



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: "The former Yugoslav Republic of Macedonia"

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

2 062 294

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	1 367 707 317
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

3 616

4) Average gross annual salary (in €)

5 984

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

61,5

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Question 2 - estimated amount
State Statistical Office of the Republic of Macedonia

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	30 084 276
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	24 583 740
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	126 830
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	1 405 795
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	1 918 699
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	48 780
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	567 970
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	1 130 937

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The court budget includes: budgets of all courts, budget of the Judicial Council and the budget of the Academy for

training of Judges and Public Prosecutors.

1. There are allocated additional sources for computerisation from the budget of the Ministry of Justice as well from international organisations as a donors in the framework of some projects of computerisation of Macedonian Judiciary (mostly by the USAID). Also for the purpose of computerisation in the framework of the Project with World Bank there were additional sources.

2. In presented data related to the "allocated to investments in new (court) buildings", there are not included sources from international organisations as a donors , as well as sources from the credit from World bank for building the new criminal court and renovation of other courts in the Republic of Macedonia. Also there are not included sources from the budget of the Ministry of Justice for building the new criminal court.

All mentioned sources in this text are not included in the table above (in the Court Budget).

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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.

8.1) Please briefly present the methodology of calculation of courts fees?

Court fees are calculated according to the provisions of the Law on court fees. They are calculated according to the values of the case.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

For legal suit for commence an action for 3000 Euro debt recovery - 60 Euro

9) Annual income of court taxes or fees received by the State (in €)

10 113 139

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	304741
12.1 Annual public budget allocated to legal aid for cases brought to court	304741
12.1.1 in criminal law cases	289496
12.1.2 in other than criminal law cases	15245
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NAP

Comment :

CN 22/05:

In the Republic of Macedonia there is a dual system of free legal aid. First pillar is free legal aid through courts, from sources from court budget. In 2012 in criminal cases courts granted amount of 289.496 Euro from the court budget. Additionally in 2012 in civil cases courts granted amount of 12.029 Euro from the court budget.

Second pillar is free legal aid granted by the Ministry of Justice according to the Law on free legal aid. In Budget of the Ministry of Justice for 2012 for free legal aid were planned 48.780 Euro, while from the procedures finished in that year by the Ministry to the lawyers were paid 3216 Euro. In 2012 Ministry of Justice accepted a total of 54 requests for free legal aid.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount

5 153 300

Comment :

In 2012 public prosecutors were not competent for conducting the investigation. With taking this responsibility from December 2013 budget of public prosecution service will be increased.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

The Court Budget Council is responsible body for preparation, management, allocation of the budget among the courts and evaluation of the use of the budget. The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch and the Academy for Training of Judges and Public Prosecutors, determined by the Assembly of the Republic of Macedonia and intended for the financing of the judicial branch and the Academy for Training of Judges and Public Prosecutors.

The Court Budget is a part of the Budget of the Republic of Macedonia as a separate part designated as "Judicial Power."

President of the The Court Budget Council is president of the Court Council of the Republic of Macedonia.

Members of the Court Budget Council are President of the Supreme Court, Minister of Justice, presidents of four appellate courts, presidents of 2 basic courts on system of rotation, President of the Administrative Court and Director of Academy for training of judges and public prosecutors.

With the Court Budget Council presides President of the Judicial Council.

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

An important segment for the independence of the judiciary is its financing, which was improved through the adoption of the Law amending the Law on Court Budget (November 2010) establishing a fixed percentage for financing of judiciary, amounting to 0,8 percent GDP, which is twice as high as the current court budget. The level of 0,8 percent of GDP will be reached progressively, with equal INCREASEMENTS until 2015, whereby it is foreseen that in 2012 it reaches the level of 0,5% GDP, 0,6% in 2013, 0,7% in 2014 and 0,8% in 2015. Other new developments in the law are that in a case of rebalancing the Budget of the Republic of Macedonia, the funds to finance the judicial power could not be decreased. Within the Court Budget there are contingency funds as current reserve, and they must not exceed 2% of current expenditures of Court Budget. When allocating the funds from the Court Budget, at least 2,5% must be spent on vocational training of judges, law clerks, court police and other employees of courts.

The Law on the Court Budget define procedure for the drafting, adoption, and enforcement of the Court Budget and the setting up of the Court Budget Council.

By means of the Court Budget the judicial branch of power in the Republic of Macedonia and the Academy for Training of Judges and Public Prosecutors, is financed .

The Court Budget Council has duties as follows:

- set the criteria and methodology for the drawing up of the Court Budget,
- determines the allocation of the funds from the Court Budget to all the courts and to the Academy for Judges and Public Prosecutors and undertakes duly enforcement of the Court Budget,
- approves the funds for new employments in courts and in the Academy for Training of Judges and Public Prosecutors within the framework of the fixed court budget of the mass designated for the pay of salaries,
- appoints the internal auditor,
- enacts the Rules of Order and other internal acts.

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for,

- salaries and compensation for judges,
- salaries and compensation for the state employees, court police and other employees at the courts,
- merchandise and services for court's operations

- expenditures incurred in proceedings,
- payment of other expenditures incurred in daily operations of courts,
- professional training of judges, state employees, court police and other employees at courts,
- salaries and compensation for the employees in the Academy for Training of Judges and Public Prosecutors,
- merchandise and services for operations of the Academy for Training of Judges and Public Prosecutors,
- payment of other expenditures incurred in daily operations of the Academy for Judges and Public Prosecutors, and
- initial training of candidates for judges and deputies public prosecutors and continuous professional development of judges, public prosecutors and their deputies, of the employees in the courts and public prosecution offices, as well as of the civil servants from the Ministry of Justice which perform activities from the area of the justice system.

2. Capital expenditures for:

- purchasing of capital assets for courts,
- investment maintenance of the facilities and court equipment
- purchasing of capital assets for Academy for Training of Judges and Public Prosecutors
- investment maintenance of the facilities and equipment of the Academy for Judges and Public Prosecutors

The drafting of the Court Budget is made on the basis of the fiscal policy and the main categories on the assessed revenues and expenditures for the next budget year, and in compliance with the internal criteria and methodology determined by the Court Budget Council.

The courts and the Academy for Training of Judges and Public Prosecutors submit the following data to the Court Budget Council by June 1 of the current year the latest:

- estimate of the expenditures for the fiscal year, according to the expense items and smaller items,
- estimate of the expenditures for the next two fiscal years according to the expenses under categories,
- review of the expenses for the employment requisite for the carrying out of the functions of the users,
- proposals that contain future obligations or expenditures that shall be incurred over several years, including the investment projects presented individually, and - expenses for every forthcoming year presented individually.

In addition to this data, the users submit an explanation regarding the amount of the funds according to their positions.

After it receives the proposals, the Court Budget Council draws up a Court Budget Proposal and together with the explanation on the amounts of funds submits it to the Ministry of Finances.

Prior to the submission of the Budget Proposal of the Republic of Macedonia to the Government of the Republic of Macedonia, the Minister of Finances together with the President of the Court Budget Council shall mandatory adjust the part of the funds "Court Budget" from the Budget Proposal of the Republic of Macedonia.

The Court budget as a part of State budget is adopted by the Parliament.

The President of the court and the Director of the Academy for Training of Judges and Public Prosecutors is responsible for the enforcement of the financial plan in the court, respectively, the Academy of Judges and Public Prosecutors.

The Court Budget Council follows the enforcement of the court financial plan. If, during the control, it is determined that irregularities and abuses by the President of the Court and by the Director of the Academy for Judges and Public Prosecutors have occurred in the process of enforcement of the financial plan, the Council informs the Supreme Court of the Republic of Macedonia, the Ministry of Justice, the Judicial Council, the Academy for Judges and Public Prosecutors, the Ministry of Finance, and the State Bureau for Revision.

CN 23/04: Q. 6 : Investments in new courts is due to the investments in new criminal court building.

Please indicate the sources for answering questions 6, 9, 12 and 13.

Q 6 Court Council of the Republic of Macedonia, Q 9 Ministry of Finance, Q 12 Ministry of Justice and courts and Q 13 Public Prosecution Office

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

55226793

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	NAP
Council of the judiciary	

	Yes
Constitutional court	Yes
Judicial management body	NA
State advocacy	NA
Enforcement services	NA
Notariat	NA
Forensic services	NA
Judicial protection of juveniles	NA
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	NA
Other	Yes

Comment :

Courts - 30.084.276 Euro (Court Council of the Republic of Macedonia - 579.099 Euro)

Public prosecution service - 5. 153.300 Euro

Prison system - 9.714.666 Euro

Constitutional Court - 522.471 Euro

State advocacy - 1.102.975 Euro

Ministry of Justice - 7.508.260 Euro

Ombudsman - 1.140.845 Euro

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

1. Civil Procedure

According to the Article 163 from the Law on Civil Procedure, the court shall exempt from payment of the expenses for the procedure the party which according to its general state of wealth is not capable of bearing these expenses without damages to the necessary personal support and the support of its family. Also, the exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

2. Criminal Procedure

Article 74

Compulsory defense with a defense counsel and ex-officio defense counsel

(1) If the accused is dumb, deaf or incapable to defend himself or herself successfully or if a criminal procedure is conducted against him or her for a crime, which, according to the law, entails a sentence of life imprisonment, then the person shall have a defense counsel as of his or her first questioning.

(2) The defendant shall have a counsel during the detention period, if detention has been imposed against him or her.

(3) After an indictment has been raised for a crime for which a prison sentence of ten years or a more severe sentence is proscribed in the law, the accused shall have a counsel at the time of the delivery of the indictment.

(4) The accused shall have a defense counsel during the procedure of negotiation and bargaining with the public prosecutor on the guilty plea.

(5) The defendant who is being tried in his or her absence shall have a defense counsel assigned immediately after the decision for a trial in absence has been brought.

(6) If the accused, in the cases of compulsory defense as referred to in the previous paragraphs of this Article, does not provide a counsel himself, the President of the Court shall assign a defense counsel ex officio for the further duration of the criminal procedure until the final legally valid verdict. When the accused has been assigned a counsel ex officio after the indictment has been raised, the accused shall be informed accordingly together with the act of delivery of the indictment.

Article 75

Defense of indigent persons

(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.

(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

3. In The Law on Court Fees there is special Chapter (Articles 10-17) related to exemption of court fees.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
No	No

Comment :

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	2456
in criminal cases	2305
other than criminal cases	151

Comment :

CN 22/05/

In 2012 there were 2305 criminal cases referred to the court for which court granted free legal aid. Additionally in the same year there were 97 civil cases referred to the court for which court granted free legal aid and 54 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NAP

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	2081	2439

Comment :

Regulated in the Law on free legal aid.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

 Yes No

If yes, please explain the exact criteria for denying legal aid:

In the Law on Legal Aid there is provision for depriving of the right of free legal aid if the person has given false data regarding his/her status.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

 the court? an authority external to the court? a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

 Yes No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Free legal aid is regulated in the Law on Civil Procedure, the Law on Criminal Procedure and the Law on free of charge legal aid.

The aim of the the Law on free of charge legal aid is to provide equal access to the justice for citizens. The Law determines free of charge legal aid provided by the state to the parties realised by lawyers.

This Law stipulates the right to free legal aid, the procedure by which it is realised, the beneficiaries, the conditions and the way it is realised, the providers of the free legal aid, the bodies competent to decide, the protection of the right to free legal aid, the financing and supervision of its realisation, the organisation of days for free legal advice,

free legal aid in over-border disputes, as well as supervision of the implementation of the provisions of this Law. The purpose of this Law is to guarantee equal access of the citizens and of other persons defined with this Law, to institutions of the system, in order to introduce, realise, and provide effective legal aid in accordance with the principle of equal access to justice. The procedure of free legal aid is an urgent procedure.

Please indicate the sources for answering questions 20 and 23:

Courts
Ministry of Justice

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.pravda.gov.mk www.sobranie.mk, www.vlada.mk www.pravo.org.mk, www.mlrc.org.mk www.slvesnik.com.mk www.pf.ukim.edu.mk www.stat.gov.mk www.akademik.mk
case-law of the higher court/s? Internet address(es):	<input checked="" type="checkbox"/> Yes	web sites of all courts in the Republic of Macedonia
other documents (e.g. downloadable forms, online registration)? Internet address(es):	<input checked="" type="checkbox"/> Yes	web sites of courts

Comment :

All judgments are published on web sites of courts.

All laws and secondary legislation are available on we site of Official Gazette and Ministry of Justice (LDBIS).

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No
 Yes only in some specific situations

If yes only in some specific situations, please specify:

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

Novelties in the Law on amending the Law on Litigation are specified deadlines for procedural actions.

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

In new Law on justice for children there are provisions that guarantee right of children to be informed for their rights guaranteed by this law and ratified international conventions.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements",

please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	Yes	No

Comment :

The Law on Criminal Procedure

Article 53

Victim's rights

(1) The victim of a crime shall have the following rights:

- 1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal-property claim for damages;
- 2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
- 3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:

- 1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and
- 2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:

- 1) if, at the time when giving the statement, the victim is less than 18 years of age;
- 2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
- 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:

- 1) when a child victim has a need for special care and protection; or
- 2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate

law.

Article 55

Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

- 1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;
- 2) to be interrogated by a person of the same gender in the police and the public prosecution office;
- 3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;
- 4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and
- 5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

The Law on criminal procedure

Article 59

Proposal for criminal prosecution or private action filed on behalf of a minor

(1) On behalf of minors and persons that are fully incapacitated to work, the criminal prosecution proposal or the personal legal action shall be submitted by their legal representative.

(2) Minors who have already turned eighteen years of age may submit proposals or private actions themselves.

Article 66

Minor as an injured party

(1) If the injured party is a minor or a person that is fully incapacitated to work, his or her legal representative shall be authorized to give all statements and to undertake all actions for which, according to this Law, the authority belongs to the injured party.

(2) Any injured party who is older than eighteen (18) years of age shall be authorized to give statements and take actions during the procedure on his or her own.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

According to the new Law on the Criminal Procedure, fund for compensation of victims shall be established. This matter will be regulated by separate law.

In the Law on justice for children there are provisions that guarantee the right for children (victims of crime) for compensation of damages in accordance with the Programme for reimbursement for damages adopted by the minister of justice. According to this provision in 2013 minister of justice adopted the programme and allocated appropriate funds for its realisation.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

In the Witness protection law victims are included when they appear as witnesses. In this case they can conclude agreement with Witness Protection Unit which shall provide protection and assistance. Among others, public prosecutor have right to initiate non-procedural measures for protection of the victims. Moreover, the Public prosecutor of the Republic of Macedonia has the competence to put such proposal before the Witness Protection Council. Victims are also being provided with special procedural rights during the criminal procedure as defined in the Law on Criminal Procedure. According to the Law on Criminal Procedure the special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

Victims have right for dispute a public prosecutor`s decision to discontinue a case that is submitted to the High public prosecution office.

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

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts from 2008 provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions as well as to strengthen the capacities, organizational and personnel, of the body competent for legal representation of RM before ECHR.

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:
In 2013 Academy for judges and public prosecutors conducted survey for satisfaction of parties and lawyers on the work of judges, public prosecutors and court staff.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	Yes
Surveys at court level	No	Yes

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	Yes	Yes

Comment :

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints

by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

The Law Amending the Law on Judicial Council of the Republic of Macedonia (adopted in 2010) prescribes that at least once a month, there will be public session of the Council discussing all petitions and grievances submitted by citizens and legal entities, regarding the work of judges and courts.

According to the Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of court's services, hence not infringing the principles of independence and autonomy of the judicial authority.

In 2008 the Parliament of the Republic of Macedonia adopted the Law on complains and proposals where the whole procedure for proceeding with complains and proposals is regulated.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

In 2012 in the Ministry of Justice were received 509 complaints by the citizens regarding the work of the courts and public prosecutors.

Additionally, the Judicial Council in 2012 received 1686 complaints out of which 1329 were examined and solved.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	25
42.2 First instance specialised Courts (legal entities)	3
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	34

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	3
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	1
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	2

Comment :

In the Republic of Macedonia there are 3 specialised first instance courts:

1. Administrative court,
2. Basic Court Skopje 1 (criminal court) and
3. Basic Court Skopje 2 (civil court).

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	26
a dismissal	26
a robbery	26

Please give the definition for small claims and indicate the monetary value of a small claim:

According to the Law on Civil procedure , the amount of the small claims can not exceed 180.000 Denars or 2926 Euro.

Please indicate the sources for answering questions 42, 43 and 45:

The Law on the courts

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	668	283	385	
1. Number of first instance professional judges	532	220	312	
2. Number of second instance (court of appeal) professional judges	116	54	62	
3. Number of supreme court professional judges	20	9	11	

Comment :

In row 1. Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

In row 2. Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	34	25	9	
1. Number of first instance court presidents	28	23	5	
2. Number of second instance (court of appeal) court presidents	5	2	3	
3. Number of supreme court presidents	1	0	1	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

Yes

1750

Comment :

In the courts of the Republic of Macedonia there are appointed total of 1750 lay judges. 1656 of them are appointed in basic courts.

From the total of 1750 appointed lay judges, 879 are engaged. In basic courts from the total of 819 appointed lay judges, 819 are engaged.

CN 23/04: The difference between 2010 and 2012 data is due to the appointment of new lay judges.

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 2 333

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes (among which women) 410

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes (among which women) 1 587

4. Technical staff Yes (among which women) 158

5. Other non-judge staff Yes (among which women) 178

Comment :

In the row 5. Other non - judge staff there are presented data about members of court police (responsible for security of courts- 178)

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

In 2011 140 new persons (non -judge staff) were employed in courts in the Republic of Macedonia

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Court Council of the Republic of Macedonia and Court Budget Council

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	207	109	98	
1. Number of prosecutors at first instance level	168	86	82	
2. Number of prosecutors at second instance (court of appeal) level	29	15	14	
3. Number of prosecutors at supreme court level	10	8	2	

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	26	22	4	
1. Number of heads of prosecution offices at first instance level	21	17	0	
2. Number of heads of prosecution offices at second instance (court of appeal) level	4	4	0	
3. Number of heads of prosecution offices at supreme court level	1	1	4	

Comment :

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

Yes**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number NA 198
 Among which women NA 154

C2 You can indicate below:**- Any useful comments for interpreting the data mentioned in this chapter****- The characteristics of your judicial system and the main reforms that have been implemented over the last two years**

New Law on Criminal Procedure was adopted in November 2010 and its implementation started on 1 December 2013. The Law foresees changes to the structure of the preliminary procedure and the trial procedure, as well to the competences and organization of the main participants in the procedure. Also, within the preliminary procedure, a new role, more active compared to the previous situation, is foreseen for the public prosecutors. Main points of the reform are: extended application of the principle of opportunity in criminal prosecution; affirmation of the out-of-court settlements and simplified procedures; abandoning court paternalism by shifting the burden of proof to the parties; providing an active, leading role of the public prosecution in the preliminary procedure, with efficient control over the police; abolishing the judicial investigation and the public prosecution taking the lead in the preliminary procedure; introducing a system of preclusions for certain procedural actions and measures against abuse of procedural competences by parties; strict deadlines for passing and writing the verdict and decision; optimisation of system of legal remedies; implementation of European Union and Council of Europe documents on penal procedure; creation of efficient public prosecution and establishing new operational and managerial structure, as well as leading and cooperating with police and other law enforcement bodies.

Please indicate the sources for answering questions 55, 56 and 60.

Public Prosecution Office

3. 1. 4. Management of the court budget**61) Who is entrusted with responsibilities related to the budget within the court?**

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	Yes

Comment :

Regulated in the Law on court budget

3. 1. 5. Use of Technologies in courts**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	-10% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

Comment :

In the Republic of Macedonia there is a process of introducing the electronic submission of claims. Also in the civil procedures it is implemented system of audio recording of trials in all courts.

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

Using the video conferencing in criminal cases is regulated in the Law on criminal procedure.

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

An important segment influencing the efficiency and transparency of the judiciary is the functioning of electronic judiciary. Outstanding progress in the area of information technology in judiciary is achieved through the introduction of Automated Court Cases Management Information System (ACCMIS), which is fully functional and which generates, on an ongoing basis, reports for judges and court management to track the court cases and hearings for any case, date, courtroom and judge. To ensure functioning of ACCMIS, in 2010 additional technical equipment was installed (hardware, software, additional services and central data backup solution) in all courts, providing state-of-the-art IT equipment to support ACCMIS in the judiciary. In all courts in the Republic of Macedonia, Internet and anti-virus protection are functional; functional are also displays and touch-screen facilities, continuously publishing data on scheduled court hearings. The Legal Database Information System (LDBIS) continuously and daily receives entries of new laws, regulations and acts published in the Official Gazette of the Republic of Macedonia. Also, the Database of International Legal Instruments is available from the web-site of the Ministry of Justice. There is ongoing process of upgrading the ICT in the Public Prosecutor's Offices, that will be connected with ICT system of the courts. Also the software within the Court Council for generating processing and analysing statistic information for the work of courts was created.

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:

Responsible institutions in the Republic of Macedonia for collecting statistical data regarding the functioning of the courts are: 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.

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

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

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

The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes

No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

76) Please specify the main targets applied to the courts:

On the level of the court performances targets are made presented in the annual programme for the work of the court in accordance with the targets defined by Supreme Court of the Republic of Macedonia.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

Court president is obliged to monitor waiting time during court procedures.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

Appellate courts and Supreme court of the Republic of Macedonia visits lower courts and they made reports as a result of their visits according to previously prepared plan for visit.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

Public Prosecution of the Republic of Macedonia and the High Public Prosecution offices in the Republic of Macedonia conduct regular visits to the Basic Public Prosecution Offices in order to evaluate their work. The visits are conducted according to the Annual Programmes for work of the High Public Prosecutor's Office and the Public Prosecutor's Office of the Republic of Macedonia.

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

In July 2011 Minister of Justice adopted Methodology for Judicial Statistic. It contains framework for gathering, analysis and processions of statistical data for the number of received and resolved cases in the courts, the duration of the procedure for all types of cases, the duration of the procedure in all kinds of cases, the duration of the procedure in all the phases of all kinds of cases, sanctions pronounced for the perpetrators of criminal acts on grounds, pronounced confiscation measures, pronounced sanctions for legal entities, data for the backlog of cases in the courts, structure of the perpetrators of criminal acts, etc. Methodology contains 11 indicators for measurement performance of the courts.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

9

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

1540

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)		62	4	
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)		4		

Please indicate the sources:

Ministry of Justice,
courts

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

According the Law on criminal procedure if prosecuted person is trial in absentia it has to be represented by a lawyer.

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

In administrative procedure there are urgent procedure for administrative disputes before Administrative Court in the following fields: elections, public procurements, asylum, contemporary measures and misdemeanor cases in which there is seized items. There are two urgent special procedures defined in the Law on Civil procedure: procedure in labor disputes and procedure in disputes for disturbance of possession. Namely, in the Article 405 from the Law on Civil Procedure it is defined that in the procedure of labor disputes, and especially when determining the time limits and the hearings, the court will always pay special attention to the need of quick resolving of the labor disputes. In procedures of labor disputes the time limit for response to a complaint is eight days. Also, it is defined that in the labor disputes, which refer to the termination of the employment, the main hearing must be hold within thirty days from the day of the reception of the answer to the complaint. In this procedure, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed. Also, in the procedure of labor disputes the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance. Regarding the procedure in disputes for disturbance of possession it is important to mentioned that when determining the time limits and the hearings in regard to complaints for disturbance of possession, the court will always pay special attention to the need of a quick resolution according to the nature of each individual case. In this procedure, the time limit for response to a complaint is eight days and the main hearing must be held within thirty days from the day of the reception of the answer to the complaint. Also, in the procedure of disputes for disturbance of possession, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed, while the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance.

Also, the Bankruptcy procedure is urgent procedure.

In the Law on Juvenile Justice and the Law on Criminal procedure is defined that proceedings with cases connected with juvenilles and detention are urgent.

In criminal procedure there is urgent procedure for detention cases.

88) Are there simplified procedures for:

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

In the Law on Civil Procedure, there is special part named: "SEPARATE PROCEDURE" that contains following procedures: procedure in labor disputes, procedure in disputes for disturbance of possession, issuing a payment order, procedure for small claims, procedure for commercial disputes and procedure before selected courts.

The Law on Criminal Procedure contains simplified procedure for criminal offence for which is proscribed sanction of imprisonment up to 5 years.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
- No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

Timeframes are defined in procedural laws and there are not subject to agreement between judge and lawyer. But they can conclude agreement for certain issues not exactly regulated by the law (for example additional submission of information by the parties) as well as on appointing the dates of hearing.

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	56085	69331	78998	46418
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	32300	34403	45057	21646
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	6752	17721	14743	9730
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	15980	14611	16363	14228
7. Other cases (e.g. insolvency registry cases)	1053	2596	2835	814

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Payment orders were transferred to the notaries. Therefore there is a big difference with the data from previous questionnaires. Now court is competent to decide only on payment orders appealed by the parties.

93) If "other cases", please indicate the case categories included:

In category other cases there are included bankruptcy cases.

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	62955	100242	104815	58382
8. Severe criminal cases	9753	14694	15496	8951
9. Misdemeanour and / or minor criminal cases	53202	85548	89319	49431

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

As severe criminal cases are presented data from criminal acts defined in Criminal Code, while in category misdemeanour and minor criminal cases are presented misdemeanours defined in Law on misdemeanour and other substantive laws (for these misdemeanours is not proscribed imprisonment).

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

There is big differences in some data from previous questionnaires due to the fact that payment orders and all enforcement cases were transferred to the notaries and bailiffs.

CN 23/04:

Q. 91: There is a big increase of administrative cases before Administrative Court in 2012 in relation to 2010. This is result of the increased work of misdemeanour commissions (on decision on administrative commission, party has the right to initiate administrative dispute before the Administrative court).

Q. 94: The difference between 2010 and 2012 in respect of Misdemeanour and / or minor criminal cases data is due to the reform in misdemeanour system. Namely a lot of misdemeanours were moved from regular court's competence to the competence of misdemeanour commissions. On decision of misdemeanour commission these kind of cases are not coming back to regular courts but as administrative disputes they go in Administrative court. They are so called typically administrative misdemeanours.

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	6 413	25 037	26 143	5 307
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	6 408	23 287	24 428	5 267
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	5	1 750	1 715	40
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	787	11532	11626	693
8. Severe criminal cases	304	4348	4348	304
9. Misdemeanour and/or minor criminal cases	483	7184	7278	389

Comment :

The category severe criminal cases consists criminal cases for adults and criminal cases for juveniles.

Pending cases on 1 Jan. '12 Adults - 301
Juveniles - 3

Incoming cases Adults - 4311
Juveniles - 37

Resolved cases Adults - 4310
Juveniles - 38

Pending cases on 31 Dec. '12 Adults - 302
Juveniles - 2

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	3120	3274	4320	2083
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	2018	1358	1513	1863
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	11	18	26	3
7. Other cases (e.g. insolvency registry cases)	1091	1907	2781	217

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

NA

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	138	729	753	114
8. Severe criminal cases	138	729	753	114
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

CN 26/05:

The main competence of the Supreme Court is to decide on extraordinary legal remedies.

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	1359	3677	3808	1228
Employment dismissal cases	3881	4386	6204	2063
Insolvency	1053	2596	2835	814
Robbery cases	2775	4164	4174	2765
Intentional homicide	100	88	90	98

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is

lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	12	0,05	103	NA	NA	NA
Employment dismissal cases	45	0,1	164	NA	NA	NA
Insolvency	7	3,7	117	NA	NA	NA
Robbery cases	45	2,2	239	NA	NA	NA
Intentional homicide	75	6,7	312	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The Law on civil procedure is applied in divorce cases. In addition to that in the Law on the Family there is special part (five articles) dedicated to divorce of marriage, but it does not contain provisions regarding the court procedure.

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

Length of procedure is calculated according to data received by all courts. The length of proceedings is calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. Total number of days for length of procedure is divided with number of courts.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

CN 23/04: There was a big reform in the sphere of criminal procedure. With the new Law on criminal Procedure public prosecutors are responsible to conduct investigation. Also with the above mentioned law we introduced plea bargaining.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Public prosecutor has competency to file Request for protection of legality in the procedure for administrative disputes. (Article 49 from Law on Administrative Disputes)

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	43216	21284	NAP	12261

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	NAP

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	21 284
1. Discontinued by the public prosecutor because the offender could not be identified	20 123
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1 013
3. Discontinued by the public prosecutor for reasons of opportunity	148

109) Do the figures include traffic offence cases?

Yes

No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

In Q 99) "Highest instance courts: total number of cases Number of "other than criminal law" cases", in category "7 other cases" there are presented data for cases "trial in reasonable time" for which is competent Supreme court.

CN 23/04:

Q. 99: Increase of "7. Other cases " in 2012 in relation to 2010 is due to the increase of cases connected to "trial in reasonable time" that is relatively new competence of the Supreme Court.

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Ministry of Justice
Court Council of the Republic of Macedonia
Courts
Public Prosecution Office

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Judges in basic courts are elected by the Court Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Until 1 January 2013 50% of judges in basic courts were elected by the candidates which have finished initial training in the Academy for Judges and public prosecutors and other 50% from the other legal professions that satisfy conditions according the former Law on the Courts.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Court Council of the Republic of Macedonia and Academy for judges and public prosecutors responsible for conducting initial training.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Court Council of the Republic of Macedonia is responsible for promotion of judges.

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

The amendments on the Law on the Courts from 2010 introduced a carrier system as a means of promotion of judges from a lower to a higher court, through the prescribing of the special conditions for elections of a judge in a basic court, an appellate court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia

That are the following conditions:

- for a judge in a Basic court a person who has completed the initial training in the Academy for Training of Judges and Public Prosecutors shall be elected,
- for a judge in an Appellate court a person may be elected provided that has a working experience of at least four years of uninterrupted judicial length of service as a judge in a Basic court up to the moment of his/her application for an election, who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law and
- for a judge in the Supreme Court of the Republic of Macedonia a person may be elected provided that he/she has a working experience of at least six year of uninterrupted judicial length of service as a judge in an Appellate court up to the moment of applying for election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law.

The special requirements for election of a judge in the Administrative Court or the Higher Administrative Court are the following:

- for a judge in the Administrative court a person may be elected provided that he/she has a working experience of at least four years uninterrupted judicial length of service as a judge in an Basic court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has five years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law, and
- for a judge in the Higher Administrative court a person may be elected provided that he/she has a working experience of at least three years uninterrupted judicial length of service as a judge in the Administrative court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has six years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

If yes, please indicate the frequency

Each year judges are evaluated by the Court Council of the Republic of Macedonia.

115) Is the status of prosecution services:

- Independent?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

In the Macedonian Constitution public prosecutors are defined as "Samostojni". This term means one level below independence.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except Public Prosecutor of the Republic of Macedonia are elected by the Council of public prosecutors. In the new Law on Public Prosecution the public prosecutor can be elected among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:

- to be a citizen of Republic of Macedonia
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in Republic of Macedonia or arecognized diploma from abroad and
- to have the Judicial exam of Republic of Macedonia passed.

For Public Prosecutor of Republic of Macedonia can be appointed a person who meets the above mentioned terms, as well as the following special terms:

- 8 years professional experience in legal matters, after taking the judicial exam, or a full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.

For Public prosecutor in the Public Prosecution of Republic of Macedonia can be elected a person who besides mentioned basic conditions meets the following terms:

- 8 years professional experience in legal matters with acknowledged results, after taking the judicial exam.

For Higher public prosecutor of a Higher Public Prosecution can be elected any person that besides the mentioned basic conditions has professional experience of at least 5 years as a public prosecutor with acknowledged results in the work.

For public prosecutor in a higher Public Prosecution can be elected any person who besides the basic conditions meets the following special terms:

- 5 years professional experience in legal matters with acknowledged results, after taking the judicial exam

For Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the basic conditions has professional experience of at least 4 years as a public prosecutor with acknowledged achievements in the work.

For public prosecutor in a Basic Prosecution can be elected any person who besides basic conditions mentioned above meets the following special terms:

- Completed training at the Academy for training of judges and public prosecutors.

In the Law on Public Prosecution is defined that in the position of the Public prosecutor of Republic of Macedonia, high public prosecutor and in the public prosecution for prosecution of the organised crime and corruption, the council will select a person with confirmed results at work, who has professional and experts qualities who as well enjoys authority in performing his function, based on the following criteria:

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,
3. capability for professional solving of the legal issues,
4. undertaking of additional work during the execution of the function of public prosecutor through the participation in the preparation of the rules, facilitation, education etc.
5. Enjoying and keeping of the authority of public prosecutor and public prosecution's office, that can be confirmed by the communication manner with the parties and other institutions, independence, impartiality and reliability in performance of the function of public prosecutor and outside of the working hours,
6. professional relation with the public prosecution experts service.

Beside the mentioned criteria, the High public prosecutor of the high public prosecution office, Public prosecutor for the prosecution of the organised crime and corruption and the Basic public prosecutor of the basic public prosecution office should possess ability to perform duties of managerial character.

Also it is important to mention that the higher public prosecutors, the Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and the public prosecutors in the Public Prosecution for Prosecuting Organized Crime and Corruption and basic public prosecutors in the Basic Public Prosecution are elected from the ranks of public prosecutors in Republic of Macedonia, abiding by the procedure and manner for electing a public prosecutor in the respective Public Prosecution.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Council of Public Prosecutors of the Republic of Macedonia and the Academy for judges and public prosecutors that is competent for conducting the initial training.

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

Council of Public Prosecutors of the Republic of Macedonia is competent for promotion of public prosecutors.

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the elected public prosecutors of the Republic of Macedonia and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

The candidate, who wins the majority of votes from the total number of Council members, shall be elected a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor. In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public prosecutors at the same public prosecutor's office.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	64/62
No	

Comment :

Retirement age for mail judges is 64 years, while for female judges is 62 year with possibility to be extended to 64 years.

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
 For organisational reasons
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

Judge from basic or appellate court may be temporary transferred to another court but most for the period of 1 year. Court Council is competent to take decision for temporary transfer of judges to another courts. Judge who is not satisfy with the decision for transfer has the right to appeal.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	64/62
No	

Comment :

Retirement age for mail public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility to be extended to 64 years.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NAP

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

In 2010 amendments on the Law on the Courts were adopted introducing psychological test and test of integrity, obligatory knowledge on foreign language and career system of promotion in higher court. Also in 2010 amendments on the Law on Court Council were adopted introducing by the law criteria for evaluation of judges and presidents of the courts.

5. 2. Training**5. 2. 1. Training****127) Training of judges**

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	No	No
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	Yes	Yes

Comment :

Academy for judges and public prosecutors is competent body for conducting initial and continuous training for judges and public prosecutors. Budget of the Academy for 2012 was 567.970 Euro.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

Judges and prosecutors in basic courts and basic public prosecution offices are appointed from the rank of candidates that have finished initial training in the Academy for judges and public prosecutors. Duration of initial training is two years divided in 9 months theoretical part and 15 months practical work in court or public prosecution office under the mentorship of judge of public prosecutor.

E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

New Law on Academy for Judges and Public Prosecutors was adopted in July 2010. Its purpose is to create high profile professional staff to perform the offices of a judge or public prosecutor, through redefinition of the requirements for enrolment of candidates for the initial training (BA in law, with average grade of at least 8, proficiency in at least one of the official languages of the European Union – out of which English is mandatory, computer proficiency); introduction of psychological test and test of integrity; increased duration of the initial training, to two years (9 months theoretical training and 15 months practical training); the right of the best-ranked candidates in the first stage of initial training – theoretical part – to decide whether they would perform the office of a judge or of a public prosecutor.

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	17252	11480
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	21454	14241
Public prosecutor at the beginning of his/her career	16085	10714
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	18858	12536

Comment :

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	Yes	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Authorization for judges is needed just for teaching and it is issued by the Court Council of the Republic of Macedonia.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Authorization for prosecutors is needed just for teaching and it is issued by the Council of Public Prosecutors of the Republic of Macedonia.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures**5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman

- Parliament
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

In Article 55 from Law on Judicial Council of the Republic of Macedonia is defined that the initiative for instituting a disciplinary procedure shall be raised by a member of the Council, the President of the court, the President of the higher court or by the general session of the Supreme Court of the Republic of Macedonia within three months from the day when the infringement has been discovered, but not longer than one year from the day when the act was committed. The disciplinary procedure is urgent and of confidential character. It shall be conducted without presence of the public and by respecting the reputation and dignity of the judge.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other
- This is not possible

If "executive power" and/or "other", please specify:

Responsibility of public prosecutors is regulated in Article 20 in the Law on Public Prosecutor's:

Article 20

The Public Prosecutor of the Republic of Macedonia is the higher in rang in the hierarchy of the public prosecutors, he/she is responsible for the general conditions of the organization and performance of the public prosecutors office's and for his/her performance and for the performance of the public prosecutor's office is responsible in front of the Parliament of the Republic of Macedonia.

Public prosecutors from the Public prosecution office of Republic of Macedonia for their performance are responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors.

Higher Public prosecutor for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Public Prosecutors Council of Republic of Macedonia.

The Public Prosecutor for prosecution of organized crime and corruption for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors, public prosecutors in to the Public Prosecution Office for prosecution of the organised crime and corruption for their performance are responsible in front of the Public Prosecutor for prosecution of the organised crime and corruption and the Public prosecutors Council of Republic of Macedonia.

The Basic Public Prosecutor for his/her performance is responsible in front of the Higher Public Prosecutor, the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors, and the public prosecutors in a Basic Public Prosecutor's Office for their performance are responsible in front of the direct supervising public prosecutor and the Public Prosecutors Council of Republic of Macedonia.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court

- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	1	0
1. Breach of professional ethics	0	0
2. Professional inadequacy	1	0
3. Criminal offence	0	0
4. Other	0	0

Comment :

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	6	0
1. Reprimand	0	0
2. Suspension	0	0
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	1	NAP
6. Position downgrade	NAP	NAP

7. Transfer to another geographical (court) location	NAP	NAP
8. Resignation	0	0
9. Other	5	NAP

Comment :

In 2012 sanctions against 6 judges were imposed. One judge was sanctioned with temporary reduction of salary while 5 judges were dismissed from function. 5 of them were dismissed due to the unprofessional and unconcencious performance of judge's function while 1 judge was dismissed due to committed criminal act.

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

The Law Amending the Law on Judicial Council of the Republic of Macedonia (adopted in 2010) prescribes the procedure and defines objective and measurable criteria for monitoring and evaluation of the work of judges ; it regulates further the disciplinary procedure that establishes disciplinary responsibility of a judge and the procedure to establish incompetent and unconscientiously performance of the judicial office; it foresees mandatory, at least once a month, public session discussing all petitions submitted by citizens and legal entities, regarding the work of judges and courts.

Please indicate the sources for answering questions 144 and 145

Court Council of the Republic of Macedonia
Council of public prosecutors of the Republic of Macedonia

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

2498

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

According to the Law on Civil Procedure, an authorized representative of party may be:

- lawyer,
- person-graduated in law faculty who is employed by the party and
- blood relative in straight line, brother, sister or a spouse – if he or she has full legal capacity.

150) Is the lawyer profession organised through? (multiple options possible)

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

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

Bar Exam

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes

No

If yes, please specify:

There is special exam foreseen for representation in proceedings for protection of intellectual rights and industrial property.

Please indicate the sources for answering questions 146 and 148:

Bar Association of Macedonia

F1 Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

Lawyers' fees are clearly established in the Tariff for reward and expences for lawyers' work. They are calculated in denars. Tariff for reward and expences for lawyers work contains of two parts: compensation of expences and compensations for given legal advice that consists few segments: reward for writing podnesoci, reward for defending and representation, reward for preparation of legal remedy and reward for legal advices.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determited for lawyers?

Yes

No

If yes, what are the quality criteria used?

158) If yes, who is responsible for formulating these quality standards:

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

There are two basic acts of the Bar Association in that field: Code of Ethics and secondary legislation regarding the disciplinary procedure for lawyers.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Responsible organ for disciplinary procedure is Bar Association. In the framework of the Bar Association there are three main organs responsible for disciplinary procedure: Disciplinary Prosecutor, Disciplinary Court and Appellate Council. Lawyer may initiate administrative dispute before the Administrative Court on the final decision brought by the above mentioned organs.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	5
1. Breach of professional ethics	5
2. Professional inadequacy	0
3. Criminal offence	0
4. Other	0

Comment :

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	0
1. Reprimand	0
2. Suspension	0
3. Removal	0
4. Fine	0
5. Other (e.g. disbarment)	0

Comment :

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
- No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:
In the Republic of Macedonia there is no mandatory mediation.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. divorce)	No	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	Yes	No	No
Criminal cases	No	Yes	No	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
- No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

167

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

- Total number of cases (total 1+2+3+4+5) Yes 2
- 1. civil cases Yes 2
- 2. family cases Yes 0
- 3. administrative cases NAP
- 4. employment dismissals cases NA
- 5. criminal cases Yes 0

Comment :

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

In the Republic of Macedonia there is a full time arbitration at the Commercial Chamber of Republic of Macedonia. They perform arbitration in commercial cases among the legal entities that are their members.

In the Law on Civil Procedure there is Chapter 13 in which is regulated
PROCEDURE IN FRONT OF SELECTED COURTS.

Also, in the Law on Civil Procedure it is regulated procedure for COURT SETTLEMENT
"COURT SETTLEMENT

Article 307

- (1) The parties may conclude a settlement about the subject of the case (court settlement) during the whole course of procedure at the court.
- (2) The settlement may concern the overall claim or a part of it.
- (3) During the procedure, the court will instruct the parties on the possibility of court settlement and it will help them to conclude a settlement.
- (4) A settlement cannot be concluded in court in regard to the claims when the parties cannot dispose over them (Article 3 paragraph 3 of this Law).
- (5) When the court in first instance will make a decision with which it does not permit a settlement of the parties, it will stop with the procedure until this decision becomes final.

Article 308

- (1) The agreement of the parties for settlement is entered into the minutes.
- (2) A settlement is concluded when the parties sign the minutes after the minutes for the settlement has been read out.
- (3) Upon their request, the parties will be issued a verified transcript of the minutes in which the settlement has been entered.

Article 309

During the whole of the procedure, the court will pay attention ex officio whether the procedure refers to a case for which a court settlement was concluded earlier, and if it determines that the procedure is underway for a case for which a court settlement has been concluded earlier, it will dismiss the complaint.

Article 310

- (1) The person who intends to file a complaint may try to achieve a settlement through the court of first instance on whose territory the opposing party has residence respectively a place of dwelling.
- (2) The court to which such a proposal was directed will summon the opposing party and it will inform it of the proposal for settlement.
- (3) The expenses for this procedure are covered by the person that submits the proposal. "

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

In 2013 new Law on mediation was prepared and it is expected to be adopted at the beginning of 2014. The Draft law contains provisions which provided mandatory mediation in some areas. Also with the new law will be introduced system of quality standards for mediators. They will be obliged to pass exam before getting the licence.

Please indicate the source for answering question 166:

Register for the records of the mediation procedure in the framework of the Chamber of mediators of the Republic of Macedonia

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

97

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Persons who perform public authorizations determined by law, out of the Courts, appointed by the minister of justice according to the provisions of the Law, who decide directly on the actions to be taken, within their authorizations, in order to carry out the enforcement decision and take up the enforcement actions, according to the final enforcement act.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Ministry of Justice
Chamber of bailiffs

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body
 the judge
 the Ministry of justice
 the public prosecutor
 other

If other, please specify:

The Ministry of Justice performs regular supervision of the work of enforcement agents and the Chamber of enforcement Agents, at least once a year. The Ministry also performs extraordinary supervision over the work of the enforcement agent and the Chamber of enforcement Agents at any time ex-officio or upon a request from a President of court from the territory where they are appointed.

The enforcement agents and the Chamber are obligated to provide insight into the acts and the records that they have to the authorised persons from the Ministry of Justice. The supervision by the Ministry of Justice is performed in the presence of the enforcement agent that is being supervised, the President of the Chamber, or a person authorised by the President of the Chamber, if the supervision is performed over the work of the Chamber. The report for the concluded supervision is delivered to the Chamber and to the supervised enforcement agent.

Professional body in the Republic of Macedonia which have competences over the supervising and monitoring the work of bailiffs is Camber of bailiffs of the Republic of Macedonia

In the Republic of Macedonia president of the basic courts in enforcement procedure are competent to decides on objections of parties on the work of bailiff.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

The Ministry of Justice established the quality standards through the Law on enforcement and secondary legislation envisaged by the Law. During the enforcement, the enforcement agent are obliged to act immediately, to deal with the cases in the order in which they were received, efficiently and lawfully.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

Party or participant in the execution has right to submit objection for irregularities in execution to the president of the competent court and to submit appeal against decision of the president of the court.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all
 non execution of court decisions against public authorities
 lack of information
 excessive length
 unlawful practices
 insufficient supervision
 excessive cost
 other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents.

If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	11
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	11
3. for criminal offence	<input checked="" type="checkbox"/> number:	0
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	5
1. Reprimand	<input checked="" type="checkbox"/> number:	1
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	4
5. Other		NAP

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

There is a ongoing procedure for upgrading the system of enforcement of judicial decisions by drafting a new law.

Please indicate the sources for answering questions 186, 187 and 188:

Chamber of bailiffs
Ministry of Justice

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
 Public prosecutor
 Prison and Probation Services
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

With the amendments of the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes

No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

With the amendments of the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	178
public agents?		NAP
other?		NAP

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

other duties: payment orders and legacy procedure

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

Professional body is Notary Chamber.

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

There is a procedure for upgrading the notary system by drafting a new law.

Please indicate the sources for answering question 193:

Ministry of Justice

Notary Chamber

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

4298

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

Quality of court interpreting is provided through exams for court interpreters conducted by commission established from the Minister of Justice, composed by the university professors in the field of language teaching.

New system of selection of interpreters with exam was introduced in 2008. According to new system, until the end of 2012, 1137 interpreters have passed exam and they are appointed by the Minister of Justice as court interpreters. The rest of 3161 were appointed before exam was introduced.

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

According to the Court book of rules and other secondary legislation, court interpreter can become a person who has passed exam before commission established from the Minister of Justice, composed by the university professors in the field of language teaching. According to the Law on Courts, Court interpreters are appointed by the Minister of Justice.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
 "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
 "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
 No

204) Is the function of judicial experts regulated by legal norms?

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

According to the 245 from the aw on Civil Procedure, expert witness shall submit to the court his expert testimony and opinion in writing, within the time limit determined by the court, which can not be longer than 45 days or 60 days for more complex cases.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

The Law on Expert Evidence adopted in 2010 regulates for the first time this substance in a uniform way, prescribing clear criteria for expert evidence to be presented by highly professional and qualified individuals, who meet the prescribed requirements and have passed a professional exam, and have obtained licences, which guarantees quality expert evidence by expert witnesses, who are registered in a Register of Expert Witnesses. The ongoing vocational education is also regulated. There are 5 secondary legislation items adopted, providing for the implementation of this law.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

There are no data for registered judicial experts due to the fact that still it is not established the Register for experts.

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

Government of the Republic in Macedonia in 2013 adopted the Framework for further development of Judiciary 2014-2017 which contains all future activities in area of judiciary.

FRAMEWORK FOR FUTURE PRIORITIES IN AREA OF JUDICIARY

Having in mind the results of the so far application of the existing legislation as well as the result of realised activities determined in the framework of the Strategy for reform of the judiciary system of the RM, the need for undertaking of activities for further implementation of reforms in the judiciary system and upgrading of the existing legislation was imposed, in the context of creation of an effective judiciary system, based on the international standards and rules. Further strengthening of independence and increase of effectiveness of the judicial system, were and still will remain to be the key segments the reform relies on. Drawing from the need for existence of legal guarantees for fair judicial procedures as well as a firm legal framework and consistent institutions in order to strengthen one consistent politics for protection and distraction from corruption, further improvements of the judicial system are of major significance.

Likewise, the need for further upgrading of the reforms in the judiciary system of the RM, through adoption of further guidelines or respectively framework for future reforms and concrete activities is in accordance with the recommendations of the European Commission, encompassed in the 2012 Progress Report on the RM.

Further development of judiciary is a priority encompassed with the Action Plan for start of accession negotiations between the RM and EU, developed in the framework of the High Level Accession Dialogue in March 2012, between RM and the European Commission.

For further strengthening of independence and effectiveness of judiciary, Judicial Council and the Council of Public Prosecutors are of essential importance, as well as the judges and prosecutors to be involved in the every phase of the development and implementation of the reform plans.

The Framework for further implementation of the judiciary reforms should be based on the following future priorities:

1. STRENGTHENING OF INDEPENDENCE, IMPARTIALITY AND EFFECTIVENESS OF JUDICIARY

1.1. Activities

- Advancement of the system for determination of disciplinary responsibility of judges in accordance with international standards and the practice of the European Court on Human Rights, whereas from the viewpoint of the set-up and jurisdiction of the judicial system, in accordance with Constitution of RM.

International standards are:

- i. "in every country with a statute or fundamental charter applicable for the judges, provisions which may be subject to disciplinary sanctions as well as the procedures that should be followed should be defined in as precise manner as possible;
 - ii. In regard of carrying out a disciplinary procedure, countries should think of establishment of a specific body or appointment of a person with the competence to receive complaints, receive responses to complaints by the judges and in its sole discretion decide on whether there is sufficient grounds to initiate a procedure;
 - iii. Every initiated disciplinary procedure should be determined by an independent organ or Tribunal which will carry out a procedure which guarantees full right to defence;
 - iv. When this authority or tribunal is not a court, then its members (with a significant participation of judges, democratically elected by other judges) as stipulated in item 46 of the Opinion nr.1 (2001) of the SSES;
 - v. Disciplinary procedures in every country should be regulated such as to provide a proposal by the initial disciplinary body (irrespective whether it is an organ, tribunal or court) to the court;
 - vi. Sanctions that are at the disposition to such organ in case of a proven misconduct should be defined, with as determined terminology as possible, by the statute or fundamental chapter of judges and should be implemented in a proportional way."
- Furthering of the system for court cases management
 - Improvement of the capacities for implementation of the initial continuous training of judges and public prosecutors.

2. Improvement of Administrative Law

2.1. Activities

- Improvement of the system for administrative law
- Establishment of functional interoperability between the Administrative Court and the administrative organs
- Furthering the system of misdemeanours
- Strengthening of the material and human resources for administrative law

3. FURTHER REFORMS IN CRIMINAL SYSTEM

3.1. Activities

- Overcoming the shortcomings in the legal framework by which the criminal procedure is regulated.
- Regulate the set-up, competence and functioning of public prosecution, monitoring and assessment of the work of public prosecutors as well as furthering of the public prosecution service.
- Strengthening of material and human resources in Public Prosecution.
- Adoption of directions and instructions aimed at equalization of punitive politics in determination of penalties.

4. DEVELOPMENT OF CIVIL LEGAL SYSTEM

4.1. Activities

- Continuation of the process for drafting of the Civil Code of the RM;
- Exchange of experience with other EU member states in order to harmonise the national regulations from this sphere with the EU legislation.
- Improvement of the legal framework of the procedures in the area of commercial and labour disputes.

5. ALTERNATIVE SOLUTION OF DISPUTES (MEDIATION)

- Furthering of legal framework for mediation in civil cases and punitive matters in accordance with European standards.

6. ACCESS TO JUSTICE

- Furthering of the system on pro bono assistance
- Furthering of the E-Justice system
- Definition of a web portal which will enable the citizens an access to all data from the area of judicial procedure, as well as to the participants in the procedure.
- Promotion of e-delivery for physical entities through definition of measures for its application.
- Determination and promotion of models for giving pro bono services by lawyers.

7. ADVANCING OF PROTECTION OF HUMAN RIGHTS

- Further improvement of capacities of penitentiary system.
- National strategy on penitentiary system.
- Strategy for healthcare and improvement of the healthcare protection in prisons.
- Improvement in prison management, management of cases and treatment of vulnerable groups of prisoners.
- Organising of training with a special focus on the areas of human rights and prison management.
- Meeting of Paris principles in order to create conditions for obtaining A status of the national institution on human rights (Promotion, protection and prevention).