



Република Македонија
НАРОДЕН ПРАВОБРАНИТЕЛ
O M B U D S M A N
Republic of Macedonia

**INFORMATION
ON PERCEPTION OF SITUATION REGARDING PERFORMANCE OF THE
EDUCATIONAL-CORRECTIVE MEASURE DIRECTING IN THE EDUCATIONAL-
CORRECTIONAL INSTITUTION**

Skopje, November 2010

INTRODUCTION

The Law on the Ombudsman (Official Gazette no. 60/03 and 114/09) determines that the Ombudsman is authorised to monitor situations of respect and protection of the constitutional and legal rights of persons deprived of their liberty, especially of detainees and persons imprisoned in penal institutions or penitentiary-correctional institutions or educational-correctional measure in educational-correctional centres. This legal function the Ombudsman is accomplishing by his visits to these institutions and insights at the official documentation, and with the residents in institutions he discuss without the presence of officials.

In order to implement this competence, the Ombudsman in accordance with the Work Program during the October 2010 has visited the Correctional-Educational Centre.

Ascertained states during the visit

Educational-Correctional Centre is a correctional-educative institution which performs educational measure direction of male minors in educational-corrective institution.

Educational-Correctional Institution until October had operated in a facility within the Skopje prison in Skopje, and from 4/10/2010, this correctional institution has been dislocated in the building of the Veles Prison in Veles. Administration of this Centre continues to perform its tasks in Tetovo.

During the visit of this institution were find that a total of 41 persons are employed, of whom 36 are male and 5 female, and by belonging to a community - 33 are Macedonians, 5 are Albanians and 3 employees are Serbs. Employees work in shifts from 7:30 a.m. to 21:30 p.m. after which two days are free. Employees come to work by travelling from Tetovo in transportation organized by the institution.

On the day of visit 22.10.2010 in the Educational-Correctional Centre were recorded 31 minor. Competent persons in this centre reported that from the total number 2 juveniles leave for the weekend, 2 juveniles escaped and 3 are serving a sentence for a crime which they committed as adults.

This Educational-Correctional Centre is located several miles outside the city in the building of the Veles Prison. At the entrance of the institution it may be noted immediately that although the building is old it is still in the solid shape for its purpose. The building of this centre and the land are surrounded by not much high protective fence.

General impression is that before the relocation of juveniles in this facility works on restoration and adaptation of space were not fully completed. Housing conditions are still not in the necessary condition and there is a lack of the necessary equipment and inventory.

In relation to this conclusion speaks the fact that in a period of one month after the dislocation of this institution from Skopje to Veles minors escaped twice. In addition, it can be concluded for sure that security conditions are not at the required level,

there is an insufficient staff and it is particularly worrisome in terms of realization of educational-re-training programs.

On the first floor of this centre, according to the personnel are planned administration to be accommodated and the health services with the clinic. Also the first floor includes a kitchen and dining room which were clean and tidy. Food is preparing in the kitchen and latter is served for each minor separately. The dining room is spacious, bright and satisfies the needs in terms of the number of juveniles. In the kitchen on a prominent position is the menu made by the Commission. The hall has a telephone from where the inmates communicate with their families. Our conclusion is that in regard to the kitchen and the dining room procurement of equipment is necessary.

On this floor is the Department with enhanced re-training impact. Four separate "detention" facilities equipped with wooden beds but without bedding are functioning there. These premises have no daylight and required ventilation. There is a toilet which does not work. For this part, we can say freely that it does not meet the minimal standards required for lodging of minors.

The general conclusion regarding this floor is that the competent persons need much funds and work to bring premises in a state that meets determined standards.

On the upper floor of the building are 6 large and 2 smaller bedrooms with a total capacity of 80 beds, according to the present personnel. In the two smaller bedrooms which are functional live the juveniles from both open groups. During the visit it was evident that the hallway was under paving and it was planned paving of large bedrooms too.

The windows of these rooms are old, but large and allow natural light and ventilation. It should also be stated that all rooms has no inventory which has to be purchased. This floor includes a bathroom with toilets which are planned to be renovated because they do not satisfy basic needs. In the future it is necessary all started crafts in terms of paving, toilet overhauling, the purchase of inventory and other to complete.

Educators said that the juveniles themselves take care for daily hygiene and maintain personal and general hygiene and that they receive things for maintenance of hygiene depending of the budget funds. Our conclusion is that this year's budget resources are minimal.

Health care of minors in this centre is accomplished through the activities of the physician, who comes occasionally, but should be mentioned that the clinic with room for examinations is not equipped yet. On the day of the visit we didn't contacted the doctor because he wasn't at work, i.e. the doctor as the other employees work in a shift which of course is a serious problem when it comes to health care of minors. It is necessary the service for health care to be reorganized and support medical personnel to be employed too.

In this context, it should be noted that upon acceptance of any minor his/hers medical condition is determined only when the doctor is present (in his shift) which is opposite

to the standards. In case of need for examinations of minors when the doctor is not on duty or in the emergency cases, the assumption is that juveniles are brought to the medical institution outside of this centre.

This situation of lack of medical staff and appropriate conditions, such are spatial, but also in terms of equipment with the proper equipment, does not provides quality and fast service to minors in the field of health care.

For the educational-re-training function in this centre take care the educators who strive to realize individual and group re-training programs. But the fact that the re-training staff is working in shifts gives no guarantee that in this centre operates a real process of re-socialization.

The educational process at this centre for juveniles who haven't formed an appropriate education is not organized after moving to the new building in Veles. This is a serious problem keeping in mind that primary and secondary education is compulsory.

During the inspection in the professional records of juveniles was find that they were properly filled i.e. contain information about the juvenile, social history, psychological, pedagogical and medical diagnosis, an individual program of work, forms in which data regarding professional skills are recorded, work engagement and education. In these records are recorded conversations with minors, realization of the re-training treatment, regression or progression of the minor, all absences from the institution, arbitrary departures, imposed disciplinary penalties, quarterly reports and the court decisions. Upon completion of the educational measure or program, the Educational-Correctional Centre contacts the centre for social work, the court or judge and then the sentence repeals.

On the day of the visit we discussed with minors too. Some minors sought legal advice on educational measures imposed, but there were some who complained regarding the conditions, especially about the accommodation in the Department with enhanced educational impact.

Also, during the conversation minors said that are not allowed to make a calls, and that they were denied the right on visit during the execution of the disciplinary punishment measure - solitary confinement. Regarding this fact conversation was made with attending teachers and was noted that by the Article 20 of the Guidelines br.07-241 / 1 of 19.09.2007 adopted by the Director, to juveniles who committed a disciplinary violation visit are not permitted. This provision is contrary to the Article 322 of the Law on Execution of Sanctions.

RECOMMENDATIONS FOR IMPROVEMENT OF THE CONDITIONS

To overcome this situation, in order for legally implementation the educational-correctional measure - referral to the Educational-Correctional Centre, the Ombudsman considers that it is necessary this Centre to implement the following recommendations:

1. Urgent construction-handicrafts for restoration and adaptation of the spatial capabilities of the Educational-Correctional Centre as a basic prerequisite for implementation of educational-correctional measures;
2. Complete remodeling of the space of the Unit for Enhanced Retrain Impact by removing of the impression of so-called "Detention facilities", equipping of the rooms with bedding and other equipment and renovation of toilets in order to function;
3. Strengthening of the security aspect with continuous monitoring of the area in and around the Educational-Correctional Centre, staffing in the control, re-training and health services and employment of supporting medical personnel;
4. Full compliance of the Educational-Correctional Centre bylaws with the Law on Execution of Sanctions, especially with the Guidelines for Implementation of Disciplinary Measures;
5. Strengthening of cooperation with the centers for social work according to the place of residence or lodging of the juvenile;
6. Training and education of employees in order for successful implementation of educational re-training process by participation on seminars, courses, workshops and visits to other appropriate persons;
7. Education of minors in regard of the usage of legal resources and taking actions for protection of their rights in order of providing undisturbed functioning of the legal instruments of protection;
8. Compulsory organization of educational process, implementation of educational re-training programs and conducting leisure activities of minors, in particular sports and recreational contents;
9. Reorganization of the working time especially for the staff in re-socialization office and the health service, in a way that doctors and educators would be constantly at work and would take care for minors and
10. Emergency procurement of equipment and bedding for rooms where minors are lodged, especially juveniles in the Unit for Enhanced Retrain Impact.