

EXECUTIVE SUMMARY

In the course of the 2023 periodic visit to North Macedonia, the CPT delegation assessed the treatment of persons held in four prisons, notably at Idrizovo Prison, and a correctional educational institution for juveniles. It also examined the treatment and legal safeguards afforded to persons deprived of their liberty by the police and looked into the effectiveness of investigations into complaints of alleged ill-treatment such persons. In addition, the treatment of patients held in two psychiatric hospitals and of residents accommodated in a social care home was examined.

The CPT delegation held constructive consultations with the Prime Minister and, on the whole, received excellent cooperation from the authorities during the visit. The decision of the authorities to agree to the automatic publication of its reports and responses in the future is also appreciated. That said, the CPT notes the lack of implementation of several recommendations in the field of prison reform and, in particular, with regard to the situation at Idrizovo Prison. The CPT calls on the authorities of North Macedonia to implement these recommendations and avoid the need for the Committee to issue a public statement.

Establishments under the responsibility of the Ministry of the Interior

The report notes that many persons made allegations of ill-treatment by the police. The allegations consisted of slaps, punches and kicks, as well as blows with truncheons and the butt of a weapon, inflicted on persons during their arrest or at the time of their questioning in an inspector's office. In the CPT's view, there has been no significant improvement in its findings since the 2019 and 2020 visits, and recommendations are made to adopt a coherent strategy for effectively tackling this phenomenon such as training of police officers on manual control techniques, the dissemination of periodic messages on zero tolerance of misconduct by police chiefs and improving medical screening of newly admitted detainees to prison.

The assessment of the effectiveness of investigations into allegations of ill-treatment by the police, as carried out by the tripartite mechanism of the External Oversight Mechanism (EOM), showed that it has the full potential to develop into an effective police accountability mechanism. However, at present, there is a need for both a truly independent assessment of the reports on the use of force drawn up by the police, and the application of more rigorous investigative measures/techniques. The authorities of North Macedonia should adopt a methodology for conducting investigations into such cases in line with the elements provided in the report.

The system of legal safeguards for persons deprived of their liberty by the police requires further improvement, in particular as regards access to a lawyer and more independent and confidential access to a doctor in police custody, in order to ensure full compliance with standard operating procedures. The report also calls for the upgrading of police detention cells, particularly outside Skopje, and for the systematic provision of food and water to persons held in police custody.

Establishments under the responsibility of the Ministry of Justice

At the outset, the Committee notes that the phenomenon of prison overcrowding can be effectively tackled by a policy of modulating the number of persons sent to prison, rather than through another amnesty. The Committee also expresses its view that the implementation of the second phase of the reconstruction programme of Idrizovo Prison, funded primarily by a Council of Europe Development Bank (CEB) loan, is key to the strategic reform of the entire prison system for which the CPT has long been advocating.

The delegation received several allegations of physical ill-treatment of prisoners by staff, mainly at Idrizovo Prison, which consisted of slaps, punches and kicks. The report also criticises the practice of prolonged and indefinite isolation/separation of inmates who broke the house rules, notably at Idrizovo Prison, where persons were placed in a cell in deplorable conditions, provided food irregularly, and not offered access to outdoor exercise. The authorities of North Macedonia should end this practice. The situation of inter-prisoner violence has improved in Skopje Prison, but remains a serious problem in Idrizovo Prison, where the delegation recorded a high number of incidents, supported by medical documentation, in particular in the so-called "Ambulanta" section. The root causes of this phenomenon remain linked to overcrowding, chronic understaffing, the absence of a cell allocation system and staff corruption. A strategy to eradicate this phenomenon and to ensure better supervision by staff, including through video surveillance, should be developed and put in place.

The report takes note of the upgrading plans introduced by the DES in recent years and concludes that the material conditions of detention have slightly improved and that efforts to maintain a certain minimum level of hygiene and state of repair are visible, notably in Skopje, Štip and Prilep prisons. At Idrizovo Prison, despite the recent refurbishment of the women's section, the rest of the establishment, showed persistent deficiencies such as dilapidated sanitary facilities, dirty crumbling walls, non-functioning lighting, vermin infestation, lack of bedding and dirty mattresses. The report also criticises the poor hygienic conditions for female prisoners and juveniles on remand detention.

As regards the regime offered in the establishments visited, the report notes that, despite the efforts made to develop special treatment plans for various categories of inmates, sentenced prisoners were still rarely provided with purposeful activities. Remand prisoners at Skopje Prison also languished in their cells for more than 23 hours a day and the situation of juveniles and females on remand detention remained of great concern in the light of the deleterious effects of such restrictions.

The efforts to recruit 70 new prison officers and to open the new training centre have been duly taken into account, but in the CPT's view, it remains crucial to ensure that senior prison managers (i.e. directors and their deputies) are appointed in a transparent, merit-based and depoliticised manner. The fight against staff corruption remains another important challenge where only modest progress has been made, and the laudable measures taken (such as the Prison Intelligence Project) have yet to show results.

With regard to the provision of health care to prisoners, the report notes that the Ministry of Health appears to have taken on this task with some reluctance and that, regrettably, no recruitment of health care staff has taken place at Idrizovo and Skopje Prisons. Problems with prisoners' access to a doctor at Idrizovo Prison, inadequate medical screening, difficulties in linking with community hospitals and poor management of inmates with substance use disorders are highlighted in the report. Further, legal safeguards in the application of disciplinary proceedings should be strengthened and improved oversight on the use of means of coercion put in place, including better training of staff. There is also a need to expand visiting entitlements for prisoners.

At the Tetovo Correctional Educational Centre (VPD) the CPT found that juvenile offenders were accommodated in satisfactory conditions and offered a purposeful regime of activities aimed at their re-integration into the community by a group of committed professionals. Nevertheless, the report is critical of certain carceral aspects of the material conditions and of the fact that the compulsory educational activities have been suspended due to a lack of funding and pending the adoption of legislation. The CPT also highlights the necessity to review the doses and types of psychotropic medication prescribed to juvenile offenders as they appeared totally inappropriate.

Psychiatric Hospitals

Many patients at both Demir Hisar and Skopje Psychiatric Hospitals spoke positively about their interactions with staff and the way they were treated. However, inter-patient violence and attacks against staff were found to have recently occurred in both institutions, with a particularly serious situation observed in the Forensic Ward of Skopje Psychiatric Hospital. The authorities should address this issue urgently, including by increasing staffing levels and staff training.

The living conditions in the two psychiatric hospitals visited were overall acceptable in the wards which had benefited from recent refurbishment, and generally poor in non-renovated wards. In particular, the forensic wards were in a state of disrepair, neglect and sometimes unhygienic. With few exceptions, rooms and common areas were austere and impersonal, and did not provide personal lockable space. On a positive note, the vast majority of rooms offered adequate ventilation and good access to natural light. The authorities are called upon to pursue vigorously the upgrading of the living conditions at Demir Hisar and Skopje Psychiatric Hospitals, including by developing and implementing a Facility Maintenance Plan for all hospital buildings.

At Demir Hisar Psychiatric Hospital, staff endeavoured to organise a certain number of rehabilitative and recreational activities. Yet only a limited number of patients could in effect benefit from them on a regular basis. In many wards at Skopje Psychiatric Hospital activities remained virtually non-existent. Regrettably, at neither hospital were the majority of patients being offered access to fresh air every day, with the notable exception of patients accommodated in the forensic wards. The Committee reiterates that all patients should be allowed to benefit from therapeutic activities based on a multi-disciplinary approach, as well as from daily outdoor exercise (with appropriate support and/or supervision if required).

There is a sustained need to increase staffing levels and staff training at both hospitals, which calls for urgent action from the authorities. The number of psychiatrists and ward-based staff (nurses and orderlies) must be strengthened.

Regrettably, the specific recommendations formulated by the CPT in its previous reports on the use of means of restraint remained largely unimplemented. A major shortcoming was the continued practice at Demir Hisar Psychiatric Hospital of immobilising patients to a bed with metal chains and padlocks, which may well amount to inhuman and degrading treatment and must be immediately ended. In addition, it is totally inappropriate that, at both hospitals, private security guards with no specific training were regularly called in to assist healthcare staff to bring agitated patients under control.

The legal safeguards afforded to involuntary patients proved to be entirely ineffective in practice. A number of key CPT recommendations have resulted in no tangible progress, owing in part to the judiciary not fully playing its role. At Demir Hisar Psychiatric Hospital the Committee found that the hearings on civil involuntary hospitalisation were not taking place at all, despite what was attested in the related hearing minutes. This procedure constitutes a blatant violation of national law, flouts basic international standards of justice, and should thus be abandoned immediately.

The delegation discovered that an informal segregation unit has recently been established at the Forensic Ward of Skopje Psychiatric Hospital. The functioning of the unit raised several serious concerns, including the absence of clear and express medical reasons for placement on the unit, the absence of medical supervision and no individualised therapeutic activities – including access to outdoors. There was also an absence of healthcare staff on the unit, which resulted in the patients remaining under the sole supervision of private security guards with no specific training. The Committee considers that this prolonged segregation devoid of any psychotherapeutic approach is not conducive to the establishment of a therapeutic environment and is harmful for patients. The functioning of the unit should be reviewed in the light of a number of guiding principles set out by the Committee.

Special Institution for Mentally Disabled Persons in Demir Kapija

The CPT acknowledges the efforts by the Ministry of Labour and Social Policy to continue the gradual implementation of a national strategy to de-institutionalise the residents of social welfare institutions. Positive actions undertaken include the development of new housing units and day care centres in the community. However, the capacity of those facilities still requires a substantial reinforcement in order to meet the care needs of the target population.

It was positive that the bedrooms and communal areas in Wards A and B at Demir Kapija Special Institution offered a generally clean and decent living conditions, in a tidy and somewhat personalised environment. This was not the case, however, for residents in Ward C, who were not offered satisfactory conditions. The Committee encourages the authorities to redouble their efforts to implement the planned transfer of all residents of the institution to new facilities within the next few months, as announced.

Psycho-social and recreational activities were extremely limited, especially for residents accommodated in Wards B and C. While the more autonomous and mobile residents could move freely on the premises of the institution, access to fresh air was very rarely, if at all, offered to bedridden residents from Ward B and most of the residents from Ward C. Individual treatment and rehabilitation plans were duly prepared for residents who were to be transferred to housing units, but were still deficient for other residents. The authorities should ensure that all residents are able to benefit from an appropriate range of activities (including daily outdoor exercise), based on individualised plans developed by a multi-disciplinary team with the involvement of residents.

The staffing situation had further deteriorated since the CPT's previous visit in 2019. Demir Kapija Special Institution was still without a regularly employed doctor, which resulted in, among other things, a critically inadequate provision of mental healthcare services to residents. Further, as only one orderly was generally present in each of the three wards, residents accommodated in a separate wing of Ward C were left without constant supervision, a situation generating a severe safety hazard for them. The national authorities must take urgent action to ensure that the residents' healthcare needs are adequately met, including by taking decisive steps to address the difficulties in the recruitment of staff, if necessary by adjusting the applicable salary scales.

Finally, there was no indication of an excessive use of means of manual or mechanical restraint of residents. However, chemical restraint was resorted to rather frequently in response to episodes of agitation or aggressiveness. The authorities should take steps to ensure that all means of restraint are only applied as a last resort and that staff is offered appropriate training on this matter, including on managing challenging behaviour and de-escalation techniques.