

IMPRISONMENT IN MACEDONIA



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2. Historical Development of Sentencing Policies

- **Death penalty** until 1991
- 1991 – life imprisonment as most severe sanction
- Since 1994 - **Pluralistic system of sanctions**
 - **Punishments**
 - **Alternative measures**
 - **Safety measures**
- **Other features**
 - **Individualized approach (adjustment)**
 - **Criminal liability for legal entities**
 - **Criminal sanctions toward children in conflict with the law**

3. Imprisonment and life imprisonment (adults)

- **Imprisonment Art. 35, CC**
 - 30 days to 20 years
 - 40 years as substitution of life imprisonment
- **Life imprisonment limitations:**
 - It can not be prescribed as a main punishment
 - Not allowed toward persons under 21 years when the crime was committed

Different types of criminal sanctions 2007-2013

Year	total convicted	imprisonment	%	fine	%	additional punishments	%	alternative measures	%	guilty but released from sentence	%
2007	9639	2654	28	1861	19	179	2	4936	51	9	0
2008	9503	2430	26	1849	19	155	2	5059	53	10	0
2009	9801	2808	29	1960	20	144	1	4878	50	11	0
2010	9169	2596	28	2109	23	177	2	4283	47	4	0
2011	9810	3020	31	2223	23	169	2	4394	45	4	0
2012	9042	2807	31	2423	27	245	3	3565	39	2	0
2013	9539	3064	32	2400	25	160	2	3914	41	1	0
Total	66503	19379	29	14825	22	1229	1,9	31029	46,6	41 ⁵	0



Duration of imprisonment 2007-2013

year	duration of imprisonment in %								
	life in %	over 20 y in %	10-15 y in %	5-10 y in %	3-5 y in %	2-3 y in %	1-2 y in %	6-12 m in %	up to 6 m in %
2007	0	0	0,9	1,9	4,4	7,5	18,2	27	40
2008	0,2	0	0,6	3,3	4,4	7,4	20,4	28,8	34,7
2009	0	0	0,7	2,6	4,4	8,1	21,2	25,1	37,9
2010	0,1	0	0,8	1,8	4,7	8,1	19,5	26,7	38,4
2011	0,2	0,2	0,6	2,5	4,1	5,9	19,6	26,3	40,7
2012	0	0,1	1	2,6	4,1	5,6	17,1	26,6	43
2013	0	0	0,7	3,7	5,3	6,5	20	26,4	37,5
%	0,07	0,04	0,8	2,6	4,5	7	19,4	26,7	⁶ 39

Conditional release (adults)

- ***Law on execution of sanctions***
 - Optional, not mandatory
 - Objective criteria
 - Already served ½ of the prison sentence (1/3 only exceptionally)
 - at least 25 years - for life imprisonment
 - Subjective criteria
 - inmate's behaviour while being in prison facility,
 - work duties, working abilities and level of noticeable progress
 - Two possibilities:
 - Court decision
 - Prison institution manager

Conditional release

December 31st	Total number of inmates	Prison institution's Director	The court decision
2012	2188	32% 	13% 
2013	2462	30,5%	11,6%

Imprisonment

(child in conflict with the law)

- **Law on rights of children**
 - 1 to 10 years
 - child over the age of 16
 - criminal offence punishable with imprisonment of at least five years
 - particularly aggravating circumstances of a crime with a high degree of criminal responsibility

Conditional release

(child in conflict with the law)

- Optional, not mandatory
- Subjective criteria
 - inmate's behaviour while being in prison facility,
 - Fulfilling work duties in prison
 - getting working abilities
 - the level of noticeable progress
- Objective criteria
 - Already served 1/3 of the prison sentence but not until being in the facility for a period of one year
- Two possibilities:
 - Court decision
 - Penal institution manager

Map of penal institutions



Conditions in penal institutions for adults

- **Overcrowding**

- NPM - national preventive mechanism
- CPT

- **CPT**

- Lack of professional management approach within prisons
- recently renovated prison units were rapidly deteriorating
- insufficient maintenance, poor hygiene

- **NPM**

- Low number of completed investigations in ill-treatment cases
- frequent conflicts between convicted persons,
- insufficient and inadequate health care

Penal institution for children in conflict with the law and conditions

- After the armed conflict in 2001 there is no special educational correctional facility for children
- New location - the open department building of Idrizovo Prison in Veles
- CPT findings
 - Shortcomings (adequate access to natural light; need for at least 4m² of living space and the toilet in multi-occupancy cells)
 - no special facilities for children on detention pending trial

Prison Population

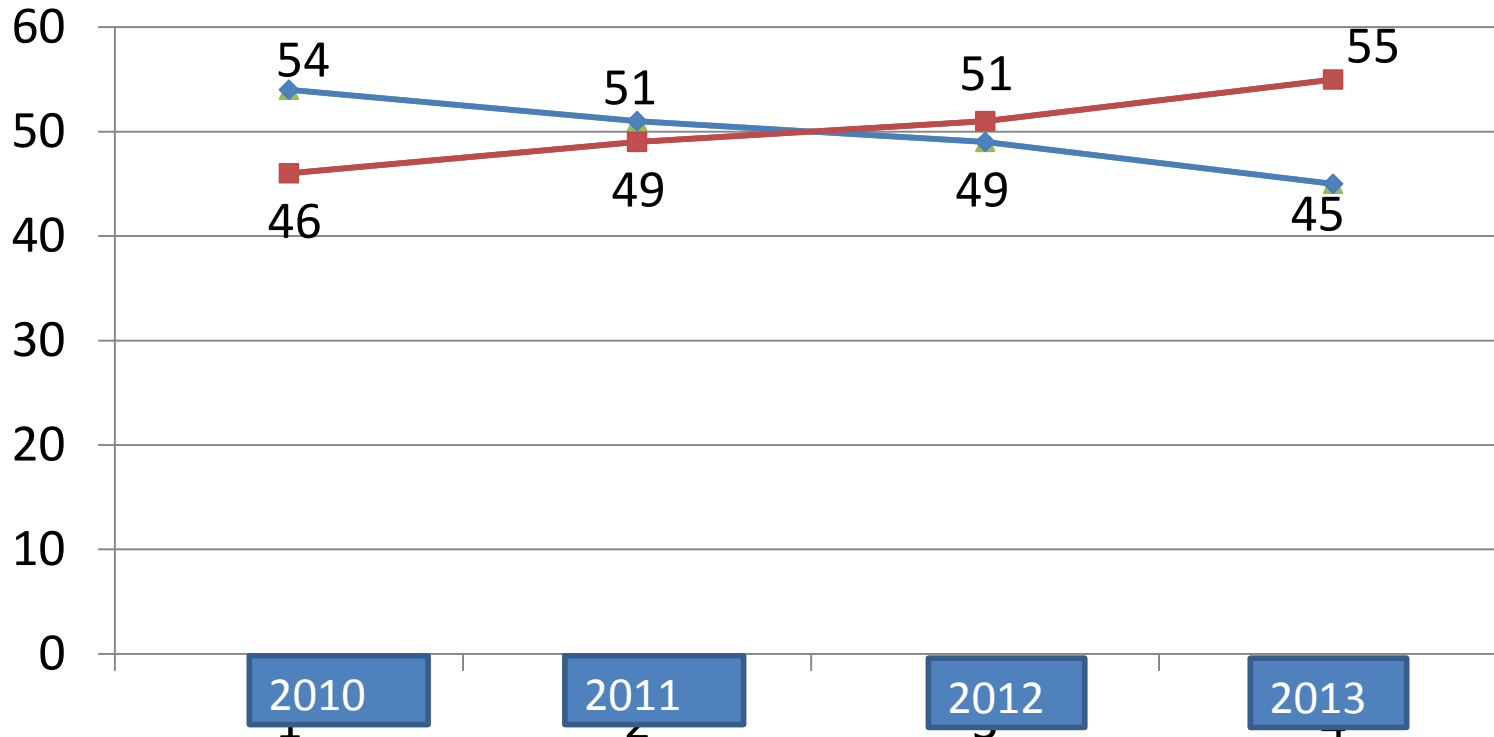
Prison population by gender on 31.12.2013

Total	male	female
2462	2387	75
%	97	3

Prison population by age on 31.1.2013

total	16-18	19-24	25-29	30-40	41-50	51-60	over 61
2462	1	422	527	793	431	224	64
%	0,04	17,14	21,41	32,21	17,51	9,1	2,6

Previous convictions 2010-2013



first-time offenders	-6,60%
recidivists	38,40%

Educational structure on 31.12.2013

level of education	total: 2462	%
illiterate	347	14
primary Education	1144	46
secondary education	873	35
part of higher Education	37	2
higher education	60	2
LLM	1	0
Ph.D	0	0

Ethnic background on 31.12.2013

Ethnicity	total of 2462	%
Macedonians	1065	43
Albanians	789	32
Roma	394	16
Turks	99	4
Srbs	37	2
Others	78	3

Foreign inmates on 31.12.2013

country of origin	number of inmates		
	total	male	female
Albania	35	35	0
Bulgaria	6	6	0
Serbia	6	6	0
Turkey	4	4	0
Greece	1	1	0
Other	22	20	2
Total	74	72	2

Prison Population Rate (PPR)

year	total number of inmates (including pre-trial detainees)	prison population rate per 100.000 population
2007	2050	100,4
2008	2235	109,3
2009	2461	120,1
2010	2516	122,6
2011	2515	122,2
2012	2543	123,5
2013	2846	138
Total	17166	evolution percentage between 2007-2013 is 39%

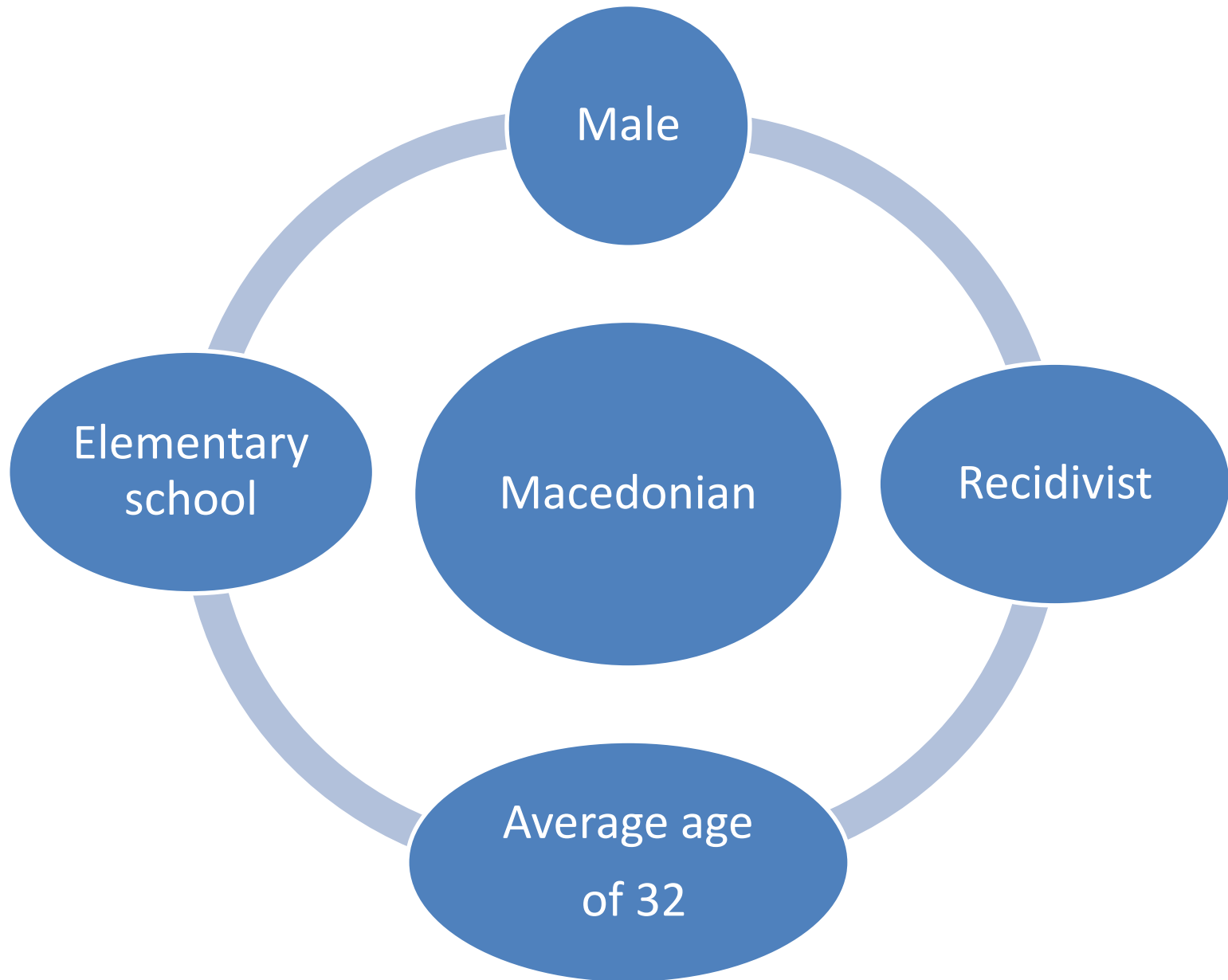
Situation of penal institutions (on 1.09.2012/1.09.2013)

Year	population on 1 January	total number of inmates (including pre- trial detainees)	prison population rate per 100.000 population	total capacity of penal institutions	surface area per inmate	prison density per 100 places
2012	2059794	2543	123,5	2396	4	106,1
2013	2062294	2846	138	2293	4	124,1

Average cost of detention per day/per inmate

- both in 2011 and in 2012 was 10 €
- far less than European Median (42 € both in 2011 and 2012)

Profile of Macedonian inmate



Current discussions

Probation service for adults

- New Probation department within Department for execution of sanctions in Ministry of justice
- Among expected aims:
 - reducing overcrowding in prisons from 10 to 20%;
 - reducing recidivism and prevent crime infection in prisons of petty criminals
 - Reducing costs of enforcement of sanctions;
 - successful execution of home confinement by electronic monitoring;
 - practical implementation of the alternative measures by effective supervision of persons conditionally released