

Report

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

from 21 to 24 November 2011

The Government of “the former Yugoslav Republic of Macedonia” has requested the publication of this report and of its response. The Government’s response is set out in document CPT/Inf (2012) 39.

Strasbourg, 20 December 2012

CONTENTS

Copy of the letter transmitting the CPT's report	5
I. INTRODUCTION	7
II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED.....	9
1. Preliminary remarks	9
2. Ill-treatment.....	10
3. Staffing.....	12
4. Conditions of detention	15
a. Idrizovo Prison	15
b. remand sections of Skopje and Tetovo Prisons	19
c. juveniles held on remand at Skopje Prison.....	20
5. Health care	21
6. Other issues	24
a. discipline.....	24
b. contacts with the outside world	25
c. independent monitoring.....	26
7. "Tetovo" Educational Correctional Institution	26
APPENDIX I:	
List of the CPT's recommendations, comments and requests for information.....	29
APPENDIX II:	
List of the national authorities and organisations met by the CPT's delegation.....	37

Copy of the letter transmitting the CPT's report

Ms Olgica Vasilevska
Head of Council of Europe, OSCE and
Multilateral Affairs Department
Ministry of Foreign Affairs
Dame Gruev No. 6
1000 Skopje
“the former Yugoslav Republic of Macedonia”

Strasbourg, 21 March 2012

Dear Ms Vasilevska,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of “the former Yugoslav Republic of Macedonia” drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to “the former Yugoslav Republic of Macedonia” from 21 to 24 November 2011. The report was adopted by the CPT at its 77th meeting, held from 5 to 9 March 2012.

The recommendations, comments and requests for information formulated by the CPT are listed in Appendix I of the report. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the national authorities to provide within **three months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the authorities of “the former Yugoslav Republic of Macedonia” to provide, in that response, reactions and replies to the comments and requests for information. In respect of the recommendations contained in paragraphs 24 and 25, the Committee requests that the national authorities provide a response within **one month**.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Lətif Hüseynov
President of the European Committee for the
Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Copy: Ms Dragica Zafirovska, *Chargé d'Affaires a.i.*, Deputy to the Permanent Representative of “the former Yugoslav Republic of Macedonia” to the Council of Europe

I. INTRODUCTION

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to “the former Yugoslav Republic of Macedonia” from 21 to 24 November 2011. The visit was one which appeared to the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention). The delegation included the following members of the CPT: James McMANUS (Head of delegation), Mykola GNATOVSKYY and Olivera VULIĆ. They were supported by Hugh CHETWYND (Head of Division) of the CPT's Secretariat, and assisted by Petrit SARACINI (interpreter) and Jasna ŠOPTRAJANOVA-VRTEVA (interpreter)¹.

2. The main objective of the visit was to examine the current treatment and conditions of detention of persons held in Idrizovo Prison, having regard to the recommendations made by the CPT in the report on its September/October 2010 periodic visit. The delegation also carried out targeted follow-up visits to the remand sections of Skopje and Tetovo Prisons; particular attention was paid to the conditions of detention of juveniles held on remand. A focused visit was also undertaken to the “Tetovo” Educational-Correctional Institution, which is currently located in Veles.

3. The cooperation provided by the national authorities during the visit was excellent; the CPT's delegation was able to have rapid access to the establishments it wished to visit, to the documentation it wanted to consult and to individuals with whom it wished to talk. In particular, the delegation appreciated the assistance provided by the CPT liaison officers.

The CPT's delegation was disappointed to note that senior staff at Idrizovo Prison had not, until the first day of this visit, had sight of the Committee's report on the 2010 visit, an important part of which was devoted to the situation in the establishment where they were working.

Further, as the CPT has stressed on many occasions, the principle of cooperation under Article 3 of the Convention requires that decisive action be taken to improve the situation in the light of the Committee's recommendations. In this respect, the CPT has noted that some positive developments have taken place in certain areas. In particular, a comprehensive prison reform and building programme, financed in large part by a loan from the Council of Europe Development Bank, is now underway (see paragraph 7); commendable efforts have been made to draft new rulebooks (see paragraphs 7 and 42); and civil servant status has been conferred on all prison staff except prison directors (see paragraph 17).

However, little or no progress has been made in implementing many key recommendations made by the CPT after its previous visits to “the former Yugoslav Republic of Macedonia” since 2006, in particular as regards the situation in Idrizovo Prison. The delegation which carried out the 2011 visit found that the practice of some officers resorting to violence against inmates persisted, inter-prisoner intimidation/violence remained a significant problem, and the vast majority of the establishment's inmates continued to be held in totally unsatisfactory conditions (both material and regime).

¹ See Appendix II for a list of the national authorities and organisations met by the delegation.

The CPT has already made it clear in previous reports to “the former Yugoslav Republic of Macedonia” that such a state of affairs could well raise an issue under Article 10, paragraph 2, of the Convention² if it persists. It trusts that rigorous steps will be taken by the national authorities to implement the recommendations contained in this report.

4. At the meeting with the Minister of Justice which took place at the end of the visit on 24 November 2011, the CPT's delegation made two immediate observations under Article 8, paragraph 5, of the Convention as regards the conditions of detention in two units of Idrizovo Prison. The authorities were requested to provide by 27 January 2011 information on the action taken to:

- close down the corridor on the left side of the second floor of the “Ambulanta” unit until such time as it had been completely refurbished and rendered fit for holding vulnerable and ill prisoners;
- improve the conditions of detention of prisoners accommodated in the separation unit and to draw up an individual plan for each of them with a view to examining the alternatives to their continued stay in the unit.

5. By letter of 21 February 2012, the authorities informed the CPT of measures taken in response to the afore-mentioned immediate observations, and to other issues raised by the delegation at the end-of-visit talks. This information has been taken into account in the relevant sections of the present report.

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

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

1. Preliminary remarks

6. In its previous reports³, the CPT has pointed to a number of serious concerns in the prisons visited which required urgent action, notably: ill-treatment of inmates by prison officers, inter-prisoner violence and/or intimidation, deplorable material conditions, the absence of any regime, the lack of managerial capacity and alleged widespread corruption among staff, inadequate provision of health care and the lack of any external supervision.

The Committee is conscious that the many structural deficiencies identified cannot be remedied overnight. Nevertheless, it is important for the national authorities not only to develop a multi-annual strategic reform programme but also to pursue its implementation vigorously. Further, immediate steps need to be taken to put an end to ill-treatment in Idrizovo Prison.

7. The CPT's delegation was provided with an update on the implementation of the strategic prison reform programme⁴, including as regards the various plans to build new prisons and renovate existing ones with the support of a Council of Europe Development Bank loan.

Reference was made to a series of recently adopted by-laws, including house rules on pre-trial detention, rules on classification and allocation of prisoners and an order on how to carry out medical examinations. Further, a strategy for health care in prisons was in the process of being elaborated in consultation with the Ministry of Health, and steps were being taken to render the use of alternatives to imprisonment effective and to establish a probation system. As part of the measures to develop the professionalism of prison staff, reference was made to the recent decision to confer civil servant status on all staff, with the exception of prison directors.

The CPT would like to be kept fully informed of the progress made in the implementation of the reform strategy.

8. In fact, the findings of the 2011 visit demonstrate that fundamental change in a number of areas is still required in respect of the prison system. The development of a professional management approach within prisons remains a priority. Further, despite some progress, the delegation found that as regards Idrizovo and Skopje Prisons, which together account for nearly 75% of the country's inmate population, insufficient action has been taken to ensure that they are properly staffed, offer appropriate material conditions and a purposeful regime to prisoners, provide adequate health care for inmates, and have an effective system of reporting and supervision in place.

³ See CPT/Inf (2008)5, CPT/Inf (2008) 22, CPT/Inf (2008) 31 and CPT/Inf (2012) 4 in relation to the visits of May 2006, October 2007, June/July 2008 and September/October 2010, respectively.

⁴ See CPT/Inf (2012) 4, paragraph 25.

The considerable investment that is being made by the national authorities in terms of new or renovated prison accommodation will be undermined if concerted action is not taken to tackle the systemic deficiencies referred to above. The CPT's delegation observed for itself how recently renovated prison units in Idrizovo Prison were rapidly deteriorating due to a combination of poor management, insufficient maintenance, poor hygiene and overcrowding. It is above all imperative that the Directorate of Prison Administration identifies the steps needed to develop a professional management capability in prisons and to ensure that prison staff are properly trained and equipped, and sufficient in number.

The CPT reiterates its recommendation that the national authorities take the necessary steps to develop a professional management approach within prisons and, to the extent required, seek outside assistance.

2. Ill-treatment

9. The CPT's delegation received hardly any allegations of ill-treatment of prisoners by staff at *Skopje Remand Prison*.

However, at *Idrizovo Prison* a number of credible allegations were received of recent ill-treatment by staff, which mainly consisted of blows with truncheons as well as kicks and punches. In several cases, the injuries observed by the delegation's medical member were consistent with baton blows delivered to the backs of inmates, in the days immediately prior to the visit: for example, one inmate displayed two reddish-brown linear parallel bruises (1.5 cm x 10 cm) in the region of the left shoulder / upper back; another inmate displayed similar bruising (1.6 cm x 20 cm) in the region of the lower back. A third inmate stated that he had received a blow with a truncheon to the head and upon examination, he had a swelling on the left parietal part of the head (1.5 cm x 2 cm). It is also noteworthy that the relevant registers contained no record of the use of batons by staff during the period in question.

Further, several consistent allegations were again received that the beating of prisoners by staff occurred in the office on the ground floor of the closed part of the prison, prior to their placement in solitary confinement⁵.

In sum, the information gathered indicated that the illegitimate use of force was frequent, uncontrolled and largely directed towards vulnerable inmates in different parts of the prison (admission, solitary confinement and "separation" units). It should be noted that these prisoners were clearly convinced that complaining would aggravate their situation and lead to reprisals.

⁵ See also CPT/Inf (2008) 5, paragraph 44; CPT/Inf (2008) 22, paragraph 25; CPT/Inf (2008) 31, paragraph 14; and CPT/Inf (2012) 4, paragraph 31.

10. At Idrizovo Prison, the management and supervisory systems in place have failed, to date, to bring an end to the practice by some prison officers of resorting to violence. The Committee wishes to recall that the State has a positive obligation to prevent ill-treatment of persons deprived of their liberty.

The CPT recommends that a clear message be delivered to all prison staff and managers in Idrizovo Prison that ill-treatment of prisoners is not acceptable, and that all necessary steps will be taken to ensure that any ill-treatment is the subject of severe penalties.

The CPT would like to be informed of the concrete action taken by the national authorities to put an end to ill-treatment by staff in Idrizovo Prison, including the measures adopted to ensure that inmates who have been ill-treated by staff are not discouraged from lodging a formal complaint.

11. As was the case in 2010, inter-prisoner intimidation/violence remained a significant problem in Idrizovo Prison. Numerous incidents of fights among prisoners occurred as various groups battled to control the trade in drugs, mobile phones, etc. Other prisoners were threatened and intimidated by such groups. A symptom of the problem was the growing number of prisoners seeking protection.

Further, the failure to ensure safe living conditions for prisoners was again in evidence. Prison officer numbers remain extremely low for the size of the establishment (see paragraph 14) and custodial staff not only lack the proper training to carry out their tasks but also are poorly managed and do not receive the necessary support. Consequently, supervision of prisoners appeared to be still largely delegated to privileged inmates, and was based on informers, favours, threats and control of access to facilities and privileges.

To sum up, the delegation once again formed the strong impression that the prison was de facto still being run on the basis of implicit collusion between staff and selected inmates. The lack of clear and accountable rules combined with an absence of any effective managerial supervision has permitted a culture of arbitrariness, privilege, neglect and violence to continue to flourish.

12. The CPT has stressed in the past that prison staff are unlikely to be able to protect prisoners if they fear for their own safety or if they lack effective management support. Tackling effectively the problems posed by inter-prisoner violence entails the availability of sufficient numbers of staff and ensuring that staff receive the requisite initial and advanced training throughout their careers. The implementation of an individualised risk and needs assessment of prisoners is also required. Further, at Idrizovo Prison steps must be taken to neutralise the current informal authority exercised by certain privileged prisoners over staff members. In this context, consideration should be given to relocating this group of prisoners throughout the closed prison estate.

The CPT recommends once again that the authorities devise a national strategy to combat inter-prisoner violence in Idrizovo Prison; part of this strategy will have to include investing far more resources in recruiting additional staff and promoting their professionalism. In addition, relocating some of the more high profile and privileged prisoners out of Idrizovo Prison should facilitate their better management.

3. Staffing

13. The CPT has repeatedly emphasised that the climate in a prison is largely dependent on the quality and resources of its personnel. The problems highlighted above in respect to ill-treatment at Idrizovo Prison are integrally linked to the insufficient numbers of prison staff and the lack of training and support provided to them.

14. The delegation observed that an inadequate complement of prison officers continues to constitute a problem in the prisons visited; this was particularly acute at Idrizovo Prison.

At Idrizovo Prison, the overall number of prison officers stood at 198 (up 10% since the visit in 2010), divided into four shifts and an escort unit of some 30 officers. This is manifestly inadequate for an establishment accommodating more than 1,300 prisoners. The delegation noted that the numbers of prison officers on duty at any given time in each of the units was woefully low. For example, for the 445 prisoners accommodated in the closed sections of the prison, there were only nine officers on duty during the day; no officers were present within the “school” unit, which accommodated 92 prisoners, and only one officer supervised the semi-open unit, which accommodated 120 prisoners. Given these circumstances, it is not surprising that the impression of collusion between prison officers and inmates was particularly evident in these parts of Idrizovo Prison.

At Skopje Prison, the complement of prison officers stood at 94, similar to that at the time of the 2010 visit. However, on most days each shift had to allocate a number of officers for escorts leaving far too few on duty within the establishment. On the day of the visit, there were 17 prison officers on duty⁶, including two officers in the watch towers, for a population of 285 remand and 185 sentenced prisoners.

15. The CPT recognises that the national authorities have taken certain steps to redress the low staffing levels at Idrizovo Prison, but much more is required in order to make the establishment safe and secure for staff and prisoners. Likewise, staffing levels at Skopje Prison need to be significantly increased and a more efficient deployment of prison officers introduced in order to reflect the actual level of activity within a prison during a 24 hour period. In addition, the authorities need to invest resources to ensure that the right persons are recruited to work in prisons, that they are properly trained to carry out the tasks entrusted to them (see paragraph 17 below) and that they work in decent conditions (including being provided with a prison uniform and appropriate staff facilities).

The CPT calls upon the national authorities urgently to review the current staffing levels at Idrizovo and Skopje Prisons and, subsequently, to inform the Committee about the concrete action taken, including as regards a more efficient deployment of staff.

⁶ As the day of the visit was a public holiday, there were no prison escorts to Courts which meant that, in practice, the number of prison officers on duty in the prison was actually higher than on days when the Courts were in session.

16. The CPT's delegation again received numerous complaints from both inmates and prison officers at *Idrizovo Prison* that many of the “educators” (*educator*) who were in post did not proactively engage with prisoners. Indeed, it was difficult to discern exactly what duties educators were supposed to fulfil. Further, many inmates alleged that educators usually sought a reward whenever they were asked to make a recommendation about home leave or another prison-related matter.

The CPT has already commented on the key role assigned to the educator, given the emphasis upon an individual's rehabilitation and resettlement contained in the 2006 Law on Execution of Sanctions. Hence, it is essential that a sufficient number of properly qualified educators be employed and that they be properly supervised by management. Further, efforts should be made to increase the number of Albanian speaking educators and to employ at least one Rom educator given that 15% of the inmate population in Idrizovo Prison was classified as Rom.

The CPT reiterates its recommendation that the number of educators be increased at Idrizovo Prison and that a significant proportion of the newly appointed educators should be able to speak Albanian. Further, an educator capable of addressing the specific concerns of the Rom inmate population should also be appointed.

17. Along with increasing the number of staff, it is essential that a greater emphasis be placed upon ensuring that staff are provided with the necessary support and the appropriate knowledge, and skills to carry out their tasks. In this respect, the CPT welcomes the recent according of civil service status to prison staff, which should provide them with a degree of job security and ensure greater accountability. Staff require not only initial training but also regular in-service training to allow both updated and new skills to be learned. The CPT's delegation was informed that the competences of all prison officers had been assessed in the course of 2011 and that a comprehensive training package was being prepared. However, to date the only training provided was in self-defence for some 30 officers at Idrizovo Prison who had been assigned to a newly established escort and intervention squad.

The CPT would like to receive information regarding the training package to be provided, both initial and in-service, to prison officers.

18. The ability of prison management to be able to react rapidly to incidents threatening the good order in an establishment is important. However, the establishment of a dedicated intervention squad on stand-by to enter the detention areas whenever an incident occurs does not necessarily represent the most appropriate means for resolving conflicts. Experience has shown that, in many instances, such units often intervene too late and more forcefully than circumstances require. Potentially, a more effective means of coping with incidents threatening the good order of a prison is to ensure that all prison officers are trained in recognised means of control and restraint. On each shift, a number of officers could be designated as “first responders” in case of an incident and be able to leave their normal duties in order to provide assistance to colleagues in the area where the incident is taking place. Such an approach can not only provide a more timely response but also empower prison officers to take responsibility for good order within the prison. Further, as the prison officers are in daily contact with the inmates they will have an added incentive to resolve conflicts with minimal recourse to force, yet have the confidence that they and their colleagues are professionally equipped to apply control and restraint techniques if required.

The CPT invites the national authorities to provide all prison officers with training on recognised control and restraint techniques and put in place a system of “first responders”, in the light of the above remarks.

19. As regards the development of a professional management approach within the prison system, there have been no concrete developments since the 2010 visit. There is still no career development, no job security and no planning among the senior prison managers. Prison directors and their deputies are not appointed to their posts solely on the basis of their competence, nor are prison directors provided with the necessary management training to ensure that they are able to run their prisons effectively and plan for the future. Such a state of affairs undermines any attempt to reform the prison system. The CPT's delegation was told that there were plans to extend civil service status to all directors. This would be a positive step forward but it must be accompanied by measures to ensure that each director is carefully selected for his or her ability to carry out “what is one of the most complex tasks in public service”, which includes bringing a sense of purpose, leadership and vision to the post.⁷ Further, for the coherency of the management of prisons there should be a clearly defined hierarchical relationship between the prison directors and the Director of the Prison Administration.

The CPT reiterates its recommendation that the national authorities introduce a professional management career path within the prison system and that Prison Directors and senior managers be provided with relevant management training to enable them to fulfil their tasks competently. Further, the hierarchical relationship between prison directors and the Director of Prison Administration should be clearly defined.

20. Once again, at Idrizovo Prison, the delegation received allegations from most of the prisoners with whom it spoke about the involvement of staff in the traffic in mobile phones, drugs and other illicit goods. The existence of a widespread belief among prisoners that anything can be bought inevitably undermines attempts to create order within a prison and to develop positive staff-prisoner relations. Further, the lack of information provided in relation to discretionary decision-making criteria and processes, such as home leave, made it difficult to refute the widespread allegations of corruption.

In the response to the report on the 2010 visit, the national authorities stated that additional security measures had been taken at Idrizovo Prison and that all staff now underwent routine searches upon entering the prison, including being screened by a metal detector. However, at the time of the visit, such checks were not being applied. Further, the delegation itself observed certain inmates openly using mobile phones in the presence of prison staff; this can only lend credence to the corruption allegations.

⁷

See Rule 84 of the European Prison Rules (2006) and the commentary on this rule.

The CPT calls upon the national authorities to take urgent measures to improve the screening of all persons entering and leaving Idrizovo Prison. Further, prisoners must be provided with clear information on all discretionary decision-making criteria and processes (such as home leave), and be given reasoned responses to all applications. In this connection, the Committee would like to receive a copy of the new rules concerning transparent decision-making and the timeline for their implementation. It also wishes to be informed of any other measures taken to combat corruption at Idrizovo Prison.

4. Conditions of detention

a. Idrizovo Prison

21. The living conditions in Idrizovo Prison were again severely criticised by the CPT in its report on the 2010 visit. In the intervening period, the authorities have taken some steps to address the situation in units 2 and 5 of the unrenovated closed section (B Wing), which the Committee had described as being unfit for holding prisoners. However, the conditions in much of the prison have deteriorated since the 2010 visit and in certain units could be described as amounting to inhuman and degrading treatment.

22. In the report on the 2010 visit, the CPT expressed its concern that the recently renovated semi-open unit would not be able to withstand the pressure of accommodating more than 100 prisoners in such a confined space, especially given that much of the fittings and furnishings appeared rather fragile. At the time of the 2011 visit, the unit was accommodating 120 prisoners and the building was showing serious signs of wear and tear; the pressure on the fabric of the unit was accentuated by the serious overcrowding and generally poor hygiene. The sanitary facilities were in an appalling state of repair with only one functioning toilet and shower for the whole unit.

The conditions in the self-contained admission unit had also deteriorated (visible dampness on the walls, filthy mattresses and a general lack of hygiene) and, due to the serious overcrowding, not all inmates had their own bed (for example, a room of some 32m² accommodated 22 persons but only contained 16 beds). The situation was aggravated by the fact that inmates were no longer systematically allowed compensatory time out of their rooms within the walled garden of the unit as was the case in the past.

The “school”⁸ was accommodating 92 prisoners, the majority of whom were Rom, in appalling conditions. Apart from the two rooms reserved for privileged prisoners, the dormitories were overcrowded (for example, 20 prisoners in less than 45m²), hygiene was poor and most prisoners displayed multiple bite marks from bed bugs on their legs, arms and back. The gated corridor running the length of the dormitories remained gloomy, with little artificial or natural light, and was humid, and had piles of rubbish along it. The washroom, totally inadequate for the number of inmates, emitted a foul stench, was dirty and only two of the toilets appeared to function properly.

⁸ Originally designed for prisoners requiring remedial education, the school unit has not provided any education for many years.

Further, in these three units the accommodation rooms were heated with wood burning stoves; however, the prisoners were not supplied with sufficient quantities of wood to heat the rooms adequately, which meant that they had to buy supplementary supplies. **The CPT recalls that it is the duty of the State to ensure that all prisoner accommodation is suitably heated.**

23. As regards the closed section of the prison⁹, unit 5 of B wing has now been refurbished and was accommodating 119 prisoners at the time of the visit. The situation observed represented a clear improvement as compared to the deplorable conditions prevailing at the time of the 2010 visit. That said, the prison management needs to make concerted efforts to maintain the unit in a decent state of repair and hygiene; the washroom and toilet areas were already showing signs of being rapidly degraded and possessed no functioning artificial lighting; the heating in the rooms was inadequate; many of the mattresses were very old, dirty and infested. Further, the dormitories were overcrowded, offering prisoners less than 3m² of personal space, and in at least one room not every inmate had his own bed.

As for unit 2, which had also been the subject of an immediate observation during the CPT's 2010 visit, it had finally been closed down on 16 November 2011 (i.e. a few days prior to the start of the 2011 visit) and it was hoped that the 2012 budget would allocate the necessary funds for its renovation.

24. In the report on the 2010 visit, the CPT raised serious concerns in relation to the conditions of detention in the so-called in-patient medical unit ("Ambulanta"). The situation for the 103 prisoners accommodated in this unit at the time of the 2011 visit had not improved. The conditions on the left-hand corridor of the second floor (accommodating the most vulnerable and ill prisoners) were particularly poor; the corridor was dirty, dark and dank; the rooms were overcrowded and in a deplorable state of repair, and there was a general absence of hygiene and an infestation of cockroaches and other insects. The communal bathroom area was flooded, filthy, and possessed no artificial lighting and no functioning toilet. As already indicated in paragraph 4 above, the CPT's delegation invoked Article 8, paragraph 5, of the Convention and requested the authorities to immediately close down this corridor until such time as it had been completely refurbished and rendered fit for holding prisoners.

By letter of 21 February 2012, the Ministry of Justice informed the CPT that the concerns raised by the delegation would be resolved in the context of the reconstruction of Idrizovo Prison which would begin in the course of 2012. In the light of the conditions in which inmates were being held on this corridor, such a response is totally unacceptable. **The CPT recommends that immediate steps be taken to close down the above-mentioned corridor in the "Ambulanta" until such time as it has been completely refurbished and rendered fit for holding prisoners. The Committee would like to be informed within one month of the action taken by the national authorities in response to this recommendation.**

In addition to taking steps to maintain the unit in a decent state of repair, the authorities should decide on the function of the unit. **If it is to remain a medical unit, the decision on allocation of a prisoner to the unit should be taken by the health care team and all prisoners currently accommodated there for non-medical reasons should be transferred to other wings in the establishment. Further, the health care team should undertake daily visits to the unit.**

⁹ See CPT/Inf (2012) 4, paragraph 55 for a description of the different wings of this section.

25. The “separation” unit, on the ground floor of the closed section of the prison, accommodated primarily prisoners requiring protection from other inmates. On the day of the visit, it accommodated 37 prisoners in what were once 12 single-occupancy cells (each measuring some 7m²) but which now mostly held up to three or four prisoners¹⁰; one prisoner was sleeping on a mattress in the corridor of the unit. The prisoners were not offered access to outdoor exercise and spent the day milling about in the narrow corridor running the length of the cells. The cells were not equipped with any furniture apart from two or three beds stacked one on top of the other, and the partially screened toilet and sink at the back of each cell did not in many instances function properly. Hygiene was poor and the unit was in a state of disrepair. Further, many of the windows along the corridor were broken and sheets of plastic were used to replace missing panes of glass. In addition, prisoners lived in fear of their lives from stronger groups of inmates, who were permitted to access the area outside the unit and issue threats through the windows.

This state of affairs, combined with the fact that the prisoners “on protection” were provided with no prospect of leaving the unit, led to the CPT’s delegation to invoke Article 8, paragraph 5, of the Convention and request the authorities to immediately improve the conditions of detention of prisoners accommodated in the separation unit and to draw up an individual plan for each of them, with a view to examining the alternatives to their continued stay in the unit.

By letter of 21 February 2012, the Ministry of Justice informed the CPT that the question of the “separation” unit would be resolved in the context of the reconstruction of Idrizovo Prison. In the light of the situation found by its delegation at the time of the visit, such a response is totally unacceptable. **The CPT recommends that immediate steps be taken improve the conditions of detention of prisoners accommodated in the separation unit and to draw up an individual plan for each of them, with a view to examining the alternatives to their continued stay in the unit. The Committee would like to be informed within one month of the action taken by the national authorities in response to this recommendation.**

26. To sum up, despite some improvements to certain accommodation blocks, the vast majority of inmates in Idrizovo Prison continue to be held in totally unsatisfactory conditions. Further, the lack of attention and care by management and staff have allowed recently renovated areas to deteriorate. The pressure of overcrowding on the fabric of the accommodation units is further compounded by the lack of purposeful activities offered to prisoners.

The CPT wishes to recall that the investment of considerable finances in building new prison accommodation, with the support of the Council of Europe Development Bank, will not in itself guarantee appropriate living conditions on a durable basis if it is not accompanied by the development of a professional management and supervision approach, the recruitment and training of adequate numbers of prison staff and the pursuit of efforts to combat overcrowding in prisons.

¹⁰ And one cell was even accommodating five prisoners at the time of the visit.

27. In the light of the above, **the CPT once again calls upon the national authorities to take:**
- **immediate steps at Idrizovo Prison to devise a phased programme to reduce the occupancy levels in multi-occupancy dormitories so as to ensure a minimum of 4m² per prisoner;**
 - **ongoing steps to render the establishment safe and hygienic, through inter alia repairing the sanitary facilities, providing sufficient detergent and hygienic products, instituting a preventive health care programme that emphasises cleanliness, replacing decrepit mattresses, furnishing clean bedding, eradicating the infestation of cockroaches and other vermin, replacing broken window panes, repairing the floors and roofs, and ensuring adequate artificial lighting and heating in all living areas.**

28. The situation at Idrizovo Prison concerning food for prisoners remains problematic. Senior management informed the delegation that the funding available for food was insufficient¹¹ but that efforts were being made to increase the quality and quantity of the food and to stop privileged prisoners from siphoning off the better-quality food produced in the kitchen. In this respect, the CPT had recommended in its report on the 2010 visit that the quality and quantity of the food actually provided to prisoners should be routinely recorded and monitored against the official menu, and that the hygiene of the kitchen and transportation of the food to the accommodation blocks should also be regularly inspected. Such oversight had not yet been instituted.

The CPT calls upon the national authorities:

- **to ensure that all meals provided to inmates correspond to the minimum legal norms and to the daily menu, and**
- **to put in place an oversight system.**

29. The regime on offer to sentenced prisoners in Idrizovo Prison remains as impoverished as that observed at the time of the 2010 visit. The vast majority of prisoners continue to be offered no purposeful activities, contrary to the provisions of the 2006 Law on Execution of Sanctions. The CPT remains convinced that until such time as a full and purposeful regime is introduced, imprisonment will only serve to ensure that prisoners at the end of their incarceration are less capable of coping in the outside law-abiding community and even more dependent on the criminal sub-culture.

The CPT calls upon the national authorities to take the necessary measures to ensure that all prisoners in Idrizovo Prison are offered activities of a purposeful and diverse nature, in order to comply with the basic aims of imprisonment.

¹¹ 29 denars or less than half a euro per prisoner per day.

b. remand sections of Skopje and Tetovo Prisons

30. The material conditions in the remand section of *Skopje Prison* remain the same as those described in the report on the 2010 visit.¹² The deficiencies noted in the past persist, such as the pervasive dampness in the cells, little natural light, inadequate artificial lighting, minimal ventilation, call bells that do not function and very poor hygiene. In addition, many of the cells were overcrowded (for example, four inmates in 11.5m²). The cells in C wing were in a particularly dilapidated state and infested with insects. Many allegations were also received that inmates had to spend several nights sleeping on a mattress on the floor when they first arrived at the prison.

The delegation observed that inmates were still not provided with the necessary cleaning products to maintain their cells in an appropriate state of hygiene. Prisoners should not have to wash their eating utensils or themselves from a tap running into the toilet, and they should have daily access to warm water. In addition, the heating in the cells was totally insufficient; with temperatures below freezing outside, cells were only heated for a few hours each day. The CPT also continues to see no valid justification for not allowing inmates to wear a wrist watch or for cells not to be equipped with a mirror (e.g. metallic).

The CPT reiterates its recommendation that a concerted effort be made to reduce the cell occupancy rate in the remand section of Skopje Prison with a view to ensuring that all prisoners accommodated in multi-occupancy cells each have at least 4m² of living space. Further, every inmate must be provided with his/her own bed. Moreover, it is essential that the cells in C wing be rapidly renovated, including new mattresses and bedding, and that a rolling programme of maintenance and refurbishment of all cells be instituted (call bells, full screens for the toilet, repair of leaking ceilings, etc.). In addition, all prisoners should be provided with appropriate quantities of hygiene products and have daily access to warm water, and cells should be adequately heated. Prisoners should be permitted to wear a wrist watch and be allowed a mirror in their cells.

31. There have also been no improvements in the material conditions of the remand cells of *Tetovo Prison*. At the time of the 2011 visit, 26 persons were being held in 11 cells, six of which measured a mere 5.2m² (plus a 1m² sanitary annexe). In the report on the 2010 visit, the CPT had stated that cells of less than 6m² should not, in principle, be used as overnight accommodation for one prisoner, let alone two. Nevertheless, the delegation found that the six small cells continued to be used for the accommodation of two remand prisoners and that no compensatory time out-of-cell was provided to these inmates; they were confined to their cells for 23 hours or more a day. Further, the cells were damp and fetid.

None of the cells possessed shelving units, lockers or a chair, nor were they equipped with functioning call bells. Televisions and mirrors were still not permitted in the cells.

In their response to the report on the 2010 visit, the national authorities stated that funds had been requested under the 2012 budget to renovate the remand section of Tetovo Prison. **The CPT calls upon the national authorities once again to take the necessary steps to remedy the deficiencies observed at Tetovo Prison. As regards more particularly cell occupancy rates, the norm of at least 4m² of living space per prisoner in multi-occupancy cells should be met.**

¹² See CPT/Inf (2012) 4, paragraph 52.

32. There has also been no improvement in the regime offered to inmates in the remand sections of Skopje and Tetovo Prisons. Inmates were confined to their cells for 23 hours or more every day, for periods of up to two years. No activities of any sort were offered to inmates; even the makeshift exercise room at Skopje Prison was no longer available as the equipment had apparently been broken. Nevertheless, it should be noted that the recently adopted Rulebook for remand prisoners provides for the possibility of televisions to be installed in each cell. Implementing this provision would improve life considerably for inmates.

The CPT calls upon the national authorities to take the necessary steps to provide educational, cultural and sports activities for remand prisoners with a view to enabling them to spend a reasonable part of the day outside their cells. Further, the provision in the Rulebook on television should now be implemented.

33. In respect of access to outdoor exercise, inmates on remand at Skopje and Tetovo Prisons were now being offered access to outdoor exercise every day; this is a welcome development. However, the delegation did receive complaints that it usually lasted far less than one hour (for example, only 15 minutes on Sundays at Tetovo Prison) and was certainly never for two hours as prescribed in the Law on Criminal Procedure.

The CPT wishes to receive confirmation that inmates being held in the remand sections of prisons, including at Skopje and Tetovo Prisons, are offered the legal minimum of outdoor exercise every day.

c. juveniles held on remand at Skopje Prison

34. In the course of the 2011 visit to the remand section of Skopje Prison, the delegation met four juveniles who were being accommodated in two cells, each measuring some 7m². The cells contained one set of bunk beds, a partially screened floor-level toilet and a table, but no chairs. The juveniles were confined to these cells for 23 hours or more a day and were offered no activities, nor were they visited on a regular basis by staff. This state of affairs is unacceptable.

35. In the report on the 2010 visit, the CPT clearly expressed its position that juveniles who have to be deprived of their liberty should be held in facilities specially designed for persons of this age, offering regimes tailored to their needs and staffed by persons trained in dealing with young persons. It is clear from the delegation's findings that no action has been taken to ensure that these precepts are applied to juveniles detained on remand in Skopje Prison.

The CPT recommends that the national authorities take specific steps to ensure that juveniles held on remand in Skopje Prison or other prisons are offered educational and recreational activities, which take into account the specific needs of their age group. Physical education should form a major part of that programme. Of course, the recommendation in paragraph 30 concerning material conditions of detention also applies to juvenile prisoners.

In this connection, the Committee wishes to receive details of the number of juveniles currently being held on remand in Skopje Prison, their material conditions of detention, the arrangements in place to offer them a purposeful regime and how long each juvenile has been held on remand. Further, it would like to be informed of the national authorities' long term plans for the accommodation of juvenile remand prisoners.

36. At the time of the visit, the CPT's delegation met a 16 year old boy in the remand section of Skopje Prison who had been in detention for over two weeks and had still not been permitted to telephone his mother. Upon the delegation's request, the prison authorities undertook to facilitate communication between the juvenile and his mother. Every effort must be taken to ensure that all juveniles remanded into custody are afforded the possibility to contact their family from the moment they are admitted to prison. Further, if, due to personal circumstances, the juvenile cannot be visited by family members the possibility to have additional compensatory phone calls should be granted. **The CPT recommends that the necessary steps be taken in the light of the above remarks.**

5. Health care

37. The CPT's delegation was informed that a health care strategy for prisons was in the process of being drawn up in consultation with the Ministry of Health, and that it would be premised upon the principle of providing medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community. **The CPT would like to receive, in due course, a copy of the adopted strategy. Part of the above-mentioned strategy should be the provision of appropriate training and support for health care staff working in a prison environment;** at present, no such training or support is provided.

38. The CPT's delegation found that the health care staffing team at *Idrizovo Prison* had not been strengthened since the visit in 2010. Of the five doctors assigned to the prison (which represents, in principle, a sufficient number), one has been on sick-leave for over two years and another one was on extended maternity leave; the remaining three doctors appeared totally overwhelmed by the task facing them¹³. Further, the nursing complement had not been reinforced and, of the four nurses currently employed, two were due to retire in early 2012. The only positive development concerned a dentist who had been contracted to work full-time in the prison and who appeared to enjoy the confidence of both staff and inmates. However, it was uncertain whether her contract would be extended in 2012.

The delegation received many complaints relating to access to health care. This is scarcely surprising; the existing health care resources were clearly insufficient to meet the demands of a prison population of 1,347, which included a large number of prisoners with significant somatic and mental health care needs; in particular, nursing staff resources need to be reinforced. Further, the fact that only six inmates were recorded as having requested to see a doctor on the first day of the delegation's visit and 13 on the second day lends credence to allegations received of prison staff filtering requests to see a doctor.

¹³ The head of the health care service also worked one day a week as the visiting psychiatrist at Skopje Prison.

The material conditions of the medical facilities at Idrizovo remained inadequate and in a state of neglect and dilapidation. They need to be completely renovated and re-equipped.

39. **The CPT reiterates its recommendation that a detailed needs assessment be carried out to determine the precise requirements in terms of health care staff, facilities and equipment for Idrizovo Prison. The number of qualified nurses should be substantially increased as soon as possible. The results of the needs assessment should be communicated to the CPT, along with a plan for taking the necessary measures. Further, the CPT would like to be informed whether a dentist continues to be employed on a full-time basis at Idrizovo Prison.**

40. Some five prisoners were still employed in the medical unit at Idrizovo Prison performing nursing duties such as carrying out triage functions, distributing medication, being present during consultations, having access to medical records and even being on-call to deliver care to other prisoners when no member of the health care team was present. **The CPT reiterates its recommendation that steps be taken to replace prisoners performing such nursing duties with qualified health care staff.**

41. The health care team at *Skopje Prison* has not changed since the time of the 2010 visit¹⁴. In brief, the complement of two nurses remained clearly insufficient for a prison of the size of Skopje (285 remand and 120 sentenced prisoners). Further, the medical facilities, consisting of two rooms, were insufficient for the establishment's needs and the equipment remained basic.

The CPT reiterates its recommendation that additional qualified nurses be recruited and that the medical facilities be upgraded.

42. The CPT's delegation noted that all newly-admitted prisoners were now medically screened on the day of, or the day after, their arrival at both Idrizovo and Skopje Prisons.

A recent Order on Medical Examinations issued by the Directorate of Prison Administration clearly laid down that the screening should include a proper physical examination of the inmate, the results of which must be recorded in full and a copy placed in the inmate's medical file. Further, the Directorate stated that it had reiterated previous instructions regarding the reporting of cases of ill-treatment; namely, whenever a newly-arrived inmate alleged ill-treatment or there were other indications that he/she may have been ill-treated by the police, health care staff were required to inform the prison director, who in turn was obliged to inform the competent judge or prosecutor.

From the information gathered by the CPT's delegation, it would appear that these instructions were not being followed in all instances. Not all inmates were being *physically* examined upon admission and, it appeared that only when an inmate's injuries appeared particularly severe upon admission (i.e. required treatment in an outside clinic) was the case brought to the attention of the prison director. Further, the delegation met a number of prisoners who stated that the doctor had not noted down their allegations of ill-treatment or performed a proper physical examination, and the corresponding medical files contained no relevant information.

¹⁴ See CPT/Inf (2012) 4, paragraph 63.

The CPT recommends that the national authorities remind all prison health care staff that every newly-arrived prisoner should be properly interviewed and physically examined upon admission, and that any allegations of ill-treatment and signs of injury should be fully recorded, in accordance with the relevant Prison Regulations.

It should also be noted that, at Idrizovo Prison, the health care team had stopped recording injuries sustained from inter-prisoner violence or use of force by prison officers; the register remained blank for 2011 and contained only six cases for 2010. **Action should be taken to remedy this shortcoming.**

43. As regards medical confidentiality, the situation at Idrizovo and Skopje Prisons remained unchanged with medical examinations routinely taking place in the presence of prison staff and “nurse” prisoners, contrary to the affirmation contained in the response to the report on the 2010 visit that medical examinations were being conducted out of sight and hearing of prison officers. Further, confidentiality of medical data was not at all respected at Idrizovo Prison. **The CPT calls upon the national authorities to take steps to ensure that medical confidentiality is fully guaranteed in all prisons.**

44. The CPT’s delegation observed once again that drug misuse remains a major problem at Idrizovo Prison. At the time of the 2011 visit, 163 prisoners were on a methadone maintenance programme, following a positive urine test for heroin which had been taken on a voluntary basis. However, methadone detoxification was still not offered nor was there any psycho-social support to accompany the methadone maintenance. Further, there was no mandatory urine testing. It should also be noted that the manual dispensing of 163 single doses of methadone every day was extremely time consuming and inefficient; a methadone dispenser should be purchased.

The current approach towards providing support for those prisoners who have drug-related problems is totally inadequate at Idrizovo Prison. The assistance offered to such persons should be varied as no single treatment will be effective for all prisoners; services need to be tailored to the needs of prisoners, the severity of their dependence, their personal circumstances, motivation and response to interventions. The management of opioid dependence requires a balanced approach involving a combination of pharmacotherapy, psychotherapy, psychosocial rehabilitation and risk reduction interventions. Ideally, prisoners with a drug addiction should be presented with a range of options for treatment when admitted to prison, such as harm-reduction programmes, substitution treatment and detoxification. Further, the setting up of a drug-free wing for certain categories of prisoner might also be considered.

In addition, the criteria for entering the existing methadone maintenance programme should be amended so that it is not merely based on one positive urine test. Instead, age, length of opioid dependence, physical and mental health and personal motivation should also be considered in order to evaluate whether to admit a prisoner to the maintenance programme. In sum, a prisoner should only be considered suitable for substitution treatment if the individual and social harms associated with the opioid use are likely to be reduced by entering into treatment.

The CPT recommends that the national authorities review the management of the methadone maintenance programme at Idrizovo Prison in the light of the above remarks.

6. Other issues

a. discipline

45. The delegation found that living conditions in the segregation unit in *Idrizovo Prison* had still not improved from those described in the CPT's report on its 2006 visit¹⁵. For instance, persons placed in solitary confinement were still not being offered a minimum of one hour of outdoor exercise every day nor did they have access to a shower while located in the segregation unit. Further, the sanitary annexes in the cells visited were all flooded due to either the toilet or the sink being broken, and the beds were equipped with several cushions rather than a proper mattress.

The CPT recommends that the national authorities take the necessary steps to ensure that all prisoners undergoing a disciplinary punishment of solitary confinement are offered one hour of outdoor exercise every day and are given access to a shower at least once a week (more frequently if possible¹⁶). Further, steps should be taken to maintain disciplinary cells in a decent state of repair and each bed should be equipped with a proper mattress.

46. According to the response of the authorities to the report on the 2010 visit, specific rules guaranteeing a fair hearing for prisoners undergoing a disciplinary procedure will be contained in the Prison House Rules, which had not yet been finalised at the time of the visit.

At Idrizovo Prison, the disciplinary procedure had not evolved in practice from that observed at the time of the 2010 visit; prisoners met by the delegation said that the formal hearing did not always take place and an examination of the files showed that the educator did not always make a written report. Further, every inmate met stated that there was no point in filing an appeal as the disciplinary punishment would never be reduced and, moreover, any decision would only arrive after the period of solitary confinement had been served.

The CPT reiterates its recommendation that the national authorities guarantee a fair hearing, in accordance with the law, for all persons accused of disciplinary offences.

In addition, the CPT recommends that prisoners facing disciplinary charges be formally guaranteed the following additional rights, which are not explicitly provided for in the current legislation:

- to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;
- to call witnesses on their own behalf and to cross-examine evidence given against them;
- to remain seated during adjudications and to have facilities to take notes;
- to appeal to an independent authority against any sanctions imposed;
- to receive a copy of the disciplinary decision, informing them about the reasons for the decision and the avenues for lodging an appeal, as soon as possible in order to maximise the effectiveness of any appeal.

Further, the CPT wishes to receive a copy of the new Prison House Rules once they have been adopted.

¹⁵ See, for example, CPT/Inf (2008) 5, paragraphs 98 to 101 in relation to the visit carried out in May 2006.

¹⁶ See the 2006 revised European Prison Rules (Rule 19.4).

47. The CPT's delegation found that prison doctors were still obliged to certify that prisoners were fit to undergo a disciplinary punishment of solitary confinement. **The Committee recommends that this obligation be rescinded;** it is scarcely likely to promote a positive doctor-patient relationship and is not in conformity with the European Prison Rules.

Of course, prisoners held in conditions of solitary confinement should be visited by a member of the health care team as soon as possible after their placement and regularly thereafter, as is provided for in the 2006 Law on Execution of Sanctions.

b. contacts with the outside world

48. The situation observed in the course of the 2011 visit showed that no steps had been taken to improve prisoner contacts with the outside world, in particular as concerns visits.

At *Idrizovo Prison*, sentenced prisoners were still only permitted to receive one visit of one hour per month, which is totally inadequate. In addition, contrary to what is affirmed in the response of the authorities to the report on the 2010 visit¹⁷, prisoners in the admission unit were still not allowed to have access to visits, phone calls or parcels for 30 days following their arrival in the establishment. This is too long a period to be deprived of contact with the outside world, especially for new arrivals in an institution such as Idrizovo Prison where most prisoners rely on the support of their families.

Remand prisoners at *Skopje Prison* were still restricted to two visits per month for a duration of 15 minutes or less. Further, the conditions under which the visits took place remain totally inappropriate for promoting meaningful contact¹⁸. Several complaints were also received from prisoners about the ban imposed by judges on children from visiting their parent(s) held on remand in Skopje Prison¹⁹; such a measure appeared totally arbitrary and certainly caused several women remand prisoners who had children additional stress, not to mention the potential effect on the children. Likewise, the inability of remand prisoners to make telephone calls, although this was provided for in the recently adopted Rulebook, should be remedied.

The CPT calls upon the national authorities to review the arrangements for visits in all prisons, and particularly at Skopje Prison, with a view to:

- **increasing the amount of visiting time offered to both remand and sentenced prisoners, preferably to at least one hour every week;**
- **ensuring that prisoners and their families can conduct visits with dignity and respect of privacy (i.e. with appropriate seating arrangements and in an environment which does not require raised voices for communication); as far as possible, both remand and sentenced prisoners should be able to receive visits under reasonably open conditions.**

Further, the necessary steps should be taken to ensure that sentenced prisoners at Idrizovo Prison are not deprived of contact with the outside world during the first 30 days of their imprisonment.

¹⁷ See CPT/Inf (2012) 4, page 39.

¹⁸ For a description, see CPT/Inf (2012) 4, paragraph 87.

¹⁹ It should be noted that no such ban was in place at Tetovo Prison.

In addition, the CPT recommends that the ban on children from visiting their parent(s) at Skopje Remand Prison be reviewed. Remand prisoners should also be provided with access to a telephone in accordance with the Rulebook for pre-trial detainees.

c. independent monitoring

49. At present, the system of independent monitoring of prison establishments is underdeveloped. The State Commission has, to date, not fulfilled its statutory role of supervising the application of the 2006 Law on Execution of Sanctions, and the weekly inspections by judges of remand sections of prisons are not focused on the treatment and conditions of detention of inmates; it would also be better if the judges carried out these inspections without being accompanied by senior prison staff.

The Ombudsman's Office now has a clear mandate to carry out independent monitoring of all places of detention, including prisons. On 31 December 2008, the Law on ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted, which clearly states that the Ombudsman is designated as the National Preventive Mechanism (NPM), in accordance with Article 17 of OPCAT.

At present, the NPM unit within the Ombudsman's Office is made up of three lawyers, all of whom have participated in training on how to carry out visits to a place of detention and on the importance of drafting reports with clear recommendations aimed at improving the situation in the places visited, based not only on domestic legislation but also international norms. However, three persons cannot be expected alone to cover all the places of deprivation of liberty in the country (not only prisons but also police stations, psychiatric hospitals, etc.); provision should be made to ensure that they are able to call upon specialist assistance, such as medical doctors, psychiatrists and social workers as needed to support them during the visits to different establishments. Ensuring that the NPM unit functions effectively, including being provided with adequate resources, and that the national authorities take due account of its recommendations, will strengthen the protection of persons deprived of their liberty in the country.

The CPT recommends that the national authorities ensure that the NPM receives the necessary resources to fulfil its task effectively, taking into account the above remarks. Further, the other bodies carrying out prison monitoring should function effectively.

7. "Tetovo" Educational Correctional Institution

50. The new temporary premises of the "Tetovo" Educational Correctional Institution are now located in the two-storey open department building of Idrizovo Prison, just outside the town of Veles. At the time of the visit, the Institution was accommodating 29 juveniles between the ages of 14 and 23 in two distinct sections; an open and a closed section.

51. The open section was located on two floors; the ground floor contained primarily staff offices, the kitchen and dining room while on the first floor there were four multi-occupancy dormitories, a room with a television, a fitness room and an empty room for activities. The material conditions were on the whole acceptable.

52. The closed section, located on the ground floor, consisted of four multi-occupancy dormitories (each measuring some 10m²), two solitary confinement cells, a day room and a sanitary facility. However, at the time of the visit, all ten juveniles held in the section were being accommodated in the day room as the heating in the rest of the section was not functioning. Besides being cold, the cells in the section were in a poor state of repair, had no windows (and hence were deprived of access to natural light) and were of insufficient size to be accommodating three or four juveniles, as had been the case. Further, the toilet in each cell was only partially screened to a height of one metre and none of the cells possessed a sink. The sanitary facility for the section consisted of a toilet, sink and shower (located over the toilet), and possessed no functioning artificial lighting.

The CPT recommends that the material shortcomings referred to above be remedied; in particular, all cells should have adequate access to natural light, multi-occupancy cells should offer each juvenile at least 4m² of living space and the toilet in such cells should be partitioned to the ceiling.

53. The regime at the Institution was supposed to revolve around educational classes. However, the CPT's delegation was informed that no classes had been offered since June 2011 due to a lack of funding. At the same time, little had been done to increase the opportunities to be involved in vocational, recreational or sporting activities; the juveniles were spending far too much time in idleness.

The CPT has in the past stressed that a lack of purposeful activity is especially detrimental for juveniles, who have a particular need for physical activity and intellectual stimulation. Clearly the provisions of the 2006 Law on the Execution of Sanctions to provide positive educational, behavioural and vocational development, as well as the active use of leisure opportunities and the maintenance of family and positive social ties, were not being fulfilled²⁰.

The CPT recommends that the national authorities take the necessary steps to ensure that all juveniles deprived of their liberty are offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme.

²⁰ See Article 314 of the 2006 Law on Execution of Sanctions.

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Preliminary remarks

recommendations

- the national authorities to take the necessary steps to develop a professional management approach within prisons and, to the extent required, to seek outside assistance (paragraph 8).

requests for information

- the CPT would like to be kept fully informed of the progress made in the implementation of the prison reform strategy (paragraph 7).

Ill-treatment

recommendations

- a clear message to be delivered to all prison staff and managers in Idrizovo Prison that ill-treatment of prisoners is not acceptable, and that all necessary steps will be taken to ensure that any ill-treatment is the subject of severe penalties (paragraph 10);
- the authorities to devise a national strategy to combat inter-prisoner violence in Idrizovo Prison; part of this strategy will have to include investing far more resources in recruiting additional staff and promoting their professionalism. In addition, relocating some of the more high profile and privileged prisoners out of Idrizovo Prison should facilitate their better management (paragraph 12).

requests for information

- the concrete action taken by the national authorities to put an end to ill-treatment by staff in Idrizovo Prison, including the measures adopted to ensure that inmates who have been ill-treated by staff are not discouraged from lodging a formal complaint (paragraph 10).

Staffing

recommendations

- the national authorities to urgently review the current staffing levels at Idrizovo and Skopje Prisons and, subsequently, to inform the Committee about the concrete action taken including as regards a more efficient deployment of staff (paragraph 15);

- the number of educators to be increased at Idrizovo Prison and a significant proportion of the newly-appointed educators to be able to speak Albanian (paragraph 16);
- an educator capable of addressing the specific concerns of the Rom inmate population to be appointed at Idrizovo Prison (paragraph 16);
- the national authorities to introduce a professional management career path within the prison system, and Prison Directors and senior managers to be provided with the relevant management training to enable them to fulfil their tasks competently (paragraph 19);
- the hierarchical relationship between prison directors and the Director of Prison Administration to be clearly defined (paragraph 19);
- the national authorities to take urgent measures to improve the screening of all persons entering and leaving Idrizovo Prison (paragraph 20);
- prisoners at Idrizovo Prison to be provided with clear information on all discretionary decision-making criteria and processes (such as home leave), and to be given reasoned responses to all applications (paragraph 20).

comments

- the national authorities are invited to provide all prison officers with training on recognised control and restraint techniques and to put in place a system of “first responders”, in the light of the remarks in paragraph 18 (paragraph 18).

requests for information

- on the training package to be provided, both initial and in-service, to prison officers (paragraph 17);
- a copy of the new rules concerning transparent decision-making in Idrizovo Prison and the timeline for their implementation (paragraph 20);
- on other measures taken to combat corruption at Idrizovo Prison (in addition to screening of persons entering the establishment and rules concerning transparent decision-making) (paragraph 20).

Conditions of detention

recommendations

- immediate steps to be taken to close down the left-hand corridor of the second floor in the “Ambulanta” at Idrizovo Prison until such time as it has been completely refurbished and rendered fit for holding prisoners. The Committee would like to be informed within one month of the action taken by the national authorities in response to this recommendation (paragraph 24);

- immediate steps to be taken to improve the conditions of detention of prisoners accommodated in the separation unit at Idrizovo Prison and to draw up an individual plan for each of them, with a view to examining the alternatives to their continued stay in the unit. The Committee would like to be informed within one month of the action taken by the national authorities in response to this recommendation (paragraph 25);
- the national authorities to take:
 - immediate steps at Idrizovo Prison to devise a phased programme to reduce the occupancy levels in multi-occupancy dormitories so as to ensure a minimum of 4m² per prisoner;
 - ongoing steps to render Idrizovo Prison safe and hygienic through repairing the sanitary facilities, providing sufficient detergent and hygienic products, instituting a preventive health care programme that emphasises cleanliness, replacing decrepit mattresses, furnishing clean bedding, eradicating the infestation of cockroaches and other vermin, replacing broken window panes, repairing the floors and roofs, and ensuring adequate artificial lighting and heating in all living areas.(paragraph 27);
- the national authorities:
 - to ensure that all meals provided to inmates correspond to the minimum legal norms and to the daily menu, and
 - to put in place an oversight system(paragraph 28);
- the national authorities to take the necessary measures to ensure that all prisoners in Idrizovo Prison are offered activities of a purposeful and diverse nature, in order to comply with the basic aims of imprisonment (paragraph 29);
- a concerted effort to be made to reduce the cell occupancy rate in the remand section of Skopje Prison with a view to ensuring that all prisoners accommodated in multi-occupancy cells each have at least 4m² of living space. Further, every inmate must be provided with his/her own bed. Moreover, it is essential that the cells in C wing be rapidly renovated, including new mattresses and bedding, and that a rolling programme of maintenance and refurbishment of all cells be instituted (call bells, screens for the toilet, repair of leaking ceilings, etc.). In addition, all prisoners should be provided with appropriate quantities of hygiene products and have daily access to warm water and cells should be adequately heated. Prisoners should be permitted to wear a wrist watch and allowed a mirror in their cells (paragraph 30);
- the national authorities to take the necessary steps to remedy the deficiencies observed at Tetovo Prison and described in paragraph 31. As regards more particularly cell occupancy rates, the norm of at least 4m² of living space per prisoner in multi-occupancy cells should be met (paragraph 31);
- the national authorities to take the necessary steps to provide educational, cultural and sports activities for remand prisoners with a view to enabling them to spend a reasonable part of the day outside their cells. Further, the provision in the Rulebook on television should now be implemented (paragraph 32);

- the national authorities to take specific steps to ensure that juveniles held on remand in Skopje Prison or other prisons are offered educational and recreational activities, which take into account the specific needs of their age group. Physical education should form a major part of that programme (paragraph 35);
- the necessary steps to be taken to ensure that all juveniles remanded into custody are afforded the possibility to contact their family from the moment they are admitted to prison. Further, if, due to personal circumstances, the juvenile cannot be visited by family members, the possibility to have additional compensatory phone calls should be granted (paragraph 36).

comments

- it is the duty of the State to ensure that all prisoner accommodation is suitably heated (paragraph 22);
- if the “Ambulanta” at Idrizovo Prison is to remain a medical unit, the decision on allocation of a prisoner to the unit should be taken by the health care team and all prisoners currently accommodated there for non-medical reasons should be transferred to other wings in the establishment. Further, the health care team should undertake daily visits to the unit (paragraph 24).

requests for information

- confirmation that inmates being held in the remand sections of prisons, including at Skopje and Tetovo Prisons, are offered the legal minimum of outdoor exercise every day (paragraph 33);
- details of the number of juveniles currently being held on remand in Skopje Prison, their material conditions of detention, the arrangements in place to offer them a purposeful regime and how long each juvenile has been held on remand (paragraph 35);
- the national authorities’ long term plans for the accommodation of juvenile remand prisoners (paragraph 35).

Health care

recommendations

- as regards Idrizovo Prison, a detailed needs assessment to be carried out to determine the precise requirements in terms of health care staff, facilities and equipment. The number of qualified nurses should be substantially increased as soon as possible. The results of the needs assessment should be communicated to the CPT, along with a plan for taking the necessary measures (paragraph 39);
- steps to be taken at Idrizovo Prison to replace prisoners performing nursing duties with qualified health care staff (paragraph 40);

- in respect of Skopje Prison, additional qualified nurses to be recruited and the medical facilities to be upgraded (paragraph 41);
- the national authorities to remind all prison health care staff that every newly arrived prisoner should be properly interviewed and physically examined upon admission, and that any allegations of ill-treatment and signs of injury should be fully recorded in accordance with the relevant Prison Regulations (paragraph 42);
- the national authorities to take steps to ensure that medical confidentiality is fully guaranteed in all prisons (paragraph 43);
- the national authorities to review the management of the methadone maintenance programme at Idrizovo Prison, in the light of the remarks in paragraph 44 (paragraph 44).

comments

- part of the health care strategy for prisons should be the provision of appropriate training and support for health care staff working in a prison environment (paragraph 37);
- action should be taken to ensure that injuries sustained from inter-prisoner violence or use of force by prison officers are recorded (paragraph 42).

requests for information

- in due course, a copy of the adopted health care strategy for prisons (paragraph 37);
- whether a dentist continues to be employed on a full-time basis at Idrizovo Prison (paragraph 39).

Other issues

recommendations

- the national authorities to take the necessary steps to ensure that all prisoners undergoing a disciplinary punishment of solitary confinement are offered one hour of outdoor exercise every day and are given access to a shower at least once a week (more frequently if possible) (paragraph 45);
- steps to be taken to maintain disciplinary cells in Idrizovo Prison in a decent state of repair and to equip the bed in such cells with a proper mattress (paragraph 45);
- the national authorities to guarantee a fair hearing, in accordance with the law, for all persons accused of disciplinary offences (paragraph 46);

- prisoners facing disciplinary charges to be formally guaranteed the following additional rights, which are not explicitly provided for in the current legislation:
 - to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;
 - to call witnesses on their own behalf and to cross-examine evidence given against them;
 - to remain seated during adjudications and to have facilities to take notes;
 - to appeal to an independent authority against any sanctions imposed;
 - to receive a copy of the disciplinary decision, informing them about the reasons for the decision and the avenues for lodging an appeal, as soon as possible in order to maximise the effectiveness of any appeal(paragraph 46);
- the obligation for prison doctors to certify that prisoners are fit to undergo a disciplinary punishment of solitary confinement to be rescinded (paragraph 47);
- the national authorities to review the arrangements for visits in all prisons, and particularly at Skopje Prison, with a view to:
 - increasing the amount of visiting time offered to both remand and sentenced prisoners, preferably to at least one hour every week;
 - ensuring that prisoners and their families can conduct visits with dignity and respect of privacy (i.e. with appropriate seating arrangements and in an environment which does not require raised voices for communication); as far as possible, both remand and sentenced prisoners should be able to receive visits under reasonably open conditions(paragraph 48);
- the necessary steps to be taken to ensure that sentenced prisoners at Idrizovo Prison are not deprived of contact with the outside world during the first 30 days of their imprisonment (paragraph 48);
- the ban on children from visiting their parent(s) at Skopje Remand Prison to be reviewed (paragraph 48);
- remand prisoners at Skopje Prison to be provided with access to a telephone in accordance with the Rulebook for pre-trial detainees (paragraph 48);
- the national authorities to ensure that the National Preventive Mechanism receives the necessary resources to fulfil its task effectively, taking into account the remarks in paragraph 49 (paragraph 49).

comments

- the other bodies (State Commission, judges) carrying out prison monitoring should function effectively (paragraph 49).

requests for information

- once adopted, a copy of the new Prison House Rules (paragraph 45).

“Tetovo” Educational Correctional Institution

recommendations

- the material shortcomings in the closed section of the establishment, as referred to in paragraph 52, to be remedied; in particular, all cells should have adequate access to natural light, multi-occupancy cells should offer each juvenile at least 4m² of living space and the toilet in such cells should be partitioned to the ceiling (paragraph 52);

- the national authorities to take the necessary steps to ensure that all juveniles deprived of their liberty are offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme (paragraph 53).

APPENDIX II

**LIST OF THE NATIONAL AUTHORITIES AND ORGANISATIONS MET
BY THE CPT'S DELEGATION**

Ministry of Foreign Affairs

Olgica VASILEVSKA

Head of Council of Europe, OSCE and Multilateral
Affairs Department

Ministry of Justice

Blerim BEDZETI

Minister

Lydia GAVRILOSKA

Director of the Directorate of Prison Administration

Toni JAKIMOVSKI

Director of Idrizovo Prison

Susanna GAVRICHOVIK

Director of Skopje Prison

Ana BOSKOSKA

Training adviser, Directorate of Prison Administration

Other authorities

Ixhet MEMETI

Ombudsman

Uranija PIROVSKA

Adviser, International and Public Relations, Office of
the Ombudsman

International Organisations

OSCE Mission to Skopje