



Република Северна Македонија
НАРОДЕН ПРАВОБРАНИТЕЛ
Republika e Maqedonisë së Veriut
AVOKATI I POPULLIT
Republic of North Macedonia
O M B U D S M A N

Women in Prison: North Macedonia

Analysis from the National Preventive Mechanism

| July 2024



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture



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North Macedonia



UNCAT Ratification

12 December 1994

OPCAT Ratification

13 February 2009

National Preventive Mechanism (NPM)

Ombudsman Office of North Macedonia

NPM legal framework

Law on ratification of the OPCAT (2008)¹ and accordingly the amendments made in the Law of the Ombudsman in 2009²

NPM operationalisation

Since 2011

NPM structure

Separate department with separate budget within the general Ombudsman budget

NPM composition

3 staff members (2 men and 1 woman)

I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women
Total prison population	Women with disabilities	Total number of women's prisons
2,606	1	6
Women in prison (total)	Foreign women	Mixed prisons with special unit for women ³
96 3.7%	2	6
	Women with children in prison ⁴	
	0	
	Pregnant women	
	0	
<small>Source: Council of Europe Annual Penal Statistics, 31 January 2023</small>	<small>Source: National Preventive Mechanism, October 2023⁵</small>	<small>Source: National Preventive Mechanism, October 2023</small>

¹ Law on Ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Official Gazette of the Republic of Macedonia No. 165/2008.

² Law on the Ombudsman, Official Gazette of the Republic of Macedonia No. 114/2009.

³ The Penitentiary institution of Idrizovo is largest prison in the country, within which there is a special women's department, the only one of its kind for female convicts. Women in pre-trial detention can be placed in five prisons located throughout the country with a pre-trial unit.

⁴ In March 2024, amendments and supplements to the Law on Execution of Sanction were adopted, according to which the female juveniles would serve their educational-correctional measure in the Educational-correctional facility Tetovo where so far only male juveniles have been placed. The unit in Idrizovo prison originally dedicated to female juveniles was transformed into a unit for a mother with a child. At the moment of the NPM visit in October 2023, no such case existed.

⁵ Information gathered by the NPM during the visit conducted to the Penitentiary institution of Idrizovo on 25-26 October 2023. It refers only to sentenced women prisoners.

II. Recommendations

Healthcare

- + Increase the number of professional medical personnel in the Female Department of Idrizovo prison
- + Employ a psychologist in the Female Department of Idrizovo prison

Sanitary facilities and personal hygiene

- + Improve access to sanitary knots in the female department of Idrizovo prison

Life in prison: regime and activities

- + Introduce occupational activities for female prisoners

Contact with the outside world

- + Introduce frequent and longer visiting hours than the current ones, taking into consideration that the female department of Idrizovo prison covers the whole territory of the country, thus depriving women inmates of their right to be imprisoned near to their place of residence.

III. Detention Issues

Body searches

a. Legal and regulatory framework

The search of convicted persons, including female convicted persons, is normatively regulated in several legal acts. The Law on Execution of Sanctions⁶ stipulates that the prison police, in addition to other responsibilities, is responsible for conducting searches on persons in penal and correctional institutions, while the by-laws regulate in more detail the bases and methods of conducting personal searches.⁷

The rules provide that personal searches and strip searches of persons deprived of their liberty are always carried out when receiving a sentence of imprisonment, i.e. detention, as well as when putting a person in a room for serving a disciplinary sentence, referral to solitary confinement and in other exceptional cases provided for in the by-laws.

The personal search is carried out by two officials of the same gender. The search is intended to be conducted in a manner that respects the inherent human dignity and privacy of the person, as well as the principles of proportionality, legality and necessity. It is especially emphasized that the search must not be used for harassment, intimidation or unnecessary intrusion into the privacy of the convicted person.

⁶ Law on Execution of Sanctions, Official Gazette of the Republic of North Macedonia no. 99/19, 220/19 and 236/22.

⁷ Administration for the Execution of Sanctions: "House rules for convicted persons serving a prison sentence in a penitentiary", June 2020; Rulebook on the powers of the prison police, the way of arming and performing the tasks of the prison police, Official Gazette of the Republic of North Macedonia No. 94/2022 of 15 April 2022.

A strip search, which may also include a visual inspection of private parts, can be carried out only in exceptional cases, i.e. when there are reasonable grounds to suspect that the person has hidden items that can be used to harm themselves or others, may present evidence of a crime, or if these items could not be discovered with a simple search.

A strip search can be carried out only by order of the director of the facility, the warrant officer or the shift commander. When giving the order, it is stated that special account will be taken of the justification of the strip search, the frequency, proportionality and absence of discrimination on any grounds.

During the strip search, the personal dignity of the person deprived of liberty should be respected. The strip search is not carried out in front of other persons deprived of liberty, or in front of a group of employees in the institution. Two members of the prison police are present in the room where the strip search is carried out, and dogs are not allowed in the room.

The strip search is carried out in such a way that the person does not remove all their clothes at once, but first from the top half up and, after getting dressed, they remove the clothes from the bottom half down. Personal searches or strip searches of persons deprived of liberty are performed by members of the prison police of the same sex, or another person of the same sex determined by the director of the institution.

Regarding visitors to convicted persons, it is foreseen that their admission depends on the consent to be searched, whereby it is pointed out that visitors can always withdraw their consent and, in that case, the prison administration can refuse entry. Strip searches of visitors are not carried out, except in cases where there is reasonable suspicion that the visitor is in possession of illegal items. If there are serious security concerns that the visitor may bring an illegal object into the facility, a supervised visit will be allowed.

After the search has been carried out, all illegal items that they are not allowed to hold or use, as well as items that have been used or intended for committing crimes, are taken from the persons deprived of their liberty. A certificate is issued for the seized objects, and the objects are handed over for safekeeping in the institution. No certificate is issued for items belonging to the institution, as well as for items belonging to other known persons, which are returned to the owner after the search. The Ministry of Internal Affairs is notified of confiscated items that may be or are the subject of a criminal offense and they are handed over to an authorized official from this Ministry.

The provisions of the laws governing the treatment of convicted persons do not provide for intrusive searches involving body cavities, except for visual inspection of the intimate parts. The Law on Criminal Procedure⁸ provides that the expressed approval of the court is necessary for the search of the intimate parts of the body or body cavities and that the intimate searches are performed by a medical person.

The current normative framework does not foresee and does not allow for a complete replacement of the search through the application of new, more modern methods through the use of body scanning devices. In practice, devices are used for scanning shipments, that is, bags and other objects, as well as metal detectors in the form of gates and mobile detectors.

b. In practice

From the visits conducted by the NPM, including conversations with women deprived of liberty, data was obtained that, upon admission to the institution or when returning from a weekend, they first go through a metal detector and a search that includes external checks/searches of clothing. If the metal detector signals the possible presence of a metal object or the members of the prison police suspect

⁸ The Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" no. 150/10, 100/12, 142/16 and 198/18)

that it is possible that the convicted person is hiding an illegal object, then a search is carried out that includes removing the clothes, in such a way that the person does not remove all the clothes at once, but first from half up, then after dressing she removes her clothes from half down. This is done in a separate place/cabin, where women are not exposed to the views of third parties. Women deprived of liberty who were interviewed emphasized the correct attitude of the prison police during the searches.

Means of restraint

a. Legal and regulatory framework

In 2022, a new regulation on the use of means of coercion was adopted, "Regulations on the closer conditions and the method of use of means of coercion by members of the prison police in penal and correctional institutions".⁹ This regulation stipulates that members of the prison police may use coercive means against convicted and detained persons under the conditions and in a procedure established by the Law on the Execution of Sanctions¹⁰ and this regulation. The regulation also stipulates which coercive means can be used and when. According to this regulation, the means of coercion are: separation, tying, use of grip, rubber baton, water snorts, chemical agents and trained dogs. Medical sedation is not specifically intended as a means that can be used. The regulation stipulates which means of coercion cannot be used on a pregnant woman, during childbirth and after birth.

b. In practice

From the inspection carried out in the Evidence Book for the means of coercion, it was concluded that there were no registered cases of the use of means of coercion in the last two years.

On the grounds of the records but also in communication with women deprived of liberty, there are no indications that the means of coercion are used in a discriminatory or disproportionate manner.

For the use of means of coercion, a record is always kept. A "Report on the use of means of coercion" is filled out by the official who used the means of coercion. In the report, an opinion regarding the legality and justification is given by the shift commander, the prison police commander and the director of the penitentiary and educational institution.

Access to mental healthcare

The mental health of women deprived of liberty is challenging. It depends on the mental strength of each individual woman, that is, how well the woman copes with the situation she is experiencing. Greater psychosocial and psychiatric support is not available, nor additional therapeutic and other types of occupational activities that would contribute to overcoming the stress caused by deprivation of liberty.

Upon admission to the prison, every woman is examined by a doctor, who performs the examination within 24 hours or no later than 48 hours if the admission is on a weekend. Apart from the general parameters (visual examination - determination of possible physical injuries), blood pressure is measured, anamnesis is taken, that is, previous health conditions for which the woman is undergoing therapy are ascertained.

A psychiatrist at Idrizovo prison comes once or twice a week and it is the same doctor who is regularly employed at the Skopje Psychiatric Hospital. In addition to this prison (otherwise the largest in Macedonia, which houses half of the total prison population), this psychiatrist also visits once a week

⁹ Regulations on the closer conditions and the method of use of means of coercion by members of the prison police in penal and correctional institutions, Official Gazette of Republic of N. Macedonia No. 94/2022.

¹⁰ Ibid. 4.

Skopje prison, where persons in pre-trial detention are kept or persons with prison sentences of up to 3 years.

Taking into account the size of the prison population, as well as the responsibilities of the psychiatrist, it is more than obvious that this person cannot even remotely respond to all the needs of persons deprived of liberty, especially when it comes to women who are in situations of vulnerability.

At the same time, it must be emphasized that the support of a psychiatrist and psychologist is especially important for women, taking into account that many of them were victims of domestic violence, and some ended up in prison precisely because of a crime that was preceded by harassment, sexual, physical and mental abuse from a partner/spouse.

The need for professional help and support is especially important in the first days after a woman enters prison, when the risk of depression and suicide is particularly high. The poor material conditions in which the prison is located, the easy availability of objects that can contribute to injuries (knives, cutting scissors) also contribute to this.

From the interviews with women deprived of liberty during the last NPM visit (October 25 and 26, 2023), the general conclusion is that all the women are on sedatives (diazepam or Helex are mostly used and they started taking them after entering prison, particularly at night so they can sleep).

Regarding the accessibility of the psychiatrist, although the doctor tries to respond to all requests, this health service is insufficiently accessible and incomplete (women wait for their turn, and when they get access to the service usually it comes down to prescribing/correcting the therapy).

When it comes to support from a psychologist, the women's department does not have such a profile of an employee at all. There is only one educator (one educator for 70 women) and she is a social worker by vocation.

From the conversations with women deprived of liberty, the impression was given that the educator is available for every person. However, due to the number of women, some of them withdraw their requests to meet with the educator, as they consider that their problems are not "serious" enough and that there is no need to take up her time when there are other women with far more complex problems.

Regular individual or group discussions aimed at the resocialization and rehabilitation of women deprived of liberty are not conducted. When women request an examination by a doctor, they submit a written or oral (possibility for illiterate women) request to the prison police, which they hand over to the doctor. The doctor either comes to the women's ward of the prison where there is a modestly equipped outpatient room, or the woman is taken to the infirmary located in the men's part of the prison, which can be further traumatizing for some women.

IV. Alternatives to detention

Based Pursuant the Criminal Code of Macedonia¹¹, perpetrators of criminal acts may be sentenced to any of the alternative measures, namely: conditional sentence, conditional sentence with protective supervision, conditional termination of the criminal procedure, community service, court reprimand and house arrest. Although the application of alternative solutions from a general point of view is generally acceptable and in recent years the number of probation cases, i.e. the imposition of alternative measures, has visibly increased, the practice still speaks of a different situation, i.e. the

¹¹ Criminal Code, Official Gazette of the Republic of N. Macedonia No. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18; Official Gazette of the Republic of N. Macedonia 6p.36/23, 188/23.

courts are often inclined towards the imposition of prison sentences.

From the last NPM visit to the women's prison department, it was ascertained that one of the two oldest women (age 68) was sentenced to a prison sentence of 4 years, which she started serving at the age of 67. The woman had visibly impaired physical and mental health and was unable to take care of herself.

The Law on Execution of Sanctions¹² specifically regulates the issue of pregnant, nursing women and mothers of minor children in prison. Article 192 stipulates that convicted pregnant women and nursing mothers are provided with expert medical care and that, according to the doctor's instructions, convicted pregnant women are sent to the maternity ward of the institution, as a rule, four weeks before giving birth. In this sense, it is provided that pregnant women and nursing mothers before and after giving birth receive food according to the type and quantity determined by the doctor.

In the same article, it is stated that, in the maternity ward, the convicted nursing woman as a rule remains until the completion of one year of the child's life, if she is not released from serving the sentence before that. The law also stipulates that the general regulations apply to convicted women during pregnancy, childbirth and maternity in terms of absence from work. As a rule, convicted pregnant women give birth in general health facilities, except in cases where the facility provides the necessary conditions for the safe delivery of a convicted pregnant woman. The birth register must not contain information that the child was born in a penitentiary institution. The postponement of the beginning of the execution of the prison sentence is another possibility provided by this law (Art. 143) if it is a convicted woman whose child is less than one year old or who is pregnant and there are no more than three months left until childbirth.

V. Other relevant NPM Information on women in prison

+ [NPM annual reports](#)

This report is part of the Global NPM report on Women in Prison.
Access the full report here: www.apt.ch/global-report

¹² Law on Execution of Sanctions, Official Gazette of the Republic of N. Macedonia No. 99/19, 220/19, 236/22.