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

**OMBUDSMAN  
NATIONAL PREVENTIVE MECHANISM**

# **ANNUAL REPORT 2022**

**Skopje, 2023**



# CONTENTS

<b>1</b>	<b>OMBUDSMAN – NATIONAL PREVENTIVE MECHANISM</b>	<b>167</b>
<b>2</b>	<b>ACTIVITIES AND REALIZED PREVENTIVE VISITS IN 2022</b>	<b>169</b>
<b>3</b>	<b>PENITENTIARIES AND CORRECTIONAL INSTITUTIONS</b>	<b>173</b>
3.1	PENITENTIARY INSTITUTION - IDRIZOVO	173
3.2	PRISON BITOLA	177
3.3	POVERCROWDING AND GENERAL CONDITIONS	177
3.4	CORRECTIONAL FACILITY TETOVO	179
<b>4</b>	<b>PSYCHIATRIC INSTITUTIONS</b>	<b>183</b>
4.1	PHI PSYCHIATRIC HOSPITAL “SKOPJE”	184
4.2	PSYCHIATRIC HOSPITAL “DEMIR HISAR”	190
<b>5</b>	<b>POLICE STATIONS OF GENERAL JURISDICTION</b>	<b>195</b>
5.1	P.S. G.J. GJORCHE PETROV	195
5.2	P.S. G.J CHAIR	199
5.3	P.S. G.J GOSTIVAR	201
5.4	P.S. G.J BITOLA	205
5.5	P.S. G.J PRILEP	210
5.6	NIGHT VISITS TO P.S. G.J GAZI BABA, KISELA VODA, CENTER AND KARPOS	213

5.7	OTHER IDENTIFIED CONDITIONS	214
	5.7.1 <i>Working conditions</i>	214
	5.7.2 <i>Access to a lawyer in police stations</i>	215
<b>6</b>	<b>MONITORING THE SITUATION WITH IRREGULAR MIGRATION</b>	<b>219</b>
6.1	DETENTION AND ACCOMMODATION OF MIGRANTS/FOREIGNERS AND ASYLUM SEEKERS	221
6.2	TEMPORARY TRANSIT CENTERS (TTC) - "TABANOVCE" AND "VINOYUG"	222
6.3	RECEPTION CENTER FOR FOREIGNERS - "GAZI BABA"	226
<b>7</b>	<b>PHI GERONTOLOGICAL INSTITUTE "13 NOVEMVRI" - HOME "MOTHER THERESA"</b>	<b>231</b>
	Annex 1 - External collaborators of the National Preventive Mechanism	234

## LIST OF ABBREVIATIONS

<b>ARM</b>	<b>Army of the Republic of North Macedonia</b>
<b>ECF</b>	<b>Educational Correctional Facility</b>
<b>PP</b>	<b>JPublic Prosecutor</b>
<b>PCI</b>	<b>Penalty - correctional Institution</b>
<b>PCF</b>	<b>Penalty - correctional Facility</b>
<b>MIA</b>	<b>Ministry of Internal Affairs</b>
<b>MJ</b>	<b>Ministry of Justice</b>
<b>OMB</b>	<b>Ombudsman</b>
<b>NPM</b>	<b>National Preventive Mechanism</b>
<b>OMB-NPM</b>	<b>Ombudsman as National Preventive Mechanism</b>
<b>BPP</b>	<b>Basic Public Prosecutor's Office</b>
<b>DCBCMFR</b>	<b>Department for cross-border crime, migrations, foreigners and readmission</b>
<b>TTC</b>	<b>Temporary Transit Center</b>
<b>RNM</b>	<b>Republic of North Macedonia</b>
<b>SIA</b>	<b>Department of Internal Affairs</b>
<b>AES</b>	<b>Administration for the execution of sanctions</b>
<b>UNHCR</b>	<b>Office of the High Commissioner for Refugees</b>



**Dear All,**

***In a line with the Law on the Ombudsman, consequently, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>1</sup>, the National Preventive Mechanism for twelve years in a row has been implementing its mandate and competences through regular examination of the conditions in the places of detention and deprivation of liberty and the treatment of persons detained and deprived of liberty, directs about the recognized conditions in the places of detention and deprivation of liberty and possible weaknesses and shortcomings, and makes recommendations to the competent authorities, thereby confirming its obligation, but also commitment to the comprehensive fight against torture and other cruel, inhuman or degrading treatment or punishment.***



***The Annual Report on the work of the National Preventive Mechanism for 2022 presents an overview of the visits conducted in 2022 in the places of detention of persons and deprivation of liberty, and restriction of freedom of movement, which allowed a direct insight into the conditions in which they are found, and on the basis of which the recommendations are based, for the implementation of which the state is responsible.***

***During the visits the problems that have been detected are mainly repeated with the conditions found in the previous reports, and refer to inadequate accommodation facilities in prisons and overcrowding in them, as well as: untimely health care, care and treatment, non-sanctioning of violent behavior in the same, deficient staffing, but also the engagement of non-professional and non-expert staff, non-compliance with European rules and national regulations when appointing management staff, failure to provide a regular educational process for every convicted person and every child sent to undergo an educational measure; then, a non-functional system of implementation of the security measure - mandatory psychiatric treatment, as well as unprofessional and inappropriate treatment of persons with mental disorders referred for treatment in psychiatric hospitals, extremely inhumane material conditions for the stay of these persons, insufficient number of professional and properly trained staff required for psychiatric and therapeutic treatment in accordance with the stipulated rules and standards; insufficient number of uniformed police officers in police stations, untrained newly employed police personnel, irregular training for police officers, non-standard material conditions/premises for apprehension and detention of persons/children in police stations, inaccessibility in them, etc.; incomplete compliance with the procedures for registration and detention of migrants/foreigners and asylum seekers, as well as the grounds/reasons for their detention and notification of their rights and legal assistance in accordance with domestic and international regulations, situations which, unfortunately, persist and for which the state should take measures and actions to systematically and permanently overcome them, con-***

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<sup>1</sup> Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the UN (Official Gazette No. 165/2008 dated 30.12.2008), available at [https://dejure.mk/zakon/zakon\\_-za-ratifikacija-na-fakultativniot-protokol-kon-konvencijata-protiv-tortura-i-drug-vid-na-surovo-nechovechno-ili-ponizhuvachko-postapuvanje-ili-k](https://dejure.mk/zakon/zakon_-za-ratifikacija-na-fakultativniot-protokol-kon-konvencijata-protiv-tortura-i-drug-vid-na-surovo-nechovechno-ili-ponizhuvachko-postapuvanje-ili-k) (Accessed on: 25.05.2023)

*sidering the fact that these conditions directly affect and increase the risk of abuses that could mean torture or other kind of cruel, inhuman or degrading treatment or punishment.*

*Considering the other obligations of the team arising from the Optional Protocol<sup>2</sup>, in 2022, the National Preventive Mechanism, within its available resources, paid due attention to promotion and education, for which memorandums of cooperation were signed with higher education institutions of University of "St. Kliment Ohridski" from Bitola, the Faculty of Law in Kichevo and the Faculty of Security in Skopje, as well as with the Attorney Association of the Republic of North Macedonia, and accordingly lectures were held on the mandate and competences of the Mechanism.*

*At this moment, I consider it necessary to highlight the challenges the team is facing, which directly affect the efficient, effective, consistent and complete functioning of the National Preventive Mechanism. Namely, it is impossible not to mention the staffing and financial (in) stability of the National Preventive Mechanism, which is why it remains a big challenge, bearing in mind the constant reduction of staff in the team itself, which is mostly due to low salaries, and consequently, lack of equipment according to the Systematization of jobs, as well as the continuous reduction of the budget of the National Preventive Mechanism necessary for the efficient and effective implementation of its mandate, despite the clear recommendation given by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) addressed to the state, and in relation to the functioning of the National Preventive Mechanism, in which the obligation of the state to provide sufficient resources for consistent, complete, effective and efficient functioning of the National Preventive Mechanism as a significant mechanism for the state is clearly stressed.*

**Ombudsman  
Naser Ziberi**



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<sup>2</sup> Ibid 1

<sup>3</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) - Report of the visit to S. Macedonia 2-10 December 2019, available at: <https://rm.coe.int/1680a26b8f> (Accessed on: 25/05/2023)





## OMBUDSMAN – NATIONAL PREVENTIVE MECHANISM

The Assembly of the Republic of Macedonia adopted the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>4</sup> on 30.12.2008 and appointed the Ombudsman to act as a National Preventive Mechanism.

In 2009, with the amendments to the Law on the Ombudsman, a special organizational unit was established within the Ombudsman - National Preventive Mechanism (NPM) whose main assignment is the prevention of torture and other types of cruel, inhuman or degrading treatment or punishment.

The Ombudsperson - National Preventive Mechanism started working on 01.04.2011 year and since then he exercises this competence through regular examination of the treatment of persons deprived of liberty and sending recommendations to the relevant authorities, with the aim of preventing torture and other forms of inhumane treatment, and if assess as necessary and by submitting proposals and observations regarding the existing or draft legislation.

The NPM roles as a team consisting of one state advisor, one advisor for the prevention of torture, and one associate, and in order to ensure a multidisciplinary approach during the implementation of preventive visits, the services of external associates are engaged and used, i.e. experts from various fields and representatives from several higher education institutions and civic organizations.

For the realization of the planned activities in 2022, OMB-NPM projected a budget framework in the amount of 1.225.000,00 denars, and it was approved and had an amount of 425.000.00 denars at its disposal. In addition to these funds, OMB-NPM continued its cooperation with the Office of the High Commissioner for Refugees in Skopje (UNHCR) in the reporting year 2022, which, among other things, consists of a donation of funds needed for work and

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<sup>4</sup> Official Gazette of the Republic of Macedonia no. 165/2008



monitoring the situation of migrants, i.e. foreigners, asylum seekers and refugees. Through this cooperation, the funds donated by UNHCR complement the basic budget of the Institution, in a certain amount, which is used specifically for the purposes of the project and strengthening the capacities of the NPM team.

Considering that the Ombudsman is a multi-mandate form, especially underlined by the amendments to the Law on the Ombudsman in 2016 and 2018 when, in addition to the already existing competences, those in the capacity of Friend of the Court, Mechanism for Monitoring the Implementation of the UN Convention on Rights were added of persons with disabilities, Civil Control Mechanism, National Reporter on Human Trafficking and Illegal Migration, emphasized the need to hire external collaborators and experts at multiple levels by amending the already established practice and implementing public procurement for hiring external experts for the needs of all their separate mechanisms and competences.

However, such public procurement was not realized, and this was the main reason why the NPM team's budget for engagement experts was not fully utilized. To overcome such a situation, was found a temporary solution and the procedure for the engagement of external persons was undertaken by the partner UNHCR through a non-governmental partner organization. In that regards, in the period that follows, there remains the need to find a long-term, sustainable and acceptable solution that will allow the Mechanism to implement the mandate smoothly that is established by the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and The Law on the Ombudsman<sup>5</sup>.

The above-mentioned situation is mostly reflected in the realization of those competences of the Mechanism that should be an inseparable part of its mandate, i.e. implementation of promotional, educational, as well as international activities that would encourage visibility and recognition of the team and the work it carries out. It is precisely for these segments of the mandate of the NPM that funds are lacking in the budget. Namely, for the current year 2023, a total of 200.000 denars have been set aside for the realization of all the activities of the National Preventive Mechanism, an amount far from sufficient for effective and competent implementation of everything that represents the mandate of this institution.

Hence, the Ombudsman continues to maintain the position that in order to exercise the competences of the NPM, additional personnel, material and financial resources are needed, which will be provided by the Budget of the RNM, which would exclude, that is, reduce the need for the NPM to work with funds received by donations, as well as to engage external collaborators.

In that regard, bearing in mind that the providing of sufficient resources for smooth functioning is one of the challenges that the NP-NPM has been facing for several years, **in this Report it is necessary to emphasize again the obligation of the state arising from the ratification of the Optional Protocol to the Convention against torture where it is clearly stated that:**

***"The agreeing states undertake to make available the necessary resources for functioning of the national preventive mechanisms"***<sup>6</sup>

<sup>5</sup> Ibid 1

<sup>6</sup> Art. 18 item 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



## ACTIVITIES AND REALIZED PREVENTIVE VISITS IN 2022

In the previous year 2022, the NPM team, in addition to the implementation of the main activity, conducting unannounced visits to places of deprivation of liberty, focused its work on the promotional component of its mandate, both in terms of education and international recognition of team work.

***Namely, when it comes to field visits, in 2022 the NPM team carried out a total of 19 unannounced visits, of which: 9 visits to police stations under the general jurisdiction of the Departments of Internal Affairs (DIA) Skopje, Bitola and Tetovo, 3 visits in penitentiary and educational correctional institutions, 1 visit to the senior living home "Mother Teresa" - Skopje, 2 visits to psychiatric hospitals "Skopje" and "Demir Hisar", as well as 4 visits to places where are accommodated or detained foreigners and asylum seekers.***

Most of the conducted preventive visits were carried out only by the NPM team, while for a part (where the UNHCR partner offered help) were engaged external collaborators from scientific and educational institutions, as well as professional associations.

The work methodology in regard to the realization of the visits is a result of the team's many years of experience, but also the acceptance of the best practices from the related bodies in the region, the participation in international events, as well as based on the recommendations of the relevant international organizations and bodies, and above all of the Subcommittee for Prevention of Torture at the UN.

On the international level, the NPM team was also active in 2022 and participated in several conferences and workshops that were primarily held virtually, but also with direct participation when the costs of stay were covered by the organizer.

The NPM team participated in the 47th session of the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) with its presentation, and later in a meeting of the European National Preventive Mechanisms held in



Strasbourg, France.

By the supports from the UNHCR Mission in Macedonia, the NPM team made a study stay in the Republic of Slovenia in the reporting year.

Among the regularly organized meetings within the NPM network of South-Eastern Europe, the NPM team participates with its representatives. Both meetings were held in Vienna, since the Network was chaired in 2022 by the National Preventive Mechanism of the Austrian Ombudsman Board (AOB). Topics of special interest for the functioning of the NPM were discussed at the meetings, so the first meeting debated the issue of the special needs of the elderly and persons with physical disabilities in places of detention, i.e. penitentiary institutions, while the second meeting that was held in the second half of the year dealt with the issue of mental health and problems faced by children deprived of liberty and persons with physical disabilities, as well as the use of coercive means in places where children are detained and deprived, i.e. institutions, psychiatric hospitals, correctional facilities and penitentiaries.

During the reporting year, the NPM team concluded a memorandum of cooperation with the Attorney Association of the Republic of Macedonia, and with the help of donor funds, a working meeting was held where the right to a lawyer during detention and deprivation of liberty in police stations was discussed, as and memorandums of cooperation with the Faculty of Security - Skopje and the Faculty of Law - Kichevo, University of "St. Kliment Ohridski" - Bitola.

The NPM team also observed the treatment of detained and convicted persons, as well as the implementation of recommendations for improving the situation in penitentiary institutions, by monitoring the work of national authorities and bodies in charge of improving and developing the penitentiary system.

In that regard, the NPM team states that the recommendation of the OMB for establishment of a mechanism for monitoring and evaluation of the National Strategy for the Development of the Penitentiary System in the Republic of North Macedonia 2021-2025 through the formation of an inter-ministerial group, which as such is foreseen in the National Strategy, is being implemented during the reporting year 2022.

The inter-ministerial group was established by the Decision of the Government of the Republic of North Macedonia<sup>7</sup> and is composed of 15 members, representatives from the Ministry of Justice, the Ministry of Education and Science, the Ministry of Health, the Ministry of Labor and Social Policy, a representative of a civil organization (Macedonian association of young lawyers), as well as a representative from the office of the Ombudsman, who immediately follows the activities of the group and participates in them.

During 2022, the inter-ministerial group held two working meetings, one of which adopted the rules of procedure, and the second an evaluation of the degree of implementation of the National Strategy for the Development of the Penitentiary System in the Republic of North Macedonia.

Concerning the implementation of the activities foreseen in each of the set strategic goals, the inter-ministerial group has prepared an Annual Report addressed to the Government of R.N. Macedonia. In the National Strategy for the realization of the 12 strategic goals, 97 activities are foreseen, of which, according to the findings of the inter-ministerial group, 15 have been fully

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<sup>7</sup>Decision of the Government of RNM ("Official Gazette of the Republic of North Macedonia" No. 122/22)

implemented, 45 activities have not been implemented, 15 activities have been partially implemented, 15 activities are continuously implemented, while 7 activities are in progress.

This situation points to the fact that it is necessary to take a more serious approach by the highest authorities who are responsible for providing conditions for the smooth implementation of the planned activities, in the direction of achieving the set strategic goals, which will manifest a real commitment to the development of the penitentiary system.

Referring to all this, the NPM team recommends the Government of R.N. Macedonia to pay serious attention to the enclosed findings in the Annual Report on the Implementation of the National Strategy for the Development of the Penitentiary System in the Republic of North Macedonia (2021-25) and to take measures that will provide conditions and means for the smooth functioning of the state bodies in the direction of implementation of the planned activities and fulfillment of the planned strategic goals according to the planned dynamics.

The NPM team also met with representatives from the Department for Professional Supervision of Treatment in these institutions within the frames of work of the AES (Administration for the execution of sanctions) with aim to follow the implementation of the recommendation from the previous Annual Report regarding the necessity to be taken additional measures to reduce the risk of torture and other types of inappropriate treatment of the convicted persons through heightened professional supervision and direct insight into the operation of the penitentiaries institutions and the correctional institutions. During the meeting was received an information about the Department's capacities, as well as on their activities connected to performing direct supervision in the penitentiaries institutions and the correctional institutions. Therefore, the NPM team positively evaluates the number of immediate inspections carried out and recommends continuing with the same and intensified dynamics.

During the reporting year, a meeting was held with the head of the Center for Training and Education, which is within the scope of the Sanctions Enforcement Administration. In that context, the NPM team received information about the work of the Center and the challenges it faces, and at the same time the need to place special accent on the prohibition of torture and other types of cruel, inhuman or degrading treatment or punishment during the trainings that are organized for the employees in penitentiary and correctional institutions.

NPM positively evaluates the activities of the Training and Education Center and highlights the need for greater support for the activities that the Center has set out to implement in its strategy and work plan







## PENITENTIARIES AND CORRECTIONAL INSTITUTIONS

The subject of the detailed review during 2021 year was the treatment of detained and sentenced persons in the correctional facilities, as well as the assessment of the risk degree of torture and other cruel, inhuman or degrading treatment or punishment, when the NPM team carried out face-to-face visits to all penitentiaries and correctional institutions. Exactly for those reasons, in 2022, only one subsequent visit to the Prison Idrizovo was carried out, and that was to the Prison Department in order to check the presence of possible cases of reprisals against convicted persons with whom conversations were carried out in the previous year, as well as a visit to the detention department in Bitola Prison.

### 3.1. PENITENTIARY INSTITUTION - IDRIZOVO

From the conversations made in this penitentiary institution, no occurrence of reprisals or any other type of pressure on the persons interviewed during the visit to the institution in 2021 were determined. However **the people with whom the conversations were made complained about untimely health care and other types of services of this nature, as well as about inappropriate and violent treatment by the people with whom they stay in the wings, i.e., the premises.**

However, the remark given in the previous reports of the National Preventive Mechanism remains in force **i.e. the need for professional and expert appointment of managers in the penitentiary institutions, though avoiding their frequent change, dismissal and appointment of personnel who do not have experience, and prior knowledge about the manner of functioning and management of this type of establishments.**

Such a comment is in complete agreement with the recently published Report of the Eu-



European Committee for the Prevention of Torture from the visit to RNM<sup>8</sup> which states that "CPT once again request from the authorities of North Macedonia to introduce a model of professional career advancement within the prison system which will enable the directors and other highly positioned managers to be recruited in order to fulfill certain performances, to have reliability and stability in the performance of their position, as well as to provide them with adequate management training so that they can accomplish their tasks competently".

The statement of the president of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Mr. Allen Mitchell given during his visit to R.N. Macedonia in June 2022 when he says: "Prisons are complex institutions that require professional managers and staff to manage them"<sup>9</sup>.

**Hereafter, NPM will once again repeat the previously given recommendation, i.e. that every penitentiary institution should have professional, appropriately qualified and non-political management staff, chosen for their competence and integrity, and not for party or political eligibility. An imperative for every government must be the adherence to European rules and national regulation in the appointment of directors and their deputies in the correctional institutions.**

Regarding the staffing of Prison Idrizovo, in 2022 we found a significant reduction in the number of prison staff, lack of training for the same, but also apathy and disappointment among employees due to poor working conditions.

Taking into account that at the beginning of 2023, several recordings made by mobile phones appeared on social networks, from which it was possible to see the inhuman and humiliating conditions in which persons deprived of liberty reside in some parts of the Closed Department of the Prison Idrizovo, the team of NPM carried out an unannounced visit to this ward, focusing on 3, 4, 7 wing and "Ambulance".

The NPM states with disappointment **that the situation in these wings is very bad and can easily be classified as inhuman and humiliating, and not only have no measures been taken to improve the previously stated conditions and clearly given recommendations, but on the contrary the situation in these parts is further aggravated.**

Namely, the NPM team concluded that in the so-called the third wing houses a total of 72 convicted persons. During the immediate inspection of the premises where convicted persons are housed in this wing, it was determined that in one of the premises, which is 14,28 m<sup>2</sup>, 15 convicts were housed, of which 6 convicts sleep on mattresses on the floor, and the rest on beds on the 4 levels. In another room of 21,5 m<sup>2</sup>, 11 convicts were housed, while in a third room in the same wing, 19,4 m<sup>2</sup>, 10 convicts were housed. The European prison rules as a minimum standard for accommodation of persons deprived of liberty require 4 m<sup>2</sup> of individual space in shared housing or 6 m<sup>2</sup> in independent housing.

<sup>8</sup> Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 9 December 2020 Available at: <https://rm.coe.int/1680a359cb> (Accessed on: 13.03.2023)

<sup>9</sup> The Council of Europe anti-torture Committee and Development Bank held high-level talks on prison reform in North Macedonia Available at: <https://www.coe.int/en/web/cpt/-/the-council-of-europe-anti-torture-committee-and-development-bank-held-high-level-talks-on-prison-reform-in-north-macedonia> (Accessed on: 13.03.2023)



A total of 124 convicted persons are housed in the so-called fourth wing and this situation was considered as seriously worrying. During the visit, a large number of mattresses were found on the ground in the corridor of the wing, and according to the information received, as many as 36 people sleep in this way in the corridor of the wing and use a common toilet. In the premises where the other convicted persons are housed, it was no better, bearing in mind that 13 persons were housed in one of the 19 m<sup>2</sup> premises. In the corridor, the common toilet, as well as in some of the visited rooms, hygiene was at an extremely low level. The entire wing was filled with stuffiness and an unpleasant smell.

In the so-called the seventh wing were housed 67 convicts, few of whom sleep on mattresses on the floor. During the inspection of several rooms, it was found that part of the rooms in this wing are overcrowded, so 14 people were accommodated in a room of 17 m<sup>2</sup> and 8 people were accommodated in another room with the same square footage.

Parallel to the third wing, the situation in the building of the so-called "Ambulance" Department, where a total of 96 convicted persons are housed, or together with the so-called geriatric ward (as listed), a total of 114 convicted persons. In this building, the left part of the ground floor was closed and renovation activities were underway. In the rest of the building, that is, the right part of the ground floor and the upper floor, which is divided by rooms on the left and right side, it was established that the convicted persons are housed in rooms where there are not enough beds for everyone. On the ground floor on the right side, at the end of the corridor, a sponge was placed where a convicted person slept, and in the immediate vicinity there were also metal bed frames equipped with sponges, on which information was received that convicted persons were also sleeping on them. 13 convicts were housed in one of the 15 m<sup>2</sup> rooms. Convicted persons in this room emphasized that they sleep two at a time in one bed, or in shifts and on the ground. No better condition was found on the upper floor, where several rooms were inspected. Convicted persons placed in the ambulatory ward complained that their bathrooms were not working, which is why they had to shower in the so-called nursing ward, which is physically separated. They stated that because of this there is almost never even hot water (it was wasted by the convicts placed in that ward).

The NPM team ascertains that the Emergency Medical Assistance team is called to the facility every day, sometimes and several times a day, and almost every day they are carried out to the state clinic, from the data contained in the daily and evening bulletins. **This situation designates the fact that the medical staff that is regularly present in the institution is insufficient and is not able to respond to the health needs of the convicted persons fully and promptly.**

Health care continues to be one of the biggest problems in penal institutions, although a positive step forward in the reporting year 2022 is the increase of salaries and salary supplements by 30% of the medical staff. **In addition of this finding is the fact that the largest number of officially submitted petitions to the Ombudsman's office by convicted persons refer to inadequate health care, and especially referrals to specialist and dental examinations outside the institutions. In that regard, the NPM team conclud-**

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<sup>10</sup> Means of Coercion in Adult Psychiatric Institutions, European Committee for the Prevention of Torture and Inhuman Treatment or Punishment (CPT) Available at <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae> (Accessed on: 26.05.2023)



**ed that the health service in the penitentiary institutions is not sufficiently organized to enable the smooth and continuous realization of the requests of convicted and detained persons for consultation with a doctor to be fulfilled without unnecessary delay.**

A psychiatrist comes to the facility according to a certain schedule depending on time availability (taking into account that the same person is also employed in Skopje Prison), i.e., once a week.

Regarding the fixations, it was underlined that they are not imposed in large numbers, but are carried out in solitary imprisonment where persons are fixed with metal handcuffs, although an order has been given to obtain leather belts. In that regard, it should be said that **that the institution has not drawn up a protocol for fixation, so although the assessment and order is issued by a psychiatrist, supervision during the fixation is carried out by a prison police officer, which further complicates the whole procedure if we take into account the readiness, i.e., the training of the staff of quick reaction in the event of a threat to the health of the fixed person.**

Considering this, we point out to the fixation standards referred by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which state among other things that "... the use of handcuffs, metal chains and slatted beds clearly fall under this category; these means of coercion should have no place in psychiatric practice and should be withdrawn immediately."<sup>11</sup>

**Part of the detained/convicted persons with whom the NPM team spoke also complained about the way in which registration for consultation with a doctor is carried out, namely information was received that the so-called filtering of the reports, i.e., they are not forwarded to the medical staff by the members of the prison police, but the inbox in which the requests for a visit to the doctor should be postponed does not work either..**

When we talk about the penitentiary institutions or in the specific case about the Prison Idrizovo, **the persons deprived of liberty in this institution also complain about corruption, which they do not want to talk about publicly. And so in this annual report we will point out that this is still an actual problem, i.e., that in order to obtain a certain convenience, a method is still used that implies paying for certain accessibilities.**

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<sup>11</sup> Means of Coercion in Adult Psychiatric Institutions, European Committee for the Prevention of Torture and Inhuman Treatment or Punishment (CPT) Available at: <https://rm.coe.int/16806cceed> (Accessed on: 13.03.2023)

## 3.2. PRISON BITOLA

In 2022, the NPM team also visited the Bitola Prison, i.e. the detention department of the prison in order to check the material conditions of this department and to have conversations with the persons deprived of their freedom and placed in this part of the prison, as well as to examine the relationship of the police officers towards the persons deprived of liberty during their deprivation of liberty and escort from the police station to the prison.

The visit was an introduction to the unannounced visits to the P.S. Bitola and P.S. Prilep, taking into account that the largest number of persons deprived of liberty in this prison, placed in the detention department, are carried out by these two police stations.

As in other places of deprivation of liberty, here also **is insufficient staffing, so in order to cover the deficiency of equipment, people are engaged with a work contract, in some cases for a duration longer than one year.**

The NPM team also paid attention to the health care of the detained persons, as well as the condition in which they are brought to the Prison, escort, examinations and treatment after admission to the Prison. At the same time, from the conducted conversation with the expert, as well as an inspection of the documentation, it was established that it is managed properly, all examinations are performed regularly and in a timely manner, and the ambulance itself is equipped with all the necessary medicines. Upon ascertaining injuries, the expert records them and informs the director of the prison about them. **A positive step in the area of health care is the adoption of the Standard Operating Procedures for the efficient provision of health care in the penitentiaries and correctional institutions adopted in December 2022.**

Randomly, was held a conversation with the detained persons, from whom information was received that the attitude towards them by the employees of the Bitola Prison was correct, but some of them expressed complaints regarding the treatment of the police officers during the deprivation of liberty and the escort to the Prison.

## 3.3. OVERCROWDING AND GENERAL CONDITIONS

Overcrowding continues to be one of the most serious challenges facing the Macedonian penitentiary system. In this sense, the overabundance of convicted persons in certain penitentiary institutions undermines all efforts to give practical meaning to the prohibition of torture and other forms of ill-treatment. The nonexistence of personal space and privacy puts all convicted and detained persons at risk, especially the most vulnerable.

Almost all penitentiary institutions face a deficiency of accommodation facilities for convicted persons who are sent to serve prison sentences. According to the data available to the NPM team, the maximum accommodation capacity of the penitentiary institutions is for 2113 convicted persons, while the total number of persons accommodated in the institutions is greater by more than 300 persons, i.e 2.451<sup>12</sup>.

<sup>12</sup> The data are as of March 10, 2023.



Taking or planning measures and policies aimed at expanding the accommodation facilities in penitentiary institutions cannot provide a permanent solution to the problem of overcrowding.

In that context, the NPM team restates the necessity to develop a systemic approach in dealing with overcrowding in penitentiary institutions, by establishing a constant dialogue, common understanding and action of the competent authorities, the heads of the administration for the execution of sanctions and penitentiary institutions, legislators, judges, prosecutors and all other active stakeholders.

The NPM team welcomes the continuous increase in probation cases<sup>13</sup>, but at the same time points out that additional efforts can be made to fully utilize the opportunities offered by the national regulation in order to reduce the number of the convict population. Namely, according to the data available to the NPM team, a total of 530 requests and proposals for conditional release were submitted during 2022, of which 216 were accepted and 314 were rejected. Of these 530, only 28 were proposals for parole submitted by directors of several penitentiary institutions, in accordance with the Law on Probation, and 9 were adopted. The NPM team found that some of the penitentiary institutions facing a high rate, not an overabundance, they did not even submit a proposal for parole for convicted persons who are serving a prison sentence in those institutions.

The NPM team also notes with regret that due to allegedly inadequate equipment and financial implications, the surveillance system with electronic bracelets, which were procured as such several years ago, is not yet functioning, which makes the effectiveness of house arrest even more difficult or home detention as alternatives to incarceration within penitentiary institutions.

At the end of this section, as a general remark regarding the functioning of the penitentiary system in the country, the **NPM team can conclude that the frequent change of managers in the penitentiaries institutions leads to inconsistent management of the same, lack of review and implementation of implemented activities and plans, as well as the absence of continuity in the implementation of the reforms foreseen by the National Strategy for the Development of the Penitentiary System in R.N. Macedonia 2021-2025<sup>14</sup>**, this strategy states that the terms for Director of penitentiary institution foresees work experience of at least seven years, of which four in the field of sanctions or related matters. Such a process is further burdened by the fact that the directors are appointed directly by the Government with an Acting Decision, while avoiding a public and transparent way of selecting professional and experienced staff, as the NPM team repeatedly states in its annual reports, but also the European committee for the prevention of torture and inhuman or degrading treatment

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<sup>13</sup> According to the data available to the NPM team, the number of probation cases increases from year to year, so in 2018 there were only 2, in 2019 there were 165, in 2020 – 276, in 2021 – 451, and in 2022 there were 475

<sup>14</sup> Administration for the Execution of Sanctions, National Strategy for the Development of the Penitentiary System in R.N. Macedonia 2021-2025 Available at: <https://uis.gov.mk/wp-content/uploads/2021/11/%D0%9D%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D1%80%D0%B0%D0%B7%D0%B2%D0%BE%D1%98-portain-10092021-MKD.pdf> (Accessed on: 23.03.2023)

or punishment<sup>15</sup>. This is supported by the finding that in the period from December 2021 to June 2023, the NPM team conducted four unannounced visits to Prison Idrizovo, and in the same period, as many as four acting officials were appointed to this penitentiary institution.

### 3.4. CORRECTIONAL FACILITY TETOVO

Towards the end of 2022, the NPM team conducted an unannounced control visit to the Tetovo Correctional Facility to examine the degree of implementation of the recommendations made by the previous NPM visit in 2021. At the time of the visit, 19 children/youths aged between 14 and 21 were accommodated in the Tetovo prison.

In that regard, during the visit, conversations were held with several people, material conditions were inspected, as well as official documentation.

From the conversation with the officials, it was ascertained that the current number of employees is sufficient for the proper functioning of the institution in conditions where most of the accommodation facilities are empty, although it was pointed out that some of the systematized management positions have not yet been filled.

Regarding the possibility of housing children, i.e. female children, the management and part of the employees pointed out that the institution does not have adequate facilities, nor opportunities to respond to such a task, because of which they believe that the problem should be addressed in another way, the female children to be placed in a separate institution, specially designed in accordance with the needs of accommodating female persons. *The Minimum Standard Rules of the United Nations for the Implementation of Juvenile Justice adopted in 1985 also speak about this way of treating female children ("Beijing Rules")*<sup>16</sup>.

Regarding the remark from the previous report from 2021 about the physical (transportation) accessibility to the facility, it was said that it has been improved by introducing a regular bus line and a specially adjusted timetable.

When it comes to the children's communication with their loved ones, the officials stressed that every child has the opportunity to contact his family whenever he wants, except in cases where the educators determine that at a certain moment the contact with certain family members can negatively affect the child, e.g. neglectful and ignorant attitude from the parent to the child, lack of desire to meet and see each other, arguments, etc.

The educational process was one of the major problems identified in the NPM Report of 2021. In a conversation with the responsible persons in the Correctional Facility Tetovo during this follow-up visit, it was said that there is already a grade school that is conducted in levels

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<sup>15</sup> Report to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 9 December 2020 Available at: <https://rm.coe.int/1680a359cb> (Accessed on: 22.03.2023)

<sup>16</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), 1985 Available at: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf> (Accessed on: 22.03.2023)



due to the different level of education of the children, determined on the basis of previous testing. Teachers from the nearest school from the village come to teach, four days a week. On this occasion, it was emphasized that the Municipality of Brvenica is looking for a way to employ two teachers.

However, a short period after the visit to the Correctional Facility Tetovo, i.e. in January 2023, the NPM team received information that the educational process was interrupted.

**Hereafter, the recommendation given last year remains in force that the Ministry of Education and Science, in coordination with AES, penitentiary and correctional facilities, should approach the implementation of the obligation to provide education to every person sentenced to prison and to every child who has been sentenced to an educational measure – referral to an educational correctional facility.**

As far as health care is concerned, the information from the officials of the Institution says that there is a regularly employed nurse in the Correctional Facility Tetovo with working hours from 08:00h to 16:00h, and a family doctor comes every Thursday, but also as needed. When it comes to children's oral health, the Institution is equipped with a dental office, and a dentist comes once a week. X-rays, oral surgery and specialist examinations are performed at the Clinical Center in Tetovo.

About the mental health, the focus from the NPM visit in 2021, was emphasized that children with more serious mental conditions are examined by a child (adolescent) psychiatrist who comes from Skopje, while the rest are examined by a psychiatrist for adults who works at the Clinic in Tetovo.

During the visit, the NPM team also inspected the records that are kept in the section of imposed disciplinary sanctions, where it was ascertained that, unlike the previous year, the number of imposed disciplinary penalties was targeted, and it was also noted that in the Decisions on imposed disciplinary punishments, it is stated that the person can challenge the decision to the Administration for the Execution of Sanctions. However, in the Instruction on Disciplinary Responsibility from 03.11.2021, it was noted that an appeal against the Decision on imposing a disciplinary penalty by the director is not allowed.

In addition to the above, it should be noted that serious incidents among children are not observed, the Correctional institution makes efforts to organize the child's day creatively and content-wise with aim for the stay here to be beneficial and to fulfill the purpose of the pronounced measure, i.e. professional training, development of personal responsibility, their education, re-education and proper development according to the Law on Justice for Children<sup>17</sup>.

During the inspection of the official premises, accommodation facilities and other premises, the team of the National Preventive Mechanism did not notice any suspicious items that could be used to threaten the children housed in the Institution.

**During the visit to the Correctional Facility Tetovo, the managers and experts**

<sup>16</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), 1985 Достапно на: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf> (Пристапено на 22.03.2023 година)

<sup>17</sup> Law on Justice for Children ("Official Gazette of the Republic of Macedonia" No. 148/2013 and "Official Gazette of the Republic of North Macedonia" 152/19 and 275/19)

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**of the institution emphasized that, unfortunately, they do not have a stable and functional cooperation with the competent center for social work, as well as that the Institution is not visited by judges for children, prosecutors or lawyers, and among the bigger and more worrying problems is post-penal care because the absence of it returns the children back to the environment that was the main cause of the situation that contributed to their referral to a correctional institution.**







## PSYCHIATRIC INSTITUTIONS

In the reporting year, the National Preventive Mechanism visited two psychiatric institutions, namely Psychiatric Hospital - "Skopje" and Psychiatric Hospital "Demir Hisar".

The focus of these two unannounced visits were the forensic, i.e. judicial departments of the hospitals and the way of dealing with persons deprived of liberty with a pronounced security measure - mandatory psychiatric treatment and keeping in a health facility.

Psychiatric hospitals are environments where persons undergoing treatment are at risk of abuses that could amount to torture or other cruel, inhuman or degrading treatment or punishment. In this sense, the prohibitions for this type of abuse are contained in international documents and national regulations<sup>18</sup>. This, in turn, imposes the need for continuous monitoring, which is why the NPM team includes psychiatric hospitals in the list of traditional places that are subject to regular visits<sup>19</sup>.

According to the standards of the European Committee for the Prevention of Torture (CPT), personnel resources should be adequate in terms of number, categories of staff (psychiatrists,

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<sup>18</sup> In this sense is the Special Report of the former Special Rapporteur on Torture (Juan E. Mendez) from 2013: A/HRC/22/53 (the Report highlights health facilities as places where there is a risk of abuses that could mean torture or other inappropriate treatment), the European Committee for the Prevention of Torture (CPT) has developed a whole set of standards in the direction of prevention of torture in psychiatric institutions, while in the national regulation the prohibition of torture is highlighted in several legal texts, such as The Law on the Protection of Patients' Rights (Art. 32), the Law on Mental Health (Art. 20), the Law on Execution of Sanctions (Art. 15).

<sup>19</sup> The NPM team last visited the Psychiatric Hospital in December 2019, for which a Special Report was submitted. After this visit, representatives from the NPM team have visited the judicial department together with representatives from NP who work to protect the rights of patients within the framework of the procedure in question, with the aim of collecting data on the general condition in the department. This visit focused only on the Department for the treatment of convicted persons with mental disorders, or so-called. judicial department, where persons who have been sentenced to a security measure - mandatory psychiatric treatment and custody in a health institution - are placed.



general practitioners, nurses, psychologists, occupational therapists, social workers, etc.), experience and training. Deficiencies in staffing resources can often lead to risky situations for patients, regardless of the good intentions and genuine efforts of service staff<sup>20</sup>.

In that regard, **from the information received during the visits to both hospitals, it was established that both hospitals are facing a serious shortage of staff. So, in the Psychiatric Hospital - "Skopje" out of a total of 397 systematized jobs, 318 have been filled, while in the Psychiatric Hospital "Demir Hisar" the shortage of staff is filled by temporary engagement of persons, namely 37 out of a total of 258 employed persons.**

For illustration, we will mention that in Psychiatric Hospital - "Skopje" there were a total of 442 employees in 2002, in 2012 this number was 380, while in 2022 we found a significant decrease in the number of employees, i.e. 318 employees, which is below the necessary minimum for proper and smooth functioning of the Hospital.

As a general conclusion about this situation in both hospitals, we can state that the **uncertainty of the continuation of the employment relationship among the employees for a fixed period of time, together with the general lack of staff, are risks that can lead to overload, increased stress and consequently to the possibility of work burn-out, i.e. burning (so-called burnout syndrome), which in turn would be immediately reflected in the treatment of patients.**

#### 4.1. PHI PSYCHIATRIC HOSPITAL "SKOPJE"

The hospital is under the jurisdiction of the Ministry of Health, which is responsible for its overall functioning. Within the framework of the Hospital, the following departments function: Department for specialist and subspecialist - consultation activity and reception, Department for the treatment of somatic conditions in people with mental disorders, Department for acute conditions in psychiatry, Men's department for emergency psychiatry, Women's department for emergency psychiatry, Department for prolonged hospital treatment, rehabilitation and resocialization "A" with occupational therapy, Department for prolonged hospital treatment, rehabilitation and resocialization "B" with hostel, Department for prolonged treatment and care "A", Department for prolonged treatment and care "B", Department for the treatment of convicted persons with mental disorders, Department of Psychogeriatrics, Department of admission, diagnosis and treatment of alcohol abuse and addiction.

In the Department for the treatment of convicted persons with mental disorders or the so-called a total of 20 people work in the court department, i.e.:

- two psychiatrists, one of whom is the manager, appointed less than 6 months before the visit,

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<sup>20</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf(98)12-part (Extract from the 8th General Report of the CPT), par. 42

- one psychologist who is also employed in another department one day a week,
- one social worker for whom information was received that he is on medical leave, which is why he is replacing by the social worker from another department,
- two medical nurses who work only the first shift (one of them is a ward nurse),
- five medical technicians - daily shift of 12 hours,
- six paramedics - daily shift of 12 hours,
- one kitchen employee,
- two hygienists.

According to the received information, on working days, that is, from Monday to Friday, the first shift lasts until 14:00h pm, after which only 1 medical technician and 1 paramedic remain on the ward. The latter is completely contrary to the recommendations of international bodies for the prevention of torture, which highlight the need for adequate staff presence at all times, including at night and on weekends<sup>21</sup>.

**The deficiency of personnel is only one of the reasons why the state of the court department acts more like an improvisation within the limits of the possibilities, as opposed to the need for an established system of dealing with the persons referred to this department, in accordance with international and domestic rules and standards..**

With aim to ensure, **adequate attendance all the time, including night time and weekends**, concerning the above, **the NPM team recommends increasing of the number of staff engaged in the Court Department. In that context, the number of nurses/technicians and paramedics must be increased, as well as properly skilled and regularly available staff to provide psycho-social rehabilitation activities, such as psychologists, occupational therapists and educators.** These categories of personnel should be integrated, along with health personnel, into multidisciplinary teams that will provide treatment and care for the patients. It is necessary a specialist in medical psychology to be employed in such department, to contribute with his clinical expertise in the psychological assessment of patients for whom a proposal to change the judicial measure should be made.

In addition to the necessity to increase the staff employed in the department, due to the challenging scope of the work, it is necessary for him to be especially professional<sup>22</sup>. It is essential for staff to be carefully selected and receive appropriate training before assuming their duties, as well as to be given the opportunity to attend professional development and professionalization training in the course of their work.

**During the visit, it was established that there are no organized trainings for the medical staff, but it is reduced to some kind of practical training at the workplace,**

<sup>21</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf(98)12-part (Extract from the 8th General Report of the CPT), par. 30

<sup>22</sup> Some of the staff employed at the court department got the impression that they do not have enough knowledge about the mental problems and difficulties of patients, which in some cases may be due to insufficient clinical experience for working with this category of patients. The psychopathological and possibly hostile tendencies and outbursts of patients are not adequately understood, which points to the need for initial and continuous intensive training and education.



**while for the newly engaged paramedics there is only an introductory training.**

The facility where the Court Department is located in an old, neglected and dilapidated building. The building has three bedrooms with 6 or 7 beds each, one with 11 beds, while one with 3 beds in which two people were accommodated. In addition to these rooms, the facility also has a room for intensive care/supervision with 3 beds. The beds are hospital-grade and in relatively good condition, most equipped with appropriate mattresses, linens and blankets. Old and dilapidated furniture was observed in the rooms, as well as a lack of closets where patients could store their personal items, clothes and food.

Out of a total of 64 patients, 35 male patients were placed in the building of the Court Department, who were given a security measure - mandatory psychiatric treatment and custody in a health institution. Women with such a measure are placed in the so-called second women's ward.

In all the rooms there are large double wooden windows that allow a sufficient flow of daylight, but due to the dilapidation of the windows, blankets were hung to prevent the wind from outside. There was no artificial light in two of the rooms, which the patients themselves complained about. The doors in most of the bedrooms were damaged and the locks unworkable.

The premises were not whitewashed, with a visible presence of moisture, and the patients themselves complained about the heating which was inconsistent.

The ward has a shared toilet and bathrooms to which patients have permanent access. The sanitary unit in the toilets is separated by doors, which ensures privacy when using it. One of the doors was locked and the NPM team was informed that only one patient had a key to the door and was using it personally. The toilet and bathrooms are not at all adapted for the use of people with physical disabilities, nor are they adapted for the needs of older patients who pointed out that they face difficulties when using the toilets because they are equipped only with the so-called "squats".

The hygiene in the toilet was not at a satisfactory level, there was an intense unpleasant smell of urine and feces. The bathrooms have no doors at all and do not provide any privacy when using them. Some of the sanitary facilities in the toilet and bathrooms were non-functional. There is a large boiler installed in the toilet and bathrooms, and the patients pointed out that they have no problem with hot water.

The ward also has a living room equipped with old furniture, a TV, a toaster, and a refrigerator locked with a padlock. Most of the patients eat their meals in the common dining room, right next to the living room and the kitchen is equipped with wooden benches, chairs and tables.

Hereafter, **the NPM team points out that the material conditions in the Court Department do not meet the standards that indicate the need to create a positive therapeutic environment. At the same time, it is necessary to take immediate measures for the complete renovation of the facility in order to improve the material conditions for both patients and employees, in terms of creating appropriate working conditions.**

During the visit, **the NPM team found that the hospital does not have adequate personnel and material facilities to organize psychiatric treatment for patients in accordance with the expected standard.**

Part of the staff pointed out that the ward houses patients with different diagnoses, which

does not provide an opportunity for solid organization and a successful work plan. **The hospital does not have the opportunity to offer a wide range of rehabilitative and therapeutic activities, so in this sense it was found that only a small part of the patients are involved in occupational therapy (sewing, washing) or in creative workshops.** Psychodiagnostics by the psychologist is done only upon admission, but no data was obtained that retesting is done after a certain time interval to check in which direction the mental state of the patients is moving, towards improvement or deterioration. Information was received that individual supportive therapy and psychoeducation is being done in a small group, but not in a larger group for the sake of vigilance and reducing the risks of possible incidents.

**The significance in dealing with patients is placed on pharmacological treatment, but also in this sense it was emphasized that there are not enough medicines in the ward.** There are no drugs of the newer generation, nor a selection of maintenance drugs for patients with chronic diagnoses, which would allow better stability of the mental state<sup>23</sup>. During the inspection of the locker where medicines are held in reserve, several expired medicines were found, which were clarified to be medicines from the patients themselves, so they were put aside and stored here. Expired medicines were also observed in one of the rooms used as a storage room.

When one of the patients is upset or there is a need to fix him, he is taken to the so-called second male ward where the fixation is done. This information was confirmed by the patients themselves in this ward.

**The (ir)regularity in receiving the therapy was stressed as a serious problem. Specifically, during the visit it was ascertained that the staff could not establish order in receiving the therapy by the patients.** If the patient refuses to receive therapy, or decides to drink only part of the therapy, the staff is unable to force him because he faces threats and aggression. **In this sense, it was stated that "everything is left to the will of the patients...",** and that in fact **there is an inversion of roles between the staff and the patients, where the latter are the ones who impose the conditions and on whom the maintenance of order in the ward depends. Claims were received that the staff face threats and attacks, which in the past have resulted in the infliction of physical injuries on the hospital staff.** Some of the employees indicated that this kind of working atmosphere directly affects their will to work and that they do not feel secure, safe and protected.

It was established that some of the patients are not in a good mental state according to the assessment of the experts, part of the team. Psychotic symptomatology was observed in them (dissociative thought flow, delusional ideas, paranoid interpretations, etc.), which in fact confirms the information that some patients do not take the pharmacotherapy.

**Conflicts between patients in the ward are very frequent, in certain cases verbal quarrels resulted in mutual physical attacks, and there were allegations of an established informal hierarchy between superior and subordinate patients. The situation is particularly alarming in the afternoon and evening when only one medical technician and one paramedic are present in the ward.**

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<sup>23</sup> It was pointed out that "There is not enough Prazine, amp. Largactil, Paliperidone, no depot therapy, no Rispolet consta, only Haldol for chronic patients.



**From the Court Department of the Psychiatric Hospital - "Skopje", frequent escapes lasting from several hours to several months have been noted.** The escapes are recorded in the records kept in the department, along with a note that the same has been reported to the Ministry of Internal Affairs, i.e., to the Karposh police station, although there is usually no reaction from the police, and the patients return to the facility themselves after a certain period.

**Patients point to poor living conditions, deficiency of organized activities and disapproval of therapeutic weekends, as main reason for running away. On the other hand, there is an insufficient number of medical and other personnel, the absence of systematically organized security protection, as well as generally weak management. This situation not only puts the patients themselves in danger (not taking therapy, and thus uncontrolled, unpredictable behavior), but also exposes the health care facility, as well as the general public, to danger and public criticism.**

Food in the ward is an additional problem. Namely, all the patients complained about the food, those who can afford it, buy food with their own funds<sup>24</sup>. Some of the patients pointed out that due to their health condition and the medications they receive, they need a special diet, which is not taken care of at all. The NPM team was informed that a few days prior to the visit, all the patients had refused to take the food distributed to them in revolt. On the day of the visit, the NPM team found that the patients were given an adequate and well-served meal, and all patients pointed out that this was an exception due to the presence of the NPM team.

A part of the patients complained that no proposals are made by the institution to change the measure in treatment in freedom, despite the fact that they have been treated in the ward for many years. In that regard, the employees pointed out that information about the condition of the patients is submitted to the courts every 6 months, but there is no response or reaction from their side. So, when it comes to changing the measure, it is first referred to a professional meeting, and the proposal is prepared by the head of the department. Such a procedure is initiated for a small number of patients, but the courts rarely respond positively.

**All of the above and the established factual situation during the visit leave the impression of a completely dysfunctional system of implementation of the security measure - mandatory psychiatric treatment and custody in a health facility that is carried out in the Court Department of the Psychiatric Hospital - "Skopje". This situation directly affects and increases the risk of abuses that could amount to torture or other cruel, inhuman or degrading treatment or punishment.**

**Therefore, the NPM team recommends:**

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<sup>24</sup> During the conversations, it was emphasized that some of the employees let the patients go to the nearby shops only if they bought something for them too, such as wafers or Coca-Cola, which for some of the patients they understand as "normal".

- ensuring emergency, dedicated supervision in order to determine the reasons for the violation of the standards for dealing with patients who have been sentenced to a security measure, mandatory psychiatric treatment and custody in a psychiatric institution, as well as taking immediate measures to employ the necessary staff in the Psychiatric hospital Skopje, but also financial resources for renovating the hospital facilities in their entirety.

**In addition, it is necessary to introduce obligatory training for the personnel who will be sent to work in the Court Department, as well as to enable them to attend professional training and professionalization courses during their work.**



## 4.2. "DEMIR HISAR" PSYCHIATRIC HOSPITAL

A total of 258 employees are employed in this psychiatric hospital, of which 123 are men and 135 are women. Of them, 37 (19 men and 18 women) are on fixed-term contracts, some of them already after several years<sup>25</sup>. In that context, it was emphasized **emphasized that the deficiency of staff is only one of the challenges that the Hospital is facing, which affects the smooth organization and normal functioning**. This is the result of the termination of the employment contracts of several persons due to retirement or leaving for other work place<sup>26</sup> and the lack of permission for new employments from the Ministry of Health.

Doctors work in 24-hour shifts (2 doctors are on duty in the whole hospital), while nurses/technicians and paramedics only work on their wards in 12-hour shifts, except for ward nurses/technicians who only work in the first shift.

At the Department of Forensic Psychiatry and Psychiatric Expertise, 1 psychiatrist (also head of the department), 1 psychologist and 1 social worker (also employed by the entire department), 1 ward med. technician, who only works first shift, 9 med. technicians and 3 paramedics, who work in 12 hour shifts and 1 hygienist. On working days, the department is staffed by the department technician, 1 med. technician and 1 paramedic; or 2 other technicians working first shift of 12 hours duration. At night there is only 1 technician and 1 paramedic in the ward.

Bearing in mind that understaffing can often lead to risky situations for patients, regardless of the good intentions and genuine efforts of the staff in the service<sup>27</sup>, **the NPM team particularly highlights the staff deficiency of the ward, and at the same time notes it as a condition that is contrary to the recommendations of the international bodies for the prevention of torture, which refer to the need for adequate staff presence at all times, including at night and on weekends**<sup>28</sup>.

The deficiency of staff in the Hospital was also noted by the European Committee for the Prevention of Torture during the visit in 2019<sup>29</sup> and in that context were made appropriate recommendations, for which the NPM team concluded that not enough efforts were made to implement them.

**Consequently, the NPM team recommends that the Ministry of Health take immediate measures that will ensure the necessary approvals for employment at the Demir Hisar Psychiatric Hospital.**

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<sup>25</sup> The uncertainty of the continuation of the working relationship among these employees, together with the general lack of staff, are risks that can lead to overwork, increased stress and consequently to the possibility of work exhaustion, i.e. burnout (the so-called burnout syndrome), which immediately it would also be reflected in the treatment of patients.

<sup>26</sup> Information was received that in the period of 2017, the employment of approximately 70 employees was terminated on these grounds

<sup>27</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT/Inf(98)12-part (Extract from the 8th General Report of the CPT), par. 42

<sup>28</sup> Ibid 27, par. 30

<sup>29</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): „Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the CPT from 2 to 10 December 2019 (CPT/Inf (2021) 8)“, par.131-134



During the visit, it was established **that no organized type of training is conducted for the employees of the hospital, that is, on a regular and continuous basis. In view of this, the NPM recommends that measures be taken to organize planned and regular trainings, in which, in addition to the medical staff, the auxiliary staff will also be included**<sup>30</sup>. Special training on non-physical techniques and techniques for manual control of disturbed or violent patients, as well as on the conditions and method of using means of fixation must be organized as soon as possible<sup>31</sup>.

Considering that external stimulation and support are necessary so that the staff of psychiatric institutions do not become too isolated, it is desirable to offer them opportunities for training or practice outside the Hospital. In the section on finances, it was emphasized that the institution has a modest budget, which is why the management staff is constantly looking for donations. **NPM welcomes the commitment of the management in efforts to improve the conditions in the hospital, but at the same time points out that it is necessary to provide an adequate own budget in order to be able to realize the necessary improvements.**

On the day of the visit, the Department for Forensic Psychiatry and Psychiatric Expertise accommodated a total of 36 patients, all of them male, all with a pronounced security measure - mandatory psychiatric treatment and custody in a health facility. Female patients with such a measure are placed in other wards where female patients are placed.

The department is of a closed type, with locked doors and metal bars. There is an access ramp on the outside, but the interior of the building is not suitable for accommodating people with physical disabilities.

The interior of the facility gives the impression of neglect and is far from the standards that provide for the creation of a positive therapeutic environment that includes providing sufficient living space per patient, as well as adequate lighting, heating and ventilation, maintaining the facility in a satisfactory state of preservation and meeting the requirements of a hospital hygiene<sup>32</sup>.

Patients are accommodated in rooms equipped with 3 or 4 metal beds, old and dilapidated furniture (wooden tables, chairs, etc.). Most of the beds had relatively clean linens, which the majority of patients bring from home and wash at the local laundromat. The rooms have a small number of lockers and wardrobes, and even those that are found are in a dilapidated state, which is why patients hang their personal wardrobe on nails.

In every room there were electrical cables hanging next to the front door or above the patients' beds, posing a direct risk to health and life in case of a fire or electric shock. In all rooms there was a TV receiver privately owned by one of the patients, and in addition, in most rooms

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<sup>30</sup> In the plan, it is desirable to provide training for protecting and strengthening the mental health of employees and dealing with their own stress

<sup>31</sup> Possessing such skills will enable staff to choose the most appropriate response when faced with difficult situations, thereby significantly reducing the risk of injury to patients and staff. It is necessary that the staff be familiar with the recommendations of the CRT, contained in the Report CPT/Inf (2021) 8 of 11.05.2021 (specifically paragraph 145), Available at: <https://rm.coe.int/1680a26b8f> ((Accessed at : 23.03.2023)

<sup>32</sup> Ibid 27, par.34



there were stoves on which they prepare coffee/tea or food, as well as heaters for which the connection to the electricity seemed very unsafe. The lamps in the rooms were also connected through extension cables which further complicates and worsens this situation and poses a direct threat of an adverse incident exposing the patients to additional risk.

The rooms were warm, but the patients complained that the windows did not close, so blankets were placed over some of them. The doors of the rooms did not close, and some of them did not even have handles, while others had holes caused by blows. The hygiene in the rooms is maintained by the patients themselves, although an employed technician (hygienist) also takes care of it once a day.

The Department also has an isolation room, which accommodates newly admitted patients or those who are isolated for a certain period. In the hallway there is a makeshift space named "entertainment room" with old and dilapidated chairs, desks and a TV.

In the dining room where the food is served, there are several wooden tables where the hygiene on the day of the visit was not at an enviable level.

The Department has a shared toilet and bathrooms in poor material condition with non-functional sanitary facilities and an unsatisfactory level of hygiene.

A Leather straps for fixation were found in one of the working rooms of the staff during the visit, which it was pointed out were not used, as well as a metal chain with a padlock for locking the rooms when there are agitated (disturbed) patients. In another room, a solid, thick cable with a length of 1 meter was also observed, for which the employees had no answer as to why it was there, nor for what was its purpose. **Taking into account that such means can be used for intimidation, harassment or other inappropriate treatment of patients, the NPM team emphasized that it is necessary to remove them immediately, and the locking of the rooms, if necessary, should be done in an appropriate way, with the repair of the door locks.**

**The NPM team particularly emphasizes the prohibition of keeping and using metal chains in the Ward and in general in the Hospital because credible allegations were received that they are also used to tie agitated patients to the metal beds.** The relevance of these allegations gains importance due to the fact that such allegations were received during the visit of the European Committee for the Prevention of Torture back in 2019<sup>33</sup>.

**The NPM team recommends to remove objects without proper purpose that can serve as a means of torture and other kind of cruel, inhuman or degrading treatment or punishment (chains, cables, etc.) and not keep in the hospital, with intention to reduce the risk and prevent possible inappropriate treatment of the patients.**

A general conclusion regarding the material conditions of the Department of Forensic Psychiatry and Psychiatric Expertise is that the entire facility is not regularly and adequately maintained, **which is why it is in an unsatisfactory condition. Hygiene is not maintained at an adequate level and does not meet hospital hygiene requirements**

<sup>33</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): "Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the CPT from 2 to 10 December 2019 (CPT/Inf (2021) 8)", page 9. Available at: <https://rm.coe.int/1680a26b8f> (Accessed on: 23.03.2023)

This points to the **need to take immediate measures to completely renovate the building.**

From the inspection of the documentation that is kept for the patients, it was established that it is kept properly, i.e., chronologically and in detail. The patients' files are complete, orderly and with sorted documents selected in three separate groups: - psychiatric documentation (psychiatric history of the disease with anamnesis and status at admission, a special document at admission with specified officials who accompany the patient; supplemented by regular monthly decourses for monitoring the patient's condition; findings from a psychologist and regular psychological notes every 6 months; findings from a social worker and regular notes from the same) - medical documentation (therapeutic lists and findings from other medical specialties), - court documentation (letters delivered to the courts with notification of the situation every 6 months, individually and collectively, as well as notification to the Courts about the therapeutic weekend and responses to them). The department also has a report book where the handover of the shift is recorded, together with the activities undertaken during the shift.

The management and treatment conditions are modest, and the staff tries to creatively animate the patients by organizing quizzes and other kind of interactive activities. Some of the patients have regular activities at the department for working therapy and rehabilitation to which they go accompanied by occupational therapists.

The ward is relatively well stocked with drugs for the treatment of patients in accordance with new developments in psychiatry (newer generation drugs), including the drug Rispolept Consta used in maintenance therapy in chronic patients with psychotic disorders. Those patients who are being treated for addictions receive substitution therapy (methadone) which is required every day from the pharmacy.

In cases where the patient does not drink or hides the prescribed therapy, it is crushed and given to the patient through food or is temporarily replaced by ampullary therapy. If the difficulties in regularly receiving the therapy continue, a council of 3 psychiatrists is formed to review the case and, after determining the reasons, propose further measures<sup>34</sup>.

In situations of obvious aggressiveness or threatening behavior towards himself or others, the patient is isolated in an isolation room (for several hours to several days). In that regard, allegations were received that during the interventions, the hospital staff sometimes used excessive force, "hits and punches".

Officially, mechanical fixation on patients is not applied, and in those rare cases when it is done, it is in accordance with the existing protocol, for which special records are kept. However, in addition to the official ones, the NPM team received credible reports of aggressive patients being chained to beds in the isolation room. The binding lasted for several hours, and in some

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<sup>34</sup> As one of the possible measures for patients who refuse or manipulate and do not drink the therapy for a long time, and at the same time are in a stable mental state, there is also - Proposal to change the measure and return the person to prison conditions if it is determined that it is the patient's condition stable and without therapy, thus ending the need for hospital treatment. For this, it was pointed out that there are clear procedures – Consideration of the case by an expert, then by a judicial psychiatric collegium, which then prepares the proposal. It was also pointed out that the Court in Prilep is more up-to-date and reacts in the first 2-3 days with a change of measure, but not the Court in Bitola, which drags out the procedure, acts unprofessionally and allows the information to spread, which is why threats from patients follow.



situations the patients were given "Prazine" injections.

**Allegations of such treatment could be classified under the term of inhuman and degrading treatment, and in order to prevent the same or similar treatment, the NPM team recommends consistent compliance with the recommendations of the European Committee for the Prevention of Torture made during their visit to the Hospital in 2019<sup>35</sup>.**

During the visit, complaints were received about the quality of the food, which is why some of the patients stated that they procure it themselves or their relatives send meals to them.

In that context, **the NPM team recommends that the Hospital take care that the food for the patients contains the necessary nutritional value determined by an expert within the framework of a prepared weekly/monthly menu, and also to pay attention to the way it is prepared and served to them.**

Therapeutic leaves are granted to those patients who are in stable condition and who meet the conditions.

Escapes of patients from the Hospital are rare, the transport of patients outside the institution is done by an official vehicle and accompanied by a person from the staff or security.

During the visit, it was emphasized that the management holds regular meetings with the staff, and that the vice-director conducts regular visits.

**The NPM team welcomes the practice established in this manner, taking into account the possibility that patients can directly and immediately complain to the head of the institution in case of possible inappropriate treatment towards them.** In that regard, the NPM team emphasizes the need for any complaint of inappropriate behavior to be properly documented and forwarded to the official authorities for conducting internal control and investigations.

**Consequently, the NPM team recommends:**

- **providing approvals for engagement professional staff, as well as renewal of hospital facilities in their entirety.**

**In addition, both the "Skopje" Psychiatric Hospital and the "Demir Hisar" Psychiatric Hospital require the introduction of mandatory training for the staff who will be sent to work in the Court Department, as well as to enable them to attend professional training and professionalization courses throughout the work.**

<sup>35</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): "Report to the authorities of North Macedonia on the visit to North Macedonia carried out by the CPT from 2 to 10 December 2019 (CPT/Inf (2021) 8)", page 88 Available at: <https://rm.coe.int/1680a26b8f> (Accessed on: 23.03.2023)



## POLICE STATIONS OF GENERAL JURISDICTION

During 2022, the NPM team conducted nine visits to police stations of general competence (P.S. G.J.) which are part of the Departments of Internal Affairs (SIA) Skopje, Bitola and Tetovo. All visits were made without prior notice.

In the sub-region of SIA Skopje, the general jurisdiction police stations Gjorce Petrov, Chair, Gazi Baba, Kisela Voda, Centar and Karposh were visited. Of these six visits, the visits to the last mentioned four police stations were carried out on 30.12.2022 in the night hours, i.e. after midnight.

In the area of the other departments for internal affairs, the police stations of general jurisdiction in Gostivar, Bitola and Prilep were visited. The visits to the Bitola and Prilep Police Station followed the visit to the Bitola Prison, where the representatives from the NPM team examined the treatment of the detainees who were previously detained, i.e., deprived of their liberty and held in one of these two police stations.

### 5.1. PS OF GENERAL JURISDICTION GJORCHE PETROV

The visit to P.S. G.J. Gjorce Petrov was carried out on 28.07.2022, and is the third visit by the NPM team, after its transfer at the end of 2017 to a new facility, at the location where it is located today.

The area covered by the jurisdiction of the Gjorce Petrov Police Station is within the territorial limits of the Gjorce Petrov municipality<sup>36</sup>, and the Police Department (PD) in Saraj is part of

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<sup>36</sup> 38,399 inhabitants live in the area of the Gjorce Petrov municipality, according to the data of the State Statistics Office, Available at: <https://www.stat.gov.mk/pdf/2022/2.1.22.10-mk.pdf> (Accessed on: 23.03.2023 year)



the Gjorce Petrov Police Station, which is responsible for the territory of the municipality of the same name.

Unlike the previous visit to this police station, this time a slight increase in the number of uniformed police officers (UPO) by 15% was found in relation to the data obtained from the visit conducted in 2018<sup>37</sup>. However, the number of UPO employees is lower than what is foreseen in the systematization of jobs, and at the same time it is below the European average, which indicates a ratio of 318 police officers per 100.000 inhabitants<sup>38</sup>.

From the inspection carried out in the review of completed trainings for 2022, it has been established that most UPO attended trainings on handling weapons, as well as on maintaining public order and peace through regular policing at public gatherings and sports competitions in accordance with the SOP (Standard Operative Procedure), organized by SIA Skopje, and organized by the UN Development Program (UNDP) more police officers attended training on information gathering, sharing and analysis, as well as training on categorization of weapons, explosives, community work and intelligence-led policing.

The NPM team positively evaluates the fact that the police officers from Police Station of General Jurisdiction Gjorce Petrov are actively involved in trainings that contribute to reducing the risk of inappropriate behavior in the implementation of the police authorities. However, **as in several other police stations, in this police station, police officers are transferred to positions and perform work tasks for which they had no previous work experience in that area, without having undergone training related to the specifics of the work duties that they should perform.**

**Regarding the material conditions, the NPM team concluded that no activities have been undertaken by the Ministry of Internal Affairs (MIA) in the direction of the realization of the recommendations made in the previous reports related to the need to improve the material conditions.**

The NPM team expresses concern, due to the fact that during the construction and equipping of the Police Station, as well as before putting the facility into use, sufficient care was not taken to fully comply with the norms and standards prescribed by the Ministry of the Interior. In this sense, we can point out the fact that even after four years of commissioning, the detention facilities are not being used as intended. These premises are used in exceptional situations for short-term detention of detainees and persons deprived of liberty, that is, no more than 6 hours. When there is a need for longer detention, persons remain in these premises until the moment of their transfer to one of the police stations where detention is carried out. The premises are equipped with video surveillance cameras, and when there are detained persons in them, a police officer also supervises them.

The holding rooms are equipped with attached beds, as well as mattresses and bedding (blankets and pillows), which were not very clean. A high percentage of humidity was ascertained during the visit, which was confirmed by the traces of moisture on the walls in the base-

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<sup>37</sup> Considering that the number of uniformed and other professionals in the police stations is information of a confidential nature that could cause a possible security risk, the difference in the number of personnel is expressed as a percentage.

<sup>38</sup> Data retrieved from Eurostat, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190104-1> (Accessed on: 23/03/2023)

ment rooms, including in the holding rooms and the conversation rooms. This situation is also mentioned as a problem and also an information was sent to the Ministry of Internal Affairs by the management staff at the Police Station.

The room for conversation is also located in the basement, right next to the holding rooms. It has functional video surveillance, and except the remarks regarding moisture, the NPM team recommended that lessons on the rights of the detainees and the detained persons need to be prominently displayed.

**The Police Station of General Jurisdiction Gjorche Petrov does not have special rooms suitable for talking with children, which is why the conversations with them are carried out in the official office of the inspectors, which is not adapted for this purpose, nor suitable for conversations with children.**

During the visit, it was established that the office for issuing personal documents (identity cards, driver's licenses, travel documents), the so-called "Cabin D3", has not yet been moved and is located in close proximity to the shift manager's room and other official offices. In that regard, in previous reports, it was emphasized that this arrangement of the office leads to situations where detainees, i.e. persons deprived of their liberty who are brought to the office of the shift managers, are unnecessarily exposed to the views of third parties, as well as that there is a risk of complications during conduct, especially when it comes to dealing with aggressive persons on whom it is necessary to apply certain means of coercion, where the possibility of endangering the safety of third parties is not excluded. Regarding this situation, an information was sent to the Ministry of the Internal Affairs, but until the moment of the NPM visit, nothing was done.

At the entrance of the Police Station, the external elevator is non-functional for a long period of time, and there is no access ramp at all. In this sense, the access to the interior of the police station is effectively denied to those called and to all other persons with disabilities. The toilets in the Police Station are not adapted to the needs of people with disabilities, and the rest of the rooms are also not easily accessible (such as the conversation room, which is located in the basement, that is, the basement part of the station).

Officials at the Police Station who were interviewed stated that people are always instructed about the reasons for which they are summoned, detained or deprived of liberty and are instructed about their rights (to call a lawyer, to seek medical help, to notify a third party etc... ).

When there is a need to keep them, the instructions are given by the shift leader who prepares the decision to keep them. Given the fact that detention is not carried out at the Police Station, the persons with accompanying documentation (Record of detention and other documentation) are forwarded to other police station, usually the Police Station of General Jurisdiction Kisela Voda or Gazi Baba.

The shift leader had printed instructions for the first in several languages, as well as a list of lawyers on duty. The NPM team did not get the impression that the persons who are deprived of their liberty and detained are being told that in accordance with the law (Law on the Criminal Procedure), the costs of duty lawyers should be borne by the state budget.

When it comes to the right to a lawyer when it comes to children, it was pointed out that in the majority of cases the children's parents find lawyers themselves, and when they cannot, lawyers are called by the officials (usually several of the same lawyers are called who agree to come). The problem with the collection of costs further complicates the situation, so it was said



that there were situations when the police officers themselves could hear how the lawyers were “bargaining” with the parents about the compensation for the presence at the police station.

Regarding the right to medical assistance, either at the request of the person deprived of liberty or at the discretion of the police officer, doctors from the Emergency Medical Service are called. Examinations are usually carried out in the presence of police officers, because the doctors requested it.

Regarding the right of persons to notify a third party of their detention, it was emphasized that in most cases, persons are allowed to do so from their mobile phones.

From the inspection of the registers that are kept for detainees, that is, persons deprived of liberty and detained persons, the NPM team concluded that they are kept chronologically, clearly, legibly and comprehensibly. From the registers and individual files, it is possible to follow the course of events in dealing with the persons, and it is also possible to determine data on the extent to which the persons taken to the police station exercised their rights.

Until the day of the visit, a total of 105 cases were registered in the register of persons deprived of liberty and detained for 2022, of which 64 were detained, of which 63 persons were deprived of liberty and detained, and one person was detained and imprisoned. Of the detained persons, 63 persons were men, one woman, as well as one male child. In three cases, when there was a detained person, a doctor was called. Of the detained persons (who are transferred to other police stations), seven persons contacted a lawyer, or in percentage terms - 10%. In 2020, during the visit, it was ascertained that of the 16 detained persons, three persons called a lawyer, or in percentage terms – 16%<sup>39</sup>.

It follows that there is a decrease in the interest of detained persons to exercise the right to a lawyer, as seen in percentages, i.e., to contact a lawyer during their detention in the police station.

Of the remaining 40 persons who were deprived of their liberty, but then not detained, three were female and five were children. Of these people, only three decided to contact a lawyer. For comparison, only nine persons requested a lawyer in 2020 year, out of a total of 225 persons deprived of their liberty.

In none of the cases where children were deprived of their liberty or detained, there is no information that a lawyer was contacted. In three cases where children were deprived of liberty, parents were called, in one case, due to the unavailability of the parents, an official from the Center for Social Affairs was called, and in the other two cases of deprivation of liberty and detention, there is no information that a parent or person was called from the Center for Social Work (in both cases it is about deprivation of liberty, i.e. detention, which lasted about two hours).

From the inspection of the Register of detained persons, it was established that a total of 45 persons, one of whom was a child, were detained until the day of the visit. None of the detained persons exercised their right to contact a lawyer, and in three cases a doctor was called. According to the data in the Register, in three cases the detained persons used the right to inform a

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<sup>39</sup> This number refers to the period Jan.-Sept. 2020, and one must take into account the fact that the small number of detentions in 2020 is also due to the numerous bans and restrictions on movements that were in force due to the crisis caused by the corona virus.



third party about their detention.

From the inspection of the Register for the use of means of coercion, it was established that there were four cases of the use of means of coercion recorded in it, and in all four cases it was about physical force and means of binding. In accordance with the data contained in the Register, in none of the cases of the use of means of coercion, there were no consequences and for all cases were prepared special reports on the use of means of coercion. In three cases, the assessment of the use of coercive means was deemed justified, and in the last case of the use of coercive means, it was stated that the assessment procedure is ongoing.

## 5.2. PS OF GENERAL JURISDICTION CHAIR

The visit to the Police Station of General Jurisdiction Chair was conducted on 11.08.2022, and is the fifth visit by the NPM team since the Police Station was visited for the first time in 2011<sup>40</sup>. **3During the visit, it was established that the recommendations made in 2016 have not been fulfilled at all, as a result of which the Police Station does not have conditions for normal functioning and work of police officers.**

In comparison with the data on the number of UPO (uniformed police officers) employees in the Police Station of General Jurisdiction Chair from 2016, it can be stated that there is a significant increase in the number of police officers, which is the only fulfilled recommendation contained in the Special Report after the visit that year. However, according to the management staff of the Police Station, although the number of police officers has increased, it is not enough and is less than what was foreseen in the systematization of jobs. An additional challenge is the fact that the total number of police officers is almost never fully available. The latter is due to official absences, referral of police officers to perform work tasks in other organizational units within the Ministry of the Internal Affairs, as well as due to illnesses or taking annual vacations.

From the conducted conversations with the officials, it was established that during 2022, the UPO of the P.S. G.J. Chair did not participate in any training even though they have an extremely need for them. According to the management staff, a plan is regularly made according to the training needs and in that regard the Ministry of the Internal Affairs was asked to organize them, but so far such requests have not been positively answered.

**Of particular concern is the information that no training is organized at all for the aim of training and familiarizing the police officers with the new scope of work for the specific position, when transferring or assigning them to other work positions or when are engaged new officers, so they are forced to manage individually or be taught by their senior colleagues, which can easily lead to improvisation when**

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<sup>40</sup> The last two visits were carried out in 2016 and 2020. The visit in 2016 was carried out in order to fully determine the material conditions and the treatment of detainees, i.e. deprived of liberty or detained persons, while the visit in 2020 was carried out as part of a series of thematic visits that the NPM team carried out in the area of the Department of Internal Affairs works (SIA) Skopje, with the aim of determining the possibility of access and use of the right to a lawyer in police stations.



**performing work tasks and inappropriate behavior. This, especially when it comes to dealing with vulnerable categories of citizens, for example children, but also victims of family, i.e., gender-based violence.**

About the material conditions, it was established that the P.S. G.J. Chair is still located in an old and dilapidated shed built in the distant 1964/65 with a ground and basement part. The premises are in very poor condition with extensive damage to the walls, ceiling and floor. Part of the ceiling is in such a bad condition that it looks like it will collapse at any moment. There are constant landslides that represent a real and additional safety risk to the lives of employees, as well as people who come to the police station.

**The situation with the material conditions can be evaluated as worse than previously found, considering that the complete collapse of the building is visible, the absence of suitable working conditions for the employees in it, and two rooms that have been partially refurbished were renovated with the employees' own funds.**

At the entrance to the shed, there is still no access ramp for people with disabilities, which calls into question the access of this category of citizens to the station.

**This police station does not have detention facilities at all, which is why detention is not carried out in this police station. Apart from the fact that there are no detention rooms, this police station does not have special rooms for conducting conversations with summoned, detained or persons deprived of liberty. The police station does not even have functional video surveillance.**

In the room of the shift leader, which is one of the renovated ones, the persons who have been escorted are taught about their rights, while the conversations with them are held in the rooms of other police officers. **The P.S. G.J. Chair does not even have special rooms for conversations with children, which is why the conversations with them are carried out in the official office of the inspectors for children (where a total of seven officers are working).** The room is located in the basement of the building and is relatively small in square footage, equipped with two desks, one computer and wardrobes. This room does not deviate from what was previously said in terms of extremely poor material conditions. Dampness was visible, walls whose exterior was peeling, ceilings in falling-off, and the overall inventory was in poor condition.

When there is a need for detention, persons are detained at the police station for a maximum of six hours, in the official premises of the police officers, where the interviews are also carried out, and then they are conducted in other police stations, namely in the P.S. Gazi Baba and P.S. Kisela Voda.

**The NPM team expresses concern due to the current situation and the disregard of the previously given recommendations, and on this occasion it repeats the given recommendations, i.e. demolition of the existing building, dislocation of the station and determination of a new location suitable to the standards (the current one is located in a densely populated part of the municipality, closely surrounded by residential buildings for individual housing which is inappropriate for the location of a police station because it can easily be exposed to security risks).**

A total of 114 cases were registered in the Register of Persons Deprived of Liberty and Detained Persons for 2022 until the day of the visit. Of these, 58 persons were deprived of their liberty, and 56 were deprived of their liberty and detained. Out of a total of 114 cases, a doctor

was called only on two occasions.

Of the 56 detained persons, only two were children, and of the total number, only six adults and one child contacted a lawyer, i.e. 12.5%. In 2020, during the visit, it was established that out of 37 detained persons, only one person called a lawyer. Looking at the percentage, it appears that there is an increase in the interest of detained persons and persons deprived of their liberty to use the right to a lawyer, i.e., to contact a lawyer during their detention in the police station. But compared to other more developed countries, the number of people who decide to contact a lawyer while detained in a police station is again small. The observed situations point to the fact that the reasons for this are very different and interrelated, which is why a holistic approach is needed that includes taking activities of a very different nature (administrative, legislative, etc.).

### 5.3. P.S. OF GENERAL JURISDICTION GOSTIVAR

The NPM team visited P.S. G.J. Gostivar on 22.09.2022, i.e. after three years from the previous visit in 2019 year. The police station is part of the Department of Internal Affairs (DIA) Gostivar at the Department of Internal Affairs - Tetovo (DIA Tetovo), and four regional police departments (POs): Chegrane, Galate, Mavrovo and Rostushe function within the framework of the Police Station.

The local competence for performing police work covers the area of the municipalities of Gostivar, Vrapchiste, Mavrovo and Rostuse, and according to the last census in 2021, the total resident population of this area is 84.654 inhabitants, which is a significant decrease in the number of the population according to the Census of 2001 when this area had 120.000<sup>41</sup> inhabitants. In compare to the previous visit in 2019, a significant reduction in the number of UPO (uniformed police officers) employees was noted, in which regard was stressed that about the deficiency of personnel was responded by the management of the Police Station several times to the Ministry of Internal Affairs and Communications of Tetovo, from where no measures have been taken to improve the situation.

In the report after the visit conducted in 2019, we noted that trainings are organized in P.S. G.J. Gostivar according to a plan and program that is submitted to SIA Tetovo. **During the visit in 2022, information was received that there will be almost no training in recent years.**

**In terms of material conditions, the NPM team points out as particularly worrisome the situation found in the special facility where the rooms intended for conducting conversations with children are located, which until the moment of this visit were pointed out as a positive example in the country. On the basis of the conducted inspection, general neglect and significant damage to the building was ascertained, i.e. deeply penetrated moisture in the walls, smell of mold and general ruin of the**

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<sup>41</sup> The data are taken from the State Statistics Office, available at: Available at: <https://www.stat.gov.mk/pdf/2022/2.1.22.10-mk.pdf> (Accessed on: 23.03.2023)



**building.**

In the shift manager's room, the base of three joined metal chairs was observed to have metal shackles attached that could be used to bind and fix persons. **Tying persons and fixing them to metal chairs in the shift manager's room for the purpose of bringing them into a state of obedience or for any other reason, could lead to a situation that would come under the concept of torture or other cruel, inhuman or degrading treatment or punishment, which is why it was recommended not to handcuff people to fixed objects, as well as to remove the metal shackles attached to the chairs to avoid the possibility of such a thing. At the same time, the NPM team recommended to install video monitoring in the room of the shift managers, taking into account that it is used for conversations with summoned, detained, persons deprived of liberty and detained.**

The police station has specially equipped rooms for conducting interviews and recognition, i.e. two rooms for questioning and talking with persons deprived of liberty, which are located in a separate building in the vicinity of the police station, right next to the detention rooms, and one of these rooms is intended for and as an identification office. Video surveillance has been installed in the premises, which was functional on the day of the visit. However, these premises are reportedly not in use, as the computer connection to the central system has not yet been completed. In this sense, it was emphasized that the conversations with the detainees, i.e. the persons deprived of their liberty, are carried out in the offices of the inspectors, as well as in the rooms for "divorce" and meetings, and during the inspection, no funds or other suspicious objects that could be used intimidation of detainees, that is, persons deprived of liberty and detained persons. Due to the condition in which these rooms were found, it is evident that they were not used for what they were intended for, so various discarded materials, papers, boxes with equipment (neon lights, air conditioner, cans) were found in them, which is why was recommended the interrogation rooms to be put into use as soon as possible, with adapted technical conditions and a fully functional computer system.

The police station has two detention rooms, one of which is for individual detention, while the second has the capacity to hold two people at the same time. Although in the previous report it was established that these rooms have a functional calling system, during this visit their non-functionality was noted, in one room there was no such device at all (only cables were visible), while in the other room it was not functioning. During the visit, we were informed that this situation is due to non-implementation, i.e. non-implementation of the tender for the procurement of this type of equipment. However, it was emphasized that when there are detained persons in the premises, the situation is constantly monitored through video surveillance, so in case of need, a timely response is made.

Within the facility for the detention of persons deprived of their liberty, there are separate sanitary units for the detained persons in which the hygiene was at a relatively satisfactory level. The previously given recommendation by the NPM team regarding the mirror has been implemented, so the potential danger in case of intentional or unintentional breaking of the mirror and possible injury to yourself or another person is now removed.

The NPM team also inspected the old detention rooms located in the basement of the police station, as well as the room that was previously used to hold people on the ground floor of the station. From the performed inspection, no signs were observed that would indicate that persons

were detained in them. The premises were neglected, locked with padlocks, and archival documentation was scattered in them.

At the entrance of the Police Station there is a box for compliments and complaints, and there is also a box for complaints to the Department of Internal Affairs. At the very entrance, in the corridor, there was a poster with an instruction on the rights of persons deprived of liberty, detained and detained persons, as well as victims (in three languages), the Code of Police Ethics, and also at the administrative services there were posters with information about the rights of asylum seekers. However, in the room of the shift leader, there was no poster with an instruction on the rights of persons deprived of their liberty, detained and detained persons, and such posters with instructions were not displayed in the offices of the inspectors, where the conversations with these persons are usually carried out.

Officials at the police station who were interviewed emphasized that people are always taught about the reasons for which they are summoned, detained or deprived of their freedom and are taught about their rights (to call a lawyer, to seek medical help, to notify a third party). The shift manager also had a list of lawyers with phone numbers in order to enable the right to a lawyer to persons deprived of their liberty. Regarding the right to medical assistance, in cases where there is a need for it, either at the request of the person deprived of liberty or at the assessment of the police officer, doctors from the Emergency Medical Service are called. When it comes to the right of persons to notify a third party of their detention, it was emphasized that this right is fully respected and, depending on the situation, it is left to the detained persons to do it themselves or for officials to do it after receiving contact from the detained person.

The police station does not have a separate budget for food for persons deprived of liberty, from the conversation with the officials it was said that in case of need, they cover the needs of the detained person from the personal budget.

Regarding the communication with the detained persons, it was stressed that so far the officials have not faced any serious problem due to the fact that the employed officials are of different nationalities who speak several languages. In that context, it was stressed that in cases where the official acting on a specific subject or specific problem does not speak or understand the language of the person with whom he has to conduct a conversation, one of his colleagues who speaks that language is called as an interpreter.

During the conversations, the NPM team came to know that in case a translation from/ into Arabic language was needed, the nearby oja was called to act as a translator. This must not become a practice because it is about improvisation and not a professional and standard relationship prescribed by clear procedures and rules.

**In this context, it was clearly emphasized the need for the Ministry of the Internal Affairs to provide and prescribe clear guidelines that will standardize the practice of police officers in cases where they have to communicate with or teach summoned, detained, persons deprived of liberty and detained persons about their rights when they do not speak one of the official languages.**

A total of 313 cases were recorded in the Register for persons deprived of liberty and detained persons, which is maintained for the year 2022, until the day of the visit. 185 people were detained, and 128 people were deprived of their liberty without being detained. Out of the total number of cases registered in this Register, 54 persons called a lawyer, of which in ten cases a lawyer was called by persons deprived of their liberty who were not detained afterwards.



Expressed as a percentage, it follows that 23.7% of the persons who were detained called a lawyer, and 7.8% of the persons who were only deprived of their liberty. Medical assistance was provided in 31 cases. In this register, several of the columns for certain detainees regarding the data related to whether the person requested a lawyer or needed medical assistance were left blank. However, information regarding these matters can be obtained through inspection of individual files.

From the inspection of the Register of detained persons, it was established that until the day of the visit, a total of 228 persons were detained, of which 31 were detained. Only one person asked for a lawyer, and that was from those who were detained. Medical assistance was given to twelve people, of which in ten cases those detained persons were then held.

Regarding the management of the individual files, it was found that in several cases some of the information contained in the individual files were not recorded in the appropriate registers, and as a particular omission, the fact that in several records for the detention of persons, no data was entered in relation to the time, the officials who spoke with the detained persons, as well as the rooms in which the conversations took place.

Namely, the NPM team, from the inspection of several individual files where the persons were detained for almost 24 hours (some of them were later brought before a judge in a preliminary procedure and some of them were released), noted that the data where, who and when were not recorded he spoke with these persons during the detention, although he received information that during the detention, conversations with them were held by the inspectors in their offices.

**The NPM team insists on the correct filing/recording of this data, bearing in mind that the awareness among officials of the fact that each action will be duly noted and documented, directly affects their obligation to consistently respect the prohibition of torture or any other form of cruel, inhuman or degrading treatment or punishment. Adequate documentation of the treatment of persons deprived of liberty, held and detained in police stations also contributes to the correct determination of individual responsibility in the event of cases of torture or other inappropriate treatment of these persons..**

From the inspection of the individual files and the data contained in the documents relating to the treatment of detainees and persons deprived of their liberty, the NPM team can ascertain that care is being taken to respect the rules that require searches of persons to be carried out by officials from the same gender.

The NPM team received information that when confiscating people's mobile phones before their detention, a separate confirmation is not always given for temporarily confiscated items, as well as the fact that there is no specially designated place or way to store mobile phones, which is why they are often kept by the shift manager. **Taking into account the possibility of unauthorized access to the data contained in the mobile phones of detained persons and subsequent inappropriate treatment of the detained person, the NPM team recommends that the confiscation of mobile phones be carried out in such a way that the mobile phone, in the presence of the detained person from whom it is confiscated, will be placed in a separate envelope (envelope or similar) that will be properly sealed, i.e. sealed, so that the phone cannot be accessed without visible damage to the envelope. The opening of the wrapper should be done exclusively in**

**the presence and with the permission of the detained person or by order of another authorized person or authority..**

From the inspection of the records kept for persons deprived of liberty and detained, the NPM team concluded that in the Police Station it often happens that more than five people are detained at the same time, i.e. it was determined that ten people were detained at the same time in the Police Station several times and 15 people for more than 20 hours. Bearing in mind that the capacities of the Police Station for detaining persons are for three persons at a time, it was emphasized that in such cases the detained persons are accommodated in official offices which are larger, such as the "divorce" room, the meeting hall, etc., where which are under the constant supervision by police officer.

## **5.4. P.S. OF GENERAL JURISDICTION BITOLA**

The visit to the P.S. of G.J. Bitola was carried out on 14-15.12.2022, and followed immediately after the visit to the Bitola Prison, where people who were detained, i.e. deprived of their liberty and detained in the P.S. of G.J. Bitola and the P.S. of G.J. Prilep before they were be conducted in the Prison. The visit was unannounced and started in the evening in order to determine the actual situation and the facilities available at the police station for detaining people at night, and according to a previously adopted plan, the NPM team returned unannounced again in the morning and continued the visit.

In terms of local jurisdiction, it was established that there have been no changes since the last visit in 2017 year, i.e. that the jurisdiction of the P.S. of G.J. Bitola extends to the territory of the Municipality of Bitola, and the Police Station includes the police departments (P.D.) in Novaci and in Velushina, with a total population of the territory of about 85.000 inhabitants.

In comparison with the data on the number of employees in P.S. of G.J. Bitola from 2017, it was noted that there is a significant decrease in the number of police officers. Even after the visit to the Police Station in 2017, the NPM team made a recommendation to increase the number of UPO, but it is obvious that no actions have been taken for appliance of this recommendation.

In that context, **the NPM team evaluates the behavior of the Ministry of the Internal Affairs as frivolous, which is why it recommends that immediate measures be taken that will lead to an increase in the number of UPO in the P.S. Bitola, taking into account the current systematization, which in turn is necessary to realistically manifests needs in accordance with the nature, scope and type of work.**

On the part of the management staff, it was emphasized that there is a specially appointed person in charge of continuous professional development, there is a plan and program for trainings, and a teaching diary is kept. Due to the Covid-19 pandemic, the implementation of trainings was stopped, but given the current situation, the assurance was expressed that the activities in this sense will continue.

The NPM team positively evaluates such activities and encourages the continuation of such practice according to the determined dynamics. **Taking into account the practice within the Ministry of the Internal Affairs of frequent shifts and rotations of police offic-**



ers in work positions, the NPM team simultaneously recommends that any transfer or assignment of police officers to work positions and performance of work tasks for which they have no previous experience should be carried out after previously passed training through which the police officer will be familiar with the specifics in the implementation of the police authorizations.

This is of exceptional importance, especially in cases where a person is appointed as a shift manager or reception officer who has no previous such experience, or when a police officer who performed administrative tasks related to keeping the documentation in the police station is sent to the field where the scope of the work tasks includes and immediate implementation of police force such as arrest, deprivation of liberty, mandatory punishment, etc.

In this sense **it is necessary to take into account the need to organize trainings in the area of dealing with detained persons (for shift managers, especially in relation to the Standard Operating Procedures for Detained Persons), but also practical training on the way to exercise the police authorities related to the use of force and means of coercion (methods and techniques of use of force, means of binding, rubber baton, etc.). The need to include in the training plan the Principles of Effective Interviewing for Investigations and Information Gathering, or the so-called "Mendez principles"<sup>42</sup>, which should be respected when conducting interviews with summoned, detained or persons deprived of liberty and detained, and an essential part of the trainings must also be the information related to the absolute character of the prohibition of torture<sup>43</sup>.**

According to the Decision on the determination of police stations for detaining persons, this Police Station is designated as a police station where detention can be carried out. The police station has three collective detention rooms located in the basement, each of which can hold up to two people at the same time.

During the inspection of the premises, the National Preventive Mechanism found that they were neat and clean, with whitewashed walls, in each of them there were two beds, equipped with a mattress, bed linen, blanket and pillow, as well as a table with a chair, which are attached to the floor.

In terms of daylighting, there is not enough daylight in the rooms, and artificial lighting has been installed, and on the day of the visit, the light was not functional in one of the rooms.

The premises also have a functional call system through which detained persons will be

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<sup>42</sup> Adopted in May 2021 by a group of experts with the support of the Anti-Torture Initiative, the Association for the Prevention of Torture and the Norwegian Center for Human Rights, Available at [www.interviewingprinciples.com](http://www.interviewingprinciples.com) (Accessed on: 26/05/2023)

The Méndez Principles provide comprehensive guidance for authorities to develop and implement comprehensive and institutional-level measures that help prevent torture, ill-treatment and forced confessions, while upholding the rights of persons deprived of liberty and interviewees. Based on science, law, and ethics, Mendez's principles offer a concrete alternative to interrogation methods that rely on coercion to extract confessions.

<sup>43</sup> The NPM team also, in accordance with Article 10 of the UN Convention against Torture, points out that authorities have an obligation to ensure that education and information regarding the prohibition of torture is fully included in the training of law enforcement personnel, i.e. public officers and other persons who may be involved in the detention, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.



able to alert the shift manager in cases when they have any need or request. There is a deficiency of video surveillance, which was pointed out by the shift leaders themselves, that proper video surveillance would improve the supervision of detained persons.

Right next to the detention rooms, that is, in the corridor in front of them, there is also a sanitary unit, which has no door and does not allow sufficient privacy when used by detained persons. Also, no means of maintaining hygiene were observed.

The enforcement of detainees and persons deprived of liberty due to detention is carried out from the main entrance from where all other persons enter, such as officials, as well as citizens who report events or go to the administrative services if necessary. In this way, the persons who are being investigated or detained are unnecessarily exposed to the views of third parties, and at the same time there is a risk that dealing with these persons will be complicated in cases where it is about aggressive persons on whom it is necessary to apply certain means for coercion, where the possibility of endangering the security of third parties is not excluded.

The police station does not have special rooms for questioning, and the interviews and examinations of the summoned, detained, that is, persons deprived of liberty and detained persons, in addition to the shift leader's office, are also carried out in the offices of the crime police inspectors.

During the inspection of the official offices and other premises, the team of the National Preventive Mechanism did not notice any means that have no practical use except for the purposes of the death penalty, torture and other cruel, inhuman or degrading treatment or punishment<sup>44</sup>. However, objects were observed that could be used for such a purpose, i.e. with which intimidation could be carried out on detainees, persons deprived of their liberty and detained persons, and which were clarified by the inspectors as confiscated objects (such as: axes, diggers, etc.).

In that regard, as in all Police Stations that do not have separate rooms for conversation and questioning, **the NPM team recommended to adapt a room that will be equipped with fixed chairs and a table, with lessons on the rights of persons deprived of their liberty, detained and retained, displayed in a visible place, as well as with video surveillance.** This will contribute to reducing the risk of possible inappropriate treatment of persons who are deprived of their liberty and detained, i.e. detained in the police station, but at the same time it will also contribute to protection against unfounded accusations against police officers for their alleged inappropriate treatment.

**The police station does not have a separate room for possible detention of minors, and on the ground floor of this building there is a specially equipped room for conversations with children. Next to the room for conversation and reception of minors, surrounded by special glass, there is also a room intended for facial recognition.**

Regarding the rights of detained persons and the possibility of using them, the officials pointed out that the persons who are detained at the Police Station are always instructed about

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<sup>44</sup> In this sense, the NPM team is guided by the European anti-torture regulation, i.e. it had in mind the means specified in Annex 2 of REGULATION (EU) 2019/125 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of January 16, 2019, regarding the trade in certain goods that can be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment

their rights by the shift leader, in the office located on the first floor (that they have the right to remain silent, to call a lawyer, to seek medical help, to notify a third party...). This is done orally, but it is also recorded in the minutes for detained persons, where the detained person also signs, and the form for instruction on rights is filled out accordingly.

The police officers have at their disposal an old Lawyer's Directory from 2005, and the inspectors have a list of specialized lawyers for children.

When it comes to children, it was emphasized that in cases where they are called for a conversation, most of the time their parents call a lawyer themselves, but if they cannot, lawyers are called by the officials.

However, in a conversation with one of the persons in Bitola Prison, who was previously detained at the Police Station, it was said that the inspector who interrogated him told him that he would have to pay for his own lawyer and that it was "smarter" for him to wait, because the judge will assign him a lawyer ex officio during the preliminary procedure. When inspecting this person's file, that is, in the record of detention, it was noted that the person does not request to exercise the right to a lawyer, and his signature was accordingly.

Regarding the right to medical assistance, whether it is at the request of the person deprived of liberty or according to the assessment of the police officer when the person has not indicated the need, doctors from the Emergency Medical Assistance (EMA) are called, and when there is a need, the persons are taken and in the city hospital. In most cases, medical examinations are carried out in the presence of a police officer, allegedly at the request of the doctors. From the inspection of several files of detained persons where injuries were ascertained and the Emergency Medical Assistance was called, it was found that the medical documentation does not contain a detailed description of the injuries, nor a statement from the injured person about how they occurred, hence the lack of a doctor's statement regarding the adequacy of the statement about the noted violations.

Regarding the right of persons to notify a third party of their detention, persons are allowed to notify a third party of their deprivation of liberty from their mobile phones.

The NPM team received information that the Police Station does not have a separate budget for food for detained persons. Most often, food is bought from the funds of the detained persons or brought to them by their relatives. The police officers pointed out that when some people have no money and no one to bring them, they buy them from their own funds. One of the persons who was detained at the Police Station stated that he was detained for almost 22 hours and that he neither had money to buy him food, nor was there anyone to bring him, which is why he was offered and given only one coffee from a coffee machine.

From the inspection of the records kept for the detained persons, the NPM team concluded that the documentation is generally kept properly, that is, the registers were filled out clearly and legibly, and mutual numerical connection was also evident. Namely, the data in the registers are kept chronologically, and through their analysis, a clear picture of each of the registered events can be obtained.

Until the day of the visit, a total of 404 cases were registered in the register for persons deprived of liberty and detained persons for 2022, while a total of 93 arrests of persons were recorded in the Register for detained persons. From the inspection of the Register on the use of means of coercion, it was established that means of coercion were used in 36 cases and that all of them were assessed as justified.

From the inspection of the content of the data contained in the forms that are part of the individual cases, it was established that information can be found about the time when the person was detained or deprived of liberty, who were the police officers who carried out the arrest, when the person was taken to the police station and to whom it was handed over (shift manager), when he was instructed about his rights, whether he used or refused to use any of the rights (when a defense attorney was called, when a third party was notified, if and when the EMA was called), for how long surveillance was carried out on the person while he was in the detention facilities, whether he was given a meal, how many times he was interviewed and which officials conducted the interview, whether he was released or taken for further treatment (in the Public Prosecution, before a judge of a preliminary procedure, in custody) etc.

However, the NPM team noted that in none of the files where injuries were recorded among the persons brought before the shift manager, there were no photographs of the injuries even though the Standard Operating Procedures provided for such a possibility. Injuries are only superficially described without stating the person's statement about how they occurred (the same is the case with the medical notes). Further treatment depends on the type and nature of the injuries that may have occurred, so it is necessary to ask a medical person to perform a qualification of the injuries, except in cases where it is obvious that it is not a serious physical injury<sup>45</sup>.

The NPM team, during an inspection of one of the files on detained persons, noted "Official information about information obtained through direct conversation with a citizen" (it is about a person who was deprived of liberty), in which the person explicitly states that "*without anything they started to beat me with kicks. Then they handcuffed me and took me to the police station. While they were taking me to the office, they were hitting me*". The NPM team has not come across any information that any action has been taken to investigate such allegations.

Referring to this, the NPM team clearly referred to the provision of Art. 81-a of the Police Law, where it is stipulated that:

*"Upon receipt of a criminal complaint or knowledge obtained that a police officer committed a crime while performing an official act or committed a crime outside the service by using a serious threat, force or means of coercion resulting in death, serious bodily injury, bodily injury, unlawful deprivation of liberty, torture and other cruel, inhuman or degrading treatment and punishment, if the law provides for criminal prosecution ex officio for which the Ministry is obliged to notify without delay the Department for investigation and prosecution of crimes committed by persons with police authorities and members of the prison police in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, the organizational unit in the Ministry responsible for internal control and professional standards takes actions to initiate disciplinary proceedings for that employee, after the approval of the Public Prosecutor from the Department of Research and prosecution of crimes committed by persons with police powers and members of the prison police in the Basic Public Prosecutor's Office for the prosecution of organized crime and corruption, for which he prepares a report with an opinion that he submits to the minister."*

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<sup>45</sup> Namely, Art. 81 of the Law on Police stipulates that "The validity, justification and correctness of the use of coercive means in each specific case is evaluated by the immediate managing police officer." The immediate police officer in charge shall notify the competent public prosecutor of any use of firearms, as well as the use of force or means of coercion resulting in death or serious bodily injury."



**In addition to this, taking into account the competence of the Ombudsman as a Mechanism for Civil Control (MCC), the NPM team recommended that in all cases where a summoned, detained, deprived of liberty or detained person will make allegations of mistreatment and inappropriate treatment by police officers, to notify the Ombudsman who, within the scope of his competences, will evaluate how he will act further in order to investigate such allegations and protect the rights of the person.**

## 5.5. P.S. OF GENERAL JURISDICTION PRILEP

The visit to the P.S. of G.J. Prilep was carried out on 15.12.2022, and is the third preventive visit by the NPM team, after the first which was carried out in 2011 and the second consecutive one in 2015 year.

The competence of the P.S. of G.J. Prilep extends to the territory of the Municipality of Prilep, and the Police Station includes the police departments of Ropotovo and Krivogashtani, as well as two police offices in Topolchani and Vitolishta. According to the last census carried out in 2021, the total resident population only in the area of the Municipality of Prilep is 69.025<sup>46</sup>. It was stressed by the management staff that they manage to handle the work with the current number of UPO despite the fact that the total number of UPO almost never happened to be available in full, due to official absences, transfer of police officers of performing work tasks in other organizational units within the Ministry of the Internal Affairs or due to illnesses and use of annual vacations.

In terms of professional development, i.e. the organization and referral of police officers to trainings, information was received that until recently it was at a complete standstill due to the pandemic caused by the Covid-19 virus, but that a training plan for 2023 is being prepared.

**In that regard, the NPM team emphasized the need in the training plan to provide for practical training on how to exercise police powers related to the use of force and means of coercion (methods and techniques of use of force, means of tying, rubber baton, etc.), as well as trainings regarding the Principles of Effective Interviewing for Investigations and Information Gathering or the so-called "Mendez principles"<sup>47</sup>, which should be respected when conducting interviews with summoned, detained or persons deprived of liberty and detained. An essential part of the trainings must also be the information that refers to the absolute nature of the prohibition of torture.**

The police station has three individual detention rooms, each with an area of 6 m<sup>2</sup>, equipped with attached metal beds, with mattresses and bedding (blankets and pillows). On the day of the visit, it was found that hygiene is not at a satisfactory level. The bedclothes and blankets

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<sup>46</sup> The data are taken from the State Statistics Office, available at: <https://www.stat.gov.mk/pdf/2022/2.1.22.10-mk.pdf> (Accessed on: 23.03.2023)

<sup>47</sup> Adopted in May 2021 by a group of experts with the support of the Anti-Torture Initiative, the Association for the Prevention of Torture and the Norwegian Center for Human Rights, Available at [www.interviewingprinciples.com](http://www.interviewingprinciples.com) (Accessed on: 26/05/2023)

were not clean, and some of them had vomit and feces from which an unbearable smell spread. This, at the same time, points to possible situations where detained persons were not provided with timely access to toilets. In that context, **the NPM team, in addition to the need for regular maintenance of hygiene in the detention rooms and furnishing the beds with clean linen, especially stressed the need to provide timely access to the toilet to any detained person who requests it.**

There is a flow of daylight in the rooms, and there is functional artificial lighting that is used as needed in the evening hours. A central heating system has been installed in the building. Video cameras and a functional call system have been installed in the premises, through which detained persons can raise the alarm in cases where they have any need or request. During their stay here, persons are under the immediate supervision of a police officer.

The police station has a separate side/rear entrance that leads directly to the interview room and holding area. At this entrance there is also an accessible ramp for people with physical disabilities. However, information was received that this entrance is not always used during the enforcement of persons who are deprived of their liberty and detained in the Police Station, i.e. that this is also done through the main entrance, from where all other persons, such as officials, enter as well as citizens who report events or go to the administrative services for a specific need.

**In that regard, with aim to avoid situations in which persons who are being investigated or detained are unnecessarily exposed to the views of third parties, as well as situations in which dealing with these persons can be unnecessarily complicated (such as when working for aggressive persons on whom it is necessary to apply certain means of coercion, where the possibility of jeopardizing the safety of third parties is not excluded), the NPM team recommended to use the special side/rear entrance when leading persons to the Police Station.**

The police station has a separate room for interrogation and conversation, but in addition to this room, information was received that the conversations and examinations of those summoned, detained, i.e. persons deprived of liberty and detained persons are also carried out in the offices of the inspectors from the criminal police.

The premises of the inspectors were pointed out as the place where a person detained in the police station was allegedly intimidated and mistreated (the person stated that he was hit on the head and body, but that the blows did not cause visible injuries). During the visit, the NPM team inspected the person's file, where the record of detention appropriately states which officials and during which period of time spoke with the detained person, which data correspond to the allegations of the person who was detained. This person did not consent to the forwarding of the information to the competent authorities and bodies for the purpose of conducting an official investigation, due to fear of possible negative consequences.

**In that regard, in order to prevent the same or similar events, the NPM team recommended that all conversations with summoned, detained, persons deprived of liberty and detained persons be conducted in the conversation room that is specially intended for that. This room is also equipped with video surveillance, which further reduces the risk of possible improper treatment of detained persons, and at the same time contributes to protection against unfounded accusations against police officers for their alleged improper treatment.**



In the room there is a table and a chair, as well as a locker for personal belongings. In it, the rights of the persons deprived of their freedom and detained were highlighted in a prominent place. In this room, it was stated that an examination (search) of the detained persons was also carried out in order to temporarily confiscate objects that could be used for (self) harm. Since it is under constant video surveillance, the NPM team indicated that it should be avoided for searches that require undressing.

During the inspection and in other official offices where interviews with detained persons are carried out, the NPM team did not observe any means that have no practical use except for the purposes of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment<sup>48</sup>. However, in one of the premises, an object was observed, left in a visible place, which could be used for such a purpose, that is, with which it could be used to intimidate detainees, persons deprived of their liberty and detained persons, and for which of on the part of the inspectors, it was clarified that it was a confiscated object.

**In that regard, additionally to the recommendation that all conversations with the persons who are summoned or conducted (arrested/deprived of liberty) and detained at the Police Station should be conducted in the room specially intended for conversations, the NPM team recommended that the confiscated items be kept in a warehouse for confiscated items and the confirmation of confiscated objects should be attached to the objects themselves, which would indicate that it is such an object. This is especially true when it comes to items that could be used for intimidation or harassment (axes, clubs, guns, etc. items that should not be kept in a place where conversations are held with people, regardless of what it is about items seized as means of committing a criminal offense).**

**The Police Station Prilep does not have a separate room for conversations and reception of minors, which is why it was pointed out that in the majority of cases, conversations with children are carried out in the office of the inspectors who work with children, which is not at all adapted to the purpose for which it is used.**

Regarding the exercise of rights and the treatment of detainees, persons deprived of liberty and detained, the NPM team talked to several persons who were detained in the Police Station, before being transferred to the Prison in Bitola, and also with a detained person who was found during the visit. More data and information regarding the treatment and realization of the rights of these persons were obtained through the conversations with the officials, as well as by inspecting the documentation in question.

Until the day of the visit, a total of 448 cases were registered in the register for persons deprived of liberty and detained persons for 2022, while a total of 287 arrests of persons were recorded in the Register for detained persons. These registers are kept up-to-date and all columns were duly filled in, and no detention in the Police Station was recorded for more than legally allowed.

From an inspection of the **Register on the use of means of coercion**, it was estab-

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<sup>48</sup> In this context, the NPM team is guided by the European anti-torture regulation, i.e. it had in mind the means specified in Annex 2 of REGULATION (EU) 2019/125 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of January 16, 2019, regarding the trade in certain goods that can be used for punishment, torture or other cruel, inhuman or degrading treatment or punishment

lished that means of coercion were used in eleven cases and that all of them were considered as justified. However, in one case the use of firearms was deemed unjustified, and appropriate proceedings were initiated against the official who used firearms and the weapon with which he was in charge was confiscated, while the person himself was transferred to another workplace (Department of Administrative Affairs). In the remaining ten registered cases, it is about the use of physical force (lever on the left/right hand) and the use of restraints.

The NPM team positively evaluates the fact that a doctor is called and that people are taken to the hospital when it is ascertained that they have visible injuries, especially in cases where coercive means are used. This is also necessary due to the fact that depending on the type and character of the injuries, the further treatment also depends<sup>49</sup>. However, **the NPM team recommends that medical examinations on detained persons to be performed without the presence of police officers, except when the doctor requests it, for which there should be a justified reason and the same should be noted on the record.**

## **5.6. NIGHT VISITS TO P.S. OF GENERAL JURISDICTION GAZI BABA, KISELA VODA, CENTER AND KARPOS**

The visits to P.S. G.J. Gazi Baba, Kisela Voda, Centar and Karposh were carried out on 30.12.2022 in the night hours, i.e. after midnight. The focus of these night visits was to examine the treatment of detainees and persons deprived of their liberty who were conducted and held in police stations, in order to prevent torture or other types of inappropriate treatment. Moreover, the carrying out of the night visits shows the preventive character of the National Preventive Mechanism' mandate, which directly raises the awareness among police officers that their behavior towards persons deprived of liberty can be subject to monitoring at any time, including during the night hours.

During the visits, an inspection was carried out in the detention rooms in the above-mentioned police stations, a conversation was conducted with the detained persons in the police stations where detained persons were found, and an inspection was also carried out in the documentation kept for these persons.

During the visits to the mentioned police stations, the NPM team did not come across any objects that could be used for torture or any other kind of cruel, inhuman or degrading treatment or punishment, nor did it receive any complaints about this kind of treatment.

From the inspection of the documentation, it was established that it is kept chronologically and in an orderly manner, from which it is possible to determine the sequential treatment of detained persons, as well as the indicated opportunity for these persons to use their rights as detained persons, namely: the right to a lawyer, the right to call a doctor or notify a third party of their detention.

The persons who were deprived of their liberty and detained were not aware that in accordance with the Law on Criminal Procedure, if they requested to call a lawyer from the list of

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<sup>49</sup> Ibid 45



duty lawyers, the costs would have to be borne by the state budget. However, if it is taken into account that due to systemic problems regarding the payment of funds to the duty lawyers in many cases they are not available, the question remains about the possibility of real use of this right by detained persons who are deprived of their liberty.

The NPM team during these visits come across good cooperation and cooperativeness from the officials employed in the police stations, during which it had unhindered access to all premises and installations and inspection of the requested documentation.

## 5.7. OTHER IDENTIFIED CONDITIONS

### 5.7.1. Working conditions

All through the visits, the NPM team also led conversations with the police officers on an individual and confidential basis about the working conditions and the atmosphere in which they operate, besides the examining of the attitude and the treatment of persons deprived of liberty.

In last year's report, their remarks were noted regarding the inappropriate conditions in which they work, as well as the pressures and influences they are exposed to in the performance of their work duties.

In that regard, the need for the Ministry of the Internal Affairs to increase communication and improve cooperation with police officers was underlined with aim to raise the level of mutual trust, and thus to encourage police officers to report the pressures, impacts and threats to which they are exposed. At the same time, was underlined the need to be undertaken other activities that would lead to greater motivation for work and professionalization of police officers.

**Unfortunately, a high degree of resignation was evident among a large number of police officers during the past year, due to the working conditions and the atmosphere in which they function on a daily basis.** A certain satisfaction was expressed in the part of uniforms and personal equipment that were assigned to them, but at the same time it was emphasized that **within the framework of the daily performance of work duties, they face various deficiencies in terms of basic conditions and material and technical means.**

**The NPM team found in some of the police stations that the police officers work in substandard conditions. It was pointed out that the increase in wages did little to improve their standard, considering the rising cost of living. In that context, in several police stations it was mentioned the restriction and the impossibility of overtime work, as well as complaints about referring overtime work only to certain police officers.**

Similar to the previous reporting year, **during 2022, in some of the police stations, allegations of direct pressures by the management staff showed through the distribution of various types of work responsibilities inappropriate to the work position or previous experience, and through threats to redistribution to lower jobs, which**



**allegedly stem from personal or political-party reasons. Also, information was received that the decisions on demotion/advancement in the career of police officers or appointment to management positions are motivated by some other, not always professional reasons.**

Taking into account that a large part of the allegations of a disturbed working atmosphere due to employments, promotions, distribution of work tasks and the like are connected with political-party reasons, as a certain mechanism that can contribute to overcoming this situation are the latest amendments to the Law on Internal Affairs<sup>50</sup> which provide for a ban on membership in political parties and participation in party activities. With these amendments to the Law on Internal Affairs, activities are foreseen to strengthen the integrity of employees in the Ministry of Internal Affairs, as well as to reduce the possibilities of abuse of their powers, so the consistent application of such provisions can greatly contribute to professionalization of the service.

**The police officers also stated that their mental health is not taken care of at all, despite the fact that they are daily exposed to various stressful and life-threatening situations. It was pointed out that even after participating in police operations that resulted in a large number of seriously injured police officers, no one ever offered them any opportunity for psychological support or counselling. In this sense, it was emphasized that managing, that is, dealing with the stress resulting from the performance of their work duties, is left to them.**

Considering the fact that the treatment of summoned, detained, persons deprived of liberty and detained in police stations is directly related to the working conditions and working environment in which police officers exercise their authorities, the NPM team highlights the need for unceasing investment in improving the conditions in which the police officers work, consistent compliance with the legal regulations that refer to strengthening integrity and raising professionalism, including by limiting the possibilities of abuse of police powers, and recommending taking immediate measures that will provide them with psychological help and support of police officers.

### **5.7.2. Access to a lawyer in police stations**

The National Preventive Mechanism pays particular attention to the possibility of detainees, persons deprived of their liberty and detained in police stations to use the right of access to a lawyer as one of the guarantees that lead to the reduction of the risk of possible inappropriate treatment.

During 2020 and 2021 year, thematic visits were conducted referring to the access to a lawyer in the police stations of general jurisdiction that are part of the internal affairs departments of Skopje, Strumica and Ohrid, and the findings are contained in the annual reports of the National Preventive Mechanism for 2020 and 2021 year, compared to other more developed countries, refer to a relatively small number of persons who decide to contact a lawyer while

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<sup>50</sup> Official Gazette of RNM No. 89 of April 11, 2022.



detained in a police station.

The detected situations point to the fact that the reasons for this are very different and interrelated, which is why the need for a holistic approach that includes undertaking activities of a very different nature (administrative, legislative, etc.) was emphasized.

In view of this, the Ombudsman, as a National Preventive Mechanism, in order to raise awareness among lawyers about their role as guarantors of respect for the rights of persons deprived of liberty and detained in police stations and reducing the risk of possible inappropriate treatment towards them, initiated a working meeting which was attended by several lawyers, and a memorandum of cooperation with the Attorney Association was also signed.

During the meeting, it was pointed out that one of the reasons why the system of calling duty lawyers, whose costs should be covered by the state budget, does not work in practice, is non-payment of costs by the institutions (the state). The non-payment of expenses was stated to be the result of a system failure, because no one wanted to take responsibility for making a decision on the payment of such expenses. Regarding that, it was emphasized that such a situation can be solved by prescribing a clear legal provision in which the obligation of the competent authority to adopt a decision to cover the legal expenses, as well as a separate item in the general budget of the authority for that purpose, will be emphasized.

In November 2022 on ENER / ONER (the only national electronic system of regulations) the text of the draft Law on Criminal Procedure was published, where the issue of competence, i.e. the obligation to make a decision on reimbursement of expenses hired from the list of duty lawyers, is intended to be with the authority that leads the proceedings.

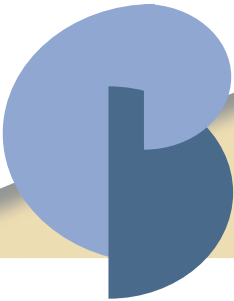
However, **taking into account that the draft-Law on criminal procedure is not certain when and if it will be adopted, the fact remains that persons deprived of their liberty and detained in police stations face a lack of real opportunity to exercise their right to call a lawyer from the list of duty lawyers whose costs should be covered by the state budget.**

## **GENERAL RECOMMENDATIONS FOR THE VISITED POLICE STATIONS IN 2022 YEAR**

- **Adaptation of special rooms for interrogation and conversation with detainees and persons deprived of their liberty, which will be equipped with video surveillance, which will contribute to reducing the risk of possible inappropriate treatment (torture, threats, intimidation) during the examinations, i.e. the conversations with summoned, detained, persons deprived of liberty or imprisoned, as well as unfounded accusations of alleged such behavior of the officials;**
- **During the construction of the new detention rooms, should be taken into account the facility of appropriate access for the persons with special needs, as well as the provision of a rear entrance for escorting persons deprived of their liberty;**
- **To take measures to adapt and equip rooms for talking and holding children, in accordance with the Law on Justice for Children;**
- **To take urgent measures in order to remove the technical malfunctions in the system for calling and video-surveillance;**
- **The fleet of Police Stations should be increased with an additional number of vehicles according to the needs, and for the smooth and timely execution of the police work;**
- **Increasing the number of uniformed police officers in police stations according to the appropriate systematization of jobs, as well as regular training, especially for newly employed or for police officers assigned to new job positions.**







## MONITORING THE SITUATION WITH THE IRREGULAR MIGRATION

The continuous extension of the term of validity of the Decision establishing the existence of a state of crisis in part of the territory of the Republic of North Macedonia, in the areas of the southern and northern border of R.N. Macedonia, due to the high risk of an increased volume of entry and transit of migrants through the territory of the Republic of Macedonia<sup>51</sup> is one of the policies of the state authorities in the attempts to control the irregular migration flows, as is stated by the NPN team.

On the basis of bilateral agreements with several countries, foreign police officers are present on the territory of the Republic of Macedonia who assist the Macedonian police forces in dealing with irregular migration, and an additional opportunity to engage foreign police officers was opened with the signing of the agreement with FRONTEX.

Unlike foreign police officers who are appointed on the basis of bilateral agreements with the countries they come from and who do not have any guaranteed immunity for the procedures undertaken by them (Notice sent by the Ministry of Internal Affairs at the request of the NPM filed under reg. no. 22.5 -372/1 dated 03.01.2022), the equipment and the engaged officers within the framework of FRONTEX activities enjoy special privileges and immunities which are determined in the signed Agreement with FRONTEX (Art. 12). The question that arises is whether guaranteeing such privileges and immunities can affect the obligation to conduct an effective investigation in cases of allegations of torture or other cruel, inhuman or degrading treatment or punishment, an obligation that R.N. Macedonia has, according to the Convention against Torture, deserves special attention<sup>52</sup>.

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<sup>51</sup> „Official Gazette of the Republic of North Macedonia” number 72/21, 88/21, 274/21 and 146/22

<sup>52</sup> A formal request as a prerequisite for opening an investigation and starting a judicial investigative procedure is a violation of Article 12 of the Convention against Torture, see more about this: OXFORD University Press: “The United Nations Convention Against Torture and its Optional Protocol: A Commentary”, Second Edition, Edited by M. Nowak, M. Birk, G. Monina, 2019, p.342



The strengthening of controls in order to increase safety and security as one of the attempts to manage irregular migration brings with it the increased risk of possible violations of human rights that are guaranteed to everyone regardless of where they are and whether or not they have a regular residence in the territory where it is.

It is necessary to strengthen the existing and/or establish appropriate monitoring mechanisms that will regularly and systematically monitor the actions of the authorities in activities related to border management and their compatibility with the need to respect fundamental rights in order to maintain the balance between the need for security and at the same time full respect for human rights, in regard of the above.

At the European level, with the new proposed legislation for the screening of citizens from third countries at the external borders<sup>53</sup>, the need to establish an independent mechanism for monitoring the implementation of the proposed screening procedures has been recognized, with the aim of ensuring compliance with the provisions of the Charter of Fundamental Rights and other European and international obligations.

The observing mechanism is envisaged to cover the respect of fundamental rights at all times during the screening, as well as the respect of applicable national rules in case of detention.

The Agency for Fundamental Rights of the EU (FRA) has already developed guidelines that aim to help and facilitate the process of establishing national mechanisms that will monitor the respect of fundamental rights when performing border checks with reference to the model, i.e. the necessary elements and features of this mechanism.

**In this sense, in the direction of following the modern tendencies for the protection of human rights, the state authorities must also think about taking specific measures in the area of the need to establish new and strengthen the existing mechanisms that monitor the respect of the rights of persons subject to border checks.**

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<sup>53</sup> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, Brussels, 23.9.2020, COM (2020) 612 final 2020/0278 (COD)

<sup>54</sup> Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-monitor-fundamental-rights-cu-external-borders\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-monitor-fundamental-rights-cu-external-borders_en.pdf) (Accessed 23/03/2023)

## 6.1. DETENTION AND ACCOMMODATION OF MIGRANTS/ FOREIGNERS AND ASYLUM SEEKERS

OMB-NPM pays special attention and continuously monitors the treatment of migrants, i.e. foreigners and asylum seekers in the places where they are accommodated and detained. These persons are in a position of certain vulnerability, considering that they are outside their countries of origin or nationality and are not familiar with the legal context and language in the country where they are. A large part of them experienced long and traumatic experiences during their travels, and some of them in their countries of origin, which they left due to fear of persecution, serious violations of human rights or conflict.

During 2022, the NPM team conducted three visits to places where were accommodated or were detained foreigners and asylum seekers, on one occasion they visited the Temporary Transit Center "Tabanovce", the Reception Center for Foreigners in Gazi Baba and the Temporary Transit Center "Vinoyug".

Besides the visits, the NPM team regularly receives information from state authorities and directly communicates with representatives of domestic and international organizations in the area of dealing with migrants, that is, foreigners and asylum seekers.

During the year 2022, about 19.930 persons were registered who were found to have an unregulated status, i.e. staying in the territory of the Republic of North Macedonia, as it was stated by the NPM team in regard at the above.

**Based on the data obtained from various sources<sup>55</sup>, as well as during the established conditions during the visits to the places where deprivation of liberty and detention takes place, it can be stated that a large number of these persons are deprived of liberty and carried out until (before) the police stations of general responsibility where they are not recorded in the records of detainees, i.e. deprived of liberty or detained, nor are they notified of their rights.**

A large part of these persons are dealt according to a procedure that usually includes taking the migrants in front of the police stations with special vehicles and taking them to certain points on the green border line of the Republic of North Macedonia with the neighboring countries for the purpose of deportation. A small part of the people who are considered to be able to provide information about the smugglers, are detained because of the need for their testimony, that is, giving a statement in the proceedings against the smugglers.

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<sup>55</sup> It is about information obtained from direct inspection during field visits, as well as information obtained from relevant international organizations and national bodies whose identity we cannot reveal for protection against possible pressures and reprisals.



## 6.2. TEMPORARY TRANSIT CENTERS (TTC) – “TABANOVCE” AND “VINOYUG”

The trend continues in the two temporary transit centers “Tabanovce” and “Vinojug” to detain people for questioning in proceedings against third parties who are suspected of being perpetrators of crimes (mostly related to smuggling or human trafficking).

The number of people who are accommodated for purely humanitarian reasons, such as, for example, accommodation for the purpose of providing medical assistance and providing health care, is much smaller.

Compared to detentions in TTC “Vinojug”, which *de facto* functions as a closed center, detentions in TTC “Tabanovce” are rare and last shorter. The persons are not issued any individual decisions that would state the legal basis for their detention, the duration of the same, the possibility to appeal such a decision, as well as the access to legal aid. The NPM team states that this is an established practice that has been implemented for a long period of time.

For example, In the TTC “Tabanovce”, it is about keeping people in special containers for accommodation, where they are under constant security by police officers or members of the army, who are made available as an aid to the border police. Such detention in practice usually lasts for about 2-3 days, that is, until the persons are taken to testify before the public prosecutor.

The NPM team received information that there were rare situations when certain persons with regular travel documents, but with an irregular stay, instead of being granted entry and accommodation in the Transit Center “Tabanovce”, were taken to inspectors from the Regional Center for Border Affairs - Sever, after which they were issued expulsion orders. There were also incidental situations when certain persons/migrants were not granted entry and accommodation by the police officers who were on shift when the persons arrived, but later the police officers from the following shift granted them entry and stay in the Center.

In the Estimation of the National Coordinator in the National Commission for Human Trafficking and Illegal Migration (reg. no. 10-110560/1 dated 01.12.2021), submitted in response to a Special Report submitted by the NPM team, it is stated that:

*“The persons who are temporarily accommodated in the Temporary Transit Gevgelija and Tabanovce are foreigners with illegal residence who entered the country illegally (illegal migrants) and according to the Law on Foreigners, the conditions for their temporary detention in the Reception Center for Foreigners (PCF) “Gazi Baba” have been met.” which is under the jurisdiction of the Ministry of Internal Affairs. In order to implement the recommendations of relevant international and domestic bodies and institutions (including the Office of the Ombudsman) for keeping this category of persons only in exceptional situations, instead of the Reception Center for foreigners, they are placed in the Temporary Transit Centers which are facilities of an open type in which the conditions of stay and support are assessed as better, there is a constant presence of several relevant specialized organizations from different fields and the conditions for identifying vulnerable category persons and potential victims of human trafficking among the migrants themselves are better... .”*

**Given this situation, the NPM team points out that even in conditions where there is a basis for detaining a person, procedures must be followed to ensure that**



such detention will not be arbitrary. At the same time, the NPM team points out that “arbitrariness” should not be equated with “illegality”, but that it is interpreted more broadly to include the elements of impropriety, unfairness, lack of foreseeability and respect for legal procedures<sup>56</sup>.

Failure to issue individual decisions on accommodation/detention makes it difficult and practically impossible for any person to challenge such accommodation, i.e. detention in an appropriate procedure before a competent authority with an appropriate legal remedy. Because of this, the NPM team notes that the Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Liberty to Bring Proceedings to Court apply to all non-citizens, including migrants regardless of their status, asylum seekers, refugees and stateless persons, in any situation of deprivation of liberty.

There is also the information that the persons who were interviewed during the visit and were kept in the Center for about two weeks, emphasized that **that they do not know why they are being held, nor how long they will stay there** in regard of the above. *The limited freedom of movement within the Center, the lack of information about how long they will be kept, together with the surviving traumatic experiences, forced abstinence from addictions (primarily nicotine), as well as separation from loved ones, were stressed as some of the key factors causing stress and anxiety in people.*

The arbitrariness of detentions in the Temporary Transit Center “Vinojug” in Gevgelija can also be derived from the Report on Macedonia of the European Commission dated 12.10.2022, where it is noted that:

*“The legal status of the two centers remains a serious gap that **has led to the adoption of several practices that do not comply with legal standards. There is no procedure or judicial supervision over the decision to accommodate migrants in “Vinojug”, which has become a closed center, with limited freedom of movement for migrants. In 2021, national authorities also used “Vinojug” to de facto detain migrants intercepted during smuggling incidents in order to take their statements as evidence before the Criminal Court (many of them unaccompanied minors), while those who sought asylum were processed within 3-4 days and transported to the Reception Center for Asylum Seekers in Vizbegovo.”***

After the led conversations with the persons placed in the centers, general finding is that due to fear of possible different treatment towards them, some of them do not always provide accurate information about their age and country of origin in the conversations with the representatives of the state authorities, as a result of which an inadequacy was found between the personal data contained in the register of persons placed in the Center and those communicated

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<sup>56</sup> At the same time, the practice of the European Court of Human Rights should be taken into account, where in the case (S., V. and A. v. Denmark [GC], 2018, § 74) it is pointed out that: “When it comes to “legality” of detention, including the question of whether a “procedure prescribed by law” has been followed, the Convention essentially refers to national law and establishes the obligation to comply with its substantive and procedural rules. However, compliance with national legislation is not enough: Article 5 paragraph 1 further requires that any deprivation of liberty be consistent with the objective of protecting the individual against arbitrariness/arbitrariness.”

<sup>57</sup> United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court A/HRC/30/37, 6 July 2015



to the NPM team by the persons themselves.

In the part of monitoring the conditions related to the treatment of detained persons, the NPM team takes into account and notes that in the text of the Draft Law on Criminal Procedure, which is publicly available on the website of the single national electronic register of regulations (ENER // ENRR), additions were made in the section of cases where holding an evidentiary hearing can be requested in the previous procedure, so that it could also be requested: *"if the witness is a foreign citizen, a stateless person or a person under international protection who does not have a residence or place of residence in the Republic of North Macedonia;"*.

However, considering the stage in which the Draft Law is, as well as the fact that this is not a guarantee that the established practice of detaining persons without giving them a practical opportunity to contest such detention will not continue in the future, NP - NPM again recommends:

**Immediately to stop the practice of housing and detaining people without an individual decision in which will be stated the reasons for the housing/detention, the duration of the detention, the possibility and deadline for appealing such a decision and access to legal aid.**

As a possible guarantee that this practice of detention will not continue, clear rules must be established and prescribed on which persons and in what procedure can be accommodated/detained in the temporary transit centers. Considering that the Temporary Transit Center is managed by the Crisis Management Center (CMC)<sup>58</sup>, for "Tabanovce" it is in Kumanovo, and for "Vinojug" in Gevgelija, the NPM team recommends:

**The CMC, as the competent authority under whose authority are the temporary transit centers, after prior communication and coordination with the other state authorities that have a permanent presence in the Centers (Ministry of the Internal Affairs, Ministry of Labor and Social Policy), to prescribe clear rules on which persons and in what procedure they can be accommodated /retain in them.**

This is also in accordance with the previously made recommendation about the need to develop standard operating procedures in which the powers of each of the representatives of the bodies and organizations present in the Center will be clearly defined in dealing with the persons housed and detained in it.

It gives the impression that overall coordination and control in the Center is held by the Ministry of Internal Affairs (MIA). Soldiers from the Army are helping the police in performing their tasks and responsibilities for ensuring the entrance and exit from the Center, for ensuring order and peace, for detaining migrants (if necessary) and for patrolling. The police also conducts surveillance with cameras, but it was found that half of them do not work. **The NPM team recommends the following measures to be taken to put in function the non-working cameras, since existence of video-surveillance is one of the guarantees that contribute to reducing the risk of possible improper treatment of detained persons, and at the same time serves as a protection against unfounded accusations against officials for their alleged improper treatment.**

The Ministry of the Internal Affairs' members keep their own registers for the undertaken

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<sup>58</sup> As pointed out in the Opinion of the National Coordinator in the National Commission on Human Trafficking and Illegal Migration (reg. no. 10-110560/1 of 01.12.2021), submitted in response to a Special Report by the NPM team

activities - Book of daily events and Official notes, where the data from the certificates for persons transferred from the Ministry of the Internal Affairs to the representatives of the Ministry of Labor and Social Policy (MLSP) are entered. The members of the Ministry of the Internal Affairs also perform registration of the persons who are accommodated/detained, which implies an initial conversation which, among other things, includes the collection of demographic and other data (age, country of origin, sex/gender, etc.), and fingerprinting is also performed. Since there are Arabic translators in the Center, the communication between the officials and the people located in the camp who speak that language is in Arabic. With the rest who do not speak Arabic, communication is in English, although some of them do not have a good command of the language.

The NPM team evaluates the accommodation conditions in the two centers as suitable for a short-term stay, so it was emphasized that care is taken to meet the demands of the migrants, and that people from the same family are placed together in one container.

Mobile phones are not confiscated and they can use them freely. Free wireless internet is also available. This points to the fact that in the event of a violation of their rights and possible inappropriate treatment towards them, they could themselves report the same to the found authorities and bodies or they could contact third parties who would report it.

Cameras have been installed in several places in the Transit Center, which additionally affects the reduction of the risk of possible inappropriate treatment of persons, as well as easier determination of the actual situation in conditions of the existence of allegations of such treatment.

Although some of the officials emphasized that the people move freely through the Center, however, from the inspection it was possible to ascertain that their movement is limited and is within the Center itself, under constant direct supervision of the members of the ARM and the Ministry of the Internal Affairs.

Information were received that during the night the containers are locked, and people are only allowed to leave the containers only when they need to go to the toilet, but even then accompanied by officials of the Ministry of the Internal Affairs or the Army.

When conducting health examinations, a translator and a police officer are present, clarifying that the need for police presence during the examination is due to the irritability and nervousness of some of the migrants and the possibility that they may be unpredictable towards the medical staff. **In that regard, the NPM team emphasized that the presence of police officers during examinations should be an exception rather than a practice and requested only in specific situations when doctors assess that there is some security risk and the need for it.**

The NPM team recommends that the Center for Crisis Management ie. The regional centers from Kumanovo/Gevgelija, under whose jurisdiction are the temporary transit centers, to organize **trainings for the health workers engaged within the centers so that they become familiar with the provisions of the Istanbul Protocol that are important for their work, or to ask the organizations through which health workers are engaged to organize this type of training.**

Regarding the persons for whom it will be judged that the need for their further detention in the transit centers has ceased, the NPM team has information that the practice continues to **"solve them according to a procedure"** which includes their deportation to a certain point



on the green border line, where they are given instructions to leave the country.

**Hence, there should be clear rules on which persons should be approved for entry and accommodation in the temporary transit centers (“Tabanovce”, “Vinojug”), based on prior communication and coordination with other state authorities that have permanent presence in the Price List (MIA, MLSP).**

**At the same time, when dealing with persons placed and detained in the centers, standard operating procedures should be adopted in which the powers of each of the representatives of the bodies and organizations present in the Centers will be clearly defined.**

### **6.3. RECEPTION CENTER FOR FOREIGNERS – “GAZI BABA”**

The reception center for foreigners is part of the Regional Center for Border Affairs “North”, within the Bureau of Public Security at the Ministry of Internal Affairs (MIA). The reception center for foreigners is of a closed type, and various categories of persons are accommodated and detained in it, due to various grounds determined in the provisions contained in several laws, such as: in the Law on Foreigners<sup>59</sup>, the Law on International and Temporary Protection<sup>60</sup>, the Law on offenses<sup>61</sup> etc.

In the Reception Center are accommodated foreigners for the purpose of security in the removal procedure, but who do not possess a valid travel document and therefore cannot voluntarily leave R.N. Macedonia, asylum seekers for whom a decision has been made to restrict freedom of movement due to one of the grounds provided for in the Law on International and Temporary Protection<sup>62</sup>, victims of human trafficking during the recovery and reflection period, foreigners who are illegally staying in the Republic of Macedonia, for whom no return decision has been made due to the risk of flight or when they avoid or obstruct the return procedure, foreigners who have committed an offense and whose identity cannot be determined (until the decision on the offense is made).

The reception center for foreigners is still located in a building that was intended and was originally used as a kindergarten. In this sense, the NPM team repeatedly pointed out in its reports that the facility was neither designed nor meets the necessary standards to be used according to the purpose for which it is used now. The placement of the duty room, the official offices, the division of the accommodation facilities for men and women, as well as rooms that would be used for housing families, is an improvisation made within the available conditions. The facility is not at all suitable for housing children, nor for victims of human trafficking as vulnerable categories of persons. Due to the condition of the facility, the detained persons are

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<sup>59</sup> Law on Foreigners (“Official Gazette of the Republic of Macedonia” No. 97/18 and “Official Gazette of the Republic of North Macedonia” No. 108/19 and 294/21)

<sup>60</sup> Law on International and Temporary Protection (“Official Gazette of the Republic of Macedonia” No. 64/18)

<sup>61</sup> Law on Offenses (“Official Gazette of RS Macedonia” No. 96/19)

<sup>62</sup> Ibid 60

not able to use some of their rights, including the right to walk in the fresh air for several hours during the day.

In the part of the accommodation facilities where the persons found on the day of the visit were staying, the NPM team concluded that although from a material point of view the situation was relatively good, hygiene was not at an enviable level, so all the persons accommodated at that moment in The center (total of 8 men).

This situation can seriously affect the feeling of lack of privacy, especially expressed among persons who have already been held there for two months.

People are not even allowed to stay outdoors, outside in the courtyard of the Center, so the only access to fresh air is a small room, fenced off from the outside with bars, which people use as a place to smoke and where they dry their clothes. The windows in the building are high, which guarantees natural daylight, but due to security reasons, they do not open, which is why the air inside is stagnant.

The sanitary units in the men's section are in relatively good condition, although some of them need to be replaced, i.e. to be renovated.

The part of the accommodation facilities intended for women and children consists of several rooms equipped with beds, mattresses and wardrobes for personal belongings, as well as a common living room equipped with a refrigerator, stove, sink, wardrobes and a table with two seats and chairs . There was no television in any of the rooms. The toilet and bathrooms are separate. In one of the bathrooms intended for women, it was noted that some of the sanitary facilities are non-functional, and the showers are also open, which does not allow any privacy when using them.

Taking into account the fact that the offices of the employees are located in the immediate vicinity of the women's section, as well as the allegations in the past about a certain type of inappropriate treatment towards women who were detained in the Center, the NPM team recommends **that the section intended for the accommodation of women should it is not used as a kind of passage to the work offices by the employees.** Additionally due to the fact that there is a separate entrance on the other side of the building that can be used to reach the same offices.

**The NPM team states that the Reception Center is not suitable for people with disabilities, which is why it recommends not to refer, receive and keep people with disabilities in the Reception Center.** There is no bell or other emergency alarm device in any of the accommodation facilities. This would represent a serious challenge, especially in cases where the number of detained persons would be greater or, on the other hand, rooms that are further away from the duty room and the immediate visual supervision of employees would be used (especially due to the fact that the cameras in those rooms are non-functional).

**The Reception Center does not meet the conditions for keeping children, which is why it is recommended not to refer, receive and keep them in the Reception Center.** This especially applies to unaccompanied children, taking into account the fact that from the inspection of the records of detained persons, the NPM team found that at least one unaccompanied child, who was assigned a guardian, was detained in the past year.

**The NPM team believes that the Reception Center does not have the conditions (both personnel and material) to accommodate victims of human trafficking during**



**the period of recovery and reflection, which is why it believes that it is better in such cases, in accordance with the legal regulations, to use accommodation facilities that are under the jurisdiction of the Ministry of Labor and Social Policy or possibly, in certain cases, shelter centers managed by non-governmental or international organizations that, within their mandate and capabilities, care for victims of human trafficking.**

Persons are familiarized with their rights and obligations during their stay in the Center, and in accordance with the House Rules, they are displayed in English, Arabic and French in several visible places in the Reception Center premises.

However, communication is difficult and almost impossible with people who do not understand some of the official languages in R.N. Macedonian or English language. **The reception center for foreigners does not have an official or internal list of translators or interpreters, and in certain situations, i.e. when there is a need, the services of translators who come with the representatives of civil and international organizations that have access to the Center were used. The NPM team received information that other detained persons were used as translators in certain cases, which is why it recommends avoiding this practice..**

Regarding the right of detained persons to contact and hire a lawyer, as well as the right to legal aid, the NPM team was informed that detained persons are also informed about these rights through civil society representatives (Jesuit Refugee Service, Macedonian Association of Young Lawyers) and international organizations. Namely, most of the persons who had an expressed intention or submitted a request for recognition of the right to asylum were represented by the aforementioned civil organizations or lawyers hired by them. However, **the NPM team concluded that the Reception Center does not have an official list of lawyers, nor an official list of associations and organizations that are authorized to provide legal assistance. In this sense, the NPM team recommends that these lists be obtained and submitted to persons who have expressed their intention to exercise this right, as well as to allow them to freely contact the lawyer or organization of their choice.** These lists are publicly available on the websites of the Bar Association and the Ministry of Justice.

The House Rules also provide that *"during the stay in the Reception Center, the foreigner can communicate with the outside world, at his own expense, by using a public telephone booth."*

The rules for house rules provide that persons undergo a health examination during admission, and if they inform about an infectious disease or there is a suspicion about it among officials, they are placed in a separate room until they are examined by a doctor<sup>63</sup>. In the area of health care, the Rulebook also stipulates that persons have access to primary health care provided by the medical staff who serve the needs of the Reception Center, and in case of deterioration of the health condition, it is determined that the foreigner can be moved in a health facility, which requires an opinion, that is, a referral by a medical person - a doctor.

The NPM team especially points out that medical examinations should be performed respecting the principle of confidentiality and without the presence of other officials, except in cases where the doctor decides that it is necessary in the specific case. From the conversations during the visit, one got the impression that, in general, medical examinations are performed

in this way.

**The NPM team recommends that whenever violations are recorded that are consistent with allegations of ill-treatment made by the detained person (or which, even in the absence of allegations, indicate ill-treatment), the information should be immediately submitted to the relevant enforcement authorities of investigation, as well as to the Ombudsman who, in accordance with the mandate he has as a civil control mechanism, will decide on the further action.**

Regarding the need to properly document signs of torture or other ill-treatment, the NPM team also highlights the position of the UN<sup>64</sup> Committee against Torture, which considers the Istanbul Protocol to be an essential part of training for all medical professionals and other public officials involved in working with persons deprived of liberty.

The Rulebook on House Rules contains provisions that refer to the right of persons to stay in the fresh air, for recreational activities, for the possibility of practicing religious rites, etc. However, the NPM team found that in practice these provisions are not respected. Namely, due to the inadequacy of material conditions and lack of staff, detained persons are not allowed to spend at least two hours a day in the fresh air, there is not even a specially adapted room for the practice of religious rites, and TV receivers are not everywhere in the Center.

**To overcome this situation, the NPM team recommends a mandatory two-hour outdoor stay in the courtyard of the Center, adaptation of a special room for performing religious rites, as well as the purchase and placement of TV receivers in several places, considering the limited possibilities for occupation and other activities of the persons placed in the Center.**

In terms of nutrition, the Rulebook provides that it should be organized into three daily meals, of which at least one meal should be a hot meal. The rulebook foresees the possibility for detained persons to buy additional food or drinks themselves. In this section, it was pointed out that at the request of foreigners from their personal financial resources, police officers purchase certain food products at least once a week (for which the fiscal accounts are kept in their individual files and in this way account is taken of the money spent). **This practice is good and is in accordance with the possibility provided for in Article 17 paragraph 4 of the Rulebook on House Rules.**

Red Cross, JRS (Jesuit Refugee Service) and the non-governmental organization "Legis" also deliver food to the Center.

From the records on the use of means of coercion, it was established that force and means of coercion are rarely used in the Reception Center. During 2022, only one case of the use of binders was noted/recorded. In this sense, it was established that a Report on the used means of coercion was prepared for this case, as well as an Evaluation of the justification of the use, in which the use of means of restraint in the specific case was assessed as justified.

From the executive inspection in the Report on the used means of coercion, it was ascertained that it was about the use of binding means on a person whose behavior violated the

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<sup>63</sup> Art. 2 of the House Rules of the Reception Center for Foreigners, published in the RNM Official Gazette, no. 93 of 4/7/2020

<sup>64</sup> CAT/C/NOR/CO/ 8, paragraph 30



provisions of the Rulebook on house order **The NPM team, without requiring a separate review of the Evaluation of the justification of the use of coercive means, in accordance with the recommendations of the European Committee for the Prevention of Torture<sup>68</sup>, recommends not to handcuff people to fixed objects.**

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<sup>65</sup> CPT (2010) Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 24 March to 2 April 2009: paragraph 21-22





## **PHI GERONTOLOGICAL INSTITUTE “13 NOEMVRI” - SKOPJE - HOME “MOTHER THERESA”**

During the reporting year, the NPM team conducted a regular visit to PHI Gerontological Institute “13 Noemvri” - Skopje - Home “Mother Teresa” in Zlokucani. The visit was carried out on 26.12.2022, within the mandate and powers arising from the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>66</sup>.

The “Mother Teresa” Home (hereinafter referred to as “the Home”) is a facility for the social care of persons over 65 years of age, mobile and able to take care of themselves, which operates within the framework of the PHI Gerontological Institute “13 Noemvri”-Skopje under the authority of the Ministry of Health. Persons at social risk are accommodated in this facility at the proposal of the Ministry of Labor and Social Work, that is, the competent Center for Social Work.

The Home/Institution has an accommodation capacity of 110 beds, but optimally it can provide assistance and care to only 70 wards, a number conditioned by the professional capacity, i.e., the staff in the institution. During the visit, 60 beneficiaries were accommodated in the Home, of which 20 were men and 40 were women. Out of the total number, 45 beneficiaries are accommodated based on private contracts, while 15 beneficiaries are social cases.

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<sup>66</sup> The NPM points out that its mandate covers both public and private institutions for social protection where persons may de jure or de facto be deprived of their liberty. In other words, even if beneficiaries are not formally considered to be deprived of liberty under national legislation, the NPM can and does conduct visits to investigate whether beneficiaries are de facto deprived of liberty, in which sense it examines their treatment and conditions in which they are located. Namely, as pointed out by the international monitoring bodies for the prevention of torture, the users of social care institutions who are formally considered voluntary, but in practice are not free to leave the institution, is of particular concern. Affected persons are often subjected to coercive treatment and/or means of restraint without being protected by the legal safeguards that apply to residents who are formally involuntary, which is why such facilities are also regularly subject to monitoring by the NPM team.



Regarding the staff employed, it was found that, in addition to the head of the Home, who is a social worker by vocation, the Home employs six nurses and one medical technician, one social worker, one psychologist, six geronto-housewives, one administrator, one general worker, one kitchen worker and one laundry worker.

**A problem in the area of employment was also noted, regarding the above. Namely, due to the lack of permission from the Ministry of Health for the employment of staff, some of the auxiliary staff are employed on the basis of a work contract, some even after three to four years.** The position of the management is that in conditions where the existing persons who have a work contract, as well as two additional auxiliary positions, would establish a regular employment relationship, the Home would be able to offer services to more than 70 wards, i.e. fully serve the planned capacity of 110 people.

The living conditions of the users in the House are modest, considering that the building is more than 50 years old, and in addition, it is located near the archaeological site (Stobi), which is why serious construction activities are not allowed.

Toilets everywhere in the facility have been renovated with donor funds, so that, although modestly, one still gets the impression that living conditions are still dignified, and hygiene at a relatively satisfactory level.

In the kitchen there is also a dining room in which tables and chairs are placed and it works properly, and the hygiene is at a satisfactory level.

**It was noticed, and also pointed out by the employees, that the main path between the shed where the administration is located and the residents who need support in carrying out their daily activities and the separate apartments has been renovated and covered, but still the side paths to the apartments are dilapidated, due to that the distribution of food to them is a bit difficult, especially when the weather is rainy because that part of the paths are uncovered, and the surface is uneven for the movement of the food cart, so there is a danger of it spilling.**

**An additional note in the material conditions section is the asbestos sheets on the roofs of the separate apartments. Due to the lack of financial resources, they have not been changed so far, even though they represent a direct danger to the health of the tenants in these facilities.**

The courtyard of the institution was clean, horticulturally decorated with flowers, an improvised church was made in the center of the courtyard, some of the paths have been restored, but still only superficially due to the ban on digging due to the proximity of the archaeological object.

In the conversation with some of the employees at the "Mother Teresa" Home, it was revealed that they recognize the need for help and support for the people cared for here. The need for conversation and support was especially emphasized during the isolation, i.e. the quarantine with the Covid-19 pandemic when no visits from the outside were allowed. In this section, it was emphasized that there were not a large number of sick and deceased persons in the Home. The NPM team was informed that during 2021 and 2022 there was no recorded death within the House.

The social worker carries out individual work with the wards and properly keeps records for each of them.

**In a conversation with some of the residents, we got the impression that they are satisfied with the care offered by the staff, as well as the way they are treated. During the visit, the National Preventive Mechanism received no complaints of torture or other cruel, inhuman or degrading treatment or punishment.**

The users did not complain about the heating either, considering that the problem with electricity and heat energy was current at the time of the visit, and also the NPM team got the impression that the residence and living rooms are equally heated and warm.

As for hygiene, it is maintained regularly, those residents who need help once a week take a bath with the help of a gerontohousekeeper, but considering that there is hot water regularly, they can maintain their hygiene without interruption. The NPM team noted that residents receive personal hygiene products (soap, shampoos) regularly and in sufficient quantities.

In the area of health care, it was established that the users fully exercise their right to health care in the Home, that is, it is provided through a coordinated system of doctors from the appropriate specialty. At 6 months, they undergo internal medicine examinations, and once a month a psychiatric examination. 80% of the residents have psychiatric therapy, but there are no major outbursts or incidents.

In the case of aggressive behavior of a patient, verbal calming is approached, and if that fails, the psychiatrist revises the therapy. There is no fixation, and there are no conditions for that, nor has the NPM team found means that can serve that purpose.

Regarding the medicines, those from the positive list are received by the families of the beneficiaries, while those at social risk receive medicines from the administration in a way that their status changes, they are put on the positive list and they receive the medicines for free.

In the "Mother Teresa" Home, users are involved in occupational therapy, according to their needs and interests. Some of the users have made handicrafts (knitted sweaters, sweaters, blouses, scarves, socks, bracelets, etc.) and woven rugs and carpets. The involvement of users depends on their expressed interest.

**Based on the ascertained situation, the NPM team made a general recommendation to the Ministry of Health for the providing of funds for the complete renovation of the accommodation capacities of the Home, all in order for the users to exercise their right to stay in the Home in accordance with the international and national standards provided for accommodation and housing to the elderly, and it is also recommended that funds need to be urgently provided to renovate the paths to the private apartments, as well as to replace the asbestos roofs. A recommendation was also made for the need to regulate the work status of those persons engaged with a work contract and to enable the employment of professionals appropriate to the needs of the Home, especially to increase the number of geronto-housewives.**



**Annex 1: External collaborators of the National Preventive Mechanism**

1. Prof. Dr. Rade Rajkovchevski from the Faculty of Security - Skopje, University of "St. Cyril and Methodius" - Skopje,
2. Ass. Prof. Dr. Angelina Stanojoska from the Faculty of Law - Kichevo, University of "St. Cyril and Methodius" - Skopje,
3. Prof. Dr. Eleonora Serafimovska from the Institute for Sociological and Political-Legal Research, University of "St. Cyril and Methodius" - Skopje,
4. Natka Pachoska – psychologist,
5. Dr. Slavica Gajdzis-Knecevich, – psychiatrist.