

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 12 October 2023

The Government of North Macedonia has requested the publication of this response. The CPT's report on the 2023 visit to North Macedonia is set out in document CPT/Inf (2024) 17.

Strasbourg, 04 October 2024

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Law enforcement establishments

In relation to points of the Report, which refer to the action-taking of the Department for Internal Control, Criminal Investigations and Professional Standards - (DICCIPS), in cases where complaints have been submitted about the excessive use of means of coercion by police officers, i.e. where it is indicated that DICCIPS when conducting checks in each specific case should examine the reports on the use of means of coercion made by the heads of police officers who used means of coercion, in a more comprehensive way and be subject to a real independent assessment of the legality, necessity and the proportionality of the use of force; to prevent synchronized and collusive statements by police officers and to apply special investigative actions such as ordering forensic medical examinations of alleged victims, applying special investigative techniques, proactively ordering forensic and crime scene investigations and cross-examination of the potential witnesses and police officers giving synchronized and collusive statements, we report the following:

The competences of the Department for Internal Control, Criminal Investigations and Professional Standards as an organizational unit for the needs of the Ministry are stipulated in Articles 57, 58 and 59 of the Law on Internal Affairs (Official Gazette of the R.M. no. 42/14, 116/14, 33 /15, 5/16, 127/16, 142/16, 190/16, 21/18, 108/19, 275/19, 110/21, 89/22) and Article 8 of the Law on Police (Official Gazette of the R.M. no. 114/06, 6/09, 145/12, 41/14, 33/15, 31/16, 106/16, 120/16, 21/18, 64/18, 294/21, 89/ 22, 148).

When carrying out the work within its competence, the Department acts in accordance with the provisions of the Law on Handling Petitions and Proposals (Official Gazette of the R.M. No. 87/08, 13/13, 156/15 and 193/15) and the Rulebook for Carrying Out Work in the Department for Internal Control, Criminal Investigations and Professional Standards of the Ministry of Interior No. 13.1-36867/1 from 04.06.2007, 14.1-4463/1 from 28.01.2010, 13.1-22021/1 from 30.03.2015, and 13.1.1-61739/1 from 26.07.2018.

Taking into account the legal regulations, internal control represents the undertaking of activities by the employees of the Department when acting on a complaint submitted by a citizen or other entity for the purpose of determining of the allegations presented in it and submitting a proposal for initiating a procedure for violating the work order and discipline, determination of material, professional, misdemeanor or criminal liability of employees in the Ministry, as well as control of compliance with professional standards, monitoring the compliance of standards and procedures for the actions of workers in accordance with legal regulations and monitoring the quality of work.

In the course of its action-taking, the Department for Internal Control, Criminal Investigations and Professional Standards takes an open and non-selective approach to all complaints received against employees of the Ministry. Each case is thoroughly investigated, and whenever it is established that the complaint is well-founded, the subjects are processed and appropriate reports are submitted; that is, procedures for determining responsibility are initiated.

The department carries out the tasks within its competence professionally, competently, and in accordance with the law, respecting the reputation, honor, dignity, and privacy of every citizen and employee in the Ministry and the police.

In order to establish the truth of the allegations presented in a specific complaint, the Department, without exception, inspects data, information, notices, and other documentation and official materials and requests written clarifications about the circumstances relevant to the specific case. Based on a complete analysis of the facts and evidence, it prepares a report on the established factual situation, makes conclusions regarding the allegations presented in the complaint, and notifies the petitioner.

From the above, it can be inferred that the Department as a mechanism for internal control in the work of the Ministry and the Police without exception acts and examines all allegations in the complaint, equally valuing the statements of citizens and police officers provided during their work, without prejudice, bias, solidarity, or a protective attitude towards the police officers, based on a detailed analysis of all the

available facts and evidence that it will obtain during its work, determines the truth of the allegations in the complaint, observing all the legal regulations that regulate manner of action taking and the competences of the Department.

Regarding the allegations for providing CCTV, in any case, DICCIPS provides CCTV recordings after a previously provided order from the BPPO (Basic Public Prosecution Office).

Also, during the procedure, an interview with the presumed victim and with the witnesses, if any, of the case is always conducted.

In accordance with the Law on Criminal Procedure, an order for the application of special investigative measures and forensic examinations is issued by a competent Public Prosecutor, i.e., such measures cannot be undertaken by the DICCIPS on our own.

We also welcome the recommendation of the CPT for the adoption of a common Methodology for conducting investigations into allegations of torture and ill-treatment by the Ministry of Interior, the BPPO for the Prosecution of Organized Crime and Corruption and the Ombudsman.

The department sanctions all established illegal, unprofessional and unethical actions of the employees of the Ministry, thus narrowing the possibility for their repetition and sends a strong message that the professional integrity of the employees is not by chance a strategic determination of the Ministry of Interior.

The Department of Internal Control, Criminal Investigations and Professional Standards of the Ministry of Interior, in regard to the published CPT Report, took additional measures and actions towards ensuring humane treatment by the police officers in the procedures for summoning, detaining, depriving of liberty and retaining of persons and towards consistent compliance with the legislation governing this matter, for which a telegram was made No. 14.2.2-2/2 dated 11.07.2024, and the same has been distributed to the competent organizational units of the Ministry of Interior. Namely, the telegram is addressed to the Department of Uniformed Police, the Department of Criminal Police, the Department of Special Police Operations, the Department for the Protection of Certain Persons and Facilities, the Department for the Suppression of Organized and Serious Crime, all Sectors of Internal Affairs and Regional Centers for Border Affairs.

In addition, the DICCIPS as an organizational unit of the Ministry of Interior responsible for establishing occurrences of illegal, unprofessional and unethical treatment of police officers in the performance of police work, points out on the need for humane treatment by police officers in the treatment of summoned, detained, deprived of liberty and retained persons and for the consistent application of the regulations governing this matter:

- The Law on Criminal Procedure,
- The Law on Police,
- The Rule of Procedure for the Conduct of Police Operations,
- Code of Ethics for Workers in the Ministry of Internal Affairs,
- Code of Police Ethics,
- The standard operating procedure for the treatment of persons whose right to freedom of movement is restricted (detained, deprived of liberty, retained).

At the same time, for the purpose of lawful exercise of police powers, it is indicated that the DICCIPS will monitor and will take appropriate action against any non-compliance.

With regard to the part of the report relating to the recommendations for the training of police officers, training has been conducted for 30 police officers from the Public Security Bureau, who, in cooperation (logistical support) with the advisors for continuous expert physical training of the Sectors of Interior (SIs) and Regional Border Control Centres (RBCC) will carry out continuous training of all police officers (uniformed and criminal police) in the Public Security Bureau of the Ministry of Interior in the following areas:

1. Use of means of coercion (theory and practice): physical force, police baton, means of binding;

2. Defence techniques: self-defence when being attacked with physical force and self-defence when being attacked with tools and objects;
3. Weapon Handling (theory and practice): components and tactical-technical characteristics, administrative loading and discharge, positions and
4. Use of protective equipment: a protective helmet and a protective mask.

The Training Centre, in coordination with the Strategic Planning, Standards and Quality Control Unit (SPSVCU), has developed a training programme for police officers for reception - shift leaders, which covers 3 modules, as follows:

- ethical conduct and respect of human rights in policing;
- deprivation of liberty, detention and use of means of coercion, and
- holding a person and preventing improper treatment.

Three trainings were conducted for police officers-shift leaders in the SIA Skopje, and the training covered the judgment of the European Court of Human Rights in the case of Kitanovski.

In addition, below are activities that the Ministry is considering in order to overcome the generally established conditions, for implementation in the coming period, namely:

Activity/Output 1: By mid-2025, all police officers must have completed training for the use of means of coercion (guidelines, principles, tactics, techniques).

Sub-activities:

- The SPSVCU will deliver a telegram to all SIAs and RBCCs to develop a plan for the implementation of the training,
- Trained trainers in coordination with the Continuous Expert Physical Training Advisors at the SIAs and RBCCs will conduct the training based on a pre-developed plan.

The following entities shall be responsible for its implementation:

- Continuous Expert Physical Training Advisors at the SIAs and RBCCs and trained trainers (30),
- SPSVCU and the Uniformed Police Department (UPD) will monitor the implementation of the measure.

Activity/Output 2: By the end of 2024, all shift-leaders will undergo a two-day training on respecting the procedural rights of persons whose right to freedom of movement is restricted for any reason.

Sub-activities:

- Development of a implementation plan for the training with defined topics and agenda for working with shifter-leaders.

The following entities shall be responsible for the implementation:

- SPSVCU and the Department of Uniformed Police (DUP) will monitor the implementation of the measure, on the basis of previously developed plan for implementation approved by the Director of the Public Security Bureau (PSB).

With respect to the part of the report relating to the recommendations for periodic zero-tolerance messages, management is planning and considering the possibility of the following activity:

Activity/Output: The Director of the PSB, should sign an instructional telegram to be published yearly with an order and instruction prohibiting any form of inhuman humiliation and treatment of persons whose right to freedom of movement is restricted.

Responsible for Enforcement: SPSVCU and the Department of Uniformed Police (DUP) should draft the telegram.

With regard to the section of the report relating to the recommendations regarding the right of a lawyer, we point to the following activity that the Ministry is analysing and considering to overcome the general findings for implementation in the coming period:

Activity: The SPSQCU will prepare a Proposal to the Department of Joint Affairs and Human Resource Management (DJAHRM) to establish a Working Group with members from that Department, DUP, the Department of Border Affairs and Migration (DBAM), the Department of Special Police Operations (DSPO) and the Department of Internal Control, Criminal Investigations and Professional Standards (DICCIPS), in order to make a revision of the existing Record (information sheet on rights) and to adequately define the guidelines and instructions that have been delivered to all organisational units of the police, and are addressed to establishment of an adequate provision of the right of lawyer.

A working group set up by decision of the Minister of Interior would be responsible for the above.

With regard to the conditions in the section for the right of access to a doctor, according to the Procedure for treatment of persons whose right to freedom of movement is restricted no. 22.1-643/1 of 17.08.2018, drafted in consultation with an expert of the Council of Europe, the following is defined:

"The physical and mental health of the detained person (visible injuries, signs of illness, mental disorder, etc.) is checked. If the detainee is injured, the police officer for reception - Shiftleader, will order a medical checkup and, with the detainee's permission, photographs of the injuries will be taken, which will be attached to the detainee's personnel file. In the event of serious injury or if the detainee complains of pain or injury, the right to seek medical attention is primary and is taken before all other actions are taken.

ALL REQUESTS FOR MEDICAL ATTENTION MUST BE APPROVED AND POLICE OFFICERS MUST NOT FILTER SUCH REQUESTS.

All medical interventions or examinations will be carried out in full respect of medical confidentiality and secrecy. The police officers should never stay close enough to hear the communication during a medical intervention or examination and should be in the field of view of a detained person only if the doctor explicitly requests it from the police officer. This rule shall apply to all places where medical intervention can be performed, i.e. hospitals, police station detention rooms, etc.

If the police officer for reception determines, on the basis of the demonstrated behaviour of the person deprived of his or her liberty that he or she is under the influence of alcohol, a breathalyzer test shall be carried out on the person and, depending on his/her general condition, medical assistance shall be provided. Medical assistance will also be provided for the person if the person reports that he/she receives regular therapy (methadone, insulin or other type of therapy)."

Activity: With regard to the discretionary decision-making on the right of a physician, the same issue will be elaborated in the trainings with specific examples and guidelines for proceeding in compliance with the procedure.

With regard to interviews with persons whose right to freedom of movement has been restricted for any reason, we inform that a Code of Conduct for Interviewing Citizens for the Purpose of Collecting Information No. 22.6-78377/1 dated 11.07.2023 has been drafted. International standards, Council of Europe documents, primarily A Brief Introduction to Investigative Interviewing: A Practitioners' Guide and the 28th CPT General Report were taken into account for the Code. The Code prescribes ethical standards and rules of conduct for the police officers in the performance of job tasks when conducting conversations with citizens for the purpose of collecting information. Article 4 of the Code reaffirms the prohibition of discrimination and of inflicting, instigating or tolerating any act of torture or other cruel, inhuman treatment or humiliation.

The Code has been delivered to all organizational units of the police with the obligation to familiarize all police officers (uniformed and criminal police) with the provisions thereof.

From the point of view of the Public Security Bureau, the control and expert oversight by the UPD and the SPSQCU continue to be the primary means of continuous monitoring of the situation in the treatment of persons whose right to freedom of movement has been restricted with guidelines and indications for improving the situation. In the event of established violations of the procedure that indicate abuse, humiliating behaviour or maltreatment, the Department of Internal Control, Criminal Investigations and Professional Standards will also be informed.

Regarding the part of the report that points to several facilities - police stations where bad conditions for detaining people were detected, including the Unit for Internal Affairs in Chair (UIA Chair), Sector for Internal Affairs in Veles (SIA Veles) and the Section for Internal Affairs in Kichevo (SIA Kichevo), where it is stated more specifically that the conditions for detaining persons in UIA Chair are in a seriously bad condition, as well as in SIA Veles, while in SIA Kichevo there are inadequate conditions for detaining people, we would like to inform about the following:

With regard to the part pertaining to the material-technical conditions, from the point of view of the Ministry of Interior, we point out that PS Chair/PS Butel is one police station. The police station is named as PS Chair and covers the area of the Butel municipality. No persons are detained in the Police Station of General Jurisdiction - PSGC Chair and the same is not designated as a PSGC in which a person is detained in compliance with the Decision of the Minister of Interior. We also inform that it is a priority to build a new facility of the PS Chair.

Regarding the UIA Chair, the building is in a very bad condition from a construction point of view as a whole, and it is very easy to notice that the materials used date several decades back, so that its reconstruction is not taken into account and the construction of a completely new capacity is planned, which will be built according to the new internationally accepted standards for safety and energy efficiency, as well as its size, which will meet the needs of the citizens according to the regional operational scope.

At the moment, a scan of the space that would be suitable for the construction of a building is being carried out.

In relation to the SIA Veles (PSGC Veles), for the removal of the observed remarks on the detention facilities in the SIA Veles (PSGC Veles), the object is renovated, while in regard to the rooms of detention, it is planned to adapt the new rooms at the back entrance of the building, with the aim of repurposing the space to provide new rooms in accordance with the Rulebook on the general norms and standards that must be met by the rooms for detaining persons in police stations of general competence in the internal affairs sectors within the Public Security Bureau.

Given that several state legal entities operate in the immediate vicinity of SIA Veles (PSGC Veles), the right of use is being checked where the new premises for the detention of persons are planned after which the implementation would begin.

In relation to the SIA Kichevo, the construction of a new detention center is not planned for the indicated detention facilities, but the detention facilities were renovated in 2018. For the same, on 31.01.2024, an on-site inspection of the actual condition of the same was carried out, for which a record was drawn up, which was signed by all the involved persons who were present, including a representative from the SIA Kichevo. The premises of PSGC Kichevo will be put into operation in a short period of time (the system of surveillance of persons and the heating system has not yet been established).

As for the Ministry of Interior, with a decision of the Minister, a working group has been established with the aim of determining the locations (police stations) that need the installation of new intercoms, which will serve for communication between the detained person and the police officer, and it is currently acting according to the purpose.

For all necessary repairs or rehabilitation of the facilities that are under the jurisdiction of the Internal Affairs Sectors and Regional Centers, with Notice no. 17.1-107432/1 of 09.10.2023 prepared by the Department of Financial Affairs at the Ministry of Interior, the above mentioned organizational units have their own budget, which is assigned to them by the Ministry of Interior and they need to manage it within the facilities they have, including the removal of defects in the detention rooms.

On this occasion, the Ministry of Interior, once again confirms its commitment to European values, the rule of law and the protection of human rights; the assurance and finding that CPT is considered an important partner; as well as its sincere commitment to make every effort to implement the recommendations of the Committee and to advance the dialogue with the Committee, based on mutual trust and understanding.

Establishments under the responsibility of the Ministry of Justice/ Directorate for the Execution of Sanctions

Items 43 -47 Material conditions in the institutions (PCF Idrizovo)

To improve the conditions in penitentiary correctional institutions (PCI) and enable more efficient execution of sanctions in line with European standards, the Directorate for the Execution of Sanctions (DES) continued its efforts in 2023 to implement the "Reconstruction of Penitentiary Correctional Institutions in the Republic of North Macedonia" project, which is being realized with a €46 million loan from the Council of Europe Development Bank, supplemented by budgetary funds from the Republic of North Macedonia and support from the European Commission.

During 2023, an extension of the project deadline to 2027 was requested from the Council of Europe Development Bank, and a conditional extension was granted, delaying the deadline until 30.06.2025.

At the end of March 2024, in accordance with CEB's recommendation, the reconstruction of facility defects within the semi-open and open unit in the amount of 2,454,550.00 was completed, which was a prerequisite for the project's extension.

In mid-July 2024, to move forward with the second phase of the Project, the Directorate for the Execution of Sanctions' new management, i.e., the Director and Project Unit held a meeting with the Minister of Transport and Communications in relation to an extension/application for a new authorization for the construction of facilities under Segment II Phase 1 in the PCF Idrizovo, prior to which a meeting was held with the Minister of Justice for the purpose of familiarization with the PCI reconstruction project.

During September 2024, activities to extend the construction authorization will take place from 15.09.2024. Namely, an application will be sent to the Ministry of Transport and Communications for a new authorization for the construction of facilities under Segment II Phase 1 in the PCF Idrizovo.

Publishing a public procurement call on the construction of facilities under Segment II Phase 1 in the PCF Idrizovo is planned in January 2025, which will cost approximately €41 million, €25 million of which are loaned from the Council of Europe Development Bank, while the remaining amount is provided by the Government of the Republic of North Macedonia. The realization of the public procurement and commencement of construction are scheduled within the timeframe of 2025-2030.

At the beginning of September 2024, upon their request, the DES will submit an Action Plan to address the remarks of the Council of Europe Development Bank as a prerequisite for the project extension, focusing on several aspects of the penitentiary system with specific steps, a timeline, and status updates.

With regard to **Recommendation No.R (99) 22, (2010)1**, as another activity aimed at the reduction of PCI and CEI overcrowding and saving funds, the DES is conducting an analysis on sentenced persons who meet the requirements for conditional release under the Law on Probation, i.e., further identifying the number of sentenced persons who can be placed under probation measures (sentenced persons on conditional release, monitoring of persons sentenced to a conditional sentence with protective supervision and monitoring of the performance of community work on probation). This will provide a possibility to solve the longstanding issue with PCI overcrowding, promote the resocialization and reintegration of sentenced persons and reduce institutions' expenditures.

In November and December 2023, with the support from the "EU Support to the Rule of Law" project, 4 round tables on "Greater enforcement of alternative measures" were held in Skopje, Shtip, Gostivar and Bitola, in the four jurisdictions of the court of appeal. These events aimed to enhance and promote the probation service and were attended by judges, public prosecutors, and all 28 probation officers.

With regard to **Recommendation No.R (2014) 4 on electronic monitoring**, in November 2023, the Directorate hired an expert, by way of temporary service contract, to carry out an evaluation of the current procurement value and prepare the procurement technical specifications. The expert informed the Directorate in writing that the maintenance, more specifically, making the existing IT system operational and compatible with the output monitoring system requires replacement of its outdated components, upgrading monitoring devices, license renewal and software updates because of its outdatedness (imported in 2015).

The estimated value of the annual license purchase (CMS Central Monitoring System third party licenses and Offender Management System) is 6,723,404.00 denars, including VAT. The estimated value for annual maintenance of the system (hardware and software) is 2,194,800.00, including VAT. The price for upgrading the monitoring devices (Upgrade Dual Comms Curfew RF Monitoring System), which includes battery replacement, firmware updates, and SIM card replacement that will be provided by the DES, as well as Upgrade TRXS 860 transmitters for the E4 solution 5 locks, 5 loops and 2 trap per monitoring device set is 13,168.80 denars, including VAT, or, 1,316,880 denars, including VAT, for 100 monitoring device sets. The estimated value for a mobile application on an Android mobile device for a maximum of 10 probation officers is 329,220.00 denars, including VAT. The total estimated value of the procurement is 10,564,304 denars, including VAT.

Currently, 9 million denars are provided for this purpose within the Directorate's budget (program 20, expenditure item 424), while there is a shortage of 1,564,304 denars needed to make the electronic monitoring system operational (server upgrades, 100 ankle bracelet sets out of a total of 400, as well as a minimum of 10 mobile applications).

Having in mind that there are no probation cases with electronic monitoring so far, the Directorate for the Execution of Sanctions deems that an upgrade of the system and 100 monitoring device sets out of a total of 400 would be sufficient for the first year. The needs assessment regarding the quantity of ankle bracelets that would be used annually for the next few years will be carried out based on the needs and dynamic of enforceable judgements and court rulings.

On 19.07.2024, an Information on the activities undertaken to make the electronic monitoring system operational was submitted to the Government. Opinions from relevant institutions are awaited before proceeding with the implementation of 100 ankle bracelets, pending approval from the Ministry of Finance and the Public Procurement Bureau to carry out the procurement process.

In the fourth quarter of 2024, forming a new working group responsible for the preparation of a Draft Law on Amending the Law on Probation, aiming to align it with the Law on Criminal Procedure, the Criminal Code and the Law on Execution of Sanctions.

As of 01.08.2024, a total of 501 new probation cases have been submitted.

In December 2023, the Council of Europe furnished the children's corner for the children of sentenced and detained persons in the Prison Kumanovo as part of the "Enhancing the Capacities of the Penitentiary System" project. In addition, a bread oven was donated and put into service.

The 2023 Budget did not approve sufficient financial resources in relation to capital investments. Reallocation of finances to secure additional financial resources for the purpose of capital investments was requested because of the necessity of additional capital investments.

Within the budget for 2023 in the part regarding capital investments there were insufficient financial resources and due to the necessary need for additional capital investments a conversion of financial resources was requested to provide additional financial resources for capital investments. Regarding the year 2024, with the Capital Investment Program adopted in March 2024 a total of 163,144,000.00 MKD was provided for capital investments.

In the PCF Prilep, elements and components made of roof-panel iron and other materials for the construction of a workshop were installed.

PVC doors and windows for an auxiliary building in the hall (workshop building)

- IT equipment
- AC unit
- firefighting equipment
- cordless drill and mower
- heating equipment
- meat grinder

The US Embassy donated a fingerprint scanner and digital camera to each PCI.

Items 48-54 (Malpractice)

In relation to malpractice in the recent period, the Directorate for the Execution of Sanctions has constantly been issuing warnings for malpractice to prison police officers during ad hoc and regular inspectoral oversights. Such cases have been significantly reduced compared to previous years. In the PCI PCF Idrizovo, the number of cases where prison police officers commit violence is quite low, and a judgment was imposed in some instances where a legal proceeding was initiated against prison police officers.

Violence and harassment of sentenced persons in the PCI PCF Idrizovo is most often committed among the sentenced persons, usually due to overcrowding, impatience, severe aggression of some sentenced persons, and the establishment of larger criminal groups of sentenced persons that act and disrupt the peace and order within the institution. However, recently there are more frequent incidences of assaults and threats towards staff, such as physical assaults, insults, threats to the lives and health of staff and their families, damage to staff property (e.g. burning cars belonging to employees and the director of the PCI Idrizovo), etc.

The PCI PCF Idrizovo has taken all official actions to detect and prevent violence and harassment against sentenced persons, as well as against the employees of the PCF Idrizovo. Moreover, disciplinary procedures are most often initiated against sentenced persons who break the house rules, as well as against prison police officers for security violations.

In many cases where a prison police officer of PCF Idrizovo was found responsible, a disciplinary procedure was initiated against them and they were disciplined.

Namely, during 2024, 58 disciplinary procedures have been initiated against prison police officers for malpractice in the PCF Idrizovo, 29 of which are related to disorderly conduct, while 25 of those 29 are disciplinary violations due to improper conduct, endangering the safety of the workplace.

-one prison police officer for absence of work;

-two prison police officers for allowing a sentenced person to enter a unit where they were not supposed to be;

(All prison police officers were fined)

–one prison police officer was dismissed for repeated disorderly conduct, having committed the offense more than three times during the year.

In addition, on 15.04.2024 a police raid was carried out in the PCF Idrizovo by a pre-trial judge from the Basic Criminal Court Skopje, whereby 5 prison police officers were remanded in custody, and 10 prison police officers were issued precautionary measures. All 17 prison police officers were suspended from duty pending the outcome of the procedure for the offense of releasing an inmate, 10 of which were also fined, and 2 prison police officers were disciplined for improper conduct in the performance of their duties.

Concerning 28 October 2023, upon the request of an investigative judge from the Basic Court Skopje I, the MoI conducted a search of the semi-open unit in the PCI Idrizovo, where MoI employees used restriction means and methods because of active resistance by sentenced persons. In relation to this event, on 31 October 2023, the DES carried out an ad hoc inspectoral oversight and in line with its competences, the Directorate established that prison police officers did not take part in the police action and have not undertaken any actions.

In relation to the complaints of the sentenced persons targeted by the raid, the Directorate's officials conducted an interview with some of the sentenced persons involved in the raid and detected no visible injuries on their face and body. However, when it comes to the actions of the police officers, the Directorate is not competent to establish whether the raid was carried out in accordance with the established procedure.

Further into looking at the official documentation delivered from KPD Idrizovo it can be determined that after the event, an ambulance was called which examined 22 convicted prisoners and 11 convicted prisoners were transported to the Clinical Center and the September 8th Hospital in Skopje.

The officials from DES found that the officials from KPD Idrizovo and the health workers working in the institution for this specific event with the police action carried out in KPD Idrizovo and the need to give health care to prisoners who were involved in the event, acted in accordance to SOP for health care in penitentiaries and correctional facilities. More specifically all convicted prisoners who were directly involved in the police

action on 28.10.2023 were subjected to specialist examinations outside the institution and an emergency medical assistance was called on several occasions for some of them. It was also established that no convicted prisoners were held for hospital treatment due to a deteriorating health condition or fractures.

Whenever the DES is informed about issues or threats from sentenced persons, transfer proposals for those persons are submitted in coordination with the Director of the PCF Idrizovo. During 2024, a total of 50 sentenced persons have been transferred from the PCF Idrizovo to another institution for security reasons.

Namely, following the nomination of the new director of the DES, more precisely, since July 3, 2024, around 20 sentenced persons have been transferred for security reasons, and enforcement of disciplinary measures against prison police officers who were negligent of the security violations of sentenced persons in the so-called "ambulanta" unit has been requested.

In addition, the director of the DES requested the initiation of a disciplinary procedure against the sentenced persons, as well as their transfer to other units or institutions by way of written order.

Furthermore, the Prison Staff Training Program is planned to contain a training module on the use of force for prison police officers and a Prison Staff Code of Conduct. Also, with the support from the US Embassy, Mandatory Continuous Trainings on Manipulation of Staff by Sentenced Persons and Professional Conduct were organized between June 11-13, 2024 in Gevgelija. A total of 35 employees from the PCI Prison Gevgelija and PCI Prison Strumica attended these trainings.

Mandatory Continuous Trainings on Manipulation of Staff by Sentenced Persons and Professional Conduct were held for a total of 40 employees from the PCI Prison Ohrid and PCF Struga between June 18-20, 2024. Such continuous trainings will be organized in September 2024 in all other institutions by trainers selected from the prison staff who attended the two one-day trainings on Manipulation of Staff by Sentenced Persons on March 18 and 19, 2024 in the Training Center within the PCF Idrizovo. A total of 31 employees completed the training (prison police officers and resocialization officers).

With regard to reporting cases of malpractice, healthcare workers in the PCIs and CEIs play a critical role, especially when it comes to the use of force – such as physical force - by prison police officers against sentenced persons, in accordance with the SOP on the Use of Force that obliges healthcare workers to note whether sentenced persons were examined and had bodily injuries from the use of force. Moreover, in accordance with the SOP on Recording and Reporting Signs of Violence during the Stay of Sentenced Persons in the PCIs and CEIs, healthcare workers are obliged to inform the institution's director of each injury found during the examination of a sentenced person.

Items 54-61 (Material conditions)

Upon the Council of Europe Development Bank's remark, defects in the semi-open and open unit within the PCF Idrizovo were rectified in March 2024.

Furthermore, in order to improve the conditions in the PCF Idrizovo, the 5th wing of the PCF Idrizovo was renovated in August 2024 to accommodate 100 sentenced persons. This renovation was carried out in coordination with and approved by the Director of the Directorate, based on the donation for the improvement of conditions and reducing overcrowding in the so-called "Ambulanta" unit and admissions unit of the institution.

To unburden the so-called "Ambulanta" unit, the directors of the DES and the PCF Idrizovo will have a coordination meeting at the beginning of September 2024 for the preparation of a plan on specific measures for reducing overcrowding in the closed units within PCF Idrizovo by transferring sentenced persons to other units in accordance with their treatment regime and the severity of their sentence, as well as to other institutions.

Regarding the data requested about the number of sentenced persons per wing in the PCF Idrizovo, the table below contains the number of sentenced persons in August 2024, broken down by wing.

TABLE OVERVIEW

| Unit | |
|----------------------|------|
| ➤ Closed unit | 427 |
| ➤ “Ambulanta” unit | 211 |
| ➤ Admissions unit | 06 |
| ➤ Open unit | 110 |
| ➤ Open unit B2 | 69 |
| ➤ New semi-open unit | 179 |
| ➤ Female unit | 72 |
| ➤ Ground floor -1 | 23 |
| ➤ Ground floor - 2 | 13 |
| ➤ First wing/1 | 06 |
| ➤ Open unit Veles | 38 |
| ➤ TOTAL | 1160 |

The state of **food** has been significantly improved in the PCF Idrizovo, for which a public procurement process with an allocated budget of 60 million MKD is being conducted, and better-quality food is being provided in accordance with the Rulebook on Food Normative.

The following activities have been undertaken in the PCF Prilep to improve conditions according to the facility's capabilities and financial resources at its disposal. The facility ensures acceptable conditions for sentenced persons serving prison sentences. Specifically, 14 cells in the main building where sentenced persons serve their sentences are equipped with bunk beds, tables, chairs, lockers, and shelves, all in good condition and maintained with repairs carried out by the sentenced persons who work in the machine workshop. General hygiene is maintained.

Conditions have been improved through necessary repairs, including the renovation of sanitary facilities in both the admissions unit and the closed unit, with a promenade constructed in the admissions unit to provide sentenced persons with easier and more humane conditions for serving their sentences, allowing for two hours of outdoor time daily, in line with the law.

Efforts have also been made to improve material conditions in the PCF Prilep by providing hygiene kits, cleaning supplies, waste collection, new mattresses, and bed linen. A phased pest control program is being implemented using the latest technologies through defined tender procurements.

The meals provided to sentenced persons meet the minimum legal standards set forth in national legislation (Article 161 of the Law on Execution of Sanctions), and the dietary needs of sentenced persons with specific requirements are appropriately adhered to;

A system for monitoring the quality and quantity of food provided to sentenced persons has been established;

The kitchens are being inspected, particularly with regards to hygiene standards. Apart from that, the kitchen has been renovated with a new stove and new utensils.

In the Prison Skopje, no financial resources have been allocated for renovations in the remaining wings of the facility for the rest of the year. However, the Prison Skopje is making efforts, with the help of sentenced persons working outside the facility, to improve conditions as much as possible. Disinfection, pest control, and rodent control are carried out twice a year and more frequently if necessary.

Hygiene kits are provided to all detainees and sentenced persons in need, particularly to female detainees, whose kits are adapted to their needs. They are allowed to shower twice a week, and more frequently if needed. We would like to emphasize that hot water is provided daily in the rooms where they reside without exception.

The U.S. Embassy donated a fingerprint scanner and digital camera to all PCIs and CEIs.

A library, gym, children's corner, and a new locksmith workshop for sentenced persons in the closed-regime wings have been established in the PCF Prilep. The facility is awaiting the delivery of machines and computers from the financier (CGI).

Two sentenced persons are completing their education (higher and secondary) as irregular students.

A larger area for sports activities has been made available in the PCF Prilep. Negotiations are also ongoing with the "Vojdan Chernodrinski" Theater from Prilep. The gym has been expanded, and additional sports equipment has been added to the admissions unit of the facility.

The facility has its own agricultural land where crops are grown to feed the sentenced persons, as well as its own livestock. To achieve even more successful resocialization and reintegration, two staff members from the Resocialization Sector in the PCF Prilep participated in the Council of Europe Regional Project on radicalization. They successfully presented a case of a radicalized individual who voluntarily participated in the Standard Operating Procedure (SOP) for post-penal care and reintegration into society, working with the local team in the municipality where the individual was released after completing their sentence.

Similar cases were reported in the PCF Shtip, PCF Idrizovo, and Prison Kumanovo, where radicalized individuals voluntarily participated in the SOP for post-penal care during 2024. A program for preparing radicalized individuals for release is being prepared in collaboration with the Council of Europe.

An SOP for post-penal care to sentenced persons has been developed with the support of the Council of Europe and is expected to be piloted in a PCI by the end of 2024.

In the Prison Skopje, efforts are being made to engage sentenced persons from the closed unit in work activities. In August 2024, two sentenced persons were engaged in the prison kitchen, and three were involved in maintaining hygiene in detention areas. Additionally, around 40 sentenced persons are engaged in work outside the facility, providing financial resources for both the facility and the sentenced persons.

61-65 Regime

PCF Idrizovo

- Regarding the implementation of treatment activities, employees in the Resocialization Sector, known as "Educators," are the most important link in the resocialization process of sentenced persons and their reintegration into society after serving their prison sentences. They are also crucial in organizing activities for inmates, engaging them in work, and providing professional guidance throughout their sentence, including the progression of sentenced persons to more liberal units and treatment regimes based on the time served. However, the PCF Idrizovo faces a shortage of staff in the treatment sector—educators who work directly with sentenced persons. Some of these staff members are in charge of groups of more than 150 sentenced persons. The decline in the number of educators has been exacerbated by resignations due to complete demotivation, constant physical and verbal threats from criminal networks among the sentenced persons, and the inability to get promotions for years, unlike in other institutions and the Directorate.

For these reasons, the 2025 Plan includes a request for the employment of 10 individuals in the resocialization sector to enable the implementation of programs developed with the Council of Europe for the sentenced persons according to their classification and categorization by criminal offenses. This recommendation would be realized during 2025, provided the Ministry of Finance allocates the necessary financial resources for the employment of prison staff.

A project titled "Establishing Services in the Community for Support through Resocialization and Reintegration of Former Ex-Convicts" (2022-2025) is currently underway, implemented by the Macedonian Young Lawyers Association (MYLA) in partnership with the Helsinki Committee for Human Rights, the Macedonian Society of Penology, and the Association IZBOR. A Memorandum of Cooperation has been signed between the DES and the organizations implementing the project, as well as between MYLA and the Institute for Social Affairs on activities aimed at strengthening capacities and inter-institutional cooperation between courts, penitentiary correctional institutions, probation officers, centers for social work, and other service providers for the resocialization and reintegration of sentenced and former sentenced persons.

As part of the project, two modules containing training programs to enhance the capacities of social workers and other social service providers for effective handling of former sentenced persons before and

after serving their sentences have been developed, with the goal of their reintegration and resocialization into the community. Three regional training sessions for probation officers, social workers from the CSWs, representatives from the resocialization sectors of penitentiary correctional institutions, NGOs, and other social service providers have been conducted. A specific program will be developed as part of the project to build the capacities of social workers for providing post-penal care to sentenced persons, which will be part of the National Program for the Development of Social Protection (2022-2032).

From January 2023 to September 2023, a pilot program for sentenced persons in the last year before release was implemented at the PCF Shtip. The pilot program was a combination of existing programs within the penitentiary correctional institution and the Association IZBOR, with a particular accent on individuals struggling with addiction. The pilot program was carried out with the support of the resocialization sector of the PCF Shtip and the expert team (social worker and psychologist) from the Association IZBOR. The program included personality assessments through social anamnesis, ecomaps, genograms, the MMPI personality test, and an intelligence test. A cognitive-behavioral program for sentenced persons was then implemented, along with additional interventions and tools for sentenced persons struggling with addiction.

The program continued into 2024 at the PCF Shtip and is conducted twice a week.

From February 28-29, 2024, in Skopje (for Skopje, Kumanovo, Tetovo, and Veles), March 13-15, 2024, in Strumica (for Strumica, Shtip, Kavadarci, and Gevgelija), and April 3-5, 2024, in Ohrid (for Ohrid, Bitola, Prilep, and Struga), 11 individual assessment sessions were conducted by a social worker, 10 group personality assessment sessions were conducted by a psychologist, and 11 workshops were held as part of the cognitive-behavioral program.

As part of the project, informational materials with contact details of the organizations- service providers (legal aid, psychosocial support, support for individuals with addictions, etc.) were prepared and distributed to all probation offices, centers for social work, etc.

Additionally, under the call "North Macedonia: Thematic Program on Human Rights and Democracy 2023-2024," funded by the European Union, our organization, the Association Center for Civic Initiative Prilep, was conducting activities in the PCF Prilep to improve the resocialization of individuals serving prison sentences and improve working conditions. This NGO plans to initiate activities in the Prison Bitola to support the resocialization sector of sentenced persons. Coordination is currently underway between the DES and this organization to define activities and measures.

Regarding the right to education for sentenced persons and your recommendation for establishing a continuous educational process in the PCIs, the Directorate for the Execution of Sanctions would like to inform you that, in accordance with Article 173, Paragraph 3 of the Law on Execution of Sanctions, the Ministry of Education and Science organizes and finances education based on a proposal from the Directorate for the Execution of Sanctions. Currently, no educational process is organized in the PCIs and CEIs because with the Draft Law on Amending the Law on Primary Education, which modifies the Draft Law on Primary Education, is in parliamentary procedure (second reading), the "A.S. Makarenko" Primary School for Adult Education is supposed to turn into a state school that will provide education for correctional educational institutions and penitentiary correctional institutions.

As a result, activities under Strategic Goal 9 of the National Strategy on the Development of the Penitentiary System (2021-2025) are not being implemented. Additionally, representatives from the Ministry of Education did not participate or contribute to the implementation of their activities in the recent period. This was noted in the Report from the Intersectoral Group formed by the Government to monitor the National Strategy on the Development of the Penitentiary System (2021-2025) within the Directorate for the Execution of Sanctions. The Report, submitted to the Government for adoption in March 2024, has yet to be approved.

Items 65- 68 (Prison Staff and Training)

At the PCF Idrizovo, the number of prison police officers has significantly increased over the past year, with more than 100 new officers employed. Due to the deteriorating security, there is a need to hire even more prison police officers. Measures and activities to fill vacant positions are being undertaken via the

annual employment plans, which are frequently vacated due to resignations and retirements. To maintain effective security control within the facility, all necessary actions to recruit new qualified staff through job advertisements are being undertaken.

Additionally, the Directorate for the Execution of Sanctions has prepared an analysis on the need to hire new prison police officers. Prison staff employment plans for 2025 have been developed, which include approximately 320 prison police officers, prioritizing institutions based on Recommendation 66 from the 2023 Report:

- PCF Idrizovo - 148 prison police officers and 10 treatment officers to implement special treatment programs developed by the Council of Europe aimed at the resocialization and reintegration of sentenced persons.
- Prison Skopje - 61 prison police officers;

The employment plans for 2025 will be submitted to the Ministry of Information Society for approval by the end of August 2024 and then forwarded to the Ministry of Finance to secure funding and obtain consent for prison staff employment in the PCIs, CEIs and DES.

Regarding the Standard Operating Procedure (SOP) for the introduction of dynamic security and special intervention units mandated to carry out ad hoc visits, searches, and to handle disturbances, we would like to inform you that on April 2, 2024, as part of the activities related to preventing active and passive corruption in the PCIs and CEIs (in accordance with Strategic Goal 4 of the National Strategy on the Development of the Penitentiary System 2021-2025), legal provisions for the formation of an intervention unit were provided. This team consists of trained prison police officers for intervention in case of riots and violations of order and control in the PCIs and CEIs.

Currently, preparations are underway for the Rulebook on the manner of formation and operation of the prison police intervention unit in penitentiary correctional institutions, with a working group established by the directorate for the execution of sanctions in collaboration with an expert from the Council of Europe. This rulebook is expected to be adopted by the Director of the Directorate for the Execution of Sanctions by mid-September 2024. Such a unit will be established at the PCF Idrizovo, with the possibility of forming similar units in other institutions as needed.

In the Prison Staff Training Program, a module on dynamic security has been introduced as part of the initial training for each newly employed prison police officer. During 2024, a total of 103 newly employed prison police officers completed this training.

Moreover, 10 specialized training sessions have been conducted for a total of 119 prison staff members on topics including:

- Strengthening the capacities of prison staff in the PCIs as the first line of defense against radicalization that can lead to violence, and post-penal care training for the rehabilitation and reintegration of violent extremists and terrorist offenders.
- Training on combating torture and inhumane treatment.
- Training on the National Preventive Mechanism, European Prison Rules, and the role of the Ombudsman in the execution of sanctions.

Additionally, the following training sessions for prison staff and employees of the DES conducted in 2024:

- From January 10-12 and 16-18, 2024, an online training on the database for sentenced/detained persons was held at the Training Center. A total of 85 employees participated, including directors of the PCIs/PCFs/VPD, staff from file administration/admissions units of both penitentiary and remand institutions, probation service employees, the DES, system administrators (super administrator and administrators), prison police officers, and staff from the resocialization sector (educators/social workers).
- On January 15, 16, and 18, 2024, the Helsinki Committee for Human Rights conducted three one-day basic training sessions on Torture, Inhumane, and Degrading Treatment and Punishment, attended by a total of 73 newly employed prison police officers in 2023.

- From January 22 to February 2, 2024, a total of 20 participants attended the 10th two-week initial training for newly employed prison police officers from the PCF Idrizovo at the Training Center.
- On February 15, 2024, a Round Table with the USA was held with 31 employees who completed the Training of Trainers course from December 11 to 22, 2023.
- From February 26 to March 8, 2024, the 11th two-week initial training for 20 newly employed prison police officers from the PCF Idrizovo, PCI Bitola, PCF Prilep, PCF Shtip, and PCI Skopje was conducted at the Training Center.
- On March 18-19, 2024, two one-day training sessions on the topic of Manipulation of Staff by Sentenced Persons, USA, were held at the Training Center, attended by a total of 31 employees.
- From March 25 to 29, 2024, the 12th one-week initial training for 15 newly employed prison police officers from the PCF Idrizovo, PCI Skopje, and PCF Struga was conducted at the Training Center.
- On March 18 and 19, 2024, a training on Manipulation of Staff by Sentenced Persons was held at the Training Center, completed by all 31 trainers.
- On May 30 and 31, 2024, probation officers who are part of the working group for public relations completed a training on Crisis Communication and Media Interviewing. The training was conducted as part of the planned activities with the IPA project "EU Support to the Rule of Law".
- With support from the Council of Europe, a training for 13 members of the multidisciplinary teams to prevent radicalization in the PCIs (PCF Idrizovo, PCF Shtip, Prison Kumanovo, and the DES) was held as part of the regional project on June 10-11, 2024, in Dojran. The training covered the use of a Quick Screening Tool, Risk and Needs Assessment Tool, individual rehabilitation program preparation, and pre-release program preparation for vulnerable and marginalized prisoners at risk of radicalization.
- On June 12-13, 2024, a training on Religious Counseling was held at Popova Shapka for 7 employees, supported by the National Committee for Countering Violent Extremism and Countering Terrorism and the Macedonian Center for International Cooperation (MCIC).
- On July 18, 2024, a training on the formation of a professional team for the preparation of psychological assessments and opinions was held for 4 employees at the Training Center.
- On July 3, 2024, the Helsinki Committee for Human Rights presented the analysis of "Monitoring the Implementation of the Strategy for the Development of the Probation Service in the Republic of North Macedonia (2021-2025)" for 2023.
- On May 21-22, all probation officers completed a two-day training session on working with offenders who are addicted to drugs, alcohol, and gambling. The training was conducted as part of the IPA project "EU Support to the Rule of Law."
- As part of the project "Establishing Services in the Community for Support through Resocialization and Reintegration of Former Ex-Convicts," three regional training sessions were held in Skopje from February 28 to March 1, 2024, in Strumica from March 13-15, 2024, and in Ohrid from April 3-5, 2024. These sessions were attended by probation officers, resocialization sector employees from penitentiary correctional institutions, NGO representatives, and centers for social work. The training sessions placed a special emphasis on inter-institutional cooperation.

Regarding professionalism, it is particularly important to highlight that after many years, all provisions related to the professional management of institutions have been implemented in the Law on Amending the Law on Execution of Sanctions on April 2, 2024. These provisions clearly stipulate that leadership positions in Category B of the prison police can only be filled by promotion, thereby preventing the practice of appointing or assigning individuals from outside the prison system, without the necessary experience, to high-level positions in the prison police.

Concerning the appointment and dismissal of directors of the PCIs and CEIs, the previous legal decision from May 2019 remains in place, where directors and deputy directors are appointed by the Government of the Republic of North Macedonia upon the proposal of the Director of the Directorate,

who also has the right to submit a proposal to the Government for their dismissal. This clearly demonstrates that the Directorate for the Execution of Sanctions, specifically the Director, has a clear hierarchical position concerning the directors of the PCIs and CEIs.

This was confirmed in the Law on Amending the Law on Execution of Sanctions on April 2, 2024, which did not include the initial proposals that were suggesting that the Minister should propose the appointment and dismissal of directors of the PCIs and CEIs, in accordance with CPT's recommendation.

Items 69-71 (Corruption)

To implement activities from Strategic Goal 7 of the National Strategy and to address issues related to corruption and professional standards among prison police officers, on July 19, 2024, an ad hoc nighttime inspectoral oversight was conducted at the Prison Skopje by the Director of the Directorate and several officials. This was the first such inspectoral oversight in 7 years, detecting irregularities in the work of the prison police and the overall functioning of the institution. A report was prepared based on the inspectoral oversight, along with supporting evidence, and was submitted to the Unit for Investigating and Prosecuting Criminal Offenses within the Basic Public Prosecutor's Office (PPO), in accordance with Article 91 of the Law on Execution of Sanctions, and to the Ministry of Interior (MOI) to initiate proceedings against prison police officers.

Additionally, on July 31, 2024, another ad hoc inspectoral oversight was conducted at the Prison Skopje. A report documenting the detected irregularities by the prison police officers and the prison director was prepared and submitted to the MOI, with plans to forward it to the competent prosecutor's office.

In line with the fight against corruption and to strengthen collaboration between all institutions involved, in July 2024 only, the new Director of the DES, together with DES officials, held three coordination meetings with the MOI, representatives (investigators within the PPO), as well as a meeting with the Minister of Interior and the Prosecutor responsible for handling cases under Article 91 of the Law on Execution of Sanctions, and the Chief Anti-Corruption Prosecutor, particularly regarding corruption in the PCIs and CEIs.

Furthermore, on April 2, 2024, a Law on Amending the Law on Execution of Sanctions was adopted, including provisions for the establishment of intervention units and prison intelligence units. On June 4, 2024, a Rulebook on the Manner of Operation and Organization of Prison Intelligence Units was adopted.

- In the fourth quarter of 2024 and during 2025, the formation of intelligence units in penitentiary correctional facilities is expected, specifically the establishment of units within the institutions according to the Rulebook on Systematization of Jobs, which will need to be supplemented with the establishment of these units, forecasting the exact number of positions and tasks for employees within these units;

Moreover, as a tool for reducing corruption in institutions, a functional video surveillance system will be established in the PCIs and CEIs (in accordance with Strategic Goal 4 of the National Strategy on the Development of the Penitentiary System 2021-2025). To this end, legal provisions were included in the Law on Amending the Law on Execution of Sanctions (April 2024) regarding video surveillance in the PCIs and CEIs, and the use of body cameras by prison police officers and the director within the institutions.

A draft version of the Rulebook on Video Surveillance in the PCIs and CEIs has been prepared, followed by procurement and installation of video equipment in the PCIs and CEIs.

During July 2024, coordination among all institutions responsible for the fight against corruption was increased, and three coordination meetings were held with MOI representatives to prepare and organize future steps in combating corruption within the institutions.

Further activities from the Anti-Corruption Plan (2022-2026) are planned to continue, including searches in institutions with the assistance of intervention units after their formation, and, if necessary, with assistance from the MOI or by order of the PPO or the court, depending on the specific case.

Additionally, prison staff training on countering corruption in institutions and adherence to the Prison Staff Code of Conduct, as well as the provisions of the Law on Execution of Sanctions regarding their rights and obligations, will continue. In 2023, a total of 103 prison police officers completed this training.

Items 71-83 (Healthcare in the institutions)

The Directorate for the Execution of Sanctions, despite the fact that healthcare for sentenced and detained persons and children is under the jurisdiction of the Ministry of Health, within the framework of its competences, adhering to the right to healthcare and implementing Strategic Goal 8 - Strengthening the provision of healthcare to sentenced persons, including mental healthcare as part of the project "Fight against Torture and Inhuman Treatment," which is financially supported by the European Union and implemented by the Macedonian Young Lawyers Association and the Helsinki Committee for Human Rights, constantly provides free legal aid and psychiatric counseling to sentenced persons and children in VPD. This project is being implemented on the basis of a Memorandum of Cooperation between the Helsinki Committee for Human Rights, the Macedonian Young Lawyers Association, and the Directorate for the Execution of Sanctions.

During the implementation of the project, counseling by a psychologist or psychiatrist was provided to a total of 121 sentenced persons, of which 9 are sentenced minors, in all penitentiary correctional institutions.

Additionally, a training session on mental health and psychiatric medication dosing was conducted in January 2024, organized by the Council of Europe Programme Office in Skopje.

Due to the lack of sufficient human resources and the inability to form a centralized department for all PCIs and CEIs, the Ministry of Health offered a temporary solution by forming a working group. By decision of the Minister of Health, a Permanent Working Group responsible for healthcare in the PCIs was established on December 29, 2023, consisting of representatives from the MOH, the HIF, and the Health Center Skopje. The Directorate for the Execution of Sanctions has no information on whether this working group will continue to function after the Minister of Health changes in June 2024 and what their future steps will be.

Moreover, upon the admission of sentenced persons to the PCI PCF Idrizovo, they are mandatorily taken to the healthcare workers of the PHI Health Center Skopje, regional branch Idrizovo, where they are examined to determine their health status, whether they have any illness or need continuous therapy, and whether they are addicted to certain opiates or drugs. Measures and activities are undertaken by the PCI PCF Idrizovo to ensure that the health assessment of newly admitted sentenced persons is conducted by healthcare workers no later than 24 hours after their admission.

Regarding the urgent hospitalization and escort of sentenced persons to appropriate hospital facilities, this is a top priority for our institution. In the case of the sentenced person G.M., the PCF Idrizovo was unable to provide the necessary care. This sentenced person had severe ailments, and the medical team at the PCI Idrizovo regularly provided him with healthcare and escorted him to other healthcare facilities for treatment. Measures and activities were undertaken by the PCI PCF Idrizovo to station the sentenced person in a geriatric hospital because no other healthcare facility was willing to admit and retain him. The sentenced person passed away shortly after being transferred to the geriatric facility.

In terms of the deteriorating health condition of sentenced persons, the Directorate for the Execution of Sanctions, in coordination with relevant institutions and under Article 225 of the Law on Execution of Sanctions, allows the director of the DES to approve a 30-day suspension of a prison sentence so that the sentenced person can receive hospital treatment or be examined in hospital if their health condition requires care that cannot be provided within the prison facility.

Additionally, all sentenced persons with health problems who require examinations at a clinic are taken outside the institution for specialist examinations based on a referral from a healthcare worker within the institution or a specialist. They are also taken for treatment at private healthcare institutions at their request and at their own expense.

Pursuant to this, the penitentiary correctional institutions and the DES, in accordance with their competences, respect the right to healthcare for sentenced persons in accordance with the Law on Execution of Sanctions (LES).

In order to provide healthcare to sentenced persons, the Directorate for the Execution of Sanctions requested that the Government of the Republic of North Macedonia allocate some of MODULAR HOSPITALS

used during the COVID-19 pandemic to the PCF Idrizovo, where sentenced persons can receive treatment and obtain the necessary services to monitor their health while serving their prison sentence.

Regarding other issues related to improving and increasing the number of doctors, psychiatrists, and medical personnel, the DES has no authority to take action or provide responses concerning future steps, particularly since the competences, as you have already been informed, are in the hands of the Ministry of Health.

Item 83- 86 (Discipline)

Regarding disciplinary procedures, the Directorate for the Execution of Sanctions has always ensured and provided guidance on properly conducting disciplinary procedures during regular and ad hoc inspectoral oversights in the facilities. Furthermore, in the Law on Amending the Law on Execution of Sanctions (April 2024), it is stipulated that the chairperson of the disciplinary committee must be a bachelor of laws to ensure that the procedure is conducted in strict compliance with the provisions of the Rulebook on Conducting Disciplinary Procedures.

Regarding the conditions of the solitary confinement cells used for serving disciplinary action, the Director of the Directorate for the Execution of Sanctions issued a written order instructing the directors of the institutions to immediately take measures to improve the conditions in these facilities across all institutions to respect the dignity of the sentenced person in accordance with the CPT recommendations.

Additionally, all sentenced persons serving the disciplinary action - solitary confinement - are provided with at least one or two hours of outdoor exercise daily and contact with their families.

Item 86-89 (Use of force)

Fully adhering to the rules for the use of force, the Directorate for the Execution of Sanctions constantly provides guidance on the proper use of force against sentenced persons by the prison police. We would like to inform you that in line with Strategic Goals 4 and 7 of the National Strategy for the Development of the Penitentiary System of the Republic of North Macedonia, training sessions have been conducted as outlined in the Annual Training Plan. In 2024, a total of 103 prison police officers underwent training on the use of force, and the Helsinki Committee for Human Rights also conducted three one-day basic training sessions on torture, inhuman and degrading treatment, and punishment. A total of 73 people participated.

Items 89-92 (Contact with the outside world)

The Directorate for the Execution of Sanctions would like to inform you that sentenced persons, in accordance with the laws and by-laws, have the right to visitation according to Article 197 of the Law on Execution of Sanctions, which states that a sentenced person is entitled to two visits per month by members of their immediate family in line with this law, and by other persons if that is allowed by the institution's director.

Moreover, depending on their treatment regime, sentenced persons can use privileges outside the institution, specifically to maintain contact with their families through weekend leave, allowing them to spend 7 or 4 hours outside the institution, which, according to the House Rules for Sentenced Persons, allows more frequent contact with the outside world.

In the PCF Idrizovo, the visiting rooms have been renovated to improve the conditions for visitors, ensuring a satisfactory level of comfort. Visits by family members take place in a separate room equipped with tables and chairs. It is important to note that visits are time-limited due to the large number of sentenced persons serving prison sentences in the PCF Idrizovo, and to ensure that all sentenced persons can exercise their right to visitation.

For detainees, if the pre-trial judge believes that more than two visits are necessary and decides on their frequency, they make a decision that the institution proceeds upon without exception, allowing visits to the detainee.

Regarding telephone communication, we would like to inform you that there have been significant improvements in this area, and sentenced persons are allowed to use the telephone to communicate with

their families. Specifically, the provisions of the House Rules for Sentenced Persons are fully implemented, so every sentenced person under open and semi-open treatment has constant access to a telephone without the supervision of an official. In contrast, sentenced persons under closed treatment are allowed access to a telephone daily under supervision. For detainees, access to the telephone is regulated by the pre-trial judge. Upon their order and at the detainee's request, they are allowed a telephone call in the presence of an official.

Item 92- (Complaint Procedures)

All sentenced persons sent to the PCF Prilep are informed (in most cases) upon admission to the facility about how to file complaints regarding the violation of any right or prison staff malpractice. In all institutions, there is a box for the Ombudsman, which is only opened by him or by officials from his office.

In the Prison Skopje, sentenced and detained persons have access to complaint boxes placed by the Ombudsman, which are accessible only to him and are opened once a week. For any other remarks, complaints, or suggestions, sentenced persons speak directly with the treatment officer - educator, as well as the Director, if necessary. Detainees record their remarks in requests, petitions, or complaints, which are processed by prison police officers to the Head of Prison Police and Director to resolve them.

Furthermore, in the PCF Idrizovo, there is an employed bachelor of laws who provides free legal aid to sentenced persons and enables the submission of an act to external institutions.

Sentenced persons also have the right to file verbal complaints with the Directorate for the Execution of Sanctions, and they have oftentimes been calling and reporting complaints regarding any violated right or other issues. Based on this, officials from the Directorate conduct ad hoc inspectoral oversights and speak with the sentenced persons to verify the validity of the complaint.

During those oversights, the Directorate for the Execution of Sanctions regularly checks whether sentenced persons and children are familiar with the standardized forms (requests) for submitting complaints to the institution's director and the director of the DES. However, it must be noted that these forms, despite being introduced and created by the OSCE, are rarely used by sentenced persons and children.

Item 93 (Inspectoral oversight)

Regarding this item, the DES, within the framework of the ongoing project with the Council of Europe, has initiated activities to achieve Strategic Goal 2, specifically in section 2.2, "Enhanced oversight role of the DES over the PCIs and CEIs."

Namely, the two units responsible for oversight in the PCIs and CEIs have been staffed, including the Unit for Professional Oversight over the Security in the PCIs and CEIs and the Unit for Professional Oversight over the Work of the PCIs and CEIs.

Furthermore, a working group has been formed to develop unified oversight tools, review the Rulebook on Conducting Oversight from 2015, and the Rulebook on Professional Oversight in the PCIs from 2020. Two meetings have been held with an international expert and the working group members from the DES, the PCF Shtip, and the PCF Idrizovo, and in June 2024, a one-day mission was conducted in the PCF Shtip with the expert who monitored the ad hoc inspectoral oversight carried out by DES officials. The oversight was monitored to provide specific guidance to the officials to ensure that the oversight is of high quality and in line with international standards. A report has been prepared by the expert, and during the fourth quarter of 2024, a working meeting will be held to address all unresolved issues and revise the Rulebook on Conducting Oversight by the Directorate.

This is expected to significantly enhance the oversight process carried out by the Directorate's officials. The aim is to enable the director of the DES to issue recommendations and written orders to facility directors to address and correct any irregularities and violations in the facility's operations and among prison staff.

Item 95-114 (VPD Tetovo)

According to Article 366, Paragraph 1 of the Law on Execution of Sanctions (LES), in the Correctional Educational Center, enforcing a special measure for maintaining order and discipline - solitary confinement,

is not permitted. Regarding the observation that part of the staff carried truncheons in the institution, according to Article 366, Paragraph 2 of the Law on Execution of Sanctions, for more severe violations of order and discipline, as well as the House Rules of the institution, children are isolated in special rooms for a duration of five to seven days, during which time the professional team undertakes special corrective measures with the children. The treatment of children who are isolated in special rooms is regulated by the Guidelines for Isolation in a Special Room for Children, adopted by the Director of the VPD pursuant to Article 366, Paragraph 4 of the LES.

Pursuant to Article 7 of the Guidelines for Isolation in a Special Room for Children, a special program for intensive treatment is prepared for the children isolated in the special room by the professional team. According to Article 4 of the Guidelines for Isolation in a Special Room for Children, while the child is isolated in the special room, they must not be deprived of their fundamental rights, such as visits and conversations with a legal representative, the right to correspondence, phone calls, visits, receiving packages, family contact, food, water, clothing, education, outdoor walks, or significant daily contact with other people.

Regarding the recommendation that security personnel in direct contact with children should not carry truncheons, the responsible authorities in the Correctional Educational Center will take steps to provide a locker with the responsible prison police officer - the newly appointed authorized Commander of the Prison Police, where all rubber truncheons assigned to prison police officers will be locked. The recommendation that rubber truncheons should not be worn on the belt will be strictly adhered to.

By the order of the Minister of Justice No. 02-2504/1 dated 30.10.2020, the children serving a measure of Referral to a Correctional Educational Facility on 03.11.2020 were transferred from the PCI Ohrid to the newly constructed facility of the Correctional Educational Center in the village of Volkovija, Municipality of Brvenica. This is a completely new facility, covering an area of about 16,000 m², enclosed with a security barbed wire, equipped with already established static security (bars, doors, fences, cameras, etc.), and no additional increase to that infrastructure has been made.

In regards of the recommendation about the removal of the bars in VPD Tetovo it will be taken into consideration from DES and the correctional facility and an assessment will be made as to whether the removal of the bars will not reduce the level of security.

In the context of this recommendation, over the course of four years, since the new facility of VPD was made operational at the new location, only 10 voluntary departures of children have been recorded, involving climbing over the barbed wire, and not a single traditional escape from places and rooms where there are bars, windows, doors, etc.

Overview of voluntary departures by years: 2021 - 0, 2022 - 3, 2023 - 3, and during 2024 up to 31.07.2024 - 4 voluntary departures.

Regarding education, in accordance with Article 173, Paragraph 3 of the Law on Execution of Sanctions, the Ministry of Education and Science organizes and finances education at the proposal of the DES. Currently, no educational process is organized for the protégés of the VPD, because the Draft Law on Amending the Law on Primary Education, which amends the existing Law on Primary Education with the aim of regulating the educational process in correctional educational and penitentiary correctional institutions, has not yet been adopted and is still in parliamentary procedure. The aim of the Draft Law is to regulate education in correctional educational institutions and to fulfill the recommendations given in the country's progress report in the area of human rights. It is envisaged that the amendments to the Law on Primary Education will provide a continuous educational process for children in correctional educational institutions, whose education will be completed with a document confirming their formal primary education level - a transcript of records.

In line with the proposed amendments, primary education in the CEI will be implemented according to a special curriculum and teaching programs, and will be conducted by the school that has been verified for primary education for children in the CEI. According to the Draft Law on Amending the Law on Primary Education, the municipal Primary School for Adult Education "Anton Semjonovich Makarenko" will become a state school for adult education and for protégés of the correctional educational institutions, and the ownership of the school building and the property of the municipal primary school will be taken over by the Government of North Macedonia.

The responsible parties at the VPD Tetovo are fully prepared to implement the amendments to the law and to provide their utmost support in ensuring a continuous educational process in the institution.

— In accordance with Article 182, Paragraph 2 of the Law on Execution of Sanctions, healthcare is provided to the children at the VPD Tetovo by healthcare workers who provide primary healthcare and are employed at the Health Center Tetovo. A doctor is available twice a week for 2 hours each, as needed and on call, and a nurse is available from Monday to Friday from 8 AM to 4 PM.

As part of the project "Enhancing the Capacities of the Penitentiary System and the External Oversight Mechanism in the Republic of North Macedonia" Horizontal Facility for the Western Balkans and Türkiye 2019-22 of the Council of Europe, the Ministry of Health, in cooperation with the DES, has adopted Standard Operating Procedures for the efficient provision of healthcare in the PCIs and CEIs, ref. no. 22-1234/1 dated 27.01.2023. These procedures include the manner of providing healthcare to children and how healthcare professionals should handle them. According to the SOP, health checks are to be conducted immediately upon admission to document the current health condition and to detect and intervene according to needs arising from behavior that poses a health risk. This assessment should form the basis for a continuous health plan, covering opportunistic interventions such as immunization, sexual, mental, and dental clinics, which go beyond primary healthcare.

The responsible parties at the VPD Tetovo follow the guidelines provided by healthcare professionals who offer care and nursing services. In terms of immunization and vaccination, we provide logistical support for the execution of any medical intervention, which is under the jurisdiction of the Ministry of Health. The DES is urging the Ministry of Health to fully include children in the national vaccination program.

The Clinical Hospital Tetovo – Department of Psychiatry does not have adequate staff – psychiatrists and psychologists who specialize in children's and adolescents' mental health and in handling children with mental health issues. For these reasons, in 2021, the Minister of Health and the Director of the PHI Clinic of Psychiatry-Skopje were requested to ensure regular psychiatric examinations by a child and adolescent psychiatrist. There has been no response from the responsible mentioned parties. A possible solution was offered– providing psychiatric examinations through the "Moj Termin" (My Appointment) system scheduled by their chosen GP. However, scheduling is difficult because only two (2) child and adolescent psychiatrists currently work at the Clinic of Psychiatry-Skopje and conduct psychiatric examinations for children and adolescents from across the country.

Regarding disciplinary procedures, that in accordance with the Law on Execution of Sanctions, the House Rules of the institution, and the Guidelines for Disciplinary Responsibility, one of the following disciplinary measures may be imposed if a child commits a disciplinary violation:

- Warning
- Public warning
- Limitation of privileges for up to three months
- Isolation in a special room

The disciplinary action – solitary confinement is not enforced, but the disciplinary measure – isolation in a special room for children is imposed for more severe violations that have caused serious disruptions of order and discipline in the facility.

In the facility, there are three designated special rooms for children, equipped with a bed, bedding, table, chair, locker, sanitary unit for personal hygiene maintenance, clean drinking water, natural light, and heating in winter, as well as protected window glass.

Pursuant to Article 7 of the Guidelines for Isolation in a Special Room for Children, a special program for intensive treatment is prepared for the children isolated in the special room by the professional team that works intensively with the child on the causes of the disciplinary violation and the possibility of correcting the manifested behavior. According to Article 4 of the Guidelines for Isolation in a Special Room for Children, while the child is isolated in the special room, they must not be deprived of their fundamental rights, such as visits and conversations with a legal representative, the right to correspondence, phone calls, visits, receiving

packages, family contact, food, water, clothing, education, outdoor walks, or significant daily contact with other people.

During 2024, up to and including 06.08.24, a total of 20 disciplinary measures of Isolation in a special room have been imposed. The Commission for Disciplinary Measures is making efforts to impose another disciplinary measure whenever even the most minimal of conditions for it are met.

The responsible parties at the VPD Tetovo are making and will keep making additional efforts to fully implement the SOP on the Use of Force and to properly document the duration and justification of the use of force.

In terms of correspondence and communication, the responsible parties at the VPD Tetovo, in accordance with the Law on Execution of Sanctions and the Law on Justice for Children, maintain regular and timely written communication with the competent juvenile judges. According to the Law on Amending the Law on Execution of Sanctions, Article 366-a, the Director of the educational institution is obliged to report on the success in the implementation of the educational measure of Referral to a Correctional Educational Facility every six months or whenever requested by the competent court or the Center for Social Work.

In accordance with Article 51, Paragraph 2 of the Law on Justice for Children, during the procedure for amending, re-deciding, and stopping the educational measures, the court obtains reports from the educational institution where the child is serving the institutional measure. Namely, there is no legal provision requiring the competent juvenile judges to visit the children they have placed in a correctional educational facility. In the coming period, this issue will be opened for discussion with representatives of the Ministry of Justice to initiate legal changes that would mandate visits by the competent judges to the VPD Tetovo if there is support and willingness from the judicial authority, which is independent in its proceedings.

A survey calculation was made for more significant reconstruction works in the two buildings in which the remaining users are located, which include more significant reconstruction works in the area of: sanitary facilities, flooring, roof construction and painting. The estimated value of the works is over 110,000.00 euros. The deal is expected to close in the third quarter of 2024. With the strict adherence to the moratorium on the admission of new users and the relocation of the child-users to small group homes, the number of users placed in J.U. The Demir Kapija Special Institution has decreased to a total of 57 users with severe and most severe intellectual disabilities, who are periodically moved to the Department called Dependencies.

Psychiatric Hospitals (Ministry of Health)

Regarding the recommendations related to the use of inappropriate means of fixation (metal chains and padlocks), we report that the PHI Psychiatric Hospital Demir Hisar acted on the comments from the CPT regarding the use of restraints. An Agreement was concluded for the public procurement of goods - Straps for humane fixation and belts for humane tying were purchased. Furthermore, the fixation protocols are strictly followed.

Regarding the isolation of the patients and their therapeutic fixation, it is carried out according to the protocol for fixation. When performing therapeutic fixation, the leading elements are the need to protect the patient and the environment from possible aggressive and destructive behavior. Patients who are fixed are also isolated from other patients in isolation rooms, in order to protect them - regular monitoring is carried out on them, i.e. supervision of an isolated patient, and a list is kept for therapeutic fixation with an effort to keep the time of fixation as short as possible. PHI Psychiatric Hospital Demir Hisar informs that two new isolation rooms have been built.

Also, steps have been taken to improve the material conditions in the Forensic Department at PHI Psychiatric Hospital Demir Hisar, the toilets have been renovated and the bathroom in the forensic department has been renovated.

Regarding the CPT's comments for the Extended Section for Forensic Psychiatry (informal segregation unit), it is closed due to the inability to provide enough staff for work.

The patients were transferred to the Department of Forensic Psychiatry.

Regarding the provision of personnel in the Demir Hisar and Skopje Psychiatric Hospitals, a project for the employment of private interns is underway and by the Decision of the Government, 300 interns from various areas will be employed by the end of the year. The public call, which was announced by the Ministry of Health, registered 23 doctors specializing in psychiatry. By employing the doctors, the staff deficit will be compensated, wherever necessary.

Special Institution for Mentally Disabled Persons in Demir Kapija (Ministry of social policy)

The Public Institution Demir Kapija Special Institution / New facility that was built and partially used during the period of Covid 19, is currently empty with the goal to move the users into it by the end of December 2023, given the better conditions and the new premises in it. However, in relation to the users from class C, there is still a reservation for moving to the new facilities by the management of the facility, i.e. there is a fear of rapid destruction and collapse of the facility, considering the type and degree of disability and the behavior of these users until now. At the same time, it was pointed out to P.I. Special Institution Demir Kapija that this represents unequal treatment in relation to other users and therefore in this section they are instructed to make a plan for the way of their relocation. The process of deinstitutionalization was completed in March 2023, with 57 users with severe and profound intellectual disabilities are accommodated in the facility. The problem is that out of 57 beneficiaries who are currently placed in the facility, 22 have guardians, and 13 have been deprived of their legal capacity. A total of 25 beneficiaries are without guardians, and their legal capacity has not been taken away for the sole reason that the costs are very high for the state itself.

Measures have been taken to increase the team of psychiatrists, nurses, psychologists, social workers and other personnel as external collaborators in the Institute, so that the overall care for the users can be at a higher and more satisfactory level. In order to deal with the problem of chronic lack of staff, the Institution has newly employed: 4 carers, 2 nurses and 1 head nurse for an indefinite period, as well as 4 carers, 1 special education teacher and 1 physiotherapist. Reconstructive operations have been undertaken in part of the critical sanitary nodes in the two buildings where the users are located, as well as in part of the roof structure of one of the buildings. By repairing the roof leak (to prevent damage to the electrical installation), the main critical points in terms of the health and safety of the users have been removed.

With financial support from the UNDP Office in Skopje, a team of fifteen people has been hired to support the work with over 60 adults, with the aim of their independence and preparation for living with support in the community.

In cooperation with the Ministry of Health, systematic reviews of the users are continuously organized by several specialists (neurologists, psychiatrists and gynecologists) who provide guidelines and recommendations for improving the health status of the existing users, both in the institution and in small residential units for self-care with assisted living.

Participatory preparation of the Institution's Transformation Plan, led by international experts through the IPA Program, is in preparation. The development of the plans is in the initial phase, which will determine the future role of the current Special Institution and the type of (non-residential) services that it will deliver within the existing system of social protection.