

Docent Dr. Aleksandra Gruevska-Drakulevski
Law Faculty “Iustinianus Primus” – Skopje

POST PENAL ASSISTANCE OF EX-PRISONERS
– the case of the Republic of Macedonia –

Abstract

The author of the paper deals with the issue of post penal assistance of ex-prisoners. The author gives a review of the best practices of implementation of the post penal assistance, namely the Anglo-Saxon countries. The paper analyses the application of the post penal assistance of ex-prisoners in the Republic of Macedonia. Post penal assistance is seen as an extended treatment of the convict. This form of treatment is an element of re-socialization as a continuous process aimed at successful engagement of the ex-prisoner in the lawful life. Post penal assistance can be internal, that is encouragement and advice of the convicts to solve their own problems they would face immediately after release from the penal institution. On the other hand is the external assistance that is manifested through various forms, such as: providing temporary accommodation and nutrition, providing necessary treatment, selection of a new environment in which the convicted person will live, assisting in arranging family situation, finding suitable employment, enabling to finish school, providing financial assistance to cover the most necessary needs, etc. External post penal assistance is the real after care of ex-prisoners. Post penal assistance as a form of treatment provides achievement of the principles of humanity in the execution of criminal sanctions. Measures taken by the institutions and bodies responsible for post penal assistance should be in accordance with the needs of prisoners.

Key words: after-care, convict, ex-prisoner, help, post penal assistance, prison, reintegration, rehabilitation, re-socialization

Introduction

Arrangements for post penal assistance, after-care, resettlement or social re-integration, as it is variously called, are a feature of the prison systems of all developed countries.¹ Reintegration into the community is essential to drive change in the behavior of prisoners in a long run. Helping those who are released from prison to find housing and nutrition, job, resolve depression, loneliness, family problems, and so on, these is all tasks of the after-care service or the post penal assistance of ex-prisoners.

The Recommendation No. R (82) 16 of the Committee of Ministers to member states on prison leave² stresses that prison leave is one of the means of facilitating the social reintegration of the prisoner and recommends the governments of member states to grant prison leave to the greatest extent possible on medical, educational, occupational, family and other social grounds.³

Which way will the prisoner take after release form serving the prison sentence is a question of particular importance for the prevention of future recidivism of former convicts. The answer to this question would actually solve the problem issues of the prognosis of future recidivism, on one hand, and provides the answer to the question of the success of the treatment carried out in prison, on the other hand.⁴

The results of almost all studies confirm the negative consequences of imprisonment, so that prisoners are unable to cope outside the prison walls after release and it is very likely to continue to commit crime.⁵ Fear, worry, anxiety, loneliness, trauma, depression, injustice, powerlessness, violence and insecurity are part of the experience of prison life. Prisoners are afraid to trust people, fear the unknown etc., when they are released from prison.

Sykes (1958) identified five prison deprivation: 1. loss of liberty (constraints, separation from the family and friends, rejection by the society, loss of citizenship: civil death, loss of emotional ties, loneliness and boredom); 2. deprivation of goods and services (choice, comfort and material goods); 3. straight sexual relationships (prisoners are figuratively castrated by involuntary celibacy); 4. deprivation of

¹ Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p.158.

² Recommendation No. R (82) 16 of the Committee of Ministers to member states on prison leave (Adopted by the Committee of Ministers on 24 September 1982 at the 350th meeting of the Ministers' Deputies). (available on:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=601648&SecMode=1&DocId=676420&Usage=2>). (Accessed at: March, 30 2012).

³ Ibid, see: Preamble and paragraph 1.

⁴ Шурбановски, Наум, *По затворот каде?*, НИО Студентски збор, Скопје, 1993. [Shurbanovski, Naum, *Where to go after release from prison?*, NIO Studentski zbor, Skopje, 1993.].

⁵ Груевска-Дракулевски, А. (2010) „Влијанието на казната затвор врз рецидивизмот“ (докторска дисертација), Правен факултет „Јустинијан Први“ - Скопје. [Gruevska-Drakulevski, A., *The effects of imprisonment on recidivism*, PhD thesis, Law Faculty “Iustinianus Primus” – Skopje, 2010.].

autonomy (routine regime, work, activities, trivial and obviously pointless restrictions - for example, delivery of letters, lack of explanation for certain decisions); 5. deprivation of security (instructed socializing with other unpredictable inmates causes fear and anxiety, prisoners have to fight for the security of their person and their belongings).⁶

Imprisonment has a large number of damaging effects, it can affect the mental health and functioning of prisoners, ruptures their social ties, and not least important is the process of 'institutionalization', namely, inability to live without the rigid framework of the 'carceral' environment. People become dependent on others to make decisions for them and lose their own decision-making capacity. As a result of the humiliation of the inmate, he/she loses confidence and self esteem.⁷ The stigma of a prisoner follows the prisoners for their entire lives, the employers discriminate ex-prisoners, etc.⁸

The cognition that those who have served a prison sentence are not accepted in the society, initiates modern legislators to specifically regulate the attitude of the society towards these people. Modern penal theory and practice pays special attention to the post penal assistance of ex-prisoners, in order to be successfully reintegrated into the society and run new law abiding life with respect for social norms and values. Otherwise, the institutional treatment and rehabilitation of convicted persons could be brought in a question.

Post penal assistance or post penal treatment is defined as a set of different methodological procedures and techniques of pedagogical, psychological and social nature that are applied to the prisoner before leaving the penitentiary institution and immediately after serving his sentence, in order to ensure its proper and successful integration into the life.⁹

Post penal assistance depends on the degree of success of the institutional treatment, i.e. the ability of the convict for successful participation in the society. Post penal assistance is the last phase of the implementation of programs in the institution. There is a need of cooperation and assistance from organizations and institutions outside the institution.¹⁰

Post penal assistance can be inner (internal) which is carried out in prison. That encompasses encouragement and advice of the

⁶ Sykes, Gresham, *The Society of Captives*, Princeton University Press, Princeton, 1958, p.63-78.

⁷ Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p.159.

⁸ Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988].

⁹ Ibid, p. 282.

¹⁰ See also: 'Guidelines for the Determination of types and ways of treatment of prisoners', Directorate for Execution of Sanctions of the Republic of Macedonia, December 2011, article 64.

(Available at:

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

(Accessed at: March, 30 2012).

convicts to solve their own problems they would face immediately after release from the penal institution. It is acknowledged that the role of the prison in resettlement is significant. In principle the prison service gives a high priority to preparing prisoners for release back into the community, to lead law-abiding and useful lives after release. Modern concepts of jails and prisons are considered as places for personal reform. A modern, utilitarian description of this concept is to reduce recidivism. The question that is posed is how to break efficiently the cycle of crime that returns some people back to prison. On the other hand, is the outer (external) assistance that is manifested through various forms such as: providing temporary accommodation and nutrition, providing necessary treatment, selection of a new environment in which the convicted person will live, assisting in arranging family situation, finding suitable employment, enabling to finish school, providing financial assistance to cover the most necessary needs, etc. External post penal assistance is the real after care of ex-prisoners.

Some penal systems acknowledge a phase called semi liberty, considered as a special form of post penal assistance, where prisoners work outside the institution while spending the night and the weekends in the penal institution. Practice for this type of post penal assistance varies from country to country and depends on the experiences, the complexity of certain issues and current events, and the ability of the society to solve them. However, the prisoner earns money that would help him/her to be independent and to satisfy at least the basic needs when released from prison.¹¹ Such an example is the model of daily release of prisoners that is applied in Germany, so as the prisoners would find themselves a job and would gain the trust of the employer for his own capabilities. Every prisoner should be treated for addictions and should be educated.

Post penal assistance is actually an extended treatment of the convict. This form of treatment is an element of the re-socialization as a continuous process that aims toward successful positive lawful engagement of the convict after release from prison. To a large extent it depends on the successful application of the treatment in the penal institutions. If this treatment is successful, if the person is enabled to solve his/her problems on his/her own, in such a case, the need of assistance is less or as M. Lopez-Rey points, "the worse the treatment in a penal institution is, so the greater the need to provide post penal assistance is".¹²

Post penal assistance is very important, both for the ex-prisoner and to state, because if treatment is successful, the rate of recidivism will be reduced, also the prison overcrowding that will

¹¹ Mahmutović, Đevad and Hasanbegović, Husnija, *Organizacija postpenalne pomoći u federaciji BiH i očekivanja osuđenika nakon izdržane kazne*, Univerzitet u Tuzli, p. 2.

¹² Lopez-Rey, M., 'Release and Provisional Release of Sentenced Prisoners', *British Journal Of Criminology*, Volume:6, Issue:3, Dated: (July, 1966), p. 236-268, cit. in Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988], p. 283.

cause decrease in governmental spending and of course the crime rate in the state in general.

Hence, post penal assistance must address the problems that stand out as causes of recidivism. Recidivists usually come from socially deprived classes, people who usually do not have solved the problem of housing, employment, persons who have not completed education, people with financial problems, with family problem, addicts of drugs, etc. Thus, reintegration into the community is essential to drive change in the behavior of these people in a long run. Help those who leave prison to find homes, jobs, resolve depression, loneliness and so on, all these are tasks of post release assistance.

Return of prisoners in the community attracts the attention of penal policy makers. Data on high rates of recidivism inevitably raise the question of the post penal assistance. It is the aid that has a double effect. On one hand, it provides services to ex-prisoners after release from prison (e.g., housing, solving financial problems, unemployment problems, problems with disrupted family relations, etc.) that will help the transition from prison to society, and on the other hand, to protect the public from potential harm that will be caused to the society if the person recidivates.

Following are discussed the best practices in the application of the post penal assistance (the case of the Anglo-Saxon countries); than the provisions on after-care of prisoners in the international regulation, as well as the current application of the post penal release in the Republic of Macedonia with proposals of its improvement.

1. Review of the best practices in the application of post penal assistance (the case of the Anglo-Saxon Countries)

There is scarce information about who had accepted former prisoners in the past. The literature points out that it could be the church that until 1840 was the only that was helping those in need, those who were coming out of prison, sick people, those who were unable to cope with life, etc. Later, the state shows interest for the care of these people. For example, in England in 1862 the convicted people were given two pounds when leaving the prison and soon after begin the care for employing former prisoners.¹³

However, about efficient and organized post penal assistance can be spoken only since recently. First, associations for help of convicts which were established in some countries began to deal with this problem. Since the problem of assisting prisoners released from serving the prison sentence emerged in several countries, it became an issue that was discussed at many international conferences of penologists. The International Commission on Criminal Justice and Penal Institutions had a big impact with its proposals for concrete measures for post penal assistance that were exposed at their conferences. Other international associations, conferences and organizations, also dealt with the issue of post penal assistance. The First Congress of the United Nations on Crime Prevention and Treatment of Offenders paid attention to this question. The

¹³ Сулејманов, Зоран, *Пенологија*, Графохартија, Скопје, 1999. [Sulejmanov, Zoran, *Penology*, Grafohartija, Skopje, 1999].

understanding of the need of post penal assistance evolved with the adoption of modern, humane, liberal and progressive views on the treatment of prisoners.¹⁴

Nowadays, the largest organization dealing with post penal assistance or after-care of ex-prisoners in the world is the `Salvation Army`, which performs its work in favor of prisoners in many countries.¹⁵ The organization helps individuals released from prison who have returned from serving a prison sentence to live lawful life by providing them with small amount of money (small and cheap hostels, cheap restaurants, centers for care of homeless people).

There are many professional services which are governmental, semi governmental organizations, private, religious organizations as well as individual volunteers. A characteristic for the individual volunteers is that in some countries they often visit the convict while serving a prison sentence and remain in contact with them after their release. Inmates call them “good souls”. Common weak side of all these forms of post penal assistance is the lack of skilled personnel and material resources, as well as lack of understanding by the public opinion.

Organized forms of post penal protection in the Anglo-Saxon countries differs from those forms in other countries. Following, the form of post penal assistance particularly in the United Kingdom, as well as in the United States of America is discussed.

1.1 United Kingdom

“The provision of help to people leaving prison has been recognized as a worthy and important charitable activity for two centuries”.¹⁶ Following the example of Quaker Elizabeth Fry who founded the `Ladies Association for the Improvement of Female Prisoners` in Newgate, London in 1817, association whose aim was “to provide work and education for the women which, it was hoped, would ‘render them docile and peaceable whilst in prison, and respectable when they leave it’”.¹⁷ Later, as part of the wider movement for social reform, other local organizations to help prisoners were created. For example, “in Liverpool in 1870 ‘prison gate work’ was established and released prisoners were offered a free breakfast and encouragement to sign the pledge and become teetotalers”.¹⁸ By 1897, 56 after-care organizations were giving advice

¹⁴ Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988]. p. 284.

¹⁵ See: http://www.salvationarmyusa.org/usn/www_usn_2.nsf.

¹⁶ Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p. 157.

¹⁷ Quoted in Dobash, R., Dobash, E. and Gutteridge, S. *The Imprisonment of Women*, Oxford: Blackwell, 1986, p.43–4, cit. in Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p. 157.

¹⁸ Maguire, M., Raynor, P., Vanstone, M. and Kynch, J. (2000) *Howard Journal of Criminal Justice*, Vol. 39, No. 3, 234. cit. in Coyle, Andrew,

to released prisoners. In 1937 these local organizations came together to form the National Association of Discharged Prisoners Aid Societies (NADPAS).¹⁹ In 1953 according to a Home Office report, the Maxwell Report, after-care work was professionalized and this was reinforced in 1963 by a report by the Advisory Council on the Treatment of Offenders (ACTO), *The Organization of After-Care*^{20, 21}. The 'National Association of Discharged Prisoners Aid Societies' was dissolved and its assets given to the newly created 'National Association for the Care and Resettlement of Offenders' (NACRO). "The main role for NACRO was seen, at that time, to be to keep alive the involvement of volunteers in prisons and the after-care of prisoners".²²

Voluntary organizations became the main deliverers of services to these ex-prisoners. A number of governmental authorities and voluntary organizations are included in the process of reintegration of prisoners. They help individuals to find a job; they provide assistance in terms of education, qualification, additional training, etc. There are several institutions such as 'St. Leonard Housing' which provides accommodation for ex-convicts, with a minimum rent and help of social workers. Founded in 1954, 'St. Leonard's Ministries' provides comprehensive residential, case management and employment services for those released from prison without resources needed to rebuild their lives. Residents are provided with an array of program services designed to assist them as they make the transition to successful, independent living. Also, they are helped to reassess value systems, to reorder priorities and to develop socially and legally acceptable patterns of behaviour. Fascinating is the fact that recidivism rates for former residents are impressive - only 20%, while the state average exceeds 50%.²³

Another voluntary organization is 'Circle Trust' that provides rest of ex-convicts in their spare time with the opportunity to discuss their problems with the members of the club - not convicted people who want to help them.

In the UK, prisoners serving less than four years who have not been convicted of a violent or sexual offence are eligible to be released early, provided that they agree to wear an electronic monitoring device, which is monitored by a private contractor, and

Understanding prisons: Key issues in policy and practice, McGraw-Hill, Open University Press, 2005, p. 157.

¹⁹ Davies, M. (1974) *Prisoners of Society: Attitudes and after-care*, International Library of Social Policy. London: Routledge & Kegan Paul. cit. in Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p. 158.

²⁰ The Central After-Care Association was established to centralize arrangements for statutory after-care covering those released from various types of sentence, for example borstal training and the new sentences of corrective training and preventive detention (*Home Office 1782-1982*) cit. in *Prison and Borstal After-Care: annual report of the Council of the Central After-Care Association*, 1963. H.M. Stationery Office. 1965.

²¹ Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p. 158.

²² *Ibid*, p. 158.

²³ See: <http://slministries.org/>. (Accessed at: 30 March 2012).

stay at home or in their hostel between certain hours, usually 7.00 pm to 7.00 am. If accommodation arrangements break down or their family no longer wants them at home, then they have to return to prison.²⁴

Next, in the UK, there is a so called 'halfway house' that usually refers to a place where people that are mentally ill, victims of child abuse, orphans or teenagers who have escaped from home, can be accommodated. They are managed by humanitarian organizations, churches, community groups and others.

According to the House of Commons Home Affairs Committee (2005)²⁵, the best way to reduce recidivism is to ensure that prisoners after release from prison are able to find work and home. Prison overcrowding has a negative impact on the rehabilitation program in terms of quality and quantity of interventions.

According to a Survey Report of Chartered Institute of Personnel and Development, London, published in May, 2007, entitled "Employing *ex-offenders to capture talent*" former prisoners are most likely to be hired by non-governmental organisations. Ex-convicts were least likely to find work in the private sector.²⁶ Only eight per cent of British employers that had hired an ex-prisoner said they would be willing to share this information publicly, according to the same survey. Most employers said they feared it could damage the reputation of their companies. However, the survey results indicated that employers should not be so worried. Sixty-five per cent of companies that had hired former prisoners reported that they had had a positive effect on their organization.²⁷

Another organization that provides after-care of ex-prisoners is the 'St. Gils Trust'. The Trust has a policy of employing ex-prisoners. Out of 150 members of the staff, 40 are ex-convicts. Hiring former prisoners brings a two-fold benefit. When newly released prisoners visit 'St. Giles' they feel more confident because they are talking to staff whose experiences is very similar to their own. In addition, a number of former prisoners get steady work.²⁸ Still, they receive significant governmental aid. About 70 per cent of their funds come from central and local authorities, while the rest comes from donations. They cooperate with twenty prisons in Britain and every

²⁴ Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005, p. 161.

²⁵ House of Commons, Home Affairs Committee, *Rehabilitation of Prisoners: First Report of Session 2004–05*, Volume I, The Stationery Office, London, 2005.

²⁶ Chartered Institute of Personnel and Development, (CIPD), "Employing ex-offenders to capture talent", Survey report, May 2007. (Available at: <http://www.cipd.co.uk/NR/rdonlyres/CC2DF252-2364-4214-9A7A-4C4212CC4EFA/0/empexoffndcaptalpdf.pdf%20>). (Accessed at: 30 May 2012).

²⁷ Ibid.

²⁸ Fotinoska, Ruzica, '[Freed Prisoners Remain Caught Behind Bars](#)', 19 October 2010. (Available at: <http://www.balkaninsight.com/en/article/freed-prisoners-remain-caught-behind-bars>). (Accessed at: 30 March 2012).

month they find homes for 100 former convicts. Namely, the work of NGOs such as the 'St Giles Trust' complements government policy, which is designed to prevent ex-prisoners from being shut out of the jobs market.²⁹

In the UK prisoners are encouraged to take college degrees or learn new skills. But, on the other hand, the stigma of the criminal record of prisoners cannot be forgotten. Thus, for many professions the criminal record is being consulted before deciding to hire a person. According to the Rehabilitation of Offenders Act 1974³⁰ in England, individuals who have served a prison sentence of six months or less have to say about their criminal records in the next seven years (if they were older than 18 years during the conviction) and in the next three and a half years if they were less than 18 years old on conviction. If a person has been sentenced to imprisonment of between six and two and a half years, the rehabilitation period is 10 years for those who have had 18 years at the time of conviction and 5 years for those who did not have 18 years. For prison sentences of over two and a half years it is not intended to limit the onset of rehabilitation.³¹

To conclude, the United Kingdom has a wide successful practice of providing post penal release in the past centuries, and it could serve as a good example for the other countries especially for the Republic of Macedonia, issues discussed later in the paper.

1.2 USA

A similar situation exists in the United States of America, but with differences in some countries. In New York operates the so-called 'Start Center' for help of former prisoners. In California works municipal council for coordination of crime prevention.

In 2008 a legal act called The Second Chance Act³² was adopted. It was designed to improve outcomes for people returning to communities from prisons and jails. This first-of-its-kind legislation authorizes federal grants to government agencies and nonprofit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce recidivism. Such programs significantly reduced the rate of recidivism. Namely, in San Mateo, California, for example, a program that has provided offenders with drug treatment, life skills and employment training since 2009 has managed to keep three-quarters of them from going back to prison.³³

²⁹ Ibid.

³⁰ Rehabilitation of Offenders Act 1974. (Available at: <http://www.nacro.org.uk/data/files/nacro-2007021302-65.pdf>). (Accessed at: 30 May 2012).

³¹ Ibid.

³² The Second Chance Act 2008.

(Available at:

http://reentrypolicy.org/documents/0000/0492/Second_Chance_Act_PL_110-199.pdf). (Accessed at: March, 30 2012).

³³ Second Chances After Prison, Published: October 13, 2011 (Available at: http://www.nytimes.com/2011/10/14/opinion/second-chances-after-prison.html?_r=2). (Accessed at: March, 30 2012).

In the US immense attention is paid to the employment of ex-prisoners, considering that unemployment is perhaps the biggest cause of recidivism.

The 'Center for Employment Opportunities' (CEO)³⁴ organizes programs for ex-prisoners to find them temporary job after release from prison, often in a non-profit organization or governmental agency. While working on temporary basis, the Center provides advice and assistance to the prisoners to find permanent job.

An American initiative 'SVORI' ('The Serious and Violent Offender Reentry Initiative')³⁵ in 2003 has funded 69 agencies to develop programs to improve criminal justice, employment, education and training, health and housing, so as to improve post penal assistance of ex-prisoners.

In the United States 'halfway house' is a residential center where addicts, perpetrators of sexual crime, mental illness or those who have committed serious crimes are accommodated immediately after release from prison and offered assistance. The purpose of these 'halfway houses' is to enable a person to begin the process of reintegration into the society, while still under supervision. It is believed that the risk of recidivism or reoffending is reduced in relation to the direct release into the community.

The most important program carried out in the US is the so called model 'SARA' ('Scanning, Analysis, Response and Assessment'). First, it is examined how many of the convicts that were released from prison are high-risk offenders with a high probability to recidivate. Then the risk factors that lead to recidivism are analyzed, if there is an environment and time that will lead the convict to commit crime and so on. Then, the next step is a reaction to the situation in terms of setting limits, monitoring the behavior of the person, places that he/she visits, people with whom he/she associates, providing necessary support, engagement of the community, providing assistance to the victims of crime, etc., and finally conducts an evaluation of the implemented program, whether recidivism is reduced, whether the fear among the population from the prisoner is reduced etc.³⁶

Then, the so called 'Project Safe Neighborhoods: A Platform for Partnership with the Police to Return Back to the Community' (PSN), initiative to combat armed violence, which includes several phases as the previous model.³⁷

In the US religion is regarded as a way of managing prisoners or as a key indicator for the prognosis of recidivism; still, little has

³⁴ Finn, Peter, 'Successful Job Placement for Ex-Offenders: The Center for Employment Opportunities', U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, March 1998. (Available at: <https://www.ncjrs.gov/pdffiles/168102.pdf>). (Accessed at: March, 30 2012).

³⁵ <http://www.svori-evaluation.org/>. (Accessed at: March, 30 2012).

³⁶ Vigne, Nancy G. La, Solomon, Amy L., Beckman, Karen A. and Dedel, Kelly, *Prisoner Re-entry and Community Policing: Strategies for Enhancing Public Safety*, Urban Institute, Justice Policy Centre for 2006.

³⁷ Ibid. See also: <http://www.psn.gov/about/>. (Accessed at: 30 March 2012).

been written and researched. Sumter³⁸ investigated the influence of religion in the adaptation of persons released from prison and the conditions in which religion gives effect. He came to the conclusion that there is very little difference between “religious” and “non-religious” prisoners in terms of reducing recidivism. However, relationship between participation in religious programs and belief in supernatural, on one hand, and the adjustment in the community after release from prison, on the other, is perceived. Thus, persons who reported that they participated in a religious program and believe in supernatural, were less likely to be convicted and sentenced again after release from prison, regardless of whether they were classified as “religious” or “non-religious”. In any case, this study confirmed that the application of religious programs is important in the prison environment and should be considered as a potential tool for rehabilitation.³⁹

In Texas, ‘Faith-Based Pre-Release Program’, ‘Inner-Change’ has been developed that emphasizes the restorative component, is based on the ‘returning back’ of the person to the community, victims and his/her family, and its success is based on the successful reduction of recidivism.

A study conducted by Clear *et al.*⁴⁰ came to the conclusion that the religiosity of prisoners is important for their adjustment in the prison environment. Another study conducted by Johnson *et al.*⁴¹ came to the conclusion that those who took part in some religious programs had lower recidivism rates compared to the statistical control group of convicts released from prison in the same period as the respondents.

Taking into account this variable and the positive results that religion shows in the fight against recidivism, we can think to implement programs in the Republic of Macedonia that will offer religious education, religious education with the aim of raising the morale of prisoners, acceptance of real values, with the ultimate goal of desistance from crime.

To sum up, these positive experiences can serve as a good example for future amendments in the legislation and practice of the implementation of the post penal assistance in the Republic of Macedonia.

1.3 European countries

In Europe, in this field, most advanced are the Scandinavian countries. In Denmark ‘Social Care Association’ is funded by the state, but it represents a private organization for performing accepted public

³⁸ Sumter, Melvina T., *Religiousness and Post-Release Community*, National Criminal Justice Reference Service (NCJRS), 2000.

³⁹ *Ibid.*

⁴⁰ Clear *et al.* (1992) cit. in: Sumter, Melvina T., *Religiousness and Post-Release Community*, National Criminal Justice Reference Service (NCJRS), 2000.

⁴¹ Cit. in: Johnson, Byron R, (2002) „Assessing the Impact of Religious Programs and Prison Industry on Recidivism: An Exploratory Study“, Texas Journal of Corrections.

functions. This association chooses specially trained officers and takes care of the parolees, especially for their employment and family counseling.

In the countries of Eastern Europe interesting phenomenon is the `socialization` of the repression for minor offenses with the introduction of labor colonies and forced labor.

2. International documents on Post Penal Assistance

2.1 Standard Minimum Rules for the Treatment of Prisoners⁴²

The Standard Minimum Rules for the Treatment of Prisoners stipulates that the duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.⁴³

Also, the Rules refer to the social relations and after-care of the ex-prisoner.⁴⁴ Namely, special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.⁴⁵ Then, from the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.⁴⁶

Services and agencies, governmental or otherwise, which assist released prisoners to reestablish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release. The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence. It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.⁴⁷

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. (Available at: <http://www2.ohchr.org/english/law/treatmentprisoners.htm>). (Accessed at: 30 March 2012).

⁴³ Ibid, paragraph 64.

⁴⁴ Ibid, paragraphs 79 to 81.

⁴⁵ Ibid, paragraph 79.

⁴⁶ Ibid, paragraph 80.

⁴⁷ Ibid, paragraph 81.

To sum up, The Standard Minimum Rules for the Treatment of Prisoners pay significant attention to the importance of the post penal assistance for the successful reintegration of the individuals in the lawful life.

2.2 Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules⁴⁸

European Prison Rules in an individual section named Release of prisoners stipulates that steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, and assisted in finding suitable accommodation and work.⁴⁹ Hence, released prisoners shall also be provided with immediate means of subsistence, be suitably and adequately clothed with regard to the climate and season, and have sufficient means to reach their destination.⁵⁰

When examining a prisoner the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to noting physical or mental defects that might impede resettlement after release and making arrangements with community agencies for the continuation of any necessary medical and psychiatric treatment after release, if prisoners give their consent to such arrangements.⁵¹

In addition to the rules that apply to all prisoners, the regime for sentenced prisoners shall be designed to enable them to lead a responsible and crime-free life.⁵² As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release.⁵³ Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans.⁵⁴

Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment.⁵⁵ Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to

⁴⁸ Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies). (Available at: <https://wcd.coe.int/ViewDoc.jsp?id=955747>). (Accessed at: Marc, 30 2012).

⁴⁹ Ibid, paragraph 33.7.

⁵⁰ Ibid, paragraph 33.8.

⁵¹ Ibid, paragraph 42.3, h and j.

⁵² Ibid, paragraph 102.1.

⁵³ Ibid, paragraph 103.2.

⁵⁴ Ibid, paragraph 103.3.

⁵⁵ Ibid, paragraph 107.4.

assist with preparations for release and the planning of after-care programs.⁵⁶

In conclusion, European Prison Rules stress the importance of the inner, as well as the outer post penal assistance of prisoners in order to ensure their proper and successful integration into the life of freedom.

3. Application of the post penal assistance in the Republic of Macedonia

Post penal assistance as a form of penal treatment of prisoners in the penitentiary system of the Republic of Macedonia was accepted by the Law on Execution of Sentences, Security Measures and Correctional Measures in 1951. This Law stipulated that in the village and city People's Committee special committees of citizens should be formed, whose task will be to accept and give help to ex prisoners after serving a sentence. In this continuity, post penal assistance as a method of treatment exists to date and is developed and promoted as an important for the re-socialization of convicts.⁵⁷

According to the Law on Execution of Sanctions (LES)⁵⁸ in the Republic of Macedonia post penal assistance after release from prison is a set of measures and procedures that are applied with a purpose of inclusion in the life of released prisoners and consists of: providing housing and nutrition, providing treatment, advice on the choice of residence, settlement of disorganized family relationships, finding employment, completing training, financial assistance to cover basic needs, as well as other forms of help and support. The penal institution three months before releasing the convict who needs help after release from custody, notify the Centre of Social Affairs as determined according to the convict's permanent residence that is his temporary residence, about the day when he/she should be released from prison and thereby indicating the type of assistance needed for its successful involvement in life.⁵⁹ Further, if the convict has no clothes, underwear and shoes, nor means to provide them, the institution gives the convict clothing free of charge.⁶⁰ Also, after release from prison, the convict can request help and support from the Judge for execution of sanctions. The Judge for execution of sanctions

⁵⁶ Ibid, paragraph 107.5.

⁵⁷ See: Кралев, Тодор, *Затворот и ресоцијализацијата*, НИП Студентски збор, Скопје, 2001. [Kraleв, Todor, *Imprisonment and Re-socialization*, NIP Studentski zbor, Skopje, 2001.]; Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988]; Сулејманов, Зоран, *Пенологија, Графоhartија*, Скопје, 1999. [Sulejmanov, Zoran, *Penology, Grafohartija*, Skopje, 1999]; Шурбановски, Наум, *По затворот каде?*, НИО Студентски збор, Скопје, 1993. [Shurbanovski, Naum, *Where to go after release from prison?*, NIO Studentski zbor, Skopje, 1993];

⁵⁸ Закон за извршување на санкциите, „Службен весник на Република Македонија“ бр.2/2006 и 57/2010. [Law on Execution of Sanctions “Official Gazette of the Republic of Macedonia, No.2/2006 and 57/2010.].

⁵⁹ Ibid, article 207.

⁶⁰ Ibid, article 208.

cooperates with the Centre for Social Affairs and can issue a written order for taking the needed measures.⁶¹ Also, the Directorate for Execution of Sanctions cooperates with other state bodies, science and other institutions and associations, as well as other legal entities, in order to improve the conditions for the execution of sanctions and post penal assistance after release of prisoners.⁶²

It can be concluded that according to the legislation, in order to complete the institutional treatment two types of assistance should be considered, first, inner assistance (which includes incentives, encouragement and advice how should the convict solve his/her problems that he/she will face right after release from the penal institution); second, outer assistance (which includes providing material help, temporary accommodation, assistance in solving family problems, etc.).⁶³

According to the Law on Execution of Sanctions of the Republic of Macedonia, the Centers for Social Affairs have a wide range of forms of post penal assistance that can provide, but for certain reasons prisoners are provided with only one type of assistance, that is granting single financial aid of 4,500.00 denars (approximately 73 Euros). The other types of help are not provided.

The Report on the work of the Department for supervision over the enforcement of laws and other regulations in the field of social protection in 2008, prepared by the Ministry of Labor and Social Policy in January 2009, notes that "... the Center for Social Affairs because of lack of own resources and material capabilities does not provide ex-prisoners with accommodation and food, treatment, advice on choosing a place or residence, family relationships, finding employment, completion of training, giving money to help cover the most necessary needs, and other forms of assistance and support, contrary to article 207 of the Law on Execution of Sanctions. The Center only provides these individuals with single financial aid ...".⁶⁴

Regarding the issue of temporary accommodation and providing nutrition the practice in the Republic of Macedonia shows that such assistance was not provided by a competent authority. On the contrary, in the Republic of Macedonia according to a survey conducted by Shurbanovski,⁶⁵ more than one third of the participants lived in under-average housing conditions after release from prison. During the inspection of the living conditions horrible images of lack

⁶¹ Ibid, article 209.

⁶² Ibid, article 9.

⁶³ 'Guidelines for the Determination of types and ways of treatment of prisoners', Directorate for Execution of Sanctions of the Republic of Macedonia, December 2011, article 64.

(Available at:

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

(Accessed at: March, 30 2012).

⁶⁴ See:

<http://www.mtsp.gov.mk/?ItemID=B6EDC0F4A3F5164ABCBABAEB0F3A70D5>. (Accessed at: March, 30 2012).

⁶⁵ Шурбановски, Наум, *По затворот каде?*, НИО Студентски збор, Скопје, 1993. [Shurbanovski, Naum, *Where to go after release from prison?*, NIO Studentski zbor, Skopje, 1993.].

of basic living conditions were noticed.⁶⁶ In such a situation, it is hardly possible that the presumably successfully implemented treatment of re-socialization in prison will have effect on a long run. Hence, it can be concluded that housing conditions are certainly a factor with an impact on recidivism and should especially be taken into consideration when delivering post penal assistance. In addition, some of the ex-prisoners face the problem of inability to provide nutrition especially if they have a problem of acceptance by their family. Hence, the post penal assistance should address these problems, as well and solve them in a way that none of the ex-prisoners would ever confront such a problem. At least these people should be advised to use the services provided by the public kitchens in our country, as well as the centers for homeless people.

Inevitable link in the reintegration process and successful process of post penal assistance is the inclusion of families of prisoners in that process, his friends, teachers or social workers, and so on. For many of the prisoners their family is the main source of support in the post integration process.

Rejection by the family is the hardest thing a convict can experience after release from prison. The prisoner immediately after release from prison needs understanding and acceptance of the family so that the process of re-socialization can have effects. On the other hand, marriage is seen as a variable of future recidivism, namely, it must be emphasized that only successful marriages discourage the offender from recidivism. Thus, stable marriages require “constant attention and care”.⁶⁷ If family ties and marriage is disrupted the prisoner will be prone to relapse to crime. Therefore, the inner and particularly the outer post penal assistance should address these problems knowing that disrupted family ties are strong predictor of future recidivism.

The tendency in most jurisdictions is to send a prisoner to serve his/her sentence in local prisons and not few hundred kilometers away from home, so that the prisoner can nourish the family ties. Such local prisons should provide conditions for organizing sections with different levels of security (maximum security section, medium security section and open section). Such a solution in the Republic of Macedonia will disburden the biggest penal institution “Idrizovo”, on one hand, and on the other hand, what is of significant importance, the prisoners will be able to maintain relationships with their family, local community, etc., which is the pillar that the person will deter from committing crime after being released from the penal institution. In this sense, European Prison Rules in the part named allocation and accommodation points that prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation.⁶⁸

⁶⁶ Ibid.

⁶⁷ Maruna, Shadd, *Making Good: How Ex-convicts Reform and Rebuild Their Lives*, American Psychological Association, Washington, D. C., 2001, p.31.

⁶⁸ Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies), paragraph 17.1.

Experience from other countries that are certainly applicable in the Republic of Macedonia are, for example, 'open days' when the public is invited to visit certain parts of the prison to meet with certain categories of prisoners, a practice widely used in England.⁶⁹

Most studies support the idea that a stable personal relationships and a good job deter people from committing future criminal acts, such as, 'desistance theory' developed by Sampson and Laub.⁷⁰ Other theorists, who accept the 'desistance theory' like Maruna,⁷¹ emphasize that it is necessary to build a system of support that will emphasize positive qualities of the individual. Such a network of friendship should be based on a sense of belonging, commitment and reciprocity, as the most important foundation for a successful return to the community. The penalty can be particularly effective in reducing recidivism, if people feel that their own experience is worth it.⁷²

Then, involvement of prisoners in many activities from which would benefit the community. For example, a volunteer organization, 'The Inside Out Trust', that was organized in 1994 in England, has designed projects for involving prisoners in activities from which would benefit the community. Thus, workshops for production of, for example, toys for children with special needs, the transcription of books according to the 'Braille alphabet', etc., were organized in the prisons. Prisoners from the open sections of the penal institutions were allowed to help during the day and so on.⁷³

Such an organization certainly contributes to the fact that the prisoner is released from prison ready to positively contribute to the community, with a sense of usefulness, sense of being worth as a person and that he/she can make a positive contribution, and not to be released from prison with a feeling of bitterness, anger, distanced from the community, which are certainly risk factors to return to crime, to recidivate. These examples from England are just some of the ways in which this can be realized, even behind prison walls. In this way, imprisonment can have an impact on desistance from crime; negative consequences of imprisonment are avoided and are organized in a way that prepares the inmates for the life outside the prison with respect for the law and not to fight for survival outside the prison.

But on the other hand, the stigma of the criminal record of prisoners cannot be forgotten. Thus, for many professions the criminal record is being consulted before deciding to hire a person.

The solution adopted in the Criminal Code of the Republic of Macedonia⁷⁴ (CCM) is very liberal. The rehabilitated person shall be

⁶⁹ Maguire, J, *What Works: Reducing Reoffending Guidelines from Research and Practice*, John Wiley & Sons, 2005.

⁷⁰ Sampson, R. and Laub, J, *Crime in the Making: Pathways and Turning Points through Life*, Harvard University Press, 1995.

⁷¹ Maruna, Shadd, *Making Good: How Ex-convicts Reform and Rebuild Their Lives*, American Psychological Association, Washington, D. C, 2001.

⁷² McIvor, G., *Sentenced to Serve: The Operation and Impact of Community Service by Offenders*, Ashgate, Dartmouth, 1992.

⁷³ Ibid.

⁷⁴ Кривичен законик (Службен весник на РМ, 37/96, 80/99, 4/02, 4/03, 19/04, 81/05, 60/06, 73/06, 7/08, 114/09, 51/2011 и 135/2011). [Criminal Code, "Official Gazette of the Republic of Macedonia, No. 37/96, 80/99,

considered not sentenced (his sentence is `spent`), and the data about the `spent` sentence is given nobody.⁷⁵ Also, the deadline for the onset of rehabilitation is much shorter. Thus, conviction to imprisonment of three years as well as juvenile prison will be deleted from the criminal records five years after the sentence was served, outdated or pardoned, if the convict does not commit crime in this period.⁷⁶ Hence, three years after the sentence was served, outdated or pardoned; the court may issue an order to cease the legal consequences of the conviction, such as acquiring certain rights.⁷⁷ The court may on convicts request to determine deletion of the criminal record of imprisonment: more than three years to five years within five years, more than five years to ten years within ten years, more than ten years to 15 years within 15 years, 20 years within 20 years after the sentence was served, outdated or pardoned, if the convict does not commit crime in this period.⁷⁸ When deciding to delete the sentence, the court shall take into account the behavior of the convicted person after serving his sentence, the nature of the offense and other circumstances that may be relevant for assessing the justifiability of the deletion.⁷⁹ In addition, no one has the right to request from citizens to submit evidence whether he/she was convicted or not.⁸⁰

These provisions annul the negative stigma of ex-prisoner, but what needs changing is the updating of the criminal records.

Among the various types of post penal assistance, employment is particularly important factor for the rehabilitation of prisoners. Prisoners face greater or less problems of distrust when finding employment which is related to their previous behavior. Because they are afraid others not to find out about their previous behavior, they use false information. In addition, the society does not have confidence in the professional competence of prisoners during serving the sanction, which is partly conditioned by the circumstances that many penal institutions in the world are unable to fully equip prisoners for activities they will have after release from prison. Therefore, many prisoners are forced to accept any, even the inadequate employment, if they are offered, and this can have adverse effect on their future behavior.

It is particularly important for the society to create conditions for employment of former prisoners by taking into account the real possibilities of the society. With immediate intervention regarding the employment some other social problems that the ex prisoner would face can be solved, such as, payment of housing, supporting the family, paying the costs of court decisions, an on the other hand return of trust, return of reputation in the community, as well as enabling to engage more intensively in other areas of social life. It is a fact that

4/02, 4/03, 19/04, 81/05, 60/06, 73/06, 7/08, 114/09, 51/2011 and 135/2011".].

⁷⁵ Ibid, article 103 paragraph 3.

⁷⁶ Ibid, article 104 paragraph 4.

⁷⁷ Ibid, article 105 paragraph 1.

⁷⁸ Ibid, article 105 paragraph 6

⁷⁹ Ibid, article 105 paragraph 5.

⁸⁰ Ibid, article 106 paragraph 5.

many former inmates return to prison as recidivists because they did not find a job. This is emphasized in certain documents of the United Nations, as well as in the researches conducted in several countries.

On the other hand, according to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)⁸¹, “discrimination” includes - any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.⁸²

In the Republic of Macedonia according to the data by the State Biro of Statistics in 2009, only seven ex- prisoners were employed out of 1,643 released prisoners.⁸³ The Centers for Social Affairs with a competency to provide post penal assistance do not have practice of helping ex-prisoners to find job. Therefore, not surprisingly unemployment is a strong predictor of future recidivism. Namely, according to a research conducted by Gruevska-Drakulevski, high 84.21% of the recidivists are unemployed; or, 73.11% of the total number of unemployed male is recidivists, compared to 26.89% first time offenders.⁸⁴

Action should be taken so to convince employers not to have prejudice when employing ex-prisoners. Our country can use the experiences of other countries that give benefits to employers hiring ex-offenders. For example, in the US employers have tax benefits if they employ ex-prisoner. Then, employers can apply for a Work Opportunity Tax Credit (WOTC) and receive a federal tax credit up to \$2,400 for each qualified new employee. The WOTC is authorized by the Small Business Job Protection Act of 1996 and encourages employers to hire job seekers in eight targeted groups—including ex-offenders by reducing the hiring organization’s federal income tax liability.⁸⁵ Also, the company hiring ex-prisoner is insured up to \$10,000 annually in case of damage caused by the employed ex-prisoner.⁸⁶

Providing material welfare of individuals who are not involved in the work process, primarily relates to those who after release from prison are unable to work, such as, for example, sick and elderly person. But this assistance should be provided as well for those that are able to work, when, after serving the prison sentence, the society is not able to include them in the work process. Such a financial aid should be expressed as money or in other kind. These

⁸¹ Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Adopted on 25 June 1958 by the General Conference of the International Labor Organization. (Available at: <http://www.ilo.org/global/lang-en/index.htm>). (Accessed: March, 30 2012).

⁸² Ibid, article 1(a).

⁸³ www.stat.gov.mk. (Accessed: March, 30 2012).

⁸⁴ Груевска-Дракулевски, А. (2010) „Влијанието на казната затвор врз рецидивизмот“ (докторска дисертација), Правен факултет „Јустинијан Први“ - Скопје. [Gruevska-Drakulevski, A., The effects of imprisonment on recidivism, PhD thesis, Law Faculty “Iustinianus Primus” – Skopje, 2010.].

⁸⁵ See: <http://durhamnc.gov/ich/op/DPD/Documents/FormerOffenders.pdf>. (Accessed at: March, 30 2012).

⁸⁶ Ibid.

funds will be used to satisfy the essential human needs, such as, food, clothing, shelter and other needs. This is actually providing such financial assistance to this category of persons as provided for other citizens in the society when the case of social need occurs.

Post penal assistance is the final part of the social reintegration in order to prevent future recidivism. But if we take the position that the extension or completion of re-education refers to all persons who have been imprisoned, it means that the re-education should be achieved even after the execution of the sentence. All this leads to confusion about the responsibilities of a possible failure of the tasks of re-education, because it is not clear to what extent should the reformation of convicts be realized while serving the prison sentence and to what extent after serving the prison sentence.

Completion of re-education after serving a sentence is understood as a social help for re-education of people who had been imprisoned and who had not achieved even the lowest level that was provided as a purpose of this penalty (as uncompleted education, incomplete qualifications, etc.).

Even as to obtain other types of acceptance, cannot be said that their acceptance is fully achieved if the environment in which they went to live (former friends, neighbors, associates, relatives, family) avoid them in everyday life and work or otherwise manifest distrust in them.

In many cases the individuals who were imprisoned need only understanding, a little help that costs nothing, but means a lot. It means a lot to create a friendly atmosphere for people after serving their sentence when they start working. These individuals should be accepted without prejudice, because trust and friendly relations contribute to faster acquisition of a favorable social position.

For some prisoners after their release from the penal institution there is a need to adapt to the life outside prison. This need is proportional to the adaptation to prison conditions. As for the need to adjust is the so-called 'extreme institutionalism', where the prison environment is accepted as desirable and permanent form of life. For example, a convict aged 65, after release from life sentence; went back to the prison again because he felt that his life outside prison is strange and pointless.⁸⁷

Always, such types of forms and acceptance of these people are taken into account that allow the post penal assistance to be carried out in accordance with their needs or more precisely to the needs of every person released from prison (individualized acceptance) as the most appropriate way to achieve acceptance.

To sum, in the Republic of Macedonia there is an urgent need for improving the post penal assistance of ex-prisoners.

Conclusion

Post penal assistance is an extended part of the treatment of convicts. This form of treatment is an element of re-socialization as a

⁸⁷ Кралев, Тодор, *Затворот и ресоцијализацијата*, НИП Студентски збор, Скопје, 2001. [KraleV, Todor, *Imprisonment and Re-socialization*, NIP Studentski zbor, Skopje, 2001.].

continuous process aimed at successful positive engaging life of the convict in the lawful after his/her release from prison.

Post penal assistance as a form of penal treatment provides achievement of the principle of humanity in the execution of criminal sanctions. The essence of this type of assistance is based on three reasons: first, the convict who has been in isolation for a long time with occasional relationships and communication with the outside world needs help to cope, adapt and participate in the life outside the penal institution; second, the psychosocial condition of the convict caused by his/her labeling as a criminal, complicates the process of acceptance, inclusion and solving the basic problems that he/she will confront in life after the prison experience, and third, the conflict between the goals of the treatment of a prisoner to convince the society not to reject him/her because he/she can live with honest work, on one hand, and the fact that after release from penal institution he/she comes to an environment that brings him/her to the temptation and he/she should check whether the effects of re-socialization has succeeded, on the other hand.

After release from prison, the convict is in a state of tensed psychological situation that is associated with his/her reasoning and feeling for the day of release from prison and the road to freedom. Experience has shown that prisoners experienced the life on freedom differently and manifested different feelings and moods. Some show great joy and eagerly wait the day of leaving the institution, as a day of meetings the new life. Others are determined to lead a normal social life, to respect the positive social norms in order not to gain inmate status again. Third, are indifferent to what awaits them after the day of release. Fourth, are more or less feared associated with the uncertainty of their lives.⁸⁸

It is necessary to provide help in the time before and immediately after release from the penal institution. It is necessary not to leave the convict after release from prison during this critical period with his/her own problems, so not to be tempted to choose the deviant behavior as a way to solve problems in life.

For better results of the post penal assistance as the final part of the re-socialization process, primarily, it is necessary to treat convicts released from prison in the same way as other members of the society.

Measures taken by the institutions and bodies responsible for post penal assistance should be in accordance with the needs of prisoners. Needs are not always expressed in a material form, but often refer to their strained relationship and communication with the relatives, friends and the environment, in general, in which he/she lived and worked before serving the prison sentence.

The state with its institutions shall provide conditions and means for providing material existence and means to satisfy the basic needs after release from prison in accordance with the objective circumstances.

⁸⁸ Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988], p. 284-85.

In the Republic of Macedonia, we have witnessed a paradoxical phenomenon. Due to the difficult situation on the whole, often happens that immediately after a person is released from prison, he/she commits a new offense on purpose, so that he/she will be returned back to prison, because there he/she has secured residence, as well as regular food, conditions that he/she is not able to provide outside the prison.

The fact that the recidivism in the Republic of Macedonia most commonly occurs in the period immediately after release, namely, 4-6 months and 1 to 3 years after release from prison, it can be concluded that this is a critical period when post penal assistance has to be provided.⁸⁹

In terms of preventing recidivism, the Law on Execution of Sanctions should be amended in a way to introduce provisions of obligatory post penal assistance at this critical period, and not to be left as a possibility that the person after release from prison can request help and support from the Judge for execution of sanctions.⁹⁰

In the assessment of the problems that the ex prisoner is facing after release from prison and their solving, there is a need for more active role of the Judge for execution of sanctions and the Centre for Social Affairs (possibly forming a special service for post penal assistance that would work within the Directorate for execution of sanctions and would be responsible for the enforcement of the supervision of parole).

It seems opportune to determine one or more obligations of released persons, such as, for example, those specified at the suspended sentence with supervision.⁹¹ Strict legalists might object to

⁸⁹ See: Груевска-Дракулевски, А. (2010) „Влијанието на казната затвор врз рецидивизмот“ (докторска дисертација), Правен факултет „Јустинијан Први“ - Скопје. [Gruevska-Drakulevski, A., The effects of imprisonment on recidivism, PhD thesis, Law Faculty “Iustinianus Primus” – Skopje, 2010.].

⁹⁰ Article 207 LES: (1) Post penal assistance after release from prison is a set of measures and procedures that are applied with a purpose of inclusion in the life of released prisoners and consists of: providing home and food, providing treatment, advice on the choice of residence, resolution of family relationships, finding employment, completing training, financial assistance to cover basic needs, as well as other forms of help and support. (2) The penal institution three months before releasing the convict who needs help after release from custody, notifies the Centre of Social Affairs as determined according to the convict's permanent residence that is his temporary residence, about the day when he/she should be released from prison and thereby indicating the type of assistance needed for its successful involvement in life.

Article 208: If the convict has no clothes, underwear and shoes, nor means to provide them, the institution gives the convict clothing free of charge.

Article 209: (1) Upon release from prison, the convict can request help and support from the Judge for execution of sanctions. (2) The Judge for execution of sanctions cooperates with the Centre for Social Affairs and can issue a written order for taking the needed measures under Article 207, paragraph (1) hereof.

⁹¹ Article 56 Criminal Code of Macedonia: Obligations in protective supervision:

the imposition of obligations after convicts' release from prison, after the convict has served his/her sentence, because it can be understood as a continuation of the punishment. But, here, the benefit exceeds the cost ("cost and benefit"), because in this way the possibility of recidivism is reduced even annulled.

In the Republic of Macedonia there are no active organizations or institutions that provide effective post penal assistance to the people in need. Such bodies and voluntary organizations would visit prisons to offer programs such as job preparation and job finding. Also, they would help prisoners find somewhere to live on release, to enable those prisoners interested in furthering their education or training to continue it when they leave. Next, since debt and general money problems are very common especially amongst the short-term prisoners and advice should be made available on dealing with debt and benefit entitlements; solving the money problem since this is a problem for many released prisoners who leave with a small amount (a discharge grant) which has to last them until the authorities on the outside sort out their entitlements.

It is necessary to take initiatives for formation of organizations that would provide post penal assistance to ex-prisoners, because these organizations will not only help a large number of prisoners, but will make an indirect effect on the society as a whole.

In conclusion, "unless we address the problems that many prisoners face, we are destined to work in a criminal justice that resembles a carousel in which we imprison people with many social problems and release them back in the same circumstances - or worse, and thus expect to refrain from further criminal activity. At best, this

(1) When the court pronounces protective supervision, it may determine one or more of the following obligations for the condemned: 1) training, specialization and learning a new trade, so that the condemned may retain the job he already has, or to create preconditions for employment; 2) acceptance of an employment which corresponds to the capabilities and affinity of the condemned; 3) execution of the obligations for maintaining a family, raising children and other family obligations; 4) enabling insight and counseling in connection with the distribution and spending of salary income and other revenues which he earns; 5) not visiting certain types of premises or other places where alcoholic drinks are served and where gambling exists; 6) prohibition of using alcoholic drinks, narcotics or other similar psychotropic substances; 7) using the free time according to the opinion of the social agency; 8) avoiding and not being together with persons that have a negative influence upon the condemned; and 9) submitting to medical treatment or social rehabilitation in appropriate specialized institutions; (2) When it selects the type of obligation, the court shall take into consideration first of all the offender's personality, his health situation and psychological characteristics, the age, the financial and family conditions, the circumstances under which he committed the crime, the offender's conduct after the crime was committed, the motives for committing the crime, and other circumstances regarding the offender's personality, which are of significance for the selection of the type of obligation, taking care not to damage the human dignity, nor to cause unnecessary difficulties in his re-education. (3) During the time of conditional postponing of the execution of the determined punishment, the court may substitute the determined obligation with some other one, or it may revoke it, upon the suggestion from the social agency or from the condemned person.

casts the convict back in criminogenic circumstances, with all the pressure and temptations that lead to re-offending and at worst, it is a recipe for penal disaster."⁹²

⁹² Oldfield, Mark, *The Kent Reconviction Survey: A 5 Year Survey of reconvictions amongst Offenders made subject to probation orders in 1991*, Modern Press, Maidstone, 1996, p.51.

Bibliography:

Cavadino, M. and Dignan, J, *The Penal System: A Comparative Approach*, SAGE Publications, London, 2006.

Chartered Institute of Personnel and Development, (CIPD), "Employing ex-offenders to capture talent", Survey report, May 2007. (Available at: <http://www.cipd.co.uk/NR/rdonlyres/CC2DF252-2364-4214-9A7A-4C4212CC4EFA/0/empexoffindcapitalpdf.pdf%20>). (Accessed at: 30 May 2012).

Coyle, Andrew, *Understanding Prisons: Key Issues in Policy and Practice*, Open University Press, Berkshire, New York, 2005.

Davies, M. (1974) *Prisoners of Society: Attitudes and after-care*, International Library of Social Policy. London: Routledge & Kegan Paul. cit. in Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005.

Directorate for Execution of Sanctions of the Republic of Macedonia, 'Guidelines for the Determination of types and ways of treatment of prisoners', December 2011.

(Available at: <http://www.pravda.gov.mk/tekstoviuis.asp?lang=mak&id=zakoniuis>). (Accessed at: March, 30 2012).

Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Adopted on 25 June 1958 by the General Conference of the International Labor Organization. (Available at: <http://www.ilo.org/global/lang--en/index.htm>). (Accessed: March, 30 2012).

Dobash, R., Dobash, E. and Gutteridge, S. *The Imprisonment of Women*, Oxford: Blackwell, 1986, p.43–4, cit. in Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005.

Finn, Peter, 'Successful Job Placement for Ex-Offenders: The Center for Employment Opportunities', U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, March 1998. (Available at: <https://www.ncjrs.gov/pdffiles/168102.pdf>). (Accessed at: March, 30 2012).

Fotinoska, Ruzica, '[Freed Prisoners Remain Caught Behind Bars](http://www.balkaninsight.com/en/article/freed-prisoners-remain-caught-behind-bars)', 19 October 2010. (Available at: <http://www.balkaninsight.com/en/article/freed-prisoners-remain-caught-behind-bars>). (Accessed at: 30 March 2012).

House of Commons, Home Affairs Committee, *Rehabilitation of Prisoners: First Report of Session 2004–05*, Volume I, The Stationery Office, London, 2005.

<http://durhamnc.gov/ich/op/DPD/Documents/FormerOffenders.pdf>.

(Accessed at: March, 30 2012).

<http://slministries.org/>. (Accessed at: 30 March 2012).

<http://www.mtsp.gov.mk/?ItemID=B6EDC0F4A3F5164ABCBAEAB0F3A70D5>. (Accessed at: March, 30 2012).

http://www.salvationarmyusa.org/usn/www_usn_2.nsf.

www.stat.gov.mk.

<http://www.svori-evaluation.org/>. (Accessed at: March, 30 2012).

Johnson, Byron R., (2002) „Assessing the Impact of Religious Programs and Prison Industry on Recidivism: An Exploratory Study“, Texas Journal of Corrections.

Lopez-Rey, M., `Release and Provisional Release of Sentenced Prisoners`, *British Journal Of Criminology*, Volume:6, Issue:3, Dated: (July, 1966), cit. in Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988. [Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988].

Maguire, M., Raynor, P., Vanstone, M. and Kynch, J. (2000) *Howard Journal of Criminal Justice*, Vol. 39, No. 3, 234. cit. in Coyle, Andrew, *Understanding prisons: Key issues in policy and practice*, McGraw-Hill, Open University Press, 2005.

Maguire, J., *What Works: Reducing Reoffending Guidelines from Research and Practice*, John Wiley & Sons, 2005.

Mahmutović, Đevad and Hasanbegović, Husnija, *Organizacija postpenalne pomoći u federaciji BiH i očekivanja osuđenika nakon izdržane kazne*, Univerzitet u Tuzli.

Maruna, Shadd, *Making Good: How Ex-convicts Reform and Rebuild Their Lives*, American Psychological Association, Washington, D. C, 2001.

McIvor, G., *Sentenced to Serve: The Operation and Impact of Community Service by Offenders*, Ashgate, Dartmouth, 1992.

Oldfield, Mark, *The Kent Reconviction Survey: A 5 Year Survey of reconvictions amongst Offenders made subject to probation orders in 1991*, Modern Press, Maidstone, 1996.

Prison and Borstal After-Care: annual report of the Council of the Central After-Care Association, 1963. H.M. Stationery Office. 1965.

Recommendation No. R (82) 16 of the Committee of Ministers to member states on prison leave (Adopted by the Committee of

Ministers on 24 September 1982 at the 350th meeting of the Ministers' Deputies). (available on: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=601648&SecMode=1&DocId=676420&Usage=2>). (Accessed at: March, 30 2012).

Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies). (Available at: <https://wcd.coe.int/ViewDoc.jsp?id=955747>). (Accessed at: Marc, 30 2012).

Rehabilitation of Offenders Act 1974. (Available at: <http://www.nacro.org.uk/data/files/nacro-2007021302-65.pdf>). (Accessed at: 30 May 2012).

Sampson, R. and Laub, J., *Crime in the Making: Pathways and Turning Points through Life*, Harvard University Press, 1995.

Second Chances After Prison, Published: October 13, 2011 (Available at: http://www.nytimes.com/2011/10/14/opinion/second-chances-after-prison.html?_r=2). (Accessed at: March, 30 2012).

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. (Available at: <http://www2.ohchr.org/english/law/treatmentprisoners.htm>). (Accessed at: 30 March 2012).

Sumter, Melvina T., *Religiousness and Post-Release Community*, National Criminal Justice Reference Service (NCJRS), 2000.

Sykes, Gresham, *The Society of Captives*, Princeton University Press, Princeton, 1958.

The Second Chance Act 2008.

(Available at: http://reentrypolicy.org/documents/0000/0492/Second_Chance_Act_PL_110-199.pdf). (Accessed at: March, 30 2012).

Vigne, Nancy G. La, Solomon, Amy L., Beckman, Karen A. and Dedel, Kelly, *Prisoner Re-entry and Community Policing: Strategies for Enhancing Public Safety*, Urban Institute, Justice Policy Centre for 2006.

Арнаудовски, Љупчо, *Пенологија, наука за извршување на кривичните санкции*, Правен факултет, Скопје, 1988.

[Arnaudovski, Ljupcho, *Penology: science for execution of criminal sanctions*, Law Faculty, Skopje, 1988].

Бужаровска, Лажетиќ, Гордана, *Алтернативи на затворот*, Студентски збор, Скопје, 2003. [Buzarovska, Lazetic, Gordana, *Alternatives to imprisonment*, Studentski zbor, Skopje, 2003.].

Груевска-Дракулевски, А. (2010) „Влијанието на казната затвор врз рецидивизмот“ (докторска дисертација), Правен факултет „Јустинијан Први“ - Скопје. [Gruevska-Drakulevski, A., *The effects of imprisonment on recidivism*, PhD thesis, Law Faculty “Iustinianus Primus” – Skopje, 2010.].

Закон за извршување на санкциите, „Службен весник на Република Македонија“ бр.2/2006 и 57/2010. [Law on Execution of Sanctions “Official Gazette of the Republic of Macedonia, No.2/2006 and 57/2010.].

Кралеv, Тодор, *Затворот и ресоцијализацијата*, НИП Студентски збор, Скопје, 2001. [Kralev, Todor, *Imprisonment and Re-socialization*, NIP Studentski zbor, Skopje, 2001.].

Кривичен законик (Службен весник на РМ, 37/96, 80/99, 4/02, 4/03, 19/04, 81/05, 60/06, 73/06, 7/08, 114/09, 51/2011 и 135/2011). [Criminal Code, “Official Gazette of the Republic of Macedonia, No. 37/96, 80/99, 4/02, 4/03, 19/04, 81/05, 60/06, 73/06, 7/08, 114/09, 51/2011 and 135/2011”].

Сулејманов, Зоран, *Пенологија*, Графохартија, Скопје, 1999. [Sulejmanov, Zoran, *Penology*, Grafohartija, Skopje, 1999].

Шурбановски, Наум, *По затворот каде?*, НИО Студентски збор, Скопје, 1993. [Shurbanovski, Naum, *Where to go after release from prison?*, NIO Studentski zbor, Skopje, 1993.].