



ЕЛИМИНАЦИЈА НА МАЧЕЊЕТО  
И НЕЧОВЕЧКОТО ПОСТАПУВАЊЕ  
ВО ЗАТВОРИТЕ И УСТАНОВИТЕ  
ЗА ЛИШУВАЊЕ ОД СЛОБОДА

**FIRST REPORT ON  
THE STATE OF THE  
PENITENTIARIES AND  
CORRECTIONAL FACILITIES  
IN THE REPUBLIC OF  
NORTH MACEDONIA  
AUG 1<sup>ST</sup> - OCT 1<sup>ST</sup> 2020**

**SKOPJE, 2021**

FIRST REPORT ON THE STATE OF THE PENITENTIARIES  
AND CORRECTIONAL FACILITIES IN THE REPUBLIC OF  
NORTH MACEDONIA DURING THE PERIOD  
FROM AUGUST 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> 2020



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# INTRODUCTION

This report has been created as a part of the project “Elimination of the Torture and Inhuman or Degrading Treatment in Prisons and Institutions for Deprivation of Liberty,” financially supported by the European Union. For the aims of this project, The Macedonian Young Lawyers Association and the Helsinki Committee for Human Rights as well as the Administration for Execution of Sanctions have signed a memorandum of collaboration.

The Republic of North Macedonia is still trying to establish effective internal and external mechanisms for the prosecution of perpetrators of torture and inhumane treatment in the prisons and institutions for deprivation of liberty. Furthermore, the goal of this project is to address the systematic problems for obtaining protection by persons deprived from their liberty from any type of torture and inhuman treatment, to identify the key factors for establishing effective mechanisms for protection of human rights and prioritizing what necessary measures are necessary for obtaining such mechanism.

This report is based on on-spot visits conducted by female representatives of the Helsinki Committee for Human Rights and representatives from the Macedonian Young Lawyers Association. The urge to conduct such field visits to establish the actual situation in the penitentiaries resulted from the fact that such institutions have been inaccessible for expert visits for a long period of time due to the COVID-19 Pandemic and have been a subject of constant criticism. Furthermore, the conditions in the prisons could become very critical if the institutions fail to undertake actions to prevent COVID-19 infection. We received a notification that actions have been undertaken to prevent the spread of COVID-19 by the Administration for the Execution of Sanctions, in form of an order sent out to all the penitentiaries and correctional facilities temporary prohibiting all benefits for inmates such as family contacts, off and on-site visits, home leaves, annual good time credit leave, and off-prison work. The Administration for Execution of Sanctions has submitted recommendations to all penitentiary institutions in order to deal with the virus COVID-19. Moreover, this requires each penitentiary and correctional facility to disinfect the facilities where inmates stay, on daily basis, handing over hygienic packages for each inmate, installing disinfection appliances at each entrance in each institution, use of contactless thermometers which are constantly used to measure the body temperature of inmates, 14 day isolation of each new inmate in separate isolation rooms. It has been stated that by 5 May 2020 no cases of coronavirus infection have been reported in the Macedonian penitentiary system, however, all the tests performed on inmates, after the death of a single inmate from the Skopje Prison, whose postmortem test was COVID-19 positive, have been reported as negative. Until the moment of publishing this report, positive cases of the

virus COVID - 19 have been registered only in Penitentiary Institution Idrizovo and Penitentiary Institution Shtip.

To everyone's advantage, after conducting our on-site visits the team found that the preventive measures have been almost universally met especially in terms of disinfection of premises. Furthermore, in all but a few institutions visited, hygienic packages were regularly handed over to inmates, and regular body temperature checks were performed on inmates and officers working in the institutions. Due to the less restrictive measures in the state, later during our visits, inmate visits from outside were allowed in almost all the institutions, and they were all generally allowed to use their regular prison benefits for which they meet the legal requirements.

However, there are concerns regarding the efficiency in the implementation of such protective measures in the penitentiaries which are still facing the risk of overcrowding, particularly regarding the use of isolation rooms for infected persons, which in no case should be the same as those premises used for serving disciplinary measures such as solitary confinement, as well as in the use of facilities where hygienic conditions are at the lowest level due to problems with regular water supply.

Here are some of the recommendations that are especially important for the prison system, and which we consider that not enough attention has been paid by the visited institutions:

- Providing each penitentiary-correctional and educational-correctional institution with premises for self-isolation of the persons who will show symptoms of COVID-19.
- The imposition of a measure - referral to self-isolation, must not resemble and be equated with the disciplinary punishment - solitary confinement and it is necessary to enable persons deprived of their liberty to report symptoms in a timely manner, thus achieving productivity of the measure, ie preventing the spread of the virus on all persons deprived of their liberty.
- The self-insulation room in all institutions should meet the CPT standards in terms of reasonable room size, natural light, ventilation, clean mattress, blankets, etc.
- The fundamental rights of convicts such as the right to a doctor, the right to clean air, and the right to a lawyer must not be restricted and the competent institutions must make efforts to ensure these rights. Restrictions on visits to the persons' families and the outside world should be offset by the persons' permission to use telephones or internet communication.

The penitentiary system is still facing considerable issues and challenges especially regarding the material conditions, health care, education and resocialization of inmates. Therefore, this report contains a résumé of the on-site monitoring which focuses on the main progress areas and the challenges documented during the visits, as well as the challenges related to access to health care and the guaranteeing of rights of the inmates even in times of COVID-19 Pandemics. The report also contains recommendations for each penitentiary and correctional facility as well as general recommendations for the authorities in charge for improving the conditions in both penitentiaries and correctional facilities.

# METHODOLOGICAL FRAMEWORK

The aim of this report is to give a detailed explanation of the conditions in which convicted persons are serving prison sentences in penitentiaries and correctional facilities in the Republic of North Macedonia. The report is based on field visits in each of the 11 penitentiaries and the correctional facility in the country, with an aim to document the conditions in which the convicted persons serve their prison sentences, the hygienic conditions in the institutions, the free time activities of the inmates, their contacts with the outside world, their access to health care, the process of resocialization, as well as the internal protection mechanisms, reporting and prosecuting of cases of torture and inhuman treatment in the them. During the visits, special focus was placed on the measures taken by the authorities against the spread of COVID-19 in the penitentiary and correctional institutions.

Thereby, all the announced visits according to the approved plan of visits of the Administration for Execution of Sanctions are also taken into consideration. The visits were conducted in the months of August and September 2020.

During the visits, the representatives of the Helsinki Committee of Human Rights and the Macedonian Young Lawyers Association were directed by international standards and indicators for human rights for persons deprived from liberty, such as: the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),<sup>1</sup> the European Prison Rules,<sup>2</sup> Standards of the European Committee for the Prevention of Torture and Inhuman Treatment (CPT)<sup>3</sup>, also bearing in mind the Law on the Execution of Sanctions<sup>4</sup> and the effective bylaws regulating this field.

The visits of the penitentiary institutions and correctional facilities were conducted according to a pre-established methodological framework focusing on: the treatment of persons deprived of their liberty (inhuman treatment, use of force and means of coercion), material conditions and exercising the rights of the convicted persons (diet, lighting, heating, ventilation, toilets, personal hygiene, clothing, bedding, accommodation), leisure activities and provision of health care.

The monitoring team is consisted of lawyers and attorneys on certain visits who in addition to giving direct legal advice to inmates also provided their consent to represent them before the competent courts in order to exercise

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<sup>1</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175. Available at: <https://undocs.org/A/RES/70/175>. Approached on: 9.10.2020.

<sup>2</sup> Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805d8d25](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d8d25). Visited on 9.10.2020.

<sup>3</sup> <https://www.coe.int/en/web/cpt/standards#prisons>. Visited on 9.10.2020.

<sup>4</sup> Law on the Execution of Sanctions (Official Gazette of the RNM no.99/2019 and 220/2019).

and protect their rights. Moreover, the legal advice and the representation are not in correlation with the crimes for which the inmates have been convicted.

After each visit, internal reports were compiled and submitted to the Administration for Execution of Sanctions so they can comment on them and give their recommendations. In at least three institutions identified having major shortcomings and omissions, the monitoring team planned repeat visits.

# GENERAL PROVISIONS OF THE VISITS IN THE PENITENTIARY INSTITUTIONS AND CORRECTIONAL FACILITIES

## PENITENTIARY INSTITUTION IDRIZOVO WITH ITS OPEN UNIT IN VELES/ CORRECTIONAL FACILITY FOR WOMEN IN THE PENITENTIARY INSTITUTION IDRIZOVO

### General information

The Idrizovo Penitentiary is a closed high security prison where prison sentences of more than three years are executed, as well as a prison sentences of more than one year for repeat offenders who were previously sentenced to prison. In North Macedonia only the Idrizovo Prison contains a special Women's Unit where women from the entire country serve their effective prison sentences. Moreover, in Idrizovo the sentence life imprisonment for men and women is also executed. Within this institution there is a special unit where male and female foreign nationals and stateless persons serve their sentences. Within the Penitentiary Institution Idrizovo, there is also a separate unit for convicted females.

On August, 10, 2020, a visit was made to the Penitentiary Institution (PI) Idrizovo. PI Idrizovo has a capacity of 1253 beds, and at the time of our visit, 1082 inmates were reported. Of the total number of inmates at the time of the visit, 42 were female.

An additional visit for legal advice with convicts has been conducted on 21st of August 2020.

### Material conditions and realization of the rights of the convicted person

In terms of availability of space, material conditions and hygiene, we observed moisture, mold and unpleasant odor in the older parts of the institution, colloquially in the "Building" and the "Infirmery". In the "Building" overcrowding in the accommodation rooms, specifically in block 9 and block 5 was observed, where some 22 to 24 prisoners were found accommodated in one room. Three-story beds were also observed in some of the rooms. The shared toilets were dirty with foul odor and the showers contained improvisations such as buckets, made by the prisoners themselves.

During the visit, the new facilities of PI Idrizovo were observed, which provided accommodation to 546 inmates. The new buildings are intended as open and semi-open ward facilities, with four-bed cells and in accordance with international standards. At the time of the visit, approximately 200 inmates were accommodated in the new facilities.

In terms of leisure activities, inmates spend two hours outside their rooms, and allowed visit two times during the month. PI Idrizovo has a fenced yard in which inmates spend their free time, however, there are no conditions for other free activities in the older parts of the prison, except for walking exercise. Other exercise / leisure activities include football and basketball, library, gym, table tennis, chess and more.

According to the data obtained by the director of this institution, some 50% of the total prison population is employed inside the institution. Unfortunately, many of the workshops that used to operate in the past have been shut down for a long time, preventing inmates from acquiring skills that would benefit them after their release.

## **Health care**

In terms of health care, the Idrizovo Penitentiary Institution has two general medical practitioners, one psychiatrist (who comes on particular days), three nurses and one dentist. The medical staff is available only during the week days, working in one shift, from 07:30 to 15:30 and is responsible for providing primary health care to all inmates housed in PI Idrizovo. At the time of our visit, we were informed that there was one patient who tested COVID-19 positive.

## **Complaints from prisoners and legal aid**

During the visit, five inmates were provided with direct legal assistance on a specific legal matter and were introduced to the mechanisms for protection against torture and inhuman treatment.

The other inmates who were interviewed largely complained about the general conditions in the institution and sought legal advice regarding the use of the facilities while serving their sentences. An additional visit was made on August 21, 2020, during which only two inmates were interviewed, with whom the team already spoke during the previous visit. While the Penitentiary Institution Idrizovo houses the largest number of inmates serving prison sentences, we were informed by the institution that no other inmates asked for legal aid, and so far only a small number of people have been interviewed by our jurists and lawyers.

During the visit, the team received information that inmates enjoy the opportunity to receive visits in the institution. In general, only eligible inmates are allowed to use benefits such as good time credit leave.

## **Women's Unit**

The special unit in PI Idrizovo for women serving prison sentences (hereinafter: Women's Unit) functions as a separate facility in the Penitentiary Institution of Idrizovo. This Unit also contains a juvenile correctional facility for girls. At the time of our visit, no girls were observed to be referred to this correctional facility.

The women's unit has three different security regimes divided into two blocks: semi-open and open, and a closed one. In terms of space, material conditions and hygiene, the semi-open and open units contain a small hallway and four rooms for female prisoners. The capacity of the unit is 15 beds and at the time of the visit, eight prisoners were found. All rooms have large windows receiving natural lighting and are equipped with television sets provided by the prisoners themselves. The bed linen was largely brought by the inmates' families, although the prison also has the possibility to provide bedding for each prisoner. According to the information from the staff, all the rooms are connected to central heating, although in many of the rooms additional heaters were noticed, brought by the women inmates.

The closed unit contains 14 cells for the accommodation of prisoners and a hallway with lockers marked with names for the personal belongings of the female prisoners. The capacity of the closed unit is 55 beds and at the time of the visit, 34 prisoners were accommodated there. The closed unit has two cells for solitary confinement, a warehouse for old materials, two empty rooms with a stove that serve as kitchens, two toilets and a toilet equipped with showers, as well as a laundry room. The cells in the closed unit are equipped with maximum of five beds in one cell. All cells have adequate daylight, however cracks in the walls from moisture and unpleasant odor was present in all rooms. Food and drink were found in all rooms, and some of the inmates had refrigerators for food storage, while others kept these items outdoors. This closed unit contains four showers with broken doors, one of which is not functional at all, while the windows are broken and cold draft freely enters from outside.

In terms of work engagement and leisure activities, women prisoners are most often involved in vocational activities and education, such as sewing and hairdressing classes, as well as involvement in the kitchen and doing the laundry. When asked what activities the prisoners are involved in, it was pointed out that in addition to sewing and hairdressing training, they are engaged in the kitchen, laundry, office building, and the rest are in charge of hygiene in the hallways and toilets. The women's unit has no conditions for

and does not provide programs for fulfilling the prisoners' free time. The yard in the women's unit does not provide space for exercise and recreation, except for walking and running. Even such activities are limited because the yard is too small and there is no adequate shelter when the weather is unfavorable.

### **Recommendations:**

- Possible overcrowding of the institution must be prevented in view of the possibility of harboring newly infected inmates who might cause rapid spread of COVID-19 among other inmates which may overburden the entire health system.
- Immediate measures should be undertaken to improve material conditions in the "Building" and the "Infirmary" sections, because they are inhuman and degrading.
- Improved access to doctors and health care for inmates and provide more frequent visits to doctors in the institution enabling inmates to report symptoms of COVID-19 infection in a timely manner.
- Efforts must be made to restart the workshops so that inmates can acquire working skills again.

# SHTIP PENITENTIARY

## Basic Information

The Penitentiary Institution in SHTIP is an closed prison where inmates serve their imprisonment sentences of more than three years, as well as sentences of imprisonment of more than one year imposed against repeat offenders who previously served time in prison.

On August 18, 2020, the day of our visit, a total of 212 inmates were reported to serve a prison sentence while the total capacity of this institution was reported to be 210. An additional visit related to the provision of legal advice of the convicts has been conducted on 14th of September 2020.

PI SHTIP has a staff of 96, most of them prison guards, three of whom are women. During the visit, the team has spoken to one educator and two lawyers. There are total 5 persons engaged in the Sector for resocialization.

## Material conditions and enjoyment of rights of the inmates

The administrative part of the building is located to the right of the entrance of the institution housing the director's office and other administrative offices. On the right-hand side, there is a building that is used as infirmary.

Cells for serving disciplinary punishment – solitary confinement are located in the building housing the closed unit. According to the commander, a total of three cells are used to carry out solitary confinement. Each cell is double. During the visit, the team found three people who were accommodated in two different cells. Two people were accommodated in a joint solitary confinement, according to them, voluntarily, because in the part where they were placed a water pipe burst and on the day of the visit in this room they have been placed there for five days already. These inmates were not informed when the damage would be repaired so that they could return to the semi-open unit. They had no complaints about the conditions in that cell and refused to talk with the team.

In another cell an inmate was observed who, according to the commander, voluntarily wanted to move to the cell, because he felt anxious in the part where he was placed. He stated that due to the conditions in the other cell, which is actually solitary confinement cell, he did not want to stay there anymore, and addressed the commander for a few days, but the commander's response in this regard was that he wanted to rest there voluntarily and mentally, so this is why he was placed there. After pointing to the team, the commander said that there is room and this inmate will be moved to the part where he was previously placed.

The accommodation of persons in these cells is in extremely humiliating and degrading and in no case should two persons be accommodated in this type of cells providing no privacy for going to the toilet. Accommodation conditions in these cells, together with other accommodation fail to meet the minimum standards for the size of the room and the number of inmates per room, while some of the rooms fail to meet the standards in terms of humidity, lighting and ventilation.

This type of placement of persons in solitary confinement cells intended for serving disciplinary punishments is inappropriate primarily due to the fact that inmates are uncertain how long they will stay in there.

Accommodation facilities in the semi-open unit fail to meet the minimum standards in terms of size of the space. Seven people were observed occupying a number of rooms, which is more than the capacity of a single room.

Almost all rooms are equipped with TV sets, closets, a table and chairs.

One room on the first floor in the semi-open unit has been renovated and is used as a library. The library has a selection of books, tables and chairs.

The closed unit is located in a separate building, separated from the other area with a yard for the inmates to take walking exercises. There are three living rooms on each floor. These rooms are differently equipped in the three separate wings. In the first wing, which is located on the first floor, one living room is used as a gym and has exercise equipment. The second one is used as kitchen containing two refrigerators, a stove, a table, chairs and other cutlery for normal preparation of food. The third room is used as a TV room and is equipped with a modern TV set, a desk, chairs, etc. Up the stairs there is a toilet and a bathroom in which hygiene was assessed as satisfactory. There are new refrigerators on all three floors. Unlike the first wing, conditions in the second wing, which houses mostly convicted persons from the Roma community, were assessed as much worse. There is a significant amount of litter in the hallways and odor. According to the prison police, it is due to the failure in the maintenance of the facilities from the convicts. The accommodation rooms were in poor condition and there was nothing but a cooking stove in the kitchen. The toilet was assessed as very bad, but according to the commander, renovation on it was under way. In all wings the loafs of bread were placed on shelves without being properly packaged and care was taken of food storage standards. There is no exercise equipment in the gym, no chairs, no desks or even TV sets in the living room. The third room is out of use. In the third wing, which is located on the third floor, the conditions in the three rooms were assessed as far better than those in the second wing, but also far worse than the conditions in the first wing. There was evident difference of the conditions in the three different wings.

## Health care

The institution has a medical doctor on staff in the prison. The team interviewed the doctor who pointed out the insufficient drugs which are sometimes paid for by inmates themselves. He additionally informed us about two inmates for whom he gave his opinion that they should be suspended from serving the sentence due to medical interventions, but this was rejected. An inmate who submitted a complaint to the Helsinki Committee for Human Rights, stated that his breathing difficulties and his need to obtain an intervention, for which there is a medical opinion from the doctor in the prison. After the insistence of this person to be taken to a doctor in the hospital in SHTIP, only a notification was received from the Health Center in SHTIP that it was not possible to make such interventions due to the COVID-19 pandemic. According to the deputy director all submitted complaints are regularly forwarded and there are special mailboxes that can be used by the inmates, and only the Ombudsman has the key to them.

The team also talked to the medical nurse who informed it that a dentist has already been hired and there was no longer need to take the inmates to the city of SHTIP except for more serious dental interventions.

## Complaints from prisoners and legal assistance

During the visit conducted on September 14st, 2020, 14 convicts were provided with direct legal assistance on specific legal issues and were introduced to the mechanisms for protection against torture and inhuman treatment.

A group of 11 inmates, informed the team that from April to May 2020 there were challenges and ambiguities regarding the application of Article 12 of the Rulebook on Placement and Classification Inmates in Penitentiaries. Namely, this article regulates the issues surrounding the placement of inmates in closed high security prisons, which provides one additional conditionality that inmates who have previously committed certain disciplinary violations, must first serve  $\frac{3}{4}$  of their unserved time of the sentence. The inmate who stressed the problems regarding the application of this provision of the new Rulebook, are persons who committed escapes from custody, attempted escapes from custody, failure to return to serve the remainder of their sentence, have committed such crimes before the entry into force of this Rulebook, i.e. in 2016, 2018 and 2019, and for such violation they have served disciplinary punishments. All of these inmates have so far been banned from using prison benefits outside the institution. This provision and its practical application has the consequence of retroactive validity of the Rulebook on conditions before its adoption, to the detriment of convicted persons which creates legal uncertainty.

Another more specific complaint regarding the work engagement of inmates was a complaint received from an inmate who makes works of art with his own materials and labor and then such objects are taken away by the prison guards for little or in some cases without any compensation. He made claims that if he does not agree to the release the works they will be damaged and thus they lose their value.

During this visit, in conversation with the inmates, the team received information that inmates are allowed to receive visitors as well as use benefits such as home leave, except for the inmates who pointed out the problems related to the new Rulebook on placement, classification and relocation of inmates in penitentiary institutions.

### **Recommendations:**

- Appropriate equipping and maintenance of the premises must be introduced in each of the three wings to meet the conditions necessary for inmates serving their prison sentences.
- While progress in reducing the number of inmates serving their sentences in the prison have been made, it is recommended that further work be done to prevent the institution overcrowding, as in the event of a pandemic and presence of newly infected individuals, this may speed up the spread of COVID-19 among other inmates.
- Immediate measures should be taken to improve the material conditions in Wing 2 in the closed unit, especially the shared toilet which was assessed as being in poor condition.
- Convicted persons should not be placed in premises intended for serving solitary confinement without being ordered to serve such disciplinary measure. Placing two persons in solitary confinement without disciplinary order and when such cells are intended for solitary confinement is inhuman and degrading and affects the physical and moral integrity of the inmates (for example, inmates cannot fulfill their physiological needs).
- Adopt a new Rulebook on placement, classification and relocation of inmates in penitentiaries in order to further regulate the issues related to all situations before its entry into force.
- Providing inmates access health care services outside the institution in cases when medical doctors on staff ascertain such referrals and when such medical intervention cannot be performed due to restrictions in place in the Health Care Center in SHTIP during times of COVID-19 pandemic.

- The Ministry of Health should undertake regular procurement of necessary drugs for medical treatment of inmates with health issues which inmates procure privately when they are in short supply.

# PRILEP PENITENTIARY

## Basic information

The new 2019 Law on Execution of Sanctions from 2019 stipulated that the penitentiary institution in Prilep is a penitentiary-correctional institution of a closed type in which imprisonment sentences of more than three years are executed, as well as imprisonment sentences of more than one year for repeat offenders.

On September 3, 2020, a one-day visit was made to the Penitentiary Institution Prilep. The institution reported a capacity of approximately 110 inmates. At the time of the visit, the number of prisoners was reported at 87, one of whom was a foreign national. The Penitentiary Institution in Prilep has a staff of 71, out of whom 45 are uniformed guards and four, educators. There is no lawyer on staff and legal aid is provided by employees in the resocialization sector.

## Material conditions and exercise of rights of the convicted persons

Prilep Penitentiary contains a reception department (two rooms), open unit (six rooms), semi-open unit (seven rooms) and closed unit (four rooms), gym, entertainment room, laundry room, kitchen, dining room, room for examination and visits, infirmary and pharmacy, promenade and farm.

As of this year, there is no longer a detention unit in the penitentiary institution and the space jail cells has been converted into a high security isolated part of a closed type, where one person, due to security reasons, was held at the time of the visit. The capacity of the isolation part is for eight people, and the rooms have been completely renovated. One of the rooms we visited, which housed the person who was accommodated there. A bed, TV set, coffee table and a toilet was observed, the walls were observed to be freshly painted, and the hygiene was assessed at a satisfactory level.

The room for walking exercises for those inmates who are housed in this part is an open space enclosed by a high concrete wall. The space was empty without any equipment for recreational activities. The promenade for the other inmates is spacious, with tables and benches and two sports fields for football and basketball.

The rooms in the open and semi-open unit have been assessed as being at a relatively satisfactory level of hygiene, with large enough windows which receive daylight and used as ventilation. The rooms are equipped with beds, desks, chairs, heaters, and in TV sets.

There is no PA/ alarm system installed on the premises, due to which in case of emergency the inmates are instructed to call the staff by shouting or knocking on the doors.

The shared toilets were found in very poor condition, with high levels of humidity and low levels of hygiene. Water could be seen on the floor of the toilets, as well as broken mirrors.

## **Health care**

The health care in the Penitentiary Institution in Prilep is provided by one medical doctor, a neuropsychiatric specialist, on duty once a week and two medical nurses who are employed full time in the institution eight hours per day. Dental services are provided to the inmates via the emergency medical care.

## **Complaints from prisoners and legal assistance**

During the visit, nine inmates sought and received direct legal assistance regarding various legal issues after which they were introduced to the mechanisms for protection against torture and inhuman treatment.

One foreign national was observed serving a prison sentence in this institution. He told us that foreign nationals in this and all other prisons could not use the facilities like other convicted persons who are Macedonian citizens. Another inmate complained of having contracted tuberculosis during his stay in the institution and for which he requested termination of the sentence in order to be treated.

During the visit, the team was informed that inmates are allowed the opportunity to receive visits in the institution. Generally, eligible convicts can use the benefits to take leave from serving their sentence.

## **Recommendations:**

- Urgent replacement or repair of the non-functional toilets in shared toilet rooms and regular maintenance of their hygiene is needed.
- Equipping the promenade with equipment for inmates who are placed in the high security isolation part - the closed unit, is needed, so they can spend their free time outside more productively.
- Emergency PA / alarm systems must be installed in the premises of.
- Improve convicts' access to a medical doctor and health care so that inmates can report symptoms of COVID-19 in a timely manner.
- Renovate the library that burned down because of arson.

# STRUGA OPEN PENITENTIARY

## Basic information

The Penitentiary Institution in Struga is an open prison in which persons convicted of criminal negligence and other crimes serve no more than three years of imprisonment. Placement is stipulated in law if such convicted persons are reasonably expected, with their placement in these institutions this corresponds to the character of their crime and that such persons in this type of institution, with a sense of personal responsibility, will perform their duties and will not abuse their stay.

On September 10, 2020, the monitoring team conducted a one-day visit to the Penitentiary Institution in Struga.

The institution has a capacity of 60 inmates. At the time of the visit, a total of 19 inmates were reported to be serving their prison sentences, seven of whom were employed and working outside the institution. The total number of prison staff is 12 prison guards, the resocialization sector contains three staff and one lawyer. Prison guards are on duty in two 12-hours shifts daily.

## Material conditions and exercising the rights of the convicted persons

In the Penitentiary Institution in Struga there are a total of 12 rooms with two, three and four beds. The rooms were assessed as in solid conditions with a satisfactory level of hygiene. There are shared toilets in the institution, of which only two showers were operational and the doors to the shared toilets were observed as broken.

The director of the institution pointed out that the biggest problem they face is insufficient heating during winter. He informed us that during the winter, the rooms are heated with electric heaters due to which the institution allocates a huge amount of its funds to pay for electricity. He also stressed the problem with the heating is also due to broken windows in the corridors.

## Health care

The health care service in the Penitentiary Institution in Struga is provided by the external Emergency Medical Service of the city. On request, a doctor visits the institution once per week.

## **Complaints from prisoners and legal assistance**

During the visit, one of the inmates asked for humanitarian aid in clothes, because he has no one to provide them, and the institution also has no funds. We were informed by the institution that two other inmates are in a similar situation and that if we find aid it would be good to help these three people. They also stressed the need to provide post-penal assistance or social care and accommodation after they complete their sentences.

### **Recommendations:**

- Immediate solution must be found to resolve the heating problem in the institution.
- Urgent repair of the broken windows from where the draft spreads throughout the rooms.
- Broken doors must be repaired in the shared toilet in the rooms.
- Showers must be repaired.

# PRISON BITOLA

## Basic information

The Prison in Bitola is a penitentiary-correctional institution or a semi-open prison in which prison sentences of up to three years imprisonment are executed, in addition to prison sentences of up to one year for repeat offenders, who previously served any prison sentence. A detention unit in this Prison exists.

On September 4, 2020, the monitoring team conducted a one-day visit to the Prison in Bitola.

We were informed by the Deputy Director that they are still awaiting approval from the Ministry of Transport and Communications for the commissioning of the prison and thus the transfer of the inmates from the facility where they are temporarily housed in a new prison facility in Bitola.

## Material conditions and exercise of the rights of the convicted persons

The reconstruction of the Prison in Bitola, which was funded by the European Union, was completed this year. The reconstruction included construction works and a completely new layout of the bedrooms, which reduced the number of inmates staying in one room, as well as a complete equipping of the inmates' premises. Each bedroom has its own bathroom, a desk with chairs, TV sets, new bedding and a set of personal hygiene items. The new heating and cooling system will also improve prison conditions for both inmates and detainees, as well as staff and prison guards who will receive a completely new system for surveillance of the inmates. In addition to the bedrooms, we visited the rooms intended for library, gym, kitchen, dining room, laundry, food storage warehouse, TV room and infirmary that has access to a wheelchair and two rooms for religious services.

The reconstructed part of the Prison, which does not currently house any convicts and detainees, has a capacity of 83 inmates. The Prison has a reception area with a capacity of seven people, a seven room open unit for approximately 50 inmates, a closed unit with a capacity of some 30 inmates and a five room detention unit which can hold some 30 inmates.

Despite the fact that all rooms have been reconstructed with the latest furniture, cooling and heating system, emergency call alarms, we noticed that the toilets have not been adequately built. Namely, the toilet seats are not fenced and from them, despite the fact that odor might spread, an inmate is not expected to have their necessary privacy, since the beds are of bunk bed type, so if some-one is on the upper bed they can see the person who is in the toilet seat.

Although the cooling and heating systems were properly installed, we have observed windows in the rooms to have a minimal opening thus the inmates will not be able to ventilate the room. Regarding the remarks, the team was informed that the reconstruction is done in accordance to the international standards and the protection of the human rights of the prisoners is taken into consideration.

The prison's courtyard with its walkway (Promenade) used to be an empty space, partitioned with a high concrete wall, containing a basketball backboard in the courtyard. We noted and pointed out that it is necessary to put additional props so that prisoners can spend their free time productively.

The part of the prison where inmates are currently housed is located a few kilometers from the reconstructed part. Currently, 16 people are serving prison sentences there, out of maximum 24. This space has six rooms and was assessed as having poor hygienic conditions with old furniture. The convicts stated that they do not receive hygiene kits.

Although there is an arable land and a farm where prisoners might work, at the time of the visit we did not observe any workers doing their jobs. The prison has a staff of 54, 25 of whom are members of the prison police. There is one person employed on staff the re-socialization team and there are no lawyers on staff.

## **Health care**

The health care service in the Bitola Prison is provided via making calls to the Emergency Medical Service based in the city. There is no doctor on staff, nor is there an infirmary room where medical checkups could be performed.

## **Complaints from prisoners and legal assistance**

During the visit, the team spoke with five prisoners who were provided with direct legal assistance.

Their legal issues were concentrated around receipt of inmate benefits - use of weekend leaves, use of a legal remedy by in connection with decisions imposing disciplinary measures, use of health care services.

One of them requested legal advice regarding the legal mechanisms for protection of his rights, i.e. more specifically expressed concern regarding the forwarding of his requests to the Administration for Execution of Sanctions because he was not been given a copy or any other document that his request is really submitted.

Another inmate who was assessed to have impaired mental health is serving time in the prison in Bitola. This prisoner is taken care of by the other inmates and the prison police who change his clothes and give him the medication

prescribed by a psychiatrist. We were informed by the prison police that this prisoner's mental health is not regularly monitored by a medical professional and their raised concern regarding this since his current therapy regiment was assessed as not appropriate for his condition.

### **Recommendations:**

- Fencing or installing barriers around the toilet seats in the renovated part of the Prison in order to prevent the spread of unpleasant odors in the rooms and protect the privacy of inmates.
- Immediate transfer of inmates from the temporary facility to the Prison and timely arrangement of the space in the new facility in terms of its use for walking exercises and inmates' free time.
- Improve inmates' access to medical staff and health care services and provide for more duty time for the visiting doctor in the institution, especially due to the fact that the institution accommodates a person with mental health issues and inmates are playing a role of providers for him.
- Provide hygienic kits for all inmates.

# PRISON GEVGELIJA

## Basic information

The Prison in Gevgelija is a penitentiary institution of a semi-open type in which inmates serve sentences of up to three years imprisonment, as well as repeat offenders, previously sentenced to prison, who serve sentences of up to a year. A detention unit in the Prison in Gevgelija does exist.

On August 24, 2020, a one-day visit was made to the Gevgelija Prison. The capacity of this prison is 43 beds for inmates and 12 for detainees. At the time of the visit, 24 inmates and 3 detainees were reported.

## Material conditions and realization of the rights of the convicted persons

In terms of spacing, materials and hygiene, they were observed as being at a largely satisfactory level. The prison has 54 beds in its semi-open and open units, three in the closed one, four in the reception area, while the isolation cell contains five beds.

The director noted that he strives to make possible as many of the inmates as possible to progress and be involved themselves in work activities in the prison and jobs outside the prison. The prison has an Economy Unit that produces animal feed and a pig farm involving two inmates. Furthermore, three inmates are engaged in the kitchen, two at the gate, two in the boiler room, in winter, and outside the institution eight people are hired receiving 15% of the proceeds.

In terms of contacts with the outside world, the prison has a telephone booth, and according to staff reports inmates are often allowed to use their office phones to contact their families. Visits are allowed twice per month, and at prisoners' request, in addition to receiving family visits, visits by friends are allowed on permission of the director.

## Health care

The prison does not have a permanent prison doctor on staff to provide health care services to inmates. The prison has a medical room for examinations where a visiting doctor is on duty every Tuesday and Friday, while the Prison has signed agreements with a private dental practice for provision of dental services.

## Complaints from prisoners and legal assistance

No inmates expressed interest to talk to the monitoring team.

**Recommendations:**

- Although so far there are no convicts in the prison infected with the Covid 19 virus, in agreement with the PHI Gevgelija to provide more frequent visits to the doctor in the institution (3 times a week) so that convicts can timely report symptoms of the COVID-19 virus.

# PRISON KUMANOVO WITH ITS OPEN UNIT IN KRIVA PALANKA

## Basic information

The Prison in Kumanovo is a penitentiary institution of a semi-open type. It houses inmates serving a prison sentence of up to three years, as well as previously incarcerated repeat offenders serving sentences of up to one year imprisonment. The Prison contains a detention unit.

On September 15, 2020, the monitoring team conducted a one-day visit to the Prison in Kumanovo.

The capacity of this Prison is 226 persons, 178 convicts and 48 detainees. At the time of the visit, the number of inmates was 97, out of whom five were fugitives and 18 of them, detainees.

The institution also has a special wing that accommodates foreign nationals whose number at the time of the visit was 30. Foreign nationals are serving sentences of up to three years imprisonment. There is a closed and semi-open unit in the prison, while the open unit is off-site in another location in Kriva Palanka.

There are 75 members of the prison police, seven of whom are women. The institution has two lawyers, four educators, one male nurse and one cook, on staff, and in collaboration with the International Slavic University, young lawyers and psychologists visit the institution.

## Material conditions and exercising of the rights of the convicted persons

This institution contains semi-open, closed, reception and detention units. The semi-open one contains 14 rooms, and at the time of the visit 50 inmates were reported to be accommodated there. A total of nine inmates were accommodated in the closed unit, and three in the reception ward.

Very low levels of hygiene, humidity, damaged walls and ceilings, small windows with almost no reception of daylight, as well as dim lights from the installed lamps were observed in almost all the rooms. The rooms were equipped with bunk beds, with dirty mattresses and bed linen, a toilet seat, and the convicts usually keep their personal belongings on the free beds or on the desks because there are no lockers.

In each unit there was a room for joint activities equipped with a toilet room which is used by inmates for smoking cigarettes and going to the bathroom.

A key problem in the facility is still the lack of water. Namely, the institution with the help of a company located nearby has only partially solved this problem so that the prison would currently have water supply only in the shared toilets, but not in the inmates' rooms. Due to this, the hygiene in the prison is at a very low level, and an unpleasant odor spreads from most of the rooms. The inmates stated that they have no access to drinking water.

The shared toilets are also in poor condition, containing only a single shower in the toilet room for the foreign national inmates and the inmates from the closed unit. There are only two showers in the other shared toilet room. As a reminder, the prison has a capacity of 226 inmates.

The rooms where inmates are placed in solitary confinement were found in very poor condition, with very low level of hygiene, unpleasant smell, dirty mattresses and the presence of moisture. In the solitary confinement cell, prisoners are not able to turn on and off the light themselves, i.e. the light management system is controlled by the officials.

The courtyard's walkway (promenade) intended for persons placed in solitary confinement, is closed and the detention unit is a space enclosed by a concrete wall in which there is only a football pitch with 1 goal, which is why it was emphasized that these people do not have the opportunity to spend productively their free time outdoors.

The Prison also contains rooms that serve as: kitchen, dining room, workshop, classroom, room for religious rites, library, gym and two rooms for receiving visitors for inmates and detainees and laundry room.

The "Promenade" for the people in the semi-open unit is a wide space with a basketball court.

Due to the fact that the telephone booths in the Prison are not operational, the institution has procured four mobile phones so prisoners can have at their disposal every day in the period from 08:00 to 16:00. The mobile phones are handed over by the educators with installed "Viber" application so that foreign nationals can easily establish contacts with their relatives abroad.

Regarding the work engagement of inmates, the director pointed out that 90% of the total number of prisoners are engaged in work. Most of them are engaged in the prison, in the kitchen, in maintenance, hygiene and security, and 10 of them are work on the outside.

## Health care

The health care service in the Prison is provided by a medical assistant who is employed full time in the institution. A visiting doctor is on duty twice a week, and a dentist once every two weeks. There is no psychiatrist on staff. The institution has a medical room for medical checkups and dental room. At the

time of the visit, several inmates were waiting in line in the waiting room for a medical checkup. We were informed by the medical assistant that they have all the necessary drugs at their disposal and that they constantly issue referrals when inmates need to visit medical specialists.

### **Complaints from prisoners and legal assistance**

During the visit, five inmates were provided with direct legal assistance on a specific legal issue and were introduced to the mechanisms for protection against torture and inhuman treatment.

Two were foreign nationals and they stated that because they are foreigners they do not enjoy the use of the facilities. Both sought information on the terms and procedures for transfer to their home countries where they would serve the remainder of their sentences.

All the convicts complained that the hygiene was low due to lack of running water in the cells.

Two of the inmates requested information how to obtain early release from the institution if they obtained decisions for parole.

One of the inmates needed a dental checkup waiting for a long time for the dentist to receive him, but we were informed by the institution officials that such waiting was the result of compliance with the protocols for preventing COVID-19 transmission, but that it would be quickly implemented in a dental office.

### **Recommendations:**

- Finding a long-term solution to the problem of water supply, which in conditions of a COVID-19 pandemic can contribute even more as a means of inhuman treatment of inmates that can in turn contribute to the deterioration of their physical and mental health.
- Install a light switch control in solitary confinement cell, as it is controlled only by the officers.
- Equipping the courtyard walkway or the Promenade with props for inmates in solitary confinement, in the closed unit and in the detention ward.
- Work engagement for inmates within the Prison.

# KUMANOVO PRISON'S OPEN UNIT BASED IN KRIVA PALANKA

## Basic information

On September 25, 2020, our monitoring team conducted a one-day visit to the Kumanovo Prison's Open unit based in Kriva Palanka.

This open unit of the Kumanovo Prison is located in an old two-story building in the town of Kriva Palanka. The facility has a capacity of 23 inmates, and at the time of the visit, four inmates were serving their prison sentences. One of the convicts is employed in the kitchen, one is hired as needed, while the other two are unemployable due to age and health.

The institution has a staff of seven, five uniformed police officers and two staff in the administrative part. Resocialization in this open prison is carried out by the head of the department who pointed out that due to the small number of inmates resocialization is carried out by individual work with the inmates, and the intensity of such work depends on their needs.

## Material conditions and realization of the rights of the convicted persons

The institution has a total of four rooms. At the time of the visit, four people were observed serving their prison sentences. They are accommodated in two rooms. The rooms were observed to be relatively tidy, with large windows receiving daylight. The rooms contain beds and cabinets for storing personal belongings.

On the upper floor there is a shared toilet which assessed to have a very low level of hygiene. As a positive thing, the manager pointed out that in the past it received repairs, i.e. new tiles were installed. There is also a mirror in the toilet room which was broken at its corners thus posing a risk of (self) injury. After a remark by the monitoring team, the mirror was removed.

The kitchen and the dining room where food is served, seemed relatively tidy and clean, and the dining room was observed to have a box for receipt of complaints from the Ombudsman, however it seemed unlocked.

The exterior of the institution, i.e. the second floor, was observed to lack protective fence, endangering the safety of the inmates and officials if left such as that.

The gym contains improvised equipment due to which there is a risk of injury for inmates.

## Health care

The Kriva Palanka open unit of the Kumanovo Prison has no official vehicle. The Kumanovo base has its own vehicles that are not in operation and one of them, currently registered in Kumanovo, might be used by the staff of this open unit in Kriva Palanka. Due to that, the staff of this institution use their private vehicles for official business, transferring inmates to the Health Center in the town, since there is no doctor on staff.

The Department Head said regarding the drug therapy dissemination, inmates are those who sign the handover of drugs.

## Complaints from prisoners and legal assistance

During the visit, three of the inmates received direct legal assistance in relation to their legal issues. They were acquainted with the mechanisms for protection against torture and inhuman treatment.

One inmate informed us that this was his first time to serve a prison sentence and he that not familiar with the laws, due to which there was a need for prison officials to inform inmates of their rights and obligations, and they might do so by posting prisoner's rights via posters and brochures in the prison.

## Recommendations:

- Renovate the shared toilet.
- Install protective fence on the exterior of the second floor.
- Lock the complaint box for receiving complaints addressed to the Ombudsman.
- Hire a duty medical doctor in this institution.
- Inform the inmates about their rights by brochures, posters, etc. This will be displayed in prominent places in the institution.
- With the help of the local self-government, the bridge in front of the entrance of the institution needs to be repaired. A wooden structure with wood planks over the river posing danger to the safety of all people crossing it.

# OHRID PRISON / JUVENILE DETENTION CENTER TETOVO

## Basic information

According to the network of penitentiary institutions in the Republic of North Macedonia, the Prison in Ohrid is a prison for juvenile detention. Male minors and male juveniles sentenced to juvenile detention with effective court judgement are sent to serve their detention in the Prison in Ohrid.

In addition to this, the Ohrid Prison houses the juvenile offenders placed in the Correctional Facility in Tetovo who have received juvenile delinquency judgements and thus have been placed in a correctional facility, in accordance with the Law on Justice for Children<sup>5</sup>.

A detention unit does exist in this institution.

On September 11, 2020, the monitoring team conducted a one-day visit to the Prison in Ohrid. An additional visit to the prison was conducted on 1st of October. In accordance with the methodology for performing monitoring visits, an interview was held with the Prison director, followed by an inspection of the prison premises and holding individual interviews with the children.

The Ohrid Prison has a capacity for 18 inmates housed in its detention unit and 35 inmates in the remaining part. At the time of the visit, 5 inmates were observed to be serving juvenile prison, while ten other children were serving the measure of "placement in a correctional facility".

The Prison in Ohrid has a staff of 23 prison guards, out of whom, only two are female guards, and only two educators who work with the children.

## Material conditions and exercise of children's rights

In terms of space facilities and hygiene, children are separated into different blocks depending on whether they are serving a prison sentence or they are referred to the correctional facility.

This institution has a total of six rooms in the part for serving prison sentences and for educational-correctional measures by referral to a correctional facility. The rooms are equipped with beds, cabinets, TV sets and large windows for natural lightning. Moisture, damaged mattresses and ruined walls were observed in almost all rooms.

The director pointed out that with the help of donations, several TV sets were procured, but they were often destroyed by the children.

<sup>5</sup> Law on Justice for Children („Official Gazette of the Republic of Macedonia“ no. 148/2013 and „Official Gazette of the Republic of North Macedonia“ no. 152/2019 and 275/2019).

The institution also has an improvised gym, for which some of the juvenile inmates expressed concern that they might suffer injuries due to malfunction of the equipment.

The shared toilet room has three showers all of which are in poor condition and without curtain barriers.

In terms of nutrition, this institution has a cook on staff who is assisted by some of the juvenile inmates. A number of the juveniles stated their dissatisfaction with the food and that they had repeatedly complained about this issue to the director of the institution.

When it comes to treatment programs and leisure activities, during our visit we concluded that children deprived of their liberty do not have adequate conditions to enjoy activities and programs for their education, sports, recreation or vocational activities. The courtyard of the institution where children spend time outdoors is made of concrete and divided by a tin fence, separating the two categories of children deprived of liberty. The yard is not equipped to allow children deprived of their freedom to perform exercises, and they claim they no balls to play basketball, football, etc.

The institution employs only two educators, i.e. according to the current situation, there is one educator per seven children deprived of liberty who work in two shifts, from 07:30 to 15:30 and from 15:30 to 20:30. The educators pointed out that they could not manage to pay enough attention to all the children. They work with the children only on individual basis, and there are only a few group work exercises or activities. The director pointed out that in the past three years, representatives from the Social Work Center visited the institution only twice, and no judges have ever appeared.

In terms of access to education, assurances were made that in the period leading to March 2020, before the declaration of the state of emergency caused by COVID-19, Macedonian and English languages and Mathematics classes were regularly taking place. Teachers who taught these subjects were on duty in the prison school three times per week. However, after the declaration of state of emergency, the children continued their education via online classes in these subjects, three times per week. Classes were followed via a computer connected to a television set. The scientific content that was taught by online teachers was intended for primary school students only, and for secondary school students there was no curricula at all, which we note as a shortcoming because 90% of the inmates in this institution are legal adults thus some of them did not even attend such online classes. After the end of the classes, inmates were physically present to sit exams in different subjects in the premises of the institution. We observed that no library exists in the institution, for which the director explained that some of the inmates are not literate in order to read.

Regarding the contacts with the outside world, the director of this institution pointed out that children deprived of their liberty are rarely visited by their families and expressed concern about such a situation. The children informed us that the institution has a telephone booth that is not in good condition thus spending much of their prepaid credit trying to establish a collect line with their relatives

## **Health care**

Regarding the health care of children, it was emphasized that there is no permanent medical staff in the institution. The director informed that a doctor of general medicine comes to the Prison once a week. If a convicted child, ie a person serving an educational-correctional measure needs a psychiatrist or dentist, he / she is referred outside the institution.

## **Complaints from children who are serving a prison sentence or have been referred to a correction-al institution and provision of legal assistance**

During the Team's visit, four juvenile inmates serving prison sentences and six with decisions for referrals to a correctional institutor, were provided with direct legal assistance on a specific legal issue and were introduced to the mechanisms for protection against torture and inhuman treatment.

A general remark by most of the children interviewed as well as by the officials in the institution was the facility's failure to meet requirements for serving its purpose. The children do not have rooms for exercise, except for the gym which is in poor condition and the football field which is divided in half, one part is for the children serving a prison sentence and the other part for the children who are there by referral to a correctional facility.

The team of the Helsinki Committee for Human Rights and the Macedonian Young Lawyers Association noted that no conditions exist for children to be housed in alternative accommodation and / or a way to avoid close contact, which is a must in times of pandemic. The only alternative accommodation possible is the isolation unit located near the detention center where persons can be accommodated for a maximum of seven days due to security reasons. During the visit we were not allowed to inspect those premises. The explanation of the director of the institution was that we must obtain a court order to go there.

Two of the child prisoners reported that they were subjected to physical violence by a member of the prison police. The persons were hit on the head with the cell door, with a wrench and received blows to their backs with an object. They showed visible back injuries which are indications that they have

suffered violence. In the previous period, these inmates were already given medical assistance by a doctor. They have reported several times to the director that they have suffered violent attacks, but so far without any particular result. Additionally, during the conversation, they asked us to call a doctor, because they had suffered violence the day before and were not feeling well. This request was forwarded to the director who, after a telephone conversation with someone from the prison police said that they had changed their statements and that they no longer needed a doctor.

Occasional violence and use of force by prison guards were reported by some of the other inmates. They did not follow the reports in fear they would face increased violence in the future. The team of the Macedonian Young Lawyers Association and the Helsinki Committee for Human Rights informed the Administration for Execution of Sanctions to undertake extraordinary supervision in order to investigate the circumstances of the case and take appropriate measures in case of use of force by a member of the prison police.

After the reported violence against children to the Administration for Execution of Sanctions, on September 16, 2020 in the bulletin of the Ministry of Interior Affairs was published the following: On September 15, 2020 at 10:45 am in the SIA Ohrid, employed in the penitentiary institution Ohrid Prison, together with A 19-year-old man from Strumica who is serving a sentence in prison, reported that on September 9, 2020, at around 3:00 AM, the convicts C. forcibly entered the room of the 19-year-old. and S. and tried to have sex with him. The event was reported to the public prosecutor and measures are being taken to clear up the case.” The same event was not reported to the team at all during the visit on September 13, 2020. In contrary, the team was informed that in the previews period there weren’t any major issues and there are also no complaints from some individuals about excessive use of force by the prison police.

At the additional visit on October 1, 2020, it was determined that one child who in the meantime has become an adult has been transferred to PI Stip, and the other child changed the previously given statement and pointed out that they made the injuries to each other to transfer the blame to the institution.<sup>6</sup>

We call for the case to be investigated and for appropriate measures to be taken, because if all persons who report violence have reacted in this way, then the entire system for reporting and combating torture and inhuman treatment in penitentiary institutions is in question.

This institution also houses another child who is serving “educational-correctional measure” a person with intellectual challenges in need of special care. He suffers physical and psychological violence from other persons serving the same measure in the institution.

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<sup>6</sup> On October 9, 2020, an additional visit to PI Stip is duly scheduled to conduct a conversation with the person who has been transferred. On October 6, 2020 by the director of PI Stip we are informed that the institution prohibits all visits for a certain time due to a sick employee and a convicted person from COVID-19. If it is an urgent visit, we are informed that there is a possibility to conduct a conversation with the person via video conference.

## **Recommendations**

- Undertaking activities for accommodation of children serving juvenile prison sentences in a facility that will meet their needs in accordance with international standards.

### **In the meanwhile, the following is necessary:**

- Performing more frequent extraordinary supervisions (random inspection) by the Administration for Execution of Sanctions in the juvenile prison.
- Hiring a doctor in the juvenile prison who will regularly monitor the psychophysical health of the children.
- Hiring a psychiatrist in the institution.
- Introduction and implementation of primary and secondary education courses.
- Providing conditions for sports, exercise and culture for the children.
- Repairing shared toilets.
- Recording of all cases of use of force and means of coercion, i.e. those that might have occurred in fights between inmates deprived of liberty and addressing them to the competent institutions.

# PRISON SKOPJE

## Basic information

The Prison in Skopje is a semi-open institution in housing inmates sentenced to up to three years of imprisonment, as well as repeat offenders to one year of imprisonment. This prison hosts the largest detention unit in the country.

On August 4, 2020, the Team made a one-day visit to the Skopje Prison. An additional visit to provide legal assistance to the convicts has been conducted on 29th September 2020. Regarding its capacity, from the conversation with the head of the resocialization department it was reported that the prison has a capacity of 310 beds for persons on remand (detainees) and 128 beds for inmates. At the time of the visit, 205 detainees (including 10 women) and 82 prisoners serving their sentences were reported.

## Material conditions and realization of the rights of the convicted persons

Inadequate space, material conditions and hygiene, moisture, odor, food and ventilation is a phenomenon present in many of the rooms we visited. Ten rooms in the detention unit "B Pavilion" were observed to be renovated via donations collected by the director of the institution.

During the visit, the director informed us that inmates are engaged in work, most often in maintaining hygiene in the prison (as guards, etc.). The prison has two instructors on staff, a carpentry instructor and a locksmith instructor. Unfortunately, the problem with unavailability of resources for employment of inmates as car mechanics, farmers in the economic unit and cooks in the kitchen, is still ongoing.

## Health care

In terms of health care provision, the Prison in Skopje, at the time of the visit, employs two nurses, one general medical practitioner, one psychiatrist and one psychologist. It was pointed out that the main problem in terms of health care is access to dental services, for which inmates complain the most.

## Complaints from prisoners and legal assistance

During the visit, eight prisoners were provided with direct legal assistance in relation to a specific legal issue and were introduced to the mechanisms for protection against torture and inhuman treatment.

Inmates generally complained about the delay in the payment for the work allowance in accordance with Article 31 of the Rulebook on House Rules for prisoners serving a prison sentence in a penitentiary institution.

Several inmates treated with methadone substitution therapy stated that because their therapy was made public to other prisoners, they were treated badly by others and their right to privacy was violated. The institution should take into account the protection of the right to privacy of inmates and to give them therapy in places where anonymity may be preserved. In addition, they pointed out that in the Prison large number of inmates taking methadone therapy are engaged in cleaning toilets and floors, garbage, etc., although some of them have craft skills that could be used by the institution. The institution should take into account the professional training of convicts to engage them in accordance with their abilities and in accordance with their capacities.

The next complaint raised by some of the convicts was a one regarding the extended waiting time for applications for parole to reach the courts, and that the courts did not take into account their health condition as well as other circumstances, and as a result of that most often these requests are denied.

Complaints regarding food were raised by a number of inmates who were dissatisfied with it.

During the additional visit paid September 29, 2020, five other inmates were provided with direct legal assistance in relation to a certain legal issue and were introduced to the mechanisms for protection against torture and inhuman treatment.

During this additional visit, a number of inmates stated problems related to health care provision and such as their health care coverage in the Health Insurance Fund was not regulated by the institution. Two inmates complained that when they visited a doctor on the outside, while using the leave benefits, they were charged privately, because they were not insured in the outside world. We were informed by the institution representatives that it was technically impossible to insure a convicted person who were admitted in the institution before July 1, 2019, which is a big problem for them and their right to receive universal health insurance coverage.

### **Recommendations:**

- Appropriate equipment and maintenance of the premises to meet the conditions necessary for serving a prison sentence.
- Employment for inmates within the Prison system using existing resources.

- Make efforts to hire dentists in the Prison.
- Protection of the privacy of the convicts regarding the medical therapy usage.

# PRISON STRUMICA

## Basic information

The Prison in Strumica is a semi-open institution housing inmates imprisoned to up to three years, as well as previously incarcerated offenders serving up to one year imprisonment for repeat crimes. In-mates from the areas of Strumica, Kočhani, SHTIP, Vinica, Delčevo, Berovo and Radoviš are housed in this prison.

On August 20, 2020, a field visit was made to the Prison in Strumica.

The total capacity of this Prison is 77 inmates. At the time of the visit, 59 inmates were reported, deployed in treatment sectors A, B and C.

## Material conditions and realization of the rights of the convicted persons

In terms of space, material conditions and hygiene, all rooms were observed to be equipped with bunk beds, desks and chairs and metal lockers intended for storage of personal belongings of the inmates. There are TV sets in each room, provided by the convicts. All cells have adequate light, with large windows that allow natural light and ventilation.

The cells do not smell dump. The director informed us that the paintwork on the walls is a month old. The bed linen was observed as clean, the mattresses are in good condition. The inmates take care of the hygiene in the cells and at the time of the visit the cleanliness was at a satisfactory level.

On the second floor the cells are located containing two toilet rooms with three sinks and three toilet seats, odor of moisture was observed and assessed as not adequately clean. The inmates take care of maintaining the hygiene in these premises. In the toilet rooms, inmates mark the taps for drinking water.

The prison also contains a laundry room, employing one of the inmates.

There is also a boiler room for heating, where three inmates are housed and sleep next to the heating equipment where the smell of oil can be felt. There was not enough good ventilation in this room to purify the air.

In terms of leisure activities and work engagement for inmates, the yard seems large enough, given the number of prisoners serving prison sentences in this prison. There is grass, gazebos, playground and makeshift gym. The farm is located in prison yard, taken care of by one inmate. In terms of contacts with the outside world, inmates receive visits from 10 am to 2 pm, in a room intended for that purpose, in the prison yard.

The monitoring team did not observe any telephone booths in the Prison in Strumica.

### **Health care**

Health care is provided in the Prison by a general practitioner and a visiting nurse on duty twice a week. The director of Prison Strumica informed us that there was no problem with the supply of medication. No dental office exists in the Prison in Strumica, the costs for dental care are borne by the inmates themselves. At the time of the visit, there were three methadone users in the prison. The daily methadone substitution therapy is handed over by the supervisor and the methadone is kept by the duty guards.

### **Complaints from prisoners and legal assistance**

The inmates did not express a desire to talk to the monitoring team.

### **Recommendations:**

- Providing a telephone booth for inmates to keep uninterrupted contact with the outside world.
- Make efforts to hire a dentist and to provide dental services at the expense of the institution, not the inmates.

# PRISON TETOVO

## Basic information

The Prison in Tetovo is a semi-open institution housing prisoners serving up to three years and, for repeat offenders, up to a year, imprisonment. An open and closed unit have been established in the institution.

The detention unit was closed in 2018.

The institution has one room which is used as a reception unit. The prison has no separate cell for solitary confinement, so to implement this measure another room on the ground floor serves this purpose, where, until 2018, the detention unit was located.

On August 13, 2020, a one-day visit was made to this prison. The total capacity of the Prison in Tetovo is 48. At the time of the visit, 48 prisoners were reported to be housed there.

## Material conditions and realization of the rights of the convicted persons

All rooms in the institution are equipped with bunk beds, a desk and a chair and metal lockers intended for storing the personal belongings of the convicts. There are TV sets in each room, provided by the inmates. In two of them there are LED TV sets, and in the other rooms there are older TV sets.

All cells have enough natural light coming through the two large windows, allowing ventilation.

The cells do not smell of moisture, and the walls are painted. The bed linen seems clean, the mattresses seem in good condition. The inmates take care of the hygiene in the cells and at the time of the visit the cleanliness was assessed at a satisfactory level.

There was a smell of moisture in the hallway. On the upper floor where the cells are located, there are two toilet rooms with two sinks and toilet seats, it smells of moisture, it is dirty and cold and smells of moisture.

The prison's exterior, where the yard is located, there is a room with three showers closed with curtains and a laundry room. One of the inmates is employed in the laundry room. The room is in poor condition, dirty and cold. The inmates are in charge of maintaining the hygiene in the room.

In terms of leisure activities and contacts with the outside world, the inmates stay in their cells only during sleeping hours, and spend the rest of the day outdoors, in the prison yard. The yard occupies a small area, given the number of inmates serving prison sentences in this prison. In this part of the Prison there is a room that the prisoners use as a gym with equipment they have made themselves. Prisoners also have a room that they use as a library, but it

is poorly equipped with books. At the time of the visit, a number of inmates were playing chess in the room. In this room there the letterbox for complaints to the Ombudsman is located. Next to the room containing the showers and the laundry room, there is a room that operates as a "café" maintained by one of the inmates, where inmates spend most of their time.

There are no special rooms for receiving visitors. Visits take place in the prison yard. The monitoring team did not observe telephone booths in the Prison in Tetovo and it was concluded that the inmates use their own mobile phones, despite the fact that possession and use of mobile phone is regarded as contraband.

Approximately 10 inmates were reported to work in private companies outside the Prison, in the catering business, furniture making, medical and dental practices. The health insurance is provided by the Prison, and the companies are not paying the remaining contributions to the employed convicts.

## **Health care**

The Prison provides health care via one full time general medicine practitioner who is on duty every day from 7:30 to 15:30 and is available on call until 22:00. If there is a need after 10 pm, ambulance services from the city are called. There is no nurse in the institution. The room that the doctor uses for examinations and providing health care is small, there is only one bed and two cupboards for storing drugs.

## **Complaints from prisoners and providing legal assistance**

During the visit, 11 convicts were provided with direct legal assistance on a specific legal issue and were introduced to the mechanisms for protection against torture and inhuman treatment.

Inmates generally complained about the food served in the institution. Namely, it is unsuitable for people who have heart disease, diabetes and other chronic diseases. An additional problem is that even if the food is brought from outside, there are no conditions for storing it due to lack of refrigerators. Other non-chronically ill people also complained that the food was of poor quality and insufficient for the inmates' diet.

Also, inmates complained in general regarding the access to health care services because they are not registered to receive health care benefits from the Health Insurance Fund. We were informed by the institution that this problem has already been overcome and that all persons are now registered and are in receipt of health benefits. However, the main problem pointed out by the inmates is that almost all drugs are provided by private channels and are not provided by the institution, so the inmates are forced to procure them privately. This is a big problem for some who do not have enough funds to buy medicines.

Next, a complaint was raised regarding the maintenance of hygiene in the institution, i.e. the inmates rarely receiving hygiene kits. As a result, the premises are very dirty, which was evident on the day of the visit.

Some of the inmates requested information on the procedure and conditions for early release via parole and by a decision of the director of the institution. They stated that they have been waiting for months to receive response for pardons and conditional release.

Additionally, some of the inmates who needed medical interventions requested information on the conditions for using the legal provision of termination of the sentence.

One of the convicts stated that he must appear in court on a certain date, but he did not receive the summons or any information why he should appear in court, whether as a defendant, witness or something else. We were informed by the institution that it is an omission of the court that addresses the letters only to the institution which of course transports any inmate to the hearing after being summoned, but because the letters are not addressed to the particular inmates they are not handed over to them. This practice violates the right of inmates to receive shipments, letters and correspondence.

On September 24, 2020, nine convicts were provided with direct legal assistance by a lawyer under the project. They are familiar with the mechanisms for protection against torture.

Seven of the convicts requested information on early release by obtaining a decision on parole.

One convict requested transfer to the Penitentiary Institution Idrizovo.

### **Recommendations:**

- Equipping the walkway (Promenade) of the Prison with props that will serve the inmates to spend their free time more productively.
- The Prison should duly and timely register all persons in the Health Insurance Fund so that they can exercise their right to health care without hindrance.
- A low level of hygiene has been observed in a large part of the premises of the institution, due to which it is necessary to regularly procure hygiene packages for the inmates to allow them to protect themselves from the spread of the COVID-19.

## GENERAL RECOMMENDATIONS:

- Urgent measures must be undertaken by the Ministry of Health to ensure unimpeded access to health care services for all prisoners.
- Hygiene packages must be provided to all prisoners in all institutions to improve the hygiene in the Prisons in Tetovo, Bitola and Kumanovo and to prevent the spread of the virus Covid-19.
- In case of restricting the convicts' physical contact with the outside world, the Administration of Execution of Sanctions should continue to find alternative ways for the con-victs to contact their relatives.
- Providing within each penitentiary and correctional facility premises for selfisolation of persons who will show symptoms of Covid-19. The premises need to be in accordance with international standards.
- All reports of torture, mistreatment and inhuman treatment of prisoners, must be recorded, either by the staff at the institution or by the prisoners.
- Informing must be shared with prisoners regarding their rights via information flyers, posters, brochures, etc. This must be displayed in a prominent place in all penitentiary institutions.
- Appropriate material conditions must be provided in all institutions in order to enable humane treatment of prisoners.

- ▶ Appropriate staff must be hired in all institutions to perform resocialization and development programs.
- ▶ Access to education must be provided, especially for children deprived of liberty (this year classes were conducted only for primary school education students in the Prison in Ohrid and the Correctional Facility in Tetovo which operated under the jurisdiction of the Prison in Ohrid).
- ▶ Long-term solution of the water supply problem in the Prison in Kumanovo must be found, taking into consideration that water is a basic human right, and the lack of access to it, especially in conditions of a pandemic which places prisoners in inhumane conditions.
- ▶ Efforts must be undertaken to put prisoners to work and develop their work skills which in turn will be useful after their release.
- ▶ Cooperation between the centers for social work and the Employment Agency must be made for the purpose of providing post-penal assistance to ex-prisoners.
- ▶ Appropriate conditions must be provided for those children serving prison sentences in the Prison in Ohrid, which at present, are in contravention with all international standards. It is necessary to introduce a completely new building for this purpose or transfer of the children in educational facility Volkovija.
- ▶ Training and sensitizing the prison police to work with children.

# ANNEX 1 - TABULAR OVERVIEW OF THE MONITORING VISITS

↓ DATE	↓ PENITENTIARY INSTITUTION OR CORRECTIONAL FACILITY	↓ PRESENT PERSONS
10.08.	Idrizovo Penitentiary	Sibel Amet, Arben Gudaci
21.08. (additional visit)	Idrizovo Penitentiary	Arben Gudaci
18.08.	Shtip Penitentiary	Arben Gudaci, Irena Zdravkova
14.09. (additional visit)	Shtip Penitentiary	Irena Zdravkova
03.09.	PI Prison Prilep	Ina Dzugumanova, Arben Gudaci, Irena Zdravkova, Sibel Amet
10.09.	PI Prison Struga	Ina Dzugumanova, Arben Gudaci, Irena Zdravkova, Sibel Amet
04.09.	PI Prison Bitola	Ina Dzugumanova, Arben Gudaci, Irena Zdravkova, Sibel Amet
24.08.	PI Prison Gevgelija	Sibel Amet, Arben Gudaci
15.09.	Kumanovo Penitentiary	Ina Dzugumanova, Irena Zdravkova, Arben Gudaci, Vildan Drpljanin

↓ DATE	↓ PENITENTIARY INSTITUTION OR CORRECTIONAL FACILITY	↓ PRESENT PERSONS
25.09.	PI Kumanovo with its open unit in Kriva Palanka	Ina Dzugumanova, Arben Gudaci
11.09.	PI Prison Ohrid and Correctional Institution- Tetovo a part of PI Prison Ohrid	Ina Dzugumanova, Arben Gudaci, Irena Zdravkova
01.10. (additional visit)	PI Prison Ohrid and Correctional Institution- Tetovo a part of PI Prison Ohrid	Ina Dzugumanova, Arben Gudaci
04.08.	PI Skopje Prison	Arben Gudaci, Sibel Amet
29.09. (additional visit)	PI Skopje Prison	Arben Gudaci
20.08.	PI Struga Prison	Ina Dzugumanova, Arben Gudaci, Irena Zdravkova, Sibel Amet
13.08.	PI Tetovo Prison	Sibel Amet, Arben Gudaci

\* Additional visits were intended to provide legal aid to convicts.

**FIRST REPORT ON THE STATE OF THE PENITENTIARIES AND CORRECTIONAL FACILITIES IN THE REPUBLIC OF NORTH MACEDONIA DURING THE PERIOD FROM AUGUST 1<sup>ST</sup> TO OCTOBER 1<sup>ST</sup> 2020**