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O M B U D S M A N

**OMBUDSMAN
NATIONAL PREVENTIVE MECHANISM**

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List of abbreviations

ARM	Army of the Republic of North Macedonia
VPD	Correctional Institution
JO	Public Prosecutor
KPU	Penal - correctional Institution
KPD	Penal - correctional Facility
MVR	Ministry of Internal Affairs
MP	Ministry of Justice
NP	Ombudsman
NPM	National Preventive Mechanism
NP-NPM	Ombudsman as a National Preventive Mechanism
OJO	Basic Public Prosecutor's Office
OPKMSR	Department for cross-border crime, migrations, foreigners and readmission
TTC	Temporary Transit Centre
RCGS "Sever"	Regional centre for border cooperation "North"
RSM	Republic of North Macedonia
SVR	Department of Internal Affairs
UIS	Administration for the execution of sanctions
UNHCR	Office of the High Commissioner for Refugees

Dear All,

Deprivation of liberty presents any form of detention or imprisonment or placement of a person in a public or private institution for deprivation of liberty by order of any judicial, administrative or other public authority from which this person is not allowed to leave of his own will¹.

Deprivation of liberty itself does not mean deprivation of the rights of the person deprived of liberty. Precisely for the purpose of monitoring the access to rights and monitoring the conditions in places of deprivation of liberty, the Ombudsman-National Preventive Mechanism has been conducting visits to places of deprivation of liberty for thirteen years.

This body bases its mandate on the Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment², ratified by the Republic of Macedonia in 2008.

However, although with many years of practice and experience in conducting visits to places of deprivation of liberty, the Mechanism is still leading the battle for sustainable and stable growth and development, i.e., complete financial and personnel independence and staffing.

In other way the conditions on the ground and the detected problems faced by persons deprived of their freedom continue to represent a real challenge for the state and the key stakeholders in this field. Such development contributes to repeat the recommendations that this Mechanism is giving to the competent authorities and bodies.

Namely, the state continues to face inadequate accommodation facilities in prisons, which leads to overcrowding, untimely health care, insufficient staffing, but also the hiring of non-professional and unprofessional staff, non-compliance with European rules and national regulations when appointing the management staff in the penitentiary institutions, failure to provide a regular educational process for every convicted person and for every child sent to serve a prison sentence or an educational correctional measure, inhumane material conditions for stay in the psychiatric institutions, insufficient number of professional and properly trained staff required for psychiatric and therapeutic treatment in accordance with the provisions rules and standards, insufficient number of uniformed police officers in police stations, irregular training for police officers, non-existence of rooms for talking with children in police



¹ Art. 4 par. 2 of the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), 2002 Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel> (accessed 20/03/2024)

² 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 of 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> (Accessed on: 20.03.2024)

stations and a series of other findings.

The visits that the Mechanism carried out to places of deprivation and restriction of freedom of movement in 2023 allowed a direct insight into the conditions in which they are found, for which recommendations for the implementation followed, of which the state is responsible.

Considering the other obligations of the team arising from the Optional Protocol³, in 2023 the National Preventive Mechanism paid due attention to promotion, and consequently took an active part in international events, and contributed to publications, such as The Global Report on the Situation of Women Deprived of their Liberty by the Association for the Prevention of Torture (APT).

Finally, I will once again remind you of the obligation that the state has towards this Mechanism, and that is the providing of resources of a personnel and financial character in order to consistently, promptly and efficiently implement all the competencies that the National Preventive Mechanism has according to the aforementioned Optional Protocol.

Ombudsman

Naser Ziberi



³ United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), 2002 Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel> (accessed 20/03/2024)



OMBUDSMAN – NATIONAL PREVENTIVE MECHANISM

With the adoption of the Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴, the Assembly of the Republic of Macedonia on December 30, 2008 appointed the Ombudsman to act as a National Preventive Mechanism.

After the implementation of the amendments to the Law on the Ombudsman in 2009, a special organizational unit - the National Preventive Mechanism (NPM) - was established within the Ombudsman whose main task is the prevention of torture and other types of cruel, inhuman or degrading treatment or punishment. The NPM Team began to implement its authorities in 2011 through regular examination of the treatment of persons deprived of their liberty, sending recommendations to the relevant authorities, all with the aim of preventing torture and other forms of inhumane treatment, and if consider as necessary by submitting proposals and observations regarding existing or draft legislation.

Although with the changes in the Regulations for amending and supplementing the Regulations for the systematization of jobs in the Professional Service, the Team of the National Preventive Mechanism, the Special Departments and the Offices of the Ombudsman⁵, the expected number of employees in the team should be five, that is two state advisers, two advisers and one associate, however, the National Preventive Mechanism team continues to function with one

⁴ Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Official Gazette of the Republic of Macedonia” No. 165/2008) 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> (Accessed on: 22.02.2024)

⁵ Rulebook for amending and supplementing the Rulebook for the Systematization of Jobs in the Professional Service, the Team of the National Preventive Mechanism, the Special Departments and the Offices of the Ombudsman (“Official Gazette of the RNM No. “) Available at: <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/Interni%20akti/Pravilnici%20na%20NP/Izmeni%20i%20dopolnuvanje%20na%20P%20za%20sistemizacija-05.04.2022.pdf> (Accessed on: 22.02.2024)

state adviser, one adviser for the prevention of torture, and one associate, a number far from sufficient for efficient, thorough and above all timely implementation of all competences which coming from the mandate of this mechanism.

The long-standing practice of hiring external collaborators of various profiles, which provided a multidisciplinary approach when conducting preventive visits, was stopped in 2022. To be precise, the Team was informed of the need to announce a public procurement for the hiring of external collaborators through the electronic system of the Public Procurement Bureau, i.e., announcing a tender procedure through which the external collaborators would be hired, although there was no information that a similar practice exists anywhere in the world. During the reporting year, such public procurement was not carried out, which largely prevented access to appropriate expertise from external collaborators during the visits.

For the realization of the planned activities in 2023, OMBUDSMAN - NPM projected a budget framework in the amount of 1.250.000,00 denars, and it was approved and had an amount of 200.000,00 denars at its disposal. In addition to these funds, the OMBUD. -NPM continued cooperation with the Office of the High Commissioner for Refugees in Skopje (UNHCR) in the reporting year 2023, which through the Macedonian Association of Young Attorneys⁶ provided support for the Team with several activities. Through this collaboration, the National Preventive Mechanism Team had the opportunity to conduct a study visit to the National Preventive Mechanism of the Republic of Poland, as well as hire several external collaborators to conduct field visits to places of deprivation of liberty for migrants and asylum seekers.

Since this situation, the Ombudsman continues to maintain the position that for the realization of the competences of the NPM are needed additional personnel, material and financial resources, which will be provided by the Budget of the Republic of North Macedonia, with which would exclude, i.e., reduce the need for donations or incomplete implementation of the competences stemming from the mandate of this body. The latest report of the Committee against Torture⁷ which calls on the country to provide the NPM with sufficient financial and human resources, including qualified staff in the field of medicine, social workers, and other personnel relevant to the mandate, speaks of the need for finance and human resources. The unenviable situation in the NPM from a financial and personnel point of view is also addressed by the latest report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after the visit to the country in October 2023, published on 15.05.2024⁸ which among other things also requires a larger budget for hiring external collaborators.

In this sense, considering that the provision of sufficient resources for uninterrupted func-

⁶ The Macedonian Association of Young Attorneys was responsible for the implementation of the budget allocated to OMBUD. -NPM.

⁷ United Nations Committee Against Torture, concluding observations on the fourth periodic report on North Macedonia, adopted by the Committee at its seventy-ninth session (April 15-May 10, 2024) Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FCOC%2FMKD%2F58383&Lang=en (Accessed on: 17/05/2024)

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Council of Europe, Report on the visit to the Republic of North Macedonia from 02 to 12 October 2023, Available at: <https://rm.coe.int/1680af95e2> (Accessed on: 05/17/2024)

tioning is one of the challenges that the OMBUDSMAN - NPM has been facing for several years, **and 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 acceding states undertake to make available the necessary resources for the functioning of the national preventive mechanisms."⁹

⁹ 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 2023

BI In 2023, the National Preventive Mechanism team conducted a total of 19 unannounced visits, of which: 7 visits to police stations of general jurisdiction, 2 visits to border surveillance police stations, 5 to penal institutions, 3 to centres where migrants are accommodated and detained, that is, foreigners and asylum seekers and one visit each to a psychiatric hospital and a public institution for protection and rehabilitation.

Most of the carried out preventive visits were realized only by the NPM team, for a small number of visits (Penitentiary Institution Idrizovo-women's department and Penitentiary Institution Prison Skopje) the team hired external collaborators (psychologist and psychiatrist) within the modest budget of the institution, while for the visits carried out in the places of detention of migrants and asylum seekers (where the partner UNHCR offered help) hired external collaborators who were financially provided directly by the Macedonian Association of Young Attorneys, within the framework of the project intended to support the NPM.

The work methodology referred to the realization of the visits is the 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 2023 and participated in several conferences and workshops, but, above all, those whose participation costs were covered by the organizer itself.

With its presentation, the NPM team participated in the webinar organized by the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), in which the European National Preventive Mechanisms participate, and which discussed strengthening the role of NPMs in Torture Prevention.

In the reporting year, a study stay of the NPM team in the Republic of Poland was carried out under the sponsorships of the UNHCR Mission in Macedonia. Among other things, within the framework of the visit, a working meeting was held with representatives from the Fundamental Rights Officer (FRONTEX), which discussed the way of handling complaints about serious incidents and reporting them, monitoring) on the fundamental rights of migrants, as well as on the specific activities that FRONTEX is currently implementing in Macedonia.

Among the meetings that are regularly organized, and in which the NPM team participates with its representatives, were the meetings within the NPM network of Southeast Europe. The Chairman of the Network in 2023 was the Republic of Greece and the Greek NPM, so the meetings were held in Thessaloniki, i.e., Athens. At the first meeting, the members of the Network discussed the situation in which people with impaired mental health are in penitentiary institutions, while the second meeting focused on the policies and practices for education in prisons, as well as the possibilities of prisoners for professional development.

During the reporting year, the NPM team also contributed to the Global Report on the situation of women in prisons prepared by the Association for the Prevention of Torture (APT) from Geneva.

The NPM team also examined the treatment of detained and convicted persons, as well as the implementation of the recommendations made to improve the situation in places of deprivation of liberty, **by monitoring the work of national authorities and bodies concerned with this issue.**

Thus, during 2023, the NPM team started and held a meeting with the State Secretary of the Ministry of Internal Affairs (MIA) at which, among other things, it was agreed to nominate persons responsible for forwarding the answers on the occasion of the recommendations contained in the special reports of the NPM team, addressed to the competent authorities within the Ministry of the Internal Affairs.

On 06.06.2023, the Government of the Republic of Macedonia by Decision¹⁰ declared a state of crisis in part of the territory of the state, namely in the area of the Gazi Baba Municipality where the Penitentiary Institution Idrizovo performs its jurisdiction. Such a state of crisis was declared in order to prevent security threats and strengthen the security of the institution, which is why members of the Ministry of the Internal Affairs and the Army were temporarily involved in the security of the institution.

For those reasons, on July 19, 2023, in cooperation with the Macedonian Young Lawyers Association (MYLA), a thematic forum was organized, attended by representatives from the Office of the Permanent Coordinator of the United Nations in the Republic of North Macedonia, the Centre for Crisis Management, the Ministry for Labour and Social Policy, the Ministry of Health, the Administration for the Execution of Sanctions and civil society organizations. At the forum, in addition to the remain, it was concluded that approval by the Assembly is necessary for the continuation of the crisis situation, and also the need to include representatives from NPM and civil society organizations in the sessions of the General Headquarter (GH) for the management of crises for the purpose of immediate information on the implementation of operational plans for overcoming the crisis situation. In this regard, subsequently, representatives from NPM and

¹⁰ Decision on the existence of a state of crisis in part of the territory of the Republic of North Macedonia No. 41-5397/3 of June 6, 2023 (“Official Gazette of R.N. Macedonia” No. 116 of June 7, 2023)


civil information attended the meetings of the General Headquarter for crisis management.

In the last quarter of last year, the head of the NPM team, Slavica Dimitrievska, MSc, was elected as a member from Republic of North Macedonia in the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Considering all of the above, and in the direction of implementing the recommendations from the previous Annual Report, as well as the recommendations that will follow below in the text, one cannot help but highlight the challenges that the NPM team is facing. Namely, we emphasize **once again that the National Preventive Mechanism has limited, that is, insufficient personnel and financial opportunities for complete, effective and efficient implementation of its mandate established in accordance with a signed and ratified international act¹¹. That is why the state should consistently implement the obligations arising from the Optional Protocol to the Convention against Torture¹² and, in accordance with them, provide sufficient resources for the effective implementation of the mandate of the National Preventive Mechanism.**

¹¹ Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OPKAT (“Official Gazette of the Republic of Macedonia” No. 165/2008 of 12.30.2008)

¹² Ibid



PENAL-CORRECTIONAL AND CORRECTIONAL-EDUCATIONAL INSTITUTIONS

The treatment of detained and sentenced persons in the penal-correctional institutions, as well as the assessment of the degree of risk of torture and other cruel, inhuman or degrading treatment or punishment, was the subject of a detailed review during 2023 when the NPM team carried out three immediate visits in the largest penitentiary institution Penal-Correctional Institution Idrizovo, and one visit each to Penal-Correctional Institution Prison Skopje and Penal-Correctional Institution Prison Tetovo.

3.1 PENAL - CORRECTIONAL INSTITUTION IDRIZOVO

The recommendation of the NPM team given in previous reports, regarding health care, but also inter-prisoner violence, remains in force. Namely, the persons deprived of liberty in this penitentiary **continue to complain about untimely health care and other services of this nature, as well as inappropriate and violent treatment by the people with whom they stay in the wings, that is, the premises.**

As a note that still remains in force **is the need for consistent compliance with the Law on Execution of Sanctions¹³ which provides for the procedure for professional and expert appointment of managers in penal institutions. In this way, it will be avoided their frequent change, dismissal and appointment, as well as the appointment of personnel who have no experience and prior knowledge in the way of functioning and management of this type of institutions.**

The last report of the European Commission for the Republic of Macedonia also speaks

¹³ Law on Execution of Sanctions (“Official Gazette of RNM” No. 99/19 and 220/19) Available at: [https://uis.gov.mk/wp-content/uploads/2021/07/ZIS-PRECISTEN-TEKST .pdf](https://uis.gov.mk/wp-content/uploads/2021/07/ZIS-PRECISTEN-TEKST.pdf) (Accessed on: 23/02/2024)

of non-compliance with the procedure provided for by the Law on the Execution of Sanctions, which states: *"The appointment of a new acting director of the Administration for Sanctions Execution and acting director of the Prison "Idrizovo" was a positive step, taking into account their relevant professional qualifications. However, the requirements of the Law on Enforcement of Sanctions of 2019 for the selection of prison management were not consistently applied"*¹⁴.

Hence, this year we will once again repeat the previously given recommendation, i.e., every penitentiary institution should have professional, properly qualified and non-political management staff, chosen for their competence and integrity, and not for party or political eligibility. Compliance with European rules and national regulation in the appointment of directors and their deputies in correctional institutions must be imperative for every government.

Last year, this penitentiary was the focus of the National Preventive Mechanism, for which it was visited on three occasions, and that was a visit to the Closed Department, then a purposeful visit was carried out in order to assess the degree of implementation of resocialization in the institution, and it was realized and a two-day visit to the Women's Ward.

The visit to the closed department was realized in the first quarter of the year with a focus on 3, 4, 7 wings, etc. "Ambulance". The situation found was of serious concern, which is why it was noted that the situation in these wings could easily be subsumed under the term of inhuman and degrading treatment¹⁵. Namely, serious remarks were noted regarding the material and other conditions in which convicts live in this part of the penitentiary. Overcrowding was evident because convicts were sleeping on the floor of the corridor in certain wings, while 14 or 15 people were staying in certain rooms on improvised beds on four floors. As a reminder, the European Prison Rules¹⁶ require 4m² of individual space in shared housing or 6m² in independent housing as a minimum standard for housing persons deprived of liberty.

The health care situation is also of serious concern, which is primarily due to the lack of a sufficient number of medical personnel, as a result of which the Emergency Medical Service is often called, especially in the afternoon. Due to the increased workload, the existing health workers are not able to respond to the needs of the convicts, so the number of complaints from them is high.

The second visit to the Penal-Correctional Institution Idrizovo was carried out by the NPM team in the second quarter of the year, i.e. immediately after the Declaration of the State of Crisis, which on 06.06.2023 by the Decision¹⁷ of the Government of the Republic of North Macedonia established the existence of a state of crisis in part of the territory of Republic of North Macedonia, and that in the area of Gazi Baba Municipality where the Idrizovo Correctional Institution exercises its jurisdiction. The state of crisis was declared in order to prevent security

¹⁴ Report of the European Commission on the Republic of Macedonia for 2023, Available at: <https://www.sep.gov.mk/post/?id=5657> (Accessed on: 20.03.2024)

¹⁵ More regarding the current situation is contained in the Annual Report of the NPM Team, Available at: <https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2022/NPM%20Godisen%20izvestaj-2022-Mk-Alb-Ang.pdf> (Accessed 01/20/2024)

¹⁶ European Prison Rules – Council of Europe, Available at <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae> (Accessed on: 26/05/2023)

¹⁷ Decision on the existence of a state of crisis in part of the territory of the Republic of North Macedonia No. 41-5397/3 of June 6, 2023 (Official Gazette of the Republic of Macedonia No. 116 of June 7, 2023)

threats and strengthen the security of the facility, which is why members of the Ministry of Internal Affairs (MIA) and the Army were temporarily involved in securing the facility.

Thus, the members of the Ministry of Internal Affairs and the Army, without having any point of contact with the convicts, secure the outer strip of the Penal-Correctional Institution Idrizovo, the Army secures the guardhouses, while the members of the Ministry of the Internal Affairs are support for search, examination and scanning of luggage.

Regarding the crisis situation, later on July 19, 2023, in cooperation with the Macedonian Association of Young Attorneys (MAYA), a thematic forum was organized, attended by representatives from the Office of the Permanent Coordinator of the United Nations in the Republic of North Macedonia, the Management Centre with crises, the Ministry of Labour and Social Policy, the Ministry of Health, the Administration for the Execution of Sanctions and civil society organizations. At the forum, in addition to the rest, it was concluded that approval by the Assembly is necessary for the continuation of the crisis situation, and the need to include representatives from NPM and civil society organizations in the sessions of the General Headquarters (GH) for crisis management was also emphasized for the purpose of immediate information about the implementation of operational plans for overcoming the crisis situation. In this regard, subsequently, representatives from NPM and civil information attended the meetings of the GH for crisis management.

A closely related issue in relation to the crisis situation is the staffing of the Penal-Correctional Institution Idrizovo, so in order to overcome this problem during 2023 a total of 5 public announcements for employment and 2 internal announcements for promotion were published. A total of 125 people were employed on the public announcements, of which 6 people are administrative officers, 1 person is auxiliary technical staff, and the remaining 118 people are prison police. Hence, the number of employees in the Penal-Correctional Institution Idrizovo at the end of 2023 is 289 people, compared to the beginning of the year when this number was 212 people. Worth mentioning on this occasion is the fact that during 2023 a total of 57 people left the institution on different grounds, only 6 people left on the basis of retirement¹⁸.

The very fact that this crisis situation has been prolonged for a longer period of time and, in accordance with the Decision of the Assembly of the Republic of North Macedonia, has been extended until September 30, 2024¹⁹, clearly indicates the serious challenges faced by the penitentiary system. In order to overcome the crisis situation faster, a holistic institutional system is necessary to support the prison authorities in the Penal-Correctional Institution Idrizovo, as well as parallel strengthening of the capacities of the penitentiary system and the prison authorities to independently deal with the current crisis situation and prevent future, same or similar, crisis situations. This imposes the need for declarative commitments to be accompanied by a functional approach, where the challenges of the national prison system will be placed higher on the

¹⁸ Information received from the Administration for the execution of the sleds, letter no. 06-446/4 dated March 12, 2024

¹⁹ At the session held on February 28, 2024, the Assembly of the Republic of North Macedonia passed a Decision approving the extension of the deadline for the existence of a state of crisis in part of the territory of the Republic of North Macedonia, for the purpose of preventing security threats and strengthening the security of the Penal-Correctional Institution Idrizovo, with which the period of the existence of a state of crisis established in the Decision on the existence of a state of crisis in part of the territory of the Republic of North Macedonia ("Official Gazette of the Republic of Macedonia" number 37/24) is extended until September 30, 2024

agenda of priorities of the highest state authorities.

When it comes to the noted situation in relation to resocialization, from the inspection made during the second visit to the Penal-Correctional Institution Idrizovo, it was established that the Department for resocialization has 23 people (together with the head and the assistant head), i.e., half of the planned systematized staff. Only two of them are psychologists who were absent due to illness at the time of the NPM visit. Hence, 80-90 convicted persons are under the authority of one educator, a number impossible to manage, effectively and efficiently implement the process of resocialization and any assistance in terms of behaviour correction, detection of early symptoms of mental problems, etc.

From 2016 to the day of the visit, several people left the sector on the basis of retirement or leaving for another job, and due to the poor working conditions, those who are still employed are thinking about leaving their positions more often.

In the Penal-Correctional Institution for years, there has been no professional hiring or training for convicts as was the case in the past (craftsmanship, auto mechanics, animal husbandry, gardening, etc.), the only thing offered to them is to help maintain hygiene as in the buildings themselves where reside also in the circle of the Penal-Correctional Institution Idrizovo. The persons hired in this way are paid a minimum wage.

In this Penal-Correctional Institution there is no educational process, and there are no rooms where it would take place if there was one. Any individual, group treatments and programs are not implemented.

As for the **women's department of the Penal-Correctional Institution Idrizovo**, the main focus was placed on assessing the state of mental health of female convicts, for which two external collaborators, a psychiatrist and a psychologist, were hired.

The Penal-Correctional Institution Idrizovo is the only institution in the Republic of North Macedonia in which there is a special department for women, where women sentenced to prison terms and life imprisonment, as well as female children sentenced to prison terms, are serving their prison terms or an educational measure, referral to an educational correctional facility regardless of the amount of the penalty, that is, the measure²⁰. Female foreign nationals and stateless females also serve their prison sentences in this department²¹.

The UN Rules for the Treatment of Women Prisoners and Alternative Measures for Women Offenders, known as the "Bangkok Rules"²², provide for the placement of female prisoners in facilities close to their homes, highlighting the benefits of housing a convicted woman near her residence, family and children, while not neglecting the fact that it is necessary to pay attention to the past of the convicted woman, that is, whether she was a victim of domestic violence. In that case, the wish of the convicted woman not to be placed near her previous residence must be respected, as this will achieve physical distance from the husband, partner or person who

²⁰ In March 2024, the amendments and additions to the Law on the Execution of Sanctions were adopted by which girls with a pronounced correctional measure are sent to the Tetovo Correctional Home

²¹ Decision on the placement of convicted persons and children in penal and correctional institutions, as well as detained persons in the detention departments of penal institutions (SV-10/2020 of 16.01.2020) published in the Official Gazette No. 10/2020 on 16.01.2020.

²² Rule No. 4 of the Bangkok Rules, available at https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf (accessed 20/11/2023)

committed domestic violence before she is sent to serve a prison sentence. In the Law on Execution of Sanctions, on the other way, under certain conditions, among other things, the possibility is provided that the convicted person, at his request or at the proposal of the director of the institution, can be moved from one institution to another institution of the same or different type in order to be closer to the place of residence or the residence of his family²³. However, considering the fact that, in relation to women, the Penal-Correctional Institution Idrizovo is the only place for serving a prison sentence or an educational measure, referral to an educational correctional facility, it indisputably follows that the provisions that refer to the selection of the penal institution or the transfer of convicted persons from one institution to another are inapplicable to women.

If we take into account the other grounds provided by the law for the transfer of convicted persons from one establishment to another, it follows that the problem is much bigger than just opening the issue related to the principle of non-discrimination.

In this regard, the NPM team was interested in whether, with regard to female convicts, there are special provisions, policies or practices that will contribute to equal treatment in conditions where, due to objective reasons, female convicts are in an unequal situation, but found that the provisions relating to visits etc. are applied on the same basis as for male convicts.

Regarding this, the NPM team believes that there is a need to standardize specific policies and practices (e.g. allowing more and longer visits, if visits are too infrequent due to the long distances the family has to travel) that would counterbalance compensated for these practical disadvantages faced by women convicts and would maintain a "de facto" equality between male and female convicts.

Referring to children, the NPM team repeats the recommendation emphasized in its annual reports²⁴ that the Ministry of Justice and the Administration for the Execution of Sanctions, need to take specific measures to ensure that female children who have been sentenced to educational measure by a final decision referral to a Correctional-educational Institution will be placed in an institution specially designed for them and their needs, on the same basis as the male children who are placed in the Correctional-Educational Institution Tetovo, in the village of Volkovija²⁵.

Regarding the **material conditions**, it has been established that certain measures and activities have been taken to improve them, a new floor, changed windows, as well as secure lockers with a key for each convicted person in the corridor of the closed department. However, during the visit, it was found that in most of the rooms, due to lack of space where they would keep their personal belongings, female convicts are forced to store them under their beds, which leaves the impression of overcrowding in most rooms.

In most rooms, it was found that there is a high percentage of humidity, and the access

²³ Art. 223 of the Law on Execution of Sanctions (Official Gazette of the Republic of North Macedonia" no. 99/19, 220/19 and 236/22)

²⁴ See Annual Report of NPM for 2021, available at: <https://ombudsman.mk/CMS/Upload/NarodenPravobranitelj/upload/NPM-dokumenti/2021/NPM%20Godisen%20izvestaj-2021.pdf>, last visited on 20.11.2023 d.)

²⁵ In the meantime, this recommendation has been adopted in accordance with the newly adopted amendments to the Law on the Execution of Sanctions

of female convicts to the toilet and bathrooms in the closed department is a serious concern, because all convicts are forced to share access to them. In this regard, allegations were received that certain convicts are almost always forced to shower in the evening after midnight (at 3-4 in the morning), that is, while others are sleeping in order to avoid "unnecessary tension". The toilet and bathrooms are not adapted for convicts who have a certain type of physical disability or for those who, due to other conditions, need help from a third party. **Hence, it is necessary to take immediate measures to fix the non-functional toilet and bathrooms and adapt them for use by female convicts with physical disabilities.**

Fear and insecurity are mainly obvious among those convicts who are here for the first time. To be precise, the newly admitted female convicts are accommodated in a room located in the women's closed department. The fact that new inmates are placed immediately in the closed ward and come into direct contact and influence with other inmates receiving inmate treatment can have a negative impact and intensify initial prison deprivations, such as security deprivation (mandated association with other unpredictable inmates, which causes fear and anxiety because they have to fight for the security of their person, but also for their personal belongings).

In this regard, and taking into account that the handling of the convicted person in the reception department should represent a set of activities and measures for dealing with the convicted person in order to become familiar with the rules for serving a prison sentence (the House Rules for convicted persons serving a prison sentence in penitentiary), assessment of his personality, risk assessment, development of a sentence plan and determination of the treatment of the convicted person during the serving of the prison sentence, **the NPM team recommends that the reception of new female convicts be done in another part of the women's ward, separated from the closed ward.**

From the inspection of the records of **disciplinary sanctions**, it was noted that from the beginning of the year to the day of the visit, 13 disciplinary procedures were carried out, of which in 5 cases a disciplinary punishment was imposed - solitary confinement for 5 days due to escape, physical confrontation or because of a mobile phone. During the period while female convicts are kept in solitary confinement (a room 1.95 m long, 3.6 m wide and 3.9 m high), they have the right to one hour of walks, and the rest of the time they spend in solitary confinement, where they take their meals. The cells are equipped with a partitioned sanitary unit, a sink and old metal beds, with torn mattresses and dirty bed linen. Traces of moisture were also visible in the cells, and in one of them there was an overhanging electric cable that could be used for possible self-harm.

Considering the potentially harmful effects of solitary confinement on female convicts to whom it is imposed, the NPM team believes that it should be used as a disciplinary punishment only in exceptional cases, as a last resort and in the shortest possible period of time.

From the inspection carried out in the Book that is kept on the used means of coercion, it was ascertained that there were no registered cases of the use of means of coercion in the last two years. Except in certain cases during the execution of marriages where binding means are used after a preliminary assessment (which is noted in the marriage order), no other allegations were received, nor were there any indications that means of coercion were used on the female convicts.

The provisions of the laws that regulates the treatment of convicted persons do not provide for intrusive searches that include body cavities, except for visual inspection of private parts. The Law on Criminal Procedure provides that the express approval of the court is necessary for the

search of intimate parts of the body or body openings and that intimate searches are performed by a medical person²⁶.

The current normative framework does not foresee and does not allow for a complete replacement of the search through the application of new, more modern methods through the use of body scanning devices. In practice, devices are used for scanning shipments, that is, bags and other objects, as well as metal detectors in the form of gates and mobile detectors.

From the conversations conducted during the visit, information was obtained that upon admission to the facility or upon returning from a previous exit, the convicted persons first go through a metal detector and a search that includes external checks/searches of clothing. If the metal detector signals the possible presence of a metal object or the members of the prison police suspect that it is possible that the convicted person is hiding an illegal object, then a search is conducted that includes removing the clothes, in such a way that the person does not remove all the clothes at once, but first from half up, then after dressing he removes his clothes from half down. This is done in a separate place/cabin, where the convicts are not exposed to the views of third parties. The female convicts who were interviewed emphasized the correct attitude of the prison police during the searches.

The NPM team received information that incidental exceptions to the practice of removing all clothing at once were made by members of the police who were on duty during the period of declared crisis in the facility, in which sense information was received that there were cases when searches were made in the separate cabins, but with the men's clothing completely removed at the same time.

In this regard, the NPM team refers to the need for all additional hired persons due to the declared crisis situation who are authorized to conduct searches in the institution, to first be fully familiar with the rules for the way of conducting personal searches by the Prison Police.

From a conversation with most female convicts, it is emphasized that the most difficult aspect of staying in prison is the separation from the children, that is, the physical and psychological separation from the child/children, which prevents them from taking care of him/her and which has a bad effect on their mental health.

Most women point out that they use a maximum of 2 hours a month (one hour every two weeks) for seeing their children. Sightings take place in the common room for visits, and there is still no special room or corner for seeing children in this prison. In the case of women, whose children are placed in foster families for various reasons, the situation is even more complicated, because the visits are organized by the social work centre of the city where the woman is from, at the request of the mother. According to the convicts, such sightings are extremely rare, sometimes they do not take place at all. Hence, **greater initiative and cooperation between prison social service and social work centres is needed. In addition, better quality contacts with their children are needed (more frequent, longer and in conditions suitable for children, rooms).**

Regarding **the work commitment**, the NPM team states that it is reduced only to maintaining hygiene in the premises, which is insufficient. Work engagement through intellectual work is something that is desired, especially by educated women. The lack of work engagement

²⁶ Art. 185 of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" no. 150/10, 100/12, 142/16 and 198/18)

makes women passive and leads them to a greater need for tranquilizers, so that some of them spend most of their time sleeping.

Regarding **education and training** for certain trades, they are organized occasionally, but unfortunately without continuity and consistency. Previously, they were given certificates for such trainings, which represented additional satisfaction from the work done and the opportunity for new chances in the future, after leaving prison. Unfortunately, such trainings are not part of the system, so they only take place if they are foreseen by some kind of project. As soon as the project ends, the trainings end too.

It would be good if permanent trainings were organized for trades that would enable female convicts to usefully structure their time while in prison and easier adaptation in the post-penal period. Taking into account the accelerated development of technology and digital services, it is necessary to consider the introduction of trainings that will strengthen the digital skills of female convicts. This would have a positive effect on their mental health: increased self-confidence, a sense of fulfilment, reduced anxiety about life after leaving prison.

This ward does not have a specialized space for cultural and sports events and activities (eg a gym), so women only have two hours a day to walk outdoors, around the ward. Women have televisions in their rooms and that is their unique cultural and entertainment life. If we take into account the overall environment with the unhygienic conditions in the prison premises, the poor quality of food, the overcrowding in the prison rooms, the ruined facilities, all this contributes to the worsening of the somatic and mental health of the female convicts.

Deprivation of liberty, especially the long-term deprivation, has a destructive impact on the psychological, physical and social well-being of the person concerned. That is why **psychological support and psychotherapy** are necessary for successful coping and adaptation to prison life. Accepting the prison regime and constructing routines, which affects increasing self-esteem, a sense of control over their own lives, security, reducing stress, allows their daily life to make sense.

There is no psychologist in the women's department of the Penal-Correctional Institution Idrizovo, the only psychologist is in the Reception Department, and she was also absent at the time of the visit, i.e., on long-term sick leave (replacement in absence was not found), which is why there are no psychological findings and opinions for the newly arrived convicts which is a mandatory document on which further treatment is determined²⁷. From an inspection of the documentation, applied tests, techniques and scales that are necessary for psychodiagnostics of new convicts are also missing. Therefore, **it is recommended that the institution obtain the necessary psychological instruments and immediately receive a psychologist in the reception department.**

Treatment groups are not practiced in the women's part of the prison even though a few years ago a pilot program was implemented for a general cognitive program, as well as for specific programs that are implemented in groups, among them a program for female convicts.

The work in treatment groups with exercises to relieve tension, raise self-esteem, encourage strategies aimed at emotions, humour and positive reinterpretation, resolve conflicts, increase emotional intelligence, improve and strengthen relationships with other convicts by improving communication skills, would have a preventive effect on improving the mental health. Absence of this type of program

²⁷ In the institution there is another psychologist by education who works as an educator

does not contribute to the preservation of the mental health of the female convicts.

The Penal-Correctional Institution Idrizovo has a doctor-psychiatrist who comes once a week, and who is also employed in the Penal-Correctional Institution Prison Skopje and is in full-time employment at the "Skopje" Psychiatric Hospital. Taking into account the numerous obligations of one psychiatrist who is simultaneously engaged in three institutions, as well as the volume, i.e. the number of people who need psychiatric care, treatment and supervision, especially if it is known that the risk of mental/psychiatric disorders in the convict population problems is particularly pronounced in the initial period of deprivation of liberty, then it can undoubtedly be concluded that this person cannot adequately and expediently respond to the needs of any of the three institutions, which is why it is necessary for each penitentiary institution to have a psychiatrist employed, as well as and a nurse trained to work in this type of institutions.

The appearance of mental disorders among female convicts is common for such institutions, and hence, personality disorders, neurotic disorders, as well as diseases of addiction to psychoactive substances are most often diagnosed among female convicts.

The drug therapy that is shared is in accordance with the current standards and trends available to the general population in the community, however, the room where the drugs are kept, as well as the way of implementing it, are inadequate. At the same time, preventive programs for the protection of mental health and programs for preventive health care from general medicine should be within the purview of the prison health service.

According to the information received from the prison's health service, addicts are given the opportunity to choose regarding substitution therapy for opiate addiction, which is run by the Centre for Methadone Program, which includes 200 convicts on methadone and 14 convicts on buprenorphine, i.e. 10 female convicts are on methadone and 1 female convict is on buprenorphine, however, the finding remains that no special team (psychiatrist, psychologist, social worker, etc.) has been employed to handle with that problem. Methadone is cheaper, and is on the positive list of drugs of the Health Insurance Fund (HIF), and buprenorphine is more expensive and is not on that list. However, it should be emphasized that for both drugs there are strict rules and indications for use. The psychiatrist determines which therapy and in which doses will be prescribed according to indications and with a therapy agreement with the patient-addict. Access to and choice of substitution therapy is possible, but for each substitution therapy the addict must meet certain criteria, that is, a multiprofessional team performs an assessment and further monitors and adjusts the treatment of the addict.

Health care and health services for female convicts in prison conditions should be at an adequate level, continuous and timely. The health service should be organized in a way that responds to requests for medical consultation or medical examination without delay and respecting the privacy of female convicts. Taking into account that prisons cannot meet all the possible needs of convicted persons in the field of health care, especially the need for specialist examinations, care should be taken to provide them in coordination with the relevant institutions.

KEY RECOMMENDATIONS:

- Hiring more professional collaborators (psychologist, social worker, occupational therapist, nurse trained to work in psychiatry, educated educator);
- Access to dental services for all convicts in permanence, not only for the most urgent cases;
- Establishing an official protocol for fixation and education for working with female convicts with mental disorders;
- Creation of a Program for individual and group treatment for resocialization with a plan for the inclusion of convicted persons in the community after leaving prison;
- Enabling work engagement for all women, as well as education and training for trades, but also the opportunity for women convicts to have access to sports and other types of recreational activities;
- Raising the level of hygiene and renovating sanitary facilities.

3.2 PENAL - CORRECTIONAL INSTITUTION PRISON SKOPJE

The detention department in the Penal-Correctional Institution Prison Skopje has a total of 286 beds, while the capacity of the department based on the criterion (min 9m³/4m² per person) is for 243 detainees. On the day of the visit, there were a total of 261 detainees in this ward, of which 15 were women (placed in 4 rooms) and 1 child, separately placed in Corridor B.

The detention part of the prison is divided into corridors A, B, C, G and D. The number of detainees exceeds the accommodation capacity of the institution, which could be seen during an inspection of the premises.

When it comes to the number of prison police, it shows a trend of continuous decline even though in 2023 there was an admission of 15 prison officers.

One of the challenges with which the penal-correctional institutions are facing, and which affects the motivation of employees and indirectly the attitude towards detained/convicted persons, is the (un)established system of advancement in the professional career. **In this regard, it is pointed out that employees are demotivated by the cases when, instead of promoting staff who have already gained experience and knowledge in the work, outsiders who had no previous experience with the penitentiary system are employed in the Institution in higher positions.** It can be noted that there is a high degree of disappointment, apathy and demotivation among some of the employees.

The working conditions are also a challenge, so some of the employees in this penitentiary also complained about the lack of uniforms²⁸, work equipment - handcuffs, and radio connections.

²⁸ They have not received uniforms for 8 years

The Prison does not even have enough vehicles for escorts, so 4 vehicles are available for this purpose, two of which are borrowed from the Penal-Correctional Institution Shtip and the Penal-Correctional Institution Prilep.

Among the topics that were discussed during the visit was the issue of possible cases of corruption in the Institution. So, it was said that in the last 10 to 15 years, no additional checks on the personality and profile of the candidates for admission to the institution are carried out at all, but the candidate is only required to submit proof that he does not have limited business capacity. This is precisely the reason why the rumours about the existence of corruption in such institutions are getting bigger and bigger, and on the other hand, there is an increasingly weak integrity and ethical principles among the employees.

There are no teams for assessing the risk of suicide of detained persons, and the making of the Video Surveillance Regulations is in progress.

In view of all the above, the NPM team believes that it is necessary to revise the employment conditions of the prison security, as well as to send the personnel to longer introductory trainings in order to improve the knowledge and skills of the newly recruited persons, but also to constantly check their morale and ethical credibility before entering service.

From the conversations conducted with the persons detained in the Penal-Correctional Institution Prison Skopje, the NPM team concluded that when **receiving newly detained persons**, some of the persons are searched in such a way that they strip naked, a practice that is in contradiction with the search standards - especially when it comes to women²⁹. **Such a practice can be freely classified as humiliating, i.e., degrading treatment, taking into account the uneasiness that is caused to the persons subject to the search, the shame and the feeling of helplessness.** The standards³⁰ provide for the partial removal of clothes, that is, after the upper part of the body is examined and the clothes are put on, it will be moved to the lower part of the body. Every search, i.e., examination of intimate parts, i.e., cavitations, should be done by a professional (medical) person.

The NPM team further notes that during the search, only one person is present, instead of two, provided for by Article 9 of the House Rules for the execution of the detention measure³¹.

Regarding the medical examination upon admission, the NPM team did not find any comments, it is performed within 24 hours after the admission of the person to the institution and is carried out according to the provided protocols.

However, the NPM team found that upon admission, the persons are not familiarized with the house rules of the detention centre by the prison officials, but they receive this information from the persons with whom they are accommodated in the room/cell.

From the inspection carried out in the detention section of the Penal-Correctional Institution Prison Skopje, as well as from the conducted conversations with the detainees, it can be freely concluded that the **material conditions in this penitentiary institution are below any**

²⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Women in Prison, Factsheet, January 2018 <https://rm.coe.int/168077ff14> (Accessed on: 28.02.2024)

³⁰ Ibid

³¹ Rulebook on house rules for the execution of the measure of detention in detention departments of prisons, ("Official Gazette of RNM", No. 87/2020 of 04/02/2020)

level and standard.

The rooms in which the NPM team inspected are full of mould, moisture, and in some rooms and entire walls were black with mould. The air in the rooms is stale due to poor ventilation, and there is a lack of natural and artificial light (the rooms were usually lighted by only one lamp).

The mattresses on which the detainees slept were old and worn, and the blankets and bedding were dirty. The rooms are usually equipped with one toilet, somewhere separated from the beds by a wall without a door, in which there is a faucet (with cold water) and a sanitary unit (squat toilet).

The heating in the premises is central, but the detained persons complained that it is not heated enough, that is, it is only turned on after a few hours during the day or it is heated again during the night when everyone is sleeping.

The premises were dirty, and the detainees complained about the lack of means to maintain hygiene in them, as well as means (detergents, powders) to maintain the hygiene of their clothes (during the visit, the NPM team found a detainee washing her clothes with ordinary hand soap). Clothes are dried in the same room, on the radiator or by the only window.

When it comes to means of maintaining personal hygiene, it was said that they are given soap, paste and toothbrush, sometimes razor, shampoos, but they happen to be expired.

The infestation of insects - *tawthabites* contributes to the bad conditions in which the detainees stay, so in one of the visited rooms where five people were staying, they were all bitten by these insects (stings were literally all over their bodies: arms, legs, back).

The bad conditions, and above all the hygiene of the detainees, especially the female detainees, whose specific needs are even listed in Article 19 of the House Rules for the execution of the measure of detention³², also speaks of the information obtained by the NPM team that bathing is done every five days, the same lasts from 5-10 minutes and is usually insufficient, and hot water is often missing.

Such conditions are completely contrary to domestic and international standards³³ for accommodation of persons who have been sentenced to detention, especially if we consider that such a measure should be imposed as a last resort and only when it is absolutely necessary³⁴.

As an additional aggravating circumstance is the present violence or arbitrariness of certain detainees towards their roommates, due to which those who suffer pressure live in constant fear, and quite often are exposed to physical and psychological attack.

Thus, having in mind the fact that the very stay in detention can cause serious psychological problems (suicide rates among detainees are higher than those among convicts), but also other health difficulties, such conditions of stay, as well as the danger of violence between people housed in one room, additionally poses a risk to the health and safety of the detainee.

Based on the situation ascertained during the visit, the NPM team points out

³² Rulebook on house rules for the execution of the measure of detention in detention departments of prisons, ("Official Gazette of RNM", No. 87/2020 of 02.04.2020)

³³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Women in Prison, Factsheet, January 2018

³⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Remand detention, Extract from the 26th General Report of the CPT, published in 2017

that it is necessary to take immediate measures to improve the material conditions for the detainees, especially to pay attention to the special needs of the detainees, as well as to make good assessments at risk with aim to prevent violence between persons located in the same room.

The NPM team also visited the only child placed in this facility with a detention order. At the time of the visit, the child had already been in detention for two months, in conditions that are far from acceptable for a child under 18, left alone between four walls, without any activities and with a very low level of hygiene. In one corner of the room where it was placed, there was accumulated garbage and garbage, the bedding, blankets were dirty, the air was stagnant and difficult, and the lighting was artificial and insufficient. Apart from contacts with prison security, the child did not have any purposeful activities or contacts with professional services. The general conclusion is **that such conditions are extremely unacceptable and contrary to all standards whose essence is the best interest of the child**³⁵.

Health care for detained and convicted persons in the Skopje Prison is provided by a medical team consisting of a doctor (retired psychiatrist), who is engaged under a contract and who was present on the day of the visit, then another doctor, who is on specialization, as well as two nurses, one medical technician, as well as a dental nurse. Once a week, the Prison is visited by a psychiatrist. From the information received, the Prison has 24-hour medical support for the detained persons through organized duty.

During the visit, it was noted that the clinic has all the necessary drugs that are on the positive list, and after a previous medical report, persons can also receive the drugs brought by their family. Medicines are distributed by the guards according to the doctor's order, and the re-distribution of the medicines/therapy is done by the nurse. Haematological and laboratory tests are performed by health institutions, and only samples are taken in the outpatient clinic. During the year 2023, over 2000 referrals for specialist examinations have been prepared.

The procedures that are followed when receiving a newly detained person include a systematic examination by the medical staff, during which anamnesis is taken, a health card is opened where previous illnesses, therapy for chronic diseases, previous surgical interventions, height and weight of the detained person are entered, medications for chronic diseases and mental conditions. Regarding the detained persons, it was stated that most of them are in a specific mental state which is very complex and for that reason a large number of them are prescribed tranquilizers.

Although the NPM team did not encounter any complaints, there were individual observations that the results of secondary health examinations are not received in a timely manner, the drugs prescribed to persons deprived of their liberty are not always changed in time, and they are not provided with timely help after being bitten by tawtabites.

Although the prison security informs that there are regular rounds (especially during the night) and help is regularly given if there is a need for emergency help (taking into account that

³⁵ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by General Assembly resolution 45/113 of 14 December 1990 Available at: https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf (Accessed on: 15.12.2023)

the emergency buttons do not work inside the premises), the detainees got the impression that even and in urgent case they wait for a long time for someone from the services to come and help them.

During the visit, an inspection was carried out in the records that are kept on the **use of force and means of coercion on detained persons**, a total of 11 events related to the use of force or means of coercion were registered, of which 4 cases involved the use of handcuffs and legs and means of tying, and in the rest of the cases it is a pronounced measure of enhanced supervision in a room, under video surveillance and strict control of therapy. Namely, the NPM team salutes the fact that physical fixation is no longer used for more than a year. The duration of isolation and referral to a room under video surveillance and under strict control of receiving therapy is noted in a notebook, where it was noted that in certain cases the isolation lasted more than 15 days. In view of this, the **NPM team points out that it is necessary to take into account the negative effects of such isolation when referring people to isolation, which should be followed by a more frequent review of the need to continue the measure, immediately by a medical person.**

The use of means of binding during the conduct is specified in the order for escort, based on a prior risk assessment, which is why no standard operating protocols are drawn up for such use of ligatures. In this regard, , **the NPM team recommends taking into account the provisions that regulate the use of means of binding during conduct, especially those that stipulate that: "The person being conducted should not have his hands tied behind his back, due to the risk of injury in the event of a traffic accident.", as well as that "A person deprived of liberty during enforcement should not be tied to a fence, equipment or other objects."** *It is the responsibility of the senior staff in the prison police to ensure that the provisions that provide for the use of force and means of coercion, and even in cases of escorts³⁶, will be properly applied.*

Although the Rulebook on house rules for the execution of the detention measure, in a separate section, provides for all the humane conditions for the person's stay in detention, from the findings mentioned above, it can be concluded that the hygiene in the detention section of the Penal-Correctional Institution Prison Skopje is below the minimum standards, the conditions for maintaining personal hygiene and the hygiene of the room where the detainees stay is at a very low level, while the bedding and personal items/clothing of the persons deprived of their freedom and detained is unclean and there are no possibilities where it can be washed/dried.

As for the diet, several detainees complained that it was tasteless, monotonous and completely unacceptable. They do not receive fruits and vegetables, as well as dairy products (milk, yogurt, etc.). They do not have the opportunity to cook, so they are completely dependent on the food sent to them by their family or the local canteen, where the prices are much higher than those in the outside world.

The food distributed to them by the Prison is the same for all detained persons, and the sick or diabetics do not receive special food adapted to their health needs.

Apart from the material and hygienic conditions in detention, the NPM team also assessed the possibilities of movement outside the cells of the detained persons, sports and recreation.

³⁶ Rulebook on the closer conditions and the method of use of means of coercion by members of the prison police in penal and correctional institutions Number of (Official Gazette No. 94/2022 of 15.04.2022)

After the inspection, it can be stated with regret that the persons are kept locked in their cells for 23 hours a day, i.e. constantly, and they have the right to fresh air for up to one hour, i.e. 45 minutes (according to some of the detainees). . This is far below the domestic standards (at least two hours a day - Article 9 of the House Rules for the execution of detention measures³⁷), that is, according to the recommendations of the European Committee for the Prevention of Torture (CPT) that detained persons should have activities outside their cells up to 8 hours and more, which will include activities of different character: work, education, sports, recreation.

In the Penal-Correctional Institution Prison Skopje, especially women - detainees do not have any planned content/activity, except for a walk around the detention centre for a maximum of 1 hour.

The persons from the detention section are allowed to visit after approval by a judge of a preliminary procedure, as well as receive food packages and personal belongings. However, **some of the detainees complained that they do not have contact with their children, which is especially difficult for women detainees.**

KEY RECOMMENDATIONS:

- Revision of employment conditions in penitentiary institutions, background check of candidates for admission and systematic training of newly recruited staff;
- Taking urgent measures to improve the material conditions, the special needs of women detainees, as well as a thorough risk assessment for the prevention of violence between detainees placed in one cell;
- Consistent compliance with the provisions regarding the use of means of binding during marriage;
- Raising the quality of the diet by preserving the nutritional values, but also the needs of sick people and those with a special regime (diabetes);
- Respect for domestic and international standards regarding the right to clean air, sports and recreation.

³⁷ Rulebook on house rules for the execution of the measure of detention in detention departments of prisons, (“Official Gazette of RNM”, No. 87/2020 of 02.04.2020)

3.3 PENAL - CORRECTIONAL INSTITUTION PRISON TETOVO

The Prison Tetovo is a semi-open penitentiary with physical security provided by members of the Security Department.

The capacity of the Prison is for 49 convicts, and on the day of the visit (10.08.2023) there were 59 convicts in the Prison (of them, at the time of the visit, five were on annual leave, two were using the weekend, and six were employed outside the prison).

The number of employees (prison police and Department for resocialization) continues to be below the number of planned systematized jobs, which is why the needs for the smooth and efficient performance of the function of the institution of this kind are not met. There is still no female employee in the security sector, therefore, the recommendation given after the NPM visit from 2018 remains in force, **the very fact that the prison police does not have a female official is a serious problem in conditions when it is necessary to conduct a search of women, which is why the officials pointed out to us that they do not search women, although in the meantime a manual detector has been procured, with which every person who enters the Prison is searched externally. In addition to a manual detector, the Prison also has a scanner through which all items that are brought in pass.**

The problem with staff deficit in institutions where deprivation of liberty is carried out is also the subject of consideration by the Committee for the Prevention of Torture of the Council of Europe, which in this sense states that: *„... in places where the staffing is inadequate, the need for overtime may arise in order to maintain the basic level of security and regime in the facility. **This situation can easily result in a high level of stress among staff and their early loss of will to work, which is likely to worsen the tensions inherent in any prison environment***³⁸.

The situation with the Penal-Correctional Institution Prison Tetovo in 2018 was worrisome because a series of negative situations were ascertained. Since then, the NPM team has carried out two consecutive visits (2021 and 2023), after which positive changes can be clearly observed, especially in terms of the **material conditions** of the Prison, so:

1. A separate reception department was created and equipped with decent furniture,
2. The solitary cells have been renovated,
3. New mattresses, blankets and other bedding have been purchased for all convicts,
4. The bathrooms have been completely renovated and equipped with new sanitary facilities: modern showers, and the renovation of the bathrooms located in the open part of the yard is ongoing.
5. The yard is completely renovated and suitably arranged,
6. The fitness hall for convicted persons, as well as the common room for day care and the library, has been equipped with new equipment and renovated.
7. The dining room has been renovated, where meals are organized in groups (due to the limited number of tables and chairs). In doing so, caution is taken to ensure that the utensils used by convicted persons do not contain knives,

³⁸ Extract from 11 General Report (CPT/Inf (2001) 16) of the Committee against Torture of the Council of Europe

8. The visiting room, toilets (men's and women's) and visitor's yard equipped with children's facilities/equipment have been completely adapted and arranged.

All of the above was carried out thanks to donations from outside persons/companies, for the donation's praises were made and prominently displayed.

The reception department in the Prison consists of a room with four beds, a separate day care room equipped with a sofa and a TV receiver, a toilet which at the time of the visit was flooded due to a running faucet. NPM found that the premises appeared tidy with the exception of the toilet which was immediately responded to.

All accommodation rooms were neat and clean (hygiene is taken care of by the convicts themselves, and employees stimulate them to raise hygiene to a higher level with certain conveniences for the cleanest rooms). The rooms have clean linens, and there was a TV receiver in each of them.

The toilets in the department have been completely renovated and are in excellent condition. There is always hot water and hygiene products, as indicated by the convicts themselves, whom the NPM team talked to.

For the needs of convicted persons, a telephone has been set up that can be used at any time and from which landline and mobile numbers can be called.

The spatial for convicts to walk outdoors is unrecognizable from the 2018 visit and is fully landscaped with greenery, flowers and a built-in pool. Vegetables (tomatoes) are grown in one part of the yard, and the hygiene and overall organization of the yard was at a high level.

One part of the yard is covered and equipped with a table and chairs, which allows you to stay outdoors even on days when the weather does not allow it (rain, snow). At the time of the visit, it was in this space that some of the convicts were playing board games.

As part of the promenade, there is also a so-called a common room where convicted persons have the opportunity to drink coffee, tea, watch TV and socialize together. The room is equipped with furniture in good condition, a bar, a refrigerator full of refreshments, a coffee maker and a TV receiver, and right next to this room is the library, which, like the rest of the rooms, was equipped with furniture, in good condition and clean. What could be noticed is the modest stock of books.

Near these two rooms are the barber shop (also neat and equipped with furniture in good condition and appliances typical for a workshop of this kind), a fitness room equipped with the most modern equipment, as well as a classroom intended for education.

In this part of the Prison there is also the bathroom, the renovation of which was in progress, and from the work activities that could be seen, it can be concluded that it will also be modernly equipped with sanitary facilities suitable for a modern bathroom. There is also a so-called a common room where convicted persons have the opportunity to drink coffee, tea, watch TV and socialize together. The room is equipped with furniture in good condition, a bar, a refrigerator full of refreshments, a coffee maker and a TV receiver, and right next to this room is the library, which, like the rest of the rooms, was equipped with furniture, in good condition and clean. What could be noticed is the modest stock of books.

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Food is prepared in the kitchen for all convicts. The person in charge of the kitchen is a professional cook and convicts who help him. Hygiene in the kitchen is at a satisfactory level, equipped with kitchen appliances in good condition. The food is prepared according to the menu prepared by the chef, which is signed, that is, approved by the doctor and the director. About the quality of the food, the convicts themselves stated that it is tasty and in sufficient quantities, vegetables are regularly served, and what is missing is fruit. It has been noted that there is no special menu for convicts with a special diet (diabetes, etc.). Convicted persons eat their food in a canteen, which has tables and chairs that were in good condition, neat and clean.

In the Prison Tetovo, a special room has been prepared for the performance of religious rites for persons of the Islamic faith.

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In the Tetovo Prison, a special room has been prepared for the performance of religious rites for persons of the Islamic faith.

The Clinic is located in the basement of the penitentiary and is equipped with a desk and chair, a computer, a sink, an examination bed, a locked metal display case for storing medicines, as well as a display case for storing medical records. From medical devices there are medical headphones (stethoscope), blood pressure measuring device, EKG device, blood sugar measuring device, drug screening tests. An apparatus for checking the eyes, ears, oxygen mask, AMBU mask for assisted breathing are still needed.

The employed doctor is also responsible for the Educational-Correctional Institution Tetovo, where he stays every Thursday. The doctor is present every day from Monday to Friday from 08:00 to 16:00h with the exception of a few hours on Thursday when he visits the Educational-Correctional Institution Tetovo. Outside of regular working hours, the doctor is also available on weekdays until 10:00 p.m., and in cases of urgency, the Emergency Medical Service teams are also called.

The doctor shares the office with two other employees who are also present during examinations, a practice contrary to international standards which state that "All medical examinations (whether on admission or later) should be carried out without the presence of prison officials, unless the doctor asks otherwise. Convicted persons should be examined individually, not in groups."³⁹

³⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Council of Europe, Prison Health Service, Available at: <https://rm.coe.int/16806ce939> (Accessed on: 14.08.2023)

There are not enough medicines in the prison clinic because the institution itself does not have a budget for it, and only 5% of the necessary medicines are delivered through the Tetovo Health Centre. In the case of the need for secondary or tertiary therapy, the sentence is suspended for the duration necessary to remedy the health problem. Convicts who do not have health insurance do not receive the same from the penitentiary institution, in other words, they are uninsured.

Regarding the distribution of therapy to convicts, it must be emphasized as a positive practice and example for other prison institutions that in the Penal-Correctional Institution Prison Tetovo the therapy is prepared separately for each convict, organized in small packets on which the name and surname of the convict are written without it is highlighted what type of therapy is involved, which guarantees the discretion of the patient and his illness, that is, his health condition.

From the conversation with the doctor, the NPM team was informed that when ascertaining injuries in a convict, the doctor informs the director about them, but there is no feedback on whether they are forwarded further to the Public Prosecutor's Office, an obligation that the director has when ascertaining injuries caused by another person.

There is no dental clinic in the prison, nor has the Prison concluded an agreement with any health facility for providing dental services to convicted persons. Convicted persons are treated by private dentists.

The prison does not have a doctor - a specialist in psychiatry, but convicts who need a psychiatrist are regularly taken to Psychiatry at the Tetovo Clinical Centre.

In the section on examinations of convicted persons who are serving a disciplinary sentence - solitary confinement, the NPM team concluded that every person must be examined by a doctor before being sent to solitary confinement, and the doctor visits them regularly, on a daily basis, while they are in solitary confinement.

The prison has several functional cameras for **video-surveillance monitoring** the external walls and internal common rooms in the institution. In this way, the level of protection against possible inappropriate actions towards the convicted persons has been raised, and the video surveillance recordings are also used to determine the factual situation in the case of allegations of disciplinary violations committed by the convicted persons.

The NPM team was informed that there is no Rulebook or any other document governing the issue of video surveillance in the facility. The strategy for the development of the penitentiary system as one of the activities for the realization of the strategic goal Strengthening the video surveillance system in the Penal-Correctional Institutions and the Educational-Correctional Institutions (4.5) foresees the adoption of rules and introduction of Standard Operating Procedures for video surveillance in the Penal-Correctional Institutions and the Educational-Correctional Institutions. However, considering the fact that such an activity has not yet been implemented and the NPM team has no information that a unified rulebook or Standard Operating Procedures for video surveillance in the Penal-Correctional Institutions and the Educational-Correctional Institutions has been adopted, **and taking into account the need to regulate video surveillance in the institution, the NPM team recommends as a transitional solution to follow the example of the Penal-Correctional Institution Idrizovo where the director of the institution, on the basis of the Law on the Protection of Personal Data and the Law on the Execution of Sanctions, has adopted "Regulations on the method of**

performing video surveillance in the Penal-Correctional Institution Idrizovo with an open department in Veles” (No. 01-9450/1 of 19.08.2021)⁴⁰.

None of the convicted persons with whom the NPM team spoke complained of inappropriate **behaviour** by the officials, nor of impatience and violence among the convicts themselves. All emphasized the correct attitude of the employees towards them, as well as the good material conditions and the food. The only remark in a negative context is health care and the lack of medicines, especially for those convicts who also have mental/psychiatric problems/diagnoses.

Upon admission to the institution, convicts are examined in the first 24 hours, that is, if the admission was made in the evening, in the morning as soon as the doctor arrives. On this occasion, the NPM team points out that the search, i.e., **the examination of the newly admitted convicts must not be carried out with the convicts completely undressed, but the same should be done partially (first the upper part of the clothes, and after putting on that part, move on to removing the lower part of the clothes). This way of performing examinations preserves the dignity of persons - the subject of examination and does not expose them to additional inhuman or degrading treatment or punishment. Any preview of internal cavities must be done by a medical professional. This type of examination must be officially recorded with information about the person performing the examination and the others present while it is being performed.**

All persons who are serving a prison sentence have the right to work according to their physical and mental abilities. Convicted persons in the Penal-Correctional Institution Tetovo Prison are mostly engaged in maintaining hygiene in the institution, doing work in the kitchen or performing regular janitor tasks, while six convicts were employed outside the penitentiary.

In Tetovo Prison, compulsory primary and secondary **education** is not provided, and at the time of the visit, the convicted persons were not even involved in an educational process outside the institution. **With this way of acting, the institution violates the legal regulations for mandatory organization of education, as part of the general system of education and upbringing.**

During the interviews conducted by the NPM team, none of the convicted persons complained about the right of **visits or contact** with family. KPU Prison Tetovo has equipped a special room for the exercise of the right to visit convicted persons, has built toilets for visitors (female and male), as well as a horticulturally refined outer part (yard) with new children’s toys, several screens for visits in the summer period and a fountain. Such a space leaves the impression of a dignified and decent way of holding meetings between convicts and their families.

The NPM team found that there are special mailboxes in the prison through which convicted persons can address a petition or complaint to the director or the Ombudsman’s office, and it was also established that the House Rules with the rights of convicted persons is displayed on several visible places in the Prison.

During the visit, the NPM team also held **talks with officials** working in the Security Department. In this penitentiary institution as well, it is necessary to re-equip the staff according

⁴⁰ Available on the website of the Penal-Correctional Institution Idrizovo: <https://www.kpuidrivo.gov.mk/2023/05/12/pravilnik-za-nachinot-na-vrshe%d1%9ac-na-video-nadzor-vo-kpu-kpd-idrizovo-so-otvoreno-oddelenie-vo-veles/> (last visited 18.08.2023)

to the planned jobs in the systematization. However, compared to the previously given remarks, on this occasion the satisfaction of the employees with the positive changes that took place in the Prison was apparent.

The overtime hours of the security personnel are paid. They still have a problem with the uniform, that is, for a long time now, security employees have not received uniforms and shoes, so they are forced to make do as they know how.

There is not a single female employee in the Security Department in the Penal-Correctional Institution Prison Tetovo, the lack of female employees in the Security Department leads to the situation that the search of female visitors to the prison is not carried out at all, which on the other hand calls into question the security in the institution even though a manual detector is used for this purpose.

KEY RECOMMENDATIONS:

- Increasing the number of prison officers (in the prison police and resocialization sector) and taking steps to ensure at least one female employee per shift at all times in the Prison;
- Compliance with national and international standards when conducting a search/examination of a newly admitted person in the Penal-Correctional Institution Prison Tetovo⁴¹;
- Provision of special nutritional treatment for convicted persons with special nutritional needs.

⁴¹ European Prison Rules Available at: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae> (Accessed on: 14/08/2023)

3.4 OVERCROWDING AND GENERAL CONDITIONS

Overcrowding continues to be one of the most serious challenges facing the Macedonian penitentiary system. The resulting lack of personal space and privacy puts all convicted and detained persons at risk, especially the most vulnerable.

Almost all penitentiary institutions face a lack 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 penitentiary institutions is for 2113 convicted persons, of which 1297 persons are accommodated only in the Penal-Correctional Institution Idrizovo as of 26.12.2023⁴².

During 2023, an attempt was made to pass a new law on amnesty, which was supposed to cover those convicts sentenced by a final sentence to imprisonment for crimes prescribed by the Criminal Code or other laws that began on the day this law came into force or have not started serving a prison sentence in Penal-Correctional Institution in the Republic of North Macedonia, as well as persons convicted with a final sentence of imprisonment for crimes prescribed by the criminal laws of another country if the perpetrator is a citizen of the Republic of North Macedonia and is serving the sentence in the Republic of North Macedonia on basis of execution of a criminal judgment of a foreign or international court and the same is recognized by a judgment of a competent court in RNM, in accordance with an international agreement ratified in accordance with the Constitution of the Republic of North Macedonia. The amnesty law was not adopted by the Assembly of R.N. Macedonia.

At the time of preparation of this Report, the Amnesty Law was in parliamentary procedure.

In this sense, **the NPM team reiterates the need to develop a systemic approach in dealing with overcrowding in the penal institutions, by establishing a permanent dialogue, common understanding and action of the competent authorities, the heads of the administration for the execution of sanctions and penal institutions, legislators, judges, prosecutors and all other active stakeholders.**

As a general remark regarding the functioning of the penitentiary system this year, **the NPM team has concluded that the frequent change of managers in penitentiary institutions leads to inconsistent management of the same, lack of review and implementation of implemented activities and plans, as well as lack of continuity in the implementation of the reforms envisaged by the National Strategy for the Development of the Penitentiary System in the Republic of Macedonia 2021-2025⁴³**, this very strategy states that the conditions for the Director of the Penal-Correctional Institution and the Educational-Correctional Institution foresee a work experience of at least seven years, of which four in the field of sanctions or related work. Such a process is further burdened by the fact that

⁴² The data was officially received from the Administration for the Execution of Sanctions with letter no. 06-446/4 dated March 12, 2024

⁴³ Administration for the Execution of Sanctions, National Strategy for the Development of the Penitentiary System in RS 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)

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 or punishment⁴⁴.

It is expected that the newly adopted amendments and additions to the Law on the Execution of Sanctions⁴⁵, will resolve certain dilemmas regarding the selection and appointment of the management staff of the penitentiary and correctional institutions, but also regarding the management itself, and above all security. However, as many times before, what will be of highest importance is the willingness to consistently and promptly implement such legal solutions.

3.5 LEVEL OF IMPLEMENTATION OF THE RECOMMENDATIONS OF THE NATIONAL PREVENTIVE MECHANISM

Regarding the level of compliance with the recommendations sent by the National Preventive Mechanism to the competent institutions, we salute their responsiveness, as well as their willingness to correct the identified deficiencies. However, we note with regret that the institutions correct only what does not require financial implications or the need for coordination with other authorities (e.g. Ministry of Health, Ministry of Education and Science).

⁴⁴ 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 Достапно на: <https://rm.coe.int/1680a359cb> (пристапено на: 22.03.2023 година)

⁴⁵ Law on Amendments and Supplements to the Law on Execution of Sanctions ("Official Gazette of RSM" No. 74/2024) Available at: <https://uis.gov.mk/wp-content/uploads/2024/04/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%B8-%D0%B4%D0%BE%D0%BF%D0%BE%D0%BB%D0%BD%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%BD%D0%B0-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D1%82-%D0%B7%D0%B0-%D0%B8%D0%B7%D0%B2%D1%80%D1%88%D1%83%D0%B2%D0%B0%D1%9A%D0%B5-%D0%BD%D0%B0-%D1%81%D0%B0%D0%B%D0%BA%D1%86%D0%B8%D0%B8%D1%82%D0%B5.pdf> (Accessed on: 06/06/2024)



PSYCHIATRIC INSTITUTIONS

In the reporting year, the National Preventive Mechanism visited one psychiatric institution, Negorci Psychiatric Hospital.

As last year, in this unannounced visit was the forensic, i.e. court department 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 people being treated are at risk of abuses that could amount to torture or other cruel, inhuman or degrading treatment or punishment. In this sense are also the prohibitions for this type of abuse contained in international documents and national regulations⁴⁶. 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 visits⁴⁷.

According to the standards of the European Committee for the Prevention of Torture (CPT),

⁴⁶ 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 for the 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).

⁴⁷ 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 the 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. court department, where persons who have been sentenced to a security measure - mandatory psychiatric treatment and custody in a health facility - are placed

personnel resources should be adequate in terms of number, categories of staff (psychiatrists, 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 staff⁴⁸.

In this regard, and on this occasion, we will once again repeat the general remark that was ascertained last year, which is that this hospital, as well as the "Skopje" and "Demir Hisar" psychiatric hospitals, is facing a serious shortage of staff. So, in the Psychiatric Hospital - "Negorci", out of a total of 114 systematized jobs, 89 job positions have been filled, as well as one position on the basis of a work contract.

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, general practitioners, nurses, psychologists, occupational therapists, social workers, etc.), experience and training. Deficiencies in personnel resources can often lead to risky situations for patients, regardless of the good intentions and real efforts of the staff in the service⁴⁹, while for the staff **risks that can lead to overload, increased stress and consequently to the possibility of work burnout, i.e. "burnout" (burnout syndrome), which in turn would be directly reflected in the treatment of patients.**

4.1 PHI PSYCHIATRIC HOSPITAL NEGORCI

"Negorci Psychiatric Hospital" is divided into two departments, one with increased supervision and another without increased supervision. As for the judicial (forensic) department, which was also the subject of this NPM visit, it is located in a separate facility and it houses patients with a pronounced security measure - mandatory psychiatric treatment and custody in a health facility.

From a material point of view, the facility is new with neat sanitary units, individual rooms that accommodate two to three patients and a living room with two televisions, as well as several board games: cards, backgammon, chess.

The hospital does not have a hospital economy as a type of occupational therapy for patients (although not so long ago (5 years ago) it existed), they do not have donations or external security, and there is no video surveillance. However, there is a football and basketball court, as well as a canteen around the hospital where patients get food, personal hygiene products, and clothes.

There are escapes from the hospital (once a month), after which the competent police station is notified, which, according to the employees, responds to the report and searches for the patients.

⁴⁸ 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

⁴⁹ Ibid

Regarding the vehicle fleet, the hospital has enough vehicles to meet the needs, for which the management expressed satisfaction.

The hospital has no debts, and the budget for 2024 has been increased by 5 million denars compared to the one for 2023.

There is a nurse and a paramedic on the ward in the first shift, and after the end of the first shift there are usually two nurses.

The responsible doctor and head of the department is the current director of the hospital, who is serving his second term and who supervises the overall work on a daily basis, while the two doctors specializing in psychiatry alternately continuously cover the department, monitor the mental state and in coordination with the head regulate drug therapy.

One social worker is in charge of all patients in the hospital, including patients from the court department (on the day of the visit, there were 38 patients in the hospital with a measure of security, mandatory psychiatric treatment and custody in a health institution. Out-of-court patients (11 patients in total) due to space limitations are accommodated in other departments, only two psychologists work with all patients in the hospital.

Fixation in the hospital is done in the acute, reception department, where a special room is provided for that purpose, lined with protective walls and surveillance from both sides of the room in the form of glass walls. Belts with magnets are used for fixation, and for the fixation itself, a Protocol for fixation of patients at PHI Psychiatric Hospital "Negorci" has been drawn up, as well as a Form for fixation containing data on the patient, history of illness, description of mental state, prescribed therapy, type of fixation, duration of fixation, control and management person who approves the fixation.

For each patient there is a history where all data is entered, history of illness, current mental and general health condition, as well as all medical interventions during his stay in the hospital, e.g., all medical examinations performed during hospitalization, treatment protocol, findings and a psychologist's opinion, social history and decorous (occasional notes on the course of the mental state).

Each patient also has a health record in which the entire communication with the court about the patient, his treatment, as well as proposed measures (if there are any regarding the change of the measure)⁵⁰, a request for a therapeutic weekend or a request for a change of the measure to mandatory outpatient treatment, is entered.

At the time of the visit to the court department, there were no patients on methadone therapy.

From the conducted conversations with some of the patients, it can be concluded that they are in a relatively stable mental state with well-ordered therapy lists and appropriate therapy.

Everyone is satisfied with the accommodation, the conditions, the diet, although there were also patients who complained about it. Patients emphasized the possibility to get certain things from the canteen around the hospital, and they are especially pleased with the possibility that

⁵⁰ In a conversation with the employees, it was said that although the hospital regularly informs the courts, every 6 months, and for several patients they have proposed a request to change the measure from compulsory treatment in hospital conditions to free treatment, the court rarely responds to such proposals and does not carry out changing it.

twice a week, in the presence of employees, they can communicate with their families and loved ones by phone

From the conducted inspection, it can be concluded that the **work in the court department at PHI Psychiatric Hospital "Negorci" is going smoothly and in relatively good material conditions.** The employees show dedication and care for the patients, and the rooms where the patients are examined are clean and decently equipped.

What is worrying is the lack of productive and structured, designed activities that would contribute to improving the general mental state of the patients, which would consequently contribute to their resocialization and productive functioning after the completion of the measure.

There is no occupational therapy, as well as individual and group counselling, constructive therapeutic, but also regular sports activities.

KEY RECOMMENDATION:

- Employment of additional personnel in accordance with the systematization of jobs, primarily social workers and psychologists, but also a psychiatrist - subspecialist in forensic psychiatry, as well as occupational therapists.



POLICE STATIONS OF GENERAL JURISDICTION

During 2023, the NPM team conducted 7 visits to police stations under general jurisdiction, namely PS GJ Bit Pazar, PS GJ Tetovo, PS GJ Kriva Palanka, PS GJ Kavadarci, PS GJ Resen, PS GJ Veles and PS GJ Shtip, as well as 2 visits to police stations for border surveillance, PS GN Blace and PS GN Caska. All visits were made without prior notice.

5.1 POLICE STATION OF GENERAL JURISDICTION BIT PAZAR

Since the establishment of the National Preventive Mechanism, the Police Station of General Jurisdiction Bit Pazar was visited for the fifth time.

During this fifth visit, it was ascertained that the Police Station of General Jurisdiction Bit Pazar has still not adapted a special room for conversations with children, so conversations with children in conflict with the law, as well as with child victims of crimes, are carried out in the office of the inspectors for juvenile delinquency and in certain cases also in the shift manager's office. The office of the juvenile delinquency inspectors (which is located on the first floor of the building and to which there is no elevator because it is non-functional) is in extremely poor material condition, it is shared by several inspectors and is equipped with old and dilapidated inventory and only one dedicated computer for more inspectors. The walls are whitewashed, and around the window's improvised "slats" are made with Styrofoam as wind insulation. Hence, the NPM team concludes that the **office where the conversations with children are conducted in the Police Station of General Jurisdiction Bit Pazar is not only not suitable for the purpose for which it is used, but also lacks basic conditions for smooth work.** During the visit, the NPM team received information that in exceptional situations, when the conditions allow it, conversations with children are conducted in the office of the shift managers, which was better from a material point of view because it was renovated with the employees'

own funds.

As for the detention rooms, the hygiene is at a better level compared to the conditions found from the previous NPM visits, while it was emphasized that a special agency has been hired to maintain the hygiene in these rooms, which regularly cleans the detention rooms, and at certain time also washes the bedclothes.

Based on the received information and the noted volume of work, the NPM team concluded that the number of uniformed police officers in the Police Station of General Jurisdiction Bit Pazar is not sufficient for the smooth and proper execution of work tasks, and a lack of personnel was also found in the section of the criminal police.

In addition to the deficiency of police officers, the NPM team also specified that a serious challenge is that the assignment of police officers to work positions and performing work tasks for which they are not qualified, i.e., they do not have previous experience, nor were they properly introduced to the problem (for example through training and etc). Some of these job rotations are perceived by police officers as a setback in their professional career, which is why motivation to perform work tasks is at a very low level⁵¹.

All of this directly affects the risk of possible inappropriate treatment of persons deprived of their liberty, which is why the NPM team recommends that any transfer or referral of police officers to work positions and performance of work tasks for which they have no previous experience should be carried out after having previously passed trainings through which the police officer will be familiar with the specifics in the execution of the police powers characteristic of that job. At the same time, the NPM team recommends that any transfer or referral of police officers to other work positions that mean promotion or relegation in their career should be based exclusively on the need for professionalization of the service, and should be carried out in a procedure and manner established by law.

In contrast to this, **as a factual situation found that affects the reduction of the risk of possible inappropriate treatment of detained persons, the NPM team emphasizes the commitment of the commander of the police station that all conversations with detained persons are carried out exclusively in the room intended for that, which is under constant video monitoring. Namely, the NPM team highlights such commitments as a positive practice that should be followed in other police stations.**

⁵¹ Very often, the rotations of police officers within the Ministry of Internal Affairs from one department, sector or organizational unit to another are not motivated by professional motives, but due to a certain type of revanchism or pressure.

5.2 POLICE STATION OF GENERAL JURISDICTION TETOVO

The Police Station of General Jurisdiction (PS GJ) Tetovo was visited for the third time by the NPM team.

This police station is also facing a lack of staff, which is exactly why the **Ombudsman, as a National Preventive Mechanism, again recommends an increase in the number of police officers in the Tetovo police station, in accordance with the number of systematized jobs, until the systematized jobs are completely filled.**

In addition to the deficiency of police officers, **the NPM team states that a serious challenge is the assignment of police officers to work positions and performance of work tasks for which they have no previous experience, nor were they properly introduced to the problem (for example through trainings, etc.).** Hence, we will repeat the above recommendation that such practice directly **affects the risk of possible inappropriate treatment of persons deprived of their liberty, which is why we recommend that any transfer or assignment of police officers to work positions and performance of work tasks for which they have no previous experience, to be carried out after previously passed training through which the police officer will be familiar with the specifics in the performance of the police authorities characteristic of that job.**

The police station is equipped with video surveillance and during the inspection of the duty room, it was noted that it is functioning properly. Functional video-monitoring contributes not only to reducing the risk of possible inappropriate treatment of detainees and persons deprived of their liberty carried out in the Police Station for the purpose of conversation or detention, but at the same time it also reduces the risk of possible unfounded accusations of inappropriate treatment taken by police officers.

During the inspection of some of the official offices of the police officers, it was found that they are in a relatively good material condition.

The police station has two meeting rooms that are adequately equipped with fixed chairs, tables, computers, as well as video surveillance. **However, the situation regarding the provision of a separate room suitable for conversations with children has not changed and the practice continues to conduct conversations with them in the office of juvenile delinquency inspectors, which is located on the fourth floor.**

The police station has three rooms for detention, two of which have one bed each, and one has two beds. The beds in the rooms are attached to the floor, and they were equipped with a mattress, blankets and pillows, which were pointed out to be washed at certain time intervals and to be changed supposedly after each stay of a person in the rooms. On the day of the visit, a person was detained in one of the rooms who complained of dirty bed linen, as well as a liquid on the floor of the room in close proximity to the bed, which appeared to be urine. The NPM team also found two bottles with a yellowish liquid, probably urine, in the toilet intended for detained persons. **This situation indicates the probability that the demands of the detained persons to be taken to the toilet, which is located in the immediate vicinity of the detention rooms, are not met in a timely manner.** There are no tables and chairs in any of the rooms, and in all rooms, there is a system for calling and communication (intercom). However, from the immediate inspection and check of the functionality of the communication system, it was established that it does not function properly. The rooms are ventilated and

enough daylight enters through frosted windows that are provided with bars on the outside. **During the visit, it was established that there were broken windows in two rooms, which is why the measured temperature in the rooms was very low (16°C).** This condition was also found in the room where the detained person was kept, who complained that he spent the whole night in the cold without any heating.

In line to the detention rooms is the toilet for detained persons, which is equipped with appropriate sanitary facilities, i.e., a metal toilet bowl, a metal toilet and a mirror made of unbreakable material. During the visit, it was established that there were no means for maintaining personal hygiene in the toilet, such as soap, toilet paper, etc. The hygiene in the toilet was relatively good.

In the Police Station, posters with instructions on the rights of summoned, imprisoned and detained persons in several languages (Macedonian, Albanian and English) are placed at the entrance of the Police Station, in the shift manager's room, as well as in the conversation rooms.

From the conversations with the officials, it was emphasized that every person who is detained or deprived of liberty gets acquainted with the reason for which he was detained/deprived of liberty, with the right to notify a third person about his detention/deprivation of liberty and detention, with the right to hire a lawyer, as well as the right to receive medical assistance. In addition to the verbal indication of these rights, the persons are given to sign written forms/instructions, which supposedly indicate the fact that the persons are instructed and familiar with their rights.

Regarding access to the right to a lawyer, the impression is that detained persons are only asked whether they want to call a lawyer without being assisted in cases where they do not have contact with a lawyer, or to be explained to them about the possibility of calling a lawyer from the list of lawyers on duty, which in fact the police officers do not have. When it comes to children and when it is necessary to ensure the presence of a lawyer, it was emphasized that several lawyers who have undergone specialized training in working with children are contacted. **The NPM team did not ascertain that the inspectors have a special list of lawyers who have undergone specialized training for working with children. At the same time, the NPM team highlights the danger of lawyers' impartiality, especially when the same lawyers are repeatedly called.**

The right to a doctor for detainees, that is, persons deprived of their liberty and held in the Police Station, was emphasized that it has been exercised by calling the Emergency Medical Service team, and that at the person's request or when the official determines that there is a need for it. It was emphasized that medical examinations of persons are performed in the presence and under the supervision of police officers. Taking into account the need to establish a direct doctor-patient relationship, as well as due to the need to protect medical confidentiality, **the NPM team points out that, as a rule, medical examinations should be carried out without the presence and supervision of police officers, except in exceptional situations when this will be specifically requested by the doctor for preventive and safety reasons.**

The police station does not have a budget for feeding the persons who are deprived of their liberty and detained.

5.3 POLICE STATION OF GENERAL JURISDICTION KRIVA PALANKA

The Police Station of General Jurisdiction Kriva Palanka has been visited three times by the National Preventive Mechanism.

A general remark is that although the building is apparently renovated, it still gives the impression of dilapidation, which is especially noticeable from the furniture it has. The NPM team highpoints as particularly worrying the fact that the police station is still without video surveillance, there are no separate rooms for talking with detainees, imprisoned and persons deprived of their liberty, there are no rooms for talking with children, and the situation with the number of employed uniformed persons is still insufficient. In addition, officials complained about the lack of basic materials for work, such as computers, chairs, etc. Hence, the **NPM team concludes that the Police Station has limited conditions for the normal functioning and operation of the police officers. And as was the case in the previous police stations, there is also a deficiency of staff here.**

When inspecting the shift manager's room, where the persons detained, detained or deprived of their liberty are kept most of the time, there are **no clearly marked instructions on the rights of the persons deprived of their liberty or any other information.**

The NPM team was informed that during the liberty depriving of a person who needs medical attention, it is indicated in a timely manner and properly noted in the record registers, however, a police officer is always present during the examination, which is contrary to internationally established standards that state that "All medical examinations of persons in police stations must be conducted without the presence of law enforcement officers, unless the physician concerned requests otherwise in a particular case"⁵².

From the inspection carried out in the registers for means of coercion, as well as from the conversation with the officials, no use of physical force and any other type of fixation of the persons was determined.

When it comes to detaining foreigners, it was said that the police officers get along with them on their own. In the shift manager's room, leaflets with instructions on the rights of detained persons were observed in several languages, but this way of simply showing the rights of these persons without a real opportunity to establish communication with them **indicates improvisation that must not be allowed.**

Lawyers do not come on official duty, personal, friendly connections are used and in case of need they are called.

The NPM team therefore concludes that it is necessary to formalize a standard protocol for handling such cases, as well as a list of authorized translators, as well as lawyers. Any unnecessary improvisation can lead to the violation of the rights of persons detained or deprived of their liberty.

Officials at the police station who were interviewed emphasized that people are always instructed about the reasons for which they are called, detained or deprived of liberty, and they

⁵² Council of Europe - Amendments to the standards of police detention, Available at: <https://rm.coe.int/16806cd1ed> (Accessed on: 08/06/2023)

are instructed about their rights (to call a lawyer, to seek medical help, to notify a third party).

Even this police station does not have a budget for feeding persons deprived of liberty and detained.

The Police Station does not have a vehicle fleet adequate to its needs.

Taking into account that inconsistency has been found in the part of training, especially for advanced police officers, **the NPM team 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 completed training through which the police officer will be familiar with the specifics in the exercise of police powers. This is especially important when it comes to work with vulnerable categories of persons, e.g., children.**

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.**

The police station has two holding rooms located in the basement of the building, both of which are unsuitable for that purpose, have no natural light, no ventilation, no artificial lighting, and no call system.

5.4 POLICE STATION OF GENERAL JURISDICTION KAVADARCI

Although renovated, the police station is without video surveillance, and there are no special rooms for talking with detainees, detainees and persons deprived of their liberty. When it comes to special rooms for talking with children, it has been established that efforts are being made to equip a room for that purpose, as well as a room for recognition. As for the number of employed uniformed persons, it can be freely concluded that it is still insufficient. When it comes to work materials, such as computers, etc., this police station is solidly equipped and no deficiency was pointed out. The fleet consists of old and defective vehicles. Trainings are organized, but not enough.

The NPM team states that the Police Station Kavadarci has limited human capacities for normal functioning and operation, although the material conditions are at a solid level. The recommendation to install video surveillance remains in force.

In addition, the NPM team recommends refurbishing the two new rooms intended for talking with children and recognizing them and putting them into use as soon as possible.

At the same time, it recommends conducting training for special police tasks, especially when it comes to work with vulnerable categories of persons, e.g., children.

The police station has five single detention rooms, of which four are in use. Although they seem to be large enough, they still do not meet internationally accepted standards⁵³. In addition, the rooms have no natural light, no ventilation, no artificial lighting, and no call system.

When apprehending a person who needs medical assistance, it is indicated in a timely manner and properly recorded in the registers for records. During the examination, care is taken to ensure that the person is alone with the doctor and to give enough space for privacy, which is in accordance with internationally established standards that state that "All medical examinations of persons in police stations must be conducted without the presence of law enforcement officers", unless the doctor concerned requests otherwise in a particular case"⁵⁴.

From the inspection carried out in the registers for means of coercion, as well as from the conversation with the officials, no use of physical force and any other type of fixation of the persons was determined.

The police officers are informed that the lawyers have an official obligation and duty to come on call, they have a list of lawyers on duty, although they are not fully familiar with the way in which they are hired and charge for their services. No complaints were received about the cooperation and behaviour of the social workers.

When it comes to children and the conversations with them, the inspectors for children have a list of lawyers trained to represent children, which in Kavadarci is a total of ten. Cooperation with the centre for social work and the Public Prosecutor's Office is good and they do not have any major problems. During the conversation, all interested parties are always called (parent/guardian, Centre for Social Work, Public Prosecutor's Office, lawyer), while the duration of the conversation does not exceed 3 hours. There is no detention of children in the police station.

On this occasion, the NPM team points out that the Police Station of General Jurisdiction Kavadarci should establish a formal, standard procedure/protocol for dealing with children, as well as with other vulnerable categories of citizens, because any unnecessary improvisation can lead to the violation of the rights of persons detained or deprived of their liberty.

In this regard, it is necessary for the Ministry of Internal Affairs to provide and prescribe clear guidelines that will standardize the practice of police officers dealing with each group of citizens, especially when it comes to citizens from vulnerable categories and at risk (persons with special needs).

⁵³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Detention by Police, Available at: <https://rm.coe.int/16806cea26> (Accessed on: 17/07/2023)

⁵⁴ Council of Europe - Amendments to the standards of police detention, Available at: <https://rm.coe.int/16806cd1ed> (Accessed on: 08/06/2023)

5.5 POLICE STATION OF GENERAL JURISDICTION RESEN

The Police Station Resen, although renovated in 2021/22, still does not have rooms for conducting conversations with detainees, imprisoned and persons deprived of their liberty, and it also does not have video surveillance, which is extremely important when it comes to dealing with detainees, imprisoned and persons deprived of liberty, and in the direction of prevention of torture and other cruel, inhuman or degrading treatment or punishment. The police station does not have separate rooms for talking with children, as well as a room for identification. As for the number of employed uniformed persons, it can be freely concluded that it is still insufficient. When it comes to work materials, such as computers, etc., it was pointed out that they are not in satisfactory numbers. From the above, **the NPM team concludes that the Police Station has limited human capacities for normal functioning and work, and improvement is also needed in the area of material and technical means of work (e.g., computers). In addition, this police station needs to install video surveillance, which should be procured and put into use as soon as possible, taking into account the fact that this police station has detention facilities and detains persons deprived of their liberty.**

Hence, it is recommended that immediate measures be taken to equip rooms for conducting conversations with detainees, imprisoned and persons deprived of their liberty, and above all to prepare a room for conducting conversations with children.

The police station has four single detention rooms, of which three are in use. From the inspection, it can be concluded that the premises, although they seem to work decently, still do not meet the internationally accepted standards⁵⁵. The premises are located in the basement with steep and hard-to-see stairs. In addition, the rooms have no natural light or ventilation. The premises have a call system installed, and as in the entire police station, there is no video surveillance here either.

There is no toilet in this part, so in case of physiological need, detained persons ring the bell and call an official who will take them to the toilet on the first floor.

The hygiene in the detention rooms was at a solid level, the cleaning of the rooms is taken care of by the hygienist employed at the police station, while the bed linen is taken every two weeks to be washed in a nearby hotel with which the police station has concluded an agreement for this purpose.

When apprehending a person who needs medical assistance, it is indicated in a timely manner and properly recorded in the registers for records. The person is examined in private with the doctor, which is in accordance with internationally established standards that state that "All medical examinations of persons in police stations must be conducted without the presence of law enforcement officers, unless the doctor concerned requests otherwise in a particular case"⁵⁶.

From the conducted inspection and in the registers for means of coercion, as well as from a conversation with the officials, no use of physical force and any other type of fixation of the persons was determined.

⁵⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Detention by Police, Available at: <https://rm.coe.int/16806cea26> (Accessed on: 17/07/2023)

⁵⁶ Council of Europe - Amendments to the standards of police detention, Available at: <https://rm.coe.int/16806cd1ed> (Accessed on: 08/06/2023)

Police officers regularly inform about the right to a lawyer, but they do not have enough information regarding the way in which compensation is regulated.

The fleet of this police station is solid. Trainings are conducted, but insufficient in relation to new trends, e.g. family violence. Therefore, the **NPM team recommends conducting trainings for special police tasks, especially when it comes to working with vulnerable categories of persons, e.g. victims of domestic violence, children.**

5.6 POLICE STATION OF GENERAL JURISDICTION VELES

The Police Station Veles has 70% occupancy of uniformed police officers, **which is insufficient for efficient and effective performance of daily work tasks.**

From the conversations conducted with the employees of this police station, one gets the impression of general apathy and disappointment with the working conditions, dissatisfaction with the level of **preparation and knowledge of the newly recruited personnel who have very modest knowledge and skills in police affairs.**

Overtime is paid only up to 32 working hours. Excess working hours above this number are compensated with days off, but due to the lack of staff, the days off are not used.

This police station is also facing an outflow of staff, and among the people who are leaving are experienced police officers.

Officials interviewed by the NPM team also complained about the lack of uniforms, while when it comes to personal armaments and means of coercion, it was said that although new ones were requested, they were not being received.

Regarding the degree of conducting trainings, it was pointed out that the Police Station Veles has an Annual Training Plan, but due to coordination with Skopje and the absence of the person responsible for this activity, trainings are not conducted regularly.

The NPM team also points out on this occasion that **training for police officers is extremely important, both when implementing the specifics in the execution of police authorizations, and when it comes to working with vulnerable categories of persons, e.g., children. It states that the 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 officials and other persons who may be involved in the detention, interrogation or treatment of a person any individual subjected to any form of arrest, detention or imprisonment.**

When people are detained, means of coercion are rarely used, and handcuffs are among the most frequently used. They often need emergency medical assistance, and it was said that a uniformed police officer is almost always present during the examination. Binding of a person occurs only when it is aggressive and agitated, and the binding lasts until it calms down.

There is a list of lawyers on duty, but not a list of translators, so the police officers do what they know and can do.

The Police Station is equipped with video surveillance, the control system is centralized and no one from the Police Station itself can intervene or edit it.

When it comes to cooperation with other institutions, e.g. The Centre for Social Affairs pointed out that representatives from the regional CSA do not always come, which is due to a lack of funds and means of transportation by the Centres.

5.7 POLICE STATION OF GENERAL JURISDICTION STIP

The problem of deficiency of staff, which is ascertained in the police stations described above in this report, is also observed in this Police Station. Namely, compared to the numerical situation in 2019, during this visit, **the total number of police officers decreased by 9 people. This situation once again confirms the previously given statement that it is in contradiction with the standards of the European Union⁵⁷.**

From a material point of view, it must be noted that this Police Station is in an extremely unsatisfactory condition. The commander informed on several occasions about the need for renovation through problem information to the Ministry of Internal Affairs, but he did not receive a response.

The general impression one gets during a tour of the police station is a high level of unhygienic, neglect (old papers, cables, spent computers and other objects are piled up in several places around the offices). Such a picture of neglect and rubbish can be observed everywhere, and above all in the divorce room, the duty office, the stairs that lead from the interrogation and conversation office to the detention rooms. The dark and unlit corridors also contribute to the bad scene.

This Police Station does not have a separate room for confiscated items, and the warehouse premises are a place for waste. The situation with sanitary facilities is catastrophic.

From the conducted conversations with the employees of this police station, one gets the impression of general apathy and disappointment with the working conditions, dissatisfaction with the level of preparation and knowledge of the newly recruited personnel.

Officers interviewed by the NPM team also complained about the lack of uniforms, and when it comes to personal armaments and means of coercion, it was said that although new ones were requested, they were not being received.

Regarding the level of conducting trainings, it was pointed out that the Police Station Stip has an Annual Training Plan, trainings are conducted on topics related to the code of ethics, police authorizations, domestic violence, the use of coercive means, vulnerable groups of citizens, and twice a year they go and shooting, even though they skipped spring shooting this year.

When people are detained, means of coercion are rarely used, and handcuffs are among the most frequently used. They often need emergency medical assistance, and it was said that a uniformed police officer is almost always present during the examination. Binding of a person occurs only when it is aggressive and agitated, and the binding lasts until it calms down.

The Police Station Stip does not have a separate budget for food for detained and deprived

⁵⁷ Within the European Union, the average ratio is 318 police officers per 100,000 inhabitants. Data taken from Eurostat, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190104-1>

persons.

They had a list of lawyers on duty, but it is no longer used (it is out of date), they don't even have a list of translators, so they do what they know and can do.

The Police Station Stip does not have a separate room for talking with children, so the talks are carried out in the office of the inspectors for children, which is not suitable for this purpose.

The Police Station is equipped with video surveillance, the control system is centralized and no one from the police station itself can intervene or edit it.

When it comes to cooperation with other institutions, e.g. The Centre for Social Affairs emphasized that the cooperation is good and that they come whenever there is a need.

The fleet of this Police Station is in an extremely bad condition, it consists of only one Skoda Yeti vehicle, there are no other vehicles for apprehension or transport.

The Police Station does not even have a Breathalyzer.

5.8 POLICE STATIONS OF GENERAL JURISDICTION CASKA AND BLACE

The deficiency of staff is particularly visible for these two border surveillance police stations. So, although according to systematization, each police station individually should have 56 people available, and both operate with half capacity. The information is worrying that due to frequent sick leave and annual vacations, not even those police officers who are assigned to these two police stations are fully available.

This number of employees in both police stations is far from sufficient, and if we take into account the material and technical means that have been made available, the general conclusion is that none of these two police stations has the capacity to fulfil its basic task and the purpose for which it exists, to supervise the territory of Macedonia bordering Kosovo.

This bad situation is further compounded if one takes into account the fact that both police stations have only one vehicle ("Dacia Daster") that transports the employees who work in twelve-hour shifts. Hence, during a shift change, not only is there no vehicle for the police station, but during those few hours of "vacuum" (no means of transport and not enough employees) there is no border surveillance at all.

Border patrolling is carried out on foot in a group of two officers. There is no motorcycle patrol control for the above reasons.

Although a police dog was found in both police stations that was trained to patrol and detect illegal movement and transport of goods, due to the fact that there is no authorized official as its guide, it was left to itself and forgotten. It was for those reasons that the dog in the Police Station of General Jurisdiction Caska was in an unenviable condition, sick, emaciated and forgotten in its box (the box was full of dirt, which confirms the finding of how long it stayed in it without being walked). This situation is unjustified and leaves the impression of reckless and even inhumane behaviour even though it is an animal. This, especially if it is taken into account

that for these dog's funds were allocated from the state budget for their purchase, as well as training.

The situation in which these two police stations are located is more than desperate, especially in the Police Station Caska, where there is no potable water, the furniture is old and dilapidated, and there is garbage everywhere, even in the nearby forest next to the Police Station. When asked why this is so, the employees answered that there has been no hygienist for a long time. However, **the absence of a hygienist does not justify the pollution of the environment and the irresponsible disposal of garbage and waste everywhere.** For comparison, the Police Station Blace does not have a hygienist available, but the employees take care of the hygiene in the Police Station itself and the surroundings, the premises were neat and clean, and the yard was horticulturally arranged. The employees have agreed with Communal Hygiene to dispose of the waste in a separate container which is later picked up and cleaned by the Communal Hygiene employees.

The road to both police stations is difficult to access, a mountain road (trodden, muddy and difficult to pass), this especially in winter when there is snow and when the driving conditions are bad.

The video surveillance is not working in the Police Station Caska, unlike the video surveillance in the Police Station Blace, which is in operation.

The material situation in the Police Station Blace is better, the weapons are properly stored in a separate warehouse with an alarm and a code. The official and auxiliary rooms are clean.

However, **in both police stations, employees complained about personal safety due to the location and difficult accessibility to them in case of any incident.** In addition, the deficiency of personnel, material, technical and transportation means contributes to this, and in addition to this situation, there are also suspicions that in this part of the border crossing, illegal transportation of all kinds of goods is carried out, which is why there are constantly circulating groups that precisely because of such activities (the goods they transfer) pose a danger to the lives of employees.

And in these two police stations, the employees complained about the lack of uniforms, training, poor preparation and training of the newly hired staff.

The Police stations for border surveillance are not defined as police stations where people are detained, which is why even in cases where there is a need to detain a person who has been detained or deprived of liberty, it is carried out in the Police Station of General Jurisdiction Gjorce Petrov (if he was detained, i.e., deprived of his liberty in the Police Station Caska), or in the Police Department in Mirkovci (if he was detained, i.e. deprived of his liberty in the Police Station Blace).

5.9 OTHER DETERMINED CONDITIONS

In addition to examining the attitude and treatment of persons deprived of liberty, during the visits, the NPM team also conducts conversations with police officers on an individual and confidential basis regarding the working conditions, atmosphere, level of satisfaction, etc.

As a team, we have already on several occasions ascertained the inappropriate conditions in which the police officers work (material, but also interpersonal), as well as the pressures and influences they are exposed to in the performance of their work duties.

That is why, on this occasion, we emphasize once again the need for the Ministry of the Internal Affairs to increase communication and improve cooperation with police officers in order to raise the level of mutual trust, and thus to encourage police officers to report pressures, influences and the threats to which they are exposed.

Unfortunately, we once again ascertain a high level of resignation that exists among a large number of police officers due to the working conditions and the atmosphere in which they operate 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. The salary increases almost did not affect the improvement of their standard, taking into account the increased level of living costs, that is, inflation in the country. In this regard, in several police stations it was mentioned the limitation 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, **and during 2023, in some of the police stations, information was received that the decisions on demotion/promotion in the career of police officers or appointment to management positions were motivated by some other, not always professional, reasons.**

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 the working atmosphere in which police officers exercise their authorizations, the NPM team emphasizes the need for continuous investment in improving the conditions in which police officers work, consistent compliance with the legal regulations that refer to strengthening integrity and raising professionalism, including by limiting the possibilities for abuse of police authorizations, and recommends taking immediate measures that will provide them with psychological help and support of police officers.

GENERAL RECOMMENDATIONS REGARDING THE POLICE STATIONS VISITED IN 2023

- Increasing the number of uniformed police officers in police stations in accordance with the appropriate systematization of jobs, as well as regularly conducting training for current staff, but above all for newly hired or for police officers assigned to new positions (this is especially true for inspectors for juvenile delinquency);
- In those police stations where there is no video surveillance or where the calling system is down, installation of video surveillance or immediate repair of the problem (defect);
- Increasing the number of official vehicles at the police stations according to needs;
- According to the Law on Justice for Children, a special room for talking with children should be adapted in every police station;
- Determining a list of lawyers on duty, as well as translators, but also establishing formalized protocols in case of need for their use;
- During medical examinations of persons detained, detained and deprived of liberty, the doctor-patient relationship should be guaranteed, that is, ensuring privacy and discretion without the direct supervision of a police officer.



MONITORING THE SITUATION WITH IRREGULAR MIGRATION

The NPM team states that one of the policies of the state authorities in the attempts to control the irregular migration flows is the continuous extension of the term of validity of the Decision establishing the existence of a crisis situation in part of the territory of the Republic of North Macedonia, and that in the areas of the southern and northern borders of the 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 North Macedonia⁵⁸.

On the basis of bilateral agreements with several countries, foreign police officers are present on the territory of the Republic of North Macedonia who assist the Macedonian police forces in dealing with irregular migration, and an additional opportunity to hire foreign police officers was opened with the signing of the agreement with FRONTEX⁵⁹.

Unlike foreign police officers who are hired on the basis of bilateral agreements with the countries where they come from and who do not have any guaranteed immunity for the procedures undertaken by them (Notice sent by the Ministry of the Interior at the request of the NPM filed under reg. no. 22.5 -372/1 of 03.01.2022), the equipment and the hired officers within the framework of FRONTEX activities enjoy special privileges and immunities which are determined in the signed Agreement with FRONTEX (art. 12)⁶⁰. 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 the Republic of Macedonia has under the Convention against Torture deserves special attention⁶¹.

⁵⁸ “Official Gazette of the Republic of North Macedonia” number 72/21, 88/21, 274/21 and 146/22

⁵⁹ Agreement signed between R.N. Macedonia and the European Border and Coast Guard Agency (FRONTEX) on October 26, 2022

⁶⁰ Agreement R.N. Macedonia and the European Border and Coast Guard Agency (FRONTEX) - available at: <https://data.consilium.europa.eu/doc/document/ST-12896-2022-INIT/en/pdf> (Accessed on: 22.03.2024)

⁶¹ A formal request as a prerequisite for opening an investigation and initiating 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

In this regard, within the framework of the study visit that the National Preventive Mechanism carried out in the Republic of Poland in 2023 when it visited the Polish NPM, a working meeting was also held with representatives from the Fundamental Rights Officer (FRONTEX), on which discussed the way of handling complaints about serious incidents and reporting them, the monitoring (monitoring) of the fundamental rights of migrants, as well as the specific activities that FRONTEX carries out in Macedonia.

Thus, towards the end of the year, at the initiative of FRONTEX, it was proposed to sign a Memorandum of Understanding through which relations between the Ombudsman and FRONTEX will be regulated in a partnership manner. According to the dynamics of the mutual arrangement of the draft text of the memorandum, it should be signed during 2024.

6.1 DETENTION AND ACCOMMODATION OF MIGRANTS/FOREIGNERS AND ASYLUM SEEKERS

NP - 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 particular 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 2023, the NPM team conducted three visits to places where foreigners and asylum seekers are accommodated or detained. Thus, the Temporary Transit Centre "Tabanovce", the Temporary Transit Centre "Vinojug" and the Reception Centre for Foreigners in Gazi Baba were visited.

In addition to visits, the NPM team regularly receives information from state authorities and communicates directly with representatives of domestic and international organizations in the area of dealing with migrants, that is, foreigners and asylum seekers. In this regard, the NPM team states that during the year 2023, around 10.350 persons were registered who were found to have an unregulated status, i.e., staying in the territory of the Republic of North Macedonia.

6.2 TEMPORARY TRANSIT CENTER (TTC) – "TABANOVCE"

From the conversations with authorized officials from the Ministry of Internal Affairs, with officials from the Ministry of Labour and Social Policy (MLSP) and the tour of the Reception Centre, the NPM team concluded that there are no major changes in relation to the last situation, while which is evident that the Transit Centre functions as an open type Centre. Also was noted a reduced presence and activity of international and civil organizations, which in the past had

their representatives on the outside.

From the conversations with the representatives from the Ministry of the Internal Affairs, it was established that no rules have yet been prescribed for which persons are allowed to enter and stay in the Centre, which leaves the possibility of possible abuse of the (somewhat) discretionary powers of the police officers who are on duty. From the information received, **it can be concluded that in practice, entry is allowed to all persons who express their intention to stay in the Centre, and who are without any documents for their personal identification.**

In contrast to persons who do not have any documents, those persons who are found with personal documents through which they can be identified are handed over to the competent inspectors for foreigners, who further act in a way that initiates procedures to determine possible illegal entry and stay in the country. Such a manner of action leads to a paradoxical situation where those who have documents and can be reliably identified, are prevented from staying in the Temporary Transit Centre, unlike those who do not have or claim to not have any identification document.

Officials from the Ministry of the Internal Affairs emphasized that no person's freedom is restricted and they can leave the Centre at any time. Force and means of coercion were not used at all, nor was there any need for it.

From the conversation with the representative from the Ministry of Labour and Social Policy, it was established that the practice of each newly admitted person in the Center being habitually profiled through an immediate conversation during which, at the same time, the needs of these persons are determined. Newly admitted persons are also introduced to the possibilities they have, that is, to submit a request for recognition of the right to asylum, for which it was pointed out that there is not much interest. In conditions where there are unaccompanied children, a guardian is immediately appointed for them.

6.3 TEMPORARY TRANSIT CENTRE (TTC) – “VINOJUG”

Compared to previous years, persons who were found in the temporary transit centre do not stay long in the centre, which indicates a significantly shorter period of stay. Also, officially none of the persons have their freedom of movement restricted and they can leave it whenever they want. Asylum seekers are waiting to be transferred to the Reception Centre for Asylum Seekers in Vizbegovo, while the rest of the people who were interviewed emphasized that they are there of their own free will.

This points to a different situation than the one found in the past years when the persons who were placed here did not know why they were being held, nor how long they would be held. The situation regarding freedom of movement has also changed, i.e. in contrast to the past when people pointed out that they did not have the freedom to move everywhere in the Centre but only in the section where the toilets are, and even then they were under constant surveillance by members of the Armed Forces and the Ministry of the Internal Affairs during the last visit of the NPM team, a more relaxing atmosphere was noted.

According to the information available to the NPM team, unlike in the past when persons registered as migrants with “illegal stay in the territory of the Republic of North Macedonia”, and for whom the investigative authorities decided that they needed their testimony in criminal proceedings conducted for third parties persons (smugglers) were detained in TTC “Vinojug”, now such persons are not detained here but are immediately transported - to the Reception Centre for foreigners in Gazi Baba, Skopje.

The NPM team noted a small change in the treatment of other persons who are registered as migrants with illegal entry or unregulated/illegal stay in the territory of the Republic of North Macedonia. It was noted that after the fingerprinting of these persons within the framework of the TTC “Vinojug” they are informed about the possibility of procedures for recognition of the right to asylum. It is considered that such changes are largely due to the presence of members of FRONTEX in this centre, because within their teams they have translators and cultural mediators and they have the right to contact the persons who are fingerprinted.

The above confirms the increasing number of received asylum requests. So, compared to 2022, where out of a total of 173 (168*) submitted applications for the right to asylum, about 80 were submitted in PTC “Vinojug”, in 2023, until the day of the visit, out of about 563 applications submitted in the whole territory, about 188 have been filed in TTC “Vinojug”⁶².

After the fingerprinting, the previously established practice of escorting migrants to certain points on the green border line of the Republic of North Macedonia with neighbouring countries is now avoided.

During the visit, **the NPM team confirmed once again the recommendation given on several occasions for the removal of seized and damaged vehicles from the Centre, that is, their deployment to a suitable location. On the other hand, a serious challenge continues to be the lack of suitable vehicles for transporting people, which is why the procedures for transporting asylum seekers to the Reception Centre for asylum seekers in Vizbegovo are being delayed.** At the same time, the need for adequate transport of special vulnerable categories of migrants (eg unaccompanied children, potential victims of human trafficking, etc.) must be taken into account.

In the area of mental health and psychosocial needs, from the conducted focus groups, the situation indicates the improved psychosocial well-being of people compared to previous years. From the interviews with the competent persons, it can be concluded that the changes may be due to changes in the processing of the caught persons and the increased freedom of movement. As a significant help in dealing with the problems, they pointed out the support of the local staff, the possibility of contact with their families and friends, as well as their own focus on the future and maintaining an optimistic attitude.

Based on the established factual situation, in general, **the NPM team can note that the situation on the ground has changed in a positive sense, both in terms of coordination of the representatives of the various authorities and organizations present in**

⁶² These are figures available to the NPM team based on information received from various sources, which may differ from the official data maintained within the Ministry of the Internal Affairs, such as the official data contained in the Annual Report of the Ministry of the Internal Affairs for 2022, where it is noted that “the Asylum Department received requests for recognition of the right to asylum by 168 persons”. The report is publicly available on the website of the Ministry of the Internal Affairs.

the field, as well as in terms of the handling and treatment of the persons who were placed in the Centre, which is directly reflected on their mental health.

In terms of material conditions, the NPM team continues to maintain the position that TTC "Vinojug" should not be used for long-term accommodation. The need to find accommodation alternatives for particularly vulnerable categories of migrants remains in force.

6.4 RECEPTION CENTRE FOR FOREIGNERS - "GAZI BABA"

The reception centre for foreigners continues to face the employment problem detected during the last visit of the NPM team in 2022. About half of the systematized job positions have not been filled, and the currently employed staff represents only twenty percent of the total number of planned jobs. Among the systematized positions that are vacant is that of the psychologist. There is a lack of police officers, inspectors, and there are not enough authorized female officials either. The small number of female police officers can affect the quality of communication with the women detained in the Centre, but also represent a challenge in terms of ensuring security for foreign female citizens, considering that their number is not to be neglected.

In overall, the deficiency of staff is a serious problem that complicates the normal functioning of the Reception Centre and is reflected in the treatment of detained persons and their ability to exercise their rights⁶³. In relation to the previous year when it was ascertained that no trainings were conducted, now the situation has changed and an Annual Training Plan has been made and sent to RCGS "Sever" as the responsible body for the organization of trainings.

Regarding the previously determined conditions, significant positive changes are noticeable from a material aspect, but certain rules have also been introduced in order to establish order and discipline in the Centre. The Centre has also adopted new House Rules available in five languages, namely: Albanian, Arabic, French, English and Turkish. And after a note given to the NPM team about access to the right to a lawyer and the existence of a list of available lawyers, the reception centre has also turned to the Bar Association, from where a list of lawyers available in every city across the country has been obtained. Unfortunately, the reception centre does not have an official list of interpreters, so they are used by the Jesuit Refugee Service.

Although no activities have been undertaken for the dislocation of the Centre, during this visit the NPM team found a visible improvement of the conditions within the possibilities of the Centre, i.e., creating a more humane stay for the people housed here. So, one of the rooms that previously served as a day care for the women detained in the Centre, has now been turned into a dining room, which is also the only place where food is served (it is no longer eaten in the rooms). Food is brought by the Ministry of the Internal Affairs (one hot meal is mandatory). In this room there is also a TV receiver that gives the impression of a homely, cosy atmosphere.

⁶³ In this regard, it was pointed out that one of the reasons for which detained persons are not given the right to take a walk in the fresh air.

The sanitary units are clean and available for regular use, and the heating is functional. The warehouses are cleaned and organized in order to make it easy and clear to search for necessary things. All beds have mattresses and neat, clean linen.

The conclusion remains that the Reception Centre is not suitable for persons with disabilities, which is why it is recommended not to refer, receive and keep persons with disabilities in it. The reception centre does not meet the conditions for keeping children either, which is why it is recommended not to refer, receive and keep them here. When dealing with unaccompanied children, the authorities must take into account the position of the UN Committee on the Rights of the Child expressed in General Comment no. 6⁶⁴.

The NPM team believes that the Reception Centre 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 Labour and Social Policy or possibly, in certain cases, the “shelter centres” managed by non-governmental or international organizations that, within the framework of their mandate and capabilities, provide care for victims of trafficking people.

The basis for detention and the duration are the subject of constant interest on the part of detained persons, and the lack of information about the same among persons manifests itself through anxiety, nervousness, depression, and the like. During the visit, the NPM team found that none of the people who were accommodated in the Reception Centre had with them the decisions on the basis of which they were accommodated and detained in it.

Taking into account that the deadlines for submitting a legal remedy against such a decision begin to run from the reception of the decision on accommodation/detention, the NPM team considers it necessary to give each person who is accommodated/detained in the Reception Centre an individual decision/ decision about it, to be informed verbally about the content of the same, as well as about the possibility to submit a legal remedy and request legal assistance, and it is also necessary to record when the same was done.

Regarding the right of detained persons to contact and hire a lawyer, as well as the right to legal assistance, the NPM team was informed that detained persons are also informed about these rights through representatives of civil and international organizations.

The right of detained persons to inform a relative or a third party of their choice about the detention, from a normative point of view, is governed by the provisions of the Rulebook on House Rules that refer to the right to use a telephone. That is, in the regulations, among other things, it is provided that immediately after being placed in the Reception Centre, the person *“can use three free phone calls, i.e., contact the diplomatic-consular representation of the country of which he is a citizen, members of his family and a lawyer”, whereby “the telephone conversation can last for a maximum of five minute”*⁶⁵.

⁶⁴ The general comment no. 6 of the UN Committee on the Rights of the Child, para. 61, available at: <https://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf>

⁶⁵ Rulebook for house rules of the Reception Center for Foreigners (“Official Gazette of RNM”, No. 93 of 04/07/2020)

The NPM team found that in the Reception Centre it is possible to contact close family members by phone up to three times a month, and the centre itself also has an Internet network that enables uninterrupted online communication.

The organization that provides health care is present three days a week, with basic pharmacological therapy available that is covered by funds from the organization. For urgent health needs, facility staff rely on public emergency medical services. In case of need for specialized care, the costs for the performed health services are borne by the Ministry of Internal Affairs. In terms of health care, the institution has not established formal cooperation with the Ministry of Health.

From the conducted interviews and focus groups, detained persons did not highlight any intense negative reactions or experiences of clinical significance regarding their stay in the facility. The current situation indicates the improved psychosocial well-being of detained persons compared to previous years.

The impression remains that detained persons do not have hobbies and other activities to productively fulfil their time, and they are also not allowed to go out into the fresh air. They are not allowed outside in the yard of the Centre or for a walk. This situation is worrisome and can significantly affect the mental health of the people detained here, that is, it can increase the level of anxiety, depression, dissatisfaction and nervousness.

From the conditions ascertained during this visit **the NPM team continues to point out the need to increase the number of employees and authorized officials, especially women.**

The employees of the Reception Centre should be included in the system of regular trainings and updating of knowledge. Of particular importance is the coverage of topics related to the trauma-informed approach to work, culturally and gender-sensitive communication skills, dealing with stress, familiarization with legal standards and operational procedures, etc.



PUBLIC INSTITUTE FOR PROTECTION AND REHABILITATION “BANJA BANSKO”

The Public Institute for Protection and Rehabilitation “Banja BANSKO” consists of two buildings, one of which was put into use in 1974, while the second (for individual housing) in 2002.

In addition to these two facilities, there is a special auxiliary facility in the yard of the establishment - a washing machine and dryer and another auxiliary facility where the boiler for the heating is located.

The institution provides the following services:

- accommodation;
- 24-hour care and attention (nutrition, dressing, hygiene, etc.);
- primary health care;
- primary education;
- physical therapy and rehabilitation;
- resocialization and professional support;
- escort outside the Institute.

At the time of the visit, there were 46 users residing in the Institute, of which 39 users are in the institution (of which 19 are women and 20 men), while 7 (5 women and 2 men) have been deinstitutionalized and placed in the Department for Independent Living with Support, and 5 people in a residential unit in Strumica and 2 people in a residential unit in the village of Dobrejci. There is also one user in the institution without a solution for accommodation.

As for the length of stay in the institution, 5 users have stayed up to 10 years, 11 with a stay of 10 to 20 years, 9 users with a stay of 20 to 30 years, and 20 users with a stay longer than 30 years.

7.1 PERSONNEL AND MATERIAL CONDITION

According to the Rulebook for the systematization of jobs in the Public Institute for Protection and Rehabilitation "Banja BANSKO"⁶⁶, 57 operators are expected to be employed in a total of 33 jobs. The number of staff on the day of the NPM team's visit was 37 operators. The institution is also served by auxiliary - technical staff.

The work process in the Institute runs in shifts, namely the first shift from 7:00 am to 3:00 pm, the second from 3:00 pm to 9:00 pm, and the third shift from 3:00 pm to 7:00 am the next day.

The Rulebook for the systematization of jobs refers to the lack of professional and auxiliary technical staff, a situation that reflects on the work process in the institution and the degree of satisfaction by the users. **In order to provide ongoing, timely, comprehensive and efficient protection and support to the users, urgent filling of the jobs is necessary, especially in relation to the number of caregivers, physiotherapists, but also hygienists and drivers.**

During a conversation with the employees of the Institute, **the need for training was emphasized before involvement in the process of assistance and support, that is, before entering the workplace, but also on an ongoing basis.** From an inspection of the current situation, it can be concluded that there is insufficient training coverage, which can be partially confirmed by the information received by the users, i.e. that some of the employees are not sensitized to work with this type of user profile, so they often avoid perform their work obligations or transfer the obligation to one another. Information from users goes so far as to sometimes use derogatory, insulting words from employees towards users, impatience when performing daily routine tasks or inappropriate treatment of users when providing direct support, e.g., when bathing, too hot water is used, when feeding, the same cutlery is used at the same time for several users, etc. The standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment also speak for the need for well-trained and sensitized staff in this type of facility, which refer to appropriately trained staff who can adapt and intervene to each individual situation of the user of the services in the institution⁶⁷.

This kind of behaviour is in contradiction with the House Rules of the institution and the Code of Conduct, which decisively prescribe behavior with respect, patience and professional attitude, both among the employees themselves, and towards the users of the services in the Institution.

All users in the facility have a family physician. Part of the users have chosen it by their own will or at the request of their relatives, while for most of the users, one doctor has been appointed who comes to the facility twice a month.

From the conducted inspection of the facility's material conditions, it can be concluded that

⁶⁶ Rules for the internal organization of the Public Institute for Protection and Rehabilitation "Banja BANSKO", number 02-645/11 dated 10/13/2015

⁶⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Persons deprived of their liberty in social care establishments, p. 2, Available at: <https://rm.coe.int/1680a0cc19> (Accessed on: 04/05/2023)

both the old and the new facilities of the institution are easily accessible for people with wheelchairs and other types of aids.

The old building of the Institution, although it has been in operation since 1974, is in relatively solid condition, the hygiene in all rooms was at a decent level, the bedrooms (a large number of them for individual accommodation) are equipped with the most necessary pieces of furniture: bed, wardrobe, drawers, desks and cupboards. In some of them there was also a TV receiver, but these were provided by the users themselves and their relatives. The rooms had a sufficient amount of daylight, and were tidy and relatively well heated.

In the entrance part of the corridor of the old building, there is a box for appeals and complaints.

The old part of the Institute is divided into two parts, male and female, and between them is the kitchen and the dining room, as well as the offices of the professional staff (social worker, psychologist).

Air conditioners are installed in the corridors of the facility to cool the space in the summer months, while in the winter period the facility has central heating with extra light household oil and hot water. From the users of the plant, the NPM team received information that this winter the heating did not work in its entirety due to a technical problem and the impossibility of procuring the necessary part for its repair. At the same time, the users complained that the heating was a real challenge because those users who had a heater provided the heat with it, while the rest warmed themselves with blankets. Due to this challenge, but also the generally imposed measures to save electricity, the management of the institution suggested to the users to transfer to the new building of the institution, to which they reacted with dissatisfaction and rejected such a proposal.

In the men's part of the old building, out of three toilets, only one was fully operational.

There was hot water in all the toilets, and the users of the facility did not complain about the lack of it either, however they emphasized that the sanitary units are not fully adapted to the needs of people with physical disabilities. The standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which indicate that they should be easily accessible, also speak of the special way of adaptation of the sanitary facilities, as well as all other living rooms according to the needs of people with physical disabilities and wheelchair-accessible⁶⁸.

The NPM team also visited the occupational therapy room, where at the time of the visit several users together with the professional staff were making Easter decorations.

The old building also has a room for day care, where at the time of the visit several younger users were staying.

The new building of the Institute has individual apartments equipped with a toilet and a mini-kitchen with necessary household appliances, which accommodates users who can take care of themselves with occasional support from a third party.

The apartments are spacious, neat and clean, well heated and with a sufficient amount of

⁶⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Persons deprived of their liberty in social care establishments p. 3, Available at: <https://rm.coe.int/1680a0cc19> (Accessed on: 05.04.2023)

daylight.

Users did not voice any complaints regarding the diet and even added that their requests to be served something else were heard and respected.

The establishment has a relatively large yard area equipped with gazebos and benches for sitting, spacious and pleasant to stay on hot days.

There is no security, and in case of temporary leaving the establishment, the users sign a statement that they leave at their own risk. Transportation for those users who are employed outside the Institution is organized by the institution itself with a van adapted to the needs of the users. The van is a donation from a foreign partner.

7.2 EXERCISING THE RIGHTS OF USERS

The NPM team held a group conversation with 8 to 9 users who, after introducing themselves and briefly explaining how long they have been in the institution and who among them deals with what, started a conversation about the problems they face, as well as the shortcomings of the institution.

This group of users has a negative opinion about the deinstitutionalization process, expressing doubts about its overall functionality and effectiveness. They believe that the state already in 2002 when it built the new facility, it met the conditions for such a process and within the framework of the location that the users are already used to. That is why the building was designed and conceptually conceived to be equipped with apartments for individual living of people who have the possibility of self-support with the occasional help and support of professional staff.

This group of users do not want to be deinstitutionalized and are of the opinion that the state should provide them with the conditions and support they had until a few years ago, in terms of professional staff, sensitized to their situation. A petition was signed for this attitude against deinstitutionalization.

When it comes to the staff profile that is missing, the users pointed out that the most missing are nurses and caregivers, then drivers, but also housemasters. Precisely because of the lack of staff in the institution, the employees transferred their responsibilities to each other and were not efficient.

The users also complained to the Centres for Social Work, which do not show interest in their condition and do not conduct supervision.

The case of one of the users who has not had any status in the institution for several years, that is, he has been written off and is staying here without a solution, is characteristic. Namely, during his absence of two or three months due to obligations with the faculty (users have the right to be absent from the Institute for a duration of up to 6 months, while not losing the status of users), the Institute makes a decision to discharge him and from then until today this person has no status and decision as a user of the Institute's services.

During the visit, information was received that cases of self-harm are rare, and those users

who have attempted, that is, manifested such behaviour, are placed in rooms where objects that could lead to more serious self-harm have been removed.

The NPM team, bearing in mind the need for adequate care towards the users and the possibility that such incident situations may result in more serious consequences, believes that in order to prevent them, adequate presence of personnel at all times in the facility is necessary. In this regard, an increased staff presence is necessary in the afternoon and evening hours, as well as during weekends and holidays.

KEY RECOMMENDATION:

- Employment of additional staff according to the planned jobs in the systematization of the institution;
- Organization of regular trainings for the current and newly hired staff in the institution with reference to sensitization for working with persons with special needs, professionalism and respect for the needs of the users;
- In the process of implementing deinstitutionalization, people with disabilities should be actively involved, respecting their opinion and choice.

Annex 1: External collaborators of the National Preventive Mechanism

1. Prof. Dr. Dragana Batic from the Faculty of Security - Skopje, University of "Ss. Cyril and Methodius" - Skopje
2. Prof. Dr. Dimitar Bonevski - psychiatrist
3. Senior scientist. co. Dr. Sci. psychologist Andromahi Naumovska
4. Prim. Dr. Snezhana Pejkovska - Dimovska - psychiatrist
5. Margarita Nikolovska - psychologist
6. Ivo Kunovski – specialist in medical psychology