APPENDIX I

Technical specification for development of a Software for the Bar Association in North Macedonia on appointing ex officio lawyers

Skopje, August 2022

Foreword

The Council of Europe is currently implementing the joint Council of Europe/European Union Project HF II Supporting enhanced access to higher quality Free Legal Aid services in North Macedonia, which aims at supporting the main actors in enhancing the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in the country and addressing identified shortcomings. It supports effective implementation of the new Law on free legal aid, adopted in May 2019.

The Council of Europe's Project Team requested to develop a concise Paper containing proposals for an IT based system (software solution) concerning appointment of the ex officio lawyers for the Bar Association of North Macedonia that provides an overview of the key principles, objectives, functions, requirements and structure of the software and will serve as starting point for developing terms of reference for potential software solution to embed the proposed system.

This document builds upon the recommendations from the *Assessment report on legal aid in criminal proceedings[1]* and of the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia* developed previously under the project and the online meeting held with the executive director of the BAR Association that took place on December 02, 2021.

The need for an efficient case management system in processing the data related to the appointment of ex-officio and FLA lawyers is self-evident. Until now, the provisions of the Law on Criminal Procedure (LCP) do not foresee a clear practical mechanism for appointing lawyers in cases under the articles 74 and 75 of LCP and the courts use different practices for appointment of ex-officio and FLA lawyers, i.e. there is no unified system in this regard, subsequently the modality of appointment of ex-officio lawyers is perceived to be unclear and lacking transparency.

With the new draft of the LCP (planned to be adopted in 2022), two key amendments[2] were proposed to the Working Group by the CoE consultants which stipulate the engagement of an innovatory software solution as a mechanism for appointing lawyers that will finally unify the system of appointment of lawyers.

This document shall serve as a Technical specification for development of a Software for the Bar Association in North Macedonia on appointing of ex officio lawyers in accordance with the CoE procurement rules.

---

[1] Please see: https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83 and https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82

[2] Prepared under the Project on supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia.

Solution for appointment of ex-officio lawyers

Different institutions defined by the law (police, prosecution offices, courts, centres of social affairs, ministries etc.) have cases which require legal aid from ex officio lawyers. This system shall function as Call centre i.e., fully automated mechanism for appointment of ex officio lawyers to any subject who needs legal aid.

The software solution shall ensure a uniform and transparent process of appointment of ex-officio lawyers, subsequently the institutions role is to determine the eligibility and to call the centre for appointment of a lawyer, while none of the institutions will have any access to the software operations.

The economic operator obligations are to provide:

- Call centre software with functions provided in these document
- Populate the initial data given from Bar association (ex-officio lawyers list by districts, potential callers list with names and institutions)
- Any hardware equipment (IP PBX, server etc.) needed for the system to function. The hardware should be installed on the Bar association premisses
- Hosting service (only if needed), for 12 months in total, starting from the official start of the system
- SIP trunk service from telecommunication operator for at least 10 phone channels subscription fee with 4 phone numbers (for each appellate district), with included traffic toward all national networks in Republic of North Macedonia, for 12 months in total, starting from the official start of the system.

Call centre[3] – the system shall be able to redirect automatically the incoming phone calls for appointment of lawyers received on a specific phone number from different sources defined by the law (police, prosecution offices, courts, centres of social affairs, ministries etc.) towards individual phone numbers of the ex-officio lawyers.

Overall, the call centre shall cover in total 4 phone numbers, one for each appellate district:

- For appellate district Bitola, there shall be at least 5 lines/channels (one for every basic court district as follows Bitola, Krusevo, Ohrid, Prilep, Resen and Struga).
- For appellate court district Gostivar there shall be at least 3 lines/channels (one for every basic court district as follows Gostivar, Tetovo, Kicevo and Debar).

---

[3] Similar model is already successfully developed and implemented in the Republic of Serbia. The experiences from Serbia in using the call centre are positive and with maximum results. Please see the following link: https://aks.org.rs/aks/wp-content/uploads/2019/02/SAJT-PO%C4%8CETAK-RADA-KOL-CENTRA-AKS.pdf
Additionally, the functionality of the Call Centre of the Bar association of Serbia depends on a human factor, meaning that the Bar chose a specialized agency that provides information exchange services through call centres and trained the operators who were hired to work in the Call Centre. The Serbian model is generating additional costs on a long-term which impacts on the sustainability of the whole system. A fully automated call centre integrated into the software and guided by the software might imply lower costs.
It is to underline that the proposed software solution derives from the actual context of management of the legal aid system in criminal proceedings in North Macedonia, where the Bar has an active role. In the case a Legal Aid management entity will be created (feasibility of which for North Macedonia to be yet determined), the function of appointment of lawyers (and corresponding the software solution) might be overtaken by the Legal Aid Management entity.

- For appellate court district Skopje, there shall be at least 7 lines/channels (one for every basic court district, as follows Skopje, Veles, Gevgelija, Kavadarci, Kratovo, Kriva Palanka, Kumanovo, Negotino).
- For appellate court district Stip, there shall be at least 5 lines/channels (one for every basic court district, as follows Stip, Berovo, Vinica, Delcevo, Kocani, Radovis, Sveti Nikole, Strumica).

The Call Centre shall accept only the incoming calls from predefined list of incoming phone numbers (white list). This list will be delivered by the Bar and will consist of:

- Phone number
- Institution
- Basic court district
- Appellate court district

Each basic court district has its predefined lists of:

- ex-officio lawyers
- on duty lawyers

These lists will be delivered by the Bar and will consist of:

- Name
- Surname
- Phone number
- Email address
- Ex-officio eligibility (yes, no)
- On duty eligibility (yes, no)
- Basic court district
- Appellate court district

Each incoming call shall initiate the call center software to:

1. Initiate the IVR[4] asking the caller to enter the ordinal number of its basic court district, offering the ordinal numbers only for the appropriate basic court district inside the appellate district (this step shall be overridden, because the white list defines the basic court district)
2. After the caller's input, to continue with the IVR[4] asking the caller to enter the ordinal number of the list for ex-officio lawyers or on duty lawyers (two options), offering the ordinal numbers for both lists. In the future more options (lists) might be added.
3. After the caller's input, to start trying to redirect the incoming call to one of the individual phone numbers of the lawyers, in the sequence of the random order from the lawyers' phone numbers included in the chosen basic court district

If a lawyer does not answer a complete call of several rings, the software automatically will transfer the call to the next random lawyer on the list and so on. Excluding the previously dialled phone numbers (for example in the past 12 hours) is preferable, in order to provide better equality in distribution of calls.

In case the lawyer picks up the call, but does not accept to represent the case, then the caller (judge, prosecutor, police etc.) will have to dial again; and the software will continue with the calling random from the list.

---

[4] Interactive voice response is a technology that allows humans to interact with a computer-operated phone system through the use of voice and DTMF tones input via a keypad

The system shall also include the possibility when a phone call to a particular phone number (i.e. from a particular basic court district) is not overtaken by the lawyers in that basic court district (e.g. in case none of the lawyers is available from this basic court district) to extend the redirection to the lawyers of random basic court districts in the same appellate district (alternatively, the lists can have category "suppliants from neighbouring basic court district").

Similarly, if the particular basic court list has no lawyers at all, the system shall extend the redirection to the lawyers list of random basic court districts in the same appellate district.

The established call between the caller and the lawyer will be considered as established appointment.

The phone number (one phone number by appellate district) for specific appellate district will be made available and known to the relevant stakeholders in advance and they have the possibility to call this number whenever legal aid is necessary.

Each call centre action (redirection, call busy, call hang up, call establishment etc.) shall keep records about the following data:

- Date and time
- Calling number
- Calling name
- Calling surname
- Calling institution
- Called ex-officio lawyer
- Status of call (not answered, busy/no network, accepted, etc.)
- Call duration

During the implementation of this call centre software, the white list and lawyers' lists shall be imported by the economic operator, from data given by the Bar.

The phone call redirected from the call centre (incoming call for lawyers) shall be easily identifiable (according to the incoming calls phonebook i.e., white list).

The economic operator shall describe in its technical offer any deviations from the algorithm above (if any) or confirm it in its entirety.

Reporting system

The system shall be able to provide generalised and desegregated statistics. The data shall be presented, while applicable, in pre-established formats of reports (e.g. on specific time period, subject – lawyer, appeal district, basic court district, caller etc.).

Data access

The system data shall be accessed and managed only by the Bar association and its employees. Only the relevant employees of the BAR shall have specific usernames and, depending of the authorizations, be able to:

- update the system data (white list, lawyers' lists by districts)
- generate statistics reports when needed
- access system logs

Training

Economic operator shall deliver electronic user manual on Macedonian language for the application and provide training. Bar association employees (several persons) shall get training on all activities provided by the software. At the end of training, each participant shall be able to independently perform all activities.

Warranty and maintenance

Economic operator shall assure warranty and maintenance service (in working hours) for a period of 12 months, including software and hardware, after the official acceptance of the product. Additional features and functionalities are not subject to this warranty. Restoring back-up on demand, not more than once a month, shall be included.

Specific requirements

Application shall be as user-friendly as possible, so the user can easily understand and navigate through the application in an efficient way. Thus, the user decreases search time, fulfilling his needs in a fast and efficient way.

Since the working on application, subject to this document, depend on power supply and internet connection, it is assumed that Bar association provides these utilities.

The application shall be planned and implemented having in mind the scalability of the systems. So, the application shall be able to handle a growing number of users and features, without compromising on performance and causing disruptions to user experience.

The software shall be developed by 15 December 2022. The Bar association, as the beneficiary of the system, shall have to approve the final product prior the remuneration.