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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

**THE FORMER YUGOSLAV REPUBLIC OF
MACEDONIA/L'EX-REPUBLIQUE YOUGOSLAVE
DE MACEDOINE**



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting (Strasbourg, 15 – 17 June 2005) and
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REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: Republic of Macedonia

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I. Demographic and economic data

I. A. General information

- Number of inhabitants** **2.022.547**
Source **State Statistical Office of Republic of Macedonia 2002**
- Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**

State level	885.000€
Regional / entity level	€

Source
- Per capita GDP** **€ 1952.4**
Source **State Statistical Office**
- Average gross annual salary** **€ 368 x 12months =4416€**
Source **State Statistical Office**

I. B. Budgetary data concerning judicial system

- Total annual budget allocated to all courts** **19.546.943** **€**
Source **Official Gazette of Republic of Macedonia 75/2004**

Please specify:

- Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:**

	Yes	Amount
▪ Salaries?	<input type="checkbox"/>	14.133.382 €
▪ IT?	<input type="checkbox"/>	€
▪ Justice expenses borne by the State?	<input type="checkbox"/>	€

Source **Official Gazette of Republic of Macedonia 2004**

7. Annual public budget spent on legal aid €

Source

8. If possible, please specify:

- the annual public budget spent on legal aid in criminal cases €
- the annual public budget spent on legal aid in other court cases €

Source

9. Annual public budget spent on prosecution system 2.964.000 €

Source **Official gazette of Republic of Macedonia 2004**

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice				
Other ministry. Please specify				
Parliament		Parliament of the Republic of Macedonia		
Supreme Court				
Judicial Council				
Courts	Courts			
Inspection body. Please specify.				
Other. Please specify	The Court Budget Council		The Court Budget Council	The Court Budget Council

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

The Court Budget Council is established for performance of work related to the Court Budget. The Court Budget Council consists of a president and eight members. The President of the Court Budget Council

is the President of the Supreme Court of the Republic of Macedonia. The members of the Court Budget Council are: President of the Republic Judicial Council; Minister of justice; Presidents of 3 Appellate Courts; Three presidents of Basic courts by way of the order foreseen by the Law on the Courts, of which two presidents are from the courts with extended jurisdiction, after the system of rotation, for a term of office of two years.

A representative of the Ministry of finance participates in the Court Budget Council work without a right to vote.

The President of the Court Budget Council presents a part of the funds earmarked for the "Judicial Power" in the Budget of the Republic of Macedonia at the session of the Government when the Proposal for the Budget of the Republic of Macedonia is adopted and before all working bodies, and at the session of the Assembly when the Budget of the Republic of Macedonia is adopted.

The courts submit the all data proposed by the Law on the Court Budget to the Court Budget Council by June 1 of the current year the latest:

The Court Budget Council follows the enforcement of the court financial plan.

II. Access to Justice and to all courts
II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	yes	Yes
Legal advice (Yes/No)	yes	Yes
Other (Yes/No). Please specify		

12. Number of legal aid cases:

- total
- criminal cases
- other than criminal cases



Source

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes **X** No

14. Does your country have an income and asset test for granting legal aid:

- | | | |
|----------------------------------|----|------------|
| | No | Yes/Amount |
| ▪ for criminal cases? | | yes |
| ▪ for other than criminal cases? | | yes |

Source **Law on criminal procedure, Law on civil procedure**

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- the court?
- a body external to the court?
- a mixed decision-making body (court and external)?

Yes

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | | |
|----------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ for criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

According to the Law on civil procedure, court will not proceed or undertake any procedural action if parties have not paid court tax in advance.
In criminal cases there is an exception when expenses, including court tax ,as well as necessary expenses for the competent counsel and competent authorised representative of the damaged as a plaintiff , in procedure for crimes prosecuted ex officio are paid in advance from the budget of the body that conducts the criminal procedure, and the persons which are obliged to compensate according to provisions of the Code are charged later.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | | |
|------------------------------|------------------------------|--------------------------|
| | Yes | No |
| ▪ criminal cases? | yes <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ other than criminal cases? | yes <input type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

Party, who will lose the case, is obliged to reimburse the costs to the other party. This is case in Civil and Criminal procedure.
The legal costs according to the Law on administrative procedure, are covered by each party in the case.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following,

which the general public may have free of charge access to:

Yes No
 ▪ **legal texts (e.g. codes, laws, regulations, etc.)?**
 Internet address(es): www.sobranie.mk, www.mrlc.org.mk, www.finance.gov.mk,
www.ukim.edu.mk, www.slvesnik.com.mk, www.stat.gov.mk

▪ **case-law of the higher court/s?**
 Internet address(es):
 ▪ **other documents (for examples legal forms)?**
 Internet address(es): www.gov.mk,

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

In court proceedings, according to the procedural laws, the court is obliged to inform the parties of the foreseeable timeframes for undertaking certain procedural actions as well as for the right to appeal.

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	yes	yes	yes	
Victims of terrorism	yes	yes	yes	
Child/Witness/Victim	yes	yes	yes	
Victims of domestic violence	yes	yes	yes	
Ethnic minorities	yes	yes	yes	
Disabled persons	yes	yes	yes	
Juvenile offenders	yes	yes	yes	

Other				
-------	--	--	--	--

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- | | |
|------------------|-------------------------------------|
| | Yes |
| ▪ a public fund? | <input type="checkbox"/> |
| ▪ a court order? | <input checked="" type="checkbox"/> |
| ▪ private fund? | <input type="checkbox"/> |

26. If yes, which kind of cases does this procedure concern?

In any case of criminal violence the victim has right to claim compensation by condemned party in the court proceeding.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No Yes Please specify:

According to the Law on Criminal Procedure, a legal property request may refer to damage compensation, returning objects or annulling certain lawful issues. The legal property request in case of insurance could be also raised towards the insurance company from the side of the damage party. In each case the recovery rate of compensation is determined by the expert opinion.

I. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ excessive length of proceedings? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

The Law on Criminal procedure has provisions for compensation of damage, rehabilitation and for realisation of other rights of persons unreasonably convicted and arrested on unjustified grounds or unlawfully. The compensation is covered from the state budget.

According to The Law on the courts (Official Gazzete of The Republic of Macedonia 58/2006) In case the higher instance court determines violation of the right to trial within reasonable time, it shall issue a decision on a just compensation to be paid to the submitter of the request. The just compensation shall be covered from the judicial budget.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

Surveys for measuring public trust and satisfaction with the services delivered by the judiciary system are mainly realised by ngo's, the foreign donors through national projects and international organisations.

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	Yes	Yes
Surveys at court level	Yes	Yes

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned		
Higher court		
Ministry of Justice	Yes, 30 days	Yes, 60 days
High Council of Justice		
Other external organisations (e.g. Ombudsman)		

Can you give information elements concerning the efficiency of this complaint procedure?

According to the Ministry of Justice data for 2004, 616 complaints regarding the performance of the judicial system have been submitted to the Ministry.

According to the Republic Court Council data for 2004, 1902 complaints regarding the performance of the judicial system have been submitted.

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction 27

Source **Law on the courts (Official gazette of Republic of Macedonia 36/95)**

- specialised first instance courts [redacted]

Source

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

34. Total number of courts (geographic locations) 31 [redacted]
27 Courts of first instance in 27 cities, 3 Courts of Appeal in Stip, Bitola and Skopje, The Supreme Court of the Republic of Macedonia in Skopje.

Source **Law on the courts (Official Gazette of Republic of Macedonia 36/95)**

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 27 [redacted]

Please specify what is meant by small claims in your country:

Small claims are the cases where the amount of the claim does not exceed the amount of 490 € (according The Law on Civil procedure from 2005, the amount of the small claims can not exceed 980 €)

- a dismissal 27 [redacted]
- a robbery 27 [redacted]

36. Number of professional judges sitting in courts 646
(present the information in full time equivalent and for permanent posts)

Source : **Ministry of justice and Republic Judicial Council**

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure [redacted]
- if possible, in full time equivalent [redacted]

Source [redacted]

Please specify:

There are no professional judges engaged in occasional basis in our legal system.

[Redacted]

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs - 2415

Source **State Statistical Office of the Republic of Macedonia**

Please specify:

According to the Law on the Courts, non- professional judges has right for remuneration for their performance, according to the sub legal act of the minister of justice.

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes For which type of case(s)?

[Redacted]

If possible, number of citizens who were involved in such juries for the year 2004?

[Redacted]

40. Number of non-judge staff who are working in courts 2096 [Redacted]
(present the information in full time equivalent and for permanent posts)

Source **Ministry of justice**

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: **1268**
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): **31**
- technical staff: **650**

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff [Redacted]

43. Number of public prosecutors [Redacted]
(present the information in full time equivalent and for permanent posts)
26 prosecutors, 165 deputy prosecutors

Source **Public Prosecutor Office of the Republic of Macedonia**

44. Do you have persons who have similar duties as public prosecutors?

No

Yes Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

Yes

yes

46. Number of staff (non prosecutors) attached to the public prosecution service

(present the information in full time equivalent and for permanent posts)

150 =35 civil servants + 115 administration staff

Source **Public Prosecutor Office of the Republic of Macedonia**

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President	yes	yes	yes	
Court administrative director				
Head of the court clerk office				
Other. Please specify	Court Budget Council			Court Budget Council

48. In general, do the courts in your country have computer facilities?

Yes

No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	yes			
	Electronic data base of jurisprudence				
	Electronic files				
	E-mail				yes
	Internet connection				
Administration and management	Case registration system			yes	
	Court management information system				
	Financial information system				
Communication between the court and the parties	Electronic forms				
	Special Website				yes
	Other electronic communication facilities				

Source **Ministry of Justice**

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes Please specify the name and the address of this institution:

Ministry of justice, Court Council of The Republic of Macedonia, Supreme Court of the Republic of Macedonia, State Statistical Office of The Republic of Macedonia

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system
-

At the end of 2004 (November) the Strategy for reform of the judicial system was introduced encompassing procedural, structural and substantive reform of the judiciary.

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes No

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-------------------------------------|--------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please specify:

The courts submit monthly statistical reports to the Ministry of Justice.

53. Do you have a regular evaluation system of the performance of the court?

No
Yes

Please specify:

The Supreme Court of Republic of Macedonia makes regular evaluation, based on the annual statistical reports submitted by the courts.

Ministry of Justice monitors the efficiency of the courts, by preparing quarterly, half annual and annual statistical reports.

54. Concerning court activities, have you defined:

▪ performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

Efficient, quality, impartial and reasonable time proceedings

▪ targets? Yes No

Please specify who is responsible for setting the targets:

Yes
- executive power?
- legislative power?
- judicial power?
- other?

Please specify:

The targets are determined with contribution of the executive, legislative and judicial power depending on different aspects of their jurisdiction. Executive power determines the goals of the justice in the Strategy for reform on judiciary on recommendation of the judicial power. Legislative power is responsible adoption of laws necessary for functioning of justice.

Please specify the main objectives applied:

Independent, impartial and efficient judiciary
Protection and respect of human rights and freedoms
Legal security
Reasonable time proceedings

Source **Law on courts**

55. Which authority is responsible for the evaluation of the performances of the courts:

Yes
▪ the High Council of judiciary?
▪ the Ministry of justice?
▪ an Inspection body?
▪ the Supreme Court?
▪ an external audit body?

▪ other? Please specify:

The Supreme courts reviews and evaluates the reports for activities of the Supreme Court and basic courts from the aspect of diligence and quality of work, adopts conclusions and secures their implementation.
Judicial Council is responsible for reviewing and evaluating the quartile and annual reports for performance of the courts, to act upon complaints by the citizens regarding the work of the judges and courts.

56. Does the evaluation system include quality standards concerning judicial decisions?

No

Yes Please specify: The quality of judicial decisions is evaluated by the number of decided cases, appealed, confirmed, annulled or modified first instance decisions.

Source Ministry of Justice, Statistical review of quality of performance of judges submitted by the courts.

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

	Yes	No
▪ civil cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

58. Do you have a way of analysing queuing time during court procedures?

No

Yes Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No

Yes Please specify:

The Assembly of Republic of Macedonia monitors and evaluates the performance of the prosecution service according to the Annual performance report of Public Prosecutor Office of Republic of Macedonia.
The Ministry of Justice monitors the performance of the Public Prosecutor Office by the statistical data.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Monitoring and evaluating of the performance of courts is entrusted to Ministry of justice (monitoring) and Supreme Court (monitoring and evaluation).

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
Yes X No
- the right to have reasons given for all prisons sentences?
Yes X No
- for all cases, an effective remedy to a superior jurisdiction?
Yes X No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
Yes X If possible, number of successful challenges (in a year):

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)		1								
	Article 6§1 (duration)		7								
	Article 6§1 (non execution only)		2								

Source **Office of the Government Agent**

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:
- civil cases? Yes X No
 - criminal cases? Yes X (In case of detention) No

▪ administrative cases?

65. Are there simplified procedures for:

	Yes	No
▪ civil cases (small claims)?	X <input type="checkbox"/>	<input type="checkbox"/>
▪ criminal cases (petty offences)?	X <input type="checkbox"/>	<input type="checkbox"/>
▪ administrative cases?	X <input type="checkbox"/>	<input type="checkbox"/>

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes X No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No X
Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 97.255
81.083 Litigious, 16.172 not Litigious

Please specify the main types of cases:

commercial - 17.787, bankruptcy - 8.665, succession (legacy) - 16.553

Source Ministry of Justice

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	34.619	2.570		
	Decisions on the merits	34.331	2.460		
	Percentage of decisions subject to appeal in a higher court				
	Pending cases by 1 January 2005	29.199	4.185		
	Percentage of pending cases of more than 3 years				

Average length (from date of lodging of court proceedings*)	1st instance decisions				
	2nd instance decisions				
	Total procedure				

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

The divorce proceedings are carried out with applying the regular provisions of the civil procedure.

Source **Law on civil procedure**

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to conduct investigation?	<input type="checkbox"/>	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to charge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input type="checkbox"/>	<input type="checkbox"/>
▪ other significant powers?	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

Competences of public prosecutor are foreseen in the Law on the Public prosecutor office and the Law on criminal procedure.

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes Please specify:

The public prosecutor submits extraordinary remedies in administrative cases to the Supreme Court of Republic of Macedonia. (This jurisdiction of the public prosecutors is not foreseen in the Law on administrative disputes 2006).

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

	Total number of 1st instance criminal cases
Received by the public prosecutor	32.796

Discontinued by the public prosecutor	In general	22.591
	Because the offender could not be identified	1397
	Due to the lack of an established offence or a specific legal situation	3862
Concluded by a penalty, imposed or negotiated by the public prosecutor		26.782
Charged by the public prosecutor before the courts		121.945

Source **State statistical office**

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	12.320	14.684	167
	Judicial decisions	12.550	3.601	76
	Convicted persons	8.907	3454	63
	Acquitted persons	400 adults		
	Percentage of decisions subject to appeal in a higher court	4.563 36,4%		
	Pending cases by 1 January 2005	9.966		
	Percentage of pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source **State Statistical Office**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

The timeframes of the proceedings are determined by the time limits foreseen in the procedural laws (Law on criminal procedure, Law on civil procedure, Law on administrative procedure).

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the judiciary? Yes
X
 - a body composed of members external to the judiciary? X
 - a body composed of members of the judiciary and external to the judiciary?

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the prosecution system? Yes
 - a body composed of members external to the prosecution system? X
 - a body composed of members of the prosecution system and external to the prosecution system?

76. Is the mandate given for an undetermined period for:

- | | | |
|----------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ judges? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ prosecutors? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

- of judges?
- of prosecutors? 6 years

Is it renewable?

- | | | |
|---|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

With Constitutional Amendments (December 2005), the new Law on the Courts (May 2006) and Law on the Court Council (May 2006), and the Law on Academy for training judges and prosecutors, new system of section and election of judges is established. According to the above mention new laws the jurisdiction for election of judges is transferred from the Assembly of Republic of Macedonia to the Judicial Council of Republic of Macedonia. According to the Constitutional amendments, the Public prosecutor of Republic of Macedonia is elected by the Assembly with mandate of 6 years with a right on re-election and the public prosecutors are elected by the Council of public prosecutors for undetermined mandate.

77. Nature of the training of judges:

	Compulsion (Yes/No)	Frequency (Yes/No)
--	---------------------	--------------------

Initial training	Compulsory			
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	
	Highly recommended	Yes	Regular	Yes
	Optional	Yes	Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	Yes	Annual	
	Highly recommended	Yes	Regular	
	Optional	Yes	Occasional	Yes
In-service training for specific functions (e.g. head of court)	Compulsory	Yes	Annual	
	Highly recommended	Yes	Regular	
	Optional	Yes	Occasional	Yes

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory			
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	Yes
	Highly recommended	Yes	Regular	Yes
	Optional	Yes	Occasional	Yes
Specialised in-service training	Compulsory	Yes	Annual	Yes
	Highly recommended	Yes	Regular	Yes
	Optional	Yes	Occasional	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors

Until the adoption of the Law on Academy for training of judges and public prosecutors, the training was carried out by the Centre for continuous education in frames of Association of judges and The Association of public prosecutors.

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career
738 €

Source **Judicial Budget Council**

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
1032€ Supreme court/850 € Appellate courts

Source **Judicial Budget Council**

81. Gross annual salary of a public prosecutor at the beginning of his/her career
738€

Source **Public prosecutor office of the Republic of Macedonia**

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court
1032€ Supreme court/850 € Appellate courts

83. Source **Public prosecutor office of the Republic of Macedonia**

84. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation		
Special pension		
Housing	Yes, a judge who does own an appartement in the seat of the court shall be entitled to make avail of an appropriate official home.	
Other financial benefit (If yes, please specify)		

85. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	X			X		
Research and publication	X			X		
Arbitrator						
Consultant						
Cultural function						
Other function to specify						

86. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No **X**
 Yes **Please specify:**

V. C. Disciplinary procedures

87. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedure	Total number		
	Breach of professional ethics (Yes/No) If yes, please specify the number	Yes	Yes
	Professional inadequacy (Yes/No) If yes, please specify the number	Yes	Yes
	Criminal offence (Yes/No) If yes, please specify the number	Yes	Yes
	Other (Yes/No) If yes, please specify	Yes, political activities, performing other public function or profession	Yes, political activities, performing other public function or profession
Types of sanctions	Total number		
	Reprimand (Yes/No) If yes, please specify the number	Yes	Yes
	Suspension (Yes/No) If yes, please specify the number	Yes	Yes
	Dismissal (Yes/No) If yes, please specify the number	Yes	Yes
	Fine (Yes/No) If yes, please specify the number	Yes	Yes
	Other (Yes/No) If yes, please specify		

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

VI. Lawyers

88. Number of lawyers practising in your country

1314

Source *Bar association of the Republic of Macedonia*

89. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No

90. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)		
Civil cases*	No		Member of family	yes	
			Trade Union	yes	
			NGO		
			Other	Legal professionals employed in companies	
Criminal cases*	Defendant	Yes, in instance appeal.	first and	Member of family	
				Trade Union	
				NGO	
				Other	
	Victim	Yes, in instance appeal.	first and	Member of family	
				Trade Union	
				NGO	
				Other	
Administrative cases*	yes		Member of family		
			Trade Union		
			NGO		
			Other		

* If appropriate, please specify if it concerns first instance and appeal.

91. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

Please specify:

Lawyers of Republic of Macedonia are organised in Bar association of Republic of Macedonia.

92. Is there a specific initial training or examination to enter the profession of lawyer?

Yes

No

93. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes

No

94. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

Yes Please specify:

There is special exam foreseen for representation in proceedings for protection of intellectual rights and industrial property. In field of mediation there is special training for mediators (law on mediation 2006).

95. Can users establish easily what the lawyers' fees will be?

Yes No

96. Are lawyers fees:

- | | | | |
|--------------------------|-------------------------------|----------|--------------------------|
| <input type="checkbox"/> | regulated by law? | Yes | <input type="checkbox"/> |
| <input type="checkbox"/> | regulated by Bar association? | X | <input type="checkbox"/> |
| <input type="checkbox"/> | freely negotiated? | | <input type="checkbox"/> |

97. Have quality standards been formulated for lawyers?

Yes No

98. If yes, who is responsible for formulating these quality standards:

- | | | | |
|--------------------------|----------------------|----------|--------------------------|
| <input type="checkbox"/> | the bar association? | Yes | <input type="checkbox"/> |
| <input type="checkbox"/> | the legislature? | X | <input type="checkbox"/> |
| <input type="checkbox"/> | other? | | <input type="checkbox"/> |

Please specify:

99. Is it possible to complain about :

- | | | | | | | |
|--------------------------|-----------------------------|----|--------------------------|-----|----------|------------------------|
| <input type="checkbox"/> | the performance of lawyers? | No | <input type="checkbox"/> | Yes | X | Please specify: |
|--------------------------|-----------------------------|----|--------------------------|-----|----------|------------------------|

The complain on performance of lawyer can be submitted by citizen to the bar association, and it will be consider by the discipline bodies.

- | | | | | | |
|--------------------------|---------------------|-----|----------|----|--------------------------|
| <input type="checkbox"/> | the amount of fees? | Yes | X | No | <input type="checkbox"/> |
|--------------------------|---------------------|-----|----------|----|--------------------------|

100. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	1
	Professional inadequacy	
	Criminal offence	2
	Other	
	Reprimand	
	Suspension	2

Type of sanctions	Removal	
	Fine	1
	Other	

101. Who is the authority responsible for the disciplinary procedures:

Yes
X

▪ **a professional body?** Please specify:

In frames of Bar Association there are disciplinary organs (first and appeal instance) composed of lawyers responsible for carrying out the disciplinary procedures. Disciplinary organs are elected by the Assembly of lawyers.

▪ **the judge?**

▪ **the Ministry of justice?**

▪ **other?** Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning the organisation of the Bar*

VII. Alternative Dispute Resolution

102. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Family cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

Administrative cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	

103. Can you provide information about accredited mediators?

104. Can you provide information about the total number of mediation procedure concerning:

- civil cases?
- family cases?
- administrative cases?
- employment dismissals?
- criminal cases?



Source

105. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

The parties can resolve their commercial disputes outside the court system in front of the Arbitrage of the Economic Chamber of Republic of Macedonia. The mentioned arbitrage has jurisdiction also for resolving international commercial disputes. There is special sub-legal act that regulates the competences and the procedure in front of the Arbitrage. (see www.mchamber.org.mk)

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

In May 2006 a new law on Mediation was adopted according to the objectives of the Strategy on the Reform of the Judicial System. This Law will be implemented on civil, commercial, labor, consumer and other disputed relationships. According to this Law, initial and advanced training for the mediators is carried out.

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

106. Are enforcement agents:

- judges?
 - bailiff practising as private profession ruled by public authorities?
 - bailiff working in a public institution?
 - other enforcement agents?
- Please specify their status:

Yes

X

Execution and security is approved and performed by the court. An individual judge conveys the first-instance execution procedure, while a council of three judges conveys the second-instance ones. By a conclusion, an official person is ordered to enforce certain action(s).

The court allows the execution of procedures on the basis of execution documents (court decision, court settlement, a decision or settlement in an administrative procedure if it refers to securing claims, notary documents) or valid documents (invoice, bill, cheque, public document, excerpts from certified business records, a personal document certified pursuant to law, a document signifying a public document).

107. Number of enforcement agents

52 judges in courts

Source Ministry of justice

108. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes

No

109. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

Yes

110. Can users establish easily what the fees of the enforcement agents will be?

Yes No

111. Are enforcement fees:

- | | |
|----------------------|-------------------------------------|
| | Yes |
| ▪ regulated by law? | <input checked="" type="checkbox"/> |
| ▪ freely negotiated? | <input type="checkbox"/> |

112. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes Which authority is responsible for the supervision and the control of enforcement agents:

- | | |
|----------------------------|--------------------------|
| | Yes |
| ▪ a professional body? | <input type="checkbox"/> |
| ▪ the judge? | <input type="checkbox"/> |
| ▪ the Ministry of justice? | <input type="checkbox"/> |
| ▪ the prosecutor? | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> |

Please specify:

113. Have quality standards been formulated for enforcement agents?

No

Yes Who is responsible for formulating these quality standards?

Source

114. What are the main complaints of users concerning the enforcement procedure:

- | | Yes | No |
|-----------------------------|-------------------------------------|--------------------------|
| ▪ no execution at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ lack of information? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive length? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ unlawful practices? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ insufficient supervision? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive cost? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

Source **Complaints by the citizens submitted by the Ministry of justice**

115. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No

Yes Please specify:

According to the Strategy on the Reform of the Judicial System (2004), a new Law on

enforcement was adopted (May 2005) and its implementation started in may 2006. According to this law, Ministry of justice appointed 41 enforcement agents which are persons who perform public authorizations determined with law. One of the preconditions for selection is succesful completion of the exam for enforcement agents. Ministry of justice is the authority responsible for supervision and control of enforcement agents.

116. Is there a system measuring the timeframes of the enforcement of decisions :

- | | | |
|-----------------------------|--------------------------|--------------------------|
| | Yes | No |
| ▪ for civil cases? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ for administrative cases? | <input type="checkbox"/> | <input type="checkbox"/> |

117. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- | | |
|---|--------------------------|
| | Yes |
| ▪ between 1 and 5 days | <input type="checkbox"/> |
| ▪ between 6 and 10 days | <input type="checkbox"/> |
| ▪ between 11 and 30 days | <input type="checkbox"/> |
| ▪ more: please specify <input type="checkbox"/> | <input type="checkbox"/> |

Source

118. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Sanctions	Reprimand	
	Suspension	
	Dismissal	
	Fine	
	Other	

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in civil matters*

VIII. B. Enforcement of decisions in criminal matters

119. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

According the Law on execution on sanctions (March 1997) the enforcement of judgements is responsibility of the courts of first instance depending on the residence of

the convicted. According to the new Law on enforcement (December 2005) responsible for enforcement is judge for enforcement of judgments in each court of first instance. His functions and activities are: protecting the rights of the convicted, supervising the legality of execution procedure and securing equality of the convicted in front of the law.

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

120. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

Law on execution on sanctions regulates the execution of criminal act and misdemeanours. Sanctions for criminal acts are punishments, alternative measures, protection measures and educative measures.

IX. Notaries

121. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes Number

<input checked="" type="checkbox"/>	<input type="checkbox"/>	148
-------------------------------------	--------------------------	-----

Please specify:

According to the article 3 of the Law on notaries, Notary is an independent public service.

[Empty box]

Source: **Ministry of Justice**

122. Do notaries have duties:

- | | Yes | No |
|--|-----|----|
| ▪ within the framework of civil procedure? | X | |
| ▪ in the field of legal advice? | | |
| ▪ to authenticate legal deeds? | X | |
| ▪ other? | | |

If yes, please specify:

Notaries are responsible to compose notary act and verification of private documents, according to the law.

123. Is there a body entrusted with the supervision and the control of the notaries?

No
Yes

Which authority is responsible for the supervision and the control of the notaries:

- | | Yes |
|----------------------------|-----|
| ▪ a professional body? | |
| ▪ the judge? | |
| ▪ the Ministry of justice? | X |
| ▪ the prosecutor? | |
| ▪ other? | X |

Please specify:

Chamber of Notaries of Republic of Macedonia

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries

[Empty box for comments]

124. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

According to the Strategy on the reform of the Judicial system (2004), the main orientations for reform are:

- **Rule of law;**
- **Separation of powers into executive, legislative and judicial;**
- **Guaranteeing independence of the judiciary and the Public Prosecution;**
- **Equitable and appropriate representation of the communities in the judicial institutions;**
- **Protection of citizen's rights;**
- **Ensuring equal access to justice;**
- **Prompt and efficient action;**
- **Prevention of abuse and unconscientiously acts or corruption;**
- **Adhering to the rules of professional conduct;**
- **Adopting European standards in the field of justice.**

The judicial reform encompasses: substantive law reform, procedural law reform, and structural reform.

Key points that determine independence and impartiality, and increasing the level of efficiency of judges and public prosecutors are: selection, election and dismissal, training of judges and prosecutors.