



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Fourth periodic report submitted by North  
Macedonia under article 19 of the Convention  
pursuant to the simplified reporting procedure,  
due in 2019\***

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\* The present document is being issued without formal editing.



**List of abbreviations**

MoJ	Ministry of Justice
MoI	Ministry of the Interior
MoH	Ministry of Health
MLSP	Ministry of Labour and Social Policy
UBK	Bureau for Security and Counterintelligence
SPPO	Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communications (Special Public Prosecutor's Office)
BPPO	Basic Public Prosecutor's Office
PPO	Public Prosecutor's Office
FIC	First Instance Court
SWC	Social Work Center
DICCIPS	Department for Internal Control, Criminal Investigations and Professional Standards
IAS	Internal Affairs Sector
PCI	Penal Correctional Institution (Prison)
CEF	Correctional Educational Institution
DES	Directorate for the Execution of Sanctions
PCF	Penal Correctional Facility
OMB	Ombudsman
PHCI	Public Health Care Institution
SCPC	State Commission for the Prevention of Corruption
LIA	Law on Internal Affairs
SOPs	Standard Operating Procedures
NPM	National Preventive Mechanism

## Introduction

1. The Republic of North Macedonia acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by way of succession. The Committee considered the country's Third Periodic Report under the Convention (CAT/C/MKD/3) at its 1310th and 1313th meetings, held on 4–5 May 2015, and adopted its Concluding Observation at its 1317th meeting (CAT/C/MKD/CO/3\*).
2. This Fourth Periodic Report was prepared in following with the Committee's Concluding Observations (CAT/C/MKD/CO/3\*) after the Third Period Report, as well as in pursuance with the List of Issues submitted by the Committee (CAT/C/MKD/QPR/4) and the new reporting procedure (CAT/C/47/2).
3. Information contained in this Report relate to the period from the last Report (2013) until June 2019, with the exception of information regarding the Special Public Prosecutor's Office and cases opened by this Prosecutor's Office, reflecting thus important developments of September 2019, following the termination of the work of the Special Public Prosecutor's Office and the transfer of all cases opened by this Public Prosecutor's Office to the Public Prosecutor's Office.
4. The civil society sector was consulted in preparing the draft Report.

## Replies to the list of issues prior to reporting (CAT/C/MKD/QPR/4)

### Specific information on the implementation of Articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

5. In pursuance with the considerations of the Committee contained in paragraph 25 of the previous Concluding Considerations, i.e. the request for submission of follow-up information, and having regard of the considerations of the Committee that its recommendations have not been fully implemented, the Republic of North Macedonia hereby presents additional information in line with the specific remarks and issues raised by the Committee.
6. With regard to the concerns of the Committee relating to the allegations of wrongdoings emerging from the so-called wiretapping affair and allegations of excessive use of force by officials in response to protests motivated by the revelations of official misconduct (paragraph 8 of the Concluding Observations), according to information given by the then Special Public Prosecutor's Office in June.

### Reply to paragraph 2 (a) of the list of issues

7. May 2019 inclusive, out of 22 indictments in 23 cases, in 17 cases the court proceedings were still pending before the Skopje I First Instance Court (FIC). In addition to the said indictments, 19 cases were in the investigation stage. The consideration of the indictment in the case known as "Talir 2" was on-going. Furthermore, there were a total number of 129 preliminary investigations. Five judgements were issued by courts sentencing a total number of 19 natural persons in the following cases:<sup>1</sup>

- Case Tenk – 3 natural persons;
- Case Titanic 2 – 6 natural persons;
- Case Trust – 3 natural persons;
- Case Tvrđina 2 (Fortress 2) – 6 natural persons;
- Case Trista – 1 natural person (this case was referred for a re-trial).

<sup>1</sup> Information from the SPPO.

8. In 3 cases judgments were issued against 4 natural persons, on grounds of their statements of admission of guilt (guilty plea), i.e. in the following cases:

- Case Tifani – 1 natural person;
- Case Violence in the Municipality of Centar – 2 natural persons;
- Case Target/Tvrđina (Fortress) – 1 natural person;
- Case Talir – 1 natural person.

9. There are court proceedings against high-ranking political officials, involved in high-profile corruption cases, such as:

- A Former Prime Minister and Chairman of a political party was indicted in 7 cases and was a suspect in another 3 cases. An indictment was submitted against the same person, which at the said period was being considered. The relevant first instance court issued a judgement sentencing this person to 2 years in prison and the judgement was confirmed by the Skopje Appellate Court. The sentenced person was handed over the order for serving a two-year prison sentence and he was supposed to report with the relevant prison in order to start serving the prison sentence as of 8 November 2018;
- A former Minister of Transport and Communications, indicted in 6 cases and a suspect in another 3 cases;
- A former Minister of the Interior, indicted in 2 cases, and sentenced with a final judgement to 4-year prison sentence for the crime of *abuse of official duties and authorizations* under Article 353, paragraph 5 with reference to Article 23, paragraph 1 of the Criminal Code;
- Former Deputy Prime Minister in charge of economic issues, indicted in 1 case;
- Former Secretary General of the Government, indicted in 2 cases and a suspect in 1 case. Another indictment was submitted against this person which was considered in the above referred to period;
- Former Minister of Culture, indicted in 1 case;
- Former Deputy Minister of Justice and a State Counsellor at the Ministry of Justice, indicted in 1 case;
- Former Director of the Bureau for Security and Counterintelligence, indicted in 3 cases and a suspect in 1 case. In 1 case a first instance judgement was issued against the crime of *unlawful influence* under Article 359, paragraph 5, referring to paragraph 4 of the Criminal Code, sentencing the person to a three-year prison sentence;
- Former Minister of Health – a suspect in 1 case;
- The Deputy Prime Minister in charge of European Affairs, who is under investigation in his previous capacity of a Minister of Health in 1 case;
- Former Minister of Finance, suspected of a crime in 1 case;
- Former Director of the Public Enterprise *National Roads*, indicted in 1 case;
- Former Minister of Agriculture, Forestry and Water Economy, a suspect in 1 case;
- Former and now incumbent Member of the Parliament, indicted in 2 cases;
- Former and now incumbent Member of Parliament and a former Minister of Foreign Affairs, a suspect 1 case;
- Former Head of the Office the Prime Minister, indicted in 1 case;
- Former Mayor of one of the Municipalities in the City of Skopje (Municipality of Karposh), a suspect in 1 case;
- Former General Director of the Elektrani Company (Power Plants Company), indicted in 1 case;

- Former Member of the Parliament, a suspect in 1 case;
- Former and now incumbent Member of Parliament and Chairman of the DUI Political Party, a suspect in 1 case;
- Former President of the Securities Commission and former Director of the State Market Inspectorate, convicted in 1 case based on plea bargaining of 21 December 2018, for the crime of *Laundering Money and other Criminal Proceeds*, under Article 273, paragraph 1, referring to Article 22 and Article 45 of the Criminal Code.

10. Furthermore, with reference to indictments filed in 2017 by the Special Public Prosecutor's Office (SPPO) with the Skopje I FIC, motions for pretrial detention were filed against 18 persons, out of which the court ordered precautionary measures for 16 persons, while the motions for pretrial detention were rejected with respect to 2 persons. The SPPO appealed against such first instance court orders. Processing the appeals, the Skopje Appellate Court accepted the claims in appeals with reference to 3 persons, and rejected the appeals against the remaining 15 persons, confirming thus the first instance court orders. In the case known as Target/Tvrdina (Fortress), on 26 July 2017, the Supreme Court issued rulings regarding 2 persons, rejecting the appeals and thus confirming the judgements of the Skopje Appellate Court, dated 17 July 2019, ordering pretrial detention. However, the said persons left the country prior to the issuance of the above referred to rulings and are still unavailable for law enforcement bodies.

11. In pursuance with Article 6, paragraph 5 of the Law on the SPPO, which regards the issue of transfer of all cases, along with evidence and intercepted communications, the Public Prosecutor's Office (PPO) of the Republic of North Macedonia submitted a request with the PPO for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communications (SPPO) to transfer all cases, along with the evidence and intercepted communications. Now former Special Public Prosecutor Janeva, while being in pretrial detention in the Racketeering case, signed an authorization for the Public Prosecutors at the SPPO to transfer the cases to the Chief Public Prosecutor, Ljubomir Joveski, following which on 12 September 2019, the SPPO published the decision agreeing to the transfer of cases. The transfer of cases was completed on 13 September 2019. Following the resignation of the then Special Public Prosecutor, Katica Janeva, on 14 September 2019, the Council of Public Prosecutors dismissed Janeva from her office, with the Parliament adopting the decision for the dismissal of Janeva from her office on the same date.

12. The situation with the cases taken over from the SPPO by the PPO of the Republic of North Macedonia, until the end of November 2019, inclusive is as follows: 3 cases were resolved, in 2 cases first instance judgments were issued, 6 cases are in the preliminary investigation stage; proceedings are pending in 20 cases; 19 cases are in the investigation stage; 80 cases have been registered under the Miscellaneous section and are in the preliminary investigation stage and the SPPO has still jurisdiction over the said cases; in 38 cases there are financial investigations underway and in 3 cases extraordinary legal remedies have been instituted before the Supreme Court.

#### **Reply to paragraph 2 (b) of the list of issues**

13. With respect to allegations of excessive use of force by police officials and employees of the law enforcement bodies in response to:

- Mass protests in front of the Government on 5 May 2015, motivated by the communication interception affair, the Department for Internal Control, Criminal Investigations and Professional Standards (DICCIPS) at the MoI, examined the grounds for and whether the means of coercion had been correctly applied in a situation of large scale disruption of the public peace and order. It was established that in all cases that there were grounds for and that the means of coercion were applied correctly in all cases. Therefore, as regards this specific event no criminal investigations were instituted against police officers;
- Events of 27 April 2017 at and in front of the Parliament: having examined the grounds for and whether the means of coercion were applied correctly in a situation

of a large scale disruption of the public peace and order, the DICCIPS instituted disciplinary proceedings against a total number of 42 employees of the MoI. Considering the character and the gravity of the violations of the working order and discipline, 27 police officers were suspended until the final conclusion of relevant disciplinary proceedings.

14. Following the disciplinary proceedings instituted by the Department, relevant disciplinary panels fined 19 police officers, dismissed from work 16 police officers, i.e. their employment contracts were terminated, transferred 4 police officers to lower ranking positions (lower by 1 grade) and stayed disciplinary proceedings involving 3 police officers. Information about the outcome of the disciplinary proceedings was communicated to the BPPO for Prosecution of Organized Crime and Corruption.

15. In respect of the same event, the Skopje Internal Affairs Department filed two criminal charges with the Skopje BPPO against the crime of *Participation in a crowd, which prevents an official person to perform an official act* (Article 384 of the Criminal Code) involving 2 police officers and submitted 6 reports with the Skopje BPPO about the same crime involving 6 police officers.

16. With respect to the requested compilation of statistical data about cases of violence against ethnic and religious minorities, it is underlined that the MoI does not collect statistical data segregated on the said grounds. Statistics segregated on grounds of gender, ethnic affiliation and similar are not collected by the justice system bodies, i.e. public prosecutor's offices and courts either.

17. Detailed information about person indicted under Articles 142 and 143 of the Criminal Code are presented under item 5c).

#### **Reply to paragraph 4 (a) of the list of issues**

18. In answer to the request for updated information on the number of complaints about misconduct directed at inmates and about activities undertaken in this regard, the following is presented according to data of the MoI: in the 2015–2018 period and in the first quarter of 2019, the DICCIP processes 233 reports, containing allegations of police officers using physical force against citizens.<sup>2</sup>

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<sup>2</sup> In 2015, the DICCIP processed 62 complaints with allegations that police officers used physical force against citizens. After relevant measures had been undertaken, it was established that in 35 cases the allegations had no grounds, while in 24 cases there was not sufficient evidence, and in three cases the allegations had relevant grounds. In the two last cases, Reports were filed with a Basic Public Prosecutor's Office, and in one case criminal charges were filed against *ill-treatment in the performance of official duties*.

In 2016, the DICCIP processed 60 complaints with allegations that police officers used physical force against citizens. After relevant measures had been undertaken, it was established that in 31 cases the allegations had no grounds, while in 26 cases there was not sufficient evidence to prove the allegations, and in three cases the allegations had relevant grounds, i.e. physical force was used without any justification. In the first case against a police officer, criminal charges were filed against *ill-treatment in the performance of official duties*, in the second case on grounds of excessive use of force a Report was filed with a BPPO and disciplinary proceedings were instituted against four police officers, while in the third case, due to applied physical force, disciplinary proceedings were instituted against one police officer.

In 2017, the DICCIP processed 38 complaints with allegations that police officers used physical force against citizens. After relevant measures had been undertaken, it was established that in 14 cases the allegations had no grounds, while in 23 cases there was not sufficient evidence to prove the allegations, and in one case the allegations had relevant grounds, i.e. physical force was used without any justification. In this case, a Report was filed with a BPPO, then a proposal for institution of disciplinary proceedings was filed against two police officers and for their suspension until the completion of disciplinary proceedings.

In 2018, the DICCIP processed 64 complaints with allegations that police officers used physical force against citizens. After relevant measures had been undertaken and the cases had been examined, it was established that in 15 cases the allegations had no grounds, then in 44 cases there was not sufficient evidence to prove the allegations for use of physical force, and in five cases the allegations

19. After undertaken measures, the following was established:
- 98 complaints had no grounds, i.e. the applied physical force was justified, or no physical force was used;
  - In 122 there was no sufficient evidence to prove the allegations;
  - In 13 cases, there were grounds for the allegations, i.e. there was no justification for the applied physical force;
  - In 6 cases reports were filed with a BPPO against 13 employees, regarding whom six criminal charges were filed involving 7 persons, while in 1 case disciplinary proceedings were instituted.
20. Furthermore, in cases in which criminal charges and reports were filed with the BPPO, the DICCIP submitted to bodies filing the criminal charges proposals for institution of disciplinary proceedings against 19 employees of the MoI. After the disciplinary proceedings, in 11 cases the employees were fined, in 2 cases the proceedings were stayed, in 1 case the proceedings were stayed due to statute of limitations, and 5 cases are still pending. The Department does not have information about the outcome of the criminal charges and reports filed with the Basic Public Prosecutor's Office.
21. According to applicable legislation, all prisons and correctional facilities have the duty of submitting to the Directorate for the Execution of Sanctions (DES) reports about every case of application of means of coercion against inmates. According to statistics per year, the situation is the following.
22. In 2016, a total number of 27 reports were submitted about applied means of coercion and 2 complaints by inmates against ill-treatment, i.e. inappropriate treatment by prison staff, in which it was established that there were no grounds for the allegations.
23. In 2017, i.e. until 5 October 2017, a total number of 14 reports were submitted about application of means of coercion. In the same period 3 complaints were filed against excessive use of force. The first complaint was filed by the European Rights Centre on 27 March 2017, and it regards an inmate at the Idrizovo Prison. The DES examined the allegations and made the relevant controls, after which it submitted a request for examination and information about the cause of death of the inmate, following the autopsy performed by the Forensic Medicine Institute. It was established that in this specific case the cause of death was not torture. The second complaint was filed on 3 July 2017 by the European Roma Rights Centre and regards an inmate serving a prison sentence at the Women's Ward at the Idrizovo Prison. The complaint alleges that the inmate died as a result of serious injuries inflicted by excessive use of force and torture by prison police officers. According to information submitted by the Idrizovo Prison and after the inspection of the medical records it was established that the practicing doctor did not register any data about any bodily injuries or any complaints by the concerned inmate about use of force by official persons. The DES submitted a request to the Skopje BPPO for information about the cause of death of the inmate, following an autopsy performed by the Forensic Medicine Institute. There is still not answer to the request for information about the cause of death. The third complaint was filed on 25 August 2017 by the Ombudsman and regards an inmate at the Skopje Prison. The complaint disputes the justification of the use of means of coercion. The concerned inmate complained that prison police officers had used excessive

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had relevant grounds. In three of the last five cases, the Department filed criminal charges for *ill-treatment in the performance of official duties* against four police officers. In one case, on grounds of excessive and unlawful use of means of coercion a Report was filed with the Skopje BPPO against two police officers in order that the cases be further processed, and in one case due to use of physical force by one police officers against a person who was not resisting actively or passively a Report was filed with the Skopje BPPO.

In 2019, the DICCIP processed 9 complaints with allegations that police officers used physical force against citizens. It was established that in 3 cases the allegations had no grounds, then in five cases there was not sufficient evidence to prove the allegations, and in one case the allegations had relevant grounds. In this case, criminal charges were filed and disciplinary proceedings were instituted, which are still pending.

force and that he suffered series bodily injuries. The case was examined by the DES and it was established that it was necessary to use means of coercion, but in this specific case there was excessive use of means of coercion. Consequently, the prison police officer who applied excessive force was subject of disciplinary proceedings, which were stayed under a Decision rejecting the proposal for the establishment of a disciplinary violation. As regards the justification of the use of means of coercion, the Ombudsman filed a request for inspection of the justification of the application of means of coercion against an inmate at the Idrizovo Prison. Following this request, on 17 August 2017, official persons of the DES conducted extraordinary inspection supervision at the Idrizovo Prison. However, following the inspection it was not possible to establish with certainty whether excessive force was used against the concerned inmate considering the long period elapsing between the date of use of force and the date of the inspection.

24. In 2018, a total number of 23 reports about applied means of coercion, then 2 complaints against excessive use of force and 1 complaint against inhuman treatment and torture by the prison police were submitted. The first complaint was filed on 4 January 2018, by the brother of the inmate M.D., serving a prison sentence at the Idrizovo Prison. The complaint alleges that a prison police officer physically attacked the inmate, inflicting injuries on his right eye. Consequently, the DES conducted an extraordinary inspection supervision, after which it was established that the means of coercion, i.e. physical force was used in violation of provisions of the Rulebook on the conditions for and manner of use of means of coercion by prison police at prisons and correctional facilities. Following the inspection, official persons of the DES prepared minutes, containing recommendations for undertaking specific measures and activities with respect to the facts established in this case. Following the Proposal for institution of disciplinary proceedings, a Disciplinary Panel conducted the proceedings, i.e. considered official information and written statements given by 16 inmates and adopted a Decision rejecting the proposal for the establishment of a disciplinary violation. The second complaint was filed on 20 February 2018 by the Ombudsman's Office, on behalf of the inmate Sh. I., serving a prison sentence at the Shtip Prison. According to allegations contained in the complaint, a verbal argument involving a number of inmates led to their physical altercation. In such a situation, prison police officers applied means of coercions, i.e. the measure of separating the involved inmates. In the specific case, the involved prison police officer applied the means of coercion, i.e. the measure of separation with justification, in line with Article 189, paragraph 1 of the Law on the Execution of Sanctions and the Rulebook on the conditions for and manner of application of means of coercion by prison police at prisons and correctional facilities, with a view to preventing serious disruption of the Prison's House Rules. On 17 January 2018, the DES received a complaint filed by the European Roma Rights Centre regarding the inmate D.B., serving a prison sentence at the Idrizovo Prison. The complaint alleges that the inmate died as a result of sustained injuries inflicted by excessive use of force and torture by prison police officers. According to information submitted by the Idrizovo Prison, there is no entry in the Records of use of means of coercion about applied means of coercion by official persons against the involved inmate. Namely, it was recorded that the inmate's health status deteriorated and that he was immediately escorted to the PHCI Toxicology Clinic, where he died after a short period. The DES submitted a request to the Skopje BPPO for information about the cause of death of the inmate, following an autopsy performed by the Forensic Medicine Institute. However, there is still no reply to the request for cause of death information. In this specific case, there is a pending procedure before the Skopje II FIC, in which the plaintiff is the European Roma Rights Centre, and the defendants are the DES/MoJ and the MoH.

25. In 2019, i.e. 30 May 2019, inclusive the DES received 8 reports from Prisons about use of means of coercion. The Law Supplementing the Law on the Execution of Sanctions adopted on 2 February 2018 contains provisions regulating cases in which there are reasonable suspicions that a prison police officer has committed a crime in the performance of official duties, or who has committed a crime while being off duty by using serious threat, force or means of coercion, which has resulted in a death, series bodily injury, torture or other cruel, inhuman treatment and punishment, which under the law are prosecuted *ex officio*. Prisons, correctional facilities or the DES immediately inform the Department for investigation and prosecution of crimes perpetrated by persons with police

authorities and prison police officers at the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption. The same provisions have been incorporated in Article 91 of the new Law on the Execution of Sanctions. As regards the issue of the number of procedures instituted with the above referred to Department, it is underlined that there are 4 pending preliminary investigations against prison police officers, 3 of which are related to events at the Shtip Prison, and 1 procedure is related to an event involving prison police officers at the Skopje Prison.

26. Under Strategic Goal 7 of the 2015–2019 National Strategy for Development of the Penitentiary System in the country, which envisages establishment of more effective mechanisms for dealing with cases of ill-treatment of persons deprived of freedom and cases of corruption of employees at prisons and correctional facilities, as part of the project entitled *Strengthening the Protection of Sentenced Persons*, with the assistance of foreign experts, in March 2017, two strategic documents were completed, as follows: Strategy on Ill-Treatment Zero Policy Implementation and a Corruption Prevention Document, both documents being adopted by the DES.

27. On 20–22 February 2017, there were three one-day trainings focused on raising the awareness of managerial and other prison staff about the above referred to documents. The trainings covered a total of 90 persons from the penitentiary system.

28. A Standard Operating Protocol on keeping records and on reporting<sup>3</sup> cases of use of means of coercion, was developed and is applied in all prisons and correctional facilities as of May 2017.

29. In May 2017, the DES and the State Commission for the Prevention of Corruption (SCPC) concluded a Memorandum of Cooperation, on the basis of which in 2017, representatives of the Commission delivered training for 55 staff members at prisons and correctional facilities on the topic of preventing corruption.

30. In the course of 2018, under the Project entitled *Strengthening the Protection of Rights of Sentenced Persons*, a new Code of Conduct for Staff at Prisons and Correctional Facilities<sup>4</sup> was developed. In April and May 2018, there were 10 one-day trainings for staff at prisons and correctional facilities, covering a total number of 236 prison staff members.<sup>5</sup>

31. In February 2019, there were three one-day trainings for a total number of 71 newly recruited prison police officers at the Idrizovo Prison, at the Skopje Prison, at the Tetovo Correctional Facility and at the Tetovo Prison. The trainings were organized at the Training Centre, seated at the Idrizovo Prison. The topic of the trainings was the new Code of Conduct for staff at prisons and correctional facilities, i.e. *conditions for and manner of use of means of coercion and treatment in pursuance with the Standard Operating Protocol on the Use of Means of Coercion*.

32. There are on-going activities for the development of a new Strategy for the Development of the Penitentiary System covering the 2020–2024 period, which sets forth a specific Strategic Goal of *Consolidating Corporate Integrity and Strengthening Mechanisms for Dealing with Cases of Ill-Treatment and Corruption of Prison Staff*.

33. Under the EU funded *Project Cooperation on Criminal Matters: Strengthening Witness Protection in the Fight against Organized Crime, Terrorism and Corruption (WINPRO III)*, on 17–21 September 2018 and on 24–28 September 2018, there were two cycles of trainings on the topic of Managing Collaborators or Justice, covering 20 persons, employed at Prison Resocialization Sectors and prison police officers.

34. In the case of the three prison police officers who in 2014 used excessive force and who were subject of disciplinary sanction, it is underlined that two of them were dismissed from work, and the third prison police officer was fined. Furthermore, one of the two

<sup>3</sup> An international expert from the Council of Europe was engaged for its preparation.

<sup>4</sup> On 15 February 2018, the Code of Conduct was published in the Official Gazette No. 30, while with the support of the Council of Europe Office in Skopje, 1,000 copies of the Code were printed and distributed to staff in prisons and correctional facilities.

<sup>5</sup> Governors of all prisons and correctional facilities, as well as staff from Resocialization Sectors and prison police officers attended the trainings.

dismissed prison police officers was also sentenced to a prison sentence, which he served in the Skopje Prison. The other prison police officer dismissed due to overstepping of authorities in the performance of official duties was a prison police officer at the Gevgelija Prison, while the third prison police officer, worked at the Tetovo Correction Facility, who was punished with a disciplinary sanction, i.e. he was fined with a salary cut for a period of three months.<sup>6</sup> The DES examined information available to prisons and established that no other measures were undertaken against the said persons.

35. As regards the two cases of 2015, having examined the official records of the Idrizovo Prison, the DES established that the two prison police officers were subject only of disciplinary procedures, i.e. they were fined. The two prison police officers still work at the Idrizovo Prison.

#### **Reply to paragraph 4 (b) of the list of issues**

36. Responding to the request for information about cases of inter-prisoner violence, and referring in this regard to Strategic Goal No. 6 of the 2015–2019 National Strategy for the Development of the Penitentiary System of establishing efficient mechanisms for dealing with cases of inter-prisoner violence and other incidents, the DES has statistical data about serious disciplinary violations perpetrated by inmates, such as coercion, psychological and physical pressures against other inmates and inciting such violations, such disciplinary violations being dealt with under the House Rules for inmates.

37. According to statistical data, in 2015 there were 4 cases, in 2016 there were 5 cases, in 2017 there were 32 cases and in 2018 there were 7 cases of disciplinary violations by inmates. In the first quarter of 2019, there were two cases reported, while in the second quarter no such cases were reported of disciplinary violations of this nature. The involved inmates were disciplinary punished.

38. In 2017, under the Council of Europe Project *Strengthening the Protection of Rights of Sentenced Persons*, activities started for development of a Handbook for Trainers on Dynamic Security and for the development of Standard Operating Procedures. In the first quarter of 2018, the Program for Training of Staff at Prisons and Correctional Facilities on Dynamic Security was developed, as were the Standard Operating Procedures for the implementation of the dynamic security concept. After the completion of the training of trainer's activity, in April 2018, there were three two-day cascade trainings for staff at prisons and correctional facilities.

39. With a view to attaining the above referred to Strategic Goal, under the same Project, activities started, supported by international experts, for the development of a Violent Offenders Treatment Program. A specific Program was developed for treatment of violent offenders and for its introduction and application in prisons. In January 2018, in Ohrid, there was a training of trainers activity. Four two-day cascade trainings for staff applying this Treatment Program were also completed.<sup>7</sup> The Violent Offenders Treatment Program was piloted at the Idrizovo Prison in June 2018.

40. Under the project *Strengthening the Protection of Rights of Sentenced Persons*, and with the goal of advancing the procedures for and activities to be undertaken by prison staff to deal with inter-prisoner violence in May 2018, a Working Group was established, tasked with the development of operating procedures and protocols for prison staff for dealing with inter-prisoner violence. In October 2018, this Working Group finalized the document entitled *Program for reducing and preventing inter-prisoner violence at prisons*. In November and December 2018 there were three two-day cascade trainings for staff at prisons and correctional facilities for the application of the said Program.<sup>8</sup>

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<sup>6</sup> This prison police officer from the Tetovo Correctional Facility retired in 2015 and no longer works at this Facility.

<sup>7</sup> The training covered 168 prison staff and was focused on the application of the Violent Offenders Treatment Program.

<sup>8</sup> The trainings covered 75 prison staff (staff at Resocialization Sectors and prison police officers).

#### Reply to paragraph 4 (b) of the list of issues

41. The situation with respect to activities for the implementation of the Project for Reconstruction of Prisons in the country and other measures for the improvement of material conditions in prisons, in pretrial wards and in police custody cells is the following.

42. Relevant services of the MoI are now working on the refurbishment and reconstruction of police custody cells at the Kichevo Police Station. The activities are in their completion stage. In 2015, new equipment was procured for the police custody cells in the Ohrid Police Station,<sup>9</sup> and the problems with lights in the cells was resolved.

43. Activities for the implementation of the Project for Reconstruction of Prisons and Correctional Facilities continue. The National Strategy for the Development of the Penitentiary System sets forth a specific Strategic Goal 1 of *Improving Conditions at Prisons and Correctional Facilities*. The Project is to be completed in two stages. Under the first stage of the Project, the first construction phase of the Idrizovo Prison was completed (the semi-open and the open wards were equipped with furniture), with housing capacity for 546 inmates, then the administration building was reconstructed, and the water treatment station was also completed. The said facilities were opened and started functioning in August 2018. May 2019 inclusive, 101 inmates were transferred and housed at the open ward, and 117 inmates were housed at the semi-opened ward.

44. Furthermore, the buildings of the Tetovo Juvenile Correctional Educational Facility were constructed. A number of public procurement procedures were completed for procurement of furniture and equipment, such as equipment for the kitchen, for the laundry room, security equipment, medical equipment, fitness equipment, and a vehicle for transport of juveniles. In addition to buildings, part of the compound, fenced off with a wire fence, a building with garages and two workshops was also constructed, to be utilized for training and work by juveniles. Landscaping activities were completed, and sport courts were constructed for basketball, futsal and handball. 139 TV's were procured for the semi-opened and for the open wards at the Idrizovo Prison, as well as two vehicles for escort of inmates.

45. In order to improve the conditions at the Women's Ward (maxim security ward, the semi-opened and the open wards) at the Idrizovo Prison, in March 2018, the Council of Europe donated 85 beds, 85 mattresses, 85 pillows and 85 sets of bed linen, kitchen and other 4 electric appliances, 4 refrigerators, 3 laundry machines, 3 drying machines and equipment and materials for a hairdresser shop. At the maxim security ward, a room was converted and refurbished with furniture and equipped with PC's for 10 employees at the Resocialization Sector. The infirmary was reconstructed, improving thus conditions for provision of health care services for inmates, while in February 2019, the OSCE donated 85 orthopaedic bed mattresses for the infirmary ward.

46. In March 2018, under the Western Balkans Investment Framework facility (WBIF), additional technical assistance was provided in support of the DES and the Project Unit implementing and managing the Project *Reconstruction of Prisons*. The purpose of the additional technical assistance is to contribute to: improved, well maintained and appropriate rooms for persons deprived of freedom; ensuring appropriate health care services; advancing the institutional organization and capacities; treatment of inmates relevant to the new conditions, treatment which the country has assumed obligations to apply in its preparations for accession to the EU; ensuring possibilities for alternative serving of sentences; and improving access to education programs and work for inmates.

47. Under the Project for Reconstruction, a draft plan was developed for the implementation of the Project, the purpose of which is to serve as a roadmap for the implementation of the II Segment of the Project, as well as a tool to monitor and assess the state of play and the progress in implementing the Project. The Plan envisages grouping of construction works under the II Segment in three stages:

<sup>9</sup> The following was procured: fixed bed, mattress, pillow, blanket, fixed tables and chairs, interphone installation to link the police custody cells and the on-duty office at the Ohrid Police Station.

(a) Stage I envisages construction of buildings for the maximum security ward (entrance building for reception and control, admission unit and health care unit); construction of streets and fences; central maintenance facility (kitchen and laundry room); pretrial detention facility with auxiliary facilities, complete infrastructure and required equipment; the construction period is 3 years – from 3 February 2020 to 31 January 2023;

(b) Stage II envisages construction of four buildings for housing inmates in the maximum security ward, as well as construction of roads, streets and fences for the walking area and sport grounds; the construction period is 3 years – from 1 July 2022 to 30 June 2025, with 6-month overlapping with Stage I;

(c) Stage III envisages construction of workshops, sports hall, reconstruction of the existing housing building, streets, roads and fences at the maximum-security ward and construction and reconstruction of the Women's Ward; the construction period is 2.5 years – from 1 July 2025 to 31 December 2027.

48. The new detention ward with accompanying facilities from Skopje Prison, with the consent of the Bank, will be relocated and will be built in Idrizovo Prison as such. In 2018, activities have been initiated to amend the Town Plan document, as well as to revise the existing project documentation. According to the modification during construction under Segment 2-Stage 1, it is planned to first begin with the construction of a detention ward with auxiliary facilities instead of a closed ward as originally planned.

49. Several public procurements have been carried out to improve conditions in the Tetovo Juvenile Educational Correctional Facility and Idrizovo Prison:

(a) Construction of reinforced concrete prefabricated transformer substation 20/10/0.4 kV for Tetovo Juvenile Educational Correctional Facility, Municipality of Brvenica;

(b) Procurement, transport and mounting of medical equipment for Tetovo Juvenile Educational Correctional Facility, Municipality of Brvenica and Idrizovo Prison, Municipality of Gazi Baba, Skopje;

(c) Revision of project documentation for construction of Segment II facilities in Idrizovo Prison;

(d) Construction and craftsmanship works in Idrizovo Prison, Municipality of Gazi Baba, Skopje;

(e) Expert supervision of construction of reinforced concrete prefabricated transformer substation 20/10/0.4 kV for Tetovo Juvenile Educational Correctional Facility, Municipality of Brvenica;

(f) Procurement, transport and installation of security equipment and video surveillance equipment and SOS system for Tetovo Juvenile Educational Correctional Facility, Municipality of Brvenica;

(g) Design of sewage and storm water drainage projects for Idrizovo Prison.

50. Regarding the conditions of serving detention in Bitola Prison, in March 2018, unannounced inspection control was carried out in order to check the conditions in the detention premises, which resulted in the Order for closing these detention premises by the Director of the DES and referral of detainees from June 2018 to other prison facilities. Within the framework of the IPA II National Instrument for Pre-Accession Assistance (IPA), an agreement was signed in December 2018 between the Central Financing and Contracting Department (CFSD) and the selected bidder for the preparation of Tender Documentation for Bitola Prison Reconstruction and construction of a courtroom for 120 persons, within the Idrizovo Prison in Skopje. A procedure for expert supervision of construction activities has been completed as well, after which in February 2019 its reconstruction has begun and is expected to be fully operational by mid-2020. Construction of a courtroom for 120 people has begun within the Idrizovo Prison.

51. In addition, due to the bad conditions in the Tetovo Prison Detention Ward, after an unannounced inspection control by the Director of the Directorate for Execution of

Sanctions on 26 September 2018, an Order was issued for the closure of these wards. The detention wards have been completely renovated and are expected to become operational.

52. Skopje Prison has undertaken a number of activities to improve the conditions of stay and work of the convicts: restart of the carpentry workshop for the needs of the work process in the resocialization sector; completely renovated toilet in the semi-open ward; newly opened and equipped fitness gym of closed type; and newly opened and equipped barber workshop for training of convicts. In the detention ward: two 300 litre water heaters have been installed and connected for the needs of the bathrooms; a well has been constructed within the hydrological research works for technical water; 8 cameras with one recorder have been installed; 6 new controllers and appropriate readers have been installed for limited access to detention ward; two metal detectors doors have been put in place in the duty room and the room next to it for improved safety; the room for visiting the detainees has been equipped with new booths and telephones for conversation. In addition, improvements have been made in the area of the working premises of the institution, that is: the duty room for the needs of the prison police has been also renovated and fully equipped with new furniture; four rooms intended for lawyers visiting their detained clients have been renovated with a new floor and furniture; finally, the front office for receiving outside parties has been also renovated and fully equipped with new furniture.

53. In addition to the improvement of the conditions in the administrative building in Ohrid Prison, measures have been taken to improve the living conditions of the convicts, i.e., the rooms in which the convicts are staying have been completely renovated. Parquet floor has been installed in all premises (rooms, hallway) where the children, who have been given an educational measure in Tetovo Juvenile Educational Correctional Facility, are staying. Among other things, video surveillance equipment has been upgraded, and LED lighting has been set up.

54. Kumanovo Prison, built under the Penitentiary Institutions Reconstruction Project, is functioning smoothly. The problem with the water supply in the institution in 2018 has been solved by concluding an agreement for business-technical cooperation of the DES with a joint stock company in Kumanovo whereby the subject of the agreement is construction of works required for supply of drinking water from the well of the joint stock company. In case of lack of drinking water, the company undertakes to supply the institution with water through its own well.

55. Construction activities are underway for the transformation of the Prilep Prison from a semi-open prison facility into a closed type prison facility.

#### **Reply to paragraph 4 (d) of the list of issues**

56. Regarding the remarks on overcrowding in the penitentiary institutions, in order to reduce it, in January 2018, the Law on Amnesty was adopted,<sup>10</sup> which covered a total of 2345 convicts, of which 736 were completely released, while 1560 convicts had their sentences reduced by 30% in accordance with the situation on 23 February 2018. The law is a short-term measure that relieves the capacities of the penitentiary institutions that faced high overcrowding; this, in turn, creates an opportunity for efficient and effective implementation of other planned measures and activities of the DES, in order to solve long-term problems facing the penitentiary system.

57. Otherwise, the current situation as of 30 May 2019 in the Penitentiary Institutions (PCIs) and Correctional and Educational Institutions (CEFs) regarding the capacities is as follows:

<i>PCIs/CEFs</i>	<i>Capacity of the prison section in the penitentiary institution</i>	<i>Total No. of convicts</i>
Skopje Prison	128	102
Tetovo Prison	48	60

<sup>10</sup> The Law on Amnesty was published in Official Gazette no. 11 of 18 January 2018.

<i>PCIs/CEFs</i>	<i>Capacity of the prison section in the penitentiary institution</i>	<i>Total No. of convicts</i>
Bitola Prison	60	22
Prilep Prison	85	74
Gevgelija Prison	43	53
Kumanovo Prison	178	76
Struga Prison	60	28
Strumica Prison	65	101
Idrizovo Prison	1094	1263
Shtip Prison	210	235
Open Ward in Kriva Palanka	23	4
Ohrid Prison	35	10
Tetovo Juvenile Educational Correctional Facility	/	13
<b>Total</b>	<b>2026</b>	<b>2032 +13 in Tetovo Juvenile Educational Correctional Facility</b>

#### Reply to paragraph 4 (e) of the list of issues

58. In terms of progress in introducing a probation service, the Probation Law was passed in 2015.<sup>11</sup> In 2017 and 2018, the DES undertook key activities for its practical implementation. First, the probation office in the area covered by the Basic Court Skopje 1-Skopje started working as a pilot project in mid-November 2017, in order to see how it will work in practice, as well as the necessary improvements and adjustments in the service on that basis. Two DES employees have been assigned; they have been given written tasks and perform their duties and responsibilities in this office. Probation offices are also provided and put into operation in: Shtip, Veles, Tetovo, Strumica, Prilep, Bitola, Kumanovo and Ohrid.

59. In November 2018, new acts on internal organization and systematization of the workplaces in the DES were adopted, according to which the probation service was introduced for the first time. The Rulebook on Systematization of Job Positions in the DES provides 90 new jobs for probation officers, in accordance with the Strategy for Development of Probation Service. A total of 26 probation officers were employed, who started working on 19 November 2018. In 2018, by-laws have been enacted by the MoJ under the Law on Probation.

60. In September 2018, the implementation of the Twinning Project, entitled 'Strengthening the penitentiary system and probation service' began, which is expected to last 2 years through the implementation of key activities for the establishment of probation service and staff training. It is financially supported by the EU and provides for a Strategy for the development of the probation service for the period after the completion of the Twinning Project (2020–2025).

61. As part of the project implementation activities, the following were held:

(a) Working meeting of the expert team of the Project with the staff of the Penitentiary Re-socialization Sector in the penitentiary institutions who are assigned to perform probation tasks related to conditional release of convicts (13 September 2018);

(b) Promotion of the Twinning Project at the Alexander Palace Hotel in Skopje (21 November 2018);

(c) Working meeting for presenting activities aimed at establishing probation service with the presidents of courts, judges and public prosecutors at the MPs Club in

<sup>11</sup> Official Gazette No. 226/2015.

Skopje (21 November 2018), in the presence of the Director of the Academy for Training of Judges and Public Prosecutors;

(d) First basic training of the new 26 probation officers in the regions covered by the basic courts, in order to present the essence of the Law on Probation and related bylaws (3 December 2018);

(e) Training of 20 employees in the penitentiary re-socialization department designated for probation on the topic of Conditional Release with special focus on developing a program for supervising a convicted person during probation period (6 December 2018);

(f) Workshop on: Alternative measures and probation, attended by 7 probation officers from the local probation office for the region covered by the Basic Court Skopje 1 in Skopje (13 December 2018);

(g) Practical training for the new probation officers with emphasis on the manner of work in the institution with special focus on conditional release of convicts (17–21 December 2018);

(h) Request by the DES to all institutions involved in the execution of probation for the nomination of a contact person who will be regularly informed about the activities carried out in the probation field;

(i) Working meeting involving the DES and the staff of the Twinning Project Office with representatives of the City of Skopje and its Public Enterprises (17 December 2018); at the meeting, it was agreed to sign a General Memorandum of Cooperation between the DES and the City of Skopje in the implementation of the alternative measure of community work, as well as have the City of Skopje prepare a list of public enterprises and sign individual memoranda of cooperation with them and pave the way for performing the alternative measure of community service;

(j) Expert mission by holding three regional workshops on: “Execution of alternative measure of community service” at the Basic Court Skopje 1 in Skopje, the Basic Court in Bitola, and Municipality of Shtip (28 January–1 February 2019).

62. During the period of 11–15 February 2019, German experts conducted a mission whereby three one-day workshops were held to train new probation staff, with emphasis on the probation officers’ main responsibilities and the way the probation service was organized. The training of probation officers was continued in the next expert mission carried out by Dutch experts (25–29 March 2019). Three practical workshops were held to conduct a probation interview with a convicted person who had been sentenced to an alternative measure.

63. On 4 February 2019, in the premises of the Academy for Judges and Public Prosecutors “Pavel Shatev”, a working meeting between the DES and the Academy was organized, whereby a mutual cooperation was arranged in conducting the training of judges and public prosecutors for probation.

64. In February 2019, a Memorandum of Understanding was signed between the DES and the City of Skopje, which laid the foundations for mutual cooperation to strengthen the penitentiary system and probation service. The City of Skopje, together with some of its public enterprises and cultural institutions, has been engaged in the creation of conditions for the application of forms and mechanisms for the humanization of punishment, whereas perpetrators of minor crimes, punishable by up to 3 years in prison or a fine, would get a second chance, instead of remaining in prison and being resocialized through community service, which would then result in a reduction in the prison population. The City of Skopje will provide supervision by an authorized probation officer from the local probation office and the Probation Department of the DES at state level on the fulfilment of the obligations of the probationers when fulfilling the imposed measure of community service. Cooperation and support in the performance of the community service work have been agreed with the Municipality of Bitola and the Municipality of Shtip as well as with the public enterprises that operate in these municipalities.

**Reply to paragraph 4 (f) of the list of issues**

65. With regard to measures taken in response to reports of violence among prisoners, the information is given in reply to question 4 (b).

**Reply to paragraph 5 (b) of the list of issues**

66. In December 2018, the Department for Investigation and Prosecution of Crimes Committed by Officers with Police Powers and Prison Police Officers, which is located in the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, has started operating. The Department has competences for handling:

(a) All crimes committed by persons with police powers and by members of the prison police committed in the performance of their official duties;

(b) For crimes committed by the above-mentioned officers outside of their official duties by use of force or means of coercion, resulting in death, grievous bodily harm, bodily injury, unlawful detention, torture and other cruel, inhuman or degrading treatment and punishment, if a separate law provides for prosecution *ex officio*.

67. To this end, seven laws were amended, including amendments to the Law on Internal Affairs and the Law on Police. A special organizational unit has been established at the Ombudsman Office – the Civil Control Mechanism – as an additional correction to the system of investigation of crimes committed by officers with police powers and members of the prison police, which would include three representatives of relevant non-governmental organizations.

**Reply to paragraph 5 (c) of the list of issues**

68. Situation with data on registered crimes and perpetrators punishable under Article 142 of the Criminal Code (torture and other cruel and inhuman or degrading treatment or punishment) and Article 143 (harassment in the performance of duty) for the 2013–2019 period, presented by years, is as follows:

**Table 1: Registered crimes and perpetrators under Articles 142 and 143 of the Criminal Code for the period of 2013 to 2018 and first quarter of 2019**

<i>Articles of the Criminal Code</i>	<i>2013</i>		<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>		<i>2018</i>		<i>January–March 2019</i>	
	<i>crimes</i>	<i>perpetrators</i>	<i>crimes</i>	<i>Perpetrators</i>										
Article 142 Torture and other cruel, inhuman or degrading treatment or punishment	1	2	1	2	/	/	/	/	/	/	/	/	/	/
Article 143 Harassment in the performance of duty	3	9	3	5	6	6	6	8	6	8	10	11	2	2

69. Of the total number of criminal charges filed for crimes and perpetrators punishable under Article 142<sup>12</sup> and 143<sup>13</sup> (Harassment in the performance of duty) presented in the table, by the DICCIPS in the period from 2013 to the first quarter of 2019, two criminal charges have been filed for two crimes under Article 142, for which three police officers have been reported. One criminal charge has been dropped, while for the other there is no data on the outcome of the proceedings. In the disciplinary action, the involved officers have been punished, one with conditional termination of employment, and two with a fine.

70. During the same period, the DICCIPS filed 7 criminal charges for seven crimes under Article 143 for which 10 police officers were reported. Three criminal charges were dropped, while for four charges there is not data on the outcome. Five police officers were fined in a disciplinary action; one disciplinary action became legally obsolete, while for four police officers there has been no disciplinary action outcome.

71. Summarized according to statistics from the Judicial Council:

- In 2015, there are no convicted persons for the crime under Article 142: Torture and other cruel, inhuman or degrading treatment and punishment. For Article 143: Harassment in the performance of duty, two officers received final court verdict and were given a suspended sentence. One person was sentenced to imprisonment sentence pending appeal, and 7 people were given a suspended sentence.
- In 2016, 9 persons have been convicted for the crime under Article 142: Torture and other cruel, inhuman or degrading treatment or punishment and they were given a suspended sentence. For Article 143: Harassment in the performance of duty, two officers received final verdict and were given suspended sentence.
- In 2017, there are no convicted persons for the crime under Article 142: Torture and other cruel, inhuman or degrading treatment and punishment. For Article 143: Harassment in the performance of duty, five officers received final verdict and received suspended sentence. One officer received final verdict and was sentenced to prison. Seven officers were convicted pending appeal but that was changed to suspended sentence.
- In 2018, there are no convicted persons for the crime under Article 142: Torture and other cruel, inhuman or degrading treatment and punishment. For Article 143: Harassment in the performance of duty, six officers received final verdict and received suspended sentence. One officer was convicted pending appeal but that was changed to suspended sentence.

72. Also, in context of Article 143, in 2016 and 2017, two officers – one per year – were acquitted.

<sup>12</sup> The situation presented by years is as follows: During 2013, one criminal charge was filed for one crime under Article 142 for which one police officer was reported. There is no data on the outcome of the criminal charges, while in the disciplinary action the officer was given a conditional termination of employment. In 2014, one criminal charge was filed for one crime punishable under Article 142, for which two police officers were reported, as well as two criminal charges for two crimes punishable under Article 143, for which 4 police officers were reported. One criminal charge has been dropped; two have not been resolved, while the involved police officers have been fined in the disciplinary action.

<sup>13</sup> The situation presented by years is as follows: In 2015, one criminal charge was filed for one crime punishable under Article 143, for which one police officer was reported. The criminal charge has been dropped and disciplinary action stopped. In 2016, one criminal charge was filed for one crime punishable under Article 143, for which one police officer was reported. There is no data on the outcome of the criminal charge, while the disciplinary action has become legally obsolete as such. In 2017, no crimes committed under these Articles were reported. In 2018, three criminal charges were filed for three crimes under Article 143, for which four police officers were reported. One criminal charge has been dropped and for two charges, there is no data on the outcome; in one disciplinary action, the offender has been fined and for two disciplinary actions, there is no outcome.

**Reply to paragraph 6 of the list of issues**

73. According to the MoI statistics, the situation with the conducted investigations and prosecution of acts of violence against the LGBTI community for the period of 2015–2018 and the first quarter of 2019 is as follows:

- In 2015, three incidents were registered, one of which involved a damaged passenger motor vehicle owned by a member of the LGBT community, prosecuted privately. The perpetrator was not found while the person reporting the incident was given legal advice. The other two cases involved complaints of humiliation by strangers, whereby the persons reporting the incidents were given legal advice;
- In 2016, three cases were registered. In one case, criminal charges were filed for a criminal offence of “unlawful deprivation of liberty.” The second case involves a complaint against several persons, with the BPPO reporting that there are no grounds to prosecute because some of the actions became obsolete to prosecute, while the other actions do not give grounds for suspicion that a criminal act has been committed which is prosecuted *ex officio*. The third case involved a complaint of humiliation by a stranger, whereby the person reporting the incident has been given legal advice;
- In 2017, a hate crime of “spreading racist and xenophobic material through a computer system” was registered, which was reported to the BPPO in Skopje;
- In 2018, five cases were registered in this area. In one case, criminal charges were filed against 10 perpetrators of crimes of “endangering the security through a computer system” and “violation of equality.” In another case, a request for initiation of a misdemeanour procedure was filed under the Law on Misdemeanours against Public Order and Peace. In the other two cases, it was a crime of “endangering the security” for which prosecution is undertaken on private charges, with the perpetrators being reprimanded; in the last case, criminal charges have been filed against one perpetrator for the crime of “bodily injury” in committing domestic violence;
- In 2019, as of 30 April 2019, no cases in the subject area were registered.

74. In connection with the attack<sup>14</sup> of 22 June 2013 in the area covered by the “Bit Pazar” General Jurisdiction Police Station, more precisely in front of the office of the Helsinki Committee for Human Rights – Centre for LGBT, two criminal – legal events were registered – “Participation in a crowd, which prevents an official person to perform an official action” and “Damage to objects of others”, punishable under Art. 384 and Art. 243 of the Criminal Code for which two reports were submitted to BPPO in Skopje.

75. A manual on police treatment of members of marginalized groups-drug addicts, sex workers and members of the LGBTI community is in the process of preparation (final phase).

76. In cooperation with the National Coordination Body for Non-Discrimination and with the support of the Subversive Front, from 2019 to 2021, the MLSP will conduct continuous basic training on the concept of non-discrimination and hate speech.

77. In the 2012 to 2014 period, incidents of violence against LGBTI community were reported to the BPPO in Skopje that processed the cases, including the attacks against the LGBTI Support Centre located in Skopje:

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<sup>14</sup> Namely, the aforementioned location of the Helsinki Committee for Human Rights – LGBT Support Centre was stoned by a crowd of 40 masked persons. The IAS for Skopje acted upon the report while its Unit for inspection of the crime scene and analysis searched the site. The Violent Crime Unit-Squad for blood, sexual and traffic crimes with victims, after undertaken measures and activities for clarification of the criminal-legal incident, conducted an interview with the damaged, as well as with the injured uniformed police officers, and on 15 July 2013 filed a Special report to the BPPO in Skopje. In relation to the aforementioned criminal-legal incident and at the request of the BPPO in Skopje for gathering the necessary information, on 3 October 2013 another Special Report was submitted.

(a) The case instituted upon charges filed by the Sexual and Health Rights of Marginalized Communities Coalition, the Helsinki Committee for Human Rights and the LGBTI Support Centre, against the person J.I., for criminal offences – Causing hatred, discord or intolerance on national, racial, religious or any other discriminatory ground under Art. 319 paragraph 1 of the Criminal Code, Spreading racist and xenophobic material via information system under Art. 394-d paragraph 1 of the Criminal Code, and Racial and other discrimination under Article 417 paragraph 1 of the Criminal Code. The criminal charges have been dropped because the reported offences are not criminal offences prosecuted ex officio;

(b) The case instituted upon criminal charges initiated by the MoI – Secretariat of Internal Affairs for Skopje dated 4 December 2012, against the person G.M., for the criminal offence – Act of violence under Article 386 of the Criminal Code. The first instance verdict by the Criminal Court Skopje 1 – Skopje of 27 January 2015, by which the defendant was found guilty and sentenced to a single prison sentence of 7 months, was revoked by a decision of the Skopje Court of Appeals. In a retrial in 2019, the Criminal Court Skopje 1-Skopje ruled that the defendant was found guilty of the crime and was sentenced to an alternative measure-probation, by which the imposed imprisonment sentence of 2 years would not be executed if the defendant does not commit a new criminal offence within 5 years from the day of the enforceability of the verdict;

(c) The case instituted upon criminal charges filed by the Coalition for Sexual and Health Rights of Marginalized Communities, the Helsinki Committee for Human Rights and the LGBTI Support Centre, against the person M.N., for criminal offences: Causing hatred, discord or intolerance on national, racial, religious or any other discriminatory ground under Article 319 paragraph 1 of the Criminal Code; Spreading racist and xenophobic material via information system under Article 394-d paragraph 1 of the Criminal Code; and Racial or other discrimination under Article 417 paragraph 1 of the Criminal Code. The charges were rejected by decision of 21 January 2015, because the reported acts do not represent criminal offences, which are prosecuted ex officio as such. The Higher Public Prosecutor's Office (PPO) in Skopje has three times revoked the decision and ordered the continuation of the prosecution proceedings by the BPPO in Skopje, which has already twice decided to reject the criminal charges as such. Activities are being taken in the case in accordance with the instructions of the Higher PPO in Skopje; so several summonses were sent to the suspect, but he did not appear, which is why the MoI was asked to determine whether he is available to law enforcement agencies;

(d) The case was instituted after the MoI reported on an event that took place on 23 October 2014 at the "Damar" cafe bar. The competent Prosecutor's Office, on the basis of the police report and request for providing video surveillance recordings from the surrounding buildings, took statements from three persons in the capacity of witnesses and damaged parties; the Prosecutor's Office then sent a data request to the social network 'Facebook' regarding posted announcements related to the event; finally, the Prosecutor's Office issued an order to the MoI for expertise of video material in order to determine the identity of the perpetrator of the crime, but the perpetrator has not yet been identified;

(e) Case instituted upon criminal charges initiated by the MoI against an unknown perpetrator for the crime – Causing a general danger under Article 288 of the Criminal Code, for an incident that occurred on 17 December 2012, when a fire broke out in the office of the Helsinki Committee for Human Rights of the Republic of Macedonia – LGBTI Support Centre. Acting on the criminal charges, the competent public prosecutor submitted a request to the MoI to collect the necessary notifications and take measures to find the perpetrator, but so far, the perpetrators have not been identified;

(f) Case instituted upon criminal charges initiated by the MoI against an unknown perpetrator for the crime – Causing a general danger under Article 288 the Criminal Code, for an incident that occurred on 5 July 2013, when a fire broke out in the office of the Helsinki Committee for Human Rights of the Republic of Macedonia – LGBTI Support Centre. Acting on the criminal charges, the competent public prosecutor submitted a request to the Ministry of the Interior to collect the necessary notifications and take measures to find the perpetrator, but so far, the perpetrators have not been identified.

**Reply to paragraph 7 of the list of issues**

78. In the period from 2015 to the first quarter of 2019, a total of 21 complaints of excessive use of physical force against Roma citizens were submitted. In 11 cases the complaints were found to be groundless; in 9 cases there was no evidence; however, in one case in 2018 the complaint was assessed as grounded and criminal charges were brought against one police officer under Article 143 of the Criminal Code of the Republic of North Macedonia for “Harassment in the performance of service duty”, and he was suspended from the job until the disciplinary procedure was completed. Following the disciplinary action, the police officer was fined.

79. On 1 August 2016, at the request of the City of Skopje, for the purpose of clearing a landfill created by homeless citizens on the city Quay and the embankment on the left side of the Vardar River, the IAS for Skopje-Unit for Police Assistance and Escort provided assistance to the City of Skopje; for that purpose, 11 uniformed police officers were engaged. No force was used during police assistance.

80. According to data from the DES, in relation to the convicted person Adrias Redjepov, in 2017 (27 March 2017), a written complaint was filed by the European Roma Rights Centre to the DES, after which the allegations in the complaint were checked and a reply was sent to the complainant. The DES has submitted a request for information on the reasons for the death of the convicted person to the BPPO in Skopje based on the results of the autopsy performed by the Institute of Forensic Medicine. Based on the above, it has been established that this event was not a case of torture as such.

81. Regarding the convict Jusinov Erdal who was serving a prison sentence in the Shtip Prison, a written complaint was filed on 2 May 2017 by the European Roma Rights Centre. Regarding the complaint, the DES has acted upon and the complainant received a written reply on 18 May 2017. In the course of processing the complaint, the Directorate did not have any information on the reasons for the death of the convicted person and the complainant was directed to address a competent prosecutor who issues an autopsy order for the body of the deceased convict. Regarding the procedure, it was respected so that on 22 March 2017 a notification was submitted for the death of the convicted person who died in the room where he was staying. Regarding the event, an ambulance was called immediately, while a judge for the execution of the sanctions, the family of the deceased, the Sector of Internal Affairs in Shtip and other competent authorities were duly informed as well.

82. In relation to the case, the European Roma Rights Centre and Akcha Jusinova and Muzafer Jusinova from Shtip, through their legal representatives, filed criminal charges in 2018 against Shtip Prison and its Director for the crime of “Abuse of official position and authorization” (Article 353 of the Criminal Code) and “Unscrupulous operation within the service” (Article 353-c of the Criminal Code). In accordance with the charges filed and the request by the BPPO, on 14 March 2018 the officers of the DES carried out an unannounced inspection visit to the Shtip Prison in order to control the work of the prison employees; minutes of the visit were prepared and the BPPO in Shtip was duly informed of this. By order of the competent Public Prosecutor, a forensic medical examination was performed on the body of the convicted person Erdal Jusinov. By a decision of the Higher Prosecutor’s Office, the criminal charges were dismissed as unfounded.

83. In both cases, a trial is pending before the Basic Court Skopje 2, where the European Roma Rights Centre appears as the plaintiff and the MoJ-DES and the MoH are the defendants.

**Reply to paragraph 8 of the list of issues**

84. The MoJ is working on amendments to the Criminal Code, including inter alia provisions on torture as such. Thus, international standards redefine the criminal offences of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment referred to in Article 142 and Harassment in the Performance of Official Duties under Article 142 of the Criminal Code. For these criminal offences, no expiry period would be proposed in context of prosecution and sentencing. These changes are being worked on together with an expert provided by the Council of Europe.

**Reply to paragraph 9 (a) of the list of issues**

85. According to the information at the disposal of the PPO, representatives of the then Hague Tribunal Office in Skopje were allowed the inspection of all cases conducted by the BPPO in Skopje that were related to the 2001 armed conflict and were not covered by the Amnesty Law. In relation to the criminal case known as the “Neproshteno” case, at the time of the inspection the mentioned material evidence (report on DNA analysis) was not obtained. Given that new material evidence was subsequently obtained further, it was considered necessary to report it to the Hague Tribunal Office in Skopje. The competent PPO does not have any additional information on this case.

**Reply to paragraph 9 (b) of the list of issues**

86. The following was carried out in connection with the kidnapping of the 12 ethnic Macedonians and one Bulgarian national, as well as the case of 6 victims of enforced disappearances from the ranks of ethnic Albanians caused by the police during the 2001 conflict:

(a) On 30 May 2002, the BPPO in Skopje filed a Request to the investigating judge at Basic Court Skopje 2-Skopje for conducting an investigation against five defendants for the offence of war crime against civilian population under Article 404, paragraph 1, in connection with Article 22 of the Criminal Code. The investigation was expanded on 21 August 2002 for committing a new crime under Article 404 paragraph 1 in connection with Article 22 of the Criminal Code, and it covers 5 defendants, one of whom is charged with the initial request for conducting an investigation on 30 May 2002 and against 4 other persons. On 23 September 2002, a request for extension of the investigation was filed, in which besides the 5 defendants one more person was involved;

(b) During the investigation, based on the results of DNA analysis with a probability of 99.99%, the identities of four of the 12 missing persons were established. Of these 4 persons whose identities have been established, two are covered as damaged parties in the request for conducting an investigation of 21 August 2002 and 23 November 2004; as for the other two persons listed in the Report of the Commission for Missing and Kidnapped Persons, there is no confirmed information and evidence under what circumstances the death occurred.

**Reply to paragraph 9 (c) of the list of issues**

87. There are no amendments to the Amnesty Law with regard that torture or other inhuman and degrading treatment or punishment.

**Reply to paragraph 10 (a) of the list of issues**

88. With regard to the requested data on recorded cases of violence against women, as well as data on measures taken to prosecute perpetrators, the MoI statistics on offences, perpetrators and victims of domestic violence in the period of 2013 – the first quarter of 2019, is presented in the following table:

	2013	2014	2015	2016	2017	2018	2019 (first quarter)
Criminal offences	676	901	1 008	846	903	1 006	207
<b>Total No. of perpetrators</b>	<b>689</b>	<b>911</b>	<b>1 028</b>	<b>889</b>	<b>923</b>	<b>1 037</b>	<b>207</b>
Husbands	345	440	468	357	391	398	91
Former husbands	29	47	45	43	62	57	4

	2013	2014	2015	2016	2017	2018	2019 (first quarter)
Men in domestic partnerships	51	60	75	58	81	101	10
Sons	127	161	199	162	161	189	51
Fathers	25	43	60	57	50	59	10
Wives	14	29	29	19	22	22	4
Former wives	4	5	13	1	5	8	2
Women in domestic partnerships	1	3	3	4	1	2	1
Daughters	6	8	17	18	10	12	1
Mothers	10	15	14	12	15	12	0
Other perpetrators	77	100	105	158	125	177	31
<b>Total No. of victims</b>	<b>693</b>	<b>925</b>	<b>1 094</b>	<b>924</b>	<b>973</b>	<b>1 081</b>	<b>217</b>
Wives	345	443	468	357	391	398	91
Former wives	29	47	45	43	62	57	6
Women in domestic partnerships	51	60	75	58	81	101	10
Daughters	20	36	55	41	29	47	5
Mothers	77	86	130	112	99	116	26
Husbands	14	31	29	19	22	22	4
Former husbands	4	6	11	1	5	8	2
Men in domestic partnerships	1	3	3	4	1	2	1
Sons	18	33	57	48	61	41	9
Fathers	63	85	99	97	85	92	30
Other victims	71	95	122	144	137	197	33

89. As per statistical data provided by the MLSP:

- The number of newly registered cases of domestic violence in 2018 totalled 919 victims, 665 of whom were women and 104 children. In 2019, the number of newly registered cases of domestic violence in keeping with the Law on Prevention, Combating and Protection against Domestic Violence is increasing, i.e. 1554 victims, of whom 1134 women, 247 men and 173 children;

- The number of temporary measures proposed for protection against domestic violence against perpetrators, amounted to 545 in 2018. In 2019, the number of proposed temporary measures for protection against domestic violence by SWCs stood at 1007.

#### **Reply to paragraph 10 (c) of the list of issues**

90. When it comes to capacities made available for accommodation of victims of domestic violence, the MLSP has put into operation 4 Regional Centres for women victims of domestic violence, with a capacity of approximately 35 beds. The number of victims of domestic violence in 2018 accommodated totalled 56 (30 women, 26 children). Further, the Ministry financially supports specialized services for victims of domestic violence (24/48 hrs Crisis Centre and Centre for Victims of Domestic Violence) operated by the civil sector. According to statistical data for 2018, 78 victims (28 women and 50 children) were provided accommodation at the 24/48 hrs Crisis Centre and 48 (30 women and 18 children) at the Centre for Victims of Domestic Violence.

91. In 2019, the number and capacity of specialized services for protection against domestic violence increased, seeing 2 Centres for Women Victims of Domestic Violence and 2 24/48 hrs. Crisis Centres for Victims of Domestic Violence being opened and the capacity of beds has increased in 1 Centre for Women Victims of Domestic Violence. The number of victims of domestic violence in 2019 totalled 102. Also, MLSP continued funding additional 4 specialized services for victims of domestic violence in 2019, which are being managed by various associations.

#### **Reply to paragraph 10 (d) of the list of issues**

92. The Law on Termination of Pregnancy was adopted on 16 May 2019.<sup>15</sup> For the first time ever, the new law introduces the method of termination of pregnancy by medication up to the ninth gestation week, to be performed in a gynaecological and obstetric primary health care institution and in keeping with health care regulations.

#### **Reply to paragraph 11 of the list of issues**

93. According to the Annual Reports of the National Commission for Combating Trafficking in Human Beings and Illegal Migration, the situation regarding data on investigations, prosecution, and punishment of perpetrators of crimes related to trafficking in human beings and illegal migration is as follows:<sup>16</sup>

(a) In keeping with the authority provided to Skopje I Basic Court to act upon all acts related to trafficking in human beings, in 2015, a total of 161 cases were received in court, in which 201 persons appeared as defendants, 197 of whom were men and 4 women. Including cases received in previous years, in 2015, a total of 175 people were sentenced to prison terms, including 171 men and 4 women. In the same year, a verdict was passed that sentenced a person employed at the MoI to 4 years in prison;

(b) In 2016, a total of 91 cases were received, in which 106 persons appeared as defendants, of which 83 were completed and 99 persons ended up with charges raised against them (96 men and 3 women). Including cases received in previous years, in 2016, prison sentences were pronounced to a total of 85 persons in 69 cases (with lengths of sentences ranging from 8 months to 18 years), while a suspended sentence was passed to 14 persons in 14 cases. A total of 47 people were sent to serving effective prison sentences. Confiscations of property were imposed in 72 verdicts, whereas seizure of funds was imposed in 5 cases. No verdict has been handed down resulting in the closure of a business or organization used to carry out human trafficking;

(c) In 2017, a total of 41 cases were received, in which 53 persons appeared as defendants, of which 43 cases were completed and 43 persons were raised charges against. Including cases received from previous years, in 2017, prison sentences were handed down

<sup>15</sup> Official Gazette No.101 of 22 May 2019.

<sup>16</sup> Data provided by the MoI.

to 33 persons in 33 cases (with lengths of sentences varying from 8 months to 15 years), while a suspended sentence was pronounced to 3 persons in 3 cases. A total of 47 people were sent to serving effective prison sentences. A civil servant employed at the Government also appeared as a defendant in one of the cases. Confiscation of property and material gains was handed down as a verdict in one case, while material items were confiscated in 18 cases (verdicts). No verdict has been handed down resulting in the closure of a business used to carry out human trafficking;

(d) In 2018, a total of 60 cases were received, in which 82 persons appeared as defendants, of which 48 cases were completed resulting in 66 persons being charged. Over the course of 2018, prison sentences were handed down to 20 persons in 10 cases, while 20 people in 13 cases were passed a suspended sentence. A civil servant in the Government also appeared as a defendant in one of the cases. A total of EUR 150 and MKD 1620 were confiscated, whereas a total of EUR 2,500 and MKD 200 were seized. No verdict was passed over the reporting period that resulted in the closure of a business used to carry out human trafficking;

(e) In order to protect the victims of trafficking in human beings, the Centre for Victims of Human Trafficking and Victims of Sexual Violence has hired a psychologist and a social worker in order to provide assistance and support to the victims. The "Open Gate-La Strada" Citizens' Association<sup>17</sup> carries out the current 24-hour operation of the Centre for Victims of Human Trafficking and Victims of Sexual Violence, accommodating nine persons as per the time of writing this report. In addition, professional assistance and counselling was provided to 22 persons involved in the accompanying social work program via activities aimed at their reintegration into society.<sup>18</sup> Legal aid is being provided to 6 people involved in the social support program. The basic package of medical assistance is provided to 12 people included in the program, while 8 people are being provided specialized examinations and appropriate medication. Psycho-social counselling is provided to all 31 people involved in the program. Three wards are re-involved in the educational process. Citizens' Association "For a Happy Childhood" provided psychological assistance and support to 3 child victims cared for in the Centre. Through its representatives in mobile teams, the Macedonian Association of Young Lawyers provides the following too: legal aid and legal advice to victims, potential victims, and vulnerable categories of persons on terms and procedures for submitting an application for receiving free legal aid to regional offices of the MoJ in towns in which the Association has its own representatives.

94. In 2018, according to data provided by the MLSP, there was a trend of increased identification, i.e. 9 victims of human trafficking were identified by institutions,<sup>19</sup> of 6 of whom were children. 8 were nationals of the country, while 1 child was from the Republic of Albania. Six were victims of human trafficking for the purpose of forced sexual exploitation (in combination with begging, forced prostitution and forced perpetration of crimes) while three were victims of forced marriages (forced begging and sexual exploitation). All nine victims of human trafficking were accommodated at the Centre for Victims of Human Trafficking and Victims of Sexual Violence and have been provided with assistance and protection.<sup>20</sup> Some of the activities undertaken are related to strengthening the personal potential of the victims through counselling and support,

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<sup>17</sup> The organization has continuously provided a standard package of services to meet basic needs, legal, medical care, psychosocial assistance and involvement in an alternative educational process for victims of human trafficking/migrants and asylum seekers in Tabanovce Transit Centre, Vinojug Transit Centre and Vizbegovo Asylum Seekers Centre. Over the course of 2018, the field teams of the association identified a total of 20 potential victims among migrants (10 men, 6 women, and 4 children) for whom indications of human trafficking were established and who were provided assistance by "Open Gate-La Strada".

<sup>18</sup> A standard package of basic services (food, clothing and hygiene kits) is provided for all persons involved in the psychosocial support program.

<sup>19</sup> All victims are female.

<sup>20</sup> The assistance includes providing medical care (psychological, psychiatric, hospitalization and medication), education, food, hygiene items, clothing and assistance in resocialization (materials, pilates, painting, video material, walks, cinema visits, etc.) or referral and connection with other institutions and organizations depending on their individual needs.

providing alternative education,<sup>21</sup> occupation, and creative workshops to improve the intellectual capacity and psychophysical health of wards. In addition to the ongoing activities that are regularly conducted in the Centre by the expert team of Open Gate, the victims continuously undergo classes in art techniques within the Centre in order to channel and direct positive feelings in constructive ways of expression. In addition, pilates classes are being held three times a week to reduce stress and improve the physical and mental health of the wards through physical exercise. If necessary, a psychiatrist is being involved who, at least once a month, prescribes the therapy that 2 of the victims who had to that date been hospitalized in a psychiatric clinic had been receiving there.

95. For 2019, the MLSP planned to increase its budget for the Centre for Victims of Human Trafficking and Victims of Sexual Violence to MKD 1,500,000.

#### **Reply to paragraph 12 of the list of issues**

96. The Government has adopted the SOP for dealing with unaccompanied children – foreigners which regulates the set of procedures and methods of operation of in-line institutions with identified unaccompanied minors and children foreigners (UMCF) through a comprehensive approach based on respect for human rights and aimed at the best interest of UMCF. In September 2019, a Rulebook on the Manner of Care and Accommodation of Unaccompanied Minors and Vulnerable Categories of Persons under International Protection was adopted, which arises from the Law on International and Temporary Protection,<sup>22</sup> regulating the manner of care and accommodation of unaccompanied minors and vulnerable categories of persons with recognized right to asylum in the country. The decision on the manner of care and accommodation of unaccompanied minors, separated, or underage persons without parental care is made by the SWCs, with the forms of care provided being those as laid down by the Law on Social Protection and taking into account the type and number of social services that authorized service providers are able to offer. SWCs base such decisions on formal and documented procedures for determining the best interests of the child, for which a special Manual for Assessing the Best Interests of the Child was developed in 2019. Procedures are carried out within 48 hours from the appointment of guardians. In dealing with unaccompanied minors, decisions on all actions relating to the child are made by guardians appointed on ex officio grounds and by taking into account all relevant opinions and best interests of the child.

#### **Reply to paragraph 12 (a) of the list of issues**

97. The MoI possesses at its disposal a closed facility intended for detention of foreigners – the Gazi Baba Reception Centre for Foreigners. Detention is used only when necessary, i.e. only in exceptional situations and for the shortest time possible, whereas the necessity of detaining persons with illegal residence (illegal migrants) is being determined on a case-by-case basis. Most illegal migrants detected, after registration by the officials at the MoI, are placed in open type facilities that are managed by the Crisis Management Centre. Thus, over the course of 2016, when nearly 90,000 migrants transited through the territory of the country (Certificates on Intention Expressed to be Recognized the Right to Asylum were issued to a total of 89,628 migrants), and attempts to smuggle 1,932 migrants were prevented, only 389 foreign nationals were detained at the Gazi Baba Reception Centre, which was the lowest number of migrants detained in the country since 2012 (in 2015 – 1,003, in 2014 – 896, in 2013 – 584, in 2012 – 460). This trend continued in 2017 (131 foreign nationals detained) and 2018 (306 foreign nationals detained).

#### **Reply to paragraph 12 (b) of the list of issues**

98. According to data on requests for recognizing the right to asylum received and rejected, the situation in the country stands as follows:

<sup>21</sup> The educational workshops that are implemented in the Centre include mathematics, Macedonian, English, social sciences, natural sciences and other courses that are included in the primary education curriculum in the country, and for which teaching staff with work experience in schools has been hired.

<sup>22</sup> Official Gazette No.64 of 11 April 2018.

(a) In 2015, 1,578 asylum applications were received for a total of 1,888 persons. For 1,881 persons, conclusions were adopted for stopping the procedure on the grounds of the persons in question not being able or willing to wait for the outcome of said procedure, i.e. on the grounds of them abandoning the places of accommodation as designated and afforded to them by the MLSP and subsequently heading in an unknown direction. In 2015, two persons were granted refugee status, and five were denied asylum;

(b) In 2016, 603 asylum applications were received for a total of 760 persons, resulting in one person from Iraq being granted the right to asylum-recognized refugee, while six persons were granted the right to asylum for reasons of subsidiary protection (4 of them were from Afghanistan, one from Nigeria and one from Pakistan). For 753 people, the procedure for international protection was stopped on grounds of said persons not being able to await the outcome of the procedure, leaving their designated places of accommodation and heading in an unknown direction;

(c) In 2017, 147 applications for recognizing the right to asylum were received for a total of 162 persons, eight of which were rejected, three resulted in subsidiary protection status being granted, and 151 resulting in suspension of the procedure for international protection on the grounds of applicants not being able or willing to await the outcome of the procedure, i.e. abandoning their designated places of accommodation and heading in an unknown direction;

(d) In 2018, 264 asylum applications were received for a total of 299 persons. Four persons were granted subsidiary protection status under an official certificate, three of whom were Congolese and one a Pakistani national, whereas had their applications for international protection rejected. The procedure for international protection was suspended for 286 persons for reasons of them not being willing or able to await the outcome of the procedure, i.e. abandoning their designated places of accommodation and heading in an unknown direction;

(e) In 2019, as of April, 82 persons submitted an application for being recognized the right to asylum, resulting in one application being rejected, 79 ending in a decision to suspend the procedure, with decisions on all others pending. The Republic of North Macedonia has to date not taken any action to forcibly return rejected asylum seekers to their home countries.

#### **Reply to paragraph 12 (c) of the list of issues**

99. Applicants dissatisfied with first instance decisions are afforded the right to appeal to the Administrative Court, as well as the right to appeal to the Higher Administrative Court on all grounds used to reject their applications.

#### **Reply to paragraph 12 (d) of the list of issues**

100. Protection of vulnerable categories of persons, including unaccompanied minors, is one of the priorities of the MoI regardless of their formal status (asylum seekers, persons with illegal residence, victims of human trafficking, etc.).<sup>23</sup> To that end, aside from the

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<sup>23</sup> Principle of non-refoulement (Article 14 of the Law on International and Temporary Protection)

(1) An applicant, a person with a refugee status or a person under subsidiary protection cannot be expelled or returned (“refouled”) in any manner whatsoever to the frontiers of state:

-where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion; or

-where he/she would be subjected to torture, inhuman or degrading treatment or punishment.

(2) The prohibition referred to in paragraph (1), indent 1 of this Article shall not apply to a foreigner who constitutes a danger to the security of the Republic of Macedonia, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the citizens of the Republic of Macedonia.

(3) The foreigner referred to in paragraph (1), indent 2 of this Article who cannot enjoy the right to asylum in the Republic of Macedonia owing to the reasons referred to in Articles 8 and 10 of this Law, shall be allowed to remain on the territory of the Republic of Macedonia as long as the country

amendments made to the national legislation,<sup>24</sup> several SOPs have been prepared and adopted in addition,<sup>25</sup> for the implementation of which a large number of trainings have been realized for police officers and other authorized officers within relevant entities/institutions (social workers, representatives of international/civil society organizations, etc.), and which are practically implemented in the field. A person in need of international protection may express an intention to be granted asylum or to apply for asylum. Persons who have expressed intention to apply for asylum are required to submit an application for being granted the right to asylum within 72 hours from expressing intention.

#### **Reply to paragraph 12 (e) of the list of issues**

101. Article 63 of the Law on International and Temporary Protection (LITP)<sup>26</sup> suggests that restriction of freedom of movement may be applied in exceptional cases. Asylum seekers may in exceptional cases be restricted their freedom of movement if other less coercive alternative measures under national law (confiscation of an identification document, regular reporting) cannot be effectively applied. The duration of the measure is regulated under paragraph 2 of Article 64 of the LPPZ stipulating that measures for restriction of freedom of movement are pronounced for a maximum of three months from the day when the decision was delivered which imposed a measure restricting freedom of movement, and as an exception, should reasons for their imposition continue to exist, they can be extended for another three months.

#### **Reply to paragraph 12 (f) of the list of issues**

102. As regards the availability of legal aid to persons detained in the Reception Centre for Foreigners (RCF) since 2016, the Centre is being regularly visited (at least once a week) by teams of UNHCR Skopje and the Macedonian Association of Young Lawyers (MYLA) as entered in the Register of Providers of Free Legal Services. Since the beginning of 2019, the legal team of the Jesuit Refugee Service, which is also registered in the Register of Providers of Free Legal Services, visits the persons accommodated in the RCF twice a

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of his nationality, or in the event of a stateless person, the country of former habitual residence, would be subjected to persecution, torture, inhuman or degrading treatment or punishment.

<sup>24</sup> With a view to meeting GRETA recommendations and bringing the amendments to the Law on Asylum and Temporary Protection, which entered into force on 18 June 2015, in line with Article 8 of EU Directive 2011/36/EU, in December 2018, the Principle of non-punishment of victims of human trafficking was introduced to the Criminal Code; In May 2018, the Law on Foreigners was adopted, which meets GRETA recommendations on the permit for temporary residence of victims of human trafficking, the period for recovery and reflection, and providing more rights for victims.

<sup>25</sup> SOPs for dealing with unaccompanied minors – foreigners were adopted in November 2015, being prepared with the support of the UN High Commissioner for Refugees (UNHCR) and with inter-institutional cooperation between the MoI, MLSP, IMSWC, IOM, ICMPD and other relevant actors. In applying these procedures, the principles contained in the Convention on the Rights of the Child are especially respected, namely the principle of non-discrimination, the best interests of the child, the views of the child, confidentiality and the principle of non-refoulement. The SOPs for dealing with vulnerable categories of persons – foreigners (VCFs) adopted in July 2016 are intended for VCFs that have entered the country legally or illegally and refer to victims of trafficking in human beings (VHTs), children, parents with children, women and girls, pregnant women, people with disabilities (physical, intellectual and mental), the elderly and LGBTI people. The Indicators for identification of victims of trafficking in human trafficking cases and the general indicators for initial/preliminary identification of presumed and potential victims of human trafficking in cases of mixed migration movements prepared with the support of the International Organization for Migration (IOM) and adopted in June 2016 are intended for the responsible persons at relevant entities/institutions who are in first contact with foreign nationals in mixed migration movements (police officers, social workers, representatives of international/civil society organizations, etc.). In 2018, the National Commission for Combating Trafficking in Human Beings and Illegal Migration with the support of the International Organization for Migration (IOM) revised the SOPs for Victims of Trafficking in Human Beings which were subsequently adopted by the National Commission and the Government.

<sup>26</sup> Official Gazette No.64 of 11 April 2018.

week too. Access to the RCF is regularly provided to international organizations<sup>27</sup> and NGOs, EU bodies, and representatives of foreign embassies, if requested. The dislocation and construction of a new facility to fit the needs of the RCF has been set out under the IPA 2016 Action Fiche as part of Migration and Asylum, Border Management and Combating Organized Crime and Terrorism program. In 2017, project tasks were prepared by the EU Delegation in the country describing the profile of experts to be hired, as well as work tasks and objectives to be achieved as per the Service Agreement. 2018 also saw the completion of the project "Preparation of Engineering Services and Tender Documentation for the Preparation of the Reception Centre for Foreigners and Forensic Laboratory-EuropeAid/132633/C/SER/multi."

#### **Reply to paragraph 12 (g) of the list of issues**

103. Paragraph 2 of Article 66 of the LITP regulates the treatment of minors, i.e. vulnerable persons and unaccompanied minors, whereby the measure of accommodation in a Reception Centre for Foreigners is applied only on the basis of individual assessment, as well as prior consent of parents, i.e. legally designated guardians, as well as on the grounds of such accommodation being appropriate for their personal and special circumstances and needs and taking into account their health condition.

104. The procedure for recognizing the right to asylum to minors without procedural abilities launches with guardians designated to said minors submitting an application for recognition of the right to asylum.

#### **Reply to paragraph 12 (h) of the list of issues**

105. The new Law on Foreigners<sup>28</sup> has been aligned with Directive 2008/115/EC of the EU on returning illegally staying third-country nationals. As a result of the above, i.e. for reasons of aligning the law with Article 8 paragraph 6 of the Directive, Article 155 item 7 of the Law stipulates that, as part of the procedure on the removal of a foreigner, the MoI may cooperate with other national bodies, competent authorities of other countries or international organizations. As laid down, the provision provides the legal basis for ensuring an effective system for monitoring the removal of foreigners. Over the coming period, the Ministry will assess the extent and manner in which the legal provision set out is to be implemented. Article 157 of the Law stipulates the cases in which a foreigner must not be removed from the country.

#### **Reply to paragraph 13 of the list of issues**

106. With the inspection of the records of the DICCIPS, it was established that, over the 2015–2018 period, the Ombudsman did not submit a complaint or notification to the Department for not being allowed by police officers to make unannounced visits to all places of detention, and, moreover, in its reports submitted to the Department, the NPM also failed to mention or detect such occurrences taking place. As for the fulfilment of the recommendations of the Ombudsman, in order to strengthen the technical capacities of the detention facilities in police stations as provided for under the 2016–2020 Police Development Strategy, the Department of Finance at the MoI has allocated MKD 40,000,000 from the 2019 budget of the Ministry for capital projects.

107. Ever since its establishment as a NPM in May 2017 and to this date, the DES has been continuously enjoying good cooperation with the Ombudsman.

108. The NPM has been making regular and consecutive visits to all PCIs and CEFs and as such it has been provided with uninterrupted access and supervision across all official premises of the institutions as well as being allowed to engage in conversation with both

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<sup>27</sup> UNHCR: 8 visits in 2015, 26 visits in 2016, 15 visits in 2017, 26 visits in 2018, 9 visits in 2019 as of May. Red Cross: 10 visits in 2015, 8 visits in 2016, 13 visits in 2017, 19 visits in 2018 and 6 visits in May 2019. Helsinki Committee for Human Rights: Visits the RCF once a year from 2015 to 2019; Ombudsman: 2015 – 10 visits, 2016 – 8 visits, 2017 – 5 visits, 2018 – 6 visits and 2019 – 3 visits as of May

<sup>28</sup> Official Gazette No.97 of 28 May 2018.

officials and convicted persons across the institutions mentioned. Further, boxes for submitting complaints to the Ombudsman have been installed across all PCIs and CEFs and only officials from the Office of the Ombudsman have access to them.

109. In 2016, amendments to the Law on the Ombudsman were adopted to enable it to meet the criteria for being awarded status A as a national institution.

110. As a result of the aforementioned amendments:

(a) The Law on the Ombudsman was aligned with the Paris Principles by introducing the promotion of human rights, a pluralistic approach in the selection of managerial positions in the office of the Ombudsman, and the financial independence of the institution;

(b) The amendments set out the establishment of a special department for monitoring the status and protection of children's rights as well as of persons with disabilities and a special department for monitoring the status and protection against discrimination and appropriate and equitable representation of members of communities;

(c) They align the Law with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, hence further expanding the competences of the Ombudsman as a NPM against torture;

(d) They introduce an obligation for the annual report of the Ombudsman to outline recommendations on how to overcome situations established. They also provide for the involvement of the Assembly and the Government in acting responsibly on the recommendations of the Ombudsman as well as reporting on the implementation of specific measures;

(e) They authorize the Ombudsman to submit requests within its competences to the Standing Inquiry Committee for Protection of Civil Rights and Freedoms at the Assembly to investigate cases of violation of constitutional and legal rights and take appropriate measures. The Standing Inquiry Committee for Protection of Civil Rights and Freedoms is thereafter obligated to consider the requests of the Ombudsman to investigate cases of violation of constitutional and legal rights and submit reports on such cases, while the Assembly would then meter out appropriate measures;

(f) They establish an additional mechanism to enable the implementation of special reports on obstructions to the work of the Ombudsman and non-compliance with and non-implementation of requests, proposals, opinions, recommendations or indications filed by the Ombudsman.

111. The General Acts on the Organization of Work and Systematization of Jobs in the Office of the Ombudsman were approved by the Assembly on 11 July 2017. In that context, funds were allocated by the Ministry of Finance for 7 new jobs in the office of the Ombudsman by the end of 2017. In addition, at the beginning of 2018, consent was issued for allocating funds for 3 more posts for 2018, making it a total of 10 new jobs being approved in the years 2017 and 2018.

112. In 2017, the Ombudsman was granted observer status in the Management Board of the European Union Agency for Fundamental Rights (FRA).

113. The budget of the Ombudsman in 2018 increased by 5.3% compared to 2017, while in 2019 it stood at 10% more than in 2018.

#### **Reply to paragraph 14 of the list of issues**

114. The Republic of North Macedonia has not received or rejected requests from another country for extradition of a person suspected of having committed a crime qualified as torture or other gross, inhumane, degrading treatment or punishment.

#### **Reply to paragraph 15 (b) of the list of issues**

115. In keeping with the Istanbul Convention and relating NAP for its implementation, the country plans to conduct gender-based violence training for institutions authorized for

taking action as set out under the new Law on the Prevention and Protection against Violence against Women including Domestic Violence the preparation of which is underway and pending adoption. SOPs for taking action are to be drafted once the new law is adopted.

116. The Training Centre of the MoI has not prepared and provided trainings for detecting psychological signs of surviving torture or ill-treatment. The topic of dealing with torture is covered by the Training Centre in its basic training program for police officers, which is completed by all future police officers, and forms part of all curricula related to the protection and respect of human rights. In terms of training in the field of discrimination and prevention of torture, 2015 saw the preparation of 3 relating modules.<sup>29</sup> Within each module, curricula were developed for the basic training of candidates for police officers and police officers, consisting of several theme units that process both the area of discrimination and ill-treatment. In keeping with these, trainers were trained to further conduct decentralized training for police officers, as follows: in 2017, three people completed training of trainers, while in 2018 four employees participated in three trainings of trainers in the field of fundamental rights.

117. In 2016, 5 trainings were conducted for 164 police officers in accordance with modules 1, 2 and 3. One training was conducted for 30 police officers titled "Setting Standards for Protection against Discrimination". In 2017, training was conducted for 625 police officers in accordance with the modules, as well as training for 26 employees titled "Direct Discrimination, Gender-based Discrimination, Harassment and Mobbing." Within its basic training program, the Training Centre has been covering learning tasks in the field of non-discrimination. In the 2015–2018 period,<sup>30</sup> this program covered 2,310 candidates<sup>31</sup> for police officers.

118. In 2018, 8 trainings were conducted in the field of gender-sensitive issues for a total of 210 employees at the MoI as follows:

- (a) Three OSCE-organized trainings for 160 employees aimed at improving police gender awareness of women and responding to domestic violence;
- (b) One training of trainers titled "Training Model for Professionals on Gender-sensitive Provision of Victim Services" for 37 employees;
- (c) One training for 10 employees on "Providing Gender-sensitive Services to Support People who have Experienced Domestic Violence," organized by UN WOMEN;
- (d) One training for 2 employees on "Strengthening the Capacity of Relevant Institutions to Provide Effective Protection of Victims of Gender-based and Domestic Violence in Accordance with the Istanbul Convention," organized by the Helsinki Committee for Human Rights;
- (e) One training for five employees intended for professionals working in gender-sensitive provision of conditions to victims;
- (f) One training for one employee on "The Istanbul Convention on Services for Women and Victims of Violence", organized by the MoI.

<sup>29</sup> Module 1 on Ethical Behaviour and Respect for Human Rights in Police Action is aimed at raising awareness of human rights and integrity, in which unit 3 studies human rights and freedoms, and in which police officers are introduced to international documents and national legislation in the area. Thematic unit 4 refers to non-discrimination in police proceedings with emphasis on prejudice, stereotypes and the need for equal access.

Module 2: Deprivation of liberty, apprehension and use of coercive means is intended for training of police officers for appropriate and legal action when taking over police powers and the use of coercive means.

Module 3: Retention of a person and prevention of inappropriate treatment is aimed at training police officers for appropriate and legal action in detention and familiarity with domestic and international mechanisms for appropriate treatment of these persons.

<sup>30</sup> 2015 – 440 candidates; 2016 – 660 candidates; 2017 – 660 candidates; 2018 – 550 candidates.

<sup>31</sup> 2015 – 440 candidates; 2016 – 660 candidates; 2017 – 660 candidates; 2018 – 550 candidates.

119. In cooperation with UN agencies and non-governmental organizations, the MoH continuously conducts trainings on clinical management of gender-based violence, specifically for health workers working in public health institutions. The focus is on the three health care institutions in which the Centres for Management of Rape Victims have been established (PHI Clinic for Gynaecology and Obstetrics, PHI Clinical Hospital Tetovo, PHI General Hospital Kumanovo). The existing legislation on prevention, combating and protection against domestic violence is continuously being implemented, as well as the relevant bylaws and protocols for mutual cooperation and action in the areas of protection against domestic violence, cases of child abuse and neglect, sexual abuse of children, paedophilia and gender-based violence.

120. In the period between November 2017 and November 2018, as a joint activity of the MoH and the Institute for Public Health, and in cooperation with the NGO HERA, UNFPA and the Faculty of Medicine at the Ss. Cyril and Methodius University in Skopje (UKIM), 6 two-day workshops were held to strengthen the gender-based violence prevention capacities in primary health care with the participation of 180 students. A new curriculum for gender-based violence has been prepared for people with disabilities as a continuation of previous activities, and in 2019, 4 trainings were conducted for primary healthcare doctors, as well as for professionals from other sectors. Education for control and prevention of injuries and violence is continuously provided in undergraduate and postgraduate studies and doctoral studies in public health at the UKIM Medical Faculty in Skopje.

**Reply to paragraph 15 (c) of the list of issues**

121. Answered under question 15 item b).

**Reply to paragraph 16 (c) of the list of issues**

122. All health Centres with PCIs on their territories have taken over the medical staff, the premises and the equipment from the health units in the prisons. The statutes of all health Centres have been amended by introducing the performance of healthcare in prisons. Each health Centre organizes healthcare in accordance with the needs (the number of convicted and remanded persons, and in agreement with the management of the PCIs). Procedures are underway in several health Centres for the admission of medical staff (doctors, nurses, dentists and other health staff) in order to implement health care in PCIs. In that context, the following can be pointed out as positive examples: Veles Health Centre where systematic examinations of prisoners are performed on a regular basis and emergency medical interventions are performed as needed; Strumica Health Centre, where, in addition to being examined upon admission (body weight, height, blood pressure, history of chronic diseases, surgeries underwent, injuries, food allergies, drugs, addictions, mental state, etc.), all newly arrived convicts are screened for TBC; Gevgelija Health Centre, where in addition to the mandatory medical examination, other preventive health measures are being taken upon admission such as testing of convicts for specific diseases (hepatitis, AIDS) and drug addiction, coupled with radiographic pulmonary imaging being performed once a year to detect TBC. Mental health services are provided at the request of the prison authorities.

**Reply to paragraph 17 of the list of issues**

123. Regarding the situation with juveniles, the construction of the facilities of CEF Tetovo in the Municipality of Brvenica has been fully completed. In addition to the facilities in the complex fenced with safety wire, a facility with garages and two workshops has been erected, to be used for training and occupational work of wards. Work is underway on shaping the ground floor, as well as the basketball, five-a-side football and handball courts. Several procedures for awarding a contract for public procurement of furniture and equipment in the kitchen and laundry, security, medical and fitness equipment and a vehicle for transporting the wards for reasons of furnishing the CEF have been realized. A public procurement procedure for the construction of water well with a pumping station and a tank for sanitary and fire water has been completed. The reason for the inefficiency of the institution is the still unfinished water supply system. In order to

overcome the situation, additional measures are being taken in December 2018, a public procurement procedure was launched for the preparation of a new architectural and urban planning project for dislocating the tank for sanitary and fire water and the water well with pumping station, as well as the preparation of new designs for the water supply system. In January 2019, a public procurement contract was awarded for the preparation of project documentation for CEF Tetovo in the Municipality of Brvenica and for the following works: preparation of an architectural design and urban planning project for CEF Tetovo, preparation of a project for line infrastructure construction for CEF Tetovo, and preparation of a design of a tank and water well pumping station in CEI Tetovo. Furthermore, several public procurement procedures are underway for furnishing this facility and put into operation CEF Tetovo, after which the plan is to transfer juveniles from Ohrid Prison to the CEF Tetovo over the last quarter of 2019.

124. The opening of the Educational Correctional Home (ECH) in Tetovo was prolonged due to the appearance of certain problems of a technical nature particularly in regards to supplying the object with water and electricity, while in addition to this, the DES was also required to carry out procedures for obtaining construction permits from the relevant authority (the Ministry of Transport and Connections) for the purposes of constructing reservoirs of sanitary and fire water, a well pumping station and a substation. Furthermore, after the Government's approval for a change in the dynamics of the realization and the payment of obligations under the already existing contracts, an annex contract was concluded, allowing the contractor and the other company tasked with professional supervision to have the deadline extended to 31 March 2020. It is expected that the technical examination by the MTC commission will be concluded by that time, and that once the objects acquire the necessary permits, construction will be completed in line with all European standards and regulations and the scheduled activities of the institution will begin.

125. In relation to the treatment and caretaking of minors at CEFs, the framework of the National Strategy for the Prison System (2015–2019) foresees a special Strategic Goal 5 for minors. For the purpose of improving the treatment and caretaking of minors who are referred to serving an educational measure at an ECF, a new set of House Rules for Facilities that Execute the Educational Measure – Referral to CEFs was prepared in 2016.

126. Likewise, a short programme for awareness raising and prevention of the use of drugs and infectious disease prevention among minors was prepared as well. The implementation of the training programme and the training of instructors for the implementation of the programme will follow in the upcoming period.

127. The DES, in cooperation with the United Nations Development Programme-UNDP and the Ministry of Education and Science are implementing a pilot project for completing the elementary education of minors who are serving a prison sentence at the PCF Ohrid Prison, or serving an educational measure at the ECH Tetovo, whose premises are temporarily located at the PCF Ohrid Prison. The project was realized from 1 October 2017 to 30 March 2018, and covered learning the Macedonian language and ensuring numerical literacy. The project encompassed 22 minors, and the lessons were held by teachers from the "Hristo Uzunov" Elementary School-Ohrid.

128. During December 2018, the Project "Creating Opportunities and Work for All III" intended for convicts, and the pilot project for completing elementary education for minors who are serving a prison sentence at the PCF Ohrid Prison, or are serving an educational measure at the ECH Tetovo whose premises are temporarily located at the PCF Ohrid Prison, continued with its implementation. The minors who attended classes in Macedonian language and numerical literacy will also attend classes for the rest of the school subjects, with the goal of completing their elementary education.

**Reply to paragraph 18 (b) of the list of issues**

129. This question has been answered under Question 15 item b.

**Reply to paragraph 19 (a) of the list of issues**

130. Appropriate measures to investigate allegations of misconduct toward patients on the part of the staff have been implemented in the psychiatric institutions around the country. For example, the Psychiatric Hospital of Skopje has taken certain measures within their purview and is now conducting investigations in the case of misconduct toward their patients. For this purpose, they also cooperate with the relevant authorities should it be determined that's necessary. At the hospital itself, patients receive legal advice from social workers and the Legal Department of the hospital. Likewise, a Commission for Complaints by Clients of Psychiatric Services has also been established, which reviews any complaints received through the complaints box and decides on the course of action. Each complaint is reviewed in accordance with the Law on Mental Health, the Law on the Protection of Patients' Rights, and the Law on Health Protection. In order to improve the patients' living conditions, a number of activities financed by the hospital's budget have been undertaken, as follows:

- A thorough reconstruction of the Department for Acute Conditions which sees the highest frequency of admitting patients with violent behaviour (2. the Men's Department);
- Reconstruction of the central hospital kitchen area, in order to improve the hygiene and sanitary standards for preparing food that's safe for the health of the patients;
- A renewed and regularly maintained hospital park area, to ensure daily walks and outdoor activities for the patients.

131. During 2018, a number of new employments have been also introduced due to the outflow of healthcare workers for different reasons, however, there is still not enough personnel required to increase the number of employees during the afternoon and evening hours.

132. The Psychiatric Hospital of Demir Hisar has also implemented measures with the aim of conducting investigations for misconduct by the staff towards their patients. The hospital has also placed complaint boxes around its premises. Doctors perform daily controls and visits to the areas related to the received complaints and the reported misconduct toward patients. A mentorship system of conduct has also been implemented, and the nurses keep records of any misconduct in their mentorship lists. Additionally, the hospital also hired an Agency for Securing Persons and Property, which conducts breathalyser testing of employees in these cases. For the purposes of improving living conditions the number of employees has been increased especially for afternoon and night shifts, by hiring additional medical personnel in 2 shifts, and 2 psychiatry specialists on duty. Doctors, nurses and paramedics have also been employed.

**Reply to paragraph 19(b) of the list of issues**

133. For the purposes of reducing overcrowding, and improving the environment through physical activities and outdoor exercises for the patients accommodated at the aforementioned institutions, the following activities have been undertaken.

134. The MoH has reconstructed two hospital wings at the Psychiatric Hospital in Skopje, which accommodate and treat around 60 patients. This has led to a significant increase in the comfort of patient accommodation, since in the past these patients were assigned to other departments which, in turn, would lead to overcrowding. The number of patients at the Department for Forensic Psychiatry is also overwhelming, and in order to overcome this condition systematic solutions will be required. The physical activity of the patients has been ensured through everyday walks in the hospital's park, along with physical activity at the gym of the Department for Occupational Therapy, which allows for exercises with a variety of sports equipment, such as ping-pong and other activities in the presence of a therapist. Beside this, the hospital has a sports court where patients can engage in various recreational activities, and where there are regular soccer, basketball and other types of competitions. Walks and excursions are also organized for the patients, in addition to visits to the theatre, museums, and so on. A newly constructed object – Men's Department – has recently been opened at the Psychiatric Hospital in Demir Hisar, with the aim of reducing

the overcrowding in various hospital departments and enabling contemporary living conditions in line with European standards. Additionally, 400m<sup>2</sup> of damaged laminate flooring have also been reconstructed. Finally, 1300m<sup>2</sup> of damaged roof tiles made of asbestos have been replaced with plasticized sheet metal and ceramic tiles. Three vehicles have also been procured for the needs of the hospital, and several new procurements are underway for the complete restoration of all facilities.

#### **Reply to paragraph 19(c) of the list of issues**

135. Measures that are being implemented with the aim of ensuring legal protection of patients who are hospitalized involuntarily, and eradicate the alleged practice of involuntary signing of statements of consent:

- During every admission, patients will be informed of the living conditions and the anticipated therapy during hospitalization and will sign the statement of consent for hospitalization in the presence of family members, the personnel of the admission department as well as the doctor in charge of the admission;
- The legal department of the hospitals shall be open for patient inquiries and legal counsel.

#### **Reply to paragraph 19 (d) of the list of issues**

136. During the summer of 2018, due to the inappropriate living conditions for the clients of the PU Special Institution Demir Kapija, reconstruction was conducted to some of the toilets that were in critical condition at both buildings that house clients, with a part of the roofing of one of the buildings seeing reconstruction as well. By fixing the leaks on the roof (and preventing damage to the electrical installation) the main critical points to the health and safety of the clients have been removed.

137. During the period of August 2017 to December 2018, and with financial support from UNICEF, an additional team for direct work with children and persons younger than the age of 26 was hired for the purposes of preparing them for a life with community support. The team of twelve professionals introduced new methods for working with children, such as for example the method of intensive interaction. By the end of the year, all 10 children under the age of 18 left the institution and have since been relocated to three newly open group homes in the village of Timjanik, near Negotino, as well as in Skopje.

138. With financial support from the UNDP, from June–December 2018, a team of 15 people was hired to provide support in working with over 60 adult clients with the aim of helping them become self-sufficient and preparing them to live with community support.

139. For the purpose of dealing with the problem of a chronic lack of personnel, from 2018 to 2019 the Institution employed: 4 caretakers, 2 nurses, and 1 main nurse on a permanent contract, as well as 4 caretakers, 1 special educator and 1 physiotherapist.

140. Toward the end of 2018 and the beginning of 2019, in cooperation with the MoH, regular physical examinations were organized for clients, performed by medical specialists from a number of fields (neurologists, psychiatrists, gynaecologists) who gave directions and recommendations for the improvement of the health of the clients.

141. In the second half of 2018, participative preparation of a plan to transform the institution began, and was led by international experts. The preparation of these plans is in the final stage, and will determine the role of the current Special Institution as well as the type of (non-residential) services that it will provide within the framework of the social protection system.

142. In the beginning of 2019, review and assessment was carried out for the more significant reconstruction works in both buildings that house clients, including significant reconstruction projects in regard to: sanitation, flooring, roof construction and painting. The estimated value of the construction works amounts to more than 110 thousand euros. The repairs are expected to conclude somewhere around the third quarter of 2019. Thanks to the strict adherence to the moratorium that was put on new admissions, and the transfer of children clients to smaller group homes, the number of clients interned at the PI Special

Institution Demir Kapija was reduced from 221 at the end of 2017, to 200 clients in May 2019.

## Other questions

### Reply to paragraph 20 of the list of issues

143. Between 2015 and the first quarter of 2019, a total of 38 trainings were conducted for the employees of the Administration for Security and Counterintelligence,<sup>32</sup> 7 of which were carried out in 2015, 12 in 2016, 10 in 2017, 7 in 2018, and 2 in the first quarter of 2019.

### General information on other measures and developments related to the implementation of the Convention

#### Reply to paragraph 21 of the list of issues

144. In relation to the obligations that arise from international law as well as from the Convention, and in accordance with the Resolutions of the UN Security Council, the MoI upholds them through recognizing early indicators and applying preventive mechanisms, as well as through advancing operational work by implementing modern methods and work techniques that have been demonstrated to be successful, and by recognizing warning signs. In this context, from a practical standpoint the undergone training aimed to increase work effectiveness in relation to dealing with terrorist threats.

145. In the period of 2015 to 2018, the Academy for Judges and Public Prosecutors held the following training programmes related to combating and preventing torture:

(a) “Strengthening Coordination between the Internal and External Prison Inspection Authorities.” This was a subject of 3 round table discussions, held on 7, 8, and 9 October 2015 in Bitola, Shtip, and Skopje. The round table discussions took place as part of the project called “Strengthening Capacities of the Law Enforcement Authorities in Exercising the Law for Appropriate Conduct with Detainees and Convicts”, which was financed by the European Union and implemented by the Council of Europe. During its realization, the DES was also included. The round table discussions were attended by 75

<sup>32</sup> Seven training sessions were held in 2015, on the following subjects: “The Islamic State – A New Threat to Europe’s Internal Security”; “Preventing the Proliferation of Chemical, Biological, Radioactive, and Nuclear Weapons and Materials (HBRN)”; “Criminal and Legal Methodology for the Suppression of Terrorism”; “Suppression of Terrorism Financing”; “Prevention of Violent Extremism and Radicalization Leading to Terrorism Through Community Policing”; “Methods for Suppressing Terrorism”; “Counter-Terrorism: Principles and Practices.”

In 2016, twelve training sessions were held on the following subjects: “Suppression of Social Media and Online Recruitment by Terrorist Organizations”; “Recruitment and Handling of Sources”; “Training of Human Sources – HUMINT”; “Analytics Course”; “Basic/Introductory Training in Digital Forensics and Open Sources”; “Tactics and Methods for the Suppression of Terrorism in the Field”; “Suicide Attacks and Prevention Strategies”; “Course on State (Interior) Security and Intelligence”; “The Role of Intelligence Against Terrorism”; “Advanced Counterintelligence Course”; “Prevention of Violent Extremism and Radicalization Leading to Terrorism, Through Community Policing.”

In 2017, ten training sessions were held on the following subjects: “Targeting: Intelligence Work”; “Working with Human Sources – HUMINT”; “Collaborators Recruitment Cycle”; “Investigation and Assessment of Cases Connected to Participation of Foreign Terrorist Fighters in South East Europe”; “Source Recruitment and Handling”; “Explosion Crime Scene Investigation”; “Elicitation and Debriefing For Operatives”; “Operational Investigation and Source Manipulation”; “Counterintelligence.”

In 2018, seven training sessions were held, on the following subjects: “Intelligence Training”; “Interviewing, Debriefing, and Elicitation”; “Human Sources Training”; “Intelligence Work in Counter-Terrorism Operations”; “Operational Planning”; “Counter-Terrorism Training for Online Intelligence Operations”; “Prevention of Terrorist Activities.”

In 2019, two training sessions were held on the following subjects: “Guidelines for Secure Source Handling” and “Online Counterintelligence Operations – Advanced Level.”

representatives of the DES, directors of penitentiaries and prisons, employees of the departments for resocialization and healthcare at the prisons, judges, prosecutors, attorneys, representatives of civil society, as well as international and domestic experts;

(b) On 5 November 2015, the concluding conference of the project “Strengthening Capacities of the Law Enforcement Authorities in Exercising the Law for Appropriate Conduct with Detainees and Convicts” was held, organized by the Academy for Judges and Public Prosecutors and the Council of Europe;

(c) “The application of Article 3 of the ECHR” was the subject of a briefing session held from 23 to 24 April 2015, which was organized by the Academy. The session was attended by 23 judges, public prosecutors, and expert associates;

(d) “The prohibition of torture-Article 3 of the ECHR and the lack of sufficient investigation” was also the subject of a briefing session held on 7 July 2016 organized by the Academy. It was attended by 15 judges, public prosecutors, and expert associates;

(e) “The application of Article 3 of the ECHR-Prohibition of torture, material and procedural aspects” was another briefing session held on 1 December 2016, organized by the Academy and attended by 17 judges and public prosecutors.

146. During 2017, the realization of the project “Strengthening Capacities of the Judiciary in Protecting Human Rights and Combating Inhumane and Humiliating Conduct and Fighting Impunity” began, financed by the European Union and implemented by the Council of Europe. Within the framework of the project the following training sessions were carried out:

- “Training of Instructors on Article 3 of the ECHR”, realized from 11 to 15 September 2017, and attended by 13 instructors (judges and public prosecutors);
- “Article 3 of the ECHR-Prohibition of Torture” was held during 2017 for a total of 4 briefing sessions of all appellate areas. The briefings were attended by a total of 85 judges, public prosecutors and expert associates;
- “Article 3 of the ECHR-Prohibition of Torture” accounted for 1 briefing session in 2018, which was attended by 20 judges, public prosecutors and expert associates;
- “Articles 3, 5, and 6 of the ECHR” briefing intended for the listeners of the beginners’ training course for the 6th generation. A total of 37 attendants;
- The concluding conference of the project “Strengthening Capacities of the Judiciary in Protecting Human Rights and Combating Inhumane and Humiliating Conduct and Fighting Impunity” was held on 29 May 2018, and was attended by 26 judges, public prosecutors, and attorneys.

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