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Response

of the Government of North 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 North Macedonia

from 2 to 9 December 2019

The Government of North Macedonia has requested the publication of this response. The CPT's report on the periodic visit to North Macedonia is set out in document CPT/Inf (2021) 8.

Strasbourg, 11 May 2021

Response of the Government of North Macedonia to the Report carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2nd to 12th December 2019

Police custody

Paragraph 12-14

Standard operating procedures (SOP) were updated in 2018 with the Council of Europe mentorship covering all key recommendations from the Council of Europe and all key recommendations from the Ombudsman Office. We would like to highlight the following

- SOP are being implemented as a compulsory instruction;
- SOP implementation is often subject to control;
- SOP greatly facilitate the work on the subject matter;
- Ministry of Interior accepts the assessment of the Ombudsman Office that SOP completely regulates the subject matter;
- There is a progress in the implementation in the area of free legal aid it is crucial whether the party wants a lawyer which is always indicated, while where the presence is mandatory by law, the presence of the lawyer must be provided;
- The cooperation with the Bar Association has been correct, but the following question still exists: how much the lawyers respond to the call especially in cases of financially vulnerable categories (recognized by the CPT as a general problem - as pointed out by the delegation itself);
- Material conditions in several police stations have been improved with the special attention to the improvement of the material and technical conditions of the premises for detained persons. Since the last CPT visit the Ministry of Interior paid special attention to the strengthening of the human resources;
- The treatment of summoned, apprehended and detained persons has been emphasized as an area of the possible human rights violations;
- Special attention has been paid to consolidation of the procedures for the treatment of detained persons;
- In the past period MOI focused special attention on trainings covering issues related to the police ethics in the conduct of the police officers;

Regarding the situation in the area of internal control and professional standards MOI consider the following issues:

- There are detention officers in police stations and a shift manager with 24-hour shift in larger police stations;

- 2 police officers are present in smaller police stations and 4 police officers are planned to have 24-hour shift as a part of the systematization that is expected to be adopted as soon as possible;
- In terms of the staff of the Unit for Internal Control the priority is given on fulfilling up the open positions with high-quality and professional staff for which very high criteria have been imposed;
- With the cooperation with the Council of Europe the material and technical conditions of the Department has been improved;
- Great number of trainings were conducted in the period from 2015 onwards;
- Public Prosecutor's Office is immediately being informed about a received report or information obtained;
- There is excellent cooperation with the Public Prosecutor's Office;
- Disciplinary procedure does not exclude criminal liability and vice versa,
- Forensic examinations are performed, i.e. complete medical documentation is provided, a conversation is held with the victim and teams go on the spot, etc.
- In 2019, a large number of procedures for establishing disciplinary responsibility were initiated (285);
- Department for Internal Control, Criminal Investigations and Professional Standards - DICCIPS provides support to the Public Prosecutor's Office (primarily due to the limited staff with investigators, a procedure for filling up these positions is open for which very high criteria have been required);
- Efforts have been made for the establishment of an External Mechanism for Control of the work of the Police with the cooperation with the Ombudsman,
- The Department for Internal Control, Criminal Investigations and Professional Standards remains to be an important part of the activity of the Ministry of Interior.
- the Section for Prevention and Integrity exists for a very short time, but many activities have been undertaken regarding the application of police powers;
- There is a decrease in the received complaints compared to the previous years;

Regarding the police detention, according to the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" No. 150 / 10, 100/12, 142/16 and 198/18), the Law on Police ("Official Gazette of the Republic of Macedonia" No. 114/06, 6/09, 145/12, 41/14, 33/15, 31/16, 106/16, 120/16, 21/18 and 64/18), the Standard Operating Procedures for dealing with persons whose Right to freedom of movement has been restricted (apprehended persons, persons deprived of liberty, detained persons) in Police Stations of General Jurisdiction, the shift manager of the police station is entitled to admit and treat the persons apprehended and detained by the police. In police stations, in accordance with the standard procedures applied to detainees, the detainees are treated in the following manner: their identity is being checked, they are being examined for the items that the detainee may use for committing an assault or self-harm which are being confiscated, the public prosecutor is notified immediately upon the admission of the person deprived of liberty, the person is informed of his/her rights (informed of the reasons for the restriction of the right to freedom of movement in the language he/she understands, the right to remain silent and not to testify against himself or against another, the right to consult a lawyer, the right to ask for a lawyer during the police procedure, the right to medical assistance, the right to inform a family member of the detained person or a person close to him/her of his/her choice). At the same time, the police officer in charge of admission-the shift manager prepares a written explanation, writes a report for detention of a person, opens a special folder for detained persons and records the detention in appropriate records - records of daily events related to policing and records of persons deprived of liberty and detained persons.

We would like to point out that according to the amendments to the Law on Police, the detention

of a person under the influence of alcohol or other psychotropic substances may last up to 12 hours (Article 50a of the Law amending the Law on Police, "Official Gazette of the Republic of Macedonia" No. 21/18).

Regarding the allegations that members of the Special Support Unit of the Ministry mistreated detainees in the prison in Skopje, which are described in item 42 and refer to the period when they were being transferred to a court or hospital, we would like to inform you that all the assistance for escort from the penitentiary institutions performed by police officers from the units of the Department for Special Police Operations was made only in a company of supervisors from the penitentiary institution and were being documented.

In case of an abuse or exceeding of the powers of police officers, each complaint is handled by the Division for Internal Control, Criminal Investigations and Professional Standards.

Regarding the recommendation for training of all prison officers, i.e. members of the Special Escort Unit from the Ministry of Interior, we emphasize that the police officers from the units of the Department for Special Police Operations, in addition to their basic training, have been trained for additional techniques for control and physical restraint/coercion obtained from the trainings conducted in cooperation with special police services in Europe.

Paragraph 15-17

Regarding the questions related to the work in the area of internal control and professional standards we would like to point out that:

- The Department has sent a telegram No. 14.2.2-85/2, dated 26.02.2020 on Consistent Application of all Laws, Bylaws and Internal Regulations Regulating this Matter to all of the organizational units in the Ministry applying police powers including: deprivation of liberty (arrest and detention of persons), including a note that for each established non-compliance, appropriate measures will be taken within our competence;

- The Section for integrity, prevention of corruption and protection of human rights within the Department, implements preventive activities that are part of the "Programme for Strengthening Police Integrity", continuously for a period of three years in cooperation with the Helsinki Committee for Human Rights and the Association of Journalists of RNM. The target group are the police officers in the SIAs and RCBA's, whereby, in addition to the other contents of the programme, special emphasis is placed on the corpus of police powers, which includes the legal obligations to deal with persons deprived of liberty (arrested and detained). The Section plans to organize more workshops and educational lectures in the future for this area of police work.

- Pursuant to Article 23 of the Rulebook on performing activities by the Department for internal control, criminal investigations and professional standards, control over the quality of execution of the scope of competencies of the organizational units in the Ministry or the Police is envisaged. Such controls are carried out continuously throughout the year (regular and extraordinary controls) and must include inspections of records of police stations for persons deprived of their liberty (arrested and detained), explanation of their rights upon arrest, and for each omission found, appropriate measures should be undertaken.

Also, according to the mentioned telegram (dated 26.02.2020), addressed and delivered to all police stations of general competence, criminal police departments in the sectors of the Interior, Department for suppression of serious and organized crime at the Ministry of Interior, and the police stations for border crossing and border surveillance in the regional canter for

border affairs, it was pointed out that:

Regarding the implementation of measures for protection against mistreatment of detainees, deprived from freedom and detained persons, as well as regarding the ensuring of the right to inform other persons, the right to an attorney and a doctor, the Department for internal control, criminal investigations and professional standards as an organizational unit in the Ministry of Interior, responsible for taking note of the occurrence of illegal, unprofessional and unethical conduct of police officers in the line of duty, points out to the strict adherence to the:

- Law on Police, as follows: Chapter IV - Police Powers, Articles 32 and 34; Deprivation of liberty, Article 45-a; Arrest, Article 46, 46-a, 46-b and Detention, Article 50.

- Rulebook on the manner of performing police work, as follows: Chapter II

- Application of police powers.- Code of Police Ethics, as follows: Chapter IX

- Police intervention in Articles 36, 37, 38, 39, 45, 54, 55 and 56 and- The Standard Operating Procedure on dealing with persons whose right to freedom of movement is restricted (arrested, deprived of liberty, detained persons), i.e. all laws, bylaws and internal regulations governing this matter.

It was pointed out that due to the lawful implementation of police powers, the Department of Internal Control, Criminal Investigations and Professional Standards will control and take appropriate measures against any violations.

Additionally, during the expert inspections carried out by the Unit for Strategic Planning, Standards and Quality Control (USPSQC), there are no registered complaints against police officers that were not forwarded to the Department of Internal Control, Criminal Investigations and Professional Standards. Several examples of inappropriate action provided, whereby the delegation points out that the Public Prosecutor's Office has already been notified of, i.e. (items 20-22) we indicate that the competent institutions are the Public Prosecutor's Office or the Ombudsman and the Ministry of Justice.

Paragraph 17-19

In the past period, the Training Centre of the Ministry of Interior has not conducted trainings for police officers in relation to the subject matter, primarily due to the COVID-19 pandemic and health protection. However, on 23.12.2019, the basic police officer training started whereby 572 police officer candidates were involved (currently), in the first Module the candidates studied about:

1. Police integrity and professional conduct of a police officer,
2. Police ethics,
3. Non-discrimination in policing.

In the second Module (currently ongoing) the following courses are included:

1. Deprivation of freedom and arrest of persons,
2. Detention of persons and preventing inappropriate action,
3. Tackling hate crime.

The lessons for police officer candidates are combined, allowing both physical presence and online lessons. At the same time, the training sessions on "Police treatment of members of marginalized groups" intended for police officers is resumed, after it was stopped in March 2020. Also, the Unit for Strategic Planning, Standards and Quality Control - USPSQC, initiated and participated in the implementation of training sessions on Standard Operating Procedures explicitly forbidding all forms of inappropriate behaviour (verbal harassment, physical harassment, threats, etc.).

Regarding the recommendation "the CPT wants to be informed on the various elements composing the strict legal procedures for the employment of police officers", we would like to inform that in accordance with the legal provisions, a person who meets the following general requirements can be employed in the police:

- 1) to be a citizen of the Republic of North Macedonia,
- 2) to be an adult under 25 years of age if he/she is employed for the first time at a position in the ministry for which secondary education is envisaged, or 30 years of age if he/she is employed for the first time at a position in the ministry for which higher education is envisaged,
- 3) to actively use the Macedonian language and its Cyrillic alphabet,
- 4) it has been determined via a security clearance that there is no security risk related to the employment of the person,
- 5) to have completed at least four years of secondary education,
- 6) to be medically and psychophysically fit, and
- 7) not to have been imposed a ban on performing a profession, activity or duty by the means of enforceable judgment.

With the systematization act for workplaces in the Ministry, special conditions for establishing employment in the police can also be determined. Simultaneously, when employing in the police, citizens belonging to all communities should be adequately and equitably represented, respecting the criteria for expertise and competence and respecting the principle of gender equality. For the position of police officer, the employment is based only on a public announcement. On the basis of a conducted selection procedure, candidates for police officers are selected of all the applicants that have applied on the basis of the public announcement. The process of selection is conducted in the following stages:

- administrative selection of the submitted documentation,
- check of motor skills,
- psychological test,
- written test,
- interview,
- security clearance and medical examinations.

The candidates for the work post 'police officer' shall undergo basic training for police officers in the Training Centre of the Ministry of Interior. These persons have not entered into an employment relationship with the Ministry, instead they have signed Contracts on Undergoing Basic Police Officer Training. An employment contract for the work post - police officer shall be signed with the police officer candidate who completed basic police officer training and he/she, based on achieved results, will be appropriately incorporated into the ranking list prepared by the Training Centre.

Investigation issue

According to the Law on Criminal Procedure, the investigation is led directly by the Public Prosecutor, who gives directions and receives notifications from police officers regarding the reported crime acts. The confession before police officers has no probative value before the competent court, and the Public Prosecutor will not accept to take a case which is based only on confession, without material evidence. The investigation conducted by the police officers is primarily based on intelligence information and material evidence. According to the positive legislation of the Republic of North Macedonia, more precisely Article 12, paragraphs 1 and 2 of the Law on Criminal Procedure (legality of evidence), it is prohibited for the defendant or another person participating in the procedure to extort a confession or any other statement. Evidence obtained illegally or by violating rights and freedoms provided for by the Constitution of the Republic of North Macedonia, laws or international agreements, as well as evidence arising from them cannot be used and the court decision cannot be based on them.

Police officers in their work act in accordance with the Law on Police and the Law on Criminal Procedure. If a police officer does not act in accordance with the positive legal norms, he/she will be held responsible for violating work order and discipline - disciplinary responsibility or criminal responsibility and the Department of Internal Control, Criminal Investigations and Professional Standards, as well as the competent Public Prosecutor will be notified if there is a suspicion that a crime has been committed.

Paragraph 22

Referring to the External Control Mechanism, we would like to point out that the three representatives of the civil society were appointed in January 2020 and they took over their offices in the Ombudsman's office.

Paragraph 24

24. The right to inform a family member, relative or a close person about one's own whereabouts shall be guaranteed by Law and the procedure shall provide an opportunity for the person to make a free-of-charge telephone call in a police station. Having in mind that the person has every right in the course of detention and he/she shall be entitled to enjoy all rights at any given moment upon his/her own freely expressed will, we would like to point to the fact that the person shall be entitled to use or, if he/she is unwilling to do so – he/she may decide not to use the aforementioned rights.

Paragraph 25, 26, 27, 31

Efforts will be made and a circular letter informing about the mandatory guidelines will be sent to all police stations, authorised to detain persons, in a duly, timely fashion and it will contain precisely and clearly defined timeframes for meeting procedural rights for making a record in the detainees minutes and in the Register of persons deprived of the right of freedom of movement – simultaneously referring to all rights granted to the person whose right to freedom of movement has been limited, whereby the right to an attorney is one of the essential procedural rights. The choice for having an attorney present in a police procedure is one of the fundamental procedural rights. The choice for having an attorney present in a police procedure is once again a matter of the free will of the detainee. However, taking into consideration that the most vulnerable category of citizens most often cannot afford to enjoy the right to an attorney, pursuant to a recommendation by the Committee, a notification shall be delivered to the Chamber of Lawyers of the Republic of North Macedonia.

Paragraph 28

Related to the „SOP shall be noted that medical assistance shall also be provided in order to ensure continuity of prescribed therapy to detainees (for instance, methadone and insulin“, we have concluded that the SOP is taking into consideration this category of citizens and explicitly reads as follows „medical assistance shall be provided to the person if the person informs about being subjected to a regular therapy (methadone, insulin or other type of therapy)“. Considering the recommendation that the detainee must receive medical assistance upon each of his/her own request, as well as the recommendation that the detainees shall be photographed when they have injuries, I would like to inform that guidelines thereof shall be provided to all police stations authorised to detain persons.

Paragraph 32

Regarding the renovation of police stations the renovation is carried out in accordance with the established dynamics and the planned budget determined by the competent organizational unit for financial affairs. Regarding the part referring to construction, renovation, reconstruction and equipping the detention facilities with audio and video equipment arising from the Rulebook on General Norms and Standards that must be met by the Detention Premises of general competence in the Internal Affairs Sectors of the Public Security Bureau Ref. No. 12.1-9521/3 dated 13.02.2012. The competent departments are the Department of General and Common Affairs and the Department of Information Technology and Telecommunications, and they have adopted an Action Implementation Plan in accordance with the budgetary possibilities of the Ministry of Interior. In addition to the deficiencies related to the detention facilities, the Sectors for Internal Affairs regularly submits requests to the Department of General and Common Affairs and the Department of Information Technology and Telecommunications to eliminate technical malfunctions in the communication and video monitoring system, and informs about the need to adapt the special rooms for interviewing and detaining children, the need for repairs of defective electrical installation, construction of new rooms for detaining people, construction of special rooms for detaining children, construction of new rooms for interviewing persons deprived of liberty and the need of video surveillance equipment. Additionally the Minister of Interior on the basis of Article 161 paragraph 4 of the Law on Criminal Procedure adopted a decision to designate police stations for detention of persons (Official Gazette No. 80 dated 07.05.2018). We would like to emphasize that through the project from 2015, "Strengthening the capacities of law enforcement agencies for proper treatment of detained and convicted persons" - funded through IPA 2009, the detention facilities in the following police stations (PS) have been completely renovated: PS Kisela Voda, PS Karposh, PS Gazi Baba, PS Bit Pazar, PS Centar, PS Gjorce Petrov, PS Shtip, PS Gevgelija, PS Prilep, PS Gostivar, PS Tetovo, PS Kicevo, PS Probishtip and PS Kumanovo.

Paragraph 33

The provision of food is covered by the Procedure for dealing with persons whose right to freedom of movement is restricted, laying down the following: "A detained person has the right to food and water. If he/she is detained for more than 6 (six) hours, he/she must be provided food. Food is provided: from the personal money of the detainee, from his/her family's money, from the budget of the Ministry of Interior, whereby an invoice or a fiscal bill is submitted, or funds are provided by the police stations. Unless this disrupts the order and security of the police station, food can be provided from the detainee's personal funds or by his/her own family. Police officers make sure that the food offered is in accordance with the religious rules of the detained person and in accordance with the special health needs of the person, which restrict him to consume a certain type of food (for example, a person with diabetes or the like). The time when

the detainee is given food is also recorded in the detainee's file (the same can be noted in a special official note or in the notes section at the end of the minutes).

Prison establishments

Paragraph 6 (PCI Idrizovo)

Regarding the remarks about the cases of improper treatment in prison, i.e. allegations of use of physical force and ill-treatment by prison police officers, we inform that the Directorate for Execution of the Sanctions addressed the Idrizovo Prison in writing in order to get verification of the allegations, and received a report from the Idrizovo Prison Director that urgent measures have been taken to verify the convicts' allegations and after an investigation, no cases of inappropriate behavior have been proven during 2019.

Regarding this issue, the Directorate for Execution of the Sanctions informs that from 02 February 2018 the Law for amending the Law on Enforcement of the Sanctions was adopted, providing for legal provisions stipulating that if there is a reasonable suspicion that a prison police officer has committed a criminal offense, offense in the course of an official act or for a criminal offense outside the service by the use of a serious threat, force or means of coercion resulting in death, grievous bodily harm, bodily injury, torture, and other cruelty, inhumane treatment and punishment if the law provides for criminal prosecution ex officio, the PCIs and CEIs or DES shall without delay notify the Department for Investigation and Prosecution of Offenses Committed by Police Authorities and Prison Police Officers in the Basic Public Prosecution for the prosecution of organized crime and corruption. These legal provisions are incorporated in the new Law on Execution of the Sanctions. During 2019 there were no reported cases of such treatment by Idrizovo Prison Police Officers.

Furthermore, in order to prevent such occurrences during the work of prison police officers in penitentiary establishments, the Directorate for Execution of the Sanctions during 2019 has organized several cycles of training for prison staff, including human rights training in order to prevent ill-treatment in prison. To that end, three one-day trainings were held in the Idrizovo Prison Training Center for newly recruited prison police officers on **the Code of Conduct for prison staff in penitentiary and correctional facilities. and on the topic, "Terms and Conditions of Use of Force Measures and Compliance with the Standard Operating Protocol on Use of Force Measures"**.

The training was attended by a total of 71 newly employed in the prison police by the Idrizovo Prison, the Prison Skopje, the CEI Tetovo and the Tetovo Prison.

Trainings for prison staff were also organized with the help of Technical Assistance under the Penitentiary Reconstruction Project in 2019 at the Training Center. The trainings included persons who have longer been working as well as newly recruited persons, the training was passed by approximately 320 employees that were trained about Human rights in prisons.

In addition, the Directorate for Execution of the Sanctions has set a specific Strategic Goal in the new National Strategy for Development of the Penitentiary System in the Republic of Macedonia (2021-2025), which will provide measures and activities in case of occurrence of such phenomena and their resolution.

Also, the Directorate for Execution of the Sanctions is constantly undertaking measures and activities for checking allegations of such occurrences in the penitentiary-correctional institutions in the Republic of Macedonia by conducting surveillance and establishing the actual situation.

During 2019, the Directorate for Execution of the Sanctions twice supervised the review of complaints of unauthorized use of means of coercion by a prison police officer, and in both cases a disciplinary procedure was initiated by the director of Idrizovo Prison at the request of the

officials of DES and an order from the director of DES. The disciplinary commission after reviewing the official information and inspecting the evidence presented and the statements by members of the prison police, etc. due to insufficient facts and inability to establish the full factual situation has decided to reject the proposal for punishment for a disciplinary offense.

Paragraph 8-item1

Regarding the recommendation about the system of responsibility for corrupt activities of staff, we inform you that within the new National Strategy for Penitentiary System (2021-2025) developed with the support of the Council of Europe which is expected to be adopted by the end of the year, the Government of the Republic of Macedonia envisages a special strategic goal 7 which refers to Improving corporate integrity, strengthening the mechanisms for dealing with cases of inappropriate treatment and corruption within which specific activities are envisaged, as follows:

- Introduction of a systematic uniform check at the entrance and exit of the institution for all prison staff and records for the same. (deadline I quarter 2021)
- There is also training on the Code of Conduct for Prison Staff in the PCI and ECI (basic training for new employees and continuous training of permanent staff)

Paragraph 8-item 2

Regarding the recommendations for the personnel situation in the prison system, we inform that we have carefully considered all the remarks especially for the Idrizovo Penitentiary and Skopje Prison and we inform that there is a slight increase in the number of prison police in the Idrizovo Penitentiary after your visit for 16 more members of prison police.

There is an increase in members of the prison police in Skopje Prison for a total of 22 new members of the prison police.

Paragraph8- item3

Regarding the recommendation about the professional management of prisons (in terms of career development), we have previously informed that in the new Law on Execution of Sanctions are inserted the legal provisions that refer to the part of professional management of the PCI and ECI and out of a total of 12 directors, 4 (four) directors of the Penitentiary that have been appointed are in accordance with the conditions (Idrizovo Penitentiary, Struga Penitentiary, Ohrid Prison, Tetovo Prison), one Deputy Director of the Tetovo Prison and the Director of the Directorate for execution of the sanctions.

As well, regarding your recommendation for transparency in the appointment of directors and their deputies of the PCI and ECI, we inform you that according to Article 32 of the Law on Execution of Sanctions, they will be elected for the first time by public announcement which should be published in at least three daily newspapers that are published on the entire territory of RNM.

We additionally inform that as one of the main efforts of the director of DES is strengthening the capacities of management structures in the institutions due to which there are special strategic goals 2 and 3 in the working version of the new National Strategy (2021-2025), as follows: **Strategic goal 2 - Strengthening the capacities of management and supervision over the penitentiary system and Strategic goal 3 - Strengthening the professionalism in the prison**

administration through structural and advanced training;

Regarding the trainings of the prison staff, the Directorate for Execution of Sanctions informs you that in the past period trainings were conducted in the Training Center Idrizovo until February 2020, but due to the situation with COVID 19 and compliance with the protocols for protection from a pandemic, all trainings are canceled or conducted online. However, we would like to emphasize that the Directorate as a body in charge of organizing initial and continuous training and improvement of employees remains in the future as soon as the conditions are created to continue to actively organize training for employees in the Training Center in Penitentiary Idrizovo.

Regarding the paragraph about the regime of convicts and detainees in the penitentiary system, more precisely to enable all convicts to spend a reasonable part of the day outside their cells, we inform that the Directorate, aware of this problem has taken action to improve conditions and the possibilities for engaging the convicts in significant and constructive free activities by obliging all penitentiaries to assess the current situation in the PCI and ECI of the new possibilities for organizing and providing significant and constructive activities in the free time of the convicts for the immediate organization of concrete activities for the PDLs.

Additionally, we inform you that in Skopje Prison there is an indoor fitness gym in the institution used by the pre-trial detainees, while there is an outdoor gym within the institution which is available only to the convicts. The convicts are also involved in a number of cultural and artistic activities, such as: visiting theater performances, cinema performances, visiting the ZOO, etc.

Paragraph 11

Regarding the health care of convicts in Idrizovo Prison, the Directorate for Execution of the Sanctions expresses its concern in this regard and would like to point out that although the health care is under the competence of the Ministry of Health, the Directorate gives their complete support in the process of improving it in penitentiary institutions by providing material conditions, medical equipment and other resources.

As for other health care issues, the Directorate for Execution of the Sanctions has repeatedly indicated the obligation to follow all health care guidelines, procedures and protocols. Regarding the increase of the medical staff, we inform that there is a constant demand for new staff and at the same time we expect this issue to be resolved soon.

Among other things, we inform that a new ambulance has been put into operation in the semi-open ward and is being attended by a general practitioner one day a week in addition to the physician who is constantly present at the facility throughout the week so that Idrizovo prison currently has two doctors and three nurses, thereby improving the health care of convicts, but we are also aware that health care is a process that needs to be continually improved and maintained.

Regarding the remarks about the malfunctioning of the dental services and the malfunctioning of the dental chair, we inform you that PCI Idrizovo has obtained a dental chair and a dentist visits the institution once a week and provides the convicts with dental services according to their needs. As well, once a week at the facility, a neuropsychiatrist is in place to care for inmates who have mental or psychological disorders and problems, and if needed, inmates are referred to clinics and receive the proper therapy.

The methadone therapy at Idrizovo Prison is under the supervision of a doctor and is always provided by a physician to the convicts, and at weekends it is given by a doctor attending the facility.

We also inform that as part of the Council of Europe Project as we have previously informed which began in September 2019 a number of activities are envisaged together with the Directorate for Execution of Sanctions and the Ministry of Health and which were due to start in

the first quarter of 2020 and have the purpose to improve the health care of convicts, they have been temporarily postponed due to the new situation with COVID 19 until May 2020.

The project envisages the development of strategies, new health care protocols, a range of activities aimed at improving the health care of convicts and revising existing acts as well as training of health care workers who work in PIs or who are yet to be engaged.

Additionally, the Directorate for Execution of the Sanctions, considering the need to improve health care in the prison system, the new National Strategy for the Penitentiary System (2021-2025) supported by the Council of Europe, envisages a special strategic goal - Improving health care in which they are directly involved as members of a working group of representatives from the Ministry of Health and the Health Insurance Fund and other medical personnel.

Paragraphs 34 – 39 reform of the penitentiary system

The Directorate for Execution of Sanctions constantly takes into account the remarks of the Committee regarding overcrowding in penitentiary institutions and for the same reason in the National Strategy for Penitentiary System (2021-2025) it is envisaged as the first and priority goal - Improvement of the material conditions in the institutions. Within it, several activities are envisaged, including:

- Increased accommodation and space capacities and improved conditions for stay and work in the PCI and ECI;
- To continue with the implementation of the "Penitentiary Reconstruction Project" for reconstruction, renovation, construction and equipping of PCI Idrizovo (second phase);
- Construction of facilities in PCI Prilep and PCI Stip;
- Reconstruction, renovation and construction of facilities in the Penitentiary;

Paragraph 40 - 44 (inappropriate treatment)

In accordance with the recommendations by the Committee regarding the taking of concrete steps to establish effective mechanisms for dealing with cases of ill-treatment of persons deprived of their liberty in prisons, the Directorate for Execution of the Sanctions informs that a special Strategic goal is envisaged in the National Development Strategy for the penitentiary system in the Republic of North Macedonia (2021-2025), which contains measures and activities to deal with this phenomenon. Within this strategic goal, a special activity is envisaged for revision of the existing SOP for the use of means of coercion and training of prison staff.

As well, within the Project "Strengthening the capacities of the penitentiary system and the external police control mechanism in RNM", that is implemented by the CoE in the first quarter of 2021 the bylaws Guidelines for the use of coercive means, and the Rulebook on the manner of armed members of the prison police will be revised. Initial and ongoing training in the use of force is planned, including de-escalation techniques in the second quarter of 2021.

Paragraph 45 - 47 (violence)

Regarding the recommendation for implementation of the Strategy for Combating Violence between Convicts in the Idrizovo Penitentiary and Skopje Prison, we inform you that the Directorate for Execution of the Sanctions during 2021 will revise the Strategy for the training of prison staff, including all training programs of prison staff. It is also planned in 2021 to prepare an Annual Training Program for all prison staff for 2021, after which the implementation of continuous training will begin in accordance with the annual training plan.

In that direction, it is planned to continue with the trainings of prison staff that were started at the end of 2018 and creating preconditions for the implementation of the Program for Reduction

and Prevention of Violence between Convicts in the Penitentiary prepared within the project "**Strengthening the protection of the rights of convicted persons**" in order to promote the conduct of prison staff in cases of dealing with violence between convicted persons.

Additionally, in order to prevent violence between convicts, the new National Strategy for Development of the Penitentiary System in the Republic of North Macedonia (2021-2025) envisages a strategic goal - Introduction of a standardized form and register of incidents of violence in all penitentiaries that will enable greater clarity, unification in recording such cases as well as their easier clarification.

As well, a special strategic goal is envisaged for strengthening the video surveillance in the institutions as well as procurement of video surveillance equipment for greater control in the penitentiary and detention facilities as well as training of prison staff in relation to SOP for video surveillance in the institutions. With these activities, the prison staff will be able to more easily monitor the developments in the institution and have insight into the behavior of the convicts.

At the same time, it is planned to start training the prison staff for dynamic security, especially for the new employees and to start the implementation of the concept for dynamic security according to the SOP.

Regarding the recommendation that whenever serious bodily injuries are recorded by a doctor, which are in accordance with the allegations of violence between prisoners, the report should be immediately submitted to the competent prosecutor and a preliminary investigation should be initiated, we inform that in the future all cases with legal basis will be reported to the competent basic prosecutor's office.

Paragraphs 48 - 51 (prison staff)

Regarding the question of the criteria used to determine the number of employees in the PCI and ECI, we inform that each institution in accordance with the legal provisions prepares a functional analysis which is a tool that in a systematic, comprehensive and detailed way will present the true picture of available resources in contrast to the identified problems and their impact in practice. It is also the basis for drafting a new act for internal organization and systematization of jobs in the institutions, depending on the needs of the institutions and their scope of work.

Further, a Rulebook for systematization of jobs is prepared. The Rulebook determines the total number of employees, the schedule, code, name and description of jobs by organizational units and the special conditions necessary for performing the work and tasks of individual jobs.

Additionally, we inform that each institution has prepared annual employment plans for 2021, including the Idrizovo Penitentiary, where there are 11 employments in the resocialization sector and 27 in the prison police, but we would like to emphasize that the approval for employment is provided by the Ministry of Finance, which approves financial resources so that the job advertisement for the prison staff can be announced.

Regarding the number of members of the prison police in the Idrizovo Penitentiary, we inform that the number has increased, due to which the number of members of the prison police in shifts in the closed ward of the institution has increased. Because of this, instead of 4 members of the prison police who were found during your visit now, the number ranges from 10 to 13 people in one shift. At the beginning of 2021, 17 people will be taken over from the Ministry of Defence, of which 12 people will be deployed in the Idrizovo Penitentiary.

As well, during 2020 in PCI Stip, a new systematization was approved by the Ministry of information society and in it, an increase of the number of persons in the sector for resocialization of 8 persons more from the current number which is 19 persons is foreseen. In the following period, after the approval of funds from the Ministry of Finance, they are planned to be filled in accordance with the annual employment plans.

Regarding the recommendations for mandatory implementation of training of prison staff for

both initial and continuous training, we inform that we fully agree with your remarks that there is a lack of training and that it is necessary to use the Training Center in Penitentiary Idrizovo constantly.

Therefore, the National Strategy for the Penitentiary System (2021-2025) envisages a special strategic goal - Strengthening the professionalism of the prison administration through structured and advanced training which provides a number of activities including Strengthening the functionality of the Training Unit that will prepare an Annual Program for prison staff training as well as annual training plans. At the same time, a revision of the Strategy for the training of prison staff is planned, in which activities for continuous training of prison staff will be developed.

Furthermore, in 2021, it is planned for the training department at DES to be fully staffed due to the fact that currently only one person is employed in that department.

The current number of members of the prison police is 119 officers, so the number of officers in the Skopje Prison is increased compared to the number during the visit in 2019 when 101 members of the prison police were engaged, of which 15 members of the prison police are on a fixed-term basis and they are planned in the annual employment plan for 2021. Hence, unlike in 2019, when 15 to 17 members of the prison police were on duty in one shift, currently 21 to 23 members of the prison police are on duty, and all have the status of members of the prison police. Also, in the annual employment plan for 2021, new employments are planned and the approval of financial means from the Ministry of Finance is awaited so that they can be realized 5 employments in the resocialization sector and 32 in the prison police.

Paragraphs 52 - 54 Corruption

Based on the recommendations of the Committee regarding the taking of concrete steps for the establishment of effective mechanisms for dealing with cases of corruption in the prison system, the Directorate for Execution of Sanctions in the National Strategy for the Prison System (2021-2025) envisages a special strategic goal - Improving corporate integrity, strengthening the mechanisms for dealing with cases of misconduct and corruption, which contains a series of activities and measures.

Among other activities as a more significant activity is the revision of the Strategy for Zero Tolerance for Corruption and the revision of the Corruption Plan. Also, trainings for prison staff are planned in relation to this issue, and trainings on this topic will be introduced in the Training Plan for 2021.

During 2021, the Directorate for Execution of Sanctions plans to sign a Memorandum of Understanding with the State Commission for Prevention of Corruption, on the basis of which the representatives of the SCPC will hold management training in order to facilitate detection of corruption among prison staff and of corruption prevention.

Paragraphs 55 - 66 Material conditions

Regarding the recommendations for immediate provision of safe, material and hygienic conditions for accommodation of the convicts in wings No. 2, 5 and 8 in the closed regime section, as well as regarding the ward (so-called ambulance) in the Idrizovo Penitentiary, we inform you that the Penitentiary Idrizovo reviewed all the recommendations individually, and for some of the recommendations the activities are already in progress, while for the other recommendations in the coming period it will take appropriate measures and activities.

As well, the Directorate for Execution of the Sanctions within its competences has taken a series of steps to overcome the current situation in the Idrizovo Penitentiary regarding your remarks and recommendations. Namely, the director of the Directorate for Execution of Sanctions, based

on the Minutes from the extraordinary expert supervision in the Idrizovo Penitentiary on November 19 and 20, 2019, and based on the identified irregularities and their removal, issued a written Order.

In it, he obliged the director of Idrizovo PCI to take urgent measures, i.e. the convicts that were accommodated in the rooms of Wing 2 and Wing 8 in the closed section of Idrizovo Prison, due to inappropriate material conditions to be transferred to other premises in the institution and these premises in Wings 2 and 8 not to be used for the accommodation of convicted persons until appropriate accommodation conditions are provided. Regarding the given order, the director of Idrizovo PCI has acted upon it and wings 2 and 8 were immediately closed, while the convicts are transferred to other sections or other penitentiary institutions.

We also inform you that the Director of the Idrizovo Prison, in cooperation with the Directorate for Execution of the Sanctions, has undertaken a series of activities and measures aimed at removing the remarks made in the initial report dated 28.01.2020, as follows:

- The premises in the central part of the "ambulanta" where the convicts were staying was closed and put out of use.
- In the closed section, part of the convicts who have more liberal treatment are transferred to the new semi-open ward, while part of the convicts from the semi-open ward are transferred to the open ward in Idrizovo PCI.
- Regarding the overcrowding in the fifth wing of the closed section, we inform you that the institution is taking steps to reduce the number of inmates, also by moving them to other departments of the facility in order to close this wing due to inadequate conditions for stay of convicted persons. The current number in this wing on 28.02.2020 is 124 convicts.
- As well, in order to overcome the problem of overcrowding in the critical section in the period from November 2019 to February 2020, upon the proposal by the Director of Idrizovo PCI, a total of 70 convicts were transferred to serve their imprisonment in other penitentiary institutions.
- Regarding the remarks about the distribution of food to the convicts, we inform you that we have carefully considered all the remarks and inform you that in the future they will be taken into account and that the three daily meals will be distributed to the convicts in accordance with the Rulebook on Food Preparation for Convicted Persons in the Penitentiary Establishment.

In order to improve the way meals are distributed at Idrizovo PCI, we inform you that the central kitchen has been moved to the new semi-open section of the facility. Among other things, new equipment for cooking and distributing food to the sections were also purchased.

Regarding the remark about the pest disinfection in wing 5 and the "ambulanta", we inform that the management of Idrizovo PCI immediately took measures to overcome the established situation and on two occasions the units were purged and disinfected. The Idrizovo PCI Administration has also provided a bed and bedding for every convicted person in the critical section in the facility.

About the sanitary facilities, we inform that we have carefully reviewed all remarks and inform you that they have been taken into consideration and the Idrizovo PCI Administration has made the necessary repairs to the sanitary facilities.

Paragraph 60

Regarding the requested data on the number of convicts in each of the wings in the Idrizovo Penitentiary, we present to you the status with the number of convicts per wing from 15.12.2020 to 28.12.2020.

TABLE OVERVIEW from 15.12.2019 until 28.12.2020

Section	December	January	February	March	April	May	June	July	August	September	October	November	December
Closed regime	566	563	414	407	412	406	396	355	342	315	326	331	322
"ambulanta"	126	121	122	131	139	133	128	129	126	131	123	105	103
Admission section	17	06	19	11	09	04	13	22	08	11	20	14	7
Open regime section	102	107	105	157	162	160	151	157	125	118	120	130	126
Semi- open regime section	88	77	90	107	86	100	104	104	100	105	107	105	103
New semi-open regime section	146	105	182	203	199	201	228	216	183	233	230	233	220
Female Section	49	44	43	50	49	48	44	46	40	45	50	51	56
Ground floor -1	13	13	16	15	17	18	17	19	17	21	19	21	19
Ground floor - 2	13	14	14	14	14	15	15	15	15	15	15	15	15
First wing/1	09	09	09	09	09	08	08	08	08	08	08	08	08
Open regime section Veles	39	32	33	35	37	33	33	30	28	26	23	25	26

Regarding the material conditions, we inform that in the so-called "ambulanta", the Idrizovo Penitentiary has taken a series of measures to improve the conditions, as follows:

- The roof structure was repaired;
- All rooms for accommodation of convicts are repainted as well as the common rooms where the convicts stay;
- The electrical installation has been restored;
- The sanitary facilities have been renovated;
- The building is connected to the central heating;
- Disinfection and disinsection of the ward was performed;
- New bedding has been distributed.

In addition, the Directorate for Execution of the Sanctions informs that the so-called wing 5 has been put out of use and the convicts have been transferred to other wings, i.e. to the new facilities of the Idrizovo Penitentiary with a semi-open and open regime in compliance with the bylaws.

In order to comply with the recommendation to provide a minimum of 4 square meters of living space for each convicted person, the director of the Directorate for Execution of the Sanctions made a decision to transfer a total of 158 convicted persons from the Idrizovo Penitentiary to

other penitentiaries.

Regarding your remarks about the construction of the detention unit in PCI Idrizovo, we would like to inform you that the Directorate for Execution of the Sanctions has undertaken activities about them, out of which a necessity for a new analysis of the subject location has risen in terms of revaluation of planned and constructed facilities and infrastructure, as well as the alignment of previous plans and projects with the new situation.

The proposal for the realization of the first phase of Segment 2 covers the construction of facilities in the Closed Section with a capacity of 476 persons, a facility for pre-trial accommodation of detainees, (while in the first phase a part of the facility will be built with a capacity of 418 persons) and Economy block kitchen and laundry with accompanying contents.

The following facilities will be built in the **Closed Section**:

- Admission facility with a section for visits;
- Admission section with a capacity of 74 sentenced persons;
- Health protection facility with capacity for 74 persons;
- Accommodation Section, with a capacity of 280 convicts;
- Special accommodation unit with a capacity of 68 convicts;
- Streets, pathways, outdoor playgrounds and promenades, outdoor lighting and ground arrangements;
- The front of the perimeter fence with buffer zone;
- Underground installations and connecting lines;

The Detention Unit is designed as a whole with two physically separated sections, the Department for Accommodation of Detainees and the Department for General and Common Functions, and the following facilities will be built:

- Entrance facility with control;
- Facility for visits (private and official);
- Facility for admission, health care and risk assessment;
- Accommodation facility for detainees, (to be built in two phases, in the first phase a part of the accommodation facility will be built, with a capacity of 418 persons);
- Perimeter fences, fences, playgrounds, roads and access paths, internal infrastructure, urban equipment.

This concept improves the zoning of on-site functions and clearly permits the movement paths for each type of user, which together with the improved functional and visual control responds to the high-security requirements for this type of institution (facility with the highest level of security).

Economy block - Central kitchen and laundry contains:

- Control;
- Central kitchen facility with own (accompanying) warehouses, central laundry room with auxiliary facilities and loading and unloading platforms;
- Central garbage collection;
- Perimeter fences, platforms, roads and access paths, internal infrastructure, urban equipment;

The Directorate for Execution of Sanctions, the aforementioned proposal concerning the modification in respect of the construction of Segment 2 has submitted to the Council of Europe Development Bank and their opinion is currently pending.

An opinion was submitted by the CEB and a Plan for implementation of the project for

construction of facilities from Segment 2 stage 1 was adopted, which was presented to you above.

Paragraph 61

In the part that refers to Kumanovo Prison with an open ward in Kriva Palanka, ie the material conditions in this institution such as lack of inventory in the premises where the convicts are staying, non-functional artificial lighting and lack of water supply in the institution, we inform you that the prison administration Kumanovo immediately took measures regarding the repair of inventory and procurement of new depending on the needs and number of convicts in the institution. As well, the previous bulbs were completely changed and they were replaced with new energy-efficient bulbs in order for the convicts to have the necessary lighting in their rooms. At the same time, we would like to inform that every year an Annual Program is prepared by the Government for financing the construction, reconstruction, maintenance of facilities and equipping of penitentiary institutions, in accordance, for 2020 it was prepared and adopted by the Government and published in the Official Gazette of the Republic of North Macedonia.

While during the first quarter of 2020, Annual Plans for maintenance of the existing facilities within each PCI and ECI were prepared and activities will be implemented by each institution in accordance with the Annual Plans.

Regarding the problem with the water supply in Kumanovo Prison, as we have previously informed, the Directorate for Execution of Sanctions and Kumanovo Prison in the past period have made efforts and undertaken activities to address it. Among other things, Kumanovo Prison in October 2018 undertook activities to overcome it, ie Kumanovo Prison concluded an agreement with a legal entity located in the immediate vicinity of the institution, whereby this legal entity provided a certain amount of water for kitchen needs, dining room and ground floor of the facility.

At the same time, we would like to emphasize that we are aware that the situation with water supply is not completely resolved and therefore the DES and the management of Kumanovo Prison make new plans and strategies to fully resolve this long-standing problem that exists since the opening of this penitentiary.

Namely, steps have been taken to renovate the cells in the closed regime section as well as those in the admission section, so that the holes in the ceiling have been repaired and the lighting has been completely repaired and replaced. Furthermore, the walls were repainted as well as painted with oil paint.

Regarding the water supply, we inform you that it has been greatly improved in a way that an additional network with a hydrophore has been put into operation, which delivers water to the bathrooms on both floors of the institution. In this way, a 24-hour uninterrupted water supply is provided, but only in the bathroom and not in the rooms of the convicts.

Regarding the allegations to reconsider the level of population in the cells in the closed regime section, we inform you that due to the recommended reduction of the number of convicts in these cells, i.e. in the closed regime section, the second floor has been completely converted into a closed regime section. In this way, additional places are created for the accommodation of PDLs with closed regime, which avoids accommodation of more persons than the recommended in cells that do would not have sufficient spatial conditions.

Paragraph 62, Ohrid prison

Regarding the situation in the Ohrid Prison, which refers to the statements made by the children that they were beaten with a rubber billet by a member of the prison police, we would like to inform you that the Directorate for Execution of the Sanctions has addressed the Ohrid Prison in order to verify the allegations, the Director of the Ohrid Prison clarified that the prison police did

not have rubber billet and that they had been disposed of and were no longer used for a longer period. This was also noted during the unannounced supervision in the Ohrid Prison by the officials of the Directorate when a special order was given by the Director of the Directorate for Execution of the Sanctions to remove the rubber billets from the lockers, i.e. the billets to be kept in a separate warehouse in the institution.

In addition, an inspection was carried out in the official documentation of the Directorate, more precisely in the reports sent by the institutions in case of use of coercion means and it was established that in the past period there was no standard Operational Protocol on the use of coercion means from Ohrid Prison nor a complaint was made by a child or their family.

Regarding the conditions in Ohrid Prison, the toilets in the facility have been refurbished by their own means, the WC shells and showers have been replaced, which has significantly improved the maintenance of children's personal hygiene.

We would also like to inform you that since November 2019 in Ohrid Prison in cooperation with the United Nations Development Program - UNDP and MES, we are implementing a project to complete the primary education of juveniles serving a prison sentence in the penitentiary institution Ohrid Prison or are serving a disciplinary measure in the CEI Tetovo, whose premises are temporarily housed in the penitentiary institution Ohrid Prison. The project covers the study of Macedonian language and numerical literacy. It covers 16 children. The teaching is conducted by teachers from the elementary school "Hristo Uzunov" - Ohrid.

Regarding the recommendation of the committee regarding the detention unit of Ohrid Prison, we inform you that the institution fully accepts the remarks and informs you that two PDLs will be deployed in each room. We additionally inform that in November 2020 Bitola Prison was put into operation with the detention unit, thus relieving the detention unit in Ohrid Prison where detainees from other cities were sent while the Bitola Penitentiary was being renovated.

Paragraph 63, Prison Skopje

Regarding the remarks about the Prison Skopje, we inform that in the meantime a complete renovation of the rooms in corridor B has been carried out, where all the premises for accommodation of the detainees are thoroughly renovated, a complete renovation of the floor in the rooms and the ceiling has been completed, the sanitary facilities have been completely renovated that includes changing ceramic tiles, plumbing, and drainage installation, separating them with a plastic curtain. Namely, the electrical installation in the rooms has been changed by installing new lighting, completely applying a new layer and painting the walls in the rooms. Complete new bedding has been procured: mattresses, blankets, pillows and sheets. A new energy-efficient facade of Wings B and C has been completely installed, the windows of the rooms have been replaced with new complete windows with the most modern opening mechanisms to overcome the problem of moisture in the rooms and their heating.

Also, the project for installation of a new roof construction on the B and C wings is completed. Corridor B has a completely new bathroom with all the elements which significantly improves the process of maintaining the personal hygiene of the detainees. The roof structure of the administrative building has been completely changed and solar panels for electricity and hot water available to convicts and detainees have been installed.

In the following period Skopje Prison plans to procure materials for making special lockers for the detainees that will be placed in the corridor in front of the rooms. Activities are also planned for complete renovation of Corridor B in the coming period, but given the current situation with COVID19, some of the activities will be on hold in a certain period.

During the third quarter of 2020, painting and minor reconstruction works of the water supply, sewage, and the central heating network of 12 rooms were performed, as well as in the corridors in wings G and D. During October 2020, the reconstruction of the rooms in wing C started with the installation of completely new tiles and arrangement of the sanitary node, painting of the

rooms and installation of new windows in the rooms as well as arrangement of the interior of the rooms. 6 rooms or 1/3 of the rooms in wing C are completely finished. Thermal insulation facade was installed, which is completely finished on wing B and wing C, which with the installation of the new facade and windows of the rooms significantly increased the energy efficiency of the institution. A completely new roof has been installed on wing B and a new roof is being installed on wing C. With the installation of the new roofs, the energy efficiency has increased.

A new bathing approach has been introduced for detainees and they have been provided with 2 to 3 baths during the week. Female detainees are provided with hair dryers with the availability of an electrical outlet for them in the barber shop where they can dry their hair after bathing.

Regarding the remark for heating in the detention facilities given by the Committee, the Directorate informs you that an undertaking for conversion of the heating of the institution with natural gas is underway, for which equipment has been completely procured and construction-installation works are underway for its installation. The heating in the institution will be significantly improved.

Additionally, measures have been taken regarding the procurement of equipment for lighting the promenades in order to extend the stay on fresh air. The equipment has been procured and after the preparation of a professional report for its proper installation, its realization will begin. In order to improve the communication of the detainees with the outside world, the German organization HELP donated 3 tablet devices and they are available to the detainees with the prior approval of the competent court. Also, in order to better communicate with the Ombudsman of the Republic of Macedonia, an additional telephone line was introduced for communication regarding the smooth exercise of the rights of the detained persons.

During December 2020, with a decision of the Director of Skopje Prison in accordance with the plan and program developed by the prison police commander, basic training is realized for the newly recruited members of the prison police with special emphasis on the application of SOP for violent behavior in the institution and SOP for conditions and the manner of use of the means of coercion by the members of the prison police in the PCI and ECI.

We inform you that a series of activities have been undertaken to improve the living and working conditions of convicts, and it is especially important to restart the carpentry workshop for the needs of the work process in the sector for resocialization.

The toilet in the Semi-open ward has been completely renovated, a closed-type gym has been opened and equipped, and a barber workshop has been opened and equipped for the training of convicts.

There is also an improvement in the part of the video surveillance by installing 8 eight cameras with one recorder, and installing 6 new controllers and appropriate readers for limited access in the detention unit, then two metal detector doors are placed in front of the duty room and in the room next to it for improved security, the visiting room for the visit of the detainees is equipped with new booths and telephones for conversation.

Regarding the hygiene of the convicts, we inform that the management of Skopje Prison regularly provides them with means for personal hygiene as well as means for maintaining hygiene in the premises where they are staying. The funds are mainly provided from the institution's own funds, but there are also cases of donation from non-governmental and humanitarian organizations that donate funds, in order to provide better hygiene to detainees and convicts.

Paragraph 65 PCI Stip

Regarding the remarks that refer to the sanitary facilities in the Penitentiary Stip, we inform that in accordance with the conditions in the institution the management of the Penitentiary Stip took measures in order to improve the conditions for stay of the convicts. Namely, new ceramic tiles were procured and the necessary material for them, part of the sanitary facilities in the

closed department of the institution were renovated and in the next year, it is planned to complete the renovation after providing funds. Regarding the overcrowding in the closed regime section, we inform you that the Penitentiary Stip in accordance with the conditions in the institution will strive to provide sufficient space for the stay of the convicts in the closed regime section, respecting the European standards in the part of the prison sentence.

Paragraph 63 Prison Gevgelija

Regarding the recommendation by the Committee about the conditions in the detention facilities in Gevgelija Prison, we inform that according to the annual plan for maintenance of facilities for 2020, in the 1st quarter several activities were realized:

The toilets have been completely renovated and new wall tiles have been installed;

The electrical installation has been renewed and new lighting has been installed;

The premises were completely repainted and the beds where the detainees slept were repainted;

New washbasins, facets, and new sanitary facilities have been installed,

While during 2021 the director of Gevgelija Prison plans to install new ventilation in the detention facilities for better air circulation.

Paragraphs 67 - 74 (food, regime, education)

Regarding the recommendations about the food and personal hygiene in the Idrizovo Penitentiary and Skopje Prison, we inform that the institutions will take into account all the recommendations individually and will act upon all of them in the coming period.

Additionally, the Directorate for Execution of Sanctions in the coming period will insist the administration in the Idrizovo Penitentiary to strengthen the controls regarding the distribution of food in terms of quality and quantity of food as well as regarding the distribution of hygiene items to convicts.

At the moment, the Idrizovo Penitentiary constantly employs one cook, one person hired under a work contract, and around 7 convicts are employed. In the coming period, the Idrizovo Penitentiary will seriously take measures to cook better and tastier for the convicts. The hygiene items for the convicts within the possibilities of the institution will be distributed on a weekly basis through the service for resocialization, ie the educators of the convicts in order to provide greater access to the hygiene items.

In order to improve hygiene, the Directorate for Execution of the Sanctions, in cooperation with the Council of Europe and other donors, also distributed disinfectants and gloves to the convicts to prevent the possible spread of the COVID 19 virus.

The management of Skopje Prison additionally introduced intensified supervision regarding the maintenance of hygiene in the institution and enabled the convicted and detained persons to have access to the hygienic means at any time. Also, 6 new closets were made from the carpentry workshop in Skopje Prison, intended for each room for storing personal hygiene items and personal belongings of convicts. In the next period, it is planned to make more such closets so that all convicts can have their own closet.

Regarding the regime of activities offered to convicts and detainees, we inform that in the past period the DES has prepared an Assessment of the possibilities for organizing sports and other activities in the ECI and PCI and based on that within the new National Strategy (2021-2025) a special strategic goal is envisaged - Improving the conditions and opportunities for engaging convicts in significant and constructive free activities, which include a series of assessments of the current situation in the ECI and PCI and the possibility of organizing and providing significant and constructive activities in the free time of the convicts. It is also planned to provide the necessary equipment and materials for sports, arts, creative activities and activities in the field

of culture, as well as staffing.

In Skopje Prison, from November 2020, the process of professional training of convicts within the Project with UNDP and the Ministry of Education has started again and 15 convicts from Skopje Prison are included. The training will be for professional carpentry so that convicts can more easily engage in the carpentry workshop. Also in the Penitentiary in Prilep, a process of professional training of convicts has been started for professional occupation - cook. The training is attended by a total of 15 convicts.

Regarding education, we inform that the Directorate for Execution of the Sanctions fully takes into account the recommendation for starting the educational process in the prisons and on that basis in cooperation with MES, DES, and UNDP in PCI Stip a process of primary education has been started and a total of 42 convicts are deployed in 6 groups, in the women's ward in the Idrizovo Penitentiary, a total of 16 convicts - women, and the children in the ECI Tetovo.

Prison Ohrid

In the following period, it is planned to start the educational process in other penitentiary institutions.

Paragraphs 74 - 76 (Detention)

Regarding the remarks about the detention units in Skopje Prison, Ohrid Prison and Kumanovo Prison in the part of taking urgent measures for providing educational, sports and cultural activities to the detainees in order to enable them to spend a reasonable part of the day outside from their cells, we inform that in the new Rulebook for house rules of detainees are introduced provisions that refer to the employment of the detainee within the institution if the detainee gives consent.

As well, Skopje Prison, in order to respect the recommendation of the Committee and the legal obligation for the detainees to pass 2 hours a day on fresh air, procured equipment for the lighting of the promenade and after preparing a professional report for its proper placement, it will be installed and thus the possibility for the detainees to stay for at least 2 hours a day outside shall be enabled. In addition, Skopje Prison, in order to increase the security of the promenade, has procured new protective nets and will install them soon. It is planned to install appropriate means for exercising on the promenade for detainees while they are currently using the newly built gym.

Paragraph 77 - 93 (health care)

Regarding the health care of the convicts, the Directorate for Execution of Sanctions informs that it takes urgent steps within its competencies, in terms of conditions and equipment of ambulances. While regarding the recommendation for reconsideration of the decision whether certain convicted persons who have been diagnosed with a mental disorder should start serving a prison sentence, the Directorate under Article 26 of the Law on Jurisdiction has no jurisdiction, i.e. referral to serve a prison sentence under Article 42 of the Law it is decided by a Judge for execution of sanctions.

Among other things, we inform that the Penitentiary Idrizovo in the past period has taken measures within its competences, and efforts have been made to conduct more frequent examinations by a psychiatrist so that during 1 month this year there are about 50 psychiatric examinations. Also, an assessment was made regarding the number of convicts who have been diagnosed with a psychiatric illness, whereby out of a total of 8 convicts who were diagnosed with a psychiatric illness, three of them were hospitalized at the Psychiatric Clinic during this year, due to symptomatology.

Furthermore, the Directorate in correlation with PHI Skopje additionally hires a psychiatrist in order to fully implement your recommendation and provide better health care to convicts who have mental health problems.

In the part of the recommendation for conducting trainings for health professionals, we would like to inform you that the project **"Strengthening the capacities of the penitentiary system and the external police control mechanism in RNM"** implemented by the Council of Europe envisages a series of activities between MOH, as a bearer of the activities and DES within which trainings of health professionals on the topic of mental health and dealing with frequent psychiatric disorders of convicts during the first quarter of 2021 are provided.

As well, within the above-mentioned project, in order to improve the health care of convicts, medical equipment worth about EUR 50,000 will be procured. During the month of October 2020, an expert from the Council of Europe conducted a visit to all penitentiary institutions to determine the needs and it is expected that a tender for public procurement of equipment will be announced by the end of the year.

The Directorate for Execution of Sanctions fully accepts the remarks regarding the health care and despite the fact that it has passed into the competence of the Ministry of Health, it will strive in cooperation with the Ministry of Health to improve the health care of the convicts in the Penitentiary. Therefore, the National Strategy (2021-2025) envisages a special strategic goal Strengthening the provision of health care to convicts, including in terms of mental health. Within this goal, a series of activities are planned for which it is planned to be realized in the next period, as follows:

- Improvement of the coordination for functional health care;
- Providing decent working conditions for medical staff;
- Providing initial and ongoing training for health professionals and;
- Providing adequate access to services for the protection of mental health and the establishment of a special forensic unit and other activities.

Medical staff

Idrizovo Prison employs one full-time general practitioner doctor, three nurses, one dentist, one dental assistant and one full-time medical technician on a full-time basis. A psychiatrist visits on a once-a-week basis, as well as an ENT specialist and an eye specialist once a month.

Additionally, a general practitioner visits once a week in the minimum and medium security wards.

In Skopje Prison, one general practitioner is employed full time and another, part-time, hired on a contract basis. Three nurses are also employed, as well as a dentist and a dental assistant. A psychiatrist visits once a week.

The procedures for obtaining permission to recruit 3 doctors and 3 nurses have been completed for all prisons across the City of Skopje, which house the majority of prisoners in the Republic of North Macedonia. The 3 nurses were hired by Skopje Health Centre, but no one applied for the job advertisement for 3 doctors of medicine, which was published on 5 separate occasions. Several specialists are hired in Skopje prisons on a contract basis, such as internal medicine specialists, as well as eye and ENT specialists.

Inmates have never been hired at Skopje Prison to help in the prison infirmary, but, at Idrizovo Prison, several inmates have indeed been hired due to the lack of medical staff at the Prison. However, the inmates have primarily been assigned to administrative posts. With the hiring of new staff and the gradual completion of the medical staff as a whole, the need has been removed for hiring inmates to work in the infirmary, whereby, at this juncture, only two are required - chiefly for maintaining hygiene in the infirmary and for conducting delivery assignments. It is important to note that these inmates are not allowed free access to the official premises of the infirmary.

In both of these prisons, the medical staff operates on a one-shift basis, whereby a nurse is on duty over the weekends and non-working days. This ensures regular medical supervision and delivery of necessary therapy such as methadone and the like under the supervision of a medical professional.

In periods when there is no doctor present in the prisons, emergency medical teams are called for emergency interventions.

All specialist consultative examinations and hospital treatments when required take place at the Mother Teresa Clinic and 8 September City Hospital in Skopje. For that purpose, the premises of the so-called arrest ward which is located within the aforementioned Mother Teresa Clinic have also been made available to use.

Observance of the principle of equal access to a doctor for all inmates

This problem used to be most pronounced over the last few years at Idrizovo Prison, particularly due to the dispersion of the wards where inmates are accommodated. First, the situation with the so-called external wards was resolved by placing a metal box at the entrance to be used by inmates for posting letters/messages to the medical staff. Nurses in charge open the metal box every morning, collect the messages, and summon inmates for examination. In the secured section, such metal box is placed in the hallway, but the number of letters/messages posted in it is much smaller than the number of inmates who appear for examination, which leads to the conclusion that inmates need to be better informed on how to use it. Certainly, some inmates apply for examinations by leaving written notes at the infirmary front desk.

Conducting control over the premises and equipment in the prison infirmaries, including the licensing of health institutions across the penitentiary and correctional institutions in the Republic of North Macedonia is entirely under the authority of the State Sanitary and Health Inspectorate.

As regards equipment, on 10 February 2020, a new dental chair was installed at Idrizovo Prison, replacing the one used up to that point which was in a state of disrepair, whereas, recently, a new helium dispensation device was also acquired and installed, seeing as the one theretofore used was defective.

When it comes to the comment regarding the lack of a dispenser for the preparation of methadone, the Ministry of Health would like to underline that the Ministry purchased such a dispenser as early as several years ago.

With reference to the comment regarding the lack of heating in the dental office at Idrizovo Prison, the Ministry would like to inform that all premises at Idrizovo prison infirmary, including the dental office, are connected to the central heating system from the moment of construction and most are equipped with air conditioners as well.

All newly-arrived inmates, usually immediately, or within 24 hours after admission, are referred to the prison infirmary, where they are immediately screened by a doctor, with exhaustive medical histories of inmates being taken and recorded, as well as physical examinations of inmates being performed on the spot.

Health cards are opened immediately as well, with all relevant medical data of the inmates being entered therein.

Special attention is paid to objective findings, i.e. on detecting possible traumatic injuries (This is a topic of special interest for medical personnel and in everyday practice, seeing as it is aimed at preventing ill-treatment and torture).

Should any persons be admitted on a non-working day or over the weekend, all necessary information is recorded by on-duty nurses, who notify doctors thereafter.

In cases of such persons reporting drug addiction, or already undergoing replacement therapy, psychiatrists are informed, whereby they arrive and prescribe replacement or other therapy as required. In this regard, a significant improvement has been achieved at Idrizovo Prison with the introduction of buprenorphine therapy, as an option for methadone replacement therapy which has long since been proven to produce positive results in this regard.

When it comes to this issue, supervision over the distribution of methadone and buprenorphine therapy is a very important matter for the medical staff in prisons, seeing as they are faced with attempts for manipulation by inmates in terms of them concealing part of dosages for further individual use or illegal sale. In order to handle this issue, the medical staff requires the assistance of well-trained prison security professionals.

The same types of problems also occur during the issuance of other drugs at Idrizovo Prison. Owing to the large number of inmates, and due to the dispersion of accommodation facilities (in the minimum, medium security, and women's wards) at Idrizovo Prison, only specific medications (e.g. such listed as or containing psychotropic substances) are dispensed on a daily basis under the supervision of a medical professional (a nurse), while other medications such as those used in antihypertensive therapy are dispensed on a weekly basis.

In Skopje Prison, due to the lesser number of prisoners and the introduction of weekend shifts for the medical staff, the practice of daily supervised distribution of medication therapy has already been introduced. Inmates serving prison sentences at Skopje and Idrizovo Prisons who are diagnosed with mental disorders are under full medical supervision of psychiatrists, and as was required, several suffering from acute psychotic conditions were hospitalized last year at the University Psychiatry Clinic hospital prison ward.

As regards the training of the medical staff to work at prisons, the Ministry would like to inform of the following: Together with the European Council Programme Office in Skopje, the Ministry drafted a plan for hosting a number of training courses on medical ethics, screening methodology, the medical aspects of confidentiality of data acquired and stored, and other relevant issues. These training courses were postponed due to the on-going COVID-19 pandemic. Nevertheless, in December 2020, an on-line training was held in prisons led by J. Pont, a consultant from the Council of Europe. The on-line training was attended by 22 medical professionals involved in health care delivery in prisons.

A training course on conducting interventions and standard screenings as immediately after admission as possible has also been planned and it is to take place as early as the epidemiological situation would allow. This also applies to trainings on improving recording and management of injuries in prisons.

Paragraphs 95 - 98 Order and discipline

Regarding the recommendation about the renovation of 6 cells in the PCI Idrizovo, those intended for serving a disciplinary measure - solitary confinement, we inform you that the poor conditions in these rooms were ascertained during the supervision by the DES and therefore a recommendation was given by the DES immediately to act in accordance with the financial possibilities of the institution for their renovation and providing better conditions for the convicts.

In order to unify the conduct of disciplinary proceedings against convicted persons, for the first time in cooperation with the Council of Europe, a Rulebook on conducting disciplinary proceedings against convicted persons has been prepared, in which the entire disciplinary procedure is elaborated in detail.

Paragraphs 100 - 101 Contact with the outside world

Regarding the remark by the Committee that the convicts are forbidden to have visits, we inform that in the past period the visits took place without any restrictions, i.e. in all institutions the contacts with the families took place without difficulties. We additionally inform that in the past period no written complaints from convicts have been submitted to the DES regarding the provision of visits. We also inform you that regarding the remark for the visits in Penitentiary Stip, they take place without any difficulties and all PDLs are visited by persons who are registered in the visit card in accordance with the laws and bylaws and that have the right to visit the convicted person. While visitors that are not on the list of the visit card can visit the PDL only with the approval of the director in accordance with the LES. Restriction of visits can only happen in cases if the visitor does not want to identify himself, refuses to be searched, or brings with him illegal items in accordance with the House Rules for convicts and in situations when an epidemic or pandemic is declared in the country then all contacts with the outside world in all institutions are forbidden for a certain period of time.

As well, in order to improve communication with the outside world, a total of 30 tablets were distributed through institutions that were donated by the German organization HELP. All institutions were provided with free communication via Viber for the PDLs to stay in touch with their families.

Paragraph 102 Complaint procedures

In order to improve the process of filing complaints, objections or grievances by convicts and children, DES in cooperation with the OSCE prepared brochures to inform convicts of their rights while serving a prison sentence and they were distributed during 2019. All institutions were obliged to appoint one employee to keep a register of complaints filed by PDLs. Brochures and information posters were prepared in three languages (Macedonian, Albanian, Romani).

Unified forms (requests) for submitting complaints by convicts to the director of the institution and the director of the DES were also prepared and. Two-day trainings were organized by the OSCE regarding the completion and application of these forms.

The Directorate for Execution of Sanctions during the inspections regularly checks whether the convicts and children are familiar with the above documents and whether they are displayed in a visible place. Additionally, the institutions were visited by the non-governmental organization Macedonian Penological Society composed of professors and experts in the field of legal aid to convicts hired by the OSCE as an external control for the implementation of the above documents.

Paragraph 103 Inspection

Regarding the recommendation about the State Commission for Execution of Sanctions, we inform that despite the fact that it was previously foreseen in the old LES, it did not function at all in the past period and did not make any contribution regarding the execution of sanctions or the improvement of rights and the conditions for the PDLs. Therefore, the working group that was formed for the preparation of the new LES and was composed of judges, professors, and DES staff assessed that there is no need for such a commission.

In the part that refers to the external bodies that supervise the penitentiaries and VPUs, we inform that the Ombudsman, the Helsinki Committee in cooperation with the Macedonian Young Lawyers Association in the past period made several visits to all PCIs and ECI. They monitored the conditions, treatment, and security in the institutions, they prepare written reports about the established conditions, afterward, the DES within the prescribed period acts on the recommendations. Additionally, a special commission formed by the Assembly of RNM composed of MPs during 2019 visited several institutions for which a written report was

prepared with conclusions which were presented to the Committee on Political System and after that, the Directorate answered to the Inquiry Commission and part of the MPs who were part of the working group.

Paragraphs 104 - 118 ECI Tetovo

The Enforcement Administration informs you that on October 31, 2020 the new facility ECI Tetovo was put into operation and all children from Ohrid Prison were transferred to the new facilities. The Rulebook for the House Rules for children is in the final phase and it is expected that by January 2021 it will be adopted and will enter into force. Additionally, in cooperation with UNICEF, working groups have been established for the preparation of bylaws for the treatment of children.

As well, in the new ECI Tetovo, Volkovija, the children continued with the educational process (primary education) in cooperation with the Ministry of Education, UNDP, and DES.

Regarding the remarks by the Committee for Strengthening Surveillance in Ohrid Prison and the indication to the prison police, that all forms of child abuse are completely unacceptable, we fully agree and DES constantly points out to all directors of the PCI and ECI, including the director of Ohrid Prison that such behavior by the members of the prison police is unacceptable and should not be tolerated.

During September 2020, the DES conducted extraordinary supervision in Ohrid Prison in order to verify the allegations of excessive use of coercive means, and in that regard, the officials of the Directorate prepared a report with direct recommendations to the director of Ohrid Prison. The director of Ohrid Prison was also asked to conduct a detailed investigation and determine which members of the prison police used excessive physical force against the two children from Ohrid Prison. The disciplinary procedure against the members of the prison police has been completed and the disciplinary commission (composed of members of the prison police) has concluded that there is insufficient evidence indicating disciplinary responsibility of the accused members of the prison police.

Regarding the treatment activities, we inform that in Ohrid Prison for a period of 5 years while the ECI was at that location, for the children there were organized structured activities throughout the day, according to the individual treatment program of each child.

- Within the daily program, educational daily activities were provided which took place on Monday, Wednesday, and Friday for classes in mathematics, Macedonian language, and English. The classes are focused on the needs of each child individually depending on the educational level. The education was organized by the Ministry of Education, UNDP, and primary school teachers from Ohrid. During the COVID 19 crisis, education was conducted online continuously until September 2020, when their acquired knowledge was evaluated. During the online classes, 2 people from the Sector for Resocialization and 2 people from the Prison Police were present and actively participated in it.

- As part of the group work, group workshops of creative and educational character and mental health were organized daily. Some of the workshops take place on Tuesdays and Thursdays, in cooperation with HOPS and UNICEF. They are run online by educators for 60 minutes. The other days of the week (Monday, Wednesday and Friday) group workshops of educational and entertaining nature take place, presented by 2 employees from the Sector for Resocialization from the Penitentiary Ohrid Prison.

- The individual program that is planned and directed, took place daily and continuously, aimed at the needs and goals of each child. Individual conversations took place through counseling techniques, motivation, persuasion, and psychological support. The sessions are led by the two employees of the Resocialization Sector in the Ohrid Prison. They are psychologists by vocation who have many years of experience and are trained to work with children in conflict with the

law.

- The physical activities took place daily for two hours and more, which are planned to be performed partly indoors and partly outdoors, depending on the weather conditions. During the physical activities, the members of the prison police actively participate in accordance with the Rulebook for participation of the Prison Police in the process of resocialization. They are controlled and recorded in the professional file of each child. The balls and other equipment for performing all the planned activities were provided by the Ohrid Prison.

All the above activities continued to be realized in the new facilities of ECI Tetovo in Volkovija as in Ohrid Prison.

While regarding the right for health care in ECI Tetovo, the children are provided with health care in a way that once a week a general practitioner and a dentist visit the institution and there is a nurse every day. The health care is under the Ministry of Health and the institutions where there is no permanent doctor operate through contracts with the PHI in that area. Additionally, we inform that every new child admitted to ECI Tetovo must be examined by a health worker who is hired by the PHI and during the admission period the expert team conducts an examination using scientific methods, performs social medical and psychological-pedagogical examination of the personality of the child in accordance with Article 349 of the Law on Execution of Sanctions. The children are also introduced to the house rules for children, the rights and duties they have during the execution of the educational measure in the institution.

Regarding the remark about the special room for separation, we inform that it is applied only in exceptional cases when the children have a more severe disciplinary violation of the provisions of the House Rules. The Directorate for Execution of Sanctions will indicate in a written order that this measure should be used only in exceptional cases as provided in the LES.

The DES will also consider further reviewing of the legal provisions governing this area.

Public Health Institution Psychiatric Hospital Negorci

Paragraph 127

With regard to the bad conditions in the D unit (for chronic patients) and the plan for reconstruction of this unit in the course of 2020, the project was stopped following a letter from the Government of the Republic of North Macedonia stipulating not to undertake activities in terms of spending funds on facilities, furniture, equipment, vehicles etc. due to the (economic) crisis caused by Covid-19. The hospital is financially prepared to immediately carry out this project, which is part of the plan for 2021 and will be completed in 2021.

Paragraph 130

We invested a lot in creating conditions for recreation and other outdoor activities of the patients, including sports fields, a weightlifting gym, a table tennis gym, a cabinet for visual arts and other recreational activities.

Paragraph 132

Concerning the staff, at present all psychiatrists are working actively and, furthermore, we have employed: one general practitioner, who is planned to start specialisation in 2021, three paramedics, two hygienists and one ironer.

Paragraph 136-137

For this part, we consider that the resources will be much more utilised if we have a sufficient number of employees who would enable patients to use all the rehabilitation tools, especially with outdoor sports activities. In addition to the psychosocial therapeutic communities that involve psychologists, social workers and doctors, if there is staff such as an occupational therapist employed, it will enable a proper treatment for recreation and rehabilitation.

Paragraph 138

The PHI Psychiatric Hospital Negorci, Gevgelija strongly disagrees with this remark that regular blood tests are not done to patients who take clozapine. These checks are performed once a week from the start of the administration of clozapine to the 18th (eighteenth) week. After the eighteenth week, blood tests are done once a month. At the court unit, evidence was presented from laboratory analyses for patients who are receiving this therapy. We do not accept this remark as valid. So far, in 40 years of experience, we have had one case of a patient who had a problem from the therapy with clozapine and it was stopped immediately. This shows that checks are done regularly and the condition of the targeted patients is monitored.

Paragraph 139

For weekend and other leaves of absence of patients accommodated on a court order, the problem is justifiably noted in the report. We have a problem with the legal framework to enable a weekend leave for the said patients because without an appropriate permission from a competent court, we violate the law. This obstacle is still in place and we consider that the relevant institutions should pay much more attention to this issue.

Paragraph 140-144

There are two isolation rooms at the new admission unit in the hospital. Isolation is conducted under a set protocol and only by permission from a doctor. Isolation is performed with special magnetic belts in order to prevent patients from injuring themselves. There are special magnetic belts for arms, legs, abdomen and chest. They are made of a soft material and are sufficiently wide to protect the patient. Supervision by an employee has been introduced for restrained patients. A register is kept for each restraint. Patients are not used for assistance during restraint. The medical personnel have still not received training in using restraining means, but we consider that they use them professionally.

Paragraph 145

In the isolation rooms, changes have been made as much as the spatial conditions permit, including padding the metal radiators and removing the furniture that can fall apart easily. The rooms do not have sanitary facilities, but that does not limit the possibility for these patients to use sanitary facilities.

Paragraph 146-148

At the PHI Psychiatric Hospital, the patients who are treated voluntarily (without a court order) may leave the hospital at any time, naturally if it is safe for their health. For a patient to be discharged at his/her will, a close relative or someone similar has to be present during discharge in order for the patient to arrive home safely. The hospital very often organises transport at its expense to take them home. This is not noted in the report, which we consider a failure of the CPT. The movement within the hospital is not limited, but is regulated and controlled so as not to violate the peace and security of the other patients. We do not consider this a shortcoming in our work because we are obliged to protect literally all patients. It has been shown in practice that completely free movement violates the rights and security of other patients.

The forms for giving consent for hospitalisation have been corrected and patients can withdraw consent. Still, taking care for the patients who are in a bad mental health condition and want to leave the hospital, the institution acts primarily with the aim of protecting their health and the health of the persons surrounding them. In such a case, we act in accordance with the civil regulations and legislation. For patients who have been declared legally incompetent, hospitalisation is conducted by proxy of a legal guardian.

Paragraph 149-150

In the part on forced hospitalisation through a competent court, it is noted that the two hospitals have shortcomings, but only the one in the PHI Psychiatric Hospital Demir Hisar is listed, and not in Negorci. According to our work and legal regulations, the PHI Psychiatric Hospital Negorci acts in compliance with the Law on Extrajudicial Procedure. For each individual case, a competent court is called, which comes by the legal deadline, and not late or for several patients once per month. The decision is made by the Gevgelija First Instance Court by the legal deadline and one copy of the decision is given to the patient, for which there is proof (confirmation of delivery) signed by the patient. We consider that the remarks in this part are not directed at our hospital and if we need to change the procedures, the legislation has to be changed first. In this part, we refute this conclusion of the CPT and do not agree with it.

Paragraph 157

In the part on death cases and autopsies, the institution has taken measures for performing autopsies, but we encounter resistance from the families of the diseased, who adamantly refuse autopsy. For this, each file contains a statement from a member of the family refusing autopsy. The diagnosis that is given upon the death of a patient, without consent for autopsy from the family, is given by doctors on the grounds of other parameters in accordance with medical practice and science.

Social welfare establishments

Paragraph 161-176

At the time of the regular visit to the Special Institute Demir Kapija carried out by the Committee for Prevention of Torture, activities for renovation and adaptation of the sanitary areas and the rooms where the beneficiaries are staying were in progress. After the completion of the renovation of the Institution, functional sanitary areas with unimpeded access were provided for all beneficiaries. Functional bathrooms were also provided for the beneficiaries in all units.

Wards B and C accommodate 78 persons, divided in 4 units. These are persons with severe and most severe disabilities and combined disabilities, who are looked after by 4 care assistants or, on average, each care assistant looks after 20 persons. The persons accommodated in these units have severe and deep disabilities. Most of them have a hyperactive and etheric behaviour, while some of them have aggressive and autoaggressive behaviour (characteristics which require special attention and a larger staff in order to organise any outdoor activity with them, even if it is only a walk).

In the winter period, these activities are almost impossible. In spring and summer, when the weather conditions permit it, some of these persons move by themselves within the Institution, whereas others go outside in the yard of the Institution accompanied by a care assistant and a defectologist. It goes without saying that every resident should have certain activities at least once a week which will be planned ahead and adapted to their capabilities and needs; however, due to the lack of professional staff, efforts are made to increase as much as possible the number of residents included in any activity.

Concerning the healthcare of residents at the institution, in 2020 the Demir Kapija Special Institute concluded a contract with a neuropsychiatrist, who visits regularly twice a month and is available at any time, which means that, if needed, he comes and conducts additional examinations and administers therapy. Furthermore, in 2020, in addition to these healthcare services, the residents also got a personal dentist and a personal gynaecologist. The dental services are provided in the New Facility Ward, where there is dental equipment, while gynaecological examinations are conducted by the personal gynaecologist in their office.

The residents accommodated at the institution and in the housing units for supported living are persons with severe and deep intellectual disabilities and combined disabilities and, considering their disabilities, are immobile or semi-mobile and are most often on a milk diet, due to which they are prone to anaemia and frequent deterioration of their health. That is why regular medical examinations are conducted at least once a year, which include a blood test and an examination by a personal doctor. If anaemia or other changes in the health condition are diagnosed, a therapy is administered and an effective nutritional intervention is prescribed, which is documented in the regular daily records by the nurses. Concerning blood transfusion, it is given on the orders of a haematologist to persons who have been diagnosed with other diseases (such as acute leukaemia).

In the forthcoming period we will continue our engagement and resources with the aim to protect spreading the corona virus among patients and personnel.