

Country: Republic of Macedonia

I. Criminal justice system:

1. In your country, do public prosecutors have the duty to apply a general policy concerning juvenile justice? To do so, do they follow specific guidelines? (If yes, please specify. Answers to this question should include, inter alia, the prevailing character of the policy between more repressive or more educative as well as the minimum age of criminal responsibility and the minimum age which it is not permissible to imprison a child.)

Competent public prosecutor may, in the application for a crime committed by a juvenile, which provided a fine or imprisonment up to three years:

- To guide the proceedings before the court, although there is evidence that he did offense, considers that it would not be necessary to run a procedure in view of the nature of the offense and the circumstances under which it is done, the former life of the minor and his personal properties, as well as execution of the sentence or the educational measure is underway;
- Conditionally to delay initiation of proceedings before the court during six months provided that within this period he will not do another crime and to compensate for damage or otherwise to remedy the harmful consequences caused by executing the offense;
- To guide the process if based on a report from the Center finds that the agreement was reached between the juvenile and his family and the injured party to recover the benefits, reimbursement of damage or repair the harmful effects of the offense or
- To propose to the court to determine against juvenile a general measure-useful work to 30 hours.

For the action of the juvenile specified by law as a crime or offense, authorities and services by rule, do not begin court proceedings to avoid adverse impact on the juvenile, unless the personal properties of the juvenile and the circumstances under which the action is done does not suggest the necessity of conducting the proceedings, which means that there are educational purposes. Toward juvenile who at the time of execution of the action that by the law is defined as a crime or offense, not turned 14 years old - a child at risk may not be applicable sanction provided by Law on juvenile justice, while the minor who is not turned 16 years cannot be imposed juvenile prison.

2. Does your country's criminal justice system provide for specialized public prosecutors for juveniles, entrusted with implementation of specific laws and procedures? Do public prosecutors form, together with specialized judges for juveniles, a specialized entity within the court where, for instance, a general policy for juvenile justice is defined or discussed? Please give details.

Yes, our criminal justice system provide for specialized Public Prosecutors for juveniles, entrusted with implementation of specific laws and procedures.

3. If yes, how are the public prosecutors educated, selected and trained?

They are elected from the ranks of prosecutors and have special educations for the implementation of the Law on juvenile justice. Public Prosecutor at least four to ten days during the year is following specialized training for Juvenile offenses in the country or abroad.

4. As regards victims of offences, can the public prosecutors apply specific procedures and means, in particular to collect testimonies? Moreover, are they free to chose ways of prosecuting or are their powers limited by the law, for instance as regards the choice of alternatives to prosecution or second offenders? Does the law specify according to the juvenile concerned between these prosecution choices, for prison, for some types of sentences? If yes, please specify.

Juvenile victim may be interviewed as a witness only if it is not detrimental effect on his psychophysical development. Juvenile may be interviewed more than twice if so requires special circumstances of the case. On hearing the juvenile as a witness or injured party, the court is obliged to take care of the personal characteristics of the juvenile, to protect its interests and its proper development. Hearings of the juvenile, depending on its age and development and is done in the presence of a psychologist, teacher or other professional person. If determined that it is necessary, given the characteristics of offense and the personality characteristics of the juvenile, the judge will order the hearing through the use of technical means for the transmission of picture and sound. Hearings are conducted without the presence of the parties and other participants in proceedings in a separate room and the questions are posed through the pedagogue, psychologist or other expert. The Public Prosecutor shall act under the law, but if the prosecutor does not request for the initiation proceedings against the juvenile, will inform the injured party. Apart from initiating cancellation proceedings, the prosecutor may within 15 days to decide not to require initiation of proceedings, although there is evidence that the juvenile has committed the offense, if he thinks it would not be necessary to run a procedure in view of the nature of the offense and the circumstances under which it is done, the former life of the juvenile and his personality. The Public Prosecutor may decide not to require initiation of proceedings for another crime of the juvenile, if given the gravity of the crime and the punishment or sanction what is done, it would have to conduct the proceedings and hearing of sanction for this action. Public Prosecutor may submit an application before the initiation of the preparatory process, may propose to the older juvenile, his attorney and family to implement a special procedure for the recognition of responsibility and settlement of the amount of punishment. Such a proposal the Public Prosecutor may lodge in cases where available evidence strongly suggests that the juvenile is perpetrator of a crime, that is responsible for done and that the conditions for penalty hearing are fulfilled. In settlement procedure the Public Prosecutor shall collect from the Center all required reports and other documents for the person of the juvenile and will ensure compliance by the injured party. If the injured party agrees with the proposal, the Public Prosecutor calls for public settlement juvenile, his agent, the center and the injured party. If they agree on settlement, there is drawn agreement that is signed by all present participants. The Public Prosecutor shall submit the agreement to the Council of juvenile who may accept the agreement and decide to reach a verdict which will pronounce proposed penalty, against which the appeal is not allowed. If the court does not accept the agreement he will return the matter to the Public Prosecutor who is obliged to submit an application for initiation of preparatory proceedings. The Public Prosecutor should not be calling the data and statements made in a settlement procedure.

5. What is the specific role of public prosecutors in custody before a court hearing, during the hearing and in the detention after conviction, in cases involving juveniles?

The Public Prosecutor submitted a proposal for custody to the Judge for juvenile. On the proposal of the prosecutor, on previously obtained opinion of Center, the judge for juvenile may determine to be juvenile placed in the custody of the existence of the grounds of Article 199 of the Act criminal procedure. Custody may be imposed only as an extreme measure ensuring the presence of the juvenile during the procedure, if it cannot be achieved by other measures provided for in the Law on Criminal Procedure. Limit shall be determined by decision of the judge for juveniles and can last no longer than 30 days or 60 days. Public Prosecutor during the entire procedure can give a proposal for the abolition or extension.

6. What is the role played by public prosecutors in the partnership with local social and administrative agencies working in the field of juvenile delinquency? For instance, are public prosecutors involved in the choices regarding the city policies and do they participate in instances where these partners sit together with elected persons (such as city mayors) schools, teachers, etc.?

The Public Prosecutor who works in the field of juvenile delinquency has an active role in cooperation with local social and administrative agencies and is a member of the State Council for the Prevention of juvenile offense where members are the Ministry of Justice, Ministry of Labor and Social Policy, Ministry of Education and Science Ministry of Interior, Public Prosecutor of the Republic of Macedonia Supreme Court of the Republic of Macedonia and the Bar Association Macedonia and also is a member of the Municipal Council of juvenile offense, where representatives of the Ministry of Interior, Ministry of Labor and Social Policy, centers for social work, representatives of the council of parents in primary and secondary schools, the Union of Secondary School, Bar Association , civic associations and foundations and Judge for juvenile.

7. In practice, what is the role played by public prosecutors in the coordination and cooperation of the main actors involved in the investigation process (such as the child protection services, polices, prosecutors, courts, the medical profession, others)? Please specify.

Public Prosecutor from the Center for Social Work requires a report on the personality of the juvenile and his behavior, and the Center is obligated to request of the Public Prosecutor to submit a report within one month, in which among other circumstances relating to the personality of the juvenile and his conduct, should be contained opinions and proposals regarding the decision. Before the decision, for initiation of proceedings the public prosecutor may request a special report by the Ministry of Interior of the circumstances under which the crime was committed. Public prosecutor, after prior written consent of the minor and his legal representative, defender and injured party can send the parties to mediation proceedings. If agreement is reached that the court can approve or reject.

II. Civil justice system and administrative proceedings:

8. What is the role of public prosecutors as regards access to justice for juveniles? Please specify between juveniles in danger as regards their education, the living conditions, etc., for whom a

judicial protection is needed, and juveniles who are victims of offences and who claim for compensation.

Prosecutor does not participate in the proceedings to protect the younger or older juvenile at risk, but do the Centers for Social Affairs in coordination with the MOI and the Ministry of Labor and Social Policy. The conversation lead representative of the professional team or professional team composed of teacher, social worker, psychologist and graduate lawyer. The conversation required to attend a lawyer who defends the rights and interests of the child or younger or older juvenile at risk. Legal assistance for the child or younger or older minor risk is free. For all offenses of the Penal Code in which according to the legal features of the crime a minor appears as victim, court and other bodies participating in the proceedings including the Prosecutor is obliged to take measures for protection and to act in a manner which would avoid the possible harmful effects on his personality and development. The procedure for offenses in which the juveniles is the victim, is urgent.

9. In your country, are there situations affecting juveniles where public prosecutors can initiate *ex-officio* investigations? If yes, please specify.

Public prosecutor *ex officio* proceeds in all cases when the juvenile has committed a crime. If it is a crime for which is prescribed a fine or prison sentence to three years there is a possibility for mediation, which initiates the public prosecutor.

10. What is the specific role of public prosecutors in applying protective and educative measures towards juveniles? Within the framework, are public prosecutors in relations with other instances or bodies such as, for instance community homes, schools and how are their contacts with these bodies organized (designated correspondents, free telephone line, etc)?

11. What is the role of public prosecutors in child abduction cases by one parent and other family related cases?

Public prosecutor *ex-officio*, and after application and the proposal of the party, initiated proceedings in the case of deprivation of a juvenile by one parent or when family violence are carried out.

12. What is the role of prosecutor in cases as placement of juveniles in the name of their self protection or placement of children pending expulsion or other cases?

The Public Prosecutor has no role or a legal obligation about employment, education of juveniles who appear as perpetrators of crimes, while the expulsion of foreigners-juvenile is under the Criminal Code.

III. Any other remarks and peculiarities which could be indicated, according to you, and which concern the role of public prosecutors in your country vis-à-vis juvenile justice.