



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[2 075 301]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	1 637 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[5 153]

Comments

004. Average gross annual salary (in €) for the reference year

[6 948]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[61.5]

Allow decimals : 5

NAP

Comments 1 Euro = 61,5 denars

A1. Please indicate the sources for answering questions 1 to 5

Sources: State Statistical Office

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	29 085 246 [] NA [] NAP	28 567 603 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	23 744 514 [] NA [] NAP	23 318 548 [] NA [] NAP
2. Annual public budget allocated to computerisation	250 603 [] NA [] NAP	250 603 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	420 565 [] NA [] NAP	420 565 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	1 852 250 [] NA [] NAP	1 758 921 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	0 [] NA [] NAP	0 [] NA [] NAP
6. Annual public budget allocated to training	[] NA [X] NAP	[] NA [X] NAP
7. Other (please specify)	2 817 314 [] NA [] NAP	2 818 996 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: The presented data for court budget includes budgets of all courts and not budget of the Judicial Council and the Academy for judges and public prosecutors. The budget allocated for computerisation is lower than last cycle because some of the financial sources were provided through international projects that are not part in the court budget. The category "other" increased this cycle because it was possible to categorise some of the expenses in other budget lines. Line for training is not included here, but in the questions about the Academy for training of judges and public prosecutors.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts and legal aid together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[] NA [X] NAP	[] NA [X] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: NAP

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general

jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	() Yes (X) No
for other than criminal cases	(X) Yes () No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions? According to the Law on Civil procedure, court will not proceed or undertake any procedural action if litigants have not paid court tax in advance.

008-1. Please briefly present the methodology of calculation of these court fees:

- Court fees are calculated in compliance with the provisions of the Law on court fees. They are calculated according to the value of the case.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[60]

[] NA

[] NAP

Comments According to the Law on Court Fees

009. Annual income of court fees received by the State (in €):

[10 396 136]

[] NA

[] NAP

Comments Provided data form Ministry of Finance

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	315 850 [] NA [] NAP	265 158 [] NA [] NAP	50 692 [] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Provided data from courts and Ministry of Justice

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	280 492 [] NA [] NAP	256 158 [] NA [] NAP	24 334 [] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Provided data from courts and Ministry of Justice

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	12 042 292 [] NA [] NAP	11 388 662 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[] NA [X] NAP	[] NA [X] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Presented budget is for all public prosecution offices in the State including The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly on the 15th of September 2015. Budget of Special Public prosecution office if following: approved budget-3.717.609 Euro; implemented budget- 3.175.960 Euro. Line for training is not included here, but in the questions about the Academy for training of judges and public prosecutors.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other ministry	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Supreme Court	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Courts	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Inspection body	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify: The Court Budget Council is responsible body for preparation, management, allocation of the budget among the courts and evaluation of the use of the budget. The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch and the Academy for Training of Judges and Public Prosecutors, determined by the Assembly and intended for the financing of the judicial branch and the Academy for Training of Judges and Public Prosecutors.

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

President of the The Court Budget Council is president of the Judicial Council.

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

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

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

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

The Court Budget Council has duties as follows:

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

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for,

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

Ministry of Justice which perform activities from the area of the justice system.

2. Capital expenditures for:

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

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

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

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

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

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

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

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

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

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

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

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

Comments - If "other", please specify: Regulated in the Law on court budget.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Q 6 - Judicial Council, Q 9 Ministry of Finance, Q 12 Ministry of Justice and courts and Q 13 Public Prosecution Office

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	66 435 834 [] NA [] NAP	63 633 144 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution office.

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

These categories are included in total budget allocated to the whole justice system.

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	(X)	()	()
Constitutional court	(X)	()	()
Judicial management body	(X)	()	()
State advocacy	(X)	()	()
Enforcement services	()	(X)	()
Notariat	()	(X)	()
Forensic services	()	(X)	()

Judicial protection of juveniles	()	(X)	()
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	(X)	()
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	()	(X)	()
Other	(X)	()	()

If "other", please specify: Other - Ombudsman

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice, Court Budget Council, Directorate for Prison Administration, State Advocacy, Constitutional Court and Ombudsman.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- In our country there is a dual system of free legal aid: one through Ministry of Justice according to the Law on free legal aid and another one given directly by the courts according to the procedural laws (Law on civil procedure and Law on Criminal Procedure). The Law on free legal aid regulates the general rules for providing free legal aid, the types and scope of free legal aid, the providers and beneficiaries of free legal aid, their duties and responsibilities, the procedure for exercising the right to free legal aid, the funding, reward and cost reimbursement for provided free legal aid, free legal aid in cross-border disputes, transparency and accountability in providing free legal aid, special procedures for free legal aid, the supervision of the implementation of this law, and other issues

related to free legal aid.

- Criminal Procedure

Article 74

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

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

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

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

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

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

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

Article 75

Defense of indigent persons

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

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

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

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

- The Law on Civil procedure

Exemption from payment of the expenses for the procedure

Article 163

(1) The court will exempt from payment of the expenses for the procedure the party which according to its general state of wealth does not have the possibility to bear these expenses without damages to the necessary personal support and the support of its family.

(2) The exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

(3) The court may exempt the party only from payment of fees, if because of paying the fees the funds for supporting the party and the

members of its family would significantly decrease.

(4) When making the decision for exemption from payment of the expenses for the procedure, the court will carefully evaluate all the circumstances, and it will especially take into consideration the value of the case, the number of dependants of the party, and the incomes of the parties and the members of its family.

Article 164

(1) The decision for exemption from payment of the expenses for the procedure is made by the court of first instance upon the proposal from the party.

(2) The party is obligated to enclose with the proposal a certificate about its state of wealth from the state revenue department.

(3) In the certificate about the state of wealth, the amount of tax paid by the household and by individual members of the household must be stated, as well as other sources of their incomes, and in general, the state of wealth of the party to which the certificate is issued.

(4) More detailed regulations for issuing certificates about the state of wealth are enacted by the revenue department that is determined with a separate regulation.

(5) When this is necessary, the court itself may ex officio also procure the necessary data and information about the state of wealth of the party which demands exemption and it may question the opposing party about this.

(6) An appeal against the court decision with which the proposal of the party is accepted is not allowed.

Article 165

(1) When the party is completely exempt from payment of the expenses for the procedure (Article 163 paragraph 2), upon its request, the court of first instance will determine that it be represented by an authorized agent, if this is necessary for protection of the rights of the party.

(2) The party that is assigned an authorized agent is exempt from payment of the actual expenses and award for the assigned authorized agent.

(3) The authorized agent from among the private attorneys is assigned by the president of the court.

(4) The assigned authorized agent may request to be dismissed for justified reasons. The president of the council decides on this outside of the main hearing, and at the hearing - the council. An appeal against the court decision with which the authorized agent is dismissed is not allowed.

(5) An appeal against the court decision with which the proposal of the party for assigning the authorized agent is accepted is not allowed.

Article 166

When the party is completely exempt from payment of the expenses for the procedure

(Article 163 paragraph 2), an advance payment will be made from the funds of the court for the expenses of the witnesses, expert witnesses, translators and interpreters for insight and for issuing a court advertisement, as well as the actual expenditures for the assigned authorized agent.

Article 167

(1) The court of first instance may revoke the decision for exemption from payment of the expenses and for the assignment of an authorized agent during the procedure, if it determines that the party is capable to cover the expenses of the procedure. Hereby, the court will decide whether the party will compensate fully or partially also those expenses and fees from which it was exempt earlier, as well as the actual expenditures and award for the assigned authorized agent.

(2) Primarily will be compensated the amounts paid out from the funds of the court.

Article 168

(1) The fees and expenses paid out from the funds of the court, as well as the actual expenditures and the award of the assigned authorized agent are part of the litigation expenses.

(2) The court will decide, according to the provisions for compensation of expenses, on the compensation of these expenses by the opposing party to the party which is exempt from payment of the expenses for the procedure.

(3) The fees and expenses that are paid out from the funds of the court are collected ex officio by the court of first instance from the party which is obligated to compensate them.

(4) If the opposing party to the party which is exempt from payment of the expenses for the procedure is sentenced to compensate the litigation expenses, and if it is determined that it is not in state to pay these expenses, the court may additionally determine that the expenses from paragraph 1 of this Article will be paid completely or partially by the party which is exempt from payment of the litigation expenses from what was stated in the decision. This does not interfere with the right of this party to request compensation from the opposing party for the paid amount.

Article 169

The tariff for compensation of the expenses of the civil procedure which will be incurred in the courts is determined by the Minister of Justice with sub-regulations.

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify: 1. Civil Procedure

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

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

Yes

No

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: The law on free legal aid

According to the Article 4 para 4, secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with the provisions of this law.

- The Law on Criminal procedure

Article 244

Nomination of technical advisors

(1)The public prosecutor, the defendant and the defense counsel shall have the right to nominate technical advisors from the registry of court approved experts, as of rule, but not more than two of them, who will help them in the gathering of information on professional issues or to contest the expert’s report.

(2)The defendant and his or her counsel, in cases and under circumstances as prescribed in this Law for defense of indigent persons as referred to in Article 75 of this Law, shall have the right to be assisted by a technical advisor who will be paid from the State Budget.

(3)A person who cannot be an expert pursuant to Article 238 of this Law may not be nominated as a technical advisor.

- The Law on Civil Procedure

Article 162, para 2

(2) The exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

2.1.2.Information on legal aid



020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL		961	
	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases		858	
	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases		103	
	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: In 2018 there were 857 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 1 case referred to the court for which court granted free legal aid (Defense of indigent persons) . Additionally in the same year there were 23 civil cases referred to the court for which court granted free legal aid and 80 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid. The number of criminal cases decreased in 2018.

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

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: The Law on Criminal Procedure

Article 74

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

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

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

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

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

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

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

Article 75

Defense of indigent persons

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

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

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

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments According to the Article 75 from The law on Criminal procedure, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: According to the Article 15 of the Law on free legal aid, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID

Article 17

General criteria for approving secondary legal aid

(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.

(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.

(3) The applicant shall be approved secondary legal aid if:

-they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or

-they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing of their family members in the written statement on their financial standing for the purpose of having secondary legal aid approved, the secondary legal aid application shall be declined and the applicant shall not be able to file a new secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.

(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.

Article 18

Income requirements

(1) The financial standing of the applicant and their family members shall be considered jeopardised by the procedure costs if:

-the monthly income of the applicant living alone does not exceed the minimum net wage in the Republic of North Macedonia, set by the regulations in the area of minimum wage;

-the monthly income of the applicant living in a household with their family members does not exceed the minimum net wage of paragraph (1), item 1, hereof, and the monthly income of each subsequent family member does not exceed 20% of the minimum net wage set by the regulations in the area of minimum wage.

(2) The following is considered monthly income of the legal aid applicant and their family members:

-net wages;

-pension in the Republic of North Macedonia or abroad;

-financial benefit for unemployment;

-reported or earned net income in the Public Revenue Office;

-income from financial support in agriculture and rural development from the preceding year;

-military or civil disability;

-income from temporary work abroad;

-income from financial instruments;

-income from real estate;

-funds with a payment operations carrier;

-legal support; and

-gifts subject to corporate income tax in accordance with the provisions of the Law on Income Tax.

(3) The following is not considered income under paragraph (2) hereof:

-compensation for support and care by another person;

-parental benefit for children;

-child benefit and special benefit;

-disability benefit;

-welfare benefit;

-continuous financial aid;

-one-off financial aid and aid in kind;

-financial compensation for accommodation costs for a placed person and foster family placement compensation;

-one-off financial aid for a newborn;

-child support indexed to the rise of living costs for the previous year, released by the State Statistical Office in January for the current year;

-council housing benefit

-fees for the applicant and their family members for census work related to a census of the population, households and homes in the Republic of North Macedonia;

-stipend;

-funds approved by a competent authority for medical treatment abroad;

-benefit for persons with impaired hearing;

-benefit for persons with impaired sight and persons with impaired mobility;

-wage compensation for shorter working hours due to caring for a physically or mentally impaired child; and

-financial aid for a person with the status of an orphan without parental care up to the age of 18.

(4) When determining income as grounds for approving secondary legal aid, what shall be considered is the average monthly net income and the income listed under paragraph (2) hereof received by the legal aid applicant and the family members in their household over the six months prior to filing the secondary legal aid application.

(5) If the income cannot be established in accordance with paragraph (4) hereof due to the inconsistent monthly income of the applicant and their family members, then the calculation shall be made from the intermittent income over the 12 months prior to the month when the secondary legal aid application was filed.

Article 19 Asset requirements

(1) An applicant shall be approved secondary legal aid if it is established on the grounds of the submitted statement of financial standing of the applicant and their family members that:

-the applicant and their family members own only one single housing unit or a flat in a building;

-in addition to the property of item 1 hereof, the applicant and their family members also own one or more physically connected lots not exceeding 300 m² in Skopje or 500 m² in other municipalities in the Republic of North Macedonia, i.e. one or more lots with a total area of no more than 5000 m² in rural areas;

-the legal aid applicant and their family members own only one registered motor vehicle with an engine displacement under 1200 cc.

(2) Within the meaning of this law, the following shall not be considered assets:

-items exempt from enforcement in accordance with the Law on Enforcement;

-income from property that this law takes into account when determining the income of the legal aid applicant or their family members;

-a registered passenger vehicle that the applicant uses to transport a disabled household member; and

-natural non-arable land (rocky land, ravines, etc.), as well as meadows, pastures, giant reeds and marshlands of class 5, 6, 7 and 8, in accordance with the Law on the Real Estate Cadastre.

Article 20

Approving secondary legal aid

without establishing financial standing

(1) By exception to Article 18 and Article 19 of this law, secondary legal aid shall be approved without establishing the financial standing of the applicant and their family members if:

-the applicant is in a foster family, assisted living or social welfare institution, as decided by a social work centre (hereinafter: special circumstances);

-the applicant needs to initiate and be represented in a procedure before a court in order to impose interim barring orders against domestic violence; or

-the applicant finds themselves in a financial situation preventing them from ensuring the protection of their rights independently due to a natural disaster, force majeure or circumstances beyond their control.

(2) In the case of paragraph (1), items 2 and 3, hereof, secondary legal aid shall be approved only if the applicant submits a document that they have been registered as a victim of domestic violence, i.e. documents by a competent authority that they have suddenly found themselves in a financial situation that has arisen within six months prior to the month when they have applied for secondary legal aid, and if the legal matter that is subject to the secondary legal aid application is related to the fact that the secondary legal aid applicant has found themselves in the situation preventing them from protecting their rights.

Article 21

Merit of the application

(1) In assessing whether to approve secondary legal aid, in addition to the requirements under Articles 18 and 19, i.e. Article 20 of this law, it is also necessary to establish the merit of the application.

(2) An application shall be considered to be without merit in the following instances:

-when it is obvious that the application is unfounded due to the lack of legal facts as grounds for legal action;

-when there is obvious abuse of the right to free legal aid;

-the legal matter subject to the legal aid application is obviously unreasonable;

-if the expectations and claims of the applicant are clearly contrary to the outcome for issues with the same or similar facts for the same legal issues; and

-when the applicant's claims are immoral.

Article 22

Grounds to decline secondary legal aid

A secondary legal aid application shall be declined if:

- the applicant does not fall into any of the categories provided in Article 15 of this law;
- the legal matter that is subject to the secondary legal aid application is not provided as a legal matter for which secondary legal aid is approved in accordance with this law;
- the application is without merit in accordance with Article 21 of this law;
- the applicant has failed to apply for secondary legal aid timely, in accordance with Article 25, paragraph (5), of this law;
- the authority competent for handling the legal matter has helped the applicant, has advised them of the possibilities to handle it, has prepared the necessary documents for protection or has otherwise helped them, rendering secondary legal aid no longer necessary;
- the applicant has made avail of secondary legal aid previously, was then obliged by a Ministry decision to reimburse the costs for unjustified secondary legal aid, but has failed to do so in the stipulated time and amount;
- it relates to customs and tax affairs;
- it relates to an application for libel and insult;
- it relates to compensation for intangible damage, except for victims of crime, as well as death or severe disability, in accordance with the provisions of the Law on Obligations;
- relates to misdemeanours;
- relates to public and utility services stipulated in the Law on Consumer Protection and the Law on Utilities
- the cost of providing legal aid is incomparably high compared to the value of the dispute;
- the term of six months from the day of adopting a decision revoking legal aid to the applicant in accordance with Article 26, paragraph 1, item 4 of this law, has not expired;
- the term of twelve months from the day of adopting a decision revoking legal aid to the applicant in accordance with Article 26, paragraph 1, item 7 of this law, has not expired;
- the attorney has submitted a reasoned opinion that pursuing the proceedings for which secondary legal aid has been approved is without purpose, regarding the same legal matter and legal grounds; or
- property issues in an administrative procedure.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	200 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

() Yes

(X) No

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

025. Is the decision to grant or refuse legal aid taken by:

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

Comments Both the court and the Ministry of justice. Court and the Ministry of Justice in separate procedures can grant or refuse legal aid in different procedures. Court decides according to the Law on Civil procedure and the Law on Criminal procedure, while the Ministry of Justice decide according to the provisions in the Law on free legal aid.

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

This Law stipulates the right to free legal aid, the procedure by which it is realised, the beneficiaries, the conditions and the way it is realised, the providers of the free legal aid, the bodies competent to decide, the protection of the right to free legal aid, the financing and supervision of its realisation, the organisation of days for free legal advice, free legal aid in over-border disputes, as well as supervision of the implementation of the provisions of this Law.

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

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

- Yes
- No

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

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments This issue is regulated in Chapter 11 from the Law on Civil Procedure and Chapter 10 from the Law on Criminal Procedure (expenses of procedures).

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: The Ministry of Justice and courts

2.2.Court users and victims

2.2.1.Rights of the users and victims



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

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	()	(X) www.pravda.gov.mk www.sobranie.mk, www.pravo.org.mk, www.slvesnik.com.mk www.pf.ukim.edu.mk www.stat.gov.mk www.akademik.mk
case-law of the higher court/s	()	(X) www.sud.mk
other documents (e.g. downloadable forms, online registration)	()	(X) www.sud.mk

Please specify what documents and information are included in "other documents": e-delivery, online forms for petitions from citizens, accreditation from journalists etc.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

(X) Yes, always

() No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

(X) Yes

() No

Comments - If yes, please specify: There is no specific state system providing information to victims of offenses. Instead, NGOs are sharing information and are providing free legal aid, legal counsel and psycho-social support and have a better approach in reaching and helping their beneficiaries. The information provided to the beneficiaries is free of charge, available and accessible to everyone, but is not in one place. Currently, there are several organizations working on the issue such as the Macedonian Young Lawyers Association that together with the SOS Children's village provide legal information, counsel and psycho-social support for victims of violent crimes via phone, e-mail, the web page <http://pristapdopravda.mk/> and in their offices. These two organizations through an EU funded project are trying to set standards and regulations for developing a national system for the provision of legal information and psychosocial support to victims of violent crimes. La Strada - Open Gate is another NGO that provides information, but specifically to victims of human trafficking. They have a special SOS line and a shelter for these victims <http://lastrada.org.mk/servis-sos-linija/>. Worth mentioning are also organizations such as EHO Shtip, Forum Tetovo, ESE, (http://www.semejnonasilstvo.org.mk/Root/mak/centri_za_pravna_pomos_mak.asp) Stanica P.E.T from Prilep, the Helsinki Committee in Macedonia, the First Family Center of HERA and the National Network to end violence against women "Voice against Violence" <http://www.glasprotivnasilstvo.org.mk/en/>. The Network has developed a web page for reporting incidents and violence <http://www.reagiraj-bidibezbedna.mk/>. Many of these organization provide free legal aid and counsel to the victims, some of them provide psycho-social support. We have to mention that the Ombudsman of the Republic of North Macedonia also provides certain support and information to beneficiaries addressing its offices, but they also do not have a specific victim support service. - In Law on

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

- The Law on Criminal Procedure

Article 53

Victim's rights

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

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

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

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

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

Article 54

Special rights of victims of vulnerable categories of victims

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

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

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

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

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

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

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

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

Article 55

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

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

- 1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;
- 2) to be interrogated by a person of the same gender in the police and the public prosecution office;
- 3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;

4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and

5) to ask for an exclusion of the public at the main hearing.

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

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

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

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: The Law on Criminal Procedure Article 53

Victim’s rights

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

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

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

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

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

Article 54

Special rights of victims of vulnerable categories of victims

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

during all stages of the procedure:

- 1) if, at the time when giving the statement, the victim is less than 18 years of age;
 - 2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for their life, health or physical integrity (endangered victims);
 - 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).
- (2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.
- (3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.
- (4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:
- 1) when a child victim has a need for special care and protection; or
 - 2) when the child is a human trafficking victim, victim of violence or sexual abuse.
- (5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.
- (6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

Article 55

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

- (1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:
- 1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;
 - 2) to be interrogated by a person of the same gender in the police and the public prosecution office;
 - 3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;
 - 4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and
 - 5) to ask for an exclusion of the public at the main hearing.
- (2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): According to the article 39 from the Law on free legal aid, The Ministry of Justice reimburses the costs of mediation for child in cases where the court decides that it is mandatory in accordance with the Law on Juvenile Justice.

The child has right for free legal aid in the procedure before Centar for social protection in the procedure of restorative justice.

The Law on criminal procedure

Article 59

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

- (1) On behalf of minors and persons that are fully incapacitated to work, the criminal prosecution proposal or the personal legal action shall be submitted by their legal representative.
- (2) Minors who have already turned eighteen years of age may submit proposals or private actions themselves.

Article 66

Minor as an injured party

- (1) If the injured party is a minor or a person that is fully incapacitated to work, his or her legal representative shall be authorized to give all statements and to undertake all actions for which, according to this Law, the authority belongs to the injured party.
- (2) Any injured party who is older than eighteen (18) years of age shall be authorized to give statements and take actions during the procedure on his or her own.

032. Does your country allocate compensation for victims of offences?

- Yes, please specify for which kind of offences:
- No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
- No

Comments According to the new Law on the Criminal Procedure, fund for compensation of victims shall be established. This matter will be regulated by separate law. Competent authority that will decide for victims` compensation will be Commission for compensation.

In the Law on justice for children there are provisions that guarantee the right for children (victims of crime) for compensation of damages in accordance with the Programme for reimbursement for damages adopted by the Minister of justice.

According to this provision in 2018 the Minister of justice adopted the programme and allocated appropriate funds for its realisation.

In practice victims still does not receive compensation by state fund. Draft Law for victims` compensation was drafted and it is expected that soon it will enter in the procedure for its adoption. According to the draft, compensation will be allocated for violent criminal offences.

033. If yes, does this compensation come from:

- a public fund
- damages and interests to be paid by the person responsible
- a private fund

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

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

- Yes
- No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: There are no such studies that we know of. There are several studies and reports for the right to compensation published by La Strada - Open Gate Macedonia. In attach are the links to these publications: - <http://lastrada.org.mk/wp-content/uploads/2019/04/%D0%9F%D0%A0%D0%90%D0%92%D0%9E-%D0%9D%D0%90-%D0%9A%D0%9E%D0%9C%D0%9F%D0%95%D0%9D%D0%97%D0%90%D0%A6%D0%98%D0%88%D0%90-%D0%9D%D0%90-%D0%A2%D0%A0%D0%93%D0%A3%D0%92%D0%90%D0%9D%D0%98%D0%A2%D0%95-%D0%9B%D0%98%D0%A6%D0%90-%D0%92%D0%9E-%D0%A0%D0%9C-20111.pdf>
- <http://lastrada.org.mk/wp-content/uploads/2019/04/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0-%D0%B4%D1%80%D0%B6%D0%B0%D0%B2%D0%B5%D0%BD-%D1%84%D0%BE%D0%BD%D0%B4-.pdf>
- <http://lastrada.org.mk/wp-content/uploads/2019/04/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0-%D0%B4%D1%80%D0%B6%D0%B0%D0%B2%D0%B5%D0%BD-%D1%84%D0%BE%D0%BD%D0%B4-.pdf>

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

- Yes
- No

Comments - If yes, please specify: In the Witness protection law victims are included when they appear as witnesses. In this case they can conclude agreement with Witness Protection Unit which shall provide protection and assistance. Among others, public prosecutor have right to initiate non - procedural measures for protection of the victims. Moreover, the Public prosecutor of the Republic of Macedonia has the competence to put such proposal before the Witness Protection Council. Victims are also being provided with special procedural rights during the criminal procedure as defined in the Law on Criminal Procedure.

According to the Law on Criminal Procedure the special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

036. Do victims of offences have the right to dispute a public prosecutor’s decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

- Yes
- No
- NAP

Comments - If necessary, please specify: Victims have right for dispute a public prosecutor`s decision to discontinue a case that is submitted to the High public prosecution office.

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	582 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	582 <input type="checkbox"/> NA <input type="checkbox"/> NAP	151 955 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	307 <input type="checkbox"/> NA <input type="checkbox"/> NAP	572 <input type="checkbox"/> NA <input type="checkbox"/> NAP	73 998 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Wrongful arrest	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	51 846 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 111 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Other	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.

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

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: These surveys are carried out by

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

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments According to Article 31 from the Law on Judicial Council, this body has the competence to examine the complaints by citizens on the work of the judges, presidents of the courts and courts.

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

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

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	268 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
High Judicial Council	754 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	945 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	25 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Specialised first instance courts: Basic Criminal Court Skopje, Basic Civil Court Skopje and Administrative court
Specialised second instance court: High Administrative Court

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify: Other - Basic Criminal Court Skopje, Basic Civil Court Skopje

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

Yes

No

Comments - Please specify: According to the Strategy for the reform of Judicial Sector adopted by the Government in November 2017, the following measure is defined in the Action Plan for the implementation of the Strategy: "Analysis of the court network and the number of courts in order to optimise the number of courts through amendments to the Law on the Courts."

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an employment dismissal	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an insolvency case	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments There are 14 basic courts with extended competence, 9 basic courts with basic competence and the Basic Criminal Court Skopje, Basic Civil Court Skopje.

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims: In 2015 the Parliament adopted amendments on the Law on Civil Procedure which increase the amount of small claims to 600.000 Denars (9756 Euro). That provision started to be implemented from February 2016.

In 2017 the Center for Legal Research and Analysis prepared the analysis "Economic Value on Civil Petty Cases". This publication contains deep cost benefit analysis of all aspects of small claims. The publication is available on the following web site:
<http://cpia.mk/media/files/ekonomska-opravidnost-na-sporovite-od-mala-vrednost.pdf>

045-2. Please indicate the value in € of a small claim:

[9 756]

Comments Defined in the Law on Civil Procedure

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

Sources: Q 45 - The Law on Courts
 Q 45-1,2 - The Law on Civil Procedure

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	511 [] NA [] NAP	207 [] NA [] NAP	304 [] NA [] NAP
1. Number of first instance professional judges	385 [] NA [] NAP	146 [] NA [] NAP	239 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	101 [] NA [] NAP	44 [] NA [] NAP	55 [] NA [] NAP
3. Number of Supreme Court professional judges	19 [] NA [] NAP	8 [] NA [] NAP	11 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

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

047. Number of court presidents (professional judges).

Total	Males	Females

Total number of court presidents (1 + 2 + 3)	34 [] NA [] NAP	23 [] NA [] NAP	11 [] NA [] NAP
1. Number of first instance court presidents	28 [] NA [] NAP	20 [] NA [] NAP	8 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	5 [] NA [] NAP	2 [] NA [] NAP	3 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments In row 1. - Number of first instance court presidents there are counted presidents in all 27 basic courts and in Administrative court.

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

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

() Yes If yes, please give specifications on the types of cases and an estimate in percentage.

() No

[X] NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	325 [] NA [] NAP
In full time equivalent	269 [] NA [] NAP

Comments Lay Judges are elected by the Court Council. Conditions for their election are defined in the Law on Courts. Discrepancy comment: new appointment of lay judges and some of the lay judges left the position according to the law provisions

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	()	(X)
criminal cases (misdemeanour and/or minor)	()	(X)	()
family law cases	()	()	(X)
labour law cases	()	()	(X)
social law cases	()	()	(X)
commercial law cases	()	()	(X)
insolvency cases	()	(X)	()
other civil cases	()	(X)	()

NAP

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	2 243 [] NA [] NAP	865 [] NA [] NAP	1 378 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	595 [] NA [] NAP	209 [] NA [] NAP	386 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	1 317 [] NA [] NAP	415 [] NA [] NAP	902 [] NA [] NAP
4. Technical staff	137 [] NA [] NAP	51 [] NA [] NAP	86 [] NA [] NAP
5. Other non-judge staff	194 [] NA [] NAP	190 [] NA [] NAP	4 [] NA [] NAP

Comments - If "other non-judge staff", please specify: Row 2 consists only law clerk that is responsible for helping the judges in drafting decisions, while other categories such case file preparation, assistance during the hearing, court recording are presented in row 3. Under row 5. Other non-judge staff" there are presented data for court police.

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	2 243 [] NA [] NAP	865 [] NA [] NAP	1 378 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	1 937 [] NA [] NAP	775 [] NA [] NAP	1 155 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	233 [] NA [] NAP	72 [] NA [] NAP	173 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	68 [] NA [] NAP	18 [] NA [] NAP	50 [] NA [] NAP

Comments

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Judicial Council
Court Budget Council

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.



	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	185 [] NA [] NAP	82 [] NA [] NAP	103 [] NA [] NAP
1. Number of prosecutors at first instance level	148 [] NA [] NAP	60 [] NA [] NAP	88 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	28 [] NA [] NAP	15 [] NA [] NAP	13 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	9 [] NA [] NAP	7 [] NA [] NAP	2 [] NA [] NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	28 [] NA [] NAP	19 [] NA [] NAP	9 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	23 [] NA [] NAP	15 [] NA [] NAP	8 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	4 [] NA [] NAP	3 [] NA [] NAP	1 [] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

() Yes

(X) No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]
[] NA

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

() Yes

() No

[] NAP

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

(X) Yes

() No

Comments In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	477 [] NA	153 [] NA	324 [] NA

Comments In presented data is included the staff of the Special Public Prosecution Office (91 employees). It should also be noted that in this number is not included investigators that work for public prosecutors as judicial police and they are employed mostly by the Ministry of the interior, Financial Police and Custom Office (23 investigators).

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Public Prosecution Office

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality



061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X)	()
lawyers	(X)	()
notaries	(X)	()
enforcement agents	(X)	()

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Within the framework of the regular reporting for the implementation of the conventions, survey for distribution males/females in the judiciary is elaborated.


061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

Yes

No

Attachments

 1 ZEM eng.doc

 1 strategy_ Gender Equality 2013-2020 eng.doc

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the promotion of judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the recruitment of prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the promotion of prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the recruitment of non-judge staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>
the promotion of non-judge staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Article 21 from the Law on equal rights between woman and man.

NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) Legal representative for the protection of equal rights between the woman and man is employed in the Ministry of labor and social politics.

NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) Act of the legal representative has a character of opinion and recommendation.

[] NAP

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality

in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : Adopted the Strategy for equal rights between woman and man

are planned (please specify) : There are no new plans

Comments - If the situation changed since reference year, please specify in the comments. There are not changes.

[] NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify): There is no problem in practice in that area.

promotion procedures and access to the functions of responsibility (please specify) : There is no problem in practice in that area.

Comments - If the situation changed since reference year, please specify in the comments. There are no changes.

[] NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)

the composition of hearings with several judges is always mixed	(X)	()
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments The Law on Courts

VIII. COURT INFORMATION SYSTEM

Article 99

(1) Information technology center shall be established in the Supreme Court of the Republic of Macedonia, competent for technical management of the automated computer system for the management of court cases and judicial portal and the database that originate from the work of the courts.

(2) The President of the Supreme Court of the Republic of Macedonia is responsible for the functioning of the automated computer system for management of the court cases in the courts. (3) The Supreme Court of the Republic of Macedonia establishes a working body for standardization of procedures for using the automated computer system for managing court cases in the composition of one judge of the Supreme Court of the Republic of Macedonia, one judge from each appellate court, one judge from Administrative Court, one judge of the High Administrative Court, one judge from the Basic Court and administrator of the Supreme Court of the Republic of Macedonia and three IT managers from the courts. (4) The courts shall have information technology services, as separate organizational units.

(5) The courts shall publish binding decisions on the court's web site within seven days of the day of their effectiveness, in a manner determined by law.

(6) The president of the court or a judge appointed by him/her shall manage the center, that is, the information technology service.

(7) It shall be mandatory for the Court IT specialists to be professionally educated at the Academy for Judges and Public Prosecutors.

(8) The President of the Supreme Court of the Republic of Macedonia with by-law will determine the manner of functioning of the informatic system in all courts, after consent obtained in advance by the general session of the Supreme Court of the Republic of Macedonia.

065-1. In case there is a national structure in charge of the strategic policy making and governance

of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): The Law on Courts Article 87-a

- (1) The Council for Coordination and Management of Information and Communication Technology in the Judicial Bodies is established (in the further text: Council for ICT) as operative-expert body composed by the representatives of judicial bodies.
- (2) The Council for ICT gives suggestions for determination of the priorities of the policies and coordination of the judicial bodies in the working of the system of information and communication technology.
- (3) The Ministry of Justice gives administrative support in the work of Council for ICT.
- (4) The Ministry of Justice uses the statistical data from the data basis from the IT system in the judiciary.
- (5) The Minister of Justice shall, by means of a by-law, determine the composition and manner of functioning of the Council for ICT. (6) The Members of the Council for ICT will receive monthly payment in the amount of one third of the average salary in the Republic of Macedonia, for which the Ministry of Justice issues a decision.

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments)

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

There was a mistake in the answer in 2016. This answer is correct.

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

- Yes
- No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The Law on Data Protection

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- Yes
- Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No
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Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

- (X) Yes
- () No

Comments

062-6-1. If yes, please specify the following information:

- [] Linkage with other European records of the same nature
- [] Content directly available through computerised means for judges and/or prosecutors
- [] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

- (X) Yes
- () No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA
Criminal	(X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
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062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

Yes

No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input checked="" type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

() No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]
Criminal	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]
Administrative	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

() Yes

(X) No

Comments

064-6-1. If yes, please specify the following information:

Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework

Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

Admissibility of electronic evidence	Legislative framework
---	------------------------------

Civil and/or commercial	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only
Criminal	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only
Administrative	(X) Yes () No	(X) General law only () General and specialised law () Specialised law only

Comments

3.6.Performance and evaluation

3.6.1.National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

(X) Yes

() No

Comments - If yes, please specify: Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council defines qualitative and quantitative criteria for work of the courts.

Within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring indicators for the justice sector performance . This Matrix beside others contains indicators for quality of justice.

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	(X) Yes () No
within the public prosecution services	() Yes (X) No

Comments Within the Judicial Council, there is staff responsible for defining qualitative and quantitative criteria, as well as following their implementation.

3.6.2.Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments We have a project for measuring the work of the courts according to defined matrix with concrete indicators.

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals

other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation

of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments According to the Article 36 from the law on Judicial Council, this body review and evaluate the reports (three months reports and annual reports) and publish them on the own web site.

Also Supreme Court review the reports for the work of each court.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

Public prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity



070. Do you regularly monitor court activities (performance and quality) concerning:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

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

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases

criminal law cases

administrative law cases

Comments Judicial Council on regular bases monitor backlog of cases.

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	(X)	()

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

Chief of the public prosecution office s obliged to monitor waiting time .

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

(X) Yes (please indicate the name and the address of this institution):Judicial Council

() No

Comments Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

080-1. Does this institution publish statistics on the functioning of each court:

(X) Yes, on internet

() No, only internally (in an intranet website)

() No

Comments Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site. State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

(X) Yes (please indicate the name and the address of this institution):Public Prosecution Office of the Republic of North Macedonia

() No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

(X) Yes, on internet

() No, only internally (in an intranet website)

() No

Comments Public Prosecution Office publishes its reports on the web site.

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments Reports are available on the following web site: www.sud.mk

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments Reports are available on the following web site: www.jorm.mk

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts

regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: Yes, there is a process of dialogue between the court and the parties in one court case. Court and parties have cooperation about the dates for the court hearings and also the organization of the court procedure.

Before starting of the procedure presiding judge can conduct a meeting with both parties (as a mini status conference) for organizational questions related to the procedure.

Also, according to article 347, p.2 from the Law on criminal procedure the Presiding Judge of the Trial Chamber may summon the parties to appear before the court on a specific date in order to elaborate their proposals i.e. their objections in regard to any proposed evidence.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: Law on civil procedure Hearings

Article 106

(1) The hearing shall be scheduled by the court when prescribed by law or when necessary for the procedure. An appeal shall not be allowed against the determination on scheduling the hearing.

(2) The court shall in timely manner summon the parties and other persons whose presence is considered necessary. Together with the summons the submission that initiated the scheduling of the hearing shall be served to the parties, and the place, premises and time of holding the hearing shall be stated in the summons. If a submission is not served together with the summons, the parties, the subject of the dispute, as well as the activity that will take place at the hearing shall be stated in the summons.

(3) In the summons, the court shall particularly remind of the legal consequences resulting from absence from the hearing.

Article 107

(1) The hearing shall, as a general rule, be held in the court building and shall be audio recorded.

(2) The court can decide to hold the hearing out of the court building, when it finds that it is necessary, or that in such manner it is saving time or costs of the procedure. An appeal shall not be allowed against this determination.

Article 108

(1) The court may postpone the hearing when necessary for the purpose of exhibiting evidence or when there are other justified reasons thereof. The new hearing shall be held in a period of at least eight days, i.e. in a period of at most 45 days as of the day when the hearing has been postponed.

(2) When the hearing is postponed, the court shall immediately announce the place and time of the new hearing to the people present.

(3) When the party has requested postponement of the hearing with a submission, it shall be obliged to get information from the court whether it has accepted the request.

(4) If the court accepts a proposal for postponement of the hearing referred to in paragraph (3) of this Article, the new hearing will be held within a period of 45 days as of the day of its postponement at the latest.

(5) No special appeal is allowed against the decision of the court that decides upon the request for postponement of the hearing.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments These targets are different according to the type of cases.

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

Comments Judicial Council is responsible body for setting the targets for judges.

114. Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

- (1)The Public Prosecutor’s Council shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.
- (2)The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.
- (3)The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the State.
- (4)The evaluation referred to in paragraph (1) of this Article, shall be delivered to the Public Prosecutor’s Council of the State.

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Judicial Council and Public Prosecution Office

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



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

- [8]
- NA
- NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

- Yes
- No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[77]

NA

Comments In 2018 there were 3189 requests for exemption of judges while in the same year there were 2441 decisions for exemptions of judges.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.

In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights and it is also tasked with recommending measures for its improvement.

With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (acceleratory remedy).

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

Yes

No

NAP

Comments There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

D1. Please indicate the sources for answering questions in this chapter.

Sources: Courts and Ministry of Justice

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

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

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: In the Law on Civil Procedure, there is special part named: "SEPARATE PROCEDURE" that contains following procedures: procedure in labor disputes, procedure in disputes for disturbance of possession, issuing a payment order, procedure for small claims, procedure for commercial disputes and procedure before selected courts. The Law on Criminal Procedure contains simplified procedure for criminal offence for

which is proscribed sanction of imprisonment up to 5 years.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: There is no possibility in our legal system to deliver an oral judgement with a written order and without the full reasoning of the judgement. Judge have to write reasoning of the judgement in all kind of procedures including simplified and urgent procedures.

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

- Yes
- No

Comments - If yes, please specify: This issue is regulated in procedural laws (The Law on Civil Procedure and the Law on Criminal Procedure).

4.2.2. Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	31 295 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87 509 <input type="checkbox"/> NA <input type="checkbox"/> NAP	88 634 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 170 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	21 383 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41 974 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 522 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 835 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	2 481 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 644 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 146 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 979 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	2 480 [] NA [] NAP	37 609 [] NA [] NAP	37 114 [] NA [] NAP	2 975 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	1 [] NA [] NAP	35 [] NA [] NAP	32 [] NA [] NAP	4 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	1 [] NA [] NAP	35 [] NA [] NAP	32 [] NA [] NAP	4 [] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	6 630 [] NA [] NAP	6 544 [] NA [] NAP	7 448 [] NA [] NAP	5 726 [] NA [] NAP	[X] NA [] NAP
4. Other cases	801 [] NA [] NAP	1 347 [] NA [] NAP	1 518 [] NA [] NAP	630 [] NA [] NAP	[X] NA [] NAP

Comments In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Decrease of civil and commercial cases may be result of increased lawyer`s tariff

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. In "non-litigious cases" there are included: non-disputable cases and division of property.

093. Please indicate the case categories included in the category "other cases":

. In "4. Other cases" there are included bankruptcy and liquidation cases.

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	26 108 [] NA [] NAP	48 621 [] NA [] NAP	49 124 [] NA [] NAP	25 605 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	4 821 [] NA [] NAP	10 308 [] NA [] NAP	10 465 [] NA [] NAP	4 664 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	21 287 [] NA [] NAP	38 313 [] NA [] NAP	38 659 [] NA [] NAP	20 941 [] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Question 94 does not include cases connected with enforcement of criminal (and misdemeanor) cases.

The number of cases was decreased due to the Law on misdemeanors adopted in 2015 according to which significant number of cases were not more on the court competence but they were solved by the state institutions and second instance commission for appeal.

4.2.3. Case flow management – second instance

097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	7 531 [] NA [] NAP	26 638 [] NA [] NAP	22 583 [] NA [] NAP	7 619 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	6 886 [] NA [] NAP	23 671 [] NA [] NAP	19 790 [] NA [] NAP	6 800 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	645 [] NA [] NAP	2 967 [] NA [] NAP	2 793 [] NA [] NAP	819 [] NA [] NAP	[X] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases" please specify Q 97 Significant increase of the amount of administrative cases pending on 31 Dec. 2018 (more than 41%) in comparison with the relevant data provided for 2016 is result of very low clearance rate in 2018.

Q 97 The significant increase of the amount of incoming civil (and commercial) litigious cases (more than 51%) in comparison with the relevant data provided for 2016 is result of increased number of resolved cases in 2017.

Q 97 The significant increase of the total amount of other than criminal cases pending on 31 Dec.2018 (more than 30%) is result of the insufficient number of judges in appellate courts.

Q 97 Significant increase of the total amount of other than criminal cases in 2018 (45,75%) in comparison with the relevant data provided in respect for 2016 is result of increased number of resolved cases in 2017.

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	2 817 [] NA [] NAP	7 393 [] NA [] NAP	7 287 [] NA [] NAP	2 923 [] NA [] NAP	[X] NA [] NAP

1. Severe criminal cases	587 [] NA [] NAP	2 599 [] NA [] NAP	2 672 [] NA [] NAP	514 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	2 230 [] NA [] NAP	4 794 [] NA [] NAP	4 615 [] NA [] NAP	2 409 [] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Q 98 decrease of total criminal cases and misdemeanors in 2018 is result of decrease of first instance misdemeanor cases due to the new law on misdemeanors that time when certain number of misdemeanors were under competence of state organs instead of courts.

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	1 385 [] NA [] NAP	1 550 [] NA [] NAP	1 756 [] NA [] NAP	1 179 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 084 [] NA [] NAP	1 203 [] NA [] NAP	1 341 [] NA [] NAP	946 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP

2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	287 <input type="checkbox"/> NA <input type="checkbox"/> NAP	307 <input type="checkbox"/> NA <input type="checkbox"/> NAP	376 <input type="checkbox"/> NA <input type="checkbox"/> NAP	218 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases", please specify Other cases - trial in reasonable time

Q 99 increase of the amount of other cases pending on 1 Jan. 2018 is due to higher number of applications of citizens in 2017 for protection of their right for trial in a reasonable time.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

Yes

No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? []

cases closed by this procedure? []

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	323 <input type="checkbox"/> NA <input type="checkbox"/> NAP	447 <input type="checkbox"/> NA <input type="checkbox"/> NAP	544 <input type="checkbox"/> NA <input type="checkbox"/> NAP	226 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	323 <input type="checkbox"/> NA <input type="checkbox"/> NAP	447 <input type="checkbox"/> NA <input type="checkbox"/> NAP	544 <input type="checkbox"/> NA <input type="checkbox"/> NAP	226 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify



4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	1 170 [] NA [] NAP	3 640 [] NA [] NAP	3 292 [] NA [] NAP	1 284 [] NA [] NAP
Employment dismissal cases	3 894 [] NA [] NAP	3 640 [] NA [] NAP	7 877 [] NA [] NAP	4 162 [] NA [] NAP
Insolvency	707 [] NA [] NAP	1 289 [] NA [] NAP	1 427 [] NA [] NAP	558 [] NA [] NAP
Robbery case	1 776 [] NA [] NAP	1 894 [] NA [] NAP	2 605 [] NA [] NAP	968 [] NA [] NAP
Intentional homicide	47 [] NA [] NAP	61 [] NA [] NAP	61 [] NA [] NAP	47 [] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	28 [] NA [] NAP	39 [] NA [] NAP	37 [] NA [] NAP	30 [] NA [] NAP
Cases relating to the right of entry and stay for aliens	5 [] NA [] NAP	1 [] NA [] NAP	4 [] NA [] NAP	2 [] NA [] NAP

Comments

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. This matter is regulated in the Law on Administrative disputes and the Law on international and temporary protection. The procedure for recognizing the right of asylum in first instance (administrative procedure - regular or urgent) is conducted by the Sector for asylum in the Ministry for Interior. Upon the decision of the Sector for asylum, the asylum seeker has a right to initiate administrative dispute to the Administrative Court according to the Law on administrative disputes. On the judgement of Administrative Court asylum seeker has a right for appeal to the High Administrative Court. The initiation of administrative dispute delay the execution of the decision.

The asylum seeker (article 61), as well as the the persons with acknowledge status (recognized refugee (article 67)) and persons with subsidiary protection (article 76)) have a right of residence on the territory of the State. An entry is enable for each foreigner who seeks international protection from the State, but the asylum seeker is obliged to submit request for recognizing the right of asylum. Asylum seeker is a foreigner who requests protection from the State and have submitted request for recognizing the right of asylum, for which a criminal judgment has not been enacted, in the procedure for recognizing the right of asylum.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	96 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	51 <input type="checkbox"/> NA <input type="checkbox"/> NAP	118 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	132 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	242 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	55 <input type="checkbox"/> NA <input type="checkbox"/> NAP	348 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

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

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. Length of procedure in days divided with total number of cases in the court in 2018

4.2.6. Case flow management – public prosecution



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

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

Comments There was a big reform in the sphere of criminal procedure. With the new Law on criminal Procedure from 2010 (started to be implemented from 2013), public prosecutors are responsible to conduct investigation. Also the above mentioned law introduced plea bargaining.

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: In Article 49 from the Law on administrative disputes is prescribed that public prosecutor has right to submit the request for protection of legality.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	31 511 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	280 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8 968 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In the column "Concluded by a penalty or a measure imposed or negotiated by the public prosecutor# there are included only plea bargaining cases.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	280 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Before the court case	280 [] NA [] NAP
During the court case	[] NA [X] NAP

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	[X] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	[X] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	[X] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	137 [] NA [] NAP
4. Other	[] NA [X] NAP

Comments

109. Do the figures include traffic offence cases?

(X) Yes

() No

Comments There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Ministry of Justice Judicial Council, Courts Public Prosecution Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges



110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The Academy for judges and public prosecutors is responsible for conducting the initial training.

Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Judges in higher courts are also appointed by Judicial Council.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments Judges in higher courts are also appointed by Judicial Council.

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows: 1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive

assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .

(3) A person who has completed at least one mandate as a judge of an international court and who meets the requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

See comments on previous question

Other criteria - to pass integrity and psychological test

The Law on Judicial Council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2)positive evaluation of his work 3)capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions

4)undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5)undertaking additional work when performing judicial office by means of mentorship, education, and alike;

6)length of judicial service. (3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

5.1.2.Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

statutory independent

under the authority of the Minister of Justice or another central authority

other (please specify):"Samostojni"

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). In the Constitution public prosecutors are defined as "Samostojni". This term is similar to term "independent".

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Yes

No

Comments - If yes, please specify: These guarantees are contained in the Law on Public Prosecution office and the Law on Criminal Procedure.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

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

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

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

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

For Public prosecutor in the State Public Prosecution Office can be appointed a person who besides mentioned basic conditions meets the following terms:

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

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

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

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

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

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

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

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

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

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

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

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Academy for judges and public prosecutors is responsible for conducting the initial training as a condition to be appointed for judge or public prosecutor. After finishing initial training, the Council of Public Prosecutors (composed of public prosecutors and non-public prosecutors) appoints public prosecutors.

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments The Council of Public Prosecutors is competent body for appointment of all public prosecutors except the State Public Prosecutor who is elected by the Parliament.

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office. The candidate, who wins the majority of votes from the total number of Council members, shall be appointed a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor. In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public prosecutors at the same public prosecutor's office.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

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

- Yes, please indicate the compulsory retirement age:64 for man and 62 for woman
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: There is a possibility for judges to prolong their retirement until 67.

121-1. Can a judge be transferred to another court without his/her consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards):
- No

Comments The law on the Courts

Article 39(1) The judge shall exercise the judicial function in the court where he/she is elected.

(2) As a rule, the judge shall be elected to try in specific areas.

(3) The judge cannot be transferred from one to another court against his/her will.

- (4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.
- (5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.
- (6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
- (8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
- (9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
- (11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.
- (12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final.

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

- Yes, duration of the probation period (in years):
- No

Comments

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

- Yes, please indicate the compulsory retirement age:64 for man and 62 for woman
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility for both to be extended to 67 years.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

- Yes, duration of the probation period (in years):
- No

Comments

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

[]

[] NA

[X] NAP

Comments All judges are appointed for a life.

125-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

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

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Judicial Council
Council of Public Prosecutors

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in courts	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

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

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No

General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[]

One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments Academy for judges and public prosecutors is a institution responsible for conducting the initial and continuous training for judges and public prosecutors.

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	1 280 894 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges and prosecutors have initial training in the Academy for judges and prosecutors.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	261 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Only for judges	89 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Only for prosecutors	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Only for other non-judge staff	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Only for other non-prosecutor staff	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

5. Other common training	1	0
	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments: In 2018 Academy for judges and public prosecutors organised 189 training activities with a total of 4154 participants (1895 judges, 608 public prosecutors, 1103 staff from courts and public prosecution offices and 548 participants from other institutions).

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Academy for training of judges and public prosecutors

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	19 707 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 212 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	885 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	23 805 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 380 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 464 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 069 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	14 196 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	873 054 <input type="checkbox"/> NA <input type="checkbox"/> NAP	794 826 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	21 516 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 292 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 323 234 <input type="checkbox"/> NA <input type="checkbox"/> NAP	878 958 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	() Yes (X) No	() Yes (X) No

Housing	(X) Yes () No	(X) Yes () No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

134. If “other financial benefit”, please specify:

. In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The Law on the courts

Article 52

(1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.

(2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.

(3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the

purpose of gaining profit.

(4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.

(5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.

(6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.

(7) The judge cannot be a member or hold a political office within a political party or carry out political or party activity.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify: Authorization for prosecutors is needed just for teaching and it is issued by the Council of Public Prosecutors .

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

Yes

No

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

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

- only by judges
- by judges and other legal professionals
- other, please specify:

Comments For consistent application of the principles of the Code of Ethics, the Association establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics.

The Advisory Committee works under the auspices of the Association of Judges and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted.

The requests for opinions and the advisory opinions issued by the Advisory Committee, as well as the facts and circumstances on which they are based are confidential. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court , as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues.

Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

138-2. Are the opinions of this institution / body publicly available?

- Yes
- No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

<http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

[] NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

- Yes
- No

138-4. If yes, how is this institution / body formed

- only by prosecutors
- by prosecutors and other legal professionals
- other, please specify:

Comments For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

138-5. Are the opinions of this institution / body publicly available?

- Yes
- No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. <http://zjorm.org.mk/>

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

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



- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

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

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

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

Professional body

Executive power (please specify):

Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

5. Temporary reduction of salary	0 [] NA [] NAP	3 [] NA [] NAP
6. Position downgrade	[] NA [X] NAP	[] NA [X] NAP
7. Transfer to another geographical (court) location	[] NA [X] NAP	[] NA [X] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP
9. Other	[] NA [X] NAP	[] NA [X] NAP
10. Dismissal	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Judicial Council
Public Prosecution Office

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	2 722 [] NA	1 324 [] NA	1 398 [] NA

Comments

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

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[]	[]
Dismissal cases	[]	[]	[]
Criminal cases – Defendant	[X]	[X]	[X]
Criminal cases – Victim	[X]	[X]	[X]
Administrative cases	[]	[]	[]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: This matter is regulated in procedural laws. According to the Article 71 from the Law on criminal procedure, only a licensed attorney may act as a counsel for the defense.

Law on Civil procedure

Article 81

(1) An authorized representative of the party may be:

- attorney

- person – graduated lawyer who is employed by the party

- blood relative in the straight line, brother, sister or a spouse - if it has full legal capacity

(2) If a person appears as an authorized agent, contrary to the provisions from paragraph (1) of this Article, the court shall pass a decision with which it shall deny that person any further representation and shall inform the party about that.

(3) A separate appeal against the decision from paragraph (2) of this Article shall not be allowed.

Article 82

If value of the case exceeds 1.000.000 denars, the authorized agents of the legal entity can be the graduate lawyer with the passed bar exam who is employed by the legal entity.

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	(X) Yes () No	(X) Yes () No	(X) Yes () No
Self-representation	(X) Yes () No	(X) Yes () No	(X) Yes () No

Trade union	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s): See comment in Q149

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments According to the Law on Mediation, among others, mediator can became the person who is a lawyer.

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments According to the Article 6 from the Law on the Bar, a lawyers or lawyers associated in lawyer`s company may perform lawyers activities.

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments According to the Article 33 from the Law on the Bar, lawyers are organised in the Bar Chamber. This Chamber is independent.

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

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees: The Bar Exam is one of the conditions to became a lawyer.

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

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: There is special exam foreseen for representation in proceedings for protection of intellectual rights and industrial property.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: The Bar Chamber

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments The Lawyers Tariff is available on the web site of The Bar Chamber. <https://mba.org.mk/index.php/mk/akti/advokatska-tarifa>

155. Are lawyers' fees freely negotiated?

Yes

No

Comments According to the Article 1 of the Lawyers Tariff, the lawyer and the party can freely negotiate fees, but not less than that prescribed in the Tariff.

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments All lawyers fees are defined in the Lawyers Tariff. For each kind of lawyer`s activity (action) is prescribed different fee.

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

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

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

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

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	206 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	206 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: The considerable increase observed in 2018, compared to 2016, is due to the fact that in 2018 The Chamber of lawyers initiated disciplinary procedures against lawyers for some breaches of the rules of Chamber (mostly for no payment of annual membership fee).

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	1 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	1 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The Bar Chamber provide data in Q161 and Q162.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments Small commercial cases up to 15.000 Euro.

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Small commercial cases up to 15.000 Euro According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

(X) No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Family cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Administrative cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Consumer cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

() Yes

(X) No

[] NAP

Comments - If yes, please specify (only one or both options):: Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	43 [] NA [] NAP	16 [] NA [] NAP	27 [] NA [] NAP

Comments

167. Number of court-related mediations:

Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
--	---	--

Total (1 + 2 + 3 + 4 + 5 + 6)	293 [] NA [] NAP	[X] NA [] NAP	137 [] NA [] NAP
1. Civil and commercial cases	227 [] NA [] NAP	[X] NA [] NAP	71 [] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Labour cases including employment dismissal cases	66 [] NA [] NAP	[X] NA [] NAP	66 [] NA [] NAP
5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: Ministry of Justice - Register of Mediation

Mediation in the Republic of Macedonia was first introduced by the Law on Mediation in 2006. While in 2013, in order to promote and increase the use of mediation in practice, a new Law on Mediation was adopted. Mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments - Arbitration

The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings. The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.

- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who will adopt a decision to terminate the procedure.

G1. Please indicate the source for answering question 166:

Source: Chamber of Mediators

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

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

Yes

No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	97 [] NA	56 [] NA	41 [] NA

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

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

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: An enforcement title can be carried out only by enforcement agent.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

Option

Seizure of movable tangible properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of immovable properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of remunerations	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Eviction measures	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Enforced sale by public tender of seized properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Other	(X) Yes with monopoly () Yes without monopoly () No [] NAP

Comments See answer in Q171-3

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- [X] Service of judicial and extrajudicial documents
- [X] Debt recovery
- [X] Voluntary sale of moveable or immovable property at public auction
- [X] Seizure of goods
- [X] Recording and reporting of evidence
- [] Court hearings service
- [] Provision of legal advice
- [] Bankruptcy procedures
- [X] Performing tasks assigned by judges
- [] Representing parties in courts

Drawing up private deeds and documents

Building manager

Other

Comments In 2016 (and two amendments in 2016 and 2018) there were the new legislation introducing the new competence of the enforcement agents (recording and reporting of evidence). Actions taken by the enforcement agent

Article 40

(1) The enforcement agent shall take the following actions:

- receives enforcement requests,
- delivers court letters based on a court decision in accordance with the provisions of the Law on Civil Procedure,
- delivers orders, minutes, conclusions and other documents that arise from the performance of their work,
- carries out the legitimization of the parties and the participants in the enforcement procedure,
- collects data on the assets and other data for the debtor in function of the enforcement,
- makes orders and conclusions, compile transcripts/ minutes, requests, confirmations and official documents and notes, in accordance with the provisions of this Law,
- carries out inventory, assessment, seizure and sale of movable objects, rights and real estate, receives funds from the debtor, hands it over,
- allocates funds from enforcement,
- sells movable and immovable objects and enforces execution against other property rights in a bankruptcy procedure, at request of the Bankruptcy Trustee, except for the sale of the business enterprise,
- performs seals (sealing) of movables and real estate , due to disabling their use or spending by placing a stamp of the enforcement agent,
- empties facilities from people and goods , and transfers real estate and undertakes other actions that are necessary for implementation of the enforcement procedures, determined by the law,
- publishing in the mass media,
- submits a request for appointment of a guardian for special cases to the Center for Social Affairs, when the address of the debtor is unknown or has no representative,
- submit a request for obtaining data for having a transaction account to the legal entity that maintains the Unified Register of Transaction Accounts, in connection with the subject of enforcement,
- submits a request for announcing the search and stopping of the motor vehicle , a subject to enforcement, to the Ministry of Internal Affairs,
- gives notice of the status of the case at the request of the parties,
- undertakes other actions in connection with the affairs of the court,
- undertake actions for providing material evidence for entrusted work from the court,
- issues a certificate for payment of the claim and
- undertakes other actions envisaged by the law.

172. Is there a specific initial training or exam to become an enforcement agent?

Yes

No

Comments The Exam for enforcement agents is one of the condition to became a enforcement agent.

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments According to the article 78 paragraph 1 item d from the Law on Enforcement, The Chamber of Enforcement Agents adopts Program for continuous training and education of enforcement agents and their deputies. In Article 65 paragraph 1 item 2 fro the Law of

Enforcement, there is prescribed ground for disciplinary liability if enforcement agent does not fulfill obligation for participating in continuous training and education.

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments The Chamber of Enforcement Agents is established according to the Article 75 from the Law on Enforcement. The main organs of the Chamber are the Assembly, Steering Board and President of the Chamber.

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

Yes

No

Comments The ground and the criteria for the enforcement fees and prescribed in Article 46 from the Law on Enforcement. They are elaborated in more details in secondary legislation (Tariff for enforcement) adopted by the Minister of Justice upon opinion of the Enforcement Chamber.

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments The criteria for the enforcement fees and prescribed in Article 46 from the Law on Enforcement.

H0. Please indicate the sources for answering question 170

Source: Ministry of Justice,
Chamber of Enforcement Agents

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments According to the Article 54 from the law on Enforcement, Ministry of Justice is competent for conducting the supervision on the work of enforcement agents. According to the Article 78 paragraph 1 item d from the law on Enforcement, Enforcement Chamber

establish Commission for conducting the supervision on the work of enforcement agents. According to the Article 86 from the law on Enforcement, parties have right for objection for legality of actions of enforcement agents. Basic court on the area of enforcement is competent to decide on the above mentioned objection.

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

- professional body
- judge
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments See comments on the Q177

179. Have quality standards been determined for enforcement agents?

- Yes
- No

Comments - If yes, what are the quality criteria used? The Ministry of Justice established the quality standards through the Law on enforcement and secondary legislation envisaged by the Law. According to the Law on Enforcement, a person who fulfills the following conditions, may be appointed an enforcement agent:

- 1) to be a citizen of the State;
- 2) to be able to work and have a general good health condition and ability to work, which is medically proven with a certificate issued by a competent healthcare institution in the field of occupational medicine;
- 3) to be a graduate lawyer with a completed degree of four-year high education in legal studies or to be a law graduate with acquired 300 credits at legal studies, according to the European Credit Transfer System (ECTS);
- 4) to have passed the bar exam;
- 5) to have passed the exam for enforcement agent;
- 6) to have working experience in legal matters at least 5 years after finishing law studies;
- (C
- 7) to actively master Macedonian language;
- 8) not to be convicted by a final court decision on unconditional punishment of imprisonment for more than six months, or no to be imposed a ban upon the candidate on performing a profession, activity or duty;
- 9) to make a statement before a notary agent that he will provide appropriate equipment and the facility required to perform their affairs and
- 10) to make a statement before a notary agent for his property condition, with all the consequences in case of giving a false statement.

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

- professional body
- judge
- Ministry of Justice
- other (please specify):

Comments Minister of Justice appoints enforcement agents upon a proposal list made by Chamber of Enforcement Agents.

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

() Yes

(X) No

Comments - If yes, please specify:

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

(X) Yes

() No

Comments - If yes, please specify: Party has a right to challenge any enforcement agent action to the court.

The Enforcement agents are obliged to submit quarterly regular reports to the Ministry of justice regarding number of new cases, types of cases, nature of creditors and debtors (natural persons, companies, state bodies etc) number of cases executed, enforcement mechanisms, amount collected etc.

At the same time the party or participant in the execution has right to submit complaints for irregularities in execution to the competent court and to submit appeal against decision of the court.

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

[X] no execution at all

[] non execution of court decisions against public authorities

[] lack of information

[X] excessive length

[] unlawful practices

[] insufficient supervision

[X] excessive cost

[] other (please specify):

Comments "Non-execution" and "excessive length" were added due to the fact that there are cases in which the debtor has no property and there is no possibility for enforcement, or the debtor was overindulgent.

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

() Yes

(X) No

Comments - If yes, please specify:

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

	Existence of the system
for civil cases	(X) Yes () No

for administrative cases	(X) Yes () No
--------------------------	---------------------

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- (X) between 1 and 5 days
- () between 6 and 10 days
- () between 11 and 30 days
- () more (please specify):
- [] NA

Comments The average timeframe depends on the case and varies from case to case. However, in most of the cases it is 1-5 days. In cases where this period is longer, the main problem is that parties refuse to receive the letter, or they have temporary or permanently left the country.

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	10 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	10 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	[] NA [X] NAP

Comments - If "other", please specify: The increase in the number of disciplinary proceedings initiated against enforcement agents is a consequence of the amendments to the Law improving the competences of the Ministry for conducting the extraordinary supervision of the work of bailiffs.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	10 [] NA [] NAP

1. Reprimand	2 [] NA [] NAP
2. Suspension	2 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	5 [] NA [] NAP
5. Other	1 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: "Other" - Permanent taking away of the right to perform occupation of enforcement agent

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Ministry of Justice,
Chamber of Enforcement Agents of the Republic of Macedonia

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- [X] Judge
 [] Public prosecutor
 [X] Prison and Probation Services
 [X] Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). With the amendments of the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

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

- () Yes
 (X) No

Comments

191. If yes, what is the recovery rate?

- () 80-100%
 () 50-79%

() less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	190 [] NA [] NAP	76 [] NA [] NAP	114 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	190 [] NA [] NAP	76 [] NA [] NAP	114 [] NA [] NAP
3. Public officials	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other", please specify the status: The notary is a person who is authorized to perform publicly mandated duties as prescribed by law under the appointment of the Ministry of Justice and who performs the notary service as a sole professional occupation.

192-1. What are the access conditions to the profession of notary (multiple options possible):

diploma

professional experience/professional training

exam

appointment procedure by the State

other (please specify):

Comments Requirements for the appointment of notaries

Article 10

(1) A person can be appointed notary only if they meet the following conditions:

a) be a citizen of the Republic of Macedonia;

b) be professionally competent and enjoy a general medical competence which is proven by a certificate of a competent occupational medicine institution;

c) be a graduate lawyer having completed four-year undergraduate studies of law or a graduate lawyer who has completed 300 credits under the Bologna declaration in studies of law according to the European Credit Transfer System (ECTS);

- d) pass the exam for notaries;
- e) have prior working experience at least 3 years following the bar exam or have prior working experience in notary office at least 2 years following the bar exam;
- f) not be convicted by an effective judgment on unconditional sentence of imprisonment of over six months or not be issued a ban on performing the occupation, office or duty;
- g) pledge an oath before a notary that they shall provide the requisite equipment and premises for the performance of the notary service;
- h) pledge before a notary that they are not overly in debt otherwise incur all consequences of perjury;
- i) have active command of the Macedonian language and its Cyrillic alphabet; and
- j) not have had the office of judge terminated, or their labour relation as a civil servant, assistant notary, deputy notary, attorney or bailiff by an effective judgment within a disciplinary procedure up to the expiry of three years as of the day of the judgment effectiveness.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:64
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Exception is if the notary is dismissed for disciplinary liability.

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):see the comments

Comments In Article 3, paragraph 2 from the Law on notary, is prescribed that the notary service includes drafting and issuance of public documents regarding legal operations in the form of a notary deed (or act), statements and attestations of facts used as a basis to pledge rights or obligations; adopting decisions within a procedure to issue notary payment orders; attestation of private deeds (solemnization); issuing of certificates, authenticating signatures and marks, transcripts, translations, keeping documents, money and valuables for their transfer to other persons or authorities, as well as performing mandated activities defined by law.

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify): other - payment orders and legacy procedure

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: As regards the first option "within some civil procedures", notaries are competent, for example, in not disputable inheritance cases, while they do not have a competence in cases related to divorce by mutual consent. "Other": payment orders and legacy procedure

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments The Law on the Notary

Notary instruments and authentications

Article 4

(1) Notary instruments are public deeds which the notary has drafted within their scope of work and official actions enshrined by law such as instruments related to legal affairs and statements drawn by the notary in the form of a notary deed (notary acts), notary payment order, minutes of legal operations and other actions taken by the notary or in their presence (notary minutes), attestations of facts that the notary has attested to personally or through deeds (notary attestations) and certified (solemnized) private deeds.

(2) Notary authentications are authentications of signatures or marks, authentications of identicalness of transcripts or certificates (transcript authentication), authentication of translations and other authentications as prescribed by the law.

(3) The notary deeds, the certified (solemnized) private deeds, the notary payment orders and decisions issued within successions as an entrusted mandate from the court and in cases defined by this law are self-executing.

(4) Notary instruments have the probative effect of public deeds if the required conditions prescribed by this Law have been met during their drafting.

(5) The notary authentications are probative as public deeds when it comes to facts certified by the notary.

194-3. Do notaries use specialised digital systems in their activity?

In establishing authentic instruments

In recording authentic instruments (archives)

Other activity (please specify):

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments In Article 130, 131 and 134 paragraph 3 from the Law on notary, is prescribed that supervision is conducted by the representatives from the Ministry of Justice and The Notary Chamber and president of the court (the president of the court makes supervision only in inheritance cases). In the framework of the supervision conducted by the Ministry of Justice, special commission is established by the Minister of Justice, composed by the representatives from the Ministry and judges from the competent court from the area of the notary. In addition to this provision from the law, supervision is also regulated in secondary legislation adopted by the Minister of Justice.

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments In the Law on the Notary, there is a obligation for continuous training and the bridge of this obligation is one of the grounds for disciplinary liability. In the Article 117 paragraph 3 from the Law on Notary, Notary Chamber shall establish Notary Academy.

11. Please indicate the sources for answering question 192:

Sources: Ministry of Justice,
Notary Chamber

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

- Yes
- No

Comments This title is protected by the Law on Courts. There is a Register of court interpreters. All court interpreters have own stamp and seal.

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

- Yes
- No

Comments The Law on the Courts and Court book of rules.

199. Number of accredited or registered court interpreters:

[5 681]

[] NA

[] NAP

Comments New system of selection of interpreters with exam was introduced in 2008. According to new system, until the end of 2018, 2520 interpreters have passed exam and they are appointed by the Minister of Justice as court interpreters. The rest of 3161 were appointed before exam was introduced.

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

(X) Yes

() No

Comments - If yes, please specify (e.g. having passed a specific exam): Quality of court interpreting is provided through exams for court interpreters conducted by commission established from the Minister of Justice, composed by the university professors in the field of language teaching and other experts for languages.

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects court interpreters Ministry of Justice

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

Basic conditions for passing exam are: candidate to be a citizen of the State, to have a knowledge of Macedonian language, to have graduated at some faculty (high education), to have a certificate for knowledge of foreign language and to be a citizen in the city where the court (for which translator is accredited) is located.

J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

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

[X] experts who are requested by the parties to bring their expertise to support their argumentation,

[X] experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments The area of expert and technical witnesses is regulated by the Law on expert witnesses, relevant secondary legislation and procedural laws (Law on Criminal Procedure and Law on Civil procedure).

The expertise activity is regulated by the Law on Expert Evidence. This Law stipulates who can perform expertise activity, as well as the conditions under which a person can obtain a license for expertise in the relevant field. The Law on Expert Evidence envisages categories of persons who, meeting the relevant requirements set by the Law on Expert Evidence, can obtain a license for expertise in the relevant area without taking the professional exam by submitting an application and appropriate documentation as evidence of meeting the legal requirements to the Ministry of Justice. In addition, according to Article 20 of the Law, the persons who can acquire a license without taking the professional exam are: Doctor of Science from the appropriate scientific field or third cycle of university studies - doctoral studies in the appropriate scientific field, Master of Science from the appropriate scientific field and the person who has passed the specialist medical examination or second cycle of university studies - Master of appropriate scientific field with five years work experience after completing the master's degree or passing the specialist examination, a person who has higher or secondary education with a registered craft from the relevant field (goldsmith and an employee of the authority of the state administration and professional institution responsible for performing expertise, who has at least five years experience in the relevant field of expertise). In addition to these persons, the Law provides for obtaining license for expertise in the relevant field by passing the professional exam, whereby, in accordance with Article 9 of the Law, any interested party is required to fulfill the following requirements: to be a citizen of the State, to have a residence in the country, to have a university degree in the relevant field (four-year university degree or degree with 300 credits according to the European Credit Transfer System (ECTS), prohibition to practice profession, activity or duty has not been pronounced, with effective decision, while the consequences of the prohibition are in progress and to have at least five years of work experience after graduation in the relevant area for which the application for taking the exam was submitted. According to the Article 244 of the Law on Criminal procedure, the public prosecutor, the defendant and the defense counsel shall have the right to nominate technical advisors from the registry of court approved experts, as of rule, but not more than two of them, who will help them in the gathering of information on professional issues or to contest the expert's report. The defendant and his or her counsel, in cases and under circumstances as prescribed in this Law for defense of indigent persons as referred to in Article 75 of this Law, shall have the right to be assisted by a technical advisor who will be paid from the State Budget. A person who cannot be an expert pursuant to Article 238 of this Law may not be nominated as a technical advisor.

According to the Article 245 of the Law on Criminal procedure, upon request by the parties, the technical advisors may be present during the expertise and give suggestions to the experts, and object regarding the expert examination, which shall be put on the record. If the technical advisors have been nominated only after the expert's report has been completed, the technical advisors may review the findings and the report and ask the entity conducting the proceedings for an authorization to examine the person, object or the location that was the subject of the expert examination.

202-1. Are there lists or databases of registered judicial experts?

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): According to Article 22, paragraph 1 of the Law on Expert Evidence "the issued, revoked and extended licenses of the experts, as well as the expired licenses, shall be recorded in the Register kept by the Ministry of Justice". According to paragraph 2 of the same article, "The Register of paragraph 1 shall be published on the website and on the notice board of the Ministry of Justice, the website of the Chamber of Experts and shall be submitted to the courts". With the publication of the Register of Experts on the website of the Ministry, on the website of the Chamber of Experts and its submission to all courts in the Republic of Macedonia, expertise can be performed only by persons who are licensed by the Ministry of Justice and are recorded in the Register of Experts. Because the Register is kept in electronic form, all changes are electronically recorded in it, including updating the Register also in terms of people who will obtain the license for expertise in the relevant area issued by the Ministry of Justice. Experts have an obligation to take an oath before the Minister of Justice, President of the chamber and President of the Supreme Court.

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long 5 years
- No

Comments

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection: According to the Law on expert witnesses there are two categories of candidates for expert witnesses. First category obtain licence without taking examination, upon submitted request and appropriate documentation (Ph D or Master of Science and 5 year of work experience in relevant area). Second category of candidates can obtain licence after passing theoretical and practical exam. The Minister of Justice issues licences for all expert witnesses .

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments According to the Law on expert witnesses there are two categories of candidates for expert witnesses. First category obtain licence without taking examination, upon submitted request and appropriate documentation (Ph D or Master of Science and 5 year of work experience in relevant area). Second category of candidates can obtain licence after passing theoretical and practical exam. The Minister of Justice issues licences for all expert witnesses .

So there is initial training just for the second category which is obliged to pass the exam.

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments Exams are composed mainly of the questions related to the field of profession expertise, procedures and substantive laws.

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

Yes

No

Comments The expertise activity is regulated by the Law on Expert Evidence.

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments The Law on Civil Procedure

Article 239

(1) An expert witness may be dismissed for the same reasons a judge or a lay judge may be recused, but a person who was previously interrogated as a witness may also be taken as an expert witness.

(2) The party is obligated to submit a proposal for the exemption of an expert witness immediately after it learns of the reason for exemption exists, and at the latest before the start of the disclosure of evidence by means of expertise. If the court has interrogated the party about the personality of the expert witness prior to appointing expert witness, the party is obligated to declare itself about the exemption at that time.

(3) In the request for exemption of an expert witness, the party is obligated to state the circumstances which present the grounds for the requested exemption.

(4) The court decides on the request for exemption. The judge of the plea court and the president of the council decide on the exemption, if they are entrusted with the disclosure of evidence by means of expertise.

(5) An appeal against the decision by which the request for exemption is accepted is not allowed, and a separate appeal is not allowed against the decision with which the request is refused.

(6) If the party learns of grounds for an exemption after the expertise was performed and for that reason objects the expertise, the court will act as if the request for exemption was presented before the performed expertise.

The Law on Criminal Procedure

Article 38

Exclusion of public prosecutors and other participants in the procedure

(1) The exclusion provisions for judges and lay judges shall also be equally applicable for the public prosecutors, with the exception of the grounds as referred to in Article 33, paragraph 1, items 4 and 5 of this Law.

(2) The exclusion provisions for judges and lay judges shall be equally applicable for the record keepers, interpreters or translators and other professional staff, as well as for the expert witnesses, unless there are other provisions referring to them (Article 238 of this Law).

(3) The public prosecutor in charge of the public prosecution office shall rule on the motions for exclusion of the public prosecutors from that public prosecution office. The public prosecutor in charge of the immediate higher public prosecution office shall rule on the motions for exclusion of public prosecutors in charge of the lower public prosecution offices.

(4) The entity that conducts the procedure shall rule on any motions for exclusion of record keepers, interpreters or translators and expert witnesses.

Article 238

Exclusion of an expert

(1) A person who may not be heard as a witness (Article 213 of this Law) shall not be commissioned as an expert, or a person who has been relieved of the duty to testify (Article 214), as well as a person against whom the criminal offense was committed, and if such person has been commissioned, the court decision may not be founded on his or her finding and opinion.

(2) There would be a reason to exclude an expert also if that is a person who is working together with the defendant or the injured party in the same entity or other legal person, as well as if the person is working for the injured party or the defendant.

(3) A person, who has been heard as a witness, may not be commissioned as an expert.

(4) If a separate appeal against the decision to overrule the motion for exclusion of the expert is allowed (Article 36, paragraph 7), the

appeal shall delay the preparation of the expert's report, unless there is a danger of procrastination.

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	1 400 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Presented data are from September 2019

205-1. Who sets the expert remuneration?

- It is regulated by secondary legislation adopted by the Minister of Justice.

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

- Yes
- No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: According to the 245 from the aw on Civil Procedure, expert witness shall submit to the court his expert testimony and opinion in writing, within the time limit determined by the court, which can not be longer than 45 days or 60 days for more complex cases.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	[X] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] NAP
3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects judicial experts Ministry of Justice

Comments The Minister of Justice issues licences for all expert witnesses. But they are recruited and appointed after passing exam before competent commission or fulfilling some conditions prescribed in the law.

207-1. Does the judge control the progress of the expertise?

() Yes

(X) No

Comments According to the Law on Criminal procedure, the expertise shall be managed by the entity that has ordered the expertise (the order during the preliminary procedure shall be issued by the public prosecutor, and during the main hearing it will be issued by the court).

K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice (Register of expert witnesses) - Presented data are from September 2019

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

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

1. (Comprehensive) reform plans In November 2017 the Government of the Republic of Macedonia adopted the Strategy for the reform of judicial sector. The new Strategy gives instructions, directions for improving the judicial system by overcoming the existing normative and institutional deficiencies permeating throughout the system, The Strategy should represent a roadmap to ensure all the preconditions within its competence to create an independent, impartial, efficient, high-quality and transparent judiciary responsible for the protection of individual rights and freedoms of citizens while protecting the public interest. On the other hand, the Strategy sets out guidelines for creating legal conditions, as well as an environment for the judiciary to properly apply the principle of liability in its work.

2. Budget In the Strategy there are defined set of measures in the field of the budgeting the judiciary. An active stakeholder in the independence of each institution, hence the judiciary, is the financial autonomy. According to the Strategy, one of key priorities is creation of financial, personnel, information and other preconditions, with urgent increases in budgetary investments, in order to increase the efficiency of the judiciary and the public prosecutor's office.

Another measure is directed through future development of an autonomous and sustainable court budget, consistent with the legal

allocation from the gross national income, with greater participation of the JCB for the realisation of this guideline. Improvement of the conditions for the work of the judges by providing adequate space, technical equipment and indispensable office materials is also from the crucial importance.

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

- Monitor judicial efficiency using the indicators defined in EU Justice Scoreboard (result list), CEPEJ and other international standards;
- Consistent implementation of the Action Plan for adjudicating the old cases and regular monitoring of the situation. Introduction of special tools for identifying and prioritising cases that could lead to violation of the principle of a trial within a reasonable time.
- Harmonise the number of judges in RM with the European average per capita through the natural drain of judges;
- Reinforce the capacities of the judicial and public prosecutorial service;
- Full functionality of the court database;
- Review the system of expert opinion through legal amendments.

Transparency

- Strengthen the transparency of the Judicial Council and the Council of Public Prosecutors;
- Collection, processing and analysis of statistical data on the work of courts and public prosecutor's offices in JCRM and CPPRM;
- Strengthen the capacities for public relations;
- Align the form of the annual reports of courts, public prosecutor's offices, JCRM, and CPPRM; •Publication of the reports on the conducted regular controls of the functioning of ACMIS and the system for allocation and management of cases in the PPO.

3.1. Access to justice and legal aid Our challenge in this area for future period will be effective implementation of new adopted Law on free legal aid.

4. High Judicial Council Our challenge in this area for future period will be effective implementation of new adopted Law on Judicial Council.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. Amendments on the Law on court have been adopted completely harmonized with the Venice Commission opinion. This amendments are related with the disciplinary procedures for judges.

In accordance with the opinion by the Venice Commission new Law on Judicial Council of Republic of North Macedonia was adopted on 16.5.2019 for establishment of the procedure for election of the Judicial Council of Republic of North Macedonia, the manner of accomplishment of its functions, election, termination and dismissal of judge of judge-jury, the procedure for establishment of the responsibility of the judge or court president, establishment of nonprofessional and unaware performance of judicial function,

monitoring and valuation of the work of judges, the manner of work and decision as well as other issues related to the work of the Judicial Council of Republic of North Macedonia. Namely, the new Law on Judicial Council, the membership stays on professional basis, in particular the members are elected for period of six years without right on re-election. The Judicial Council counts in total fifteen members eight of whom are elected from the line of judges by immediate elections, five by the Assembly of Republic of North Macedonia while two are members per function (President of the Supreme Court and the Minister for Justice), who participate in the work of the Council without right to vote, but the same by the same cannot participate in the work on sessions for discussion and deciding upon initiated procedure for establishment of responsibility, election or dismissal of judge or court president.

The criteria for election of member of the Council are being sharpened. Namely, the member of the Council may be judge with 6-year judicial work experience and without discipline measure pronounces. Member of the Council from the line of members elected by the Assembly of RM may not be elected person who at the moment of publishing of the call performs judicial or public prosecution function or person being dismissed from judicial or public prosecution function, except in cases where the European Court of Human Rights has found violation of the European Convention on Human Rights in the procedure for dismissal, not person who in the last four years was delegate, member of the Government of Republic of Macedonia or performed function in political party body.

The Law defines the term repute legist for the members of the council elected by the Assembly, particularly from the line of university professors of law, lawyers, former judges of the Constitutional Court of Republic of North Macedonia, international judges and other repute legists.

The preparation of the Law on Judicial Council was in entire inclusivity and consultancy with Venice Commission. In that sense, in March 2019 the Venice Commission gave positive attitude on the draft amendments of the Law on Courts and Law on Judicial Council and made conclusion that the provisions from the Law on Judicial Council are in accordance with the international standards and as such may provide independency and efficiency in the judiciary.

At the same time, amendments of the Law on Council of Public Prosecutors were drafted and they are in assembly procedure for adoption, by shortened procedure. The draft Law sharpens the criteria for election of member of the Council of public prosecutors from the line of public prosecutors. Regarding the mandate of the members of the Council, it is envisaged that the mandate of the members of the Council elected by the public prosecutors should last four years with right on one more elections after expiry of at last four years after the termination of the previous mandate in the Council. It is proposed that the mandate of the members of the Council elected by the Assembly should last four years with right on one more election.

Legal stipulation of the requirement “repute legist” is made for election of the members of the Council of public prosecutors upon proposal by the Assembly of Republic of North Macedonia and the President of Republic of North Macedonia, from the line of university professors of law, lawyers, former judges of the Constitutional court, international judges and other repute legists.

The Law amending the Law on Council of Public Prosecutors is closely connected to the Law on Public Prosecution which adopts with 2/3 majority and because of this their adoption should be at the same time. The new Law on the Academy for judges and public prosecutors is undergoing parliamentary procedure, and the aim of the Law is to revise the method of selection and the taking of the entrance and final exam before an expert committee. Regarding the part for continuous training, novelties have been proposed so that it would be expanded to jury judges as well as to the professional offices in the judiciary and the public prosecutor’s offices, as well as to the entities that take part in the implementation of the laws in the area of the judiciary. Furthermore, it is proposed to impose an obligation on the newly elected judges and public prosecutors, immediately following the selection for a judge or public prosecutor, to attend continuous trainings within the specialized program.

Amendments on Law on Attorneyship are under preparation.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities Regarding reforms in civil area amendments on Law on civil procedure and Law on obligation are under preparation. New Criminal code is under preparation. Also, amendments on the Law on criminal procedure are prepared harmonized with the latest legislation on EU in this area. New Law on administrative disputes was adopted. The aim of the new law is to increase the efficiency of the administrative disputes and to reduce the length of the administrative-court proceedings. The law defines the obligation to hold a public hearing, with strictly defined exceptions for deciding without public hearing. It also introduces a mandatory obligation for meritorious decision-

making of the Administrative and Higher Administrative Court. The Law will start to apply from May 2020.

New Law on Misdemeanors was adopted, the misdemeanor fines for natural and legal persons have been reduced and the misdemeanor procedure has been shortened. With the law, against the decision of the misdemeanor authority, a complaint can be filed directly to the Administrative Court. On civil matters, start the process of ratification of the Hague Conference instruments having a direct link with the EU acquis: 1996 Convention on Child Protection, 2005 Convention on Choice of Court Agreements, and 2007 Convention on Child Support and Family Maintenance and its Protocol on the Law Applicable to Maintenance Obligations.

7. Enforcement of court decisions In the next period a single software system for recording and keeping a cases of the Bailiffs will be established. This system will be connected with the systems of the Ministry of justice, ACCMIS system and systems on other state institutions.

8. Mediation and other ADR New Law on mediation is in parliamentary procedure. With the new Law Central Electronic Registry will be established for the number of mediation requests received and their flow, which are statistically useful and will give the parameters of the applicability and success of mediation in practice, regulate the mediator's insurance about compensation, the disciplinary liability of the mediator, introduces obligation for professional development and further development of mediators, conditions for accreditation of training programs, types of accredited programs and duration of training. Also, a novelty in the law is that the Mediation Board is composed of five members and a secretary, elected by the Government of the Republic of North Macedonia for a period of 4 years, from persons who have shown visible results in the field of mediation in the last five years.

9. Fight against crime New Law on Public Prosecution office is under preparation. In that Law the status of the prosecution office for fight against high corruption and organized crime will be defined. Also, with a decision on the state public prosecution office a four investigative centers will be established. Investigative centers will be established in Basic PPO Skopje, Basic PPO Kumanovo, Basic PPO Tetovo and Basic Public Prosecution for fight against organized crime and corruption. The Public Prosecution office of the RNM and the Ministry of Interior signed a Memorandum of Understanding on 25.12.2019, which regulates the procedure for selection and other issues for investigators and investigative centers. Under the memorandum, investigators will be elected for a one-year term with the option of extending the term to two more years after given approve by the investigator, the public prosecutor and the Minister of Interior.

The procedure on selection on the investigators is ongoing.

9.1. Prison system New National Strategy for Development of the penitentiary system 2020-2025 with Action Plan as well a new Strategy for development and strengthening of the capacities of the Probation Service for the period 2020-2023, will be developed by May 2020.

In May 2019, new Law on Execution of Sanctions was adopted , while in September 2019, amendments to the Law followed due to certain legal provisions regarding the retirement of the members of the prison police. The probation system has been established. The probation service is functioning in nine local offices with 26 probation officers. A network of collaborators and a Contact List of all

institutions involved in the execution of probation works (courts, public prosecutor's offices, municipalities, Centers for Social Work, NGOs) have been established.

Signed Memorandum of Understanding between the Office for Execution of Sanctions and the City of Skopje. Cooperation and support in the performance of the community service work have been agreed with the Municipality of Bitola and the Municipality of Stip as well as with the public enterprises that operate in these municipalities.

Cooperation has been established with the Academy in conducting the training of judges and public prosecutors on probation.

Trainings of the probation officers on the application of the risk assessment instrument, preparation of probation reports and execution of probation works are continuously held.

9.2 Child friendly justice The new Law on child justice is under preparation. The Law will be fully harmonized with the latest EU legislation in the area.

9.3. Violence against partners We have ratified Istanbul convention for prevention and combating violence against women including domestic violence. In order to harmonize our legislation, there is a process of preparation of amendments of Criminal Code and The Law on Criminal procedure.

Also, the Draft - Law on gender based violence and domestic violence is in the Parliamentary procedure for adoption. The draft law contains standards from Istanbul convention.

10. New information and communication technologies In March 2019 the Government of Republic of North Macedonia has adopted the Strategy for the Justice Information and Communication Technology 2019-2024 including Action plan. The strategy is aimed at increase of the accessibility, improving of the quality, timeliness as well as data protection and safety. The amendments of the Law on Courts in May 2019 envisaged forming of Council for ICT having competence for coordination of the judiciary bodies in the working in the information-communication technology system and giving proposals for establishment of the policies regarding the issue of ICT in judiciary. Rulebook has been adopted for the contents and manner of work of the Council for ICT . Council for ICT was formed in November 2019 for the purpose of coordination of the policies and giving recommendations for implementation of the Strategy on ICT.

The third component of the project "Support of the Reforms in Judicial Sector" related to ICT Strategy in judiciary. The expert engaged is already working on studying of the ICT infrastructure and functioning of ACMIS. We expect recommendations and directions for future interventions in the part of ICT in judiciary.

11. Other .