Assessment of the Law on Free Legal Aid from 2019

Recommendations for improvement of the legislation and policies on legal aid in civil and administrative matters in North Macedonia

Authors: Goce Kocevski & Elena Georgievska
Contributors: Bojana Netkova & John Eames

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List of abbreviation

LFLA	Law on free legal aid
SLA	Secondary legal aid
PLA	Primary legal aid
FLA	Free legal aid
NM	North Macedonia
MoJ	Ministry of Justice
LITP	Law on international and temporary protection
LJC	Law on Justice for Children
CoE	Council of Europe
EU	European Union
NCB	National Coordinative Body
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
NGOs	Non-governmental organisations
UN	United Nations

INTRODUCTORY REMARKS

Purpose and objective of assessment

In October 2022 the Law on Free Legal Aid (LFLA), adopted in May 2019, has entered into its fourth year of implementation. During the past three years, the novelties and reforms introduced with the LFLA contributed to a certain extent in improvement of the overall access to justice of the most impoverished and marginalized groups in N. Macedonia. The alleviation of the criteria for accessing secondary legal aid resulted with increased number of potential beneficiaries. The decentralisation of the decision-making process contributed partially in speeding up of the time necessary to grant legal aid and to make it closer to the citizens. However, the implementation process also faced significant challenges and obstacles. Some of them were caused by the insufficient human and technical capacity of the Ministry of Justice, lack of culture of cooperation and communication by key stakeholders but some of the challenges were caused by the legislation itself. Though significantly better compared with its predecessor, the LFLA and its provisions are triggering certain problems in the implementation that should be identified and properly addressed.

This document strives to ***identify, describe and analyse the provisions of the LFLA and to compare them in line with best comparative practices and standards of the Council of Europe (CoE) and the European Union (EU).*** It contains an in-depth assessment of Law on Free Legal Aid from 2019 as well recommendations for improvement of legislation and policies on legal aid in civil and administrative matters in North Macedonia.

Under focus of the assessment are the ***legal provisions that caused difficulties while implemented in practice.*** The purpose of the document is to serve as a starting point, a discussion paper, into encouraging a broader public debate and consultation process with all key stakeholders on the need for improvement of the legal framework on legal aid and the overall policies on access to justice. The document will also feed the process of drafting of new strategic document for reforms in the judiciary that started in August 2022 with recommendations based upon best practices.

The findings of the assessment are grouped in three sections. The first section covers the primary legal aid. The second section is focused on the different aspects of the secondary legal aid while the third section gives an overview of certain common elements of the legal aid system (financing, organization, cooperation, supervision etc.). After the findings, the document provides recommendations for improvement of the legislation and gives adequate justification for each of the recommendation.

Methodological approach

The assessment was conducted on the basis of a desk review of the legislation and other relevant documents as well as on the input received by the members of the National Coordinative Body (NCB) for implementation of the Law on Free Legal Aid. The members of the NCB are practitioners from all different stakeholders engaged in legal aid provision. They were invited to provide their own opinion, based upon their professional experience, on the LFLA and the gaps and problems in legislation that they have identified. The received input was a starting point for the assessment. After the input the research team reviewed the legal provisions by using the evaluation framework provided bellow. Based on identified gaps the team proposes a set of recommendations that are grounded upon some best comparative practices, which are applicable in the specific national context and, legal system of N. Macedonia.

Evaluation framework for assessment

Evaluation criteria	Score (No, Partially, Fully, N/A)
The content of the articles is sufficiently clear, precise without vague and ambiguous words and phrases.	
The articles are aligned an harmonized with other relevant laws and bylaws	
The LFLA is drafted in line with the national law drafting rules and standards	
The criteria set in the means and merits test are preventing significant exclusions of the most marginalized groups in their access to legal aid	
The LFLA provisions are in accordance with the standards established with the case law of the ECtHR related to legal aid in civil and administrative matters	
The LFLA provisions are aligned with the standards set in the Guidelines of the Committee of Ministers of the Council of Europe on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law	

The draft analysis was presented and discussed at the 10th meeting of the National Coordination Body for Implementation of the Law on Free Legal Aid, which was held on October 7, 2022. The input from the NCB members gathered either at the meeting or received via e-mail was taken in consideration in the process of finalization in order to ensure participation of key stakeholders.

Limitations & disclaimers:

- The authors acknowledge that there are pending initiatives for reorganization of the public administration as well as process for assessing the feasibility of unifying the management of legal aid in civil and administrative matters with the legal aid for defendants in criminal procedures. The recommendations provided in this document are developed under the assumption that on a short term the institutional set up of the legal aid system will not be changed. If there is a change in the institutional set-up these recommendations can be also used however they should accompany a more comprehensive legislative amendments related to the institutional set up.
- Though this document focuses on legal aid in civil and administrative matters, it gives a recommendation for recognizing the right to secondary legal aid to victims of crimes (as injured parties) for representation in criminal procedures, given that the applicants meet the means and merits test. The rationale behind this exemption is that the Criminal Procedure Code & the Law on Justice for Children are omitting to recognize this right while the LFLA as a special law, that regulates the legal aid, should provide the statutory grounds for enjoyment of this right.
- The recommendations proposed are giving the framework and the directions for a future legislative reform. They should be subject to a broader expert and public debate and their acceptance and integration should be done after detailed regulatory and fiscal impact analysis has been carried out.

The ECHR and legal aid in civil and administrative matters

Article 6 of the European Convention on Human Rights (ECHR) does not explicitly guarantee a right to legal aid in civil proceedings, unlike in the criminal procedures where this right is protected with the ECHR directly (Art. 6 par. 3 from the ECHR). However, with its case law, the European Court of Human Rights (the "Court") has established that the authorities should provide everyone within their jurisdiction with the assistance of a lawyer in civil cases in certain specific circumstances. Such situations includes when the ***legal aid is indispensable for effective access to court***[1] ***or its lack would deprive a person of a fair hearing***.[2] The Court has also held that the ***requirement to pay fees to a civil court should not hinder access to a court for applicants who are unable to pay them.***[3] With regards to specific legal issues in which legal aid should be provided the Court is silent and provides a wide margin of appreciation to the government.

[1] Airey v. Ireland, Application No. 6289/73, judgment of 9 October 1979, paragraph 26.
[2] McVicar v. the United Kingdom, Application No. 46311/99, judgment of 7 May 2002, paragraph 48.
[3] Kreuz v. Poland, Application No. 28249/95, judgment of 19 June 2001, paragraphs 60-67.

The criteria that the government should take in consideration are:

- ***the importance of what is at stake for the applicant;***[4]
- ***the complexity of the case;***[5]
- ***the applicant's capacity to represent him or herself effectively;***[6] ***and***
- ***the existence of a legislative requirement to be legally represented.***[7]

The Court allows that ***access to legal aid may be conditional on a litigant's financial situation and his or her prospects of success in the proceedings.***[8] Also, the Court holds that ***the quality of assistance should not be so low as to deprive an individual of practical and effective access to court.***[9]

The case law of the Court is solely focused on legal aid in judicial procedures. On the other hand, the Committee of Ministers, in its Resolution (78) 8 on legal aid and advice, provides that the member States should ensure that persons in an economically weak position are able to obtain necessary legal advice on civil, commercial, administrative, social or fiscal matters.[10] The Recommendation No. R (93) 1 of the Committee of Ministers to member States on effective access to the law and to justice for the very poor invites the member States to promote legal advice services to the very poor. This can be done by covering the cost of legal advice through legal aid, by supporting advice centres in underprivileged areas and by enabling non-governmental organisations (NGOs) or voluntary organisations providing support to the very poor to give legal assistance.

[4] Steel and Morris v. the United Kingdom, Application No. 68416/01, judgment of 15 February 2005, paragraph 61.
[5] Airey v. Ireland, Application No. 6289/73, judgment of 9 October 1979, paragraph 24
[6] McVicar v. the United Kingdom, Application No. 46311/99, judgment of 7 May 2002, paragraphs 48-64.
[7] Gnahoré v. France, Application No. 40031/98, judgment of 19 September 2000, paragraph 41.
[8] Steel and Morris v. the United Kingdom, Application No. 68416/01, judgment of 15 February 2005, paragraph 62.
[9] Staroszczyk v. Poland, Application No. 59519/00, judgment of 22 March 2007, paragraph 135.
[10] Resolution (78) 8 of the Committee of Ministers of the Council of Europe on legal aid and advice, adopted on 2 March 1978.

KEY FINDINGS

I. Primary legal aid

1. Scope of the primary legal aid

The LFLA expanded the scope of primary legal aid – PLA *(art. 6 of the LFLA)*. Aside from the initial legal advice regarding the right to free legal aid, general legal information and assistance in completing the request for secondary legal aid, additional services were added *(art 6 par. 1 items 5 and 6 od LFLA).*

New forms of PLA

- general legal advice,
- assistance in filling forms and templates issued by institution in administrative procedure in specific areas,[11]
- & drafting petitions for protection against discrimination[12] and requests for the protection of freedoms and rights to the Constitutional Court.

According to the previous experience of primary legal aid providers, **the area of social housing is lacking in the scope**, especially in the authorization to provide legal aid when filling in forms. In this area, the social and property character of these legal issues are intertwined. The needs are even greater considering the categories of persons who can apply for social housing (persons over 18 years of age who were cared for in institutions and other forms of care for orphans; beneficiaries of the right to guaranteed minimum assistance; persons affected by natural disasters; persons and families of persons with disabilities; Roma; and single parents with minor children). These categories of persons, due to various reasons related to their status (social, educational, financial, etc.), need legal help and assistance in compiling and completing the requests for obtaining social housing, which as procedures can be too complicated and unclear for them. Furthermore, the Guidelines of the Committee of Ministers of the Council of Europe on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law states the same area among others that considerations should be given in order to resolve legal disputes quickly.

Regarding the legal assistance in drafting petitions, one especially meaningful area is missed which is related to realization and protection of human rights. To date, the United Nations (UN) has developed a wide system of international standards and norms, as well as mechanisms for the promotion and protection of human rights. The UN international legal

[11] Social and child protection, pension and disability insurance as well health insurance; protection of victims of gender based and domestic violence; procedure for birth registration; obtaining documents for personal identification and citizenship.
[12] Petitions to the Commission for Protection against Discrimination and to the Ombudsman office.

documents have a binding character. Treaty bodies have been established as committees of independent experts that monitor implementation of the core international human rights treaties. Six of the committees[13] can receive **petitions from individuals.**[14] In addition, three treaties (the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure) contain provisions for individual communications to be considered by their respective committees, but these are not yet operative.[15] It is not necessary to have a lawyer to prepare the complaint, though legal advice may improve the quality of the submissions.[16]

The scope of PLA also does not include **accompaniment of clients** to a certain institution.[17] Citizens' trust in institutions is low.[18] According to the experiences of primary legal aid providers, especially authorized organizations that have daily contact with socially endangered persons and persons at social risk, mistrust is due to bad relations, improperly given information or no information at all, refusal to receive a certain request, failure to act on a certain request within a certain period, etc. Often, due to certain events that the client has experienced, or due to illiteracy or many other reasons, she/he does not know what to specifically ask the institution or how to explain the problem. Hence, the problem that happens most often, is that the clients are sent to different places, which creates revolt, aggression, and mostly mistrust in the institutions.

In certain cases of specific persons (victims of violent crimes, victims of gender-based and domestic violence, children, elderly persons, etc.) it is necessary to accompany them to a certain institution. The purpose of the accompaniment is to properly explain the problem to the party, to present the relevant facts to the authorized person from the institution, as well as to find the right and proper mechanism to solve the problem. Through the accompaniment, the primary legal aid provider will circle the process of provision the legal aid that the provider gave to the client.

Additionally, when providers of PLA are concerned, article 7 paragraph 5 states that the primary legal aid provided by the legal clinic is according the program for education, adopted by the law faculty, purposed on realization of the practical classes of the law students. During the provision of the primary legal aid, the legal clinic cooperates with the attorneys at law registered in the Register of attorneys, as well with the Bar Association of

[13] Human Rights Committee - CCPR, Committee on the Elimination of Racial Discrimination - CERD, Committee against Torture - CAT, Committee on the Elimination of Discrimination against Women - CEDAW, Committee on the Rights of Persons with Disabilities - CRPD and Committee on Enforced Disappearances - CED

[14] https://www.ohchr.org/en/treaty-bodies/what-treaty-bodies-do

[15] Ibid.

[16] https://www.ohchr.org/en/treaty-bodies/individual-communications#overviewprocedure, section Who can bring a complaint?

[17] Such as: Agency for Real Estate Cadastre,, Centers for Social Work, Local government etc.

[18] https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a1a347

North Macedonia. The manner of cooperation is regulated by the Minister of Justice upon previous opinion given by the Ministry of education and the Bar Association (art. 7 par. 6 od the LFLA). ***This by-law has not been adopted yet.***

2. Responsibilities of legal aid providers

i. Manner of providing primary legal aid

According to Article 7 paragraph 1 and 2 of the LFLA, the provision of primary legal aid begins with an initial meeting from which, if it is determined that the person needs legal assistance from a practicing lawyer, the primary legal aid provider approaches to providing information about the rights and obligations arising from the use of free legal aid *(Art.8 par.2 of the LFLA).*

If the person received primary legal aid from an association or legal clinic and they provided legal assistance for the composition of application for secondary legal aid, they are obliged to prepare a brief written opinion on the matter and attach it to the files and the completed application for secondary legal aid. ***This article, or any other in this section of the law, does not regulate the form of the written opinion, that can affect the uniformity of the acting by the providers.***

As part of the primary legal aid is also the work of the regional office when gathering all the necessary documents from authorised institutions *(Art.8 par.3 of LFLA).* The content of this provision seems confusing and unclear due to its formulation that regulates the obligation of the provider to assist the applicant in filling the request as well the statement for his/hers financial state, accompanied with all relevant documents that only the applicant possess and that are related to the legal issue. This provision continues with another sentence regarding the obligation of the ministry ex-officio to gather all other relevant documents from the competent institutions. From the point of view of practicality in the actions of the authorized persons in the regional offices, and in view of the obligation from Article 8 paragraph 3 of the LFLA it is necessary to clarify that those documents refer to the material and financial situation of the person and the members of his family with whom he lives in a joint household.

Although it is clearly established in Article 8 paragraph 1 of the LFLA that the providers are obliged to cooperate with each other in accordance with the provisions of this law, however, ***more details of this provision are not included either by the law or by any related by-law.*** Collaboration between primary legal aid providers is of essential relevance. On the other hand, practice shows that the cooperation between providers of primary legal aid and other institutions that decide on certain rights and organizations that provide services to certain categories of citizens that are not included in the state system of FLA is also crucial. In order to establish a sustainable and functional system, it is necessary ***to secure a legal bases in paragraph 9 of article 8 of the LFLA***

by establishing that the method of cooperation between providers and other institutions outside the system is also prescribed. The Council of Europe, through its consultants, has already developed a Protocol for the referral of FLA users, establishing and determining a system of cooperation between PLA providers and other institutions and organizations. This Protocol is already adopted by the National Coordination Body for FLA, which can serve as a basis for filling the gap of unregulated cooperation (or referral mechanism).

ii. Reporting responsibilities

The associations and the legal clinics are obliged to submit reports to the Ministry (the association submits monthly, while the legal clinic submits a report every six months) *(Art. 8 para. 7 of the LFLA).* The form, content and method of keeping records of data are prescribed by the Rulebook. At one of the meetings of the National Coordinating Body for FLA, representatives of the Ministry of Justice from the Department for Free Legal Aid indicated that *"the form of the reports does not allow data processing and analysis, and there is a different practice among associations for submitting their own forms with detailed lists"*[19] in relation to the cases in which they provided different forms of primary legal assistance. Hence the need to amend and supplement the Rulebook that regulates this matter.

In regards to the reporting responsibilities, the Law does not contain a provision according to which an obligation will be imposed on the authorized PLA providers in the event of a change in any of the conditions for their registration in an appropriate register, to notify the ministry in a timely manner. Article 10 of the LFLA regulates the criteria that the association and/or the legal clinic should fulfil in order to be registered in the Registers of providers. Those conditions are very clear when new association/legal clinic intend to enter the state system on FLA. But, considering the possible changes in any of the conditions, there is a lack of provision that regulates the responsibility to notify the ministry in a timely manner.

On the other hand, related to the conditions that the association is obliged to fulfil, representatives of the Ministry of Justice from the Department for Free Legal Aid believe[20] that ambiguities and changes often arise in associations regarding the employed or engaged lawyer tasked to provide the legal aid. The Ministry when reviewing the files of the authorised associations, noticed that many samples of submitted contracts (employment contracts or service contracts) lack obligation of the engaged lawyer to provide legal aid. In this regard, Article 10 paragraph 1 item 2 refers to the condition that the association has employed or engaged a law graduate with a passed bar exam, where is most appropriate to be expand in terms of work obligations, which, among others, include the provision of legal assistance that will result from the attached employment/service contract.

[19] Meeting of the National Coordinating Body for FLA held on 28.02.2022
[20] Statement during the Meeting of the National Coordinating Body for FLA held on 28.02.2022

3. Funding primary legal aid providers

One of the main novelties is the granting of financial resources to authorized associations and legal clinics *(Art. 11, LFLA)* whose primary goal is to provide sustainable funding for legal aid providers, as well as to promote a holistic approach to the activities of civil society organizations for legal empowerment. In a general sense, the law regulates: the method of allocating financial resources, the content of the public call, the authority responsible for the procedure, deadlines, evaluation criteria, concluding contracts, allocation of funds and supervision, i.e. control. More specific provisions are contained in the Rulebook (from Article 11 paragraph 12 of the LFLA). Also, the LFLA defines financial support as the primary source of funding for authorized associations and legal clinics, while compensation for each case separately is an auxiliary mechanism for primary legal aid providers who are not allocated financial resources.

From the moment the law entered into force (October 2019) until today, the Ministry had two unsuccessful attempts to implement a procedure for financing primary legal aid, as well as a third attempt that can be evaluated as satisfactory, but conducted with support from the Council of Europe.

According the Law, after the procedure upon the public call and after the Minister of Justice decides on the allocation of the funds (Article 11 paragraph 7 of the LFLA), dissatisfied associations and legal clinics that applied to the public call and that were not selected can file a lawsuit for initiating an administrative dispute (Article 11 paragraph 8 of the LFLA). The funds cannot be allocated until the decision becomes final (Article 11, paragraph 9 of the LFLA). The requirement that the Ministry allocate the funds once the decision becomes final (after the end of the court proceedings) could significantly prolong the procedure for allocating financial funds, given that it is unlikely that the Administrative Court can decide in less than 6 months from the date of initiation of the dispute. Hence, an amendment to paragraph 9 of article 11 of the Law is required.

Article 11 of the LFLA, which is the only provision for granting financial resources to authorized associations and legal clinics, does not regulate several components, which are of essential importance for the complete rounding of the system of granting funds. There are no guidelines for the planning process, for the method of determining the priorities of funding, for preventing conflict of interests, as well as for the method and procedure for supervision and control. Even more, there are no provisions that foresee the obligation of a procedure for planning and determining funding priorities.

II. Secondary Legal aid

1. Scope of secondary legal aid

The LFLA, at first sight, takes a rather liberal approach in defining the types of legal problems and procedures for which legal aid can be granted. It can be approved for representation in all instances in: civil court procedures, administrative procedures and administrative disputes *(Art 14 par.1, LFLA).* The LFLA does not limit the secondary legal aid to a specific procedural instance. It can be granted in first instance, appeal procedures and even in a procedure upon extraordinary legal remedy. The secondary legal aid shall be available for civil matters (issues that are resolved before court in a civil procedures) as well as for administrative matters (including procedures before the Administrative court).

However, further in the text of the law **imposes restrictions on several levels and limits the types of legal problems eligible for legal aid.**

i. Before **notaries,** secondary legal aid can be approved only for representation in inheritance procedure if related to property referred in article 19 of the LFLA *(Art 14 par.2, LFLA).* This partially addresses the need for legal aid before notaries because mandatory representation from a lawyer is required in several different procedures. Aside from inheritance procedures, mandatory representation is required for solemnization of private contracts and deeds with a value over 10.000 EUR, certification of contracts for transfer of ownership with a value over 10.000 EUR as well as issuing payment order *(See Art.55 par. 2, Art.56 par.3 and Art.68 par.2 from the Law on notaries).* The notaries are also issuing payment orders for debts for which the affected party may submit an objection. Mandatory representation is required for filing an objection to the payment order, which puts the marginalized and poor people without the possibility to access a lawyer that will draft the objection even in cases where there are grounds that the payment order is flawed. Furthermore, the reference to article 19 is not sufficiently clear and causes problems in interpretation and implementation.
ii. Before **enforcement agents,** SLA can be granted solely for drafting debtor submissions when the enforcement involves the sale of the only one single housing unit or a flat in a building owned by the beneficiary *(Art 14 par. 1, LFLA)*. This approach restricts the power of individuals and families affected by the enforcement in general (ex. by blockade of the bank account etc.) to review the legality of the actions of the enforcement agent before competent court.
iii. The LFLA goes further in **limiting the types of legal issues by making an extensive list of legal issues for which legal aid is not available** *(Art.22, LFLA).* Such examples include:

- Customs and tax affairs;
- Libel and insult procedures;
- Compensation for intangible damage, except for victims of crime, as well as death or severe disability, in accordance with the provisions of the Law on Obligations;

- Misdemeanors procedures;
- Public and utility services stipulated in the Law on Consumer Protection and the Law on Utilities; &
- Property issues in an administrative procedure.

Some of the exempted legal issues are especially affecting poor and marginalized people. The exemption of disputes about public and utility services (electricity, heating, water etc.) leaves these people without any possibility to challenge the often improperly calculated invoices for these services which puts them in further risk for poverty. In addition, this restriction limits the access to legal aid for any other dispute that may arise between the individuals and the providers of public and utility services. The property issues in an administrative procedure may include expropriation procedures, land registration procedures, legalization of unlawfully constructed building, buying the land bellow the housing unit etc. This is affecting at most people living in slums, substandard conditions and especially the Roma population. If they are not resolved they are further causing problems in obtaining ID documents. Restricting the legal aid, only for compensation for intangible damage, except for victims of crime, as well as death or severe disability, also prevents legal proceedings for discrimination, mobbing and other procedures where the victim suffered violation of their personal rights. The exemption of tax affairs also, especially when related to property tax, is disproportionally affecting people living in poverty who do not have access to legal aid necessary to object the calculation of tax in cases where there are grounds.

iv. ***The LFLA does not foresee right to legal aid for victims of crimes as injured parties in criminal procedures (Art. 38, LFLA).*** This prevents the victims to realize their rights as injured parties in a criminal procedure. This right is not recognized in neither the Criminal Procedure Code nor the Law on Justice for Children, which causes a legislative gap. The existence of this gap is not in accordance with the EU acquis, especially the Victims' Rights Directive .[21]

2. Content of the secondary legal aid

The LFLA from 2019 broadened the content of the legal aid. Aside from appointment of lawyer to provide legal services, the secondary legal aid now also may include exemption from court fees and other procedure costs before court, exemption from administrative fees as well as exemption of costs for expert fees *(Art.15 par.5, LFLA).* The legal aid does not include the service of mediator for out of court settlement nor legal aid in any alternative dispute resolution procedures. The LFLA also overlooks to regulate the advance payments, required by procedural laws, as security deposits for exhibition of evidence.

[21] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Exemption from court fees and other procedure costs

The Law on Court Fees provides the legal ground for the exemption of payment to be provided in other law *(Art. 10 par. 3, Law on Court Fees).* If the certificate for granting SLA sufficiently details the specific court procedure in practice the exemption should not cause any problems in the implementation. However, the exemption of *"other procedural costs"* has been shown much more complex and demanding in the practice. The LFLA does not specify the types of costs related to court proceedings, but refers to a separate law. In the context of the litigation procedure, issues related to costs are regulated by Chapter XI of the Civil Procedure Code.

Non-exhaustive lists of procedural costs in civil procedure

- Expenses for a temporary representative
- Advancing costs for super expertise
- Costs in a procedure for securing evidence
- Inspection costs
- Translation and certification of documents attached as evidence
- Collection of documents as evidence (eg various certificates, certificates, etc., for which it is necessary to pay a certain fee/amount) and
- Other costs.

In practice, the types and amount of costs that users of secondary legal aid may face in specific litigation procedures **cannot be predicted in advance.** The circumstances of the case, the type of procedure, the facts to be determined, the actions of the opposite party are only some of the factors that affect this issue. In this context, it is especially necessary to consider articles 146 & 147 of the Civil Procedure Code according to which each party **previously bears the costs** that he caused by his action. Unlike the reimbursement of the award and costs of the lawyers appointed in a specific case and the costs of expert opinion, the LFLA fails to regulate the method, conditions and procedure for payment of other costs in the procedure that may arise. For example, the LFLA fails to regulate covering the costs for appointment of a temporary representative of the opposing party of SLA beneficiary that, in accordance with the CPC. The LFLA states that the costs for the provision of secondary legal aid should be provided from the funds of the Ministry's Budget (Art. 13, par. 7 LFLA) but there are no provisions for the operationalization of this obligation in practice.

- Exemption from administrative fees

Administrative fees are paid in administrative procedures. Subject of exemption are only the administrative fees necessary for the main procedure for which the SLA was granted. However, there are specific fees that are not considered as administrative fees, but as compensation fees which are necessary for obtaining documents or certificate for example from the Land Cadaster or the Central Registry.

- Exemption of costs for expert fees

The expertise for legal aid beneficiaries should be provided by the Bureau for Court Expertise, a specialized public body within the Ministry of Justice, tasked among other things to provide expertise for public and private bodies. The costs for the expertise will be covered by the legal aid budget. However, in practice this might be affected by the planned abolition of the Bureau for Court Expertise. Moreover, in the Assembly there is a proposal for new Civil Procedure Code that will change the manner of appointment of expert witnesses.[22] Aside from this policy level challenges, the MoJ faces some practical problems. The Bureau for Court Expertise cannot provide expertise in all areas for which the legal aid beneficiaries require help (ex. Land surveying, DNA analysis, some specific medical expertise etc.). There are significant delays in producing the experts opinion which significantly are delaying the access to justice for the beneficiaries of SLA. Also, the determination and renumeration of fees for the services remains an open issue.

- Compensation of costs to the other party

The legal aid does not cover the costs that the beneficiary is obliged to compensate to the other party if their litigation is unsuccessful *(Art.13 par. 10, LFLA).* If the beneficiary of SLA loses the civil procedure it will be obliged to reimburse the costs incurred by the winning party notwithstanding its financial capabilities. This has been shown in practice as very discouraging for the indigent parties who, even if there are prospects of success in the specific case, are deciding to withdraw from seeking legal aid. This may discourage potential applicants from pursuing the procedures though it is not uncommon in other legal aid systems. It should be noted nonetheless that the legal aid beneficiary **do not have obligation to reimburse the costs incurred by the Ministry of Justice if he/she loses the litigation** unless there are ground stated in the LFLA.

- Exemption of notary and enforcement agent fees

The LFLA do not stipulate exemption of notary and enforcement agent fees though it foresee legal aid in these procedures in specific situations. The exemption of these fees is regulated with the special laws. Before the notaries the SLA beneficiary must submit another application for fee exemption *(Art.37, Law on notaries)*, while before enforcement agents only beneficiaries of social protection can be exempted *(Art.46, par. 5, Law on enforcement)*. For the sake of efficiency, it would be much more adequate if the SLA beneficiaries are exempted from these fees by the LFLA and the costs be covered analogously as the costs for lawyers are reimbursed.

[22] Proposal Law for Litigation Procedure from 06.08.2021.

3. Criteria for granting secondary legal aid

i. Means test

Income requirements

According to the LAF, each SLA application must undergo a means and merits test with sole exception provided in three specific circumstances *(See Art.20, LFLA).* The means test includes assessing the financial standing of the applicants by determining their (including their households') income and assets. With regards to the income requirements for single person household, the applicant's income should not exceed the minimum net wage established by law. As of September 2022, the minimum net wage is 18.000 MKD. The LFLA also considers the family size and the total income of the household. The threshold for "more than one member" households is determined by indexation of the minimum net wage with an addition of 0.2 index value for each subsequent family member *(Art.18 par. 1, LFLA).* By using this method, the LFLA ensured that all persons below poverty line, can meet the means test (with regards to the income) which increase the coverage and availability of legal aid services (See table below). Also, linking the legal aid threshold with the minimum wage ensures that the increase of costs of living and the average salary will lead to increasing the legal aid threshold *(See Art.4 from the Law on Minimum Wage).*

Table: Comparison of the at-risk of poverty threshold with the legal aid income threshold Data source: State Statistical Office[23]

Type of household	At-risk-of-poverty threshold (Annually – Data from 2020)	Income threshold for granting secondary legal aid (Annually)
Single person household	110.100 MKD	216.000 MKD
Four-person household	231.100 MKD	345.600 MKD

The LFLA defines the types of revenues that will be calculated as incomes *(Art.18, par. 2, LFLA)* as well as those types of revenues that will not be calculated such as social welfare benefits. With regards to revenues that are considered as incomes, the LFLA includes the financial benefit for unemployment which is not an income *per se,* but a short-term social measure to ensure that the former employee have some limited revenue for basic sustenance in the period between two jobs. Also, it should be noted that the list of exempted revenues *(Art.18 par.3, LFLA)* is drafted using the nomenclature of social welfare benefits that were set with the now obsolete Social Protection Act from 2009. The new Social Protection Act from 2019, redefined and restructured the model of welfare cash benefits and the LFLA should be aligned with the new model.

[23] State Statistical Office. Laeken poverty indicators in 2020.
Press release issued on 06.05.2022.

When determining the income as a ground for approving secondary legal aid, the Ministry of Justices considers the average monthly net income received by the legal aid applicant and the family members in their household over the six months prior to filing the secondary legal aid application. If the income cannot be determined in accordance with this method due to the inconsistent monthly income then the calculation shall be made from the intermittent income over the 12 months prior to the month when the secondary legal aid application was filed *(Art.18 par.4 & 5, LFLA).* However here, a practical problem arises since the only official source for this information, the Public Revenue Authority, can only provide certified information for the tax year before the application has been submitted. This makes this provision inapplicable in practice because the income a year before, and in the last six months can be subject to a change.

For example, a legal aid application is filed in July 2022. The MoJ should, pursuant art. 18 par. 4 from the LFLA, assess the net income received by the legal aid applicant and the family members in their household over the six months prior to filing the SLA application (January – June 2022). However, the Public Revenue Authority may only issue certified data for the previous tax year 2021. For 2022, the PRA may only produce an uncertified and potentially incomplete data.

The LFLA does not take in consideration whether the applicant or its family have total or partial access to the income. For example, though the applicant may earn 500 EUR per month, a one third of its income might be a subject to an enforcement procedure resulting with his/her real income be around 330 EUR. Or a significant % of the income may go for continuous medical costs for treatment of a member of household or for specific costs for taking care of person with disability.

Asset requirements

The LFLA sets three criteria related to the asset of the beneficiary. They relate to:

- ownership of house/apartment,
- land and
- ownership of motor vehicle.

Concerning the first and the second one, the language used and the implementation did not caused any significant exclusion errors nor problems in the interpretation. Though it is recommendable that the threshold regarding ownership of land in rural areas (most commonly agricultural land) be reconsidered because the average agricultural household possess 1.8 ha (18.000 m2) of land,[24] while the threshold set in the LFLA is maximum 0.5 ha (5.000 m2). The LFLA should strive to avoid potential high exclusion of indigent applicants who are working in the area of agriculture.

[24] Structure and typology of agricultural holdings, 2016. State statistical office of the Republic of Macedonia, 2017.

On the other hand, the requirement that the legal aid applicant and their family members can own only one registered motor vehicle with an engine displacement under 1200 cc *(Art.19 par. 1)*. This criterion **is not relevant for assessing the financial situation** of the applicant. There are vehicles with a value of over 10 to 15 thousand Euros with same or smaller engine size. While at the same time, there are older vehicles, with greater engine size, but whose market value is below 1.500 EUR.

The LFLA does not foresee the bank deposits, ownership of securities, bonds and shares in companies as assets relevant for assessing the material and financial situation of the legal aid applicant.

Approving secondary legal aid without establishing financial standing

The COE guidelines require that the Member States should consider allowing the waiving of means testing whenever justified. The LFLA foresees three circumstances in which SLA may be approved without determining the financial situation of the persons:

- the applicant is in a foster family, assisted living or social welfare institution, as decided by a social work centre (hereinafter: special circumstances);
- the applicant needs to initiate and be represented in a procedure before a court in order to impose interim barring orders against domestic violence; or
- the applicant finds themselves in a financial situation preventing them from ensuring the protection of their rights independently due to a natural disaster, force majeure or circumstances beyond their control.

For all other circumstances, the LFLA requires conducting means testing, even if a beneficiary is a beneficiary of social welfare benefits, and his/her financial standing has already been determined by a competent state body. Though the income from social benefits will not be calculated, the authorized official at the MoJ will have to collect all necessary data again notwithstanding that that has been already done by the Centers for Social Protection which is an unnecessary use of time and resources. Additionally, the requirement that the legal aid applicant that seeks legal aid for interim barring orders against domestic violence must provide a certificate from a Center for Social Protection has been proven troublesome in practice. Not all victims of domestic violence are enlisted as such in the Center for Social Protection's data base.

The third exemption, i.e the possibility to bypass means test if the applicant is in a financial situation preventing them from ensuring the protection of their rights due to force majeure or reasons beyond their control is a solit starting point for a legal aid "safety net". This net should ensures that a potential legal aid applicant, who might not meet the strict requirements for income and assets, but his/her genuine need for legal aid is justified on the principles of equity and fairness. However the wording of the provision in insufficiently precise and might lead to more rigid interpretation, contrary to the legislative objective.

ii. Merits test

LFLA requires establishing the merits of the application (art. 21, LFLA). The law further lists the circumstances in which an application will be considered as without merits:

- when it is ***obvious*** that the application is unfounded due to the ***lack of legal facts as grounds*** for legal action;
- when there is obvious ***abuse*** of the right to free legal aid;
- the legal matter subject to the legal aid application is ***obviously unreasonable;***
- if the expectations and claims of the applicant are clearly contrary to the outcome for issues with the same or similar facts for the same legal issues; and
- when the applicant's claims are ***immoral.***

The merits test as set in the LFLA is in line with the CoE guidelines as well as with best comparative practices. Implementation in practice might be more challenging due to the lack of more clear and specific guidance and definitions in the LFLA. However due to the specific nature of these term whose existence or not can only be determined in case to case basis, by taking careful consideration of the circumstances of the individual cases. This gap can be addressed by adopting a guideline for implementation of the law and as well a by a limited fine tuning of the current provision . What might be consider on a level of law is definition of terms such as 'obviously unreasonable', 'obviously unfounded', 'immoral'. Also the LFLA does not include exemption of 'frivolous or vexatious' actions should be excluded from scope not requires prospectus of success test?

4. Procedure for granting secondary legal aid

i. Processing the legal aid applications

The decentralisation of the decision-making process from the Department for Legal Aid within the Ministry of Justice to a wide network of authorized officials positioned in over 15 regional offices contributed to a certain extent in simplifying the processing of SLA applications. There are some outstanding issues that still are posing some challenges in this process. Some of them are consequence of the insufficiently precise legal framework while the others are related more to the day to day management of the legal aid system. For the interest of this assessment are the gaps in the legal framework.

- Data gathering and duration of the procedure

One of the main issues that remains is the **prolongation of the procedures** due to fact that the other institutions are not submitting the necessary documents in a timely manner. It should be noted that the LFLA does not contain any reference *to the Law on Gathering and Exchange of Evidence and Information in Official Duty nor to the Law on Electronic Management and Electronic Services.* These two special laws are regulating the roles and obligation of each state institutions in the process of gathering official evidence and information. The second one is an important if the MoJ intents to introducing an electronic filing for legal aid applications.

The most efficient way to speed up and simplify the procedure is to enable interoperability between the Ministry of Justice and all other state authorities that possess the data necessary to decide on SLA applications. The legal framework for this is largely already

established, but the technical part of the process is still ongoing. During the preparation of the potential amendments to the LFLA, the Ministry on Administration and Information Society must be consulted regarding the necessary amendments that the LFLA should undergo in order to enable interoperability.

- Content of the decisions

Another important issue is concerning the **content of the decisions** (certificate and information). The LFLA omits to prescribe their content. The Law on General Administrative Procedure cannot be applied because it also fails to prescribe the content of the real acts. With regard to the content is also the issue about the **extent to which is the authorized person is bound by the legal aid application in determination the specific procedure for which legal aid will be granted and the types of legal actions that can be taken. Another issue are the so called auxiliary procedures, necessary for resolution of the core legal dispute subject to legal aid.** The applicants might not always be able to articulate the specific procedure or the issue might be complex and may require granting legal aid for different but related procedures. The LFLA by failing to provide a normative guidance on each cause's significant challenges for the authorized persons to determine, and delimit the type of procedure for which legal aid should be granted.

ii. Urgent procedure for deciding upon legal aid applications

The LFLA introduced the urgent procedure in order to address the need for a quick legal aid in circumstances where there are tight deadlines for taking legal actions, and who will not been able to be taken by going the lengthy path of regular procedure. The LFLA determines that the deadlines shorter than 15 days require urgent procedure. The specific of the urgent procedure is that it *"temporary"* bypasses the means test while merits test is conducted for the sake to ensure that the applicant will be able to have legal aid for the specific legal action. After that, regular means test is conducted and if proven that the applicant did not meet the criteria, the provisions governing unjustifiably received free legal aid shall apply.

Key problem that occurred in practice is the understanding and the interpretation of the term *"specific legal matter".* While in comparative examples (ex. Slovenia), the urgent legal aid is most commonly granted for one single legal action that should be performed in a specified deadline, the lack of sufficiently precise wording in Art. 25 caused different interpretations. On one side there was the view that only one legal action is allowed, while on the other was the notion that, if the means test shows that the beneficiary meets the criteria, the provisions for regular legal aid are to be applied. This matter in conjunction with the lack of clarity on the type and scope of legal aid (elaborated in the previous section) caused problems for the authorized officials and especially for the appointed lawyers whose role and duty were not detailed to the necessary extent.

iii. Appeal procedure

The LFLA determines that the Ministry decides upon submitted objection against a notification declining a secondary legal aid application but it fails to regulate where should the objection be submitted. Whether to the Ministry directly or through the regional office where the initial notification was adopted by the authorized person *(Art. 24, LFLA).* This gap is covered in the Rulebook on the manner of processing the application for free legal aid.[25] There, in art. 7 par. 1 it is stated that the objections should be filed in the regional offices. However, in practice there was uncertainty among the rejected applicants who were notified to submit the objection to the Ministry of Justice. This has been shown as unnecessary lengthy and demanding and not in line with the principles of appeal procedure in both administrative and judicial procedure (the appeal is submitted via the authority that issued the appealed decision).

5. Termination of the secondary legal aid

i. Criteria for termination

The legal aid may be revoked in several circumstances specified in art. 26 from the LFLA. They might be grouped based upon their causes as well as their consequences in those related to a circumstance of the beneficiary (will for termination or death), of the legal matter (the lawyer provides a reasoned opinion that the further provision of legal aid is without purpose or that the costs for the legal aid will be unreasonably high compared with the value of the legal matter). The lack of purpose of the legal aid and the expected high costs should be used very carefully upon meticulous review of all circumstances due to the lack of objective criteria for their determination. On the other hand, a much more precise are the circumstances that imply culpability of the beneficiary as a ground for termination (uncooperativeness, not meeting the criteria or provided false information in the application process).

ii. Procedure for termination

The procedure is conducted and the decision is issued by an authorized official of the Ministry of Justice. The official may request further information should it deem it necessary and shall deliver the decision revoking secondary legal aid, if the conditions are met, to the beneficiary and the appointed lawyer. The beneficiary may appeal the decision in an administrative dispute. From procedural point of view is important that the beneficiaries are informed, in written, preferably in the notification for granting legal aid about their rights and obligations and the circumstances that might lead to termination of the legal aid and its consequences.

iii. Consequences of termination

A person who was provided and used secondary legal aid shall be obliged to reimburse in full the allocated funds for the unjustified secondary legal aid to the account of the Budget of the Republic of North Macedonia if: they have provided false information in order to

[25] Rulebook on the manner of processing the application for free legal aid, Official Gazette No. 214/2019.

obtain secondary legal aid; or they have failed to uphold the duties set in Art. 28 of the LFLA. In the decision the Ministry states the amount that the beneficiary should pay. The decision may be challenges before the Administrative court. At the proposal of the person the Ministry may determine another method of payment of the amount for the unjustified secondary legal aid, considering their financial standing.

6. Lawyers and the secondary legal aid

i. Principles & procedure for appointment and replacement of appointed lawyers

Secondary legal aid may only be provided by lawyers who are enlisted in the Register of Lawyers that is kept at the Ministry of Justice.

- Appointment process

The lawyer is appointed from a list of lawyers in the lawyer community in the area of the applicant's domicile or residence who are registered in the Register of Lawyers. If there are no lawyers from the appropriate lawyer community a lawyer from another nearest lawyer community may be appointed *(Art.29 par.1 & 2, LFLA).* The manner of appointment is regulated with special bylaw. According to the bylaw, if the procedure for which the SLA is granted has already been initiated, and that the SLA beneficiary has given the power of attorney to a lawyer who is enlisted in the Register, upon written statement of the beneficiary this lawyer will be appointed thus respecting the will of the legal aid applicant *(Art.2 par.3 from the Rulebook on the manner of appointment of lawyer, Official Gazette no. 199 of 30.09.2019).*

In all other circumstances, the appointment is done alphabetically, by appointing the next lawyer of the list after the previously appointed lawyer in other case. The applicant provides justifiable objection to the lawyer appointed the next lawyer on the list will be appointed (Art. 3 from the Rulebook). This manner of appointment is based upon clear and objective criteria for the appointment of legal aid providers in line with the CoE Guidelines *(Art. 9, par.1, Guidelines)* however with certain limitation of the rights of beneficiaries to freely choose a legal aid provider *(Art.20, par.4, Guidelines)*. Also, there is a lack of transparency showing that from almost 400 registered attorneys at law, only several of them are being regularly appointed. Како потврда на овој наод, е и забележувањето од овластените службени лица во подрачните одделенија кои посочуваат на ситуација во која адвокат кој се запишал во регистарот покасно да го замени адвокат кој се запишал во регистарит порано и со тоа се уште да не добие прилика да биде именуван по некој предмет. What lacks is a mechanism that assigning legal aid cases to lawyers based on their competence and specialisation *(Art.20, par.6, Guidelines).* This is a result that the lawyer's profession in N. Macedonia do not recognize specializations however there are some ongoing efforts to change this principle. Additionaly and relevant for the appointment is the current process implemented by the Bar Chamber for developing a new IT solution for appointment of lawyers that will improve the objectivity and minimize the human factor.

- Change of lawyer

The appointed lawyer may be replaced at the request of the beneficiary or *ex officio* if he/she fails to fulfil their duties stated in Art. 32. The authorized official shall authorise another lawyer from the Register of Lawyers. The appointed lawyer may withdraw in writing from further providing secondary legal aid for a specific legal matter and request that a new lawyer be appointed. Pending the appointment of another lawyer, the initially appointed lawyer shall continue to provide secondary legal aid. The newly appointed lawyer shall take over the handling of the initiated procedure before a competent court or a competent authority, and resume providing secondary legal aid at the stage where the previous lawyer had ceased to.

ii. Rights and duties of the lawyers

The obligations and the duties of the lawyers are regulated in Art. 32 from the LFLA. There is an obligation to provide the secondary legal aid in accordance with the law and a vague duty to cooperate with the beneficiary and the Ministry without any reference to the content of that cooperation. There is clearer requirement that the lawyer can provide secondary legal aid solely for the legal matter specified in the certificate for approving secondary legal aid.

Declining to provide secondary legal aid is allowed only in cases when the legal aid sought is beyond the scope of this law or diverges from the ethical rules or restrictions stipulated in the bylaws of the Bar Association for which the lawyer must notify the Ministry immediately. The lawyer also has an obligation if it establishes that the beneficiary no longer meets the legal aid criteria to notify the Ministry immediately and no later than within three days. There is prohibition for the lawyer to ask the beneficiary to compensate them for reward or costs accounted and paid for in accordance with this law. Also, the lawyer must notify the Ministry if there is no probability of success or it is unreasonable to pursue the procedure, the lawyer shall notify the Ministry thereof within 15 days of learning about the fact. The wording used in this provision is different that the working used in article regulating the termination procedure. There is no obligation for the lawyer to inform the Ministry about the outcome of the procedure for which legal aid has been granted

iii. Renumeration of lawyers for legal aid services

The LFLA requires that lawyer submits requests for compensation for the provided secondary legal aid to both, the competent court for the case (drafted in accordance with the rules on litigation procedure) and the Ministry of Justice. It stipulates a deadline for submitting the request to the MoJ (15 days from the final decision) though there is no justifiable reason for such a short deadline. Moreover, it is not clear about the consequences for the lawyer who will fail to meet this deadline. The MoJ no later than 30 days from receiving the request shall examine it and adopt a decision. If the there is need of additional information it may be requested from the lawyer and the competent institutions. The MoJ shall adopt a decision declining to compensate the lawyer partially or in full for the provided secondary legal aid in a specific case if a check or control of the request establishes that the lawyer

has failed to fulfil their duties and responsibilities. The LFLA does not provide (rightfully) any legal authority to the MoJ to assess the necessity and the reasonableness of certain legal actions taken by the lawyers, unless they are conducted outside of the procedure for which legal aid was granted and are in contrary with the LFLA. A lawyer is compensated for provided secondary legal aid with a percentage amount of the lawyer's reward and costs, in accordance with the Tariff for reward and compensation for lawyers' costs of work adopted by the Bar Association.

7. Legal aid in other procedures

Legal aid in asylum procedures

The LFLA recognizes and reinstates the principle that free legal aid can be provided in the procedure for granting asylum, defines the timeframe within which the asylum seeker may apply for free legal aid, pending the final decision *(Art.40 par.1, LFLA).* The LFLA omits to regulate explicitly the types of legal aid that can be provided (ex. oral counselling, representation on a hearing, writing lawsuits etc.) however from the wording used in both, LFLA and Law on international and temporary protection (LITP) it can be reasonably concluded that the legal aid may include all different types of legal aid necessary in the asylum granting procedure. The LFLA requires that the Sector for asylum, Ministry of justice and the associations authorized for providing primary legal aid provide information and guidance on the criteria and procedure for obtaining legal aid to asylum seekers *(Art. 40 par. 3, LFLA)*. The LFLA is silent on the manner in which this can be provided which leaves choice to the stakeholders to coordinate among themselves and establish mechanism for information providing.

The LFLA requires that the asylum seeker should ***not have the funds to hire a lawyer*** in order to qualify for legal aid *(Art.40 par.4, LFLA).* However, it does not contain further provisions on assessing the financial criteria nor it sets a threshold for finding whether the applicant is indigent or not. The legal aid authorities are solely bound by the statement of the applicant and do not possess the mechanism to confirm its authenticity.

The asylum seeker may apply for free legal aid in a language they understand to the Sector for asylum *(Art.40 par.4, LFLA).* The form for the free legal aid application is prescribed by the minister *(Art.40 par.5, LFLA).*

The LFLA establishes two separate procedures for granting legal aid depending whether the asylum seeker's freedom of movement is restricted or not.

- ***Granting legal aid if the applicant's freedom of movement is restricted***

The asylum seeker who has been issued a measure restricting their freedom of movement (In accordance with articles 63 – 66 from the LITP) and wishes to obtain free legal aid files a free legal aid application to the Sector for asylum *(Art.40 par.6, LFLA).* The Sector calls in a lawyer from the Ministry of Justice list and provide an interpreter immediately and no later than five days from receiving the free legal aid application *(Art.40 par 7, LFLA).*

- ***Granting legal aid if the applicant's freedom of movement is not restricted***

If the asylum seeker wishes to obtain free legal aid in a procedure for granting asylum applies for free legal aid to the Sector for asylum *(Art.40 par.9, LFLA).* The Sector refers the free legal aid applications to the Ministry of Justice immediately and no later than five days from receiving it *(Art.40 par.10, LFLA).* The Ministry of Justice, within five days from receiving the free legal aid application, will adopt a decision to approve free legal aid, to compensate interpreting costs, and it will appoint a lawyer to the asylum seeker *(Art.40 par.11, LFLA).*
Due to the specific knowledge, skills and sensitiveness that is required by the asylum law, the LFLA rightfully stipulates an obligation to the Ministry of Justice to create and update separate list of lawyers providing legal aid in the procedure for granting asylum. The Ministry updates and shares the list with the Sector every three months *(Art.40 par.8, LFLA)*

Legal aid for children

Law on Justice for Children (LJC) requires mandatory defence for children at risk and children in conflict with the law in procedures before four state organs, the Centers for Social Protection, police, public prosecution and the courts however the rules for appointment and reimbursement of lawyers of children who are not able to hire a private attorney are differing. The costs for procedures before Centers for social welfare and police are covered by the legal aid budget pursuant to LFLA, before public prosecutor by the budget of institution while before courts by the court budget (Art. 90 par. 2 from the LJC). However further in the law is stated that the costs for the lawyer in court procedures where sentence or alternative measure can be decided, the costs for the lawyer will be covered by the legal aid, not by the court budget. These inconsistencies that are set in the Law on Justice of Children are having a negative impact on the accessibility and the quality of legal aid to the children. These cases are burdening the legal aid budget of the Ministry of Justice while the MoJ does not have any control on the process (deciding and appointment). There is a current process for drafting of entirely new LJC that proposed that the costs for legal aid for children should be beared by the competent authority before which the procedural actions are taken with a presence of lawyer. Whether this is the most adequate solution is not is still early to comment.

III. General (cross-cutting) issues

1. Funding the legal aid

The funds for approving free legal aid and the costs of the provided legal aid in the proceedings are provided from the Ministry's budget, as well as from donations and other income in accordance with the laws *(Art.4 par.5, LFLA).* The funds are budgeted within the general budget line 425 and are not in separate account or budgetary program. This have as implication that the unspent money are not transferred for the next year's budget, but subject do the regular budget planning process.

The LFLA also contains another provision that the costs of providing secondary legal will be covered by funds from the Ministry budget. This double regulation is not necessary and it burdens the law's text. If the secondary legal aid beneficiary is successful in their dispute and the court mandates the other party to compensate the costs of the procedure, in full or partially, in accordance with the legal provisions on the judicial procedure, then in the judgment the court shall mandate the other party to remit the amount of the procedure costs to the account of the Budget of the Republic of North Macedonia *(Art.13 par.8)*. These funds are not entering the MoJ budget and there is no legal possibility for tracking the amount awarded and the amount that was remitted in the budget. The law also does not contain any provisions guiding the process for planning the budgets for legal aid.

The LFLA, contrary to some comparative examples, does not require from the legal aid beneficiaries, who acquired assets and finances above certain threshold in the procedure for which legal aid was granted, to reimburse the costs provided by the state budget. Though implementation of such obligation could be burdensome from administrative point of view, it could contribute to greater financial sustainability of the system and is not contrary to the objective of legal aid nor it imposes unreasonable obligations to the legal aid beneficiary.

2. Cooperation between stakeholders

The LFLA in several provisions requires cooperation between the different stakeholders. For example, in the area of primary legal aid the providers have a duty to provide primary legal aid and cooperate with one another *(Art 8. par. 1, LFLA)*. With regards to secondary legal aid, the Ministry should cooperate with the Bar Association, judicial bodies, as well as the social work centre, state agencies and other competent institutions *(Art.13 par.3, LFLA).* There is also an obligation for cooperation in conducting activities for promotion of the LFLA *(Art.43 par.1, LFLA).* The manner of cooperation was partially regulated with individual memorandums that the MoJ signed with the Bar Association the providers of legal aid but these have proven insufficient to contribute to a more meaningful cooperation and coordination. There is need for intensifying the cooperation with other stakeholders as well and specially to engage them and share ownership of the legal aid system. Though the absence of legal provisions on this is not an obstacle, the legal regulation of the manner of cooperation and coordination is much more suitable to produce tangible in the local context where written rules with a legal power are preferred.

3. Supervision & oversight

Supervision of provided primary legal aid

The Ministry supervises the provided primary legal aid either upon a request by the person who has received primary legal aid or *ex officio.* It assesses whether the primary legal aid was provided in accordance with the LFLA. The MoJ when performing the supervision have the right and the duty to collect all necessary information, including the opinions of the

association, the legal clinic, as well as of the primary legal aid beneficiary.
If the Ministry establishes that the primary legal aid was not provided in accordance with the LFLA is authorised to: adopt a decision to delist the association from the Register of Associations authorised to provide primary legal aid; adopt a decision to decline payment to the association, i.e. the legal clinic; deliver a notification to the faculty of law regarding the work of the legal clinic; & adopt a decision do delist the legal clinic from the Register of Faculties of Law.

Inspection of providing secondary legal aid

The Ministry shall inspect the case and the documents with the lawyer *ex officio* or upon the request of the beneficiary. When performing the inspection, the Ministry is obliged to collect all the necessary information and documentation, and to make a finding. The Ministry, after making the finding under paragraph may: revoke the secondary legal aid; delist the lawyer from the Register of Lawyers; or decline, partially or in full, the payment to the lawyer for the provided secondary legal aid. The Ministry, within eight days from adopting the decision, shall notify the Bar Association of the decision

RECOMMENDATIONS

I. On the primary legal aid

1. **Broadening the scope of primary legal aid by adding the following services: accompanying clients, support in preparation of individual complaints before UN bodies and support in drafting requests for social housing**

For certain specific categories the primary legal aid provided in the form of information or advice has been proven as insufficient. This is especially the case with the victims of violent crimes, victims of gender-based and domestic violence, children, elderly persons, persons with disabilities etc. It is often necessary that these PLA beneficiaries needs accompaniment and facilitation with their communication with the administrative body. The accompaniment ensures that the problem and legal details are properly and correctly explained to the institution and that all key facts are presented. The amendment should be limited solely to the areas specified in the LFLA for which the PLA providers may assist in filling forms.[26] It should define the scope of the service including any additional costs that might arise during the accompaniment (ex. Travel costs). Regarding the legal assistance in drafting petitions, one especially meaningful area is missed which is related to realization and protection of human rights before committees of independent experts that monitor implementation of the core international human rights treaties.[27] The area of social housing should be

[26] Social and child protection, pension, disability and health insurance, protection of gender based violence, birth registration procedure, issuing personal identification documents and access to citizenship.
[27] Human Rights Committee (CCPR); Committee on Elimination of Discrimination against Women (CEDAW); Committee against Torture (CAT); Committee on the Elimination of Racial Discrimination (CERD); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED); Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Rights of the Child (CRC); Committee on Migrant Workers (CMW);.

added among the others in order to allow legal assistance in compiling and completing the requests for obtaining social housing.

2. **Develop and adopt the bylaw for cooperation between the legal clinic and registered attorneys at law (from art. 7 par. 6 from the LFLA)**

In providing primary legal aid the legal clinic should cooperate with the attorneys at law registered in the Register of attorneys, as well with the Bar Association of North Macedonia. The LFLA requires that the manner of cooperation should be regulated by the Minister of Justice upon previous opinion given by the Ministry of education and the Bar Association, however this bylaw has not been adopted yet. In order to provide a framework for harmonized development of the legal clinics such bylaw may significantly contribute.

3. **Introducing a provision regarding the elements of the brief written opinion on the matter (art. 8 par. 4 from LFLA)**

In order to unify the work of PLA providers, provision that regulates the content of the brief written opinion (required in Art. 8 par. 4 of the LFLA) should be introduced. Usually, this prepared document should be brief, containing the main facts of the case, statement of the legal issue for which the request is submitted, and opinion on the fulfilment of the criteria by the applicant. The amendment might delegate the regulation of the content to a bylaw or regulate directly in the law.

4. **Embedding referral mechanism that will regulate the manner of cooperation between legal aid providers and other stakeholders through a by-law (Referral protocol)**

In order to establish a sustainable and functional system, it is necessary to amend art. 8 of par. 9 by establishing that the manner of cooperation between providers is also prescribed. The Protocol for the referral of FLA users (in and out of the state system for FLA) of the Council of Europe, can serve as a basis for filling the gap of unregulated cooperation (or referral mechanism). The Protocol will set the principles and regulates the procedures for adequate referral of individuals who are beneficiaries of the primary legal aid. The introduction of the manner of cooperation will require amendment of the existing bylaw adopted based on art. 8 par. 9 from the LFLA.

5. **Revising and clarifying the Rulebook under article 8 par. 9 of the LFLA - The forms the monthly/six month period reports should be more precise and should facilitate data processing**

According to the Ministry of Justice the existing forms of the reports do not allow data processing and analysis. Also, there is a different practice among the primary legal aid providers for submitting their own forms with detailed lists in relation to the cases in which

they provided different forms of primary legal assistance. The revision should clearly define the types of information to be reported by the PLA providers and ensure that the manner in which the information is provided facilitates data processing.

6. **Setting up an obligation in the LFLA for timely reporting any change relevant for meeting the criteria for the PLA providers as well as requirement for a provision of legal assistance within the service/ employment contracts of lawyers working for the authorized associations**

The law does not contain a provision according to which an obligation will be imposed on the authorized providers of primary legal aid, in the event of a change in any of the conditions for their registration in an appropriate register, to notify the ministry in a timely manner. Additionally, when submitting relevant documentations regarding the engaged/ employed lawyer, his/her contract should contain obligation to provide primary legal aid.

7. **Revision of Article 11 regarding the appealability of the decision for granting funds, the criteria for awarding grants, the monitoring and the planning process**

The requirement that the Ministry allocates the funds only after the decision becomes legally valid[28] (after the end of the procedure before the Administrative court if the dissatisfied applicants initiate administrative dispute) could significantly prolong the procedure for allocating funds and realization of the projects. The funds are allocated annually, while the procedure before the Administrative court might last from three months to half a year. Although recognizing the importance of a compliant procedure for accountability of the process for allocating funds, it is quintessential that these procedures are not blocking the entire support.

Within the existing practices of allocating funds to associations by other Ministries there are several different approaches that might be considered and applied. The Ministry of Labour and Social Policy allocates the funds after the decision has become final[29] though it provides an opportunity for the decision to be appealed by a 2nd instance appellate committee in a short time limits. Ministries of Economy, Environmental Protection and Agriculture are allocating the funds on the basis of annual program and are publishing the associations that have been awarded without linking signing the contract with the legal validity or finality of the award act. Similar approach should be taken about this problem. Another potential solution by changing the legal form of the decision. Instead as individual legal act (subject to appeal), the award act should be adopted as general legal act (who can be only subject to review by the constitutional court).

[28] According to art. 16 from the Law on General Administrative Procedure legally valid administrative act can not be appealed nor it can be subject to an administrative dispute i.e all available legal remedy procedures has been terminated or they were not initiated in the legally prescribed deadlines.
[29] Final administrative act is an act that can be appealed before the Administrative court (Art. 15, Law on General Administrative procedure).

The evaluation criteria should also be either reformulated in the LFLA or sub-criteria should be defined for each criterion, with clear definitions and an explanation of their meaning. The criteria as given are vague and combine several different elements (for example, Social benefit with clear objectives). The Ministry of Justice should follow the model provided for in the Decision on the criteria and procedure for the allocation of funds for financing associations and foundations from the state budget, as well as the Rulebook for closer conditions, a template for the point scale, method and procedure for allocating funds for innovative or intervention social services. Also art. 11 should contain provisions regulating the planning, determination of priorities for which funding is provided, prevention of conflict of interests and regulation of supervision and control procedure.

II. On the secondary legal aid

1. **1. Ensure access to secondary legal aid before notaries in all procedures where pursuant to the Law of Notaries a mandatory representation of lawyer is required as well as before enforcement agents for drafting submissions and objections during the enforcement**

The notaries and enforcement agents play significant role in the national justice system. They have significant competencies concerning matters of great significance for the people (ex. They decide upon payment orders for debt; certifying statements and documents as well as conducting inheritance procedure; enforce debts, mortgages etc.). In some of the procedures a mandatory representation/participation of lawyer is required. In order to ensure access to justice it is necessary that the citizens have access to legal aid in these procedures because their rights can be adversely affected by actions of notaries and enforcement agents in circumstances when the applicant meets the criteria means and merits test. This issue has been discussed on the NCB meetings and there is broad consensus that legal aid should be available in the aforementioned procedures. Additionally, the beneficiaries of secondary legal aid should be exempted by the notary and enforcement agents fees by law, while the manner of reimbursement for the provided services by the notaries and enforcement agents should be analogous to the manner of reimbursement of lawyers.

2. **Broaden the types of legal questions for which legal aid can be granted to include the following procedures: compensation for intangible damages, disputes regarding public and utility services & property issues in an administrative procedure**

These specific legal issues are disproportionally affecting poor people. The exemption of disputes about public and utility services stipulated (electricity, heating, water etc.) leaves these people without any possibility to challenge the often improperly calculated invoices, or the unlawful termination of services which puts them in a vicious cycle of poverty. The property issues in an administrative procedure are related with legalization of unlawfully

constructed building, buying the land bellow the housing unit as well as expropriation procedures. Restricting the legal aid, only for compensation for intangible damage, except for victims of crime, as well as death or severe disability, also prevents legal proceedings for discrimination, mobbing and other procedures where the victim suffered violation of their personal rights. Identically as for the other legal issues, the individual legal aid application shall be subject to merits test.

3. **Recognize and enforce the right to legal aid for victims of crimes for representation in criminal procedures**

The Victim Rights Directive[30] of the EU requires that victims have access to legal aid, where they have the status of parties to criminal proceedings. The Criminal Procedure Code and the Law on Justice for Children are not recognizing this right. The LFLA only provides legal aid for the victims in civil procedure for damage compensation. This gap needs to be addressed by recognizing this right in the LFLA. The need for legal representation of the victims also arises by the adversarial system of the criminal procedure. The injured party may have an active role in the criminal procedure by: indicating facts and proposing evidence, to attend the hearings, to appeal the decision for termination of the public prosecution etc. For all these actions the access to lawyers is indispensable.

4. **Operationalize the provision for exemption of other procedural costs by introducing a procedure for payment of the costs by the legal aid budget**

The LFLA does not specify the types of other costs related to court proceedings but refers to a separate law. In practice, the types and amount of costs that users of secondary legal aid may face in specific litigation proceedings cannot be predicted in advance. Each party previously bears the costs that he/she caused by his/her action. The circumstances of the case, the type of procedure, the facts to be determined, the actions of the opposite party are only some of the factors that affect this issue. LFLA needs to regulate the method, conditions and procedure for payment of other costs in the procedure that may arise. This should be applied ***mutatis mutandi*** for the fees of notaries and enforcement agents in procedures where SLA has been granted.

[30] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

5. **Alignment of the LFLA with the proposal for new Civil Procedure Code with regards to the expert witnesses and ensuring that every licensed expert (individual and legal entity) to conduct expertise/expert finding and opinion for a legal aid beneficiary.**

This requires review of the current model where the expertise is done solely through the Bureau. Because of the more active role of the judge in assigning expertise it will be necessary that the LFLA should be able to ensure that all licensed experts, when assigned by a judge in a legally aided case, are able to be remunerated for their services from the legal aid budget. This is in line with the comparative experiences where there are no specific registers for experts that provide services in these cases.[31] The amendments of the LFLA should delegate authority to the Minister of Justice upon agreement from the Chamber of Expert Witnesses to adopt a bylaw that will regulate the remuneration of fees and reimbursement of costs. The bylaw should set the minimal and maximal fees that may be claimed by the expert and should be discounted from their market value in a percentage analogous as for the costs for lawyer. The Law should clearly define the circumstances in which cases an expert witness might refuse to provide its expertise in legally aided case and these situations should not differ from the general rules when the expert can decline to provide services.

6. **Introduction of the mediation as an out of court settlement dispute mechanism within the system of legal aid**

The best comparative examples in the area of legal aid include incentive measures for alternative dispute resolution. This approach brings many different benefits for the legal aid system especially regarding its cost-effectiveness. Though the legislative framework for mediation in N. Macedonia exists for a long time, the use of mediation has gained momentum in the past 4 -5 years. The amendments to the LFLA should build upon this momentum and incorporate the mediation in the system for legal aid. The secondary legal aid should include covering the costs for legal aid (by lawyer) in mediation procedure as well as the costs for the mediator (in accordance with the Law on Mediation). Moreover, the LFLA should include a declaratory provision encouraging SLA beneficiaries to settle their dispute using a mediation as a quicker and less demanding dispute solving mechanism.

7. **Ensuring compliance of the means and merits test set in the law with the standards and wording provided in the relevant case law of the European Court of Human Rights**

The LFLA should include safeguards that will ensure that no applicant that if denied access

[31] Gibens, S. Netkova, B. Kocevski, G. *Expert Witnesses and the Legal Aid - Comparative overview on the modalities for engagement and remuneration of expert witnesses within the national legal aid systems in Europe.* May, 2021

to legal aid in N. Macedonia could have a reasonable prospect of success in line with the established case law. These safeguards could be integrated either as an introductory provision in section regarding the means and merits test or in the specific provisions. More specifically the criteria set in the law should be framed to take in consideration the following criteria: i. the importance of what is at stake for the applicant; ii. the complexity of the case; iii. the applicant's capacity to represent him or herself effectively; and iv. the existence of a legislative requirement to be legally represented.

8. **Exclusion of the financial benefit for unemployment from the list of revenues that are considered incomes relevant for determining the financial standing of a legal aid applicant (Art. 18 par. 2, LFLA);**

The *financial benefit for unemployment* is not an income per se, but a short term social welfare measure to ensure that the former employee have some limited revenue for basic sustenance in the period between two jobs. Its maximal duration is 12 months (with exemption for persons who will meet the criteria for retirement for whom is 18 months) and it maximum 50 % from the average monthly salary of the employe.

9. **Harmonization of the revenues which are not considered as incomes with the new model of social welfare benefits established with the Social Protection Act from 2019;**

The list of exempted revenues *(Art.18 par.3, LFLA)* is drafted using the nomenclature of social welfare benefits that were set with the now obsolete Social Protection Act. The new Social Protection Act from 2019, redefined and restructured the model of welfare cash benefits and the LFLA should be aligned with that.

10. **Introducing a provision that in an exceptional circumstance, when the legal aid applicant does not have access to all of the income it receives, only the disposable income will be take in consideration;**

There could be circumstances in which the legal aid applicant though receives income above the determined threshold, due to an objective condition is not be able to use them. Such situations could be: an existing enforcement procedure which takes 1/3 of his/her income, permanent costs for medical or orthopaedics services or goods that are not covered by the health insurance, costs for education for children with developmental disabilities, unavailable income in the case of a husband who does not share his income with his wife (or vice versa) (difficult to assess and prevent abuse of such a rule admittedly); income diverted for child maintenance to a child the applicant supports but does not live with etc. In these circumstances some flexibility will be beneficial but the law might include a cap on the maximum income above which this right will not be used. Additionally, this requirement should also be applied for the assets in cases where the applicant does not have access to the assets.

11. **Deletion of the assets criteria concerning the engine displacement (size) and limiting the ownership to only one registered motor vehicle notwithstanding its performances and capabilities;**

This criterion is first of all not relevant nor suitable for assessing the financial situation of specific applicant and/or household. There are vehicles with a value of over 10 to 15 thousand Euros with same or smaller engine size while at the same time there are cares, especially older ones, with greater engine size, but whose market value will hardly be above 1.500 to 2.000 euros.

12. **The beneficiaries of social welfare cash benefits as a result of their financial situation when applying for secondary legal aid should not undergo a means test**

The financial status of the beneficiaries of social welfare benefits has already been determined by a competent state body in a legally prescribed procedure using criteria which are stricter than those set by the LFLA. It is unnecessary duplication and inefficient use of resources to gather data on their financial situation. In the case of termination of the welfare cash benefits, the rules and procedures for informing the MoJ will apply and then a means test can be conducted.

13. **Harmonization of the LFLA with the Law on Gathering and Exchange of Evidence and Information in Official Duty and the Law on Electronic Management and Electronic Services.**

In the process of assessing the means of the legal aid applicant the MoJ needs data from other competent public authorities. The procedure for this is regulated with two special laws, one for hard copy and one for electronic documents. This law prescribes the deadlines and the tasks and roles of the institution that seeks information and the institution that has the obligation to provide the requested information. It is necessary that the LFLA is aligned with the principles set in this law. Also, on a long term, electronic application for legal aid will require that the LFLA is aligned with the Law on Electronic Management and Electronic Services.

14. **The LFLA should prescribe the content elements of the certificates and notifications and the role of authorized officials in determining and delimiting the procedure for which legal aid will be granted.**

The content of any act that has legal implications should be prescribed by law and not left to a discretion of and administrative authority. Currently the LFLA do not regulate the content of the certificates and the notifications. Moreover, it is essential to regulate the extent to which the authorized officials will be bound by the SLA application in determining the type

of procedure, the competent organ, the instances, the allowed actions, and the extent of the LAetc. The applicants might not always be able to articulate the specific procedure or the issue might be complex and may require granting legal aid for different but related procedures. The LFLA by failing to provide a normative guidance on each cause's significant challenges for the authorized persons to determine, and delimit the type of procedure for which legal aid should be granted.

15. **Clear determination that the urgent legal aid can be granted only for individual legal actions that should be taken in a short deadline. Only after completion of the means test, and determining that the applicant meet the criteria it can be transformed in "regular" legal aid.**

Key problem that occurred in practice is the understanding and the interpretation of the term *"specific legal matter".* In order to avoid different interpretations and in line with best international practices, the urgent legal aid should only be granted for specific, individual legal actions. This should not be interpreted narrowly to include only one legal actons, but all necessary and interrelated actions necessary to ensure that the beneficiary received the necessary legal aid. However, if it is determined that the applicants meet the criteria and there is need for additional legal aid, the legal aid should be continued.

16. **The legal aid applications by asylum seekers should be processed and decided by one state organ.**

The existing duality is causing problems in the implementation. Comparative practices are not unified. There are examples where the decisions are provided by the legal aid authority (in our case the Ministry of Justice) while there are also practices where the decision and appointment of lawyer is made by the asylum authority. A more thorough assessment of capacities and needs of both organs should be undertaken before the start of the amendment process.

17. **Means and merits test should be introduced by defining clear criteria and thresholds when evaluating the applications for legal aid for asylum seekers.**

When defining the means test it should be taken in consideration the inability to verify the statements and actual finance situation of the applicant. However, there are practices from other countries that could be used since testing the material standing of asylum seeker cannot be always easily determined. Concerning the merits test it should not prevent access to legal information and assistance. In order to ensure that resources are not unjustifiably used, the LFLA may include in the law or in bylaws caps on the time, resources and funds (ex. legal services, interpretation services etc.). Such limitations are present in the legislation of the EU countries.

III. On general (cross-cutting) issues

1. **The funding for legal aid should be budgeted as an autonomous budgetary program within the budget of the Ministry of Justice**

The existing model has proven unsuitable to ensure proper planning and assessing of the cost-effectiveness of the funds spend for legal aid. This is caused by the fact that the funds for legal aid are budget in of the general budget items, together with other costs related to contracts and other services where the Department for Legal Aid does not have any insight. Moreover, the LFLA provides ground for reimbursement of the funds provided for SLA by the applicants who have been awarded costs in civil procedures however these funds are paid on the general budget account and the MoJ does not have any legal instrument to monitor how many of the awarded funds has been remitted to the budget. An autonomous budgetary program will ensure that the costs and income for legal aid are monitored on a day to day basis and will contribute in more efficient planning and use of public funds.

2. **The LFLA should provides the legal grounds for the National Coordination Body and regulating its competencies and composition.**

The NCB is an existing informal forum for sharing information, communication and coordination among all relevant stakeholders on topics related to the implementation of the Law on Free Legal Aid and increasing the access to justice on national level. Its objectives are: Improving the communication among the stakeholders including sharing information, coordination for individual cases and timely provision of data necessary for processing legal aid applications; Increased mutual understanding between all stakeholders of their competencies, expertise, specialisms, capacities and difficulties facing them in the process of implementation of LFLA; Identification of problems and challenges in the process of implementation of the LFLA; Identifying means and strategies for increased promotion of the LFLA to the citizens and active involvement in such activities; the promotion of collaborative in-service training and education for providers involved in delivering legal aid; & adoption of and active participation in the referrals protocol. In order to ensure that the forum remain sustainable it is necessary to provide a legal ground for it function. At minimum, its composition and mandate/competencies should be set by law but based closely on the existing model, while the rules on procedure should be adopted by the NCB.

3. **The supervision and oversight function should be first and foremost of educational character while drastic sanctions should be utilized in exceptional circumstances**

The LFLA within the section regulating the oversight function of the Ministry of Justice, instead only of punitive measures, should also prescribe measures such as providing written and oral guidance for resolving the problem encountered among the legal aid providers. These preventive measures should be followed by a formal warning and only after the issue was not remedied adequately the MoJ should use a more harsh measures.

ИНФОРМИРАЈ СЕ ЗА БЕСПЛАТНА ПРАВНА ПОМОШ

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