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COMPREHENSIVE REPORT
**ON REFORMS IN THE
PENITENTIARY SYSTEM
IN REPUBLIC OF
NORTH MACEDONIA**

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LIST OF ABBREVIATIONS

PI – penitentiary institution/institutions

ECHR – European Convention for the Protection of Human Rights

SEL – Sanctions Execution Law

CPL – Criminal Procedure Law

PL – Probation Law

PPOENM – Public Prosecutor's Office of Republic of North Macedonia

CC – Criminal Code

PI – Penitentiary Institution

CPT – European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CI – Correctional institution/institutions

NGO – Non-governmental organizations

NPM – National Preventive Mechanism

BPOPCC – Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption

RNM – Republic of North Macedonia

USA – United States of America

INTRODUCTION

In the context of penitentiary institutions, prison authorities have a general obligation to protect convicted persons from any type of violence, as well as from the excessive use of force. Torture, as a phenomenon present in penitentiary institutions, includes violence as an important aspect, but also a series of other factors, such as material conditions and the manner of acting in respect of the rights of convicted persons.

Violence in penitentiary institutions is a phenomenon that is difficult to determine, primarily due to its less frequent reporting. Often, reporting violence in correctional institutions is associated with retaliation. The situation in which convicted persons find themselves further complicates the decision to report, because they are deprived of their freedom and therefore must remain in the same institution with those who committed or are still committing violence, which, in turn, enables their revenge.

In order to strengthen the protection of the rights of convicted persons, as provided for in Article 3 of the European Convention on Human Rights, non-judicial means and preventive visits have been enabled. The European Convention on the Prevention of Torture and Inhuman and Degrading Treatment and Punishment was adopted to complement Article 3 of the European Convention on Human Rights. This is evident through the establishment of an independent committee of experts - the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment.

The rights of convicted persons, in accordance with the CPT and ECHR jurisprudence, are considered from several aspects under the scope of Article 3. These include accommodation conditions, hygienic conditions, clothing and bedding, nutrition, exercise and recreation, searches and control, transfer of convicted persons, medical care, and special regime in prison (use of solitary confinement).

Through its many reports on the situation in the penitentiary and correctional institutions in the Republic of North Macedonia, the CPT has identified deficiencies in terms of material conditions, certain practices that fall within the scope of torture, and several other key problems in the penitentiary system.

Furthermore, the need for external civil control has been noted by the CPT in its general and special reports since before 2018, pointing out that in many countries mechanisms for complaints either do not exist or are deficient. At the same time, the recommendation is that these should be external bodies to which convicted persons can directly submit their complaints.

With the amendments to the Law on Public Prosecution in 2018, a Specialized Department was established for the prosecution of crimes committed by persons with police powers and members of the prison police. This Department is also included in the new Law on Public Prosecutions from 2020.

With the amendments to the Law on the Ombudsman in 2018, the Ombudsman of the Republic of North Macedonia, together with the representatives of competent organizations (associations), within the framework of the Civil Control Mechanism, should take actions and measures to ensure support and protection of the victims and their rights and to represent their interests in all proceedings conducted in the bodies of the state administration, as well as in proceedings before the prosecutor's office and the courts. This includes an efficient and transparent investigation of the actions of persons with police powers and members of the prison police for criminal acts during the performance of an official act and for criminal acts committed outside the service with the use of serious threat, force, or means of coercion resulting in death, serious bodily injury, bodily injury, unlawful deprivation of liberty, torture, and other cruel, inhuman, or humiliating treatment and punishment, if the law provides for criminal prosecution *ex officio*. However, this Mechanism is still not functional, although the call for the selection of the competent organizations that will be part of it was announced in February 2023, and the RNM Assembly made the decision to select two associations at its session held on November 2, 2023. Its non-functioning and the blocking of the adoption of a work methodology have persisted since 2019.

PURPOSE OF THE REPORT

The purpose of this comprehensive report is to analyze the results of the reforms of the penitentiary system and penitentiary institutions that began in 2017. The focus is primarily on protecting convicted persons from torture, inhuman and/or degrading treatment or punishment, through the establishment of internal and external mechanisms for detecting, investigating, and sanctioning violence in penitentiary institutions. It also aims to improve the process of resocialization of inmates and increase the use of alternative measures in sanctioning the perpetrators of crimes.

METHOD OF RESEARCH

The research methods employed include general techniques such as content analysis, analytical-synthetic, inductive-deductive methods, as well as comparative analysis.

The analysis encompasses legal and subsidiary legislation in the field, strategies, monitoring reports of the CPT, NPM, and the Helsinki Committee, reports of the Public Prosecutor's Office of the RNM, and other documents related to the reforms of the penitentiary system in the Republic of North Macedonia. It also includes statistical data from the Ministry of Internal Affairs and the State Statistics Office of the RNM.

BRIEF OVERVIEW OF PART OF THE (REFORMS OF) THE PENITENTIARY SYSTEM IN THE PERIOD FROM 2017 TO 2023

The vision for the Macedonian penitentiary system as an efficient component of the criminal justice system predates the adoption of the first National Strategy (2015-2019) for its development. This vision promotes compliance with international standards and rules for dealing with persons who are deprived of their freedom, respect for their basic human rights, and the dignity of the individual, not only for them but also for those under probation supervision.

Achieving these objectives required fulfilling a mission focused on professional and efficient functioning of penitentiary institutions. This involves successful resocialization, rehabilitation, and reintegration of convicted persons into the community after serving their prison sentences. It also includes protecting their life, bodily integrity, security, and rights during incarceration, as well as the effective functioning of probation services and the application of alternative measures. These measures are seen as the best substitute for prison sentences and a permanent solution to the problem of overcrowding in penitentiary institutions, where the number of convicted persons exceeds the official capacity. This issue of overcrowding is highlighted in the US State Department's Human Rights Report for 2022, particularly pointing out problems in PI Idrizovo (North Macedonia Human Rights Report, 2022: 3).

Despite the introduction of alternative measures in the system of sanctions since 2004, courts in their penal policy have not fully embraced sanctions like community service and conditional sentences with protective supervision. Instead, there is a tendency to rely on the frequent imposition of judicial warnings and conditional sentences. In this context, a special Strategy for the development of the probation service for the period 2013-2016 was prepared.

Since 2017, amendments to the Law on Public Prosecution ("Official Gazette of RNM" 198/18) have established a separate Department for investigating and prosecuting crimes committed by persons with police powers and members of the prison police. This Department is also included in the new Law on Public Prosecution ("Official Gazette of RNM" 42/20).

In January 2018, the Law on Amnesty ("Official Gazette of RNM" 11/18) was adopted. This law regulated the release from serving prison sentences for persons convicted by a final sentence of imprisonment for crimes prescribed by the Criminal Code or other laws, effective on the day of this law's enactment. It applied to those who had either started or had not yet begun serving their prison sentences in penal institutions. Additionally, it pertained to individuals convicted with a final sentence of imprisonment for crimes under the criminal laws of another country, if the perpetrator was a citizen of the RNM and was serving the sentence in the RNM. This was based on the execution of a criminal sentence by a foreign or international court, recognized by a judgment of a competent court in the RNM.

The amnesty covered crimes committed until September 20, 2017, excluding specific offenses (such as murder, Art. 123; crimes against elections and voting; crimes against gender freedom and morality; crimes against the state; crimes against public order and peace; crimes against humanity and international law), as well as individuals sentenced to life imprisonment. The law aimed to alleviate overcrowding in penal institutions, where the number of convicted persons often exceeded the available accommodation capacities.

As a result of this law, 576 convicted persons were completely released, while the prison sentences of 1,560 individuals were reduced by 30%.

The 2018 amendments to the Law on the Ombudsman ("Official Gazette of RNM" 60/03, 114/09, 181/16, 189/16, 35/18) introduced a Civil Control Mechanism. This mechanism, in addition to the Ombudsman, involves three external members from associations with a one-year mandate. On November 2, 2023, the Assembly of the RNM in a plenary session selected two associations to be part of this body: the Macedonian Association of Young Lawyers and the Helsinki Committee for Human Rights. This selection followed a call for applications for associations issued in February 2023.

The Mechanism's role is to protect convicted persons by assisting, supporting, and defending their rights, and representing their interests in proceedings before state administration, prosecution, and courts. This applies in cases where members of the prison police and persons with police powers have committed crimes during an official action or outside of service, using serious threat, force, or coercion resulting in death, serious

bodily injury, unlawful deprivation of liberty, torture, or other cruel, inhuman, or degrading treatment and punishment, if the law mandates criminal prosecution *ex officio*.

Also, in the case of knowledge of possible violations of the right to life and the prohibition of torture as outlined in the European Convention on Human Rights, the mechanism can initiate a procedure at the request of direct/indirect victims, representatives from the non-governmental sector, or on its own initiative.

At the time of the first Strategy's validity, the new Law on the Execution of Sanctions was adopted in 2019. This law superseded the previous one, adopted in 2006 and amended ten times since. The need for its adoption was highlighted in the Strategy as a crucial element in ensuring an efficient, professional penitentiary system functioning according to international standards.

The primary reasons for the need for a new law included the regulation of the entire system for the execution of sanctions; establishment of a robust and transparent monitoring mechanism (both internal and external) for the prison system and the hierarchical arrangement of the Administration for the Execution of Sanctions; and establishing a sustainable system for health insurance and protection of persons deprived of liberty in penal and correctional institutions (Blueprint Group Report, 2020).

Moreover, the law's adoption was linked to preventing state authorities from applying unnecessary and disproportionate coercion. In instances where coercion is applied, it must be based on legal regulations. Specifically, the Law protects convicted persons from excessive, illegal, and disproportionate coercion by the state, as well as from abuse and overstepping of authority by state officials (Blueprint Group Report, 2020).

The Law on Execution of Sanctions also incorporates an external mechanism against the excessive use of force and means of coercion by the prison police, particularly in cases where members of the prison police have committed crimes in the line of duty or outside of service, using force or coercion that results in death, serious bodily injury, or bodily injury, provided that official prosecution is mandated by law.

Following the enactment of the new Law on the Execution of Sanctions on May 29, 2019, fifteen regulations were adopted between 2019 and 2020. Among these, key ones concerning the protection of convicted persons

from any form of torture, inhuman and/or degrading treatment or punishment, as well as the process of treatment and resocialization, include:

→ **The rulebook on the powers of the prison police, the method of arming, and the performance of the duties of the prison police in penitentiary and correctional institutions** ("Official Gazette of the RNM" 99/19, 220/19, 94/22). This rulebook specifically addresses the powers, arming procedures, and duties of the prison police.

The rulebook deals with the obligations related to the maintenance of order and peace in penitentiary and correctional institutions, determining exactly what the official tasks of members of the prison police are, the method of external and internal security, the conduct of searches of persons and premises, the conduct of persons deprived of liberty, the procedure in case of escape, the types of weapons of the prison police, as well as the special equipment.

→ **The rulebook 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 RNM" 99/19, 220/19, 94/22), which prescribes the manner and conditions for the use of means of coercion by the prison police.

In fact, through this by-law, it is precisely regulated in which situations which means of coercion may be used to ensure the disciplined behavior of persons deprived of their liberty. Additionally important is the obligation by which, for each use of means of coercion, members of the prison police are obliged to submit a written report to their immediate superior. The report must be explained through the reasons and method of use of the means of coercion, as well as contain information about the person against whom a means was used.

→ **The guidelines for determining the types and methods of treatment of convicted persons** ("Official Gazette of RNM" 99/19, 220/19, 133/20), which determine the types and methods of treatment of convicted persons in penitentiaries establishments.

The Guidelines determine the methods of treatment that are key in the process of resocialization, rehabilitation and reintegration of the convicted person and are inevitably related to the individualization of the execution of sanctions. The treatment process includes regular programs, that is,

general treatment measures: work, education, vocational education, moral-ethical education, convict self-organization, leisure activities, sports, recreation of convicts; as well as specific programs that refer to special categories of convicted persons. The process is realized through methods of individual and group treatment.

Of course, post-penal assistance is also very important, which is directly related to the results and success of internal, institutional treatment. This phase of the reintegration of the convicted person is carried out through cooperation with probation offices and other state institutions and bodies from education, social protection and employment.

During the pandemic with the new coronavirus during 2020, in addition to decrees with legal force in other areas, a Decree with legal force was adopted for the application of the Law on the execution of sanctions during a state of emergency. With it, the execution of all submitted reference acts was postponed until September 1, 2020, and the issuance of new reference acts by the judge for the execution of sanctions was also postponed.

The new National Strategy for the Development of the Penitentiary System for the period 2021-2025 continued the vision from the previous one, pointing out that our system of penitentiary and correctional institutions must be advanced in the direction of European standards for the execution of prison sentences, educational measures and alternative measures. Correctional and correctional institutions must be environments in which persons deprived of their freedom will feel safe, their dignity will be respected, in the process of treatment they will be able to complete a certain degree of compulsory education and/or training, they will receive full support in personal development, they will use their free time usefully and there will be functional post-penal treatment, i.e. help (National Strategy, 2021¹).

In 2021, a new Strategy for the Development of the Probation Service in the Republic of North Macedonia (2021-2025) was adopted, the purpose of which is to create a probation service that will work on the execution of alternative measures, will enable the successful reintegration of convicted

¹ National strategy for the development of the penitentiary system for the period 2021-2025. <<https://uis.gov.mk/wp-content/uploads/2021/11/%D0%9D%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D1%80%D0%B0%D0%B7%D0%B2%D0%BE%D1%98-portain-10092021-MKD.pdf>> [09.10.2023]

persons, and at the same time will reduce the number of convicted persons in penitentiary institutions.

Also, in 2021, the Strategy for the Prevention of Suicides in Penitentiary Institutions in the Republic of North Macedonia was adopted, which is the first strategy of its kind. It focuses on three important aspects that are crucial for the prevention of suicides of convicted persons: assessment; intervention and treatment; and training.

With the amendments to the Criminal Code of February 2023 ("Official Gazette of RNM" 36/23), the criminal offenses from Articles 142 and 143 were amended. Namely, Article 142 was renamed from Torture and other cruel, inhuman or degrading treatment and punishment, in Torture. The indictment in its basic form has a stricter punishment than before, that is, in this case, a minimum of five years, while previously it was between three and eight, and the text of the crime contains more actions of execution, the taking of which would fulfill the nature of the crime. Unlike before, when there was only one more serious form of the crime, i.e. when there was serious bodily injury or other particularly serious consequences for the victim; the amendments added death or the crime was committed out of hatred; and there are two more qualified forms in which there is intent on the part of the perpetrator, while the consequence is serious bodily injury, that is, death. For all three more serious forms, there were high prison sentences, i.e. at least eight, at least ten, and at least ten years or life imprisonment.

The crime from Article 143 remains titled as Harassment in the performance of the service, the amended incrimination of which contains additional acts of committing the crime and a higher prison sentence than before, i.e. a minimum of three and a maximum of eight years (unlike before, when minimum one and maximum five years were foreseen).

In March 2023, the Law on Amnesty was adopted ("Official Gazette of the RNM" 63/23) by which the persons who were sentenced by final judgment to a fine for crimes under Article 205 and Article 206 of the Criminal Code of the RNM that were committed after the entry into force of the Decision on establishing the existence of a state of emergency ("Official Gazette of RNM" 68/20) until the day of entry into force of the law, the imposed fine or substituted prison sentence was replaced by an alternative measure - suspended sentence.

Currently there is another Law on amnesty (proposal), which was not voted in a shortened procedure by the deputies. Regarding the law, it was again pointed out that it will enable the reduction of the number of convicted persons in penitentiary institutions, which is over the available capacities. Similar to the one from 2018, this law will not apply to persons convicted of murder (Art. 123); crimes against elections and voting; crimes against gender freedom and gender morality; crimes against the state; crimes against public order; crimes against humanity and international law, robbery and robbery, fraud to the detriment of European Union funds, money laundering and other proceeds of crime; abuse of official position and authority, negligent operation of the service, accepting a bribe, giving a bribe, giving a reward for illegal influence, receiving a reward for illegal influence; crimes committed in the course of domestic violence and gender-based violence, as well as persons sentenced to life imprisonment. The law refers to criminal acts committed by September 1, 2023. With this law, it is expected that 286 convicted persons will be fully released, while 996 convicted persons will have their prison sentences reduced by 30%.

ANALYSIS AND CONCLUSIONS

The development of the penitentiary system is an important prerequisite for the success of the process of resocialization, rehabilitation and reintegration of convicted persons. At the same time, inextricably linked to resocialization is treatment, along with respect for the dignity of convicted persons and their protection from any form of torture, inhuman and/or degrading treatment or punishment. This does not mean only the direct forms of torture, but also the indirect ones which, above all, include the material conditions that exist in penal and correctional institutions.

A properly legal and practically set up penitentiary system should enable treatment of convicted persons based on the principle of humanity, protection of their interests and integrity, as well as create conditions in penitentiary institutions that will be approximately similar to those that exist outside the institutions.

However, despite the new legal solution and many by-laws, the system still has weaknesses that are a constant problem in its improvement. This refers, above all, to the problem of overcrowding in penitentiary institutions (that is, a greater number of convicted persons than the capacity of the institutions); inadequate staff together with the lack of staff, above all, in the resocialization sectors; high rate of recidivism (penological recidivism); poor and inadequate material conditions; lack and inadequate health care of convicted persons; inadequate and unsuccessful treatment process related to both the lack of staff and the absence of key treatment measures (for example, work engagement and/or education); the problem of vulnerable, special categories of convicted persons; bad and inhumane treatment by prison staff; corruption. All previously mentioned problems of the penitentiary system are also noted in the latest Report² of the European Commission on the progress of the RNM for 2022.

² Report of the European Commission on the Republic of North Macedonia for 2022.
<[https://www.sep.gov.mk/data/file/Pregovori/SWD_2022_337_7_EN_North%20Macedonia_MK2.d](https://www.sep.gov.mk/data/file/Pregovori/SWD_2022_337_7_EN_North%20Macedonia_MK2.docx)
ocx> [01.11.2023]

Torture, inhuman and/or degrading treatment and/or punishment, and sanctioning of police officers/Interpersonal violence in penitentiary institutions

The incidence of interpersonal violence in prison facilities is directly related to the characteristics of convicted persons, as well as to the prison environment and the dynamic interaction between convicted persons and prison staff. This violence is correlated with the physical and social context in which all individuals are placed. Often, physical restrictions can lead to a reduction in cases of violence and the risk of violent behavior. However, these same restrictions, due to increased deprivations and frustrations, can lead to a loss of legitimacy and an escalation of violence.

In-prison violence is perhaps the most common form of violence in penitentiary institutions. In the prison environment, there are various categories of convicted persons who, at some point in their lives, did not respect societal norms. For them, resorting to violent behavior as a solution to problems is not unusual. This environment requires a rapid adjustment to daily routines and functioning. Every problem, deprivation, or instance of violence takes on greater significance within the prison context.

Another significant aspect is the violence exerted by prison staff towards convicted persons. This can be broadly divided into official violence, which encompasses all actions of the prison staff involving sanctions for convicted persons, and hidden violence, which includes violent acts not connected with a sanction and not permitted.

Regarding protection against torture, inhuman and/or degrading treatment or punishment of convicted persons, both internal and external mechanisms are provided for by laws and by-laws. However, these mechanisms are still not effective, increasing the possibility of unreported or inadequately addressed cases of torture. Even when such cases are reported, the necessary legal steps for investigating the case and sanctioning those who exceeded their authority or behaved illegally are often not taken.

In 2016, the Committee³ noted allegations of deliberate physical abuse of convicts, which was often used as a means of imposing discipline by prison officials, as unofficial punishment for possession of illicit items such as mobile phones, and subsequently in cases of fights between convicted persons themselves or in response to requests and complaints by the concerned convicted persons.

Furthermore, in 2019⁴, the Committee again concludes that the practice of torture by the prison guards, as well as the practice of "welcome booth" still exists in PI Idrizovo. The same applies to intra-prison violence and intimidation, which is often the result of insufficient staffing. The need to increase the number of prison guards, training for dealing with complex situations and the use of force, progressive inclusion of the concept of dynamic security, wider video surveillance, as well as the development and use of treatment plans for violent and aggressive convicts is indicated.

The Helsinki Committee during its visits in 2021⁵, in the women's department, received complaints from female convicts that female commanders often used physical force on them, used derogatory words and similar practices (Helsinki Committee Report, 2021).

The National Strategy for the Development of the Penitentiary System envisages a strategic goal – Standardized record keeping for cases of violence and security in the institution, which introduced a standardized form and register of incidents of violence in all PI and CI. In addition, there is also the obligation to report to the Specialized Department for the prosecution of crimes committed by persons with police powers and members of the prison police, which acts within the framework of the Basic Public Prosecutor's Office for the prosecution of organized crime and corruption.

Thus, in the period from 2012 to the end of 2021, according to the data of the Ministry of Internal Affairs, criminal charges were filed against 492 perpetrators who are police officers.

³ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2016 visit. <<https://rm.coe.int/pdf/168075d656>> [07.10.2023]

⁴ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2019 visit. <<https://rm.coe.int/1680a26b8f>> [07.10.2023]

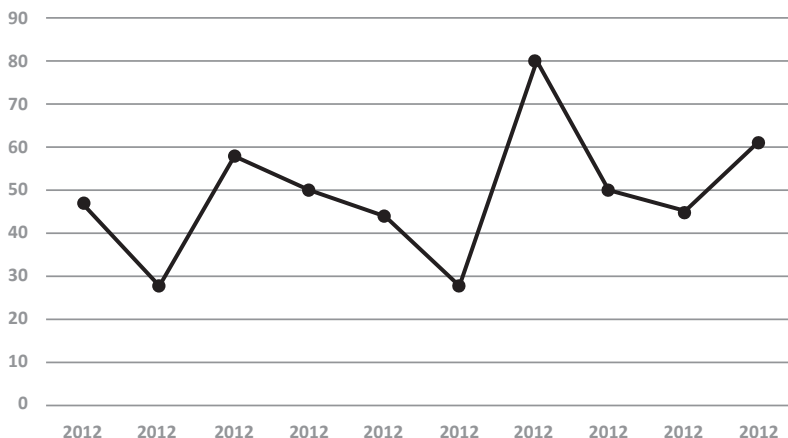
⁵ Report of follow-up visits on the situation and conditions in penitentiary institutions in the Republic of North Macedonia in July 2021. <<https://mhc.org.mk/wp-content/uploads/2021/11/izveshtaj-od-posledovatelni-poseti-za-sostojbata-i-uslovitte-vo-kazneno-popravnite-ustanovi-mk.pdf>> [09.10.2023]

According to the statistical data of the BPOPOCC, until October 2020, 101 cases related to torture, inhuman or degrading treatment and/or punishment were dealt with, against 186 police officers, of which four cases were for eight members of the prison police; while in the period October 2020 - August 2021, cases were filed against 21 police officers for the crime of "Mistreatment and other cruel, inhuman or degrading treatment or punishment" from Article 142 of the Criminal Code of the RNM⁶.

During 2022, the Specialized Department for the Prosecution of Crimes Committed by Persons with Police Powers and Members of the Prison Police, which operates within the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption, processed criminal charges against 299 officials entering in the scope of its scope of work (BPORNM Report for 2022, 2023: 41⁷).

Graphic display No. 1

Volume and dynamics of reported crimes committed by police officers



Source: RNM Ministry of Internal Affairs

⁶ Helsinki Committee infographics on crimes committed by police officers involving torture, inhuman or degrading treatment and/or punishment. <<https://mhc.org.mk/wp-content/uploads/2021/02/mk.pdf> & <https://mhc.org.mk/wp-content/uploads/2021/10/mk.pdf>> [01.11.2023]

⁷ Report of the Public Prosecutor's Offices of the Republic of North Macedonia for 2022 <https://jorm.gov.mk/wp-content/uploads/2023/09/izveshtaj-za-rabotata-na-javnite-obvinitelsta_2022_2_mail-2-3.pdf> [04.11.2023]

By structure, most of the time we are talking about crimes such as abuse of official position, negligent work, causing general danger, accepting bribes. But there are also crimes such as migrant smuggling, theft, falsification of documents and statements, usury, espionage, unauthorized wiretapping, forest devastation, arms trade.

Almost half of the cases end with an indictment, while even fewer with verdicts. Thus, in 2021, 50 court verdicts were passed for persons with police powers, of which four were acquitted, while 46 were found guilty (of which 36 received a suspended sentence, while 10 were sentenced to prison terms).

However, the general impression is that the Specialized Department did not live up to the expectations with which it was established, primarily in the fight against corruption and organized crime in the police authorities. Although we do not minimize the importance of sanctioning police officers who have committed other crimes, however, the avoidance of sanctioning persons from higher positions in the police hierarchy creates fertile ground for criminal behavior of police officers, including inhumane behavior and corruption among officers of the prison police.

Corruption in penitentiary institutions

The occurrence of corruption in penitentiary institutions is also noted by the European Committee for the Prevention of Torture in its reports during visits to penitentiary institutions in RNM.

Thus, in 2017, the Committee will note that the violence in PI Idrizovo is directly related to the corruption that exists there, starting from the prison guards, all the way to the management officers and educators. Convicted persons stated that they paid up to 2,000 euros to be moved to a cell from premises for collective accommodation of convicted persons and allegedly 400 euros for home leave. Mobile phones were present in the prison, with smartphones costing 300 euros each, plus a small daily payment to the prison officials, "to look the other way". There is a possibility that the fact that almost all "public" card phones were not working during the visit contributed to the development of the mobile phone business (CPT report,

2017⁸). This situation continues in the next two reports and was noted by the Committee in 2019 and 2020.

Furthermore, one of the key problems that has been pointed out and still exists is the political affiliation of some of the directors and deputy directors of penitentiary institutions, which further undermines efforts to build a penitentiary system that is functional, protects convicted persons and enables their resocialization, and in parallel with that, it gives even more opportunity for corrupt actions which are a regular practice, above all, in PI Idrizovo.

The remark still remains due to the need to appoint professionals and experts to the management positions in PI. The same remark was made by CPT in the 2020 report: "CPT once again calls on the authorities of North Macedonia to introduce a model of professional career advancement within the prison system, which will allow directors and other high-ranking managers to be recruited in order to satisfy certain performances, to have reliability and stability in the performance of their position, as well as to provide them with adequate training for management so that they can competently fulfill their tasks." (CPT report, 2020: 4⁹).

In his Annual Plan for the Prevention of Corruption, the director of PI Idrizovo points out that the areas that should be paid attention to and in which corrupt actions most often occur are, among others, receiving shipments for convicted persons, conducting treatment and using facilities for convicted persons persons, visits to convicted persons (Annual plan for the prevention of corruption, PI Idrizovo, 2023¹⁰).

In taking steps to prevent the occurrence of corrupt actions between the staff in PI and CI, work is being done to strengthen the professionalism of the prison staff through structured and advanced trainings; further through security checks of future members of the prison police; trainings on the Code of Conduct for prison staff; strengthened controls at the entrance and exit of the staff facilities and increased video surveillance; revised annual plans to prevent corruption in the prison system, etc.

⁸ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2019 visit. <<https://rm.coe.int/1680a26b8f>> [07.10.2023]

⁹ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2020 visit. <<https://rm.coe.int/1680a359cb>> [10.10.2023]

¹⁰ Annual plan for the prevention of corruption in PI Idrizovo for 2023.

<<https://www.Plidrizovo.gov.mk/2023/04/08/godishen-plan-za-sprechuvanje-nakorupcz%D1%98ata/>> [08.10.2023]

Overcrowding in the penitentiary institutions

A problem that has existed for years, and for which there is still no permanent solution, is the overcrowding of penal institutions.

During the visits of the National Preventive Mechanism, an excess of convicted persons was determined in four of the 11 penal institutions visited, in which the standard of minimum 4 m² of personal space for each convicted person is not respected. For years, the biggest problem has been the situation in the Prison Idrizovo, where convicts sleep in the corridors (or on improvised mattresses or on the ground), have beds on three floors, and sometimes sleep "in shifts" (NPM Report, 2021¹¹).

The Helsinki Committee, during its visit to Prison Prilep in June 2023, noted that 132 convicted persons were serving prison sentences in the institution, while its capacity is 108 persons (Helsinki Committee Report, 2023).

The same situation was found in Tetovo Prison in 2021, where 72 people were housed in the institution with a capacity of 53 people (Helsinki Committee Report, 2021¹²).

At the same time, the Committee for the Prevention of Torture notes that the authorities should not reduce the number of convicted persons through amnesty laws, but in a way that will enable a sustainable and meaningful serving of the prison sentence. That would be probation, which represents an effective transition between PI and the community (CPT Report, 2019¹³).

In practice, other alternative measures, with the exception of a suspended sentence, are rarely imposed. Thus, in the period from 2017 to 2022, a suspended sentence, as a substitute for a prison sentence or a fine, was used in over 90% of the total number of cases, which leaves only 10% for the remaining alternative measures, two of which were not imposed at all during that period of time (Table No. 1).

¹¹ Ombudsman, National Preventive Mechanism, Annual Report for 2021.

<<https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2021/NPM%20Godisen%20izvestaj-2021.pdf>> [05.10.2023]

¹² Report from follow-up visits on the state and conditions in penitentiary institutions in the Republic of North Macedonia in July 2021. <<https://mhc.org.mk/wp-content/uploads/2021/11/izveshtaj-od-posledovatelni-poseti-za-sostojbata-i-uslovide-vo-kazneno-popravnite-ustanovi-mk.pdf>> [09.10.'23]

¹³ Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2019 visit. <<https://rm.coe.int/1680a26b8f>> [07.10.2023]

Table no. 1

Pronounced alternative measures in the Republic of North Macedonia

Year	Alternative measures							
	Total	Suspended sentence (prison sentence)	Suspended sentence (fine)	Probation with protective supervision	Conditional suspension of criminal proceedings	Community service	Judicial admonition	House arrest
2022	3.383	3.050	146	46	/	91	50	/
2021	3.323	2.990	218	14	/	42	59	/
2020	2.927	2.676	215	4	/	2	30	/
2019	2.526	2.412	72	/	/	/	42	/
2018	3.454	3.307	108	/	/	/	39	/
2017	3.534	3.350	138	/	/	/	46	/

Source: State Statistics Office of RNM

Table no. 2

Sentencing (imprisonment and fine) in the Republic of North Macedonia

Year	Total (imprisonment)	Total (fine)
2022	1.372	2.512
2021	1.176	2.742
2020	914	2.455
2019	1.181	871
2018	1.246	1.052
2017	1.255	1.381

Source: State Statistical Office

The number of probation cases handled by the nine established probation offices was 451 in 2021, i.e. 475 in 2022, which should be a factor that will result in the opening of the remaining four of the 15 foreseen by the Law on Probation (Monitoring report on probation, Helsinki committee, 2023¹⁴).

Part of the obstacles to the more frequent imposition of alternative measures are noted in the existing laws. Consequently, there is a recognized need for amendments to the Criminal Code (CC), the Criminal Procedure Law (CPL), the Law on Execution of Sanctions (LES), and the Law on Probation (LP). These amendments would aim to expand the scope of using alternative measures, particularly community service, and to extend the period of supervision and support for persons released on parole with protective supervision (Analysis of LES, 2023).

In parallel with these legal changes, there is a need for the establishment of functional probation offices. Additionally, a greater imposition of alternative measures by the courts is necessary, as well as enhanced institutional cooperation in the field of probation. This approach is supported by findings in the Monitoring Report on Probation by the Helsinki Committee (2023).

Treatment and resocialization of convicted persons

The question is often asked why the process of resocialization in PI in RNM is so unsuccessful and why the level of recidivism is so high, and the prison sentence does not achieve the desired goal, although it is an expensive criminal sanction¹⁵.

¹⁴ Monitoring of the implementation of the Strategy for the Development of Probation Service in RNM (2021-2025) for 2021 and 2022. <https://mhc.org.mk/wp-content/uploads/2023/09/mk-finalen-monitoring.-probation-service-2023_compressed-1.pdf> [06.11.2023]

¹⁵ Each convict costs RNM about 1,000 denars per day – Elena Mujoska Trpevska, Konstantin Bitrakov. Economic benefits from the application of alternatives to imprisonment, Economic Meditations, Proceedings in honor of Academic Taki Fiti, MANU 2020.

Table no. 3
Total convicted adults and returnees

Year	Convicted adults	Recidivists (previously convicted persons)	Percentage of previously convicted persons (%)	Similar crimes	Other crimes	Same and other crimes
2022	7.769	1.541	19,8	467	694	380
2021	7.634	1.404	18,4	372	625	407
2020	6.351	995	15,7	324	393	278
2019	4.712	980	20,8	445	345	190
2018	5.857	1.242	21,2	507	497	238
2017	6.273	940	15	527	337	76

Source: State Statistics Office

As we mentioned in the review of some of the by-laws that were adopted after the adoption of the new Law on Execution of Sanctions, the Guidelines for Determining the Types and Methods of Treatment of Convicted Persons determine the methods of treatment through which the desired goals of the process of resocialization and reintegration of convicted persons.

According to the data from the end of 2020, a total of 98 people are employed in the resocialization sectors in all penitentiary institutions in the Republic of North Macedonia, of which 33 are instructors, while 65 are educators (National Strategy [penitentiary system], 2021 – 2025¹⁶). It inevitably leads us to the conclusion that there is a serious lack of personnel of profiles that are crucial in the process of resocialization.

It is necessary, first of all, to pay attention to key aspects in the process of resocialization, i.e. to work on employment of convicted persons, activation

¹⁶ National strategy for the development of the penitentiary system for the period 2021-2025. <<https://uis.gov.mk/wp-content/uploads/2021/11/%D0%9D%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%B0-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D1%80%D0%B0%D0%B7%D0%B2%D0%BE%D1%98-portain-10092021-MKD.pdf>> [09.10.2023]

of the education process, and not only the completion of a certain mandatory level of education, but also the possibility of professional and professional development of convicted persons. This is the only way to open the possibility of easier reintegration into the community after completing the prison sentence.

A process of resocialization should be enabled in which a sufficient number of professionals from various scientific fields will be involved. Success is directly related to the will of the convicted person, but also to the involvement of the resocialization sector. With the current number of employees, it is practically impossible to develop adequate resocialization programs that would respond to the changes of modern times, nor is there a sufficient time frame for the employees to work with every convicted person.

During the visits to the CPT, some convicted persons indicated that they very rarely see their educators, which indicates the lack of staff in the resocialization departments.

PI Stip, for example, has employed six people in the resocialization sector, two of whom are educators, while the capacity of the institution is 210 people. The situation is the same in **PI Prilep**, where two people are employed in the resocialization sector.

However, there are institutions in which the number of people in the resocialization sector is higher, such as the Prison Kumanovo, in which that number is ten people. But despite the larger number of employees, the activities in the process of resocialization in this institution are minimal.

Furthermore, the general treatment measures provided by the Guidelines, such as work, education, vocational education, moral-ethical education, convict self-organization, leisure activities, sports, recreation of convicts, for the most part do not function at a level that would be necessary for successful resocialization process.

However, the **PI Stip** is a good example of PI where convicted persons who expressed a desire to complete their education, did so (45 convicted persons completed primary education, while 180 obtained certificates for certain occupations).

But the most important thing to note is that there is currently no permanent education for children who are serving a prison sentence and for children who have been sentenced to an educational (institutional)

measure - referral to an educational correctional facility and are placed in them, where education is mandatory.

In terms of employment, in the **Prison Idrizovo**, most of the convicts are not employed, and the female convicts who are employed work in the institution and receive a monthly allowance of between 300 and 500 denars.

In the **Prison Kumanovo**, convicted persons are engaged in maintaining hygiene in the institution and the surroundings, as well as on the green areas around the institution. Engagement is less than 10% of the total number of people housed in the institution (156 at the time of the visit).

However, there are also positive examples in certain PI. In the **PI Stip**, a large part of the convicts are employed (about 60-70 convicts), who are mostly involved in agricultural and animal husbandry activities in the institution, as well as in the kitchen. In Prison Prilep, some of the convicted persons are also engaged in agricultural and livestock activities, some in other activities, and a locksmith-mechanical and IT workshop is expected to start functioning soon, as part of a project of the EU and the Center for Civil initiatives (Helsinki Committee Report, 2023).

And in the area of treatment, there are no programs to fulfill the free time of female convicts, nor does the yard in the Department allow space for exercises and recreation, but it is only sufficient for walks.

Specific programs that refer to special categories of convicted persons are also rare, and those that exist were created as a result of external projects and external financial assistance, which is why they exist and are implemented as long as the project lasts and as long as there are finances for it. Unfortunately, they don't resume later.

The national strategy envisages the improvement of conditions and greater opportunities for work engagement of convicted persons, through the provision of equipment and materials for the functioning of workshops in the PI, cooperation with companies and other legal entities for work engagement of convicted persons, as well as cooperation with other institutions and companies for vocational education of convicted persons.

Unhindered access to health care is needed in the PI, not ad hoc solutions that often lead to health complications for convicted persons and increased financial costs for penitentiaries, which could be used to improve other aspects of serving the sentence. prison.

In PI Idrizovo, health care is still a problem, it is untimely, and there is inappropriate and violent treatment of the people staying in the wings.

In fact, health care in Prison Idrizovo is currently provided by one doctor and two nurses who are not there all the time, but only after a few hours, which is why it is not possible to provide medical services and protection to all convicted persons who are needed (Helsinki Committee Report, 2023).

The same number of medical personnel, i.e. one doctor and one dentist, provide health care at the **Prison Stip**, but to a smaller number of convicted persons.

The situation is similar in **PI Prilep**, where medical care is provided by two nurses, who are in the facility for eight hours a day (but also outside of that time, if necessary).

In Prison Kumanovo, medical care is provided by a medical technician who is an employee of the facility, and a doctor comes twice a week.

Tetovo prison has a regularly employed doctor, who works full-time, but the institution does not have enough medical therapy.

Convicted persons receive medical care from the emergency medical service in the open-type prison in Struga, and if there is a need, a doctor comes to the facility once a week. The same situation was observed in the **prison in Bitola** (Helsinki Committee Report, 2020¹⁷).

The national strategy provides for the determination of the minimum number of medical personnel required for each PI and CI in RNM; motivating medical personnel who would work in penitentiary institutions; special care for convicted persons with special mental conditions; special psychosocial treatment of convicted persons who abuse substances.

A particularly important part of the treatment and resocialization process is post-penal assistance, as a special form of treatment (according to LES – Assistance to convicted persons after release from the institution).

Post-release assistance is a set of measures and procedures that are applied for the purpose of including released convicted persons in the life of freedom, and consists of: provision of accommodation and food, provision of treatment, advice on the choice of residence, i.e. residence,

¹⁷ First report on the situation and conditions in penal and correctional institutions in the Republic of North Macedonia for the period from August 1 to October 1, 2020. <<https://mhc.org.mk/wp-content/uploads/2021/02/izvestaj-helsinki-popravni-domovi-mk-1.pdf>> [10.10.2023]

reconciliation of family relationships, finding employment, completing professional training, providing financial assistance to cover the most necessary needs, as well as other forms of assistance and support (art. 258, paragraph 1, LES). What the post-penal assistance will be depends on the success of the treatment in the institution.

In RNM, according to LES, the Social Work Centers have opportunities for various ways and forms of providing post-penal assistance, but they only apply one-time monetary assistance in the amount of 4,500 denars. In relation to other forms, the competent authorities do not provide temporary accommodation and provision of food; employment assistance etc. (Gruevska-Drakulevski, basic study, 2023¹⁸).

Material conditions in penitentiary institutions

A key aspect of protection against any form of torture is the constant improvement of material conditions in penal institutions.

When it comes to convicted persons, international documents and international institutions point out a number of aspects related to the conditions of accommodation of convicted persons as indirect forms of torture¹⁹.

During the visit in 2019, regarding the material conditions in the **Prison Idrizovo**, with the exception of the open and semi-open wards, which are new, the Committee determined that the rest of the convict population is housed in conditions with poor hygiene, overcrowding, problems with water supply, insects and dilapidated toilets.

And in the reports of the Helsinki Committee, a number of shortcomings related to the conditions of accommodation of convicted persons are pointed out, first of all, in **PI Idrizovo**, where in the Report from 2023 no positive changes were observed in the two facilities ("Building" and

¹⁸ The situation with post-penal assistance and resocialization in RNM (basic study).

<https://msp.mk/wp-content/uploads/2023/05/MK_Resocijalizacija-i-Reintegracija_09-07-04-2023.pdf>

[04.11.2023]

¹⁹ Guide on the case-law of the European Convention on Human Rights: Prisoners' rights.

<https://www.echr.coe.int/documents/d/echr/Guide_Prisoners_rights_ENG> [07.10.2023]

"Ambulance"). ", which make up the closed class). The same applies to the solitary confinement rooms, in which substandard conditions were found during the visit (Helsinki Committee Report, 2023). 40 million euros have been provided for the construction of a new building, which will significantly improve the material conditions for the accommodation of convicted persons.

In the Women's Ward, a reconstruction was made with a new floor and new PVC windows and solar panels (Helsinki Committee Report, 2021).

There are also shortcomings in some of the other penitentiary institutions in the country, such as in the prison in Kumanovo, where there are still problems with the water supply, the rooms where the convicts are housed still do not have water, only each ward has one tap.

But there is an improvement in the conditions in some of them. For example, in PI Stip, new tiles have been installed in certain parts of the facility, and some of the rooms in the open and semi-open ward have been renovated. All rooms in the semi-open department are the same in all rooms, the doors have been changed, there are new chests of drawers and LED lamps. The yard of the institution has an amphitheater and a garden made by the convicts.

Furthermore, in Tetovo Prison in 2021, the doors and windows in the convicts' rooms were changed, the toilets were reconstructed, and new mattresses and bedding were purchased for the convicts (Helsinki Committee Report, 2021²⁰).

In Bitola Prison, part of the prison was reconstructed in 2020, with financial assistance from the European Union, with a capacity of 83 convicts.

In order to improve the conditions in penitentiary institutions in RNM, the Government has adopted a Program for financing the construction, reconstruction, maintenance of facilities and equipping of PI and CI, which is implemented through the Administration for the Execution of Sanctions²¹. The reconstruction of PI Idrizovo (second phase) is planned

²⁰ Report of follow-up visits on the situation and conditions in penitentiary institutions in the Republic of North Macedonia in July 2021. <<https://mhc.org.mk/wp-content/uploads/2021/11/izveshtaj-od-posledovatelni-poseti-za-sostojbata-i-uslovite-vo-kazneno-popravnite-ustanovi-mk.pdf>> [09.10.2023]

²¹ Response of the RNM Government after the Report of the CPT from 07-10.12.2020. <<https://rm.coe.int/1680a359cd>> [05.11.2023]; DIS annual programs for 2022, 2023. <<https://uis.gov.mk/wp-content/uploads/2022/03/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%BD%D0%B0->

until 2025, as well as the construction of facilities in PI Prilep and PI Stip, as well as continuous reconstruction, renovation and construction of facilities in other PIs.

And of course, although we are working on improving the material conditions, this should continue, because only in this way would we fulfill the obligation of respecting human dignity in the process of serving the prison sentence.

%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%B0-%D0%BD%D0%B0-%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%A3%D0%98%D0%A1-2022.pdf & <https://uis.gov.mk/wp-content/uploads/2023/01/%D0%9F%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%D0%B0-%D0%B7%D0%B0-%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B0-%D0%BD%D0%B0-%D0%A3%D0%98%D0%A1-%D0%B7%D0%B0-2023-%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D0%B0-1.pdf> [05.11.2023]

RECOMMENDATIONS

- Continuation of the projects for the construction of new facilities that will replace the old ones, as well as the reconstruction of the existing ones - only in this way can we talk about the first step towards successful treatment and resocialization of convicted persons;
- Reduction of the rate of convicted persons through a greater participation of alternative measures in the total number of imposed criminal sanctions - changes to the legal regulations in the area will be necessary in order to expand the applicability of certain alternative measures;
- Full use of the opportunities offered by probation - putting into operation all foreseen probation offices and staffing them with professional staff;
- Increasing the number of employees in the resocialization departments in PI - in this way, greater opportunities are opened for better treatment, comprehensive treatment programs, very frequent communication between employees and convicted persons, which would result in successful resocialization, which would lead to a reduction the rate of return;
- More and better opportunities for work engagement of convicted persons – greater cooperation is needed with legal entities and with state institutions that would provide places for work engagement for some of the convicted persons, which would increase the quality of treatment; it would give convicted persons the opportunity to acquire or improve their professional knowledge, which would mean greater opportunities for employment after serving the prison sentence;
- Active and full involvement of the Ministry of Education and Science in the process of continuing education and/or opportunities for professional training of convicted persons - education is one of the key general treatment measures and together with work engagement, with successful implementation, enable easier reintegration into the community of the convicted person after dismissal from the PI;

- The Ministry of Health must take measures to ensure quality health care for both the physical and mental health of convicted persons - PI must have regularly employed doctors and psychologists who will be available for the health needs of convicted persons; also, the problem with the health insurance of convicted persons should be solved;
- Permanent professional programs for the treatment and rehabilitation of vulnerable categories of convicted persons;
- Practical fulfillment of the tasks of social work centers in the process of post-penal assistance to convicted persons, which includes not only one-time financial assistance but also the provision of other social services such as assistance with employment, accommodation, etc.;
- Increasing the number of members of the prison police through new hires and investing in their equipment - in this way, the level of security in the PI would increase and the level of mutual violence would decrease;
- Sanctioning the members of the prison police, whenever they act outside their authority granted by the LES and the by-laws;
- Sanctioning of PI employees who are involved in corrupt actions and preventive action in the direction of such developments;
- Professionalization of the prison staff and its constant upgrading and training, which is already being undertaken in part through the activities of the Training Center in Idrizovo.

LITERATURE

1. Guide on the case-law of the European Convention on Human Rights: Prisoners' rights. <https://www.echr.coe.int/documents/d/echr/Guide_Prisoners_rights_ENG>
2. North Macedonia Human Rights Report 2022. <https://www.state.gov/wp-content/uploads/2023/02/415610_NORTH-MACEDONIA-2022-HUMAN-RIGHTS-REPORT.pdf>
3. Annual plan for the prevention of corruption in PI Idrizovo for 2023. <<https://www.Plidrizovo.gov.mk/2023/04/08/godish-en-plan-za-sprechuvanje-na-korupczi%D1%98ata/>>
4. Annual program of the Administration for the Execution of Sanctions for 2022. <<https://uis.gov.mk/wp-content/uploads/2022/03/Годишна-програма-на-работата-на-УИС-2022.pdf>>
5. Annual program of the Administration for the execution of sanctions for 2023. <<https://uis.gov.mk/wp-content/uploads/2023/01/Програма-за-работа-на-УИС-за-2023-година-1.pdf>>
6. Gruevska-Drakulevski, A. (2023). The situation with post-penal assistance and resocialization in RNM (basic study), Macedonian Penological Society. <https://msp.mk/wp-content/uploads/2023/05/MK_Resocijalizacija-i-Reintegracija_09-07-04-2023.pdf>
7. Amnesty Law, "Official Gazette of RNM" 11/18.
8. Amnesty Law, "Official Gazette of RNM" 63/23.
9. Law on Execution of Sanctions, "Official Gazette of RNM" No. 99/19, 220/19, 236/22.
10. Law on Public Prosecution, "Official Gazette of RNM" 42/20.
11. Law on the Ombudsman, "Official Gazette of RNM" 60/03, 114/09, 181/16, 189/16, 35/18.
12. Probation Law, "Official Gazette of RNM" no. 226/15.
13. Report of the Blueprint Group on the Implementation of the Justice Reform Strategy 2020. <<https://blueprint.org.mk/wp-content/uploads/2021/04/Извештај-за-спроведување-на-Стратегијата-за-реформа-на-правосудството-за-2020-1.pdf>>
14. Report of the European Commission on the Republic of North Macedonia for 2022. <https://www.sep.gov.mk/data/file/Pregovori/SWD_2022_337_7_EN_North%20Macedonia_MK2.docx>

15. Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2016 visit. <<https://rm.coe.int/pdf/168075d656>>
16. Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2019 visit. <<https://rm.coe.int/1680a26b8f>>
17. Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on the 2020 visit. <<https://rm.coe.int/1680a359cb>>
18. Report of the public prosecutor's offices of the Republic of North Macedonia for 2022. <https://jorm.gov.mk/wp-content/uploads/2023/09/izveshtaj-za-rabotata-na-javnite-obvinitelsta_2022_2_mail-2-3.pdf>
19. Criminal Code of RNM, "Official Gazette of RNM" 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 and 248/18, 36/23 and 188/23.
20. Milosheski, A. et al. (2023). Analysis of the Law on the Execution of Sanctions: Challenges, Practical Problems, Solutions. <<https://www.osce.org/files/f/documents/d/1/548914.pdf>>
21. Mujoska Trpevska, E., Bitrakov, K. (2020). Economic benefits from the application of alternatives to imprisonment, Economic Meditations, Proceedings in honor of Academic Taki Fiti, MANU.
22. Ombudsman, National Preventive Mechanism, Annual Report for 2021. <<https://ombudsman.mk/CMS/Upload/NarodenPravobranitel/upload/NPM-dokumenti/2021/NPM%20Godisen%20izvestaj-2021.pdf>>
23. National strategy for the development of the penitentiary system (2015 – 2019). <https://www.pravda.gov.mk/upload/Documents/Nacionalna_strategijaMK_12_2014.pdf>
24. National strategy for the development of the penitentiary system for the period 2021-2025. <uis.gov.mk/wp-content/uploads/2021/11/Национална-стратегија-за-развој-por-tain-10092021-MKD.pdf>
25. Response of the Government of RNM after the Report of the CPT from 07.-10.12.2020. <<https://rm.coe.int/1680a359cd>>
26. Rulebook on the powers of the prison police, the way of arming and performing the tasks of the prison police, "Official Gazette of RNM" 99/19, 220/19, 94/22.

27. Rulebook 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 RNM" 99/19, 220/19, 94/22.
28. Stanojoska A. (2021). Criminal sanctions and their enforcement in the Republic of North Macedonia, Faculty of Law, Bitola.
29. Strategy for the development of the probation service in the Republic of North Macedonia (2021 – 2025). <<https://uis.gov.mk/wp-content/uploads/2023/03/%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D0%BF%D1%80%D0%BE%D0%B1%D0%B0%D1%86%D0%B8%D1%98%D0%B0-2021-2025.docx>>
30. Strategy for the development of the probation service for the period 2013-2016. <<http://www.merc.org.mk/Files/Write/Documents/01087/mk/Стратегија-за-развој-на-пробациска-служба.pdf>>
31. Strategy for the prevention of suicides in penitentiary institutions in the Republic of North Macedonia. <<https://uis.gov.mk/wp-content/uploads/2021/11/Стратегија-за-спречување-самоубиство-во-КПУ-МК.pdf>>
32. Guidelines for determining the types and methods of treatment of convicted persons, "Official Gazette of RNM" 99/19, 220/19, 133/20.
33. Helsinki Committee for Human Rights. (2020). First report on the situation and conditions in penal and correctional institutions in the Republic of North Macedonia for the period from August 1 to October 1, 2020, Skopje. <<https://mhc.org.mk/wp-content/uploads/2021/02/izvestaj-helsinki-popravni-domovi-mk-1.pdf>>
34. Helsinki Committee for Human Rights. (2021). Report of follow-up visits on the situation and conditions in the penitentiary institutions in the Republic of North Macedonia in July 2021, Skopje. <<https://mhc.org.mk/wp-content/uploads/2021/11/izvestaj-od-posledovatelni-poseti-za-sostojbata-i-uslovide-vo-kazneno-popravnite-ustanovi-mk.pdf>>
35. Helsinki Committee for Human Rights. (2023). Monitoring of the implementation of the Strategy for the Development of the Probation Service in RNM (2021 – 2025) for 2021 and 2022, Skopje. <https://mhc.org.mk/wp-content/uploads/2023/09/mk-final-monitoring.-probation-service-2023_compressed-1.pdf>
36. Helsinki Committee for Human Rights. (2023). Report on the conditions and conditions in penitentiary institutions in 2023, Skopje.



COMPREHENSIVE REPORT
**ON REFORMS IN THE PENITENTIARY
SYSTEM IN REPUBLIC OF
NORTH MACEDONIA**