



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

BOOK OF REGULATIONS
on the manner of prevention by the Ombudsman
as a National Preventive Mechanism

Skopje, April 2010

Based on the Article 4 of the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Macedonia No. 165/2008), Article 4 and Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 31-a, paragraph 3 of the Law of the Ombudsman (Official Gazette of the Republic of Macedonia No. 60/2003 and 114/09) and Article 5, line 9 of the Ombudsman Rule (Official Gazette of the Republic of Macedonia No. 11/2005) the Ombudsman issued the following:

BOOK OF REGULATIONS
on the manner of prevention by the Ombudsman
as a National Preventive Mechanism

Article 1

This Book of Regulations determines the manner of prevention against torture and other cruel and inhuman or degrading treatment and punishment, by the Ombudsman as a National Preventive Mechanism in places where individuals are or might be deprived of their liberty.

Article 2

Prevention is performed by establishing a system of visits, which can be regular and irregular or unannounced.

Article 3

Visits have an aim to prevent torture or other cruel, inhuman and degrading treatment or punishment of persons deprived of their liberty.

Regular visits have an aim to ascertain the situation in the institutions over a determined period of time and to record the progress or aggravation of the detention conditions and treatment of persons deprived of their liberty.

Unannounced visits have an aim to check the already ascertained situations in places where persons are or might be deprived of their liberty and to reduce the risk for the current situation to be presented in an inadequate way.

Article 4

Visits stated in the Article 3 of this Book of Regulations shall be performed by the Ombudsman in: police stations, departments for temporary arrest and departments for convicted persons in the penitentiary-correctional institutions, educational-correctional institutions, psychiatric hospitals, other places for deprivation of liberty and unofficial places about which the Ombudsman can have information that there are persons deprived of their liberty.

Article 5

During the visits the Ombudsman shall ascertain the situation of the material conditions in institutions, inspect all information to determine every aspects regarding the number of persons deprived of their liberty, conditions and treatment. At the same time he shall talk with persons deprived of their liberty without witnesses, in person or with an interpreter, if necessary, and with any other person, which the Ombudsman believes can provide crucial information.

The Ombudsman has absolute freedom in selection of persons whom he will talk to.

Article 6

Estimation of conditions in places for deprivation of liberty includes insight of: dimension of premises, number of persons detained in a premise, hygiene, inventory equipment of the premise (beds, bed linens, blankets, wardrobe and alike), lighting (daily and natural lighting), heating, toilet conditions, contacts with employees and other circumstances which can eventually lead to inhuman or inadequate residence.

Article 7

Insight in documentation shall especially be aimed at establishing the number of persons deprived of their liberty detained in an institution and all other information regarding their treatment, meaning their health conditions or other issues which could give a real picture of treatment of persons deprived of their liberty and conditions in which they live.

Article 8

The conversation with persons deprived of their liberty shall be conducted without witnesses, in person or with an interpreter if found needed. The Ombudsman has an absolute freedom in selection of persons for conversation.

During the conversation, an Official Note shall be written on allegations by persons deprived of their liberty.

Article 9

The conversations with the officials have an aim to explain the meaning of the visit, their duty to cooperate with the Ombudsman and to point out certain omissions so they would not be repeated.

Article 10

Following a visit, a special report shall be prepared which should compulsory contain: description of the ascertained conditions, situation analysis, conclusions and recommendations.

Article 11

This Book of Regulations enters in force on the day it is issued.

OMBUDSMAN

Ixhet Memeti