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AVOKATI I POPULLIT
O M B U D S M A N
Republic of Macedonia

Information about submitted Opinion to the Ministry of Internal Affairs referring the proposal for Standard operative procedure for treatment of persons whose right to freedom of movement is limited.

The Ombudsman-National Preventive Mechanism (NPM) in accordance with the competences arising from the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, The Law on Ombudsman and the Rules of Procedure of the Ombudsman, on 14.05.2014 on a request of the Ministry of Internal Affairs, submitted an Opinion on the proposal for Standard operative procedure for treatment of persons whose right to freedom of movement is limited.

In the Opinion it was stressed that the proposal for Standard operative procedure, prepared by the responsible ministry, defines the standards and the procedures during detention, and at the same time includes the recommendations of the National Preventive Mechanism.

Additionally it was recommended that the part referring to detention pursuant to the Law on Misdemeanors, i.e. the article 96 stating: *“On a request of the detainee, the employer of the detainee should be also informed about the detention i.e. the diplomatic representation of a foreign country, should there be a need for protection or care of the children and the other members of the family for whom the detainee takes care, and the responsible center for social work”* should be included in the Standard operative procedure for treatment of persons whose right to freedom of movement is limited.

The Ombudsman recommends that the Standard operative procedure should be also supplemented with an information to the detainee about the permanent video surveillance (in those police stations where the video surveillance is in the premises where persons deprived of liberty are detained), establishing clarity of the terms, more specifically “The detention should be no longer than 24 hours from the moment of the deprivation of liberty, and during this period the person must be brought before a responsible judge”, securing the right to privacy when using the toilets, with exception when there is serious threat of a risk and there is a need for protection of the personal safety of the detainee, but the police officers too, calling a doctor for a prevention, in case it is about a high alcoholism of the person detained in the police station, as well as other proposals for prevention and protection from inhuman or cruel treatment towards persons deprived of liberty.