



## **Report**

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

**from 7 to 9 December 2020**

The Government of North Macedonia has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2021) 19.

Strasbourg, 29 July 2021

**CONTENTS**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>3</b>
<b>A.</b>	<b>The visit, the report and follow-up .....</b>	<b>3</b>
<b>B.</b>	<b>Context of the visit and consultations held by the delegation .....</b>	<b>3</b>
<b>II.</b>	<b>FACTS FOUND DURING THE VISIT AND ACTION PROPOSED.....</b>	<b>7</b>
<b>A.</b>	<b>Prison establishments .....</b>	<b>7</b>
1.	Preliminary remarks .....	7
2.	Ill-treatment.....	8
3.	Staffing.....	9
4.	Conditions of detention.....	12
a.	Idrizovo Prison.....	12
b.	Skopje Prison .....	13
c.	food .....	14
d.	regime of activities .....	14
5.	Health-care services .....	15
6.	Other issues .....	17
<b>B.</b>	<b>Law enforcement agencies .....</b>	<b>19</b>
1.	Ill-treatment.....	19
2.	Safeguards against ill-treatment.....	21
3.	Conditions of detention.....	21
<b>C.</b>	<b>Concluding remarks .....</b>	<b>22</b>

## **I. INTRODUCTION**

### **A. The visit, the report and follow-up**

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to North Macedonia from 7 to 9 December 2020. The visit was considered by the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention).

The primary objective of the visit was to look into the conditions of detention and treatment of persons held in Idrizovo Prison and in the remand section of Skopje Prison. The CPT has repeatedly criticised the situation in these establishments and in its most recent 2019 periodic visit, the Committee had found the treatment of prisoners in certain wings of Idrizovo Prison could be described as amounting to inhuman and degrading treatment.

The CPT’s delegation also visited the Police Stations of Bit Pazar, Gazi Baba, Karpoš and Kisela Voda in Skopje.

2. The visit was carried out by the two members of the Committee: Mykola Gnatovskyy, President of the CPT, and Slava Novak. They were supported by Hugh Chetwynd, Head of Division and Christian Loda of the Committee's Secretariat and assisted by Olivera Vulić, psychiatrist and prison health consultant from Montenegro (expert).

3. The report on the visit was adopted by the CPT at its 104<sup>th</sup> meeting, held from 1 to 5 March 2021, and transmitted to the authorities of North Macedonia on 9 March 2021. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests the authorities from North Macedonia to provide within three months a response containing a full account of action taken by them to implement the Committee’s recommendations and replies to the comments and requests for information formulated in this report.

### **B. Context of the visit and consultations held by the delegation**

4. In the period since its 2006 visit to North Macedonia, the CPT has in each of its subsequent seven visits<sup>1</sup> highlighted numerous fundamental shortcomings regarding the treatment and conditions of detention of persons held in prison establishments and, in particular, at Idrizovo Prison. The Committee has engaged throughout the intervening period in a patient and constructive dialogue with the authorities, taking into account the specific challenges faced by the country. Regrettably, the findings of the 2019 visit demonstrated clearly that there had been a lack of action to improve the treatment of persons held in prisons.

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<sup>1</sup> See the [CPT reports and Government responses](#) on these visits.

For these reasons, the CPT decided at its 101<sup>st</sup> meeting (from 2 to 6 March 2020), to open the procedure under Article 10, paragraph 2, of the Convention.<sup>2</sup> At its subsequent meetings in July and November 2020 and of March 2021, the Committee decided to keep open the procedure.

5. In the CPT's report on the December 2019 visit, which was adopted at its 102<sup>nd</sup> plenary meeting (from 30 June to 3 July 2020), the Committee laid out the necessity for the authorities of North Macedonia to address, in a comprehensive manner, both the glaring deficiencies in living conditions identified, notably at Idrizovo Prison, and the need to establish a professional prison service capable of managing a modern prison. To this end, the CPT laid out certain benchmarks of verifiable progress that it wished to observe. This "Roadmap" is set out clearly in paragraph 8 of the report on the 2019 visit, and reproduced below:

i. at Idrizovo Prison:

- to provide safe and appropriate conditions of detention for all inmates accommodated in the closed-regime units and *Ambulanta*, pending the completion of the reconstruction programme of the establishment funded by the Council of Europe Development Bank (CEB);
- to introduce a clear system of accountability for corrupt activities of staff to be achieved through measures such as the systematic screening of all persons entering and leaving the prison, introduction of an effective complaints system, and the application of appropriate sanctions whenever corrupt practices are exposed. Further, the results of the investigation carried out by the Special Prosecutor's Office on Anti-Corruption and Organized Crime should also be communicated to the Committee;

ii. at Idrizovo and Skopje Prisons:

- to increase the staffing complements of properly trained prison officers in order to ensure effective control of the establishments and the ability to offer an appropriate regime to prisoners;

iii. in respect of all prisons:

- to establish a functioning prison management system consisting of a clear chain of command between the Directorate for the Enforcement of Sanctions (DES) and prison directors, clear management path (in terms of career development, job security and planning), including transparency in the appointment of prison directors;
- to provide all prison staff with a comprehensive induction training programme and to offer in-service training activities to maintain/upgrade their skills. Such training should be delivered by the fully operational Prison Staff Training Centre at Idrizovo;
- to significantly improve the regime of sentenced and remand prisoners by providing them with a range of purposeful activities. The aim must be to enable all prisoners to spend a reasonable part of the day outside their cells, in line with long-standing recommendations made by the CPT and to recruit additional educators;

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<sup>2</sup> Article 10, paragraph 2, reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter".

- to ensure the full, unconditional, responsible engagement of the Ministry of Health in the provision of healthcare to prisoners. In particular, this should include a general assessment of the needs of the inmate population, an increase of health-care staffing levels, the refurbishment of prison health-care units, the provision of adequate training to health-care staff and the putting in place of comprehensive and periodic quality control of the provision of health-care by the Ministry of Health.

6. The conditions of detention in prisons is linked to the state of the prison infrastructure. In this respect, the CPT has followed with close interest the evolution of the comprehensive 2010 prison reconstruction project financed by a 46 million Euro loan by the CEB and an 8 million Euro contribution by the State of North Macedonia. The implementation of the project has been frequently delayed over the years. Moreover, the CPT has been struck by the lack of action on the part of the authorities of North Macedonia to tackle the inhuman and degrading conditions in much of Idrizovo Prison (*Ambulanta, škola*, wings 2, 5 and 8 of the closed section). Instead, building priority at Idrizovo Prison was accorded to the construction of new large semi-open and open units, which remain half empty as an insufficient number of prisoners qualify for placement in them.

It was only in 2020, following consultations between the CEB and the authorities of North Macedonia, with input from the CPT, that a re-prioritisation of Stage 2 of the 2010 reconstruction project was agreed upon. Stage 2 will now include the construction of a closed-regime accommodation unit for a capacity of 476 places (including a 74-bed health-care unit<sup>3</sup>), as well as a pre-trial detention unit with a capacity of 412 places. These new accommodation units will not become operational before 2025, which means that certain interim measures will have to be taken to ensure that accommodation units whose conditions may amount to inhuman and degrading treatment are no longer used to hold prisoners.

7. Over and above the necessity to upgrade the prison estate, the CPT has repeatedly stressed the importance of developing a professional prison service. The key to ensuring a safe and secure environment in prison as well as in providing the necessary conditions for the rehabilitation of prisoners and their re-integration into the community lies with the people who staff and manage prisons. Prisons have to have adequate numbers of trained staff who are provided with stable and secure working conditions and supported in their daily tasks by competent managers. Moreover, there must be a system of accountability for misconduct and corrupt activities.

Regrettably, these prerequisites have been neglected for far too long. This means that any improvements in the material conditions are rapidly undermined by the poor management of the establishments, as the Committee has witnessed first-hand over the years at both Idrizovo and Skopje Prisons. Most glaringly, the prison service of North Macedonia still does not have a permanent corps of appropriately qualified senior prisoner managers with a defined career path, job security and a clearly established hierarchy. The appointment of prison directors and their deputies based upon their political affiliation continues to undermine the development of a professional management approach in prisons. Worse, it also promotes the underlying corruption and competing allegiances that has been a feature of Idrizovo Prison in particular.

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<sup>3</sup> The accommodation unit for sentenced prisoners should also include an admission and a prison health-care unit with a capacity of 74 places each, a closed-regime detention unit of a capacity of 280 places, a special-regime unit of a capacity of 68 places as well as pathways and outdoor exercise facilities.

8. The changes demanded by the CPT cannot be achieved overnight which is why the CPT had recommended as long ago as 2006 that a strategic plan for the recovery of the prison system be produced. In particular, it stated that the following areas should be covered:

- the mission of prisons and the values to which prison staff will work;
- the size of the prison estate and the range of the prison types that it will include;
- the range of activities that will be provided and the amount of access that persons detained, including those on remand, will have to them;
- the human resource requirement needed to run the prisons professionally, giving competence profiles for the key roles;
- financial projections over a 5 to 10-year period, showing how the planned provision will be met within the resource levels available.

While the Directorate for the Enforcement of Sanctions (DES) within the Ministry of Justice has produced several strategies, they have not addressed the key questions outlined above. Moreover, the strategies appear to be more indicative of an appearance of action rather than oriented towards tackling the most pressing problems. It is telling that the new strategy for the period 2021 to 2025 has been drawn up without an evaluation of the reasons for the lack of implementation of many elements of the previous strategy, including the non-implementation of the standards laid down in the 2006 Law on Execution of Sanctions.

9. The authorities of North Macedonia must now take concerted action to eliminate those practices and conditions of detention which may amount to inhuman and degrading treatment in prisons. In parallel, greater efforts need to be invested to develop a professional approach towards the management of prisons and to ensure that staff are both adequately trained and sufficient in numbers to carry out the tasks required of them by law. This report, read in conjunction with the report on the 2019 visit, should serve as a roadmap for the ongoing reform process.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Prison establishments

#### 1. Preliminary remarks

10. At the time of the visit, a total of 2,244<sup>4</sup> persons were being held in prison (i.e. a prison population rate of 105 per 100,000 inhabitants) for an overall capacity of 2,805 places. In the period since the December 2020, Bitola Prison had been re-opened following its entire renovation and Tetovo Correctional Institution had finally opened while certain sections of Idrizovo Prison had been closed. Further, a solution has reportedly been found to the longstanding problem of the supply of water to Kumanovo Prison (through the procurement of an hydrophore pump) and investments had been made to upgrade the infrastructure and equipment at Gevgelija, Strumica, Prilep and Štip Prisons.

11. As in all Council of Europe member States, the COVID-19 pandemic has had an impact on the prisons. All new admissions to prison were placed in quarantine for 14 days in dedicated wards. All prison staff had to wear face masks whereas prisoners were only provided with masks for when they were escorted outside the prison perimeter. All persons entering a prison had their temperature taken. Some visits had continued with physical distancing and measures were taken to provide video calls with families using tablets donated by the German Embassy. **The CPT recalls the importance of ensuring that all prison staff and prisoners are provided with sufficient quantities of face masks and that they be systematically worn.**

12. On 15 November 2020, the Ministry of Justice of North Macedonia informed the CPT of several measures taken following the Committee's 2019 visit. These included the internal restructuring of the DES and the opening up of competitions for key posts such as the director of DES and the directors of Idrizovo and Skopje Prisons. In theory, appointees to these posts would all possess the minimum qualifications and experience laid down in the 2019 Law on Executions of Sanctions (LES).

Further, a series of bylaws related to the 2019 LES had been adopted in the course of 2020 notably in relation to the house rules for remand and sentenced prisoners, individual treatment of sentenced prisoners, disciplinary sanctions, minimum requirements for food served in prisons and minimum requirements for the newly recruited prison staff (see paragraphs 19, 33, 35 and 45).

A new "National Strategy on the Development of the Penitentiary System in North Macedonia 2021-2025" was also being drafted, which should include certain strategic goals set out in the "Road Map" outlined in paragraph 5 above.

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<sup>4</sup> Of these, 217 were on remand, 61 were women and 17 were juvenile offenders (13 at the new Tetovo Correctional Institution and four in Ohrid Prison).

13. At the time of the December 2020 visit, Idrizovo Prison accommodated 966 sentenced adult men and 54 sentenced women for an official capacity of 1,372 places. Although this represents a reduction of 172 inmates since the December 2019 periodic visit, many of the wards in the closed section remained overcrowded as did the old semi-open unit and the *Ambulanta*. At the same time, the new semi-open and open units were not operating at capacity.

The remand section of Skopje Prison held 206 men and seven women on five wings (A, B, C, D, G) at the time of the visit. In addition, the prison held 118 sentenced men, the vast majority of whom were accommodated in the semi-open regime unit located in a separate building outside the perimeter wall. The establishment's official capacity was reportedly of 438 places. The CPT's delegation focussed on the treatment of remand prisoners as well as sentenced prisoners subject to the closed regime.

The delegation considers that the purported official capacity of each prison does not reflect the actual capacity based upon 4m<sup>2</sup> of living space per prisoner in multiple occupancy cells. For example, at Idrizovo Prison, the capacity had not been revised between 2019 and 2020 despite the closure of three large accommodation wings. **The CPT recommends that the official capacity of each prison be calculated based upon 4m<sup>2</sup> of living space per prisoner in multiple occupancy cells and 6m<sup>2</sup> in single occupancy cells, excluding the sanitary annexe. The Committee would like to receive a copy of the revised capacity for each prison.**

## 2. Ill-treatment

14. The vast majority of prisoners with whom the CPT's delegation spoke stated that they had been treated correctly by staff. A few allegations of verbal abuse were received at both prisons.

In their response to the report on the 2019 visit, the authorities of North Macedonia refer to different training activities being conducted on the use of force and means of restraint for prison staff (both in-service and newly recruited). Reference is also made to the increased oversight by management in the review of all reported use of force by staff as an additional measure to counter possible malpractice by custodial staff.

**The CPT recommends that the management at both prisons continue to exercise vigilance in monitoring and sanctioning any ill-treatment of prisoners by staff.**

15. Inter-prisoner violence and intimidation appeared to have decreased at Skopje Prison in the year since the 2019 visit. Prisoners and staff at Skopje Prison confirmed that a more attentive cell allocation policy of newly admitted prisoners had resulted in fewer incidents. As regards Idrizovo Prison, the closure of wings 2, 5 and 8, where high levels of inter-prisoner violence and intimidation were recorded in the course of the 2019 periodic visit, combined with the conditions imposed by the pandemic appear to underlie the fact that inter-prisoner intimidation was less apparent at the time of the visit. The Committee also takes note of the commitment by the prison authorities to promptly inform the competent prosecutorial authorities whenever incidents of inter-prisoner violence resulting in serious bodily injuries of inmates occurred. That said, no national or individual prison strategy has been implemented to date to combat inter-prisoner violence as recommended by the CPT in its previous visit reports.



Part of such a strategy will have to include investing far more resources in recruiting additional staff and promoting their professionalism in terms of targeted training activities, the presence of staff within the closed regime units whenever the cells are unlocked, the extension of CCTV coverage within common spaces and the offer of a wide range of purposeful activities at Idrizovo and Skopje Prisons. Further, a proper cell share risk assessment should be undertaken upon the admission of every prisoner to identify incompatible categories of prisoners. Staff should be able to identify perpetrators of violent acts against other prisoners and to recognise when vulnerable prisoners might be seeking help through actions that are contrary to the internal prison rules.

The Committee notes that the new National Strategy for Prisons for 2021-2025 encompasses several elements, such as an increased number of prison officers and training in dynamic security, which could contribute to combating inter-prisoner violence. However, there is nothing in the National Strategy about the allocation of prisoners to different accommodation units based on a risk and needs assessment, about the treatment of vulnerable prisoners, the recording of injuries and the prosecution of perpetrators of violence in prison.

**The CPT again calls upon the authorities of North Macedonia to draw up and diligently implement a strategy to combat inter-prisoner violence and intimidation, notably at Idrizovo and Skopje Prisons, taking into account the above remarks.**

### 3. Staffing

16. The CPT has repeatedly emphasised the critical role that prison staff play in ensuring that a prison is able to meet its goal of holding prisoners in a secure and safe environment, and providing support to them in preparation of reintegrating into the outside community. To achieve this difficult task, not only must there be a sufficient number of staff, both prison officers and educators, but they must also be provided with the necessary support and the appropriate knowledge and skills to carry out their tasks.

Moreover, any attempt to reform the prison system in North Macedonia is undermined by the lack of development of a professional management approach. Despite repeated recommendations dating back to 2006, there is still no career development, no job security and no planning among the senior prison managers. Prison directors and their deputies are not generally appointed to their posts on the basis of their competence, nor are prison directors provided with the necessary management training to ensure that they are able to run their prisons effectively and plan for the future.

17. In the course of 2020, the DES was restructured to improve its efficiency and reflect the increasing importance of staff training and the probation service. As regards the competitions for the Director of DES and several prison directors, the Committee notes that the 2019 LES allows for the possibility, during a two-year transitional phase, for the minimum requirements of relevant experience in the enforcement of sanctions for DES Director (seven years) and for prison directors (four years) to be waived.<sup>5</sup> At the same time, no information was provided as to the specific management courses to be provided to directors, deputy directors and other senior managers in prisons. Further, there was still no clarity as to whether prison deputy directors would continue to be appointed from outside the prison system and, *de facto*, have a separate reporting hierarchy based more upon political affiliation.

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<sup>5</sup> See Article 28, paragraph 6, and Article 30, paragraph 6, of the LES.

Measures should be taken to ensure that each director (and deputy-director) is carefully selected for his or her ability to carry out “what is one of the most complex tasks in public service”,<sup>6</sup> which includes bringing a sense of purpose, leadership and vision to the post. Further, for the coherency of the management of prisons the CPT repeats that there should be a clearly defined hierarchical relationship between the prison directors and the Director of the DES as well as between prison directors, deputy directors and other senior managers within a prison establishment.

**The CPT once again calls upon the authorities of North Macedonia to introduce a professional management career path within the prison system and to ensure that prison directors and senior managers are recruited and given security of employment subject to satisfactory performance and are provided with relevant management training to enable them to fulfil their tasks competently.**

**Further, the CPT reiterates its recommendation that the hierarchical relationship between prison directors and the Director of DES as well as between prison directors and the deputy directors and other senior managers within a prison be clearly defined, in the light of the above remarks. It would also like to be informed of the outcome of the competitions for the posts of director and deputy director, notably in respect of Idrizovo and Skopje Prisons, and to be informed of their terms of office.**

18. On a positive note, the decision to award prison staff a 30 percent salary increase as well as additional pension entitlements is a recognition of the challenging work carried out by prison officers and should contribute to attracting and retaining qualified candidates to work in prisons.

Further, the number of custodial officers working at Idrizovo Prison had been increased by 16 bringing the total to 224 for a prisoner population of around 1,000, while at Skopje Prison, 22 new officers had been recruited raising the complement to 123 for a mixed remand and sentenced prisoner population of around 350. Further, the 2021 budget envisaged the recruitment of additional custodial officers and educators, with Idrizovo Prison expected to receive another 27 officers. Ensuring that there are sufficient custodial officers within the detention areas to guarantee security and to support prisoners is essential. Within the remand section of Skopje Prison, the increase in the number of officers per daytime shift from 17 to 23 had a visible impact. On the other hand, at Idrizovo Prison, the CPT’s delegation noted there were still only three to four prison officers present in the closed regime building which accommodated 321 prisoners on six locked wings.

**The CPT reiterates its recommendation that prison officer levels at Idrizovo Prison be urgently reviewed to ensure that staff are in a position to maintain effective control in the establishment (notably the closed-regime building), to guarantee a secure environment for themselves and prisoners alike and to provide a regime of activities for prisoners.**

**Further, the CPT would like to be informed of the criteria used to determine the prison officer staffing levels for each establishment, on the understanding that greater numbers of officers are required for closed regime units than for semi-open or open units.**

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<sup>6</sup> See Commentary to Rule 84 of the [2006 European Prisons Rules \(as revised on 1 July 2020\)](#).

19. In the course of 2020, the authorities of North Macedonia provided the CPT with information on the various induction and in-service training activities organised for staff. Further, the newly adopted rulebooks on the minimum requirements for recruitment and the continuous assessment of prison officers place an emphasis on initial and continuous training. That said, the Prison Staff Training Centre at Idrizovo Prison continued to have no permanent staff and was still not being used to provide accredited initial and ongoing training on a systematic basis. According to the “2021-2025 National Strategy”, the Centre will now become fully operational by the end of 2021.

**The CPT reiterates its recommendation that the authorities of North Macedonia take steps to establish a multi-year programme of initial and ongoing training activities for prison staff using the facilities of the Prison Staff Training Centre. Further, such a programme should be overseen by one or more permanent staff training managers based at the Prison Staff Training Centre.**

20. The delegation once again received numerous allegations from inmates accommodated in all wings of the main accommodation building that *everything* was available for purchase, including home leaves, the possibility of obtaining a reclassification and better cell placement, and that each item bore a specific price tag within the prison. The acting Director of Idrizovo Prison informed the CPT’s delegation that his efforts to introduce systematic security checks on all prison staff entering the establishment and to decree that all staff only use the main entrance when accessing the detention areas had been met with resistance by senior staff members. Further, the CPT’s delegation took note of the intention of the acting Director to enforce systematic checks of all vehicles entering the prison perimeter contrary to the current practice.

**The CPT again calls upon the authorities of North Macedonia to step up their efforts to combat the phenomenon of corruption and favouritism through prevention, education and the application of appropriate sanctions. In this context, prison staff should receive the clear message that obtaining or demanding advantages from prisoners is not acceptable; this message should not only be reiterated in an appropriate manner at suitable intervals but form part of the core training programme. Each prison should establish a defined programme to tackle corruption, which must be preceded by an analysis of the factors driving it.**

**Further, the screening of all persons entering and leaving a prison establishment should be improved with a dedicated team of officers responsible for such screening.**

**The CPT would like to be informed of the measures that have been taken at Idrizovo Prison to tackle the endemic corruption.**

#### 4. Conditions of detention

##### a. Idrizovo Prison

21. The new open and semi-open regime units as well as the separate female unit offered in general terms acceptable conditions of detention in terms of living space, state of repair of furniture and equipment, hygienic conditions in sanitary facilities. That said, these new units were already showing signs of wear and tear and a lack of maintenance (i.e. missing light bulbs, broken furniture in some cells and malfunctioning floor heating).

With the definitive closure of the old building in which wings 2, 5 and 8 had been located, the main closed regime building now accommodated 321 prisoners in six wings and another 43 prisoners in three smaller units on the ground floor. The conditions of detention in these wings varied from good in the privileged life-sentenced wing 9, which accommodated only 25 prisoners, to poor in the other five wings which accommodated between 53 and 75 prisoners each. The delegation noted that the often-overcrowded cells contained dilapidated furniture and sanitary facilities, dangerous wiring and, in some cells, were infested with cockroaches and bed bugs. Complaints about intermittent access to hot water were also heard. Further, there was still no official cell allocation system in place and cells of 9m<sup>2</sup> could hold as many as five prisoners; in a few cases, two inmates had to share the same bed.

22. The conditions in the two-storey Ambulanta remained squalid and decrepit as well as overcrowded.<sup>7</sup> The cells were in an extreme state of dilapidation (i.e. dirty crumbling walls, holes in the floor and ceiling, dangerous improvised electrical wiring, missing light bulbs, infested with cockroaches and bed bugs, filthy mattresses, an absence of bedding and basic furniture) and the sanitary facilities were in an appalling state (floor level toilets emitting a foul stench, dripping taps and water installations, flooded floors, broken shower batteries). Further, the cells were poorly heated (16 degrees Celsius) and had high levels of humidity (60%).

The CPT's delegation was surprised to find that the so-called old semi-open unit, which should have been demolished in the course of 2018 was still functioning. The self-contained unit, located within the fenced-off disused area inside the prison grounds next to the crumbling ruins of the former workshops and admission unit, consisted of single storey building on three sides of a large open square and was encircled by a wall. At the time of the visit, there were 91 prisoners accommodated in 14 rooms, several of which were severely overcrowded - for example, 16 persons in 32m<sup>2</sup>. The rooms were in a state of advanced dilapidation (crumbling walls, broken window frames and furniture, dangerous improvised electric wiring, holes in the floor and ceiling) and squalid hygiene (vermin infestation, piles of uncollected garbage in cells and water penetration). The communal sanitary facilities were in a deplorable state with the floor level toilets emitting a foul stench and covered in faeces, dripping taps and water installations, flooded floors and no functioning artificial lighting. Further, there was only one partly operating shower for all the prisoners but with no access to hot water. Moreover, the placement of the prisoners in this unit was not clear to the delegation but there was a clear sense of these prisoners having been abandoned by the prison authorities.

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<sup>7</sup> The unit contained 15 cells of approximately 16m<sup>2</sup> each and was accommodating 104 prisoners.

The conditions within this unit as well as those within the *Ambulanta* could certainly be described as inhuman and degrading.

23. The authorities of North Macedonia must fully address the shortcomings outlined in respect of the material conditions at Idrizovo Prison by providing the necessary resources required to maintain decent conditions, through developing a professional management and supervision approach, recruiting and training adequate numbers of prison staff and pursuing efforts to avoid overcrowding.

**In the immediate future, the CPT calls upon the authorities of North Macedonia to take the following steps at Idrizovo Prison to:**

- **devise a phased programme to reduce the occupancy levels in multiple-occupancy cells (notably in wings 1, 3, 4, 6 and 7 of the closed section) to ensure each prisoner is offered a minimum of 4m<sup>2</sup> of living space each, excluding the sanitary facilities;**
- **render the conditions in the closed section (notably, wings 1, 3, 4, 6 and 7) safe and hygienic through repairing the sanitary facilities, providing sufficient detergent and hygienic products, instituting a preventive health-care programme that emphasises cleanliness, replacing decrepit mattresses, providing clean bedding, eradicating the infestation of cockroaches and other vermin, replacing broken window panes and repairing the floors and roofs, ensuring adequate heating and artificial lighting in all living areas, etc.**
- **fix the dangerous and improvised electric wiring in cells of the closed section and *Ambulanta***
- **ensure that every prisoner is provided with his own bed;**
- **adopt a rolling programme for the complete refurbishment and maintenance of the building of the so-called *Ambulanta*, pending the construction of the 74-bed health-care unit as a matter of urgency;**
- **ensure the regular maintenance of the artificial lighting and the heating system in the new semi-open and open-regime detention units.**

**The CPT also urges the authorities of North Macedonia to take immediate steps to close down the old semi-open unit and to transfer all the prisoners held there to the new semi-open regime detention unit.**

b. Skopje Prison

24. At the time of the 2020 visit, wing B had been completely refurbished and works were ongoing to upgrade the cells in other wings.<sup>8</sup> Further, the roof of the establishment had been repaired, new mattresses distributed to prisoners and a new lighting system in the courtyards had been installed. In addition, a new gas-operating heating system was being installed at the time of the visit.

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<sup>8</sup> Cells in wings C, D and G were being painted, the cell floors repaired and the sanitary annexes upgraded.

As has been described in previous CPT visit reports, the unrenovated cells offered extremely poor living conditions (i.e. flaky and crumbled walls, limited access to natural light, poor ventilation, no personal lockers, an absence of functioning call-bells). The supply of detergent and personal hygienic products remained insufficient and no toilet paper or soap was given out to prisoners. Further, cells facing north in wings D and G had high levels of humidity (up to 75%) and the walls were impregnated with mould. Cells were still not fitted with electrical sockets.

**The CPT recommends that the authorities of North Macedonia pursue the rolling programme of maintenance and refurbishment of all cells in Skopje Prison to address the shortcomings highlighted above. In addition, prisoners should be provided with appropriate quantities of hygiene products, including toilet paper and soap, and steps should be taken to fit cells with electrical sockets.**

c. food

25. At Idrizovo Prison, despite the opening of a new kitchen, prisoners continued to complain about the lack of variation in the menu, an absence of fresh vegetables and fruits and no account being taken of the dietary needs of prisoners. A check of the food served on the day of the visit did not appear to conform with the menu; the delegation observed, for example, no meat in the portions distributed. Further, food was distributed only once a day with the hot meal supplemented by bread and paté for dinner and breakfast.

**The CPT calls upon the national authorities to ensure that:**

- **all meals provided to inmates correspond to the minimum legal norms provided for in the national legislation (Section 161 of the LES) and that the dietary requirements of prisoners with specific needs are duly respected;**
- **an oversight system for the quality and quantity of the food is put in place;**
- **the kitchens are regularly inspected, with a special focus on hygiene standards.**

d. regime of activities

26. The situation regarding the regime of activities at Idrizovo Prison has not changed since the December 2019 visit. Further, it was evident that the COVID-19 pandemic had affected what few activities might have been offered. The CPT's delegation takes note in this respect of the intention of the authorities of North Macedonia to implement Article 173 of the LES tasking the Ministry of Education and Science to organise and finance the education of sentenced prisoners. Further, a number of new educators had been recruited and it was hoped that it would now be possible to assign a dedicated educator to each module.

**The CPT once again calls upon the authorities of North Macedonia to take the necessary measures to ensure that all sentenced prisoners at Idrizovo Prison are offered activities of a purposeful and diverse nature, in order to comply with the basic aims of imprisonment, in line with their individual treatment plans developed in the light of the risk and needs assessment.**

27. At Skopje Prison, the regime on offer still resembled a relic of the past. Remand prisoners continued to remain confined to their cells for more than 23 hours per day with no activity on offer apart from 30-45 minutes per day in one of the two courtyards, which had still not been equipped with any sports equipment. Further, the purchased television sets had still not been distributed due to the absence of electric sockets in cells (see paragraph 24 above). A gym equipped with various weight-lifting machines and exercise bikes had recently been set up for its use by remand prisoners but, in practice, its use was extremely limited and the vast majority of prisoners had not been informed of its existence or that they could access it.

**The CPT calls upon the authorities of North Macedonia to take the necessary steps to provide educational, cultural and sports activities for remand prisoners with a view to enabling them to spend a reasonable part of the day outside their cells. Further, access to the new gym should be offered to all male and female prisoners on an equitable basis and the courtyards should be equipped with exercise and sport facilities (exercise bars, and basketball hoops).**

**The CPT reiterates to the authorities of North Macedonia, for the sixth time, the necessity to abide by the rule of law regarding access to outdoor exercise for prisoners on remand. To this end, it wishes to receive confirmation that all remand prisoners are now offered two hours of outdoor exercise every day, in accordance with the Code of Criminal Procedure.**

## **5. Health-care services**

28. The challenges facing health care in prisons are enormous including a woeful lack of staff, inadequate screening of new arrivals in prison (which has consequences both for the prevention of ill-treatment and public health), inadequate dental and psychiatric care and poor drug treatment practices. Tackling these challenges should be a priority of the Ministry of Health together with the Ministry of Justice and represents a key component of the reforms that the CPT deems as necessary for the proper functioning of the prison system.

The CPT is well aware of the difficulties in recruiting additional health-care staff to work in Skopje and Idrizovo Prisons due to a mixture of a lack of financial incentives, a perceived stigma of working in prisons and national regulations barring the recruitment of young specializing health-care staff in prison. This state of affairs was confirmed by the Head of the Skopje Public Health-Care Centre (PHCC) who is responsible for health-care personnel attached to Skopje and Idrizovo Prisons. In discussion with the Head of the Skopje PHCC, it became apparent to the CPT's delegation that to resolve these issues, there is a need to establish a central department at the level of the Agency for Public Health Administration charged with the co-ordination of prison health-care.

29. As regards staffing levels at Skopje and Idrizovo Prisons, the situation had not evolved since the December 2019 visit: at Skopje Prison, two full-time equivalent (FTE) general practitioners (GPs), one dentist and two nurses and, at Idrizovo Prison, one FTE GP, one FTE dentist, three nurses and one visiting psychiatrist (twice a week). Several attempts to increase the staffing complements at these two prison establishments have failed in the past year due to the lack of incentives.

30. In terms of the implementation of the series of recommendations outlined by the CPT in its report on the 2019 periodic visit, the delegation took positive note that a review of all prisoners affected by a mental disorder at Idrizovo Prison had been undertaken and that their medication had been reviewed by the new visiting psychiatrist. Further, the confidentiality of medical examinations as well as of prisoners' medical data was in principle respected at both establishments and prisoners' involvement in supporting health care staff at Idrizovo Prison had been almost eliminated. In addition, access to Skopje Clinical Centre and to Bardovci Psychiatric Hospital no longer appeared to be problematic.

31. That said, numerous important longstanding recommendations still need to be implemented, notably as regards:

- the systematic screening for transmissible diseases upon admission of all prisoners, including TB screening and voluntary testing for HIV and hepatitis B/C of all newly arrived prisoners;
- the establishment of a dedicated register on injuries observed on remand prisoners upon admission at Skopje Prison and accurate recording of injuries observed on remand prisoners upon admission (notably as regards their origin, the accurate description of the full account of the facts and the assessment of consistency with the allegations);
- the installation of a system to ensure that prisoners at Idrizovo Prison are able to approach the health-care service on a confidential basis;
- the termination of the involvement of courts in health-care matters regarding remand prisoners;
- the provision of adequate training for all health-care staff assigned to work in prisons;
- the introduction of quality control and certification of prison medical units by the national health-care authorities.

**32. The CPT calls upon the Ministry of Health to take urgent steps to address the above-mentioned longstanding un-implemented measures in relation to its responsibility for the provision of quality health care to prisoners. Further, the Committee also invites the Ministry of Health to consider the possibility of creating a unit at the central level in charge of the coordination of activities of all PHCC in the field of prison health care. This should include the assessment of minimum staffing levels at each prison establishments, an incentive plan for the recruitment of health-care staff (i.e. GPs and nurses) as well as the certification of health-care premises in prison.**



## 6. Other issues

33. The CPT has noted that a new Rulebook on the conduct of disciplinary proceedings which provides *inter alia* for the right to appeal, the right to a lawyer for serious disciplinary offences and the possibility of interpretation services for prisoners who require it. It looks forward to seeing the practical application of the disciplinary procedures in due course. That said, despite the specific provision of Article 173 of the LES relieving prison doctors of the obligation of issuing “fit for punishment” certificates in respect of prisoners serving a disciplinary sanction of solitary confinement, health-care staff were still being requested to do so by the prison management.

**The CPT recommends that Article 173 of the LES be applied forthwith and doctors no longer requested by prison management to issue “fit for punishment” certificates. Further, the CPT would like to receive confirmation that the six solitary confinement cells at Idrizovo Prison will remain out of service until such time as they have been renovated.**

34. Regrettably, as regards the practice of fixating remand prisoners to a bed with cloth-straps, not only does its use continue in prison but it is still not surrounded by the appropriate safeguards. For example, a remand prisoner admitted to Skopje Prison on 21 September 2020 with clear suicidal tendencies had been fixated to a bed in a cell in wing C equipped with CCTV for 10 days upon the decision of the GP/psychiatrist on duty. The relevant register showed that he had been released in order to eat and to access the sanitary annex although he was adamant that this was not the case. That said, there was no constant physical monitoring of his status and the length of the measure was excessive.

With reference to paragraphs 98 and 99 of the report on the 2019 visit, **the CPT calls upon the authorities of North Macedonia to end the current practice of resort to the mechanical fixation of inmates at Skopje Prison and in all other prison establishments.**

35. The visiting arrangements for prisoners at both prison establishments remained the same as those described in the report on the 2019 periodic visit.<sup>9</sup> The new Rulebooks on House Rules for the execution of pre-trial and sentenced detention had not increased the visiting entitlements to one hour of visit per week for both categories of prisoner as recommended by the CPT. Further, the visiting arrangements for remand prisoners at Skopje Prison remained totally unsuitable and the children of prisoners were still not permitted, as a rule, to visit their parents.

As regards access to telephone, the telephones in the closed-regime section of Idrizovo Prison had not been repaired, which helped fuel the trade in illegal mobile phones as prisoners had little alternative if they wanted to contact their families. At Skopje Prison, access to telephone for remand prisoners continued to be overly restrictive as each request was subject to the authorisation of the respective investigative judge.

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<sup>9</sup> I.e. two visits per month in open conditions of one hour with close relatives for sentenced prisoners classified under closed and semi-open regime and for remand prisoners consisted of visits in closed conditions of a duration of 30 to 60 minutes subject to the approval of the competent investigative judge. .

**The CPT once again calls upon the authorities of North Macedonia to review the arrangements for visits in all prisons with a view to:**

- **increasing the amount of visiting time offered to both remand and sentenced prisoners to at least one hour every week;**
- **ensuring that prisoners and their families can conduct visits with dignity and respect for privacy as far as possible (i.e. with appropriate seating arrangements and in an environment which enables communication without the need to raise voices); both remand and sentenced prisoners should be able to receive visits under reasonably open conditions;**
- **ensuring regular and frequent access to the telephone for both sentenced and remand prisoners; at Idrizovo Prison, this requires action to repair all the telephone booths.**

As regards remand prisoners' access to the telephone, the CPT reiterates that any decision to prohibit or impose restrictions on a given remand prisoner's access to a telephone should be based on a substantiated risk of collusion, intimidation or another illegal activity and be for a specified period; **the Committee recommends that such an approach is applied in North Macedonia.**

In addition, **the CPT reiterates its recommendation that the ban on children visiting their parent(s) at Skopje Prison be lifted. Further, the DES should reiterate to all prison directors and managers that any restrictions on persons visiting a prisoner must be in accordance with the relevant prison regulations and based on an individual risk assessment related directly to visits.**

## **B. Law enforcement agencies**

36. In the course of the 2020 visit, the CPT's delegation also examined the treatment and conditions of detention of persons deprived of their liberty by the police. To this end, it spoke with remand prisoners in Skopje Prison about their recent experience in police custody and it visited the police stations of Bit Pazar, Kisela Voda, Gazi Baba and Karpoš in Skopje.

### **1. Ill-treatment**

37. The CPT notes that apart from a message delivered by the Department of Internal Control and Criminal Investigations (DIC) of the Ministry of Interior on 26 February 2020 to all police stations and organisational units of the Ministry, no other specific actions were taken by the Ministry of the Interior to tackle the concerns raised by the CPT in relation to ill-treatment of detained persons by police officers.

In spite of this "reminder", in the course of the December 2020 visit, the CPT's delegation received numerous allegations of physical ill-treatment from persons deprived of their liberty by the police. The alleged ill-treatment consisted primarily of slaps, punches, kicks and blows with truncheons or other objects (including hand-held electroshock devices and walkie-talkies). As was the case during the December 2019 visit, the alleged ill-treatment occurred in the context of apprehension after a suspect had been brought under control or inside a police establishment for the purpose of apparently extracting a confession. Once again, the allegations of police ill-treatment concerned police officers (including police inspectors) from several parts of the country (i.e. Bitola, Gostivar, Kičevo, Tetovo and Skopje) and also included specialised units such as officers involved in organised crime operations.

38. The following two cases are described for the purpose of illustration:

- i. A remand prisoner met at Skopje Prison alleged that, at the time of his arrest in his house in Bitola on 12 November 2020, after he was lying on the floor with his hands cuffed behind his back, he had been subjected to slaps, punches and blows with truncheons to his body by a group of police officers. Further, he alleged that one police officer deliberately stamped on his head causing an injury to his right ear. At the time of his medical examination upon his admission at Skopje Prison on 14 November 2020, the prison doctor included the following entry in his medical file: "*He was physically ill-treated by police. Police kicked him to the head, in the region of the right ear. Subjectively, he complains about loss of hearing ability on the right side. Objectively, visible excoriation in the right infraorbital region 1 cm long. Diagnosis: perforation of the left tympanic membrane*". The person was referred to the Ear, Nose, Throat Clinic on 16 November 2020 which confirmed the diagnosis of traumatic perforation of the left tympanic membrane.

- ii. Another remand prisoner at Skopje Prison alleged that, on 9 September 2020, he had been punched and slapped on his face by an inspector in an office of Karpoš Police Station in Skopje to get him to confess to several offences. The document “minutes on the detention of an arrested person” drawn up at Karpoš Police Station on 9 September 2020 contained the following entry: “*the detained person displays a visible injury on the left part of his forehead*” but without any reference to its possible origin.

39. In light of the facts found, the CPT considers that the analysis and recommendations contained in paragraphs 17 to 19 of the report on the 2019 visit remain pertinent. The authorities should vigorously explore all means to ensure that the message of zero tolerance of ill-treatment of detained persons reaches law enforcement officials at all levels; they should be made aware, through concrete action, that the government and police hierarchy are resolved to stamp out ill-treatment of persons deprived of their liberty. Combating ill-treatment entails not only the adoption of the appropriate legal norms but also taking the necessary steps to ensure their implementation.

**The CPT reiterates its recommendation that the Ministry of the Interior, at its highest levels, deliver a strong message that the ill-treatment of detained persons is illegal, unprofessional, and will be the subject of appropriate sanctions. This message should be reiterated at appropriate intervals. Further, the relevant authorities should ensure that an investigation is carried out into every allegation of ill-treatment and that senior officers are held accountable for their line-management responsibilities.**

40. At Skopje Prison, the CPT’s delegation reviewed a total of fifteen files of remand prisoners who in the three months prior to the CPT’s visit had alleged physical ill-treatment by the police at the time of their arrest and who had displayed visible injuries at the time of their admission to the establishment. The Director of Skopje Prison had addressed the relevant files, including medical documentation, to the Basic Prosecutors of Skopje, Veles, Kičevo, Kočani, Prilep, Strumica, Bitola for further investigation.<sup>10</sup> **The Committee would like to receive information on the steps taken to investigate each of these cases.**

41. As regards, the existence of effective procedures for examining complaints and other relevant information regarding ill-treatment by the police, the CPT’s delegation was informed that the team of three prosecutors of the Anti-Corruption and Organised Crime Prosecutor attached to the Basic Court of Skopje, responsible for the investigation of crimes allegedly committed by law enforcement officers, had not yet been assigned any independent dedicated investigators.

**The CPT reiterates its recommendation that the authorities of North Macedonia appoint the requisite number of judicial police officers required to support the Anti-Corruption and Organised Crime Prosecutor unit attached to the Basic Court of Skopje.**

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<sup>10</sup> Reference numbers: KO 458/20 at Veles Basic Prosecutor, KO 786/20 at Strumica Basic Prosecutor, KO 520/20 at Kočani Basic Prosecutor, KO 45/17 at the Special Prosecutor for Anti-Corruption and Organized Crime at Skopje Basic Prosecutor, KO 3849/20 at Skopje Basic Prosecutor, KO 3015/20 at Skopje Basic Prosecutor, KO 205/20 at Bitola Basic Prosecutor, KO 1904/20 at Skopje Basic Prosecutor, KO 632/20 at Kičevo Basic Prosecutor, KO 97/20 at Skopje Basic Prosecutor, KO 752/20 at Prilep Basic Prosecutor, KO 91/20 at Skopje Basic Prosecutor, KO 89/20 at Skopje Basic Prosecutor, KO 87/20 at Skopje Basic Prosecutor.

## 2. Safeguards against ill-treatment

42. In terms of the operation of the fundamental safeguards for the prevention of ill-treatment (i.e. notification of a third person of the detention, access to a lawyer and to a doctor and information on rights), the CPT's delegation found that same shortcomings observed during the 2019 visit were in evidence once again. To this end, reference is made to the analysis and recommendations contained in paragraphs 23 to 31 of the report on the 2019 visit.

The adoption of the revised SOPs in 2018 concerning the treatment of persons apprehended and detained by the police represented a step in the right direction. That said, in order to reinforce the practical operation of all fundamental safeguards, the Ministry of the Interior should ensure that all police officers exercise due diligence in applying the SOPs and the relevant legislation in full.

**The CPT reiterates its recommendation that that the Ministry of the Interior takes effective steps to ensure that all detained persons fully enjoy the application in practice of the above-mentioned fundamental safeguards from the outset of their deprivation of liberty.**

## 3. Conditions of detention

43. The conditions of detention in detention cells of the visited police establishments (i.e. Gazi Baba, Bit Pazar and Kisela Voda Police Stations) were adequate in terms of state of repair, hygiene, size and access to natural light and were all equipped with a call bell in compliance with the provisions of the 2012 Rulebook on General Norms and Standards to be met by detention facilities in police stations. That said, several detained persons told the delegation that they had not received food and water for up to 20 hours. Such allegations concerned in particular provincial police station where it appeared that staff was not familiar with Rule 5.4 of the SOP.<sup>11</sup>

**The CPT reiterates its recommendation that all persons detained by the police in North Macedonia be provided with ready access to drinking water and given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day free of charge. Such a provision should not under any circumstances be delayed or denied due to the impossibility of detained persons or their families to purchase food and water. The Ministry of the Interior should provide for a dedicated sum of money in its annual budget for this purpose and the SOPs should be amended in order to provide for the free of charge provision of food and drinking water to detained persons in police custody.**

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<sup>11</sup> Rule 5.4. of the SOP states that persons detained for more than six hours be provided with food, either paid for by the detained persons, by their families or exceptionally by the police.

### C. Concluding remarks

44. At the end of this targeted visit, the CPT's delegation held talks with Prime Minister Zoran Zaev, and the newly appointed Minister of Justice, Bojan Marichikj, as well as with the new Director for the Enforcement of Sanctions, Marjan Spasovski. In these meetings, the President of the CPT conveyed the dismay of the Committee to find itself for a third time in the position of having to qualify the quality of its relationship with North Macedonia as profoundly unsatisfactory.

45. The fundamental structural deficiencies in the prison system have been consistently reiterated since the CPT's report on its 2006 visit. The CPT recognises that certain measures have been taken to upgrade the prison infrastructure. However, they do not appear to have been designed to address the real needs confronting the prison system. The recently opened prison in the countryside outside of Kumanovo and the semi-open and open units at Idrizovo Prison represent such examples. Further, now that the new juvenile correctional institution has finally been opened, careful consideration will need to be given to its best use given the positive trend of imprisoning fewer children.

Moreover, while the three decrepit and crumbling wings in the old building of the closed section of Idrizovo Prison were finally closed down in 2020 following the CPT's December 2019 visit, almost 200 prisoners continue to be held in squalid conditions in the *Ambulanta* and the old semi-open section of this prison. The conditions in the old semi-open unit were particularly galling and, regrettably, the CPT's concern voiced in its 2010 and 2011 visit reports, that the newly "renovated" unit would not be able to withstand the pressure of accommodating more than 100 prisoners in such a confined space, was not heeded.

46. The CPT wishes to reiterate that the authorities of North Macedonia must prioritise the development of a professional management approach in prisons and establish a corps of sufficient numbers of well-trained prison officers as a prerequisite for a modern prison system. Failure to do so will not only result in a worsening of the endemic corruption in prisons but also lead to the new prison buildings coming to symbolise a failure to reform as they too fall into a state of neglect. In addition, urgent steps must be taken to end the anachronistic approach towards the treatment of remand prisoners at Skopje Prison, notably being locked in their cells for 23 hours a day with nothing to do and being denied contacts with their children. The CPT also expects to see concrete progress in the provision of health care in prisons and for the Ministry of Health to take a more strategic approach in its delivery.

47. During his meeting with the CPT's delegation, Prime Minister Zaev recalled his Government's commitment to European values and for the rule of law and protection of human rights to be applied fully in the prison system. The Prime Minister reiterated that the CPT was viewed as an important partner and that every effort would be made to implement the Committee's recommendations. For its part, the CPT is encouraged by such a commitment and will continue to promote a dialogue with the authorities of North Macedonia based upon mutual trust and understanding. Nevertheless, cooperation under Article 3 of the Convention requires concrete action to implement the Committee's many long-standing recommendations as set out in this report. **The CPT calls upon the authorities of North Macedonia to consider carefully the contents of this report and to provide the Committee with a clear roadmap and timetable for the implementation of the measures recommended.**