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HF II Supporting enhanced access to higher quality Free Legal Aid services in North Macedonia

REPORT

ON-LINE COORDINATION MEETINGS

TO TACKLE SHORTCOMINGS ON LEGAL AID PROVISION IN CRIMINAL PROCEEDINGS IN NORTH MACEDONIA

23-25 February 2021

On-line, using KUDO Platform

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I. GENERAL REMARKS

The Council of Europe's Program office in Skopje is currently implementing a Project that aims at supporting the main actors in enhancing the efficiency, quality, scope, accessibility, and awareness of free legal aid provision in North Macedonia. It builds upon the results achieved in the implementation of the previous Action on this issue (HF-35 "Supporting Free Legal Aid Reforms") and supports effective implementation of the new Law on free legal aid, adopted in May 2019. The Action "HF II 12 – Supporting enhanced access to higher quality Free Legal Aid (FLA) services in North Macedonia envisages the Output 2.2.1: "A process is initiated to support key stakeholders including Judiciary and Bar Association to identify and address shortcomings in the provision of legal aid in criminal proceedings" under the Immediate Outcome: "improved quality of legal aid provided under criminal proceedings through enhanced transparency and coordination".

The Program developed an expert assessment and recommendations on provision of legal aid in criminal proceedings in North Macedonia¹. The document outlines the current state of affairs in North Macedonia (mechanism in place, main actors involved, roles, interaction, and effectiveness), the existing shortcomings and challenges and the possible solutions and approaches for improving coordination and effectiveness of legal aid provision in criminal proceedings with reference to international practices and experiences. The assessment covers legal aid in criminal proceedings (investigation, court hearings and appeal stages), with reference to categories of persons entitled to legal aid (mandatory defence, indigent persons, victims of crimes), the mechanism of appointment of a lawyer, service providers and quality assurance mechanism, management and funding of the system. It includes analysis of the relevant legislation, draft laws, good trends, shortcoming and challenges, formulating the recommendations based on the Council of Europe standards and best practices in the field.

One of the activities planned to achieve the goals mentioned in the Assessment report on legal aid in criminal proceedings is the online consultations/workshops with the following objectives:

- To identify the views of the stakeholders on the next steps of the reform of legal aid in criminal proceedings in North Macedonia;
- To facilitate a common understanding of the stakeholders on the necessary steps of the reform of legal aid in criminal proceedings in North Macedonia;
- To create the context of commitments and cooperation of the stakeholders in implementation of the necessary steps of the reform of legal aid in criminal proceedings and implicit implementation of the Recommendations of the Assessment report on legal aid in criminal proceedings in North Macedonia.

The consultations were performed on 23-25 February 2021, on-line. Representatives of the Ministry of Justice, the Supreme court, the Public Prosecution office and representatives from the BAR chamber participated in separate consultation meetings, followed by a joint consultation workshop (specific agendas, please see appendix 1-5).

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

II. KEY FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This part of the report includes the views of various participants in the consultation process, while the convergent opinions are reflected in the proposed action plan.

Revision of the LCP, mainly the criteria of accessibility of legal aid in criminal proceedings

The representative from the Ministry of Justice (MoJ), Nikola Prokopenko, pointed out that there is a Working Group (WG) for amending the Law on Criminal Procedure (LCP). At the same time, there is a recommendation to extend the composition of the WG, so at this moment the WG is on hold until the Minister signs the decision for extending the composition of the WG. After that, the WG will resume the working meetings.

The spectrum of provisions that the WG will examine is open, this also includes the provisions on free legal aid (FLA). The WG intends to review also the provisions on FLA for the vulnerable category of people, so in that sense the support of the CoE Project will be welcome, with proposals on amendments, margins and scope of legal aid, standards, etc. to be implemented in the LCP taking into consideration the specific country context. These are issues also with the text of the LCP on mandatory defence. Otherwise, the reason the actual provisions are not properly implemented by the courts is that these provisions are insufficiently clear and precise (e.g. there is only one article in the whole LCP on legal aid for indigent people).

The period of activity of the WG depends on the Ministry of Justice decision to resume the activity of the WG. The dynamics of the WG is intended to be the same as the previous, so being one meeting for one specific topic (with relevant preparation in advance of all relevant documentation for the meetings).

It was proposed that before the official meeting of the WG on provisions on FLA in criminal proceedings, to perform a workshop with participation of the WG representatives and the CoE consultants to present proposals, amendments, potential options, with relevant explanations and justification of these aiming at a more focused discussions during the official meeting of the WG. A MoJ representative pointed out that the actual assessment [Assessment report on legal aid in criminal proceedings] is detailed and the recommendations are very good. The Bar also underlined the need to amend in due period the provisions of the LCP as practitioners face problems in enforcing the law, so the law must be changed as soon as possible.

The public prosecutor Risto Bojadziski proposed to offer the possibility for the prosecution offices (not only to police) to call a lawyer aiming at better access to justice and protection of the rights of the defendants. Actually, in case the suspect comes in front of the public prosecutor without a lawyer, the prosecutor has to wait with the whole procedure until the defendant will be brought in front of the preliminary procedure judge who will appoint a lawyer. This situation has an impact on the capacity to investigate and is slowing down the whole procedure having in mind that the deadlines for taking actions are very short/24 hours to take the suspect in front of the preliminary procedure judge.

Another substantive aspect raised during the consultations is the provisions of the LCP that regulates the fees for lawyers. The LCP stipulates that the costs of defense are decided by the court. But the lawyer is not always involved only in the court phase, very often the lawyer is and shall be involved in all phases of the procedure, including investigation phase (police, prosecutor). Moreover, there are situations where the whole procedure hasn't arrived in front of the court, but a lawyer was called, and the question here is who will decide on these costs and who is responsible to pay the lawyers' fees. Bar also supported the idea to pay attention to the provisions of the law regulating the costs for lawyers. Correspondingly, the WG shall examine the decision making process on costs for FLA at all stages of criminal procedure and the entity paying these costs.

Adoption of the relevant legislation and establishing the threshold for eligibility for legal aid, to specify and simplify the procedure of confirmation of the criteria "financial situation", shifting to the possibility to get such a confirmation from one institution ("one stop shop" or using electronic application)

The threshold for eligibility for FLA (for vulnerable categories) and the criteria "financial situation" is an important and complex issue and shall be regulated accordingly. The primary provisions can be included in the LCP and other details can be included in other pieces of legislation. It is to consider the fact that the LCP is adopted by a 2/3 majority of votes. Correspondingly, the LCP might include the general aspects and the details shall be included in other pieces of legislation, including by-laws.

The representative from the MoJ, Mr. Prokopenko emphasized the fact this is a sensitive issue, this why it would be appropriate a separate workshop on the topic (in the same algorithm as for eligibility criteria: a workshop, consultations of the representatives of the WG with the CoE consultants, then presentation of the proposals in the official meeting of the WG).

As examples were brought the LFLA (non-criminal proceedings), the LJC (justice for children) where there are already concrete solutions that are working so these can be used or at least taken as a starting point. The representative from the MoJ, Slavica agrees with the above suggestion. At the same time, the state advisor Petar thinks that the system in the LFLA is very different and not applicable in criminal proceedings. He emphasized the fact that the LFLA is for civil matters and the LCP is for criminal proceedings, so he thinks that there is no room for using the LFLA system. He argued that if we go for the options of social assistance beneficiaries or minimum wage system, then the question is how many people would benefit of FLA annually. Relevant statistical data are necessary to estimate the costs, taking decisions with full consideration of the financial situation of the country. The representative from the MoJ, Slavica, mentioned that such a cost analysis would be indeed useful and was performed for the purpose of LFLA.

Examination of the opportunity of development of professional standards for the activity of lawyers in the criminal proceedings

A representative from the MoJ pointed out that she receives constantly complaints regarding the work of lawyers and the activity of disciplinary bodies of the Bar chamber on the quality of work, diligence, etc. Claimants pretend the disciplinary bodies are not efficient, no commissions are formed at all or very few lawyers are sanctioned. The MoJ do not have control over the work and quality of legal aid provided by lawyers, lawyers are completely independent. Continuous training is needed and the ongoing amendments to the Law on Advocacy cover this. The MoJ is ready to help the chamber if the chamber needs help, because a mechanism for quality assurance is definitely needed to be established.

Insertion in the budget for legal aid in criminal proceedings of the relevant budgetary items for awareness raising, training and innovation in the system of delivery of legal aid in criminal proceedings

The representatives from the MoJ explained that the MoJ does not have any saying in planning the budget for the courts, but pointed out that there is no special budget for FLA in criminal proceedings, everything is included in the general budget of the courts. The court's budget is independent and has various items, one being for legal costs that include lawyers. The Ministry of Finance and the Judicial Budget Council are responsible for that budget. There is also a law on court budget. It was suggested to invite Ms. Silvija, who is the head of the Judicial Budget Council.

In fact, the problem is of different nature. Relevant budgetary items for awareness raising on FLA, training and innovation in the system of delivery of legal aid in criminal proceedings shall be included in the budget of an entity responsible for these activities, while the courts might not be the most appropriate option if to compare with the option of a distinct entity responsible for FLA in criminal proceedings.

Performing an annual conference on legal aid in criminal proceedings in North Macedonia, supplemented by other formats of dialogue at central and local levels between stakeholders

An annual conference and other formats could contribute to a better dialogue between decision makers in the area of legal aid in criminal proceedings. Representatives from MoJ supported the idea, mentioning that this needs to be done within the free legal aid sector and the MoJ to be the one to organize this conference or seminar in cooperation with the Bar and in some parts or situations with the courts perhaps, with the help of the Council of Europe. Nevertheless, it was pointed out by the representative from MoJ that the criminal matter is not within the auspices of the LFLA, therefore this recommendation is not feasible for now. The other representative explained that if the LCP will be changed in this direction, then it is going to be incorporated within the sector for FLA without any problem. Anyhow, the sector is preparing annual reports and it will be only adding another item to the report, having in mind that the sector for FLA has all the statistical data related to FLA in non-criminal proceedings.

In fact, there are several entities involved in daily requesting and delivery of legal aid in criminal proceedings (judiciary, Bar, police), while some important managerial functions (promotion of the system, awareness, collecting statistical data etc.) are not covered by anyone or sufficiently. The format of cooperation can be inspired from the LFLA, having a national coordination body (as a step towards a distinct entity to manage the legal aid system in criminal proceedings).

Examination of the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity, with participation of all relevant stakeholders

MoJ representatives mentioned that the LFLA does not cover criminal proceedings, in accordance with the strategy for judicial reform. Some transitional provisions are available for the victims of crimes and human trafficking, which might be excluded with the amendments to the LCP. Some participants expressed support for a dual system, the LFLA for non-criminal matters and the actual system for criminal proceedings. Nevertheless, there are many issues related to the dual system, including the managerial functions on FLA in criminal proceedings. It is clear that many participants never had the chance to examine in depth the feasibility of entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity. For this purpose, it was reiterated the recommendation of the assessment report to perform feasibility study. As such, the assessment of the feasibility does not imply any political commitments.

Development (participatory) of a roadmap to improve the system of delivery of legal aid in criminal proceedings in North Macedonia concerning mandatory defense, indigent persons and victims of crime

Participants in the consultations supported the idea, in fact the consultations are part of designing an action plan to improve the delivery of legal aid in criminal proceedings in North Macedonia.

Development of a software solution for appointment of ex-officio lawyers in criminal proceedings; Increasing awareness and motivation of lawyers to participate in the system of delivery of legal aid in criminal proceedings; Renewal of the dialogue and agreements of the Judiciary and the Bar Association concerning appointment of the ex-officio lawyers

The representatives of the Bar mentioned that it is a very good idea. The software solution is a much-needed solution, which will help in regulating the mechanism of appointment of FLA lawyers, but also in regulating the modality of payment of fees to lawyers by the courts (respecting the level of the fees) and correspondingly will contribute to a better quality of provided legal aid. In addition, it will increase the interest of lawyers to participate in the system of delivery of legal aid in criminal proceedings.

All participants agreed that the Bar should be the leader in development of the software solution and the responsible institution for maintaining the system, taking into consideration that the software should contain data of all lawyers, and the only institution that has such data is the chamber.

Representatives from judiciary supported the idea of the software as a modality to improve the accessibility and quality of the defense, treating it as a potential efficient tool for the courts to implement their duties, especially in the earliest stages of criminal proceedings. It is also important to include relevant provisions on software solution in the legislation, as to ensure the judiciary uses it.

Nevertheless, software solution implies costs and resources, and the Bar needs support, eventually from the CoE. The time frame for implementation can be 2021-2025

Regular update of the list of ex-officio lawyers

The public prosecutor pointed out that a regularly updated list with on-duty lawyers should be provided by the bar chamber and distributed to the police.

According to the Bar, a list of ex-officio lawyers exists and it has been submitted to the courts and published on the chamber's website (so it is publicly available). The courts are obliged to appoint those lawyers who are registered on that list and this is regulated by the actual legal provisions. At the same time, the motivation of lawyers is very low because the courts do not respect the tariff. Expanding and updating the list regularly, according to the Bar, depends on adhering to the tariff, but any lawyer who wishes can join the list. Small changes in the laws are necessary, but this is not an obstacle for a software solution that is in the interest of all parties involved in the procedure. A software solution will reduce these problems and drawbacks. If the tariff and the manner of appointing lawyers will be respected (also treatment of the lawyers during proceedings), there will be much greater interest from lawyers.

Bar representatives added that prosecutions and police do not make payments, the court pays but very often below the tariff and therefore the interest is too small and correspondingly the lists are as they are. The situation can change if the software is implemented. This initiative from the Council of Europe comes timely.

Finalising the establishment of the Lawyers' Education Centre and development of specific training modules and consolidation of the capacity to deliver the training through a ToT program

The Bar representatives reminded that the new law on advocacy (which is under development) foresees creation of a training centre for lawyers. The chamber is in the phase of changing generations and there are more and more young lawyers who need training, including on ethics, raising ethical / moral values and attitudes to the highest level. The Chamber would benefit from further assistance of

the Council of Europe for training and education (eventually not only for trainings, but also for establishment of a system of training including determination of the training needs, development of the training curricula, providing ToT or thematic trainings).

A topic for training would be the CoE standards on fair trial and access to legal aid.

Promotion (for regions with a sufficient number of lawyers providing ex-officio services) of specialization of the ex-officio lawyers

According to the Bar representatives, in future, we will probably have large law firms or partnerships where each lawyer will work in a specific field / s in which he or she will specialize or be an expert. Although formal specialization in a sense of a law is not allowed, and there were unsuccessful attempts in the past (the constitutional court annulled those provisions from the laws) to do so we can only talk about informal specialization. At the moment, the lawyers are free to work in any field that they feel comfortable and that right is guaranteed with the issuance of the lawyers licence. So, the idea of specialisation is good but not for the moment and we can come back to it at a later stage of the reform.

Creation of a WG to determine the level and the modality of calculation of the fees for lawyers for the legal aid (ex-officio defense and representation of victims) in criminal proceedings and draft a separate title in the Attorneys' fees regulations regarding ex officio representation

The tariff (the lawyers' fees level) was established by the Bar chamber and was published in the official gazette. This means that it is a bylaw and has legal force and must be respected. According to the Bar representatives, the actual tariff is the best one that the lawyers have had until now, therefore it is not a subject to any changes (in fact, the Bar do not admit yet the idea that for legal aid in criminal proceedings it can be a different level of tariffs). According to the Bar, the problem is not in the level of the tariff, but it's application by courts (not uniform application of the legislation). So, this problem shall be solved among the bar and the judges (if unsuccessfully, then the process can be facilitated by partners).

Development of a mechanism for monitoring the quality of legal aid

According to the Bar, the court is in charge of quality control in relation to the legal aid provided by lawyers in the court proceedings. While outside the courts, the chamber has disciplinary bodies that act on complaints submitted by citizens or the courts in the direction that the lawyer has not taken appropriate actions. Disciplinary bodies initiate disciplinary proceedings. One of the penalties is the revocation of the license, so the chamber with these measures acts preventively for the lawyers to act conscientiously in the defense of the clients.

Nevertheless, a quality assurance mechanism is necessary and the Bar shall examine the modality it contributes proactively to the quality of legal services in general and legal aid in criminal proceedings in particular through training of lawyers, professional guidance, monitoring the quality and other modalities. The Bar perceives as the first priority the accessibility of legal aid in criminal proceedings (assuming adequate level of quality), then it will deal with quality assurance mechanism (e.g. in 2023).

Development of the Legal Opinion of the Supreme Court of North Macedonia leading to unification of the practice of assessment of the criteria of accessibility of legal aid, specifying the modality of informing victims of crimes on their procedural rights and the moment of appointment of an ex-officio lawyer for representation of the interest of the victims of crime during criminal proceedings

It was confirmed by the representative from the judiciary, judge of the Supreme Court Mirjana Trajkovska Lazarevska, that all of the recommendations from the assessment report are in general good and in the right direction. The representative from the Supreme Court noted that maybe it is better to propose to the criminal section at the Supreme Court to develop relevant legal guidelines or legal opinion for legal aid in criminal proceedings based on which all of the courts will act. According to the Macedonian legislation the Supreme Court doesn't develop guidance which the lower courts are obliged to follow. Therefore, the most effective way would be developing a legal opinion or principled views or the court jurisprudence on specific cases. This kind of cases could be brought in front of the Supreme Court only by the lawyers or the public prosecutors through a request for protection of legality. The judge also said that there is a lack of practice related to this type of violations committed by lower courts, and such jurisprudence can be developed at the initiatives, i.e. requests of lawyers in particular, but also of prosecutors. Therefore, it is necessary to provide training for lawyers and prosecutors on the right to defense and access to legal aid (and eventually develop some guides on this matter).

In her professional experience with the ECHR and the Supreme Court of RNM, judge Mirjana Trajkovska Lazarevska, hasn't encounter this kind of cases where the lawyers/attorneys or the prosecutors are referring to a violation of this kind. The relevant court practice from the Supreme Court is built on this kind of appeals, demands etc. submitted by the attorneys or the prosecutors or by the lower courts. That's why it is needed from the lawyers and the prosecutors to submit this kind of demands referring to a violation on such an issue. "Until now I haven't encounter a case where an indigent person was provided with defense under Article 75 due to his property or financial situation" – said the judge. Usually ex officio attorney is appointed according art. 74 because of the type of the criminal offence which foresees jail sentence over 4 years.

It was pointed out by the judge as a shortcoming that must be addressed, the ignorance of the lower courts i.e. national judges, of the Strasbourg practice in terms of at what stage at earliest it is obligatory the suspect to receive a lawyer. The police have forms that contain information about the right to a lawyer, but that is not enough, more work is needed at this stage in terms of understanding what legal aid means and FLA. As conclusion, the judge opined that would be useful to have a legal opinion leading to unification of the practice of assessment of the criteria of accessibility of legal aid,

specifying the modality of informing victims of crimes on their procedural rights and the moment of appointment of an ex-officio lawyer for representation of the interest of the victims of crime during criminal proceedings.

There are several ways to trigger a principled position or legal opinion of the Supreme Court:

- A. First one is when the lawyer submits a request for a principled view/position or for legal opinion to the Supreme Court with a request for the court to take a principled view/position or to develop a legal opinion for a certain inconsistency in the actions of the lower courts or a specific judge in a specific case or cases or for inconsistency in case law or if the Supreme Court acted differently in different cases for identical situations. This kind of cases are examined by the judges from the criminal section within the Supreme Court who are specialized for criminal matters. Then this request is presented before the plenary session of the Supreme Court, where the judge rapporteur reports on the merits of the Referral, whether there is a need to proceed with a principled position and legal opinion or whether the case law is sufficiently clear, whether there is a deviation from the case law referred to by the person who initiated the procedure. If there isn't deviation from the case law referred to by the person who initiated the procedure, if the case law is stable, clear and consistent the Supreme Court will not prepare or develop a legal opinion or principled position but will refer to the case law.
- B. The Second way is when the Supreme Court itself within the criminal section/department raise the question for preparing a legal opinion or principled position if it faces with some legal issue for which the law leaves room for ambiguity, it is not clear, it is not precise and the court should clarify such a legal issue. Then there is a need for the court to make an internal analysis of current case law on how that provision is applied and take a stand on the issue to assist lower courts in interpreting that provision.
- C. The third form/way is when the lower courts/appellate courts are holding a session during which there are raised legal questions/issues in front of the Supreme Court. Those legal issues are related with the application of the Criminal procedure code. Such legal issues are considered by the Supreme Court within the criminal department of the court itself. There is an interaction between the courts, but in general that interaction is not enough. More frequent meetings are needed because currently with 4 appellate areas there is a need for more frequent contacts to exchange views and opinions. For example there is a possibility one or two appellate courts to raise a legal issue regarding FLA, but the other two not to raise this kind of issue because they didn't face with this kind of legal issue at all. The international practice shows that the existence of a dialog between the lower courts and the appellate and Supreme Court is the most effective way/form of overcoming the problems in the interpretation of laws and in building the case law.

In the nutshell, there are 3 most feasible ways how to trigger the process: to work with lawyers to invoke this kind of request in front of the Supreme Court; performing a workshop with judges from the Supreme Court to discuss so they can launch ex officio process in drafting the legal opinion; using the opportunity when the judges from the appellate courts have their meetings to include this topic on their agenda. Proposed time frame would be 2021.

Revision of the items of collection of statistical data by courts and insertion of the relevant items concerning request and delivery of legal aid in criminal proceedings

This topic was touched upon in the context of the discussion on performing an annual conference, where the MoJ expressed the readiness to overtake some additional responsibilities if the legislation on legal aid in criminal proceedings will change.

Performing a complex research on “met and unmet” legal aid needs in criminal proceedings in North Macedonia. Performing a complex research for objective assessment of the quality of legal services and legal aid services in criminal proceedings

The topic of the 2 complex researches was not discussed, as participants were focused on more specific proposals and actions of urgent nature.

Implementation of a broad public awareness raising campaign on the right to legal aid

Representatives of the judiciary mentioned importance of public awareness but also importance of awareness of all participants in the procedures (including what legal aid and the right to legal aid mean from the earliest stages of the criminal procedure until the appeal procedure and possibly additional remedies before the Supreme Court).

The most effective awareness raising modality for professionals would be trainings. It was recommended to conduct trainings in cooperation with the Academy for judges and prosecutors. The Academy, despite the basic goal of educating judges and prosecutors, often organizes such trainings in cooperation with the chamber, other institutions and international organizations. It is crucial to educate the prosecutors especially because they lead the pre-investigation and the investigation phase.

Pilot project to develop a mechanism for appointment of lawyers and for access to legal aid at the early stages of criminal proceedings

It was pointed out by the public prosecutor Risto Bojadziski that in the phase before the police, in accordance with the LPC, for criminal offenses for which a sentence of imprisonment of 10 years and up is envisaged, the police shall call a lawyer from the list of duty lawyers submitted by the bar chamber.

Attention should be paid to the manner in which the lawyer is appointed before the police. Usually the right to defense is neglected at this stage, especially for the vulnerable category of persons. The practice is acceptable for the cases when the suspect is calling his/her own lawyer, or telling the police to call a specific lawyer, but for the indigent people the practice is far from being acceptable. When

the detained person does not have financial means to hire a lawyer, a pre-trial judge is appointing an ex-officio lawyer.

It was also discussed the possibility to develop relevant guidance from the general prosecution office regarding the right to legal aid. According to the prosecutor, the CPC is very strict when it comes to appointing an ex officio lawyer. The public prosecutor's office has no right or authority to call or appoint a lawyer. So, in that sense, opined prosecutor Risto Bojadziski, we are not in position to make or develop guidelines. Prosecutor's duty is to pay attention to the rights of the defendants, the right to defense, i.e. to have a lawyer.

Concerning appointment of lawyers, the prosecutor opined that there is always something suspicious. In the public prosecutor's office, for example, it is regulated in terms of on-duty prosecutors with a schedule of duty. This can serve as a suggestion of how the chamber could solve this problem. That schedule can refer to regions on a daily or weekly basis, etc.

A pilot project (based on specific terms of reference) can lead to determination of clearer rules and modalities to ensure effective access to legal aid at initial stage of criminal proceedings.

III. ACTION PLAN

The Action Plan includes activities which are in the legal competence of the institutions involved in the consultation process.

ACTIVITY	RESPONSIBLE INSTITUTION	TIME FRAME	IMPLEMENTING PARTNER	OBJECTIVE VERIFIABLE INDICATORS
1. Revision of the LCP (mainly criteria of accessibility of legal aid in criminal proceedings, including for vulnerable people; decision making process on costs for FLA at all stages of criminal procedure and the entity paying these costs)	MoJ	2021	CoE	<ul style="list-style-type: none"> ✓ Consultations of the WG members and the CoE consultants performed (workshop) ✓ Draft amendments (text, options for legal provisions, justification) presented in the official meeting of the WG ✓ Draft amendments to the LCP promoted
2. Development of the proposals for the relevant legislation and establishing the threshold for eligibility for legal aid , to specify and simplify the procedure of confirmation of the criteria “financial situation” , shifting to the possibility to get such a confirmation from one institution (“one stop shop” or using electronic application)	MoJ	2021	CoE	<ul style="list-style-type: none"> ✓ Consultations of the WG members and the CoE consultants performed (workshop) ✓ Draft amendments (text, options for legal provisions, justification, cost analysis) presented in the official meeting of the WG ✓ Amendments to the relevant legislation promoted
3. Insertion in the budget of the courts of the relevant budgetary items for awareness raising, training and innovation in the system of delivery of legal aid in criminal proceedings	Judicial Budget Council, Ministry of Finance	2021-2022	CoE	<ul style="list-style-type: none"> ✓ Consultations of the Judicial Budget Council and the CoE consultants performed (meeting/workshop) ✓ Specific category of costs included in the courts’ budget for 2022

4. Performing annual conference on legal aid in criminal proceedings in North Macedonia , supplemented by other formats of dialogue at central and local levels between stakeholders	MoJ, BAR	2022, 2023	CoE	<ul style="list-style-type: none"> ✓ Conference on Legal Aid in Criminal Proceedings in North Macedonia performed annually
5. Development of a feasibility study on entrusting the management of the legal aid system in criminal proceedings (the entire spectrum of functions) to one distinct entity , with participation of all relevant stakeholders	CoE	2021	MoJ, BAR, SCJ, PP	<ul style="list-style-type: none"> ✓ Report of the feasibility study developed ✓ Report examined and validated by the stakeholders
6. Development of a software solution for appointment and payment of ex-officio lawyers in criminal proceedings ; Regular update of the lists of ex-officio lawyers; Increasing awareness and motivation of lawyers to participate in the system of delivery of legal aid in criminal proceedings	BAR	2021-2025	CoE, SCJ, MoJ, PP	<ul style="list-style-type: none"> ✓ The lists of ex-officio lawyers updated regularly and available in the relevant institutions ✓ Nr. of lawyers effectively involved in the legal aid in criminal proceedings increased ✓ Software solution developed and applied nationwide ✓ Transparent appointment of lawyers and prompt payment of fees for provided legal aid
7. Renewal of the dialogue and agreements of the Judiciary and the Bar Association concerning appointment of the ex-officio lawyers	BAR	2021	SCJ	<ul style="list-style-type: none"> ✓ Renewed agreement and commitments between BAR and SCJ
8. Finalising the establishment of the Lawyers' Education Centre, development of specific training modules and consolidation of the capacity to deliver the training through a ToT program	BAR	2021-2022	CoE, development partners	<ul style="list-style-type: none"> ✓ Nr. of trainers of the Lawyers' Education Centre capacitated through ToT ✓ Nr. of training modules developed (including on CoE standards on fair trial and legal aid) ✓ Nr. of participants in the trainings ✓ Concept of the training system for lawyers developed (including modality of determination of the training needs, performing trainings and maintaining records)

				<ul style="list-style-type: none"> ✓ Lawyers' Education Centre fully operational
9. Development of a mechanism for monitoring the quality of legal aid	BAR	2023-2024	SCJ, development partners	<ul style="list-style-type: none"> ✓ Concept of the mechanism for monitoring the quality of legal aid in criminal proceedings developed and validated ✓ Elements of the mechanism for monitoring the quality of legal aid in criminal proceedings implemented
10. Development of a legal opinion of the Supreme Court of North Macedonia leading to unification of the practice in the area of legal aid in criminal proceedings	SCJ	2021-2022	CoE	<ul style="list-style-type: none"> ✓ Consultations of the CoE consultants and the SCJ judges held ✓ Nr. of lawyers trained and involved in raising before the SCJ violations of the right to fair trial ✓ Draft of the Legal Opinion of the Supreme Court of North Macedonia developed and proposed for examination to the SCJ
11. Revision of the items of collection of statistical data by courts and insertion of the relevant items concerning request and delivery of legal aid in criminal proceedings	SCJ, PP	2022	CoE	<ul style="list-style-type: none"> ✓ Consultations of the CoE consultants, the SCJ and PP held ✓ Relevant items concerning request and delivery of legal aid in criminal proceedings inserted in the formats of collection of statistical data ✓ Generalised data published regularly
12. Implementation of a pilot project on mechanism for appointment of lawyers and for access to legal aid at the early stages of criminal proceedings	CoE	2021-2022	BAR, Public prosecutors	<ul style="list-style-type: none"> ✓ Concept of the pilot project developed and agreed between partner institutions ✓ One year implementation of the pilot project ✓ Lessons learned examined and relevant guidance for legal aid at early stages of criminal proceedings developed

13. Awareness raising campaign for the general public and specialists on the right to legal aid in criminal proceedings	MoJ, SCJ, PP, BAR, Academy for judges and prosecutors	2021-2022	CoE	<ul style="list-style-type: none"> ✓ Variety of promotional materials developed and distributed (target groups, messages, modalities to reach the target groups used); ✓ Nr. of specialists (judges, prosecutors, lawyers) trained in the Academy for judges and prosecutors
14. Performing a complex research on “met and unmet” legal aid needs in criminal proceedings in North Macedonia	CoE	2023	MoJ	<ul style="list-style-type: none"> ✓ Research performed and policy decisions made
15. Performing a complex research for objective assessment of the quality of legal services and legal aid services in criminal proceedings	CoE	2023	BAR	<ul style="list-style-type: none"> ✓ Research performed and policy decisions made, including on mechanism for monitoring the quality of legal aid

ⁱ CoE national consultant, attorney and member of the WG for amending the LFLA, member of the commission for establishing the Educational Center for Lawyers.
ⁱⁱ CoE international consultant, President of the National Council for State Guaranteed Legal Aid, Moldova (2008-2016, 2020-present).

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