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IMPACT ASSESSMENT REPORT

Supporting Enhanced Access to Higher Quality Free
Legal Aid (FLA) Services in North Macedonia

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Impact Assessment Report

Action:

Supporting Enhanced Access to Higher Quality Free Legal Aid (FLA) Services in North Macedonia

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Acronyms

BA	Baseline Assessment
CA	Citizen Association
CSO	Civil Society Organisation
CSW	Center for Social Work
DoA	Description of Activities
EU	European Union
EUD	European Union Delegation
EU MS	European Union Member States
FLA	Free Legal Aid
FLAL	Law on Free Legal Aid
FOSM	Foundation Open Society
GESI	Gender Equality and Social Inclusion
HF	Horizontal Facility
IP	Implementing Partners
IPA	Instrument for Pre-accession Assistance
KI	Key Informant
LL	Lessons Learned
LCB	Local Coordination Bodies
LFM	Log-frame Matrix
MLSP	Ministry of Labor and Social Policy
Moi	Ministry of Interior
MoJ	Ministry of Justice
MoM	Minutes of Meetings
MYLA	Macedonian Young Lawyers Association
NCB	National Coordination Body
NMK	North Macedonia
OF	Order Form
PCM	Project Cycle Management
PSC	Project Steering Committee
RNM	Republic of North Macedonia
RO	Regional Office
TA	Technical Assistance

Executive Summary

The impact assessment report presents the findings, conclusions, lessons learned and recommendations emanating from the assignment carried out in November-December 2022. The assessment was commissioned in the last year of the project execution and the CoE contracted an independent consultant to conduct a review of this format as a follow up to the baseline assessment conducted in 2020. The consultant assessed the project performance taking into account the adherence to CoE's operational principles and OECD DAC evaluation criteria.

The project maintains a high degree of **relevance** and responds to the needs of the beneficiaries. The added value of the project is easily justified in terms of reach and **efficiency**. The chosen implementation mechanism is appropriate and so is the structure of the activity areas. The continuous engagement of CoE as a service provider in projects dealing with FLA is important. In terms of **effectiveness**, it can be assessed that key targets in the three results areas should to be reached by project end. **Impact** is very strong and multifold. The long-term impact of the results could increase if further support is ensured as the current intervention provides for transfer of best practices. **Sustainability** measures ought to be directed towards areas of support grouped around having an independent functioning of the state system for FLA; harmonisation and improvement of the system of legal aid in criminal proceedings in line with the European standards; and further capacity building of legal aid providers. The EU and CoE should scale-up the assistance. A follow-up action should be launched based upon tested approaches and methodologies.

Project Background Information

The project aimed at supporting the authorities in the implementation and the promotion of the Law on FLA adopted in 2019, in order to improve access to justice, in line with European standards. In doing so it contributes to the achievement of the objectives on the national "Strategy for reform of the Judicial Sector 2017-2022" and clearly addressed the shortcomings identified during the preceding action.

Its impact is seen in ensuring wider accessibility and higher quality of more comprehensive FLA. The design is developed 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 including by supporting more structured and continuous coordination; (3) awareness raising among the country's population to support increased access to free legal aid. The project takes into account special needs of women and vulnerable groups, with particular focus on victims of domestic violence, children, Roma and other minorities. The gender perspective is mainstreamed at all stages of its implementation.

By using an inclusive approach in generating a dialogue, the action worked closely towards building the capacities of the Ministry of Justice and its Regional Offices, the North Macedonia Bar Association, the Legal Clinics and CSOs authorized for FLA. The Ministry of Labour and Social Policy (and Centers for Social Work), the Ministry of Interior, the courts and the municipalities were involved in some of the project activities. Mutual activities were organized with the Foundation Open Society Macedonia. The project is co-financed by the EU and CoE under the Horizontal Facility II for Western Balkans and Turkey. The initial amount of the budget is 800.000 EUR, while the budget after revisions is 940.000 EUR. It is implemented by the CoE Programme Office in Skopje within an agreed period of 36 months (which was extended 6 months longer until 31 December 2022).

Introduction to the assessment

The main objective of the impact assessment is to (1) evaluate the relevance, effectiveness, efficiency and impact of the FLA Action, including relevant indicators and values for measuring progress and impact with regard to the project's outcomes and outputs; (2) assess the main results achieved through the action's implementation in terms of sustainability and their link to the development of the FLA system (3) assess how cross-cutting dimensions were taken into account in the implementation; (4) assess how communication and visibility were ensured in the implementation; (5) identify recommendations and lessons learned.

According to EU requirements, in order to ensure quality, the project should be systematically assessed on the quality and the results in the context of an evolving cooperation policy ensuring a specific focus on result-oriented approaches. To this end, the assessment provides an overview of the success of the project and examines the cause and effects links between the inputs and activities, and outputs, outcomes and impact. Ultimately the assessment serves accountability purposes, and it is hoped that it will enable decision-making and provide learning and management opportunities. Paying particular attention to the overall results against stated objectives and the reasons underpinning such results is part of the assessment and so are key lessons learned, conclusions and related recommendations in order to contribute to future possible actions.

Assessment methodology

The assessment has focussed on its intended users and has collected and included key suggestions and recommendations based on the KI opinions in order to promote ownership of its findings. To this end, it has a learning dimension, as the process provides a framework for reflection and self-assessment at

organisational level as well as the level of individuals. The assessor liaised closely with the CoE project manager as well as other key project members, in order to support learning through generating and feeding back findings and lessons learned. The assessment was guided by a consultative and participatory approach and not only serves accountability purposes and takes stock of the progress of the results during the lifetime of the action, but it is also used to review the progresses made towards achievement of results, recognise weaknesses and gaps and recommend possible future corrective actions as required.

The consultant used a mixed-method research design combining the data collection methods deemed the most inclusive, robust, comprehensive and appropriate for the needs of each question. Given the limited amount of time to conduct the assessment, this approach is considered particularly pertinent as it permits the participation of various groups of stakeholders and thus guarantees a more diverse perspective to the evaluation. The assessment is informed by two lines of evidence:

- (1) Comprehensive desk review of both the programme documentation and relevant literature (bi-monthly and annual narrative reports, legal analysis and studies, publications, media, social media content, the Action's website, EC Progress Report for North Macedonia, MoJ's Annual Report on FLA implementation and other documents listed in Annex 2)
- (2) KI interviews (List of people interviewed is given in Annex 1)

Preliminary findings to the specific questions derived from the triangulation of a variety of data already obtained during the desk review and confirmed during the field phase using a mixed-method collection. The data gathered informed the final answers to the posed questions and, in turn, the assessment of each appraisal criterion. For each of the evaluation criterion and building on the specific areas of analysis specified by the OF, the consultant developed a comprehensive set of research questions.

Assessment findings

The key findings of the assessment under relevance, efficiency, effectiveness, impact and sustainability are underlined. Cross-cutting and visibility criteria are correspondingly assessed.

Relevance

Rationale

The project is highly relevant as it supports the implementation of the 2019 FLAL which has replaced the outdated 2009 old law. The old law was criticized on many points as it provided legal aid only for a narrow set of strictly listed legal areas. Cases of discrimination were however not explicitly included in this provision, thus making the right to FLA for discrimination cases, subject to interpretation. FLA did not apply to cases of mandatory defense anticipated in the Criminal Procedure Code nor to the exemption from payment of the procedure costs anticipated in the Law on Litigation Procedure and the Law on General Administrative Procedure. The criteria for getting free legal aid were strict, thus aid was

unavailable to many. The 2019 FLAL addresses the above points in a comprehensive way and does not limit the provision of FLA to a list of areas but applies to all legal areas. The criteria for qualifying for FLA are fully revised and the FLAL is aligned with other laws, including process laws, thus making it better situated within the overall legal system and better positioned to provide timely assistance and legal certainty for the citizens which are in need of FLA. Together with the MoJ, the CoE project is supporting the implementation of the FLAL by addressing its most critical points.

Target group needs and project structure

The intervention constitutes an adequate response to the needs of the target group directly affected by the action. By addressing identified shortcomings, the action aims at supporting the main actors in consolidating and broadening the efficiency, quality, scope, accessibility, and awareness of FLA provision in North Macedonia. Operationally, the intervention is complementary to the functional capacities that exist among the MoJ staff which includes head of the FLA unit, state adviser and junior associates, as well as heads of the ROs across the board. Prior to the project, the RO's had poor communication amongst themselves and no information-sharing practice. This has now improved.

Effective target group commitment showed that there is a convergence towards shared objectives, purposes and expected results among the BA, CSOs and legal clinics all of which are part of the FLA project scheme. The project is also in line with received feedback from state authorities such as CSW, MoI and MLSP, which have a comparatively marginal project role. Stakeholder management solutions provided by the project team helped the involved parties stay on track with their commitments, despite a number of challenges, most of which were outside project control but related to the pandemic and in some instances willingness of the legal professional to participate.

Project design

The project is contributing to the achievement of the objectives of the national “Strategy for reform of the Judicial Sector 2017-2022” and the Action Plan for implementation of the Strategy. The project also contributed to the implementation of the “National Action Plan for Open Government Partnership 2021-2023 (NAP for OGP 2021-2023)”. Most of the project recommendations are included in the upcoming Strategy for reform of the Judicial Sector 2023-2026 which is pending adoption.

The project design in the present phase builds upon achievements of phase I and its results are focused on supporting the revision of the previous legal framework, providing capacity-building activities to the MoJ, CSOs and lawyers aiming to enhance the quality and efficiency of their work and awareness raising activities to support increased access to FLA. The project design of the current action was carried out with careful consideration on meeting the needs of the target groups and end beneficiaries, alike. The thematic scope and the primary focus of the action were developed in the first phase, and the optimisation of provided support to the main actors in effectively implementing the new FLA Law was a consecutive asset

for phase II. The activity scope in the present framework is mostly focused on capacity building activities of the MoJ, CSOs and lawyers as well as ensuring an improved coordination and cooperation mechanism among key actors. The action is having direct policy implications and the respective policy-makers have been strategizing to ensure that the adopted Law is promoted and the recommendations for legislation improvement are examined. A common interest for an accelerated development and operationalisation of a comprehensive FLA Law is very much in check with formulated recommendations for improving legislative documents and practices. The intervention remains an evolving one, pointing towards FLA as an emerging area of interest. This is in line with the need for completing the development of the FLA regulatory framework and the requirements of the main actors to ensure that the FLA system becomes utterly efficient, and suited to address the legal needs of the population.

Intervention logic

The aggregated project value is validated in the project intervention logic which is clearly focused on effectiveness in terms of the targeted outcomes and the prospective impact. The core project strategy already contributes to wider accessibility and better quality of FLA available in-country. The impact statement and the optimization of the corresponding indicators was conducted at the project onset. The current LFM format comprises four tiers in the results chain: impact, intermediate outcomes, immediate outcomes (results level) and outputs. It has good quality results statements and indicators which have been improved in a revision also during the baseline study which included, insertion of relevant indicators and baseline values for measuring progress.

The project strategy is based on examination of plausible and meaningful FLA elements that address the most pressing problems and priority objectives which can yield quick and visible results. The priorities are broken down into three intermediate outcomes, corresponding three immediate outcomes and a number of outputs. The selection of activities was mainly driven by the need to build upon mutually reinforcing dimensions of FLA which are mainly capacity building and coordination/communications ones, thus resulting in strong stakeholder consensus.

Donor synergy and partnership frameworks

Prior to phase I and especially phase II, donor-driven FLA initiatives have not been addressed in a similar operational structure, thus the project design is consequently unique in nature. As there was a clear need for having a more comprehensive and coordinated effort, the present activities are designed in relation to strengthening of existing formats for exchange of information, cooperation, and coordination among the donor community. The meetings with UNICEF (justice for children) and IRZ (justice for women entrepreneurs) are a case in point.

There is no overlap with other ongoing initiatives and the type of activities developed under this project remain quite specific although consultative and coordination meetings have been held with other entities such as FOSM, who remains the key CoE partner. Besides two training sessions co-organised, the CoE/FOSM partnership framework is more comprehensive and it entailed providing joint policy inputs e.g.

the Action Plan 2021-2023 for Open Government Partnership which also involved 11 CSOs authorized for FLA. The importance of FOSM is also strategic in nature and entails involvement in the PSC multi-party mechanism. FOSM is also the go-to-subject when building non-governmental networks in the project framework. Its added value is seen in its ability to generate know-how and utilize its professional network, which originates from the period when covering the access to justice programme scheme.

Beyond donor propositions, CS partners and the legal clinics authorized for FLA have been dynamically involved in the implementation of key project activities including take-part in NCB meetings and spearheading the renowned FLA awareness-raising campaign. The role of the EUD is both supervisory and consultative and its contact point has expressed content with the project success and the ongoing communication and cooperation that exists with the project team.

Efficiency

The implementation mechanism is optimal and the agreed modality has provided the project team with the necessary flexibility for activity execution especially in light of the pandemic but also in relation to the communication and coordination mechanism which exists within the project framework. Project practice has shown that the existence of solid CoE management capacities is critical for overcoming specific challenges e.g. varying interest of national authorities to endorse and implement a holistic and integrated approach to FLA service delivery. The ability to quickly adapt in a time of social/political emergency is considered to be a project management asset. In view of this, the project framework and content has been adapted to the specific conditions where more operational flexibility is offered especially in relation to a politically driven working environment where the complexity and level of collaboration is a vital part of the risk management approach.

The project team is supported by adequate financial, human, and material resources. In terms of financial resources, the budget of the action is adequate and budget management is done correctly. The financial plan is laid-out based on estimates of cost, effort, schedule, and quality of outputs. In operational terms, the CoE project team has been supervising and guiding all activities and remains responsible for overall coordination of the action. It maintains direct communication with project partners and stakeholders and has been able to ensure continued commitment of key beneficiaries, especially the MoJ. In view of this, the outputs have been produced with the objective of integrating them into daily practices and work processes of MoJ and the pertaining ROs across the board. The project team expertise is high even though the project manager and project assistant have been overstretched with work responsibilities. Additional ad-hoc expertise and support was sought as needed from external experts, both international and local. The short-term experts provided good-quality inputs and their importance for performing the consultancy services in designated thematic areas (rules of procedure of the NCB; feasibility study on a establishing a single body for the management of FLA; analysis of the FLA Law etc) and multiple sub-areas is high in preserving the good project image.

Not including the six-month no-cost extension, the project duration was originally in the duration of 36 months. Disrupting the implementation, the spread of the Coronavirus has dealt the project many blows. The project team had revised its strategy and moved the bulk of its activities in a remote set-up, which has been functioning moderately well. While major project delays were not noted, the beneficiaries had difficulties adjusting mostly due to technical reasons. For instance, the MoJ and ROs staff could not effectively participate in group events as they were not technologically savvy and lacked the necessary equipment. The project team addressed this problem by purchasing 2In5 laptops for the ROs. This was done from channelled savings accumulated by holding on-line meetings and restricting international travel of the recruited short-term experts.

Monitoring played a vital part in project management and the supervision system is multi-level and effective. The project team has adopted a monitoring strategy focused on aspects that aim to identify strengths and weaknesses as well as challenges related to beneficiary and stakeholder engagement. The project is monitored through the internal procedures and reporting lines of the project team. From the onset, it was clear that having a functional PSC and establishing solid communication lines with key project partners is critical for ensuring project success. The six PSC meetings have served as a solid platform for verifying project progress and information sharing between the CoE, EUD, MoJ, BA and FOSM. In relation to capacity-building, the highly positive evaluation feedback forms from the various training programs also suggest that the training objectives were achieved.

Effectiveness

Key indicators and associated targets are well within project reach by project end. One of the key factors in achievement, will prove to be strong project management but also stakeholder ownership in project planning and execution. This is despite the pandemic outbreaks, and systemic factors, which have contributed negatively to effectiveness. The project has been financially backed by the EU and the strategy through which the core support was pitched, is already addressing the needs of both the beneficiaries and the target groups, alike.

Under the first line of action concerning harmonization of provisions, policies and practices on FLA, the immediate contributing outcome concerns the examined needs and recommendations formulated to improve the policy framework and practices related to FLA provision. To address the existing problems that hinder effective completion of the procedure under Article 11 of the LFLA on awarding grants to CSOs and legal clinics, a series of capacity-building actions were directed to MoJ staff. The immediate consequence of this was improved staff knowledge, skills and competence for conducting the procedure for granting awards to CSOs and legal clinics. Under the same results area, the guidelines on the procedure for providing financial support to the authorized associations and legal clinics elucidate the legal provisions and criteria set in the FLA. The training and the guidelines have been of great help to the MoJ staff responsible for conducting the procedure for awarding grants to the CSOs and legal clinics. The second contributing output to achievement of the above result is the provided support on identification of relevant best practices at European level which resulted in the document comparative overview on the modalities for engagement of expert witnesses and reimbursement of fees for expert witnesses' services in national legal aid systems of European countries. The immediate consequence of this was a consultative process involving the MoJ and its pertaining body bureau for court expertise, which facilitated the resolution of a few outstanding issues on the subject-matter. In addition, the Analysis on the implementation of the Law on Free Legal Aid contains recommendations for improvement of the legal provisions of the Law and will serve as a basis for its amendments which are planned in 2023. This was done in cooperation with the MoJ and its Regional Offices, the Bar and the CSOs as well as the Legal Clinics.

In summary, the documents produced have been accepted by the MoJ and the legal and policy framework related to the provision of FLA is harmonised in line with CoE standards. As the targets have been reached, there are no outstanding elements in this result area.

Under the second line of action the capacities of FLA providers have been strengthened and the best results were achieved with the lawyers who went through a capacity building scheme thus acquiring knowledge on specific topics such as domestic violence and justice with children. Similarly, the ToT courses for lawyers have enabled the BA to ensure constant education of the lawyers via the newly formed educational center in a planned and efficient way. This will enhance the lawyer's professionalism when dealing with legal aid applicants, especially when addressing above-like cases. From the perspective of MoJ and its RO's, the staff benefited from the capacity building in several ways, some of which are improved data collection capacity (awareness and the capacity for collection of gender disaggregated data has been continuously raised), newly acquired knowledge on ECHR, dealing with difficult clients etc. The

ToT course for the employees of the MoJ ROs and the two cascade trainings strengthened the pool of trainers and enhanced the trainer's skills when delivering training to their peers and colleagues. More than 50 staff of the MoJ ROs received training on providing legal aid and dealing with vulnerable persons, specifically victims of domestic or gender-based violence. A total of 50 employees at the MoJ ROs and MLSP (Centers for Social Work) were trained on access to justice in cases of domestic and gender-based violence, thus improving their capacities, effectiveness and cooperation when dealing with domestic and gender-based violence cases. In relation to the legal clinics and CSOs the training needs assessment was completed and should serve as a basis for specialized training in the upcoming phase (subsequent project).

Concerning the strengthened capacities of FLA providers to deliver quality legal aid there are two immediate outcomes (1) tools and methods are adopted by the MoJ, BA, CSOs and lawyers, to facilitate FLA provision (2) improved quality of legal aid provided under criminal proceeding through enhanced transparency and coordination. In relation to the first element, a notable success and most significant tool for FLA is the coordination mechanism (NCB and LCB) which has been established with the support of this project. The importance of the NCB cannot be undervalued as it has ensured an efficient intra-agency coordination and communication among key stakeholders in the FLA system and has to some extent improved the quality of services provided on national and local level. The comprehensive but efficient approach of the NCB not only enabled the key members to provide recommendations to those directly working on legal aid but it also allowed more generic lessons to be captured both with regard to the importance of legal aid and its support modalities. Some of the most pressing issues which have been addressed in this set-up include the actual FLA implementation, raising citizens awareness, the FLA informative bulletin, the referral protocol, the directory of organizations and institutions, FLA for Roma community and victims of gender-based and domestic violence. In relation to the second element, the FLA legislation foresees the right to a lawyer for the accused in criminal cases and the mandatory designation where individuals are not represented. In the past this matter has not deserved due attention. In the current project framework, it is seen as a pressing issue which served as a starting point for developing the ToR for the software solutions to support the proposed system. In view of this, recalibrating and implementation of the software solution for the appointment of ex-officio lawyers in criminal proceedings will help avoid the systematic appointment of the same lawyers or untried ones and will enable transparency and non-discrimination in the appointment system. It will also ensure that the principle of continuity is respected i.e. lawyers be appointed for all stages, and not appointed only for one stage.

Under the third line of action access to FLA has undeniably increased. Prior to the project start, the coverage was very much dependent on the FLA providers capacity and professional competence to provide accurate and timely information but also overcome citizens biased perception of the system in terms of its effectiveness, accessibility etc. The project has successfully addressed this by detecting limitations and deficiencies and carried out a comprehensive capacity building scheme, thus benefiting the service providers and ultimately the citizens. In parallel, thanks to the awareness-raising campaign, it has reached out to more than 500.000 people (this number is much larger when taking into account the people reached via media and bus advertisement), and improved the understanding for FLA provisions among the citizens, especially among women and vulnerable groups. MoJ statistics for 2021 show that

the number of people who received primary legal aid at the RO's saw an increase of 299% in comparison with 2019, mostly as a result of the campaign. The total number of approved requests for secondary legal aid saw an increase of 125% in 2021 in comparison with 2019.

Impact

Visible effects are being noted by the EC in the field of FLA as reported in its 2022 Progress Report. The following excerpt serves as solid evidence: "As regards FLA, the MoJ has intensified its efforts to provide access to primary and secondary legal aid to the citizens who cannot afford to hire an attorney. FLA is accessible through the 34 regional branch offices of the MoJ, civic associations authorised to give legal aid, legal clinics within the faculties of law and lawyers certified to give secondary legal aid. A register of associations and individual lawyers who provide legal aid is available on the MoJ website. Increasing numbers of requests have been submitted and approved for primary and secondary legal aid. The system of legal aid in criminal proceedings needs to be reformed to improve access to justice, mainly to revise the criteria to access legal aid in criminal proceedings (in cases of mandatory defense, defense of indigent persons and cases of representation of the interests of victims of crime. Effective provision of FLA particularly in criminal proceedings by finetuning and implementation of the software solution for the appointment of ex-officio lawyers and supporting the development of a quality assurance mechanism to measure the quality of the legal services is critical".

The success of the project is also documented based on received feedback from prominent sources. In the capacity of the EUD Head of Operations in Skopje, Ms Marie-Madeleine Kanellopoulou has pointed out that the project has been extremely successful primarily in relation to its outreach, thus covering almost half a million people. The two MoJ ministers (previous and current one) have been particularly vocal about the importance of the project. Mr. Bojan Maricic, the former Minister of Justice in an official public conference held in December 2020 informed the Macedonian citizens about the new FLA website, at the same time expressing his gratitude to the CoE and EU for their support in developing the new website, thus stressing its importance for achieving equal access to justice for all. He highlighted that the website is very important for the most vulnerable group of citizens who cannot financially afford to cover their costs for court fees. In an official event held in October 2022, the current Minister of Justice, Mr. Nikola Tupancevski has commended the assistance provided by the CoE and EU in creating the NCB, which has proved to be an effective system for improving the communication and coordination between the MoJ and its RO's, as well as the CSOs, legal clinic, the BA and the lawyers.

The action has had a positive impact on a number of key issues. One of them was the establishment of the NCB which is now fully operational and convenes every three months within a multi-stakeholder inclusive agenda. It tackles pressing FLA systemic issues in an operative way. A key part of the success of the action was also its ability to strengthen the capacities of the ROs staff and create a pool of RO experts.

Prior to the project, the majority of them had never undergone any type of FLA training yet they were providing primary legal service to the citizens. With newly acquired knowledge, presently among them there is a group of trainers/experts who are providing peer and mentor support to other RO staff and potentially to their colleagues in other institutions such as MoJ and CSW.

At the higher impact level, wider FLA accessibility can be verified through official statistics such as the MoJ and citizens associations publications and statistics. More insightfully, provided information extracted from corresponding project documents gives a precise picture on the status of FLA increased accessibility since the project start in 2020. Owing to the project, the number of people receiving primary legal aid from the MoJ ROs has increased dramatically by 299%. The authorized CSOs and legal clinics have also registered much higher numbers. The impressive statistics are mostly down to the project awareness-raising campaign which was launched with the objective of enhancing FLA literacy of both legal professionals and potential beneficiaries. The nation-wide campaign was a big hit as it produced immediate results not only in terms of ensuring broader accessibility, but more importantly in the overall increase of the number of submitted FLA applications. The various promotional activities, aimed to raise public awareness, have also implicitly send a message that the Macedonian legal system is gradually becoming sound and that it is encouraging the righteousness of people on an equal basis. By doing so it is also embracing the weaker sections of society which may be women, disabled persons, marginalized groups, especially victims of domestic violence, children, Roma etc. Combined state (via the MoJ) and CS efforts (via CSO and legal clinics), and the inclusive nature of the campaign, will most likely lead to a further increase in FLA applications among those citizens that are not in a situation to afford legal aid due to their economic and social vulnerability.

Since change in performance driven by the FLA reform can often take a long time, transitional progress goals can at times be an acceptable measure of impact and effectiveness. On the other hand, a few challenges for the FLA reform process and immediate future still persist and they are directly linked to its effectiveness. Despite an increased awareness of the availability of FLA, there is a perception among some sections of the population that free service is incompatible with quality service provided by the lawyers (as secondary legal aid providers). In some instances, the lawyers have been inexpressive in providing competent legal assistance mostly because of financial constraints and bureaucracy (too much paperwork). There are noted cases where lawyers assigned to provide legal aid did not devotedly represent their clients, thus casting doubts on the credibility of the FLA scheme.

Sustainability

The mere existence of the action is acknowledged as pivotal. It is particularly appreciated for its technical nature. The position of CoE in the capacity of an implementor benefitted the FLA reform process which increased overall confidence among the beneficiaries and stakeholders to engage at a technical level rather than a political one. This enables better traction of the project outputs and increases desire for

inter-sector dialogue. CoE which is a well appreciated and sometimes thought of, the only key partner in these types of actions amongst the international community, able to provide quality support vital for further opening of dialogue and discussion between stakeholders within the current framework.

A great range of factors have an effect on sustainability of outcomes and both internal and external forces should be identified as part of the process. Support from the MoJ senior level is an essential factor for project sustainability and this has to be considered more deeply as the project is continuing its efforts to support the MoJ FLA central unit as well as the RO staff, especially the designated trainers who are able to potentially contribute to sustainability across the board. The ToT model among the RO staff is a positive feature that can ensure knowledge transfer and converging on adequate training provision and support of local RO trainers, is a strong predictor of sustainability. ToT proved to be very popular within the project framework because of its potential for up-skilling rapidly, cheaply and exponentially. Over time, up-skilling through training should become self-sustaining. While this is encouraging, the wider issues that can facilitate or prevent the continuation of training are not always considered. Shortages and poor retention of MoJ and RO staff represent a significant problem, with major impact on project outcomes. Heavy workloads, poor salaries and limited access to professional incentives and development are all contributing factors that undermine the morale and commitment of the targeted staff.

Linked to the training, is the need for ensuring continuous support of the primary legal aid providers, most notably the legal clinics and the CSOs. In the face of growing public awareness of FLA, measures to boost sustainability are becoming increasingly relevant, and further education on FLA topics is essential in the context of the current reform process. Linked to the lawyers as secondary legal aid providers, additional backing should be given to the BA not only to safeguard the continuous education of the lawyers (through the educational centre) but also to improve lawyers' professionalism and ethical conduct when dealing with legal aid applicants, especially with cases concerning marginalised and vulnerable groups. Linked to the criminal proceedings, viability of the project would be potentially certified with the appropriate implementation of the software solution for appointment of ex-officio lawyers in criminal proceedings. Transparency in the appointment process is vital in preventing reverting to direct appointments. The software will help avoid engagement of the same lawyers or untried ones and will accordingly allow transparency and non-discrimination in the appointment system. This is a positive step which should in turn lead to greater confidence in the nomination system among lawyers.

In terms of financial sustainability, the MoJ is showing commitment by financially supporting the CSO authorised for providing FLA. This is beneficial for both the CSOs and citizens. In the first instance by ensuring their financial stability and in the second instance by increasing the FLA coverage.

Another sustainability building block is the NCB which has been vital for implementation of the Law on FLA in order to ensure better access to justice for the citizens by an improved inter-institutional co-ordination. For the NCB to become entirely self-sustainable and enable key stakeholders to takeover full ownership and responsibility of the mechanism, further support should be provided.

One of the project strong points was the awareness-raising campaign and this will need to continue especially in relation to marginalised and vulnerable groups. For these categories of people raising awareness is very powerful, because it encourages them to become more informed on their right to FLA. This in turn may well contribute to improving overall access to justice country-wide.

Cross-cutting issues

Beyond gender parity and equitable representation in capacity building events, the project team had genuine opportunities to address this matter in a more comprehensive way while being aware that this theme is inspired by challenges as identified by the UN SDGs. Data breakdowns and analyses of cross-cutting perspectives are appropriately referenced and the project incorporated mechanisms to ensure gender balanced representation and participation in project activities and decision-making processes. The project has been building capacity among the beneficiaries and stakeholders to ensure a gender-responsive implementation and continued integration of a female perspective within all project areas, activities and outputs. This includes a A HELP course on domestic and gender-based violence against women for the BA, and capacity building for the MoJ RO and CSW staff which had a singular focus on dealing with cases of violence against women and domestic violence. Within the project framework, specific sensibilisation workshops and modules on gender mainstreaming and vulnerability were incorporated as part of the capacity-building activities of MoJ RO's and the lawyers. In promotional terms and as part of the activities of the legal clinics, brochures on domestic violence continued to be distributed in various municipalities country-wide. An important feature was the international day for the elimination of violence against women which was marked with a separate session dedicated to this topic. Arguably a central feature was the FLA awareness raising campaign for FLA which had a special focus on women and vulnerable groups.

CoE has become increasingly active in recent years in conceptualizing and addressing the range of human rights and minority rights linked to its services. In the project context, it recognized its own potential in promoting this concept. The design is clearly based on a conceptual framework that has the specific rights of the minority communities as its central theme. The project is well structured around the interests of the final beneficiaries, Roma in particular, which are in need of larger assistance owing to their deeply-rooted social exclusion, manifested through lack of access to opportunities, resources and services, as well as lack of voice and power to change their situation. Within the project framework, access to justice for Roma community and victims of gender-based and domestic violence has been at the forefront of the NCB meeting's agenda. Another important feature was the campaign which has followed the principle of no one is left behind i.e. reducing inequalities and vulnerabilities and undermine the potential of Roma. In terms of synergy, the project has cooperated closely with the action ROMACTED (phase 2). As a result, an information session on FLA for Roma the community on local level was organized and it covered important pressing problems such as housing, social protection rights, employment issues, family issues, gender-based violence, legalization, education etc.

Visibility

The action has generated good EU/CoE visibility also due to its specific nature and the EU funding source has also been acknowledged in all project-related communications, including press releases, as well training materials. Communication and visibility have been implemented in line with HF II visibility guidelines concerning the acknowledgement of EU financing, the use of the joint logo and visual identity in line with the project communication plan. The HF II logo was used on all materials developed under the awareness raising campaign for FLA and properly presented at all events. The visibility and communication tools at the project disposal include information and communication materials, media briefings, animation video, FLA webpage, brochures, leaflets, flyer's, booklets, social media posts etc. One of the central project features was the massive number of people reached with the FLA awareness-raising campaign which exceeded more than half a million people country-wide. Visibility via social media remains a top priority for the project as it has facilitated the outreach to potential FLA users in the local communities, including the rural areas. It has also proved to be a powerful lobbying instrument to target political decision-makers in the mainstreaming of the project's results e.g. helping to launch a public debate about FLA new approaches and methodologies into society.

Key Conclusions

The assessment considers the strengths and weaknesses of the project according to the OECD-DAC criteria. The assessment against the five criteria is generally positive and so are the key conclusions.

Conclusion 1

The project maintains a high degree of **relevance** and responds to the needs of the target groups and beneficiaries, alike. It is highly pertinent as it supports the implementation of the 2019 FLAL which has replaced the outdated 2009 old law. The old law was criticized on many points as it provided legal aid only for a narrow set of strictly listed legal areas while the CoE project is supporting the implementation of the FLAL by addressing its most critical points. The project design in the present phase builds upon achievements of phase I and its results are focused on supporting the implementation of the legal framework, providing capacity-building activities to the MoJ, legal clinics, CSOs and lawyers and awareness raising. The aggregated project value is validated in the project intervention logic which is clearly focused on effectiveness in terms of the targeted outcomes and the prospective impact. There is no overlap with other ongoing initiatives and FOSM remains the key CoE partner.

Conclusion 2

In terms of **efficiency**, the project is supported by adequate financial and material resources. The project team expertise is high even though the project manager and project assistant have been overstretched with work responsibilities. The implementation mechanism is optimal and the agreed modality has provided the project team with the necessary flexibility for activity execution especially in light of the pandemic but also in relation to the communication and coordination mechanism which exists within the project framework. Disrupting the implementation, the spread of the pandemic has dealt the project many blows. The project team has revised its strategy and the fast-track response gained momentum when lockdown restrictions were lifted. Project monitoring system is multi-level and effective.

Conclusion 3

The visible outputs are of good quality. In terms of **effectiveness**, it can be assessed that key targets will be reached and immediate outcomes will be achieved by project end. The intermediate outcomes have a number of areas where the possibility of achievement have improved despite noted challenges. Even so, it is clear that there is a higher degree of harmonization of provisions, policies and practices related to FLA with CoE standards. It is also verifiable that the capacities of FLA providers to deliver legal aid are indeed strengthened and that access to FLA by the citizens has similarly increased. All of the three intermediate outcomes are jointly contributing towards achieving wider accessibility to FLA, while provision of better/higher quality is still an evolving matter.

Conclusion 4

Project **impact** is very strong. At the higher impact level, the number of people receiving primary legal aid from the MoJ ROs has increased dramatically by 299%. The authorized CSOs and legal clinics have also registered much higher numbers. At the operational level, the project has put in place several key elements for maximising impact and the awareness-raising campaign has proved to be a big hit as it produced immediate results not only in terms of ensuring wider accessibility, but also in the overall increase of the number of submitted FLA applications. The establishment and functional capacity of the NCB within a multi-stakeholder inclusive agenda is also a big achievement. Actions have been premeditated to explicitly address challenges related to strengthening the MoJ RO HR capacities. This is also a key part of the project success.

Conclusion 5

The long-term impact of the results could be significant if supported by further **sustainability** measures. Sustainability measures ought to be directed towards areas of support grouped around having an independent functioning of the state system for FLA; harmonisation and improvement of the system of legal aid in criminal proceedings in line with the European standards; and further capacity building of legal aid providers i.e., MoJ, CSOs, legal clinics. The EU/CoE should scale-up the assistance. A follow-up action should be launched based upon tested approaches and methodologies

Lessons Learned

The consultant liaised closely with the CoE project manager as well as other key staff of the project team in order to support learning through generating and feeding back findings and LL. Furthermore, the exercise was founded on the principle that all the information pertaining to the assessment is contextualised and understood in the present framework. Documenting LL along the whole lifecycle of the project, will prevent the project stakeholders to forget the LL along the way. This includes the positives and negatives. The idea is to repeat the positives aspects and not repeat the mistakes.

LL1

The value of having an experienced and capable project implementation team is vital. The design of the project with three components, quite comprehensive in structure, had imposed a certain challenge on the project management and implementation team. On the other hand, the versatility of the activities kept the general project portfolio more resilient in a situation of major crisis such as the pandemic. Consequently, the next phase of the project can be designed in a similar way, but it has to be adequately reflected in the project staff and managerial structure, to avoid unnecessary work overload.

LL2

The increased value of the cooperation framework between CoE/FOSM served as a basis for enhancing the project impact and sustainability. This was a first-rate example of complementarity in the area of FLA. Solid partnership frameworks safeguard partners synergy and efforts made, thus contributing towards a common cause. Good teamwork also encourages long-term relationships resulting in tangible contributions thus producing long-lasting changes.

LL3

The provision of longer-term FLA support also requires more robust donor coordination to ensure that the necessary funding is available and well allocated. For an increased FLA backing, CoE is advised to continue its advocacy efforts among the donor community, coordinate its support with key donors, and share its experience and LL.

LL4

The value of the cooperation framework with the CSOs organizations authorized for FLA has been vital for receiving valuable feedback on the planning side, thus sidestepping repetitive and obsolete activities under the project framework. The designated CSOs are well placed to remain future partners in the area of FLA reforms as they also safeguard consistency and relevance for the target groups.

LL5

The pandemic implications meant that often excessive need to consider every eventuality has had to be replaced with more pragmatic measures. The emergency nature of the project reaction to the pandemic meant decisions were made on short-notice, plans endorsed quickly and contingency could not always be accounted for. The LL here is about learning to become more adaptive, rather than just being risk averse. Solving problems in a turbulent environment is about finding a new way of balancing planning, risk management with the requirement to do things quickly and make rapid changes based on evolving circumstances.

LL6

In terms of FLA, it is vitally important to close the gap in received assistance between the general population and the vulnerable groups, especially the victims of domestic violence, children, Roma and other minorities. These categories should be the primary target for this type of intervention as their position and status is particularly complex due to socio-economic and cultural factors.

LL7

Guaranteeing continuity in provision of support gives credibility to CoE as successfully implemented projects can serve as references when initiating new ones. Consequently, it is important to supervise what has been implemented and ensure that the objectives are reached in the long-term. By ensuring continuous coverage (phase I and II), CoE has extensively invested into the area of FLA, expanded its portfolio and learned some important lessons, thus setting the scene to achieve even more visible results in addressing the needs of the FLA applicants, potential applicants and general population.

Key Recommendations

The following recommendations are presented in the framework of key issues identified in this report. It is important to focus more strongly on practical recommendations and to work more strategically on areas which are regarded as being especially relevant thus increasing the usefulness of the assessment. By focusing on areas that are high on the CoE/EU agenda, it will be possible to provide assurances for a consolidated and more efficient FLA system in North Macedonia. The endorsements are intended to ensure that there is sector-wide accountability and ownership of accomplished project objectives. The assessment strongly supports the notion that the recommendations should be implemented as a package since most of them are fast-tracked and directed towards phase III.

1. CoE/EU should consider ensuring further support for the target groups and end beneficiaries. The project has demonstrated its effectiveness and impact but to ensure sustainability in the area of FLA, longer-term support is required. This will potentially lift the end beneficiaries out of the “FLA survival mode”. As much time and energy is spent on keeping sector reform momentum, longer-term funding creates more stability and enables the target groups to focus on further developing FLA services and reaching out to new applicants and the general population at large.

2. CoE/EU should consider directing further support towards rounding off the development of the regulatory framework. It should also reinforce the capacities of the service providers thus ensuring that the FLA system becomes more efficient and suited to address the legal needs of the population. Effective provision of FLA particularly in criminal proceedings by finetuning and implementation of the software solution for the appointment of ex-officio lawyers and supporting the development of a quality assurance mechanism to measure the quality of the legal services is critical. Similarly, ensuring a stronger role of the BA in the education of FLA lawyers will advance the reform process. This can be done via provided support to the recently formed educational centre thus ensuring sustainability in terms of continuous education of lawyers.

3. CoE should consider stepping-up its advocacy efforts among the donor community and coordinate its support with other partners by sharing its experience and LL, beyond the existing framework. For higher quality provision of FLA support, more weight from the international community and visible backing is warranted to improve the conditions in which FLA service providers operate, thus creating an enabling environment. Due to its demonstrated capabilities in the area of advocacy, the partnership framework with FOSM should be utilized to the extent possible.

4. CoE should consider calibrating its support to the needs of women and vulnerable groups, with particular focus directed on victims of domestic violence, while also further exploring opportunities to support potential applicants among the rural population. Findings suggest that poor persons living in rural areas are often overlooked in the delivery of FLA services, despite the prevalence of poverty in these areas. The reasons are often linked to limitations which include greater travel demands and lack of resources on the side of the providers. For their part, potential rural applicants also face more challenges accessing legal services due to scarce resources, low mobility and a general lack of information about legal help as many of them are not using social media nor have they been part of the awareness raising campaign.

5. CoE should consider replicating the awareness raising campaign which has proved to be the project flagship and a success story under the HF. The nation-wide campaign was a big hit as it produced immediate results not only in terms of ensuring wider accessibility, but also in the overall increase of the number of submitted FLA applications.

6. CoE should consider strengthening its operational capacity and making additions to the project team. The project team expertise is high but the comprehensive project structure and activity scope have imposed a challenge on the project management and implementation team. The new demands deriving from the follow-up phase and the “back to normal face-to-face” operational modality suggests a more intensive workload.

7. CoE should explore the possibility of inclusion of law students in project activities as part of the legal clinics within a training/internship scheme made available. This could be framed in a regional context where LL from other countries in the region could be examined. Higher inclusion of legal clinics and educating law students by interacting with FLA applicants and lawyers as service providers is a feasible

modality for developing future legal professionals (learning by doing). In terms of arrangements made, the students could sign confidentiality statements.

8. The RNM authorities should consider creating a single body for management of the entire FLA system in the country. The FLA body would be managed by a management board consisting of representatives coming from MoJ, BA, CSOs, legal clinics. To avoid conflict of interest, the FLA body's status would need to be safeguarded and its independence guaranteed in a funding arrangement made with the MoJ.

9. NCB should consider refining its capacities to a larger extent in order to become entirely self-sustainable and provide continuous support and coordination among the stakeholders in order to ensure better access to justice for the citizens. Through better interinstitutional coordination, it should keep critical topics high on the agenda e.g. access to justice for the Roma community and victims of gender-based violence.

10. The MoJ should consider addressing the issue of understaffing at the central level and optimization of the number of employees at the RO level and improve mutual coordination modalities. This is very much in line with the duties and realistic obligations which derive from the RO scope and competencies. The optimization should be carried out in such a way as to limit the number of executors in one RO according to the population size covered by the ROs. This is an issue which is also directly linked to staff retention and lack of motivation due to shortage of incentives such as promotions and rewards. Linked to this is the need for retaining the RO pool of experts which have acquired new skills, knowledge as well as "institutional memory". Cementing their current posts in the respective ROs is a critical matter as some of them are tempted to move jobs or quit.

Annex 1 List of people interviewed

Name	Position	Organisation
Irena Cuculoska Jakimovska	Senior Project Manager	CoE Skopje
Anna Jeghiazryan	Project Coordinator	CoE Strasbourg
Elena Jovanovska Brezoska	Head of Unit	CoE Strasbourg
Vesna Cekova	Head of Unit for FLA	MoJ
Jovanka Kamceva	Head of RO	MoJ RO Negotino
Fika Kaburova	Head of RO	MoJ RO Valandovo
Ljupka Dupkarska	Head of RO	MoJ RO Berovo
Jelena Ristic	Deputy Head	BA
Igor Jovanoski	Programme Manager	EUD
Arta Selmani Bekiu	Coordinator	Emine Zendeli – Legal Clinic
Bojana Netkova	Project Expert & Lawyer	N/A
Elena Georgievska	Lawyer	MYLA
Hristina Vasilevska	Coordinator	FOSM
Ivona Stalevska	Program Coordinator	FOSM
Hristina Stojanovic	Lawyer	N/A
Biljana Krstevska	Lawyer	N/A

Annex 2 Documentation consulted

YEAR	RELEVANT DOCUMENTS
2022	Project Bi-monthly Reports
2021	MoJ Report on FLA Implementation
2021	CoE Committee of Ministers Guidelines on efficiency and effectiveness of legal aid
2021-2023	National Action Plan for Open Government Partnership 2021-2023
2020-2022	PSC MoM
2020-2022	Various Project Outputs
2020-2022	Project Annual Reports
2019-2022	EU Progress Reports on North Macedonia
2019-2022	Various FLA Newspaper Articles
2019	Project Proposal DoA
2019	Law on FLA
2017	National Strategy for reform of the Judicial Sector 2017-2022
N/A	United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice
N/A	EU standards and guidelines
N/A	Law on Litigation Procedure
N/A	Law on General Administrative Procedure

Annex 3 – List of assessment questions

Relevance	
EQ1	To what extent is the intervention still relevant?
EQ2:	Is the project relevant to the needs of the target groups?
EQ3:	Is the choice of implementing party/method of implementation proving to be appropriate?
EQ4:	Do all key beneficiaries/stakeholders demonstrate effective commitment to the objectives of the intervention?
EQ5:	Is the intervention (still) reflecting and benefiting from adequate CoE/EU added value?
EQ6:	What is the current quality of the intervention logic? Are planned outputs and outcomes coherent and feasible, and have key assumptions and risks been clearly identified?
Efficiency	
EQ7:	Can the project be seen as efficient?
EQ8:	Does the intervention have an adequate internal monitoring system?
EQ9:	Are the inputs / resources provided by the various stakeholders adequate for achieving the planned results?
EQ10:	Has the intervention encountered any delays and was the planning revised accordingly?
EQ11:	Is spending in line with the budget?
Effectiveness	
EQ12:	Are the outputs being achieved with the expected quality?
EQ13:	Is the project effective?
EQ:14	To what extent have the projects results been achieved?
EQ15:	Is the intervention having any unintended positive or negative effects? Were the negative effects considered for possible (risk) mitigation?
Impact	
EQ16:	What kind of impact was achieved by the project?
EQ17:	To what extent are the impacts sustainable and what further improvements are needed?
EQ18:	What are the factors that hampered the impact and sustainability of the assistance?
Sustainability	
EQ19:	Are the project results sustainable?
EQ20:	Are key stakeholders attaining the necessary capacities to ensure the continued flow of benefits/services?

EQ21

Is access to the benefits generated by the intervention affordable for target groups over the long term?

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