urgent need.	The Ministry of Interior responded that the Public Security Bureau delivered the relevant report to the Department of General and Common Affairs for immediate acquaintance and acting upon the recommendations within their competences.	The NPM team established that the detention rooms have not yet installed a system of calling or notifying the police officers if the detained person has an urgent need.	The recommendation has not been implemented.
To submit an up-to-date list of lawyers so that detained persons can exercise their right to a lawyer in a timely manner.	The PSGJ Negotino on 04. February 2016 requested in writing from the Bar Association of the Republic of Macedonia to update the list of lawyers in the area of Negotino.	During the visit the NPM team has established that the list of lawyers has been updated, with the additional insertion of lawyers from the relevant area, and has been placed in the on-duty room, and it is also a good practice that	The recommendation is implemented.

		the Police Station has a list of lawyers who attended specialized training on children's rights.	
To consider the possibility of hiring an acceptance officer - shift manager, thus completely separating the competencies of the on-duty police officer and shift manager.	The Ministry of Interior responded that measures are being taken to fill the position of shift manager, whose responsibility is to take official action in relation to detention of persons.	The NPM team has established that the shortage of acceptance staff, that is, shift managers, is still a serious problem this Police Station is facing with. Namely, during the visit the NPM team was informed that there are currently only two employed shift managers working only the first and second shifts. For this reason, at night and at weekends, if necessary for detention, police officials (shift managers) are called to the Police Station in order to prepare the relevant documentation.	The recommendation has not been implemented.
To provide a budget for provision of food for detained	The Ministry of Interior responded that the Public	The NPM team established that the Police station	The recommendation has not been

persons in accordance with national and international standards.	Security Bureau delivered the relevant report to the Department of General and Common Affairs for immediate acquaintance and acting upon the recommendations within their competences.	has not yet provided a special budget for meals for detained persons and that in cases when a person is detained for several hours, police officers, when needed, buy a meal for that person from their own funds.	implemented.
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2.2.1 Newly established conditions

At the time of the visit, there were no persons detained or brought in the police station, with whom the NPM team could discuss their treatment by police officers, as well as the conditions of detention.

In this regard, the National Preventive Mechanism made inspection into all documentation relevant for persons deprived of their liberty, as well as other documentation / evidence in order to identify risks of inhuman or degrading treatment.

From the inspection into the records, the NPM team recommends more timely record keeping and complete filling of the sections, in accordance with the Rule-book on the Content and Manner of Keeping Police Record and the Form and Content of the Police Record Form..

From the inspection into the Register of Citizens' Complaints, the NPM team established that the most common reason for citizens to file a objection or complaint to PS Negotino and the Sector for Internal Control and Professional Standards was (as stated in the records), unprofessional conduct or complaint about their treatment by the police officers. It was found that the complaints from the citizens that the PS sends to the Sector for Internal Control are without feedback regarding the assessment of the justification of the complaint, a practice that was also found in other police stations.

The NPM team also expresses serious concern about the information obtained during the inspection of the Registry on the use of coercive means and in connection with the use of coercive means. Namely, the most frequently used means of coercion in the Negotino Police Station are physical force and rubber stick, and it is disturbing to

see that the use of physical force in the police station is very often practiced by one particular official person, wherein all the coercive means used were assessed as justified by the police station commander.

Nevertheless, the NPM, considering that physical force, if used appropriately and proportionally, is a legitimate means of coercion, indicated and recommended that it should be used only where police work cannot otherwise be performed¹. In addition, it recommended that the police officer always use a means of coercion that would cause the least harmful effects and would achieve the objective².

During the inspection of the individual files, the NPM established a positive practice of keeping records on taking measures and activities regarding brought and detained persons from the beginning to the end of the measure duration. In addition the separate cases contain all the relevant documents and notes.

Recommendations and acting upon given recommendations

<i>Overview</i>	
<i>of recommendations made to the Ministry of Interior</i>	
Recommendations	<i>Response upon recommendation</i>
<p>Reconstruction of the rooms for detention so as to fully meet the basic minimum standards for detention of persons.</p> <p>To set up a call or intercom system to alert police officers in a timely manner if the detained person is in urgent need.</p>	<p>The Ministry of Interior responded that the Ministry's budget for 2018/19 provides funds for the renovation of the rooms for detention of persons and the process of public procurement of services for selecting a company for renovation is in progress, which company immediately after the completion of the tender procedure, will begin the renovation of the rooms for detention of persons in the facilities of the Ministry of Interior on the entire territory of the Republic of North Macedonia.</p>
<p>To arrange a special room for detention of children in PS Negotino, in accordance with the legislation on children's delinquency.</p>	<p>The Ministry of Interior has not responded upon this recommendation.</p>

¹ Article 80 paragraph 2 of the Law on Police

² Article 80 paragraph 5 of the Law on Police

To consider the possibility of hiring additional professional staff, especially a reception officer - shift manager.	The Ministry of Interior has not responded upon this recommendation.
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Overview <i>of recommendations made to PS Negotino</i>	
Recommendation	Response upon recommendation
To take measures to improve daylight while providing detained persons with adequate additional lighting (lighting for reading).	The recommendation is in the process of implementation, namely the replacement of dense bars that do not allow sufficient flow of daylight and artificial light with adequate bars to allow a greater flow of light.
To remove blood traces on the walls and bedding from beds in the collective accommodation room.	It is acted upon the recommendation, and the implementation of the request for replacement of bedding is in process.
More accurate record keeping and complete filling of sections, in accordance with the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form.	The competent police officers have made the necessary updating and guidelines for keeping the records in accordance with the Rule-book were issued.

2.4 POLICE STATION FOR BORDER CONTROL AND BORDER SURVEILLANCE BELANOVCE

On 07 September 2018 a regular visit to the Police Station for Border Control and Border Surveillance (PSBC and PSBS) Belanovce was conducted without prior notice.

On 10 October 2015, the Police Station for Border Control and Border Surveillance Belanovce was merged with the Gosince Police Station and covers 29.5 km of the state border to Kosovo, in the area between the villages of Tanusevci and Sopot, designed to control crossing the state border to Kosovo, through the border crossing near the village of Belanovce.

Most of the operational activities of this Police Station include border surveillance, which, in accordance with the Law on Border Control, is aimed at preventing illegal crossing of the state border, preventing cross-border crime and taking measures against persons who have illegally crossed the border.

In this sense, from the conversations with the officials the NPM team obtained information that in the border area, most of the illegal activities were related to illegal cut of the woods, as well as more forms of smuggling and trafficking in textiles, furniture, food etc. Trafficking of migrants is characteristic of the whole period of the migration crisis, and most often occurs in the direction toward the villages of Lojane and Vaksince. At the time of the migration crisis, the direction of movement was south-north, and in recent months the movement was in the opposite direction.

2.4.1 Material conditions

Belanovce Police Station, since 2013, has been located in a facility of the Matejce Police Department (PD) , located in the village of Matejce, which is located approximately 25 km from the border line. Within the building of PD Matejce, the Belanovce Police Station was allocated two offices and two warehouses for storage of weapons in the basement, and it shares the duty office with the police officers from PD Matejce.

At the entrance of the building there is also easy and unobstructed access for persons with certain physical disabilities, and except the sign which shows that it is the police department of Matejce, there was no appropriate sign that Belanovce Police Station for border control and border surveillance is located in the same building.

The commander's and deputy commander's offices are equipped with several work desks, chairs and cabinets where the documentation and some other items (refrigerator, air conditioner that is broken, battery cables, etc.) are placed, and hygiene in the premises was not at appropriate level.

This police station has not adapted a separate room for interrogation and interview with persons deprived of their liberty, brought or summoned persons, and in exceptional cases when a person is briefly brought in the station, officials have stated that the interviews were conducted in the office of the deputy commander.

During the inspection of the premises of the Police Station, in front of the office of the Deputy Commander's Office, there was a metal bar next to the door, which could be used to intimidate any persons with whom interview would be made in the office. Namely, the very fact that this bar was left in a prominent position, right in front of the door of the office for interview, could have a intimidating effect on the persons

interviewed in the particular office, which is why the NPM team recommended that it should be removed immediately.

According to the Decision on determining police stations for detention of persons, this Police Station is not designated as a police station where detention can be carried out, as a result of which it does not have separate rooms for detention of persons.

2.4.2 Exercising the rights of detained persons

At the entrance of the Police Station, a poster is displayed showing the rights of summoned, brought and detained persons in seven languages, and a Codex of Police Ethics is also displayed in the hallway. However, in the room of the Deputy Commander, where in exceptional situations interviews are held with persons who have been briefly detained at the Police Station, no instructions have been displayed about their rights (the right to a doctor, a lawyer, to notify a third party, and the like).

The police station did not even have a directory of lawyers, that is, a list of lawyers, which could lead to a violation of the detainee's rights in cases where he/she stated that he/she wanted to call a lawyer.

The Law on International and Temporary Protection provides for the possibility for foreigners to apply for asylum before the border crossing police, that is, at the nearest police station, but during the visit the NPM team concluded that the Police Station did not have any forms in case a foreigner comes and expresses an intention to apply for asylum.

The Police Station Commander informed the NPM team that the police officers have attended training in Standard Operating Procedures related to vulnerable categories of foreigners, unaccompanied children, as well as to identification of victims of human trafficking. However, from the manner in which was presented treatment in cases when police officers from this Police Station found foreigners in the border area, it can be concluded that an initial assessment was not made in order to identify any potential vulnerability of these persons, a procedure which the police officers should carry out on the spot of encountering these persons, but the police officers immediately notified the inspectors from the Regional Center for Border Region - North or SIA Kumanovo who provided further instructions. In most of the cases the instructions are to transfer these persons to the TTC Tabanovce, except in cases when it is established that a certain crime has been committed and the persons are sent to the Kumanovo Police Station.

2.4.3 Records and registers of detained persons

From the inspection of the records relevant to the persons deprived of their liberty, the team of the National Preventive Mechanism established that they are kept in a neat and chronological order, and that there is a mutual numerical connection.

During the inspections of several individual files of persons that have been recorded on whatever grounds at the Police station for border control and border surveillance Belanovce it was found that in two cases where police officers intercepted migrants from Afghanistan and Pakistan, on the order received by inspectors of the RC for BR North, the persons were transferred to the Tabanovce Reception Transit Centre. Both files contained only the Official Note and the Certificate of delivery of persons, and there was no information whether an interpreter has been contacted, nor had the initial profiling of persons been identified in terms of identifying signs of vulnerability.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report with specific recommendations, which was submitted to the Ministry of Internal Affairs, as well as to the commander of the Police station for border control and Border Surveillance Belanovce.

<i>Overview</i>	
<i>of recommendations made to the Ministry of Interior</i>	
<i>Recommendations</i>	<i>Response upon recommendation</i>
To submit information on when the construction of the new facility of the Police Station will be completed;	The Ministry of Interior did not respond upon this recommendation.
To provide sufficient number of vehicles for the undisturbed and efficient operation of the Police Station.	The Ministry of Interior did not responded upon this recommendation.
To provide female police officers for the undisturbed execution of the working duties (e.g. searches of female persons)	The Ministry of Interior did not respond upon this recommendation.

Overview
of recommendations made to PS Belanovce

Recommendations	Response upon recommendation
<p>In the room where in exceptional situations interviews are held with persons brought in the Police Station, the rights of brought persons, that is, persons deprived of their liberty and detained persons should be displayed;</p>	<p>We have taken measures so that the rights of the above mentioned category of persons are prominently displayed in a visible place (after previously conducted analysis of the visibility of the attached board) in the relevant room, so that they can be seen at any time.</p>
<p>To maintain a higher level of hygiene in the offices and warehouses in the Police station;</p>	<p>All police officers working in the premises are informed on the additional measures they need to take in order to increase and maintain the level of hygiene, and as far as other competent entities are concerned, which are mostly responsible for maintenance of hygiene (as the competent Cleaning agency, and in this case the specific person) they are informed on the necessary hygiene standards that they need to meet in accordance with your recommendations. In the context of the foregoing, it was also discussed with the Commander of PD Matejce, who is a signatory of the cleaning list, to require from the competent entities that are party to the cleaning contract to clean the basement premises that are not currently covered by the maintenance contract.</p>
<p>To remove from the premises used for interviews with detained persons all the items that could have a intimidating effect on persons;</p>	<p>Assuming from the overview of the special report and the description given therein that it was a metal bar found in the corridor left in front of the warehouse of the PD Matejce, it was immediately removed so that: Neither in the room where the interviews were held nor in front of it there are no such items that could be intimidating to persons brought in for</p>

	interview.
<p>Police officers should establish a practice of initial profiling of the intercepted persons-foreigners in order to identify signs of vulnerability;</p>	<p>We have undertaken measures and activities, whereby all police officers from the Police station for border control and border surveillance Belanovce at a working meeting were informed on the developed methods that will be mandatory in the future for the purpose of better profiling of people by identifying signs of vulnerability in them. In addition, it is indicated that profiling should include data such as: composition (male, female, children, kinship) and group size, origin, mode of movement, whether they are part of human trafficking, whether health care and medical aid are needed, to offer an interpreter if necessary, and other procedures that are required for initial profiling.</p>
<p>Police station should provide form for filling in applications for asylum and directory of lawyers (list of lawyers);</p>	<p>We have undertaken a number of activities, wherein with all police officers depending on their competence standard operating procedures for the recognition of the right of asylum to foreigners were elaborated, and confirmation of the stated intention to apply for recognition of the right to asylum was also provided. In addition a directory of lawyers was also provided which is placed in the duty room with further explanation to duty officers on how and when to use and update it.</p>
<p>Up-to-date keeping of records and timely recording of all events in the relevant registers and files.</p>	<p>We have held a working meeting with all duty police officers when we explained the omissions detected in the recording of the events noted in the special report, with appropriate guidance given to prevent such omissions in the future. The senior officers are in charge of regular checking of the records and they should immediately indicate any shortcomings and omissions, which should be removed immediately.</p>

2.5 POLICE STATION FOR BORDER CONTROL AND BORDER SURVEILLANCE PELINCE

On 14 September 2018, a regular visit was made to the Police Station for Border Control and Border Surveillance (PSBC and PSBS) Pelince without prior notice.

According to the Law on Border Control³, border control are control carried out at border crossings in order to check whether to allow the persons and their vehicles and their possessions to enter the territory of the Republic of North Macedonia or approve them to get out of it, while border surveillance is the surveillance of the state border between the border crossings and surveillance of the border crossings outside the specified working hours, in order to prevent bypassing, that is, avoiding border control.

2.5.1 Material conditions

Police Station for border control and border surveillance Pelince has several facilities, a part of which is located about 200 meters away from the border crossing, clustered and fenced on the right side of the road leading to the border crossing, and two buildings are located on the very border crossing, where border control is actually carried out.

The Police station does not have separate premises at the border crossing for search of persons, although in accordance with the Decree adopted by the Government of the Republic of Macedonia on the standards and regulations for planning, construction and arrangement of facilities used by the Ministry of Interior at the border crossings⁴ It is envisaged that these police stations should have a separate room for search of persons.

The official entrance of Pelince Police Station is in the central building and it has no access ramp, which prevents unhindered access of persons with physical disabilities.

There is no separate room for interrogation and interview with persons deprived of their liberty, brought or summoned persons, and information is provided by the police officers that in cases where border surveillance or border control are carried out, a particular violation is identified at the border checkpoint or in case of suspicions of committed crime, interviews with persons who are to be detained are conducted in the

³Law on Border Control ("Official Gazette of the Republic of Macedonia" no. 171/2010, 41/2014, 148/2015, 55/2016 и 64/2018)

⁴Decree on standards and regulations for planning, construction and arrangement of facilities used by the Ministry of Interior at the Border Crossings of the Government of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No.164 / 2011)

official office located at the border crossing or in the office of the commander of the police station. These interviews are usually brief, because the competent authorities (Customs officials, Forest Police or the Public Prosecutor) are immediately notified and these persons are delivered to those authorities.

According to the Decision on determination of police stations for detention of persons, this Police Station is not designated as a police station where detention can be carried out, and therefore does not have separate rooms for detention of persons. In cases where there is a need for detention, depending on the reason, the persons are transferred to the SIA Kumanovo or handed over to the Forest Police officers.

2.5.2 Exercising the rights of detained persons

The National Preventive Mechanism established that the Police Station has the necessary forms in cases when a foreign citizen expresses an intention to apply for asylum in the Republic of North Macedonia.

Regarding the instructions regarding the rights at the official office at the border crossing, in addition to the Code of Police Ethics, there were instructions regarding the rights of summoned, brought or detained persons in three languages displayed on visible place, but the remark is that these were not displayed in the office of the commander, but in the hallway of the Police Station.

Official persons also noted that before each interview, people were instructed about their rights to medical aid, to call counsel, to notify a third party, etc.

In cases when summoned, brought, and persons deprived of liberty wish to exercise their right to call a lawyer, they do not have a list of lawyers available, which can lead to a violation of their right to call a lawyer.

The NPM pointed to the need that this police station for border control and border surveillance, should display in a visible place at the border crossing point a poster with information on the right of the persons to seek international protection in the Republic of North Macedonia, and on the procedure for recognition of the right to asylum, in a number of languages, which is a positive practice in other police stations. After all, the Law on International and Temporary Protection provides for the possibility for foreigners to apply for asylum before the border police, that is, at the nearest police station.

However, some of the police officers from this Police Station have been trained in the Standard Operating Procedures for dealing with vulnerable categories of foreigners.

2.5.3 Records and registers of detained persons

From the inspection of the records related to the treatment of persons deprived of liberty, the team of the National Preventive Mechanism concluded that they are kept in a proper, legible and clear manner and the events are recorded chronologically.

From the inspection of several individual cases and the documentation contained in the cases it was established that the data correspond to those in the registers and point to a logical sequence of events.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report with specific recommendations on the conditions established during the visit, which it submitted to the Ministry of Interior, as well as to the Commander of the Police Station for Border Control and Border Surveillance Pelince.

Overview <i>of recommendations made to the Ministry of Interior</i>	
Recommendations	Response upon recommendation
To provide an adequate number of police officers, especially female, for the undisturbed performance of police duties related to border control and border surveillance;	The Ministry of Interior did not responded upon this recommendation.
To provide a sufficient number of vehicles for the undisturbed and efficient operation of the Police Station.	The Ministry of Interior did not responded upon this recommendation.

Overview <i>of recommendations made to PS for BC and BS Pelince</i>	
Recommendations	Response upon recommendation
To adapt separate rooms for searching persons and for asylum applicants;	Officials from the Regional Center for Border Affairs North were contacted to adapt separate rooms for searching the asylum applicants.

<p>To provide an up-to-date list of lawyers for the undisturbed exercise of the right to a lawyer for persons expressing their intention to hire a lawyer;</p>	<p>An up-to-date list of lawyers is provided which is available to exercise the right to a lawyer of persons who will express their intention to hire a lawyer.</p>
<p>To avoid the use a correction fluid in keeping the registers in full as provided in the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form;</p>	<p>The given guidelines for avoiding the use of a correction fluid in keeping the registers is in full in accordance with the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form.</p>
<p>The registers and all premises of the Police Station must be accessible at all times, not to depend on the availability of only one official person;</p>	<p>All registries maintained at the PS for BC and BS Pelince are available at any time in the room where the duty office is located.</p>
<p>To adopt good practice from other police stations and obtain leaflets with instructions on the rights of brought persons, that is, persons deprived of their liberty or detained persons, in several languages, which the persons detained at the police stations would sign, as proof that they were indeed familiar with, or taught about their rights in a language they understand. Also, a poster displayed in a visible place at the border crossing that contains information on the right of persons to seek international protection in RS Macedonia and on the procedure for recognition of the right to asylum, translated into several languages.</p>	<p>The senior officers from the Regional Center for Border Affairs North are immediately contacted in order to provide leaflets with instructions about the rights of brought or detained persons, as well as to provide a poster with information on the rights of persons seeking international protection which would be displayed in a visible place on the very Border Crossing Point.</p>

2.6 POLICE STATION FOR BORDER CONTROL AND BORDER SURVEILLANCE STAR DOJRAN

On 20 September 2018, the National Preventive Mechanism made a regular visit to the Police Station for Border Control and Border Surveillance (BC and BS) Star Dojran without prior notice.

The police station for border control and border surveillance Star Dojran is located at the very border crossing with the Republic of Greece and the facility where it is located is shared with the Customs Administration of the Republic of North Macedonia, i.e. with the Customs Office Star Dojran. The building is of solid construction, with offices of the Police Station located on the ground floor and first floor.

Current developments in the migrant / refugee crisis require constant and enhanced surveillance of the border line between the border crossings, especially in the border area, that is, border surveillance which is under the jurisdiction of this Police Station.

In this regard, the NPM in a interview with the official persons was informed that the current number of engaged police personnel is insufficient to adequately deal with the problems and challenges arising from this type of crisis.

At the entrance of the Police Station Star Dojran for border control and border surveillance, there is no access ramp for people with physical disabilities, which makes it difficult and practically impossible for them to access the official premises of the Police Station.

2.6.1 Material conditions

At the Police Station for Border Crossing and Border Surveillance Star Dojran there is no separate room adapted for interrogation and interview with persons deprived of their liberty, brought or summoned persons.

Interviews with these persons are most often conducted in the offices of the commander and his deputy, as well as in the meeting room, which, as noted, is also used as a room for interviews with persons who would express an intention to apply for recognition of the right to asylum.

The Police Station for Border Crossing and Border Surveillance Star Dojran does not even have a separate room for interview with underaged persons, as provided by the Law on Juvenile Justice.

There is no room for detention at the Star Dojran BC and BS Police Station, due to which the Police Station has a list of police stations that have detention rooms (in Gevgelija and Valandovo).

Also, the Police Station does not have a separate room for searching, which is why the searching is conducted in the office of the Deputy Commander. During the inspection, the NPM team noticed a rubber stick near the front door, which could have a intimidating effect on the persons being interviewed or searched.

For this situation, the NPM team immediately informed the official persons, after which quick intervention by the police officers followed and the rubber stick was removed. The report delivered to the police station also recommended that in the future attention should be paid to keeping items that could have an intimidating effect on persons out of sight.

2.6.2 Exercising the rights of detained persons

At the entrance to the Police Station, a poster is displayed in a visible place, showing the rights of summoned, brought and detained persons, written in seven languages, and a Codex of Police Ethics is also displayed in a visible place in the hallway at the Police Station. The National Preventive Mechanism Team was informed by the Commander and the shift manager that detained persons and the persons deprived of their liberty at the Police Station were informed on their right to call a lawyer, to report to a third party about their detention or deprivation of liberty, as well as their right to seek medical aid.

Having in mind that the offices of the Commander and the Deputy Commander are used as rooms for searching and initial interviews with detained persons, the NPM team established that in these premises there were no appropriate leaflets showing the rights of detained persons.

The lack of posters with instructions on the rights of detained persons in the premises where the persons are interviewed, in several languages, is considered by the NPM team to be a violation of the rights of the detained persons, which was immediately indicated to the police officers. In the report delivered to the police station itself, a recommendation was also made to urgently provide instructions on the rights of detained persons in the premises that are used for searching and interviews with these persons.

Official persons at the Police Station stated that when it comes to detecting migrants inside the local territory, the police officers transport them to the Reception Transit Center - Vinojug , and in cases when migrants who do not meet the

requirements for entering the country are found at the border crossing point, then they are issued a decision on refused entry and they are returned to the Republic of Greece.

According to the official persons, so far no asylum applications have been lodged at the BC and BS Police Station Star Dojran, but it still has copies of the application form for asylum, as well as a room that could be used for accommodation of asylum applicants.

2.6.3 Records and registers of detained persons

From the inspection into the records of detained persons, the NPM team's remark is that, despite the fact that the records on daily events are kept clear and readable, there are still shortcomings in the recording of events.

Namely, during a previous visit by the NPM team to the Border Surveillance Police Station Sopot, which is evident from the records and other documentation, it was established that, at a specific date and at a specific hour, the police officers from the Police Station for BS Sopot have brought twelve migrants from Afghanistan to the PS for BC and BS Star Dojran, who were handed over to a police officer at Star Dojran Police Station the same day for further action.

For the purpose of checking this information, the NPM team, during its visit to PS Star Dojran, compared the information and from the inspection of the Records on daily events, concluded that the transfer of the said twelve migrants to this Police Station was not recorded as an event at all.

The fact that such an event is not recorded in the Police Station Records seriously raises questions about the further treatment of these persons and at the same time raises suspicions of possible unlawful acts for the purpose of intentional concealment (such as: group deportation contrary to Art.4 Protocol no. 4 to the European Convention on Human Rights).

The NPM team immediately informed the responsible official persons about the omission and also made a recommendation on the accuracy and regularity of the registers in the submitted report.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report with specific recommendations on the conditions established during the visit, which it submitted to the Ministry of Interior, as well as to the Commander of the Border Control and Border Surveillance Police Station Star Dojran.

In this regard, these are the responses that the Ombudsman - National Preventive Mechanism received from the Ministry of the Interior, specifically from the Director of the Public Security Bureau.

Overview	
of recommendations made to the Ministry of Interior	
Recommendations	Response upon recommendation
Efforts should be made to renovate and expand the facility where the Police Station is located, in order to enable the undisturbed execution of official duties;	We would like to inform you that some of the police stations on the territory of the Republic of North Macedonia have already been renovated, and the rest will be renovated according to the available funds, the annual plan of the Ministry and the priorities identified. Concerning border crossing facilities including the BC Star Dojran, we inform you that they are a property of the Ministry of Finance - Customs Administration. The recommendation will be taken into consideration and forwarded to the competent authorities within the Ministry of Interior and the Ministry of Finance - Customs Administration.
To adapt furnish special rooms for interrogation and searching of persons deprived of their liberty and detained persons.	
To hire more police officers in accordance with the Systematization, taking into account gender and ethnic structure, in particular by employing more female police officers;	We inform you that according to the current conditions the employment of police officers is made according to a predefined plan, and their deployment is in accordance with the identified needs, priorities and realistic possibilities. The recommendation will be taken into account.

Overview
of recommendations made to PS Star Dojran

<i>Recommendations</i>	<i>Response upon recommendation</i>
<p>Placing posters with the rights and instructions in the rooms where people are interviewed, written in several languages;</p>	<p>We inform you that there are two posters visible at the entrance of the police station, two posters in the corridor, and two posters in the duty room, to inform persons whose freedom of movement is restricted on any grounds. However, in order to implement the recommendation, as well as the detained persons to be properly informed, while taking into consideration current conditions, the Deputy Commander's room has been designated as a room where a poster is placed for informing detained persons about their rights written in seven languages.</p>
<p>To keep records logs more up-to-date and more neatly;</p>	<p>We would like to inform you that in the form No. 3 of the records, a remark regarding uncompleted section 15 (date and time when the person was released) is due to the fact that there are no conditions for detention in the police station and they are sent within 6 hours to the PS of general jurisdiction in Valandovo or Gevgelija. Thus, for the same activity section no.16 is filled in, which indicates in which police station and at what time the person was transferred. For the purpose of elimination of the shortcomings by the police officers at the BC and BS Dojran, Form no. 2 requires feedback notifications - telegrams from other organizational units and the police officers who take further actions - authorizations with detained persons and persons deprived of their liberty, regarding the time of release, that is to indicate the date and time of release in the appropriate box. In Form no. 62, the remark that the time for the seizure of items is missing is immediately corrected. In section 3, where</p>

	<p>the person's identification number is to be entered, we note that foreign nationals such as those from Greece or Albania have not indicated identification numbers in their passports or IDs. In section 7 where the name and surname of the police officer assigned to the case and place of keeping of the case should be indicated, only the place or name of the police station is entered for the reason that the systemized job position administrator and operator with MTS is not filled in if the case is kept at the police station. All other remarks made during the visit have already been corrected. Regarding the remark in the report that the police officers were not aware of during the visit, that the NP team found an omission in the recording of daily events, that is, Form No. 55 regarding the recording of an event that occurred on 18 April 2017 at the PS for BS Sopot, which states that migrants were brought and taken over by police officers from the PS for BC and BS Star Dojran, we claim that there is no such event, that is, no migrants were accepted by the PS for BC and BS Sopot at all.</p>
<p>To remove any objects that could have a intimidating effect on persons from the premises used for interviews and searching of detained persons.</p>	<p>It was immediately explained that the stick belonged to a police officer who was on a night shift and was still present at the station to return part of his equipment in accordance with Article 31 of the Law on Police, that is, upon receiving notification that he had committed an offense under Article 11 paragraph 1 of the Law on Offenses Against Public Order and Peace personal weapons and bullets were temporarily confiscated, the stick was immediately removed, taken by a police officer while NP officers were present at the police station, so there were no items that</p>

	would have a intimidating effect on the persons.
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2.7 POLICE STATION FOR BORDER SURVEILLANCE MIHAJLOVO

On 26 September 2018, the National Preventive Mechanism made a regular visit to the Border Surveillance Police Station (PS for BS) Mihajlovo without prior notice. This Police Station is in charge of border surveillance, which, according to the Law on Border Control, is aimed at preventing the illegal crossing of the state border, preventing cross-border crime and taking measures against persons who illegally crossed the border.

The local jurisdiction for border surveillance covers the territory of the border line in a total area of about 42 kilometers, that is, from the so-called border stone 92 to the border stone 109. It is a mountain border belt that is difficult to access and pass through. In recent years, especially with the beginning of the migrant / refugee crisis, work activities have been focused particularly on the area covered by the Veles-Gradsko and Negotino-Demir Kapija highways.

The headquarters of Mihajlovo Police Station is located in Kavadarci, in the building where the Regional Center for Border Affairs "Jug" is also located. The mere fact that the headquarters of the Police Station is more than fifty kilometers away from the border area raises the question of the possibility of efficient and effective performance of tasks that involve performing inspection into the part of the border line.

2.7.1 Material conditions

Police Station for Border Surveillance Mihajlovo does not have separate rooms for interrogation and interview with persons deprived of their liberty, brought or summoned persons, because this Police Station does not detain persons.

In exceptional situations, while performing the border surveillance, when at the border crossing is found border offense committed or in cases of suspicion of a committed criminal offense, interviews with the persons who are to be detained are carried out in the office located at the very border crossing or at the police station commander's office. These interviews are brief, because the competent authorities (Customs officials, Forest Police or the competent Public Prosecutor) are immediately notified and these persons are delivered to them.

If migrants are found on the roads or other places under the jurisdiction of the PS for BS, the Border Crime, Aliens and Readmission Unit is immediately notified, and when there is a need to detain persons, it is done at the PS Negotino.

2.7.2 Exercising the rights of detained persons

During the inspection of the offices where the interviews were conducted with the persons, the NPM team concluded that in none of the premises were there any instructions displayed in visible place about the rights of the brought persons, that is, persons deprived of their liberty or detained persons.

Instructions on the rights are posted only at the entrance to the Police Station, where a poster is displayed in a visible place showing the rights of summoned, brought and detained persons in seven languages, and the Code of police ethics is also displayed in a visible place in the hallway, as well as a poster containing information intended to asylum applicants.

In addition, the persons interviewed at the Police Station are always instructed about their rights (the right to a physician, a lawyer, to notify a third party, etc.). In this sense, it was also established that the Police Station has a directory of lawyers, that is, a list of lawyers, in cases when any of the persons will state that he / she wishes to call a lawyer.

Police officers of the Police station for border surveillance Mihajlovo have attended training in Standard Operating Procedures related to vulnerable categories of foreigners, unaccompanied children, as well as to identification of victims of human trafficking. However, from the manner in which was presented treatment in cases when police officers from this Police Station found foreigners in the border area, it can be concluded that an initial assessment was not made in order to identify any potential vulnerability of these persons, a procedure which the police officers should carry out on the spot of encountering these persons, but the police officers immediately notified the inspectors from the Regional Center for Border Affairs or SIA Negotino who provided further instructions. In most of the cases the instructions were to transfer these persons to the TTC Tabanovce, except in cases when it is established that a certain crime has been committed and the persons are sent to the Negotino Police Station. Some of them eventually end up in the Reception Center for foreigners as witnesses in proceedings run against third parties.

2.7.3 Records and registers of detained persons

During the visit, the National Preventive Mechanism inspected the records kept at this Police Station. From the inspection of the registers, it was established that they are kept chronologically, no correction fluid is used, and the numerical interrelation of the registers is evident.

What is characteristic of this police station is that it does not have the capacity and conditions to detain persons, even within the legally permitted 24-hour period for

carrying out border control. Hence, it is evident from the records, none of the persons deprived of their liberty was detained in this police station, but immediately, or at most, within two hours, they are sent to the Negotino Police station.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report on the established condition with specific recommendations, which was submitted to the Ministry of Interior, as well as to the commander of the Mihajlovo Police Station.

Upon the recommendations, a response was received only by the Director of the Public Security Bureau - Ministry of Interior.

Overview	
<i>of recommendations made to the Ministry of Interior</i>	
<i>Recommendations</i>	<i>Response upon recommendation from PSB - MOI</i>
The headquarters of the Police Station for border surveillance need to be located in a place that is closer to the border line, for the purpose of more efficient and effective performance the competences that include monitoring the border area.	The locations of the Police Station for border control and border surveillance have been identified in accordance with previously conducted risk analyzes, field conditions and existing resources and facilities. Namely, some of the facilities currently used are taken over from the Ministry of Defense, and the dislocation of part of the police stations to new facilities will be carried out in accordance with the funds available and the priorities identified. The recommendation will be taken into account.

Overview	
<i>of recommendations made to PS Mihajlovo</i>	
<i>Recommendations</i>	<i>Response upon recommendation from PSB - MOI</i>

<p>In the room where in exceptional situations interviews are held with persons detained at the Police Station, posters should be placed which will inform the brought persons, that is persons deprived of their liberty and detained persons about their rights</p>	<p>In the offices used for interviewing detained persons at the Police Station there are posters displaying the rights of detained persons written in seven languages.</p>
<p>Police officers should adopt a practice of initial profiling of the persons - foreigners found at the border crossing in order to identify signs of vulnerability, in accordance with Standard Operating Procedures;</p>	<p>In line with the annual program of the Ministry of Interior and the established long-term cooperation with several international organizations, continuous training of police officers is conducted, especially in dealing with vulnerable categories, their identification and consulting.</p>
<p>The practice of deporting migrants without initiating an appropriate procedure for returning them across the border should be terminated.</p>	<p>At each detection of a migrant person, as well as after the initial profiling of the person, the persons are transferred to TTC Gevgelija, where, besides police officers and NGO representatives who are interviewing them, there are also translators, medical teams, representatives of Red Cross, representatives of organizations offering free legal assistance, representatives of various organizations present on the field who, upon a previously made assessment, treat these persons who are also photographed, their fingerprints taken, that is, registered and accomodated in TTC Gevgelija, and the work of police officers from PS for BS Mihajlovo ends with delivery of persons to a police officer from TTC Gevgelija.</p>

2.8 POLICE STATION FOR BORDER CONTROL „SKOPJE AIRPORT“

On 29 November 2018, the National Preventive Mechanism made a regular visit to the Border Control Police Station "AIRPORT SKOPJE" without prior notice.

The police station for BC Skopje Airport, in accordance with the positive regulations, is categorized as a police station for border control of the first category.

According to the Decree on standards and regulations for planning, construction and arrangement of facilities used by the Ministry of Interior at the border crossings⁵, the facilities in which the first category border control police stations are located must meet certain standards.

2.8.1 Material conditions

The Police Station for border control Airport Skopje has three facilities for detention of persons. The detention rooms are equipped with 4 two-level beds with a separate toilet. The width of these rooms is 2.8 meters, while the height is 4.1 meters. Temperature at the time of the visit was 21.6 degrees Celsius. The humidity in these rooms was 28.5. In all 4 detention rooms there is a small window with bars in the upper part of the room.

There is also a toilet (for ladies and gentlemen) within the Police Station, which is simultaneously used by official persons and brought persons, that is, persons deprived of their liberty. The hygiene in the toilet was at a satisfactory level.

There is no separate room for asylum applicants in the PS for BC in Skopje Airport, and no posters indicating the rights of asylum applicants were displayed in any part of the police station and in the premises of the border police within the terminal building.

In the conversation with the competent official persons, the NPM team received information that in a case of an asylum applicant, they immediately inform the competent authorities of MOI and such person is not returned to the country he/she came from. Asylum applicants are not taken fingerprints and photographed at the police station. There is a very small number of asylum applicants at the PS for BC at Skopje Airport.

The NPM team also inspected the premises of the Border Police within the terminal building of the Skopje Airport, which is operated by the Operator TAV Macedonia DOOEL, as well as in the transit zone.

The Border Police in the terminal building of Skopje Airport has official offices and a room for detailed searching of persons and luggage. Passport control cabins are set up at the airport entrance. In the conversation with the official persons we were informed that during the passport control vulnerable categories of persons and passengers leaving the territory of the country have priority. During the inspection of this

⁵Decree on Standards and Regulations for the Planning, Construction and Arrangement of Facilities used by the Ministry of Internal Affairs at the border crossings of the Government of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 164/2011)

part of the terminal building the NPM team also noticed medical equipment (wheelchairs).

The premises located in the lower part of the terminal building of Skopje Airport are used for resting of foreigners who do not qualify for entry into the country and stay in the transit zone. During the inspection of the premises the NPM team concluded that the hygiene in these rooms is low, there is no window and access to fresh air, the premises have not been used for a long period. Moreover, the location of these premises is also inappropriate, because they are under the transit zone and the access to these premises is restricted and allowed only in the presence of official persons.

One of the rooms is used for retention of persons who are considered to be a threat to the public health, which has not been used for a long time. The NPM team inspected this room and noted that the hygiene was very poor, there was no window and access to fresh air, no beds and chairs and no toilet. Access to this room is restricted, it is located in the lower part of the terminal building.

During the inspection of the offices and other premises, no means were detected, nor any other suspicious items that could intimidate the brought persons, that is, persons deprived of their liberty and detained persons.

The NPM team, from the inspection of the transit zone concluded that all parts of the airport are under control and surveillance through video monitoring and patrolling, especially in the area of passengers checking, passport control and transit zone. Also, in accordance with the operator's duties and responsibilities, food and water for persons retained for a longer period in the transit zone is provided by the Operator.

Regarding the medical assistance, the operator has provided medical team which is on duty 7/24.

2.8.2 Exercising the rights of detained persons

A poster showing the rights of summoned, brought and detained persons in three languages is displayed in a visible place at the entrance of the Police Station, and a Codex of Police Ethics is also displayed in a visible place in the hallway of the Police Station.

The NPM team was informed by the official persons that the brought persons and persons deprived of their liberty at the Police Station were informed on their right to call a lawyer, to notify a third party about their detention or deprivation of liberty, as well as on their right to seek medical assistance. Communication is mostly verbal, usually in English and in exceptional situations in a language that people understand due to a lack of authorized translators or interpreters.

In the Police Station for BC at Skopje Airport there are three rooms for detention of persons, but in 99% of cases these persons are transferred to appropriate institutions, most often to the Reception Center for foreigners in Gazi Baba, Skopje.

According to the information received from the competent official persons, in principle persons are not detained in this Police Station for border control, they only stay a certain period of time depending on the specificity of the police action, but not longer than 24 hours. During their work so far, the superiors of the police station for BC Skopje Airport have not recorded detention of a person for more than 24 hours.

The list of lawyers registered in the Law Diary issued by the Bar Association of the Republic of Macedonia is not available to the summoned, brought and persons deprived of their liberty, in the situations when they wish to exercise their right to call a defense counsel.

2.8.3 Records and registers of detained persons

During the visit, the National Preventive Mechanism inspected the records kept at this Police Station in order to obtain more information and data on the activities undertaken and on the treatment of brought persons, persons deprived of their liberty and detained persons in general by the police officers.

From the inspection of the registers, the NPM team determined that they were kept chronologically, no correction fluid was used, according to the rules of the office operation, monthly recapitulation was made, and a numerical link of the Register for daily events with other registers was evident.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report on the established conditions during its visit, which contained specific recommendations, and which was submitted to the Ministry of Interior and the Commander of the Police Station for BC Skopje Airport.

Response to the submitted recommendations is received only by the Director of the Public Security Bureau - Ministry of Interior.

Overview	
of recommendations made to the Ministry of Interior	
Recommendations	Response upon recommendation given by PSB - MOI
To adapt separate rooms for interrogation of brought persons and	Such rooms exist and are located in the

persons deprived of their liberty, as well as for asylum applicants.	terminal building of Skopje Airport.
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Overview	
of recommendations made to PS for BC Skopje Airport	
Recommendations	Response upon recommendation given by PSB - MOI
To provide adequate location of the resting facilities for persons who do not qualify for entry into the state;	For persons who do not qualify for entry, a special space is provided, the gate 203, where there is no possibility for these persons their right of movement to be restricted in one room only..
More frequent training of the official persons in the field of asylum and specialized training on topics related to the methods of identification and consulting of migrants (refugees, asylum applicants, victims of human trafficking, unaccompanied children);	The training of police officers is carried out in accordance with a previously prepared annual plan by the Department for Border Affairs and Migration, which also incorporates trainings for Regional Centers and PS within them. There is also a long-standing cooperation with international organizations that offer trainings and exchange of experiences.
Cooperation of the police station with civil society in the field of prevention, protection of victims and free legal aid;	According to their job descriptions and competencies, and within the scope of their duties, police officers cooperate with the civil sector in the field of prevention, victim protection and free legal aid, that is, they cooperate with international organizations offering it and there is also a billboard containing instructions related to the right written in several language and posted in a visible place.
Providing a database of certified translators in rare languages (Arabic, Urdu, Pashtu, and the like).	Police officers use manuals - information leaflets for asylum applicants in a several languages.

2.9 POLICE STATION FOR BORDER CONTROL AIRPORT „ST. APOSTLE PAUL“– OHRID

On 06 December 2018, the National Preventive Mechanism (NPM) made a regular visit without prior notice to the Police Station for border control “St. Apostle Paul”- Ohrid, which is located in the premises of the Airport, with the competence to control the crossing of the state border from the airport “ St. Apostle Paul ” in Ohrid, as well as to take care of security according to the competences of the Law on Police, Law on Internal Affairs, Law on State Border Control and other laws and bylaws that regulate the competence of the police. The Police Station for BC Airport Ohrid is part of the Regional Center West, located in Ohrid.

The police station has jurisdiction over the entire airport complex, which is a border area, and the airport itself is a facility of special interest. St. Paul the Apostle Airport in Ohrid is 7 km away from the city of Ohrid. The complex is fenced with a guardrail, and the access to the airport building is through the regional road, which is under construction and not safe for traffic.

2.9.1 Material conditions

From the inspection of the material conditions, the NPM team concludes that there is no separate detention facility at the airport, nor a room that could be used for temporary stay of asylum applicants. In case when after the searching, there is a person who is to be detained or deprived of his/her liberty, he/she is transferred to the Ohrid Police Station, where there are premises used for this purpose.

Also, the NPM team established that there is no room at the Police Station at Ohrid Airport that could be used for a temporary stay of an asylum applicant in case a person requests asylum. Although no case of a foreigner seeking asylum has been registered at this airport so far, the NPM team has indicated the necessity of providing a room to be used for this purpose.

The cabins where the officers exercise control over the passengers are adequate and functional. In the case of a control of second-line selected passenger, it is usually carried out in an office used by police officers for administrative matters in the immediate vicinity of the border control.

2.9.2 Exercising the rights of detained persons

The "Code of Police Ethics" is displayed in a visible place in the duty room of the Police Station at Ohrid Airport, located at the entrance to the Police Station, and instructions related to "The Rights of Victims of Crime" are displayed in several languages, as well as "Do You Know Your Rights" written in several languages.

The NPM team was also informed that the brought persons and persons deprived of their liberty at the Police Station were informed on their right to call a lawyer, to notify to a third party about their detention or deprivation of liberty, as well as on their right to seek medical assistance.

Regarding medical assistance, the Operator has provided an on-duty medical team operating 7/24 at the Police Station Ohrid Airport.

At the Ohrid Airport Police Station there are no copies of the application form for asylum, and the NPM team also identified the necessity of training for the police officers on the role and procedures to be taken by a police officer in the event of a person seeking asylum at the Airport.

At the Ohrid Airport Police Station, the summoned, brought persons and persons deprived of their liberty, in situation when they wish to exercise their right to call a lawyer, there is no list of lawyers registered in the Law Diary issued by the Bar Association. The communication with the aforementioned persons is generally verbal and usually in English and in exceptional situations in a language understood by the persons, due to the lack of authorized translators or interpreters.

2.9.3 Records and registers of detained persons

During the visit, the National Preventive Mechanism inspected records relevant to the brought persons, persons deprived of their liberty and detained persons, in order to obtain information on the actions taken by police officers with regard to their treatment of the brought persons, persons deprived of their liberty and detained persons.

From the inspection of the records, the National Preventive Mechanism team found that they were kept in a clear and legible manner, but that there were flaws when it comes to neatly and timely of recording the events.

Recommendations and acting upon given recommendations

The Ombudsman - NPM prepared a Special Report with specific recommendations, which was submitted to the Ministry of Internal Affairs, as well as to the Commander of the Police Station "St. Apostle Paul – Ohrid Airport".

In this regard, these are part of the recommendations and responses received from the Director of the Public Security Bureau - Ministry of Interior.

Overview <i>of recommendations made to the Ministry of Interior</i>	
Recommendations	Response upon recommendation given by PSB - MOI
To adapt special premises for detaining persons and asylum applicants;	The concessionaire of the TAV Macedonia Airport Complex has been repeatedly requested to provide appropriate conditions and facilities, and TAV explained that the new plan for reconstruction of the Airport Complex envisages construction of appropriate facilities.

Overview <i>of recommendations made to PS "Ohrid Airport"</i>	
Recommendations	Response upon recommendation given by PSB - MOI
To provide participation of official persons at training in the field of asylum, as well as the implementation of measures related to consulting of persons who are in need of, or want, or intend to seek international protection;	The training of police officers is carried out in accordance with a previously prepared annual plan by the Department for Border Control and Migration which also incorporates trainings for Regional Centers and PS within them. There is also a long-standing cooperation with international organizations providing training and exchange of experiences.
To provide the list of lawyers registered in the Law Diary issued by the Bar Association in cases where the summoned, brought and persons deprived of their liberty wish to exercise their right to call a lawyer;	A list of ex officio attorneys-at-law registered in the Law Diary issued by the Bar Association of the RNM is available to the police officers in cases when summoned, brought and persons deprived of their liberty wish to exercise their right to a lawyer.

To provide a database of certified translators or interpreters in foreign languages;	Police officers use manuals - information leaflets for asylum applicants in several languages.
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GENERAL RECOMMENDATIONS FOR THE POLICE STATIONS VISITED IN 2018:

- - Taking measures to increase the number of police officers in the Police Stations;
- - Regularly checking the registers and individual files by the commander or a person authorized by him/her for the purpose of checking whether the records are kept in full compliance with the Rule-book on the Content and Manner of Keeping Police Records and the Form and Content of the Police Records Form;
- - Improvement of the material infrastructure at police stations, ensuring full compliance with minimum standards for detention (square meters, temperature, lighting, hygiene, etc.).
- - An updated list of lawyers should be provided at all police stations in order for detained persons to exercise their right to a lawyer in a timely manner;
- - In all premises where interviews are held with persons brought at the police stations, the rights of the brought persons, that is, persons deprived of their liberty and detained persons shall be displayed;
- - To remove from the premises used for interviews with detained persons any items which might have a intimidating effect on these persons;
- - More frequent participation in training of the official persons in the field of asylum, as well as implementation of measures related to consulting of persons who need, want or intend to seek international protection, as well as specialized training on identification methods and consulting of migrants (refugees, asylum applicants, victims of human trafficking, unaccompanied children).

3. VISIT TO PENITENTIARIES - CORRECTIONAL FACILITIES AND CONCLUDED SITUATIONS

During 2018, the National Preventive Mechanism conducted two visits to the penitentiary-correctional facilities - Gevgelija Prison and Tetovo Prison.

The visits were unannounced, based on a prepared visit plan, in accordance with the Methodology and the Rulebook on the Manner of Preventing Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The visits were carried out in cooperation with external collaborators and experts from several fields.

At each visit, the National Preventive Mechanism team specifically emphasized the prohibition on sanctions against any person or organization for submitting

information to the NPM, whether false or true, and emphasized that no person or organization who provided the information must not be otherwise harmed.

3.1 GEVGELIJA PRISON

The visit to the Gevgelija Prison was conducted on 30th and 31st of October 2018, in cooperation with external collaborators - representatives of the Association of Psychiatrists of the Republic of Macedonia, the Association of Social Workers of the City of Skopje, the Association of Nurses, Technicians and Obstetricians of RM and from Young Lawyers Association, based on previously signed Memorandums of Understanding.

3.1.1 General Prison Information

According to the security level, the degree of liberty restriction and the types of treatment applied towards the convicts, Gevgelija Prison is a penitentiary-correctional institution of semi-open type, which accommodates the following categories of persons:

- Male persons - primary perpetrators, sentenced with an effective sentence to imprisonment of up to 3 years, that is, when the rest of the sentence, after the calculated detention is up to 3 years, on the territory of the Courts of First Instance Gevgelija, Kavadarci and Negotino;
- Male persons - repeated offenders, sentenced with an effective sentence to imprisonment of up to 6 months, i.e. when the rest of the sentence after the calculated detention is up to 6 months, from the territory of the Courts of First Instance Gevgelija, Kavadarci and Negotino; and
- • Male and female persons subject to a detention in the area of the Courts of First Instance of Gevgelija, Kavadarci and Negotino except for detention for offenses punishable by imprisonment of at least 10 years or life imprisonment.

The capacity of Gevgelija Prison is for 76 convicts and for 12 detainees, and during the visit to the Prison there were 39 convicts, and none detained.

From the conversation with the director we were informed that the current number of employees does not meet the needs for smooth and efficient realization of the function that should be performed by an institution of this kind, and the mere fact that the prison police does not have a female official is a serious problem when it comes to searching of female persons, whether it be visitors or detainees.

Regarding the trainings for the officials, the fact that the Prison has an Annual Plan and Program was noted as positive, and from the inspections it was concluded that in 2018 the following trainings were organized and conducted for the employees: "Code of Conduct for Officials behavior when performing the work tasks in KPU, Dynamic Security Prisoner Training Program - Standard Operating Procedures "," Violent Behavior Program; Prosocial Behavior, Caring Prison Officer, Dealing with Resistance .. " etc.

3.1.2 Material conditions

During the visit, the NPM team paid attention to the material conditions of this penitentiary and all accommodation capacities along with other additional and external premises.

In this regard, the following sections and additional premises / sections of the Prison were inspected:

- Detention Unit (the premises of this unit are also used as solitary confinement / isolation rooms);
- Admission Unit;
- Open / Semi-open ward with the premises where the convicts are accommodated;
- Closed ward;
- Medical examination room / prison clinic;
- Kitchen and dining room;
- Other premises (laundry, warehouse, exercising room - gym, farm located within the Prison)

The Detention Unit has 6-six rooms of 8m², each equipped with 2-two beds each.

Although there were no detainees, the NMP checked the compliance with the standards of detention facilities, where a relatively high level of humidity of 65-67% R.H⁶ has been measured, and temperature of 21°C⁷.

There is no special ventilation system in the premises, and on the day of the visit the same were not ventilated and suffocation could be felt.

⁶Acceptable standards for air humidity (20-60% R.H.)

⁷ Acceptable temperature standards (18-25 ° C)

The beds are fitted with dirty and messy blankets and mattresses, and low levels of hygiene have also been noted.

The daylight penetrating through the small windows is scarce, and artificial lighting can only be activated externally by the prison police.

Information has been received that these premises of the admission unit are also used as solitary confinement facilities for convicted persons serving disciplinary sentences - solitary confinement, as the prison does not have separate solitary confinement facilities.

In the rooms - solitary confinement there is no signaling system, that is for calling the officials, which is a serious problem because according to the obtained information, the persons who are placed in solitary confinement are forced to do so by knocking on the door.

Right next to the section where the detention facilities are located, there is a ***promenade*** for the persons accommodated in these premises. The promenade is not equipped with recreation equipment such as benches and chairs, nor does it have a covered area that would be used during bad weather conditions, making it virtually impossible for persons to exercise their right to walk around in the open.

The admission unit consists of two separate rooms and a toilet.

The first room is 19.5m² with 4 beds (3 complete and one without a mattress). The second room is 16m² and has 3 beds. Two people were accommodated on the day of the visit in each of the rooms. The hygiene in both rooms was at a satisfactory level, and the convicts themselves took care of it.

The premises measured a temperature of 22.5 ° C, which is within the accepted international standards for the detention of persons deprived of liberty, while the humidity level was 64.6% RH, which exceeds the acceptable standards for humidity (20-60% RH).

The rooms have large windows which allow sufficient flow of natural light.

In addition to the beds fitted with clean and tidy bedding, the convicts housed in these rooms have personal storage cabinets. There are also heating radiators in the rooms used for heating in the winter.

The toilet is equipped with functional sanitation, and hygiene is at a satisfactory level.

In the **Open / Semi-open** ward the convicts are divided into 5 rooms, usually grouped 6-7 on average.

Three rooms have an area of 28m² and two of them accommodated 6 convicts and the other accommodated 7 persons. The fourth room is 24m² and during the visit 6 convicts were accommodated, and the same number of convicts were accommodated in the fifth room which is 20m². The convicts' beds were clean and tidy. The convicts themselves take care of the hygiene, and the rooms were generally clean during the visit.

During the immediate inspection of the premises, it was found that there are beds for accommodation of additional number of convicts in some of the rooms (12 beds were installed in three of the rooms).

In this sense it is undisputed that the legal maximum, which provides for accommodation of up to 5 convicts in the same room for overnight stay, is exceeded. Hence, the NPM team also highlighted in the report the risk of convicts being accommodated in high-capacity bedrooms, highlighted in the views of the European Committee for Prevention of Torture (CPT))⁸.

Indoor humidity above acceptable humidity standards (20-60% R.H.) was measured in the rooms, while the measured temperature was 22 ° C, which is within the prescribed minimum international standards for accommodation of persons deprived of their liberty. In this regard, from the conversations with the convicts we were also informed that the warming of the premises is quite correct and that the rooms are sufficiently warm during the winter period when the outside temperatures can be quite low, and they also have hot water at all times, as well as drinking water.

There are large windows in the premises that provide sufficient daylight, and in addition to beds, they are also equipped with cabinets for storing the convicts' personal belongings.

⁸High-capacity bedrooms inevitably imply a lack of privacy for prisoners while serving a prison sentence, and there is also a high risk of threats and violence. Namely, this type of accommodation very easily encourages the development of offensive subcultures of "defenders" or protectors of the other conditionally said "weaker" inmates. This makes it difficult for staff to adequately control, which is almost impossible in the event of major prison disturbances. "- Conclusions stated in 11. General Report (CPT / Inf (20017) 16) contained in the Macedonian version of "CPT Standards - Highlights of the CPT General Reports", CPT / Inf / E (2002) 1 - Rev.2013

The convicts accommodated in this unit have three toilets, which are in very poor condition. Namely, the toilet doors were without handles, non-functional toilets and the hygiene was very low. Some of the toilets also have mirrors that are damaged at the ends and can be used as objects for injury / self-harm.

The **enclosed unit** is actually a room of 15 m² and compared to the rest of the accommodation is in a poor position. Namely, there are 5 beds in this room and no convicts were accommodated during the visit.

Prison officials pointed out that the room was not used for a long time to accommodate convicted persons, but only incidentally, when a person was to be sentenced to a disciplinary punishment - solitary confinement, and the detention facilities used for that purpose were full at the time.

The room was heated and the temperature during the visit was 21.8°C. The humidity level of 64.8% R.H. that was measured during the visit exceeds the acceptable standards.

The flow of daylight is limited, and the ventilation is natural, but a stuffiness is felt.

The toilet is physically separated from the rest of the room. Sanitation is functional, but hygiene is not satisfactory.

It was also found that this room, as well as the rest of the Prison accommodation capacities, has no call / alert system.

The inmate's promenade placed in the prison yard is spacious, clean and tidy, with benches and tables for sitting. The convicts themselves take care of the promenade. In the yard there are two so-called gazebos, only one of which is covered and could be used even in rainy weather.

Within this area where the convicts exercise their free time and the right to a walk, there are two sports fields, one for football and one for basketball. Also, within this area, inmates have the opportunity to recreate and exercise in makeshift gym, located next to the football and basketball court.

The room used as a **prison clinic** is equipped with a check-in bed, a metal cabinet for storing medicines, a cabinet for storing medical documentation, as well as a

special locker for storing medical records. The medical apparatus has only a proper pressure gauge in good condition, and an unused sterilizer.

During the inspection of the metal cabinet where the medicines were stored, it was concluded that most of the medicines are expired, as well as the syringes and needles.

During the visit, the NPM team concluded that the prison police commanders also had access to the medical documentation, besides the doctor. In this regard, it is recommended to comply with Recommendation No. 98 on the ethical and organizational aspects of prison health care of the Council of Europe⁹, which provides for confidentiality of patient data in prisons and setting standards of professional independence which will provide same health care as that available in the community.

In the kitchen where food is prepared for all convicts and detainees, hygiene is at a satisfactory level, the convicts take care of the same, and they change according to a pre-arranged schedule. The inventory, the cauldrons, and the items in which the food is prepared are maintained properly and are usable.

Food is consumed in the ***dining room*** and served in plastic containers (dishes), a spoon, a plastic cup, issued on a plastic tray. It has been reported to have metal cutlery, metal spoons, metal forks and knives, for which an information has been received by the chef that the same are used by the staff. The inventory is outdated and the chairs do not have a backrest and are not attached to the floor or table, which may pose a risk to the safety of convicts and employees.

Food is prepared according to a monthly menu prepared by an economist and a chef, and approved by the director. During the visit the meals for the convicts corresponded to the list provided.

The inspection of the monthly list of dishes for October, approved by the prison administration and the health service, showed that the three daily meals, the day of their serving and their energy value were appropriately indicated.

3.1.3 The attitude of the officials towards the convicts

From the interviews with the convicts, the NPM concludes that the Director of the Institution and the officials have a good and correct attitude towards the convicts. Namely, during the individual and group discussions no one complained of inhuman or degrading treatment by the prison services, on the contrary, particular satisfaction was

⁹Recommendation No R (98) 7 on the ethical and organizational aspects of prison health care - Council of Europe - Committee of Ministers adopted on 8 April 1998 at the 627th meeting of the Deputies.

expressed from the correct attitude of the Director of the Institution, as well as the possibility of regular and easily accessible contacts with him.

From the conversations with the convicts, the NPM concludes that incidents between convicts, or between convicts and officials, are a rare occurrence in the Gevgelija Prison.

3.1.4 Complaints System

The NPM team concludes that there are special mailboxes in the Prison through which the convicts can file a complaint to the Office of the Ombudsman.

Also, from the conversations with the convicts, the NPM stated that they could at any time have the opportunity to contact the Director of the Institution, in a manner in which they would previously request to meet with him through the commander or tutor, after which they would be given an immediate meeting.

However, the NPM team recommended that a formal internal complaints mechanism be established within the Prison, which would prevent the possibility of “filtering” the complaints towards the Director. At the same time, the need to establish clear procedures for examining complaints and protecting convicts from any negative repercussions on the allegations made is emphasized.

3.1.5 Health care

There is no permanent medical staff in the Prison, and the health services are provided by a psychiatrist who comes to the Prison on a temporary basis, i.e. once a week and on call. The doctor is from the General Hospital of Gevgelija, with which the prison administration has a contract. In cases of need for medical intervention, the Emergency Medical Team (IMP) is often called, and in most cases IMP doctors also carry out initial examinations of convicts or detainees upon admission to Prison.

Bearing in mind the European Prison Rules¹⁰, as well as the standards of the European Committee for Prevention of Torture (CPT)¹¹, the NPM team recommended a

¹⁰Rule 41.1 of the European Prison Rules provides that "There shall be at least one qualified general practitioner in each prison" and Rule 41.2 provides that "A doctor shall be available at all times without delay in emergency cases."
“

¹¹The 3rd General Report (CPT / Inf (93) 12) of the European Committee for the Prevention of Torture states that “A person that can offer first aid should always be present on the Prison premises, it is desirable that the person should have medical qualifications (a nurse)”

greater presence of medical staff in the Prison, thus enabling the requirements for medical consultation to be met without unnecessary delay.¹²

The examination of convicts, i.e. detainees, upon admission to the Prison is carried out within 24 hours and usually consists of taking personal data of the convicted person / detainee and a physical examination of the upper half body.

The convicts report for written or oral examination to members of the security sector, who then forward such reports to the Prison Director and the physician.

To prevent possible filtering of requests and access by convicted / detained persons to a doctor, as well as to respect the principle of medical confidentiality, the NPM team recommended **that prisoners have access to confidential health services through a confidential envelope¹³ or by submitting the request to a special mailbox designed for this purpose, which should be available in all departments of the institution.**¹⁴ In urgent cases, the convicted person may apply for a medical examination by oral request to a security officer and shall be immediately referred for examination.¹⁵

Medical examinations are carried out in the ambulance room and in the Director's office, often in the presence of officials - non-medical staff.

Examinations and recommended treatment are recorded in the Practitioner's Book and in the convict's cardboard, and access to medical documentation, besides to the doctors, is provided to the responsible commanders on shift in the Prison.

Due to the fact that the doctor visits the Prison only once a week, the prescribed therapy during the regular working hours (08:00 - 16:00) is shared by the social workers - educators, while in the afternoon and on weekends the therapy is shared by the responsible commanders on shift.

Regarding this situation, and in having in consideration the principle of medical confidentiality, the NPM team recommended:

1) All medical examinations (either on admission or later) should be carried out without the presence of prison officers, unless the physician requests otherwise. The examinations should be done individually, not in groups.

¹²The recommendations of the European Committee for the Prevention of Torture contained in 3 General Report (CPT / Inf (93) 12) which stipulate that "The health service should be organized in such a way that requests for medical consultation are met without undue delay" are in the same direction.

¹³In the same direction are recommendations of the European Committee for Prevention of Torture contained in the Report on the realized Visit to the Republic of Macedonia (06 to 09 December 2016)

¹⁴As provided in Article 42 of the House Rules for sentenced persons serving prison sentences in a penitentiary institution

¹⁵Ibid

2) Medical confidentiality should be respected in the same manner as in the community in general, and access to medical data on convicts should be available only to authorized medical practitioners.

3) The distribution of therapy should be performed by medics in the presence of a member of the Security Department, or in some cases the daily therapy may also be provided by a member of the Security Department, if previously prepared by the Security Division, provided the same is previously prepared by the medical personnel in separate bags with the convict's name, surname and ID number¹⁶

From the conversation with the convicts, the NPM team concluded that some of them who did not have health insurance, purchased the medicines at their own expense, and were unable to continue prescribed physical therapy due to lack of funds.

The prison lacks screening tests for C, B hepatitis, HIV as well as regular testing for the presence of drugs and psychoactive substances (trudone, buprenorphine, methadone, benzodiazepines, opiates, amphetamine, methamphetamine, MDMA, cocaine, cannabis etc).

In addition, in the area of preventive health care, the team of the National Preventive Mechanism concluded that there is no supervision by a medical officer regarding the provision of food (food preparation and distribution) and hygiene conditions (cleanliness of clothing and bedding; clean water access; sanitary installations) as well as the heating, lighting and ventilation of the convicts'/detainees' premises.

From the conversation with the Prison officials, the NPM team was informed that the budget approved in the area of health care is not sufficient to fully address the convicts' health needs.

In this regard, given that providing health care for prisoners is the responsibility of the state, prisoners should enjoy the same standards of health care available in the community and should have access to the necessary health services without discrimination, on the basis of their legal status, as well as the fact that each prison is required to have a health service responsible for assessing, promoting, protecting and improving the physical and mental health of prisoners¹⁷, **the NPM team recommended that the Management for execution of sanctions to increase the budget of the Prison designated for Health Care, upon prior consultation with the Prison Administration which should make a detailed assessment of the health care**

¹⁶ Art. 6 and 7 of the Guidelines for Access to doctor of sentenced persons in the institution, distribution of Medicines and Out-of-Prison Medical Examination, it is stated.

¹⁷ Rule 24 and 25 of the Revised Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules)

needs of convicts and detainees (which will include, inter the need of increased presence of health care workers in the facility, as well as renovation, improvement or enhancement of facilities and equipment for the prison).

3.1.6 Disciplinary penalties

From the interviews with the convicts, as well as from the material inspection, the NPM team concludes that the persons against whom the disciplinary procedure was conducted in the Gevgelija Prison were informed about the reasons for the initiation of the procedure, were personally heard and gave their statement regarding the subject event for which the proceedings are being conducted (individual cases contain written statements from the convicted person as well as from all other persons who have given statements in relation to the subject event), were given the opportunity to propose their own evidence, as well as to examine the evidence against them, and were also given a copy of the disciplinary sanction decision with the instruction that the person has the right to appeal to the Director of the Office of Execution of Sanctions.

In this regard, the NPM team positively emphasized the compliance with the rules laid down in the House Rules¹⁸ and the standards recommended by the Committee against Torture.¹⁹

During 2018, up to the day of the visit, a total of 25 disciplinary proceedings were instituted, of which in 10 cases a disciplinary sentence - solitary confinement was ordered, while in the remaining cases public reprimands and convenience limitations were imposed. In none of the cases were the Appeals for the Decision for sentencing disciplinary sanction filed with the Director of the Management for Execution of Sanctions.

The inspection of the documentation also showed that in cases where a disciplinary sentence is imposed - solitary confinement, there is always the opinion of a physician regarding the convict's ability to serve the disciplinary punishment

¹⁸From the conversations with the officials and part of the convicts, the NPM team concluded that they were familiar with the Procedure for establishing disciplinary responsibility and sentencing a disciplinary punishment provided in the House Rules for convicts serving a prison sentence in a penitentiary institution, the convicts were also aware of the reasons foreseen in the House Rules, for which they could be disciplined

¹⁹The UN Committee Against Torture states that inmates facing disciplinary or other charges during the proceedings should be guaranteed their rights: to be informed in written form of the charges against them, to be heard in person, to be able to call witnesses and to examine the evidence against them, to provide them with a copy or a copy of the disciplinary decision in relation to them, and to verbally explain them the reasons for the decision and the possibility of appealing to an independent body. UN Committee Against Torture, Observations of the Committee Against Torture on the Revision of the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR), 16 December 2013, CAT / C / 51/4, para. 41 (CAT SMR revision observations)

pronounced. However, contrary to the established rules, the persons in solitary confinement are not visited by a doctor on daily basis.²⁰

3.1.7 Re-socialization

The Department of Re-socialization in the Prison is made up of two persons, social workers-educators by profession. One of the educators has passed a probation exam, who can prepare a special feature, which would then affect the positive change of the sentencing of the convicts showing a high degree of responsibility and adherence to the programme and the rules of the institution.

During the conversation with one of the social workers, it was noted that the convicts are most often dealt with individually, upon a previously filed request by the convicts. Group counseling is not practiced at all.

Social workers are satisfied with the convict's compliance with the program and the rules, even though they as employees are aware of certain shortcomings in the institution in terms of space and human resources.

The convicts also stated that they were generally satisfied with the behavior of the staff as well as the opportunity to talk to them whenever they wanted, but some complained about opportunities for organizing their free time and for work engagement outside the Prison, as well as for the opportunities for successful reintegration upon release from prison.

Review of referrals

No feedback was received until the preparation of the report by the Management for Execution of Sanctions and Gevgelija Prison.

<i>Recommendations to Gevgelija Prison</i>
Make urgent efforts to increase the number of prison staff (in the prison police and security sector) and take steps to secure at least one female employee - shift worker at any time in the Prison. The number of prison staff should be sufficient to enable staff to be in a position to maintain effective control of the facilities, to guarantee a safe environment for themselves and for the prisoners, and to provide a regime of activities for the prisoners;

²⁰Art. 181 paragraph 4 of the Law on Execution of Sanctions

Do not use high capacity bedrooms, i.e. the number of convicts accommodated in one room should not exceed the legally prescribed maximum of 5 persons;
Undertake measures to reduce humidity in the premises;
Undertake urgent measures to improve and maintain hygiene, as well as to replace or repair dysfunctional sanitary facilities in the toilets designated for convicts;
Convicts serving disciplinary sanctions - solitary shall not to be mixed with detainees
In the detention facilities that are also used for serving disciplinary sentence - solitary confinement, a call-alert system should be installed, new mattresses and bedding should be provided, provide adequate heating and artificial light, and to undertake measures for decreasing the humidity and maintaining an adequate level of hygiene and ventilation;
Promenade for detainees and for the persons sentenced to disciplinary punishment - solitary confinement - to be equipped with additional rest equipment (benches and chairs), as well as covered space that would be used in bad weather conditions;
The Prison Administration should address a public health facility providing primary health care in the network of health facilities in which the Prison Headquarters is located in order to ensure proper presence of medical staff which will enable immediate response to the inmate / detainees requests for medical consultation;
Initiate a health insurance procedure for all convicts serving prison sentences in the Prison, as well as all detainees who are not insured on any other grounds;
All medical examinations (either on admission or later) should be carried out without the presence of prison officers, unless the physician requests otherwise. Convicts should be examined individually, not in groups.
Medical confidentiality should be respected in prisons in the same manner as in the community in general. The physician should be responsible for keeping the convict's file as a patient, and access to the medical records of the convicts should be available only to authorized medical personnel;
Eliminate all expired drugs;
The distribution of treatment should be performed by medical personnel in the presence of a member of the Security Sector, or in some cases daily therapy may also be provided by a member of the Security Sector, if previously prepared by health care personnel. in separate bags with the name, surname and identification number of the convict;
Ensure that the medical officer oversees the provision of food (food preparation and distribution) and hygiene conditions (cleanliness of clothing and bedding; access to

clean water; sanitary installations) as well as heating, lighting and ventilation of the premises of the convicts / detainees, for which official documentation shall be kept;
To request an increased budget in the part intended for health care of convicts / detainees;
Establish a formal internal grievance mechanism within the Prison, which will prevent the possibility of “filtering” complaints filed to the Director, while establishing clear procedures for investigating complaints and protecting convicted persons from any type of negative repercussions for the allegations made therein.
Provide sufficient quantities of fresh fruits and vegetables in the convicts' diet;
Provide personal hygiene products for convicts and detainees who cannot obtain the same on their own;
Place provisions from the House Rules at more visible places in the Prison;
Timely and due record keeping, and instead of corrective laceration, the mistakes should be corrected by tracing over the data.

<i>Recommendations to the Administration for Execution of Sanctions</i>
<p>Make urgent efforts to increase the number of prison staff (in the prison police and in the security sector) and take steps to secure at least one female shift worker at any time in the prison.</p> <p>The number of prison staff should be sufficient to enable the staff to be in a position to maintain effective control of the facilities, to ensure a safe environment for themselves and for the prisoners, and to provide a regime of activities for the prisoners.</p>
In the detention facilities, which are also used for serving disciplinary punishment - solitary confinement, a call-alert system should be installed, they need to be equipped with new mattresses and appropriate bedding, and to take measures to reduce humidity and maintain proper level of hygiene and ventilation;
Promenade for detainees and for the persons sentenced to disciplinary punishment - solitary confinement - to be equipped with additional rest equipment (benches and chairs), as well as covered space that would be used in bad weather conditions;
The Administration should monitor and assist in the process of health insurance for all convicts serving their sentence, as well as all detainees who are not insured otherwise (* the health insurance application for this category of persons is foreseen to be certified by the Administration for Execution of Sanctions);
Provide a larger budget in the area designated for health care for convicts / detainees;

3.2 TETOVO PRISON

The team of the National Preventive Mechanism conducted the visit of the PCT Prison Tetovo on 25 and 27 December 2018, in cooperation with external collaborators - representatives of the Association of Psychiatrists of the Republic of Macedonia, Institute of Forensic Medicine, Criminology and Medical Deontology, Association of Social Workers Skopje, the Association of Nurses, Technicians and Obstetricians of the Republic of Macedonia and the Association of Young Lawyers, based on previously concluded Memorandums of Understanding.

3.2.1 General data

According to the level of security, the degree of restriction of freedom and the types of treatment applied to convicts, Tetovo Prison is a semi-open penitentiary - correctional institution where the basic security is the physical security provided by members of the security sector, and in accordance with the Decision on deployment of convicts and juveniles in penitentiary-correctional and educational-correctional facilities and of the detainees in the detention units of the penitentiary-correctional institutions”²¹ the following types of persons are being accommodated in the Prison:

- Male persons - primary perpetrators, sentenced with effective verdict to imprisonment of up to 3 years, i.e. when the rest of the sentence after the calculated detention is 3 years, from the territory of the Courts of First Instance of Gostivar and Tetovo;
- Male persons - repeated offenders, sentenced with effective verdict to imprisonment of up to 6 months, i.e. when the rest of the sentence after the calculated detention is up to 6 months, from the territory of the Courts of First Instance of Gostivar and Tetovo;

By order of the Ministry of Justice. No. 07-1432 / 2 of 12.10.2018 no persons are being detained in Tetovo Prison.

The capacity of the Prison is for about 50 convicts, and on the day of the visit, according to the list of inmates, there were 51 inmates in the Prison, whereas the accommodating capacities were full.

From the conversation with the director, an information was received that the

²¹ Official Gazette of the Republic of Macedonia 84/2008 from 11 July 2008

current number of employees, just like in the Gevgelija Prison, does not meet the needs for smooth and efficient realization of the function that should be performed by an institution of this kind, and also the fact that the prison police do not have a female official present is a serious problem in this Prison in the cases of female searches, whether the females are visitors or detainees.

3.2.2 Material conditions

During the visit, the NPM team made an immediate inspection of the material conditions in all of the accommodation facilities along with other additional and external premises.

In this regard, the following sections and additional premises / sections of the Prison were inspected:

- Admission Unit;
- Open / Semi-open ward;
- Solitary confinement facilities;
- Detention Unit;
- Medical examination room / prison clinic;
- Kitchen and dining room;
- Bathroom and laundry room;
- Other premises (warehouse, exercising room - gym, common 'café' room)

The admission unit in the prison consists of a small room with a toilet.

The room has an area of 14m² and 6 beds in total, which undoubtedly points to the fact that it does not meet the minimum international standards for accommodation of convicts,²² which is contrary to the provisions of the Law on Execution of Sanctions, according to which the maximum number of persons who can be accommodated in one room is 5 convicts.

During the visit there were no persons accommodated in this room, and information was received that the same room was also used as a **solitary confinement facility for serving disciplinary sanctions**.

Although there were no persons accommodated in the room during the visit, the NMP team performed a check regarding meeting the standards, which determined that the temperature during the visit was 13.5 ° C and the same was below the minimum international standards of accommodation required for accommodating persons

²²The CPT's minimum standard for personal living space in prison establishments (- 6m² of living space for a single occupancy cell + sanitary facility
- 4m² of living space per prisoner in a multi-occupancy cell + fully-partitioned sanitary facility)

deprived of liberty. The measured humidity level was 37.2% R.H., that is, within the acceptable range (20-60% R.H.).

The room has large windows that allow sufficient flow of natural light.

The beds in this room had no proper mattresses, nor clean and tidy bedding, and besides the beds in the room there was a personal storage cabinet and a small wooden makeshift table.

The hygiene in the room was very low, just like the toilet where most of the sanitary facilities were non-functional.

From conversations with convicts who were accommodated in the admissions unit information was obtained that they spent most of the day indoors, without engaging in any activities, with the exception of the possibility of spending only one hour during the day on fresh air.

The convicts accommodated in the **Open / Semi-open** Unit are divided into 12-twelve rooms, of which 5 have area of 16m², 4 have area of 14m², 2 have area of 13 m² and one has area of 20m².

The convicts are grouped by 4-6 persons on average, and the inspection revealed that there are 8 beds in five rooms, which is in contradiction with the minimum international standards for accommodation of convicts, as well as contrary to the provisions of the The Law on Execution of Sanctions, according to which the maximum number of persons who can be accommodated in the same room for an overnight stay is 5 convicts

The beds in the rooms are bunk-beds, old and in poor condition, equipped with old and dirty mattresses, and the convicts have provided their own bedding.

The measured temperatures of 20-22 ° C, as well as the humidity levels below 60% R.H., were within the acceptable minimum international standards for detention of persons deprived of liberty. However, from the conversations with the convicts, the NPM team was informed that the rooms were not sufficiently heated during the winter when the outside temperatures could be quite low, also the NPM found additional heaters in some rooms (heaters, electric floor fan heater...).

Apart from beds, there are also personal storage cupboards in the rooms where inmates keep for their own personal hygiene products and food (no medicines, syringes

or other means with which they could injure or inflict self-harm have been observed), tables and chairs, a TV and other technical devices that everyone has provided within their means.

There are two toilets for inmates in this ward that are in very poor condition and with extremely low levels of hygiene. In one of the toilets there were mirrors that were damaged at the ends and which could be used as objects of injury / self-harm, and in the other toilet there was an overflowing garbage bin that spread stench throughout the entire corridor.

The **bathroom** is located outside the main prison building, in a small facility located within the convicts' promenade. In this sense, convicts must cross the prison yard to reach the bathroom, which is a serious problem in the winter when temperatures outside are very low. An additional problem is the fact that the room does not have an adequate place where convicts can change, which violates their privacy when using the bathroom.

The bathroom has 3 showers that were in good working condition and the convicts can use at any time as needed.

Hot water is provided by a boiler that switches on when needed, and convicts point out that there is not always hot water.

The convicts themselves are in charge of the bathroom hygiene and the same is on an unsatisfactory level.

The convicts' outdoor walk area does not provide sufficient outdoor space, given the fact that despite the courtyard is clean and tidy, with seating benches and tables, the promenade does not have a covered and protected outdoor area and its use is limited in the event of adverse weather conditions.

Within this area where the convicts spend their free time and the right to walk there is a football field. There is also a small gym near the promenade, which contains a small number of devices and is insufficient to serve the needs of all inmates.

Within the promenade there is also a so-called **common room** where inmates have the opportunity to drink coffee, tea and socialize. The room is equipped with an old and inadequate inventory. Right next to this room is the library, which is also in poor condition, and the choice of books is very small.

Regarding the **detention unit**, the NPM team concludes that the Prison has 12 detention facilities which are out of use, because they do not meet the minimum

standards for accommodating prisoners. This part of the Tetovo Prison has been closed by order of the Ministry of Justice²³.

The inspection of the premises revealed that 4 beds were placed in two rooms with an area of 9m², and two beds were placed in the other 10 rooms with an area of 6 m². The measured temperature in the premises was 12-14°C.

The hygiene in these rooms was extremely low, and the beds were fitted with inappropriate mattresses and dirty and messy blankets. During the visit to the premises stuffiness could be felt, i.e. they were not ventilated, nor did they have an individual ventilation system. There is an insufficient flow of daylight in the premises, and the light is only activated on the outside by the prison police.

Given the established factual situation, the NPM team concludes that the premises of the detention unit do not meet the minimum international standards for accommodating prisoners.

The room designed for female detainees is also out of use and is used for leaving various objects.

Right next to the detention area, there is a door leading to a ***promenade*** designated for using by those accommodated. NPM concludes that this enclosed and isolated promenade is not covered and protected in case of weather disasters thus limiting its use. There are no additional recreational equipment on the promenade, such as benches and chairs.

The ***Prison Clinic*** consists of a small room of about 9m² and does not meet the standards for a medical clinic. It is equipped with a work desk and a chair, a computer, a sink, an examination bed, a locked metal cabinet for storing medicines, as well as a cabinet for storing medical documentation. Regarding medical devices, there was a stethoscope, a blood pressure monitor, which is in good working order, and apparatus for measuring blood sugar, also in good working order.

All medicines are stored in a locked medical cabinet, accessible only by the doctor. Medicines are being purchased by tender once a year and delivered several times during the current year. Considering the funds designated for medicines (180,000 MKD), it is undeniable that this is a small amount, but despite this, the Prison is still provided with basic medications for acute and chronic heart and psychiatric illnesses.

²³No. 07-1432/2 from October 12, 2018

The prison does not have a dental clinic, nor does the prison have a contract with a health care institution to provide dental services to inmates, forcing inmates to visit private dentists.

3.2.3 The attitude of the officials towards the convicts

Interviewed convicts generally had no objection regarding the relation and the treatment by prison officials. Namely, none of the persons complained of any inhumane or degrading treatment by the security staff, and none of the convicts witnessed or heard about any possible physical violence by the prison authorities. The behavior of the Security Sector staff was judged to be correct and it was also stated that the officials did not use coercive means.

The convicts indicated that the director and the commander regularly visited the accommodation premises and discussed any problems with them. On the other hand, they complained that they had no meetings with the educators from the Sector for Re-socialization. They noted that they spend most of their time without being involved in appropriate re-socialization activities because such activities were very rarely organized, i.e. two or three times a year.

3.2.4 Complaints System

The NPM team concludes that there are special mailboxes within the Prison through which the convicts may address a complaint or grievance to the Director or the Ombudsman's Office. However, officials pointed out that convicts often conveyed complaints to the director orally and directly. In this regard, it was also established that the House Rules with the rights of convicts were prominently displayed on several places in the prison.

3.2.5 Health care

The health service in Tetovo Prison is composed of only one doctor (urologist) who is present daily from Monday to Friday from 08:00 to 16:00. Outside of regular working hours, the doctor is available on weekdays until 22:00, and emergency medical teams are also called in case of emergencies.

From the interviews with the physician and the convicts, as well as from the inspection of the records, the NPM team concluded that the initial examination of the persons was performed within 24 hours of their admission in the Prison. This examination is noted in the Health Record, which contains generals, health status upon detention, neuropsychiatric examination, X-ray, laboratory examinations, dental condition during serving the sentence, and illnesses during serving the sentence and release.

The convicts report for examination in written manner, especially in cases where additional specialist examinations are required, both directly and indirectly to the physician, given that the clinic is located on the same floor and in the same corridor where the premises where the convicts are accommodated are located.

Medical examinations are carried out in the outpatient room of the physician without the presence of officials - non-medical personnel, unless the physician considers that there is a need for the presence of members of the Security Sector, usually in the case of convicts who exhibit signs of aggression.

Some of the convicts have no health insurance, and in the area of specialist examinations, the NPM team received information from their conversations with the convicts that they are not always brought on time to such examinations, despite the recommendations and issued referrals by the Prison Practitioner. It was also pointed out in this regard that the costs of specialist examinations are often covered by the convicts themselves.

There is no doctor-specialist psychiatrist in the prison for people with mental disorders.

Medical records consist of diaries that are duly filled out, and each examination is computer-recorded. The medical records for each convicted person are also included in the records. These health records are duly filled out and contain not only medical examinations but also information on all medical examinations, solitary confinement opinions and other disciplinary penalties, etc. The records also note all the acute and chronic diseases that are found in the convicts. Medical records are kept in separate cabinets and only the doctor has access to them.

At the request of the court, the doctor issues a medical report. The doctor issues a medical report also when a prisoner is transferred to another prison, .

In this regard, the NPM team concludes **that keeping the medical documentation in Tetovo Prison is a positive example that should be followed by the other penitentiary-correctional institutions.**

Regarding the examinations of convicts serving disciplinary sentences - solitary confinement, the NPM team stated that every person is obliged to be examined by a doctor before being sent to a solitary confinement, and that the persons are regularly examined while in solitary confinement.

Given the current situation, the NPM team at the Prison Health Officers , in the part of health care, the officials should always respect the physician's opinion as to whether a particular person is capable of serving the disciplinary sanction, as well as

the need to discontinue serving because of deterioration of the convicted person's health and should in no way influence or in any way exert pressure on the Prison physician regarding the decisions on the ability of the detainees to serve disciplinary punishment - solitary confinement.

3.2.6 Disciplinary punishments

The inspection of the records of sentenced disciplinary sanctions revealed that this record book contains the name and surname of the convicted person to whom the disciplinary sanction has been imposed, the reason for the sanction and the type of sanction, as well as the beginning of the execution and its expiration. The book lacks data on the official who submitted the proposal for sanction, and in some cases information on the reasons for disciplinary punishment was missing. Other disadvantages were noted while keeping this record, such as: incomplete rubrics and use of a correction fluid.

In the course of 2018, up to the day of the visit, a total of 12 disciplinary convictions were recorded for convicts, and during 2017 there was a total of 14 disciplinary sentences. The most frequently recorded disciplinary measures were reprimand, abolition of convenience and solitary confinement, and the reasons for their discovery were finding illegal objects during searches, physical assault on a convicted person, incitement to fights, abuse of convenience, etc.

3.2.7 Re-socialization

The Department for Re-socialization in Prison is composed of a psychologist, a lawyer and a pedagogue and they are responsible for all the documentation that is prepared for the convicts. There is no social worker on the team, and during the conversation the director informed us that in the job application submitted to the Government, besides other staff, the need for a social worker was emphasized.

Except for individual work at the convict's request, no other type of therapy is provided. Leisure organization is without agenda and structured time, i.e. special creativity in order to fulfill the current day.

In the past, in cooperation with civil society organizations, educational content was organized in the field of education for acquiring a certificate for cook, baker, barber, as well as computer skills and English language education. However, no information was received at the time of the visit that there was any content for actively organizing the leisure time, as well as motivation for professional upgrading and consideration for professional engagement upon leaving the institution.

In this respect, convicts also mainly complain about opportunities for organizing leisure time and work outside the Prison, as well as about opportunities for successful

reintegration after leaving the prison. At the same time, some of the convicts made allegations of corruption in terms of weekend vacations, vacations and other benefits provided by the facility.

Review of directed referrals and received responses

<i>Recommendations to Tetovo Prison</i>	
<i>Recommendations</i>	<i>Response by recommendation</i>
Urgent efforts are being made to increase the number of prison staff (in the prison police and the re-socialization sector) and to take steps to secure at least one female employee on shift at any time in the Prison. The number of prison staff should be sufficient to enable staff to be in a position to maintain effective control of the facilities, to guarantee a safe environment for themselves as well for the prisoners, and to provide a regime of activities for prisoners;	In the employment plan for 2019, in accordance with the systematization of the Tetovo Prison, new employment in all sectors have been requested, most notably in the prison police (8);
The admission department room, which is also used as a place to carry out disciplinary punishment - solitary confinement shall not be used for detention of persons until it is renovated in accordance with the minimum standards for detention;	These recommendations have not been implemented since 2012 and for a long time we have been pointing out the same to the authorities in the Administration for Execution of Sanctions in order to overcome this situation, given that the provision of special premises and the division of these categories of convicted persons is exclusively of financial and technical nature;
Do not accommodate or mix new convicted persons with convicted persons serving a disciplinary sentence - solitary confinement;	
The number of convicts accommodated in one room should not exceed the legally prescribed maximum of 5 persons;	The recommendation has been implemented so that in the Prison there are only 5 convicts in 5 bedrooms, 4 convicts in 4 bedrooms and 3 convicts in 3 bedrooms;

<p>Urgently remove damaged mirrors from the toilets and replace the same with mirrors made of non-destructive material;</p>	<p>Damaged mirrors will be removed from the toilets and new mirrors will be purchased;</p>
<p>Take urgent measures to improve and maintain hygiene, as well as to replace or repair dysfunctional sanitariums in the toilets designated for convicts.</p>	<p>The convicts themselves try to take care of the hygiene in the toilets, but the frequency of movement is high and there are only two toilets on the floor;</p>
<p>Build, or adapt, a bathroom within the facility where convicted persons are housed, so that they do not have to cross the prison yard at every shower</p>	<p>No specific response has been received regarding this recommendation;</p>
<p>Provide adequate detention facilities that comply with the minimum standards set for detention / accommodations of convicts;</p>	<p>By the decision of the MIS the detention unit was closed precisely because of its inadequate conditions;</p>
<p>Provide a larger room for the outpatient clinic and equip the same with basic medical equipment such as a portable ECG device, eye and ear examination apparatus, oxygen mask, AMBU mask for assisted breathing;</p>	<p>Spatial capacities are an obstacle to the adequacy of the prison clinic, and procurement of medical equipment is financially dependent;</p>
<p>The prison authority to address the public health facility that performs primary health care in the network of health facilities in which the Prison Headquarters is located to provide a larger number of medical staff which will respond to the convicts / detainees' requests for medical consultation without undue delay;</p>	<p>The health sector is under the responsibility of Public Health, and the Prison Administration is making every effort to meet the needs of all inmates who need specialist examination;</p>
<p>To request an increased budget in the part intended for health care of convicts / detainees;</p>	
<p>Initiate a health insurance procedure for</p>	

<p>all convicts serving prison sentences in the Prison, as well as all detainees who are not insured on any other grounds;</p>	
<p>All convicts should, where necessary, be brought to specialist examinations promptly and without delay;</p>	
<p>Greater engagement of staff towards individual and group work with convicts, organization of culturally entertaining life, and the proper use of leisure time by creating opportunities for sports, reading, cultural entertaining, work engagement, education and similar activities which would have effect on changing the lifestyle after leaving prison;</p>	<p>Spatial facilities do not allow for the opening of workshops;</p>
<p>Undertake measures designed to encourage convicts to report corruption (explain where and how to report it), address reports to the competent authorities, and conduct investigations regarding all reported corruption cases;</p>	<p>The Office rejects allegations of possible corruption of officials in granting weekend absences, as benefits are decided by a committee along with the director;</p>
<p>Analyze the number of convicts who have not formal education and take measures to organize a formal education system;</p>	<p>No specific response has been received regarding this recommendation;</p>
<p>Allow newly admitted convicts, accommodated in the admission unit, to spend some time outside on air fresh air for at least 2 hours during the day;</p>	<p>No specific response has been received regarding this recommendation;</p>
<p>To provide special nutritional treatment for convicts with special nutritional needs due to health reasons;</p>	<p>According to the institution's budget funds, we are not always able to provide food for those convicts who have special needs;</p>
<p>Provision of personal hygiene products</p>	<p>Convicts are given hygiene products and, those who have special needs are buying</p>

for convicts who cannot obtain the same on their own;	products by themselves;
Provide special appropriate facilities for exercising the right of convicts to visit;	This is a problem since the existence of the prison and we have always pointed out it should be closed;
Urgent provision of functional telephone booths to enable convicts to enjoy their right of access to contact the "outside world"	The telephone booths have been put into operation, but Telecom has not provided telephone cards for convicts to obtain.
Neat, up-to-date and appropriate filling out of the record books.	All deficiencies in the log books will be eliminated.

Overview of given recommendations and received responses to the Administration for Execution of Sanctions	
Recommendations	Response by recommendation
Urgent efforts are being made to increase the number of prison staff (in the prison police and the re-socialization sector) and to take steps to secure at least one female shift worker at all times in the prison. The number of prison staff should be sufficient to enable the staff to be in a position to maintain effective control of the facilities, to ensure a safe environment for themselves and for the prisoners, and to provide a regime of activities for the prisoners.	No response has been received from the Administration for Execution of Sanctions regarding the recommendations made;
Take measures to renovate the premises that are being used, such as the Shelter unit in accordance with the minimum standards for retention of persons;	
Build, that is, adapt a bathroom within the facility where convicted persons are accommodated, so that they do not have to cross the prison yard at every shower,	
Ensure adequate detention facilities which will be in accordance with the minimum standards for detention / accommodation of	

convicts;	
For the needs of the prison clinic it is necessary to purchase other basic medical apparatus such as portable ECG, apparatus for examination of eyes / ears, oxygen mask, AMBU mask for assisted breathing.	
Provide a larger budget in the area designated for health care for convicts / detainees;	
The Office to monitor and assist in the process of health insurance for all convicts serving their sentence, as well as for all detainees who are not insured otherwise (* the health insurance application for this category of persons is projected to be certified by the Administration for Execution of Sanctions);	

GENERAL RECOMMENDATIONS REGARDING THE VISITED PENITENTIARY-CORRECTIONAL INSTITUTIONS IN 2018

- *Urgent undertaking of measures and activities for improvement of the material infrastructure in the penitentiary-correctional institutions, especially in the detention departments, taking into consideration the full respect of the minimum standards for detention (area, temperature, lighting, hygiene, etc.);*
- *Urgent undertaking of measures and activities for fully respecting the right to health care of detained and convicted persons;*
- *Increase the number of prison staff (in the prison police and the re-socialization sector), especially for women, in order to enable the staff to be in a position to maintain effective control of the institutions, to guarantee a safe environment for themselves and for the prisoners, as well as provide a regime of activities for the prisoners.*

4. VISITS TO THE CENTERS FOR ACCOMMODATION OF REFUGEES / MIGRANTS, FOREIGNERS AND ASYLUM SEEKERS

During the reporting period, the Ombudsmen engaged within the project "Improving Legal Protection System Regarding Asylum and Naturalization" funded by the High Commissioner for Refugee Protection (UNHCR), paid a total of 31 visits to the Centers where refugees/migrants were accommodated. Of the total number of visits, 8 visits were made to the Shelter Center for Foreigners in Gazi Baba, 5 to the Shelter Center for Asylum seekers in Vizbegovo, 8 to the Shelter Center Vinojug, 8 visits to the Shelter transit center Tabanovce, and 2 visits to the so-called Safe house for accommodation of vulnerable category of people.

Review								
of visits in the Centers in which the refugees/migrants were being accommodated and held								
<u>PTC Vinojug</u>	01.02. 2018	19.03. 2018	22.05. 2018	25.07. .2018	08.08. 2018	11.09. 2018	03.10. 2018	28.12. 2018
<u>PTC Tabanovce</u>	30.01. 2018	14.03. 2018	23.05. 2018	24.07. .2018	09.08. 2018	22.08. 2018	13.09. 2018	27.12. 2018
<u>Foreigners Center - Gazi Baba</u>	18.01. 2018	28.03. 2018	07.06. 2018	23.07. .2018	07.08. 2018	20.11. 2018	21.11. 2018	29.11. 2018
<u>Center for asylum seekers - Vizbegovo</u>	27.03. 2018	08.06. 2018	01.08. 2018	01.10. .2018 (UNH CR)	27.11. 2018			
<u>Safe house</u>	02.10. 2018	27.12. 2018						

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show that this year the appearance of larger groups of refugees originating from Iran is characteristic. Otherwise, as in the previous years, the largest percentage of refugees / migrants who were accommodated or held in the Republic of North Macedonia were from countries affected by military conflicts, namely Syria, Afghanistan and Pakistan. In the context of the refugee crisis, there has been an increased irregular migration on the territory of the Republic of North Macedonia, with frequent cases of informal expulsion and collective deportation of refugees / migrants, insufficiently informed refugee

detainees at the Gazi Baba Shelter Center regarding the proceedings in which they are included, as well as changes in the legal framework with the adoption of the new Law on International and Temporary Protection and the Law on Aliens.

The Ombudsman notes that during 2018, no person seeking asylum has been granted recognized refugee status. The problem with the implementation of the plan and the program for integration of refugees in the Republic of North Macedonia is also evident, since the rights guaranteed by law to persons with subsidiary protection are respected only on paper.

Regarding the legislation, in the course of this year two laws that were crucial for regulating the rights and obligations of refugees, asylum seekers and foreigners in the Republic of North Macedonia were replaced, i.e. the Law on Asylum and Temporary Protection was replaced with a new Law on International and Temporary Protection, and a new Law on Foreigners was adopted which is effective as of June 2019.

One of the most important novelties in the Law on International and Temporary Protection that has raised concern among the Ombudsman and international and domestic organizations is the possibility of restricting the freedom of movement of asylum seekers in exceptional cases, which are formally listed in the Law. The Ombudsman concludes that the exceptional cases referred to in Article 63, paragraph 2 of the Law are not sufficiently precise, thus allowing for arbitrary action by the competent authorities.

The Ombudsman welcomes the ratification of the Istanbul Convention in the Republic of North Macedonia in July, which recognizes gender-based violence as a legal reason for seeking asylum in a safe country.

4.1 Vinojug and Tabanovce Shelter Transit Centers

In the past 2018, the Vinojug and Tabanovce Shelter Transit Centers have seen a variable number of refugee / migrant accommodations, as a result of the fact that the Republic of North Macedonia is perceived as a transit country, not a destination country.

The number of accommodated refugees / migrants who were accommodated and who passed with transit through the Tabanovce Shelter Center during 2018 by month is as follows:

Overview of accommodated persons refugees/migrants in Shelter transit Centers Vinojug and Tabanovce by months

Month	Total	Children	Unsupervised minors
January	53	5	0
February	75	13	2
March	103	15	0
April	93	23	5
May	153	40	5
June	193	31	7
July	321	66	13
August	339	57	1
September	163	29	5
October	145	16	5
November	40	6	0
December	34	3	0

Summarizing this data²⁴, we obtain a **total of 1712** refugees / migrants (**304** were children, with a total of **43** unaccompanied minors) who were accommodated for at least one day in the Tabanovce Shelter Transit Center, from where they continued their transit.

The number of refugees / migrants accommodated in the Vinojug Shelter Transit Center for 2018 by month is as follows:

Month	Total
January	25
February	54

²⁴The data summarized in the report are unofficial data obtained from domestic and international organizations that are present on a daily basis in the Shelter Transit Centers, with which the Ombudsman has concluded Memorandum of Cooperation.

March	15
April	108
May	102
June	122
July	177
August	385
September	235
October	190
November	57
December	47

The total number of refugees / migrants who were accommodated and accepted in the Vinojug Shelter Transit Center during 2018 is **1517** refugees / migrants.

Regarding the total number of children and unaccompanied minors in the report year of 2018, the Ombudsman has the following figures at disposal: 19 children in total, 8 of whom are unaccompanied minors.

It is evident from the provided statistics that the number of refugees / migrants accommodated in the Vinojug and Tabanovce Shelter Transit Centers is significantly higher during the summer period when the transit conditions are in favor of the refugees.

The refugees who were accommodated in the Vinojug and Tabanovce Shelter Transit Centers were briefly detained in the Centers (4-5 days on average) from where, after receiving medical care and protection, food and hygiene, they immediately continued their transit to the Republic of Serbia in their attempt to reach their coveted Western European destination.

The Ombudsman, in his visits to the Vinojug and Tabanovce Shelter Transit Centers, noted the positive practice of compulsory medical examination of any refugee who entered the Shelter Transit Centers. Also, in contrast to the negative practice found in last year's report that noted the selective omission and accommodation of refugees in the Tabanovce Shelter Transit Center, in the reporting year the

Ombudsman noted that it was acted on his recommendation, and there were no more cases of selective omission and accommodation of refugees / migrants.

During 2018, through the program of the International Organization for Migration IOM, the opportunity to voluntarily return to their home country was successfully exploited by 8 refugees, 7 of whom were originally from Iraq and 1 was an Iranian.

From the visits to the Shelter Centers the Ombudsman concluded that the number of active and present organizations in the field was reduced due to the reduced intensity of the refugee crisis, and thus the amount of food, clothing and hygiene intended for refugees in the Shelter Transit centers Vinojug and Tabanovce is reduced.

Given the increased irregular migration during 2018, the number of incidents between refugees and smugglers has increased, and the number of smugglers detained and prosecuted in court proceedings has increased significantly.

Conducting visits to the two Shelter Centers Vinojug and Tabanovce, the Ombudsman, in addition to monitoring accommodation and material conditions, paid particular attention to conversations with refugees / migrants who were accommodated in the camps. In the conversations, refugees mainly complained that they do not feel secure about their future and they are frustrated about the inability to cross the border into the Republic of North Macedonia, so due to the official closure of the "Balkan Route", since March 8, 2016 they have been forced to use the informal border crossings. In doing so, in connections and attempts to be smuggled across the border, they risk their own and the lives of their loved ones, and spend a lot of money on those attempts.

Refugees have no complaints regarding the treatment from state officials, as well as from representatives of domestic and international organizations present on site, the refugees have no complaints and think of this relation as fair and professional.

4.2 Shelter Center for Asylum Seekers - Vizbegovo

The Ombudsman, during his visits to the Shelter Center for Asylum Seekers in Vizbegovo during 2018, stated that a total of 297 asylum seekers were registered and accommodated, none of whom had obtained the status of a recognized refugee.

It is stated that some of the persons accommodated in the Shelter Center for Asylum Seekers have been staying there for 2 years, with a desire for their integration into society, scientific language and acquired working skills, but they are rejected for the second time in the procedure for recognition of the right to an asylum - a situation that adversely affects their health and psychosocial condition.

During 2018, a new Director was appointed in the Shelter Center for Asylum Seekers, but after his appointment the problem with inadequate staffing solutions and lack of professionals employed in this Institution remained.

The Ombudsman states that finally after 11 years more internal rulebooks have been introduced for more efficient functioning of the Shelter Center for Asylum Seekers in this Institution, as well as functional video surveillance has been installed in the corridors and outside of the buildings, and practical materials have been prepared and shared to asylum seekers at any time they are accommodated in the Center.

In the reporting year of 2018 the Center started construction activities aimed at complete reconstruction of the accommodation capacities. According to the information, part of these premises are projected for accommodation of vulnerable categories of foreigners, families and unaccompanied minors. However, although these activities have begun in the past year - 2018, they have not yet been finalized, and the accommodation facilities for asylum seekers are not fully prepared to accommodate a vulnerable category of refugees.

The Ombudsman concludes that in the reporting year 2018, the recommendation was addressed regarding to the complaints and dissatisfaction of the asylum seekers about the quality and quantity of food, i.e. the food supplier in the Center was changed and a special person who was solely responsible for receiving and and distribution of food was hired.

Regarding the organization of health care in the Shelter Center for Asylum Seekers, the Ombudsman together with outside associates from associations with which he has concluded a Memorandum of Cooperation conducted a visit in order to establish the factual situation and the manner of providing medical care and protection for the asylum seekers. It is concluded that the Shelter Center for Asylum Seekers lacks daily presence of a doctor and a nurse, that is, the doctor is present at the Center 3 times a week for three hours and is called upon as needed. External collaborators have stated the absence of individual assessment of the psychological state of each person accommodated at the Center and the creation of an individual program for psychosocial support of persons.

The Ombudsman recommended that a daily presence of a doctor and a nurse must be provided, creation of an individual program for psychosocial support for persons, as well as undertaking measures for individual assessment of the psychological state of each person accommodated in the Center.

4.3 Shelter Center for Foreigners - Gazi Baba

During 2018, the Ombudsman, in terms of the number of detainees in the Shelter Center for Foreigners by months, has observed the following state:

Month	Total	Unaccompanied minors
January	20	1
February	16	0
March	11	0
April	21	1
May	8	0
June	33	4
July	36	10
August	29	3
September	58	23
October	39	9
November	18	4
December	17	0

The total number of foreigners detained in the Shelter Center for Foreigners, provided the monthly data²⁵in 2018 are summed up, amounts to 361, of which 55 unaccompanied minors.

Visits to the Shelter Center for Foreigners in Gazi Baba indicate that the detainees are not sufficiently informed about the reason for their detention in the Center, nor about the process of forced return and the destination where they will be returned.

The Shelter Center for foreigners does not have a system for complaints and grievances for the detainees through which they can inform the manager of any problems and restrictions of rights they face.

²⁵The data is obtained from the officials of the Ministry of Internal Affairs employed at Gazi Baba Shelter Center for Foreigners

With the adoption of the new Law on International and Temporary Protection, the Ombudsman notes a new practice of detaining asylum seekers in the Shelter Center for Foreigners, although by law this measure should only be used in exceptional cases, especially if it is considered that the Shelter Center for foreigners, in terms of infrastructure, does not meet the conditions for detention and restriction of freedom of movement of asylum seekers and vulnerable categories of persons.

The Ombudsman has on several occasions made recommendations to the Director of the Shelter Center for Foreigners and the Ministry of Internal Affairs not to detain minors in the Shelter Center for Foreigners given the fact that this Institution does not meet the conditions for detention of minors. However despite the Ombudsman's suggestions and recommendations not to detain minors at the Gazi Baba Shelter Center for Foreigners, during 2018 cases of detention of minors were again observed, without using any other more appropriate detention alternatives.

In addition, the Ombudsman notes that the right to fresh air walks of detainees is still not respected, although this is provided in the Rulebook on the House Rules of the Shelter Center for Foreigners.

Regarding the organization of health care at the Shelter Center for Foreigners in Gazi Baba, the Ombudsman, together with outside associations with which he has concluded a Memorandum of Understanding, conducted a visit to ascertain the factual situation and the manner of providing medical care and protection to the asylum seekers.

From the conducted visits, the Ombudsman together with the external assistants concluded that the Foreigners Shelter Center lacks daily presence of a doctor and a nurse, given the fact that the doctor in the Center is present 3 times a week for three hours and is called upon as needed.

As a positive practice during 2018, the Ombudsman noted the fact that the number of detained persons as witnesses in criminal proceedings in the Shelter Center for Foreigners has decreased, a phenomenon that has been established in the past years.

In conducting visits to the Shelter Center for Foreigners, the Ombudsman paid particular attention to conversations with detainees who are generally satisfied with the attitude and treatment of officials at the Center, but are most often dissatisfied with the duration of court proceedings and processes, especially in cases where they are detained in the Shelter Center for Foreigners as witnesses in proceedings, often for the crime of smuggling of migrants.

The detainees are often dissatisfied with the fact that they are not sufficiently informed about their proceedings before the court and regarding the duration of the period they will be held at the Center, while they do not have serious complaints regarding the food distributed at the Shelter Center for Foreigners.

4.4 Safe House

In the 2018 report, representatives of the Ombudsman conducted two visits to the so-called Safe House, an institution established by the Ministry of Labor and Social Policy for the purpose of accommodation and protection of vulnerable categories of asylum seekers.

On the last visit that the Ombudsman representatives paid to the so-called Safe house, the following situation was observed:

The House has accommodated a total of 5 people, of which 3 (a woman - mother with 2 children) are from Congo and have been housed for a year, and 2 (a woman-mother with 1 child) are from Syria and have been staying in the House for almost 2 years.

Regarding the facility where the Safe House is located, a staff member at the facility informed that the facility is owned by the Ministry of Labor and Social Policy, and the management of the house is run by the Jesuit Service for Refugee and Displaced Persons - JRS. The MLSP also makes a decision about who will be accommodated in the Security House, as asylum seekers in the Republic of North Macedonia.

The capacity of the Safe House is for a maximum of 30 persons

Asylum seekers have the option of moving out of the house, sometimes accompanied by staff.

From the conversation that the Ombudsman representatives had with the persons accommodated in the Safe House, it can be concluded that they are generally satisfied with the conditions in the house, they are starting to learn the Macedonian language through courses, are ready to start working and to fully integrate in our society.

The staff in the Safe House informed the Ombudsman that their integration process was ongoing. They are planning to move to a private apartment, have their children enrolled in kindergarten, and both women to be employed.

4.5 Unaccompanied foreign children

The situation of unaccompanied minors transiting the Shelter centers, as well as those accommodated in the Asylum Seekers Center and the Gazi Baba Aliens Center, is particularly worrying.

Namely, from the conversations with the representatives of the transit centers Vinojug and Tabanovce, we were informed that immediately after the arrival of an unaccompanied minor, a guardian from the Center for Social Work at MLSP was appointed for the same. The guardian, along with the minor, is present at the initial interview where he is introduced to his rights, medical protection and the right to seek asylum. If the minor requests asylum, then he or she is immediately transferred to the Vizbegovo Asylum Seekers Center together with representatives from the Ministry of Internal Affairs and the guardian. If the minor decides to stay in the Center, especially in Tabanovce, he can move freely and leave the camp. Minors often leave the camp with the group they came with.

The same thing happens with the Asylum Seekers Center. It is an open type center where there is no restriction on freedom of movement and at any moment they can leave.

Although the standard procedures for dealing with unaccompanied minors in respect of registration and rendering any kind of assistance are respected, the competent institutions, as well as the staff of the Centers, declare that, especially in open centers, it is impossible to take care when and how will the minors leave the Center.

GENERAL CONCLUSIONS AND RECOMMENDATIONS REGARDING THE STATUS OF REFUGEES / MIGRANTS IN THE ACCOMMODATION AND DETENTION PLACES

Findings:

1. Collective deportations and group deportations carried out by the Ministry of Internal Affairs at the southern border with the Republic of Greece, without any formalities and respect for the prescribed legal procedures;
2. Shelter Transit Centers still lack a pediatrician and gynecologist as expert medical professionals necessary to provide complete and comprehensive medical care;

3. The Shelter Center for Foreigners meets the international standards for the detention of asylum seekers although under the Law on International and Temporary Protection it is provided, in exceptional circumstances, detaining asylum seekers with a restriction of freedom of movement;
4. Asylum seekers detained in the Shelter Center for Foreigners with a measure - restricting their freedom of movement shall be detained by Decisions made by the Ministry of Internal Affairs which do not provide a sufficient explanation of the reason and the legal basis for their detention;
5. The Shelter Center for Foreigners lacks an interpreter to facilitate the communication between the officials and the detainees at the Center, causing a problem of insufficient information of the persons involved in the proceedings (criminal proceeding, misdemeanor proceeding or coercive return proceeding);
6. Persons detained at the Shelter Center for Foreigners in Gazi Baba are not allowed to exercise their right to walk on fresh air within the Center, although this right is guaranteed in accordance with the Rulebook on the House Rules in the Detention Center for Foreigners;
7. The Shelter Center for Foreigners does not have a system for complaints and grievances filed to the Manager of the Center nor to the Sector for Internal Control and Professional Standards within the Ministry of Internal Affairs, whereby detainees could report any problems and restrictions on rights they face by the officials;
8. The problem of inadequate staff and lack of professional staff employed in this Institution has not yet been resolved at the Shelter Center for Asylum Seekers in Vizbegovo;

Recommendations:

1. In carrying out the forced return of refugees to respect the rights of refugees guaranteed by international and domestic law, the procedures shall be conducted in accordance with the prescribed procedures and official records shall be kept;
2. To engage a pediatrician and gynecologist at the Shelter Transit Centers, thus providing complete and comprehensive medical protection for the refugees / migrants accommodated in these Centers;

3. To provide and establish functional and efficient detention alternatives in the law in order to avoid detention of asylum seekers with a measure of restricting freedom of movement due to the fact that the Aliens Detention Center does not meet international standards for detention of asylum seekers;
4. The decisions of the Ministry of Internal Affairs imposing a measure restricting the freedom of movement for asylum seekers and their detention in the Shelter Center for Foreigners should be prepared with more detailed and comprehensive explanations, stating the reasons and the legal basis for using this measure as an exceptional circumstance;
5. To hire an interpreter at the Shelter Center for Foreigners to facilitate communication between the Center's officials and detainees and inform them of the proceedings they are involved in (criminal proceeding, misdemeanor proceeding and forced return proceeding);
6. To enable the detainees at the Shelter Center for Foreigners in Gazi Baba to exercise their guaranteed right to access fresh air within the Center in accordance with the Rulebook on the House Rules of the Shelter Center for Foreigners.
7. Establish a functional grievance and complaints system with the manager of the Foreigners Shelter Center as well as with the Sector for Internal Control and Professional Standards at the MIA, through which detainees will report violations of rights by officials;
8. Employment of appropriate and professional staff in the Shelter Center for Asylum Seekers for the purpose of efficient and smooth functioning of the Institution and provision of appropriate professional services to asylum seekers;

5. RESPECTING THE RIGHTS OF FOREIGN CITIZENS, WITH FOCUS ON PERSONS FROM THE REFUGEE CRISIS SERVING A SENTENCE IN PCI IDRIZOVO

As part of the project "Improving the System for Legal Protection Regarding Asylum and Naturalization", funded by the High Commissioner for Refugees, UNHCR, the Ombudsman conducted a research on the "**Degree of Respect for the Rights of Foreign Citizens, with focus on persons from the refugee crisis who are serving prison sentences in Idrizovo Prison**". This is the first research of this kind in our country that presents the situation of convicted foreign nationals, the shortcomings and

weaknesses of the penitentiary system, as well as the problems with the implementation of the legislation in practice.

The subject of this research was the degree of respect for the rights of foreign detainees serving a prison sentence in the Idrizovo Prison, with a particular focus on detainees originating from refugee crisis states.

At the time of this study, a total of 102 foreign inmates were serving prison sentences in Idrizovo Prison.

The purpose of this research is to provide recommendations for the purpose of undertaking measures to mitigate the possibility of isolating foreign prisoners and facilitating their treatment with purpose for their re-socialization, by assessing the position of foreign prisoners serving prison sentences in Idrizovo Prison. The study also analyzes the opportunities for transfer of these persons to their countries and identifies the practical problems that arise in terms of the length of the transfer procedure. Further, the legal possibilities for international support (asylum) are analyzed, in particular for foreign nationals prisoners who come from countries affected by the refugee crisis (Iran, Pakistan, Afghanistan and Sudan).

To this end, this study seeks to offer solutions to key policy makers (Ministry of Justice, MIS, Idrizovo Prison Administration) for better implementation of the legal provisions aimed at the realization of the rights of foreign prisoners and other bodies involved in the process of exercising and protecting the rights of foreign nationals and stateless persons.

The analysis of the data from the conducted survey in Idrizovo Prison regarding the level of respect for the rights of foreign prisoners, with a particular focus on refugee crises, showed that adverse conditions in the detention facility need to be improved in terms of respecting the standards for imprisonment, in terms of accommodation, nutrition, hygiene, etc., providing adequate health care and improving access to the doctor, application of forms of treatment, imprisonment work convicts - foreigners, equal access to the promotion and granting of benefits, promotion of their rights and assistance in the exercise of their rights, contact with their family and consular offices of their countries, in particular asylum and / or transfer assistance in their countries or in other safe third countries.

The following are the findings and recommendations of this research:

FINDINGS	RECOMMENDATIONS
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<p>The Idrizovo Prison has no established department for foreign nationals and stateless persons as provided for in the Law on Execution of Sanctions.</p>	<p>To establish a special unit for convicted foreign nationals and stateless persons, given the large number of foreign prisoners and the specific needs of this category of prisoners.</p>
<p>The facility does not provide translators, so prisoners are forced to communicate with prison staff but also with other prisoners, which violates the convicts' right to communicate with the Administration, the institution or other public authorities.</p>	<p>Foreign prisoners should be provided with an interpreter or translator, as well as opportunities to learn Macedonian or another language that will enable them to communicate more effectively.</p>
<p>Immediately upon admission to the facility, prison staff did not assist in informing the family, legal counsel, consular officers and other persons or authorities of their detention.</p> <p>Of concern is the fact that the Office does not assist foreign detainees in their attempt to contact a consular officer and does not allow them to visit.</p> <p>Foreign detainees originating from the countries of the "refugee crisis" face an additional problem because the RSM does not have consular offices in their countries, and they are forced to seek contact in other countries.</p>	<p>Foreign prisoners shall, upon admission to the institution, be able to inform their families regarding their detention, legal advisers, diplomatic and consular representatives of the State of which they are nationals or the diplomatic representative of the State taking care of their interests or the domestic or international authority whose task is to serve the interests of such persons, as well as to communicate with the consular representative of his State or of the State protecting its interests.</p>
<p>Foreign prisoners are not aware of the possibility of applying for a transfer, for the purpose of serving their sentence in their own country. The transfer procedure takes too long.</p>	<p>Immediately upon admission to the institution, foreign prisoners shall be informed of the possibilities of transfer to their own country in order to serve their sentence in the most humane manner, in a language they understand, in oral or in written form.</p>

<p>The institution does not provide adequate legal assistance to foreign prisoners in protecting their rights through the use of legal remedies due to a lack of properly trained staff.</p>	<p>Provide timely information and legal assistance regarding the use of remedies and actions to protect their rights by a sufficient number and adequately trained staff.</p>
<p>Disrespect for the right to make contact with the outside world, in particular, non-functioning telephone booths, very rarely they have visits from consular offices, and the prisoners from "refugee crisis" states are visited by no one.</p>	<p>To facilitate contact with the outside world (correspondence, telephony, visits, receiving shipments), as well as some assistance to foreign prisoners who have no financial means to communicate with the outside world. Urgently resolve the problem with the pay phones and provide calling cards.</p>
<p>The facility does not provide adequate assistance to foreign detainees originating from "refugee crisis" states in order to exercise their right to asylum.</p>	<p>Helping foreign prisoners from countries of "refugee crisis" to communicate with the authorities</p>
<p>There is no educational work with foreign inmates, as there is only one educator in charge of this category of inmates who cannot reach regular meetings and conduct individual and group treatment methods with inmates.</p>	<p>Increasing the number of educators who will establish regular contacts with foreign prisoners. The educators who are selected need to meet certain criteria and skills for interaction and language skills, and be adequately trained, taking into account the specific situation of these persons.</p>
<p>No foreign prisoner is engaged in work, education or training, and there are no organized leisure activities at the facility.</p>	<p>Provide them with appropriate work engagement, education and vocational education, sports and recreation, as these activities are key to the successful re-socialization of convicted persons.</p>
<p>Access to adequate health care is made difficult at the facility, meaning that it is very difficult to obtain the right to see a doctor, except in emergencies.</p>	<p>Immediately improve access to adequate health care, ensure adequate material conditions, sufficient staff that will be available to provide health care.</p>
<p>The practice of not examining foreign</p>	<p>To establish a compulsory medical</p>

<p>prisoners within 24 hours of being admitted to the facility by a doctor was established.</p>	<p>examination of foreign prisoners within 24 hours of admission to the facility.</p>
<p>Most of the foreign prisoners are classified in a closed ward, treatment group C1 and C2 and they do not progress, hence they do not use any facilities or amenities.</p> <p>Foreign prisoners are given the first category of amenities consisting of mitigating conditions in the facility, but not those amenities consisting of more frequent contact with the outside world for fear of escaping, and also because they do not have a home, neither residence nor relatives on the territory of our country.</p>	<p>To apply the same rules and criteria for progression and use of conveniences as for other prisoners, otherwise we are faced with a situation of discrimination regarding these issues.</p>
<p>Conditions for serving sentence in the Idrizovo Prison, in relation to accommodation, hygiene in the institution and personal hygiene, nutrition etc. are below the prescribed minimum standards.</p>	<p>To improve the conditions of imprisonment in the institution, thus meeting the minimum standards for the serving the sentence.</p>
<p>Foreign detainees are not informed of the possibility of being released on probation, as well as of the possibilities for early release from the facility.</p>	<p>Foreign prisoners, as well as other prisoners, should be allowed early release as soon as they meet the conditions and must not be discriminated against in this respect.</p>
<p>Two-thirds of foreign detainees, especially foreign detainees originating from refugee crisis countries, have no documents.</p>	<p>To urgently assist them in providing appropriate travel documents and assistance during traveling, and to provide immediate contact with consular officers which will assist them in their release from prison.</p>

6 INTERNATIONAL ACTIVITIES AND COOPERATION OF THE NATIONAL PREVENTIVE MECHANISM WITH INTERNATIONAL BODIES

Representatives of the Ombudsman - National Preventive Mechanism in 2018 actively participated in several conferences, meetings and workshops held on various thematic contents.

In this regard, the active participation in the meetings within the South East Europe NPM Network held in Podgorica - Montenegro, was discussed, as well as thematic content that is of interest to the fulfillment of the mandate of the national preventive mechanisms in the region. At the second meeting, one of the items on the agenda was the presidency of the network for 2019, with representatives from all member states of the network expressing their consent to the Ombudsman of the Republic of North Macedonia and the Macedonian NPM team to host and chair the network in 2019.

A representative of the National Preventive Mechanism also attended a Conference on "Impact Assessment of National Preventive Mechanisms", held in Ljubljana, Slovenia, organized by the National Preventive Mechanism of Slovenia and the Council of Europe.

By the end of the report year, representatives of the National Preventive Mechanism team also participated in a regional conference dedicated to persons with mental disabilities whose freedom of movement is restricted, organized by the Council of Europe and the Kosovo Ombudsman in Pristina, Kosovo.

The National Preventive Mechanism, with its team representative, also participated in other international conferences, meetings and trainings, where contacts were made and experiences shared with the national preventive mechanisms, as well as representatives of international and non-governmental organizations working on prevention and protection of torture in places of deprivation of liberty and detention.

7 PROMOTION AND ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANISM ON NATIONAL LEVEL

The National Preventive Mechanism has attended numerous workshops and trainings organized in the country, along with state institutions and authorities, civil society representatives and international organizations.

During the reporting year, the National Preventive Mechanism, in addition to carrying out preventive visits and thematic research, carried out a number of activities aimed at increasing the visibility and recognition of the team, as well as strengthening the capacities and expanding the cooperation through participation in various trainings, meetings, workshops and conferences.

In this regard, as part of the promotional activities foreseen in the NPM's Annual Program, four training sessions were organized for border police officers from all four regional border service centers (East, West, North and South), as well as a joint training for representatives of the Office of the High Commissioner for Refugees (UNHCR) and the civil sector. The trainings were designed to familiarize participants with the competences and methodology of the National Preventive Mechanism, while conducting preventive visits to places where deprivation of liberty or detention could or could be carried out.

As part of the program activities, within the project "Improving the Legal Protection System Regarding Asylum and Naturalization", in collaboration with an external associate from the Criminal Law and Criminology Association of Macedonia, a thematic research was conducted which was entitled: "Degree of respect for the rights of foreign nationals serving a prison sentence in Idrizovo Prison, with focus on refugees."

The purpose of this research is to provide recommendations that will produce measures to mitigate the possibility of isolating foreign prisoners and facilitating their treatment in order to re-socialize them, by assessing the position of foreign nationals serving prison sentences in Idrizovo Prison.

8 COOPERATION WITH BODIES AND INSTITUTIONS

During the reporting year, the National Preventive Mechanism cooperated constructively with officials in the institutions and institutes in which regular preventive and follow-up visits were conducted.

In doing so, the National Preventive Mechanism team conducted an in-depth insight into the material conditions of the places of accommodation or detention and conducted interviews with a number of officials and detainees deprived of freedom by their own choice, without supervision and witnesses. The National Preventive Mechanism team was not restricted in any institution or institute, nor was the freedom of choice of persons, nor the place for conversation.

In this regard, the Law on the Ombudsman in Article 31-b provides that all management officers and authorized officials in the bodies, organizations and institutions in which persons are deprived of their liberty are obliged to grant the

Ombudsman - National Preventive Mechanism unhindered access to all of the documents and information relating to persons deprived of their liberty, as well as unhindered access to places of detention and their facilities.

The law²⁶ also stipulates that all senior officials and authorized officials in the bodies, organizations and institutions in which persons are deprived of their liberty are obliged to examine the Ombudsman's recommendations and the National Preventive Mechanism's recommendations and to report at the latest 30 days from the date of reception of the special report, regarding the possible enforcement measures and on the course of action.

However, as in the previous and this year, for some of the Special Reports sent, the NPM did not receive timely responses within the legally prescribed deadline, and it did not receive any feedback from some of the institutions they have visited.

In this regard, in the course of 2019 the National Preventive Mechanism will continue to focus on this negative practice and will take additional measures in accordance with the Law²⁷ in order to fully fulfill the obligations of managing officials and authorized officials in bodies, organizations and the institutions where persons are deprived of their liberty.

9 BUDGET OF THE NATIONAL PREVENTIVE MECHANISM

The National Preventive Mechanism has a special budget item within the Ombudsman's budget through which it directly decides regarding its needs and thus provides operational and functional independence in its acting.

During the reporting year the NPM team had a budget of 525,000.00 MKD, which included funds for hiring external collaborators, as well as expenses for publishing the annual report from the previous year. However, it must be emphasized that the funds received are not sufficient to fully meet the mandate of the NPM, which in addition to the preventive visits to places of detention should be actively involved in promotional, educational and international activities. In this regard, the costs of most of the activities related to the examination of the conditions and treatment of refugees / migrants in their places of accommodation and detention were also financially supported this year by funds provided by the Office of the High Commissioner for Refugees in Skopje

²⁶Article 31-b paragraph 2 of the Law on the Ombudsman ("Official Gazette of the Republic of Macedonia" no. 60/2003, 114/2009, 181/2016, 189/2016 and 35/2018).

²⁷Pursuant to Article 34 - a of the Law on the Ombudsman "Fine in the amount of 1000 to 1,500 euros in MKD counter-value shall be imposed for a misdemeanor to a managerial officer and authorized officer in the bodies referred to in Article 2 of this Law who will not act in accordance with with the provisions of Article 24 paragraph (1) indents 1, 2 and 3 and paragraph (2), 31-b paragraph (2) and Article 34 paragraph (1) of this Law. "

(UNHCR), whereas funds were also used from the Ombudsman's budget to carry out some of the activities.

At the end of 2018, the NPM team projected a budget framework in the amount of MKD 1,220,000.00, and the authorities approved 800,000.00 MKD for the implementation of the activities in 2019. Although the projected financial structure has not been fully approved, the approved increase in the 2019 budget is still to be welcomed. On the other hand, given that the approved budget is smallest compared to the budgets of the national preventive mechanisms in the region, The Ombudsman still thinks that the realization of the competences of the National Preventive Mechanism requires additional personnel, material and financial resources which are expected to be provided from the Budget of the Republic of North Macedonia.




10 PRESENTATION AND PROMOTION OF THE ANNUAL REPORT

The Deputy Ombudsman presented the Annual Report of the National Preventive Mechanism for 2017 at a press conference held on 26.06.2018.

In line with the established practice from previous years, this Report has also been circulated to the Government, the Parliament, the relevant Ministries, and other bodies, institutions and institutes where freedom of movement is deprived or restricted.

The Annual Report was also submitted to the United Nations Subcommittee on Prevention of Torture (CPT), the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the United Nations High Commissioner for Refugees (UNHCR), and to other international institutions and organizations working in the field of human rights prevention and protection.

Annex 1 Overview of activities of the National Preventive Mechanism in 2018

	- Preventive visits
	Visits within a project
	- domestic and international activities

Date	Place	Activity	Participants	Organizer
18.01.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
26-28.01.2018	Krushevo	Trainings with theme: "Standard operational procedures for dealing with vulnerable categories of persons"	NPM	Macedonian Association of youth and lawyers and USAID
30.01.2018	Tabanovce	Visit of Shelter Transit Center - Tabanovce	NPM	NPM
01.02.2018	Gevgelija	Visit of PTC Vinojug	NPM	NPM
06-07.02.2018	Vienna, Austria	Trainings with theme: "Training of the application of the Charter for fundamental rights of the European Union on national level"	NPM	FRA and ENHRI
28.02-02.03.2018	Strumitsa	Trainings with theme: "Standard operational procedures for dealing with cases of sexual and gender-based violence"	NPM	Macedonian Association of youth and lawyers and USAID
06.03.2018	Kisela Voda	Regular visit of PS from general jurisdiction Kisela Voda	NPM	NPM
14.03.2018	Tabanovce	Visit of PTC Tabanovce	NPM	NPM
19.03.2018	Gevgelija	Visit of PTC Vinojug	NPM	NPM
23.03.2018	Negotino	Consecutive visit of PS from general jurisdiction Negotino	NPM	NPM
27.03.2018	Skopje	Visit of Shelter Center for asylum seekers – Vizbegovo	NPM	NPM
28.03.2018	Skopje	Visit to PC Gazi Baba	NPM	NPM
30.03.2018	Gjroche	Regular visit of PS from	NPM	NPM

	Petrov	general jurisdiction Gjorche Petrov		
09-12.04.2018	Belgrade, Serbia	Regional training: Monitoring of forced return of migrants in country of origin	NPM	FRONTEX, IOM and UNHCR
22.05.2018	Gevgelija	Regular visit to the temporary Transit Center Vinojug	NPM	NPM
23.05.2018	Tabanovce	Visit to PTC Tabanovce	NPM	NPM
07.06.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
08.06.2018	Skopje	Visit to the Shelter Center for asylum seekers – Vizbegovo	NPM	NPM
23.07.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
24.07.2018	Skopje	Visit to PTC Tabanovce	NPM	NPM
25.07.2018	Gevgelija	Visit to PTC Vinojug	NPM	NPM
01.08.2018	Skopje	Visit to the Shelter Center for asylum seekers – Vizbegovo	NPM	NPM
07.08.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
08.08.2018	Gevgelija	Visit to PTC Vinojug	NPM	NPM
09.08.2018	Tabanovce	Visit to PTC Tabanovce	NPM	NPM
22.08.2018	Tabanovce	Visit to PTC Tabanovce	NPM	NPM
07.09.2018	Belanovce	Regular visit to PS for GP and GN Belanovce	NPM	NPM
11.09.2018	Gevgelija	Visit to PTC Vinojug	NPM	NPM
13.09.2018	Tabanovce	Visit to PTC Tabanovce	NPM	NPM
19.09.2018	Pelince	Regular visit to PS for GP and GN Pelince	NPM	NPM
20.09.2018	Star Dojran	Regular visit to PS for GP and GN Star Dojran	NPM	NPM
26.09.2018	Kavadarci	Regular visit to PS for GP and GN Mihajlovo	NPM	NPM
26-28.09.2018	Ohrid	Trainings with theme: “Standard operational procedures for dealing with unaccompanied minors - foreigners”	NPM	Macedonian Association of youth and lawyers and USAID
01.10.2018	Skopje	Visit to the Shelter Center for asylum seekers - Vizbegovo	NPM	NPM
02.10.2018	Skopje	Safe house	NPM	NPM
03.10.2018	Gevgelija	Visit to PTC Vinojug	NPM	NPM
10-11.10.2018	Thailand, Bangkok	Global round table “Reception and measures for looking after children - asylum seekers”	NPM	UNHCR and EIDHR
12.10.2018	Prishtina, Kosovo	Conference themed: “Health disability, freedom deprivation and human dignity”	NPM	Ombudsman od Kosovo and European Council

19-20.10.2018	Prilep	Trainings with theme: "Istanbul protocol"	NPM	Centre for civil initiative - Prilep
30-31.10.2018	Gevgelija	Regular visit to KPU Gevgelija Prison	NPM	NPM
07-09.11.2018	Copenhagen, Denmark	Workshop themed: "Strengthening the surveillance of the recommendation given by NPM"	NPM	APT, IOI and Dannish Ombudsman
20.11.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
21.11.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
27.11.2018	Skopje	Visit to PTC Tabanovce	NPM	NPM
29.11.2018	Skopje	Visit to the Shelter Center for foreigners - Gazi Baba	NPM	NPM
29.11.2018	Skopje	Regular visit to PS for GP and GN "Aerodrom Skopje"	NPM	NPM
12.12.2018	Podgorica, Montenegro	Regional meeting of the NPM network from SouthEast Europe	NPM	Ombudsman od Montenegro and European Council
18-19.12.2018	Veles	Training of UNHCR with theme: "Mandate, jurisdiction and dealing of NP-NPM"	NPM	NPM
25 and 27.12.2018	Tetovo	Regular visit to KPU Tetovo Prison	NPM	NPM
27.12.2018	Skopje	Safe house	NPM	NPM
27.12.2018	Skopje	Visit to PTC Tabanovce	NPM	NPM
28.12.2018	Gevgelija	Visit to PTC Vinojug	NPM	NPM

