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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:
year 2023



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TABLE OF CONTENTS

LIST OF ABBREVIATIONS USED	5
INTRODUCTION	6
ABOUT THE PROJECT	8
METHODOLOGY	10
FINDINGS FROM THE MONITORING	13
Legislation - Legal framework in the field of the execution of alternative sanctions and measures	13
Result 1.1. Analysis of the needs of changes to the legal framework to support the probation service and alternative sanctions	13
Result 1.2. Amendments to the legal framework to increase the number of imposed alternative sanctions and measures	13
Result 1.2.1. To expand the applicability of community service in the Criminal Code	14
Result 1.2.2. Greater use of alternative sanctions in the Criminal Procedure Law	14
Result 1.2.3. To extend the period under supervision and support for persons on parole by the probation service	14
Result 1.3. Amendments to the legal framework to support the probation service	14
Result 1.4. Complete and updated by-laws for the practical execution of alternative sanctions and operation of the probation service	15
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	15
Institutional framework for the functioning of the probation service - functional offices	16
Result 2.1. There are 15 probation offices in operation, and they cover probation matters for the areas of all courts	16
Result 2.2. Further development of standard working procedures in the probation service	16
Result 3.1. Increasing the number of employed professionals in the probation sector at the central and local level	16
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	17

Result 3.3. Developed an annual training plan for probation officers that is regularly updated	17
Result 3.4. Regular basic training will be conducted for all probation officers	18
Result 3.5. Developing and preparing special trainings for specific types of clients	18
Result 3.6. Joint trainings for establishing and improving the cooperation of the relevant institutions	18
Result 3.7. Training of Trainers	18
Handling - Improving handling and increasing the number of alternative measures and sanctions	19
Result 1.2.4. To increase the number of alternative sanctions and to reduce the number of appealed alternative sanctions	19
Result 4.3. Increased number of community service sentences	19
Inter-institutional cooperation in the field of probation	24
Result 5.2. Holding regular round tables at the central level and in all areas with representatives of judicial authorities and partners from the network of collaborators	24
Result 5.3. Cooperation protocols and lists of cooperation partners have been established and are updated regularly	24
Result 5.4. Further preparation of memoranda for cooperation with municipalities and other public enterprises for performing public service work	24
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	25
CONCLUSIONS AND RECOMMENDATIONS	26
USED LITERATURE	30
Annex 1 – Monitoring Matrix	31

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

PPORM - 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 Administration for the 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, and 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 the reduction of overcrowding in the prison system, while giving appropriate sentences to offenders, causing them to change their way of life.

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, in fact, means the establishment of an efficient system of sanctions and protective mechanisms that contribute to the reduction of criminality, increasing the protection of society and public safety, as well as to the resocialization and reintegration of convicted persons.

In the period 2023, the implementation of the Strategy envisages the drafting and adoption of regulations (laws, legal amendments and other acts), the implementation of specific activities (for example, increasing the human and technical capacities of the probation service, etc.), as well as inter-institutional cooperation in the field on 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 each goal and result determined by the

Strategy are determined, and in addition, a time frame and indicators for their fulfillment are determined. In that direction, the purpose of this analysis is to assess whether, to what extent and in what manner 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, in accordance with the time frame, what is their quality and the dynamics and 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 in accordance with 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 that are 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 concluded between the Helsinki Committee for Human Rights, the Macedonian Association of Young Lawyers, the Macedonian Society of Penology, the Association for Counseling, Treatment, Reintegration and Resocialization of Persons Addicted to Psychoactive Substances "IZBOR" and the Sanctions Enforcement Administration.

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 and 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 increase the capacity and inter-institutional cooperation between penal institutions, courts, probation officers, social work centers and other service providers for resocialization, probation and post-penal protection;
- To improve the legal framework and policies for the resocialization and reintegration of convicted persons, previously convicted persons, as well as persons who are 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** that includes activities to establish a national support service for the resocialization and rehabilitation of prisoners in partnership between CSOs and SEA, which will provide pre- and post-release support (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 regional workshops to define the conditions for inter-institutional cooperation and the establishment and provision support of three local inter-institutional teams 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**, which will also support 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 manner 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, in accordance with 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, and in accordance with the results obtained from the monitoring of the Strategy, the main conclusions will be drawn about what has been implemented and what has been missed, and what are the main obstacles to it. , and recommendations for further implementation of the Strategy will be offered.

The focus of the monitoring is four topics, namely:

- Legislation – Legal framework in the field of 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 following will be subject to monitoring:

- Evaluation of the implementation of the results;
- Assessment of 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 that are responsible for implementing the specific activities determined in the Strategy. Also, the monitoring will 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 that are the subject of 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 a public nature to the relevant institutions (Administration for the execution of sanctions, probation offices, courts);
semi-structured interviews and focus groups with probation officers, judges and probationers, the Sanctions Enforcement Authority, as well as other relevant institutions.

2. Notice and publication

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

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 urgent and immediate actions, notifications will be prepared to all relevant institutions and advocacy activities will be undertaken to determine the problems.

The first report will analyze the results and activities related to the four topics, i.e. what were planned to be implemented during 2023. The Action Plan of the Strategy for the Development of the Probation Service in the RNM determines the activities within the framework of each goal and result determined by the Strategy, as well as a time frame and indicators that the Ministry of Justice, the Administration for the Execution of Sanctions, the offices of the Probation Service and other judicial authorities were supposed to implement them in 2023.

This is the second report in a series of reports. Subsequent reports will be prepared according to this monitoring methodology. If necessary, each report may include a section relating to the current situation with the probation service.

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

This result of the Strategy¹ was fulfilled in the period 2021-2022, when the working group analyzed the needs of amendments to the legal framework to support the probation service and alternative sanctions within the project "EU support for the rule of law". after the holding of the four round tables on the topic "Analysis of the needs of amending the legal regulation", for which he made a report. The Probation Service has made proposals to the working groups working on amendments to the Criminal Code and the Criminal Code and 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, the Strategy envisages making changes and additions to the Criminal Law and the Law on Criminal Procedure. These changes will be based on analyzes made by the established working group and the list of proposals from the Twinning project "Strengthening the penitentiary system and development of the probation service", which was implemented in the period 2018-2020 by SEA. This list refers to the results given in the continuation of the text (Result 1.2.1; Result 1.2.2; Result 1.2.3).

¹ Strategy for the development of the probation service in the Republic of North Macedonia (2021 – 2025).

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

Amendments and harmonization of the Law on Criminal Procedure with the Criminal Code are also part of the results foreseen by the Strategy in order to harmonize the two laws in the area of the use of alternative sanctions and measures. During 2023, these legal amendments have not yet been adopted.

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

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 which will foresee a longer period of support and supervision of the probation service, in order to reduce the risk of recidivism and implement effective support for the successful resocialization of convicted persons. This result in the period of monitoring of the Strategy has not yet been fully fulfilled.

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

In 2023, amendments and additions to the Law on Probation were foreseen, but the process has not yet started due to the fact that it is waiting for the amendments to the Law on Execution of Sanctions to be adopted first and then to move on to amendments to the Law on Probation which will strengthen the position of probation officers and the scope of the use of the probation service in criminal proceedings and execution of sanctions will be expanded.

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

This result foreseen in the Strategy will start to be implemented when the foreseen legal changes are made in the Law on Probation.

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

The probation service, according to the Probation Law, works only with adult perpetrators of crimes. The strategy foresees an analysis of the potential expansion of the competences of the service and of juvenile justice, however, these activities have been postponed in order to strengthen first the position of the probation service in the penitentiary system. For a successful analysis of the needs of amending the legal framework and working procedures to support probation and alternative sanctions for minors, international organizations that work on human rights, children's rights and the rule of law must also be involved. Therefore, we would like to point out that this result of the Strategy has not been fulfilled in the monitoring period 2023.

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 probation service counts 11 functional probation offices that have been established as of 2022. During the year 2023, there will be no opening of the remaining offices that are foreseen by the Strategy for the Development of the Probation Service. What we can highlight as significant is that on an annual level we can see an increase in probation cases, so for 2023 that number was 483 probation cases and in 2022 the number was 375 probation cases.

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

Given that the amendments 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 accordance with the employment methodology, the probation service should have a total of 90 probation officers who will be hired in the period 2021-2025. However, this number has not changed, so in 2023 the probation service counts 28 probation officers.

PROBATION OFFICE	JUNIOR ASSOCIATES	SENIOR ASSOCIATES	ADVISORS	PROBATION ARCHIVIST	HEAD OF THE DEPARTMENT FOR SUPERVISION OVER EXECUTION OF PROBATIONARY WORKS
The Department of Probation at SAE	1	1	/	/	1
Skopje	4	1	3	1	/
Kumanovo	2	/	1	/	/
Bitola	2	/	/	/	/
Strumica	/	1	/	/	/
Shtip	2	/	/	/	/
Ohrid	1	/	/	/	/
Veles	1	/	/	/	/
Prilep	2	/	/	/	/
Kavadarci	1	/	/	/	/
Gevgelija	/	/	/	/	/
Tetovo	3	/	/	/	/
TOTAL	19	3	4	1	1

* There is no employee hired in the probation office in Gevgelija and the probation office from Strumica handles the cases in that area.

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

The SEA training center has been established and is made available for the implementation of training for the employees of the penitentiary system, among which is the probation service. The activities for the appointment of employees in the probation service center, as well as the preparation of a special budget plan for the training center, during the period of monitoring the Strategy, 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 SEA. In the monitoring period of 2023, a working group was formed to revise the Training Strategy and prepare an annual plan for

training employees in the penitentiary system together with an action plan that covers (the employees of the SEA, including the probation service as well as the employees in the prisons.

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, in 2023 12 probation officers who are part of the PR working group for public relations went through basic communication training.

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

In 2023, all probation officers went through a two-day training for working with violent offenders. These trainings were held by experts from Croatia hired through the IPA project "EU support for the rule of law, and the aim was to strengthen the capacities of probation officers to work with special types of crimes that require different treatment.

Result 3.6. Joint trainings to establish and improve the cooperation of the relevant institutions

The strengthening of cooperation and increase of knowledge is foreseen by holding joint training sessions with relevant institutions. In that direction, the probation office during 2023 and, within the framework of the memorandum of cooperation in providing criminal and post-criminal protection for convicted persons, previously convicted persons and persons against whom probation work is carried out with MYLA, the Helsinki Committee for Human Rights and the Association "Izbor" held initial meetings with representatives of probation, prisons and social work centers.

Result 3.7. Training of Trainers

During 2023, 7 probation officers underwent a five-day training for trainers with American experts engaged with the support of the US Embassy in North Macedonia. The aim of these trainings is to build a multi-disciplinary team of trainers who would cover all legal, psychological and social aspects.

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 foresees that the prison sentence is the last solution and instead of it, the available alternative sanctions and measures are used with the aim of reintegration and resocialization of the convicted persons.

In that direction, the Strategy envisages bringing recommendations from the Judicial Council of the RNM that will encourage and promote the imposition of more alternative sentences in order to reduce overcrowding in prisons, as well as holding round tables with criminal judges and prosecutors to promote the imposition of alternative punishments, especially community service. The strategy also envisages the adoption of Guidelines by the Public Prosecutor of the RNM to avoid unnecessary and unproductive appeals, which will make use of alternative measures and procedures and promote alternative punishments. During the period of monitoring of the Strategy, the PPORNM did not issue recommendations that would promote alternative punishments and sanctions, and also the PPORNM did not issue the provided Instructions.

Result 4.3. Increased number of community service sentences

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

The strategy envisages 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 courts, PPORNM and PPORNM. Also, the Strategy provides for the conclusion of a larger number of memoranda of cooperation for performing community service in areas where there are probation offices. During the period of monitoring the Strategy 2023, the probation service has not concluded new contracts with the municipalities and public enterprises for the performance of public service work.

The following text provides a detailed account of the number of verdicts with alternative measures (community service, conditional sentence, conditional sentence with protective supervision, court warning and house arrest) for the year 2023, as well as the number of appealed verdicts with alternative measures imposed by primary courts in RNM.

From the display, we can notice that the number of pronounced judgments with alternative measures is high, for 2023 it is 4,507 pronounced judgments. 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 verdicts for community service for 2023 is 5 verdicts according to the data obtained from the primary courts in North Macedonia.

The number of verdicts with a suspended sentence shows the possibility of a higher conditional sentence with protective supervision, as the perpetrators of crimes 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. service.

The law provides for sentencing and a court warning 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 light². From the statistical data, we can notice that the figure for 2023 is 75 pronounced court warnings, (the probation service is not competent in the case of pronounced court warnings).

The number of sentenced sentences with house arrest is almost non-existent, that is, that number in 2023 was 2 sentences, (according to statistical data, the probation service has not carried out 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.

From the statistical data obtained from the primary courts of the RNM, we can observe that in practice, judgments with imposed alternative measures and sanctions are still appealed in a relatively large number (in 2023, 880 judgments were appealed).

In the following, a detailed presentation of the number of probation cases for 2023 is also given, divided according to the type of probation measures imposed. The number of probation cases is growing annually, that is, in 2023 the number is 483 probation cases.

² Criminal Code - Refined text (concluded by "Official Gazette of the Republic of Macedonia" No. 55 of 2013).

Regarding the type of probation measures imposed, the number of cases with community service, which for 2023 amounts to 14 cases, is worrying. The number of probation cases for conditional sentences with protective supervision has increased, i.e. it is 175 compared to 2022 when the number was 99 cases.

Comparing the statistical data obtained by the primary courts in RNM on the number of sentences with alternative measures (community service, suspended sentence, conditional sentence with protective supervision, court warning and house arrest) and the statistical data obtained by the Probation Department on the number of probation cases, there is a difference in the total number of cases. For example, the number of probation cases with community service for the year 2023 is 14 cases, while the number of sentences for community service is 5 cases.

Number of probation cases in 2023 according to the type of probation measure imposed

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	57
Primary court Kocani	0	143	0	1	0	144	33
Primary court Stip	0	172	0	5	1	178	11
Primary court Kichevo	0	152	0	0	0	152	9
Primary court Prilep	0	228	3	9	0	240	42
Primary court Tetovo	0	276	6	0	1	283	89
Primary court Gostivar	0	217	0	5	0	222	51
Primary court Radovis	0	0	0	0	0	0	0
Primary court Veles	2	148	10	3	0	163	45
Primary court Sveti Nikole	0	64	0	1	0	65	9
Primary court Kavadarci	0	133	0	0	0	133	29
Primary court Bitola	0	334	2	244	0	580	115
Primary court Debar	0	37	0	0	0	37	2
Primary court Delcevo	0	25	0	1	0	25	7
Primary court Resen	0	41	0	0	0	41	9
Primary court Berovo	0	28	0	0	0	28	2
Primary court Kratovo	0	10	0	1	0	11	3
Primary court Kriva Palanka	0	81	0	0	0	81	4
Primary court Krusevo	0	13	0	0	0	13	1
Primary court Gevgelija	0	134	0	1	0	135	7
Primary court Negotino	0	0	66	0	0	66	17
Primary court Struga	0	56	2	26	0	84	24
Primary court Strumica	0	198	0	5	0	203	24
Primary court Ohrid	0	166	1	1	0	168	32
Primary court Vinica	0	19	2	1	0	22	1
Criminal court Skopje	3	923	176	14	0	1116	257
TOTAL	5	3911	270	319	2	4507	880

Number of probation cases in 2023 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	87	139	12	72	310
Bitola	2	1	0	25	28
Tetovo	0	6	0	33	39
Stip	1	0	1	17	19
Veles	0	5	1	11	17
Kumanovo	0	3	0	12	15
Prilep	0	0	0	9	9
Ohrid	0	1	0	4	5
Strumica	0	1	0	24	25
Gevgelija	0	0	0	5	5
Kavadarci	0	1	0	10	11
TOTAL	90	157	14	222	483

Inter-institutional cooperation in the field of probation

Result 5.2. Holding 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 the judicial authorities is of essential importance, so in that direction the Strategy foresees holding regular round tables with all relevant actors from the justice system, as well as with partners from the network of collaborators (municipalities, centers for social work, employment agencies, non-governmental organizations, etc.).

In the period 2023, through the IPA project "EU support for the rule of law", 4 round tables on the topic "Greater application of alternative measures" were held in the four appeal areas of Skopje, Shtip, Gostivar and Bitola, all with the aim of advancement and promotion of the probation service and motivating judges to impose more alternative measures. The round tables were led by experts from Croatia together with judges from the Skopje Criminal Court in order to share their experience of applying alternative measures in their work as a significant tool to reduce overcrowding in prisons.

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

Networking of the probation service is essential for the good management of probation cases, so in that direction it is necessary to regularly update the cooperation protocols, as well as the list of partners. Regarding this result of the Strategy, no additional activities were implemented during the monitoring period. The Administration keeps a record of all concluded memorandums of cooperation, but they are not publicly available on the SEA website.

Result 5.4. Further preparation of memoranda 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 (municipalities, public enter

prises) for performing community service. During the monitoring period, the Administration concluded two new cooperation agreements with Options for Healthy Life HOPS and Station PET, Prilep.

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 work procedures for cooperation with the penitentiary institutions

In relation to this result, in May 2023, a working group was formed in charge of drafting the Standard Operating Protocol for preparation for release and post-penal assistance to convicted persons. The working group includes representatives from the Administration, probation officers, departments for resocialization in prisons, as well as representatives from the Ministry of Labor and Social Policy, the centers for social affairs, the Ministry of the Interior and representatives from civil society organizations.

CONCLUSIONS AND RECOMMENDATIONS

Modern criminal justice aims to reduce the overcrowding of the prison population, as well as to contribute to the resocialization and rehabilitation of the perpetrators of crimes. In order to achieve this result, the continuous development of the probation service, which represents the future of the prison system, is needed.

Overall, the development of the probation service is part of a broader strategy to improve the effectiveness and efficiency of the justice system in North Macedonia, contributing to the country's efforts towards EU integration and improving the rule of law.

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 2023 show how the implementation of the results and activities provided for in the Strategy is taking place, i.e. whether they are implemented in a timely manner in accordance with the time frame, which is their quality and dynamics and inter-institutional cooperation in the field of probation. On the other hand, the analysis shows the shortcomings for the development of the probation service in RNM and provides clear guidelines and recommendations for its further improvement.

Although there is no perfect mechanism for solving the situation with the overcrowding of the prison population, which is at a worrying level, the Strategy represents a good starting point that can contribute to the general reformation of the penal system as a whole and to the reduction of prison overcrowding.

What we can conclude is that it is necessary for all relevant stakeholders (MoJ, Government, judges, public prosecutors, judicial police, probation officers, prison officers, etc.) to be particularly dedicated, accountable and responsible when it comes to fulfilling the intended results of The strategy, because further development of the probation service can contribute to reducing overcrowding in the prison system, while giving appropriate punishments to offenders, causing them to change their lifestyle. Except in the basic criminal court in Skopje, it is necessary to strengthen and encourage the judges from other cities in the country to start with a greater pronouncement of judgments with alternative measures that have so far proven successful in practice for the resocialization and reintegration of convicted persons.

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", which will be implemented until 2026.

Based on the results obtained from the analysis of the Strategy for the Development of the Probation Service (2021 – 2025), the following recommendations for the advancement and development of the Probation Service have been made, divided by topic.

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

- Adoption of the amendments and additions to the Law on Execution of Sanctions, the Criminal Code, the Law on Criminal Procedure and the Law on Probation.
- Legal amendments to the CC in article 59-a, which will cover all persons with the alternative measure of house arrest, instead of only sick, old and pregnant women.
- Starting the process of legal amendments and additions
- Preparation of an analysis of the needs of amendments to the legal framework and work procedures to support the probation service and alternative sanctions in cases with juvenile justice and the inclusion of international organizations in the RNM that work in the field of human rights, children's rights, rule of law, penitentiary system etc. for the preparation of analysis for probation service and alternative sanctions in juvenile justice cases.

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

- Opening of the remaining probation offices (Gostivar, Kocani, Kicevo and Struga).
- Increasing the budget of the probation service for new hires.
- Preparation of a special budget plan for the training center.
- Regular preparation of annual training plans for penitentiary system employees (SEA employees, including the probation service, as well as prison employees).
- To continue regular training for probation officers (emotion control, motivational interviewing, pro-social modeling, interviewing techniques, communication techniques, etc.).

- Increasing the number of held special training (perpetrators of domestic violence, radicalization, work with drug addicts and other addictions such as alcohol, gambling, kleptomania, etc.).

Handling – Improving handling and increasing the number of alternative measures and sanctions

- Bringing recommendations by the Judicial Council of the RNM that will encourage and promote the imposition of alternative sentences.
- Issuance of instructions by the Public Prosecutor of the RNM to avoid unnecessary and unproductive appeals, which will make use of alternative measures and procedures.
- OJ to submit indictment motions for the imposition of an alternative measure.
- For 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 parole with a protected outside should be longer than the average three months in order to achieve real changes in offenders.
- To 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

- 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 domestic violence, radicalization, work with drug addicts and other addictions such as alcohol, gambling, kleptomania, etc.).
- The specialized programs for perpetrators of criminal acts of the civil society organizations 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 SEA 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 (multi-sector team) that will work regularly with prisoners due for parole 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- Refined text (concluded by "Official Gazette of the RM No. 55 of 2013).
3. Law on Criminal Procedure ("Official Gazette of the RM" 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).

Annex 1 – Monitoring Matrix

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

Result 3.4. Regular basic training will be conducted for all probation officers	Green	Green	Green	Grey	Grey
Result 3.5. Developing and preparing special trainings for specific types of clients	Green	Green	Green		
Result 3.6. Joint trainings for establishing and improving the cooperation of the relevant institutions	Yellow	Yellow	Green	Grey	Grey
Result 3.7. Training of Trainers	Yellow	Yellow	Green		
ACTION IMPROVING THE PROCEDURE AND INCREASING THE NUMBER OF ALTERNATIVE MEASURES AND SANCTIONS	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	Yellow	Grey	Grey
Result 4.3. Increased number of community service sentences	Yellow	Yellow	Red		
INTER-INSTITUTIONAL COOPERATION IN THE FIELD OF PROBATION	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	Green		
Result 5.3. Cooperation protocols and lists of cooperation partners have been established and are updated regularly	Green	Green	Green	Grey	Grey
Result 5.4. Further preparation of memorandum for cooperation with municipalities and other public enterprises for performing public service work	Yellow	Yellow	Red		
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	Yellow	Yellow	Yellow	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)
- orange color is not applicable for the monitoring period

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

Follow-up period:
year 2023



Овој проект е
финансиран од
Европската Унија



МЗМП

