

Support to legal aid reforms in North Macedonia

The action “Support to legal aid reforms” is a part of the European Union and Council of Europe programmatic framework “Horizontal Facility for the Western Balkans and Turkey” (also known as Horizontal Facility). The action aims to support the Regional Offices of the Ministry of Justice in North Macedonia in improving the processing of free legal aid applications and strengthening their capacity for providing the increased scope and quality of services. Staff of the Regional Offices of the Ministry of Justice, lawyers, members of the Bar Association and of civil society organisations will benefit from the training and assistance provided through the implementation of the action. The project will support initiatives to increase the number and availability of lawyers willing to provide free legal aid services. In co-operation with the Bar Association, police and other authorities, the project will develop protocols to help ensure timely access of detained persons to a lawyer. The action also aims to facilitate the process of changes of the current legal aid system following the adoption of the new Law on Free Legal Aid (LFLA).

In addition to facilitating access to free legal aid, the action will also provide targeted groups and people in vulnerable situation information about the legal aid scheme, relevant procedures and steps that will help them to overcome obstacles in receiving free legal assistance. Information materials will be developed for the wider public, explaining how legal aid applications are processed and what factors are taken into account in decision making. A promotional tool will be developed to inform the public about lawyers and civil society organisations offering legal services guaranteed by the LFLA.

The action envisages close collaboration with the Ministry of Justice and the Bar Association, as well as with the Police and Ministry of Internal Affairs, alongside civil society organisations working on free legal aid. The duration of the action is 17 months (1 January 2018 to 23 May 2019) with a budget of €300 000.

The objectives of the action

The **aim** of the action is to support legal aid reform and ensure it is implemented more effectively and in line with European standards.

The action intends to accomplish the following objectives:

- ✓ The processing of applications on legal aid by the Regional Offices of the Ministry of Justice takes place more efficiently and effectively, in line with European standards and practice.
- ✓ Regulatory frameworks are improved in line with European standards and practices by using evidence-based policies.
- ✓ Enhanced monitoring of the quality of legal services.
- ✓ Capacities of the Regional Offices of the Ministry of Justice and lawyers are strengthened.
- ✓ Awareness of legal aid services among users/applicants is increased.

Accordingly, the outcomes of the project will be achieved through realisation of the following expected results:

- ✓ Legal aid needs are assessed and implementation of the LFLA is improved.
- ✓ Strengthened capacity of Regional Offices of the Ministry of Justice to process applications under the amended and revised LFLA.
- ✓ Mechanism(s) and indicators are developed to monitor the quality of free legal aid services funded under the LFLA, including the performance of legal service providers.
- ✓ Increased capacity of the Bar Association to support its members in developing high-quality free legal aid services.

Background information

On 11 April 2016, the Secretary General of the Council of Europe, Thorbjørn Jagland, and the European Union's Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, announced a new co-operation initiative of the two organisations aimed at supporting South-East Europe and Turkey in their efforts to comply with European standards. The initiative is called the European Union/Council of Europe Horizontal Facility for Western Balkans and Turkey (Horizontal Facility). It is a three-year programme (May 2016 – May 2019), focusing on three themes: ensuring justice, fighting economic crime as well as combating discrimination and protecting the rights of vulnerable groups. It has a budget of €25 million, of which €20 million has been provided by the European Union and €5 million by the Council of Europe. Through the Horizontal Facility, the European Union and the Council of Europe will assist beneficiary countries to comply with Council of Europe standards and the European Union *acquis* in the framework of the enlargement process, through a complementary two-fold approach of technical co-operation and the provision of expertise. The Horizontal Facility relies on the Council of Europe's unique working methods, whereby tailor-made technical co-operation activities are based on conclusions and recommendations of the Council of Europe's monitoring bodies, which highlight areas where improvements are needed in legislation and policies of the beneficiaries to comply with the Organisation's treaties and other standards.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are 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.

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.

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