



## **Response**

**of the Government of  
“the former Yugoslav Republic of Macedonia”  
to the report of the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)  
on its visit to “the former Yugoslav Republic of  
Macedonia”**

**from 7 to 17 October 2014**

The Government of “the former Yugoslav Republic of Macedonia” has requested the publication of this response. The CPT’s report on the October 2014 visit to “the former Yugoslav Republic of Macedonia” is set out in document CPT/Inf (2016) 8.

Strasbourg, 17 March 2016

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Response of the Government of the Republic of Macedonia related to paragraphs 28 48 and 122 of the CPT Report, following its visit carried out from 7 to 17 October 2014

Paragraph 28

Regarding the request for information on a quarterly basis on the progress made in the strategic reforms of the penitentiary system, we inform of the following:

The established strategic plans prepared in order to meet the European standards in the field of prison system, as well as meeting the CPT recommendations, are being implemented within the foreseen deadlines that should provide dignified and safe conditions in penitentiaries and correctional institutions.

In this respect, in line with the commitments of the Government for the reform of the system of execution of sanctions, the Government of the Republic Macedonia in May 12 2015 adopted the National Development Strategy of the penitentiary system in the Republic of Macedonia with an Action Plan for its implementation in five years period (2015-2019). Drafting of the National Strategy is part of IPA Project 2009 "Strengthening the capacity of the law enforcement for proper treatment of detainees and sentenced persons". The drafting process was conducted from September 2013 to December 2014 and managed by a working group consisted of the representatives of the Directorate for Execution of Sanctions and international experts contracted by the Council of Europe.

The drafting of the National strategy has began with an evaluation of the overall situation during which were identified all positive and negative aspects of the functioning of the prison system in the country. Based on the current situation, the SWAT Analysis was prepared based on which 13 strategic goals were set.

The strategic objectives are related to:

- Improvement of the conditions in the penitentiary and correctional institutions;
- Strengthening the management and supervision system of the operation of penitentiary and correctional institutions;

- Establishing and strengthening of sustainable training system for the entire staff in Directorate for Execution of Sanctions, penitentiary and correctional centers;
- Improving the treatment and care for sentenced persons in penitentiaries;
- Improving the treatment and care for minors in the penitentiary and correctional institutions;
- Establishing more effective mechanisms to deal with violence among sentenced persons and other riots in penitentiary and correctional institutions;
- Establishing more effective mechanisms to handle cases of inappropriate treatment of persons deprived of their liberty and cases of corruption involving employees of the penitentiary and correctional institutions;
- Providing quality health care in the penitentiary and correctional institutions;
- Ensuring an effective functioning of the education and learning process in the penitentiary and correctional institutions;
- Improving the preparation for release of convicted individuals before the end of the prison sentence;
- Improving the system for keeping records in the prison system and network connections among the penitentiary and correctional institutions;
- Introduction of a probation service in the Republic Macedonia
- Harmonization of legislation in the field of execution of sanctions with strategic objectives.

Generally speaking, the main focus of the reform of the penitentiary system in the Republic of Macedonia, that the Ministry of Justice - Directorate for Execution of Sanctions will take in a long term targets the four key areas of development, such as:

- Improving the effectiveness and efficiency of the penitentiary system in the Republic of Macedonia;
- Improving the management with full respects for human rights and dignity of persons deprived of their liberty in the penitentiary and correctional institutions;
- Re-socialization of sentenced persons and minors and their successful reintegration into society;
- Improving the conditions and reduce overcrowding in the penitentiary and correctional institutions.

Furthermore, in line with the Strategy for the Development of Probation Service in the Republic of Macedonia and the activities within the IPA project 2010 "Further support for independent, responsible, professional and efficient judiciary and promotion of probation service and alternative sanctions" that began to be realized since 24 November 2014, there are activities for creating conditions to establish an efficient probation service in the Republic of Macedonia.

Within this project, a Draft Law on probation was prepared, and on 24 May 2015 a public hearing on the Draft Law text was held. It was attended by representatives of all institutions involved in the execution alternative measures and other probation matters for which the probation service will be responsible. An agreement was also signed for the purchase and installation of 400 bracelets - transmitters that the offenders would wear, GPS, and other IT equipment to carry out the house imprisonment / detention.

In the framework of the project "Improvement of Prison conditions for the reintegration of minor prisoners" which is implemented with the support of the Netherlands Helsinki Committee, the third cycle of training the staff of Tetovo correctional center and Ohrid Prison was held in the period of June 2 to 5 June 2015. The trainings aim at improving skills of staff to work with minors who include elements of YOUTURN / EQUIP program whose application provides increased skills of minors for anger management, advancing social skills and skills for solving moral dilemmas.

As regards the activities to improve the material conditions in penitentiary and correctional institutions, for the current 2015, the Ministry of Finance approved a reallocation of funds in total amount of 5 900 000,00 mkd, to four institutions: Idrizovo Prison, Tetovo correctional center, Skopje Prison and Prilep Prison, as follow:

- Reconstruction of correctional institution Tetovo (the building in Veles) - performing artisan works and purchase of furniture - 3,404,000.00 mkd.
- Prison Skopje - rehabilitation and reconstruction of the closed unit - 900 000,00 mkd.
- Prison Idrizovo - purchase of beds and mattresses - 1 396 000,00 mkd.
- Prison Prilep - renovation of the roof and the toilets (sewer pipes) - 200 000,00 mkd.

Within the project "Reconstruction of penitentiary institutions in the Republic of Macedonia", the construction of the first phase of construction work in Idrizovo Prison is in advanced stage, as well as the construction of the correctional center Tetovo.

Urgently following up on the CPT recommendations concerning material conditions in the correctional center Tetovo, activities were undertaken for its reconstruction and a contract was signed for reconstruction of the facility in Veles, where the Correctional Center Tetovo is temporarily accommodated. According to the signed contract, the deadline for reconstruction of the facility is 60 days, which will start in the next period.

Meanwhile, intensive work is taking place on building of a completely new educational and correctional center in village of Volkovija, and once it is completed during 2016 and will be functional for stay of minors, the facility in Veles will continue to be used by Idrizovo Prison, as its open unit.

Paragraph 48

In relation of the requested data on the number of sentenced persons in each of the accommodation units (wings) in the Idrizovo Prison, the table below shows the number of sentenced persons per wings as of 11 June 2015 r.

Number of sentenced persons in Idrizovo Prison as of 11.06.2015	
Units	Number of sentenced persons
Closed unit	
Wing I	65
Wing II	145
Wing III	64
Wing IV	63
Wing V	157
Wing VI	61
Wing VII	40
Wing VIII	54
Wing IX	27
Elderly Unit	49
New elderly unit	40
Clinic unit	140
Admission unit	111
Semi open unit	117
Open unit	63

Female unit	96
School unit	121
D - ward	86
E - ward	93
Z - ward	44
I - ward	75
Ground floor - right	28
Ground floor - new section	17
Bakery and dining room	34
On the run (fugitive)	80
Total	1870

Every single sentenced person in the Idrizovo Prison is provided with its own bed, mattress and clean bedding. Besides 225 mattresses and 40 beds that were purchased, as we have previously informed, additional 100 beds and 100 mattresses have been provided. Under the the Decision of the Government adopted on 16 June 2015, the additional beds and mattresses have been given by the Ministry of Defense for permanent use by the Idrizovo Prison to meet the needs of its sentenced persons.

#### Paragraph 122

The Law on Foreigners envisages specific rules for unaccompanied minors- foreign nationals who have illegally entered the territory of the Republic of Macedonia (Article 112, Article 113<sup>1</sup>). The procedure for this category of persons at the Reception Centre for

<sup>1</sup> Article 112 of the Law on Foreigners -In case a minor person, who is a foreigner under 18, enters the territory of the Republic of Macedonia contrary to the provisions of this law and is unaccompanied by his/her parents or a guardian, or, upon his/her arrival in the Republic of Macedonia s/he is left unaccompanied and does not apply for asylum, the authorized officials of the Ministry of Internal Affairs shall immediately inform the diplomatic or consular mission of the country whose citizen s/he with a view to establishing his/her close family members.

In case it is impossible to deliver such a minor immediately to the authorities of the country whose citizen s/he is due to objective reasons, s/he shall be accommodated in the special unit for minors within the Reception Centre and the Centre for Social Affairs shall be informed to that effect.

The minor as of paragraph 1 of this Article shall be provided with a guardian in accordance with the Law on Family.

Foreigners is in accordance with Article 112 and is under the guidance of guardians appointed by Social Work Centres for unaccompanied minors.

Article 110 of the Law on Foreigners envisages the possibility, i.e. the conditions under which foreign nationals do not need to be placed at the Reception Centre for Foreigners. In addition, the new Law on Foreigners, which is now drafted, will contain provisions envisaging that unaccompanied minors and families with minors are detained only as the last resort and within the shortest possible period.

Social Work Centres that appoint guardians for each unaccompanied minor are guided in their work by the best interest of the child. Thus, following an assessment by a professional team at the relevant Social Work Centre, appropriate accommodation is proposed for the child- either in an institution or with a foster family. The guardian exerts due care for the best interests of the child, without being burdened by legal procedures. In this respect, the guardian may authorize another person that will serve as a legal representative of the unaccompanied minor in legal procedures in which unaccompanied minors may not represent themselves.

Taking into consideration the current situation in the Region and the difficult situation of migrants, the Ministry of the Interior attaches the highest of priorities to successfully managing illegal migration and to improving the conditions for foreign nationals who are illegally staying on the territory of the Republic of Macedonia.

In this regard, cooperation at the operative level has been established with other in-line Ministries and relevant institutions (Ministry of Health, Ministry of Transport and Communications, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Policy, the Red Cross, etc). As a result of this cooperation, the number of persons staying at the Reception Centre for Foreigners has been significantly reduced, then the existing facilities of the Centre are regularly maintained and repaired. Furthermore, there

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During his/her accommodation in the Reception Centre, the minor shall be provided with legal aid, social support and medical and psychological care and shall have a right to education in the educational institutions of the Republic of Macedonia.

Article 113- A minor person who is a foreigner may not be returned to his/her country of origin or to a third country which agrees to accept him/her, until appropriate conditions for his/her admission are not provided in that country. The minor person may not be returned to a third country where his/her return would be contrary to the Convention on the Rights of the Children, the Convention of Protection against Torture, Inhuman or Degrading Treatment or Punishment or the Convention on Protection of the Human Rights and Fundamental Freedoms.

are an increased number of health care and sanitary inspections, special dietary regime is provided during the Muslim fasting, etc. In parallel, there have been legislative amendments adopted under which persons who have illegally entered the territory of the Republic of Macedonia are allowed 72 hours legal stay and within this 72 hour period they are to file an application for asylum, without having to be detained in closed institutions.

Thus, the Law Amending and Supplementing the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 101, dated 18 June 2015) entered into force on 18 June 2015. Under this new Law, persons who have illegally entered the territory of the Republic of Macedonia are given the possibility to express their intention to file an asylum application. Consequently, the Law allows for 72 hours within which such foreign nationals are to file an application for an asylum or to transit through the territory of the Republic of Macedonia, to which end they are granted the right to use public transport. Persons are vaccinated (on voluntary basis). Hence, the need for their detention is avoided.

With a view to overcoming this situation, possibilities have been considered to relocate the Reception Centre for Foreigners into a building with greater capacity. The activities to this end will be implemented in the nearest future. In the meantime, a transitional solution has been found to provisionally increase the capacities and improve the accommodation conditions. Thus, another building was temporarily designated for the Reception Centre for Foreigners – Gazi Baba. This building is part of the compound of the Reception Centre for Asylum Seekers in Vizbegovo, and is under the competences of the Ministry of Transport and Communication. The building is physically separated and secured from the rest of the buildings of the Reception Centre for Asylum Seekers (which is of open type) and only persons belonging to vulnerable categories are accommodated in the said building. Consequently, the accommodation capacity of the Reception Centre for Foreigners has been increased, i.e. additional 100 persons can be accommodated, and better conditions for stay of this category of persons have been provided.

## RESPONSE

of the Government of the Republic of Macedonia to the Report drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its visit to the Republic of Macedonia from 7 to 17 October 2014

The Government of the Republic of Macedonia is firmly committed to the implementation of the recommendations contained in the Report following the CPT visit to the Republic of Macedonia carried out from 7 to 17 October 2014. The comments on the CPT delegation's observations provided by the relevant institutions are given below:

### **COMMENTS BY THE MINISTRY OF THE INTERIOR**

#### Paragraphs 13 and 16

Taking into consideration the CPT recommendations for zero tolerance of ill-treatment and the significance of the right to freedom of movement the Ministry of the Interior operationalized the entire legal procedure by adopting Standard Operative Procedures for treatment of persons deprived of freedom (apprehended persons, persons deprived of freedom and persons in police custody), No 38-909/2, in May 2014, endorsed by the Director of the Public Security Bureau. The Standard Operative Procedures elaborate upon the following issues:

- The legal framework;
- Apprehension upon order issued by the court;
- Apprehension without order issued by the court;
- Procedures for police custody and treatment of persons in police custody;
- Instructions to senior officers at police stations clearly defining the responsibility of all senior officers for the consistent application of the Standard Operative Procedures.

The Ministry of the Interior fully respects the recommendation for pursuing zero tolerance policy for ill-treatment of persons deprived of freedom.

Taking into consideration the CPT recommendations, the latest instructions issued to commanders of police stations are the following:

- To inspect cells for keeping persons in police custody (the hygiene in the cells) and the equipment in the cells and to check whether the hygiene is regularly maintained;
- The police station commander or an officer authorized by the commander must inspect every day police vans (after the end of the shift there must be an obligatory inspection of vehicles), i.e. to check whether police vans are regularly cleaned and are in order (items not required for performance of police duties are not to be kept in police vehicles);
- Commanders of police stations are to instruct all reception police officers - heads of shift that they are to have all official facilities cleaned, while senior officers at criminal department offices are to instruct police inspectors to keep their offices clean and are to especially instruct police inspectors not to keep items in their offices that are not required for performance of police duties, and which could be possibly used for torture, or ill-treatment persons deprived of their freedom;
- Police station commanders are to inspect records and official materials about summoned, apprehended, persons deprived of freedom and persons in police custody;

- Intercom and video surveillance systems which are out of order in police stations where there are such systems must be immediately repaired. The lighting in the custody cells must be checked;
- In police custody cells which are without an intercom system, there must be checklist placed on the cell door on the outside and the time, the name and surname of the police officer who has checked on the person in the cell must be entered on the list. After the end of the police custody, the checklist must be placed in the personal file of the person that has been kept in police custody;
- There must be a copy of the Standard Operative Procedures for treatment of persons deprived of freedom (apprehended persons, persons deprived of freedom and persons in police custody) at the on-duty office. All reception officers -heads of shift and on-duty police officers are to be tasked with further elaborating the procedures;
- Items that can easily be broken (mirrors and similar) must be removed from toilets (used by persons in police custody);
- Police custody cells must be marked with numbers;
- Records under Form No. 1 (for summoned persons), Form No. 2 (for apprehended person) and Form No. 3 (persons deprived of freedom and person in police custody) must be kept in line with relevant laws and secondary legislation.

The following activities are pursued under the 2009 IPA Project Strengthening the capacities of law enforcement bodies for treatment of detained and convicted persons:

Activity 1.3 – a Network of trainers on human rights has been established and a program for initial and continual training on human rights has been developed, focused on prevention and fight against ill-treatment and impunity.

The rest of the planned trainings will be conducted: 45 two—day cascade trainings for patrol and intervention police officers and 13 one-day cascade trainings for 330 reception police officers – heads of shift and commanding officers for designated security areas. Furthermore, the Training Centre, as unit of the MOI, has undertaken the following activities with respect to basic training of candidates for police officers:

Part A.1.10. of the basic training for candidates for police officers envisages the following learning tasks: Law on Criminal Procedure, deprivation of freedom and apprehension of persons, giving warnings, orders, summoning and apprehension of persons. Furthermore, Module 1 under the 2015 Project for implementation of the Law on Criminal Procedure envisages classes on the following issues: deprivation of freedom, search of a person, home, and other premises.

Part A.2.11 envisages the following learning tasks: police ethics, police integrity and professional approach by a police officer, the Constitution of the Republic of Macedonia, use of means of coercion.

Part A.2.12 envisages the following learning tasks: deprivation of freedom and apprehension of persons, while Part A.2.13 envisages the following learning tasks: police ethics, police integrity and professional approach by a police officer, the Constitution of the Republic of Macedonia.

Part A.2.12 also envisages the following learning tasks: deprivation of freedom and apprehension of persons, keeping persons in police custody and prevention of ill-treatment. In addition, under the Project for implementation of the Law on Criminal Procedure in 2015, Module 1 (Detention, Search of Persons, Homes and Other Facilities) includes educational classes on this matter.

Based on Section A.3.18, the following learning tasks are envisaged and implemented: deprivation of freedom and apprehending persons and “Keeping persons in police custody and preventing ill-treatment”. In addition, under the Project for implementation of the Law on Criminal Procedure in 2015, Module 1 (Deprivation of freedom, Search of Persons, Homes and Other Facilities) includes educational classes on this matter.

Based on Section A.3.19, the following learning tasks are envisaged and implemented: deprivation of freedom and apprehending persons and Keeping a person in police custody and preventing ill-treatment. In addition, under the project for implementation of the Law on Criminal Procedure in 2015, Module 1 (Deprivation of freedom, Search of Persons, Homes and Other Facilities) includes educational classes on this matter.

Based on Section A.3.21, the following learning tasks are envisaged and implemented: Deprivation of freedom and apprehending persons and keeping persons in police custody and preventing ill-treatment. In addition, under the project for implementation of the Law on Criminal Procedure in 2015, Module 1 (Deprivation of freedom, Search of Persons, Homes and Other Facilities) includes educational classes on this matter.

#### Paragraphs 17, 18 and 19

Concerning the right to a defence lawyer, the reception police officer is obliged to inform the person of his or her rights. According to the law, a person may, but is not obliged, to have a lawyer during police procedure (it is a matter of choice of the person concerned). In general, officers encounter 2 categories of citizens: persons who call their own lawyer (in such cases, there are almost no shortcomings; the requested lawyer is called and this is duly recorded), and persons who do not want a lawyer. In most cases, persons concerned do not ask for a lawyer.

With respect to the recommendation to develop a fully-fledged and properly funded system of legal aid for persons in police custody who are not in a position to pay for a lawyer, the Sector for General and Special Policing Duties has updated, through the Bar Association, the lists of lawyers and has distributed the lists to the police stations.

#### Paragraph 20

With reference to the recommendation to amend the Law on the Police, regarding the right to a doctor, at present the said recommendation is part of the Standard Operative Procedures and this matter is regulated as follows:

“The psychophysical condition of the person in police custody is noted (visible injuries, signs of illness, mental disorder etc). If the person in police custody is injured, the head of shift - reception police officer orders a medical examination. In cases of serious injuries or in case the person in police custody complains of pains or injuries, the right to provide medical assistance is primary and exercised before taking any other action.

If need be, medical assistance is provided to persons in police custody as follows:

-when the person in police custody has injuries for which he or she does not request medical assistance and the head of shift reception police officer deems that a doctor should not be called, in agreement with the person in police custody, he or she will be provided first aid by a police officer who is trained in providing first aid;

-if the person in police custody has bodily injuries, a medical team with an ambulance will be called (at the request of the person in police custody or under an order of the head of shift- reception police officer);

-when the person in police custody needs to be taken to a hospital, he or she will be taken to a hospital by police officers or by an ambulance.

The head of shift, who is responsible for the person in police custody assigns a police officer or police officers who will escort the person in police custody during transportation to the medical institution.

If the reception police officer notes, based on the behaviour of the person in police custody, that he or she is under the influence of alcohol, the person in police custody is tested for alcohol and, depending on his or her general condition, medical assistance is provided. Medical assistance is also provided if the person in police custody informs the police officers that he or she receives regular therapy (methadone, insulin or other therapy).

When persons apprehended, deprived of freedom or kept in police custody are provided medical assistance, a report is prepared detailing who, when and where provided medical assistance and, if possible, the medical examination report is attached thereto. The report is kept in the case file of the person in police custody.”

#### Paragraphs 21 and 22

Concerning the right to notify a close relative or third party, this is a legally regulated obligation and during professional supervision records are inspected to ascertain whether a close relative or a third party have been notified.

#### Paragraphs 23, 24 and 25

Regarding the conditions of detention related to the Kicevo, Ohrid, Kriva Palanka and Veles police stations, immediately after the CPT visit, the Ohrid and Kicevo police station commanders took the following steps:

-At the Ohrid police station, 12 volt lighting and cell video surveillance were installed.

-At the Kicevo police station, a call system (bell) was installed.

Taking into account the general conclusion of the CPT team that „in the course of its 2014 periodic visit, the CPT’s delegation observed a continuation of the positive trend towards an improvement in the professionalism of police officers and an improvement in the practical operation of fundamental safeguards against ill-treatment of persons deprived of their liberty by the police“, the procedure and rules for treatment are clearly formulated and expressly incorporated in the Standard Operative

Procedures, which are fully aligned with the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Law on Criminal Procedure, the Law on the Police and the Rulebook on the Manner of Performing Policing Duties. The basic problem in this regard is the material conditions in detention facilities. Therefore, priority is given to renovating police stations.

#### Paragraph 26

With regard to the rules and practice concerning basic needs such as food and water for detainees, it is underlined that persons in police custody have the right to food and water. If a person is in police custody for more than six (6) hours, he or she must be provided food.

In that context, the food that persons in police custody are to be provided with is financed by using the following means:

-using personal funds of persons in police custody,

-using funds of their families,

-using funds allocated for that purpose from the budget of the Ministry of the Interior, by ways of submitting an invoice, a cash register receipt for purchases made or by utilizing funds kept at police stations.

Taking into account remarks made by the Committee on the Prevention of Torture with a view to establishing a greater degree of certainty that persons in police custody are enabled to exercise their right to food and water, a letter of instructions was disseminated putting forward precise instructions in that respect and stating that “When an individual has been provided with food, the report taking note of this fact is to be added to the case file of the person in police custody in confirmation of the fact that they have indeed been afforded a meal (regardless of the financial means used to provide them with food such as funds of the Police Station, their private or family funds)”.

#### Paragraph 109

Regarding the Reception Centre for Foreigners, the following has been done:

With a view to improving accommodation conditions by expanding the living space afforded to persons at the Centre, options were considered to dislocate the Reception Centre for Foreigners to a facility with a larger capacity. A number of possible locations were inspected for that purpose and a suitable facility was indeed identified which, after undergoing certain adaptations, will be able to meet all standards required for accommodating such individuals. Preparatory activities aimed at putting the facility into operation are underway.

In addition, a temporary solution was arrived at, allowing for a significant increase in the overall capacity of the Reception Centre for Foreigners and an improvement of accommodation conditions. Thus, the Gazi Baba Reception Centre for Foreigners has been assigned another building for temporary use which is located within the compounds of the Vizbegovo Reception Centre for Asylum Seekers, the operating of which falls under the authority of the Ministry of Transport and Communication. The building in question is separated and secured from the other facilities forming the Reception Centre for Asylum Seekers (an open type compound) and exclusively accommodates individuals belonging to vulnerable groups, hence allowing for the overall capacity of the Reception Centre for Foreigners to be increased to up to as many as 100 individuals, affording them, as well,

with better living conditions. In this period, this building accommodates around 50 individuals belonging to vulnerable categories (parents with children).

At the same time, under the adopted Law Amending the Law on Asylum and Temporary Protection which entered into force on 18 June 2015, individuals who have illegally crossed the national border of the Republic of Macedonia are allowed a period of 72 hours to either complete their transit across the territory of the Republic of Macedonia or file an application to be recognized the right to asylum, thus eliminating the need for them being kept at the Reception Centre for Foreigners.

This legislative amendment also provides to a great degree a response to the Committee's recommendation that children are not to be accommodated at the Reception Centre, as well. In addition to that, a new Law on Foreigners is currently being drafted which, among other things, will guarantee the implementation of several Directives of the European Union, including Directive 2008/115/EC of the European Parliament and Council referring to joint standards and procedures that all EU Member States are to apply in returning illegally staying third-country nationals. The new Law on Foreigners is to outline provisions guaranteeing that non-accompanied minors and families with minors are to be detained only as a measure of last resort and for the shortest period possible.

Furthermore, draft Standard Operative Procedures for the Treatment of Non-Accompanied Minors who are Foreign Nationals (Migrants and Asylum Seekers) has been prepared. This document will be used by services in multiple departments tasked with supporting and protecting asylum-seeking non-accompanied minors and of course by in-line departments at the Ministry of the Interior, the Ministry of Labour and Social Policy and by non-governmental organizations.

That same approach will be used to develop procedures for treatment of all individuals belonging to vulnerable categories.

#### Paragraphs 110, 111 and 112

In reference to the Committee's recommendation for countering all acts of ill-treatment and the need established for all police officers assigned to custodial tasks at the Reception Centre for Foreigners being provided with appropriate training (Section as well as for developing a policy on dealing with inter-detainee violence, the following is underlined:

Aside from the above listed, the Ministry of the Interior, i.e. its Sector for Internal Control and Professional Standards, has without exception taken all measures necessary to act upon all reports of police officers allegedly overstepping their authority, investigating such allegations while being mindful of doing it in a timely, impartial and professional manner. In that sense, no complaint, indication or report of ill-treatment by police officers of individuals having their freedom of movement limited on any grounds has been left uninvestigated.

Nonetheless, with a view to acting preventively and ensuring that individuals accommodated at the Skopje Reception Centre for Foreigners are informed and made aware of the possibilities standing at their disposal for reporting ill-treatment by police officers, the Centre has been provided with copies of the information flier titled "How to File a Complaint against the Police" printed in several languages.

In-line authorities are acting upon all complaints concerning the conduct and behaviour of police officers towards persons in police custody and particularly the ones referring to potential use of force. Moreover, indications of police officers being involved in such behaviour coming from the media, social networks or informal tips and the like are all being investigated, although it has to be underlined that such indications are too vague, revealing very poor basic information and even being contradictory in a great number of cases. In spite of all that, all allegations will, at all times and in any circumstances, continue to be investigated and the staff at the Reception Centre will continuously be reminded that no ill-treatment of persons, including one of verbal nature, will be tolerated. All allegations and indications outlined in this Report will additionally be thoroughly investigated and all measures necessary will be taken to punish potential perpetrators.

Furthermore, the training of staff employed for the needs of the Reception Centre for Foreigners will be one of the priorities. Planning and implementation of trainings on different topics (inter-personal skills, defusing conflicts and mediation techniques, negotiation skills, cultural differences etc.), as well as developing a sustainable training system on these topics are part of several ongoing Projects pursued by the Ministry of the Interior of the Republic of Macedonia. These projects will also be used to create more detailed procedures and rulebooks regulating various aspects of the work of the Reception Centre for Foreigners, including the rules dealing with inter-detainee violence.

#### Paragraphs 113 and 116

The new Law on Foreigners is under preparation and will include provisions envisaging that unaccompanied minors and families with minors are detained only as a measure of last resort and for the shortest possible period. Moreover, Article 110 of the Law on Foreigners foresees a possibility that under certain circumstances it may be assessed that accommodation of the foreigner in the Reception Centre for Foreigners is not necessary.

#### Paragraphs 117, 118, 119 and 120

With respect to recommendations about the conditions in the Reception Centre for Foreigners, the following should be noted:

The relocation of the Reception Centre for Foreigners in the new facility will enable implementation of all measures contained in these paragraphs. In the meantime, the Ministry of the Interior of the Republic of Macedonia, in cooperation with other bodies and international organizations, undertakes measures to improve the situation in the existing conditions, which includes the use of additional provisional facility, which increases the capacity of the Reception Centre.

#### Paragraph 123

This recommendation has been taken into consideration and is being implemented. The types of equipment, manner of carrying of personal equipment and arms in the Reception Centre for Foreigners are regulated. Measures referring to specialized training are explained above in the response with respect to paragraph 112.

### Paragraphs 129 and 130

Foreign nationals are introduced to the House Rules and their rights and obligations immediately upon the admission to the Reception Centre for Foreigners, which they confirm by signing a relevant document. Copies of the House Rules are displayed in all shared premises. Additionally, they are translated into several foreign languages, including the Arabic language. All detained persons receive one copy of the House Rules. There are ongoing initiatives for cooperation in this field with NGO's and associations, in fact, with the Macedonian Young Lawyers' Association, which is partnering with the UNHCR Office in Skopje on projects in this field. Additionally, often there are cases in which the families or relatives of persons accommodated in the Reception Centre for Foreigners, who are in the Republic of Macedonia or abroad, hire legal representatives. Upon previous consent of persons who are to be represented (in great number of cases they do not accept the offer for legal representation), legal representatives and interpreters are allowed visits of concerned persons in pursuance with the procedures.

### Paragraph 131

The recommendation to ensure the effective right for foreign nationals to inform a relative or a third party of their choice or of their situation is being implemented. Upon the suggestion of the Delegation of the Committee for the Prevention of Torture, besides landlines, foreign nationals are enabled to use VoIP technology (Skype). All these options are free of charge for the foreign nationals detained. With respect to the right to receiving visits in pursuance with Article 5 of the Rulebook amending the Rulebook on the House Rules of the Reception Centre for Foreigners (Official Bulletin of the Ministry of the Interior, No. 75 dated 21 May 2013), Article 16 of the Rulebook on House Rules of the Reception Centre is amended and reads as follows: "A foreigner may receive a visit of 30 to 60 minutes, upon consent of the head of the Reception Centre or a upon consent of a person authorized by the head of the Reception Centre, while upon their permission such visit may last longer."

This right, together with the opportunity to extend such visit, is frequently exercised. Visit requests made by relatives, friends, legal representatives, consular officers, international and non-governmental organisations, etc. are regularly approved. In order to pay a visit, a prior notification, consent of the person to be visited, and permission by the competent authorities are only needed, mostly on grounds of security reasons and protection of the detained persons. Namely, some of these detained persons are smuggled migrants. Criminal proceedings have been initiated against the smugglers who may get long prison sentences. Hence, there is real possibility that persons detained at the Reception Centre become the subject of intimidation, blackmail, etc., in case such smugglers are allowed unimpeded access to persons detained at the Reception Centre for Foreigners.

### Paragraph 132

As regards this recommendation, the Law Amending the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 101/2015) made a distinction between the intention to submit an application for asylum and the formal aspect of the application filing by potential asylum seekers. Namely, amendments to Article 16 enable a foreigner, at a border crossing or inside the territory of the Republic of Macedonia to express intention of submitting asylum application before a Ministry of the Interior police officer. The police officer records personal data of the foreigner who has shown such intention, issues him/her a note for such

intention shown, and refers him to submit an asylum application within 72 hours to an authorized officer of the Asylum Unit at the premises of the Reception Centre for Asylum Seekers. Should such foreigner fail to submit an asylum application within 72 hours, relevant legislation on foreign nationals will be applied.

A new Article 16-a regulates the formal element, i.e., places where an asylum seeker may submit an asylum application. This Article reads: an asylum seeker may submit an asylum application at a border crossing or at the nearest police station, or at the premises of the Asylum Unit at the Reception Centre for Asylum Seekers. In case the asylum application is submitted with the border police or at the nearest police station, a police officer takes such asylum seeker to the Reception Centre for Asylum Seekers. An asylum seeker, staying on the territory of the Republic of Macedonia, submits an asylum application to the Asylum Unit. In cases of family reunion, such application may be submitted to a diplomatic or consular mission of the Republic of Macedonia abroad.

#### Paragraph 133

Precise rules are in place for visiting detained persons, while there is no restriction on the number of visits. Upon request by a detained person, permission is given for extending a visit beyond the scheduled 60 minutes. The recommendation that detained persons be allowed to keep their mobile phones will be given further consideration, taking into account all circumstances, including the security related aspects.

#### Paragraph 134

The Law on Foreigners (Article 108, paragraphs 5, 6, and 71) regulates the system of submitting written complaints. Measures will be taken for further promotion of this system among detained persons and for more frequent use of the system.

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<sup>1</sup> A foreigner shall have the right to submit an appeal against the decision referred to in paragraphs 3 and 4 of this Article, within eight days as of the day of receiving the decision, to the competent commission of the Government of the Republic of Macedonia.  
Such appeal shall not defer the execution of the decision. The competent commission of the Government of the Republic of Macedonia shall issue a decision within 15 days of the day of submission of the appeal.  
The unsatisfied party may institute administrative dispute proceedings with the competent court, in accordance with the Law on Administrative Disputes.

## COMMENTS BY THE MINISTRY OF JUSTICE - DIRECTORATE FOR THE EXECUTION OF SANCTIONS

### Paragraph 28

In June 2015, the Ministry of Justice- Directorate for the Execution of Sanctions submitted information to the CPT regarding the strategic reform of the penitentiary system. Thus, only brief information is hereby provided regarding key reform activities.

Preliminary activities have started for the implementation of the 2015-2019 National Strategy for the Development of the Penitentiary System in the Republic of Macedonia, which the Government of the Republic of Macedonia adopted on 12 May 2015.

The National Strategy will be disseminated in the form of a publication. In addition, fliers and fact-sheets promoting the National Strategy are printed. On 29 September 2015, a conference was organized to present the text of the Strategy to the public, providing thus more detailed information about activities to be undertaken in the short, medium and in the long run.

The fact that in the preparation of the National Strategy priorities and goals of the Ministry of Justice- Directorate for the Execution of Sanctions and of the Government of the Republic of Macedonia were fully harmonized and set forth in a consistent manner, ensures strong support for the successful implementation of the National Strategy.

Activities are undertaken for the establishment of a national probation service, in pursuance with the Strategy for Development of the Probation Service of the Republic of Macedonia.

Under the 2010 IPA Project — Further Support to Independent, Accountable, Professional and Efficient Judiciary, and Promotion of a Probation Service and Alternative Sanctioning in Macedonia, a draft of the Law on Probation was prepared. Following the public debate, held on 24 June 2015, the draft of the Law was finalized and sent to be considered by in-line institutions.

Under the same project, there was a Training of trainers event held on 9-15 September 2015, elaborating the issue of use of equipment for electronic monitoring, organized by the company that had procured the monitoring equipment - SAGA MK Company. The training was divided into two parts, i.e. training for staff using the equipment and training for administrators of the electronic monitoring equipment. Eight employees of the Directorate for the Execution of Sanctions attended the said training.

The fourth cycle of trainings for the staff of the Tetovo Educational and Correctional Institution and the Ohrid Prison was held in the period from 28 September to 2 October 2015 under the Project entitled *Improvement of prison conditions for reintegration of juvenile prisoners*, implemented with the support of the Dutch Helsinki Committee. The trainings aimed to improve the skills of the staff for work with juveniles, using elements of the YOUTURN/EQUIP Program.

The Project entitled *Promotion of Sustainable Employment III* has started with a view to providing vocational training for part of the prison population. The Project is jointly implemented by the Ministry of Education and Science, the Directorate for the Execution of Sanctions and the United Nations Development Program (UNDP). Part of the prison population of the women's ward at the Idrizovo Prison and juveniles from the Tetovo Educational and Correctional Institution or from the Ohrid Prison will be covered with the vocational trainings. In accordance with planned activities, at

the women's ward at the Idrizovo Prison there will be trainings organized for hairdressers and beauticians. There are on-going activities to adapt a facility fully equipped for the courses and for practical training.

In regard of activities for improvement of material conditions at prisons, the first phase of construction works at the Idrizovo Prison is at an advanced stage, as are construction works at the Tetovo Educational Correctional Institution. These activities are undertaken under the Project *Reconstruction of Prisons in the Republic of Macedonia*.

The state of play under the first phase of construction works at the Idrizovo Prison is as follows:

- The 500 m<sup>2</sup> Training Centre has been completed;
- Reinforced cement fence of 340 meters has been completed;
- 16 existing facilities of 7,700 m<sup>2</sup> have been demolished;
- Three facilities with net surface of 4,637 m<sup>2</sup> are now constructed at the open section:
  1. The ground floor facility with capacity for 101 prisoners has been completed with a reinforced concrete slab;
  2. A facility (ground floor and one floor ) with a capacity for 193 prisoners has been constructed; the façade has been completed; all installations have been fitted and now the floors are fitted, and the toilet equipment and lighting is installed;
  3. The ground floor section of the facility with garages and workshops has been completed and the toilet equipment and lighting is now installed.
- Two facilities with net surface of 3,960 m<sup>2</sup> are now constructed at the semi-open section:
  1. At the building (ground floor and two additional floors) with capacity for 252 prisoners reinforced concrete facade partition panels are installed at the second floor;
  2. The entry building which also has a waiting room (on the ground floor) has been completed and toilet equipment and lighting is currently installed.
- The reconstruction of the Administration building will start as soon as buildings intended for prisoners will be completed.

All buildings of the Tetovo Educational Correction Institution have been constructed and the carpentry works have been completed; currently external and internal installation systems are placed.

#### Paragraphs 31, 32 and 43

As regards allegations of ill-treatment in some prisons, it is underlined that in February and in March 2015, inspectors of the Directorate for the Execution of Sanctions conducted inspections in a total number of five prisons most often visited by the CPT in order to examine the allegations.

More specifically, the inspections aimed at examining allegations about intimidation or reprisals against prisoners and remand prisoners closely linked to the CPT visits, mentioned in the General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The inspections were, *inter alia*, aimed at acquiring information if there are also other forms of ill-treatment. After the inspections of the Idrizovo Prison, of the Skopje Prisons, of the Tetovo Prison, of the Kumanovo Prison and of the Tetovo Educational Correctional Institution, no information was collected, i.e., established about intimidation or reprisals against prisoners and against juveniles linked with the CPT visit. However, taking into consideration the CPT recommendations and with a view to preventing ill-treatment, the Director of the Directorate for the Execution of Sanctions issued an Order tasking prison directors to urgently undertake measures to enhance the control and prevention of ill-treatment and to instruct all prison staff that any violations of the provisions of the Instruction for conditions for and manner of use of measures

of coercion by security staff at prisons and at educational and correctional institutions, especially provisions relating to use of physical force, would be rigorously punished.

Furthermore, the National Strategy for the Development of the Penitentiary System in the Republic of Macedonia envisages a specific strategic goal regarding the issue of zero tolerance for ill-treatment. The following activities are planned to be undertaken in this context: drafting a Strategic plan for pursuance of a policy of zero tolerance for ill-treatment and corruption, organizing an information campaign to raise the awareness of the prison staff, drafting relevant procedures, and training of prison staff on prevention of ill-treatment.

### Paragraph 33

Inspectors of the Directorate for the Execution of Sanctions examine every allegation of ill-treatment of prisoners, i.e. they examine whether the allegations are founded. In the last period, every case of ill-treatment by prison staff has been adequately punished in line with applicable regulations.

In 2014, the Directorate for the Execution of Sanctions received a total number of 75 complaints by prisoners, of which three (3) against ill-treatment by prison staff. After inspectors for execution of sanctions had examined the allegations stated in the three (3) complaints, it was established that the complaints are founded and that there was ill-treatment by a member of the prison police at the Gevgelija Prison. In pursuance with their competences, the inspectors requested institution of a procedure for establishment of disciplinary responsibility. Following the procedure, the concerned member of the prison police was suspended due to his overstepping of authorities in the performance of duties, i.e. due of offensive and violent conduct and repeated disciplinary violations. Following the disciplinary procedure, the employment contract of the concerned member of the prison police was terminated in line with applicable regulations.

Out of the total number of 68 disciplinary punishments in 2014, three (3) were against ill-treatment of prisoners by prison staff. One of the three cases is the case of the above referred to member of the prison police at the Gevgelija Prison, while the other two cases are cases of excessive use of force against a prisoner at the Idrizovo Prison and ill-treatment of a juvenile at the Tetovo Educational Correctional Institution.

The case of ill-treatment of a prisoner at the Idrizovo Prison was detected in 2013 and in 2014, the member of the prison police who used excessive force had his employment contract terminated and was sentenced to one and a half year in prison. Immediately after the incident, the employee was transferred to the post of a driver, thus preventing contact with prisoners, and after he was sentenced to imprisonment, his employment contract was terminated. The other case was detected at the Tetovo Educational Correctional Institution, where, after extraordinary professional instruction supervision, the Directorate for the Execution of Sanctions requested that a procedure be initiated to determine the disciplinary responsibility and investigate the allegations of ill-treatment of a minor at the Institution. Disciplinary proceedings established responsibility of an employee at the Institution, who was subsequently fined for a period of three (3) months.

Furthermore, the commanding security officer at the Tetovo Educational Correctional Institution was given a suspended sentence and his employment was terminated because he had not reported a case of sexual abuse of a minor to the relevant authorities at the Ministry of the Interior and the Basic Public Prosecutor's Office, whereas the two minors involved in the case were sentenced to juvenile prison and are serving their respective sentences at the Ohrid Prison as of the time of writing.

As of August 2015, of the total number of complaints (29) submitted to the Directorate for the Execution of Sanctions, two complaints related to ill-treatment of prisoners and, upon investigating the allegations, it was established that the complaints were unfounded. However, at the Idrizovo Prison, a case of ill-treatment of a prisoner by a member of the prison police was detected. Disciplinary action was taken against the latter and he was fined for a period of six (6) months. The case was reported to the relevant authorities at the Ministry of the Interior and the Basic Public Prosecutor's Office for further processing.

For the purpose of preventing such cases, in March 2015 extraordinary professional instruction supervision was conducted at all prisons and educational correctional institutions concerning the procedure for use of physical force and means of coercion, i.e. whether it was applied in compliance with the relevant primary and secondary legislation. At the same time, the persons in charge at the prisons and educational correctional institutions were given advice and recommendations about treatment of persons in cases when it is necessary to use physical force and means of coercion while respecting prisoners' rights.

Furthermore, for increasing control over potential ill-treatment of prisoners and remand prisoners, as well as in cases of violent behaviour among them, the procedure for recording signs of violence at prisoners and remand prisoners was defined by special guidelines. More specifically, special guidelines establish the procedure for treatment by medical personnel at the institutions in cases of physical, psychological or sexual violence against prisoners and remand prisoners detected upon their admission to the institution or in the course of serving prison or remand sentences. If a doctor detects signs of violence, he or she must submit written information to the director of the institution. The obligation to inform the prosecutor's office lies with the director of the institution.

#### Paragraph 34

As regards the mental health of certain vulnerable categories of prisoners, the Directorate for the Execution of Sanctions has reviewed the recommendation by the Committee with special attention and will consider it when defining future activities.

#### Paragraph 35

With respect to dealing with inter-prisoner violence and the Committee's recommendation to adopt a strategy to combat violence, it is contained in the National Strategy. Specifically, the strategic goal entitled "Establishing more effective mechanisms for dealing with inter-prisoner violence and other disorder at prisons and correctional educational institutions" contains measures and activities aimed to establish a standardized system for collecting, sharing and keeping information for the purpose of effective risk management, as well as standardized system for treatment in cases of riots and elementary disasters at prisons and educational correctional institutions. In addition, it is also planned to increase prison police staff, train prison staff in dealing with violent behaviour of prisoners, set up a special programme for treatment of violent prisoners, introduce a system for dynamic security at institutions, etc.

With regard to the vulnerable categories of prisoners convicted of sexual offences serving prison sentences at the Idrizovo Prison, as reported in the country's response to the preliminary report, competent persons have carried out an assessment of the situation concerning this issue, based on which a plan for reorganizing the wings at the prison was developed. The initial plan envisaged that this category of prisoners needs to be accommodated in the eighth wing at the prison. However, upon further assessment of security risks, it was considered more secure to accommodate this category of persons (the larger number) in the second wing of the institution, which has already been done. The other prisoners sentenced for sexual offences who do not feel that their lives or health are at risk from other prisoners, were interviewed and gave statements that they agreed with and felt safe in staying in the wings where they were accommodated. Concerning the allegations of ill-treatment of this category of prisoners, which, as the Committee notes, is most widespread during the admission period, this situation has been solved by not sending newly-admitted sexual offenders to the admission unit but, for their protection, they are immediately accommodated in the second wing at the prison, thus protecting them from the rest of the prison population.

#### Paragraphs 39 and 40

As regards staffing at prisons, the number of staff, including at the Idrizovo, Kumanovo and Skopje prisons, is reviewed regularly. The Directorate for the Execution of Sanctions is committed to employ new staff who is properly educated and qualified to work in prison conditions. For this reason, continuous efforts are made and consent is regularly requested from the Ministry of Finance to employ new staff. In addition, annual plans for the needs of prisons are submitted to the Ministry of Information Science and Administration.

In 2015, by the time of writing, 46 new staff members were employed in the prison system; however, efforts are still being made to employ further staff in specific areas in each prison.

#### Paragraph 41

As regards trainings for prison staff, the Directorate for the Execution of Sanctions works, on one hand, on fulfilling all material preconditions for setting up a sustainable continuous training system and, on the other hand, on preparing all crucial documents and materials that will set the direction for the development of the prison staff continuous training system.

In this regard, the Training Centre, which is located at the Idrizovo Prison, has been fully reconstructed. With the support of IPA Project 2009, IT equipment and furniture for the rooms at the facility have been procured and the procurement of a kitchen and simultaneous interpretation equipment is in progress, upon which all material preconditions for the operation of the Training Centre at the Idrizovo Prison will be fulfilled.

With respect to the document prepared for training of prison staff, the following documents were drafted under the IPA Project 2009:

- Draft Strategy for Training of Prison Staff;
- Programme for and Handbook on Training of Managerial Staff;
- Programme for and Handbook on Training in Planning Prison Sentences and
- Programme for and Handbook on Training in Conflict Prevention and Management.

At the same time, trainings for prison staff have been intensively conducted under this project since the beginning of 2015, including:

- 13-15 January 2015: Training of Instructors in Implementing a General Cognitive Programme. 13 instructors were trained: 11 prison staff and 2 representatives of the Directorate for the Execution of Sanctions;
- 9-14 February 2015: Training of Instructors in Planning Prisons Sentences and Efficient Conflict Management. 21 instructors were trained: 20 prison staff and one representatives of the Directorate for the Execution of Sanctions;
- 18-20 February 2015: Training of Prison Managerial Staff, undergone by 27 persons: 24 prison and educational correctional institution directors, their deputies or other managerial staff and 3 representatives of the Directorate for the Execution of Sanctions.
- April-May 2015: 4 cycles of cascade trainings in implementing a general cognitive programme, undergone by a total of 57 resettlement sector staff and other staff in direct contact with prisoners.
- May-June 2015: 16 cascade trainings in planning sentences and effective conflict management undergone by a total of 189 resettlement sector staff and prison police at all prisons.
- September 2015: Three-day Advanced Training of Instructors in Implementing a General Cognitive Programme. 12 instructors were trained: 11 prison staff and one representative of the Directorate for the Execution of Sanctions.

A significant activity is the development of the General Cognitive Programme and the foregoing trainings in its implementation. International and domestic consultants and prisons system staff were involved in its development. The first evaluation of this programme, which included 12 prisoners, was carried out at the Bitola Prison. Following the evaluation, it was determined that the programme needs to be changed; therefore, it was revised and advanced training of instructors was provided. Accordingly, a decision was made to re-evaluate the programme and its applicability, which started in mid-September 2015 and is currently implemented at the Stip Prison. The programme adopts a cognitive-behavioural approach to the treatment of prisoners, which is a novelty in the Macedonian prison system, and endeavours will be made to fulfil all conditions required for its successful implementation in practice.

Furthermore, with the support of IPA 2009 Project, a Handbook on Conducting Instruction Supervision has been drafted, representing a comprehensive guide for inspectors for execution of sanctions. On one hand, the Handbook is to ensure that supervision is conducted in a uniform manner while, on the other, it should also allow for effectively and efficiently applying primary and secondary legislation concerning the execution of sanctions. As part of the activities planned, eight employees at the Directorate for the Execution of Sanctions attended a training course from 14 to 18 September 2015, the purpose of which was to improve their skills in performing supervision duties. International and domestic consultants employed by the Council of Europe to that end conducted the five-day course and it consisted of both a theoretic and practical segments. The practical segment was conducted at the Stip Prison, enabling the inspectors to acquire new experiences and knowledge that would help them throughout their work in the future.

Among other activities, in cooperation with the Institute for Lung Diseases and Tuberculosis, two workshops were completed from 29 April to 5 May 2015 with the aim of improving the knowledge of prison staff on tuberculosis. The workshops were attended by a total of 31 employees at prison medical departments such as doctors and medical technicians, as well as employees at resettlement sectors and prison police officers at the Idrizovo and Skopje Prisons and the Tetovo Educational and Correctional Institution.

Moreover, a Prison Police Training Commission was established at the Idrizovo Prison, which, over the course of 2014, completed two training cycles for prison police officers. The first of these cycles took place between 16 April and 15 May 2014, with the second one being held between one and 30 September of that same year. The next training courses for police have been scheduled to take place over the last trimester of 2015.

The National Strategy on the Development of the Penitentiary System in the Republic of Macedonia sets a specific strategic target to establish and reinforce a sustainable system for the training of the entire staff at all Macedonian prisons and the employees of the Directorate for the Execution of Sanctions. Apart from activities aimed at acquiring the necessary equipment for the Training Centre and its regular maintenance, as laid down by the Strategy, special Programs for Conducting Training Courses are to be drafted, while the number of staff at the Directorate for the Execution of Sanctions is also to be expanded. In addition to the above, the existing Draft Strategy on Conducting Training Courses is also to be finalized and once the Government of the Republic of Macedonia adopts it, it will start being implemented in practice, hence establishing continuity in conducting such trainings.

In addition, the Directorate for the Execution of Sanctions has been using financial donations and grants coming from a number of organizations and institutions that has allowed that prison staff trainings are conducted in continuity on various aspects of the way in which the country's prison system functions. For that reason, if there is a need for training, training instructors are recruited from the prison staff, already trained in various areas pertinent to everyday prison operations.

#### Paragraph 43

As previously reported, measures are being continuously undertaken in the Republic of Macedonia with a view to preventing corruption. Nevertheless, the National Strategy on the Development of the Penitentiary System in the Republic of Macedonia provides set of activities undertaken for achieving and maintaining zero tolerance for corruption in the country's prison system.

#### Paragraphs 46 – 48

In the quarterly report, the Committee was informed, about the purchase of beds and mattresses for the Idrizovo Prison, functioning of the shower room at the closed unit and regular functioning of toilets and heating at the Prison. All prisoners have been provided with their own individual beds, mattresses and clean bedding. Moreover, toilets at the facility are fitted with wall-mounted showerheads and functional flush toilets.

In further reply to this question, the following is a list of the number of Prisoners at the Idrizovo

Number of Prisoners at the Idrizovo Prison as per 10 September 2015	
Unit	Number of Prisoners
Closed Unit	
Wing 1:	65
Wing 2:	136
Wing 3:	64
Wing 4:	69
Wing 5:	159
Wing 6:	61
Wing 7:	36
Wing 8:	55
Wing 9:	33
Senior Prisoners Unit:	51
New Senior Prisoners Unit:	38
Prison Infirmary Unit:	160
Admission Unit:	84
Semi-open Unit:	120
<i>Preporod</i> Open Unit:	29
Commercial and Farming Unit:	57
Women's Ward:	100
School Ward:	124
Unit E:	96
Unit G:	83
Unit I:	39
Unit K:	77
Ground Floor - Right:	33
Ground Floor - New Section:	15
Prison Bakery and Cafeteria:	28
Absconded:	78
Skopje City Hospital Closed Medical Ward	6
TOTAL:	1896

Prison per each wing:

As regards maintaining hygiene at the Idrizovo Prison, sanitization and pest control is performed on a regular basis at the facilities in the Prison. In 2015, as of the date of writing, sanitization and pest control has been performed at the facility housing the Closed, as well as the Infirmary and Women's Units in the Prison.

#### Paragraph 50

With regard to the reported disparity in the offer listed in food menus at the Idrizovo Prison in comparison to the food actually offered to prisoners, the Director of the Idrizovo Prison issued a written Order listing clear instructions for addressing the issue. More precisely, under the Order, when preparing the food menus at the prison, the individuals in charge have been instructed to conduct compulsory inspections for the type and quantities of food that the establishment provides, taking care of keeping the energy value of the meals in line with prescribed standards, making way for eliminating the reported disparity in the future. Supervision over the quality and quantity of the food served in the establishment is conducted by its medical department professionals. With reference to serving meals to newly-admitted prisoners on the first day of them being admitted to the establishment, measures have immediately been taken to act upon the recommendations listed in the CPT Report on this matter, too, and, depending on the time of day when such prisoners admitted, they are being provided with a meal on the first day of them being admitted to the establishment.

#### Paragraph 51

With respect to on-going plans for reconstructing the Idrizovo Prison, maximum efforts are being taken to finalize construction work on the facilities at the semi-open and open units, which, once complete, will allow for the accommodation of a total of 564 prisoners. The construction works on the aforementioned facilities is proceeding under the dynamics projected and will be completed in mid-2016.

#### Paragraphs 52 and 86

Regarding sanitary conditions and hygiene at the Skopje Prison, insect pest control is performed on a regular basis at the prison, whereas in the period after the Committee's visit to the establishment, insect pest control was performed in December 2014, as well as February, March and July 2015, while eight rooms at the remand unit of the establishment have also been repainted.

In addition, full refurbishment has started in the closed unit of the prisoner wing involving a full refitting of power installations and ventilation, the sanitary facilities and the shower room, the communal daily activity (TV) room, including the rooms accommodating prisoners. To this point in time, two toilets and three accommodation rooms have been refurbished.

Furthermore, call bells have been put into operation, whereas the remaining that has been out of function is currently being repaired.

As regards remand prisoners receiving visits at Skopje Prison, visiting hours have been extended due to the reduced number of remand prisoners in the establishment.

Paragraphs 56, 57, 66 and 86

With reference to, the complaint with regard to the issue of ensuring regular water supply at the Kumanovo Prison, additional water drilling and exploitation well has been excavated and constructed at the establishment, hence solving this problem. Over the summer months, which were dry with very little precipitation, the establishment had no problems whatsoever with water supply, owing to the sufficient quantity of water at the establishment's water wells.

Moreover, the deficiency reported of prisoners not having sufficient room in certain prison cells at the unit has been eliminated, as well, seeing as, instead of 16 m<sup>2</sup> cells accommodating 6 prisoners as before, after correcting the issue, they accommodated 4, hence complying with regulations and standards stating that every individual prisoner is to be afforded a minimum of 4 m<sup>2</sup> of space in every cell. With reference to 7 m<sup>2</sup>, the establishment has also been following the recommendation stating that only a single prisoner should can be accommodated in cells of that size.

In addition it is underlined that after the remark given about the problem of functioning of the bells for calling prisoners from their cells, this problem was solved, and all bells are now operational.

With regard to visiting remand prisoners, it is emphasized that the competent courts allow remand prisoners to be visited by their minor children in the presence of their closest ones, i.e. close family members.

The remark that toilets should be physically separated in the cells where prisoners are accommodated is fully accepted, i.e. the recommendation is accepted and depending on available funds, this situation will be corrected.

In context of admissions cells, it is underscored that the Director of the Directorate for the Execution of Sanctions issued a Decision prohibiting the use of the basement cells that are not designated for use by the admission unit, as well as a Decision obligating the Director of the Kumanovo Prison to create conditions for the proper functioning of the admission unit.

Regarding the provision of conditions for working engagement of prisoners, the Kumanovo Prison started procedures to enable lease of state owned agricultural land through conclusion of a direct land lease contract. In this sense, the prison will soon have its own farmland with an area of more than 22 hectares where it is planned to grow grains and various agriculture products. The implementation of this procedure that is under way, conditions will be created for working engagement of higher number of prisoners serving their sentence in the Kumanovo Prison.

Paragraph 59

Regarding the remand cells in the Ohrid Prison, which were used to accommodate three remand prisoners each, it is underlined that this prison immediately acted in accordance with the recommendations of the Committee and presently the remand cells are used to accommodate maximum two people. Regarding the other observations in terms of the material conditions, it is emphasized that efforts are made to repair the bells for calling prisoners, as well as for increasing the artificial lighting in the cells. Regarding other recommendations, the prison will incorporate them in its 2016 budget and they will be fully implemented.

#### Paragraphs 61 and 65

In terms of the two admission cells located in the unit for prisoners in the Tetovo Prison, it is underlined that the renovation of these facilities is a priority activity of the prison. The funds for the renovation will be provided under the 2016 budget. Until the moment of their renovation, they will be used in exceptional cases. At the same time, it is underscored that as far as the remand unit of the prison is concerned, in case of fewer remand prisoners, cells that are in better condition are first used.

In connection with the recommendation that the time spent by remand prisoners is deducted from their time planned to be spent outdoors, and the recommendation that they should be allowed to wear watches and have proper mirrors in their cells, it is underlined that activities to immediately correct and act upon the recommendations made by the Committee were implemented.

#### Paragraph 67

In terms of guaranteeing the right to movement in the open for at least two hours, the Director of the Directorate for the Execution of Sanctions issued a Decision obliging all prison directors to ensure conditions for prisoners to have the possibility of movement in the open every weekday, including weekends when visits are made. Likewise, all prison staff are obliged equally and actively to encourage prisoners to use the opportunity to exercise this right.

#### Paragraph 68

Regarding the perimeter wall of the Kumanovo Prison, we would like to underline that the security equipment and construction of the prison are suitable for this type of prison. Namely, it is a prison with prisoners held under the semi-open conditions in which like other prisons of these type prisoners are held under the closed, semi-closed and open conditions.

The assessment was prepared by an international consultant hired by the Council of Europe as part of the 2009 IPA Project.

Furthermore, in 2014 an Analysis of the situation in various facilities of the Idrizovo Prison was also made, as part of cooperation with the Global Fund and the Project Unit of the Ministry of Health. This analysis was made of the Idrizovo Prison by an international consultant. Upon recommendations prepared by the consultant, some of the rooms of the buildings in the Idrizovo Prison will be renovated, in order to increase the prison capacity as a coordinated response in case of having prisoners suffering from tuberculosis. To this end, a Cooperation Memorandum was concluded between the Idrizovo Prison and the Ministry of Health.

With regard to the recommendation for increasing the prison medical staff, it is emphasized that efforts have been made to hire additional qualified medical nurses as well as to modernize the medical equipment used in prisons.

Hiring additional medical workers would also contribute to meeting the requirements that qualified personnel distribute medicaments. In the meantime, medical workers are the only persons responsible for administering the medical therapy for every prisoner individually. Therapy thus prepared is administered to prisoners. After working hours, other prison employees are charged to administer such previously prepared therapy.

#### Paragraph 74

With regard to the working time of prison medical staff, i.e., with regard to the remark that there are no medical workers on duty during the night and weekends, it is underlined that in accordance with the applicable regulations primary health care is provided in prisons. In case of emergency, prisoners are immediately transported to the nearest public health care institution. With regard to providing first aid to prisoners by trained prison staff, in the forthcoming period the Directorate for the Execution of Sanctions will undertake activities to deliver such practical training.

#### Paragraphs 75 and 77

The Directorate for the Execution of Sanctions pays special attention to the confidentiality in conducting medical examinations of prisoners. Hence, many documents and rulebooks envisage the obligation to respect the confidential character of the prisoner-doctor relationship. In this regard, the manner of conducting a medical examination is prescribed in the House Rules for prisoners, Guidelines on medical examination when admitting new prisoners, Guidelines on medical examination when admitting new remand prisoners, Guidelines on ethics and obligations of prison medical staff, as well as in health care protocols. Respecting such guidelines is also subject to inspection carried out by the Directorate for the Execution of Sanctions. Last year there was no registered complaint filed by a prisoner regarding violation of the confidentiality of such medical examinations. Moreover, the obligation to conduct a medical examination of new prisoners in the first 24 hours of their arrival is governed by the aforementioned guidelines. This is constantly underlined while conducting instruction supervision in prisons.

#### Paragraph 78

With regard to the recommendations for keeping a special register of injuries sustained by prisoners and remand prisoners, it is underlined that immediately upon receiving the Committee recommendations, on 28 November 2014, the Director of the Directorate for the Execution of Sanctions issued Orders to all prison facilities obliging them to keep Records of injuries sustained by prisoners and remand prisoners established upon admission to the prison or while on remand or while serving prison sentence. Furthermore, the Orders oblige all prison directors, upon establishing injuries sustained by prisoners and those on remand, to send a written notification to the competent Public Prosecutor's Office, the competent first instance Court, as well as to the Directorate for the Execution of Sanctions.

The Directorate for the Execution of Sanctions takes in consideration the other recommendations relating to introducing a special form for registering traumatic injuries, then relating to the contents of the health protocol recording injuries, as well as relating to other measures that are required to be undertaken in order to precisely define the procedure for recording injuries sustained by prisoners. Consequently, the Directorate will supplement relevant regulations to this end.

#### Paragraph 79

Since the establishment of the Methadone Treatment Centre in the Idrizovo Prison, the operation of this Centre is constantly supervised by external experts hired by the Project Unit for implementation of the Global Fund Programs situated at the Ministry of Health. The supervisor's recommendations relate to checking whether protocols for proper calibration and administering of the daily dose of the methadone therapy are respected. The Methadone Treatment Centre at the Idrizovo Prison duly complies with the given recommendations in its work.

Furthermore, the Directorate for the Execution of Sanctions would like to inform that a drug-free unit has not been established to date due to lack of space in the prison. Namely, a separate drug-free unit will be established upon the reconstruction of the Idrizovo Prison. This in turn will create additional space for introduction of the Programme for psychosocial support to this category of prisoners.

#### Paragraph 82

With regard to conducting disciplinary proceedings against prisoners, it is underlined that there is full compliance with the Committee recommendations given upon its previous visits. Namely, in accordance with the Committee recommendations, the rights of prisoners during disciplinary proceedings are set forth under the House Rules for Prisoners, which are the same for all prisons. In this regard, Article 55 of the House Rules reads as follows:

“During disciplinary proceedings, there is obligation to provide hearing for the involved prisoner. The statement of the concerned prisoners shall be recorded in the minutes, while such statement shall be examined later.

The concerned prisoner shall be allowed to see the minutes of the proceedings and the minutes shall be signed by the concerned prisoner, president, and members of the disciplinary commission.

In case the involved prisoner refuses to sign the minutes of the proceedings, this shall be recorded in the minutes themselves.

Upon assessment made by the disciplinary commission and upon request made by the involved prisoner, other prisoners may be summoned to make statements as witnesses. The disciplinary commission chair shall decide on this matter.

Before imposing disciplinary punishment of solitary confinement, the doctor in the prison provides an opinion about the health status of the prisoner. Minutes are prepared for the institution and course of the disciplinary procedure. The minutes are signed by the President, members of the disciplinary commission and by the prisoner. In pursuance with the established facts, the disciplinary commission submits to the Director of the prison a proposal for appropriate disciplinary punishment of the prisoner. The Director of the prison delivers a decision imposing a disciplinary punishment for the prisoner within 24 hours of the receipt of the proposal. The decision imposing the disciplinary punishment referred to in paragraph 8 of this Article is delivered to the prisoner. The prisoner personally signs the decision stating the date of receipt. The prisoner has the right to appeal within 3 days of the receipt of the decision. The appeal is submitted to the Director of the Directorate for the Execution of Sanctions. The prisoner’s appeal does not suspend the execution of the decision. The appeal procedure is urgent”.

In performing instruction supervision, special emphasis is placed on implementation of the procedure for determination of the disciplinary responsibility of prisoners. The general impression is that these procedures are largely conducted pursuant to the prescribed manner. In case of deficiencies established at certain prisons, inspectors for execution of sanctions issue recommendations for their urgent removal.

#### Paragraph 85

Regarding the recommendation that the doctor should not give an opinion about the health status of the prisoner before the imposition of the disciplinary sanction of solitary confinement, it is underlined that the Directorate for the Execution of Sanctions has carefully considered it and fully agrees with it. In order to implement the recommendation, the provisions regulating this matter will be amended in the coming period.

#### Paragraph 87

With a view to providing prisoners with access to telephone, especially at the Idrizovo Prison, it is underscored that about 20 telephone booths are operational, guaranteeing the exercise of this right. Taking into consideration the structure and number of prisoners at the Idrizovo Prison, the telephone booths are often out of order. However, they are regularly serviced in order to ensure prisoners conditions to exercise the right to a telephone call.

Regarding remand prisoners' right to access to telephone, it is emphasized that this right is exercised pursuant to applicable regulations. Namely, the court, which has issued the order for remand prison, makes the assessment of the security risks due to which the person is placed in remand prison. This assessment includes telephone calls made by remand prisoners. In line with the said assessment, prisons enforce the decision of the relevant court in this regard.

#### Paragraph 88

Regarding the State Commission for the Execution of Sanctions, it is underlined that during the preparation of the SWOT Analysis in the context of the National Strategy for the Development of the Penitentiary System of the Republic of Macedonia, it was detected that the Commission does not function. Therefore, measures are foreseen for its practical functioning.

In that regard, a reorganization of the State Commission for the Execution of Sanctions is foreseen. The reorganization is to be done by adopting amendments to the legal provisions regarding the composition, mandate and competences of the State Commission. Furthermore, it is planned to define the legal bases for the adoption of the Rules of Procedure of the State Commission, as well as to envisage procedures for cooperation of the State Commission with other institutions in the sanctions execution system. The adoption of a completely new Law on the Execution of Sanctions, the draft of which will be prepared in the coming period, will resolve all established deficiencies of legal character, including the practical functioning of the State Commission.

#### Paragraph 90

With regard to the recommendation for urgent improvement of the material conditions in the Tetovo Educational Correctional Institution (facility in Veles) and providing temporary location with better conditions for juveniles, the Directorate for the Execution of Sanctions, has immediately undertook activities in order to overcome this situation.

Namely, reconstruction works have started for the facility in Veles, where juveniles were accommodated. This reconstruction includes: replacement of the electrical installation, plumbing and sewerage; total refurbishment of the toilets, replacing the wooden windows with new windows with plastic profiles, repairing and repainting the doors, as well as painting the walls in the facility. Moreover, the procurement of items for making, transport and assemblage of furniture for the Tetovo facility is in its final phase i.e. the manufacturing of the furniture is nearly completed and its

delivery is expected. Thus, facilities for juveniles will be fully equipped in line with their requirements, i.e. the CPT recommendation for provision of tables, chairs, and personal lockers for each juvenile will be implemented.

In the meantime, acting upon the recommendations of the Committee to relocate the Tetovo facility to another temporary location, the Directorate for the Execution of Sanctions, has immediately undertaken measures, i.e. it has relocated the Tetovo juvenile facility to the Ohrid Prison. The Prison in Ohrid was assessed as the prison offering the most appropriate conditions for juveniles, bearing in mind that juveniles ordered an educational measure are physically separated from remand prisoners, as well as from persons serving juvenile prison. The Ohrid Prison premises were reorganized and special premises were adapted for juveniles; furthermore, activities involving juveniles under the Project "Improvement of prison conditions for reintegration of juvenile prisoners" continue.

When it comes to the staff at the Tetovo Institution, they will perform their tasks in the Tetovo Prison until conditions are created at the Tetovo Institution.

In the meantime, the construction of the Tetovo Educational Correctional Institution in the village of Volkovija continues. With the support of the Council of Europe Development Bank and with technical assistance, there are activities underway to reassess the dynamics of the implementation of the Project for reconstruction of prisons in the Republic of Macedonia. The Directorate for the Execution of Sanctions is investing maximum efforts to accelerate activities enabling the start of the functioning of the Tetovo facility, by which material conditions will be created for juvenile offenders in line with European standards.

Furthermore, the Directorate for the Execution of Sanctions hereby informs that there are ongoing activities for improvement of conditions in the remaining prisons.

In the course of 2015, the following measures and activities have been undertaken in order to improve the material conditions prisoners and remand prisoners in the **Prilep Prison**:

- The roof of the prison was completely repaired (damaged roof-tiles were replaced, cleaning and replacement of the drainpipes, refurbishment of the damaged premises);
- A wire fence was installed within the prison in order to separate the admission unit;
- Painting the facilities in the prison (room for daily activities, bedrooms, halls, toilets, kitchen, dining room, as well the facilities in the remand section);
- New bedding was supplied, including: sheets, pillows and duvet covers.

The prison has at its disposal arable land, which enables agricultural activities and growing vegetables and grains. The expected revenue from such agriculture activities has been collected. Furthermore, there is a pig farm for breeding piglets and fattening pigs.

Having in mind that work is a primary treatment measure envisaged in regular treatment programmes, the emphasis is on the work engagement of prisoners by increasing the number of prisoners who are engaged on agricultural activities, on farms in the prison and outside the prison in private companies.

There have been significant improvements in the **Prison in Bitola**. Because of revenues collected from work engagement of prisoners in the prison workshops, the following projects have been completed using the funds of the prison:

- A fishpond has been built for fish farming (carp) with dimensions: 40 meters length, 11 meters width and 1,2 do 2,5 meters depth;
- A barn for sheep farming has been constructed with a capacity for 300 sheep;
- A modern housing facility has been constructed with a capacity for 25 prisoners. It has a kitchen, toilet and a hall, including an office for the employees;
- The cooperation with the company "Ekovita" for mushroom farming continues with a new project. Under this project, training has been provided for 45 prisoners; instructors from other prisons also attended the training. 800 sacks of mushrooms have been produced. After the harvest of the mushrooms, a new project will be launched for production and processing of humus soil. Californian earthworms will be used to produce the humus soil, which will serve for growing flowers.
- The orchard was expanded with 200 new apple seedlings provided by the Agency for Management of Confiscated Property.

With regard to the food, it is underlined that the fresh food consumed by prisoners is supplied by the prison from its own production, including: potatoes, cabbage, string beans, peas, beans, onions, fish, watermelons, melons, apples, mutton, pork, beef, etc. The food is supplied from the agricultural land owned by the prison (80 ha) used for production of food, as well as for cow, pig and sheep farms. The prisoners are regularly engaged to work in these areas and farms.

The hygiene in the prison is maintained on daily basis whereas four solar water-heating systems are used for purposes of prisoners and remand prisoners maintaining their personal hygiene. These solar systems resolve the problem with the hygiene maintenance by prisoners and remand prisoners.

The launch of the General Cognitive Programme for treatment of prisoners has given great contribution to the Prison in Bitola. The programme was implemented by two previously trained educators (one from the Prison in Bitola and one from the Prison in Prilep) during the period from February to April 2015 and it included 12 prisoners.

Regarding corruption among the employees, one security officer was suspended for selling a telephone to a remand prisoner. The prison management clearly points out that any staff member violating the legal regulations will be appropriately sanctioned.

The **Stip Prison** premises are maintained as follows:

- Regular sanitization and pest control (four times a year);
- Painting of all premises in the prison (three times a year);
- An industrial floor cleaning machine and industrial vacuum cleaner were procured to improve the hygiene in the prison;
- A well was dug in order to have regular and cheaper supply with water;
- A study was prepared for protection of the environment envisaging construction of sewerage in order to improve the hygiene. Since January 2015, the septic tank is cleaned 2 or 3 times a month;
- There is an ongoing open roof construction for protection of prisoners when they are in the open air prison yard;

- New uniforms for the prison police were procured. Furthermore, PPE (Personal Protective Equipment) was procured for the employed in the prison workshops, as well as for prisoners who are engaged on specific jobs, etc.

Prisoners in the Stip Prison have the possibility of being engaged on agricultural and stockbreeding activities. Furthermore, the prison organizes sports events, such as football, basketball, fitness, as well as cultural activities, which are planned on monthly basis.

At the Strumica Prison, a 140 meters long and 3 meters high fence wall has been constructed. Football and basketball matches are organized for prisoners. Ping-pong table has been provided. Hence, prisoners can also play ping-pong. Theatre performances, as well as lectures on various topics are organized for prisoners.

In the context of health education of prisoners, in May and in October 2014, there were lectures delivered by doctors working in the Public Health Care Institution – the Strumica Hospital and doctors working at the Strumica Public Health Centre at the prison premises on the topic of communicable diseases, such as Hepatitis B and C, HIV-AIDS. Throughout the year there have been four (4) rounds of voluntary free of charge tests both for prisoners and for staff regarding the above referred to diseases.

The cooperation with partners outside the prison has expanded as follows: cooperation with the *Pokrov* Rehabilitation Centre, with lectures organized on the topic of *Addiction as a disease*; then there is cooperation with the Strumica based St. Elisaveta Centre for treatment of users, i.e. program for methadone distribution.

There is also cooperation with the Strumica Red Cross. For example, packages of clothes are distributed to homeless and underprivileged persons; then the Red Cross organizes lectures and practical training on providing first aid, in accordance with the Red Cross annual program of work.

It is planned to organize a lecture by the end of 2015 in cooperation with the Employment Agency of the Republic of Macedonia on the topic of Active employment measures.

In addition, memorandums of cooperation concluded with other institutions (Anton Panov Cultural Centre, the General Hospital, the Municipal Court, the Strumica Internal Affair Sector, the Strumica City Museum, the Public enterprise for business and housing premises, primary and secondary schools on the territory of the Municipality of Strumica) enable interested prisoners to help maintain the premises of the above referred to institutions, which has an important role in the reintegration and resettlement of prisoners. Prisoners mainly work on landscaping the areas surrounding the said institutions.

## COMMENTS BY THE MINISTRY OF HEALTH- PSYCHIATRIC INSTITUTIONS

### Paragraph 137,138,139

Currently in the Republic of Macedonia, according to the analysis, there is no need for construction of such a medical institution. Existing capacities of forensic wards in the three psychiatric institutions meet qualitative and quantitative requirements to provide psychiatric health services to patients subject to court-ordered forensic psychiatric treatment.

During every visit to the Demir Hisar Psychiatric Hospital, the Ministry of Health indicates the need for compliance with protocols for treating patients including humane treatment and respect for them not only by the doctors but also by the orderlies and the nurses.

During visits to these institutions, the Ministry of Health constantly monitors whether the nurses and the orderlies have been adequately trained in terms of preventing and dealing with violence among patients. Each event is documented by a statement from the orderly and the doctor responsible. The patients themselves have the right at any time orally or in writing, publicly or anonymously to submit a statement. At the moment, there is a relative deficit of orderlies in these health institutions and the management teams of these institutions have difficulty providing an adequate number of staff on duty on weekends.

### Paragraph 145

Demir Hisar Psychiatric Hospital:

Currently there is ongoing tender for making a Project for building a completely new hospital. The implementation will go through the Project unit for the reconstruction of public health institutions. On the other hand, there has been start of the construction of a facility with an area of 500 m<sup>2</sup>, which is donated by the US Embassy in the Republic of Macedonia. It is planned to transfer the psychogeriatric ward in this new facility. Until the moment of putting in operation the new facilities, this institution has started with the renovation of toilets in all wards except for the rehabilitation and occupational therapy ward where the toilets are relatively in good condition. 80% of the toilets in the hospital wards have been renovated thus far.

Skopje Psychiatric Hospital:

The male ward no. II and the female ward no. II were not provided in the plans for reconstruction of this health institution. The Ministry of Health will make an analysis together with the management team of the hospital in order to find the best solution for improving the conditions in these two wards.

### Paragraph 146

The male ward no. II and the female ward no. II are wards where agitated patients and patients with deteriorated health condition are hospitalized. Therefore, the wards themselves function as semiclosed in order to have a constant medical supervision of patients. Considering that specialist physicians/psychiatrists are responsible for the protocols for the treatment of these patients, the Ministry of Health will convey this CPT recommendation for consideration to the professional teams in the facility.

Paragraph 147

The Ministry of Health in cooperation with the management teams of the Skopje and Demir Hisar Psychiatric Hospitals will consider this recommendation in terms of finding an appropriate way to increase the duration of stay outside (hospital yards) for patients who are hospitalized in forensic wards in both institutions.

Paragraph 148

The Ministry of Health will take into account this recommendation of the Committee and will submit it as a proposal to the Association of Psychiatrists of the Republic of Macedonia and the University Psychiatry Clinic in order to complement existing treatment protocols, which, it must be underlined, include working and occupational therapies and they are implemented consistently in order to prepare the patient to effectively return to work and social environment after discharge from a psychiatric institution.

Paragraph 149

The Ministry of Health acted upon this recommendation and consequently the health facilities were reminded in writing that given the fact that the two psychiatric institutions possess their own modern biochemical analyzers, there must be no gap in terms of regular monitoring of blood counts in patients treated with Clozapine.

Paragraph 151

The Ministry of Health has taken in consideration the problem of the lack of auxiliary and professional medical staff in these two institutions. The Skopje Psychiatric Hospital has requested approval of the employment of orderlies, nurses and medical doctors as well as healthcare assistants - social workers and psychologists. In the last 4 years, the Demir Hisar Psychiatric Hospital has engaged 5 medical doctors on full-time basis. The hospital has requested employment of 5 medical doctors (1 specialist psychiatrist and four general practitioners who would be immediately sent to specialize in psychiatry). Considering that employment authorizations are associated with the consent of the Ministry of Finance and certainly the overall economic situation in the country, the Ministry of Health believes that the only way of solving this problem is the continuous employment of smaller groups of health workers, which in turn would mitigate the problem of shortage of medical staff.

Paragraph 154

The Ministry informs that since 2012, during regular and unannounced control visits by officers from the Hospital Department at the Ministry of Health and regular and unannounced control visits by health inspectors from State Sanitary and Health Inspectorate, there was no case noted of using metal chains for fixation of patients; i.e., for this purpose leather or cloth straps are used. Following the CPT recommendation, the Ministry informs that unannounced visits will continue with a special emphasis on wards I and VII of the Demir Hisar Psychiatric Hospital.

Paragraph 156

All the precepts contained in this paragraph are contained in the protocols for fixation of patients, applicable in the three psychiatric hospitals and the University Psychiatry Clinic. The Ministry of Health, through the appropriate controls, has the task of verifying whether they are fully observed.

#### Paragraph 157

The Ministry of Health, after considering this recommendation, inform, in writing, the management of the three psychiatric hospitals and the Skopje University Psychiatry Clinic for establishing and running a register of the use of drugs for restraint of patients.

#### Paragraph 158

According to the legal regulations in the Republic of Macedonia (Law on Health-care Protection), there is a mandatory autopsy for each deceased patient in a mental institution/hospital who died after staying longer than 24 hours in the institution. This rule is observed in psychiatric hospitals as well. In both cases referred to, the hospital management team stated that the families of both patients had not allowed an autopsy to be performed on the bodies.

For the said case or the death of a patient with the initials MC in the month of July 2014, the Ministry of Health informs that it was a sudden death of a patient who at the moment of occurrence of death was hospitalized in the Skopje Psychiatric Hospital, with admittance diagnosis of severe refractory type of schizophrenia. Every day a professional team of medical officers makes decisions relating to the administration of the therapy and to mechanical fixation. After the patient had died, a commission was established by the health institution. The family of the patient refused to have autopsy of the patient performed (for which there is a written statement). Hence, it is impossible to determine the exact cause of death of the patient as well as the possible sequence of the events that could have been linked to the treatment.

#### Paragraph 159

Under the law, an autopsy must be performed on any patient who died in a hospital facility where he or she was hospitalized for more than 24 hours. The Ministry of Health will conduct professional supervision in every death case of a patient hospitalized in a psychiatric institution where the autopsy finding or sequence of events until the occurrence of the death indicate any possible breach or omission in the protocols for treatment.

#### Paragraph 160

The Ministry informs that it works continuously on this issue.

#### Paragraph 161

The cooperation of the Ministry of Health and psychiatric institutions with the judiciary assumes the form of written requests for permission to use the weekends for forensic patients or patients who are hospitalized under a precautionary measure imposed by a competent court and involves most often the refusal from the competent court to issue such a permit.

#### Paragraph 163

In both psychiatric hospitals, complaints boxes are set on visible and easily accessible location. The principles of confidentiality and discretion are kept. An expert commission formed by the board of the hospital acts upon complaints received. If the patient is not satisfied with the outcome of the proceedings, he or she is entitled to submit a complaint to the State Sanitary and Health Inspectorate (SSHI) to perform inspection supervision or to the Ministry of Health for the professional supervision.

In every ward in psychiatric hospitals and their day-care centers and outpatient units, information boards are placed on visible locations containing articles of the Law on Protection of Patients' Rights ("Official Gazette of the Republic of Macedonia" no. 82/08, 12/09 and 53/10).

#### Paragraph 165

For the establishment of the Commission on Mental Health at the Municipality of Demir Hisar, the municipality itself is responsible. The obligation of the Ministry of Health was to nominate a member from the Ministry. This obligation was completed in 2011 when a lawyer was nominated by official letter from the Ministry. As for the said 2010 Commission, it was created as a Commission for expert supervision over the work of psychiatric hospitals in the Republic of Macedonia. It had the task to visit these hospitals and prepare a report on their work, consider the situation, and provide appropriate recommendations for improving the conditions and quality of health services in these institutions. The Commission had a mandate for four visits (twice a year) in 2009 and 2010. The Ministry of Health informs that it will establish again the Commission for professional supervision over the work of psychiatric institutions (2016 - 2017) and CPT will be promptly notified about the findings of its reports.

#### Paragraph 166

The Ministry of Health maintains continuous cooperation with judicial authorities in context of the possibility of judicial reviewing of the legal capacity of patients where it has been revoked earlier, with a proposal for a periodic review of the legal capacity for patients hospitalized in psychiatric institutions, whose legal capacity has been previously removed by a court decision.

### **COMMENTS BY THE MINISTRY OF LABOUR AND SOCIAL POLICY**

#### Paragraph 169-181

With regard to the conditions of stay and care at the Special Institution Demir Kapija - Public institution for the protection and care of people with severe and profound mental disabilities, the Ministry of Labor and Social Policy has taken concrete steps to improve the conditions of housing, whereby block A has been completely renovated, while the annex, where the situation and conditions of accommodation were most worrying, was put out of use.

Taking into account that the conditions were not at the appropriate level in block C1 and C2, and a priority recommendation to renovate them, part of the construction activities for reconstruction of block C have already been completed, and other construction activities are in progress and by the middle of 2016, they should be completed, while block C will be completely renovated. Moreover, funds have been provided to further improve the conditions for stay, i.e., for renovation of other parts of the institution and for the purchase of equipment in it.

Based on the recommendations of the Committee, the Ministry of Labor and Social Policy has provided constant health care and protection of persons staying in the institution; i.e., it has already employed a full-time physician.

Regarding the remark about professional training of the staff at the Special Institution Demir Kapija, it is to be noted that professional training has been maintained so far according to the program of work prepared by the Institute for Social Affairs, which will also continue such specialized training for all employees in the Special Institution Demir Kapija.