

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe



FEASIBILITY STUDY

ON ESTABLISHING A SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM IN NORTH MACEDONIA

Authors:

Victor Zaharia
Bojana Netkova

John Eames
Goce Kocevski

Funded
by the European Union
and the Council of Europe



COUNCIL OF EUROPE



Implemented
by the Council of Europe

FEASIBILITY STUDY ON ESTABLISHING A SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM IN NORTH MACEDONIA

Developed by:

Victor Zaharia,
Coordinator of the Expert Team
John Eames
Bojana Netkova, L.L.M
Goce Kocevski

Skopje, December 2022

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows “© Council of Europe, 2022”. All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Co-operation Programmes Division, Avenue de l'Europe F-67075 Strasbourg Cedex, France, Tel. +33 (0)3 88 41 20 00

E-mail: Horizontal.Facility@coe.int

© Council of Europe, December 2022. All rights reserved. Licensed to the European Union under conditions.

This document was produced with the financial support of the European Union and the Council of Europe under the Action “Supporting enhanced access to higher quality free legal aid services in North Macedonia”. The views expressed herein can in no way be taken to reflect the official opinion of either party.

Design and printing: DataPons dooel Skopje

Cover image: Shutterstock

1 ACRONYMS

ECHR - European Convention on Human Rights and Fundamental Freedoms

ECtHR - European Court of Human Rights

LAD - Law on administrative disputes, Official Gazette No. 96/2019

LAP - Law on general administrative procedure, Official Gazette No. 124/2015

LCP - Law of the Republic of North Macedonia on Criminal Procedure, 150/2010, 100/2012, 142/2016, 193/2016, 198/2018

LFLA - Law of the Republic of North Macedonia on Free Legal Aid, 2019, Official Gazette No. 101/2019

LJC - Law of the Republic of North Macedonia on Justice for Children, Official Gazette No. 148/2013, 152/2019

LSC - Law on social care, Official Gazette No. 104/2019

MoJ - Ministry of Justice of North Macedonia

RNM - Republic of North Macedonia

2 SUMMARY

The Council of Europe Program office in Skopje, in the framework of the joint EU/CoE project on Supporting Enhanced Access to Higher Quality Free Legal Aid Services in North Macedonia requested to develop a study on feasibility of establishing a single entity for the management of all free legal aid schemes/systems in RNM.

The feasibility study shall respond to three main questions:

Is it feasible from legal, operational and financial point of view to entrust the management of the all existing legal aid schemes in criminal, civil and administrative proceedings to one distinct entity?

If feasible, what structure and functions shall the single management entity have?

What are the steps and measures to be implemented for this single management entity to be operational?

The aim of the feasibility study is to support the RNM authorities in taking an informed decision in their efforts to strengthen the capacity of management of the legal aid schemes.

The research team used a complex set of methods to develop the study, including desk review, interviews with stakeholders, surveys through questionnaires for lawyers, focus groups with lawyers and judges.

The expert team concludes (based on the multitude of the arguments of the stakeholders in favour, the prevailing being that the legal aid system shall be efficient, effective and respond to the people in need) that creation of a body to manage the legal aid system is feasible.

The most desirable option will be for a single unitary body to govern the whole of free legal aid in the republic, corresponding to the concept of autonomous independent state organ (самостоен и независен државен орган), a model already recognised by law in the Republic of North Macedonia, and managed and overseen by an independent management board.

The Management Board would be composed of between 8 and 15 members, representatives of the MoJ, Bar, NGOs, university law clinics, judiciary, etc. Members of the Board would have a fixed term of service of 3 to 4 years, renewable once only.

The Board of Management would be the ultimate seat of power within the single unitary body. The Board would have full powers over its executive staff, and the bulk of opera-

tional activities and responsibilities would be delegated to them via a chief executive or director. The Board shall have as its practical functions overseeing the general affairs of the single unitary body, overseeing the operational work of the single body and giving strategic guidance.

The Board will have full powers to delegate the bulk of the operational powers needed to deliver free legal aid and, except perhaps for instances of complaint on a second tier of internal appeal, would stay clear of decisions on legal aid applications, assignment of lawyers etc.

The FLA body's independence should be guaranteed in funding arrangements with MoJ. The single body's partnerships with providers are independent of the participation by both MoJ and providers like the Bar and NGOs in the Management Board, and safeguards may need to be designed to prevent abuse of position by Board members or government seeking to unduly influence decisions on funding or contracting with providers.

Such an approach will imply changes in the legislation (mainly LFLA but also procedural laws), administrative measures of capacitation of the existing arrangements of the MoJ offices and other measures such as awareness and cooperation of the relevant stakeholders.

3 CONTENTS

1	<u>ACRONYMS</u>	2
2	<u>SUMMARY</u>	3
4	<u>INTRODUCTORY REMARKS</u>	8
5	<u>METHODOLOGY OF THE FEASIBILITY STUDY</u>	9
6	<u>PERTINENT INTERNATIONAL AND EUROPEAN STANDARDS</u>	11
7	<u>COMPARATIVE PRACTICES OF MANAGEMENT OF THE LEGAL AID SYSTEM</u> 12	
7.1	<u>Republic of Bulgaria</u>	13
7.2	<u>Georgia</u>	15
7.3	<u>Republic of Kosovo*</u>	16
7.4	<u>Republic of Moldova</u>	18
7.5	<u>Republic of Slovenia</u>	19
8	<u>SHORT OVERVIEW ON ACTUAL MANAGEMENT OF THE LEGAL AID SYSTEMS IN REPUBLIC OF NORTH MACEDONIA</u>	20
8.1	<u>Free legal aid for civil and administrative proceedings</u>	20
8.2	<u>Free legal aid in criminal proceedings</u>	20
9	<u>ESTABLISHING A SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM IN NORTH MACEDONIA</u>	22
9.1	<u>Overall support for the idea of a single body for the management of the free legal aid system</u>	22
9.2	<u>Evidence on support of the idea of single body for management of the free legal aid system</u>	23
	<u>The questionnaire, interviews and focus groups</u>	23
10	<u>STRUCTURE AND FUNCTIONS OF THE SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM</u>	26
10.1	<u>Preliminary observations</u>	26
	<u>Basics for designing a structure</u>	26
10.2	<u>Questions addressed in this section</u>	27
10.3	<u>Structure</u>	27
	<u>Evidence on structure</u>	27
	<u>Evidence from systems in other countries</u>	27
	<u>UNODC recommendations</u>	28
	<u>Evidence from the questionnaire, interviews and focus groups</u>	30
	<u>The expert team’s conclusions on overall structure of the single unified body</u>	30

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

10.4	<u>Management Board membership</u>	31
	<u>Evidence on board membership</u>	32
	<u>Evidence from systems in other countries</u>	32
	<u>Evidence from the questionnaire, interviews and focus groups</u>	34
	<u>The expert team’s conclusions on Management Board membership</u>	35
10.5	<u>Powers and responsibilities of the Management Board</u>	36
	<u>Evidence on powers</u>	37
	<u>Evidence from systems in other countries</u>	37
	<u>Evidence from the questionnaire, interviews and focus groups</u>	38
	<u>The expert team’s conclusions on the Board’s powers</u>	39
10.6	<u>Operational involvement: the board’s relationship with its executive & staff</u> 39	
	<u>Evidence on operational involvement</u>	40
	<u>Evidence from systems in other countries</u>	40
	<u>Evidence from the questionnaire, interviews and focus groups</u>	40
	<u>The expert team’s conclusions on the Board’s level of operational involvement</u>	41
10.7	<u>Autonomy: the single body’s relationship with government</u>	42
	<u>The Board and the government: what kind of relationship?</u>	42
	<u>Evidence on autonomy from government</u>	43
	<u>Evidence from systems in other countries</u>	43
	<u>Evidence from the questionnaire, interviews and focus groups</u>	43
	<u>The expert team’s conclusions on the Board’s level of autonomy</u>	43
10.8	<u>Conclusion as to structure of the single unitary body</u>	44
11	<u>PRACTICALITIES ON ENFORCEMENT OF SPECIFIC POWERS OF THE SINGLE MANAGEMENT BODY</u>	47
11.1	<u>Policy-making powers (Management Board of the unified legal aid service)</u>	47
	<u>Overall management of the Legal Aid System</u>	47
	<u>Preparation of drafts of laws and other normative acts in the field of the legal aid</u>	47
	<u>Preparing the proposal budget for legal aid & monitoring its realisation</u>	47
	<u>Cooperation, including with international and national governmental and non-governmental organisations, which are involved in the field of legal aid</u>	47
11.2	<u>Operational functions (Management Board of the unified legal aid service)</u>	48
	<u>Keeping of the National Register of Legal Aid Providers</u>	48
	<u>Conducting initial and continuous training program of persons involved in the system of delivering of legal aid</u>	48
	<u>Promotion the system of legal aid/ awareness raising on the right to legal aid</u>	48
11.3	<u>Monitoring and oversight functions (Management Board of the unified legal aid service)</u>	48
	<u>Receiving and examining complaints about legal aid</u>	48
	<u>Monitoring the quality of provided legal aid services</u>	49
	<u>Collecting and analysis of data on delivered legal aid /Overall performance of the system</u>	49

<u>Drafting annual reports of activity in the system of delivering of legal aid</u>	49
<u>Financial oversight</u>	49
11.4 <u>Operational functions (Regional Offices)</u>	49
<u>Assessing and deciding upon received legal aid applications</u>	49
<u>Appointment of lawyers in specific cases to deliver legal aid</u>	49
<u>Remuneration of lawyers, mediators, expert witnesses and services providers</u> . .	50
12 <u>MAIN STEPS AND MEASURES TO IMPLEMENT TO MAKE FUNCTIONAL THE</u>	
<u>SINGLE MANAGEMENT BODY</u>	51
12.1 <u>Legislative measures</u>	51
12.2 <u>Administrative and organisational measures</u>	52
12.3 <u>Budgetary and financial implications</u>	52
13 <u>SYNTHESIS OF THE MAIN RECOMMENDATIONS</u>	54
14 <u>APPENDIXES</u>	58
14.1 <u>Appendix 1. Methodology of the study</u>	58
14.2 <u>Appendix 2. Questionnaire for lawyers</u>	58
14.3 <u>Appendix 3. Agenda of the meetings</u>	58



4 INTRODUCTORY REMARKS

The Council of Europe is currently implementing the joint Council of Europe/European Union Project on supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia, which aims at supporting the main actors in enhancing the scope, accessibility, quality, efficiency and awareness of free legal aid provision in the country and addressing identified shortcomings.

The project is built along three main lines of action:

- (1) Harmonisation of provisions, policies and practices related to free legal aid;
- (2) Targeted capacity building of main providers (Ministry of Justice, Bar Association and CSOs) including by supporting more structured and continuous coordination, and
- (3) Awareness raising among the country's population to support increased access to free legal aid.

The *Report on Needs assessment and recommendations with regard to the provision of legal aid in criminal proceedings in North Macedonia*¹ and the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia*, conducted under the project, observe that the actual system of delivery of legal aid in criminal proceedings in the RNM is not managed by a single entity and recommend to examine the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity. Actually, the appointment of the ex-officio lawyers and their payment is performed by the courts, while the training and assurance of the quality of services is left with less attention, presumably with the Bar Association, based on its general competence. This model of management has its implications, including on the modality of awareness rising on the right to legal aid, collection and use of statistical data, research for development of the legal aid system, formulation and promotion of the budget for legal aid in criminal proceedings etc.

In 2009, with the adoption of the first special *Law on Free Legal Aid*,² the country established a separate legal aid system for civil and administrative matters, distinct from the legal aid system in criminal proceedings. Before 2009, legal aid for indigent parties in civil procedures was *de jure* available pursuant the provisions on exemption of procedural

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

² Law on Free Legal Aid, Official Gazette No. 161/2009.

fees³ set in the Civil Procedure Code⁴, however rarely used in practice.⁵ The LFLA from 2009 determined the powers of the Ministry of Justice to conduct means and merits test, to appoint lawyers and to manage the newly established legal aid system. In 2011 the amendments to the LFLA broadened the scope of the legal aid and the Ministry of Justice was to decide upon approval of legal aid in asylum seekers cases while the 2014's amendments also included authority to decide upon request for payment for lawyers that provided legal aid in juvenile justice cases. These subsequent amendments put significant strain on the Ministry of Justice's capacity to administer and manage the legal aid system.

In an attempt to address the significant shortcomings⁶ of the 2009 law, in 2019 a new LFLA was adopted. It set the stage for a significant improvement by facilitating the means and merits test and decentralisation of the processing of legal aid applications. However, significant change regarding the management of the system was not carried out. The Ministry of Justice still remains the institution that decides upon legal aid applications in civil and administrative proceedings, conducts means and merits test, appoints lawyers, performs oversight, plans budget and conducts promotional activities. Data collection, policy research, trainings of staff and lawyers are vaguely included in the law and there are practical challenges in their realisation.

Therefore the Council of Europe's Project Team requested to develop a study on feasibility of establishing a single entity for the management of all free legal aid schemes/systems in RNM. The feasibility study shall respond to three main questions:

1. *Is it feasible from legal, operational and financial point of view to entrust the management of the **all existing legal aid schemes in criminal, civil and administrative proceedings** to one distinct entity?*
2. *If feasible, what structure and functions shall the **single management entity** have?*
3. *What are the steps and measures to be implemented for this **single management entity to be operational**?*

³ These provisions are still in force simultaneously with the LFLA provisions, however the draft of the new Civil Procedure Code bill from 2020 erased them and it refers to the LFLA for any exemption of costs and appointment of lawyers for indigent parties.

⁴ Articles 163 – 169, Civil Procedure Code, Official Gazette No. 79/2005, 110/2008, 83/2009, 116/2010, 124/2015.

⁵ The Civil Procedure Code provided legal ground for an indigent party, if not able to meet the costs of the procedure, to file a request for exemption from the costs to the trial judge. The trial judge after conducting means test may exempt the party partially or for all procedural fees. When deciding the later it may appoint a lawyer as legal representative if it "necessary for protection of the interests of the party".

⁶ For further reading concerning the shortcomings see Kocevski & Danilovska-Bajdevska (2013) *Analysis on the implementation of the Law on Free Legal Aid in Macedonia (2010 – 2012)*, FOOM & MYLA and Kocevski & Georgievska eds (2019) *Access to Justice in N.Macedonia – Comprehensive Policy Study on the Access to Justice in Criminal, Civil and Administrative Procedures*, MYLA & PIC.

The aim of the feasibility study is to support the RNM authorities in taking an informed decision in their efforts to strengthen the capacity of management of the legal aid schemes.

The study was developed by Bojana Netkova⁷, Goce Kocevski⁸, John Eames⁹ and Victor Zaharia¹⁰, with the support of CoE project team. The consultants wish to thank all the participants in the process, including stakeholders and the project team, for their valuable opinions, support and advice.

⁷ CoE national consultant, attorney and member of the WG for amending the LFLA, JC, member of the commission for establishing the Educational Centre for Lawyers.

⁸ CoE consultant, program director at the Macedonian Young Lawyers Association, working on access to justice and legal aid since 2011.

⁹ CoE international consultant, tribunal judge in UK

¹⁰ CoE international consultant, President of the National Council for State Guaranteed Legal Aid, Moldova (2008-2016, 2020-present); PhD, university associate professor, Moldova State University; member of UN SPT, member of CoE CPT.

5 METHODOLOGY OF THE FEASIBILITY STUDY

The process of development of the feasibility study followed a structured methodology in three phases:

- a) Desk review (including International and European Standards in the area, RNM legislation, European and regional practices, pertinent reports and statistical data etc.)
- b) Data collection and fact-finding mission (03-06 October 2022, Skopje, RNM), and
- c) Validation of the preliminary recommendations (07 October 2022) and drafting of the study.

The research team used a complex set of methods to collect the data, including initial interviews with 9 experts in the legal aid area, in-depth interviews with the stakeholders, surveys through questionnaires for lawyers (filed in on-line by 74 lawyers, which represent 20% of lawyers enlisted in the Registry for free legal aid and the lawyers enlisted for providing ex-officio in criminal cases), focus groups with 7 lawyers and 6 judges.

The methodology envisaged participation of all relevant stakeholders and allowed for gender consideration and needs of vulnerable groups. Detailed description of the planned methodology, please see appendix 1, 2 and 3.

The research team fully considered international and European standards, comparative practices in the area but also the commitments at the national level such as Strategy for reform of the judicial sector for the period 2017-2022 and Action plan for implementation of the Strategy for Reform of the Judicial Sector 2017-2022¹¹.

It is to mention that during the data collection and fact-finding mission, the expert team was not proposing a specific modality of organisation of the system (except for key approaches deriving from pertinent practices of other countries and relevant standards), asking the stakeholders to express their views on potential options of management of the legal aid system. This modality permits to pretend that consultations process was fully participatory.

¹¹ <https://rm.coe.int/strategy-for-reform-of-the-judicial-sector-for-the-period-2017-2022-wi/16808c4384>

6 PERTINENT INTERNATIONAL AND EUROPEAN STANDARDS

The team of experts valued the guidance included in relevant international and European standards in the area of management of the legal aid systems, mainly:

- United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (including guideline 11, nationwide legal aid system and guideline 12 funding the nationwide legal aid system)¹².
- ECHR and Jurisprudence of ECtHR on Article 6 (3) (c) ECHR (more as benchmarks and targets of activity for the legal aid management system)¹³,
- Guidelines of the Committee of Ministers of the Council of Europe on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law, 2021 (again more as benchmarks and targets of activity for the legal aid management system)¹⁴,
- EU standards and guidelines¹⁵.

¹² *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, A/RES/67/187, https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

¹³ Article 6 (3) (c) ECHR “Everyone charged with a criminal offence has the following minimum rights:.. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require”. The right of access to a lawyer in criminal proceedings applies throughout the entire proceedings, from police questioning to the all higher appellate stages. Access to a lawyer should be provided as from the first interrogation of a suspect by the police, unless it is demonstrated under the light of the particular circumstances of each case that there are compelling reasons to restrict this right. Legal aid is not a right guaranteed to everyone involved in a criminal procedure and the states are not obliged to provide legal aid to anyone, but to the persons that do not have the means to hire a lawyer and the interests of justice require that in the particular type of case or procedure, legal aid is provided. The state shall set the rules regarding the means test, including the financial threshold and the methods of checking the person’s eligibility. Determining whether the ‘interests of justice’ (merits) require the provision of legal aid involves taking three factors into account, namely: the seriousness of the offence and the severity of the potential sentence; the complexity of the case; the personal situation of the accused. Where an individual’s liberty is at stake, the interests of justice in principle call for legal representation. This obligation arises even if there is only a possibility of a custodial sentence. The national law can lay down more generous standards. The mere provision of legal assistance does not mean that it will be effective. A legal aid lawyer’s manifest failure to mount a practical and effective defense may violate Article 6. There is no absolute right to choose one’s own court-appointed legal aid lawyer. Please see: ECtHR, Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (criminal limb). Available in Macedonian at https://www.echr.coe.int/Documents/Guide_Art_6_criminal_MKD.pdf

¹⁴ <https://rm.coe.int/guidelines-of-the-committee-of-ministers-of-the-council-of-europe-on-t/1680a39918>

¹⁵ The European Union, Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (Text with EEA relevance) 2009/C 295/01; the Directive 2013/48/EU (2013) on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon depri-

Specific references to the standards are made further in the study in the context of particular aspects of management of the legal aid system.

vation of liberty and to communicate with third persons and with consular authorities while deprived of liberty; the European Commission, Recommendation of 27 November 2013 on the right to legal aid for suspects or accused persons in criminal proceedings, OJ 013 C 378.68; the Directive (EU) 2016/1919 on provisional legal aid for suspects or accused persons deprived of liberty and for legal aid in European arrest warrant proceedings (provisional legal aid to persons who are deprived of liberty – and before questioning; until a decision on eligibility for legal aid can be made); the Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings; the Framework Decision 2001/220/JHA on the situation of victims in criminal proceedings, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims; the Directive 2012/29/EU on victims' rights; the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

7 COMPARATIVE PRACTICES OF MANAGEMENT OF THE LEGAL AID SYSTEM

The team looked at open source information on free legal aid systems worldwide, using collating tools already available.

Special evidential considerations applied in the context of the feasibility of possible management structures though. For the purposes of the study, the expert team took a particular interest in the way management structures are conceived by examining a number of systems in actual use for the structuring of free legal aid activity around the world. Naturally there is wide variance. In looking at the structure of the body, the expert team has focused in on a smaller number of free legal aid systems which appear to the experts to have merits from which the experience in North Macedonia may benefit. It was felt highly important not to merely borrow some other country's system in its entirety, as it should be recognised that like everywhere the context of North Macedonia is unique and no system can be superimposed without due regard to national conditions. Some models were summarily rejected at the outset though; this is explained below. So, in the end a sample of 10 or so of the most useful and pertinent systems were taken as the primary basis for learning what could work, structure-wise, in the Macedonian contest. As with the Methodology document, the team used a number of comparators from which to learn:

Netherlands Legal Aid Board¹⁶

Legal Aid Queensland (Australia)¹⁷

Ireland Legal Aid Board¹⁸

Moldova National Council for State Guaranteed Legal Assistance¹⁹

South Carolina Legal Services²⁰

Legal Aid Ontario – Aide Juridique Ontario²¹

Georgia Legal Aid Council²²

Scottish Legal Aid Board²³

Legal Aid Agency England & Wales²⁴

District of Columbia Legal Aid Society (USA)²⁵

¹⁶ <https://www.rechtsbijstand.nl/over-ons/about-the-dutch-legal-aid-board/>

¹⁷ <https://www.legalaid.qld.gov.au/About-us/Our-organisation/Legal-Aid-Queensland>

¹⁸ <https://www.legalaidboard.ie/en/about-the-board/>, <https://www.legalaidboard.ie/en/about-the-board/organisational-structure/>

¹⁹ <https://cnaigs.md/en/structure/page/nlac>

²⁰ <https://sclegal.org/board-of-directors/>

²¹ <https://www.legalaid.on.ca/board-members/>

²² <http://www.legalaid.ge/en/c/1/council>

²³ <https://www.slab.org.uk/corporate-information/our-people/board-members/>

²⁴ <https://www.gov.uk/government/organisations/legal-aid-agency/about/our-governance>

²⁵ <https://www.legalaidcdc.org/leadership-cabinet>

Inclusion on this list of comparator systems does not imply the expert team approve that system's structure, much less recommend emulating them. Some of these legal aid regimes have characteristics this report recommends and others do not; however from the point of view of looking at *organisational structure* they were nonetheless all considered to be of interest, especially in regard to Management Boards, even if they did not otherwise satisfy the expert team's eventual requirements for a system in North Macedonia.

Nonetheless the list of comparator systems is selective: some models initially looked at were explicitly rejected at the outset as unlikely to offer much in the way of structural paradigms from which North Macedonia could draw. Models rejected by the expert team included:

- no structure – where ad hoc decisions are made by an unregulated spread of stakeholders such as judges, the bar, or ministry staff without overall policy or rules. In the view of the team it is uncontroversial to reject a no-structure model as it is prone to abuse, arbitrary decision-making, inconsistency in the exercise of discretion, lack of policy direction, and achieves an overall negative score in improving access to justice. Moreover it is considered that the terms of the feasibility study more or less explicitly reject such an approach;
- a structure premised on purely pro bono input from a wealthy local bar, such as appears to be the case in **District of Columbia Legal Aid Society** (USA) for example, managed by a board of trustees with over 50 members all seconded by local law firms, or other examples where membership of the board is premised on the level of monetary or pro bono input. Again, it is uncontroversial that this would be unlikely to prosper in the Macedonian context.

Secondly the expert team paid very close attention to the views and opinions of the stakeholders, as primary evidence. Again this is outlined above. But again, there were specifics in how the expert team calibrated the stakeholders' opinions as to **structuring** the single body. There was a natural and predictable degree of enlightened self-interest in the way different sectors argued for their own importance as part of the single body. The team of experts do not criticise this at all – it is right and proper the sectors should argue their own corner – but adjustments must be made in analysing the views, and a spotlight focused on the *reasoning* they gave the experts for their own sector's involvement.

Below, as requested by the interlocutors during the fact-finding missions, there are provided details on some of these systems.

7.1 Republic of Bulgaria

Free legal aid in Bulgaria is organised by the Legal Aid Bureau (NLAB) and the Bar Councils²⁶. NLAB is a Bulgarian independent state body, publicly financed by the state bud-

²⁶ Legal Aid Act of Republic of Bulgaria, Promulgated, State Gazette No. 79/4.10.2005, effective 1.01.2006,

get²⁷ which, together with the bar councils, provides legal assistance to persons with a low income, persons placed in specialised institutions, children at risk, persons detained by police, asylum seekers, foreigners who are to be expelled from the country and other vulnerable persons.

The National Legal Aid Bureau is assisted by an administration which structure and organisation is determined by the Rules adopted by the Council of Ministers.²⁸ In 2015, the NLAB established seven legal aid centres, where indigent individuals can seek legal assistance on civil, criminal, and administrative matters from NLAB staff attorneys.²⁹ Legal assistance is also available on the NLAB's "National Telephone for Legal Aid"³⁰ where any questions regarding state-paid legal aid could be addressed or consultation for natural persons under facilitated conditions outside the general procedure for granting legal aid.

The Bar Council may open a Regional Counselling Centre which will represent a form for provision of consultation to natural persons under facilitated conditions outside the general procedure for granting legal aid.³¹ The activity of the regional counselling centre is administered by the NLAB and by the relevant Bar Council.³² Consultations at the Regional Counselling Centre shall be provided by lawyers registered with the NLAB and determined by a decision of the Bar Council.³³

NLAB is consisted of five members: a President, a Vice President, and three members.³⁴ The President and the Vice President of the NLAB are appointed and removed from office by an order of the Prime Minister on the basis of a Council of Ministers decision

amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 17/24.02.2006, effective 1.05.2006, SG No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No 42/5.06.2009, SG No. 32/27.04.2010, effective 28.05.2010, amended, SG No. 97/10.12.2010, effective 10.12.2010, supplemented, SG No. 99/17.12.2010, effective 1.01.2011, amended, SG No. 9/28.01.2011, supplemented, SG No. 82/21.10.2011, effective 1.01.2012, amended, SG No. 99/16.12.2011, effective 1.01.2012, supplemented, SG No. 82/26.10.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 28/19.03.2013, No. 28/19.03.2013, amended, SG. No. 53/27.06.2014, supplemented, SG. No. 97/6.12.2016, amended and supplemented SG. No. 13/7.02.2017, art. 6 para.2

²⁷ Ibid, art.6 para.3

²⁸ Ibid, art.7 para 1,2

²⁹ Latham&Watkins, LLP, Pro Bono Practices and Opportunities in Bulgaria, available at: <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-bulgaria.pdf>

³⁰ Ibid, art.30a

³¹ Ibid, art.30g and 30h

³² Ibid, art.30i

³³ Ibid, art.30m

³⁴ Legal Aid Act of Republic of Bulgaria, Promulgated, State Gazette No. 79/4.10.2005, effective 1.01.2006, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 17/24.02.2006, effective 1.05.2006, SG No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No 42/5.06.2009, SG No. 32/27.04.2010, effective 28.05.2010, amended, SG No. 97/10.12.2010, effective 10.12.2010, supplemented, SG No. 99/17.12.2010, effective 1.01.2011, amended, SG No. 9/28.01.2011, supplemented, SG No. 82/21.10.2011, effective 1.01.2012, amended, SG No. 99/16.12.2011, effective 1.01.2012, supplemented, SG No. 82/26.10.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, amended and supplemented, SG No. 28/19.03.2013, No. 28/19.03.2013, amended, SG. No. 53/27.06.2014, supplemented, SG. No. 97/6.12.2016, amended and supplemented SG. No. 13/7.02.2017, art.11

and the remaining three members of the NLAB are elected by the Supreme Bar Council. The President and the Vice President perform the activity under an employment relationship and may not occupy another position under an employment or civil-service relationship.³⁵

The responsibilities of the NLAB include the monitoring and supervision of activities related to the provision of legal aid, the administering of payments for legal aid, the maintenance of the National Register of Legal Aid, organisation of the legal aid system and the promotion of the legal aid system.³⁶ The functions of the NLAB are to provide general and methodological guidance of the activity concerning the granting of legal aid, issue mandatory instructions on the application of the Legal aid Act and the statutory instruments of secondary legislation; prepare a draft of a legal aid budget; organise the keeping of the National Legal Aid Register; pay for the legal aid granted; exercise control over the granting of legal aid etc.³⁷

The Bar Councils organise the granting of legal aid within the respective geographical jurisdiction.³⁸

To that end The Bar Councils prepare an opinion on the applications of the lawyers of the Bar Association for entry into the National Legal Aid Register; establish and maintain lists of the lawyers on duty, the stand-by defence counsel and the lawyers providing consultations in the regional counselling centres; designate a lawyer of the Bar Association, entered in the National Legal Aid Register, for implementation of the legal aid, making sure that the professional experience and qualifications of the said lawyer are suitable for the type, the factual and legal complexity of the case, other appointments according to the procedure established by this Act, and the caseload of the said lawyer; exercise current control as to the quality of the legal aid provided by the lawyers of the Bar Association and carry out checks and ascertainment and, where necessary, institute disciplinary proceedings and inform the NLAB; ensure training of the assigned counsel etc.³⁹ For the activity performed concerning the administration of legal aid the Bar Councils receive remuneration from the NLAB budget.⁴⁰

The management of the individual requests for legal aid differs from the type of requested legal aid. In cases where the requested legal aid is for consultations with view to reaching an agreement before the commencement of the legal proceedings or the filing of a case and preparation of the documents for bringing a case before court the legal aid is granted or not by the President of the NLAB within 14 days after submission of an

³⁵ Ibid, art.15 para 1

³⁶ Ibid, art.8

³⁷ Ibid, art.8, para 1, 2, 4, 5, 6, 8,

³⁸ Ibid, art.18

³⁹ Ibid, art.18 para 1,2,3,5

⁴⁰ Ibid, art.19

order, judgment of court or certificate⁴¹ issued by the relevant competent authorities.⁴² In cases where representation in court by legal council is needed or representation upon arrest according the Ministry of Interior Act and Customs Act then the decision to grant legal aid is made by the authority directing the procedural steps or by the relevant police or customs authority at the request of the person concerned or by virtue of the law.⁴³ The explained declaration for granting legal aid is further endorsed by the NLAB. “Finally, where an individual is not currently involved in legal proceedings, they may receive legal aid if they qualify for the receipt of state aid, if they have been placed in a social services institution, or if they have a foster child in custody. The determination of whether an individual not currently in civil proceedings qualifies for legal aid is vested with the NLAB.”⁴⁴

7.2 Georgia

The Legal Aid Unit (the ‘Unit’) which ensures the availability of legal advice and legal aid in Georgia is a legal entity under public law and comprises the Office of the Unit (the ‘Office’), Legal Aid Bureaus and consultation centres⁴⁶. The Statute of the Unit is approved by the Legal Aid Council upon recommendation of the Director.

A collegiate body – the Legal Aid Council (the ‘Council’) is established to ensure administration of the Unit, efficient performance of its functions, and independence and transparency of the Unit. The Council is comprised of nine members. Three members are selected by the Executive Council of Georgian Bar Association and three members – by the Public Defender of Georgia; one member is selected by the Legal Aid Bureaus from the lawyers of the Bureaus; one member is nominated by the Minister of Justice of Georgia from the employees of the Ministry of Justice of Georgia and one member is nominated by the High Council of Justice of Georgia from the non-judge members of the High Council of Justice⁴⁷.

The Council elects the Director, makes a decision to prematurely terminate his/her term of office; approves the strategy of the Unit and monitors its performance; approves the Statute of the Unit; approves the procedure and criteria for the quality assessment of the legal advice and legal aid rendered by the Unit; makes decisions to establish and/or cancel Legal Aid Bureaus/consultation centres, and defines the jurisdiction of Legal Aid Bureaus and providers; approves the staff list of the Unit and the limits of funds

⁴¹ The facts and circumstances under (para 1“Granting legal aid”) shall be certified by court decisions or by documents issued by the respective competent authorities and by declaration of family and property status of the person in a form approved by NLAB.

⁴² LAA, art.25 para 2

⁴³ Ibid, art 25 para 1

⁴⁴ Ibid, art.25

⁴⁵ Latham&Watkins, LLP, Pro Bono Practices and Opportunities in Bulgaria, available at: <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-bulgaria.pdf>

⁴⁶ Law 4955 of Georgia of 19.06.2007 on Legal Aid <https://www.matsne.gov.ge/en/document/view/21604?impose=translateEn&publication=16>, art. 8

⁴⁷ Ibid, art. 10.

allocated for remuneration of the employees; approves the procedure for involving in a proceeding a lawyer registered in the registry, the amount of his/her remuneration of labour and payment procedure; approves the reporting procedure and the form of a Consultation centre, a Legal Aid Bureau, a Provider, and a lawyer registered in the registry; hears a financial report of the Director on the activities of the Unit at the end of each fiscal year; hears current and annual reports of the Director on the activities of the Unit; applies to the Director with a recommendation to improve activities of the Unit and monitors its performance within the scope defined by the Statute of the Council; hears a report on the activity of a Legal Aid Bureau/Consultation Centre, and their suggestions on optimisation of the activities of the Unit; may hear a claim of a person employed by the Unit with relation to exercising by the Director of his/her powers; may conduct research to investigate the availability and quality of legal aid and legal advice; promotes activities of the Unit; exercises other powers provided by Law and the Statute of the Council⁴⁸.

The Unit is independent in performing tasks assigned to it. Any influence on its activity is inadmissible. The Unit is not subordinated to any State body and is accountable only to the Parliament of Georgia under the procedure established by the legislation of Georgia. The Director of the Unit (the 'Director') annually submits to the Parliament of Georgia, not later than 1 March, the Unit activity report for the previous year. After hearing the report on the Unit activity, the Parliament of Georgia approves it by resolution, or requires that the Unit eliminate certain defects and/or improve its activities⁴⁹.

7.3 Republic of Kosovo

In Republic of Kosovo free legal aid is administered by the Free Legal Aid Council (FLAC) and the Agency for free legal aid (AFLA). The Agency for Free Legal Aid (AFLA) is an independent body which is mandated to provide free legal aid to persons who do not have sufficient financial resources and as a result are denied access to justice.

AFLA is the only institution in the territory of the Republic of Kosovo responsible for organisation and providing of free legal aid.⁵⁰ The bodies of the FLAC are the Executive Director and the Regional offices for free legal aid.⁵¹ The Executive Director is the body of the Agency selected by the FLAC with competences to coordinate the work of the system of free legal aid; preparation of the proposal for the annual budget of the Agency; proposal of the organisational structure of the Agency to be adopted by the Council; employment and monitoring of the Agency's employees; contracting of goods and services for functioning of the system of free legal aid; organisation of training for providers of free legal aid; running the awareness campaigns regarding free legal aid system; preparation of regular annual reports and other reports upon the request of the

⁴⁸ Ibid, art. 11.

⁴⁹ Ibid, art. 8.

⁵⁰ LAW No. 04/L-017 ON FREE LEGAL AID, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 03 / 22 FEBRUARY 2012, PRISTINA, art.19 para 3

⁵¹ Ibid, art.19, para 4 item 4.1, 4.2

Council; maintaining the registers and preserving the documents and data relating to the functioning of the Agency. The Executive Director reports to the FLAC.⁵²

AFLA functions on the basis of the Law on Free Legal Aid. Free legal aid is provided to persons who meet the criteria set out in the Law on Free Legal Aid such as: Legal Criteria, Financial Criteria and Qualifying Criteria. Under the law, in urgent cases, free legal aid is offered to all arrested or detained persons, in the police, despite the fulfilment of the criteria. Free Legal Aid can include: information and legal advice regarding legal proceedings, preparation of complaints, lawsuits, petitions, as well as representation in civil, criminal, administrative and misdemeanour proceedings.

As a free legal aid provider under the law are: regional offices, free legal aid offices, lawyers and non-governmental organisations when entering into partnership with the Agency, employed or contracted by the Agency.⁵³ AFLA has seven regional offices in: Prishtina, Prizren, Gjakova, Mitrovica, Gjilan, Ferizaj, Peja.⁵⁴ The regional offices cover the delivering of free legal aid in all territory of the Republic of Kosovo.⁵⁵ Regional Offices are obliged to provide free legal aid in the municipalities which are covered by that regional office, through the mobile offices. The mobile offices for free legal aid are established on the proposal of the Executive Director by the FLAC. The mobile offices for free legal aid as a form of organisation of legal services, act in those municipalities in which the free legal aid offices are not established.⁵⁶

The management of the request for free legal aid, the engagement of the providers of free legal aid, the provision of free legal aid in compliance with determined authorisations by this law, coordination with local institutions regarding offering of free legal aid etc. are some of the competences that fall within the scope of operations of the regional offices.⁵⁷ For their work the Regional offices report to the Executive Director.⁵⁸

The Council for free legal aid (FLAC), as crucial institution which carries out its functions independently from other public institutions and without instructions and interferences from any person, as well as exercises direct supervision of the Agency is established to ensure the exercise of free legal aid.⁵⁹ FLAC is composed of seven (7) members elected from the Assembly of the Republic of Kosovo from Ministry of Justice, Ministry of Labour and Social Welfare, Ministry for Returns and Communities⁶⁰, Ministry of Finances, Koso-

⁵² Ibid, art.20

⁵³ LAW No. 04/L-017 ON FREE LEGAL AID, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 03 / 22 FEBRUARY 2012, PRISTINA, art.3 para 1 item 1.4

⁵⁴ <https://edrejtajem.org/en/agency-for-free-legal-aid/>

⁵⁵ LAW No. 04/L-017 ON FREE LEGAL AID, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 03 / 22 FEBRUARY 2012, PRISTINA, art.22 para 1,2

⁵⁶ Ibid, art.28

⁵⁷ Ibid, art.22, para 3 item 3.1, 3.2, 3.3, 3.5

⁵⁸ Ibid, art. 22 para 5

⁵⁹ LAW No. 04/L-017 ON FREE LEGAL AID, OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 03 / 22 FEBRUARY 2012, PRISTINA, art.11 para 1

⁶⁰ Ministry for Community and Return should propose the members from the minorities in Kosovo

vo Chamber of Advocates, Supreme Court and NGO who are represented with three members.⁶¹ The competences and responsibilities of the FLAC are drafting of policies and rules for providing free legal aid that will ensure effective, efficient, comprehensive, flexible and sustainable system; monitoring of work of the Agency and comprehensive functioning of the system of free legal aid and identification of priorities on providing of free legal aid, depending on sources and financial means available;⁶² FLAC reports to Assembly of the Republic of Kosovo once a year concerning the work of the Agency and publishes the Report in the official web page of the Agency.⁶³

7.4 Republic of Moldova

Since 2008 it is in place a new legal aid system. The management body is the National Council for State Guaranteed Legal Assistance (quasi-independent *Legal Aid Board*; composed of 7 members: MoJ - 2, Bar - 2, Judiciary - 1, Ministry of Finances - 1, CSO/Academia - 1). The board is responsible for policy formulation (including approval of the level of fees for lawyers); approval of regulations (e.g. professional standards, quality mechanism). It has regular meetings (once in 3 months) and extraordinary meetings. It reports to MoJ, Government and Parliament at the same time. The MoJ formulates the general state policy in the area of legal aid, but also is involved in promotion of the budget for the legal aid and as necessary of the legislative changes. The *Bar* participates in the process of selection of lawyers to provide legal aid and in the monitoring of the quality of the services. Such a system of management is seen as a platform of permanent institutional dialogue between main actors responsible for organisation and functioning of the legal aid system.

The daily routine on management of the individual requests for legal aid is performed by the *Territorial Offices of the NLAC* (4 offices, distinct public entities; lead by a coordinator and have dedicated staff). The staff deals with all stages of individual requests for legal aid. The person in need requests legal aid directly or through the institution (court, investigation; these redirect the requests to TO) and the TO decides if the person is entitled to legal aid, appoints the lawyer, monitors the quality, makes payments. A dedicated soft is used (all processes are automatised; including generation of public statistics).

Quality assurance mechanism is almost fully in the hands of the Legal Aid board that organises the *contest to admit members of the bar in the legal aid system*. *Continuous training is compulsory* (16 hours per year; many of training hours are provided by legal aid board). Legal Aid board issued various *guidance* on specific areas, where is deemed necessary to guide the lawyers and approved professional standards of activity of lawyers in criminal cases (general standards and specific for the cases of involvement of juveniles). There were developed lists of specialised legal aid lawyers (for juveniles, migrants, persons with mental impairments, victims of the crimes). There is a system of internal (administrative check by staff of TO) and external monitoring (randomly, 10 %

⁶¹ Ibid, art.11 para 2, 3 item 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7

⁶² Ibid, art.13 para 1 item 1.1, 1.2, 1.3

⁶³ Ibid, para 4

of lawyers annually or in case of complaint on quality of legal aid; commission created by Legal Aid board with lawyers members of the bar as evaluators) of quality of services delivered based on approved standards. The usual complaints system is seen as an addition, which is used for lawyers excluded from the legal aid system.

7.5 Republic of Slovenia

Free legal aid in Republic of Slovenia i.e. specialist, administrative and technical tasks for the competent free legal aid authority is performed by the specialist service for free legal aid organised at every court of jurisdiction. The specialist service offer free advice and information to interested persons on the possibilities and conditions for obtaining free legal aid and on other issues related to granting and providing free legal aid, assist the applicant in drawing up an application for free legal aid and in handling the referral, and offer instructions on implementation of free legal aid to other providers of such services.⁶⁴

Applications for granting free legal aid are decided upon by the competent free legal aid authority operating at the court based in the region where the applicant has his or her permanent or temporary residence or where his or her head office is based.^{65, 66}

The persons authorised to implement free legal aid are attorneys who are entered into a “Directory of Attorneys,” by law firms “founded on the basis of the act governing attorneyship,” and by notaries, and may also be offered by “persons who perform not-for-profit services of free legal aid with the approval of the minister responsible for justice.”⁶⁷

Under the Free Legal Aid Act, eligible individuals are entitled to the total or partial provision of funds necessary to cover the costs of legal assistance and are entitled to an exemption from paying the costs of judicial proceedings.⁶⁸ Legal aid is available to be used in all courts of general and specialised jurisdiction in Slovenia, before the Constitutional Court of Slovenia, before all authorities, institutions or persons in Slovenia authorised for out-of-court settlements and, in certain cases, for proceedings conducted before international courts or arbitration panels. Further, free legal aid may be granted for “legal advice, legal representation and other legal services” and for “all forms of judicial protection.”

⁶⁴ Free legal Aid Act of Republic of Slovenia, art.31

⁶⁵ Ibid, art.31 (a)

⁶⁶ The relevant district court in matters for which courts of general jurisdiction are competent; labour and social courts in matters involving individual and collective labour and social disputes; the relevant administrative court in matters involving administrative disputes; the court from the aforesaid courts whose jurisdiction covers constitutional appeals, motions for review of constitutionality and legality, disputes before international courts and out-of-court settlements of disputes.

⁶⁷ Free legal Aid Act of Republic of Slovenia, art. 29

⁶⁸ Ibid, art. 1

8 SHORT OVERVIEW ON ACTUAL MANAGEMENT OF THE LEGAL AID SYSTEMS IN REPUBLIC OF NORTH MACEDONIA

In Republic of North Macedonia the administration of free legal aid is divided in accordance with the type of the procedure in which the free legal aid should be granted.

8.1 Free legal aid for civil and administrative proceedings

According to the Law on free legal aid, the free legal aid for civil and administrative proceedings is governed by the Ministry of Justice through the Sector for free legal aid. Within this sector is the department for free legal aid. The department for free legal aid is managed by a manager who reports to the Minister for the work of the department. Within the scope of the department's tasks is keeping records of received requests for free legal assistance, keeping records of submitted requests to other authorities, performing a data check by the relevant authorities, drawing up decisions for the payment of compensation, preparing decisions for registration in the register of attorneys' at law and in the register of associations, keeping registers of associations and attorneys' at law and, etc. The copy from the Registry of Attorneys' at Law is submitted to the Bar Association by the Ministry. The Ministry may request verification of the data regarding the application for entry into the Registry of Attorneys' at Law from the Bar Association.

Under the Ministry of Justice there are 34 regional offices where the management of the free legal aid daily routine is conducted. Regional offices are responsible for accepting requests for free legal aid and deciding on its merits. In addition the regional offices are also equipped to provide preliminary legal aid which entails general legal information, advice on using the right to free legal aid or help with completing the demand for secondary legal aid. Associations and legal clinics (within law faculties) who are registered to provide free legal help, according to the LFLA are also the providers of preliminary legal aid. Associations and legal clinics, in addition to general information and legal advice, can also help with composition of simple forms in the administrative procedure, for drafting a petition to the Ombudsman and the Commission for Protection against Discrimination, as well as for the composition of a request for the protection of freedoms and rights before the Constitutional Court. Lawyers who have acquired the authority to provide secondary legal aid by being registered in the register of lawyers at the Ministry of Justice act within the framework of this law only in the case where the applicant is granted using secondary legal aid with Confirmation issued by the regional offices.

8.2 Free legal aid in criminal proceedings

Free legal aid in criminal proceedings or the so-called “Defence of the poor” is regulated in the Criminal Procedure Law with Article 75. When the conditions for mandatory defence are not met, upon his or her motion, the defendant may be assigned an attorney, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defence, 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 defence counsels of the appropriate legal community. The institutions responsible for assigning an attorney on the request of the defendant are the Basic Criminal courts.

9 ESTABLISHING A SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM IN NORTH MACEDONIA

9.1 Overall support for the idea of a single body for the management of the free legal aid system

For the first time, it was recommended to examine the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity in 2020, in the *Report on Needs assessment and recommendations with regard to the provision of legal aid in criminal proceedings in North Macedonia*⁶⁹ and later in the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia*, conducted under the CoE project. Such a recommendation was based on the existing international and regional practices, but also on the trends in the management of the legal aid system in civil and administrative proceedings in North Macedonia.

While 2 years ago the idea of creation of a single body for the management of the free legal aid system in North Macedonia was not on the debate agenda, in a short period of time, it obtained more and more attention.

There are several strong arguments which brought the idea of single management body to the attention of the stakeholders, and mainly specific challenges in the system:

- system of delivery of legal aid in criminal proceedings does not cover the real needs and do not ensure the vulnerable persons benefit effectively of legal aid under the actual organisation of the system of delivery of legal aid in criminal proceedings;
- even with good trends in the management of the legal aid in civil and administrative proceedings, still the system is to be improved in a strategic and organised manner;
- there are gaps in the system of delivery of legal aid concerning particular categories of potential beneficiaries, such as victims of crime;
- on political agenda, there are complex reforms of the legislation, including of the CPC and the stakeholders in their intention to improve the system, seek for more functional solutions to ensure the rights are effective in practice and not theoretical or illusory.

⁶⁹ Please see: <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83> and <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

The expert team, quoting one of the judges “we need to do something, we could not continue like this” is convinced it is appropriate time to examine attentively the option of creation of a single body for management of the legal aid system in North Macedonia.

The expert team, well aware of the fact that creation of a single body for management of the legal aid system will imply considerable efforts from many stakeholders, was expecting a certain degree of reluctance from the side of the responsible for implementation of such a reform. In fact, the level of reluctance perceived during the fact-finding mission was considerable lower than expected.

9.2 Evidence on support of the idea of single body for management of the free legal aid system

The questionnaire, interviews and focus groups

While the expert team underlined that creation of a single body for management of legal aid in all proceedings in North Macedonia does not necessarily solve automatically all the existing issues in the actual systems, the main arguments presented by the stakeholders in favour of a single body for the management of the legal aid in North Macedonia are:

- A unitary system of management will ease the efforts of the potential beneficiaries and people in need to navigate in the system and benefit of the rights they are entitled. Especially this is relevant for persons which would be involved in several categories of proceedings.
- A dedicated management of legal aid system is more likely to pay attention to another important segment of legal aid – primary legal aid and to the awareness raising activities. This seems to be on the agenda of the MoJ and the authorities try to find pertinent solution for improving legal awareness and access to primary legal aid.
- There are considerable issues concerning legal aid at the pre-trial stage of criminal proceedings and the actual organisation of legal aid in criminal proceedings does not permit to address properly the challenges. Police officers and prosecutors do support an effective well organised and updated system of appointment of lawyers, especially in the cases where participation of the lawyers in proceedings is compulsory (in this context, some interlocutors opined that lack of legal aid at this stage might hinder the efforts of combating criminality by affecting the judicial perspective of the cases).
- In some cases, a decision to grant legal aid implies a means test. This administrative work is more appropriate to be performed by staff with relevant capacitation (to ensure a unified and predictable procedure), which have access to various database to check promptly the financial capacity of the requesting person. During the fact-finding mission, the exponents of the judiciary were not much enthusiastic to keep this burden of administrative work of checking the financial capacity in the judiciary’s responsibility (as one judge mentioned

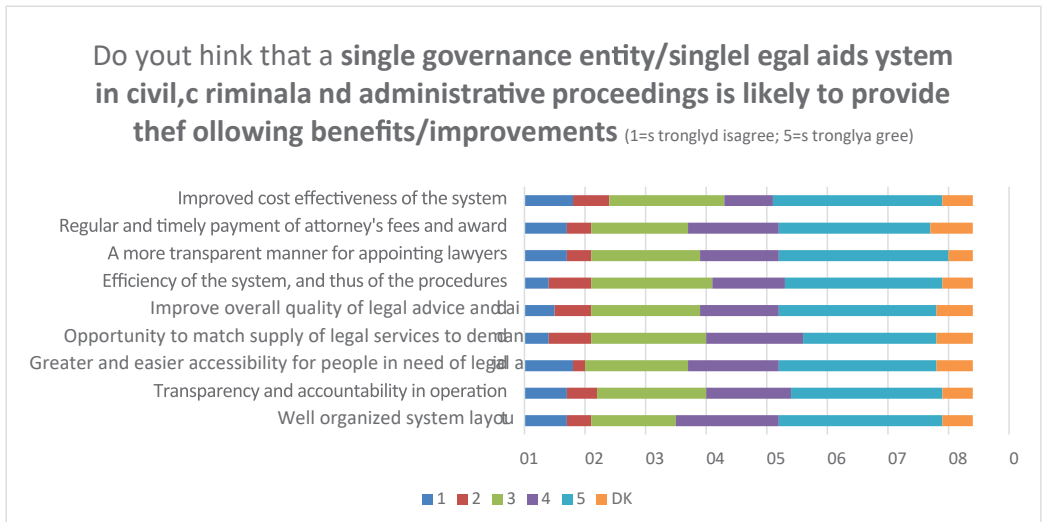
“technical work shall be performed by technical staff”). As with the other occasions, the interlocutors opined that the administrative work (such as checking the financial capacity, appointment of lawyers, keeping the records, payments etc.) shall be entrusted to persons trained and having in their job description such tasks.

- A single body, with a coordination board, might improve considerable the communication between stakeholders concerning organisation and functioning of delivery of legal aid in criminal, civil and administrative proceedings. A board composed of most representative stakeholders, including civil society would increase the level of transparency and implicit trust of the population in the authorities.
- There is shortage in the staff in the MoJ and corresponding there are difficulties to oversight the activity of the regional offices in performance of their role in organising the system of legal aid in civil and administrative proceedings. Moreover, the competence related to asylum seekers is even more contributing to reduced attention to “non-urgent” matters. Such a context does not really permit to upraise on the agenda topics as monitoring the quality of legal aid, general awareness raising, etc.
- A dedicated management is more likely to pay sufficient attention to the issue of the quality of delivered legal aid, and not only to the fact that someone in need has a lawyer. Even in civil and administrative proceedings, actually MoJ is not (and shall not) monitor the quality of delivered legal aid. Such a management body might comprehensively address the issue of quality, with due respect of the independence of lawyers, including from the perspective of selection of service providers, training and specialisation of lawyers (e.g. the ones delivering legal aid in the cases with involvement of children) and monitoring of the quality of the delivered services.
- From the point of view of covering the legal aid needs, a single management body is more likely to collect pertinent data, plan including financial planning (based on costs planning methodology and implicit tracking the resources dedicated to legal aid in the republic, raising in addition to the funds dedicated in the state budget for legal aid also funds from donors), monitor and assess, and adapt correspondingly the strategy in order to ensure all the legal aid needs are met. A level of flexibility of the board would also permit to pilot new methods and mechanisms targeting vulnerable groups.
- It is to mention the strong support of the practicing lawyers for creation of a single body for management of the legal aid, this option being seen as a modality to ensure the transparency in appointment of the lawyers (and keeping accurate record of this including via a software solution), certainty concerning level and time of payment of fees but also reducing the reluctance of the lawyers to act with diligence in the proceedings held by ones to decide later on the level of payment. These arguments were mirrored by the judiciary, mentioning that the courts shall stay neutral, exclude subjectivity and be exempted from the burden to find a lawyer “now, for this procedural act”.

Some interlocutors, while not being against the overall idea, suggested the concept of the single body for the management of the free legal aid system shall be broadly discussed in the society. It is to note than any of the interlocutors was claiming that only with some cosmetic changes in the legislation it can be improved the legal aid delivery and its effectiveness, in particular in the criminal proceedings.

The expert team acknowledges the concern expressed by some of the interlocutors that establishing new body in a situation where the country struggles to reform and shrink its cumbersome public administration might encounter scepticism and potential opposition. This concern is valid and taken seriously in consideration in the process of preparation of this feasibility study. The team is well acquainted with the ongoing process of reorganisation of the public administration⁷⁰ as well as with the findings of the functional assessment of the Ministry of Justice⁷¹. The integration of the management of legal aid system in criminal and civil matters by utilising existing resources and structures will contribute to a more effective and cost-efficient administration of legal aid.

The questionnaire, filled in by lawyer demonstrate a quite high level of hope that a single body to manage the legal aid system can increase accessibility of legal aid for people in need and matching supply of legal services to demand; improve transparency and accountability including manner for appointing lawyers; lead to regular and timely payment of attorney’s fees and award; improve overall quality of legal advice and aid, efficiency of the system and thus of the procedures; improved cost effectiveness of the system.



In the expert team, from this multitude of the arguments, the prevailing one is that legal aid system shall be efficient, effective and respond to the people in need.

⁷⁰ Support to State Reorganisation - Project Identification N° EuropeAid/144876/DH/SER/MK. [Synthesis Report on State Reorganisation](#). CPM Consulting. 2021.

⁷¹ Ministry of Justice. [Functional Assessment of the Ministry of Justice](#). Center for Legal Research and Analysis. 2021.

10 STRUCTURE AND FUNCTIONS OF THE SINGLE BODY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM

10.1 Preliminary observations

Basics for designing a structure

This section sits within the organisational parameters set by the *Methodology for the feasibility study on establishing a single entity for the management of the free legal aid system in North Macedonia*. The first question posed in the feasibility study is

is it feasible from a legal, operational and financial point of view to entrust the management of all the existing legal aid schemes in criminal, civil and administrative proceedings (the entire spectrum of functions) within one distinct and (quasi)independent entity?

This section responds to the suggested need for the proposed single management body for FLA in North Macedonia to have a clear, feasible and legally-grounded structure. A premise within question 1 concerns the ‘distinct’ and either ‘independent’ or ‘quasi-independent’ characteristics that it is suggested the single body would benefit from. This section explores in much more detail the status, design and structure that such a body might have, and proposes the conclusions as to feasibility along various modalities as concluded by the project team on the evidence before it. The functions performed by such a single body are elaborated further on in this report. Nonetheless it is not always possible to disentangle function from organisational form, so to that extent this section prefigures the section below on question 2,

what structure and functions shall this single management entity have?

That second question explicitly includes issues around:

- the overall management of the legal aid system and
- the general and methodical management of the activities on providing legal aid including
 - the process of delivery and
 - policy formulation.

For all stakeholders, the attractiveness or otherwise of a single management body is partly determined by the exact type of body it is. It will not be surprising if stakeholders typically say that whether they approve of the concept will depend on how it is constituted. A few times in the in-depth interviews, we heard, “the devil is in the detail”.

10.2 Questions addressed in this section

From the global evidence before the team, and from the team's own reasoning, it seemed to the experts that the chief modalities that arise in any design for the structure of a single management body in the legal aid context are these:

Structure: What is the structure? That will mean asking who sits where, within the structure of a single body?; how does the hierarchy operate?; who is at the top and who is lower down the pyramid (indeed is it a pyramid at all?); who has power and control over whom; and where are the lines of accountability?

Membership: If one is to speak about a management board, committee or commission, who are its members?

Powers: What powers should such a board, committee or commission enjoy? What is the nature of those powers?

Close operational involvement: How removed or – alternatively – involved would such a board, committee or commission be in operational matters including the day-to-day decision-making and processing that is done by free legal aid staff? If less involved, how would the board exert control over operational activity?

Autonomy: What is the relationship between such a management board, committee or commission and the Ministry of Justice in particular but also other stakeholders? If we speak about autonomy or independence, what are the limits, if any, to such autonomy?

10.3 Structure

We can consider that in most models in which the single body is managed operationally by a profession management team, with a CEO, coordinator, deputy directors and staff etc. – uncontroversial.

What happens above that level?

Options include:

- a management board,
- an advisory board,
- no board at all but direct reporting by CEO to the MoJ.

Evidence on structure

Evidence from systems in other countries

All of the systems the expert team considered in the international comparison had some kind of board, committee, cabinet, council or commission. That includes **Netherlands**, **Queensland** (Australia), **Ireland**, **Moldova**, **South Carolina** (USA), **Ontario** (Canada),

Georgia, Scotland (UK), England & Wales (UK) and District of Columbia (USA). Those countries' or states' legal aid boards' membership, powers and relationship with the overall framework of governance varied, and these are explored below. In some countries, such as **Ireland and Scotland**, the appellation “board” was seen to be synonymous and coterminous with the name of the organisation overall. **But it is rare to see a system without any board.** The exception is regimes where there is little or no central administration of free legal aid at all – in such jurisdictions there would be neither a board nor any kind of official body focused on legal aid, and this is plainly not to be recommended so the expert team generally excluded such regimes from its considerations.

A Board generally supplies guidance and strategic direction – again explored below – but worth a mention at this point because the positioning and status of the Board tends, in the examples, to follow a predictable pattern. The existence of a Board in other legal aid systems and on management structures more generally recognises the values of collective control and democratic input.

It appeared to the team of experts that reliance on a Board for that strategic guidance understands that collective wisdom and deliberation produces better and more resilient decisions and enables officers of the body to operate under a stronger umbrella of joined-up leadership.

In the UNODC's *Global Study on Legal Aid: Global Report*⁷², it was noted that globally, nearly 90% of responding countries had established specialised structures to oversee the provision of legal aid.

When the UNODC researchers asked which institution had the chief responsibility for the administration of legal aid in their country, one in five (19%) reported having established an independent legal aid administration. One in ten Member State respondents (11%) reported having established a legal aid board. The study found it noteworthy that countries having adopted a separate law on legal aid were more likely to have a central legal aid authority than countries that do not have such a law, as well as more likely to have established a legal aid board and/or an independent legal aid administration.

UNODC recommendations

The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems⁷³ recommends the establishment of a single independent body:

From *Guideline 11 Nationwide legal aid system*

59. To ensure the effective implementation of nationwide legal aid schemes, States should consider establishing a legal aid body or authority to provide, administer, coordinate and monitor legal aid services. Such a body should:

⁷² UNODC Global Study on Legal Aid: Global Report, UN, New York 2016: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Global_Study_on_Legal_Aid_-_FINAL.pdf

⁷³ UNODC United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, UN, New York, 2013: https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

(a) Be free from undue political or judicial interference, be independent of the Government in decision-making related to legal aid and not be subject to the direction, control or financial intimidation of any person or authority in the performance of its functions, regardless of its administrative structure;

(b) Have the necessary powers to provide legal aid, including but not limited to the appointment of personnel; the designation of legal aid services to individuals; the setting of criteria and accreditation of legal aid providers, including training requirements; the oversight of legal aid providers and the establishment of independent bodies to handle complaints against them; the assessment of legal aid needs nationwide; and the power to develop its own budget;

(c) Develop, in consultation with key justice sector stakeholders and civil society organisations, a long-term strategy guiding the evolution and sustainability of legal aid;

(d) Report periodically to the responsible authority.

The UNODC Model Law on Legal Aid in Criminal Justice Systems⁷⁴ set out the following exemplary legal schema:

From *Chapter 4*

Article 22. The Legal Aid Authority: Establishment of the Legal Aid Authority

22.1. The Legal Aid Authority is hereby established as an independent body with the functions of managing, coordinating and monitoring the provision of legal aid in an accessible, affordable, equitable, effective, credible and sustainable way to ensure the quality of legal aid services.

22.2. The Legal Aid Authority shall be a body corporate with a seal and with the capacity:

22.2.1. To sue and be sued;

22.2.2. To acquire and dispose of property;

22.2.3. To receive funds and donations;

22.2.4. To employ staff to undertake the functions of the Legal Aid Authority; and

22.2.5. To perform tasks necessary to carry out the functions of the Legal Aid Authority, as detailed in article 26.

Article 23. Structure of the Legal Aid Authority

23.1. The Legal Aid Authority shall have a Board chaired by [name or title of person] and composed of the following members, appointed by [name of entity or authority]:

[Names or titles of members.]

[Options may include: members of the bar, retired justices, Ministry of Justice officials specialising in legal aid, members of the Ministry of Finance, members of human rights commissions, gender equality commissions and child protection commissions, repre-

⁷⁴ UNODC Model Law on Legal Aid in Criminal Justice Systems, UN, New York, 2017: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf

representatives of non-governmental or other organisations, representatives of universities with law clinics and representatives of paralegal associations.]

23.1.1. The Board of the Legal Aid Authority shall be responsible for designing legal aid policies and overseeing the implementation of the nationwide provision of legal aid.

23.2. The Legal Aid Authority shall have a secretariat, which will carry out administrative and secretarial functions.

23.3. The Legal Aid Authority shall operate through local offices, as appropriate, to make legal aid accessible throughout the State.

23.4. The [name of regulating authority], pursuant to article 44.1 of this Law, shall regulate the procedures for the appointment of any staff of the Legal Aid Authority and its offices as required for the exercise of its functions in accordance with article 26, on the basis of specific needs as identified by the Legal Aid Authority.

The expert team considered this recommendation to carry very significant weight, when assessing what is likely to be a desirable arrangement in North Macedonia, despite the fact that the bias was toward criminal legal aid.

Evidence from the questionnaire, interviews and focus groups

In the study's survey findings, the commonest answer was that the respondent thought 'maybe' the establishment of a single management body would address some of the weaknesses of the present system, but a sizeable minority considered that it 'would' overcome the weaknesses – these two answers outweighing by far the number of those who thought it would not. Benefits identified by those who were positive in this regard include that: the established practice of unequal access to justice would be eradicated, procedure for approval of FLA would be respected, and a greater number of people would be helped by FLA.

Not all respondents or participants in interviews and focus groups initially grasped the concept of a single body with board governance and autonomy from the government or Ministry of Justice. In some cases, when this was explained with more care, the idea proved attractive to respondents who had initially been sceptical. Some such respondents especially approved of the safeguards an independent single body would afford against unlawful, erroneous or arbitrary decision-making, e.g. about the assignment of lawyers to individual cases. The notion of a committee having authority over the functions of a department or agency suggested to some respondents a reassuring level of democratic input which they felt would enhance a law- and rules-based mode of improving access to justice.

The expert team's conclusions on overall structure of the single unified body

Bearing in mind all the international evidence and the views of the respondents in the questionnaires, interviews and focus groups, and weighing up the competing views therein, the expert team consider that the most appropriate structure will be an independent autonomous single body with full responsibility for the governance of criminal, civil and administrative legal aid in North Macedonia, headed by a management board.



Recommendation:

The expert team consider the most feasible and desirable option will be for:

- *a single unitary body to govern the whole of free legal aid in the republic...*
- *...corresponding to the concept of autonomous independent state organ (самостоен и независен државен орган), a model already recognised by law in the Republic of North Macedonia*
- *and managed and overseen by an independent management board*

The board would

- *be fully constituted by rules – to be drawn up*
- *meet once a month for up to 1 full working day and if necessary it can be more often*

Hereinafter, this document will refer to the concept of a committee, commission, board, leadership cabinet etc. as “**Management Board**” or simply as “**Board**”.

10.4 Management Board membership

This subsection looks at the question of membership of a Management Board, committee or commission, in other words, who are its members? Depending on the level of power accorded to such a Management Board (which is addressed below) the significance of membership of the Board cannot be overstated. There is no doubt it is a role with status and influence and whilst, as will be seen below, the Board will not be micro-managing daily operational matters, it will absolutely determine the overall success or otherwise of free legal aid in the country.

Sub-modalities within the question of board membership are:

- should board members have a fixed term, either renewable once, or not renewable?
- should there be an independent appointments procedure or should members' nominating body or sector simply be asked to nominate them?

Evidence on board membership

Evidence from systems in other countries

In many of the existing systems considered for comparison by the expert team there is a spread of cross-sectorial participation, especially in legal aid schemes internationally regarded as strong and effective. It is common practice in the regimes the expert team looked at, that there be strong involvement by the Bar, as well as significant participation by NGOs, the relevant Ministry of Justice, courts, statutory social protection agencies such as social services, and sometimes other expert appointed individuals; moreover in some cases there is representation of the FLA staff/Secretariat and in other cases, former FLA clients – actually on the board with full and equal status with the other board members.

In the **Irish Legal Aid Board**, the board membership comprises 5 practicing or retired lawyers (one of whom is a senior advocate), a retired judge, the CEO of the Child and Family Agency (social services), an officer of the Ministry for Social Protection, assistant director of a large child-focused NGO, an officer of the Ministry for Justice and Equality and the Legal Aid Board's own in-house lawyer.

The 20-strong board of **South Carolina Legal Services** includes a majority from the Bar Association as well as staff members from public defenders' offices from one or more counties, local Ministry of Justice members, 5 members from NGOs including Safe Homes and Rape Crisis Coalition, an NGO representing fathers, a homelessness organisation and Transitions, a social welfare and support organisation; further there are special interest groups of lawyers represented – not the Bar itself, but a women lawyers' association and black lawyers' association.

Legal Aid Ontario has a board comprising at least two professional board members (a former non-lawyer executive director of the Bar Association and Legal Aid Ontario's president and CEO) alongside a spread of practicing lawyers with deliberately widespread client-groups and expertise, some from large firms and some practicing independently, and one paralegal.

In the **Netherlands** the **Advisory Council for the Legal Aid Council** includes the director of a non-profit pharmaceutical association, a member of a number of other foundations and charities, vice president of the Netherlands Institute for Human Rights, member of the audit committee of the Central Bureau of Statistics and a mayor of a Dutch city with justice and anti-trafficking experience. The Dutch model also includes other more specialised legal aid committees with responsibility for governing, for example eligibility assessment, provision of free legal aid to asylum seekers and overseeing the appeals procedure..

In **Moldova** the **National Legal Aid Council** comprises two members appointed by the Ministry of Justice, two members from the Bar Association, one member appointed by Ministry of Finance, one appointed by Supreme Council of Magistrates and one chosen from the non-governmental sector or academia.

Georgia's Legal Aid Service has a Legal Aid Council comprising 9 members, 3 elected by the Georgian Bar Association, 3 by the public defender, 1 from the service's Legal Aid Bureaus, a Ministry of Justice staff member appointed by the Minister, and one member selected by the High Council of Justice.

The **Scottish Legal Aid Board** (UK) is appointed by Scottish Ministers and chaired by a former banking manager with a legal background, and lists other members as two chartered accountants with other board memberships, a member with senior experience in public and NGOs sectors another board, several practicing lawyers (civil and criminal), 2 judges, a former director of court services, a legal academic, a member with experience of heading NGOs and other trustee work and with a financial services background; members do not have to satisfy those characteristics however.

In the **England and Wales Legal Aid Agency** (UK) the Legal Aid Agency Board includes chiefly LAA officers including the chief executive, the head of the public defender service, a former prosecutor, other officers with backgrounds in prison service, court administration, auditing, policy development whereas there are no specific NGO, lawyer or other 'outsider' roles, apart from three non-executive members forming an audit committee.

The board of governance of **Legal Aid Queensland** (Australia) has just five members, a former Supreme Court judge, 3 lawyers including specialism in corporate law, class actions and aboriginal affairs (one is a tribunal member), and one with experience leading major projects in the public and private sector including managing capital infrastructure.

There are examples in free legal aid schemes more rooted in the private sector, where provision is more or less run by the Bar. One can observe structures premised on purely pro-bono input from a wealthy local bar, such as appears to be the case in **District of Columbia Legal Aid Society** (USA), like some other state-wide provision in USA, for example, managed by a board of trustees with over 50 members or seconded by local law firms.

It has already been seen, from the UNODC Model Law on Legal Aid that options available include “members of the bar, retired justices, Ministry of Justice officials specialising in legal aid, members of the Ministry of Finance, members of human rights commissions, gender equality commissions and child protection commissions, representatives of non-governmental or other organisations, representatives of universities with law clinics and representatives of paralegal associations”.

As to the sub-modality of tenure of office, **the UNODC model law** suggests:

Article 24. Tenure of office of members of the Board of the Legal Aid Authority

24.1. Members of the Board of the Legal Aid Authority shall be appointed through an open nomination and selection process, shall hold office for a term of [duration of term], which may be reduced under prescribed circumstances, and shall be eligible for reappointment for [number of terms] term[s] only.

24.2. After the expiration of their mandate, members of the Board of the Legal Aid Authority shall continue to hold office until reappointed or replaced.

Evidence from the questionnaire, interviews and focus groups

In the study's survey findings, the lawyer respondents were asked which stakeholders they thought should be involved in the structure of the body. Of 74 lawyers, an overwhelming 54 thought the Bar Association should be involved. But sizable minorities – typically slightly fewer than half the respondents – strongly agreed that also involved should be civil society, academia, the Ministry of Justice, the courts, public prosecution, centres for social protection and the Ministry of Internal Affairs. If the next level of agreement to this is factored in (a 4 rather than a 5), approval for the involvement of those stakeholders tips into a majority. Nonetheless, some smaller minorities did not agree at all to the participation of those stakeholders other than the Bar Association. The strongest level of disagreement with participation though, was reserved for Ministry of Internal Affairs, who most respondents thought should not be involved.

All stakeholders are likely to have an interest in shaping a new single body, if only out of self-interest or an interest in keeping their client-group's interests high on the agenda and not losing their clients' voice in the way it is managed. That was entirely reflected in the interviews, discussions and focus groups. A slight bias in favour of the Bar in the focus groups led to there being fairly strong approval for involvement by the Bar, but interestingly that did not by any means preclude a very inclusive view that in particular NGOs/CSEs should have equal or near equal involvement. There was a broad recogni-

tion that NGO involvement would create a necessary balance; their self-interest is somewhat different to that of members of the Bar, it was felt, and their presence within the management of free legal aid would in effect give some voice to the very disadvantaged client groups targeted by any free legal aid system. This was a view the expert team heard repeatedly.

Another value which was consistently expressed to the expert team (probably more often than any other single point) was that of independence; this is revisited below, but getting a correct balance on the membership of the Board would, thought many respondents, concretise independence to a significant degree.

A number of strong opinions were expressed warning against populating the Board with inactive members nominated ex-officio from their sector or department who might only be interested in getting a new listing on their CV, rather than actively participating.

The spread of categories of board member that respondents suggested to the expert team included many in alignment with the UNODC model law: members of the Bar, retired judges, Ministry of Justice representatives, members of the Ministry of Finance, members of human rights organisations, gender equality NGOs and child protection commissions, representatives of other NGOs/CSOs, representatives of university law clinics and paralegals; additionally, respondents canvassed participation by notaries, mediators, former service-users (clients), and unconnected individuals specifically recruited for their expertise such as experts in financial management and public administration.

Largely it was common ground that members of the Board should surely include members of the Bar, Ministry of Justice and NGOs/CSOs. There was a broadly negative view about the participation of Ministry of Finance and Ministry of the Interior, and no great enthusiasm for the involvement of notaries or mediators. Individuals recruited for their expertise was a category provoking a degree of scepticism that those ending up in the role might prove to be inactive placeholders on the Board, rather than committed members.

The expert team's conclusions on Management Board membership

Recommendation of the expert team:

The most feasible and desirable option for composition of the Management Board would be

- ***a membership of between 13 and 15 – but this to be decided.***

Within the membership there would be:

- ***3-4 members of the Bar***
- ***3-4 representatives of NGOs whose client-base includes individuals likely to be beneficiaries of free legal aid***
- ***1 former judge***
- ***2 representatives of university law clinics***
- ***2 representatives of the Ministry of Justice***
- ***1 representative of Ministry of Finance***
- ***1 representative of Ministry of Labour and Social Policy***

Further, although there is debate about the following, consideration and further feasibility study should be addressed to whether 1 to 2 expert members should be recruited independently for their objective expertise in financial administration and public administration, as well as investigating the feasibility of recruiting 1 former service-user (client). In the same context, it deserves attention also the idea of participation of one representative of the National Human Rights Institution (Ombudsoffice).

In the case of those nominated by the Bar, by NGOs, the Ministry of Justice, Ministry of Finance, Ministry of Labour and Social Policy, the judiciary and the law clinics, those sectors/departments would be free to organise their own selection, as long as certain simple guidelines were followed (willingness of the individual, ability of the individual to commit to the full term, willingness of the individual to commit time outside of meetings to the job).

For the majority of members being ex officio, there should be compensatory fee for the days of work per month and expenses paid, with the proviso that their sponsoring sector/department should agree to second them to their role on the Board for minimum 2 working days per month (one for a meeting and one for work outside the meeting) if needed more. Other members should receive monthly remuneration including the expenses.

Full consideration would need to be given to fair and structured recruitment and (in the case of expert members) based solely on experience and skills.

It is desirable for members of the Board to have a fixed term of service of 4 years, renewable once only.

10.5 Powers and responsibilities of the Management Board

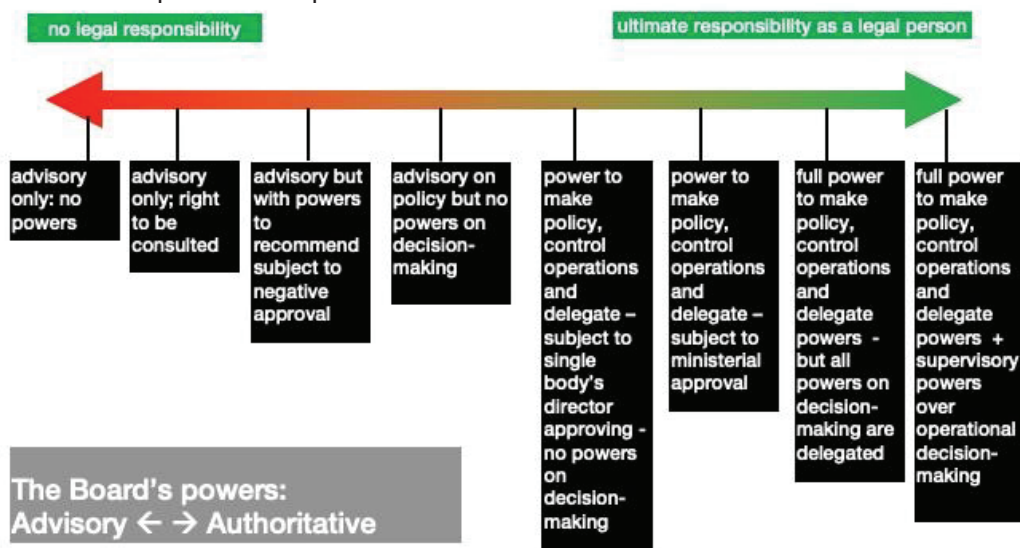
Most of this topic is dealt with in detail below, when it comes to the single body's overall functions and powers. But there is an overarching question to be addressed first: how powerful is the Board within the single body?

This particular modality embraces questions such as:

- does the Board have power to take decisions?
- are those decisions supervisory and authoritative?
- can it advise on daily to day operational matters? (see below)
- does it have any power regarding individual casework decisions? (almost certainly no)
- or is its role to do with:
 - strategy
 - overall governance
 - safeguarding
 - financial prudence
 - guarding against risk
 - testing new policy against the embedded values⁷⁵?

In terms of the board's legal status, further consideration must be given to its powers as an autonomous independent state organ, thus the question arises as to whether it has capacity to: sue and be sued, acquire and dispose of property, receive funds and donations, employ staff to undertake its functions and perform tasks necessary to carry out its functions.

The spectrum of options runs thus:



⁷⁵ Quality, user-perspective, accessibility, sustainability and partnership.

Evidence on powers

Evidence from systems in other countries

Many other legal aid regimes around the world are less than transparent about this particular point on their websites. Nonetheless the expert team's research into other systems suggest that in examples of successful free legal aid schemes, considerable power is afforded to the board, albeit with an understanding that it should function with a light touch (that latter question goes to the next subsection, *operational involvement: the board's relationship with its executive and staff*).

Generally, legal aid boards will be more than merely advisory. The more they tend towards a professional-type membership recruited objectively on the basis of expertise and experience, the more powerful such boards tend to be, in the observations the expert team were able to make. Examples include **Netherlands, England and Wales (UK), Queensland (Australia) and Ireland**.

But that does not in any way determine that bodies with a more inclusive and less expertise-based membership should relinquish power just because of their composition. Examples there would include **Moldova, Georgia and Ontario (Canada)**. The evidence shows there is no incompatibility with an inclusive and multi-sectorial board membership on the one hand, and a strong level of power and ultimate responsibility. If anything, the examples looked at suggest that when power and responsibility is accorded to a multi sectorial inclusive management team, such a team is predisposed to wield that responsibility with prudence and care.

Based on its surveys and recommendations of systems around the world, the **UNODC model law**⁷⁶ highlights the ultimate level of responsibility, suggesting that:

The Legal Aid Authority shall be a body corporate with a seal and with the capacity:

- 22.2.1. To sue and be sued;
- 22.2.2. To acquire and dispose of property;
- 22.2.3. To receive funds and donations;
- 22.2.4. To employ staff to undertake the functions of the Legal Aid Authority; and
- 22.2.5. To perform tasks necessary to carry out the functions of the Legal Aid Authority.

and in those circumstances, in the suggested model for a legal aid authority for North Macedonia, it is the management board that would personify and represent the single unitary body, and carry ultimate responsibilities for fulfilling those capacities.

Evidence from the questionnaire, interviews and focus groups

In the study's survey findings and in the expert team's discussions with respondents and in the focus groups, it was clear that many respondents felt reassured by according

⁷⁶ UNODC Model Law on Legal Aid in Criminal Justice Systems, UN, New York, 2017: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf

considerable ultimate powers to a Board of Management. There was a view repeatedly expressed, that such a board must:

- be powerful
- have a budget and control over it
- be competent
- be responsible and
- be multi-sectoral.

Some respondents were cautious about according too much power to a Board. But many were clear that in order to give full independence and competence to a single unitary body, it was more or less necessary to nominate the Board as the ultimate seat of power within the body. The logic expressed was that there was no other way to confer the necessary power and responsibility on the single unitary body (unless it went to a single individual such as a chief executive, a model rightly considered unwise).

Some respondents expected that if such power was conferred, the Board would inevitably assume a detailed micromanaging decision-making role with responsibility for individual casework decisions on applications; indeed some welcomed this. However that is not realistic or sensible, and the answer is that a Board with the considerable powers proposed would be *delegating* a very large proportion of its responsibilities to executive staff, via a director.

The expert team's conclusions on the Board's powers

The expert team were strongly persuaded by the view that the Board should be the ultimate seat of power within the single unitary body.

The expert team's recommendation:

The Board of Management would be the ultimate seat of power within the single unitary body.

The Board would have status as a legal person. It is not feasible for any other role or office-holder to have that status within the single unitary body.

The Board alone would have the ultimate capacity and responsibility to sue and be sued, acquire and dispose of property, receive funds and donations, employ staff to undertake the functions of free legal aid in North Macedonia and perform tasks necessary to carry out the functions of the legal aid operation in the republic.

It is not feasible or desirable for such powers should not be vested in an individual or an individual role, such as chief executive.

The Board would have full powers over its executive staff, and the bulk of operational activities and responsibilities would be delegated to them via a chief executive or director.

10.6 Operational involvement: the board's relationship with its executive & staff

This section considers the Board's relationship with the work done by its executive staff. If the board is in overall control and assumes a role of strategic governance over the activities of all civil, criminal and administrative free legal aid, then how far should it reach down into the minutiae of operational activity and decision-making? Is its job to micro-manage the actions of the staff it ultimately controls? Or should it stand back from detailed control of the daily work and only oversee that the broad directions and principles are correct, whilst retaining ultimate responsibility? It is axiomatic in board management that the latter approach must prevail. Plainly a board must oversee and supervise but not delve into the detail. But that assumption does need unpacking and justifying. There is a spectrum running from detailed micro-management through to very light-touch strategic governance, and most of the examples considered on the international scene show approaches which mainly cluster towards the light-touch strategic guidance that boards are created for.

Evidence on operational involvement

Evidence from systems in other countries

The overwhelming evidence that the expert group had before it, showed that Boards of Management in free legal aid systems would very rarely take a detailed micromanaging approach. Particularly useful comparators in regard to the governance framework adopted by legal aid authorities included **Queensland** (Australia) and **Ireland**.

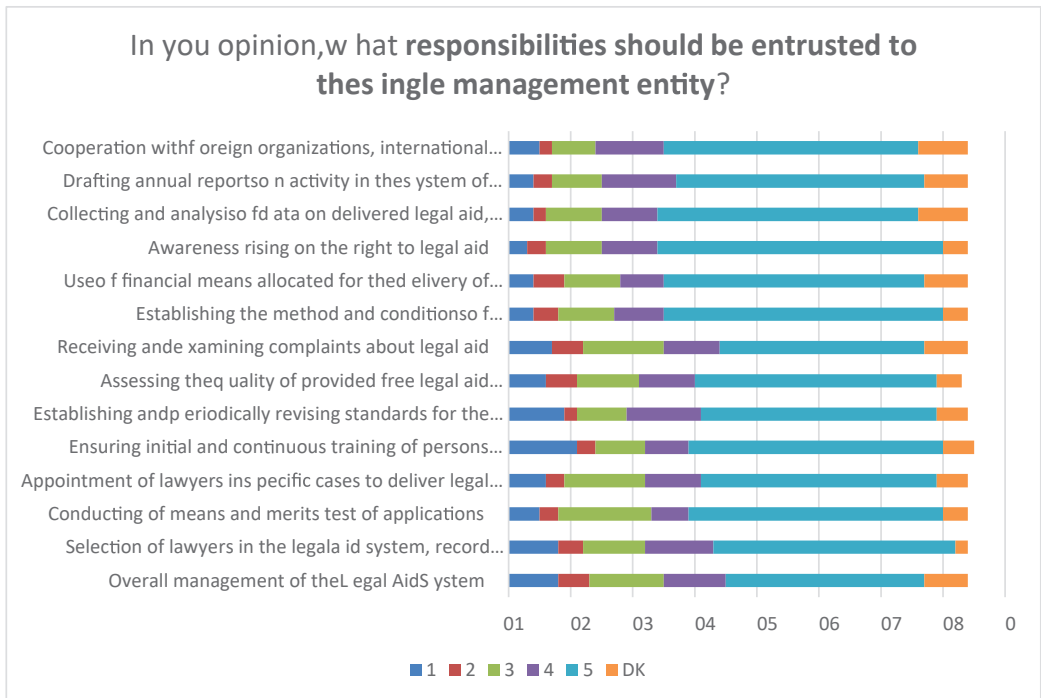
Queensland regards the duties of its board as managing performance, planning, overall responsibility for delivering services, reporting, reviewing, managing risk (including financial) and managing compliance. All questions of actual operational delivery, including assessing eligibility, receiving applications, assigning lawyers, assessing quality, and frontline services would be delegated to the executive staff. Those matters would only fall under the Management Board's auspices either as strategic decisions, or perhaps receiving complaints.

Ireland's Legal Aid Board (with a staff of 480) describes the Board's functions as having responsibility for the strategic direction of the organisation, determining policy and monitoring its implementation, overseeing the proper and effective management of the organisation, monitoring the implementation of effective financial procedures and providing accountability, approving and monitoring budgets, and making certain reserved decisions.

In the **Netherlands**, the purpose statement of the Advisory Council for the Legal Aid Council is quite simple: the Advisory Council oversees the general course of affairs within the Legal Aid Council, oversee the work of the board, and advises the minister on this.

Evidence from the questionnaire, interviews and focus groups

In the study’s survey findings, although very large proportions of respondents to the questionnaires considered that the single unitary body should be involved with means and merits tests, appointing lawyers, and other detailed tasks, the expert team do not interpret that as suggesting that the Board itself would get involved in those matters.



On the contrary, in discussion in both interviews and focus groups, once it was made clear that a Management Board would have powers to delegate, respondents generally accepted that the Board would not interfere in operational detail. There was a level of acceptance that this was beyond the remit of a Board, and even some respondents accepted that it would be improper for any Board members to get involved in detailed matters such as individual applications for free legal aid or the assignment of lawyers to cases etc.

The expert team’s conclusions on the Board’s level of operational involvement

The expert team agree with the prevailing view that the Board must operate at arm’s-length from the operational detail. It is axiomatic that it is not feasible for the Board to get involved in the minutiae of the daily activities and decision-making within the free legal aid machinery. In the view of the expert team, based on the international evidence and the views of the respondents, as well as reading across from the principles of rule of law and separation of powers, there are three reasons why this was the correct approach. Firstly, a Board of Management simply would not have the capacity or skills to deal with the details

which an extensive experienced and qualified executive staff would normally be undertaking in their activities and decision-making; secondly, that level of detailed involvement would distract the Board from its primary function as delivering supervisory oversight and strategic guidance; thirdly there would indeed be potential impropriety in the interference by a Board member in a staff member's decision-making capacities.

Recommendation of the team of experts:

It would be feasible and desirable for the Board to have as its practical functions:

- ***overseeing the general affairs of the single unitary body***
- ***overseeing the operational work of the single body***
- ***giving strategic guidance.***

All of those functions do impact on day-to-day operational delivery of the service but they do not allow the Board to govern the fine details of individual decisions and activities undertaken by the staff.

The Board will have full powers to delegate the bulk of the operational powers needed to deliver free legal aid and, except perhaps for instances of complaint on a second tier of internal appeal, would stay clear of decisions on legal aid applications, assignment of lawyers etc.

Board members should be prohibited from getting involved in the detail of any individual cases.

10.7 Autonomy: the single body's relationship with government

The Board and the government: what kind of relationship?

One key structural modality is the level of Ministry of Justice involvement and control. Or, looking at it the other way round, the level of counterbalancing input from non-governmental sources and players.

Options for separateness include:

- (a) independent with no MoJ control at all
- (b) nominally independent but with strong MoJ control
- (c) independent with an independent management board on which MoJ have minority membership
- (d) independent with an independent management board on which MoJ have equal membership with other stakeholders
- (e) completely within MoJ with no outside input
- (f) completely within MoJ but with limited input from other stakeholders
- (g) any of the above, but with statutorily guaranteed input from the NCB.

All stakeholders are likely to have an interest in shaping a new single body, if only out of self-interest or an interest in keeping their client-group's interests high on the agenda and not losing their clients' voice in the way it is managed.

The question of composition of the Management Board is addressed above. Here the report considers the precise relationship between the single body and government.

Evidence on autonomy from government

Evidence from systems in other countries

In most of the jurisdictions considered, a degree of separation from government is considered sensible. The most feasible existing legal model for the single unitary bodies status is that of autonomous independent state organ (самостоеен и независен државен орган). Internationally, there are many presidents and equivalents. In the **UK, Netherlands, Georgia, Ireland** and elsewhere there are what are commonly termed *non-departmental government bodies, arm's-length agencies, quasi autonomous non-government bodies* and more.

The aim is broadly the same: to achieve within a public service a level of freedom, autonomy and spontaneity in the delivery of a public function without some of the constraints and straitjackets that can operate to restrict or even paralyse activities that take place fully within government. Arguably, hiving off public services into bodies which are not subject to the full democratic scrutiny that a government ministry is under, creates a democratic deficit. However, for one thing it is not the same as privatisation, because appropriate restraints, safeguards and regulations properly limit and dictate the independent body's activities. And for another thing, the existence of a democratically-constituted Management Board, as recommended by the authors of this report, goes a long way towards restoring accountability and ensuring a representative spread of intelligent community-based input.

Evidence from the questionnaire, interviews and focus groups

In the study's survey findings there was a very persistent strand of opinion that the single unitary body must be **independent**. That was balanced out by strong majorities in the questionnaire favouring accountability to either Parliament or the government. A more surprising line of opinion was that overall accountability should also be owed by the single body to the judiciary. Many respondents must have answered yes to all of those, judging by the numbers, so these results are not necessarily to be read as placing the single body entirely within either Parliament's or the government's control, much less locating it within the judiciary (clearly not a feasible option). Given the strength of the opinion repeatedly noted, that the body must be independent, the experts' interpretation of respondents' views about accountability is that the majority saw the merit of some kind of ultimate safeguard, whereby the single unitary body would not simply be cast adrift with no kind of establishment control over it.

The expert team's conclusions on the Board's level of autonomy

UNODC's Model Law, Guideline 11, should be recalled at this point: a legal aid body should "Be free from undue political or judicial interference, be independent of the Government in decision-making related to legal aid and not be subject to the direction, control or financial intimidation of any person or authority in the performance of its functions, regardless of its administrative structure".

In the view of the team of experts, maintaining a strand of accountability to government is nonetheless a reasonable concern. It is a concern that is amply mitigated by according it the status of autonomous independent state organ (самостоеен и независен државен орган). Its distinct advantage is to combine the autonomy and freedom of an independent body with a very light-touch tethering to government, in that the самостоеен и независен државен орган does not respond to any of the executive branch of government. However, they do submit annual reports to the Parliament, and Parliament may (but usually do not) discuss the report or schedule a hearing about these bodies.

Recommendation as to separation from Government:

The single unitary free legal aid body should be constituted as an autonomous independent state organ (самостоеен и независен државен орган).

It should be outside government control, except for:

- ***the usual attachment lines implied by autonomous independent state organ (самостоеен и независен државен орган) status (i.e. Parliamentary scrutiny is provided for, but not control) and***
- ***statutory MoJ participation on the Board of Management.***

The FLA body's independence should be guaranteed in funding arrangements with MoJ.

The single body's partnerships with providers are independent of the participation by both MoJ and providers like the Bar and NGOs in the Management Board, and safeguards may need to be designed to prevent abuse of position by Board members or government seeking to unduly influence decisions on funding or contracting with providers.

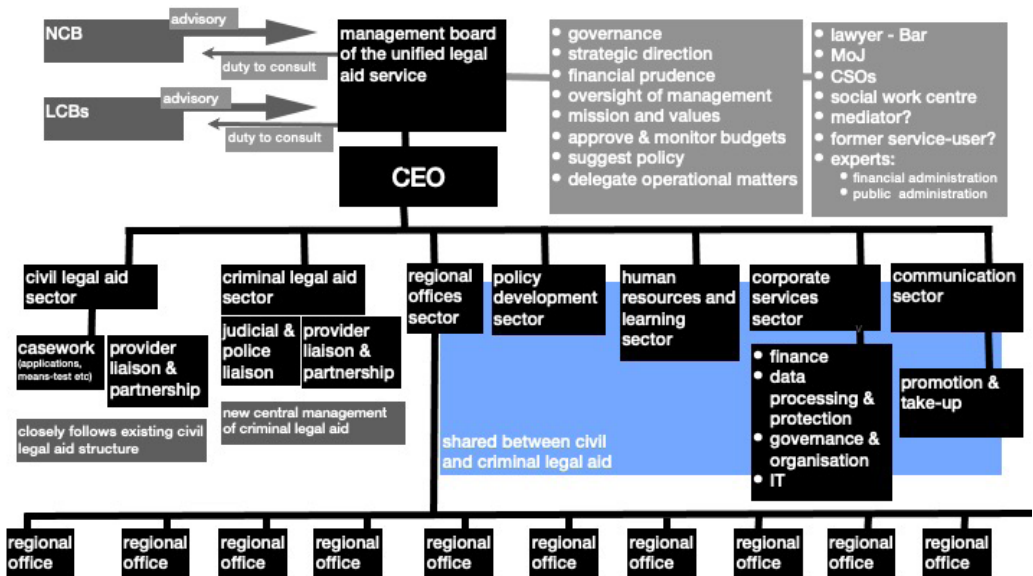
10.8 Conclusion as to structure of the single unitary body

In determining the feasibility and desirability of the structures proposed, the expert team takes account of the best models available, factoring in the international comparator evidence, the views and opinions of the respondents in the interviews, focus groups and questionnaires, and the experts' own analysis.

It is appropriate to recall that recurring themes in the evidence the experts heard in the interviews and focus groups stressed: independence, functionality, integratedness, freedom from corruption, transparency and fairness. Those are values which the expert team would plainly endorse, and the recommendation as the structure of the body is wholly consonant with those.

The overall recommendation as to structure comprises a further level of detail as illustrated in the diagram below. This diagram shows the relationship between the board and the executive operational functions of the single unitary body charged with delivering free legal aid. The recommendations of the expert team are that it is feasible and desirable for the new body to comprise four main strata:

- management board
- director ('CEO')
- seven system-wide sectors
- regional offices



The international comparator evidence shows that it is entirely feasible for discrete but connected civil legal aid and criminal legal aid directorates to exist entirely compatibly within the same overall body. The advantages of integration cannot be overstated. They include:

- joined up operation
- integration and compatibility
- reduction of duplication of activity
- a more seamless experience for clients
- significant efficiency savings from the sharing of corporate functions
- a better and more visible and recognisable corporate entity from the point of view of prospective clients

- the possibility of shared promotion strategies
- better development of the Regional Offices as welcoming, public-facing frontline services in North Macedonia's communities
- sharing of the vision for staff learning and the delivery of training
- sharing of corporate services like finance, data processing and IT, creating improved systems
- better and more joined-up liaison between the free legal aid unitary body and partner organisations, whether 'outer-circle' stakeholders, legal aid providers, or other players in the overall justice and social welfare systems.

It will be seen from the diagram as well that the roles of the National Co-ordinating Body and the Local Co-ordinating Bodies would mature into democratic advisory bodies / think-tanks feeding their wisdom and experience into the overall governance undertaken by the Management Board. The view of the expert team is that it is feasible and desirable for those bodies to have a statutory role operating in an advisory capacity, with a corresponding duty on the Management Board to consult them on policy matters and other issues. One outcome of that arrangement is that it satisfies the requirement and value of partnership and collaboration rather better than in many comparator systems that were looked at by the expert team.

11 PRACTICALITIES ON ENFORCEMENT OF SPECIFIC POWERS OF THE SINGLE MANAGEMENT BODY

11.1 Policy-making powers (Management Board of the unified legal aid service)

Overall management of the Legal Aid System

General and methodical management of the activities on providing legal aid (needs assessment, strategic planning; policy research and formulation; managing the overall process of delivering of legal aid). It will also include continuous communication with the judiciary, the government and the parliament on issues related to access to justice. The management shall also include establishing and maintenance of electronic case management system as well as compilation of practice of implementation and development of recommendations for the purpose of ensuring the uniform enforcement of the legislation.

Preparation of drafts of laws and other normative acts in the field of the legal aid

The management board shall participate in the process of amending all laws, substantive and procedural, that are relevant for the legal aid. The board should be key drafter of by-laws and other normative acts regulating to greater detail the process of provision of legal aid (rules for appointment of lawyers - in coordination with the Bar Association; rules on record keeping of lawyers and other service providers; establishing required qualifications for registration in the national register of legal aid providers; setting up a procedure and guidelines for mediators, expert witnesses translators/interpreters and primary legal aid providers; Regulation of fees; setting up standards for legal aid provision; forms of documents such as format of requests, reports etc.).

Preparing the proposal budget for legal aid & monitoring its realisation

The management board shall, in accordance with general legislation of budget planning, prepare a proposal budget for legal aid. The budget proposal should be developed on the basis of clear methodology as well as the trends in the demand and supply for legal aid. The board shall ensure that the funds are adequately and lawfully managed and spent. It will perform regular analysis of the costs and planning the expenditures related to the delivery of legal. The board shall establish and maintain a system for monitoring

of all costs as well as income generated by the legal aid providers (ex. reimbursement of costs from losing opposing party in civil litigation, donations etc.).

Cooperation, including with international and national governmental and non-governmental organisations, which are involved in the field of legal aid

The management board will liaise with all relevant international and national governmental and non-governmental organisations that work on access to justice. It should serve also as a focal point that will coordinate the efforts of international donors and organisations that conduct legal aid programs in the country.

11.2 Operational functions (Management Board of the unified legal aid service)

Keeping of the National Register of Legal Aid Providers

The management board, in accordance with the criteria set in a law, shall keep a national register of legal aid providers. Aside from lawyers, the register shall also include primary legal aid providers, expert witnesses and mediators. The management board shall ensure that all interested lawyers and other service providers who meet the statutory criteria are stated in the registry. The registry will consider the specialisation of the legal aid providers. The management board will be also entrusted with exclusion from the register when determined by law.

Conducting initial and continuous training program of persons involved in the system of delivering of legal aid

The management board shall develop and implement a program for initial and continuous training of persons involved in the system of delivering of legal aid. The program will be done by a training needs assessment and shall ensure that key topics concerning the quality of legal aid are adequately covered.

Promotion the system of legal aid/ awareness raising on the right to legal aid

The management board shall ensure that the right to legal aid is adequately and continuously promoted to the public with focus on vulnerable groups. The promotion shall be done in cooperation with all key stakeholders engaged in the legal aid system.

11.3 Monitoring and oversight functions (Management Board of the unified legal aid service)

Receiving and examining complaints about legal aid

The management board shall review and examine all complaints received on the providers of legal aid services. It may gather additional evidence necessary to examine the merits of the complaints. If found that the complaint is justified it will take measures, in accordance with law, toward the legal aid provider as well as general measures, to minimise potential similar future complaints.

Monitoring the quality of provided legal aid services

The management board, in close cooperation with the chambers/associations of persons involved in legal aid delivery, shall establish clear criteria and procedures for assessing the quality of provided legal aid. On the basis of the criteria and procedures, the body shall conduct regularly and upon request quality monitoring/assessment actions.

Collecting and analysis of data on delivered legal aid /Overall performance of the system

The management board, with the aim to improve the functioning of the system of delivering legal aid, shall establish a performance-based monitoring system for the legal aid system, including mechanisms for collecting feedback from service users and institutional stakeholders. The data will be regularly examined by the board.

Drafting annual reports of activity in the system of delivering of legal aid

The management board shall publish annually a detailed report on functioning of the system for delivering legal aid. The report should include quantitative and qualitative data as well as an overview of key achievement and challenges. The report might be presented and discussed in the Parliament in an open public session.

Financial oversight

The Board shall oversee and monitor the single unitary body's budget, noting the state of the accounts, applying foresight and risk analysis as to fiscal sustainability. There shall be accounts and forecasts presented to the Board on a quarterly basis by the executive for the Board's scrutiny and approval.

11.4 Operational functions (Regional Offices)

Assessing and deciding upon received legal aid applications

The regional offices, based on the criteria stated in the substantive legislation, shall assess the received legal aid applications, gather necessary information and evidence from state bodies and conduct means and merits test. On the basis of that, the regional offices shall either issue a decision for granting legal aid or for declining the application with a guidance for the available legal remedy.

Appointment of lawyers in specific cases to deliver legal aid

The regional offices shall appoint a specific lawyer to the case upon which legal aid has been granted on the basis of methodology developed and adopted in coordination with the BAR association. The methodology shall ensure that adequate expertise in specific legal areas is taken in consideration in the appointment process.

Remuneration of lawyers, mediators, expert witnesses and services providers

This function shall entail review of received invoices/costs lists for costs incurred by the lawyers, mediators, expert witnesses and services providers, approval for payment and payment for their services. The remuneration shall be conducted in accordance with a procedure stated by law and in accordance with specified fees determined by the management board in consultation with the chambers/association of lawyers, mediators, expert witnesses and services providers.

12 MAIN STEPS AND MEASURES TO IMPLEMENT TO MAKE FUNCTIONAL THE SINGLE MANAGEMENT BODY

The expert team intends to anticipate the overall set of potential measures to implement to make functional the new legal aid management body. While one might be tempted to ask for precise set of measures to implement, this modelling will only permit to have a better understanding of the complexity of the expected reform, while the specific action plan and set of measures shall be adopted when a precise concept of the single management body is approved.

The suggested sequence of the major steps would be:

- Development and approval of a detailed precise concept of the single body to manage the legal aid system and the action plan for promotion,
- Legislative changes,
- Allocation of relevant and sufficient resources,
- Creation of the board as part of the new body to manage the legal aid system,
- Adoption of the procedures and capacitation of the staff,
- Awareness raising and launch of the new system.

An important element is to ensure the exiting positive trends in the system of civil and administrative legal aid are fully considered. The expert team is of the opinion that the new body for the management of the legal aid system in all proceedings can be eventually built gradually after relevant capacitation and revisions on the existing human resources⁷⁷ and arrangements of the territorial offices of the MoJ. So, it implies also reorganising the existing system and adding some new elements to ensure the new body have all the prerequisites.

12.1 Legislative measures

One of the specific questions to respond is

What laws and bylaws should be amended in order to unify the competences of administering legal aid into one single body?

Connected to the above question is

What legislative and non-legislative measures should be adopted to ensure independence of such entity (institutional, financial, operational and governance)?

⁷⁷ To the date, there are around 100 persons employed in the regional offices of the MoJ.

The new modality of management of the legal aid system will imply changes in the legislation related to organisational and structural matters, but also procedural aspects of activity, mainly:

- **LFLA**, to reflect the new management of the legal aid system which covers civil and administrative proceedings, but also the legal aid in criminal (and misdemeanour) proceedings. All the organisational aspects of the new body for management of the legal aid system shall be reflected in the LFLA, including its powers, structure, primary regulations on procedures of work, safeguards for independence etc.

Implicit, with a new management of the system of legal aid in North Macedonia, it will be necessary to amend also:

- **CPC**. While being aware of the potential challenges in amending the CPC as organic law, nevertheless the new management of the system of legal aid will imply also new modalities of checking means and merits tests and of appointment of a lawyer in specific criminal cases.
- **Civil Procedure Code, LAD, LJC, LSC** to ensure legislation directs the requests for legal aid to the new body for management of the legal aid and inverted link with these authorities.

Subsequent to changes in primary legislation, the pertinent by-law shall be changed and adopted.

12.2 Administrative and organisational measures

The specific question is

What administrative measures are recommended?

Creation of the board as part of the new body to manage the legal aid system

In line with the concept of the board reflected in the amended legislation, the entities responsible to delegate persons for membership in the board shall ensure delegated persons correspond to the expected profile.

Transfer, capacitation and strengthening of the MoJ regional offices

- Adapting correspondingly the status of the regional offices of the MoJ towards local elements of the single body for management of the legal aid in North Macedonia;
- Training of the staff of the regional offices in the new legislation and procedures of delivery of legal aid.

Awareness raising and promotion of the single body

The single management body shall be known in the society (potential groups of beneficiaries of legal aid) and by professional groups (potential providers of the legal aid services, institutions interacting with the legal aid system).

12.3 Budgetary and financial implications

State shall make adequate and specific budget provisions for legal aid services that are commensurate with the needs, including by providing dedicated and sustainable funding mechanisms for the national legal aid system. For example, the budget for legal aid in criminal proceedings should cover the full range of services to be provided to persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and to victims. Adequate special funding should be dedicated to defence expenses such as expenses for copying relevant files and documents and collection of evidence, expenses related to expert witnesses, forensic experts and social workers, and travel expenses.

In addition, a dedicated budgetary line for legal aid shall be envisaged and proper funding shall be secured. At the same time, the budget for the specific management body and its exact estimation can be performed only at the stage the exact concept of the single management body is approved.

Set of major measures to implement

Category of measures	Legislative	Administrative	Other category
Time			
First step		Adoption of the precise concept of the single body to manage the legal aid system	Action plan for promotion of the concept
Short term (up to 1 year)	Amendments to LFLA, CPC, Civil Procedure Code, LAD, LJC, LSC		
Medium term (up to 2 year)	Allocation of relevant and sufficient resources	Creation of the new body	Transfer, capacitation and strengthening of the MoJ regional offices Awareness raising and promotion of the single body
Long term (up to 3 year)	Improvements in primary legislation, pertinent by-laws	Continuous capacitation of the board	Permanent awareness raising, cooperation with stakeholders

13 SYNTHESIS OF THE MAIN RECOMMENDATIONS

The expert team concludes (based on the multitude of the arguments of the stakeholders in favour, the prevailing being that the legal aid system shall be efficient, effective and respond to the people in need) that creation of a body to manage the legal aid system is feasible.

The expert team consider the most feasible and desirable option will be for:

- *a single unitary body to govern the whole of free legal aid in the republic...*
- *...corresponding to the concept of autonomous independent state organ (самостоен и независен државен орган), a model already recognised by law in the Republic of North Macedonia*
- *and managed and overseen by an independent management board*

The board would

- *be fully constituted by rules – to be drawn up*
- *meet once a month for up to 1 full working day*

Within the membership there would be:

- *3-4 members of the Bar*
- *3-4 representatives of NGOs whose client-base includes individuals likely to be beneficiaries of free legal aid*
- *1 former judge*
- *2 representatives of university law clinics*
- *2 representatives of the Ministry of Justice*
- *1 representative of Ministry of Finance*
- *1 representative of Ministry of Labour and Social Policy*

Further, although there is debate about the following, consideration and further feasibility study should be addressed to whether 1 to 2 expert members should be recruited independently for their objective expertise in financial administration and public administration, as well as investigating the feasibility of recruiting 1 former service-user (client). In the same context, it deserves attention also the idea of participation of one representative of the National Human Rights Institution (Ombudsoffice).

In the case of those nominated by the Bar, by NGOs, the Ministry of Justice, Ministry of Finance, Ministry of Labour and Social Policy, the judiciary and the law clinics, those sectors/departments would be free to organise their own selection, as long as certain simple guidelines were followed (willingness of the individual, ability of the individu-

al to commit to the full term, willingness of the individual to commit time outside of meetings to the job).

For the majority of members being ex officio, there should be compensatory fee for the days of work per month and expenses paid, with the proviso that their sponsoring sector/department should agree to second them to their role on the Board for minimum 2 working days per month (one for a meeting and one for work outside the meeting) if needed more. Other members should receive monthly remuneration including the expenses.

Full consideration would need to be given to fair and structured recruitment and (in the case of expert members) based solely on experience and skills.

It is desirable for members of the Board to have a fixed term of service of 4 years, renewable once only.

The Board of Management would be the ultimate seat of power within the single unitary body.

The Board would have status as a legal person. It is not feasible for any other role or office-holder to have that status within the single unitary body.

The Board alone would have the ultimate capacity and responsibility to sue and be sued, acquire and dispose of property, receive funds and donations, employ staff to undertake the functions of free legal aid in North Macedonia and perform tasks necessary to carry out the functions of the legal aid operation in the republic.

It is not feasible or desirable for such powers should not be vested in an individual or an individual role, such as chief executive.

The Board would have full powers over its executive staff, and the bulk of operational activities and responsibilities would be delegated to them via a chief executive or director.

It would be feasible and desirable for the Board to have as its practical functions:

- *overseeing the general affairs of the single unitary body*
- *overseeing the operational work of the single body*
- *giving strategic guidance.*

All of those functions do impact on day-to-day operational delivery of the service but they do not allow the Board to govern the fine details of individual decisions and activities undertaken by the staff.

The Board will have full powers to delegate the bulk of the operational powers needed to deliver free legal aid and, except perhaps for instances of complaint on a second tier of internal appeal, would stay clear of decisions on legal aid applications, assignment of lawyers etc.

Board members should be prohibited from getting involved in the detail of any individual cases.

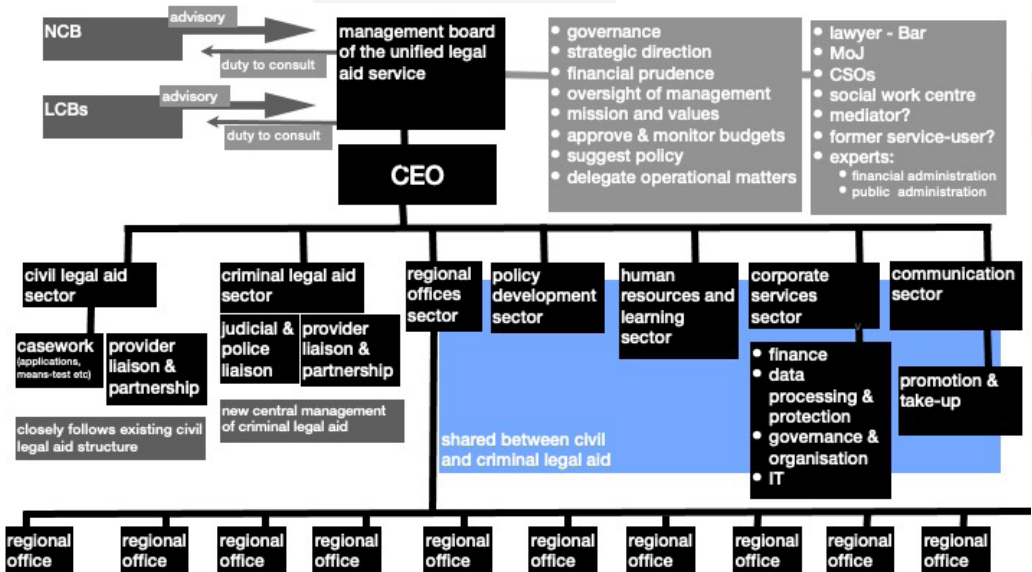
The single unitary free legal aid body should be constituted as a autonomous independent state organ (самостоен и независен државен орган).

It should be outside government control, except for:

- *the usual attachment lines implied by autonomous independent state organ (самостоен и независен државен орган) status (i.e. Parliamentary scrutiny is provided for, but not control) and*
- *statutory MoJ participation on the Board of Management.*

The FLA body's independence should be guaranteed in funding arrangements with MoJ.

The single body's partnerships with providers are independent of the participation by both MoJ and providers like the Bar and NGOs in the Management Board, and safeguards may need to be designed to prevent abuse of position by Board members or government seeking to unduly influence decisions on funding or contracting with providers.



Set of major measures to implement

Category of measures Time	Legislative	Administrative	Other category
First step		Adoption of the precise concept of the single body to manage the legal aid system	Action plan for promotion of the concept
Short term (up to 1 year)	Amendments to LFLA, CPC, Civil Procedure Code, LAD, LJC, LSC		
Medium term (up to 2 year)	Allocation of relevant and sufficient re-sources	Creation of the new body	Transfer, ca-pacitation and strengthening of the MoJ regional offices Awareness raising and promo-tion of the single body
Long term (up to 3 year)	Improvements in primary legis-lation, pertinent by-laws	Continuous ca-pacitation of the board	Permanent awareness rais-ing, cooperation with stakehold-ers

14 APPENDIXES

- 14.1 **Appendix 1. Methodology of the study**
- 14.2 **Appendix 2. Questionnaire for lawyers**
- 14.3 **Appendix 3. Agenda of the meetings**



APPENDIX 1

METHODOLOGY FOR THE FEASIBILITY STUDY ON ESTABLISHING A SINGLE ENTITY FOR THE MANAGEMENT OF THE FREE LEGAL AID SYSTEM IN NORTH MACEDONIA

Authors:
Mr. Victor Zaharia
Ms. Bojana Netkova
Mr. Goce Kocovski

Skopje, September 2021

ACRONYMS:

- ECHR - European Convention on Human Rights and Fundamental Freedoms
- ECtHR - European Court of Human Rights
- MoJ - Ministry of Justice of North Macedonia
- LCP - Law of the Republic of North Macedonia on Criminal Procedure, 150/2010, 100/2012, 142/2016, 193/2016, 198/2018
- LFLA - Law of the Republic of North Macedonia on Free Legal Aid, 2019, Official Gazette No. 101/2019
- LJC - Law of the Republic of North Macedonia on Justice for Children, Official Gazette No. 148/2013, 152/2019
- LCP – Law on civil procedure, Official Gazette No. 07/2011
- LAP - Law on general administrative procedure, Official Gazette No. 124/2015
- LAD - Law on administrative disputes, Official Gazette No. 96/2019
- LSC - Law on social care, Official Gazette No. 104/2019
- RNM - Republic of North Macedonia

INTRODUCTORY REMARKS

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

The project is built along three main lines of action:

- (1) Harmonization of provisions, policies and practices related to free legal aid;
- (2) Targeted capacity building of main providers (Ministry of Justice, Bar Association and CSOs) including by supporting more structured and continuous coordination, and
- (3) Awareness raising among the country's population to support increased access to free legal aid.

The *Assessment report on legal aid in criminal proceedings*⁷⁸ and the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia* conducted under the project observe that the actual system of delivery of legal aid in criminal proceedings in the RNM is not managed by a distinct entity and recommend to examine the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity. Actually, the appointment of the ex-officio lawyers and their payment is performed by the courts, while the training and assurance of the quality of services is left with less attention, presumably with the Bar Association, based on its general competence. This model of management has its implications, including on the modality of awareness rising on the right to legal aid, collection and use of statistical data, research for development of the legal aid system, formulation and promotion of the budget for legal aid in criminal proceedings.

⁷⁸ Please see: <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83> and <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

In 2009, with the adoption of the first special *Law on Free Legal Aid*,⁷⁹ the country established a separate legal aid system for civil and administrative matters, distinct from the legal aid system in criminal proceedings. Before 2009 legal aid for indigent parties in civil procedures was *de jure* available pursuant to the provisions on exemption of procedural fees⁸⁰ set in the Code for Civil Procedure⁸¹ however rarely used in practice.⁸² The LFLA from 2009 established authority to the Ministry of Justice to conduct means and merits test, to appoint lawyers and to manage the newly established legal aid system. In 2011 the amendments to the LFLA broadened the scope of the Ministry of Justice to decide upon approval of legal aid in asylum seekers while the 2014's amendments also included authority to decide upon request for payment for lawyers that provided legal aid in juvenile justice cases. These subsequent amendments put significant strain on the Ministry of Justice's capacity to administer and manage the legal aid system.

In an attempt to address the significant shortcomings⁸³ of the 2009's law, in 2019 a new LFLA was adopted. It set the stage for a significant improvement by facilitating the means and merits test and decentralization of the processing of legal aid application. However, significant change regarding the management of the system was not carried out. The Ministry of Justice still remains the institution that decides upon legal aid applications in civil and administrative proceedings, conducts means and merits test, appoints lawyers, performs oversight, plans budget and conducts promotional activities. Data collection, policy research, trainings of staff and lawyers are vaguely included in the law and there are practical challenges in their realization.

The Council of Europe's Project Team requested to develop a methodology for a feasibility study on establishing a single entity for the management of FLA. The methodology contains: the proposed research questions; the proposed tools/approaches to be used (interviews, surveys through questionnaires, focus groups); list of stakeholders to be consulted; indication of the documents to be analysed including relevant international standards, comparative best practices,

⁷⁹ Law on Free Legal Aid, Official Gazette No. 161/2009.

⁸⁰ Note: These provisions are still in force simultaneously with the LFLA provisions however the draft of the new Civil Procedure Code bill from 2020 erased them and it refers to the LFLA for any exemption of costs and appointment of lawyers for indigent parties.

⁸¹ Articles 163 – 169, Code on Civil Procedure, Official Gazette No. 79/2005, 110/2008, 83/2009, 116/2010, 124/2015.

⁸² The Code on Civil Procedure provided legal ground for an indigent party, if not able to meet the costs of the procedure, to file a request for exemption from the costs to the trial judge. The trial judge after conducting means test may exempt the party partially or for all procedural fees. When deciding the later it may appoint a lawyer as legal representative if it "necessary for protection of the interests of the party".

⁸³ For further reading concerning the shortcomings see Kocevski & Danilovska-Bajdevska (2013) *Analysis on the implementation of the Law on Free Legal Aid in Macedonia (2010 – 2012)*, FOOM & MYLA and Kocevski & Georgievska eds (2019) *Access to Justice in N.Macedonia – Comprehensive Policy Study on the Access to Justice in Criminal, Civil and Administrative Procedures*, MYLA & PIC.

relevant analysis and reports on the topic; a proposed action plan with timeline and responsibilities for the finalization of the study.

The methodology envisages participation of all relevant stakeholders and allows for gender consideration and needs of vulnerable groups to be considered in the conduct of the study.

The methodology was developed by Bojana Netkova⁸⁴, Goce Kocevski⁸⁵ and Victor Zaharia⁸⁶, with the support of CoE project team. The consultants and the Council of Europe project team closely co-operated, shared information, provided relevant inputs and communicated via email and video conferences.

⁸⁴ CoE national consultant, attorney and member of the WG for amending the LFLA, JC, LCP, member of the commission for establishing the Educational Center for Lawyers, member of the MBA Supervisory board.

⁸⁵ CoE consultant, program director at the Macedonian Young Lawyers Association, working on access to justice and legal aid since 2011.

⁸⁶ CoE international consultant, President of the National Council for State Guaranteed Legal Aid, Moldova (2008-2016, 2020-present); university associate professor, Moldova State University.

RESEARCH QUESTIONS

The feasibility study shall respond to three main questions:

- 1. Is it feasible from legal, operational and financial point of view to entrust the management of the all existing legal aid schemes in criminal, civil and administrative proceedings (the entire spectrum of functions) within one distinct and (quasi)independent entity?*
- 2. If feasible, what structure and functions shall the single management entity have?*
- 3. What are the steps and measures to be implemented for this single management entity to be operational?*

And specific sub-questions:

1. Is it feasible from legal, operational and financial point of view to entrust the management of the all existing legal aid schemes in criminal, civil and administrative proceedings system in criminal proceedings (the entire spectrum of functions) within one distinct entity and independent entity?

- What are the key weakness and shortcomings of the current legal aid schemes?*
- Which weaknesses and shortcomings may be addressed by a single management entity more effectively and efficiently and how?*
- Where such entity should be placed in the system of government? In the executive or judicial branch of government?*
- What is the level of desirability among key stakeholders of the idea of unifying the legal aid administration by one single entity?*
- What are the key arguments among stakeholders for and against such an idea?*
- What operational requirements should the single entity meet to possess the capacity to manage the legal aid system?*
- What are the benefits and costs of establishing such system?*
- What are the advantages and disadvantages of this approach?*

2. If feasible, what structure and functions shall have this single management entity? The tentative lists of functions:

- **Overall management** of the Legal Aid System - general and methodical management of the activities on providing legal aid (conducting the process of delivering of legal aid; policy formulation on MoJ?)
- Preparing draft budget for legal aid; Management of the funds of the **budget** for legal aid or analysis of the costs and planning the expenditures related to the delivery of legal aid and submission of proposals to the Ministry of Justice to be included in the state budget, subbudget for free legal aid; management of the budgetary funds allocated for the purposes of delivering of free legal aid;
- Keeping of the **National Register** of Legal Aid Providers;
- Performing control over provided legal services by the providers/ Develops the criteria for **assessing the quality** of provided free legal aid;
- Preparation of **drafts of laws and other normative acts** in the field of the legal aid;
- **Analyzing the information** needed for the adequate planning and management of the system of legal aid;
- Promotion the system of legal aid/ **Awareness raising on the right to legal aid**;
- Accessibility criteria for indigent persons (development of the methodology of income calculation, determination of the level that would allow the delivery of legal aid and proposes to the Government for approval);
- **Selection of lawyers in the legal aid system, record keeping of providers** (establishing rules of organisation of contests for the selection and/or selection of lawyers to deliver legal aid (Mechanism for assigning legal aid providers/ in coordination with the Bar Association?; record keeping of lawyers, who deliver legal aid); establishing required qualifications for registration in the national register of legal aid providers
- **Selection of mediators, expert witnesses and services providers (interpreters and translators)**
 - Establishing procedures and guidelines for mediators, translators/ Interpreters
 - Regulation of fees
- **Approval of forms of acts** for obtaining and delivering legal aid;
- **Appointment of lawyers in specific cases** to deliver legal aid;
- **Establishing the method and conditions of remuneration of lawyers** that deliver legal aid, **mediators, expert witnesses and services providers**;
- **Use of financial means** allocated for the delivery of legal aid; **payment of lawyers, mediators, expert witnesses and services providers**;

- **Establishing** and periodically revising **standards for the activity** and professional training of **lawyers** delivering legal aid;
- **Ensuring initial and continuous training** of persons involved in the system of delivering of legal aid;
- **Compilation of practice** of implementation and development of recommendations for the purpose of ensuring the uniform enforcement of the legislation;
- **Drafting annual reports** on activity in the system of delivering of legal aid;
- **Cooperation** with foreign organizations, international and non-governmental organizations, which are involved in the field of legal aid;
- **Collecting and analysis of data** on delivered legal aid with the view to improve the functioning of the system of delivering legal aid/
Establishing a performance-based monitoring system for the legal aid system, including mechanisms for collecting feedback from service users and institutional stakeholders;
- Receiving and examining **complaints** about legal aid;
- Ensuring the implementation of **pilot models** of the delivery of legal aid and
- **Structure** of the Legal Aid Board?
- **Accountability of the single entity?**

3. What are the steps and measures to implement to make functional this single management entity?

- What laws and bylaws should be amended in order to unify the competences of administrating legal aid into one single entity?
- What legislative and non-legislative measures should be adopted to ensure independence of such entity (institutional, financial, operational and governance)?
- What capacity should the entity possess to manage the legal aid system?
- What **administrative** measures are recommended?
- What are the **budgetary** implications?
- **Sequence** of measures, potential **timeframe** and responsible institutions?

TOOLS/APPROACHES TO BE USED

In order to obtain specific and accurate responses to the research questions and sub-questions, there will be used following tools as combination of primary and secondary sources:

Desk review

- International and European Standards,
- RNM Legislation,
- Best European and regional practices in the area,
- Pertinent reports and statistical data.

Interviews

Before the interviews as such, a discussion concept will be developed, underlining the subject of the interviews (discussion concept that will outline the model as well as will indicate the key arguments for such entity as well as the risks and challenges). This discussion paper should be shared with the interviewees facilitating the discussion.

Two categories of interviews will be performed:

- Initial individual interviews** with 3 experts in the legal aid area (civil and administrative matters), 3 experts in the legal aid in criminal proceedings area, 3 experts working with children and vulnerable categories of victims/victims of violent crimes (total 9 national experts).
- In depth interviews** with representatives of stakeholders

Interviews to be performed face to face if so permitted in the COVID 19 Pandemic restrictions framework.

Questionnaire

An on-line questionnaire for lawyers will be developed based on the results of the initial interviews. The questionnaire is to be filled on-line by lawyers included in the list of ex-officio lawyers and the registry for legal aid (MoJ). All lawyers will be invited to fill in the on-line questionnaires (while pertinent validity is to be considered if received ~ 10 % of questionnaires).

Focus Groups

Two focus groups will be performed to collect the relevant data and views, as follows:

- a. Focus Group with 8-10 Judges.
- b. Focus Group with 8-10 Lawyers form the list of ex-officio lawyers and the registry of MoJ to clarify specific aspects resulting from the questionnaire.

Two specific tentative lists of semiopen and open questions to be developed to guide the activity.

Validation workshop

A validation workshop to be performed with participation of the relevant representatives of the stakeholders (12-14 participants). During the workshop, preliminary conclusions of the feasibility study to be presented to the participants, to collect feedback in order to reflect in the final version of the study the pertinent analysis of interest to the stakeholders. It can be combined with presentation of the model by experts (Bulgaria, Ireland, Moldova, Kosovo⁸⁷, Bulgaria etc.: faced challenges, functioning of the model, problems solving, taken steps, budget issues etc.).

LIST OF STAKEHOLDERS TO BE CONSULTED

There are several stakeholders in the field of legal aid in criminal, civil and administrative proceedings in RNM that needs to be consulted in the process of the development of the feasibility study: Those institutions are:

- Ministry of Justice (Representative of the cabinet of the Minister; State advisors & heads of sector in charge with policy making in the areas of criminal and civil law);
- Representatives of the Bar (Head of the Bar or its deputy; one representative of the Management Board & one representative of the Supervisory Board);
- Lawyers (5 lawyers proposed by 5 local bar communities);
- Supreme Court of Justice (2 judges nominated by the Supreme Court);
- Representatives of Judicial Budgetary Council;
- Judiciary/ Presidents of at least 8 basic courts and all 4 appellate courts;
- Police (One representatives of the Ministry for Internal Affairs and 1-2 police inspectors from different police stations);
- 1-2 Prosecutors office (One representative nominated by the Public Prosecutor of RNM and one representative of basic public prosecutor);

⁸⁷ This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

- Ministry of Labor and Social Policy (One representative of the Ministry and one representative of a center for social protection);
 - Civil Society (Authorized providers of primary legal aid);
 - Department for Legal Aid within the Ministry of Justice (Head of the department, State advisor & at least three employees processing legal aid applications);
 - Development partners, such as EU Delegation, USAID, British Embassy, Embassy of Netherlands, OSCE, UNICEF (all together)
- NB: all of these to be included in one slot in the agenda.

DOCUMENTS TO BE ANALYSED

A variety of documents shall be consulted, including International and European Standards in the area of free legal aid, comparative best practices and pertinent reports.

International and European Standards

- United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems⁸⁸,
- UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings (Palermo Protocol)⁸⁹,
- SPT standards on the issue of access to lawyer⁹⁰,
- The Council of Europe Convention on Action against Trafficking in Human Beings⁹¹,
- Jurisprudence of ECtHR on Article 6 (3) (c) ECHR,
- Guidelines of the Committee of Ministers of the Council of Europe on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law, 2021⁹²,
- CPT standards on the issue of access to lawyer⁹³,
- EU standards and guidelines⁹⁴.

⁸⁸ https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

⁸⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000, (The Palermo Protocol) <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

⁹⁰ SPT, Fifth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2011, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2f48%2f3&Lang=en

⁹¹ The Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16.V.2005

⁹² https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a1a347

⁹³ Please see: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Access to a lawyer as a means of preventing ill-treatment. Extract from the 21st General Report of the CPT, published in 2011. Available in Macedonian at <https://rm.coe.int/16806ccd1d>

⁹⁴ The European Union, Resolution of the Council of 30 November 2009 on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings (Text with EEA relevance) 2009/C 295/01; the Directive

National Legislation

- Law of the Republic of North Macedonia on Criminal Procedure, 150/2010, 100/2012, 142/2016, 193/2016, 198/2018
- Law of the Republic of North Macedonia on Free Legal Aid, 2019, Official Gazette No. 101/2019
- Law of the Republic of North Macedonia on Justice for Children, Official Gazette No. 148/2013, 152/2019
- Code on Civil Procedure, Official Gazette No. 79/2005, 110/2008, 83/2009, 116/2010, 124/2015
- Rules of Procedure of the Courts, Official Gazette, No. 66/2013
- Law on administrative disputes
- Law on general administrative procedure

Comparative best practices

In some European Countries, the legal aid system is managed by distinct entity, Legal Aid board⁹⁵.

In the context of the feasibility study, to be examined the experience of well established, recently established Legal Aid Boards and regional practices, as follows:

- The Dutch Legal Aid Board⁹⁶
- Ireland Legal Aid Board⁹⁷
- Moldova National Council for State Guaranteed Legal Assistance⁹⁸
- Georgia Legal Aid Council⁹⁹
- Regional examples (Slovenia, Albania, Bulgaria & Kosovo)

Reports

- Assessment report on legal aid in criminal proceedings¹⁰⁰

2013/48/EU (2013) on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty; the European Commission, Recommendation of 27 November 2013 on the right to legal aid for suspects or accused persons in criminal proceedings, OJ 013 C 378.68; the Directive (EU) 2016/1919 on provisional legal aid for suspects or accused persons deprived of liberty and for legal aid in European arrest warrant proceedings (provisional legal aid to persons who are deprived of liberty – and before questioning; until a decision on eligibility for legal aid can be made); the Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings; the Framework Decision 2001/220/JHA on the situation of victims in criminal proceedings, Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims; the Directive 2012/29/EU on victims' rights; the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

⁹⁵ E.g. Slovenia (Legal Aid Authority), the Netherlands (Legal Aid Board), Moldova (National Council for State Guaranteed Legal Aid)

⁹⁶ <https://www.rechtsbijstand.nl/organisatie-en-vestigingen/about-the-legal-aid-board>

⁹⁷ <https://www.legalaidboard.ie/en/about-the-board/>

⁹⁸ <https://cnajgs.md/en/structure/page/nlac>

⁹⁹ <http://www.legalaid.ge/en/c/1/council>

¹⁰⁰ Please see: <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83> and <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

- Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia
- Strategy for reform of the judicial sector for the period 2017-2022 and Action plan for implementation of the Strategy for Reform of the Judicial Sector 2017-2022¹⁰¹
- Ombudsman of RNM, annual report 2018¹⁰² and Ombudsman of RNM, annual report 2019¹⁰³
- Access to Justice in North Macedonia, comprehensive policy study on the access to justice in criminal, civil and administrative procedures¹⁰⁴
- Available statistical data¹⁰⁵ and other pertinent sources as identified.

¹⁰¹ <https://rm.coe.int/strategy-for-reform-of-the-judicial-sector-for-the-period-2017-2022-wi/16808c4384>

¹⁰² <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2018/GI-2018-Ang.pdf>

¹⁰³ <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2019/GI-2019-Ang.pdf>

¹⁰⁴ *Access to Justice in North Macedonia*, comprehensive policy study on the access to justice in criminal, civil and administrative procedures. Macedonian Young Lawyers Association, Skopje, September 2019, p. 45

¹⁰⁵ E.g. *UNDP, Republic of North Macedonia*, <https://www.mk.undp.org/content/north-macedonia/en/home.html> ; List of lawyers members of the Bar Association, <http://www.mba.org.mk/index.php/mk/>

TENTATIVE TIMEFRAME AND RESPONSIBILITIES

ACTIVITY	RESPONSIBLE INSTITUTION / PERSON	PERIOD	REMARKS
1. Desk review and development of the discussion concept	CoE consultants	Week 2 ½	Remote activity
2. Initial interviews	CoE consultants, Project team	Week 3	Remote activity
3. Design of the questionnaire for lawyers, dissemination and collection of the questionnaires, processing the results	CoE consultants	Week 4	Remote activity
	CoE national consultants in partnership with the Bar	Week 5-7	Remote activity
4. Development of the tentative lists (for lawyers and judges) of semi open and open questions and performing the focus groups	CoE consultants	Week 8	Remote activity
		Week 9	Preferably on spot / alternative – remote activity
5. In depth interviews	CoE consultants	Week 10-11	Preferably on spot / alternative – remote activity
6. Development of the first draft of the feasibility study	CoE consultants	Week 12-14	Remote activity
7. Validation workshop	CoE consultants	Week 16	Preferably on spot / alternative – remote activity

8. <i>Revision of the draft based on the results of the validation workshop and presentation of the final draft of the feasibility study</i>	CoE consultants	Week 18	Remote activity
---	-----------------	---------	-----------------

APPENDIX 2

Questionnaire for Lawyers

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

Under the scope of the project several activities were performed such as: The *Assessment report on legal aid in criminal proceedings*¹⁰⁶ and the *Report on the on-line coordination meetings to tackle shortcomings on legal aid provision in criminal proceedings in North Macedonia* which observed that the actual system of delivery of legal aid in criminal proceedings in the RNM is not managed by a distinct entity and recommend to examine the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity. Actually, the appointment of the ex-officio lawyers and their payment is performed by the courts, while the training and assurance of the quality of services is left with less attention, presumably with the Bar Association, based on its general competence. This model of management has its implications, including on the modality of awareness rising on the right to legal aid, collection and use of statistical data, research for development of the legal aid system, formulation and promotion of the budget for legal aid in criminal proceedings.

On the other hand the legal aid system for civil and administrative matters is covered by the *Law on Free Legal Aid* and is distinct from the legal aid system in criminal proceedings. With the amendments to the LFLA in 2019 significant shortcomings¹⁰⁷ of the 2009's law were addressed, however significant change regarding the management of the system was not carried out. The Ministry of Justice still remains the institution that decides upon legal aid applications in civil and administrative proceedings, conducts means and merits test, appoints lawyers, performs oversight, plans budget and conducts promotional activities. Data collection, policy research, trainings of staff and lawyers are vaguely included in the law and there are practical challenges in their realization.

¹⁰⁶ Please see: <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia-mkd-/16809fcd83> and <https://rm.coe.int/provision-of-legal-aid-in-criminal-proceedings-in-north-macedonia/16809fcd82>

¹⁰⁷ For further reading concerning the shortcomings see Kocevski & Danilovska-Bajdevska (2013) *Analysis on the implementation of the Law on Free Legal Aid in Macedonia (2010 – 2012)*, FOOM & MYLA and Kocevski & Georgievska eds (2019) *Access to Justice in N.Macedonia – Comprehensive Policy Study on the Access to Justice in Criminal, Civil and Administrative Procedures*, MYLA & PIC.

Therefore, the Council of Europe’s Project Team requested to develop a study on feasibility of establishing a single entity for the management of FLA in RNM. The feasibility study shall respond to three main questions:

1. *Is it feasible from legal, operational and financial point of view to entrust the management of the **all existing legal aid schemes in criminal, civil and administrative proceedings** with one distinct entity?*
2. *If feasible, what structure and functions shall the single management entity have?*
3. *What are the steps and measures to be implemented for this single management entity to be operational?*

In this context, the below questionnaire was prepared with the purpose to give us an insight into your experiences and your views regarding the positive and negative aspects of the system of free legal aid, as well as your opinions on whether this system could be improved by establishing a single management entity that will take over the entire spectrum of competences related to free legal aid.

**We kindly invite you to fill in the questionnaire by _____ 2022.
Your opinions will contribute to formulation of recommendations, in line with the CoE standards and best practices in the field, with due consideration of the country context and peculiarities.**

I. Demographic information on the respondent

Q1. Sex

- Male
- Female

Q2. Location (City/town where your law office is established)

Dropdown list of all towns

Q3. Number of years practicing law as lawyer

- Less than 5 years
- 6 – 10 years
- 11 – 20 years
- More than 20 years

Q4. Have you been appointed in a legal aid case by a competent organ in the following capacity? *Select all that applies.*

- Mandatory defense including *ex officio* cases (Art. 74 from CPC)
- Defense for indigent defendants (Art. 75 from CPC)
- Defense lawyer to a minor (Law on Justice for Children)
- Legal aid provider in accordance with the Law on Free Legal Aid

II. Opinions and perceptions on the legal aid system

Q5. In your opinion and **based upon your own experience**, are there any **weaknesses and shortcomings in the management of the current legal aid schemes**? Could you please assess to what extent do you agree with the statements bellow?

(1 – I do not agree at all – 5 – I agree totally)

Q5a. In criminal procedures (Including juvenile justice procedures)

The current model ensures access to adequate and professional legal aid for the defendants	1	2	3	4	5	DK
The provision from Art. 75 from the CPC is fully operational and indigent defendants have access to legal aid	1	2	3	4	5	DK
The process for appointment ex-officio lawyers is objective & based upon clear and transparent criteria	1	2	3	4	5	DK
The provisions on legal aid in criminal procedures are consistently and in unified manner by all courts and other competent institutions	1	2	3	4	5	DK
The appointed lawyers have the same rights and opportunities to defend their clients compared with their privately hired peers	1	2	3	4	5	DK
The appointed lawyers are free to defend their client and are not facing any detriments due to their professional actions	1	2	3	4	5	DK
The fees of the court appointed lawyers are calculated in accordance with applicable law and the Bar tariff and paid in reasonable time	1	2	3	4	5	DK
The current model ensures adequate monitoring of the quality of the legal aid provided	1	2	3	4	5	DK

Q5.b Please elaborate in couple of sentences your answers and please do specify the ones related to management of the system, if so:

Q6. In civil and administrative procedures

(1 – I do not agree at all – 5 – I agree totally)

The eligibility criteria set in the LFLA ensure that the poor and vulnerable categories have access to legal aid when needed	1	2	3	4	5	DK
The procedure for approval of legal aid is simple and usually conducted without unnecessary delays	1	2	3	4	5	DK
The manner of appointment of lawyers is objective & based upon clear and transparent criteria	1	2	3	4	5	DK
The current model ensures adequate monitoring of the quality of the legal aid provided	1	2	3	4	5	DK
The management of the FFLA established with the LFLA is functional and suitable to meet the needs of the beneficiaries of legal aid	1	2	3	4	5	DK
The fees of the LFLA lawyers are calculated and remunerated in accordance with applicable law and the Bar tariff.	1	2	3	4	5	DK

Q6 a Please elaborate in couple of sentences your answers and please do specify the ones related to management of the system, if so:

Q7. Do you think that establishment of a single management entity that will overtake the system of free legal aid covering all of the procedures (criminal, civil and administrative) might overpass these weaknesses and shortcomings?

Single answer question

- a. Yes
- b. Partially
- c. Maybe
- d. No
- e. I don't know.

Q8. Please provide short narrative elaboration

Q9. Do you think a single management entity is likely to address and/or provide
Completely (5) Not at all (1)

Well organized system layout	1	2	3	4	5	DK
Transparency and accountability in operation	1	2	3	4	5	DK
Greater and easier accessibility for people in need of legal aid	1	2	3	4	5	DK
Opportunity to match supply of legal services to demand	1	2	3	4	5	DK
Improve overall quality of legal advice and aid	1	2	3	4	5	DK
Efficiency of the system, and thus of the procedures	1	2	3	4	5	DK
A more transparent manner for appointing lawyers	1	2	3	4	5	DK
Regular and timely payment of attorney's fees and award	1	2	3	4	5	DK
Improved cost effectiveness of the system	1	2	3	4	5	DK

Q10. In your opinion, **what responsibilities should be entrusted to the single management entity?**

Completely (5) Not at all (1)

Overall management of the Legal Aid System (conducting the process of delivering of legal aid)	1	2	3	4	5	DK
Selection of lawyers in the legal aid system, record keeping of providers	1	2	3	4	5	DK
Conducting of means and merits test of applications	1	2	3	4	5	DK
Appointment of lawyers in specific cases to deliver legal aid	1	2	3	4	5	DK
Ensuring initial and continuous training of persons delivering legal aid	1	2	3	4	5	DK
Establishing and periodically revising standards for the activity of lawyers delivering legal aid	1	2	3	4	5	DK
Assessing the quality of provided free legal aid (monitoring, quality assurance mechanism)	1	2	3	4	5	DK
Receiving and examining complaints about legal aid	1	2	3	4	5	DK
Establishing the method and conditions of remuneration of lawyers that deliver legal aid	1	2	3	4	5	DK
Use of financial means allocated for the delivery of legal aid; payment of lawyers	1	2	3	4	5	DK
Awareness rising on the right to legal aid	1	2	3	4	5	DK
Collecting and analysis of data on delivered legal aid, compilation of practice	1	2	3	4	5	DK
Drafting annual reports on activity in the system of delivering of legal aid	1	2	3	4	5	DK
Cooperation with foreign organizations, international and non-governmental organizations	1	2	3	4	5	DK

Q11. Which **stakeholders** do you think **should be involved in the structure (be part) of this body?**

Strongly AGREE (5) Strongly DISAGREE (1)

Ministry of Justice	1	2	3	4	5	DK
The Bar Association	1	2	3	4	5	DK
CSOs & Academia	1	2	3	4	5	DK
Court	1	2	3	4	5	DK
Prosecutors	1	2	3	4	5	DK
Centers of Social Affairs	1	2	3	4	5	DK
Ministry of Internal Affairs	1	2	3	4	5	DK
Receiving and examining complaints about legal aid	1	2	3	4	5	DK

Q12. To whom shall be **overall accountable the legal aid management entity (directly reporting in general e.g. by annual report, not in individual cases)?**

Strongly AGREE (5) Strongly DISAGREE (1)

Parliament	1	2	3	4	5	DK
Government	1	2	3	4	5	DK
Judiciary	1	2	3	4	5	DK
The Bar Association	1	2	3	4	5	DK
Ministry of Justice	1	2	3	4	5	DK
Fully independent, no subordination or direct reporting	1	2	3	4	5	DK

Q13. Any **additional comments, suggestions** you might have (e.g. on the steps and measures to implement to make functional this single management entity).

Thank you very much for your contribution!!!

APPENDIX 3

Mission in Skopje

Feasibility Study on establishing a Single Entity for the Management of the Free Legal Aid System in North Macedonia

03-07 October 2022, Skopje



Monday 3 October 2022

Time	Meeting / Venue	In attendance		Notes / Language	Contacts / Addresses for the day
09:00 – 10:15	Coordination meeting at CoE Programme Office in Skopje	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski	<u>CoE team</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje
10:30 – 11:30	Meeting with the MoJ representatives (State advisors + Cabinet of the Minister)	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski <u>CoE:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>MoJ's Representatives:</u> Mr. Nikola Prokopenko Mr. Arkin Jahiji Ms. Tanja Kikerekova Ms. Frosina Tasevska	[E<-> M interpretation]	Ministry of Justice
11:45-12:45	Meeting with MoJ; FLA Department	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski <u>CoE:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	MoJ's FLA Unit Representatives: Ms. Vesna Cekova Mr. Oliver Davidovski Ms. Zuriya Memedova Ms. Salije Ibraimi Mr. Orhan Sulimani	[E<-> M interpretation]	Ministry of Justice
13:00 – 14:15	Lunch break				

14.30-15.30	Meeting with the Bar Association	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Bar Association Representatives</u>	[E<-> M interpretation]	Bar Association premises
15:45-17:00	Wrap-up session with the project team	<u>Expert:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski	<u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje

Tuesday 4 October 2022

Time	Meeting / Venue	In attendance		Notes / Language	Contacts / Addresses
10:00 – 11:00	Meeting with Lawyers (in-depth interviews – group 1)	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Lawyers authorised for FLA</u>	[E<-> M interpretation]	Bar Association premises at the Appellate Court

11:15 – 12:15	Meeting with Lawyers (in-depth interviews – group 2)	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculovska Jakimovska	<u>Lawyers authorised for FLA</u>	[E<-> M interpretation]	Bar Association premises at the Appellate Court
12:30 – 13:45	Lunch Break				
14:00 – 16:00	Focus group with lawyers	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculovska Jakimovska	<u>Lawyers</u>	[E<-> M interpretation]	Bar Association premises at the Appellate Court
16:00 – 17:00	Wrap-up session with the project team	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski	<u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje

Wednesday 5 October 2022

Time	Meeting / Venue	In attendance		Notes / Language	Contacts / Addresses for the day
09:30-10:30	Meeting with Supreme Court judges	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Supreme Court Judges</u>	[E<-> M interpretation]	Supreme Court of North Macedonia
11:00 – 12:30	Focus Groups/ in-depth interviews with Presidents of Courts (Basic + Appellate)	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Presidents of Courts (Basic + Appellate)</u>	[E<-> M interpretation]	Hotel Aleksandar Palace
12:45-14:00	Launch				
14:30 – 16:30	Focus Group with judges	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Judges</u>		Hotel Aleksandar Palace

16:30 – 17:00	Wrap-up session with the project team	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski	<u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje
---------------	---------------------------------------	--	--	--------------	--

Thursday 6 October 2022

Time	Meeting / Venue	In attendance		Notes / Language	Contacts / Addresses for the day
09:30 – 10:30	Meeting with Representatives of the Judicial Budgetary Council	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocevski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Representatives of the Judicial Budgetary Council</u>	[E<-> M interpretation]	Council of Europe Programme Office in Skopje

11:00 – 12:00	Meeting with police	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	Police officers	[E<-> M interpretation]	Council of Europe Programme Office in Skopje
12:00 – 13:30	Lunch Break				
13:30 – 14:30	Meeting with public prosecutors	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Public Prosecutors</u>	[E<-> M interpretation]	Council of Europe Programme Office in Skopje
15:00 – 17:00	Wrap-up session with the project team + Preparations for the National Coordination Body	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski	<u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje

Friday 7 October 2022

Time	Meeting / Venue	In attendance		Notes / Language	Contacts / Addresses for the day
10:00-15:00	10 th Meeting of the National Coordination Body (Hybrid Event)	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski <u>CoE team:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	<u>Members of the NCB</u>	[E<-> M simultaneous interpretation]	Hotel Aleksandar Palace
15:30 – 17:00	Wrap-up session with the project team	<u>Experts:</u> Mr. John Eames Mr. Victor Zaharia Ms. Bojana Netkova Mr. Goce Kocovski	<u>CoE:</u> Ms Anamarija Nikolovska Ms Irena Cuculoska Jakimovska	[in English]	Council of Europe Programme Office in Skopje





ИНФОРМИРАЈ СЕ ЗА БЕСПЛАТНА ПРАВНА ПОМОШ

This document was produced with the financial support of the European Union and the Council of Europe under the Action "Supporting enhanced access to higher quality free legal aid services in North Macedonia". The views expressed herein can in no way be taken to reflect the official opinion of either party.

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

The member states of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

www.europa.eu

ENG

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

