

MANAGEMENT OF CORRECTIONAL FACILITIES AND THE REHABILITATION OF OFFENDERS: THE PENITENTIARY SYSTEM OF THE REPUBLIC OF NORTH MACEDONIA

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I. CURRENT SITUATION, SIGNIFICANT ASPECTS AND GOOD PRACTICES

As part of the reforms to the judiciary and criminal legislation and its alignment with European Union standards, the Republic of North Macedonia is also implementing reform of the penitentiary system with the aim of enhancing its effectiveness and efficiency. The reform, which is being conducted in accordance with all international standards regulating this area, as well as the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as noted in the *National Strategy for the Development of the Penitentiary System (2015-2019)*, aims to ensure:

An effective and professional approach in organizing and supervising the operations of correctional and educational-correctional institutions and establishing a probation system in the country, ensuring the lawful and secure enforcement of sanctions, protection of the rights of persons deprived of liberty, and full respect for their personality and dignity in accordance with international standards, to enable them, upon reintegration into society, to live a more productive life free from crime.¹

Over the past period, the Republic of North Macedonia has achieved remarkable results in terms of improving the system for executing sanctions, which is seen primarily in the harmonization of domestic legislation with the highest international standards in the field of penology. It is important to mention here that a new *Law on the Execution of Sanctions*² was adopted in 2019 and several additional amendments were made, as well as by-laws, strategies and action plans that are enabling the practical application of the envisaged measures aimed at creating a functional system of execution of sanctions that will ensure respect for the human rights and dignity of convicted persons. The resulting reforms have the aim of the successful resocialization and the ability to integrate into society with the best prospects for independent living, which will ultimately contribute to improving security in society as a whole.

The new *Law on the Execution of Sanctions*, which represents a modern document incorporating all international standards for the execution of prison sentences (*United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)* and *the European Prison Rules*), regulates the execution of sanctions imposed for criminal offences and misdemeanours. The law prohibits discrimination on any grounds and stipulates that persons subject to sanctions shall be treated humanely, with respect for their religious beliefs, personal convictions and moral norms, as well as for their human personality and dignity, preserving their physical and mental health, while taking into account the achievement of the objectives of individual sanctions and measures. In accordance with the basic principles, which are mandatory for those implementing the provisions of the law and which ensure the protection of the physical, psychological and moral integrity of the convicted person, their right to personal safety and self-respect, a wide range of measures and activities are foreseen. These measures are directed toward the resocialization of convicted individuals and

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¹ The National Strategy for the Development of the Penitentiary System in the Republic of Macedonia (2015-2019), adopted in December 2014.

² Law on the Execution of Sanctions („Official Gazette of the Republic of North Macedonia” No. 99/19, 220/19, 236/22 and 74/24, hereinafter: LES).

their preparation for independent living and successful reintegration into society.

The Directorate for the Execution of Sanctions, as a body within the Ministry of Justice and with the status of a legal entity, is responsible for matters related to the execution of sanctions. It also supervises and provides support to convicted individuals who have been conditionally released and to those who have served their sentences. The Directorate is headed by a director appointed and dismissed by the Government of the Republic of North Macedonia upon the proposal of the Minister of Justice, for a term of four years with the possibility of reappointment. The Directorate is also responsible for the implementation of initial and continuous training of employees in prison institutions and the evaluation of their knowledge and skills, with the aim of ensuring a high level of expertise and continuous improvement of knowledge and strengthening of capacities.

In the penitentiary system of the Republic of North Macedonia, the individualization of treatment for the convicted person is foreseen both during their stay in the institution and post-institutionally. This individualization is based on the results of an interdisciplinary study of the convicted person's personality conducted in the reception unit of the institution. The convicted person remains in this unit for up to 30 days for observation after being sent to serve their sentence and admitted to the correctional facility. A professional team consisting of a psychologist, pedagogue, social worker, doctor and other experts as needed, using scientific methods, analyses and synthesizes criminological-penological, socio-medical and psychological-pedagogical assessments of the convicted person. They determine the individual's needs, character traits, habits, psychophysical characteristics, intellectual and cultural level, type of education and work skills, health, social, and material status, as well as other sociological, pedagogical and penological indicators.

Based on the results obtained from the personality study of the convicted person and the risk assessment, the individual is classified into a specific department and an individualized treatment plan is determined. This plan aims to encourage acceptance of responsibility for the committed criminal offence, adaptation within the institution, development of positive qualities and self-respect, and motivation to obey the law, with the ultimate goal of building capacity for an independent life after serving the prison sentence.

For the successful implementation of the individualized treatment programme, several fundamental principles must be respected. In this regard, before any methods are applied, it is necessary to study the biopsychosocial characteristics of each convicted person, their personal and material circumstances, family history, completed education and qualifications, and other data about the individual collected during their stay in the admission unit. Additionally, the criminogenic factors and motives that influenced the commission of the crime, as well as information on prior convictions, must be considered. During the treatment, data related to its progress, the individual's attitude toward the treatment, and potential personal or family issues are also taken into account.

Furthermore, the convicted individual must be continuously engaged and their stay in the institution must be filled with various treatment activities. The overall conduct should be based on respect and trust toward the individual, and on motivating them to acquire certain knowledge, develop positive character traits and skills, and foster a sense of responsibility, ultimately leading to the ability to reintegrate into society and build positive habits that will enhance their personal and social awareness.

The law provides for several general or specific treatment measures and activities that can be included in the institutional treatment programme tailored individually for each convicted person in the process of resocialization. These measures may be implemented individually or in groups, depending on the type and nature of the measure. Such measures include prison labour, education, moral and ethical upbringing and inmate self-organization, leisure activities, sports and recreation for the convicted persons, and medical-psychological treatment.

Work represents an important segment in achieving the process of resocialization, as it enables convicted individuals to develop a positive attitude towards creation and earning through their own labour, fosters and encourages interest in work, promotes respect for general work discipline, cooperation with other inmates in the work group, as well as collaboration with professionals involved in the treatment process. Ultimately, this contributes to increased self-confidence and a sense of belonging. Convicted individuals work in accordance with their physical and mental capacities as determined by the institution's physician. Consideration

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may also be given to the inmate's own preferences regarding the type of work, provided the institution's conditions allow it. Vocational training is carried out by instructors and other qualified personnel who, through their influence, contribute to achieving the specific goals defined in the convicted person's individual treatment plan, primarily the transformation of negative attitudes toward work.

The work process is organized based on the type of institution, and, as a rule, is carried out within the facility. However, for convicted individuals placed in open departments, work outside the institution is permitted. In semi-open departments, inmates may work occasionally and under supervision in legal entities and other institutions, provided that the legal conditions for the execution of the prison sentence are met and that minimum technical requirements for work are in place. Convicted individuals have the right to financial compensation for their work. Of this, up to 70 per cent may be used to meet their personal needs, while the remaining 30 per cent is kept as a deposit by the institution and handed over to the inmate upon release from imprisonment. Alternatively, upon request during the sentence, this amount may be given to the inmate's family. For the time that inmates continuously work full-time during their sentence, under the general legal provisions, this period counts toward pension service time, provided that the required contributions are paid from their earnings.

One of the general measures that is particularly important and can significantly contribute to improving the process of resocialization and social adaptation of convicted persons after serving their prison sentence is the implementation of educational programmes for inmates. Depending on individual needs, inmates are provided with opportunities for literacy and completion of formal education. The educational process is organized either within the institution itself or at the institution's headquarters, and inmates who complete the appropriate level and type of education are issued official certificates. Additionally, institutions can organize special forms of vocational training for inmates in the form of courses, seminars and other types of professional development involving practical work. Institutions also have libraries that inmates are allowed to use.

On a voluntary basis, inmates may participate in leisure activities such as IT, drama, music, art, literature, painting and other creative activities, as well as sports, listening to the radio and watching television programmes, attending theatre and cinema performances, publishing newspapers and bulletins, attending lectures, music concerts, and other cultural, artistic and recreational activities.

In addition to general treatment measures, specific treatment programmes may also be implemented for certain categories of convicted persons, based on the identified needs outlined in their individual treatment programme. These include: treatment for inmates who abuse drugs and other psychotropic substances; treatment for alcohol-abusing inmates; treatment of inmates convicted of sexual offences; treatment of violent inmates in prison; treatment of inmates convicted of crimes involving elements of violence; treatment of young adult offenders; treatment of juvenile offenders; treatment of female inmates; treatment of inmates serving long-term or life sentences; treatment of radicalized inmates; treatment of inmates classified as high or very high security risk; and medical-psychological treatment for inmates.

The treatment of convicted persons is subject to change depending on their behaviour, interest and cooperation in the treatment process. In order to encourage good behaviour and develop a sense of responsibility, inmates may be granted certain privileges, such as arranging their living space with personal belongings; receiving packages more frequently or of greater weight; extended or unsupervised visits within the facility; unsupervised phone calls; time with a spouse or partner in a special unsupervised room; visits outside the facility of up to four hours; unsupervised leave from the institution for up to seven hours; leave of up to 15 days per year, or up to 30 days for those referred to an educational-correctional institution (with a maximum of three days per month); and full or partial use of vacation time outside the institution. The decision to award benefits as a reward for the positive behaviour of the convicts, in accordance with the principle of individualization of the execution of the prison sentence, is made by the director of the institution, after previously obtaining an opinion from the Benefits Commission.

Good conduct and respect for the provisions of the house rules of the institution may also be the basis for the progression of convicted persons during the course of serving their sentence, from a closed institution to a semi-open or open type, i.e. in the appropriate departments of the same institution, after meeting all conditions. Such decisions are made by the Director of the Directorate for the Execution of Sanctions upon

the proposal of the director of the institution or upon the request of the convicted person.

All of these measures are designed to have a stimulating effect on inmate behaviour, to ease prison discipline and to promote trust, maintain family and external relationships, strengthen responsibility and self-confidence, and ultimately prepare the inmate for reintegration into society in accordance with the legal system and fulfilment of civic duties.

The convicted person is prepared for the post-penal period by the officers from the Resocialization Sector and the probation service, and when necessary, also by external collaborators, including social workers from the Centers for Social Work. Post-penal assistance depends on the success of the institutional treatment, i.e. on the readiness and ability of the convicted person to reintegrate into society successfully. The assistance provided in this final phase includes moral support in dealing with the challenges the individual faces immediately after release from the institution, as well as temporary accommodation and provision of food, access to necessary medical treatment, help in selecting a new environment to live in, assistance with resolving family matters, finding suitable employment and similar support. This requires cooperation and support from probation officers and other organizations and institutions in the fields of education, employment and social protection.

II. CHALLENGES AND SHORTCOMINGS

Despite the alignment of domestic legislation with international standards and the significant progress made in recent years, certain weaknesses in the system remain evident. These need to be addressed in order to effectively implement the process of resocialization and social reintegration of convicted persons after serving a prison sentence.

A. Challenges Noted in the National Strategy for the Development of the Penitentiary System (2021-2025)

- The Training Strategy is not being implemented, lacking systemic exchange of gained knowledge;
- Inconsistent compliance with the *Law on the Execution of Sanctions* when appointing directors and deputies;
- Insufficient staffing at every level in the Correctional Institutions, Correctional Institutions/Detention Centers;
- Healthcare issues in general, as well as the worryingly low number of health staff;
- Healthcare and long-term solution for treating drug-users;
- Insufficient cooperation with other institutions (ministries, educational institutions, civil society organizations) in the pre-release and post-penal work and care;
- Lack of a clear organizational identity and positive image for the prison staff in the society;
- No obligation for continuous assets control – reporting is mandatory only for the top tiers at the beginning and end of term;
- Lack of coordination between the listed partners and collaborators at the central level;
- Insufficient gender representation;
- Lack of functional education for the sentenced persons.³

³ The National Strategy for the Development of the Penitentiary System in the Republic of Macedonia (2021-2025)

The observed shortcomings most often relate to the lack of professional staff at every level in the correctional institutions, starting from employees in the training sector at the Directorate for the Execution of Sanctions, the rehabilitation sectors, as well as healthcare and other professionals. Not following the criteria foreseen with the *Law on the Execution of Sanctions* when appointing directors and deputies or other staff, is another reason for the problems occurring in the management with these institutions that then reflect on the successful rehabilitation of offenders. The insufficient cooperation between the institutions that supervise the work of prison institutions, but also in the pre-release phase, shows us that the LES is not fully implemented in some crucial matters. There are not enough post-penal protection programmes and institutional cooperation in that regard which also affects the implementation of this process.

Certain irregularities have been noted in the operation of the institutions, and there is the occurrence of violence between convicted persons and problems in dealing with these cases by the prison staff, and cases of inappropriate treatment by the prison staff with convicted persons, cases of corruption, etc. are not excluded. Furthermore, there is overcrowding in prisons, which do not have sufficient accommodation capacity for all persons serving prison sentences. With the help of international projects, renovation and construction of new facilities in four institutions have recently been carried out, in order to improve the conditions for the stay of convicts and increase the accommodation capacities of the institutions, but work remains to be continued in the future to overcome these problems and provide adequate conditions for the accommodation of all convicted persons. The educational process of convicted persons is carried out only in the Idrizovo Correctional Institution, due to a lack of personnel and financial resources, which prevents the successful implementation of this important measure.

B. Possible Countermeasures

Due to the identified problems, the process of resocialization of convicted persons in the institutions is not taking place at a satisfactory level, for which reasons it is necessary to intensify the work and take activities to overcome the identified weaknesses. Having in mind that most of the shortcomings noted above are not related to the legislative framework, but due to the lack of professional staff, first and foremost, it is necessary to increase the number of professional employees. Starting from the Training Center that has only two employees, with the option of providing external trainers with experience in the field. Then the Resocialization Sector and the Health Protection Sector, the number of staff should be increased in accordance with the recommendations of the CPT, with professional and trained prison staff who will perform their duties efficiently, responsibly and professionally in accordance with professional standards. Appointing qualified directors and managers in accordance with the LES criteria, is also very important step for strengthening capacities, as well as continuous training for all types of personnel.

Other measures:

- Increased budget for the fiscal year;
- Construction of new prison facilities and renovation of existing prisons, including healthcare facilities;
- Gender representation in all prison staff positions and promotion;
- Strengthening the mutual cooperation of all institutions that are involved in the process of rehabilitation and post-penal care, especially with the social work institutions;
- Strengthening the capacities of the Department for performing professional supervision over treatment in the prisons and strengthening supervision;
- Providing conditions for a regular educational process, especially for minors in juvenile correctional institutions;
- Ongoing cooperation and exchange of experiences and good practices with other countries;
- One book = One day of freedom.