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WORK OF PRISONERS IN MACEDONIA: LEGISLATIVE AND PRACTICAL ASPECTS

Abstract

The author of the paper analysis the work of prisoners according to the criminal executive legislation of the Republic of Macedonia, next, the international documents dealing with the rights of the prisoners, such as, the Standard Minimum Rules for the Treatment of Prisoners (SMRTP) and the European Prison Rules (EPR), as well as the work engagement of prisoners in the penitentiary institutions in the Republic of Macedonia, actual situation, problems and possible solutions. The author concludes that in the modern penitentiary systems, work of prisoners as a form of treatment is of great importance for their re-socialization. Therefore, the SMRTP and the EPR, also the Macedonian LES, emphasize the importance of work of prisoners for the successful re-socialization of prisoners. Both, the international documents as well as the national legislation, stipulate that the work of prisoners should be based on few basic principles. The actual situation of work engagement of prisoners in the penal practice in the Republic of Macedonia shows lack of workshops in the penitentiary institutions and available work places. Hence, obsolete equipment in the workshops, lack of fair compensation or no compensation of all, issues that need urgent improvement.

Key words: work of prisoners, penitentiary institutions, prisoners, Standard Minimum Rules for the Treatment of Prisoners (SMRTP), European Prison Rules (EPR), Law on Execution of Sanctions (LES).

I. Introduction

The work of prisoners is one of the most important types of treatment for their resettlement. On one hand, according to scientifically verified views, work of humans played a major role in the development of the human society and the human as a social being. Human exists, develops and evolves, confirms himself as a conscious and creative creature through labor. Labour is a qualification that distinguishes humans from other living beings. In our society, the social, political, economic and social status of the individual in society and his life is

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determined by its position in the labor process and the accomplished results. The position of the convicted person during the execution of the prison sentence should not differ from the position of a free citizen; therefore, identical position of work in prison as work on freedom should be secured.¹

On the other hand, according to the enological and criminological research, most of the prisoners have negative attitude towards work, they do not have work habits and proper qualifications to carry out some kind of work, also, they have built a model of social behavior to satisfy their needs with non-work and with violation of the rights and freedoms of others. The negative attitude towards labor forms a negative value system. Work, work treatment and work therapy during the execution of the prison sentence should influence the change of negative attitudes towards labor and negative habits. Through work, the prisoner becomes conscious and acquires confidence in its own abilities. The work of the prisoner is necessary to fulfill the time that is always too long and passes very slowly in the penitentiary institution. Through work prisoner communicate with the other inmates and prison staff, but also with the outside world. In these communications the educational process is exercised.

Throughout the history of imprisonment, the work of the prisoners was not a form of treatment but a way of further cruel punishment, exploitation of prisoners` labor.² Today, in our country, the work of prisoners is free from any kind of exploitation; furthermore, through work inmates should be re-socialized and experience personal and social well-being.

Through work, inmates gain educational, vocational and professional training for independent and useful life on freedom, develop their potentials and work habits.³

The inclusion of prisoners in the working process is accomplished with full respect of the following principles: the work should not be of humiliating nature; the physical and the mental abilities of the prisoner should be taken into account when choosing the proper work engagement; allowing inmates to choose the type of work according to their interest for a particular kind of work; work engagement of prisoners in a productive work with a limited working hours;

¹ Арнаудовски, Љ./ Груевска-Дракулевски, А. (2013) „Пенологија“ (прв и втор дел), Правен факултет „Јустинијан Први“ во Скопје, 2 Август С Штип, Скопје. (Arnaudovski, Lj./ Gruევska-Drakulevski, A. (2013) “Penology” (first and second part), Law Faculty “Iustinianus Primus” – Skopje, 2 August S Stip, Skopje.)

² For more, see: Арнаудовски, Љ./ Груевска-Дракулевски, А. (2013) „Пенологија“ (прв и втор дел), Правен факултет „Јустинијан Први“ во Скопје, 2 Август С Штип, Скопје. (Arnaudovski, Lj./ Gruევska-Drakulevski, A. (2013) “Penology” (first and second part), Law Faculty “Iustinianus Primus” – Skopje, 2 August S Stip, Skopje.)

³ Guidelines for determining the types and methods of treatment of inmates (Official Gazette of the Republic of Macedonia No.173/2011), Article 16.

professional, competent and useful training and enabling working conditions such those on freedom.⁴

For inclusion of prisoners in the work process, it is necessary to: enable engagement of all prisoners who are capable of working and willing to work; system of workshops of different kinds; engagement of convicted persons in accordance with the strategy of offering products on the market; work in closed institutions; agricultural and livestock activities; work outside the institution; maintenance of general and personal hygiene and work in the kitchen.⁵

Job training is conducted by trained instructors and other persons who are trained by their influence to contribute to achieving the specific objectives defined in the individual treatment program of the prisoner such as: changing negative attitudes toward work, developing and encouraging interest in work, respect the general discipline, cooperation with other prisoners in the working group, as well as cooperation with other professionals in the implementation of the treatment.⁶

An additional benefit of work of prisoners is fulfilling their leisure time, which somewhat avoid the negative consequences of isolation in the penitentiary institutions and facilitates the accommodation towards life on freedom. The science has solid agreement on the importance of the time spent in prison so that Elmer Johnson states that the lack of work leads to moral and physical degradation of the prisoner, and Milutinovic emphasises the moralizing effect of the work. In his opinion it is more important than learning any craft because it can be applied to any type of work.⁷

Hence, it is not surprising that the work is one of the oldest methods of treatment of prisoners - its occurrence coincides with the period of occurrence of the penitentiary institutions themselves.⁸ During its existence, the work always had an important role in the treatment of prisoners, and today is considered the primary and the most effective method of treatment.⁹

Defining the role of the work of prisoners as a form of treatment largely depends on the way it is considered for the re-socialization of the prisoners. In some penitentiary systems the work is an obligation of the convicted person for the duration of serving the prison sentence, in other systems, work is treated as a right and a duty, and third systems consider it as a right which means that prisoners can work if they want, but are not obliged to work. Consequently, there are different systems of rewarding the work of prisoners. In some systems prisoners are given compensation for their work in accordance with the legal regulations. In other systems,

⁴ *Ibid.*, Article 17.

⁵ *Ibid.*, Article 18.

⁶ *Ibid.*, Article 19.

⁷ Milutinovic, Milan, *“Penologija – Nauka o izvršenju krivičnih sankcija I resocijalizaciji osuđenika”*, Savremena Administracija, 1981, Beograd, p. 128.

⁸ Арнаудовски Љупчо, (1998), “Пенологија: наука за извршување на кривичните санкции”, Скопје: Правен факултет, стр. 246. (Arnaudovski, Lj. (1998) “Penology”, Skopje: Law Faculty, p.246).

⁹ Сулејманов Зоран, (1999), “Пенологија”, Скопје: Графохартија, стр. 171. (Sulejmanov, Z. (1999) “Penology”, Skopje: Grafohartija, p.171).

the work is given as a convenience to the prisoners, and in third penitentiary systems, prisoners do not receive any compensation for their work. There are differences also in the criteria by which the amount of the compensation is determined: a symbolic compensation, payment of per diem, and compensation for completed work. In most European countries the optional compensation is accepted, and as criteria are taken: the professional competence, good behaviour, and sometimes the type of the sentence. Our penitentiary system pays great importance to work as a form of treatment of prisoners and it is determined as a right and an obligation of the convicted person. Prisoners are assigned to different kinds of work, considering their ability, next, the organization and the development of the labour process in the institution and the willingness of the prisoners to work.¹⁰

In the following text, the work of prisoners according to the criminal executive legislation of the Republic of Macedonia is presented, next, the international documents dealing with the rights of the prisoners, such as, the Standard Minimum Rules for the Treatment of Prisoners (SMRTP) and the European Prison Rules (EPR), as well as the work engagement of prisoners in the penitentiary institutions in the Republic of Macedonia, actual situation, problems and possible solutions.

II. The work of prisoners according to the criminal executive legislation of the Republic of Macedonia

The prisoners work in accordance with their both physical and psychological abilities as determined by the institution's doctor. When determining the working engagement, according to the institution's possibilities, attention shall be paid to the prisoner's wish for performing certain activities (Article 113 LES).

The prisoners' work is organised and performed as a rule in the institution's economy units (Article 114 LES). Prisoners that are working in the institution can carry out work in the field of agriculture, livestock, work in workshops of various types, maintenance of green areas, cleaning the premises, laundry, kitchen, warehouses, central heating, etc.¹¹

The prisoners who are working, depending on the work performed are provided with working clothes and means of protection at work. All prisoners who are working are given work clothes, tools and other resources for the work for which is being kept records.¹²

Prisoners are required responsibly and conscientiously to carry out tasks given to them. In carrying out the tasks prisoners are obliged to act in accordance with the instructions and the discretion given by the

¹⁰ For more, see: Арнаудовски, Љ./ Груевска-Дракулевски, А. (2013) „Пенологија“ (прв и втор дел), Правен факултет „Јустинијан Први“ во Скопје, 2 Август С Штип, Скопје. (Arnaudovski, Lj./ Gruevska-Drakulevski, A. (2013) “Penology” (first and second part), Law Faculty “Iustinianus Primus” – Skopje, 2 August S Stip, Skopje.)

¹¹ House rules for convicts serving imprisonment in a penal or correctional institution, January 2012, Ministry of Justice, Article 27.

¹² *Ibid.*, Article 29.

officials. Prisoners who are working shall carefully keep and maintain the assets, equipment and tools they work with. For any damage intentionally or with gross negligence of the assets, the damage is compensated by the convicted person in accordance with the rules on compensation of damage from the Law on Obligations.^{13/14}

In the closed units of institutions depending on the needs and opportunities in the institution, prisoners may be engaged in premises in which they are placed.¹⁵

The prisoners under open section treatment may also work outside the institution. The prisoners under half open section treatment may occasionally work under supervision in legal entities and other institutions, if the requirements for the execution of the sentence of imprisonment as determined with this Law are met and if minimum technical conditions are provided. A person convicted to imprisonment of up to 6 months, and for a crime not related to the nature of the work, may work in the legal entity where he used to work prior to serving the sentence. The Director of the State Commission shall give consent for performing a work outside the institution upon a contract with the company or with other institution and will ensure a written consent from the prisoner (Article 114 Paragraph 2-4 LES).

The director of the institution upon previous proposal from the Department of re-socialization, by a decision decides of the work engagement of the prisoner, the type of tasks that should be done by the prisoner, as well as the working hours.¹⁶

i. Work engagement of prisoners outside the institution.

Terms, conditions and procedures under which a convicted person serving a prison sentence may be engaged working outside the institution are stipulated in the Guidance on the conditions, manner and procedure for hiring a convicted person outside the institution.¹⁷

Conditions under which a convicted person serving a prison sentence may be working outside the institution. The convicted person may be working outside the institution, namely, may be working for an employer or holding own business, if:

- The prisoner gives consent to be engaged on work outside the institution;

- the prisoner have served at least 30 days after the classification in an open ward or at least 30 days after the prisoner has progressed in the outdoor unit;

- the rest of the sentence not exceed two years for the primary perpetrators of crime or up to one year for people previously sentenced to imprisonment;

¹³ See: Law on Obligations (Official Gazette of the Republic of Macedonia No.18/2001; 4/2002; 5/2003; 84/2008 and 81/2009).

¹⁴ House rules for convicts serving imprisonment in a penal or correctional institution, January 2012, Ministry of Justice, Article 30.

¹⁵ *Ibid.*, Article 28.

¹⁶ *Ibid.*, Article 26.

¹⁷ Guidance on the conditions, manner and procedure for hiring a convicted person outside the institution (23.12.2011), Article 1.

- The prisoner has low or very low risk;
- The convicted person has a good health, with good behavior, has built a sense of responsibility and respects the House rules of the institution;
- The nature of the work that the convicted person will carry out outside the institution is not related to the criminal offense and
- There are no other criminal proceedings against the prisoner and there is no other prison sentence imposed.¹⁸

Manner and procedure under which a convicted person serving a prison sentence may be engaged working outside the institution. Consent to work outside the institution gives the Director of the State Commission for Execution of Sanctions, based on:

- a request by a legal person or institution for hiring convicted person stating the type of job and the place where the tasks will be performed or proof of performance of its activity and where the activity is performed;
- statement by the convicted person that agrees to be working outside the institution and that, if hired he will refrain from committing any kind of crime;
- data on the type of offense, length of sentence of imprisonment, the beginning and end of his sentence in prison, data on prior convictions and whether against the convicted person there is another procedure or another prison sentence has been imposed;
- opinion of the expert team of the institution of the degree of realization of the individual treatment program, data from the assessment of risk, report on health, data on disciplinary responsibility of the convicted person.¹⁹

The documentation is submitted to the Director of the State Commission for Execution of Sanctions by the Director of the institution where the convicted person is imprisoned. The Director of the State Commission for Execution of Sanctions examines the submitted documentation and makes a decision within three working days of receipt.²⁰

The contract for hiring the convicted person outside the institution is signed by the Director of the institution after prior consent of the Director of the State Commission for Execution of Sanctions.

A copy of the Agreement shall be submitted to the State Commission for Execution of Sanctions for registration.²¹

The contract for hiring the convicted person outside the institution, in addition to the general provisions should contain provisions on: the workplace and a detailed description of the tasks of the convicted person; where the convicted person shall perform their tasks; the working days in the month; working hours of the convicted person; amount of monthly allowance; number of bank account of the Parties; obligation of the legal entity or institution once a month to report on the conduct of the convicted person in the workplace where he is engaged, the fulfillment of

¹⁸ *Ibid.*, Article 2.

¹⁹ *Ibid.*, Article 3.

²⁰ *Ibid.*, Article 4.

²¹ *Ibid.*, Article 5.

tasks and attendance at the work place and circumstances under which the contract is canceled for hiring a convicted person.²²

The director of the institution shall establish a Committee to control the prisoners on their work engagements. The Commission is of variable composition of three members who are elected every month by the Director of the institution. The Commission is obliged to control the prisoners at least once a week.²³

The Commission shall prepare a monthly report on the controls carried out, which is submitted to the Director of the institution. The monthly report is submitted to the State Commission for Execution of Sanctions for registration.²⁴

The director of the institution shall immediately terminate the Contract for hiring convicted person outside the institution if: against the convicted person is initiated disciplinary or criminal proceedings; are not respected the contractual obligations of the convicted person or by a legal person or institution; the convicted person is not found in the workplace, during the inspection by the Commission or the inspectors for enforcement of sanctions and the legal entity or institution where the convicted person is working fails to submit monthly Progress report under article 6 t.7 of this manual or if it is impossible to implement control by the Commission or the inspectors for enforcement of sanctions.²⁵

ii. Working hours of the prisoners. The full working hours of the prisoners shall be 40 hours weekly. As an exception, the full working hours of the prisoners may last longer than 40 hours weekly, in the cases and under the conditions as stipulated by law. The prisoners may work overtime up to two hours daily when they perform the activities necessary for maintaining hygiene and other on-going activities necessary for the normal life in the institution. The duration of the full working hours shall be shortened for the prisoners who attend classes of an elementary or secondary education (Article 115 LES).

iii. Right of compensation for the work. The prisoners shall have the right of compensation for the work. The compensation's height shall be determined depending on the type, quantity and quality of both the product and the work being done by the prisoner himself, as well as depending on his skilfulness for performing such a kind of work, his engagement in the work and his contribution to the decreasing of production costs. Both the prisoner's compensation and rewards for work, shall not subject of paying taxes and other burdens (Article 116 LES).²⁶

²² *Ibid.*, Article 6.

²³ *Ibid.*, Article 7.

²⁴ *Ibid.*, Article 8.

²⁵ *Ibid.*, Article 9 and 10.

²⁶ Rules for determining the compensation and rewards for the work of convicts and convicts that do not work without their fault (Official Gazette of the Republic of Macedonia No.123/2007), Article 2.

iv. The Rules for determining the compensation and rewards for the work of prisoners and prisoners that do not work without their fault determines the compensation and the rewards for the work of prisoners and prisoners that do not work without their fault and are provided with the essentials for satisfying the personal needs.²⁷

In determining the gross profit, as expenses will be considered and expenses incurred in connection with additional nutrition and hygiene, clothing and transport to and from work of prisoners, compensation and rewards and other expenses for prisoners that are related to the function of the process of the work.²⁸

The prisoners who work, once a month are paid an advance payment of compensation for the work performed. The amount of the advance payment of the compensation is determined based on the complexity and responsibility of the job.²⁹

The amount of monthly advance payment of the compensation increases or decreases depending on the degree of realization of the planned production or work, as well as other criteria used for determining the amount of compensation. Depending on the engagement in the work, contribution in reducing the cost of operations and the quality of work performed, the monthly payment increases or decreases to 25% of the basis of the average realized compensation.³⁰

70% of the prisoner's compensation may be used to satisfy personal needs, and the remainder of 30% shall be kept as a deposit in the institution and shall be given to the prisoner at his release from serving the sentence or, upon his request, it may be given to his family during serving the sentence (Article 118 LES).³¹

Prisoners, who achieve high results in work and positively influence the work engagement of other prisoners with their attitude to work, receive award.³²

The convicted persons that are entitled to an uninterrupted vacation are paid compensation in the amount of the average compensation for the previous eleven months.³³

The prisoners being temporarily unable to work without their own guilt because of illness, shall have a right of compensation from the funds achieved by the prisoners' work, with an appropriate implementation of the general regulations on health insurance.³⁴ The prisoners who don't work without their own guilt and who have not their

²⁷ *Ibid.*, Article 1.

²⁸ *Ibid.*, Article 3.

²⁹ *Ibid.*, Article 4.

³⁰ *Ibid.*, Article 5.

³¹ House rules for convicts serving imprisonment in a penal or correctional institution, January 2012, Ministry of Justice, Article 31.

³² Rules for determining the compensation and rewards for the work of convicts and convicts that do not work without their fault (Official Gazette of the Republic of Macedonia No.123/2007), Article 6.

³³ *Ibid.*, Article 7.

³⁴ See Law on Health Insurance (Official Gazette of the Republic of Macedonia No. 25/2000; 34/2000; 96/2000; 50/2001; 11/2002; 31/2003; 84/2005; 37/2006; 18/2007; 36/2007; 82/2008; 98/2008; 6/2009; 67/2009; 50/2010; 156/2010; 53/2011; 26/2012; 16/2013 and 91/2013).

own funds, shall be provided by the institution with the essential means for satisfaction of their personal needs (Article 117 LES). In this case the compensation may not be less than 25% of the average compensation for satisfying personal needs.³⁵

v. Right to an intellectual property of prisoners. As to the innovations and technical improvements achieved during serving their sentence, the prisoners shall have the rights according to the general regulations³⁶ (Article 119 LES).

vi. Right to an annual vacation of prisoners. The prisoners having spent 6 months of an unbroken work, including here also the time spent for healing because of their labour injury or vocational illness, shall have a right of an unbroken annual vacation in accordance with the general regulations.³⁷ If not otherwise stipulated by this Law, the vacation shall be spent in special premises of the institution. The stay in those premises during the annual vacation should be organised in a way that will make possible relaxation, recreation and rest for the prisoner. During spending the vacation, the prisoner shall receive a compensation for work as if he has worked (Article 120 LES).³⁸

vii. Spacious and minimum technical requirements for safety at work of prisoners. Both the sections and workshops where prisoners work therein shall be contemporarily equipped. When organising sections and workshops, attention shall be paid to the ecological protection of the environment, land, air and waters against any kind of pollution³⁹ (Article 121 LES).

The prisoners shall have the minimum technical prerequisites for protection while performing work (Article 122 Paragraph 1 LES).⁴⁰

³⁵ Rules for determining the compensation and rewards for the work of convicts and convicts that do not work without their fault (Official Gazette of the Republic of Macedonia No.123/2007), Article 8.

³⁶ See Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia No. 115/2010; 140/2010 and 51/2011) and see Law on Industrial Property (Official Gazette of the Republic of Macedonia No. 21/2009 and 24/2011).

³⁷ See Law on Labor (Official Gazette of the Republic of Macedonia No. 62/2005; 106/2008; 161/2008; 114/2009; 130/2009; 149/2009; 50/2010; 52/2010; 124/2010; 47/2011; 11/2012; 39/2012; 13/2013 and 25/2013), Article 137-139.

³⁸ House rules for convicts serving imprisonment in a penal or correctional institution, January 2012, Ministry of Justice, Article 32.

³⁹ See Law on Environmental (Official Gazette of the Republic of Macedonia No. 53/2005; 81/2005; 24/2007; 159/2008; 83/2009; 48/2010; 124/2010; 51/2011; 123/2012 and 93/2013) and See Law on Protection of the Environment (Official Gazette of the Republic of Macedonia No.67/2004, 14/2006; 84/2007 and 35/2010)

⁴⁰ See Law on Safety and Health at Work (Official Gazette of the Republic of Macedonia No. 92/2007; 136/2011; 23/2013; 25/2013 and 137/2013) and See Law on Labour (Official Gazette of the Republic of Macedonia No. 62/2005;

viii. Right of disability insurance for an accident at work or a vocational illness of prisoners. The prisoners shall have a right of disability insurance for an accident at work or a vocational illness (Article 122 Paragraph 2 LES).⁴¹

III. International documents

The work of prisoners is an issue of the international documents dealing with the rights of the prisoners, such as, the Standard Minimum Rules for the Treatment of Prisoners (SMRTP)⁴² and the European Prison Rules (EPR)⁴³. The basic rules on the work in prison are implemented in the Macedonian LES, therefore, making it a contemporary law.

The contribution of the SMRTP and the EPR for acceptance and implementation of the work as a form of treatment of prisoners in the penitentiary institutions is of great importance. They stipulate recommendations on how to implement and how to realize the work of prisoners.⁴⁴ According to these documents, the work of prisoners should be based on few basic principles.⁴⁵

106/2008; 161/2008; 114/2009; 130/2009; 149/2009; 50/2010; 52/2010; 124/2010; 47/2011; 11/2012; 39/2012; 13/2013 and 25/2013), Article 32 and 42.

⁴¹ See Law on Pension and Disability Insurance (Official Gazette of the Republic of Macedonia No. 98/2012; 166/2012 and 15/2013) and see Law on Labour (Official Gazette of the Republic of Macedonia No.62/2005; 106/2008; 161/2008; 114/2009; 130/2009; 149/2009; 50/2010 and 52/2010), Article.32 and 42.

⁴² „Standard Minimum Rules for the Treatment of Prisoners“, Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

⁴³ Council of Europe, Committee of Ministers, Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules1 (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies).

⁴⁴ Cornil, P., *Le travail penitentiaire*. cit. in Арнаудовски, Љ. и Груевска-Дракулевски А. (2011) „Закон за извршување на санкциите: интегрален текст со предговор, кратки објаснувања и регистар на поимите со прилози“, Скопје: „Студиорум“-Центар за регионални истражувања и соработка. (Arnaudovski, Lj. and Gruevska-Drakulevski, A. (2011) “Law on Execution of Sanctions: Integral Text with Foreword, Short Explanations and Register of Terms with Appendixes”, Skopje: Studiorum – Center for Regional Research and Cooperation).

⁴⁵ For more see: Арнаудовски, Љ. и Груевска-Дракулевски А. (2011) „Закон за извршување на санкциите: интегрален текст со предговор, кратки објаснувања и регистар на поимите со прилози“, Скопје: „Студиорум“-Центар за регионални истражувања и соработка. (Arnaudovski, Lj. and Gruevska-Drakulevski, A. (2011) “Law on Execution of Sanctions: Integral Text with Foreword, Short Explanations and Register of Terms with Appendixes”, Skopje: Studiorum – Center for Regional Research and Cooperation).

First, prisoners work should be integrated and form an integral part of the national economy of the country. This principle affirms the principle according to which the work of convicted persons should have the same social and ethical value and the operation of a free man and that the work of the convicted person should be treated in the same way as the work of the free citizen, worker. Therefore, the work in prisons should be in accordance with the abilities and capabilities, characteristics, needs and interests of the convicted person, within the possibilities of the penitentiary institution. Since there are limited possibilities of penitentiary institutions to meet the needs and interests, preferences for a certain type of work of all prisoners, it is an obligation of the penitentiary institutions to seek and to create opportunities to meet the demands and needs of each prisoner.

The second principle relates to the work of prisoners as their right. The convicted person is deprived of liberty, but not of work, because it is the basis of the human existence. In all penitentiaries convicted persons who are capable of work should be provided to work.

The third principle requires that through the work, the prisoners should provide specialized and professional training which naturally adds to the general education. As it is known, the study of the prison population show that the majority of prisoners have not completed a general education and even fewer have professional qualifications and occupation. Through the work during their prison sentence they should be trained and gain additional professional qualifications under the same conditions as the workers and citizens on freedom and should be issued an appropriate degree.

The modern penological theory and practice as well as the SMRTP and the EPR insist the work in the penitentiaries to be organized under the same conditions as that kind of work is performed on freedom. This principle sets out two requirements: first, ensured working hours and working conditions, safety and health conditions. Second, the work organization, technical and technological equipment and means of work to be carried out under the same conditions as on freedom. In this way the work of convicts gets character of socially useful work, and meets the other requirements for its integration into the national economy, to provide an adequate quality. Under these conditions, work of prisoners will not be degrading; the prisoner will not have a feeling of compulsion, indifference and apathy.⁴⁶ Only this type of work can re-socialize the convicted person, he can gain working habits and be trained for socially useful work for doing socially useful life without coercion and repression.⁴⁷

⁴⁶ Article 8, SMRTP.

⁴⁷ Арнаудовски, Љ. и Груевска-Дракулевски А. (2011) „Закон за извршување на санкциите: интегрален текст со предговор, кратки објаснувања и регистар на поимите со прилози“, Скопје: „Студиорум“-Центар за регионални истражувања и соработка. (Arnaudovski, Lj. and Gruevska-Drakulevski, A. (2011) “Law on Execution of Sanctions: Integral Text with Foreword, Short Explanations and Register of Terms with Appendixes”, Skopje: Studiorum – Center for Regional Research and Cooperation).

Finally, the SMRTP emphasize the principle of ensuring a fair reward for the labour of convicts. In applying this principle, in modern penitentiary systems appear two trends. One insists on the financial effects of the work. It is thought that the cost-effectiveness of the work must be a top principle of the occupational therapy and basis for compensation of labour. This tendency has positive elements because profitability relieves the state budget for financing the penitentiary institutions. But it contains and great dangers in two directions: first, the commitment to maximizing the conviction work and second, which is more important, the possibility to suppress the correctional effects of the prisoners work.⁴⁸ The other tendency, trend to favour the educational and the rehabilitation effect of the work of prisoners. The compensation for work of convicts should have the character of an incentive, award for the commitment, with a final goal of re-socialization of the prisoner.⁴⁹

To sum up, it is quite clear that in the modern penitentiary system work as a form of treatment is of great importance. Therefore, the SMRTP and the EPR emphasize the importance of work of prisoners for the successful re-socialization of prisoners. Hence, in different penitentiary systems appear quite large differences in the application of these principles as a consequence of the basic approach of defining the objectives of punishment, different characteristics of the penitentiary systems and the conditions for their application. Moreover, it is of great importance whether the work of prisoners is organised by private contractor because in these countries there is a tendency for maximizing the use of prisoners labour. Due to this fact, the SMRTP contrary to the EPR emphasize that preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

a. Standard Minimum Rules for the Treatment of Prisoners⁵⁰

Regarding the work of prisoners the SMRTP stipulate that prison labour must not be of an afflictive nature. All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day. So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release. Vocational training in useful trades shall be provided for

⁴⁸ Pinatel, J., *Méthodes modernes de traitement pénitentiaire*, 1957, p. 127-128, 125-132 cit. in Арнаудовски, Љ. и Груевска-Дракулевски А. (2011) „Закон за извршување на санкциите: интегрален текст со предговор, кратки објаснувања и регистар на поимите со прилози“, Скопје: „Студиорум“-Центар за регионални истражувања и соработка. (Arnaudovski, Lj. and Gruevska-Drakulevski, A. (2011) “Law on Execution of Sanctions: Integral Text with Foreword, Short Explanations and Register of Terms with Appendixes”, Skopje: Studiorum – Center for Regional Research and Cooperation).

⁴⁹ *Ibid.*

⁵⁰ Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

prisoners able to profit thereby and especially for young prisoners. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform (Rule 71).

The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution (Rule 72).

Preferably institutional industries and farms should be operated directly by the administration and not by private contractors. Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners (Rule 73).

The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen (Rule 74).

The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners (Rule 75).

There shall be a system of equitable remuneration of the work of prisoners. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family. The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release (Rule 76).

b. European Prison Rules (EPR)⁵¹

The EPR regulate the work of prisoners in rule 26.⁵² According to the EPR, prison work shall be approached as a positive element of the prison regime and shall never be used as a punishment. Prison authorities shall strive to provide sufficient work of a useful nature. As far as possible, the work provided shall be such as will maintain or increase prisoners' ability to earn a living after release. There shall be no discrimination on the basis of gender in the type of work provided. Work

⁵¹ Council of Europe, Committee of Ministers, Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules 1 (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies).

⁵² See Rule 26 (1-17) EPR.

that encompasses vocational training shall be provided for prisoners able to benefit from it and especially for young prisoners. Prisoners may choose the type of employment in which they wish to participate, within the limits of what is available, proper vocational selection and the requirements of good order and discipline. The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life.

Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners should not be subordinated to that purpose. Work for prisoners shall be provided by the prison authorities, either on their own or in co-operation with private contractors, inside or outside prison. In all instances there shall be equitable remuneration of the work of prisoners. Prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their families.

Prisoners may be encouraged to save part of their earnings, which shall be handed over to them on release or be used for other approved purposes. Health and safety precautions for prisoners shall protect them adequately and shall not be less rigorous than those that apply to workers outside. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by national law to workers outside. The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom regulating the employment of free workers. Prisoners shall have at least one rest day a week and sufficient time for education and other activities. As far as possible, prisoners who work shall be included in national social security systems.

IV. Work engagement of prisoners in the penitentiary institutions in the Republic of Macedonia

The Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2008-2014 provide data on the work engagement of prisoners. The data are not complete for all years, therefore, further in the text the available data are presented and analyzed and certain conclusions are drawn.

Also, since in the penitentiary institutions there are always fluctuations of prisoners, the data on work engagement of prisoners differ. Hence, for each year only the data of prisoners that are work engaged as of on 31.12. of the certain year are presented and analyzed.

According to the data in the analyzed period (2008-2014), the percentage of prisoners that were working inside the premises of the penitentiary institutions is fluctuating. Namely, on average 46.9% of the prisoners were working inside the penitentiary institutions in the analyzed period. In 2012 there were high 83.5% of prisoners that were engaged on

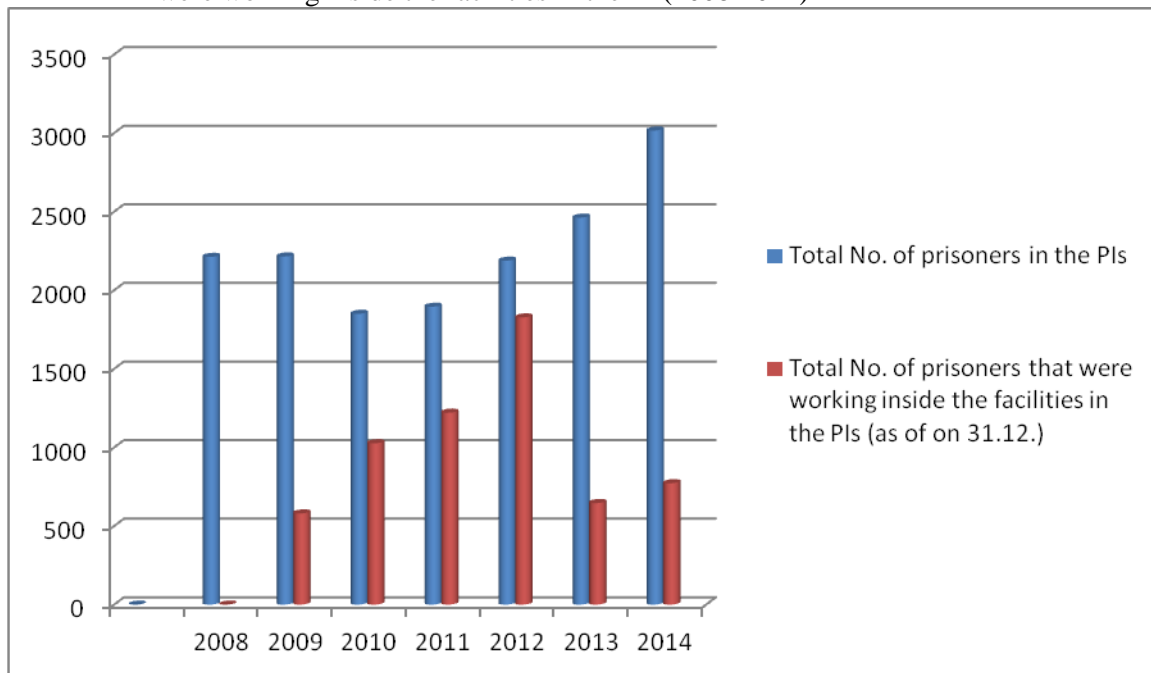
some type of work inside the penitentiary, mostly in the kitchen, agriculture, livestock, etc.

The data are presented in Table 1 and Graph 1.

Table 1. Total number of prisoners and total number of prisoners that were working inside the facilities in the penitentiary institutions

Year	Total No. of prisoners in the PIs (as of on 31.12.)	Total No. of prisoners that were working inside the facilities in the PIs (as of on 31.12.)	%
2008	2212	/	/
2009	2215	580	26.2%
2010	1850	1026	55.5%
2011	1895	1221	64.4%
2012	2188	1827	83.5%
2013	2462	646	26.2%
2014	3016	772	25.6%

Graph 1. Total number of prisoners and total number of prisoners that were working inside the facilities in the PI (2008-2014)

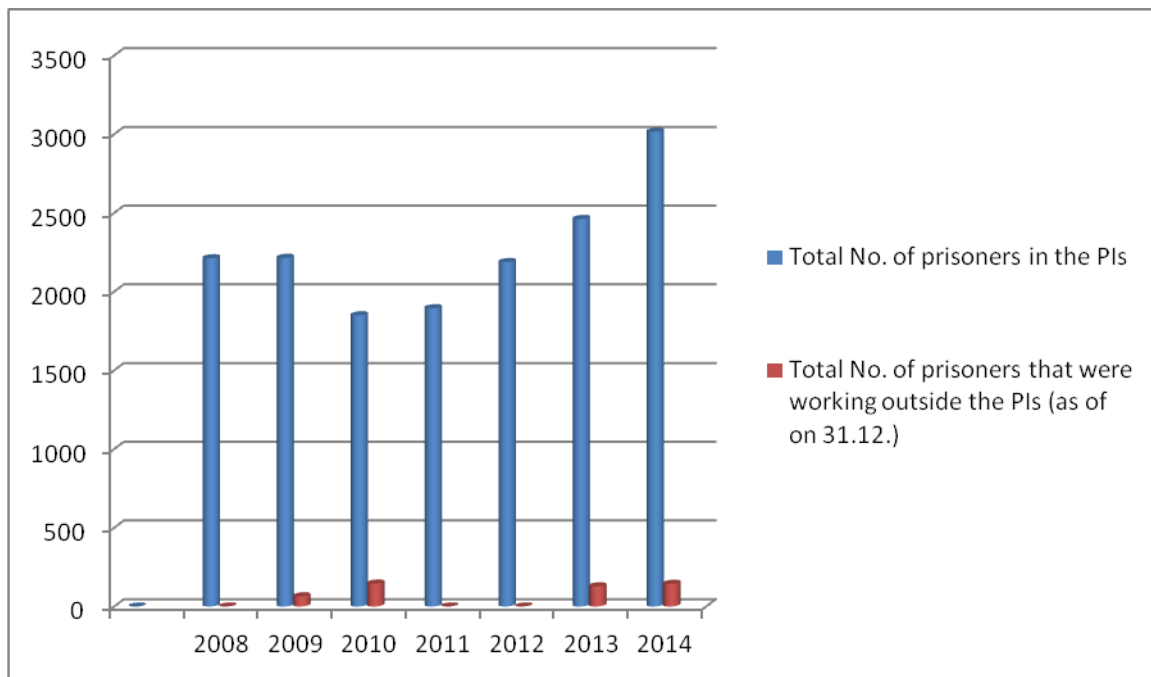


Next, according to the data, few prisoners were allowed to work outside the prison institutions. On average, 5.2% of the total prison population was working outside the penitentiary institutions (see Table 3 and Graph 3).

Table 3. Number of prisoners that were working outside the penitentiary institutions (2008-2014)

Year	Total No. of prisoners in the PIs (as of on 31.12.)	Total No. of prisoners that were working outside the PIs (as of on 31.12.)	%
2008	2212	/	/
2009	2215	65	2.9
2010	1850	146	7.9
2011	1895	/	/
2012	2188	/	/
2013	2462	128	5.2
2014	3016	144	4.8

Graph 2. Total number of prisoners and total number of prisoners that were working outside the PIs (2008-2014)



According to the available data for 2013 and 2014, it can be concluded that most of the prisoners that were allowed to work outside the penitentiary institutions were from Prison Skopje, which is of semi-open type and penitentiary institution Struga, which is of open type. Next, prisoners from penitentiary institution Idrizovo, Tetovo, Bitola, Kumanovo, Strumica etc., were working outside the penitentiary institutions. It should be noted that in 2014 in comparison to 2013, there were more prisoners allowed to work outside the penitentiary institutions which is very good, since it is related to successful process of re-socialization and gaining working habits for the future life on freedom

(see Table 4). Also, it is a possibility to keep the job after serving the prison sentence in case the employer is satisfied with the abilities and the work engagement of the prisoner.

Table 4. Number of prisoners that were working outside the penitentiary institutions (2008-2014)

Total No. of prisoners that were working outside the penitentiary institutions (as of on 31.12.)	2008	2009	2010	2011	2012	2013	2014
Penitentiary institution Idrizovo						22	15
Penitentiary institution Stip						3	1
Penitentiary institution of open type Struga		20				23	17
Prison Skopje						30	30
Prison Tetovo						13	13
Prison Kumanovo						4	22
Prison Bitola						11	13
Prison Prilep						6	6
Prison Strumica						7	19
Prison Gevgelija						8	8
Prison Ohrid						1	/
Total	/	65	146	/	/	128	144

Next, the available data for certain years has been analyzed.

According to the Annual report of the State Commission for Execution of Sanctions for 2008, in the 2008 to the State Commission for Execution of Sanctions there were submitted total of 293 requests of prisoners, of which 275 (93.9%) prisoners were allowed to work outside the institution, while 18 requests (6.1%) were denied.⁵³

In 2009, total of 257 prisoners were working outside the institution, but on 31.12.2009, 65 (2.9%) prisoners were working outside the penitentiary institutions, of which most of them (20 prisoners) serve their sentence in the correctional facility of open type Struga. Also, on 31.12.2009, 580 prisoners (26.2%) were working inside the facilities in the penitentiary institutions. On 31.12.2009 the total number of prisoners

⁵³ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2008.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizyv>).

in the country was 2215 prisoners. In the penitentiary institution Idrizovo, out of 1304 prisoners on 31.12.2009, 117 prisoners (9%) were working.⁵⁴

During 2010 of the total prison population in the country, 1850 prisoners, a total of 1026 prisoners were work engaged inside the penitentiaries (55.5%), while 146 prisoners (7.9%) were work engaged outside the penitentiary institutions. Depending on the opportunities and needs in the penitentiary institutions, mostly, prisoners were hired to maintain the hygiene of the institutions, to work in the kitchen, as well as in agriculture and handicraft.⁵⁵

On 31.12.2011 the total prison population was 1895 prisoners, of which 1221 prisoners (64.4%) were working inside the penitentiaries. Most of them were engaged to work on maintaining hygiene, maintenance of green areas, work at a photocopier, kitchen, electricity, plumbing, heating, sewage systems, etc. Most often, work in the business units are provided in the following sectors: agriculture, livestock, timber industry and service providers.⁵⁶

For 2012 the total prison population on 31.12. was 2188 prisoners, of which 1827 prisoners (83.5%) were working inside the penitentiaries. Most of the prisoners that were working were with a stay in the open unit.⁵⁷ For 2012 the Annual report of the State Commission for execution of sanctions provides detailed data on number of prisoners and type of work they were working inside the institution on 31.12.2012, which are presented in Table 5. According to the data nearly 52% of the prisoners that were working were with a stay in the open unit, 32.3% with a stay in the semi-open unit and only 15.7% of the prisoners with a stay in the closed unit were engaged on any type of work. Prisoners classified in the open unit were working in the livestock (82.2%), in the car repair shop (81%), agriculture (61.5%), kitchen (42.3%), carpentry workshop (31.9%), etc. Prisoners that are classified in the semi-open unit are mostly engaged in the metalworking workshop (65.8%), carpentry workshop (38.9%), agriculture (38.5%), kitchen (26%), car repair shop (19%), etc. Finally, the prisoners from the closed unit are mostly engaged in the kitchen (31.6%), carpentry workshop (29.2%), and metalworking workshop (21.9%). None of them is working in the agriculture and in the livestock.

⁵⁴ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2009.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

⁵⁵ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2010.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

⁵⁶ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2011.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

⁵⁷ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2012.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

It can be concluded that the prisoners classified in the closed unit are not working, firstly, because of safety reasons. Namely, they are prisoners with high risk, therefore, the prison staff is still cautious about their behaviour and is in doubt whether they will abuse the trust and will use the opportunity to commit a crime, offence or even escape from prison. Possible solution to engage more prisoners from the closed unit is to provide workshops that will be both safe places for the prisoners, as well as for the prison staff and to provide more safe guards. Another reason can be the lack of workshops in the penitentiary institutions and available work places.

Table 5. Number of prisoners and type of work they were working inside the institution on 31.12.2012

Type of work the prisoners were engaged inside the institution	Open Unit	%	Semi-open Unit	%	Closed Unit	%	Total	%
Agriculture	238	61.5	149	38.5	0	0.0	387	21.2
Livestock	88	82.2	19	17.8	0	0.0	107	5.9
Carpentry workshop	23	31.9	28	38.9	21	29.2	72	3.9
Metalworking workshop	9	12.3	48	65.8	16	21.9	73	4.0
Car repair workshop	34	81.0	8	19.0	0	0.0	42	2.3
Kitchen	91	42.3	56	26.0	68	31.6	215	11.8
Other work in the institution	466	50.1	283	30.4	182	19.5	931	51.0
Total	949	51.9	591	32.3	287	15.7	1827	100.0

In 2013, on 31.12., there were total of 2462 prisoners in all the penitentiary institutions in the country. 646 of them (26.24%) were engaged on some type of work. Most of them, 50.6%, were with stay in the open unit, 38.5% were with stay in the semi-open unit and only 10.8% were with stay in the closed unit. 128 prisoners were work engaged outside the penitentiary institutions (5.2%).⁵⁸

In 2014, out of 3016 prisoners in the country, 25.6% were working inside the penitentiary institutions, and 4.8% were working outside the penitentiary institutions.⁵⁹

⁵⁸ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2013.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

⁵⁹ Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2014.

(<http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=godizv>).

The available data are presented in detail in Graph 1, Table 1, Table 2 and Table 3.

Table 6. Number of prisoners that were working inside the facilities in the penitentiary institution

Year	TotalNo. of prisoners in the penitentiary institutions	TotalNo. of prisoners that are working inside the facilities in the penitentiary institutions (as of on 31.12.)	Unit	Penitentiary institution Idrizovo	Prison Stip	Penitentiary institution of open type Struga	Prison Skopje	Prison Tetovo	Prison Kumanovo	Open Unit in Kriva Palanka	Prison Bitola	Prison Prilep	Prison Strumica	Prison Gevgelija	Prison Ohrid
2008	2212														
2009	2215	580		170											
2010	1850	1026													
2011	1895	1221													
2012	2188	1827													
2013	2462	327	Open Unit	161	13	12	22	4	18	14	29	14	22	18	0
		249	Semi-open Unit	47	40	8	81	3	37	0	10	1	16	5	1
		70	Closed Unit	67	0	0	0	0	0	0	1	0	0	0	2
		646	Total	275	53	20	103	7	55	14	40	15	38	23	3
2014	3016	272	Open	76	15	17	40	5	38	19	16	15	15	15	1
		320	Semi-open	61	36	9	109	0	75	0	5	3	13	7	2
		180	Closed	174	0	3	0	0	0	0	2	0	0	0	1
		772	Total	311	51	29	149	5	113	19	23	18	28	22	4

The actual problems regarding the work of prisoners as a treatment are considered in the National strategy for development of the penitentiary system (2015-2019), as well. The National Strategy urges for future improvements of this issue, recognizing the work treatment of prisoners as of a great importance for the process of re-socialization of prisoners.⁶⁰

⁶⁰ See: National strategy for development of the penitentiary system (2015-2019), December 2014 capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons. (http://www.pravda.gov.mk/documents/Nacionalna_strategijaENG.pdf). "It can be concluded that "the working engagement of sentenced persons is organised inside and outside the penitentiary institutions based on prior consent of a sentenced person to do the work assigned to him/her. The majority of sentenced persons who have work assignments undergo open and semi-open treatment, whereas the sentenced persons in the closed units have almost no work assignments, which could be counterproductive to their re-socialisation process. Generally speaking, the penitentiary institutions and correctional-educational institutions do not offer a wide range of activities in which sentenced persons could be engaged for work. At the same time, the existing equipment in the workshops is obsolete and does not correspond to the modern technology in the free society. A step forward in this field has been made with the construction of modern workshops equipped with the state-of-the-art equipment as part of the Project for Reconstruction of penitentiary institutions. The problem persists at the other facilities where it is necessary to provide equipment for the workshops

V. Conclusion

The basic characteristic of the modern penitentiary system is the changed attitude towards the work of prisoners. In the modern penitentiary systems, work of prisoners is used as the main form of treatment in their re-socialization. The work of prisoners as a form of treatment is considered from two aspects: first, through work, prisoner should gain work habits, also, the prisoner should be convinced that work could provide him a decent, honest and happy life, and secondly, through work prisoner to be trained to acquire relevant vocational and professional qualifications that will provide greater financial and social security in the life on freedom.

In penology today it is unenviable that the work of the convicted person is a key feature in his training to lead harmonized social life.⁶¹ Noting the work as the primary form of treatment of prisoners, some authors speak of “socialization through work”⁶² and those authors who are clinically oriented talk about “work therapy” as the main form of treatment.

The work of prisoners is an issue of the international documents dealing with the rights of the prisoners, such as, the Standard Minimum Rules for the Treatment of Prisoners (SMRTP) and the European Prison Rules (EPR). The contribution of the SMRTP and the EPR for acceptance and implementation of the work as a form of treatment of prisoners in the penitentiary institutions is of great importance. They stipulate recommendations on how to implement and how to realize the work of prisoners. According to these documents, the work of prisoners should be based on few basic principles. These basic rules on the work in prison are implemented in the Macedonian Law on Execution of Sanctions, therefore, making it a contemporary law.

It is quite clear that in the modern penitentiary system work as a form of treatment is of great importance. Therefore, the SMRTP and the EPR, also the Macedonian LES, emphasize the importance of work of prisoners for the successful re-socialization of prisoners. Hence, in different penitentiary systems appear quite large differences in the

and work assignments for the sentenced persons, as well as organise activities for their vocational training, which will contribute to their successful reintegration in society. Furthermore, there is a need for broadening the activities that would involve the sentenced persons in the working process at the facilities, as well as establishing uniformed criteria for fair compensation and remuneration of individuals who perform certain work assignments, and categorisation of the work according to the type and complexity to be established with a separate by-law. According to the present situation, a conclusion can be derived that the process of re-socialisation of sentenced persons in the facilities is not on a satisfactory level, or that in spite of a number of activities undertaken by State Commission for Execution of Sanctions in the past, further measures and activities for improvement in this area are required, with specific and applicable solutions offered by this Strategy.”

⁶¹ Burren, E., *Theorien der Strafe und probleme des moderne Strafvollzuges*, Kriminologische Institut der Kantos, Zürich, Lenzburg, 1963, стр. 11.

⁶² Kaiser, G., *Strafvollzug: Gegenwärtige Lage und Reformbestrebungen*, t.2, Freiburg, 1973, p. 182.

application of these principles as a consequence of the basic approach of defining the objectives of punishment, different characteristics of the penitentiary systems and the conditions for application of work of prisoners. Moreover, it is of great importance whether the work of prisoners is organised by private contractor because in these countries there is a tendency for maximizing the use of prisoners labour. Due to this fact, the SMRTP contrary to the EPR emphasize that preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

Analysing the data from the Annual reports of the State Commission for Execution of Sanctions for the performance and state of the correctional and penitentiary institutions in the Republic of Macedonia for 2008-2014 on the work engagement of prisoners, it can be concluded that despite the fact that the data are not complete for all years, certain conclusions are drawn.

First, it is evident from the data that the prisoners classified in the closed unit are not working, primarily because of safety reasons. Namely, they are prisoners with high risk, therefore, the prison staff is still cautious about their behaviour and is in doubt whether they will abuse the trust and will use the opportunity to commit a crime, offence or even escape from prison. Possible solution to engage more prisoners from the closed unit is to provide workshops that will be both safe places for the prisoners, as well as for the prison staff and to provide more safe guards. Another reason can be the lack of workshops in the penitentiary institutions and available work places. It has to be emphasised that the non-engagement of prisoners in the closed unit in the penitentiary institutions has a negative effect on the process of their successful re-socialization.

Second, according to the data, the low percentage of work engaged prisoners is due to the fact that there is a lack of workshops in the penitentiary institutions and available work places. Also, the “existing equipment in the workshops is obsolete and does not correspond to the modern technology in the free society.”⁶³

Next, the compensation the prisoners receive is far from a fair compensation for their labour, and in some penitentiaries prisoners are not given anything for their work.⁶⁴ This present situation should be improved as soon as possible, because it is contra productive with the notion of the work treatment of the prisoners and their re-socialization.

To conclude, issues regarding the work of prisoners in the penal practice in the Republic of Macedonia need urgent improvements. Hopefully this will be achieved with the planned activities with the National strategy for development of the penitentiary system (2015-2019).

⁶³ See: National strategy for development of the penitentiary system (2015-2019), December 2014 capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons. (http://www.pravda.gov.mk/documents/Nacionalna_strategijaENG.pdf).

⁶⁴ According to the research prisoners are paid barely 2-3 euros per day, and in some prisons they do not receive anything.