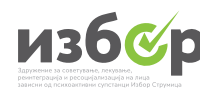




ESTABLISHING SERVICES IN THE COMMUNITY  
FOR SUPPORT THROUGH RESOCIALIZATION AND  
REINTEGRATION OF EX-CONVICTS

# MONITORING OF THE IMPLEMENTATION OF THE STRATEGY FOR THE DEVELOPMENT OF THE PROBATION SERVICE IN THE REPUBLIC OF NORTH MACEDONIA (2021-2025)

**Follow-up period:**  
2021 and 2022



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# LIST OF ABBREVIATIONS USED

**CC** - CRIMINAL CODE

**LCP** - LAW ON CRIMINAL PROCEDURE

**RNM** - REPUBLIC OF NORTH MACEDONIA

**DES** - DIRECTORATE FOR EXECUTION OF SANCTIONS

**JCRNM** - JUDICIAL COUNCIL OF THE REPUBLIC OF NORTH MACEDONIA

**PPORNM** - PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF NORTH MACEDONIA

**CO** - THE CIVIL ORGANIZATIONS

**ENNRR** - ELECTRONIC NATIONAL REGISTER OF REGULATIONS IN RNM

**SOP** - STANDARD OPERATING PROCEDURES

# INTRODUCTION

The probation service is a separate organizational unit established within the Directorate for Execution of Sanctions at the Ministry of Justice. The service supervises the execution of non-custodial sentences, more specifically, the alternative measures: probation with protective supervision, community service, and house arrest, as well as the execution of parole imposed by court decision. The probation service supervises convicted persons and offers them support. The goal is to maintain safety in the community by improving the resocialization and reintegration of persons on probation, as well as to reduce the prison population. Also, the probation service is responsible for preparing reports on the risk assessment of accused persons during court proceedings with a proposal for the type of criminal sanction for the accused. The probation service is an essential part of the modern criminal justice system and aims to contribute to reducing overcrowding in the prison system while delivering appropriate sentences to offenders, causing them to change their lifestyles.

In 2021, the Strategy for the Development of the Probation Service in RNM 2021-2025 (hereinafter: the Strategy) was prepared, which foresees a wide range of results to be achieved by several competent institutions. The strategy is a comprehensive strategic document that provides a roadmap for the reforms to be made in the coming period.

The purpose of this analysis is to examine in more detail the implementation of the Strategy and to establish and implement an independent monitoring system. Probation itself actually means the establishment of an efficient system of sanctions and protective mechanisms that contribute to reducing criminality, increasing the protection of society and public safety, as well as to the resocialization and reintegration of convicted persons.

In the period of 2021-2022, the implementation of the Strategy provides for the drafting and adoption of regulations (laws, legal amendments, and other acts), the implementation of specific activities (e.g. strengthening the human and technical capacities of the probation service, etc.) as well as inter-institutional cooperation in the field of probation (holding round tables with relevant institutions, quarterly meetings, etc.).

With the action plan of the Strategy for the Development of the Probation Service in the Republic of North Macedonia, the activities within the framework of each goal and result determined by the Strategy are determined, and a time frame and indicators for their fulfillment are additionally determined. In that direction, the goal of this analysis is to assess whether, to what extent, and in what way the implementation of the Strategy is taking place for the period for which it is foreseen. In addition, the analysis will evaluate whether the results and activities are implemented in a timely manner according to the time frame, what is their quality and dynamics, and the inter-institutional cooperation in the field of probation. On the other hand, the impact of the reforms on respect for human rights will be analyzed, so according to the results obtained from the monitoring of the Strategy, the Analysis will also offer conclusions and recommendations for the further development of the probation service.

The observation, as an independent monitoring system, will contribute to greater accountability of the competent institutions responsible for implementing the specific activities determined in the Strategy.

# ABOUT THE PROJECT

This document was prepared within the framework of the project "Establishment of services in the community for support through resocialization and reintegration of ex-convicts," financed by the European Union. For the purposes of the project, a Memorandum of Cooperation was signed between the Helsinki Committee for Human Rights, the Macedonian Young Lawyers Association, the Macedonian Society of Penology, the Association for Counseling, Treatment, Reintegration, and Resocialization of Persons Addicted to Psychoactive Substances IZBOR, and the Directorate for Execution of Sanctions.

**The general goal** of the project is to reduce the recidivism and vulnerability of convicted persons after their release by strengthening policies and services for their resocialization, reintegration, and post-penal care in accordance with the best international European standards. **Specific goals** to which the project aims:

- To improve the quality and availability of criminal and post-criminal protection services with the aim of resocialization and reintegration of convicted persons, previously convicted persons, as well as persons who are on probation.
- To strengthen the capacity and inter-institutional cooperation between correctional institutions, courts, probation officers, social work centers, and other service providers for resocialization, probation, and post-criminal protection.
- To improve the legal framework and policies for the resocialization and reintegration of convicted persons, previously convicted persons, as well as persons on probation based on research and best practices.

The objectives of the project will be achieved through an interrelated set of three components:

- **Service provision**, which includes activities to establish a national support service for resocialization and rehabilitation of prisoners in partnership between COs and DES that will provide support before and after release (legal, psychosocial, career, and addiction treatment). Through this component, the project will pilot a program



to facilitate the employment of former prisoners in cooperation with the Employment Agency and the business sector.

- **The Capacity Building and Networking** component provides for the development of curriculum and training materials, the implementation of a training program for judges, prison counselors, probation officers, social workers, and service providers, the organization of a set of regional workshops to define the conditions for inter-institutional cooperation, and the establishment and provision of support to three local inter-institutions for coordinated post-penal support.
- Monitoring the development of the probation service in the RNM 2021-2025 is part of the third component, **Research and Policy Framework**, in which support will also be provided for the drafting of two SOPs, the organization of conferences, and the drafting of policy documents.

# METHODOLOGY

The purpose of this analysis is to examine in more detail the implementation of the Strategy and to establish and implement an independent monitoring system. In addition, in that direction, the analysis will assess whether, to what extent, and in what way the implementation of the Strategy is taking place for the period for which it is foreseen. It will evaluate whether the results and activities are implemented in a timely manner according to the time frame, what their quality and dynamics are, and how the inter-institutional cooperation in the field of probation is progressing. On the other hand, the impact of the reforms on respect for human rights will be analyzed. Based on the results obtained from the monitoring of the Strategy, the main conclusions will be drawn regarding what has been implemented and what has been missed, identifying the main challenges in the implementation and offering recommendations for further implementation of the Strategy.

The focus of the monitoring is on four topics:

- Legislation - Legal framework in the field of the execution of alternative sanctions and measures;
- Institutional framework - Institutional framework for the functioning of the probation service - functional offices;
- Action - Improving the action and increasing the number of alternative measures and sanctions;
- Inter-institutional cooperation in the field of probation.

Within these four elements, according to a predetermined monitoring matrix (annex 1), the subject of monitoring will be:

- Evaluation of the implementation of the results;
- Evaluation of the implementation of activities;
- Assessment of the dynamics of the implementation of specific activities;

- Assessment of the level of inclusiveness of key stakeholders;
- Evaluation of the quality and appropriateness of the implemented activities;
- Human rights impact assessment of each activity.

Monitoring, as an independent monitoring system, will contribute to greater accountability of the competent institutions responsible for implementing the specific activities determined in the Strategy. The monitoring will also evaluate the realization of the expected results set in the Strategy and the realization of the activities foreseen in the action plan in connection with the four topics subject to monitoring.

Monitoring will be carried out through the following sub-activities:

### **1. Data collection**

Data will be collected in several ways, through:

- Review and analysis of documents, strategies, laws, by-laws, reports in the field of probation.
- Requests for free access to information of public nature to the relevant institutions (Directorate for the Execution of Sanctions, probation offices, courts).
- Semi-structured interviews and focus groups with probation officers, judges, persons under probation, the Directorate for the Execution of Sanctions, as well as other relevant institutions.

### **2. Notice and publication**

As a result of the monitoring, six monitoring reports will be prepared and published with an overview of the key findings of the monitoring process. Infographics will be created from the reports to present the findings of the monitoring more easily.

### **3. Promotion of findings**

The reports will be shared with relevant institutions and will be publicly available on the website of the project partners.

#### **4. Discussion of the findings**

The findings of each report will be presented to key stakeholders in a roundtable discussion. Each institution will be invited to provide feedback on the report's findings. The events will ensure that all relevant institutions are aware of the degree of implementation of the strategy, as well as the problems that may affect the reforms in the probation sector.

#### **5. Responding/Advocating**

As an exception, if certain specific findings are identified that require immediate action, notifications will be prepared for all relevant institutions, and advocacy activities will be undertaken to address the issues.

The first report will analyze the results and activities related to the four topics that were planned to be implemented during 2021 and 2022. With the action plan of the Strategy for the Development of the Probation Service in the RNM, the activities within the framework of each goal and result determined by the Strategy have been determined, and the time frame and indicators that the Ministry of Justice, the Directorate for the Execution of Sanctions, the offices of the Probation Service, and other judicial authorities should have implemented in 2021-2022 have also been additionally determined.

Based on this monitoring methodology, the rest of the reports will be prepared. Each report can have a section that addresses issues related to the current situation if the need is determined.

# FINDINGS FROM THE MONITORING

## Legislation - Legal framework in the field of the execution of alternative sanctions and measures

### Result 1.1. Analysis of the needs of changes to the legal framework to support the probation service and alternative sanctions

Considering that alternative sanctions are rarely used in practice, the Strategy<sup>1</sup> envisages the formation of a working group to prepare a detailed analysis that will identify the necessary changes to the legal framework to support the probation service and promote wider application of alternative sanctions. Part of the obstacles already detected in the Strategy are the narrow scope of using community service (for crimes for which a fine or a prison sentence of up to three years is imposed, the court can, with the consent of the offender, impose a measure of community service on his freedom if the crime was committed under extenuating circumstances and the offender was not previously convicted)<sup>2</sup> and the short period that probation has to carry out supervision after parole, which in practice is usually approved only 3 months before the end of serving a sentence<sup>3</sup>.

The purpose of the legal amendments is to overcome the shortcomings determined by the previous practice of the probation service in order to improve the effectiveness of the probation system and the protective mechanisms that will be accepted by the community. During the period of monitoring the Strategy, amendments and additions to the Law on the Execution of Sanctions, The Criminal Code and the Law on Criminal Procedure are being worked on. After they are adopted, the focus will shift to amendments and additions to the Law on Probation, which are planned to begin in 2023.

The analysis of the needs for amendments to the legal framework to support the probation service and alternative sanctions was made within the project "EU support for the rule of law" after holding the four round tables on the topic "Analysis of the needs for amendments to the legal regulation", from which a report was made. The Probation Service has made proposals to the working groups working on amendments and additions

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<sup>1</sup> Strategy for the development of the probation service in the Republic of North Macedonia (2021-2025)

<sup>2</sup> Criminal Code Reviewed text (concluding with "Official Gazette of the RM" No. 55 of 2013)

<sup>3</sup> Strategy for the development of the probation service in the Republic of North Macedonia (2021-2025)

to the Criminal Code and the Law on Criminal Procedure and that it is necessary to adopt the changes in the system laws and then to harmonize the Law on Probation with them.

### **Result 1.2. Amendments to the legal framework to increase the number of imposed alternative sanctions and measures**

In the part of developing the legal framework in the field of execution of alternative sanctions and measures in the Strategy, it is also planned to make amendments and additions to the Criminal Law and the Law on Criminal Procedure based on analyses made by an established working group and the proposed list from the twinning project "Strengthening the penitentiary system and development of the probation service" implemented in 2018-2020 by DES, which refers to the list in the continuation of the text (Result 1.2.1; Result 1.2.2; Result 1.2.3).

#### **Result 1.2.1. To expand the applicability of community service in the Criminal Code**

As one of the more important strategic goals of the Strategy is expanding the applicability of community service for crimes for which a prison sentence of up to 5 years is imposed, instead of the previous conditions of a fine or a prison sentence of up to three years, and the crime was committed under extenuating circumstances, and the perpetrator was not previously convicted, in order to increase the possibility of including returnees who are automatically excluded from alternative sanctions in this measure. During the monitoring period 2021-2022, amendments and additions to the Criminal Code were worked on, with which it was proposed to remove the conditions that the person had not been previously convicted and that the crime was committed under extenuating circumstances, in order to expand the narrow scope of applicability of community service.

In addition, as a proposed amendment to the Criminal Law by the Probation Department, a new article has been proposed for assessing the risk of an accused in court proceedings, which is somewhat regulated by the Law on Probation.

Hence, we would like to point out that this result of the Strategy has been partially fulfilled in the monitoring period 2021-2022.

### **Result 1.2.2. Greater use of alternative sanctions in the Criminal Procedure Law**

The strategy also envisages amendments and harmonization of the Law on Criminal Procedure with the Criminal Code to harmonize the two laws in the area of the use of alternative sanctions and measures. In 2021, the Ministry of Justice established a working group working on amendments and harmonization of the Criminal Code, which, among other things, refers to the provisions of Article 43 Conditional postponement of criminal prosecution and Article 44 Failure to initiate criminal prosecution, with the aim of expanding the applicability of crimes for which a prison sentence of up to 5 years is imposed.

The DES proposed to the working group the following legal amendments to the Criminal Code: in Article 497, in the section on the conditions for issuing a criminal order, among the already existing criminal sanctions and measures, alternative measures should be added: conditional sentence with protective supervision and community service. Amendments have also been proposed in Article 506 Sentencing of alternative measures, in which the alternative measure of conditional sentence with protective supervision would be added. In the proposal of the Law on Criminal Procedure published by ENRR in 2022 in relation to Article 506 Imposition of alternative measures, it is foreseen that the public prosecutor may submit to the court an indictment proposal with a proposal for the imposition of an alternative measure, which will be acted upon in accordance with the provisions for a criminal order from this law<sup>4</sup>.

### **Result 1.2.3. To extend the period under supervision and support for persons on parole by the probation service**

Conditional release is the early release of a convicted person from serving a prison sentence who has fulfilled certain conditions according to the Criminal Code. Practice shows that, in the majority of cases, the time frame of 3 months is too short for the probation service to be able to provide effective support and supervision over persons released on parole with protective supervision. For this purpose, the Strategy envisages changes in the Criminal Code that will ensure a longer period of support and supervision

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<sup>4</sup> Draft Law on Criminal Procedure (working version 03.11.2022)  
[https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=76038](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76038)

by the probation service in order to reduce the risk of recidivism and implement effective support with the aim of successful resocialization of convicted persons.

### **Result 1.3. Amendments to the legal framework to support the probation service**

According to the Strategy, changes are foreseen to the legal framework to support the probation service in order to overcome the shortcomings determined by the previous practice of the probation service and to improve the effectiveness of the probation system and the protective mechanisms that will be accepted by the community. During the period of monitoring the Strategy 2021-2022, amendments and additions to the Law on Execution of Sanctions are being worked on, and until they are adopted, no changes and additions to the Law on Probation, which are planned for 2023, will be made.

Therefore, we would like to point out that this result of the Strategy has not been fulfilled in the monitoring period 2021-2022.

### **Result 1.4. Complete and updated by-laws for the practical execution of alternative sanctions and operation of the probation service**

Due to the fact that in the monitoring period of 2021 and 2022, the legal amendments to support the probation service have not yet been made, the activities foreseen by the Strategy for drafting new and updated by-laws for the practical execution of alternative sanctions and operation of the probation service have not been implemented.

### **Result 1.5. Analysis of the needs of changes to the legal framework and working procedures to support the probation service and alternative sanctions in juvenile justice cases**

According to the Law on Probation, the probation service is competent to deal only with adult perpetrators of criminal acts. Thus, the Strategy foresees an analysis of when and how the probation service could be competent and work in juvenile justice cases. During the monitoring period of the Strategy, the activities and results for the analysis of the needs for a specialized probation service for juvenile justice have been put on hold/postponed due to the fact that it is necessary to first strengthen the position of the probation service in the penitentiary system, and then move on to the analysis of the needs for the probation service in juvenile justice. In order to make a successful analysis of the needs for amending



the legal framework and working procedures to support the probation service and alternative sanctions in juvenile justice, it is necessary to include international organizations in North Macedonia that work in the field of human rights, children's rights, the rule of law, the penal system, etc.

Therefore, we would like to point out that this result of the Strategy has not been fulfilled in the monitoring period 2021-2022.

## Institutional framework for the functioning of the probation service - functional offices

**Result 2.1.** There are 15 probation offices in operation, and they cover probation matters for the areas of all courts.

The permanent legal framework together with the Strategy foresees the opening of the remaining probation offices that will cover the areas of all courts. As of 2022, a total of 11 probation offices have been established and are functional. During the period of monitoring of the Strategy, the probation offices in Kavadarci and Gevgelija were established in 2021.

The first judicial office was opened in 2017 for the area of the Basic Criminal Court Skopje, and in 2018, another 8 offices were established in Tetovo, Kumanovo, Veles, Stip, Strumica, Prilep, Ohrid, and Bitola, i.e., in the Primary courts with extended jurisdiction in accordance with the latest legal amendments to the Law on Courts. The growth in the number of probation cases (in 2021, it was 451, while in 2022, it was 475) is a key factor for the further opening of the remaining probation offices, as well as an increase in the budget of the Directorate for the Execution of Sanctions - Probation Sector.

**Result 2.2.** Further development of standard working procedures in the probation service

Further development of standard work procedures is significant for the future of the probation service and for ensuring the quality and successful management of probation cases by probation officers. However, given that the amendments and additions to the Law on Probation have not yet started, the fulfillment of this result of the Strategy has not been implemented. In order to approach the development of standard work procedures, it is necessary that the amendments to the Law on Execution and the Law on Probation first enter into force.

**Result 3.1.** Increasing the number of employed professionals in the probation sector at the central and local level

In order to further develop the probation service, the Strategy envisages an increase in the number of employed professionals in the probation sector. According to the employment

methodology, a total of 90 probation officers should be employed in the period from 2021-2025.

<b>PROBATION OFFICE</b>	<b>SENIOR ASSOCIATES</b>	<b>JUNIOR ASSOCIATES</b>
The Department of Probation at DES	2	1
Skopje	1	8
Kumanovo	/	3
Bitola	/	2
Strumica	1	/
Stip	/	2
Ohrid	/	1
Veles	/	1
Prilep	/	2
Kavadarci	/	1
Gevgelija	/	/
Tetovo	/	3
<b>TOTAL</b>	<b>4</b>	<b>24</b>

\* There is no employee hired in the probation office in Gevgelija, and the cases in that area are dealt with by the probation office in Strumica.

Hence, we would like to point out that this result of the Strategy is yet to be fulfilled; that is, the number of employed professionals increases in the monitoring period 2021-2022. A further increase in the number of employed professionals would occur with the final adoption of the legal amendments to (LES, CC, LCP, and Law on Probation) and by increasing the number of probation cases.

### **Result 3.2. Establishment of a training center and a budget for the training of the probation service and for cooperation with other relevant training centers and academies**

Regarding the result - Establishment of a training center and a budget for the training of the probation service and for cooperation with other relevant training centers and

academies, in April 2022, an activity was carried out with experts from Croatia, with the help of whom 4 documents were prepared: Assessment of training needs and a plan for the implementation of the training, Training program for the trainers, Curriculum of the basic internal training, and Step into the future - Strengthening the capacities that are part of the strategic goals of DES. The DES training center has been established and is available for the implementation of training for employees of the penitentiary system, including the probation service. However, as of the monitoring period of the Strategy, the activities for the appointment of employees in the center of the probation service, as well as the preparation of a special budget plan for the training center, have not yet been fulfilled.

### **Result 3.3. Developed an annual training plan for probation officers that is regularly updated**

In order to strengthen the capacities and skills of probation officers, the Strategy foresees the preparation of an annual training plan by the DES. However, in the monitoring period of 2021 and 2022, these activities have not yet started implementation. That is, an annual training plan for probation officers has not been drawn up during this monitoring period. This result envisages the preparation of training plans on an annual level for employees in the penitentiary system (including the probation service) as well as the adoption of an action plan for the implementation of the training.

### **Result 3.4. Regular basic training will be conducted for all probation officers**

The strategy envisages holding basic and special training for probation officers. Out of a total of 28 probation officers:

- 18 have passed 30 basic trainings for the work of a probation officer;
- 3 have partially completed basic training for the work of the probation officer;
- 14 officers underwent training in communication skills;
- 5 probation officers have not undergone any training for the work of a probation officer (two from the probation office in Skopje, one from the probation office in Kumanovo).

In the area of training for communication skills, a total of 14 probation officers were included as part of the PR working group for public relations, who underwent basic communication training and began drafting the communication strategy of the probation service.

### **Result 3.5. Developing and preparing special trainings for specific types of clients**

Apart from the basic training, during the monitoring period of the Strategy, training was also conducted for specific types of clients, depending on the subjects that the probation officers usually work on. It is planned to conduct training for perpetrators of family violence, radicalization, work with drug addicts, and other addictions such as alcohol, gambling, kleptomania, etc. Out of the total number of probation officers, 16 have undergone training in recognizing the signs of radicalization. This type of training is foreseen by the Strategy because the specific characteristics of criminal acts of this type require special skills and knowledge of probation officers.

### **Result 3.6. Joint trainings for establishing and improving the cooperation of the relevant institutions**

The strengthening of cooperation and expansion of knowledge is foreseen through the holding of joint training with relevant institutions. In that direction, in the period 2021-2022, through the IPA project "EU support for the rule of law, Component 4: Strengthened protection of fundamental rights and enhanced use of alternative measures," 4 round tables were held in November and December 2021. These round tables were attended by judges, prosecutors, prison workers, and probation officers, and the topic of discussion was "Need for amendments and additions to the legislation on probation." However, due to the IPA project being put on hold and the Covid-19 pandemic that was prevalent during the past years, the cooperation with relevant institutions faced some delays. It is expected that the cooperation will be intensified in the period that follows.

### **Result 3.7. Training of Trainers**

The strategy also provides for the implementation of training for trainers. In connection with the fulfillment of this result by DES, during the period of monitoring of the Strategy, a list of 20 probation officers was made for trainers who were supposed to undergo training for trainers. However, the planned training for trainers did not take place due to the

standstill of the IPA project "EU support for the rule of law, Component 4: Strengthened protection of fundamental rights and enhanced use of alternative measures." In 2022, with the help of experts from Croatia, DES developed a Trainer Training Program, and it is expected that these activities will continue to be implemented in accordance with the action plan in the following period.

## Handling - Improving handling and increasing the number of alternative measures and sanctions

### **Result 1.2.4. To increase the number of alternative sanctions and to reduce the number of appealed alternative sanctions**

Probation, as the future of the prison system, envisages that the prison sentence should be the last resort, and instead, the available alternative sanctions and measures should be used to reintegrate and resocialize convicted individuals. In that direction, the Strategy includes the adoption of recommendations by the Judicial Council of the RNM to encourage and promote the imposition of more alternative punishments to reduce overcrowding in prisons. The Strategy also plans for holding round tables with criminal judges and prosecutors to promote the imposition of alternative punishments, especially community service. Additionally, the strategy provides for the adoption of Guidelines by the Public Prosecutor of the RNM to avoid unnecessary and unproductive appeals, which will promote alternative measures and procedures and encourage the use of alternative punishments.

However, during the period of monitoring of the Strategy, the JCRNM did not issue any recommendations that would promote alternative punishments and sanctions, nor did the PPORNM issue the provided Instructions. From the data and information obtained from the meetings held with judges in the Skopje Criminal Court, it can be observed that in practice, the Public Prosecutor's Office files appeals against judgments with imposed alternative measures, which in some cases are adopted by the Court of Appeal and converted into an effective prison sentence, despite the good reasoning of the judges as to why some of the alternative measures were imposed. Additionally, in 2021, DES organized round tables with all appeal areas to promote alternative measures as the future of the prison system.

### **Result 4.3. Increased number of community service sentences**

Community service is a desirable alternative sanction in modern criminal justice that aims to reduce the overcrowding of the prison population and contribute to the resocialization and rehabilitation of offenders through unpaid community service hours.

The strategy foresees an increased number of verdicts for community service, as well as its promotion through round tables in all regions with the participation of relevant stakeholders (judges, prosecutors, Academy of judges and public prosecutors) and meetings with presidents of the court, JCRNM, and PPORNM. Also, the Strategy envisages the conclusion of a greater number of memoranda of cooperation for performing community service in areas where there are probation offices.

In the period of monitoring the 2021-2022 Strategy, DES has concluded only two new contracts, one with the municipality of Kumanovo and another with the municipality of Strumica, as well as new contracts for cooperation with the Institute for Community Development from Tetovo, two Public Health Institutions in the country, namely PHI Institute for Transfusion Medicine of RSM and PHI Institute of Public Health of RSM which is partly due to the fact that the country was affected by the Covid-19 pandemic during that period.

The following text provides a detailed account of the number of verdicts with alternative measures (community service, conditional sentence, conditional sentence with protective supervision, judicial reprimand, and house arrest) for 2021 and 2022, as well as the number of appealed verdicts with alternative measures imposed by the Primary courts in RNM.

What we can notice is that the number of imposed judgments with alternative measures is high, for 2021 there were 4780 imposed judgments, and for 2022, there were 4373 imposed judgments with alternative measures. However, when it comes to sentences for performing community service, the number is relatively low, that is, insignificant in relation to the number of sentences with a suspended sentence. The total number of sentences for community service for 2021 is 71, and for 2022, there were only 30 sentences.

The number of sentences with a suspended sentence shows the possibility of a higher sentence of a suspended sentence with protective supervision, as the perpetrators of criminal offenses would not be exempted from sanctions in principle, but would receive help, care, supervision, or protection by the probation service in accordance with the crime committed.

The law provides for sentencing and judicial reprimand as an alternative sanction for criminal acts for which a prison sentence of up to one year or a fine is prescribed, and which were committed under such mitigating circumstances that make them particularly



light. As can be seen from the statistical data, we can see that the number for 2021 is 176 imposed court warnings, and in 2022, that number is 143 judgments with court warnings. (the probation service is not responsible for cases of issued court warnings).

The number of sentences with house arrest is almost non-existent, i.e., that number in 2021 was 4 sentences with an imposed measure of house arrest, and in 2022 the number was even lower, i.e., there were only 2 sentences with an imposed measure of house arrest (according to statistical data, the probation service has not conducted supervision of sentenced house arrest until now). The reason why sentencing with house arrest is at a very low level is the fact that no electronic surveillance system has been established, as well as the absence of functional electronic surveillance equipment.

As can be seen from the statistical data obtained from the Primary courts of the RNM, we can notice that in practice, still a relatively large number of judgments with imposed alternative measures and sanctions are appealed (853 sentences were appealed in 2021, and 787 sentences were appealed in 2022).

In the following, a detailed presentation of the number of probation cases for 2021 and 2022 is also given, divided according to the type of probation measures imposed. The number of probation cases is growing annually, i.e., in 2021, there were 451 cases, while in 2022, there were 475 probation cases. Regarding the type of probation measures imposed, it is evident that the number of probation cases with community service is increasing, which in 2021 was 103, while in 2022, it was 125 cases. The number of supervised probation cases is also on the rise. In 2021, the number was 53 cases, and in 2022, it was 99 cases.

Comparing the statistical data obtained by the Primary courts in the RNM for the number of sentences with alternative measures (community service, conditional sentence, conditional sentence with protective supervision, judicial reprimand, and house arrest) and the statistical data obtained by the Probation Department for the number of probation cases, a difference in the total number of cases is noted. For example, the number of probation cases with community service for 2021 is 103 cases, while the number of sentences for community service is 71 cases. The reasons for these statistical differences will be further investigated in the next monitoring period of the Strategy.

## Verdicts with imposed alternative sanctions 2021

PRIMARY COURT	COMMUNITY WORK	PROBATION SENTENCE	PROBATION WITH PROTECTIVE SUPERVISION	JUDICIAL ADMONITION	HOUSE ARREST	TOTAL	APPEALED
Primary court Kumanovo	0	313	2	2	0	317	65
Primary court Kocani	0	103	0	3	0	106	32
Primary court Stip	0	20	0	1	0	21	16
Primary court Kichevo	0	117	0	113	0	230	33
Primary court Prilep	0	304	0	4	0	308	26
Primary court Tetovo	0	299	1	0	0	300	28
Primary court Gostivar	0	414	3	10	1	428	117
Primary court Radovis	0	65	0	0	0	65	5
Primary court Veles	2	181	0	0	0	183	40
Primary court Sveti Nikole	0	66	0	0	0	66	10
Primary court Kavadarci	0	131	0	2	0	133	26
Primary court Bitola	6	275	1	2	0	284	60
Primary court Debar	0	27	0	0	0	27	3
Primary court Delcevo	0	21	0	0	4	25	3
Primary court Resen	0	86	0	5	0	91	34
Primary court Berovo	0	52	0	2	0	54	5
Primary court Kratovo	0	24	0	0	0	24	6
Primary court Kriva Palanka	0	101	0	0	0	101	10
Primary court Krusevo	0	25	0	1	0	26	3
Primary court Gevgelija	0	136	1	3	3	143	18
Primary court Negotino	0	90	0	0	0	90	11
Primary court Struga	0	58	0	5	0	63	37
Primary court Strumica	0	330	1	0	0	331	17
Primary court Ohrid	0	122	0	1	0	123	35
Primary court Vinica	0	46	0	0	0	46	11
Criminal court Skopje	63	1054	60	18	0	1195	202
<b>TOTAL</b>	<b>71</b>	<b>4460</b>	<b>69</b>	<b>176</b>	<b>4</b>	<b>4780</b>	<b>853</b>

## Verdicts with imposed alternative sanctions 2022

PRIMARY COURT	COMMUNITY WORK	PROBATION SENTENCE	PROBATION WITH PROTECTIVE SUPERVISION	JUDICIAL ADMONITION	HOUSE ARREST	TOTAL	APEALED
Primary court Kumanovo	1	324	0	3	0	328	68
Primary court Kocani	0	184	0	0	0	184	46
Primary court Stip	0	15	0	0	0	15	15
Primary court Kichevo	0	128	0	105	0	233	28
Primary court Prilep	0	134	0	2	0	136	2
Primary court Tetovo	0	305	2	3	0	310	29
Primary court Gostivar	0	286	0	11	0	297	75
Primary court Radovis	0	65	0	0	0	65	75
Primary court Veles	1	139	5	3	0	148	34
Primary court Sveti Nikole	0	58	0	0	0	58	9
Primary court Kavadarci	0	165	0	0	0	165	16
Primary court Bitola	2	355	0	2	0	359	63
Primary court Debar	0	20	0	0	0	20	2
Primary court Delcevo	0	20	0	1	0	21	5
Primary court Resen	0	89	0	3	0	92	23
Primary court Berovo	0	16	0	0	0	16	1
Primary court Kratovo	0	12	0	0	0	12	0
Primary court Kriva Palanka	0	91	0	0	0	91	12
Primary court Krusevo	0	13	1	0	0	14	0
Primary court Gevgelija	0	98	1	2	2	103	7
Primary court Negotino	0	56	0	0	0	56	10
Primary court Struga	0	48	1	0	0	49	25
Primary court Strumica	0	293	0	0	0	293	20
Primary court Ohrid	0	150	0	0	0	150	29
Primary court Vinica	0	30	0	0	0	30	7
Criminal court Skopje	26	995	99	8	0	1128	254
<b>TOTAL</b>	<b>30</b>	<b>4089</b>	<b>109</b>	<b>143</b>	<b>2</b>	<b>4373</b>	<b>787</b>

## Number of probation cases in 2021 according to the type of probation measure imposed

LOCAL PROBATION OFFICE	RISK ASSESSMENT DURING COURT PROCEEDINGS	PROBATION WITH PROTECTIVE SUPERVISION	COMMUNITY WORK	SUPERVISION OF PAROLED CONVICTS	TOTAL
Skopje	52	47	87	68	254
Bitola	0	0	7	19	26
Tetovo	0	3	0	41	44
Stip	0	0	0	14	14
Veles	0	0	0	16	16
Kumanovo	0	1	3	13	17
Prilep	0	0	6	11	17
Ohrid	0	1	0	18	19
Strumica	0	1	0	24	25
Gevgelija	0	0	0	8	8
Kavadarci	0	0	0	11	11
<b>TOTAL</b>	<b>52</b>	<b>53</b>	<b>103</b>	<b>243</b>	<b>451</b>

## Number of probation cases in 2022 according to the type of probation measure imposed

LOCAL PROBATION OFFICE	RISK ASSESSMENT DURING COURT PROCEEDINGS	PROBATION WITH PROTECTIVE SUPERVISION	COMMUNITY WORK	SUPERVISION OF PAROLED CONVICTS	TOTAL
Skopje	58	83	113	52	306
Bitola	0	0	0	17	17
Tetovo	1	7	0	39	47
Stip	0	0	1	11	12
Veles	0	5	6	6	17
Kumanovo	0	1	4	13	18
Prilep	0	0	0	13	13
Ohrid	0	1	0	10	11
Strumica	0	2	0	13	15
Gevgelija	0	0	1	6	7
Kavadarci	0	0	0	12	12
<b>TOTAL</b>	<b>59</b>	<b>99</b>	<b>125</b>	<b>192</b>	<b>475</b>

# Inter-institutional cooperation in the field of probation

## **Result 5.2. Organizing regular round tables at the central level and in all areas with representatives of judicial authorities and partners from the network of collaborators**

For the further development of the probation service, cooperation with judicial authorities is of essential importance. The Strategy foresees organizing regular round tables with all relevant stakeholders from the justice system, as well as partners from the network of collaborators, such as municipalities, social work centers, employment agencies, non-governmental organizations, etc.

In the period 2021 and 2022, through the IPA project "EU support for the rule of law, Component 4: Strengthened protection of fundamental rights and enhanced use of alternative measures," 4 round tables were held in November and December 2021. These round tables were attended by judges, prosecutors, prison workers, and probation officers, and the topic of discussion was "Need for amendments and additions to the probation legislation." Although cooperation with partners and judicial authorities is at a professional level, inter-institutional cooperation should be intensified in the following period to further exchange information and improve cooperation at the central and local level.

## **Result 5.3. Cooperation protocols and lists of cooperation partners have been established and are updated regularly**

Networking of the probation service is of essential importance for the effective management of probation cases. Therefore, it is necessary to regularly update the cooperation protocols as well as the list of partners.

In 2021, a probation officer and a judge from the Basic Criminal Court prepared a Manual for the cooperation of state institutions, public enterprises, and non-governmental organizations with the probation service. Additionally, an internal document was also prepared for the processes and protocols for the work of the Probation Department, as well as promotional materials within the IPA project for the promotion of the probation service, which are placed in prominent places in the Primary courts, public prosecutor's offices, and other relevant institutions. The cooperation of DES with the relevant institutions takes place in accordance with the legal competences of the probation service and the relevant institutions. However, the list of memorandum of cooperation is not publicly available on the DES website.

#### **Result 5.4. Further preparation of memorandum for cooperation with municipalities and other public enterprises for performing public service work**

In order to further develop the work of the probation service, the Strategy envisages the drafting and signing of new memoranda with other partners, such as municipalities and public authorities, for performing community service. In the monitoring period of 2021 and 2022, DES concluded two new memorandum of cooperation with the municipality of Kumanovo and the municipality of Strumica and contracts for cooperation with the Institute for Community Development from Tetovo, two public health institutions in the country, namely the PHI Institute for Transfusion Medicine of RSM and the PHI Institute of Public Health of RSM.

The administration supports local probation offices in finding new partners, especially in the field of community service. Sometimes probation offices themselves identify partners, such as associations that offer specialized programs for offenders, such as HERA (domestic violence offender program) and HOPS (drug addiction program). Although DES keeps records of all memoranda of cooperation, the list of partners is not published on the website of the Administration and is not publicly available.

#### **Result 5.5. Establishment of regular round tables of the probation and prison service in all areas, within the penitentiary institutions, and definition of standard working procedures for cooperation with the penitentiary institutions**

The strategy envisages the establishment of regular quarterly meetings in all regions with representatives of the KPU (prison service) with representatives from the Administration (probation service), as cooperation between the probation and prison services is essential for the successful transition of offenders from prison conditions back into the community and society. The Strategy also provides for the preparation and updating of protocols for standard procedures for cooperation between prisons and probation.

Although rounds were not held during the period of monitoring of the Strategy, the cooperation of the probation service with the educators from PI takes place at a professional level. Considering that there is no probation service in the prison system, the educators at the request of the probation officers, submit data with the characteristics of the convicted person with an individual program. Regarding the definition of standard working procedures, it is planned to form a working group for the preparation of the SOP for preparation for release and post-penal assistance for convicted persons in the following period.

# CONCLUSIONS AND RECOMMENDATIONS

Modern criminal justice aims to reduce the overcrowding of the prison population and contribute to the resocialization and rehabilitation of offenders. The continuous development of the probation service, representing the future of the prison system, is essential to achieve these goals.

The findings of this monitoring of the Strategy for the Development of the Probation Service in the Republic of North Macedonia (2021-2025) for the period 2021 and 2022 show the progress in implementing the results and activities outlined in the Strategy. The analysis assesses their timely implementation, quality, dynamics, and inter-institutional cooperation in the field of probation. It also highlights the shortcomings and provides clear guidelines and recommendations for further improving the probation service.

While there is no perfect solution for the overcrowding of the prison population, the Strategy offers a solid foundation to contribute to the overall reform of the criminal justice system and alleviate overcrowding. Despite the challenges posed by the COVID-19 pandemic, most of the activities were implemented satisfactorily, with some exceptions. The success of the Strategy relies on the dedication, accountability, and responsibility of all relevant stakeholders, including the Ministry of Justice, Government, judges, public prosecutors, judicial police, probation officers, and prison officers. By further developing the probation service, appropriate punishments can be delivered to offenders, encouraging positive lifestyle changes. The goals and activities foreseen in the Strategy for the Development of the Probation Service will continue to be implemented at an increased pace with the help and support of the new IPA project, "EU Support for the Rule of Law". (The project was on hold previously.)

Based on the analysis of the Strategy for the Development of the Probation Service (2021-2025), the following recommendations have been made to promote and develop the Probation Service:

## **Legislation - Legal framework in the field of the execution of alternative sanctions and measures**

- Adopt amendments and additions to the Law on Execution of Sanctions, the Criminal Code, and the Law on Criminal Procedure.
- Introduce legal amendments to the Criminal Code in article 59-a to expand the scope of persons eligible for the alternative measure of house arrest, including all appropriate cases beyond just sick, old, and pregnant women.

- Initiate the process of legal amendments and additions to the Probation Law to address the needs of the probation service and alternative sanctions in juvenile justice cases.
- Engage international organizations in the RNM that work in the field of human rights, children's rights, the rule of law, and the criminal correctional system to assist in the preparation of an analysis for probation service and alternative sanctions in juvenile justice cases.

### **Institutional framework - Institutional framework for the functioning of the probation service - functional offices**

- Open the remaining probation offices that have not been established (Gostivar, Kočani, Kicevo, and Struga).
- Adopt legal amendments (LES CC, LCP, and Law on Probation) to approach the development of standard work procedures.
- Increase the budget of the probation service for new hires.
- Prepare a separate budget plan for the training center.
- Regularly prepare annual training plans for penitentiary system employees (DES employees, including the probation service, as well as prison employees).
- Continue regular training for probation officers (emotion control, motivational interviewing, pro-social modeling, interviewing techniques, communication techniques, etc.).
- Increase the number of held special training sessions (for perpetrators of family violence, radicalization, working with drug addicts, and other addictions such as alcohol, gambling, kleptomania, etc.).
- Intensify cooperation with relevant institutions (judges, prosecutors, prison workers, and probation officers) to strengthen cooperation and increase knowledge.
- Organize training for trainers to educate trainers who would be the starting point for building a multidisciplinary team of trainers (covering legal, psychological, and social aspects).

### **Handling - Improving handling and increasing the number of alternative measures and sanctions**



- Bring recommendations by the Judicial Council of the RNM to encourage and promote the imposition of alternative sentences.
- Issue instructions by the Public Prosecutor of the RNM to avoid unnecessary and unproductive appeals, making use of alternative measures and procedures.
- Allow PPO to submit indictment proposals with a proposal for imposing an alternative measure.
- Organize round tables by DES with all appeal areas to promote alternative measures as the future of the prison system.
- Organize training for judges from all instances (primary, appellate, and supreme judges) to inform them and increase their knowledge about the probation service and the imposition of alternative sanctions.
- Encourage courts to impose multiple sentences of probation with protective supervision so that offenders receive assistance, care, supervision, or protection from the probation service, rather than probation alone.
- The duration of probation with protective supervision should be longer than the average three months in order to achieve real changes among offenders.
- Unify the keeping of statistical data on the number of verdicts with alternative measures and the number of probation cases by the Primary courts and the probation service.

### **Inter-institutional cooperation in the field of probation**

- Increased inter-institutional cooperation in the period that follows in order to exchange information and improve cooperation at the central and local level.
- To continue with regular updating of cooperation protocols with partners.
- To increase the number of new memoranda concluded for cooperation with municipalities and other public enterprises for performing public service work.
- Inclusion of a larger number of civil society organizations that will offer specialized programs for perpetrators of crimes (perpetrators of family violence, radicalization, work with drug addicts and other addictions such as alcohol, gambling, kleptomania, etc.)

- The specialized programs for perpetrators of crimes should be for a longer period instead of 3 months so that real changes can be achieved among the perpetrators.
- Regular updating of the list of concluded memoranda and their publication on the DES website.
- Increased cooperation between probation and prison services which is essential to well manage the transition of offenders from prison conditions back into the community and society.
- Formation of a prison commission (multisectoral team) that will work regularly with prisoners who are to be released on conditional release with protective supervision so that individual work plans can be made in a timely manner for each convicted person.

# USED LITERATURE

1. Strategy for the development of the probation service in the Republic of North Macedonia (2021-2025)
2. Criminal Code Reviewed text (concluding with "Official Gazette of the Republic of N. Macedonia" No. 55 of 2013)
3. Law on Criminal Procedure (Official Gazette of the Republic of N. Macedonia, No. 150 of 18.11.2010)
4. Draft action plan of the Strategy for the development of the probation service in the Republic of North Macedonia (2021-2025)
5. Draft Law on Criminal Procedure (working version 03.11.2022)  
[https://ener.gov.mk/Default.aspx?item=pub\\_regulation&subitem=view\\_reg\\_detail&itemid=76038](https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76038)

## Annex 1 – Monitoring Matrix

<b>LEGISLATION LEGAL FRAMEWORK IN THE FIELD OF EXECUTION OF ALTERNATIVE SANCTIONS AND MEASURES</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Result 1.1. Analysis of the needs of changes to the legal framework to support the probation service and alternative sanctions					
Result 1.2. Amendments to the legal framework to increase the number of imposed alternative sanctions and measures					
Result 1.2.1. To expand the applicability of community service in the Criminal Code					
Result 1.2.2. Greater use of alternative sanctions in the Criminal Procedure Law					
Result 1.2.3. To extend the period under supervision and support for persons on parole by the probation service					
Result 1.3. Amendments to the legal framework to support the probation service					
Result 1.4. Complete and updated by-laws for the practical execution of alternative sanctions and operation of the probation service					
Result 1.4. Complete and updated by-laws for the practical execution of alternative sanctions and operation of the probation service					
<b>INSTITUTIONAL FRAMEWORK INSTITUTIONAL FRAMEWORK FOR THE FUNCTIONING OF THE PROBATION SERVICE - FUNCTIONAL OFFICES</b>					
Result 2.1. There are 15 probation offices in operation and they cover probation matters for the areas of all courts					
Result 2.2. Further development of standard working procedures in the probation service					
Result 3.1. Increasing the number of employed professionals in the probation sector at the central and local level					
Result 3.2. Establishment of a training center and a budget for the training of the probation service and for cooperation with other relevant training centers and academies					
Result 3.3. Developed an annual training plan for probation officers that is regularly updated					

Result 3.4. Regular basic training will be conducted for all probation officers	Green	Green	Grey	Grey	Grey
Result 3.5. Developing and preparing special trainings for specific types of clients	Yellow	Yellow	Grey	Grey	Grey
Result 3.6. Joint trainings for establishing and improving the cooperation of the relevant institutions	Yellow	Yellow	Grey	Grey	Grey
Result 3.7. Training of Trainers	Yellow	Yellow	Grey	Grey	Grey
<b>ACTION IMPROVING THE PROCEDURE AND INCREASING THE NUMBER OF ALTERNATIVE MEASURES AND SANCTIONS</b>	Orange	Orange	Orange	Orange	Orange
Result 1.2.4. To increase the number of alternative sanctions and to reduce the number of appealed alternative sanctions	Yellow	Yellow	Grey	Grey	Grey
Result 4.3. Increased number of community service sentences	Yellow	Yellow	Grey	Grey	Grey
<b>INTER-INSTITUTIONAL COOPERATION IN THE FIELD OF PROBATION</b>	Orange	Orange	Orange	Orange	Orange
Result 5.2. Organizing regular round tables at the central level and in all areas with representatives of judicial authorities and partners from the network of collaborators	Yellow	Yellow	Grey	Grey	Grey
Result 5.3. Cooperation protocols and lists of cooperation partners have been established and are updated regularly	Green	Green	Grey	Grey	Grey
Result 5.4. Further preparation of memorandum for cooperation with municipalities and other public enterprises for performing public service work	Yellow	Yellow	Grey	Grey	Grey
Result 5.5. Establishment of regular round tables of the probation and prison service in all areas, within the penitentiary institutions and definition of standard working procedures for cooperation with the penitentiary institutions	Red	Red	Grey	Grey	Grey

\*The fulfillment of the predicted results are marked with the following colors:

- red color if the result is not fulfilled
- yellow color if the result is partially fulfilled
- green color if the result is fulfilled (it is fulfilled regularly)

# MONITORING OF THE IMPLEMENTATION OF THE STRATEGY FOR THE DEVELOPMENT OF THE PROBATION SERVICE IN THE REPUBLIC OF NORTH MACEDONIA [2021-2025]

Follow-up period:  
2021 and 2022

July, 2023



МЗМП

