



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

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

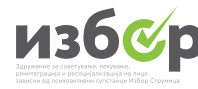
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**Presented by:**

Prof. Dr. Neda Zdraveva

**Editor:**

Violeta Tancheva - Zlateva

**Author:**

Aleksandra Trajanovska

**Lecturer:**

Suzana V. Spasovska

**Translator:**

Sofija Filipovska

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# LIST OF ABBREVIATIONS USED

**CC** – CRIMINAL CODE

**CPC** – CRIMINAL PROCEDURE ACT

**RNM** – REPUBLIC OF NORTH MACEDONIA

**AES** – ADMINISTRATION 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** – CIVIL ORGANIZATIONS

**ENER** – ELECTRONIC NATIONAL REGISTRY OF REGULATIONS OF THE REPUBLIC OF NORTH MACEDONIA

**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, specifically alternative measures: conditional sentence with protective supervision, community service and house arrest, as well as the execution of conditional release, imposed by court decision. The Probation Service supervises convicted persons and offers them support, and the goal is to maintain security in the community by improving the resocialization and reintegration of persons on whom probation is being carried out, as well as to reduce the prison population. The Probation Service is also responsible for preparing reports on the risk assessment of defendants during court proceedings, with a proposal for the type of criminal sanction for the defendant. The probation service is an essential part of the modern criminal justice system and aims to contribute to reducing overcrowding in the prison system, while providing appropriate punishments for offenders, challenging them to change their lifestyle.

In 2021, the Strategy for the Development of the Probation Service in the Republic of Macedonia 2021 – 2025 (hereinafter: the Strategy) was developed, which envisages 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 establishing an effective system of sanctions and protective mechanisms that contribute to reducing crime, increasing the protection of society and public safety, as well as to the resocialization and reintegration of convicted persons.

In 2024, the implementation of the Strategy envisages the preparation 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 of probation (holding round tables with relevant institutions, quarterly meetings, etc.). The Action Plan of the Strategy for the Development of the Probation Service in the Republic of North Macedonia sets out the activities within the framework of each goal and each result set by the Strategy, and additionally sets out a timeframe and indicators for their fulfillment.

In this regard, 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 envisaged. In addition, the analysis will assess whether the results and activities are being implemented in a timely manner, in accordance with the timeframe, what their quality and dynamics are, as well as inter-institutional cooperation in the field of probation. On the other hand, the impact of the reforms on respect for human rights will also be analyzed, so in accordance with the results obtained from the monitoring of the Strategy, the Analysis will also offer conclusions and recommendations for further development of the probation service.

Observation, as an independent monitoring system, will contribute to greater accountability of the competent institutions responsible for implementing the specific activities set out in the Strategy.

# ABOUT THE PROJECT

This document was developed within the framework of the project "Establishment of Community Support Services through Resocialization and Reintegration of Former Convicts", funded 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 Young Lawyers Association, the Macedonian Penological Society, the Association for Counseling, Treatment, Reintegration and Resocialization of Persons Dependent on Psychoactive Substances IZBOR and the Administration for the Execution of Sanctions.

The **overall objective** of the project is to reduce 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 objectives** pursued by the project:

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

The project objectives will be achieved through an interrelated set of three components: **Provision of Services**, which includes activities to establish a national support service for the resocialization and rehabilitation of prisoners in partnership between COs and the Prison Service, 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** foresees the development of a 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 of support to three local inter-institutional teams for coordinated post-penal support. Monitoring the development of the probation service in the Republic of Macedonia 2021 – 2025 is part of the third component, the **Research and Policy Framework**, which will also provide support for the development of two SOPs, the organization of conferences, and the development 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. Additionally, in this direction, the analysis will assess whether, to what extent and in what way the implementation of the Strategy is taking place for the period for which it is foreseen. It will assess whether the results and activities are implemented in a timely manner, in accordance with the timeframe, 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 on what has been implemented and what has been missed, and what are the main obstacles to this, and recommendations will be offered for further implementation of the Strategy.

The focus of the monitoring is on 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 action and increasing the number of alternative measures and sanctions;
- Inter-institutional cooperation in the field of probation.

Within these six elements, according to a pre-established monitoring matrix (Annex 1), the following will be monitored:

- Assessment of the implementation of results;
- Assessment of the implementation of activities;
- Assessment of the dynamics of the implementation of specific activities;
- Assessment of the level of inclusiveness of key stakeholders;
- Assessment of the quality and appropriateness of the implemented activities;
- Assessment of the impact on human rights of each activity.

Monitoring, as an independent monitoring system, will contribute to greater accountability of the competent institutions responsible for the implementation of the specific activities set out in the Strategy. It will also assess the implementation of the expected results set out in the Strategy and the implementation of the activities envisaged in the Action Plan in relation to the four topics subject to monitoring.

The monitoring will be carried out through the following sub-activities:

### **1. Data collection**

Data will be collected in several ways, namely:

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

### **2. Reporting and Publication**

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

### **3. Promotion of Findings**

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

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

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

#### **5. Response/Advocacy**

Exceptionally, if certain specific findings are identified that require urgent and urgent actions, notifications will be prepared for all relevant institutions and advocacy activities will be undertaken to identify the problems.

The third report will analyze the results and activities related to the four topics, i.e. those that were planned to be implemented during 2024. The Action Plan of the Strategy for the Development of the Probation Service in the Republic of Macedonia sets out the activities within each goal and result set by the Strategy, as well as a timeline and indicators that the Ministry of Justice, the Administration for the Execution of Sanctions, the Probation Service Offices and other judicial authorities should implement in 2024.

This is the third and final report in the series of reports and it has been prepared according to the same methodology as the previous two reports, which covered the period for 2021 and 2022 and for 2023.

# FINDINGS FROM THE MONITORING

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

### **Outcome 1.1. Analysis of the needs for amendments to the legal framework for the support of the probation service and alternative sanctions**

This result of the Strategy<sup>1</sup> was fulfilled in the period 2021- 2022, when the working group conducted an analysis of the needs for amendments to the legal framework for the support of the probation service and alternative sanctions within the framework of the project "EU Support for the Rule of Law", after holding four round tables on the topic "Analysis of the needs for amendments to the legal regulation", for which a report was prepared. The Probation Service has provided proposals to the working groups working on amendments to the Criminal Code and the Criminal Procedure Code, and it is necessary to adopt the changes in the systemic laws, and then align the Probation Law with them.

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

In the area of developing the legal framework in the field of enforcement of alternative sanctions and measures, the Strategy envisages amendments to the Criminal Code and the Code of Criminal Procedure. These changes will be based on analyses prepared by the established working group and the draft list from the Twinning project "Strengthening the Penitentiary System and Development of the Probation Service", which was implemented in the period 2018- 2020 by the Institute of Prisons and Probation. This list refers to the results given below (Result 1.2.1; Result 1.2.2; Result 1.2.3).

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

In the monitoring period ending in 2024, the legislative amendments to the Criminal Code relating to the expansion of the applicability of community service have not yet been

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

adopted, in order to increase the possibility of including returnees who are automatically excluded from alternative sanctions in this measure.

### **Result 1.2.2. Increased use of alternative sanctions in the Criminal Procedure Code**

The amendments and harmonization of the Criminal Procedure Law with the Criminal Code are also part of the results envisaged by the Strategy, in order to harmonize the two laws in the area of the use of alternative sanctions and measures. These legislative amendments have not yet been adopted in 2024.

### **Result 1.2.3. To extend the period of supervision and support for persons on conditional release by the probation service**

Practice shows that, in most cases, the time frame of 3 months is too short for the probation service to provide effective support and supervision over persons who have been released on conditional release with protective supervision. To this end, the Strategy envisages amendments to the Criminal Code that will provide for a longer period of support and supervision of the probation service, in order to reduce the risk of recidivism and to implement effective support for the successful resocialization of convicted persons. This result has not yet been fully achieved during the monitoring period of the Strategy.

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

In 2024, amendments and supplements to the Law on Probation were envisaged, which will strengthen the position of probation officers and expand the scope of the use of the probation service in criminal proceedings and in the execution of sanctions. The process has been initiated and a working group was established in November 2024.

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

This result envisaged in the Strategy will begin to be implemented when the envisaged legal amendments to the Law on Probation are made.

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

The Probation Service, in accordance with the Law on Probation, works only with adult perpetrators of crimes. The Strategy foresees an analysis of the potential expansion of the competences of the service and juvenile justice, however, these activities have been postponed in order to first strengthen the position of the probation service in the penal system. For a successful analysis of the needs for amending the legal framework and working procedures to support probation and alternative sanctions for juveniles, it is necessary to include international organizations working on human rights, children's rights and the rule of law. Therefore, we would like to emphasize that this outcome of the Strategy has not been met in the monitoring period in 2024.

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

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

The probation service has 11 functional probation offices, which were established by 2022. During 2024, there were no openings of the remaining offices envisaged by the Probation Service Development Strategy. What we can emphasize as significant is that on an annual basis we can observe an increase in probation cases, so for 2023 that number was 483 probation cases, and in 2024 that number was 793 probation cases. The numbers have almost doubled, which was not the case in previous years of monitoring.

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

Given that the amendments to the Probation Law are in the process of being worked on, this result of the Strategy has not been met. In order to proceed with the development of standard operating procedures, it is necessary first to bring into force the amendments to the Law on Enforcement and the Law on Probation. Within the framework of the Twinning project "Strengthening the Penitentiary System and Development of the Probation Service", processes and protocols for the work of the probation service were developed.

### **Result 3.1. Increasing the number of employed professionals in the probation sector at 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. In 2024, the probation service had 29 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	2	/	1	1
Skopje	5	1	3	/	/
Kumanovo	2	/	1	/	/
Bitola	2	/	/	/	/
Strumica	/	1	/	/	/
Shtip	2	/	/	/	/
Ohrid	1	/	/	/	/
Veles	1	/	/	/	/
Prilep	2	/	/	/	/
Kavadarci	1	/	/	/	/
Gevgelija	/	/	/	/	/
Tetovo	3	/	/	/	/
<b>TOTAL</b>	<b>19</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>1</b>

\* The probation office in Gevgelija does not have an employee hired and the cases in that area are handled by the probation office in Strumica.

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

The Training Center of the Prison Service has been established and is available for conducting training for employees of the penitentiary system, including the probation service. The annual training plan of the Prison Service provides for several basic training for newly employed probation officers and one continuous training.

### **Result 3.3. An annual training plan for probation officers developed and regularly updated**

In order to strengthen the capacities and skills of probation officers, the Strategy provides for the preparation of an annual training plan by the Prison Service. Special modules are planned that will be part of the training program for employees of the penitentiary system. Some of the probation officers have been trained to work in the Training Center, no specially appointed employees have been appointed.

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

The strategy foresees holding basic and special training for probation officers. In 2024, within the framework of the project "Support for the Rule of Law", training for offenders addicted to drugs, alcohol and gambling was implemented for all probation officers. In addition, 13 probation officers who are part of the PR working group underwent training in communication in times of crisis and media interviews.

### **Result 3.5. Development and preparation of special trainings for specific types of clients**

In 2024, two specialized trainings were held within the framework of the project "EU Support for the Rule of Law". The first training was for high-risk offenders for all probation officers, and the second training was on working with unmotivated persons under probation supervision for all probation officers.

### **Result 3.6. Joint trainings to establish and improve cooperation between relevant institutions**

In 2024, within the framework of the project "Establishment of community services to support resocialization and reintegration of formerly convicted persons", implemented by the MYLA, the Helsinki Committee for Human Rights, the Macedonian Penological Society and the Association "Izbor", probation officers participated in regional joint trainings with employees from the resocialization sectors and social work centers.

### **Result 3.7. Training of trainers**

In 2024, 10 probation officers underwent training for trainers, which was implemented within the framework of the project "EU Support for the Rule of Law".

## Action – Improving treatment and increasing the number of alternative measures and sanctions

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

Probation as the future of the prison system envisages that imprisonment should be a last resort and that available alternative sanctions and measures should be used instead, with the aim of reintegration and resocialization of convicted persons.

In this regard, the Strategy envisages the adoption of recommendations by the Judicial Council of the Republic of Macedonia, which 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 sentences, especially community service. The Strategy also envisages the adoption of Guidelines by the Public Prosecutor of the Republic of Macedonia to avoid unnecessary and unproductive appeals, thus using alternative measures and procedures and promoting alternative sentences. During the period of monitoring the Strategy, the JCRNM did not issue any recommendations that would promote alternative punishments and sanctions, i.e. such activities envisaged by the Strategy were not recognized or created by the Council. The PPORNM did not issue the envisaged Guidelines for the use of alternative measures, nor did PPORNM analyze data on the number of cases in which the court issued decisions on alternative measures. Finally, PPRNM does not have specific data on the number of round tables held and the number of public prosecutors who participated in such events.

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

Community service is a modern alternative sanction in criminal justice, which aims not only to reduce the prison population but also to enable the active inclusion of perpetrators in the community. By performing socially useful tasks without financial compensation, this measure encourages rehabilitation, resocialization and responsibility, contributing to positive social changes.

The Strategy envisages an increased number of community service verdicts, 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 court presidents, JCRNM and PPORNM.

The Strategy also envisages the conclusion of a larger number of memorandums of cooperation for the performance of community service in areas where there are probation offices. During the period of monitoring the Strategy in 2024, the probation service concluded a memorandum of cooperation with the citizens' association HERA for the performance of probation work.

The following text provides a detailed overview of the number of verdicts with alternative measures (community service, probation, probation with protective supervision, court admonition and house arrest) for 2024, as well as the number of appealed verdicts with alternative measures pronounced by the basic courts in the RNM.

From the chart, we can see that the number of sentences with alternative measures is high, for 2024 it is 4,703 sentences. When it comes to sentences for community service, the number is very low, i.e. insignificant, especially in relation to the number of sentences with suspended sentences. According to data received from the basic courts, the total number of sentences for community service for 2024 is 7 sentences (6 sentences in the Strumica District Court and 1 sentence in the Skopje Basic Criminal Court). Community service was significantly used in 2021- 2022, when the world was hit by the Covid-19 pandemic- in 2021, 71 sentences for community service were pronounced, and in 2022, a total of 30 sentences.

The number of suspended sentences – which amounts to 4,250 sentences in 2024 – shows the possibility of more sentences of suspended sentences with protective supervision, so that perpetrators of criminal acts are not in principle exempted from sanctions, but instead receive assistance, care, supervision or protection from the probation service, in accordance with the crime committed.

The law provides for the imposition of a court admonition as an alternative sanction for criminal acts for which imprisonment of up to one year or a fine is prescribed, and which are committed under such mitigating circumstances that make them particularly easy.<sup>2</sup> From the statistical data, we can note that the figure for 2024 is 55 court admonitions issued (the probation service is not competent in the case of court admonitions issued).

According to the initially obtained data on the sentences with alternative measures by the Basic Court of Tetovo, data was obtained that for 2024 the number of sentences with house arrest was 80, despite the fact that the conditions for monitoring and implementing this measure have not yet been established. However, according to the statistical data

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

obtained from the probation service, it turned out that they have not yet conducted supervision of the so-called house arrest. Due to the difference in the statistical data, new data were obtained from the Basic Court of Tetovo with a repeated Request for Free Access to Information, which confirmed that no alternative measure of house arrest was pronounced in 2024.

From the statistical data obtained from the basic courts of the RNM, we can note that in practice, a relatively large number of sentences with alternative measures and sanctions are still appealed (in 2024, 958 sentences were appealed).

Below, a detailed overview of the number of probation cases for 2024 is also provided, divided by the type of probation measures imposed. The number of probation cases is growing annually- in 2023, the figure was 483 probation cases, which increased significantly in 2024, when it reached 793 probation cases. The number of probation cases for conditional sentences with protective supervision has increased, i.e. it is 331 cases compared to 2022, when there were 175 cases.

Comparing the statistical data obtained from the basic courts in the Republic of Macedonia on the number of sentences imposed with alternative measures (community service, conditional sentence, conditional sentence with protective supervision, judicial admonition and house arrest) and the statistical data obtained from the Probation Sector on the number of probation cases, a difference is noted in the total number of cases. For example, the number of probation cases with conditional sentences with protective supervision is 331 cases, while the number of pronounced verdicts for conditional sentences with protective supervision is 391 cases. This observation also applies to the statistical data obtained by the Basic Court Tetovo regarding the number of pronounced alternative sanctions with house supervision.

It should also be noted that the number of cases for risk assessment during court proceedings has increased- in 2024 it was 166 court cases, while in 2023 there were 90 cases. Although this result is not foreseen for monitoring in the Strategy, it is still good to note that this increase indicates the increased confidence of the courts in the role of the probation service and its contribution to the fair and efficient implementation of court decisions. However, it must be noted that 154 of these cases are in the Basic Criminal Court Skopje, which indicates insufficient application in the other courts in the country.

## Verdicts with alternative sanctions imposed in 2024

BASIC COURT	COMMUNITY SERVICE	PROBATION	PROBATION WITH PROTECTIVE SUPERVISION	COURT REPRIMAND	HOUSE ARREST	TOTAL	APPEALED VERDICTS WITH ALTERNATIVE MEASURES IMPOSED
Primary court Kumanovo	0	331	1	2	0	334	40
Primary court Kocani	0	122	0	1	0	123	23
Primary court Stip	0	145	0	3	0	148	1
Primary court Kichevo	0	231	8	2	0	241	43
Primary court Prilep	0	418	17	18	0	453	63
Primary court Tetovo	0	330	9	1	0	420	72
Primary court Gostivar	0	161	1	1	0	163	24
Primary court Radovis	0	64	0	0	0	64	9
Primary court Veles	0	152	21	1	0	174	44
Primary court Sveti Nikole	0	69	0	2	0	71	15
Primary court Kavadarci	0	153	0	2	0	155	31
Primary court Bitola	0	466	6	6	0	478	95
Primary court Debar	0	41	0	0	0	41	5
Primary court Delcevo	0	30	0	0	0	30	9
Primary court Resen	0	49	0	1	0	50	8
Primary court Berovo	0	31	0	0	0	31	11
Primary court Kratovo	0	17	0	0	0	17	2
Primary court Kriva Palanka	0	88	0	0	0	88	5
Primary court Krusevo	0	17	0	0	0	17	0
Primary court Gevgelija	0	138	0	0	0	138	21
Primary court Negotino	0	64	0	0	0	64	17
Primary court Struga	0	62	0	1	0	63	30
Primary court Strumica	6	196	14	5	0	221	18
Primary court Ohrid	0	178	1	2	0	181	109
Primary court Vinica	0	40	0	1	0	41	6
Criminal court Skopje	1	657	313	6	0	977	257
<b>TOTAL</b>	<b>7</b>	<b>4250</b>	<b>391</b>	<b>55</b>	<b>0</b>	<b>4783</b>	<b>958</b>

## Number of probation cases in 2024 by type of probation measure imposed

LOCAL PROBATION OFFICE	RISK ASSESSMENT DURING COURT PROCEEDINGS	CONDITIONAL SENTENCE WITH PROTECTIVE SUPERVISION	COMMUNITY SERVICE	SUPERVISION OF CONDITIONALLY RELEASED CONVICTED PERSONS	TOTAL
Skopje	154	239	1	85	479
Bitola	3	9	0	21	33
Tetovo	3	13	0	67	83
Stip	3	3	0	14	20
Veles	0	5	1	11	17
Kumanovo	1	6	0	18	25
Prilep	0	14	0	12	26
Ohrid	1	4	0	6	11
Strumica	0	19	5	22	46
Gevgelija	0	1	0	8	9
Kavadarci	0	1	0	20	20
<b>TOTAL</b>	<b>166</b>	<b>331</b>	<b>6</b>	<b>290</b>	<b>793</b>

## 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 the judicial authorities and with partners from the network of collaborators**

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

In the period 2024, in cooperation with the MYLA, the Macedonian Penological Society, PET Station, the Association "Izbor" and the Helsinki Committee for Human Rights, three round tables were held, two of which in Skopje and one in Prilep. They were attended by presidents of courts, judges, public prosecutors, prison and probation officers, professors and representatives of other relevant institutions that cooperate with the probation service. The round tables discussed reducing prison overcrowding, conditional release and electronic monitoring, as well as improving the probation service. The discussions resulted in conclusions and recommendations for the further work of all stakeholders.

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

The networking of the probation service is essential for the good management of probation cases, so in this regard, regular updating of the cooperation protocols, as well as the list of partners, is necessary. No additional activities were carried out in relation to this result of the Strategy during the monitoring period. The Administration keeps records of all concluded memorandums of cooperation and regularly updates them, however, they are not publicly available on the website of the AES. The Administration also maps partners for cooperation from the community of local probation offices.



#### **Result 5.4. Further development of memorandums of cooperation with municipalities and other public enterprises for the performance of public service work**

In order to further develop the work of the probation service, the Strategy envisages the development and signing of new memorandums with other partners (municipalities, public enterprises) for the performance of public service work. During the monitoring period, the Administration concluded a memorandum of cooperation with the Citizens' Association HERA in the area of the performance of probation work.

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

In 2024, probation officers participated in regional joint training with employees from the resocialization sector and from social work centers within the project "Establishment of community services to support the resocialization and reintegration of formerly convicted persons". Also, prison officers participated in three round tables, which discussed reducing prison overcrowding, conditional release and electronic monitoring, as well as improving the probation service.

## CONCLUSIONS AND RECOMMENDATIONS

Implementation of the activities and results envisaged by the Strategy is ongoing, with some improvements in the timeliness and dynamics of implementation. In particular, progress has been made in increasing the capacity and expertise of probation officers, as well as in raising awareness of the importance of probation as an alternative to prison sentences. The analysis shows that inter-institutional cooperation is at a satisfactory level, but there is room for improvement, especially in the coordination between courts, probation services and prison institutions. Increasing transparency and accountability among stakeholders is a key step for more effective implementation of the strategic objectives.

Although the Basic Criminal Court in Skopje has seen an increase in the use of alternative sanctions, such as conditional sentences with protective supervision, courts in other parts of the country are still not using these opportunities sufficiently. Judges across the country need to be encouraged to impose alternative sanctions more frequently, in order to reduce the prison population and increase the effects of resocialization.

Although there are challenges, the Strategy represents a solid basis for further improvement of the probation service. With dedicated implementation of its objectives, significant progress can be achieved in modernizing the penal system, reducing prison overcrowding and improving the rule of law in the country.

Although there is no perfect mechanism for addressing the situation of overcrowding of the prison population, which is at a worrying level, the Strategy represents a good starting point that can contribute to the general reform of the penal system as a whole and towards reducing prison overcrowding. The challenges and lessons learned from the implementation of this Strategy should be particularly taken into account when preparing the next Strategy for the Development of the Probation Service, which is of great importance for the improvement of the penitentiary system in the country.

These conclusions represent a clear roadmap for further planning and action in the development of the probation service, as well as for the improvement of its role in the justice system of the Republic of North Macedonia.

# Recommendations for improving the system of alternative sanctions and probation in the Republic of North Macedonia

## Legal framework for alternative sanctions and measures

- The Law on Execution of Sanctions, the Criminal Code, the Law on Criminal Procedure and the Law on Probation should be harmonized with modern European standards.
- Introduction of provisions that will regulate the use of electronic surveillance, the criteria for application, the rights and obligations of convicted persons, as well as the monitoring and reporting procedure.
- Involvement of international organizations working in the field of human rights to prepare analyses and recommendations for improving the legislation in the field of alternative sanctions and juvenile justice.

## Institutional framework and capacities of the probation service

- Open the remaining probation offices in Gostivar, Kocani, Kicevo and Struga for full national coverage.
- Increase the budget for new employment and strengthen the existing capacities of the probation service.
- Developing a training center with a separate budget, which will organize regular training for probation officers, as well as prison employees.
- Continuously holding training on emotion management, interviewing techniques, motivational interviews and working with specific categories of convicted persons.

## Handling and application of alternative measures

- The Judicial Council to issue recommendations for judges to encourage the imposition of alternative sentences.
- The Public Prosecutor to issue guidelines to support alternative measures, instead of initiating appeals that do not contribute to the efficiency of the system.

- Judges apply conditional sentences with protective supervision as a measure that provides supervision and rehabilitation.
- Extending the duration of conditional release with protective supervision to achieve real changes among offenders.
- Improving statistical monitoring of imposed alternative measures for better transparency and analysis of their application.

### **Inter-institutional cooperation and civil society organizations**

- Increasing the number of memorandums of cooperation with municipalities and public enterprises to provide community service.
- Encourage civil society organizations to develop long-term specialized programs for perpetrators of crimes, including domestic violence, radicalization and addictions.
- Regularly update and publish the list of collaborators and memoranda on the website of the Administration for the Execution of Sanctions.
- Establish multi-sector teams in prisons to prepare individual plans for convicts who are released on parole with protective supervision.

These recommendations aim to strengthen the system of alternative sanctions, increase the efficiency of the probation service and contribute to more efficient and humane work with perpetrators of crimes.

# REFERENCES

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

<b>LEGISLATION LEGAL FRAMEWORK IN THE FIELD OF ENFORCEMENT OF ALTERNATIVE SANCTIONS AND MEASURES</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Result 1.1. Analysis of the needs of changes to the legal framework to support the probation service and alternative sanctions					
Result 1.2. Amendments to the legal framework to increase the number of alternative sanctions and measures imposed					
Result 1.2.1. Expand the applicability of community service in the Criminal Code					
Result 1.2.2. Increased use of alternative sanctions in the Criminal Procedure Code					
Result 1.2.3. Extend the period of supervision and support for persons on conditional release by the probation service					
Result 1.3. Amendments to the legal framework to support the probation service					
Result 1.4. Complete and updated bylaws for the practical implementation of alternative sanctions and the operation of the probation service					
Result 1.5. Analysis of the needs for changes to the legal framework & working procedures to support the probation service and alternative sanctions in juvenile justice cases					
<b>INSTITUTIONAL FRAMEWORK INSTITUTIONAL FRAMEWORK FOR THE FUNCTIONING OF THE PROBATION SERVICE - FUNCTIONAL OFFICES</b>					
Result 2.1. 15 probation offices are operational and cover probation matters for the areas of all courts					
Result 2.2. Further development of standard operating procedures in the probation service					
Result 3.1. Increase in the number of professionals employed in the probation sector at central and local level					
Result 3.2. Establishment of a training center and budget for training of the probation service and for cooperation with other relevant training centers and academies					
Result 3.3. Annual training plan for probation officers developed and regularly updated					

Result 3.4. Regular basic training will be conducted for all probation officers					
Result 3.5. Development and preparation of special trainings for specific types of clients					
Result 3.6. Joint trainings to establish and improve cooperation between relevant institutions					
Result 3.7. Training of trainers					
<b>HANDLING IMPROVING HANDLING AND INCREASING THE NUMBER OF ALTERNATIVE MEASURES AND SANCTIONS</b>					
Result 1.2.4. To increase the number of alternative sanctions and reduce the number of alternative sanctions appealed					
Result 4.3. Increased number of community service convictions					
<b>INTER-INSTITUTIONAL COOPERATION IN THE FIELD OF PROBATION</b>					
Result 5.2. Regular roundtables held at central level and in all regions with representatives of judicial authorities and partners from the network of collaborators					
Result 5.3. Protocols for cooperation and lists of cooperation partners are established and updated regularly					
Result 5.4. Further development of memorandums of cooperation with municipalities and other public enterprises for the performance of public benefit work					
Result 5.5. Establishment of regular round tables of the probation and prison service in all areas, within the framework of penal institutions and definition of standard working procedures for cooperation with penal institutions					

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

**Monitoring period:**  
year 2024



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funded by the  
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**МЗМП**

