

COST-BENEFIT ANALYSIS

**for establishment of a single body
for managing the integrated system
for Free Legal Aid in North Macedonia**



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COST-BENEFIT ANALYSIS for establishment of a single body for managing the integrated system for Free Legal Aid in North Macedonia

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ACRONYMS

CPC	- Criminal Procedure Code of the Republic of North Macedonia, Official Gazette No. 150/2010, 100/2012, 142/2016, 193/2016, 198/2018;
CSW	- Centre for Social Work
ECHR	- European Convention on Human Rights and Fundamental Freedoms;
ECtHR	- European Court of Human Rights;
LCP	- Law on civil procedure, Official Gazette No. 7/2011, 124/2015
LFLA	- Law on Free Legal Aid of the Republic of North Macedonia, Official Gazette No. 101/2019, 194/2024;
LJC	- Law on Justice for Children of the Republic of North Macedonia, Official Gazette No. 148/2013, 152/2019;
MoJ	- Ministry of Justice of North Macedonia;
Mol	- Ministry of the Interior of North Macedonia;
RO	- (plural ROs) Regional Office(s) of the Ministry of Justice of North Macedonia;

PRELIMINARY REMARKS

The *Report on Needs assessment and recommendations with regard to the provision of legal aid in criminal proceedings in North Macedonia*¹ and the *Report on the on-line co-ordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia*² recommended “to examine the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity” alongside the legal aid system in civil proceedings. Subsequently, a “*Feasibility study on establishing a single body for the management of the free legal aid system in North Macedonia*”³ was undertaken.

The indisputable main conclusion of the study is that the creation of a body to manage the legal aid system is feasible “based on the multitude of the arguments of the stakeholders in favour, the prevailing being that the legal aid system shall be efficient, effective and respond to the people in need” and “the most desirable option will be for a single unitary body to govern the whole of free legal aid (FLA) in North Macedonia, corresponding to the concept of autonomous independent state organ (самостоен и независен државен орган), a model already recognised by law in the Republic of North Macedonia, and managed and overseen by an independent management board.”⁴

The Free Legal Aid Agency is typically a governmental or semi-governmental body that administers legal aid services, ensuring that those who cannot afford legal representation can still access justice. The main conceptual elements on the structure and functions of the single management entity were included in a *Policy Brief*⁵.

In the framework of the joint Council of Europe/European Union project “Towards a consolidated and more efficient Free Legal Aid system in North Macedonia”, a further assessment of cost-benefit was requested. A cost-benefit analysis (CBA) of the Free Legal Aid Agency involves evaluating the financial and social value of the services they provide in terms of the costs incurred versus the benefits achieved.

The aim of the cost-benefit analysis is to support the authorities of North Macedonia in taking an informed decision in their efforts to strengthen the capacity of management of the legal aid schemes. At the same time, it should be recalled that provision of legal aid is not only about the net economic benefits of a legal aid system, but also **an obligation deriving from international and European standards.**

1 Please see:

<https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

2 Please see: <https://rm.coe.int/report-from-the-workshops-with-stakeholders-eng/1680a7a50d>

3 Feasibility study on establishing a single body for the management of the free legal aid system in North Macedonia”, available at: <https://rm.coe.int/fla-fisibility-study-nmk-12-22-eng/1680a973d0>

4 Ibid, page 5.

5 Policy Brief, available at: <https://rm.coe.int/policy-brief-fla-nmk-english/1680ac8634>

A dedicated methodology for estimation of the costs of establishment and operation of the single body for the management of the free legal aid system was prepared in November 2024 within the framework of the same project and includes proposed research questions; proposed tools/approaches to be used (interviews/meetings, requests for access to public information); indication of documents to be analysed, including relevant international standards, relevant analyses and reports on the topic; available statistics; proposed action plan with timeline and responsibilities for finalising the cost estimate document.

Within the methodology⁶, one main question was considered, to which this document should provide an answer: “will the costs of establishing and operating a single body to manage the free legal aid system (which will unify legal aid in civil, criminal and administrative procedures and administrative disputes, and proceedings for children) be lower than the current costs of operating the systems?”. In providing the answer, this document also answers three specific sub-questions that correlate with the main question, namely:

1. Necessary costs of managing the free legal aid system in the last 3 to 5 years within the framework of the FLA system implemented by the Ministry of Justice?

This includes:

- A) Human resources costs (salaries, allowances) (Department for FLA at the Ministry of Justice and the ROs)
- B) Premises costs (rent, electricity, water)
- C) Office supplies costs, professional development (training)
- D) FLA budget (PLA and SLA) - disaggregated statistical data:
 - Paid costs of lawyers in civil cases
 - Paid costs of lawyers in criminal cases for victims
 - Paid costs of lawyers in proceedings before a notary
 - Paid costs of lawyers in proceedings before a bailiff
 - Paid awards to a notary
 - Paid awards to a bailiff
 - Paid court fees in civil proceedings
 - Paid court fees in administrative disputes
 - Paid administrative fees in administrative proceedings
 - Paid court fees in proceedings before a notary
 - Paid costs of lawyers in administrative proceedings
 - Paid costs of lawyers in administrative court disputes
 - Paid costs and awards to experts.

6 Developed by Bojana NETKOVA, CoE consultant and Elena GEORGIEVSKA, CoE consultant.

2. Costs required for managing the legal aid system in criminal proceedings in the last 2-5 years?

This includes:

- In the phase before the courts

A) Costs under Article 74 of the CPC (last 5 years)

A1. Number of adults/defendants who have been assigned a defence lawyer under Article 74 of the CPC in the last 5 years:

- costs of witnesses, translators, interpreters and experts, costs of visual and audio recording and transcription of recordings, as well as costs of inspection;
- costs of transportation of defendants;
- expenses incurred in the detention of the defendants, i.e. of persons deprived of their liberty;
- transportation and travel costs of police officers;
- costs of treatment of defendants while they are in custody, as well as costs of childbirth;
- remuneration and necessary expenses of the defence lawyer;
- necessary expenses of the injured party and their legal representative, as well as remuneration and necessary expenses of their lawyer.

A.2 Number of adults/defendants from point A.1:

- who are unemployed but have property (what property do they own?): are they married and do they have children (how many), is their partner employed (what is their salary)?;
- who are employed: what is their salary and do they own property and if so, what property do they own, are they married and do they have children (how many), is their partner employed (what is their salary);
- who are employed (what is their salary?), but don't own property, whether they are married and do they have children (how many), whether their partner is employed (what is their salary);

A3. Number of children in conflict with the law who have been assigned a defence lawyer under Article 74 of the Criminal Procedure Code in the last 5 years:

- costs for witnesses, translators, interpreters and experts, costs for visual and audio recording and transcription of recordings, as well as costs of inspection;
- transportation costs of defendants;

- expenses for detention of defendants, i.e. of persons deprived of their liberty;
- transportation and travel costs of police officers;
- medical expenses of defendants while in custody;
- fees and necessary expenses of the defence lawyer;
- necessary expenses of the injured party and their legal representative, as well as fees and necessary expenses of their lawyer

A.4 Number of children in conflict with the law from point A.3:

- whose parents are unemployed, but have property (what property do they own?);
- whose parents are employed: what is their salary and whether they own property and if so, what property do they own?;
- whose parents are employed (what is their salary), but have no property

B) Expenses under Article 75 of the CPC

B.1 Number of adults/defendants who have been assigned a defence lawyer under Article 75 of the CPC in the last 5 years:

- costs of witnesses, translators, interpreters and experts, costs of visual and audio recording and transcription of the recordings, as well as costs of inspection;
- costs of transportation of defendants;
- expenses for detention of defendants, i.e. of persons deprived of their liberty;
- transportation and travel costs of police officers;
- costs of treatment of defendants while they are in custody, as well as costs of childbirth;
- remuneration and necessary expenses of defence lawyer;
- necessary expenses of the injured party and their legal representative, as well as remuneration and necessary expenses of their lawyer.

B.2 Number of children in conflict with the law who have been appointed a defence lawyer under Article 75 of the Criminal Procedure Code in the last 5 years.

C) Number of adults/victims who have been appointed a free lawyer under Article 55, paragraph 1, item 1, in conjunction with Article 53, paragraph 1, item 3 of the Criminal Procedure Code in the last 3 years;

D) Number of child victims who have been appointed a free lawyer in the last 5 years.

- Before the CSW

A. Under the old LJFC for the last 5 years

- number of decisions prepared for appointment of a lawyer for the BPP in proceedings with children.

3. What are the estimated costs for establishing and operating a single body for managing the free legal aid system that would unify the current system for free legal aid in civil, criminal and administrative procedures and administrative disputes, as well as the current system for legal aid in criminal proceedings (mandatory defence, defence for the poor and legal aid for victims)?

To obtain answers to the main research question and sub-questions, several tools as a combination of primary and secondary sources were used, such as desk review of relevant international and national documents (conventions, standards, laws and by-laws, analysis, reports), data collection through submission of requests for free access to public information and meetings with representatives of the competent institutions for identifying the ongoing issues within the systems in regard to the benefits or drawbacks within their everyday work.

The process of collecting statistical data began in November-December 2024 through submission of requests for access to public information to the competent authorities⁷. The level of responsiveness varied from institution to institution. Some of the institutions responded promptly and some took a couple of months to send their reply. When it comes to the content of the replies, every institution involved gave incomplete data in regard to the questions cited above, and the explanation behind the incomplete answers was that they do not collect the requested data or they are not able to, due to shortcomings of the software within the institution.

From all the requested information⁸, the data received from the Ministry of Justice was only for human resources costs (salaries, benefits), broken down by years (from 2019 – 2024)⁹; water and internet costs for ROs, office materials for ROs¹⁰ and paid costs to lawyers per year. The data from the basic courts varies, depending which court it was received from. Out of 27 courts, only two¹¹ responded with relatively detailed data. The answers were regarding the total number of persons represented by a lawyer per year, total number of persons to whom a lawyer was appointed under article 74 of Criminal Procedure Code (CPC) per year, costs for expert witnesses, costs and remuneration of defence lawyers, costs of detaining the defendants and costs of translators. From the Supreme Court, the response specified that they do not possess

7 Ministry of Justice and the FLA department within the MoJ; 28 Basic courts, Judicial Budget Council, Supreme Court of the Republic of North Macedonia

8 Please see the above cited questions

9 Only for the employees in the sector for FLA, the regional offices

10 This data was provided only for 2019, 2020 and 2021

11 Basic court Kicevo and Basic court Kratovo

any of the types of data requested, and the Judicial Budget Council referred the consultants to their annual reports, yet stating that the other requested information is not produced by the Council, i.e. the Council does not have them.

The second step in obtaining the necessary information involved meetings with the representatives from the Judicial Budget Council, a judge from a Basic Criminal Court in Skopje, the Ministry of Justice/Department of FLA, the Ministry of Justice/Department of Judiciary and the special advisor to the Minister of Justice. Several conclusions were drawn from the meetings which confirmed the information already received through the requests for free access to information and supported the conclusions from the previous phases, including the feasibility study.

It must be noted that initially, the methodology was intended for preparation of a Cost Assessment in the Legal Aid System. However, **in the meantime, the Ministry of Justice has asked the Council of Europe to prepare a cost-benefit analysis which implied adaptation of the methodology.** Implicitly, the research questions are:

- What are the integrated costs of the actual legal aid system (and its sub-systems) in North Macedonia, and the number of beneficiaries, disaggregated according to the relevant proceedings;
- What are the potential costs of an integrated legal aid system managed by a Free Legal Aid Agency, and the benefits of establishing such a managerial entity?

In the process of the analysis, the research team had to estimate and exemplify social and emotional benefits, bearing in mind the unavailability of accurate and disaggregated data as to quantify social and emotional benefits. In addition, many of the benefits of legal aid (such as peace of mind, dignity, and social stability) are difficult to measure and may not have immediate financial impacts.

The report of the cost-benefit analysis was developed by Victor Zaharia¹², Bojana Netkova¹³ and Elena Georgievska¹⁴ with the support of the CoE project team. The consultants and the Council of Europe project team co-operated closely, shared information, provided relevant inputs and communicated via email and video conferences; at the same time, a dedicated mission to Skopje to meet the most relevant stakeholders, was organised on 09-10 April 2025.

12 CoE international consultant; President of the National Council for State Guaranteed Legal Aid, Moldova (2008-2016, 2020-present); university associate professor, Moldova State University; member of the CoE CPT and of the UN SPT.

13 CoE local consultant; lawyer at law; member of the National Coordinative body for FLA; member of the program council of the Educational Center for Lawyers.

14 CoE local consultant; MYLA.

STATUS QUO

The main **challenges** in the legal aid system¹⁵:

- in the system for legal aid in criminal procedures only a handful indigent defendants actually benefited from it in over a decade;
- limited judicial budget dissuades judges from working actively to increase the take-up of legal aid;
- civil and administrative legal aid is limited by restricted eligibility rules and insufficient administrative capacity;
- legal aid for children is affected by lack of interest among lawyers and the entangled competencies of different institutions.

The main **management issues**¹⁶:

- *parallel legal aid schemes*, depending on the types of the procedure for which legal aid is requested. Legal aid schemes are administered by different institutions and based on different rules;
- *institutions involved in management of the legal aid systems have other main responsibilities and legal aid is not the first priority of these institutions.*

15 Policy Brief, available at: <https://rm.coe.int/policy-brief-fla-nmk-english/1680ac8634>

16 Policy Brief, available at: <https://rm.coe.int/policy-brief-fla-nmk-english/1680ac8634>

1. MAIN DATA ON ACTUAL SITUATION:

The data in this chapter are divided by governing systems. First, data related to civil, administrative procedures and administrative disputes are presented (governing laws: Law on civil procedure and Law on free legal aid) accompanied by the operating expenses for the department of FLA and the number of employees. Next, data on criminal proceedings is presented (governing law: Criminal Procedure Code) and lastly the data concerning children (governing law: Law on justice for children).

1.1 Available data in the free legal aid system

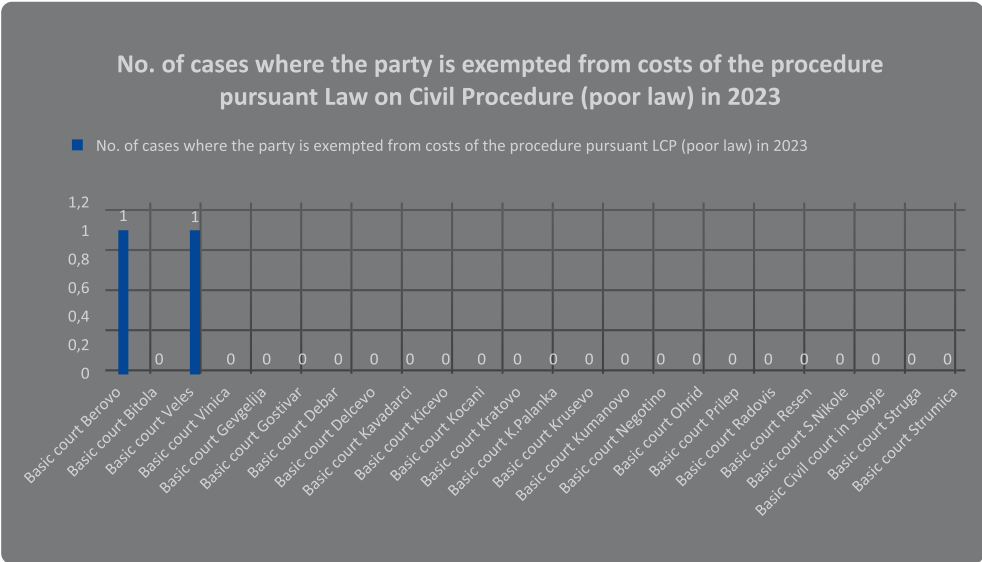
1.1.1 Costs pursuant to the Law on civil procedure¹⁷

Within the Law on civil procedure there is a foreseen possibility for the parties in need (that is the party who, according to their general financial situation, is unable to bear the costs of the procedure without negatively impacting their necessary support and the necessary support of their family) to be exempted from paying the costs of the procedure.¹⁸ Exemption from payment of procedural costs includes exemption from payment of fees and exemption from making an advance payment for the costs of witnesses, experts, for inspection in loco and for court notices. The court may exempt the party from paying the procedural costs in full or in part only for the court fees, if the payment of fees would significantly reduce the means of supporting the party and the members of their family. The court, upon request of the party, shall appoint an lawyer to represent the party, if this is necessary for the protection of the party's rights. The party to whom a lawyer is appointed is exempted from paying the costs and fees of the appointed lawyer, and the obligation to pay these costs falls on the opponent of the exempted party, if the exempted party wins the case. However, this possibility in the Law on Civil Procedure represents a dual system for free legal aid since from 2009 there is a special law on free legal aid governing the system for free legal aid in civil proceedings.

17 Articles 163-169 of LCP

18 Law on civil procedure, article 163 par.1

Table 1: Number of cases where the party is exempted from paying the costs of the procedure pursuant to Articles 163-169 of the Law on civil procedure (poor law) in 2023

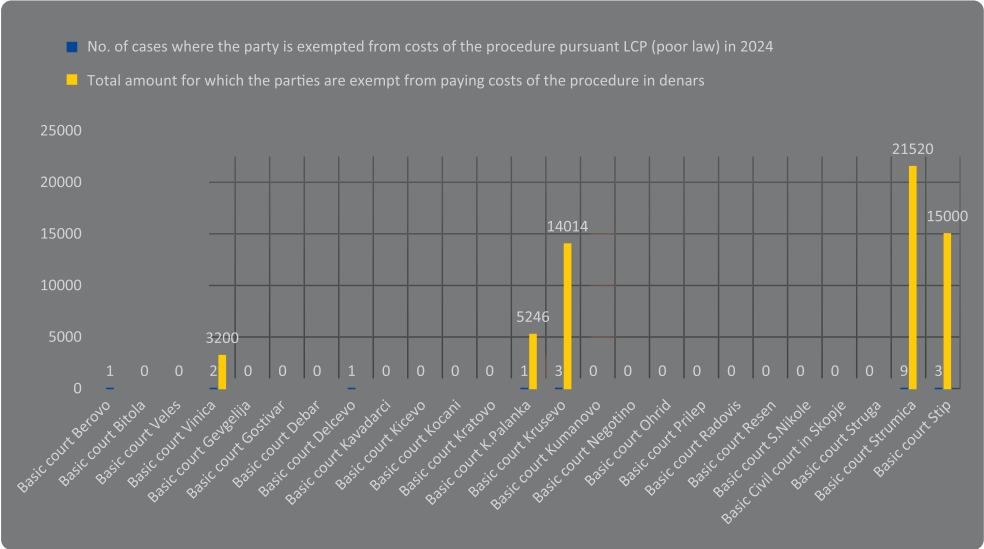


*Source: Ministry of Justice/Department of Judiciary

As can be seen from the data presented in Table 1, for 2023, on the territory of North Macedonia, there were **only 2 cases where the party was exempted from paying the costs of the procedure** and the total amount of the costs of which the parties were exempted is, for both cases, 2.800,00 denars.

In 2024, the number of cases where the provisions of Law on Civil Procedure for exemption of costs are applied, is higher.

Table 2: Number of cases where the party is exempted from paying the costs of the procedure pursuant to Articles 163-169 of the Law on Civil Procedure (poor law) in 2024 and the amount of costs



*Source: Ministry of Justice/Department of Judiciary

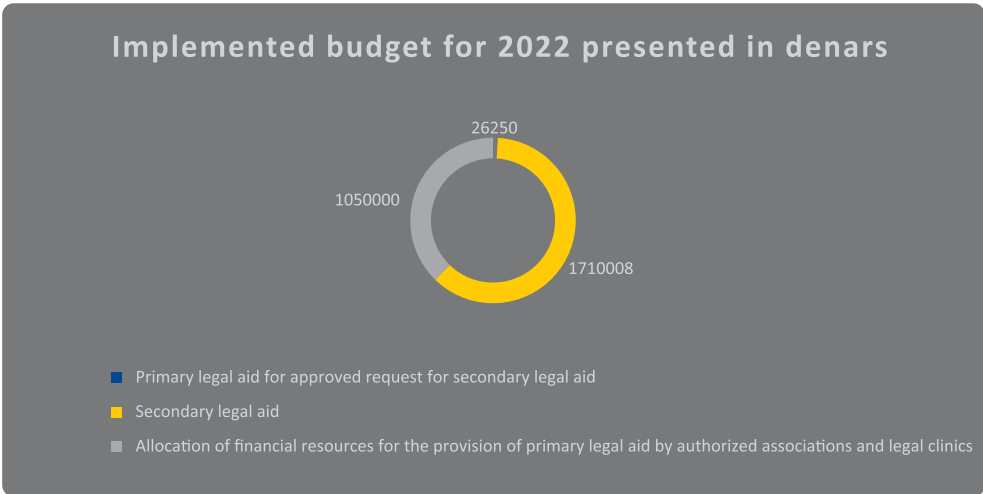
The total number of cases for 2024 where the parties were exempted from the procedural costs under the Law on Civil Proceedings is 20, and the total amount for which the parties were exempted from paying, including the paid costs for the appointed lawyer, is 58.980,00 denars.

1.1.2 Costs pursuant to the Law on Free Legal Aid

When it comes to free legal aid in civil and administrative proceedings and administrative disputes, the governing law is the Law on Free Legal Aid. According to the annual report for implementation of the Law on free legal aid for 2022¹⁹ the approved funds/budget for free legal aid for 2022 was 5.000.000,00 denars. The implemented annual budget for free legal aid in 2022 was 3.974.558,00 denars. Based on decisions, lawyers and law firms were paid funds in the amount of 1.710.008,00 denars in 2022, and Associations were paid funds in the amount of 26.250,00 denars in 2022.

19 Please see: Annual report on implementation of the Law for Free legal aid for 2022, available at: <https://www.pravda.gov.mk/Upload/Documents/Препјы%20Годишен%20Извештај%20за%202022%20МКД.pdf>

Table 3: Implemented budget for FLA in 2022



As presented in the table above and according to the Annual Report on FLA for 2022, out of 3.974.558,00 denars (implemented budget for 2022), the report presents realised funds in the amount of 2.786.258,00 denars, for the remaining amount of 1.188.000,00 denars there is no available data on where and on what those funds were spent.

In 2022 5.972 people received primary legal aid according to the Annual Report for implementation of the Law on Free legal aid for 2022, while out of 291 submitted requests for secondary legal aid, 231 were approved.

Table 4: Tabular presentation of data on the total number of people who received primary legal aid for 2022

Provider of PLA	No. of beneficiaries	Secondary legal aid	
ROs of MoJ	3.330	Submitted requests	Approved requests
Authorized associations	2.448	291	231
Legal clinics	194		
Total	5.972		

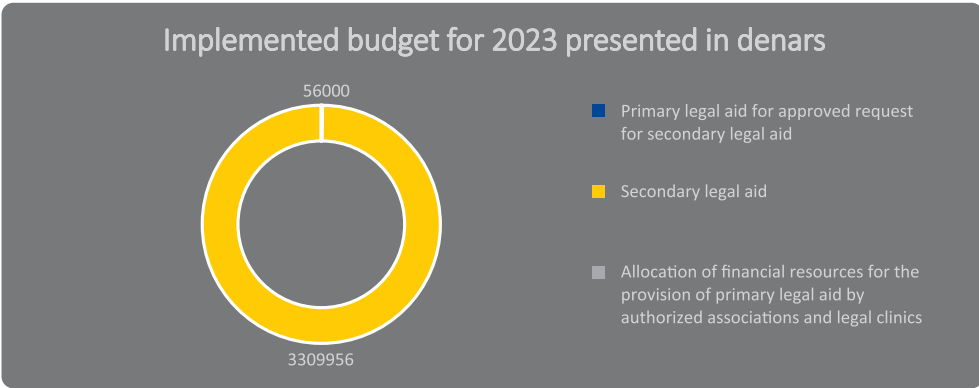
In 2023, the approved funds/budget for free legal aid was 5.000.000,00 denars and the implemented public budget was in the amount of 3.315.556,00 denars. The number of cases for which secondary legal aid was granted is 218 according to data in the Annual Report for implementation of the Law on Free legal aid for 2023²⁰, and 5496 people received primary legal aid.

20 Please see: Annual report for implementation of the Law on Free legal aid for 2023, available at: <https://www.pravda.gov.mk/Upload/Documents/Годишен%20извештај%202023%20година.pdf>

Table 5: Tabular presentation of data on the total number of people who received primary legal aid for 2023

Provider of PLA	No. of beneficiaries	Secondary legal aid	
ROs of MoJ	2.909	Submitted requests	Approved requests
Authorized associations	2.333	280	218
Legal clinics	254		
Total	5.496		

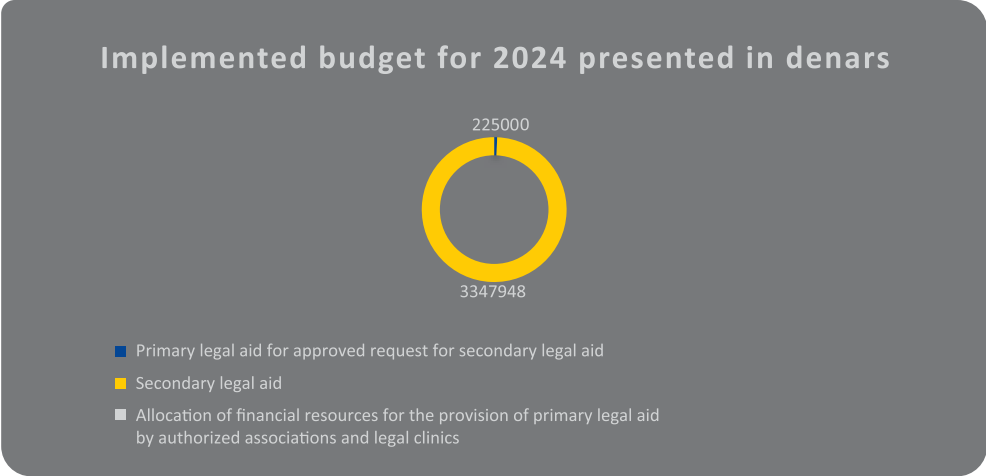
Table 6: Implemented budget for FLA in 2023



Based on decisions in 2023, lawyers and law firms were paid funds in the amount of 3,309,956.00 denars, and in 2023, Associations were paid funds in the amount of 5,600.00 denars.

In 2024 the approved budget for free legal aid was decreased to 3.000.000,00 denars, and the implemented budget was 3.370.484,00 denars. Based on decisions for payment of fees to lawyers and law firms, funds in the amount of 3,347,948.00 denars were paid in 2024, and funds in the amount of 22,500.00 denars were paid to the Associations upon submitted and approved requests for secondary legal aid.

Table 7: Implemented budget for FLA in 2024



Source: Annual report on implementation of the Law on Free legal aid for 2024

In 2023 and 2024, the Ministry of Justice/Department for Free Legal Aid has not allocated funds for awarding grants to associations for the provision of primary legal aid. In 2024, 5.030 people received primary legal aid according to the Annual Report for implementation of the Law on Free Legal Aid for 2024, while out of 230 submitted requests for secondary legal aid, 174 were approved.

Table 8: Tabular presentation of data on the total number of people who received primary legal aid for 2024

Provider of PLA	No. of beneficiaries	Secondary legal aid	
ROs of MoJ	2.670	Submitted requests	Approved requests
Authorized associations	2.302	230	174
Legal clinics	58		
Total	5.030		

Table 9: Display of implemented budget by year

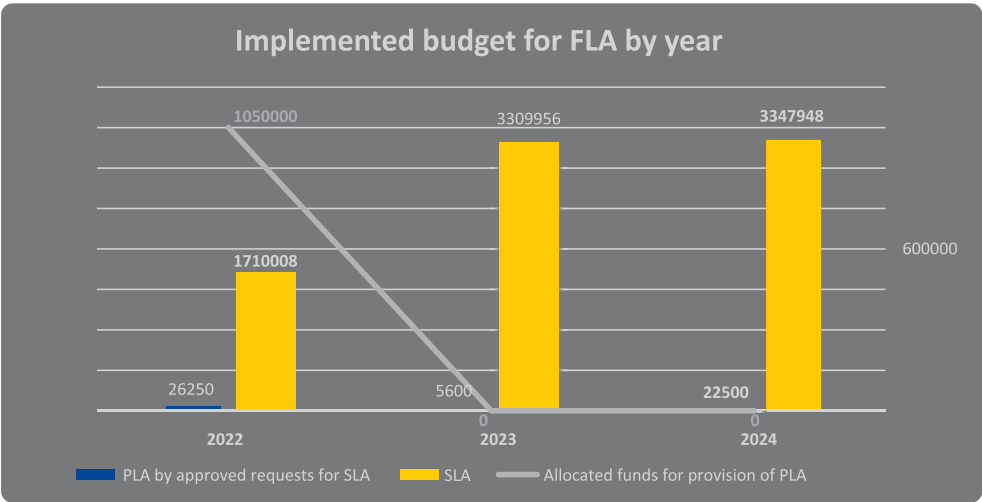
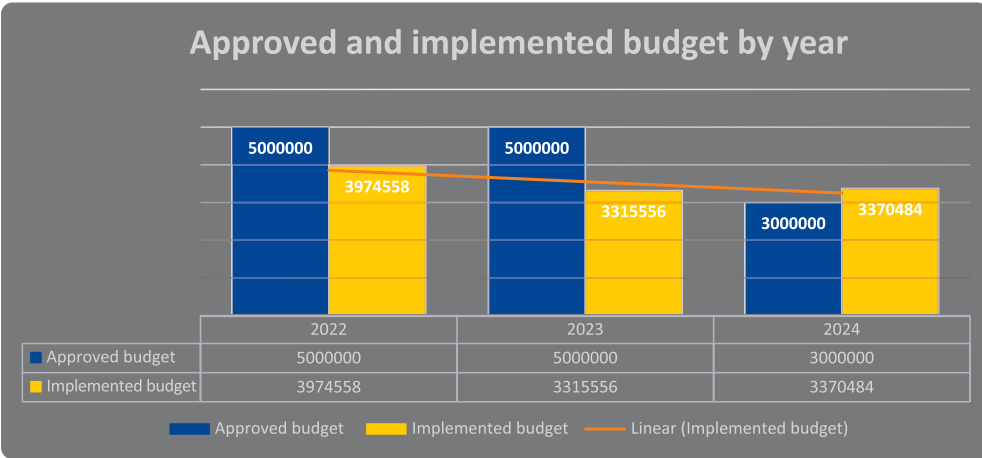


Table 10: Display of approved and implemented budget by year



As part of the data collection process, data related to the number of employees in the Ministry of Justice in the free legal aid department and regional departments and regional offices were also provided.

In 2022, there were 21 regional departments with 22 regional offices, of which only 1 office was without any employees. The number of employed people within the ROs was 99.

Table 11: List of regional departments and offices with number of employees in 2022

Regional departments and regional offices	No. of employed	Regional departments and regional offices	No. of employed
1. R.D. Radovis and Bero-vo		12. R.D. Ohrid	2
- Office Radovis	1	13. R.D. Struga	2
- Office Berovo	1	14. R.D. Strumica	2
2. R.D. Makedonski Brod	1	15. R.D. Stip	2
3. R.D. Valandovo	2	16. R.D. Bitola	9
4. R.D. Gevgelija	2	17. R.D. Prilep, Demir His- ar and Krusevo	
5. R.D. Vinica and Kocani		- Office Prilep	1
- Office Vinica	5	- Office Demir Hisar	1
- Office Kocani	1	- Office Krusevo	0
6. R.D. Delcevo	1		
7. R.D. Negotino and Ka- vadarci		18. R.D. Kumanovo and Kratovo	
- Office Negotino	2	- Office Kumanovo	6
- Office Kavadarci		- Office Kratovo	1
	1	19. R.D. Gostivar and De- bar	
		- Office Gostivar	7
		- Office Debar	2
8. R.D. Kriva Palanka and Probistip		20. R.D. Tetovo	21
- Office Kriva Palanka	1	21. R.D. Skopje, Karpos, Centar, Cair, Gazi Baba and Kisela Voda	
- Office Probistip	1	- Office Karpos	2
9. R.D. Resen	2	- Office Centar	1
		- Office Cair	2
		- Office Gazi Baba	2
10. R.D. Sv.Nikole and Veles		- Office Kisela Voda	2
- Office Sv. Nikole	2		
- Office Veles	2		
11. R.D. Kicevo	9		

Source: Annual report on implementation of the Law on Free legal aid for 2022

In 2023 the number of regional departments was unchanged - 21, however 5 new regional offices were opened and one closed within the regional department Skopje, Tetovo and Bitola bringing the total number of regional offices to 26, of which 4 offices were without any employees.

Table 12: List of regional departments and offices with number of employees in 2023

Regional departments and regional offices	No. of employed	Regional departments and regional offices	No. of employed
1. R.D. Radovis and Bero-vo - Office Radovis - Office Berovo		12. R.D. Ohrid	2
	1	13. R.D. Struga	2
	1	14. R.D. Strumica	2
2. R.D Makedonski Brod	1	15. R.D. Stip	2
3. R.D. Valandovo	2	16. R.D. Bitola - Office Mogila - Office Novaci	↓8
			0
			0
4. R.D. Gevgelija	2	17. R.D. Prilep, Demir His-ar and Krusevo - Office Prilep - Office Demir Hisar - Office Krusevo	
5. R.D. Vinica and Kocani - Office Vinica - Office Kocani			1
	5		1
	1		0
6. R.D Delcevo	1		
7. R.D. Negotino and Ka-vadarci - Office Negotino - Office Kavadarci		18. R.D. Kumanovo and Kratovo - Office Kumanovo - Office Kratovo	
	2		6
			↓0
	1	19. R.D. Gostivar and De-bar - Office Gostivar - Office Debar	
			↓6
2			

Regional departments and regional offices	No. of employed	Regional departments and regional offices	No. of employed
8. R.D. Kriva Palanka and Probistip - Office Kriva Palanka -Office Probistip		20. R.D. Tetovo - Office Bogovinje - Office Terace	↓ 20
	1	21. R.D. Skopje, Karpos, Suto orizari, Cair, Gazi Baba and Kisela Voda - Office Karpos - Office Suto Orizari - Office Cair - Office Gazi Baba - Office Kisela Voda	
	1		2
9. R.D. Resen	2		1
			2
			2
10. R.D. Sv.Nikole and Veles - Office Sv. Nikole - Office Veles	2		↓ 1
	↓ 1		
11. R.D. Kicevo	9		

Source: Annual report on implementation of the Law on Free legal aid for 2023

The number of employees decreased from 99 in 2022 to 95 in 2023.

In 2024, there were 21 regional departments with 20 field offices, of which 5 offices were without any employee. The number of employed people within the ROs was 78.

Table 13: List of regional departments and offices with number of employees in 2024

Regional departments and regional offices	No. of employed	Regional departments and regional offices	No. of employed
1. R.D. Radovis and Bero-vo		12. R.D. Ohrid	↓ 1
- Office Radovis	1	13. R.D. Struga	2
- Office Beroovo	1	14. R.D. Strumica	↓ 1
2. R.D. Makedonski Brod	1	15. R.D. Stip	2
3. R.D. Valandovo	2	16. R.D. Bitola²²	↓ 6
4. R.D. Gevgelija	↓ 1	17. R.D. Prilep, Demir Hisar and Krusevo	
5. R.D. Vinica and Kocani		- Office Prilep	↓ 0
- Office Vinica	↓ 3	- Office Demir Hisar	1
- Office Kocani	1	- Office Krusevo	0
6. R.D. Delcevo	1	18. R.D. Kumanovo and Kratovo	
7. R.D. Negotino and Kavadarci		- Office Kumanovo	6
- Office Negotino	↑ 3	- Office Kratovo	0
- Office Kavadarci	1	19. R.D. Gostivar and Debar	
		- Office Gostivar	↑ 7
		- Office Debar	↓ 1
8. R.D. Kriva Palanka and Probistip		20. R.D. Tetovo	↓ 17
- Office Kriva Palanka	1	- Office Bogovinje	
- Office Probistip	↓ 0	- Office Terace	
9. R.D. Resen	↑ 3	21. R.D. Skopje (Karpos, Gazi Baba and Kisela Voda)²³	2
		- Office Karpos	2
		- Office Gazi Baba	1
		- Office Kisela Voda	
10. R.D. Sv.Nikole and Veles			
- Office Sv. Nikole	↓ 1		
- Office Veles	↓ 0		
11. R.D. Kicevo	↑ 10		

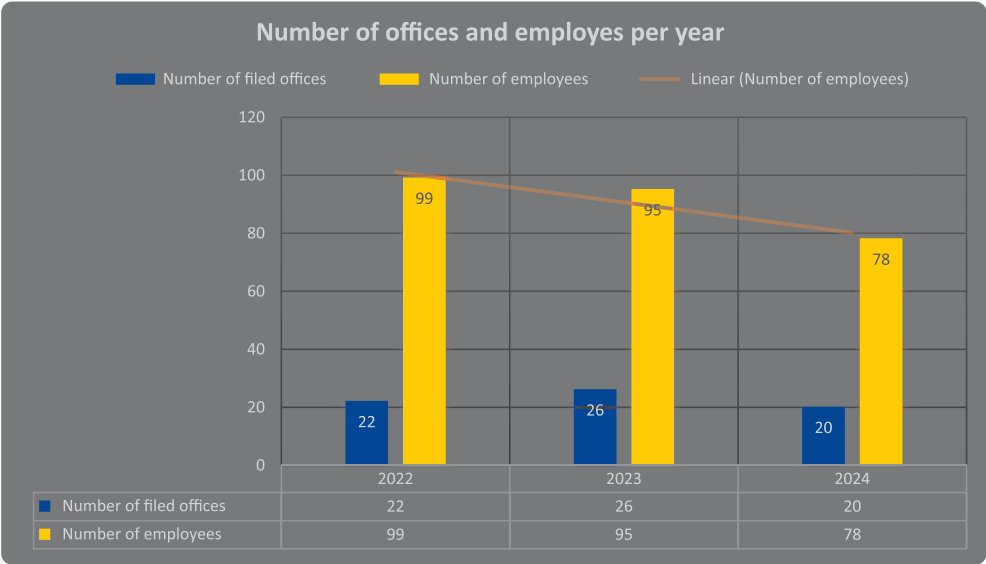
Source: Annual report on implementation of the Law on Free legal aid for 2024

21 In 2024 there are no regional offices in Bitola

22 Offices Suto Orizari and Cair are closed

It must be noted that the data provided in the text section of the MoJ Reports from 2022, 2023 and 2024 regarding the number of field offices and the number of employees does not correspond to the data provided in the tables. As can be seen from data provided for 2022, 2023 and 2024, the number of field offices and the number of employees varies, mostly downwards, which is a suitable indication of a downward trend.

Table 14: Total number of field offices and employees per year



Regarding the operating costs in the FLA department, data on employee salaries, water and internet costs, and office supplies costs by year were obtained from the Ministry of Justice.

Table 15: Operating expenses of the department of FLA per type and year presented in denars²³

Type of costs	Year		
	2022 r.	2023 r.	2024 r.
Expenses for human resources (salaries, allowances)			
- FLA Unit in the MoJ	2.727.744,00	1.739.179,00	980.836,00
- ROs	41.114.970,00	58.008.089,00	45.135.145,00
Utility costs for water ROs	226.115,00	245.113,00	394.277,00
Utility costs for internet ROs	1.359.360,00	1.026.600,00	1.231.920,00
Costs for office materials ROs	46.762,00	No data	No data

1.2 Available data on legal aid in criminal proceedings

The Criminal Procedure Code (CPC) foresees a mandatory defence with a defence lawyer and an ex officio defence lawyer in circumstances where the defendant is unable to speak, deaf or incapable of successfully defending themselves, or if criminal proceedings are being conducted against them for a crime for which the law prescribes a life sentence. The defendant must have a defence lawyer at the first interrogation; if they have been ordered to be detained, for the duration of the detention; if the indictment filed for the criminal offence prescribes a sentence of ten years' imprisonment or a more severe sentence; during the procedure for negotiation and settlement with the prosecutor for admission of guilt and if they are tried in absentia. If the defendant in cases of mandatory defence does not hire a defence lawyer themselves, the president of the court will appoint a defence lawyer ex officio.²⁴

The law also stipulates the possibility of appointing a defence lawyer to the defendant upon their request, in circumstances where there is no mandatory defence, and the defendant, based on their financial situation, cannot bear the costs of the defence only when the interests of justice so require, taking into account the severity of the crime and the complexity of the case.²⁵

The process of obtaining the relevant data took place in two phases: requests for free access to information were submitted to all criminal basic courts in the country and then a request was submitted to the Ministry of Justice - Judiciary Sector. The data obtained from the courts are inconsistent and incomplete, while the data from the Ministry of Justice are presented summarised by courts by year disaggregated by type of costs.

²³ Source: Ministry of Justice (financial department)

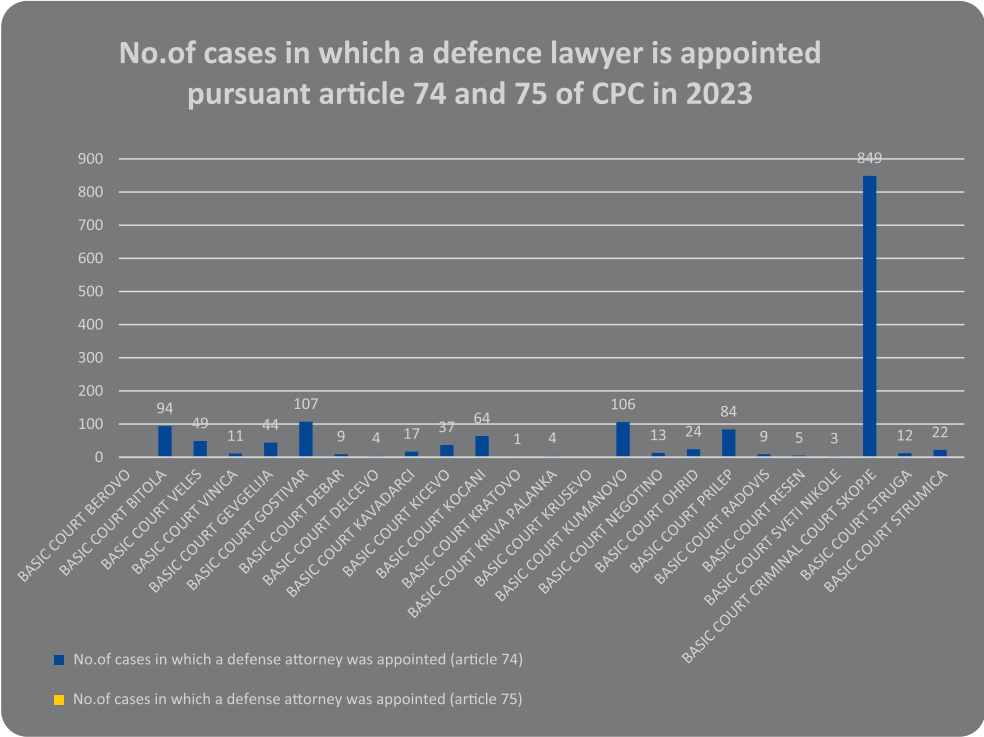
²⁴ CPC, article 74

²⁵ Ibid, article 75

This analysis presents a summarised view of the data relating to the number of criminal cases, the number of defendants who were defended by a defence lawyer, the number of defendants who were assigned free defence lawyers, accused children, child victims, and adult victims. However, the data received for legal aid in criminal proceedings per court and per year from MoJ is only for the last 2 years (2023 and 2024).

In 2023, the total number of cases in which a defence lawyer was appointed to the defendant pursuant to article 74 of CPC was 1.568, and **0 pursuant to article 75 of CPC**.

Table 16: Number of cases in which a lawyer was appointed to the defendant pursuant article 74 and 75 of CPC per court in 2023



*Source: Ministry of Justice/Department of Judiciary

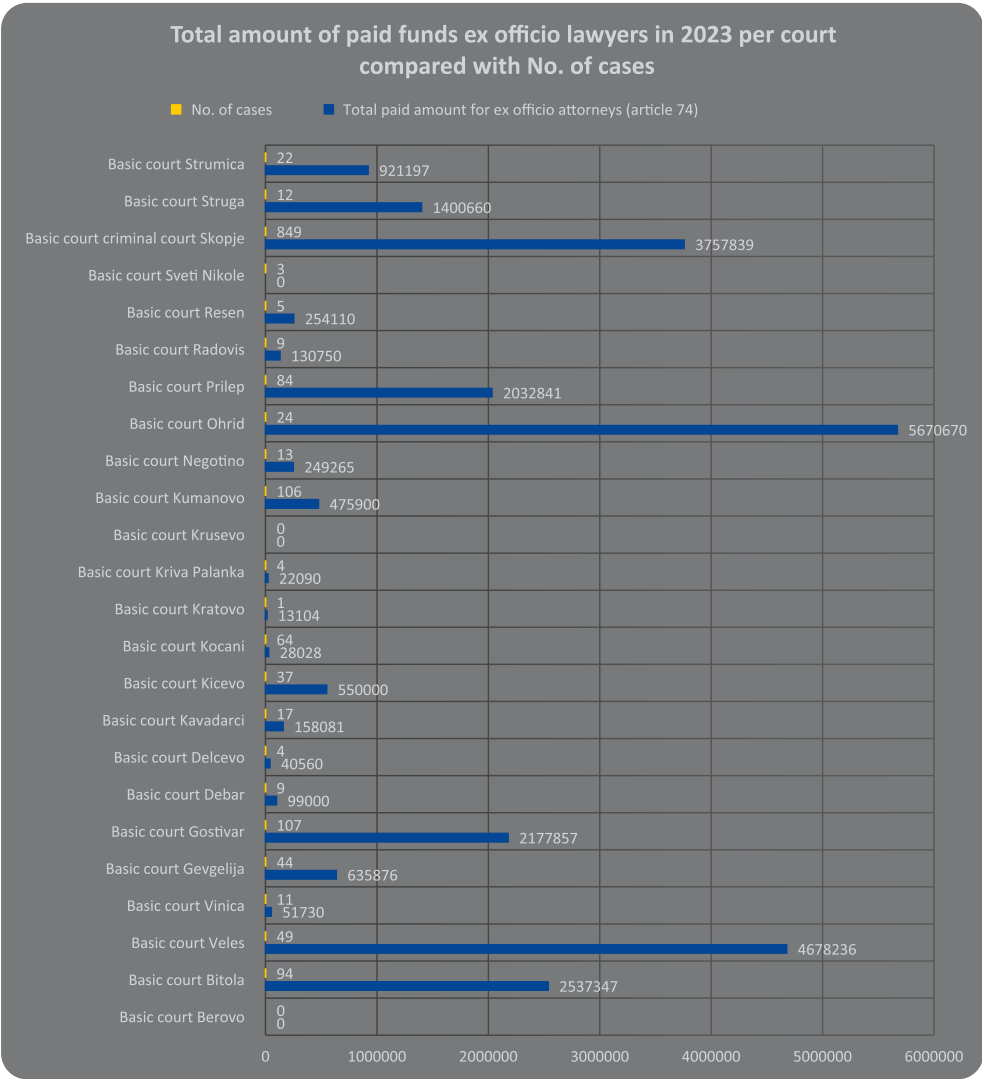
The total amount paid for the costs and rewards of defence lawyers appointed ex officio in accordance with Article 74 of the CPC for 2023 was 25.885.141,00 denars.

It must be emphasized that the Criminal Court in Skopje does not pay ex officio lawyers in full according to the Lawyers’Tariff²⁶, but has its own set amounts ranging from 1,000.00 denars per hearing for minor crimes, 1,000.00 denars in total for summary proceedings and 3,000.00 denars per hearing for more complex crimes.

26 Please see: Lawyers Tariff, available at: <https://www.mba.org.mk/index.php/mk/akti/advokatska-tarifa>

Due to this practice of the Criminal Court in Skopje, the presented situation with the total amount of funds paid to ex officio defence lawyers does not reflect the accurate situation given that the payments are not in accordance with the tariff of the Bar Association. The exact state of the actual costs should be much higher if the lawyers' tariff were respected.

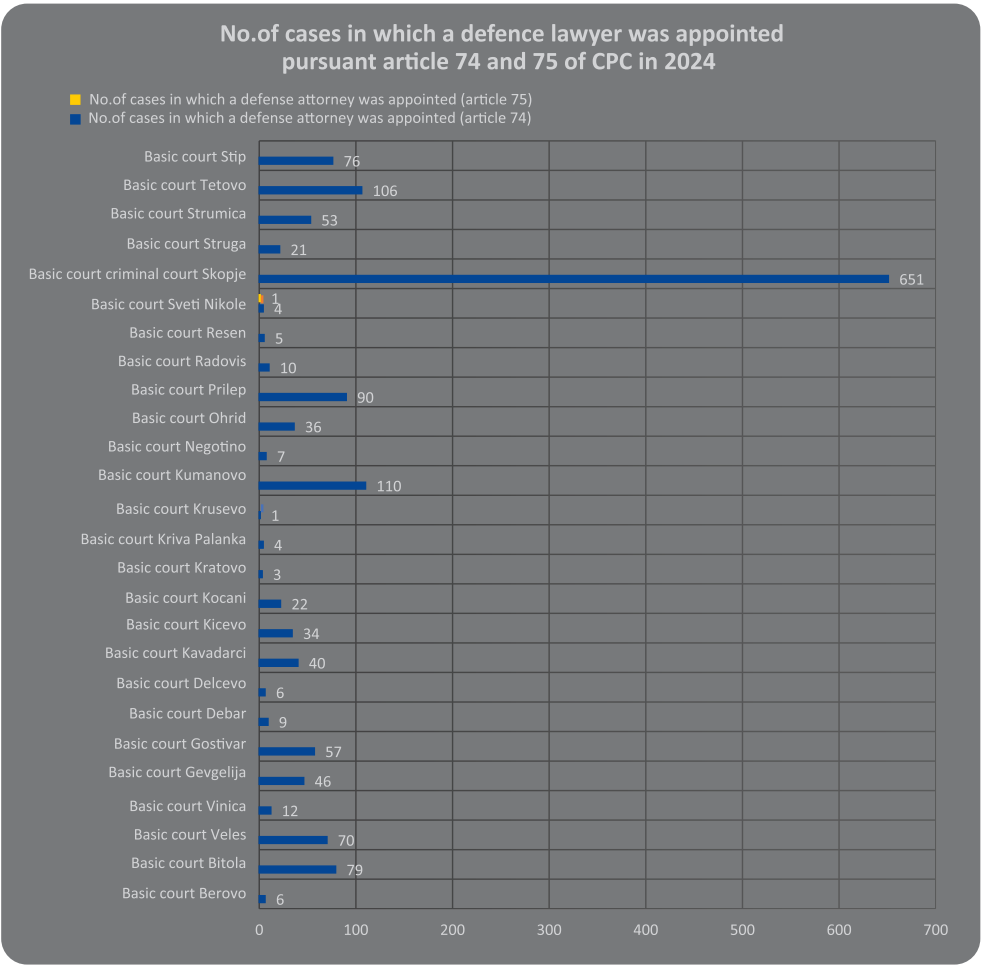
Table 17: Total amount of paid funds for ex officio defence lawyers in 2023 per court (article 74 CPC) and total number of cases



*Source: Ministry of Justice/Department of Judiciary

In 2024, the number of cases in which a lawyer was appointed by the court to the defendant pursuant to article 74 of the CPC was 1558, while of those pursuant to article 75 of the CPC - there was only 1 case.

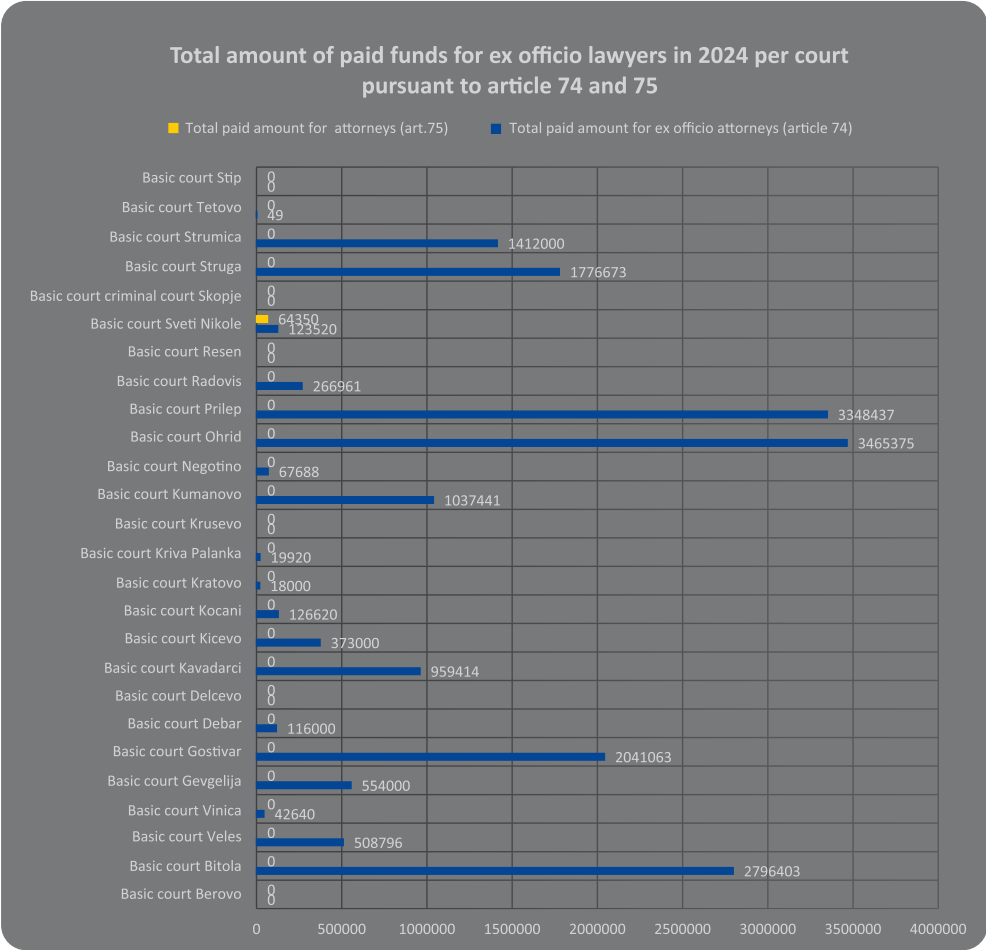
Table 18: Number of cases in which a lawyer was appointed to the defendant pursuant article 74 and 75 of CPC per court in 2024



*Source: Ministry of Justice/Department of Judiciary

The total amount paid for the costs and the remuneration of defence lawyers appointed ex officio in accordance with Article 74 of the CPC for 2024 was 19.090.000,00 denars and pursuant to article 75 was 64.350,00 denars.

Table 19: Total amount of paid funds for ex officio defence lawyers in 2024 per court pursuant to article 74 and 75 of the CPC



*Source: Ministry of Justice/Department of Judiciary

It should be noted that there is a lack of data on payments from the Basic Criminal Court in Skopje, the courts in Resen and Berovo, and the practice of the Basic Criminal Court in Skopje of paying lawyers lump sums is also to be noted. Nevertheless, the data provided permits an estimate of the costs and remuneration of defence lawyers per case.

1.3 Available data on legal aid in proceedings where children are involved

According to the Law on Justice for Children (LJC), which was in force until the beginning of 2024, free legal aid was under the jurisdiction of the Ministry of Justice and regulated by the Law on Free Legal Aid. However, free legal aid until 2024 exclusively applied to the procedure before the Ministry of Interior and the Centres for Social Work pursuant to the Law on Free Legal Aid. The parents/guardians choose the lawyer, and if they do not do so, the Centre for Social Work appoints the lawyer ex officio from the list compiled by the Bar Association of the Republic of North Macedonia. The costs of the lawyer are borne by the parents or guardians of the child, and in cases where they are unable to pay them, they are borne by the Budget of the Republic of North Macedonia and are paid in accordance with the provisions of the Law on Free Legal Aid, after a decision has been made to approve free legal aid by the Centre for Social Work.²⁷ The law also stipulated that the costs of the defence lawyer in the court proceedings should be borne by the Budget of the Republic of North Macedonia in accordance with the Law on Free Legal Aid, if the parents are unable to bear them.²⁸ However, given that the Law on Free Legal Aid expressly excludes criminal proceedings against defendants from its area of application, this provision of the Law on Justice for Children was not applicable. The system set up in this way did not function, because despite the decision to approve free legal aid by the Centre for Social Work, the Ministry very often did not pay the appointed lawyers.

The data provided concerning children was taken from the annual reports of the State Council on Juvenile Delinquency. However, there is only data in regard to the number of children (victims and children in conflict with the law) in different stages of the procedure.

Table 20: Data in regard the situation of children (victims, in conflict with the law and witnesses)

	2022	2023	2024
Total number of children at risk referred to the Centres for Social Work	3284	3706	Нема податоци
Number of children at risk for whom the Ministry of Interior (Mol) notify the Centres for Social Work ²⁹	716	781	Нема податоци

27 Law on Justice for Children (2019 out of force), article 25

28 Ibid, article 130

29 LJC, article 26 par.1 “For an act of a child at risk under 14 years of age, which is provided by law as a criminal offense punishable by imprisonment for more than three years, the Ministry of Interior shall submit a notification to the Centre, and when other persons participated in the commission of the criminal offence for whom a procedure may be conducted before a court, and for an act of a child at risk over 14 years of age, which is provided by law as a criminal offence punishable by imprisonment for up to three years or a fine, the Ministry of Interior shall submit a notification to the Centre and to the competent public prosecutor.” The written notification to the Centre contains personal data about the child at risk up to 14 years of age and the parent(s) or guardian, the committed act and the circumstances under which it was committed. In emergency cases the notification can also be made by telephone, and a written notification is additionally submitted.

	2022 г.	2023 г.	2024 г.
Child victims recorded by the Centres for Social Work	1315	212	Нема податоци
Child victims recorded by Mol	524	740	Нема податоци
Child victims identified by Public Prosecution	246	414	Нема податоци
Identified child victims by court	306	142	Нема податоци
Total number of summoned children in police stations	964	1484	Нема податоци
From the total number of summoned children by Mol, the number of reported children as offenders is	566	702	Нема податоци
From the total number of summoned children by Mol, the number of children witnesses is	234	234	Нема податоци
From the total number of summoned children by Mol, the number of children victims is	164	164	Нема податоци
Total number of children for whom Mol submitted requests for initiation of misdemeanour procedure	886	830	Нема податоци
Children detained at a police station	56	50	Нема податоци
The child's right to a defence lawyer in the Ministry of Interior has been realized	457	553	Нема податоци
Presence of a lawyer in the Centre for Social Work	30	75	Нема податоци
Right to FLA at Centre for Social Work	32	7	Нема податоци

Data regarding the funds paid for free legal aid provided for children in the procedures before Mol and CSW should be contained in the annual reports of the MoJ, nevertheless there is no disaggregated information on funds paid for free legal aid for children.

In court proceedings, from the information received from the basic courts, only 1 court submitted information on payment of defence lawyers (article 74 of the CPC) in proceedings in which children are defendants, namely the Basic Court in Kičevo.

Table 21: Number of children in conflict with the law and the paid costs for defence lawyers per year

Basic court Kicevo	2022	2023	2024
Number of children in conflict with the law who have been assigned a defence lawyer under Article 74 of the CPC, broken down by year	2	3	1
Costs and remuneration for the defence lawyer	13.167,00 denars	3.333,00 denars	3.000,00 denars

The lack of statistical data, including that related to legal aid for children is an argument in favour of establishment of an entity with dedicated functions, including of collection and use of statistical data.

The data provided above shows an inexplicably low number of beneficiaries of legal aid in all proceedings. According to the latest data from the World Bank, the poverty rate in North Macedonia in 2024, measured by the upper-middle-income poverty line (USD 6.85 per day in 2017 PPP), is estimated at around **19%**. This marks a slight decrease compared to 2023, attributed to easing inflation and rising real wages.³⁰

1.4 Actual “invisible” costs

“The expense which governments incur in funding legal aid is obvious and measurable. What is not so obvious, and not so easily measurable, but what is real and substantial, is the cost of the delay, disruption and inefficiency, which results from absence or denial of legal representation. Much of that cost is also borne, directly, or indirectly, by governments. Providing legal aid is costly. So is not providing legal aid.”³¹

Despite the recognition of the importance of legal aid in North Macedonia by all involved stakeholders, significant challenges still persist in its implementation. Like most legal aid systems around the world, North Macedonia faces problems such as inadequate funding, under-resourced legal aid organisations, limited public awareness, and elements of bureaucratic inefficiency. Measuring the “invisible costs” of legal aid involves recording the hidden or indirect costs incurred by legal aid programmes, beyond the direct costs of lawyers and other services. These costs include spent, but not invoiced, time of lawyers for certain actions; time spent in taking actions by judges when working on cases, such as appointing a defence lawyer in the procedure pursuant to Article 74 of the CPC or pursuant to Article 75 of the CPC, etc. In addition, there are other categories of costs incurred as result of lack of, or delayed or unqualified legal aid.

There follow a few examples by category of proceeding. In **criminal proceedings**, the procedure for appointing a defence lawyer pursuant to article 74 of the CPC involves the preparation and submission of a request from the judge to the president of the court for the appointment of a defence lawyer. This process usually takes about 15 days on average, which very often causes delays in hearings. The time a judge spends on this administrative work is time lost in relation to the actual work on the case in order to make decisions. The postponement of hearings causes additional visible real costs for all parties in the procedure, such as costs for escorting the defendant, longer time spent in detention which in itself generates costs for the state, but also for the defendant, costs for witnesses, interpreters, etc.

30 https://thedocs.worldbank.org/en/doc/d5f32ef28464d01f195827b7e020a3e8-0500022021/related/mpo-mkd.pdf?utm_source=chatgpt.com

31 A tool for justice: The cost benefit analysis of legal aid, September, 2019, World Bank, the International Bar Association (IBA), Access to Justice and Legal Aid Committee, available at: <https://documents1.worldbank.org/curated/en/592901569218028553/pdf/A-Tool-for-Justice-The-Cost-Benefit-Analysis-of-Legal-Aid.pdf>

There is research, which analysed 74 judgments issued by all courts within the period 2007 to 2016.³² These judgements are for compensation for unjustified detention. The research shows that the courts in North Macedonia have a relatively unified amount for one day spent in detention, which ranges from 40 to 50 Euros, depending on which court or judge decides. In the period analysed, 138 Macedonian citizens were unjustly detained - no charges were brought against them or they were released after appeals in court proceedings. The analysis shows and estimates that the cost of 1 detainee for 1 day of detention is 1000 - 1200 MKD.³³

More recent data (from 2024) that the team came up with for this cost-benefit analysis, is the data regarding the costs that one convict has for the state for one day spent in prison serving a sentence. According to the Head of the Directorate for Execution of Sanctions, one prisoner costs the state about 2,100 MKD per day.³⁴ This amount includes the costs of food, accommodation, security, healthcare and other operational expenses related to the detention of persons. Hence the conclusion that the cost of one detainee for one day would range approximately in this value from 1000 to 2000 MKD per day.

Regarding the application of detention as a measure, from 2018 to 2022, the data show that in 42% of cases the courts appointed ex officio defence counsel (according to Article 74 of the CPC), nevertheless cases in which the defendant had a lawyer of their own choice still prevail. Only in 6 cases the absence of a defence counsel was recorded at the initial hearing before the detention was ordered and in all cases they expressly waived this right before the judge in the preliminary procedure. In 4 out of 6 of these cases, no ex officio defence counsel was appointed after the detention was ordered. In two of these cases, a defence lawyer was appointed only after the defendants requested to plead guilty with the prosecution, but in these cases, the defence lawyer was appointed only after the suspects had spent a certain period in custody. It is also noted that in two cases, the defendants were in custody for more than 90 days without a defence lawyer, before the verdict was reached.³⁵

32 News article, Prizma, „Притворањето е евтино, затоа е често“ available at: <https://prizma.mk/pritvoraneto-e-evtino-zatoa-e-chesto/> (last checked on 25 May 2025). The focus of this article is the promotion of the report titled „Неосновано притворени – правни и буџетски импликации“ prepared by professors from the Faculty of Law Justinijan I: Gordana Buzarovska, Vancho Uzunov, Neda Zdraveva, Boban Misoski and ex-judge Vioeta Duma, who analyzed the judgements.

33 Ibid. Please see as well: Manual for the application of the measure of detention. Authors Gordana Buzarovska... (and others) – Skopje, Association of Judges of the Republic of North Macedonia, 2009, available at: <https://www.osce.org/files/f/documents/5/8/36711.pdf>, page 5: “For one day in detention for one person, the state has costs in the amount of circa 1000 denars.” Also, within the framework of the Criminal Code, Article 47, paragraph 2 is foreseen that „In each calculation, a day of detention, a day of deprivation of liberty, a day of juvenile detention, a day of imprisonment and a daily fine or 20 euros in denar equivalent are equated.”

34 https://novamakedonija.com.mk/makedonija/pandov-eden-osudenik-drzhavata-ja-chini-2-100-denari-naden-krajna-cel-e-pomalku-zatvorenici/?utm_source=chatgpt.com

35 D. Avramovski, 2024, Примена на мерката притвор во Република Северна Македонија: Истражување за периодот од јануари 2018 година до декември 2022 година, available at: [https://jpracademy.gov.mk/wp-content/uploads/filr/8072/\(web\)%20primena.merka.pritvor.istrazuvanje.pdf](https://jpracademy.gov.mk/wp-content/uploads/filr/8072/(web)%20primena.merka.pritvor.istrazuvanje.pdf), page 30 and 31, last checked on> May 25, 2025.

The total duration of the detention measure in individual cases is difficult to monitor, since the courts do not have such data, while the public prosecution has only limited data in its annual reports showing the duration of detention in a specific year. The research notes that there were no cases where the first decision ordered detention for a period shorter than 30 days. It is noted that in a large number of cases, detention lasted a maximum of 30 days, but almost 80% of these procedures were completed due to a plea agreement with the public prosecutor or in abbreviated procedures with a guilty plea given at the first hearing, which is why the detention measure was also lifted. This means that in the majority of these cases, detention lasted a short time because the procedure ended, and not because the detention was lifted due to the lack of grounds for its extension. On the other hand, there is a not insignificant number of cases where the detention measure lasts more than 90 days, and especially that in 10% of the cases, detention lasted more than half a year. The longest duration of detention was recorded in 3 cases where the detentions were extended for a total duration of 510 days.³⁶

Turning to **civil proceedings**, there is a broad spectrum of such “invisible” costs. For example, MM is a person with a very low income (approximately less than the minimum wage) and is married to her husband, with whom they have 2 children. Due to the breakdown of mutual relations to the point that life together has become unbearable, MM decides to file a lawsuit for divorce. Because she doesn’t have finance to engage a lawyer, she decides to file it on her own. She doesn’t know the details and specifics of the procedure and, among other things, she is not familiar with the right to free legal aid. Before filing the lawsuit, and even after, MM suffers domestic violence from her husband, reports him to the police station several times, and seeks help from the competent Centre for Social Work. Only after filing the divorce lawsuit to the court, she learns about the right to free legal aid and applies for secondary legal aid through an authorised association. The request is approved and a lawyer at law is appointed, who, after reviewing the case, determines that the lawsuit is incomplete, no relevant evidence has been provided for the breakdown of mutual relations to the point of intolerability, and no relevant evidence has been provided (certificates and police reports for reported violence and documentation from a Centre for Social Work) regarding the violence she has suffered from her husband. With the help of the appointed lawyer for secondary legal aid, the lawsuit will be clarified and regularised, in order to prevent the lawsuit from being dismissed as irregular and on that basis MM would not bear the costs of the procedure twice.

Another example, the case of BB, who also has low income, but still above the limit prescribed by the Law on Free Legal Aid. BB, through a privately hired lawyer, files a lawsuit for divorce from her husband, with whom she has been married for more than 25 years and from whom she has suffered psychological violence for more than 20 years that the competent Centre for Social Work cannot recognize. The divorce procedure lasts 2 years. She herself bears the costs of a lawyer and other court costs for the divorce procedure. In the court case, 2 judges were changed, in the meantime

36 Ibid. Page 41 and 42.

a procedure for reconciliation of the spouses has been scheduled, which is stated in the minutes as unsuccessful. The biggest problem in the case is that there is no proper delivery of the lawsuit to the defendant to provide response, because it has been sent to him by postal mail instead of by court delivery, and he refuses to receive the document by postal mail. As a last resort, the court is using the Ministry of Interior to request that they provide the defendant's exact address of residence, as well as a request the Ministry to assist the delivery of the lawsuit to him. However, the Ministry of Interior has not responded by the next hearing, so BB is also subject to other costs for delivering the lawsuit through a bailiff.

Regarding **justice for children**, there is a long-standing problem of the lack of available statistical or administrative data that would indicate the costs of managing the child justice system. The lack of clear and available data poses significant legal, economic and social consequences.

The costs that institutions have allocated for justice for children are not calculated separately, but cumulatively with other related costs, in accordance with the Classification of Expenditures issued by the Ministry of Finance.³⁷ There is available data for 2020 that refers to the total costs incurred by the municipal Centre for Social Work - Skopje for assistance and protection of children in conflict with the law, child victims and children in contact with the law in accordance with the Law on Justice for Children. The annual cost per child for 2020 is 38,498 denars.³⁸ On the other hand, the courts are financed through the Judicial Council. They do not allocate funds for cases related to child delinquency in their budgets according to the Law on Justice for Children, nor have they received donations from domestic or international entities on that basis. However, the only costs that courts incur in cases related to juvenile delinquency are the costs they pay for the services of the ex officio defence, the costs of expert testimony, the transfer from one institution to another, etc.³⁹

As a result, it can be concluded that the budget classification system by items and accounts does not allow for the identification of key programmes for justice for children and that there are no clear budget items and programmes to be able to make a precise assessment of the amounts that the Government allocates for this purpose.⁴⁰ This makes it difficult to evaluate the true cost of managing the child justice system, and at the same time influencing the transparency and accountability of the system. On the other hand, there are economic consequences as well due to the fact that the inability to track expenditures separately from other social services may lead to inefficient resource allocation, where essential services for children in conflict with the law may not receive adequate funding. When the system does not operate with clear data,

37 M. Dokmanovich and others, АНАЛИЗА НА ТРОШОЦИТЕ ВО ОДНОС НА АДЕКВАТНОСТА, ЕФИКАСНОТА, ЕФЕКТИВНОСТА И ПРАВИЧНОСТА НА ВЛАДИНИОТ БУЏЕТ ВО ОБЛАСТА НА ПРАВДА ЗА ДЕЦА ВО СЕВЕРНА МАКЕДОНИЈА, available at: <https://dspdp.com.mk/wp-content/uploads/2024/05/Analiza-na-troshocite-vo-odnos-na-adekvatnosta-efikasnosta-efektivnosta-i-pravichnosta-na-vladiniot-bu-et-vo-oblasta-na-pravda-za-deca.pdf>, (last checked on 20.05.2025), page 5

38 Ibid., Page 18

39 Ibid., Page 21

40 Ibid., Page 29

the consequences may additionally include undermining the effectiveness of polices designed to protect vulnerable children. Finally, without sufficient finances and clear and relevant budget planning, there is a risk the children in the justice system will not receive appropriate interventions, potentially exacerbating social problems and long-term consequences for both the children and society at large.

Concerning **child victims of crime**, according to the 2019 LJC⁴¹ (out of force) and the 2024 Law on Justice for Children, child victims have the same rights as adult victims before, during and after the completion of criminal proceedings, as well as the special rights recognized by the Convention on the Rights of the Child and other international agreements ratified and in accordance with the Constitution of North Macedonia. Child victims and child witnesses enjoy enhanced protection and support from all institutions, bodies and individuals in the child justice system, in order to reduce the negative consequences of the crime on them and to prevent the negative impact of the actions of the institutions on the proper development of the child and to encourage them to seek protection before a competent court. One of the rights that this law provides for the child victim, among others, is the right to information regarding access to medical, psychological and other professional assistance and support, before the initiation, during and after the completion of criminal proceedings (Article 166 paragraph 1 item 15 of the LJC). In police proceedings and in criminal proceedings before the Centre for Social Work, a child victim has the right to legal assistance from a lawyer before giving a statement, i.e. a statement or submitting a property claim, and to a proxy from the time the first statement is taken, as well as throughout the entire procedure (Article 167 paragraph 1 of the LJC).

According to Article 53 paragraph 3 of the Criminal Procedure Code, the victim of a crime punishable by imprisonment of at least four years has, among other things, the right to a counsellor at the expense of budgetary funds before giving a statement, i.e. a statement or submitting a property claim, if there is severe psychological or physical harm or more serious consequences of the crime. According to Article 55 paragraph 1 item 1 of the Criminal Procedure Code, the victim of crimes against sexual freedom and sexual morality, humanity and international law, in addition to other prescribed rights, has, among other things, the right to speak with a free counsellor or a lawyer before the examination, if they participates in the procedure as a harmed party. The 2024 Law on Justice for Children stipulates that Article 39 of the Law on Free Legal Aid, which regulated the payment of lawyers' fees for secondary legal aid provided to children in proceedings before Social Work Centres and the Ministry of Interior, ceases to apply.

The 2019 Law on Free Legal Aid, with its Article 49 in transitional and final provisions, left in force Article 8 of the 2009 Law on Free Legal Aid, in the part of the article that refers to the protection of victims of criminal offences and the protection of victims of human trafficking. Hence, the current Article 8 of 2009 Law on Free Legal Aid stipulates that a request for legal aid will be approved in all court and judicial proceedings if it resolves an issue of interest to the applicant, and an issue of interest to the appli-

41 This law is processed in the analysis, because the data covered by this analysis are within the scope of this law.

cant is considered to be an issue of victims of domestic violence, the protection of victims of criminal offences and the protection of victims of human trafficking. Hence, given that the LJC and Criminal Procedure Code do not provide in more detail whether a child victim has the right to free legal aid, under what conditions and in what procedure, for years, the mechanisms offered by the Law on Free Legal Aid have been examined through non-governmental organisations.

In 2023, MYLA⁴² submitted three requests for free legal aid for two girls and one adult woman with mental disabilities, all three victims of human trafficking. All of these cases were referred to MYLA by the CSW⁴³. For the three requests, certificates of approval for secondary free legal aid were issued. The approved requests for secondary legal aid for victims of human trafficking in an urgent procedure are a positive practice that has improved the victims' access to legal aid and justice, and thus the right of the victims of human trafficking to a fair trial has become achievable in practice.⁴⁴

But the situation is different when it comes to foreign children who appear in proceedings as child victims or witnesses. According to the rules of the LJC and the Criminal Procedure Code, children have the right to a lawyer before the first statement. Therefore, the Centre for Social Work most often requests that legal aid be provided through available funds of MYLA for representation by a lawyer. Such was the case at the end of March 2025, when 6 foreigners, 5 of whom were children, were forcibly held in the basement of a house in the Skopje village of Studenichani at gunpoint⁴⁵. MYLA, within its EU-funded project, provided legal aid to children in proceedings before the police station and the public prosecutor's office. After obtaining the necessary documentation, a strategy was developed for these children to submit a request for free legal aid that would have to be provided in the further procedure. However, due to the fact that the necessary documentation required some additional time for preparation, the requests for free legal aid were not submitted, because in the meantime the children had already left the country, heading in an unknown direction. In any case, it was expected that the requests for free legal aid, if submitted, would be approved. However, according to the rules of the LFLA, free legal aid will cover those costs that occur after the approval of the request. Hence, it would be very likely that a vacuum would arise in practice in terms of reimbursement of costs for legal aid that was provided before the approval of requests for free legal aid. This could have negative consequences for the interest of lawyers to provide legal aid in such situations, as

42 Macedonian Young Lawyers Association, please see: <https://myla.org.mk/en/> Macedonian Young Lawyers Association (MYLA) is one of the first registered organizations for provision of free legal aid. As an organization acting in the field of human rights, it has a specific programme for legal aid, securing funds for litigation and access to lawyers' services for clients. When such funds (mainly, covered by project) are not available, MYLA is using the possibilities arising from the laws and the systems to secure the access to justice. Such were the cases for victims of human trafficking.

43 Centre for Social Work

44 B. Bozinovska, Siljanovska, Z. Drangovski, I. Zdravkova, May 2024, ЛЕГИСЛАТИВНА ПРОЦЕНКА НА ПРИСТАПОТ ДО (БЕСПЛАТНА) ПРАВНА ПОМОШ НА ЖРТВИТЕ НА ТРГОВИЈА СО ЛУЃЕ ВО РЕПУБЛИКА СЕВЕРНА МАКЕДОНИЈА (report prepared within Council of Europe Project).

45 <https://www.slobodenpecat.mk/studenichani-tatko-i-sinovi-gi-drzhele-vo-podrum-decata-migranti-se-spasile-so-poraka-do-obvinitelstvoto/>

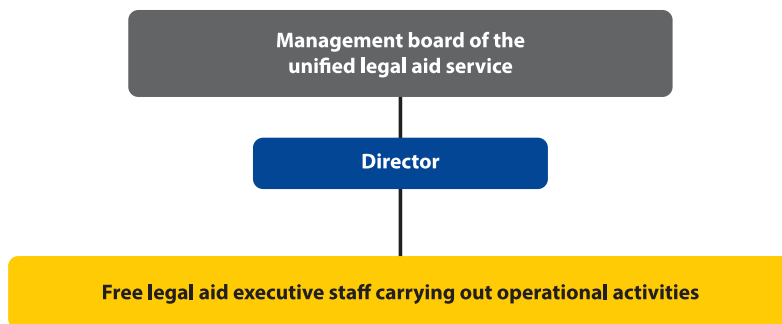
well as for the quality of legal aid. Ultimately, due to systemic gaps and indecisions, it would also have impacts and consequences on access to justice for children appearing as victims or witnesses of criminal acts in future.

The described situation highlights several critical implications. Firstly, the lack of clarity and gaps in legal framework regarding the provision of FLA for children creates a barrier to effective representation. The delay in submitting requests for FLA (which is linked to the process of obtaining all relevant documents issued by the authorised institutions regarding the factual situation) and the uncertainty of reimbursement for legal services before approval risks undermining the legal support available to vulnerable foreign children. Economically, this creates an inefficient system where the costs of legal aid may occur, but with no available funds to cover these costs. This not only strains limited resources but also diminishes the quality of legal representation, as lawyers may be less incentivised to take on cases that do not guarantee financial compensation. Socially, these systemic issues could undermine the broader goal of providing equal access to justice for all children, especially foreign minors who may already be marginalised or disadvantaged in the legal process. If these gaps persist, the consequences may include reduced trust in the justice system, further victimisation of vulnerable children, and a broader erosion of the protections that the legal system is intended to offer.

2. CONCEPTUAL ELEMENTS CONCERNING THE SINGLE BODY FOR MANAGING THE SYSTEM FOR FREE LEGAL AID IN NORTH MACEDONIA

Free Legal Aid Agency – entity entrusted to manage the entire legal aid system and all its sectors.

The new single unitary body will take over all the functions of running the free legal aid service and deliver free legal aid to the people of North Macedonia. It will be an **autonomous and independent state organ** (**самостоен и независен државен орган**), a model already recognised by law.

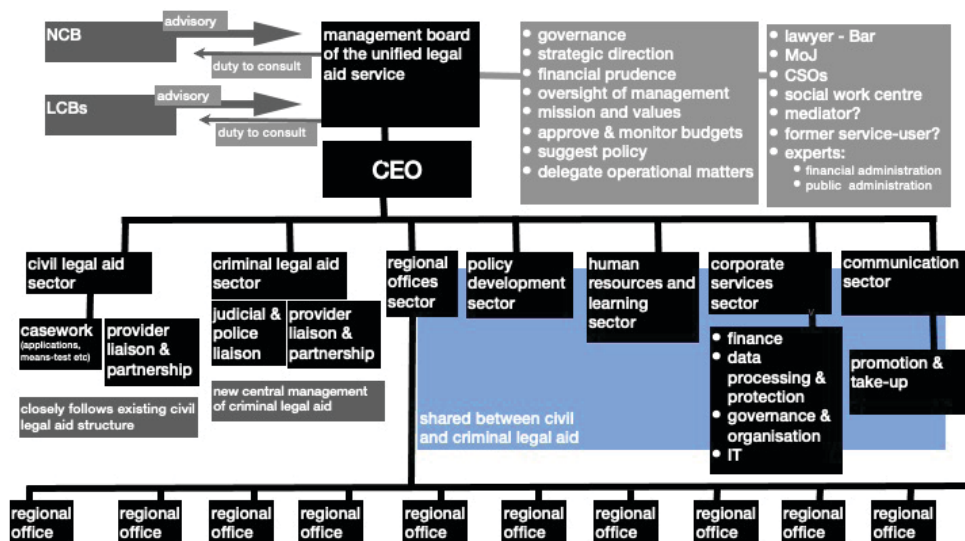


It will be managed and overseen by a new, powerful independent management board which will oversee the director, plus the regional offices network.

That means it will be separate from government and freed from the confines of being just a section within the Ministry of Justice, yet with necessary safeguards to keep it within the public domain. It will be fully accountable to government, stakeholders in the legal and CSO sectors, and most importantly to the people of North Macedonia. Service to clients will be its top priority. Its independence will allow for better management, a more innovative and creative approach, improved responsiveness to a changing society, and strong equality- and service-focused values. And free legal aid in criminal, civil and administrative areas will work coherently as a single joined-up system.

The **structure** of the new unitary body (**Free Legal Aid Agency**) is recommended to consist of four main strata:

- Management board;
- Director ('CEO');
- Seven system-wide sectors;
- Regional offices.



The **Management Board** will have 9 members. They will be drawn from the Ministry of Justice (2), the Bar (2), NGOs (1), university law clinics (1), judiciary (1), and Ministries of Finance (1) and Labour & Social Policy (1). Members of the Board will have a fixed term of service of 4 years, renewable once. Between them, Board members will thus have an eclectic spread of backgrounds, expertise, values and skills. Free legal aid will benefit hugely from this diversity at the heart of its management. All relevant voices will be heard, and this will produce better strategic governance for free legal aid in North Macedonia.

The Board of Management will be the ultimate seat of governance within the single unitary body. It won't make day-to-day operational decisions. Because it will have full powers over its executive staff, the majority of everyday operational activities and responsibilities will be delegated to them via the director. The Board will supervise the general affairs of the single unitary body, overseeing the operational work of the single body and giving strategic guidance. It will make sure the free legal aid scheme stays on track as to its strategic targets, and will keep it aligned with core values like quality, partnership, client-focus, sustainability, accessibility and equal treatment.

The **director, overseen by the management board**, will have all the necessary powers to develop new policy, manage the free legal aid system efficiently and effectively, prepare proposals for new laws and normative acts, control a budget and make bids for funding. They will work alongside national and international organisations without the constraints of being part of a Ministry. Being a single body will allow more freedom to innovate. The single unitary body will be responsible for collaborating with and coordinating the network of free legal aid partners and providers in all sectors, providing training, promoting the service, appointing and paying lawyer providers, and efficiently managing decision-making on all legal aid applications. It will handle first-instance complaints in a client-focused manner, and impose stringent quality assurance.

The Director will have 2 advisors, preferably for criminal and civil matters, 1 secretary and 3 accountants responsible for the overall financial operations of the Agency.

In the 7 sectors, it is planned to have 11 employees, 7 of whom are managers responsible for organizing the work of the sectors.

The single FLA body will utilise and **integrate the existing network of regional offices of the Ministry of Justice**. This will ensure full regional coverage of the country's territory, secure meaningful tasks for the employees of the ROs and in particular increase their cost-effectiveness.

3. ESTIMATE OF COSTS OF ACTIVITY OF FREE LEGAL AID AGENCY

The categories of financial costs would likely reflect the unique services and operational structure of the organisation. These categories would cover both the direct costs of providing legal aid services as well as the administrative and operational costs associated with running the system.

Free Legal Aid Agency: Costs for management board

Nr.	Item/ category	No. of units	Cost per unit/net worth (in MKD)	Annual costs/net worth (in MKD)
1	Meeting allowance for members / Indemnity	9 x 12 meetings per year (initially, later can be reduced to 4-6 meetings per year)	24.000 MKD	2.592.000 MKD
2	Venue	It would be ideal if the Agency has its own fully equipped venue for meetings and trainings. The venue should at a minimum be equipped with a TV, projector, computers, chairs and desks.		
3	Office supply (training materials, paper, flip-chart, markers, notebooks, pens, other consumables)	Lump sum		24.000 MKD
4	Training and Professional Development	4 trainings (2 days per training) per year for 13 people (9 members of the Board, 2 trainers, director and secretary)		2.000.000 MKD
		4 training programmes on 4 different topics X 2 experts for developing the training programmes	5 days per expert for one programme x 4 programmes X 2 experts X 13200 MKD daily fee per expert (gross) = 528.000 MKD	
		4 trainers for delivery of training	4 trainers X 4 days (2 for preps and 2 for delivery of trainings) X 4 trainings X 10000 MKD daily fee per trainer per day = 640.000 MKD	

Nr.	Item/ category	No. of units	Cost per unit/net worth (in MKD)	Annual costs/net worth (in MKD)
		lunch, coffee breaks, small bottles of water	4000 MKD per participant X 13 participants X 4 trainings = 208.000 MKD	
		<i>Accommodation for participants from different cities on a half board basis in one-bed rooms - Lump sum (13 rooms)</i>	7000 MKD X 13 rooms X 4 trainings = 364.000 MKD	
		Travel - Lump sum	15 MKD per kilometre (which includes pay tools, gas, amortization) X max 12000 km per year = 260.000 MKD	
	Sub-total 1&3			2.616.000 MKD
Total				4.616.000 MKD

NB: decrease in the need for training and reduced frequency of meetings of the Board (6 not 12 per year), may lead to lower annual costs for the Board (subsequent years)

Free Legal Aid Agency – Costs for administrative staff⁴⁶

Nr.	Item	Category	Nr. of units	Cost per unit per month/ net worth	Cost per unit per month/ gross worth	Total contributions and tax per month	Annual costs/ gross worth
1	Personnel Costs, benefits and allowances (health benefits, pension contributions) i.e. salaries	Director	1	142.000	217.552	75.552	2.610.624 MKD
		Advisers	2	90.000	137.306	47.306	3.295.344 MKD
		Secretary	1	75.000	114.156	39.156	1.369.872 MKD
2	Administrative staff/ sectors (receiving, processing requests, verifying eligibility, verification of reports, payment of fees, deciding on complaints), salaries	Managers with legal background	7	70.000	106.440	36.440	8.940.000 MKD
		Administrative workers with legal background	4 ⁴⁷	50.000	75.575	25.575	3.627.600 MKD
		Finances and Accounting	3	83.000	126.502	43.502	4.554.072 MKD
3	Operational and Administrative Costs	Office Rent and Utilities (400 m2)	12 months		240.000		2.880.000 MKD
		Office Supplies/ water/coffee	12 months		40.000		480.000 MKD
		Telecommunication Costs (internet, web site, phones)	12 months		100.000		1.200.000 MKD

⁴⁶ These calculations are presented in gross worth with estimation of + 28% for mandatory social insurance (18.80% for Contributions for mandatory pension and disability insurance, 7.50% for Contributions for mandatory health insurance, 1.20% for Unemployment insurance contribution, 0.50% for Additional contribution for mandatory insurance in case of injury or occupational disease, 6.556% for personal release, 10% for personal income tax) source: <https://plata.m.ie.mk/>

⁴⁷ Civil legal aid sector and criminal legal aid sector.

Nr.	Item	Category	Nr. of units	Cost per unit per month/ net worth	Cost per unit per month/ gross worth	Total contributions and tax per month	Annual costs/ gross worth
		Office equipment (desks, chairs, phones, computers, printers,	Lump sum	/			5.500.000 MKD
		IT and Software Costs	12 months		40.000		480.000 MKD
4	Office Equipment maintenance	1 person on call	Lump sum		18.000		216.000 денари
5	Compliance and Regulatory Costs (e.g. Licensing Fees, tokens etc.)		12 months				120.000 денари
6	Public Awareness Campaigns (media campaigns and other public relations activities to inform the public about legal aid services)		Lump sum				1.000.000 денари
7	Legal Research and Resources (access to legal databases, library resources, and subscriptions to relevant legal journals)		Lump sum subscription to electronic database of Official Gazette per year for more than 15 users access is 9000 MKD per user	9000 X 7 user accesses			63.000 денари

[illegible]

Costs for Regional Offices (22 Regional offices)

Nr.	Item	Category	Nr. of units	Cost per unit per month/ net worth	Cost per unit per month/ gross worth	Total contributions and tax per month	Annual costs/gross
1	Employees at ROs (3 employees per regional office)	Salaries	66	50.000	75.575	25.575	59.855.400
2	Operational and Administrative Costs	Office Rent and Utilities	12 months				No rent
		Office equipment	Lump sum for 22 offices	Lump sum			10.000.000 MKD
		Office Supplies	12 months	Lump sum			300.000 MKD
		Telecommunication and internet Costs	12 months	Lump sum			2.000.000 MKD
3	Office Equipment maintenance		Lump sum	Lump sum			600.000 MKD

[illegible]

Costs for legal aid delivery/Primary and secondary legal aid

Nr.	Item	Category	Nr. of units	Cost per unit/ gross	Annual costs/ gross
1	Professional fees/ rewards/ remuneration	Lawyers	Lump sum		8.000.000,00
		Experts	Lump sum		3.000.000
		Notaries	Lump sum		3.000.000
		Bailiffs	Lump sum		3.000.000
		NGOs	Lump sum (grants and re- muneration for successful SEC- ONDARY LEGAL AIDapplication)		4.000.000
		Legal clinics	Lump sum		1.000.000
Total					22.000.000 MKD

Indirect Costs:

- Resource re-prioritisation: establishment of Free Legal Aid Agency and providing effective legal aid might divert some public funds to legal aid which means these resources are not available for other government programmes (e.g. prisons, social care homes).
- Mitigation of misuse of legal aid: there could be costs associated with improper use of the system, including fraudulent/abusive requests for legal aid and costs associated with reimbursement by the beneficiaries of costs of provided legal aid.

4. BENEFITS OF CREATION OF THE FREE LEGAL AID AGENCY

Creation of the Free Legal Aid Agency implies concentration and increase in the efficiency of the management of the existing subsystems in civil, administrative, criminal proceedings and juvenile justice, but also changes in the legal aid proceedings (request-delivery). It will *solve issues* (improving accessibility and promptness of processing legal aid requests; reduce the burden on judges of appointment of lawyers; ensure transparency and clarity for lawyers), *bring innovation* (attention to the accessibility, functionality of the procedures and quality of delivered legal aid), target *compliance* of the legislation and practices with the international and European *standards*, aiming at an *efficient and effective legal aid system facilitating access to justice for people in need*.

- Potential **beneficiaries** will **navigate more easily** through the system via a **single gateway** (including when they are involved in various proceedings).

When there is a single body responsible for free legal aid, with a centralized entry point, potential beneficiaries can navigate the justice system more easily and efficiently. This streamlined approach reduces confusion, ensures faster support, and minimises the risk of inconsistent guidance—especially for individuals involved in multiple proceedings simultaneously.

Under the current fragmented model, individuals seeking legal aid may need to approach different institutions for separate matters—such as initiating temporary measures for protection against domestic violence and criminal procedure in case of domestic violence and not paying child support. This not only delays access to justice but also burdens applicants with redundant procedures, document submissions, and unclear eligibility pathways.

A unified gateway for legal aid offers a clear and accessible route to assistance, regardless of the type or number of proceedings. Beneficiaries would undergo a single eligibility assessment, after which the legal aid body would coordinate support across all relevant areas. This holistic approach improves efficiency, promotes better outcomes, and is more sustainable in terms of cost (including for issuing of confirmation documents).

For example, HH is a victim of domestic violence, and a mother of 4-year child. However, the authorized Centre for social work, instead of determining her status as a victim of domestic violence, are finding both her and her violent husband are perpetrators of domestic violence and are imposing measures for protection against both of them. Meanwhile, several criminal procedures are brought against her violent husband, which are related to the domestic violence, and in all of them the judges are imposing suspended sentences. She needs legal assistance and legal representation to initiate

criminal procedure to impose an effective penalty for disregarding the judgments rendered. On the other hand, she needs legal assistance: to initiate civil divorce proceedings, to submit a claim for temporary measures for protection against domestic violence, and to initiate an administrative procedure for reducing the number of visits the father has with the child, and prescribing which Centre for Social Work should be the venue for supervised contact between the father and the child.

This is a classic case, where the client (HH in the particular case) is facing several legal issues, but cannot obtain the right to free legal aid, due to legislative inconsistencies, systematic inconsistencies and so on. With a unified legal aid gateway, HH would apply once. A single legal aid officer would assess her situation and assign legal representation to handle all matters simultaneously. Not only would this save time and administrative costs, but it would also give HH a better chance of coordinated legal strategy and favourable outcomes. From a systemic perspective, a single-body model reduces duplication of efforts, improves tracking and case management, and allows better resource planning. Over time, it leads to lower public spending due to administrative efficiencies and earlier resolution of disputes.

- Diligence and promptness in processing legal aid requests (for all proceedings).

The procedure for processing requests for legal aid is not always efficient and effective. Namely, within the framework of the free legal aid system (competence of the Ministry of Justice), the law stipulates that the procedure for secondary legal aid begins with the submission of a request for secondary legal aid by the interested person to the regional department of the Ministry located in the area where the person has their residence or place of stay.⁴⁸ Along with the request, the person submits a statement about their financial and property status, as well as only those documents/evidence that are related to the legal issue for which they are submitting the request.⁴⁹ The Ministry within 15 days ex officio obtains all other necessary documents from competent institutions, examines whether the applicant meets the requirements stipulated in the law for the approval of the SLA, prepares a certificate approving or rejecting the secondary legal aid and organizes the initial meeting between the applicant and the appointed lawyer.

However, if the authorised official determines that additional data is required, then within seven days from the date of receipt of the request, they will request additional data from the applicant for secondary legal aid. The request for additional data interrupts the period of 15 days until the date of receipt of the requested data.⁵⁰ The competent institutions from which the data is requested have 7 days from the receipt of the request, to provide the requested data to the Ministry. These deadlines refer to the regular procedure for approving the SPP.

48 Article16, Law on free legal aid

49 Ibid, article 8

50 Ibid, article23

The law also provides for an urgent procedure when there is an urgent need to provide legal assistance or short deadlines have been set by the court or other competent authority for the handling of a specific legal matter, then the request is approved within two days from the date of receipt. After issuing the certificate approving the request for secondary legal aid, the authorised official is obliged, within 15 days, to examine and determine whether the applicant meets the conditions for approval of SLA.

When it comes to urgent procedures, in practice the Ministry acts efficiently within the stipulated deadlines and so far there are no known deviations, taking into account the urgency of the procedure. However, within the framework of regular procedures, delays in processing and deciding on requests for approval of secondary legal aid are becoming more common. This is due to the lack of promptness of the competent institutions that are obliged to submit the data to the Ministry that is necessary to determine whether the applicant meets the conditions for granting secondary legal aid. Delay in acting can have serious consequences for the applicant, especially if the applicant is a victim of domestic violence.

In a recent case, a secondary legal aid applicant, through an authorised association for the provision of primary legal aid, the MYLA, submitted a request for approval of the secondary legal aid for divorce. The applicant was a victim of domestic violence, reported to the Mol and the Centre for Social Work and for which a parallel procedure was being conducted before a court for the imposition of temporary protection measures (the procedure was initiated ex officio by the CSW; no lawyer was present). The request was processed for almost 2 months, waiting for data on the property and financial situation of the applicant from the competent institutions. It was approved after 2 months. In the meantime, the court issued temporary protection measures, but the removal of the perpetrator from the home was not one of the measures issued. Meanwhile, the Ministry's practice is not to approve a request for initiation of an eviction procedure before a competent court until the divorce procedure is completed. Hence, the applicant, a victim of domestic violence, ran away from her home due to the situation, leaving her 2 children with her violent spouse. She submitted another request for secondary legal aid for initiating an eviction procedure in the second half of May 2025, however even after the foreseen deadline of 15 days, her request was still not approved.

The consequences of the inefficient handling of the requests submitted in this particular case are quite serious, considering that the applicant is forced not to live in her home, not to live with her children, to constantly fear whether the same thing will happen to them as happened to her, as well as being exposed to additional costs.

In criminal proceedings, when it comes to the victims of violent crimes, free legal aid is approved according the LFLA. The procedure usually is treated as urgent without checking the financial and property status of the victims. The length of this procedure is within the deadline of 15 days.

Free legal aid in criminal proceedings for the defendants could be approved under article 75 of the CPC, where the defendant is obliged to submit the needed documents that can prove their inability to cover the costs of the procedure. Although the provision in the law is not imposing this kind of obligation for the applicant/defendant, the practice of the courts does. So, after the submission of the request, which can be done at any stage of the procedure and verbally directly on the hearing minutes, and after the delivery of the needed documents related to the financial status of the defendant, the judge may decide with a separate decision during the trial or at the end of the trial with the main judgement.

Therefore, there are no deadlines for judges to act on submitted requests for approval of free legal aid in criminal proceedings. Considering the practice of the courts and the obtained statistical data, only 1 case in the last 2 years at the level of the entire Republic was approved in accordance with Article 75 of the CPC.

► **Primary legal aid and legal awareness-raising activities will become part of legal aid agenda.**

Incorporating primary legal aid and legal awareness-raising activities into the formal legal aid agenda marks a crucial step toward a more inclusive and accessible justice system in the country. Currently, there are 32 regional departments and offices of the Ministry of Justice throughout the country (please see Table 13 of this analysis), 560 registered lawyers⁵¹, 16 associations (6 in Skopje, 2 in Bitola, 2 in Delchevo, 2 in Tetovo, and in Kumanovo, Stip, Strumica and Sveti Nikole)⁵² and 8 legal clinics (4 in Skopje, 2 in Tetovo, and in Kichevo and Stip)⁵³.

Since the law came into force, only one public call for applications for grants for primary legal aid has been implemented. Now, without financial support, some civil society organisations and legal clinics provide limited services and access to primary legal aid remains uneven and geographically restricted. At present, primary legal aid is mostly available in urban centres like Skopje, Bitola, Stip and Tetovo and other cities mentioned above where associations and legal clinics operate with donor support or through local partnerships. However, rural and remote areas, particularly in eastern and southwestern regions, face significant gaps. Citizens living in these regions often struggle to access even basic legal information due to a lack of outreach, resources, or infrastructure.

This geographical disparity contributes to legal exclusion, particularly for vulnerable populations such as the Roma community, single parents, people with disabilities, and those living in poverty. Many are unaware of their rights or the procedures required to resolve legal issues related to social welfare, employment, housing, or civil status. Without early intervention through primary legal aid or awareness campaigns, small legal problems often escalate into more complex and costly disputes.

51 <https://www.pravda.gov.mk/bp-advokati>, last checked on 28.05.2025

52 <https://www.pravda.gov.mk/bpp>, last checked on 28.05.2025

53 <https://www.pravda.gov.mk/clinics>, last checked on 28.05.2025

By formally integrating primary legal aid and awareness-raising into the national legal aid system, North Macedonia has the potential to create a more proactive model—one that addresses legal needs early and prevents litigation where possible. Awareness-raising activities, including community workshops, printed materials, and online tools in multiple languages, can empower citizens with knowledge about their rights and how to exercise them. For example, in a municipality with high unemployment, regular legal information sessions about workers' rights and available legal remedies can prevent exploitation and encourage timely action. Similarly, mobile legal aid units traveling to underserved areas can provide on-the-spot consultations, helping to bridge the rural-urban gap in legal access.

Institutionalising these services would allow better coordination between the Ministry of Justice, municipalities, civil society, and legal professionals. It would also open pathways for sustainable funding, training for legal aid providers, and monitoring mechanisms to ensure quality and consistency. The long-term potential is significant: fewer people will face court proceedings without support, public trust in institutions will grow, and the justice system will function more efficiently. Legal empowerment at the community level ultimately contributes to greater social stability and resilience.

- A functional system of independent **appointment** of lawyers (including for compulsory participation, **removing the burden on the prosecution and the courts**); **transparency** in the appointment and **payment** of lawyers.

The appointment of lawyers within the free legal aid system differs from the appointment of lawyers in criminal proceedings. According to the LFLA, lawyers who provide secondary legal aid must be registered in the register of lawyers providing secondary legal aid, which is maintained by the Ministry of Justice. The method of appointing lawyers is in alphabetical order for the area in which the applicant/beneficiary of the secondary legal aid has his/her domicile or residence.⁵⁴ If there is no lawyer from the appropriate bar community registered in the Registry of Lawyers for that region, then a lawyer from another nearest bar community is appointed.

The appointment of lawyers is carried out by the employees of the regional offices. In the absence of a control or oversight mechanism, the appointment of lawyers is in practice made on the basis of the availability of the lawyer or the lawyer's acquaintance with the employee, and not in alphabetical order as provided for by law. Of the nearly 500 lawyers registered with the Ministry of Justice, more than half have never been engaged in any case to provide SLA.

An appropriate example for illustrating the established practice of regional offices could be the claim of a lawyer during a free legal aid training that he receives 50 cases per month for the provision of secondary legal aid from the same regional department. There are no rules or criteria set out in the guiding provision for the appointment of ex officio lawyers for mandatory defence in criminal proceedings. The only

54 Article 30, LFLA

provision is that the president of the court appoints the lawyer in cases of mandatory defence, which leaves a wide margin for the manner of selecting the appointed lawyer, at the free discretion of the president of the court.⁵⁵

The appointment of ex officio lawyers for providing free legal aid in criminal proceedings under article 75 of the CPC foresees a possibility for the defendant to choose their own lawyer from the list of lawyers from the relevant bar community and it is the president of the court who appoints the lawyer. However, if the defendant does not choose the lawyer, then the manner of appointment of the lawyer is the same as for the compulsory defence, which points to the same conclusion and practice of appointment of the same lawyers in continuity.

In proceedings involving children in conflict with the law, in accordance with the old LJC (2019), in certain cases such as those where the action of a child at risk under the age of 14 is provided for by law as a criminal offence punishable by imprisonment of at least five years or when there is a threat to the person, rights and interests of the child and in cases where the public prosecutor proposes measures for a child at risk over 14 years of age for an act that is legally defined as a crime punishable by up to three years in prison, if, according to the assessment of the centre, there is a threat to the person, rights and interests of the child, the Centre for Social Work appointed an ex officio lawyer from a list compiled by the Bar Association of the Republic of Macedonia.⁵⁶

According to Article 90 of the 2019 LJC, in court proceedings, the defence lawyer was appointed by the court ex officio (there were no criteria set in this provision).

In the proceedings before the public prosecutor, before deciding whether to submit a request to initiate a preparatory procedure, the public prosecutor interrogates the child in the presence of their parents or guardians, and the defence lawyer. The public prosecutor will appoint a defence lawyer for the child ex officio from the list of lawyers submitted by the North Macedonia Bar Association when the parents do not hire a lawyer themselves. As can be seen above, the confusion of the provisions in the law on the jurisdiction and manner of appointing lawyers, in practice contributed to their abuse and non-transparent placement of lawyers in the proceedings. The same lawyers were continuously appointed, very often by calling them by telephone.

The reasons why the competent authorities have established this long-standing practice vary. In criminal proceedings, lawyers are appointed who will not complicate the procedure, will not file objections, appeals, accept the below-tariff payments without any objections etc. and thus the cases will be completed faster. In the FLA system, lawyers who are close to the employees are usually appointed, the same practice is applied by social care centres, the Ministry of Interior and the public prosecution office. The shortcomings of this established practice for appointing lawyers, without criteria, conditions or appropriate rules, lead to ineffective and insufficiently high-quality legal aid being provided.

55 Article 74, CPC

56 Article 25, LJC, 2019, out of force

The lack of transparency in the appointment of lawyers by all involved stakeholders responsible for the various procedures led to the creation of special software⁵⁷ for the appointment of ex officio lawyers, which is fully digitalized.

It is expected that this software will change the established practice of appointing lawyers and will introduce transparency in the appointment process and will also enable properly trained lawyers to be on the appropriate lists for appointment in certain areas, which will lead to increased quality, timeliness and effectiveness in the provision of legal aid. The software is governed by the Bar association, which is proposed to be one of the leading bodies in the proposed Agency.

► Improved **communication** between stakeholders.

The free legal aid system has been in a constant process of improvement since 2010. In the period from 2010 to 2019, communication between the main stakeholders in the system was difficult, and cooperation was almost non-existent. Since the beginning of 2020, the National Coordination Body for the Implementation of the Law on Free Legal Aid (NCB) has been established. The NCB is a forum for sharing information, communication and coordination between stakeholders on topics of importance for the implementation of the Law on Free Legal Aid and facilitating access to justice at the national level. The NCB works in meetings.⁵⁸ The NCB meetings are held at least quarterly, and more often if necessary. The coordination and organization of NCB meetings, as well as the facilitation of the meetings, began within the framework of the Project "Support for Better Access to Better Quality Free Legal Aid Services in North Macedonia" and continued within the framework of the project "Towards Consolidated and More Efficient Free Legal Aid (FLA) System in North Macedonia", Horizontal Facility for Western Balkans and Türkiye III" - Joint Programme of the European Union and the Council of Europe.

In 2023, within the Council of Europe's Project, a self-evaluation activity of the work of the NCB was conducted, which was carried out through the completion of an anonymous questionnaire by the persons participating in its work. The results of the self-assessment showed that more than 80% of the respondents believe that the NCB has greatly contributed to improving communication and cooperation, as well such kind of forum significantly helps in solving problems and challenges faced by regional departments in the implementation of the LFLA, through the exchange of experiences and practice. Another conclusion was that in addition to the advisory role, the NCB should also have a greater function in policy-making. Finally, 93% of those respondents believe that legally regulating the function, composition and competencies will enable the sustainability and functionality of the body.⁵⁹

57 The software for appointing ex officio lawyers, was developed in cooperation with the EU and the Council of Europe, within the framework of the EU and Council of Europe program, Horizontal Facility for the Western Balkans and Turkey.

58 <https://pravnapomos.mk/nacionalno-koordinativno-telo/>

59 Please see Minutes of the 11th Meeting of the National Coordination Body, available at: <https://pravnapomos.mk/nacionalno-koordinativno-telo/>

- **Democratic input** by all sectors into management of the body (shared **responsibility** and **ownership**).

Every institution has its own performance indicators and institutional objectives, while interaction in the format of the Free Legal Aid Agency will allow the issue of legal aid to be addressed from the perspective of the potential beneficiaries of legal aid and finetuning the institutional approaches to the overall objective of ensuring access to justice to all in need.

- **Strategic** approach and **coordination between stakeholders**: data, planning, monitoring, adapting, referrals.

Regular meetings between stakeholders which are part of the Free Legal Aid Agency will allow the trends in the system of legal aid in all proceedings to be monitored, will facilitate formulation of specific measures targeting challenges in the system and sub-systems, while inter-agency effort will ensure the sustainability of the adopted measures.

- A specialised and **dedicated** entity which as well as dealing with daily routine will also favour **innovation** and creative thinking (permanent evaluation of practices, proposals for improvements).

The proposed format of the Free Legal Aid Agency with a governing board will facilitate separating the daily routine – requests, appointment of lawyers, legal aid delivery, reporting and payment – from more conceptual approaches to ensure efficiency and effectiveness, including through the development of innovation and creative solutions.

- Dedicated and **separate budget** line distinct from other budget beneficiaries.

The existence of a management entity will contribute to proper planning and estimation of the potential costs, while a dedicated budget for legal aid will permit the agency to address strategically the existing challenges in the legal aid system, ensuring the objective of access to justice to all in need prevails over other institutional challenges.

- **Administrative work** entrusted to persons trained for the task.

The process of request-delivery of legal aid comprises several administrative tasks and the Legal Aid Agency will train its staff for prompt and diligent performance of these tasks.

- **Quality** of delivered legal aid permanently on the agenda and alignment with agreed **legal aid values** like quality, partnership, client-focus, accessibility, sustainability and equal treatment

For now, the quality of legal aid services is not necessarily addressed by entities managing the sub-sectors/ legal aid in various proceedings. The Free Legal Aid Agency will amplify, in cooperation with Bar Association, the efforts of training of lawyers while promoting relevant deontological and professional standards.

- **Independent** and **impartial** legal aid, free from conflict of interests.

The mechanism based on clear rules of appointment of legal aid lawyers, adopted by the Free Legal Aid Agency, will help exclude the undue influence of various justice actors and their biased preferences in the process of appointment of legal aid lawyers.

- Legal aid oriented to **specific needs of vulnerable beneficiaries.**

Permanent attention of the Free Legal Aid Agency to the needs of the legal aid beneficiaries will facilitate development of proper institutional measures (such as training, specialisation) aiming to ensure the needs of vulnerable beneficiaries are fully recognized and addressed.

- Encouragement of the authorities and MoJ (policies, drafting legislation) to bring **legislation and practices in line with international and European standards.**

The format of Free Legal Aid Agency as management entity is suggested by relevant international guidance and recommendations and endorsed in the practice of several European countries.

5. BENEFITS OF EFFECTIVELY MANAGED LEGAL AID

The cost-benefit analysis of legal aid typically reveals that while it comes with upfront public costs, the broader social, economic and legal benefits can outweigh these expenditures. Access to legal representation helps prevent greater societal costs down the line, contributing to both individual welfare and broader system efficiency.

5.1 Improved access to justice

The core benefit of the Free Legal Aid Agency is enabling vulnerable populations (low-income, marginalised groups) to access legal representation. Legal aid ensures that lower-income individuals have the ability to access the justice system, protecting their legal rights in a fair and equitable manner.

The data provided above shows an inexplicably low number of beneficiaries of legal aid in all proceedings. As a reminder, in 2024, 5.030 people received primary legal aid, while out of 230 submitted requests for secondary legal aid, 174 were approved. The total number of cases for 2024 where the parties were exempted from the procedural costs under the provisions from the Law on civil proceedings is 20. In 2024, the number of cases in which an lawyer was appointed by the court to the defendant under article 74 of the CPC was 1558, while - there was only 1 case under article 75 of the CPC. At the same time, according to the latest data from the World Bank, the poverty rate in North Macedonia in 2024, measured by the upper-middle-income poverty line (USD 6.85 per day in 2017 PPP), is estimated at around 19%. **Improving the management of the legal aid system will improve the accessibility of legal aid and deliver an increase in the number of beneficiaries.**

5.2 Efficiency in the legal system

Legal aid ensures that cases are better prepared and represented, contributing to reducing delays and backlogs in the courts. This can help the judicial system function more efficiently, reducing the time and resources needed to resolve cases. Also, legal aid often leads to more efficient case resolution by ensuring that cases are handled properly from the outset, reducing the potential for appeals or protracted litigation. It may also reduce the burden on courts and public agencies by promoting alternative dispute resolution. This contributes to improved trust in the judiciary as a result of demonstrated fairness.

5.3 Reduction in crime and related public costs

Legal aid could contribute to reducing crime by ensuring that criminal defendants are properly represented, reducing wrongful convictions, or helping with rehabilitation processes. In family law, access to legal aid may reduce conflict and violence, which could decrease law enforcement and healthcare costs over time.

5.4 Social and economic stability

By providing legal assistance, legal aid can help prevent personal crises that could result from legal problems (e.g. eviction, loss of child custody, unfair dismissal). The reduced social costs of unresolved legal issues, such as mental health deterioration, family breakdowns, and homelessness should also be borne in mind.

5.5 Economic benefits

► **Workforce Productivity:**

- Legal aid can prevent workers from losing jobs or being unfairly treated, promoting greater job stability and higher productivity.

► **Long-Term Savings:**

- Legal aid can often resolve disputes before they escalate into more significant legal problems. For instance, early intervention in family law or housing matters can prevent situations that might otherwise lead to larger societal costs, such as homelessness, domestic violence, or strained family relationships. Especially relevant in this context is primary legal aid.
- Preventing unresolved legal disputes through legal aid can avoid future economic burdens on social services, healthcare, and the criminal justice system.

► **Improved Public Trust:**

- Legal aid may foster greater confidence in the legal system, promoting societal cohesion and reducing the likelihood of civil unrest. Over 2/3 of the respondents (68.5%) do not agree (either strongly or somewhat) that the laws and the justice system in North Macedonia are just and fair.⁶⁰

60 G. Kocevski, Goce Kocevski, M. Gramatikov, Path to Justice in North Macedonia, available on PhD <https://rm.coe.int/path-to-justice-eng-2023/1680ab96f0>, page 65

6. COST-BENEFIT ANALYSIS CONCLUSIONS

Actual situation ⁶⁰	Actual costs for the management of the legal aid (without costs for legal aid providers)	Benefits of creation of Free Legal Aid Agency	Potential costs for the management of the legal aid system by Free Legal Aid Agency (without costs for legal aid providers)
• In the system for legal aid in criminal procedures only a handful of indigent defendants actually benefited from it; • Civil and administrative legal aid is limited by restricted eligibility rules and insufficient administrative capacity;	The expenditure <u>only of the department of FLA</u> (including the regional offices) in 2024 constituted 47.742.178 denars The expenditure for management of the system for legal aid for children (No data available)	• Potential beneficiaries will navigate more easily through the system via a single gateway (including when they are involved in various proceedings); • Diligence and promptness in processing legal aid requests (for all proceedings)	121.090.912 MKD NB: The usual categories of costs (i.e. costs without training, one-off purchase of office equipment, reduced travel costs) constitute 95.207.912 MKD

61 In 2024, 5.030 people received primary legal aid according to the Annual report for implementation of the Law on Free legal aid for 2024, while out of 230 submitted requests for secondary legal aid, 174 were approved. In 2024, there were 21 regional departments with 20 field offices, of which 5 offices were without any employee. The number of employed people within the RO's was 78. The department of FLA spent 47.742.178 denars, plus some other costs for office materials. The total number of cases for 2024 where the parties were exempted of the procedural costs pursuant the provisions from the Law on civil proceedings is 20. In 2024, the number of cases in which an lawyer was appointed by the court to the defendant pursuant article74 of the CPC was 1558, while according article 75 of the CPC - there was only 1 case. The total amount paid for the costs and the reward of the defence lawyers appointed ex officio in accordance with Article 74 of the CPC for 2024 was 19.090.000 denars and pursuant article75 was 64.350 denars. Data regarding the funds paid for free legal aid provided for children in the procedures before Mol and CSW should be contained in the annual reports of the MoJ, nevertheless there is no disaggregated information on paid funds for free legal aid for children. The process of data collection demonstrated that data are incomplete and the available data are not necessarily accurate, which speaks in itself of lack of management of the sector. The data provided above shows an inexplicably low number of beneficiaries of legal aid in all proceedings. According to the latest data from the World Bank, the poverty rate in North Macedonia in 2024, measured by the upper-middle-income poverty line (USD 6.85 per day in 2017 PPP), is estimated at around 19%. Improving the management of the legal aid system will improve the accessibility of legal aid and result in an increase in the number of beneficiaries.

Actual situation	Actual costs for the management of the legal aid (without costs for legal aid providers)	Benefits of creation of Free Legal Aid Agency	Potential costs for the management of the legal aid system by Free Legal Aid Agency (without costs for legal aid providers)
• Legal aid for children is affected by lack of interest among lawyers and the entangled competencies of different institutions; • parallel legal aid schemes, depending on the types of the procedure for which legal aid is requested are difficult to navigate; • Institutions involved in management of the legal aid systems have other main responsibilities and legal aid is not the first priority of these institutions. • There is no disaggregated information on paid funds for free legal aid for children.	The expenditure for management of the system for legal aid in criminal proceedings -articles 74 and 75 CPC (No data available)	• Primary legal aid and legal awareness-raising activities will become part of legal aid agenda; efficiently managed ROs used at full potential • A functional system of independent appointment of lawyers (including for compulsory participation, removing the burden on the prosecution and the courts); • Transparency in the appointment and payment of lawyers; • Democratic input by all sectors into management of the body (shared responsibility and ownership); • Strategic approach and coordination between stakeholders; decisions facilitated by a system of accurate data collection and processing • A specialised and dedicated entity favouring innovation and creative thinking; use of IT and software solutions including interoperability of databases • Dedicated and separate budget of the Agency, distinct from other budget beneficiaries;	

Actual situation	Actual costs for the management of the legal aid (without costs for legal aid providers)	Benefits of creation of Free Legal Aid Agency	Potential costs for the management of the legal aid system by Free Legal Aid Agency (without costs for legal aid providers)
		• Administrative work entrusted to persons trained for the task; • Quality of delivered legal aid permanently on the agenda and alignment with agreed legal aid values like quality, partnership, client-focus, accessibility, sustainability and equal treatment; • Independent and impartial legal aid, free from conflict of interests; • Legal aid oriented to specific needs of vulnerable beneficiaries; • Bringing legislation and practices in line with international and European standards. IMPLICIT • improved access to justice by accessible and effective legal aid but also contributing to more efficiency in the legal system, reduction in crime and related public costs, social and economic stability and economic benefits.	

- **The potential annual costs for Free Legal Aid Agency** as new management format of legal aid in **all categories of proceedings, with all its layers, are estimated at 121.090.912 MKD** (including Free Legal Aid Agency Board - 4.616.000 MKD, administrative staff - 39.408.512 MKD and strengthened 22 ROs -77.066.400 MKD).
- While for legal aid managed by FLA Department based on Law on Free legal Aid (only one sector) in 2024 47.742.178 MKD was spent, **the potential annual costs** of 121.090.912 MKD **relate to management of legal aid in all proceedings (all sectors), with an expected considerable increase in the number of cases of delivery of legal aid**, including legal aid based on article 75 CPC, secondary legal aid based on Law on Free Legal Aid, free legal aid provided for children in the procedures before Mol and CSW and primary legal aid.
- Bearing in mind the benefits of an effective and efficient management of the legal aid system, the indubitable conclusion is that **the proposed new management format with Legal Aid Agency is plainly more suitable for the Republic of North Macedonia**. It is also to be recalled that provision of effective legal aid is not only about the net benefits of a legal aid system, but is also an **obligation deriving from international and European standards**.

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