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# **Executive summary**

**to the Report**

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

**from 7 to 17 October 2014**

Strasbourg, 17 March 2016

## EXECUTIVE SUMMARY

The CPT's fifth periodic visit to "the former Yugoslav Republic of Macedonia" provided an opportunity to assess progress made since the Committee's 2010 and 2011 visits. To this end, the CPT's delegation examined the treatment and conditions of detention of persons in prisons, as well as of residents in social care homes and patients in psychiatric hospitals. It also examined the treatment of juveniles in detention. Further, the delegation visited a number of police stations to look into the conditions of detention and the safeguards in place and it visited, for the first time, the Reception Centre for Foreigners in Skopje.

The co-operation received from the national authorities throughout the visit was generally very good. However, cooperation also entails that recommendations made by the Committee are effectively implemented. Regrettably, no fundamental progress has been made to improve the situation in prisons and, in many aspects, the situation has further deteriorated since 2011, notably as regards Idrizovo Prison and the "Tetovo" Educational Correctional Institution. Further, several longstanding recommendations regarding the amelioration of living conditions of persons in psychiatric and social care establishments and the legal safeguards surrounding their placement therein have not been addressed. The CPT stresses that a persistent non-implementation of its recommendations will leave it with no choice but to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention.

### **Law enforcement agencies**

The majority of persons interviewed by the delegation had no complaints about the way in which they had been treated by the police. Nevertheless, some credible allegations were received of deliberate physical ill-treatment by police officers, in particular at the time of apprehension. The findings of the visit indicate the necessity for the authorities to remain vigilant and to pursue a determined action in order to eradicate the problem of police ill-treatment. The Committee also makes recommendations on the role of prosecutors and judges in the prevention of ill-treatment.

In general, there had been an improvement in the practical operation of fundamental safeguards against ill-treatment. However, further progress is still required to ensure that all persons deprived of their liberty by the police have an effective right of access to a lawyer, unimpeded access to a doctor and the possibility to inform a third person of their detention from the very outset of deprivation of liberty.

In most of the nine police establishment visited, the material conditions remained sub-standard and displayed a series of serious shortcomings; the authorities should take steps to remedy them.

### **Prison establishments**

While noting the information provided with regard to the strategic reform of the prison system, the Committee is deeply concerned by the situation prevailing in the prisons visited.

A great number of consistent allegations of deliberate ill-treatment of inmates by custodial staff were received at Idrizovo Prison; the physical violence was purportedly used as a tool to impose discipline. The authorities should put in place a comprehensive policy for the identification and investigation of allegations of ill-treatment. The CPT's delegation also found that inter-prisoner violence at Idrizovo Prison remained worrying, with newly-arrived prisoners sentenced for sexual offences systematically ill-treated by other inmates as an initiation ritual. By contrast, no allegations of ill-treatment by staff were heard at Tetovo, Kumanovo and Ohrid Prisons, and only a few allegations were received at the remand section of Skopje Prison.

As regards staffing issues, the Committee emphasises that insufficient staffing levels and the lack of training and support provided to staff are intrinsically linked to problems highlighted in the report such as ill-treatment, inter-prisoner violence and a lack of activities. This state of affairs was most evident at Idrizovo Prison where there were only 218 prison officers for a population of some 1,600 inmates. Moreover, a professional management career path within the prison system still does not exist.

In most parts of Idrizovo Prison, the material conditions remained totally unacceptable and in certain wings could be described as amounting to inhuman and degrading treatment. The accommodation units were in an extremely poor state of repair and hygiene, infested with vermin, overcrowded and lacking basic furnishings (including beds and mattresses). As regards the remand section of Skopje Prison, most parts were in a poor state of repair and hygiene, overcrowded and the cells lacked sufficient lighting and ventilation. The recently-opened Kumanovo Prison had the potential to provide acceptable conditions but was already showing signs of wear and tear and experiencing problems with water supply. The CPT is once again critical of the lack of action to improve the material conditions in the remand section of Tetovo Prison and also highlights certain deficiencies in relation to Ohrid Prison.

No improvement was observed by the delegation as regards the regime offered to prisoners. More particularly, remand prisoners (including juveniles) were proposed no activities and continued to spend 22 hours per day confined to their cells, while sentenced prisoners were hardly offered any purposeful activities. The CPT also found the situation of juveniles held in the remand sections of Kumanovo and Skopje Prisons to be totally unacceptable. Juveniles who have to be deprived of their liberty should be held in detention centres specifically designed for persons of this age, offering a non-prison-like environment and a full programme of structured activities tailored to their needs and staffed by persons trained in dealing with the young. Steps should be taken to remedy the current situation.

As regards health-care services in prisons, insufficient staffing levels were a feature in several establishments and medical screening of inmates upon their admission to prison was not always carried out within 24 hours or include a physical examination. Recommendations are also made to improve the reporting and recording of injuries, to respect medical confidentiality during medical examinations and to review the management of the methadone maintenance programme at Idrizovo Prison. Moreover, the CPT's delegation again came across a case of a vulnerable mentally-ill prisoner at Skopje Remand Prison who was not receiving the care he required and who had been hand and ankle-cuffed to a bed for prolonged periods. In the CPT's view, such treatment could be considered inhuman and degrading.

As for contacts with the outside world, recommendations are made to increase the inadequate visiting entitlements offered to remand and sentenced prisoners to at least one hour of visits per week, to improve the conditions under which such visits take place and to grant regular and frequent access to the telephone to both remand and sentenced prisoners.

The situation of juveniles held at the “Tetovo” Educational Correctional Institution

The CPT’s follow-up visit to the “Tetovo” Educational Correctional Institution, located since October 2010 in the town of Veles, showed that the situation at the establishment was totally unacceptable.

In particular, the delegation heard many allegations of physical ill-treatment by custodial staff, reportedly inflicted as an informal punishment for misbehaviour. Moreover, it appeared that staff took no action when allegations of ill-treatment were brought to their attention. All forms of physical chastisement are unacceptable and the Committee recommends that the national authorities put in place a comprehensive policy for the identification and investigation of allegations of ill-treatment, with clear reporting lines to the prosecutorial authorities. The passive approach of senior staff is further illustrated by a recent case of rape of one juvenile by four other inmates and the fact that the victim was exposed to the possibility of further violence and intimidation by the suspects.

Despite some efforts made by the staff, juveniles were provided with nothing that remotely resembled a programme of structured activities, and spent virtually all their time in idleness. Steps must be taken to ensure that all juveniles deprived of their liberty are offered a full programme of education, sport, vocational training, recreation and other purposeful and structured activities. Further, the material conditions in the Institution had deteriorated since 2011; decrepit dormitories, sanitary facilities in an appalling state of hygiene and non-functioning central heating. The Committee requests confirmation that the measures announced following the visit to address the shortcomings have been implemented.

As regards staffing at the Institution, the CPT is concerned that the combination of poor working conditions, long shifts, passive custodial duties and lack of direct managerial supervision and support, coupled with the additional burden of regular commuting from Tetovo to Veles can easily lead inter alia to staff burnout and generate an insecure environment for staff and juveniles. Such a state of affairs has endured for 13 years; it should be brought to an end immediately. Recommendations are also made to improve the provision of health-care services and to increase juveniles’ contact with the outside world, and to amend the relevant legislation to ensure that solitary confinement as a disciplinary sanction for juveniles never exceeds three days.

### **Detention of foreign nationals under aliens legislation**

At the time of the 2014 visit, the Reception Centre in Skopje was seriously overcrowded and the conditions in which the men, women and children (including 13 unaccompanied minors) were held could be described as amounting to inhuman and degrading treatment.

Numerous, consistent and credible allegations of ill-treatment of foreign nationals by staff were received by the delegation. Further, episodes of inter-detainee violence were not infrequent in light of the high occupancy levels at the establishment and the apparent inability of custodial staff to manage the situation.

The Reception Centre offered extremely poor conditions of detention, notably dilapidated furniture and sanitary facilities, insufficient number of beds, irregular provision and poor quality of food, absence of personal hygiene and cleaning products. Further, no organised activities were offered and access to outdoor exercise was rare. Moreover, no special arrangements were made for families and children. In addition to taking steps to improve the conditions in the Centre, the CPT recommends that the authorities should avoid as far as possible detaining migrant families, and that any detained unaccompanied minors be placed in an appropriate child-friendly environment.

The CPT also stresses the necessity for staff at the centre to receive adequate training on inter-personal skills and cross-cultural communication, and for the numbers to be reviewed. Health-care services should be reorganized and improved, the presence of the general practitioner increased and two full-time nurses recruited. As regards legal safeguards, the Committee calls upon the authorities to strengthen their effectiveness, notably as regards access to a lawyer, the provision of information on their situation and the introduction of periodic judicial reviews.

### **Psychiatric establishments**

The overall atmosphere at Demir Hisar Psychiatric Hospital had improved since the CPT's visit in 2010. However, several allegations of ill-treatment of patients by staff consisting mainly of slaps, punches and kicks were received, while at Ward II of Skopje Psychiatric Hospital, numerous allegations of such ill-treatment were heard and inter-patient violence on this Ward was a serious problem. The national authorities should take the necessary measures to address these issues.

The living conditions in the wards of both hospitals visited remained, with some exceptions, poor, exacerbated by the austere and depersonalised environment as well as the overcrowding. As regards activities, some improvements were noticed at Demir Hisar Psychiatric Hospital, where more patients appeared to be involved in the wide range of workshops on offer. However, at Ward II of Skopje Psychiatric Hospital no activities of any kind were available. Further, at neither hospital were patients being offered at least one hour of outdoor exercise every day.

There is a continued need to increase staffing levels, particularly during afternoons and at night. Further, the application of means of restraint should respect the precepts enumerated by the Committee. The CPT also reiterates the importance of instituting a practice of carrying out a thorough inquiry into every death of a patient, which should include an autopsy. Legal safeguards for involuntary hospitalised patients should be reinforced and the extensive practice of pressuring patients to sign voluntary consent forms on hospitalization, resulting in their de facto deprivation of their liberty, should be ended.

## **Social care establishments**

At Demir Kapija Special Institution, positive relations existed between staff and residents. Living conditions varied across the establishment, ranging from satisfactory in the A wards to extremely poor in the C wards where premises were found to be seriously dilapidated, unhygienic and insalubrious and a number of residents did not have their own bed. The CPT requests that the C wards be refurbished as a matter of priority. On the other hand, certain improvements were noted in terms of activities on offer to residents.

However, the health-care needs of residents, including the ones affected by the highest level of mental retardation, were still not adequately addressed. The CPT calls upon the authorities to meet residents' long-term health-care needs, which will require inter alia the recruitment of a full-time general practitioner. Further, the staffing levels of orderlies should be reinforced on the C wards.

As regards guardianship, the CPT is critical of the fact that residents subject to the removal of their legal capacity were not heard in person by the court, did not receive a copy of the court decision and were not informed of the possibility to appeal against the court decision. Nor were there any automatic reviews of the court decisions. Further, representatives of the social work centres still did not visit regularly the persons under their care nor act effectively in their interests. Steps need to be taken to address these matters.

At the Public Institution "Ranka Milanovic", a caring and relaxed attitude on the part of staff towards young persons was observed. That said, allegations of slaps and verbal abuse by an educator were received. Further, the living conditions required urgent improvement, notably to replace the poor furniture, repair the damaged sanitary facilities, provide greater visual stimuli in the accommodation units and increase the range of recreational and vocational activities on offer to young persons.