

Subject: OHCHR - Reply to the questionnaire submitted in relation with torture and other cruel, inhuman or degrading treatment

Pursuant to Resolution 52/7 of the Human Rights Council by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of North Macedonia has the honour to inform that it is a signatory to multiple international documents governing the issue of torture and other cruel, inhuman or degrading treatment, such as: the European Convention on Human Rights and the International Covenant on Civil and Political Rights. These international documents are incorporated into the national legislation with the single purpose to improve the legislation.

Therefore, in the Constitution of Republic of North Macedonia, in Part II Basic freedoms and rights of the individual and citizen, Article 11 states that the human right to physical and moral dignity is irrevocable. Any form of torture, or inhuman or humiliating conduct or punishment, is prohibited.

One of the basic principles of the Law on the Execution of Sanctions is respect for the human personality and dignity of the persons against whom the sanctions are being executed, as well as care for the preservation of their physical and mental health. Sanctions are executed without discrimination on any basis - race, skin colour, origin, national or ethnic origin, sex, gender, sexual orientation, gender identity, membership of a marginalized group, language, citizenship, social origin, education, religion or belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal characteristic and social status. In May 2019, the Law on the Execution of Sanctions took a step closer to the European Prison Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), which are accepted as good principles and practices in the treatment of convicted persons and the management of prisons. According to these Rules, the objectives of the prison sentence or similar measures consisting of deprivation of liberty are aimed at protecting society from crime and reducing recidivism.

Among other things, in the Law on the Execution of Sanctions in the first part - General provisions, Chapter 1 - as one of the basic principles in Article 6, it is stated that the persons against whom the sanctions are being executed are treated humanely, with respect for the human person and dignity, with preservation of their physical and mental health, taking into account the achievement of the goals of individual sanctions and measures.

In addition, in order to bring the reforms of the Republic of North Macedonia prison system closer to the European standards which imply improvement and humanization of the system for the execution of sanctions, as well as compliance with the recommendations of the CPT and other international and national bodies, the National Strategy for the Penitentiary System (2021-2025) was drawn up, in which one of the strategic goals is to provide safe environment for convicted persons and personnel in the penitentiary and correctional institutions.

The penitentiary system in Republic of North Macedonia as well as other prison systems, faces with a number of challenges, and one of the main **challenges** is the overcrowding in the penitentiary institutions, especially in the penitentiary institutions Idrizovo prison, Stip prison and Prilep prison, and one of the reasons is the large number of convicted persons sentenced to imprisonment on one hand and the non-imposition of alternative measures and paroles with stricter and longer supervision of convicted persons, in accordance with the Criminal Code of Republic of North Macedonia on the other. Also the cause of overcrowding in the penitentiary institutions is insufficient accommodation capacity and dilapidated and old facilities.

Also, one of the **challenges** of the prison system in Republic of North Macedonia is the insufficient staffing of the health facilities (physicians, medical personnel) responsible for providing primary health care to the convicted persons in the network at primary health care level, where the headquarters of the prison and educational and correctional institutions are located.

Furthermore, the presence of corruption in the prison system, due to the appointment of

unprofessional management staff and the unprofessional behaviour of members of the prison police, which has been present in prison and educational and correctional institutions in the past, is also a challenge.

Therefore, the Administration for the Execution of Sanctions provided specific measures and activities in order to overcome the above-mentioned challenges that are evident and noted in several reports in the National Strategy for the Penitentiary System (2021-2025), namely:

- Increase of accommodation and spatial capacities and improved conditions for stay and work in the penitentiary institutions through the "prison Reconstruction Project" for reconstruction, renovation, construction and equipping of the Idrizovo prison (second phase);
- Reconstruction, renovation and construction of facilities in the penitentiary institutions;
- Imposing bigger number of alternative measures and parole with stricter supervision by the courts;
- Appointment of professional prison staff to management positions, in accordance with the legal provisions (Law on the Execution of Sanctions);
- Continuous training of the directors and their deputies;
- Professional and trained prison staff (management positions) who will perform their duties efficiently, responsibly and professionally in accordance with the code of conduct and the international standards.

With regards to the issue referring to the good practices in our prison systems or in our legislation, the Department for investigation and prosecution of crimes committed by persons with police powers and members of the prison police in the Primary Public Prosecutor's Office for the prosecution of organized crime and corruption was established, as provided for in Article 91 of the Law on the Execution of Sanctions in cases where there is inappropriate behaviour of a member of the prison police against convicted persons, thus committing a crime while practicing an official action or an action outside the service by using force and causing death, serious bodily injury, bodily harm or unlawful deprivation of liberty.

The rehabilitation and reintegration of convicted persons in is also an issue that should be treated with special attention and it has been detected as one of the weaknesses in the prison system and beyond. This is a challenge for the entire society, considering that it is a complex process involving several state institutions that have the authority to get involved in the post-penal assistance of convicted persons.

In that regard, the National Strategy for the Penitentiary System in Republic of North Macedonia (2021-2025) foresees a special strategic goal to strengthen the process of resocialization and reintegration of convicted persons, including post-penal assistance to convicted persons. Since February 2023, the new project started with the Council of Europe, within which a draft version of the SOP for post-penal assistance to convicted persons was prepared. Several institutions are involved in the preparation (Ministry of Labour and Social Policy, Centre for Social Work, Ministry of Internal Affairs, Ministry of Education and Science and Administration for the Execution of Sanctions). The SOP for pre-release preparation of convicted persons is intended especially for persons with long prison sentences.

Furthermore, in November 2022, a Memorandum of Cooperation was concluded between the Administration for the Execution of Sanctions and the Macedonian Association of Young Lawyers and 3 other non-governmental organizations as part of the "Establishment of services in the community to support the resocialization and reintegration of ex-convicts" Project, which is financed by the European Union (2022-2025). The activities of this Project have already started.

Macedonian penitentiary system contains a large number of elements and trends of the European prison systems; however, considering that the system for the execution of sanctions is a complex and sensitive matter that regulates the rights of persons deprived of liberty, its constant upgrading and improvement is necessary, as well as compliance with the international standards and best practices in the area of prevention of torture and other cruel, inhuman or degrading treatment and punishment.