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MISSION REPORT

**on bilateral meetings with stakeholders on establishing one single
entity for management of the FLA system in North Macedonia**

25-26 September and 2-3 October 2023, Skopje

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Aim of the bilateral meetings

Within the framework of the HFIII Project “Towards consolidated and more efficient free legal aid (FLA) system in North Macedonia” co-financed by the European Union and the Council of Europe, and implemented by the Council of Europe, bilateral meetings with the relevant stakeholders were held with the aim to promote the establishment of a single entity for management of the FLA system in North Macedonia in line with the “Feasibility Study on establishing a single body for the management of the free legal aid system in North Macedonia”¹ produced under the HF II Action “Supporting enhanced access to high quality Free Legal Aid (FLA) services in North Macedonia”.

Interlocutors

The key stakeholders and institutions involved in the actual and potential arrangement of the management of the legal aid system were included as interlocutors in the agenda of bilateral meetings, i.e. Secretary General of the Government, State Secretary of the Ministry of Justice, President and Vice President of the Bar Association, Minister of Information Society and Administration, Minister of Labour and Social Protection, Presidents of Basic Criminal Court and Basic Civil Court.

Process

During the mission, the consultants used the Policy Brief² developed under the framework of the Project “Towards consolidated and more efficient free legal aid (FLA) system in North Macedonia” for those purposes. The team of consultants benefited from full support of the project team, including brief update of the interlocutors on the project objectives and activities.

KEY POINTS ARISING FROM DISCUSSIONS

Bar

The president of the Bar (Mr. Ljubomir Mihajlovski) and senior management (Vice-president Ms. Jelena Ristikj) of the entity participated in the meeting. The project team and consultants presented the “Feasibility Study on establishing a single body for the management of the free legal aid system in North Macedonia”, its findings, conclusions and recommendations and updated interlocutors on the intended future project activities, specifying the expectances from this meeting. Hence the Bar representatives were invited to contribute with their input in “continuous consultation process”, whilst emphasizing the key role the Bar has in this reform process.

The Bar president underlined that:

- There should be clarity in the membership of the Management Board. In the case of the Bar, the president opined for territorial representation (the bar communities of the Bar Association to propose members from their ranks in order for the management board of the Bar Association to delegate them in the Management board of the Legal Aid single management body). All members of the Board shall not be in their individual capacity, but representing the Bar nominating them (at the same time, be “able to interact” and with delegated authority to vote on decisions, not just represent the interests of the Bar). That principle should extend to the other management board members other than those from the Bar. Members of the board shall have the opportunity to notify, if necessary, the appointing entity on non-performance

¹ Feasibility Study on establishing a single body for the management of the free legal aid system in North Macedonia, available at: <https://rm.coe.int/fla-fisibility-study-nmk-12-22-eng-/1680a973d0>

² Policy Brief, available at: <https://rm.coe.int/policy-brief-fla-nmk-english/1680ac8634>

of other members. Those matters should be in the Body's constitution (i.e. statute/founding act), said the president.

- Particular attention shall be paid to the leadership of the Management board. The consultants specified the possible approaches concerning the leadership of the Management board and the Bar endorsed the idea of electing the chair of the board from and by the members of the management board.
- Management board and in general legal aid system shall have a dedicated and separate budget line distinct from other budget beneficiaries.
- An action plan of promoting the legislative changes but especially on implementation of the new system would be helpful. Here is to keep in mind that elections might impact on the implementation of such an action plan.
- It was emphasized the importance of networking between the representatives of the involved stakeholders before starting the legislative changes (ex. 3-4 day mission for connecting and sharing experiences while at the same time planning the process).
- Capacity building activities and team building actions for members of the board will be necessary, as well as induction training at the outset and when new members join.
- Judiciary might not be reluctant to support the idea of single management entity, bearing in mind that the argument of "budget for legal aid is not from courts' budget" might be perceived stronger than the preference to have the "power" to appoint ex-officio lawyers.
- Concerning lawyers as providers of legal aid: the lists shall be designed territorially, continuity of delivery of services (e.g. in Appellate Court) shall be the expectance but not the strict rule, so as to avoid geographical lacunae (advice deserts) in the level of provision.
- Disciplinary procedures against legal aid lawyers shall stay with the Bar disciplinary bodies (Disciplinary prosecutor, court, appeal council)³.

Main conclusion

Bar declares full endorsement of the idea, keen to contribute whenever is necessary and be part of the process. Indeed, this important interlocutor shall be persuaded to assume some ownership of the idea of single management body.

Skopje Basic Criminal Court

Ivan Djolev, the President of the Skopje Basic Criminal Court participated in the meeting. As usual, there were a few introductory remarks on the project activities and on specific aim of the meeting. The CoE consultants mentioned the importance of this initiative for the courts from the perspective of accessibility of legal aid but also for the procedure of appointment and payment for the provided legal aid by lawyers.

The president of the court mentioned that:

- He fully supports the idea of single management body. It was mentioned that in some cases there are pending suspicions on the transparency of appointing lawyers and this impacts the image of the judiciary. One of the key arguments for judiciary (which is in line with reducing human negative influence) is to entrust this "appointment" function to an independent entity. This will contribute to increase in the level of the public trust in judiciary. So, this can be a strong argument for the judges to endorse the idea of single body. But, for practical

³ Please see: Rulebook for disciplinary responsibility of the NMBA, available at: <https://www.mba.org.mk/index.php/mk/akti/2018-09-18-13-27-36>

application of the new approach, it is necessary to amend the legislation (here it is to remind that there is a legislative gap concerning legal aid during proceedings led by police, and judiciary is responsible for the next stages).

- There might be specific challenges in amending legislation; it is not a straightforward process. The experience shows that amending organic laws such as procedural codes might take years.

On the role of judiciary: it is better to have in the management board an active judge than a retired judge. The member of the board from judiciary shall be updated with all the reform processes in the judiciary but also have legitimacy of representation.

Skopje Basic Civil Court

Judge Ilir Sulejmani, the president of the Skopje Basic Civil Court, participated in the meeting. He was reminded that concerning legal aid in civil proceedings some important steps were already done (including with support of the CoE project).

The president of the court mentioned that:

- It might be an option to have on the board an active judge, but this will imply some bureaucracy for his/her nomination. Also, it is to keep in mind the availability of the judge to participate in the meetings of the Management Board. It is still a subject of discussion but from the consultant's perspective the benefit of participation of an active judge is more evident than of a retired judge.
- He fully supports the idea of the single entity to manage the legal aid system. At the same time, it is to keep in mind that lack of resources might affect the idea as such. The consultants reiterated that while the existing elements of the system will be restructured (e.g. regional offices of the MoJ) indeed some additional resources will be necessary as the number of beneficiaries will increase. In addition, the Management Board shall pay also attention to the primary legal aid.
- One benefit, the president said, would be for the single independent entity preferably Agency⁴ to streamline and manage better the payment of lawyers.
- To promote the idea, it is important to clarify ab initio the procedural rules of the activity of the board (e.g. meetings). The consultants mentioned that specifically for board meetings as complementary option can be video-conference or online meetings.
- Members of the management board shall be paid for participation in the board meetings. CoE consultants mentioned as additional / or alternative option recognition of the made effort. In any case, it shall be ensured the members of the board are motivated to dedicate their time for the activity of the board.
- Concerning changes in the legislation, the usual regular process might take time. A different tactics is necessary, including changes in the ordinary law, and then attempting to change the organic laws such as procedural codes.

Main conclusions

The judiciary declares full endorsement of the idea, keen to contribute whenever is necessary and be part of the process.

⁴ The format of the one single entity is yet to be decided after a bilateral meeting with the Minister of justice

Ministry of Justice

Although initially the team had scheduled meeting with the Minister of Justice, *Mr. Krenar Loga* due to unforeseen obligations cancelled the meeting. Instead, the team met with the State Secretary of the MoJ, *Mr. Muhamed Tochi*. However, since the issue of setting up a single entity is a political issue that should be discussed with the Minister, the focus of the meeting was recent Needs Assessment Report, conducted by CoE experts. This report included several short and mid-term recommendations that are related and contributing in setting up a necessary precondition for establishing the new single unitary body.

- The State Secretary with regards to the single unitary body is adherent to a step-by-step approach. Echoing his comments at the Stip conference, he considered that the existing system needed to reach a certain maturity before a wholesale change could be envisaged. Under this approach, firstly it is necessary to strengthen the capacities of the regional offices to a certain level and after that the idea for integrating the criminal legal aid can be discussed. However, he pointed out that this is only his opinion and not an official point of view of the Ministry, given that he had not had the opportunity to elaborate on this proposal to the Minister at all.
- The CoE experts set out the key challenges regarding the institutional capacities of the Ministry of Justice particularly the Department for Free Legal Aid and the Regional Offices, observing that there was synergy between addressing the challenges in the short term and the longer chronology of the single unitary body. The present Needs Assessment was part of the process of maturing and growing the existing system to put it in a condition ready for the deeper reform of the Single Unitary Body. The State Secretary did not have any objections to the Needs Assessment's findings and observations. One interim emergency measure in it that he particularly approved of was that of the "roving" peripatetic regional office support worker, which would be a low-budget quickly achievable precursor to the better centralised management of the Regional Offices under the Single Unitary Body. It was tentatively agreed this role could morph into a RO Co-ordinator.
- The State Secretary presented the challenges from the side of the Ministry. He stressed that legal aid is, and will remain, a high priority for the Ministry. This is visible though the more frequent promotional activities, the opening of new regional offices as well as by the commitment to work on improvement of the system. But he fully acknowledged that wider geographical coverage needs depth as well as breadth – mere increase in the number of ROs is not enough, he conceded.
- Main cause for concern is the low numbers. The resources are underutilized, the citizens still are not informed sufficient about this role, but also the employees in the regional offices are yet to become skilled for working as primary legal aid providers. Is important to be focused more on quality, not on only on quantity.
- The State Secretary agreed upon an idea that should further strengthen the capacity of the RO to become much more visible on local level. Firstly, a brief guideline, a manual outlining the key tasks that each RO should be doing on regular basis in their communities (for example meetings with different sector of the Municipality, meetings with courts and other institutions, communication with NGOs, showing up on local media, public awareness activities etc.). Then, these guidelines should be discussed and agreed on joint meeting with the heads of the RO. The State Secretary also proposed the meeting should include the legal clinics since they have the expertise in different areas of law and use that meeting for knowledge sharing. He seemed to prefer that the meeting should involve both ROs and legal clinics and rejected the suggestion that such a meeting should be for ROs only.

Main conclusions

A meeting with the Minister should be conducted in order to evaluate the position of the Ministry regarding establishment of a single body for management of the system for FLA.

Regarding the ROs and capacitating of their resources to enhance the quality, it is of essence to focus on strengthening skills for analysing the information and evidence provided by the applicants during the reception of the applications in correlation with the provisions of the law (the 4 cumulative criteria for approval of SFLA). The discussion reinforced the view that cultural change within the ROs needs to be fostered, engendering a self-confident service-focused culture of client-care and grounding the ROs more firmly within their local communities, rather than as per their legacy as just an arm of government in the provinces.

When it comes to the functionality of the regional offices in terms of the effectiveness and efficiency of the employees' work and the uniformity of their actions and decisions, we come across a wavy surface.

Despite the series of trainings aimed at strengthening the capacities of the regional offices, it seems that the essence has been missed. What is the primary function of these offices? To provide better, easier and comprehensive access to justice for the largest number of citizens who belong to the vulnerable category of citizens. However, this right is not an absolute right, so in order to provide an efficient assessment of the application it seems that the one who is providing Primary Legal Aid has to understand in depth the characteristics of the legal provisions (all applicable laws, not only the governing law). Also, when it comes to the minute to pull the line between “when the Primary Legal Aid ends” and “when the decision process starts” it seems that there is no clear vision of what and which minute is this. On the other hand, the application of the criteria for making the decision is not so efficient, having in mind that for every decision a lawyer is consulted. Not that this is not a good practice, but the employees need to know the hard law per se in order to make the decision.

This view reinforces existing findings of the Needs Assessment⁵ published in March-May 2023. It is important that we now have the state secretary's endorsement of the shortcomings identified in the Needs Assessment. Under the single unitary body, the ROs will be at the heart of actual service delivery to the client. To achieve this, they need to position themselves uncompromisingly at the heart of their local communities, outward-facing and client-focused, rather than hiding themselves away. It is observable that the state secretary strongly shares this view, as was clear from his comments about strengthening the depth as well as the broad reach of the regional office offering. The synergy between urgent improvement of the ROs in 2024 and how this paves the way to the single body, has been firmly embedded by this meeting.

The idea of meetings (on a regular on-going basis) for RO staff, already tentatively tabled, is now on the agenda. The question of whether this should get mixed up with legal clinics meetings will need addressing (it should not be mixed and this needs justifying). If we pursued a joint meeting of ROs and legal clinics we would need to first understand the rationale for that.

Secretary General of the Government

The team met with the Secretary General of the Government, *Mr. Metodija Dimoski*. Since the process of establishing a single unitary body requires legislative and policy changes, institutional restructuring and financing it was important to discuss the idea with representative of the Government, a key policy-making body in the country.

- The Secretary General showed an active interest in the idea. He raised several questions with regards to the form, the structure, the function of the body, the manner of selection of

⁵ See summary of the Needs Assessment at Annex 1 below

members to the Management Board, on why it is necessary to merge the legal aid in criminal matters with the legal aid in civil and administrative matters; to whom the body will report i.e. under which branch of the 3 powers (legislative, executive or judicial) the body will be established (if there is a common agreement the body to be fully independent, and with less bureaucracies, then the "executive power" is the right path to take). All questions raised were addressed by the experts that elaborated to greater detail these specific issues.

- The Secretary General asked whether any financial calculations on the expected costs from forming such body have been done implying that budgetary implications are playing crucial role in steering the policy-making process. By the experts, the Secretary General was informed that already the country pays for legal aid from both the courts and the Ministry of Justice's budgets as well as that within the Ministry there are a significant number of employees who are already on the payroll, but are still underutilized resource.
- The Secretary General emphasized that in order to succeed in establishing such a body of greatest importance as a first step is to produce an Action Plan.
- The Secretary General firmly agreed that the single unitary body project is in alignment with at least two of the Macedonian Government's stated strategic priorities⁶, (1) *strengthening the rule of law through [inter alia] building independent institutions*; and (2) *judicial reform*. The experts observe that it arguably also serves two other strategic priorities, (3) *development of the economy [...]* and *raising the living standard of the citizens*; and (4) *enhancing accession negotiations with the European Union*.

Main conclusions

The idea was fully endorsed by the Secretary General of the Government, keen to contribute whenever is necessary; he gave it "an absolute welcome". The Secretary General expressed that the Government supports and will give every support to an action that is related to ensuring access to justice for the poor and impoverished.

However, in order for the idea to be considered by the Government, a more comprehensive potential financial impact and categories of costs analysis, implicit resources required, will be necessary. It is important to produce evidence that the proposed body will contribute to efficient spending of the public resources.

Ministry of Labour and Social Protection

On behalf of the MLSP, the team had a meeting with the Minister, Ms. Jovana Trencavska as well as with Ms Svetlana Cvetkovska, head of Sector for Equal Opportunities and Ms. Lidija Shterjov, head of the Department for Social Inclusion. The purpose of the meeting was to present and discuss the idea for a single unitary body to the institution that has key competence in social inclusion, gender equality and protection from violence.

- There is overall consensus and support that the existing model for legal aid does not meet its objective, it is not efficient and there is inconsistent application of the Legal Aid Law. This is particularly visible with regards to the victims of domestic and gender-based violence as well as victims of human trafficking. The current experiences with the LFLA are not positive.
- The Minister was keen to affirm the commonality between beneficiaries of free legal aid and clients benefiting from assistance from the MSLP: they are often the same people. In that regard she expressed a clear affinity of purpose.

⁶ <https://vlada.mk/strateshki-prioriteti?ln=mk>

- With regard to whether unifying the legal aid management will be better for the beneficiaries under one single body the Minister recommended a more thorough assessment and consideration of all options. Particularly, an assessment should be carried out whether that can be done without establishing a new institution, by using the existing network and resources at the Ministry of Justice.
- According to the Minister, the problems are to great extent result of poor implementation, limited capacity and knowledge of the persons working in the regional offices, lack of effective oversight. Any detachment or fusion of this structure without firstly addressing these specific issues will not resolve the problem. Therefore, it is necessary to have a more comprehensive approach in planning the process. There is a need for more comprehensive research whether there is a possibility for the existing system to be used and to be improved. The experts elaborated that actually the existing system will be utilized in full, retaking the ROs from the Ministry, and focus on strengthening their competencies.
- With regards to the independence, according to the Minister, the body cannot be independent if it is under the Government. The experts provided a clarification that the independence in this context should be understood as independence from the judiciary and other institutions and emphasized that the body will have its own budget without interference by any institution in the budgeting decision making. The chief difficulty in her view was the question who would appoint and empower the Board. It was acknowledged this is a perennial conceptual difficulty when government sets up an independent body.
- About the Board, the Ministry commented some sort of participative Board that will be doing oversight may be considered though the manner, criteria and procedure for appointment should be well thought.
- On local level it would be beneficial if the regional offices at the MoJ are actively cooperating and communicating with the Centres for Social Protection. In such circumstances maybe the issue of legal information may be done by the MoJ while the social care and support by the CSPs.

Main conclusions

The idea of improving the system of FLA was highly accepted by the MLSP, especially the unification of the 2 systems (criminal and civil and administrative), and the third hybrid system which is the most complex and ineffective (FLA for minors) into one. They pointed out the importance of the usage of the existing system.

As with the Secretary of State for Justice, we again heard here the view that existing systems need to be improved first, as a baseline from which to build deeper reform. The overall process of moving towards a single body should incorporate shorter-term immediate improvement as its building block.

We need to strengthen the excellent case for independence – why it is needed to some degree or other – and be ready with justifications about how government can indeed (paradoxically) set up and empower something independent and then give it a high degree of freedom from government interference.

The meeting offered further endorsement for the notion that ROs need to be grounded in their local communities and networking between ROs and CSP local offices in the same town is one aspect of this.

Minister of Information Society and Administration

The expert team met with the Minister for Information Society and Administration, *Mr. Azir Aliu* as well as with *Ms. Esma Adilovikj Fazlikj*, an assistant to the Minister for reform of the public

administration. At the beginning of the meeting, they were informed about the background, the preceding activities and meetings and the concept of unifying legal aid management under one single body. We specified that meeting with MISA is necessary for planning the institutional set-up of the body in the context when a process of reorganization of the state.

- We were informed that the overall process of reorganization of the public administration faced significant challenges. Though the Government adopted the summarized report by the EU-funded project that supports this process with specific reorganization, currently the process is ongoing only in three ministries (economy, information society and administration and agriculture);
- The concept idea for state reorganization is based on strong hierarchical subordinations and clear lines of accountability where the Ministries should be responsible for policy-making and monitoring, the Agencies under the Ministries should be responsible for the implementation of laws, and the Inspectorates responsible for supervision. In essence, the idea is to limit the number of bodies outside of the framework of bodies responsible to the Government to a minimum. However, this is just the concept for now and still has not been operationalized.
- With regards to the administration of the legal aid system, during the process of planning the state organization, in one of the meetings this particular issue was raised by the expert who worked with the Ministry of Justice. Several examples were offered on how this system can be detached from the Ministry by offering some comparative examples. However additional information about this meeting and the proposal should be asked by the Ministry of Justice.
- The key challenge in setting up a separate institution, within the hierarchy of the state administration (the executive branch of Government) is the need to amend the *organic law* on public administration, which requires a qualified majority for adoption by the Parliament. However, there is a way to do this without amending the core laws and that is with adopting a special law that will regulate the establishment of such a body.
- In the current model of public administration, there are no state administration bodies, that work under a specific ministry that has a collective governing board. They are headed by a director appointed by the Government which responds to the Ministry and the Government.
- Public bodies that have collective management boards are usually outside of the hierarchy of the Government (for example, Funds, Commissions, Institutes etc.). A form of Agency might be considered though it should be elaborated and agreed with the Ministry of Justice. By the experts was given an example to MISA, The Agency for Cadastre, which is the most similar structure to the proposed body, also the process for establishment of the Agency is the less complex one, which in this connotation is the most acceptable one. *Ms. Esma Adilovikj Fazlikj* confirmed that the given example “Agency for cadastre” is the structure that already exists in the country and its one of the most similar structures to the body which independence is of essence and established by a special law. The representative of MISA also explained the process on how to establish such a body. The proposal has to come from the Ministry of Justice after a previously provided/obtained opinion from the Ministry of Finance and Legislation under the Government. Then the proposal is sent to the Government for a decision.
- The representative of the Ministry of Information Society and Administration proposed that once the expert team has a more specific proposal with regard to the function, structure and composition of the body, the Ministry may be consulted again in order to identify the most adequate legal form. However, it is necessary that all concepts and ideas are firstly discussed and agreed with the Ministry of Justice.

Main conclusions

MISA expressed the support for the idea of establishing a single body that will unify the system for FLA. It was pointed out that the possible unburden (in terms of bureaucracy) structure could be an “Agency”, a structure that already exists in the country, fully independent, governed by the management board and a director. MISA is fully on board to give guidance in the process of establishment of such a body.

RECOMMENDATIONS

A: Tentative time frame – November/December 2023 – September 2024

In North Macedonia the practise of independent entity, i.e. a body governing a whole system encompassing a wide range of functions in specific areas, exists. Such entities are the Agencies⁷, established by a decision by the Government, and regulated with special laws. Some examples of Agencies are the [Real Estate Cadastre Agency](#)⁸, [The Agency for realization of the rights of communities](#)⁹¹⁰, The [National Agency for European Education Programs and Mobility](#)¹¹ ¹² etc.

1. Activities towards establishment of a single independent entity

- a) Bilateral meeting with the Minister of Justice to discuss the official position of the Ministry towards the establishment of a single independent entity and the needed steps forward towards setting up a working group;
- b) Setting up¹³ a working group of key stakeholders. It should be set up and chaired by the MoJ and the Bar. Its mandate should be to develop the concept for reorganization and fusion of the legal aid administrations into one single independent entity, preferably Agency;
- c) The CoE experts should facilitate the working group and support it with reports and analyses (e.g. Analysis of the categories of implied costs compared with actual categories of costs (i.e. administration of the system such as salaries and office costs, services - fees for secondary legal aid providers, services - fees for primary legal aid providers, maintenance etc.); Organogram – (structure of the Agency); List of the legislative acts to be changed implicit of the enforcement of the new legal aid management scheme and a new law that need to be produced; Outline of the future amendments in the FLA, including exact composition of the board, modality of formation of the board, powers and procedures of work, relations with the subordinated director. It will address the conundrum of government conferring (and then respecting) real independence to a body. The WG should come up¹⁴ with a concept and action plan for amending legislation and capacity building (in order to ensure that the ownership is local, not by CoE), however it should be supported or facilitated by the CoE experts.

2. Ongoing support for and development of the Legal Aid schemes

This will:

- keep the RO resource functional,
- effect awareness-raising for the staff and
- promote the idea of single management entity across the RO sector.

⁷ RNM Entrepreneurship Support Agency, please see:

<https://www.linkedin.com/in/%D0%B0%D0%B3%D0%B5%D0%BD%D1%86%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D0%BF%D0%BE%D0%B4%D0%B4%D1%80%D1%88%D0%BA%D0%B0-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B5%D1%82%D0%BF%D1%80%D0%B8%D0%B5%D0%BC%D0%BD%D0%B8%D1%88%D1%82%D0%B2%D0%BE%D1%82%D0%BE-%D0%BD%D0%B0-%D1%80%D1%81%D0%BC-77068a254/?originalSubdomain=mk>; RNM Energy Agency, please see: <https://www.ea.gov.mk/>; Food and Veterinary Agency, please see: <https://fva.gov.mk/index.php/mk/informacii-javen-karakter/uslovi-prenos-milenik-nadvor-rsm>; Administration Agency of RNM, please see: <https://aa.mk/>; Foreign investment and export promotion agency of RNM, please see: <https://investnorthmacedonia.gov.mk/mk/pocetna-stranica/>

⁸ Please see Annex 2 below

⁹ The Agency for realization of the rights of communities, official website: <https://aopz.gov.mk/>

¹⁰ Please see Annex 3

¹¹ The National Agency for European Education Programs and Mobility, official website: <https://na.org.mk/Home/Index>

¹² Please see Annex 4

¹³ Proposed and supported by CoE

¹⁴ All the needed documents for establishment of a single independent entity i.e. Agency prepared by the experts will be presented and given to the WG for preparation of the Concept and the Action plan

It will comprise of:

- capacity-building related to legal aid management in criminal proceedings as the single body concept will empower ROs, not the courts, as to delivering criminal legal aid,
- establishment of a system for a quality assurance mechanism for ROs and lawyers,
- producing a set of quality standards for the ROs and lawyers.

Bearing in mind the intended role of the ROs of MoJ, training for all RO staff on:

- a) Management of the RO: e.g. planning, strategic thinking, building a system, teamwork and motivation, internal and external communication, building network for primary legal aid (harmonization of practice), using accountability mechanisms, with a special focus on employees in ROs, analysis and assessment of the evidence in correlation with the 4 cumulative criteria of the law before deciding applications, rules for disciplinary responsibility and quality measurement; revisiting and reviving the 2019 decision-making Tool¹⁵; re-adoption of the 2019 Values Statement.
- b) Developing partnership in the communities: liaising with other stakeholders; adherence to the Referrals Protocol; self-promotion by ROs within communities and neighbourhoods; building a network of providers; inter-agency knowledge and respect as basis of a legal aid 'ecosystem'; increasing the number of local co-ordination bodies (LCBs) and developing their strength and sustainability.
- c) Person-to-person interaction skills between legal aid beneficiaries and providers: e.g. how to manage a consultation with problematic clients requesting secondary legal aid; or consultation of a person as primary legal aid; understanding vulnerable clients; listening skills; self-care and avoiding burn-out.
- d) Changing RO culture: developing client-centred and problem-focused working; understanding the concept of service to the public; identifying and rooting out cultural legacy of inertia and apathy; facing *towards* the public; developing enthusiasm for increasing footfall; promoting take-up; developing proper horizontal networking between Regional Offices.
- e) Systematic capacity-building of lawyers through the Educational Centre of the Bar (interaction with: employees of the ROs, legal aid beneficiaries, duties and responsibilities of the lawyers, etc.)

At the same time, the urgent remedial work indicated in the Needs Assessment will begin to be delivered, by means of further bilateral meetings and developing these themes at the next NCB and LCB meetings.

- a) Action plan from Needs Assessment. This is to effect urgent remedial work and implementation of the relevant measures, with clearer alignment between current short-term remedies and longer-term re-structuring into the single body ¹⁶.
- b) Keep study visits on the agenda.

¹⁵ [Irena could we please have a link to the Tool here?]

¹⁶ See Annex 1 below

B: Tentative time frame – October 2024 – May 2025

- c) Bilateral meetings with the General Secretary of the Government should be scheduled in order to present the Analysis of the categories of implied costs compared with actual categories of costs and elaborate on the already taken steps and the needed future steps for establishment of the single independent entity preferably Agency.
- d) The Government (after the election) should examine and eventually adopt the report of the WG and the concept and should oblige the Ministries to take all measures set in the Action Plan.
- e) Once the draft laws are prepared, they should be examined and eventually adopted by the Parliament.
- d) The Government should adopt all Decisions necessary for a functional legal aid System based upon the legislation (establishment of the single independent entity)

C: Tentative time frame – May 2025 – December 2025

The fusion of the systems should be piloted and go step by step (Pilot project of the new system under the new independent entity).

Annex 1: Key findings and recommendations of the May 2023 Needs Assessment

The assessment found that the free legal aid system in North Macedonia faces some important challenges. Whilst it does in fact function, there is potential risk of overall decline in activity, failure to improve, and deterioration in standards and quality, unless a range of key measures are implemented as soon as possible to reverse any negative direction.

While major and necessary structural changes are needed, the needs assessment also proposes nearly 60 further recommendations – with attached actions – that range in urgency from *immediately needed* to *needed by the end of 2024*.

Department for FLA

- there is an ongoing structural problem, with anachronistic historical origins, that the Department for FLA and the Regional Offices are part of a Sector for Political System and Department for FLA. The Sector aside from FLA is also in charge of other completely unrelated tasks relating to elections and the political process;
- Department for FLA is currently understaffed, putting pressure on the present team, and causing irksome but resolvable issues to become disproportionately disruptive;
- a number of points of friction exist between Department for FLA and lawyers. These are not intractable and could be ironed out with intensive discussions in a programme of bilateral meetings;
- the failure to set in place the case management software that was intended to streamline the processing application; is impacting negatively on the efficiency of the department.

MoJ Regional Offices

- Some Regional Offices are at risk of stagnation: extremely low usage, low level of active demand from public, inadequate facilities etc;
- Low motivation in some Regional Offices for improvement and growth;
- No incentives for Regional Office staff to improve the situation;
- No quality assessment or quality control;
- Inadequate (or no) co-ordination or networking between ROs;
- Little evidence of a culture of improvement and excellence. There is a mood of inertia and little evidence of appetite to revive the service, though it should be noted that there is a group of RO employees who even in these circumstances are highly professional and dedicated. The effort of this group should be adequately acknowledged by the MoJ.
- Referrals Protocol is not wholly functioning as a living instrument – it needs reviving and maintaining better

Training

- Training needs as identified in the November 2022 TNA now need to be met.
- Common training is required for Department for FRLA and ROs in
 - IT

- Specific areas of law relating to clients' substantive advice needs
 - Refresher / updaters training
 - Dealing with aggressive or emotional clients and de-escalating difficult situations
- Common induction training materials for new staff (especially in ROs) are needed

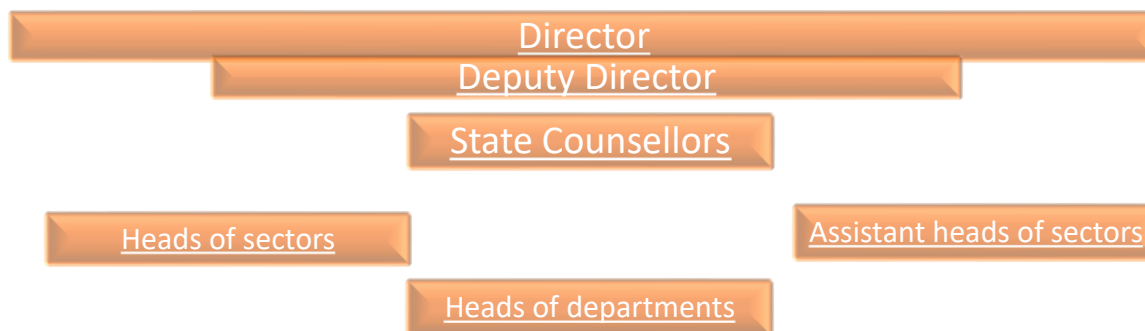
The actions proposed to remedy some of these critical shortcomings include:

- a range of bilateral meetings, notably between the FLA, and the bar
- trainings
- insertion of action points into NCB and LCB meeting agendas
- revival of the referrals protocol
- the short-term reassignment of at least one member of RO staff into a role of peripatetic regional office support worker
- practical help in-kind for the ROs, with issues like IT, printed materials, access to databases, plus a programme of refurbishment and improvement of physical premises.

These are detailed in the Assessment Needs report.

Annex 2: Real Estate Cadastre Agency

The Real Estate Cadastre Agency¹⁷ is established by Decree of the Government of the People's Republic of Macedonia, published in the "Official Gazette" n. 25/1947, on July 28, 1947¹⁸, as the Geodetic Administration of the People's Republic of Macedonia. In 1967, by the Decision of the Government of the People's Republic of Macedonia, the Geodetic Administration was renamed the Republic Geodetic Administration, as an independent body within the state administration. In 2008, with the new Law on Real Estate Cadastre, i.e. with the adoption of the Decision of the Government of the Republic of Macedonia on appointing members of the Management Board of the Agency for Real Estate Cadastre no. 33-2022/6 of May 6, 2008¹⁹, The State Geodetic Office continues to operate as the Real Estate Cadastre Agency. Organizational setup of the Agency is as follows:



According to the Agency type, scale, complexity and interrelatedness is composed of the following organizational structures:

- The General Directorate of the Real Estate Cadastre Agency composed of sectors, departments and independent internal audit department
- The Real Estate Cadastre Center - Skopje composed of sectors and departments.

The Agency has a Statute²⁰ which regulates the matters under the jurisdiction of the Agency of real estate and the manner of their execution, the competences of the Management board and the director, the method of selection and dismissal of the members of the Board and of the director, the rights, obligations and responsibilities of the assistants workers, the international cooperation of the Agency, the internal organization, employment, delegation and evaluation of employees, the financing, the method and the procedure of adoption of the statute and other general acts and bylaws, as well as other matters of importance for the operation of the Agency.

The funds for the work of the Agency are provided by: the budget of the Republic of North Macedonia; own income from fees; donations and other sources in accordance with the law; sources of funds on a contractual basis.

¹⁷ The Real Estate Cadastre Agency, official web site: <https://www.katastar.gov.mk/>

¹⁸ "Official Gazette" n. 25/1947, available at: <https://www.slvesnik.com.mk/Issues/8B7CF9380E1044B3A6E748DAB2E8DABF.pdf>

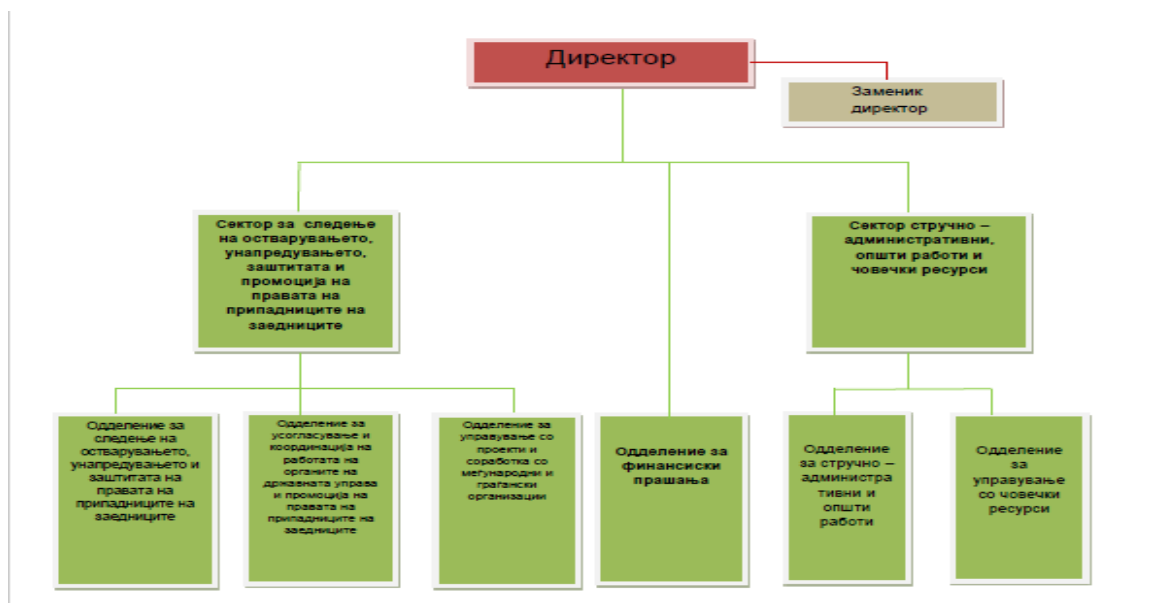
¹⁹ "Official Gazette" n.62/2008, available at: <http://www.slvesnik.com.mk/Issues/34C945B5CC83284F82AACF8CF66F8907.pdf>

²⁰ Statute of the Real Estate Cadastre Agency, available at: https://www.katastar.gov.mk/wp-content/uploads/Regulativa/Statut/Statut_na_AKN_interen_precisten_tekst.pdf

Annex 3: Agency for realization of the rights of communities

The Agency for realization of the rights of communities²¹ is an entity established with the law on the rights of the communities which are 20% less than the population in the RNM²² (art.13) as an independent organ of the state administration with the capacity of a legal entity. The Agency functions on a basis of a Rulebook for internal organization.²³

The Structure of the Agency is slightly different from the Real Estate cadastre agency. It has a Director and a Deputy Director appointed by the Government for a period of four years, with the right to another subsequent appointment.



The agency is financed from funds from the Budget of the Republic of North Macedonia, donations and other sources of funding.

²¹ The Agency for realization of the rights of communities, official website: <https://aopz.gov.mk/>

²² The law on the rights of the communities which are 20% less than the population in the RNM, available at: <https://aopz.gov.mk/wp-content/uploads/2014/11/%D0%97%D0%90%D0%9A%D0%9E%D0%9D-%D0%97%D0%90-%D0%9F%D0%A0%D0%90%D0%92%D0%90%D0%A2%D0%90-%D0%9D%D0%90-%D0%97%D0%90%D0%95%D0%94%D0%9D%D0%98%D0%A6%D0%98%D0%A2%D0%95-%D0%92%D0%9E-%D0%A0.%D0%A1.%D0%9C%D0%90%D0%9A%D0%95%D0%94%D0%9E%D0%9D%D0%98%D0%88%D0%90.pdf>

²³ Rulebook for internal organization, available at: <https://aopz.gov.mk/wp-content/uploads/2023/07/%D0%9F%D0%A0%D0%90%D0%92%D0%98%D0%9B%D0%9D%D0%98%D0%9A-%D0%97%D0%90-%D0%92%D0%9D%D0%90%D0%A2%D0%A0%D0%95%D0%A8%D0%9D%D0%90-%D0%9E%D0%A0%D0%93%D0%90%D0%9D%D0%98%D0%97%D0%90%D0%A6%D0%98%D0%88%D0%88%D0%90-01.04.2022.pdf>

Annex 4: National Agency for European Education Programs and Mobility

The National Agency for European Education Programs and Mobility²⁴ is a public entity established by a special law²⁵ adopted by the Parliament. The structure of the Agency is consisted of a Management board and the Director. The Management board is the governing body of the Agency, which members are appointed by the government. The Director is appointed by the Management board for a mandate of 5 years with a right for another re-election/mandate.

Funding for the National Agency is provided by the budget of the Republic of North Macedonia and the European Commission in accordance with the memorandum of understanding concluded between the Ministry of Education and Science and The European Commission and from other sources in accordance with the law. The budget of the Republic of North Macedonia provides the funds for salaries and fees, ongoing maintenance and equipment for the work of the National agency. Co-financing from the European Commission will be regulated by special rules agreements concluded between the National Agency and the European Commission.

In North Macedonia there a relatively large number of Agencies²⁶ structured the same as or similar to the intended structure of the single unitary body

²⁴ The National Agency for European Education Programs and Mobility, official website: <https://na.org.mk/Home/Index>

²⁵ Law for establishing a national Agency for European educational programs and mobility, Official Gazette of R. Macedonia No. 113/07 of September 20, 2007, available at:

https://na.org.mk/Dokumenti/Zakon%20osnovanje_nacionalna_Agencija_evropski_obrazovni_programi_i_mobilnost_113_200907.pdf

²⁶ RNM Entrepreneurship Support Agency, please see:

<https://www.linkedin.com/in/%D0%B0%D0%B3%D0%B5%D0%BD%D1%86%D0%B8%D1%98%D0%B0-%D0%B7%D0%B0-%D0%BF%D0%BE%D0%B4%D0%B4%D1%80%D1%88%D0%BA%D0%B0-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B5%D1%82%D0%BF%D1%80%D0%B8%D0%B5%D0%BC%D0%BD%D0%B8%D1%88%D1%82%D0%B2%D0%BE%D1%82%D0%BE-%D0%BD%D0%B0-%D1%80%D1%81%D0%BC-77068a254/?originalSubdomain=mk>

; RNM Energy Agency, please see: <https://www.ea.gov.mk/>; Food and Veterinary Agency, please see: <https://fva.gov.mk/index.php/mk/informacii-javen-karakter/uslovi-prenos-milenik-nadvor-rsm>; Administration Agency of RNM, please see: <https://aa.mk/>; Foreign investment and export promotion agency of RNM, please see: <https://investnorthmacedonia.gov.mk/mk/pocetna-stranica/>

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