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NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

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Country report

Country: The Republic of Macedonia

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List of Abbreviations

Academy - Academy of Judges and Public Prosecutors

ACLC - Association for Criminal Law and Criminology

ACCMIS - Automated Court Case Management Information System

CPJD - Council for Prevention of Juvenile Delinquency

CSRS - Civil Society Resource Centre

CvC - Dutch Centre for Conflict Management

ELSA - European Law Students Association

EPI - European Policy Institute

ESE - Association for Emancipation, Solidarity and Equality of Women

ECtHR – European Court of Human Rights

FOSM - Foundation Open Society – Macedonia

JC – Judicial Council

MJA – Macedonian Judges Association

MoJ –Macedonian Ministry of Justice

MYLA - Macedonian Young Lawyers Association

YEF - Youth Educational Forum

Methodology

The main methodology for the preparation of the report were legal and comparative analyses of the legal framework applicable to the judiciary and of relevant reports produced by the EU and the NGOs. In addition to the desk research, data were collected and collated through questionnaires addressed to the NGOs and to the courts, as well as by semi-structured interviews. The latter proved to be the most efficient method for data collection. Interviews were carried out with the key NGOs that work with and support the judiciary, as follows: 1. Association for Emancipation, Solidarity and Equality of Women – ESE; 2. Coalition “All for Fair Trials”; 3. Council for Prevention of Juvenile Delinquency (CPJD); 4. European Policy Institute (EPI); 5. Foundation Open Society – Macedonia (FOSM); 6. Helsinki Committee; 7. Institute for Human Rights; 8. Macedonian Young Lawyers Association (MYLA); 9. Organization for Protection of Consumers; 10. Zenith and 11. Centre for Legal Research and Analysis. Questionnaires were filled-in by Choice – Strumica, the Macedonian Judges’ Association (MJA) and MYLA. Three NGOs never replied to the kind request for a meeting or to fill-in the questionnaire.

The questions underlined in the report were discussed with seven judges from the basic courts, the Supreme Court and the Constitutional Court. The questionnaire was sent to the Judicial Council, the Academy for Judges and Public Prosecutors, to four basic courts, two appeals courts, and to the Higher Administrative Court. Some courts agreed to fill-in the questionnaire, only if that was approved by the Judicial Council. Other courts and institutions promised to fill-in the questionnaire, but no reply was received until the expiration of the deadline. The topic of the report was further discussed with the OSCE official working on the judiciary and representatives from the USAID-funded Judicial Strengthening Project.

Data were also gathered from three events that were attended by the representatives of the judiciary and NGOs where relevant topics for the judiciary were discussed. The events are the following: Final Conference of Network 23 and public events about the reports “Judicial Efficiency and Fulfilment of Fair and Just Adjudication” and “Analysis of the Independence of the Judicial Council –goal and challenges-” organized by the Coalition “All for Fair Trials” and by the Institute for Human Rights, respectively.

Part 1.

Introduction

Summary (max. one page, 2000 characters).

Please summarise your main findings as well as state of interaction, collaboration between NGOs and judiciary in your country. What is most important? What is characteristic?

The Republic of Macedonia is a tiny country at the south-eastern edge of Europe. It is a parliamentary democracy, which gained its independence from ex-Yugoslavia in 1991.

The country has 27 basic courts, 4 appeal courts, and the Supreme Court. Administrative issues are dealt by the administrative courts, whereas constitutional and legislative concerns are addressed to the Constitutional Court.

The Judicial Council (JC) is the leading institution of the judiciary. It recruits, disciplines and dismisses the judges. The Academy of Judges and Public Prosecutors (the Academy) educates candidates for judges and provides compulsory continuous education. The Macedonian Association of Judges (MJA) is a voluntary association.

The judiciary struggles with a tarnished reputation. The publicly disclosed wiretapped conversations show political interference in the recruitment and promotion of judges, and pressures in individual cases. The judiciary struggles with proper enforcement of laws. It lacks funds and resources.

The cooperation, communication and interaction between the NGOs and judicial institutions take various forms. Most of the NGOs provide free legal aid to vulnerable and marginalized groups (asylum seekers, victims of domestic violence, Roma etc.). Some NGOs conduct strategic litigation (e.g. in anti-discrimination and LGBTs issues). They also submit initiatives for the review of the constitutionality and legality, draft legislative assessments and participate in working groups that aim to bring Macedonian law in compliance with the EU acquis.

There are also specialized NGOs in trial monitoring and court watch. Other monitor and report on the work of the JC and of the Constitutional Court. NGOs take part in public debates and discuss topical issues regarding the independence of the judiciary or individual court cases.

The NGOs face a number of difficulties, such as indifference and inactivity of the judiciary on NGO activities and recommendations regarding judicial sector, a lack of feedback from the judicial institutions, insufficient funding, a high turnover of trained staff. Trial monitoring and roundtable discussions are the activities that are mostly welcomed by the judicial representatives. The public largely supports the NGO work in the judicial sector. The NGOs try to increase their leverage through networking and by taking part in regional and international projects.

Short country information

(max. 1000-1500 characters)

Please provide short information about your country including:

- its name,*
- population and ethnic origin if important,*
- size,*
- basics of political system.*

What are the formal-legal conditions for creating NGO in your country? Is it easy to start an NGO, what is the number of NGOs, are there any fundamental problems with running the organization?

Is there any other basic information that could be relevant from the point of view of our project?

The Republic of Macedonia occupies a territory of 25,713km², with 2,062,294 inhabitants.² According to the last 2002 Census, the two major ethnic groups are Macedonians (64,18%) and Albanians (25,17%).

Macedonia gained its independence from ex-Yugoslavia on 8 September 1991. It is a parliamentary democracy based on people's sovereignty. In 1995, an Interim Accord with Greece, enabled the country to become a UN member under the reference "the Former Yugoslav Republic of Macedonia".

During the beginning of 2014 there were 4,156 registered NGOs.³ The Law on Associations and Foundations prescribes that an NGO may be set up by at least five citizens for non-profit and non-partisan activities.⁴ While their projects can be VAT exempt, the NGOs request for greater tax relieves was not accepted.⁵ Funding and sustainability remain one of the biggest problems of the NGO sector, which is mostly funded by international donors. The status of NGO of public interest, which facilitates access to public funds is not attractive, as it provides the rights of access and audit to the Government with a few benefits for the NGOs. The members of the NGOs governing boards who are unemployed, and act *pro bono*, risk to be crossed out from the list of unemployed. This means that they can lose their social benefits, and are thus discouraged -to engage with the NGO sector. The NGOs fall under the scope of the Lustration Law. The wiretapped conversations show that several NGOs were placed under secret surveillance without an apparent legal justification.⁶

Judicial system organization information

(max. 3000 characters)

Types of courts and instances.

Number of courts and judges.

Who appoints judges and how.

What is the term of appointment of judges - it is life term or time limited appointment?

On-going education of judges. Is there any special judicial educational institution? Is there an obligation for judges to participate in lifelong learning?

Who represents judges, any judicial bodies (plus their competencies). Also judges associations (public, private).

What are main challenges judiciary faces according to research, reports, and public debate?

What is the level of public trust in the judiciary (according to official research)?

The Constitutional Court reviews the constitutionality and legality of laws and secondary legislation, as well as acts upon individual complaints alleging violation of several human rights (the right not to be discriminated against, freedom of political association, freedom of

² Statistical Office of the Republic of Macedonia, *Macedonia in Figures 2013*, www.stat.gov.mk/Default_en.aspx, accessed 15 May 2015.

³ USAID, *2014 CSO Sustainability Index For Central and Eastern Europe And Eurasia*, <http://www.usaid.gov/sites/default/files/documents/1863/FINAL.pdf>, accessed 10 July 2015 p. 146.

⁴ Official Gazettes nos. 52/10 и 135/11.

⁵ Ognenovska, *Report on Collaboration between Government and NGO June 2012 – December 2014*, MCIC, 2015, p. 12.

⁶ The so-called „bomb” 37 <http://www.sdsm.org.mk/default.aspx?articleId=12111&mlId=55&agId=6>, access 19 June 2015.

expression and freedom of thought and believe).⁷ Its nine judges are elected by the Parliament.

At municipal level, there are 25 plus two specialized basic courts. The specialized basic court Skopje-I has state jurisdiction over serious crimes and corruption. There are four appeal courts, and the Supreme Court. The Administrative Court and the Higher Administrative Court have state jurisdiction.⁸

In 2014, 656 active judges were assigned as follows: 484 at the basic courts, 30 at the Administrative Court, 109 at the appeals courts, 10 at the Higher Administrative Court and 23 at the Supreme Court.⁹ At the end of 2014, the number of judges went down to 608.¹⁰

The JC recruits, disciplines and dismisses judges. Its 15 members are appointed for a period of 6 years. Eight members of JC are elected by peer-judges, five members are elected by the Parliament (two out of five judges are nominated by the President of the Republic) in line with the equitable representation.¹¹ There are two *ex officio* members: the Minister of Justice (a non-voting member) and the Supreme Court President.

The Academy educates candidates for judges and provides compulsory continuous judicial education.¹²

The JC is the leading judicial institution. The Supreme Court as the highest court represents the judiciary. The MJA is a voluntary association, protecting the integrity of judges.

The country underwent several judicial reforms in order to strengthen independence and professionalism of the judges. They are appointed for life and their salaries are above average. However, publicly disclosed wiretapped conversations show political interference in the recruitment and promotion of judges, and pressures in individual cases adjudicated by certain judges. This prompted the European Commission to commission expert report and to call for urgent judicial reform.¹³

The judiciary is faced with the following challenges:¹⁴

1. to safeguard its independence, impartiality and quality when dealing with court cases, regardless of political pressures and sensitivity of cases;
2. to keep away from political pressures in recruitment, promotion, disciplining and dismissal of judges and other top judicial officials;
3. to enforce properly the laws regulating the judiciary, criminal procedure and enforcement of the European Court of Human Rights' (ECtHR) judgments;

⁷⁷ Article 110, Macedonian Constitution.

⁸ Law on the Courts, Official Gazette nos. 58/06, 35/08, U. no. 256/07, U no. 74/08, 150/10, U. no. 12/11.

⁹ *Annual Statistics of the Republic of Macedonia*, 2014.

¹⁰ *2014 Annual Report of the Judicial Council*, pp. 11, 12 & 19.

¹¹ Amendments XXII, XXV, XXVIII and XXIX of the Constitution, 7 December 2005.

¹² Law on Academy for Judges and Public Prosecutors, Official Gazette no. 20, 12 February 2015.

¹³ Annex – Recommendations of the Senior experts' group, Annex B – Urgent reform priorities.

¹⁴ *2014 EC Progress Report*; GRECO Fourth Evaluation Report

http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/ReportsRound4_en.asp accessed 10 July 2015; The US State Department, *2014 Country report on Human Rights Practices* for Macedonia.

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

4. to increase public confidence in the judiciary¹⁵ and in the Constitutional Court;¹⁶
5. to dispense justice fairly in all cases connected with public release of the wire-tapped materials, and to ensure judicial oversight of the surveillance of communications; and
6. to safeguard independent court budget.

The public survey from August 2014, shows low confidence in the judiciary.¹⁷ The JC and the Ministry of Justice (MoJ) consider an increase of public confidence their strategic goal.¹⁸

Types and examples of NGOs – courts interactions

The scope of the project is broad; we can name various ways of interaction between NGOs and judiciary (see following points). Please provide information whether in your country NGOs are engaging into particular type of interaction. Please provide some history of this type of involvement and give examples of particular activities of particular NGOs. Please do not limit your comments to your own NGO but refer to wide scope of NGOs (in most countries they are different NGOs that get in contact with courts and judges, for instance: consumer NGOs, court watch NGOs, environmental NGOs, feminist NGOs, human rights NGOs, NGOs combating discrimination, NGOs focusing on access to information etc.).

Since the gaining of independence by Macedonia in 1991, the NGO sector started its steady growth with the support of foreign donors, like the American Bar Association-CEELI, the USAID, the EU programmes, the UNHCR. Regarding educational component, the MJA used to be the leader in offering continuous education to the judges until the Academy was established. Seminars and round table discussions with judges and other legal professionals are regularly organized by the Association of (ex-Business) Lawyers in Macedonia and Association for Criminal Law and Criminology (ACLC).

Other highlights of the past NGOs' work include:

1. the work of the women's rights organization ESE, which started developing its capacities to offer legal protection to women since 1994. It continuously offers free legal aid and counselling to victims of domestic violence;
2. the Civil Society Resource Centre's (CSRS) work with asylum seekers, mostly Roma, who fled Kosovo in 1999, and who were provided with free legal aid. CSRS followed cases of police brutality and represented clients before the ECtHR;
3. the human rights' legal protection continuously offered by the Helsinki Committee, which was registered in Macedonia in 1995; and

¹⁵ A number of judgments connected with terrorist cases or involving journalists provoked public protests.

¹⁶ 2015 *Freedom House* Report.

¹⁷ Centre for Research and Policy-Making, <http://a1on.mk/wordpress/archives/458834>, accessed 19 June 2015.

¹⁸ 2014 *Annual Report of JC*, pp. 42-43, *Strategic Plan of the Ministry of Justice 2014-2017*, part 3.23.1.3.

4. comprehensive trial monitoring programmes, which started with the creation of the Coalition “All for Fair Trials” in 2003, and which assisted the country in its judicial and legal reforms.

The courts and judicial institutions (JC, the Academy) and NGOs continue to interact and cooperate in various ways, as follows:

1. Participation in court proceedings: The most frequent type of interaction between the courts and the NGO sector is through provision of free legal aid. The Law on Free Legal Aid¹⁹ stipulates that NGOs can also provide free legal aid. A number of them provide free legal aid in the courts and at the ECtHR.²⁰

MYLA coordinates a network of NGOs that provide free legal aid to different categories of citizens. It provides legal aid to the asylum seekers and it conducts strategic litigation in anti-discrimination cases with the assistance of practicing lawyers. Several NGOs provide free legal aid to Roma, e.g., the National Roma Centre, Kumanovo and Roma SOS, Prilep.

MYLA, in cooperation with the FOSM, and other NGOs from Kumanovo, Bitola etc., submits requests to the courts for information of public character to facilitate greater access to justice, and thus advocates greater transparency in judicial proceedings and improved public access to judgments.

The Helsinki Committee also provides free legal aid and conducts strategic litigation in a variety of cases connected to police brutality, freedom of assembly, lustration, etc., before domestic courts, and the ECtHR. Its members visit detainees upon court’s approval. This human rights’ NGO is a member of the NGOs’ network for protection against discrimination (together with ESE, Roma SOS, FOSM and other) which conducts strategic litigations in this type of cases. It submits initiatives for a review of the constitutionality and legality of the laws, e.g., the law regulating social benefits for persons with special needs, lustration law, and law on defamation. It reports on its findings in monthly, bi-monthly and annual general or thematic reports.

ESE is a well-known women’s rights NGO. It has been continuously providing support to the victims of domestic violence, free legal aid and counselling.

Whereas the Organization for Protection of Consumers provides preliminary legal aid, it does not represent the clients in the courts. By law, consumers’ organizations can start class actions, but the system has not been tested, yet.

Environmental NGOs, like ED Vila Zora participate in proceedings requesting measurement of the environmental impact of a smelting factory. They also submit requests for the review of the constitutionality and legality of the environmental legislative framework to the Constitutional Court, e.g., the NGO Arsena.

In the past, the Coalition “All for fair trials” used to provide free legal aid to alleged victims of police brutality, and covered expenses for medical examinations under the

¹⁹ Official Gazette nos. 161/09 и 185/11.

²⁰ http://www.pravda.gov.mk/documents/reg_zdr_pred_pravna_pomos.pdf, accessed 20 June 2015.

“Human Rights Support Project”. Transparency International-Macedonia provided legal advice to victims and witnesses of corruption.

2. Trial monitoring and court watch: Since its creation in 2003, the Coalition “All for fair trials” monitors trials from different areas including elections, anti-corruption and serious crimes, defamation cases, and prepares public reports, which are primarily addressed to the judiciary. Judges often contribute to the projects by providing analysis of the data gathered through monitoring. The Coalition “All for fair trials” also implements a court watch programme. ESE, which has a mission to protect women’s rights, monitors domestic violence cases.

Trial monitoring is also conducted by the Helsinki Committee throughout Macedonia in high profile cases involving a breach of fundamental rights. It monitors hate crimes incidents (e.g., LGBT related), but they rarely reach the courts. The Helsinki Committee monitors the work of the Constitutional Court, attends its sessions and makes analysis about its work.

Other trial monitoring projects include: a. the anti-corruption trial monitoring programme of Transparency International–Macedonia, with judiciary as one of its pillars, and b. the court visit organized by the European Law Students Association (ELSA) for its members, where they are also briefed how to become court apprentices.

3. NGO support to justice sector reforms and the rule of law: The Rule of Law Council is a network of professional legal associations and NGOs, which contributes towards judicial independence, accountability and effectiveness by following the work of the judicial bodies, by building the capacities of NGOs and of legal professional associations, as well as by the rule of law advocacy.²¹ It educates the public and legal professionals about the changes in the criminal procedure. The membership is voluntary and free of charge. The MYLA, the Coalition “All for Fair Trials”, ELSA and the Court Administration Association are its members. The network is supported by the USAID Judicial Strengthening Project.

The NGOs and judges also cooperate and coordinate as members of various working groups that draft new legislation or provide input to the justice sector reform strategies. For instance, the mediation reform working group included judges and representatives of EPI. Judges were members of the criminal procedure reform working group along with other representatives of the Association for Criminal Law and Criminology , as well as of the working group that drafted changes of the electoral legislation that was coordinated by the NGO MOST. The CPJD, a judge-led NGO has also contributed towards a criminal law reform.

The Coalition “All for fair trials” provides reports with recommendations for legal reform and efficiency of justice, which are addressed to the judiciary. The Institute

²¹ <http://www.zkp.mk>

for Human Rights conducted a survey and made analysis of the use of legal remedies by the journalists.

NGOs also provide legislative assessments. Among other, the Institute for Human Rights provided assessment of the proposed Constitutional amendment XXXVIII, which foresees a change in the composition of the JC, and of the anti-discrimination law.

4. Following the work of the judicial institutions, assessments and reporting: The Institute for Human Rights followed election of a JC member from the category of “eminent lawyers” and JC’s election of judges for the purposes of the project “Independent Judiciary in the Republic of Macedonia – perceptions, hardships and challenges”.

While Zenith focused on the compatibility of the legislation from the justice sector with

the EU acquis, the Centre for Legal Research and Analysis is in the process of developing a methodology to assess the judiciary based on selected indicators.

Twenty-two NGOs, including Coalition “All for fair trials”, MYLA, the Institute for Human Rights, the Helsinki Committee made a submission to the UN 2013 Universal Periodic Review regarding the judiciary and developed recommendations in this regard.

5. Training: Specific examples of trainings delivered by the NGOs include the Organization of Consumers, which delivers trainings to the judges in the Academy regarding practical aspects of the consumers’ protection. Another example is the training of trainers at the Academy targeting judges, which was organized by EPI.

Judges are educators and presenters in the trainings and workshops organized by the ACLC. This Association brings together judges, prosecutors, law professors, lawyers and legal experts from the criminal law area.

The CPJD, organized seminars for judges, prosecutors, police, and lawyers on issues connected with juvenile justice. The Academy invites NGOs to attend its training (e.g. MYLA) and the Bar members (who may also be NGO activists).

6. Following the law enforcement and transposition of the EU acquis: NGOs make assessments and prepare reports addressed to the judiciary. For example, Zenith’s “Analytical Report on Independence, Impartiality, Professionalism and Efficiency of the Judicial System”, encompasses analysis of the EU acquis transposition from the judicial area in domestic laws.

The Network 23 is an NGO network that is coordinated by EPI. It monitors the acceptance of the EU acquis communautaire and the EU integration process seen from the perspective of the Chapter 23 - the judiciary and fundamental rights. The aim is to influence the implementation of respective polices. The network cooperates with individual judges.

7. Accountability: NGOs (e.g., the Helsinki Committee) submit complaints about the work of individual judges or courts to the JC. In 2014 NGOs submitted five complaints

in total.²²

General questions on NGOs engagement in interaction, collaboration with the judiciary

In the section above, you listed main challenges the judiciary faces. Are those challenges addressed by the NGOs? If yes, how? If not, why not?

What aspects of judiciary should be monitored by civil society according to NGOs? According to judges?

Who is eligible to conduct such a monitoring, what are the competences needed?

Do you see any trends, developments in NGO engagement in the judicial affairs? Do you see any obstacles to this work?

How to deliver NGO feedback to judiciary? What are the best ways used in your country? Is there any problem in communication with judicial bodies, courts, and judges when delivering feedback?

Is the result of work of NGOs (regarding judiciary) being treated seriously? Are project findings and reports discussed, studied, answered? By whom, how?

What is the overall attitude of the general public towards the NGO engagement in judicial matters? Are there any characteristic voices? Is there a support or the opposite?

What are ways for the Judiciary to take into account NGO feedback?

Do NGOs collaborate, have common projects, and interact with judges associations? If not, why not? If yes, please provide examples.

Are NGOs represented in the official judicial bodies or bodies relevant for the judiciary (judicial council, consultative bodies, other)?

Are NGOs being invited by judicial bodies to meetings, seminars, conferences etc.?

Do NGOs collaborate with legal profession(s) in projects regarding judiciary? If yes, on what subjects and in what form?

Does curriculum for future judges (judicial academy) or judges in service include information about NGOs and their possible role in the Society and in the judicial proceedings?

²² The 2014 Annual Report of JC, p. 30.

Are there any critical voices about NGOs engagement in the judicial matters? What mistakes NGOs make? What shall be improved changed in NGO approaches? What are opinions of judges on the above issues?

Are NGOs (especially in their monitoring activities) collaborating with academia (scientists, researchers, sociologists of law)? What are the forms and scope of such collaboration?

Is the idea of ranking (rating) of courts (based on chosen criteria) present in your country? Are NGOs in any way involved in this?

Is there a funding for such work (related to judiciary) available in your country? Who provides funding and for what types of projects? Is this available from public sources (what) or private (what)? Are there any recent changes in this matter?

Macedonia is going through a serious political crisis. The judiciary is not spared from doubts and allegations that it has been substantially controlled by the executive branch of the Government. A number of NGOs (e.g. Zenith) prepare analyses, surveys, identify problems and offer recommendations regarding compliance of the judicial sector with the international and EU standards on judicial independence. Results of the monitoring of JC's work by the Institute for Human Rights contribute towards detecting and understanding problems that surround recruitment, dismissal and promotion of judges. For example, the Institute for Human Rights monitored the work of the JC between November 2012 and April 2013 and concluded that there was no justification for the selection, or rejection of candidates for judges. In 2015, the Institute issued analysis on the independence of JC, and provided recommendations how to improve the disciplinary and dismissal procedures. The Helsinki Committee, through its monitoring of the court case where 14 misdemeanour judges and 11 members of court administration were arrested for alleged breach of duties in October 2014, also contributes to understanding of the limits of the judicial discretion.

NGOs contribute towards public confidence in the court system by monitoring individual cases and trends, as well as by providing free legal aid. Their past participation in the judicial reform strategy's working group, the strategic litigation and measuring perceptions of judges about the Law on Criminal Procedure have an impact on the judicial and legal reforms. Other positive examples of NGOs' contribution towards greater transparency of the judiciary include court automation and access to judgments.

Experts from NGOs participate in public debates regarding topical issues for the judiciary, e.g., the wiretapped conversations that cast doubt on the independence of the judiciary as well as other high profile cases, and thus contribute towards delivery of balanced public information. The NGOs' requests for information from the Supreme Court about the enforcement of the ECtHR judgments also contribute to greater awareness of legal professionals and general public about the existing problems. For example, the Network 23 produced and disseminated the analysis revealing that courts function with less funds than what the Law on the Court Budget stipulates.

Macedonia is ripe for another judicial reform, which will have to take place once the political crises are over. The reform roadmap has already been provided by the EC experts, and the

Prime Minister reiterated his reform preparedness. It is expected that new judicial reform strategy will be fully in place in 2016. What is the biggest challenge is not the reform process itself, but whether it will succeed this time. To invest all the efforts, enthusiasm and funds into another unsuccessful judicial reform, can only be compared with walking in a dark tunnel without seeing the light. Therefore, the policy-makers should be open and rely on NGOs contributions in order to move beyond the current challenges.

However, it is a fact that the shortage of funds and strict donors' criteria limit NGOs engagement in the judicial sphere. A difficult communication with the JC, MJA and some of the courts (e.g., the administrative ones) which has been characterized as hierarchical, closed and distant is yet another limitation. The communication and cooperation mostly depend on who is the court president, or the presiding judge. Not too many judges seem interested, or informed about the work of the NGOs. Often, those are public relations' officers who communicate and attend NGO events. NGOs are concerned about the unwillingness of the judicial bodies to cooperate with the non-governmental sector in a more systematic manner, and to follow-up on their reports and recommendations. There are no examples of direct cooperation between NGOs and the courts as partners in a project.

For NGOs that provide free legal aid and conduct strategic litigation, there are several problems to overcome. For example, they are sometimes denied access to the case file, do not have sufficient time to prepare for the defence or are denied standing in the proceedings.

At any rate, the challenges of the judiciary underscore the need for trial monitoring. Similar court cases should be monitored by legal experts in order to discern trends; identify procedural weaknesses; report on court practice; and examine consistent application of laws. Fairness of the court proceedings in high profile cases needs constant monitoring by the NGOs. The need to monitor the JC is underscored in view of a number of weaknesses noticed, such as decisions without a proper signature, or date. Monitoring of the Constitutional Court is viewed as necessary in light of its decisions to reject several controversial cases.

Generally speaking, the MJA and the judges welcome trial monitoring and court watch in line with the principle of public trial. They consider it desirable for the monitors to be law graduates with a bar exam and with the knowledge of the courts' work. The reports should only refer to the public hearings that were monitored, they must be accurate and prepared by experts in order to be relevant for the courts. NGOs and courts should agree on cooperation modalities in this regard. There is an opinion that NGOs should not comment on the judgments, as there are higher appeals instances, and the NGOs do not have access to case-files.

The MJA considers that NGOs should monitor judges' recruitment, promotion and disciplinary proceedings, provided that they have the needed expertise and objectivity.

NGOs with long-standing experience in protection of human rights (e.g., the Helsinki Committee, the Coalition "All for Fair Trials") or with judges as their members (e.g. Institute for Human Rights, the CPDJ) have better record of cooperation and access to the courts.

The positive trend of NGOs networking in combating discrimination, trials monitoring, and

support to the rule of law provides them with better leverage for lobbying and advocacy. For example, Network 23 addresses the challenges in chapter 23 devoted to judiciary, security and freedom as a part of the EU integration process. It is a network of NGOs, which includes EPI, Helsinki Committee for Human Rights and the Centre for Change Management, as well as a number of sub-grantees (e.g., the Coalition “All for fair trials”) working towards joint goal.

Strategic litigations represent another positive trend in the NGO sector. Devoted NGOs strive to contribute towards building court practice for enhanced protection of human rights. However, negative outcome of a court case may re-confirm a lack of legal protection, and thus discourage the applicants from seeking legal protection.

The number of NGOs, which focus on the EU integration, transposition of the EU acquires and policy-making increases, despite the stalled EU integration process. In addition, there is a drift towards establishing think tanks and providing expert services.

Generally speaking, cooperation and communication between NGOs may be adversely affected by a change of staff, or a lack of financial sustainability. Competitiveness to obtain funds, and politization of the NGO sector are further obstacles to their cooperation and joint platforms. There is also a high turnover of staff in NGOs that affects their capacities and expertise, and thus creates needs for specialized trainings (e.g., reports writing, legal research and analysis).

As things stand now, it is difficult for NGOs to obtain institutional response or feedback for their reports, activities and recommendations from the judiciary. The courts rarely or never reply to questionnaires of the NGOs. Even endorsing the argument that judges may receive too many of such requests, still a more structured and coordinated response from the judiciary is missing. A strategy or guidance for cooperation and interaction with NGOs, which will clarify the contact and coordination points within the judiciary, and the applicable procedures for various types of interaction are needed. It will certainly help the courts handle the requests for cooperation and information from NGOs. A creation of a regular forum for cooperation, interaction and discussion of topical issues connected with the judiciary, will represent an added value in this regard.

Furthermore, discussion forums and public debates with the participation of judges, NGO representatives, practicing lawyers, prosecutors, members of the JC and of the Academy are missing. In this context, it is not clear which body represents the interests of the judiciary, i.e., the Supreme Court, the Academy, or the JC. The current situation suggests that JC is seen as the most powerful body in the judicial sector. By the same token, it does not appear that it is perceived as a watchdog of the judicial independence and integrity (e.g., analyses of the Institute for Human Rights, the EC expert reports, the ECtHR judgment *Mitrinovski v. Macedonia*). It also appears that judges would prefer its more proactive involvement in support of the interests and status of the judges.

A memorandum for cooperation with the JC, Academy and/or the courts will improve the possibilities for the NGOs to provide and receive feedback, and it will guarantee the necessary commitments from both sides. Professional networking, joint specialized trainings, regular meetings, open debates and discussion forums between the judiciary and NGOs are indispensable to deepen their cooperation at all levels.

On the positive side, cooperation with individual judges and some courts regarding fair trial monitoring and preparation of legal analysis and research is at satisfactory level. A concrete example refers to a joint meeting between the Helsinki Committee and approximately 30 judges from the Basic Court - Skopje 1, where they discussed the NGOs' trial monitoring findings. The Constitutional Court invites NGOs at its preparatory meetings for controversial cases (e.g., lustration) and asks for their feedback.

The NGOs are members of the working groups drafting legislation, and provide analyses and reports, mostly with the support of the international community. In the past, with the OSCE support, the Coalition "All for fair trials" was a part of high level working meetings with the participation of the Supreme Court president and other judges, where Coalition's reports and recommendations were discussed and taken into consideration for a legal reform. However, this forum did not stand the test of time.

The feedback provided from the NGOs is limited by the inactivity of a considerable number of judges and the hierarchical structure in the judiciary. Not all judges and other judicial representatives share information about the NGOs' work in the judicial sector. A positive example in this regard is CPJD, as its President used to work in the NGO sector before becoming a judge. In addition, it seems that certain NGO members lack confidence in the quality of justice and vice versa.

On one hand, considering the alarming situation nowadays, it is clear that the judiciary needs the NGO support and feedback. On the other hand, there is a plethora of reports and analyses provided by the NGOs, with the limited absorption capacities of the judiciary. The NGOs findings and reports compete with the reports and findings of international and regional organizations like the EU, CoE, OSCE. While the latter represent basis for judicial and legal reforms in the country, the NGOs' outputs serve as supporting materials and source of information for the state bodies and for the international community. For example, the monitoring results of the Coalition "All for Fair Trials" about election-related court cases were regularly discussed at the meetings attended by the international community. Politicians, scientists and experts rely on the NGO reports and analyses for their research and public statements.

The public is insufficiently informed about the NGOs' activities and projects in the judiciary, judging according to the citizens who request legal aid from the NGOs. The citizens have confidence in the NGOs and are supportive of their activities. They actively seek trial monitoring for their cases. While the MJA has not made a public survey, from its experience it concludes that general public views positively the NGOs' involvement.

The MJA considers that cooperation between the judiciary and NGOs will improve by establishing a cooperation framework and joint meetings. Furthermore, the JC should create a framework for cooperation with NGOs and should lead the efforts to ensure a follow-up to the NGOs feedback.

The NGOs would clearly prefer to have an established forum with the courts and higher judicial bodies, for their feedback, and future and follow-up activities. Trainings and presentations for the judges about the NGOs work and added value that it can bring to the justice sector can create friendly environment for discussing the NGOs' feedback. Public

debates with the participation of NGOs help initiate and feed the debates centred on justice and freedom.

Leading NGOs and donors in the judicial sector reported that they did not have common projects, or activities with MJA for the last few years. The Institute for Human Rights signed a memorandum for cooperation with the MJA, but without any follow-up. The prevailing reasons were in the MJA's inactivity and a lack of interest for joint projects. A number of judges expressed their wish to see the MJA more active in representing the interests of the judiciary, and providing a proper response to wiretapped conversations that show improper interferences with the judiciary. Furthermore, MJA should deal with other issues, such as inadequate media reporting that interferes with the presumption of innocence.

The MJA reiterates its openness to collaborate with the NGOs and to establish a cooperation framework, in order to fulfil its goals, i.e., independence and impartiality of the judiciary, protection of the dignity and reputation of the judicial function, promotion of the code of ethics and continuous education of judges. It had a joint project with FOSM on the analysis of detention decisions (2008-2010) and collaborated with MYLA in 2011, etc. The MJA sporadically invites members of the NGO sector at its events, for example the Association of Journalists, and attended conferences and events organized by Network 23.

The NGOs are invited by judicial bodies to their meetings, seminars, conferences on exceptional basis. There is a bigger likelihood that the NGOs will be invited to attend an event for the judiciary, when it is organized with the support of the international community.

There is no general rule that includes NGOs in the official judicial bodies. They are sporadically invited to take part in the working groups of the Ministry of Justice that draft legislation, and provide comments and inputs to the Parliamentary commissions. A highlight is the inclusion of the NGOs representatives in the working groups for development of a Strategy for judicial system reform for the period 2015–2019, established by the MoJ. In line with the EU requirement for greater transparency and inclusion of the civil sector regarding Chapter 23, the Government included civil society representatives in the working groups for the adoption of the EU acquis regarding specific issues. Furthermore, the CPJD president, as judge, is sitting in the working group that is responsible for the court automation.

The NGOs cooperate with practicing lawyers and members of the Bar Association in their legal aid and strategic litigation projects. Members of the Bar Association are sometimes included in the working groups that draft legislation, which are coordinated by the NGOs (e.g., the ACLC) and invited at trainings. The NGO projects, which aim to improve judicial and legal framework often include public prosecutors (e.g. election reform - NGO MOST, criminal law reform – ACLC). The NGOs also collaborate with the notaries, legal experts and representatives of the Ombudsperson institution.

Members of court registry maintain contacts with the NGOs through their Court Administration Association. This association is one of the members of the Rule of Law Council, along with other NGOs.

Neither the Academy's curriculum nor any other training covers in general terms the important role of the NGOs in the society, except for the general training on public trials,

transparency and public relations offered at the Academy. The Academy offers lectures that tackle the role of the NGOs in the protection of the victims of domestic violence, of trafficking victims and the role of international NGOs, like the Helsinki Committee.

On a separate note, some judges criticize the NGO's work in the judiciary, as they deem their expertise in judicial matters insufficient. According to MJA, there are more and more NGOs that follow the work of the courts. However, not all of them have proper information about how the courts are organized and how the judges make their decisions. It was recommended to NGOs to contact the public information officers at the courts and obtain information they need. Other critical voices express a lack of confidence in the objectivity of the NGOs, out of fear of partization of the NGO sector. Requesting replies to a questionnaire from judges stands out as unpopular method for collection of information, regardless whether it is anonymous or not, allegedly because of past bad experience. All of the above indicates that confidence-building measures are urgently needed between the judiciary and the judges.

Some of the NGOs are think tanks, specialized in research with highly educated staff. NGOs regularly cooperate with law professors in terms of drafting analyses, reports and delivering trainings. The Association Zenith collaborates with the Macedonian Academy of Science and Arts, whose president is a distinguished law professor. Their cooperation encompasses endorsement of publications, possible joint projects and attendance of events. Other NGOs reported that the cooperation with the Macedonian Academy of Science and Arts is usually based on individual contacts with its members, who may be a member of an NGO, or providing expertise for a project. Several projects relating to legal reform encompassed scientists specialized in political relations, or sociologists. However, there is no continuous cooperation with different groups of social scientists or, for example with psychologists despite crosscutting issues. NGOs collaborate with social workers and psychologists in the projects for protection of vulnerable groups.

The annual reports of JC provide a picture about the efficiency of all courts in Macedonia and pinpoint the courts, which did not manage to deal with the backlog. It also gives aggregated data about the evaluations of the judges in each court. There is no ranking of the courts or judges.

In August 2013, the Institute for Human Rights published a comprehensive analysis about the independence of the judiciary. One chapter makes analysis of a survey about perceptions of the citizens in 14 basic courts. The Analysis provides a ranking of 5 to 6 courts based on the replies of the interviewed citizens. Several indicators were used in this regard, such as independence and impartiality of the courts, respect for the courts, transparency, efficiency, professionalism.²³

In 2015, public funds for the rule of law reform, fight against corruption and human rights protection were earmarked by the Government Unit for Coordination with the NGOs. The amount of the funds set aside is approximately 24,500 euro, whereas the amount of the individual grants is approximately 4,900 euro. There are opinions that NGOs by receiving such a grant oblige themselves to provide access to the Government to their activities, documents and funding, so they do not solicit them.

For instance, the Organization of the Consumers received a small grant (appr. 8,200 euro) from the Ministry of Economy. The Government adopted a programme for consumers'

²³ http://www.ihr.org.mk/images/pub/Analiza_na_nezavisno_sudstvo_vo_RM.pdf, pp.90-96.

protection for 2015-2016, where it foresees small grants for NGOs working in the consumers' protection area. The Ministry of Economy published a call for small grant, and additional small allocations were foreseen for the consumers' protection NGOs. For example, there was a grant worth only 2,600 euro, but the cost to publish public call for the grant was estimated 500 euro.

The NGOs that combat domestic violence also receive state grants in order to offer legal protection. They receive allocations from the profit earned through the games of chance.²⁴ The same source of funding is used for the grants for associations of person with disability for legislative drafting and lobbying.

The judicial and legal reform, development of NGO sector and trainings at the Academy continue to be supported and funded mostly by foreign donors. The list of donors includes, among others, the USAID, the Judicial Strengthening Projects, the EU funds, OSCE, GIZ, Dutch Embassy, British Embassy.

Legal framework. Standing of NGOs.

What are the ways in which NGOs may engage in judicial or other relevant procedures?

What types of proceedings (civil, administrative, criminal, etc.) may NGOs engage in? Are there any differences in NGOs' standing in different types of proceedings?

Are NGOs entitled to act on behalf of parties (to represent a party in court)? Under what terms and conditions?

Are NGOs entitled to act in support of parties (to join already existing proceedings)? Under what terms and conditions?

Does your national law allow for actio popularis (when NGOs act in the public interest on their own behalf, without a specific party/victim to support or represent)? Please give details.

Does your national law allow for class action (when NGOs act in the interest of more than one individual party/victim for claims arising from the same event)? Please give details.

Are there any legal limits or practical barriers that limit NGOs activities related to the proceedings or generally projects related to judiciary (like for instance restrictions on the entrance to the court, costs of the proceedings – how NGOs handle these problems)?

NGOs engage in a variety of ways in court proceedings, pre-criminal and administrative proceedings. Everybody, including NGOs, can initiate a review of the constitutionality and legality of laws and secondary legislation by the Constitutional Court (actio popularis). NGOs have already submitted a number of such initiatives, and thus, they also play a role of a watchdog of the constitutional system.

Most of NGOs provide preliminary legal counselling, but they hire a member of the Bar Association who represents their clients in the courts. The Law on Free Legal Aid authorizes

²⁴ Official Gazette no. 7, 16 January 2015, Chapter IV.

NGOs to provide preliminary free legal aid in court and administrative proceedings with the funding from the state, provided that they have at least one employee who passed the bar exam. Only members of the Bar Association can provide free legal aid in court proceedings. The Law on Free Legal Aid is not applicable to compulsory defence in criminal cases or justice delinquency, which falls under the scope of other laws.

The Law on Prevention and Protection from Domestic Violence²⁵ and Regulation on the Implementation of the Measures for Protection of the Victims of Domestic Violence²⁶, stipulates that victims of domestic violence can be directed to NGOs that provide free legal aid.

The 2011 Law on Civil Procedure²⁷ stipulates that anyone with “legal interest” may acquire the status of third party that “interferes” i.e., participates in the procedure and makes submissions. An example of such participation is the Network for Protection against Discrimination that was allowed to act as an “intervener” in one anti-discrimination case in the Gostivar court.

The 2011 Law on Consumers’ Protection (Art. 31-e and f) gives the right to an “authorized body”, which protects the rights of the consumers to start a class action. A separate act should designate who will be the “authorized body”, but it has not been enacted, yet. The Law is clear that class action can be started by foreign and international associations of consumers when certain criteria are fulfilled.

NGOs also submit criminal complaint to the public prosecutor or ask for initiation of misdemeanour procedures. Other activities include NGOs submitting complaints to the JC regarding judges’ misconduct, and requests for public information to the courts and administrative bodies.

NGOs visit detainees upon approval of a competent judge, and upon request of a detained person. They used to engage in regular meetings with the Ministry of Internal Affairs, asked for a regular update about particular cases and discussed breaches of discipline and law by the police.

Specific problems regarding participation in the court proceedings were shared by the Organization of Consumers. It does not provide free legal aid in the court, because of court fees. If there were no court fees for at least small claims, or if there was a way of sustainable funding for legal representation, the Organization of Consumers stood ready to start class actions.

The Helsinki Committee reported only one occasion when the police did not let a trial observer attend a public hearing.

Thematic questions

In each of the following thematic sections please provide following information:

- Do NGOs in your country engage in this type of activity?

²⁵ Official Gazette nos. 138/14, 22/15, Article 27.

²⁶ Official Gazette no. 17/15, Article 16.

²⁷ Articles 194-197.

- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*
- *Please address also other particular questions included in the particular sections*

Monitoring of the judiciary by NGOs

For instance: monitoring of judicial institutions / judicial bodies, monitoring of courts' activities, monitoring of communication of courts with citizens, monitoring of judges appointments etc. Please note that this is different from monitoring of the legislative process and trial observation that are the separate categories below.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
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NGOs in Macedonia monitor judiciary in several important ways. In August 2013, as a result of the monitoring of the work of JC, the Institute for Human Rights issued a publication “Analysis of the Independence of the Judiciary of Republic of Macedonia – Perceptions, Difficulties and Challenges”. The publication contains, among others, the findings of the Institute about the work of the JC. The institute monitored how the JC dealt with the huge number of complaints against judges and courts, and according to what criteria it recruited judges. The selection of the JC members falling under the criteria of “eminent lawyers” was also monitored and commented.

In addition, the Institute for Human Rights monitored the recruitment of judges in the Supreme Court, in the Constitutional Court and of the JC members seen from the media perspective. Furthermore, the work of the Constitutional Court regarding individual complaints about a breach of human rights was analysed.

There were complaints that in some courts the judges were not allowed to fill-in the questionnaires mailed to them within the framework of the project. In the Constitutional Court only 2 out of 15 judges replied to the Institute's questionnaire. In addition, the Institute regretted that no comments or feedback was ever received from the JC, or from any other judicial representative regarding the conclusions and recommendations in this regard.

Between November 2014 and April 2015, the Institute continued its monitoring of the JC work in cooperation with the Helsinki Committee and the Centre for Change Management. Within the framework of the EU funded Network 23, it implemented the project “Independent Judicial Council of the Republic of Macedonia – Goals and Challenges”. The analyses are based on the monitoring of the JCs sessions, the procedures for recruitment, dismissal and disciplining of judges, quantitative data, questionnaires submitted to the members of the JC, interviews with the judges, and a public survey about the perceptions of citizens on the independence of the JC. The Institute had a difficulty to obtain responses from the JC members for its research, and access to some decisions was denied by the Supreme Court. The findings about the JS’s work are included in 2015 “Analysis on the Independence of the Judicial Council of Republic of Macedonia-Goal and Challenges” which was promoted in July 2015. While the event was attended by an MJA representative, no member of the JC was present.

Between 2010 and 2011, Transparency International-Macedonia implemented a regional project – CINAP funded by the EU. The NGO measured corruption in the judiciary based on pre-determined indicators pertaining to institutional set-up and legal framework. The 2011 publication “EU Anti-Corruption Requirements: Measuring Progress in the Judiciary, Public Administration and Legislature in the Republic of Macedonia” is an output of that project.²⁸

The FOSM monitors the work of the judiciary in the context of free access to information. It follows the work of the judicial bodies for its projects on access to public information and the law watch, i.e. the implementation of selected laws. For example, it noted that the administrative court did not receive any feedback regarding the enforcement of its decisions by the administrative bodies.

Furthermore, the FOSM examined the work of the Supreme Court regarding its reactions to the ECtHR judgments delivered against Macedonia. In general, FOSM considers that there are no problems to obtain judgments or other information from the courts. On a separate note, the courts’ web pages with a database of judgments are not user friendly. The CPJD president participates in the ongoing process aiming to improve access to judgments and to make court web sites more user-friendly.

In 2014, the NGO Zenith published a comparative assessment of the administrative justice in Macedonia and Montenegro, which was conducted with use of the EU tool - the EU Justice Scoreboard. This publication entitled “Increasing the efficiency of Macedonia’s and Montenegro’s justice system - Introducing an innovative EU monitoring and evaluation mechanism in the sphere of administrative law” contains results of a comprehensive assessment of administrative justice in Macedonia, based on several indicators, such as quality, efficiency and independence.

Under Network 23, the NGO Novus-Strumica monitored the work of the Strumica Basic Court and released its analysis on the independence and objectivity of the judiciary in the

²⁸ Available in English at

http://www.transparency.mk/en/index.php?option=com_content&task=blogsection&id=6&Itemid=36
accessed 13 July 2015.

municipality of Strumica in 2015. The analysis was conducted from the European integration perspective, in light of the requirements of the Chapter 23.

Between 2015 and 2017, the Centre for Legal Research and Analysis is implementing a project aimed at developing indicators for measuring performance of the judiciary based on the EU mechanisms. The project foresees a broad consultation process with the stakeholders and a web forum. In 2013 and 2014, the Centre for Legal Research and Analysis conducted user satisfaction survey in the territories within the jurisdiction of Skopje, Stip and Gostivar Appeals Courts. They measured satisfaction with and importance of the selected services of the citizens found in and around the courts, as well as of the practicing lawyers. The surveys were funded by the EU and they should be made public, shortly.

NGOs' cooperation and communication with courts and judges varies from one court to another and from one NGO to another. Some court presidents and judges are more open to discussions with the NGOs about their findings and the problems that the judiciary faces at this moment. Others fall victims of self-censorship, meaning they avoid to meet the NGO representatives or discuss any issues or problems with them..

Reportedly, it is easier for NGOs to obtain information from the international community present in Macedonia, than from the judiciary itself. The same statement appears valid for the implementation of the projects, which are prevalently funded by the international community in the justice sector. Time and again, it has proven difficult to obtain feedback from the courts or other judicial institutions, or responses to a questionnaire from the judges.

Regardless of the level of cooperation, a comprehensive monitoring of the judiciary must be performed by NGOs, in view of the upcoming judicial reform. Unlike previous judicial reforms²⁹, when there were only a few NGOs with few capacities, the NGO sector now is much more developed. The Government should take advantage of the institutional memory and expert capacities of NGOs for achieving sustainable results in the judicial sector, as well as for preserving the EU integration perspective.

Note: organization and project cards attached.

NGOs monitoring, advocating and engaging in the legislative process regarding judiciary

This section also covers engagement of the NGOs in the debate on judiciary and its systemic changes that may be part (or not) of the legislative process.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*

²⁹ Judicial System Reform Strategy for the period 2004–2007.

- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

The Government strategy for cooperation with NGOs and its action plan (2012-2017)³⁰ promotes greater inclusion of NGOs in the law-making, especially regarding approximation of laws with the EU.³¹ Nevertheless, it identifies a lack of expertise and financial capacities in the NGO sector vis-a-vis law-making.

In general, NGOs can submit their comments on laws or draft legislation through single national electronic registry of regulation (ENER).³² How and whether they are taken into account by the Government is unclear. NGOs can also lobby for legislative changes in line with the Law on Lobbying, but there are few accomplishments so far.

The Association Zenith focuses on inclusion of citizens in the policy making and developing, inter alia, legal and judicial frameworks compatible with the EU standards and best practices. Its ‘2014 Analytical Report on Independence, Impartiality, Professionalism and Efficiency of the Judicial System’ represents an important contribution towards transposition of the EU acquis in Macedonia. The Report, *inter alia*, concludes that the laws were largely aligned with the respective EU acquis from the technical viewpoint. What was missing was a proper implementation of the legal framework applicable to judiciary.

Zenith is included in the working group of the MoJ focusing on the EU acquis. Moreover, it has developed the rules of procedure for the working group for the chapter judiciary and fundamental rights, regarding cooperation and information-sharing with institutions and other stakeholders.

The FOSM also follows the legislative process regarding the EU approximation legislative agenda. In addition, it funded and published analysis about the enforcement of the ECtHR judgments in Macedonia in 2013. The analysis “Judgments (should be) implemented” calls upon the Government and the Constitutional Court to embark on a comprehensive legal reform so that the ECtHR judgments can be implemented.

In relation to the EU acquis, EPI in cooperation with the Helsinki Committee and Centre for Change Management, organized two workshops for the sub-grantees of Network 23. The workshops focused on monitoring and evaluation of public polices, and development, structure and content of Chapter 23 on judiciary and fundamental rights.

The EPI’s project entitled “Support to improving implementation of mediation in Macedonia” is a good example of an NGO participation in the law-making. It was implemented between December 2011 and July 2013. As a result, the mediation legal framework was enhanced, the cooperation and coordination between the main stakeholders was enhanced (the Judiciary, Ministry of Justice, Chamber of Mediators) and capacities of the court system for referral to mediation were strengthened. EPI worked on the popularization of the mediation among judges, as a means to cut costs and the court

³⁰ http://www.nvosorabotka.gov.mk/index.php?option=com_docman&task=doc_view&gid=126&Itemid=37, accessed 11 July 2015, p. 25.

³¹ The 2014 EC progress report deplores its inadequate implementation, p. 10.

³² <https://ener.gov.mk> accessed 11 July 2015.

backlog. A training on mediation was provided to the judges through the Academy. The risk of lowering the number of court cases through mediation with a high number of judges may have contributed to the judges' lack of interest for mediation. On the positive side, the judges cooperated on the project activities to increase the popularity of mediation.

Furthermore, the Institute for Human Rights issued opinions on the Law on Civil Liability for Libel and Insult in 2012, and legislative assessments of the draft Constitutional Amendment³³, of the 2015 JC-connected laws and of the anti-discrimination law with the initiative to amend it.

The NGO Polio Plus, submitted the first successful citizens' legislative initiative to the Parliament with the aim to improve the rights of persons with disabilities. Nowadays, it concentrates on the legislative changes with the goal to enhance labour rights of persons with a disability, to combat discrimination and enhance implementation of the rights of persons with a disability at local level.

As to the professional associations, the Association of the Court Administration is very active in protecting the interest and status of its members. It lobbies and submits legislative proposals regarding the Law on the Court Service. However, it managed to meet the Minister of Justice for the first time only in April 2015, despite its repeated requests. The Association has 1,200 members.

NGOs also participate in public debates on topical issues of importance for the judiciary, such as abortion, lustration etc. Six NGOs that provide free legal aid requested the Minister of Justice to take part in the preparation of the Judiciary Strengthening Strategy (2014-2017).

On the positive side, the inclusion of the civil sector in the upcoming work regarding judiciary and fundamental rights (chapter 23) by the Government gives a possibility to forge cooperation with the civil sector and use of its expertise. As a drawback, a fear was expressed that transparency and inclusiveness in the law-making may be abused by anti-government or pro-government NGOs. Thus, confidence must be built on all sides.

Problems in communication and obtaining information from certain institutions in their research relating to judiciary, e.g., the Ministry of Internal Affairs, were reported by NGOs. A lack of, or delayed follow-up to important projects causes a loss to already acquired benefits, resources and expertise. Whereas there are established ways on soliciting for NGOs' input to legislation, they are either supported by the international community or based on previous contacts. In addition, it is unclear to what extent NGOs' comments are taken into consideration, especially at a later stage of the legislative process. Even if their comments were accepted by the working groups established by the respective Ministry, they might be excluded at a later stage without any justification. Furthermore, citizens' initiative for adoption of legislation by the Parliament foresees a high ceiling (10,000 signatures) in order to be effective.³⁴ Reportedly, NGOs did not receive any feedback regarding their reports or analyses despite the huge amount of work invested in the projects. To sum up, it is difficult

³³ See the CoE Venice Commission's opinion CDL-REF(2014)030 and CDL-REF(2014)026 and 030.

³⁴ Article 71 of the Constitution.

for NGOs to find their way through the legislative labyrinth for their inputs to be taken seriously and their work to be validated by the State bodies.

Note: organization and project cards attached.

Trial monitoring, trial observation, court watch

There are different kinds of trial observation. Shortly it may be divided into more in depth specialized observation of particular cases or types of cases (often but not necessary of the high profile cases) done by experts or court watch activity when common citizens (usually not lawyers, sometimes students) visit the court for one day and observe “the culture of judging”.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

The Coalition “All for Fair Trials” is well known for its comprehensive systematic and thematic trial monitoring, reports and recommendations addressed to the judiciary. To mention only a few of its trial monitoring achievements: a long-term programme on monitoring of court cases relating to corruption and other serious crimes; court cases against journalists accused of defamation and insult; and election-related cases. It has published over 29 trial observation reports, analyses and recommendations. In 2015, it published “Judicial effectiveness in the application of fair trial standards” and “Implementation of international fair trial standards”. The Coalition enjoys a reasonably good cooperation with the courts, especially with the Basic Court Skopje 1, which is the first instance court for all serious crimes. The Coalition also started a court watch project, with lay persons observing trials.

The NGO Choice – Strumica, is a member of the Coalition “All for fair trials”. It monitors court proceedings when free legal aid is provided. The monitoring contributes towards proper implementation of the procedures and lawful actions of the courts.

The Helsinki Committee conducts trial monitoring of the cases alleging violation of some of fundamental rights, such as freedom of expression, freedom of association, religious belief, right to life, freedom from torture. In 2014, it published the report “Fundamental civil and political rights and liberties - Analysis of trials monitored for the period of 01.09.2013 through 30.06.2014”. The report refers to the cases monitored in the following areas: prohibition of torture; non-discrimination; freedom of expression; and presumption of innocence. Another project “Monitoring the work of the Constitutional Court and assessing its capacity to review constitutional complaints” is being implemented between March 2015

and July 2016. The project activities, among other, encompass monitoring of and reporting about the sessions of the Constitutional Court, granting of free legal aid and enforcement of the Constitutional Court decisions. The Helsinki Committee monitors the sessions of the Constitutional Court also in order to assess its capacities in case the proposal to introduce a constitutional complaint goes through.

ESE cooperates with the courts in the past two years regarding the gender-based violence and protection from discrimination against women. In cooperation with two more NGOs, ESE monitors court cases and provides analysis of its findings. ESE builds bridges with the courts by disseminating and discussing their analyses with judges, and by constantly keeping the dialogue with the judiciary alive.

At the early beginnings of the trial monitoring, NGOs were sometimes required to ask for permission to monitor court proceedings, or to notify the court in advance of their presence. Nowadays, the monitors are admitted to the courts without any problems. The court always enters into minutes the presence of the monitors. The Helsinki Committee prefers to notify the courts of their presence at a trial, as a written note is included in the case-file, and thus helps their watchdog activities. In particular, the written note confirms that the trial was monitored, and the judges put more efforts into a trial, knowing that it is a subject of public reporting. NGOs need a special permission in order to monitor proceedings held *in camera*, e.g., court cases relating to minors, rape victims. As a rule, NGOs that monitor court proceedings review closed cases and get access to the case files, except during investigations.

NGOs struggle with lack of statistics regarding various cases, e.g., mediation, domestic violence, consumers' protection due to the weaknesses of the Automated Court Case Management Information System (ACCMIS). They also struggle trying to identify ways adequate channels to communicate with some judicial bodies and MJA.

Some judges welcome trial monitoring by NGOs, as it contributes to greater transparency of the judicial proceedings. Access to case files should be granted in balance with the requirement for data protection.

Judges and NGO representatives converge on the point that trial monitors must be highly professional, objective and knowledgeable. As a constraint, NGOs struggle with financial sustainability, which makes it difficult to find good trial monitors. NGOs also need continuous training on trial monitoring, on the EU standards for judiciary, on fund-raising and on legal research and analysis. Mixed trainings with judges and joint round table discussions will forge mutual cooperation. Communication with public media needs also to be addressed by courts and NGOs.

NGOs and judges need a boost to improve their dialogue. Some consider that judges are not aware of the international commitments and of sensitive matters in gender-based violence cases. Others consider that judges did not have much time to engage with NGOs, as they were given high quotas for the cases, and their work was evaluated based on quantitative data. There are also opinions that current system of evaluation of judges in combination with the JS's power to hire, punish and fire reduced their independence. Any communication

with the judiciary always goes through the president of the court, who decides who will take part in the project. There is no feedback from the judiciary, no coordinated actions or joint projects between NGOs and the judiciary. The NGO sector is still not perceived as a partner by the judiciary. As a bottom-line, the current judicial environment is not conducive to deepen the cooperation between the judiciary and NGOs.

On the positive side, general public has higher confidence in the judiciary when trials are monitored. Parties to proceedings request NGOs to monitor their cases. However, NGOs struggle trying to find continuous funding for their activities, which limits the number of cases that they can monitor.

Note: organization and project cards attached.

Involvement of NGOs in court trials.

This section includes strategic litigation (impact litigation, test cases), providing amicus curiae brief, as well as engaging in the proceedings in other possible ways (initiating or joining it), like social/citizens representative and similar. Please also include information on actio popularis and class action cases if possible and done by NGOs. Generally, we are focused on NGOs that engage in trials pro public bono, if there are interested in wider picture than just interest of their members. Nevertheless, sometimes it is different to evaluate, so please do not limit your answer if you think that it might be of interest to others or shows some trends or interesting phenomena.

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

As mentioned above, a number of NGOs (MYLA, ESE, Helsinki Committee, etc.) provide free legal aid to different categories of citizens, e.g., victims of gender - based violence, Roma. Under the project “Legal Aid and Representation of persons of interest for UNHCR” MYLA provides free legal aid to asylum-seekers. The First Children's Embassy Megjashi, provides free legal aid to abused children, and services SOS telephone line free of charge. The NGO Choice – Strumica provides free legal aid to victims of police brutality. Healthy Options Project Skopje (HOPS) provides free legal counselling for sex workers regarding ill-treatment from individuals, issues with the police and lawsuits.

In addition to free legal aid, strategic litigation is conducted in discrimination cases based on sexual orientation by the Helsinki Committee’s LGBT support centre. MYLA also engages in strategic litigation regarding discrimination cases within the framework of the project “Combating discrimination through strategic litigation – Strengthening the role of the CSOs”. Clients are represented before all domestic courts and before the ECtHR. For the first time

one of the domestic courts found a discrimination on the basis of disability in 2015. In this case, MYLA provided free legal aid to the victim.

The Helsinki Committee will represent, for the first time, a minor who was ill-treated while in custody of the State, before the ECtHR. The issue is that the minor is an orphan under a guardianship of a state body, which contributed to his ill-treatment.

In 2013, the Network for Protection against Discrimination was allowed by the Basic Court - Gostivar to appear as an “intervener” in an anti-discrimination case, which was filed with the court.

Regarding *actio popularis*, NGOs submit requests for review of the constitutionality and legality of various acts. Furthermore, the Law on the Environment stipulates that environmental NGOs may start proceedings against decisions of the administrative bodies, that approve or reject certain project having an impact on the environment.³⁵ Environmental NGOs, like Arsena, submit a number of complaints and requests to competent bodies about the presence of arsenide in the drinking water in Gevgelija and keep abreast of the respective court proceedings. The Front 21/42 provides legal counselling to NGOs and citizens on available legal remedies regarding the environmental problems.

Whereas class action can hypothetically be submitted in consumers’ cases, the Organization for Protection of Consumers has never made any attempt to make any court action. It only provides pre-court free legal aid.

MYLA in view of its experience in strategic litigation, participated in the preparation of several analyses and reports. In particular, it co-authored the analysis on the implementation of the Law on Criminal Procedure, a survey for the web and external resources for e-justice in the courts, and a report on the perceptions on the Law on Criminal Procedure. It also collaborated with the Centre for Legal Research and Analysis in the preparation of the Analysis of the Strategic Litigation in Court Proceedings in the area of discrimination, in 2014.³⁶

NGOs struggle with different problems. Some NGO lawyers complained that they were not provided with sufficient time to prepare for defence, and were not given access to case-files during the investigation, in order not to endanger its confidentiality. Other complain that judges are very conservative and lack sensitivity on issues such as discrimination. Most of the NGOs consider that judges are under political pressures to decide cases in favour of the state or in accordance with state policies.

In cases on consumer protection, court fees are excessive even for small claims.

The head office of the NGO Arsena was stoned. Reportedly, there are pressures in order not to warn against environmental risks.

Note: organization and project cards attached.

³⁵ Article 89(1) of the consolidated text of the Law.

³⁶ It is available in Macedonian at http://cpia.mk/web/wp-content/uploads/2014/08/Izveshtaj_diskriminacija_A5_2014-1.pdf

NGOs working in the field of access to information. Transparency.

This section covers information on courts and their operation (including access to jurisprudence as well as access to information on administration and finances of courts).

- Do NGOs in your country engage in this type of activity?
- If yes, please provide more information, examples of particular organizations, examples of particular projects
- Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others
- Please share information on any barriers, problems, NGOs face in this type of activity
- If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)
- Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity

The FOSM developed a comprehensive programme on access to data including access to judgments and general information of the courts and judiciary. It also funds law watch publications that focus on the implementation of laws. The 2013 law watch analysis entitled “Six Years Later: Is the Wall of Silence Cracking?” focuses on free access to public information and communication, among others, with the judiciary. The FOSM also funds a very useful web site, which provides guidance and information on how to get access to public information. It contains a detailed database about the requests for information submitted by this Foundation and replies received from the Supreme Court, administrative court, JC and the Constitutional Court.³⁷

The Youth Educational Forum (YEF) between 2010 and 2011 implemented a project at the Law Faculty-Skopje, which provided guidance and assistance to students about the Law on Access to Public Information.

The Helsinki Committee informed that they regularly submit requests for public information, and regularly receive replies without any problem.

The Institute for Human Rights pointed out that for their recent monitoring of the work of JC, they were denied access to certain decisions by the Supreme Court Panel dealing with judges’ dismissal appeals under the justification that they had contained classified information.

In 2006-2007, the CPJD piloted a project in the Kavadarci court by creating the court’s web site and by making the judgments available. Its president (a judge) is a member of the working group, which designs courts’ websites. Since the CPJD contributed a great deal to the court automation and in the court information management system (ACCMIS), its president retained a key role in functioning of the system.

As to detected weakness, the FOSM noted that no misdemeanour procedures were identified against the holders of information that ignored the ruling of the relevant Commission compelling them to provide access to public data. It also noted that judges were the most difficult group when asked to fill-in a questionnaire, which is consistent with the remarks of other NGOs. Hypothetical abuse of data was a justification provided in order to deny access to public data. All of the above indicates a lack of trust from the judiciary.

³⁷ <http://www.foi.org.mk/index.php?lang=en>

Furthermore, FOSM's research shows that financial information about the use of public money was the hardest to get. Requesting unreasonably high fees for a simple information like a number of the registered NGOs in Macedonia, operates as a barrier to public information.

It is a fact that the transparency of the judiciary has increased in the past few years, with the help of the NGO sector. However, the EC Progress reports 2012-2014 underscore the need for greater transparency within the judiciary, in line with the principle that the justice must not only be done, but to be seen to be done. Although access to judgments and court information is a step in the right direction, that is not sufficient. When the public is reassured that judges sitting on the bench are impartial and independent, only then the court transparency will lead to increased public confidence.

Note: organization card and project card are attached.

NGOs defending judiciary and judicial independence

While NGOs exercise social control over judiciary they may also act when the judiciary is under attack (especially political) and its independence is under threat.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report "the organization card" or "project card" relevant for this type of activity*

The Rule of Law Council (the Council) is a network of professional legal associations and citizens' associations created by MYLA, ELSA, the Court Administration Association and the Coalition "All for Fair Trials". Its goals are to work towards judicial independence, accountability and effectiveness. The Council follows the efficiency of the judiciary, promotes life learning, builds capacities of other NGOs and liaises with similar associations from the EU. The highest body is the Secretariat with one representative per organization.

In 2014, the Institute for Human Rights, in cooperation with OSCE, prepared analysis on effectiveness of legal remedies in the procedures relating to recruitment, dismissal and disciplining of judges. It also regularly publishes "Legal Dialogue", which contains articles on the independence and effectiveness of the justice.

The Association Zenith in its analytical report on independence, impartiality, professionalism and efficiency of the judicial system (mentioned above) offers a set of valid recommendations on how to improve and safeguard judicial independence and its impartiality. Its other publications offer interesting analysis of the justice sector seen from the perspective of the EU integration. For example, the 2014 policy brief looks at the effects of the EU conditionality regarding judicial independence in Macedonia.

Through their monitoring work, NGOs have detected that funds allocated to the court budget “disappear” (basically are spent on other priorities). This corroborates the statements of the court presidents and judges about lack of human and other resources, with negative effects on the quality of the justice.

In October 2014, 14 misdemeanour judges and 11 members of the court registry were arrested for alleged abuse of position. The Helsinki Committee issued a public statement, considering the arrest, which was covered by the media, as pressure exercised on the judiciary by the executive power.

...Trainings and workshops for judges organized by expert NGOs

This section covers educational activities organized by NGOs or in collaboration with NGOs dedicated to judges and judicial staff. This also covers NGOs (and their work) being an inspiration for creating official curricula.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report “the organization card” or “project card” relevant for this type of activity*

In Macedonia, there is no expert NGO that would continuously deliver specialized trainings, or organize workshops for judges, although such a need is apparent in order to close gaps in the trainings offered by the Academy. It can also contribute towards more consistent court practice, and be more flexible regarding their training needs.

The Organization of the Consumers and EPI deliver lectures in the Academy on consumers’ protection and mediation, respectively. The EPI’s training on mediation became part of the regular curriculum in the Academy. The MYLA used to deliver trainings to the judges in cooperation with the Academy on combating discrimination, but this is no longer the case.

In 2010 and 2011, the Coalition “All for Fair Trials” organized two joint educational activities with the Academy. It helped to organize trainings delivered by experts from Italy and Croatia. An expert from the Helsinki Committee in cooperation with the OSCE delivered presentation on hate crimes in 2014. The ACLC and MLA, as associations of legal professionals, continue to deliver trainings and organize workshops for judges and other legal professionals.

In the past, the MJA conducted continuous education for judges until judicial education was taken over by the Academy. Now, the courses for the judges which count as part of their continuous education are delivered in the Academy.

It seems that the number of NGOs that collaborate with the Academy started to shrink. Reportedly, the Academy preferred to be heavily involved in the organizational aspects of the project, which have already been determined by the donor. In view of sporadic

cooperation between NGOs and the Academy, which is mostly occurring with the support of the international community, it is advisable to increase the influence of NGOs on the Academy's curricula.

Some considered that the recruitment of trainers in the Academy was not transparent. Now and again the same judges were recruited as trainers.

It seems that there is no space for an expert NGO that would provide continuous education to judges in the current institutional set-up. Even the MJA stopped providing trainings for judges. The compulsory courses are only registered when they are taken at the Academy. In addition, it would be difficult for an expert NGO to be financially sustainable, as donors would clearly prefer to allocate funds to the Academy. The only comparative advantage of such an NGO would be to offer classes, which are not foreseen by the Academy, but of interest to the judges, or to organize study visits and paid courses for the judges abroad. Distance learning might be another option.

NGOs as organizations educating citizens about the judiciary

This section covers all possible types of education and awareness raising about judiciary done by NGOs. This may include trial simulation, visits in courts, other events in interaction with courts and judges.

- *Do NGOs in your country engage in this type of activity?*
- *If yes, please provide more information, examples of particular organizations, examples of particular projects*
- *Please share any thoughts, outcomes relevant for this type of activity that might be of interest for others*
- *Please share information on any barriers, problems, NGOs face in this type of activity*
- *If NGOs do not engage in this type of activity, please share your opinion what are the reasons and whether it is needed in your opinion or not (and why?)*
- *Please note whether you attach in part two and three of the report "the organization card" or "project card" relevant for this type of activity*

There are several examples of civic education about the judiciary and legal procedures as follows:

- 1) YEF has been working on the street law programmes since 1998. It published a number of publications addressed to pupils and high-school students, e.g. "One Ordinary Democratic day of Curious Slobodan with Ms Justice" in 2012, "Anti-discrimination in high school". In 2015, it organized mock trials with high school students in Skopje and Veles.
- 2) The EPI project devoted to mediation contained a number of awareness raising activities for citizens regarding the benefits of mediation vis-à-vis judicial proceedings throughout the country. The main aim was to increase the number of mediations by educating public about the procedure and its benefits.
- 3) The Judicial Strengthening Project supported the efforts of ELSA to enhance public information and education through the publication of two brochures. The first one devoted to the organization of the court system in Macedonia was designed as civic

education for high school level students. Court visits were also organized. The high school students had an opportunity to participate in a mock labour trial and were introduced into the functioning of the electronic recording system.

The second brochure entitled “Juvenile Justice System—Prevention Instead of Punishment” is an overview of the system for juvenile justice. A total of 1,500 copies were printed in Macedonian and Albanian languages, and were distributed to the courts, ELSA members, high school students and other interested institutions and associations.

- 4) FOSM (one of the YEF donors) within the framework of the clinical programme “We Study Law”, published a comprehensive guide for street law in 2006, and delivered trainings for young people throughout Macedonia. The aim was to strengthen legal culture. In 2010, FOSM funded the publication “Guide for Young; Basic Civil and Political Rights” to clarify these concepts and to encourage young people to seek respect for their human rights.
- 5) Within the project “Access to Justice in the Republic of Macedonia”³⁸ MYLA hosts access to justice portal together with 6 other NGOs in order to educate and inform citizens about free legal aid.
- 6) Last, but not least, the Rule of Law Council, educates citizens about legislative changes, i.e. the Law on Criminal Procedure. The awareness raising campaign about the law reaches citizens through public and social media.

Any other form of NGOs – courts interactions that do not fit into previous types

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please list them here.

In 2014 within the project “The Courthouse for 21 Century”, the CPJD managed to equip the first mock trial court room at the Shtip Law Faculty with the assistance of foreign donors. The court room will be used for mock trials organized with participation of students, as well as for real court hearings of the Appeals Court, as it is equipped with modern court equipment.

Women’s rights’ NGOs like ESE or La Strada Open Gate are active in the protection of victims of domestic violence and of trafficking of human beings. ESE published a manual for judges on how to proceed with cases of domestic violence.

International cooperation

Were/ are there any important projects in our area of interest that were done as a part on international projects or in international cooperation?

The EU delegation to Macedonia, the OSCE and the USAID-funded projects (e.g., Strengthening of the Judiciary) fund and support a number of NGOs to engage in judicial

³⁸ <http://pristapdopravda.mk>.

reform with the aim to strengthen judicial independence and build its capacities, to offer specialized trainings, to increase transparency and to support complex legal and judicial reforms.

Examples of international cooperation include:

- 1) A project implemented by the MYLA with the UNHCR aiming to provide asylum seekers, refugees and persons with subsidiary protection with free legal aid. The activities are focused on improving the quality of legal representations and on developing national asylum practices. This project, which started in 2010, is even more important nowadays in view of the current refugee influx to the Western Balkans.
- 2) Network 23 cooperates with NGOs from the Balkan region. Speakers from Bulgaria – the Foundation European Institute in Sofia, Croatia – Gong/Platform 112 - Zagreb, Montenegro – the Institute Alternativa in Podgorica and Serbia – Centre for European Policies in Belgrade shared their experience regarding Chapter 23. They presented the EU integration perspectives of their countries at the final conference of Network 23 that took place in July 2015.
- 3) EPI for the purposes of the “MATRA Project Support to improving implementation of mediation” cooperated with the Asser Institute – the Hague. A high standard of trainings for the judges was maintained due to contributions made by the Dutch trainers. Another objective was knowledge transfer from the Dutch cooperation partner. Asser Institute appointed an expert from the Dutch Centre for Conflict Management (CvC) who provided on-spot expertise and advice during the workshop on Mid-term plan for Promotion and Implementation of Mediation. The round table Quality Standards of Mediation in Macedonia was attended by the Dutch experts who contributed to the lively expert discussion.
- 4) Transparency International-Macedonia was included in a regional anti-corruption project Advocacy and Legal Advice Centres (ALACs) between 2011 and 2012 in South Eastern Europe, supported by the Transparency International. The project offers legal aid while collecting information, in order to identify the weaknesses in the system and lobby for successful prosecution of corruption. The ALACs are engaged in facilitating the corruption reporting, legal counselling, awareness raising and capacity building.
- 5) The Organization for Protection of Consumers is a member of the Consumers International since 1998. In 2009, they cooperated on a project that focused on boosting market competition and consumers’ purchasing powers. The Organization is a member of network of the European Consumer Organization BEUC since 2000, and benefited from its trainings in 2008. It is also a member of the European Voice for Standardization – ANEC.
- 6) One of the judges (the CPJD president) is a member of the Central and Eastern European Judicial Exchange Network supported by the CEELI Institute

Prague. He participates in the meetings and other events organized by the network in support of independence of the judiciary. The Macedonian representative is engaged with materializing the possibility for organizing a joint conference in Macedonia.

- 7) Macedonia is a member of the Regulatory Judicial Authorities of the Balkan Area, which seeks to establish a cooperation of the Balkan Judicial Authorities on selected topics. This Authority cooperates with the European Network of Councils for Judiciary, and it is used as a resource for NGOs. The Macedonian representatives attend its regular conferences.
- 8) In the past, the MJA used to collaborate with the European Judges' Association and took part in its conferences. The MJA publically supported the Resolution of the European Judges' Association dated 16 May 2015, which requires release of two Turkish judges who were detained under the allegations that they released a suspect.
- 9) Regarding students' and youth international cooperation, ELSA-Macedonia has an observer status of the European Law Students Association and participates in some of its activities. For example, the ELSA's Student Trainee Exchange Programme (STEP) also covers Macedonia. The Association of the European Students' Structures (AEGEE) is a full member of the AEGEE – Europe. Its aim is to help the inclusion of Macedonian students in educational programmes, e.g., through summer courses/universities. The YEF is a member of international and regional anticorruption networks and International Debate Education Network. It also implemented a project with CoE on freedom of expression.

Part 2

NGOs “organization cards” (in alphabetical order)

Please see methodology section above.

Please use the format of the proposed table for “organization card” of the NGO.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Association for Emancipation, Solidarity and Equality of Women - ESE

address: Maksim Gorki 20/1-4, 1000 Skopje

tel: +389 2 3298 295; +389 2 3211 453; +389 71 266 101

e-mail: esem@esem.org.mk; webpage: <http://www.esem.org.mk>

ESE develops and assists the women’s and civic leadership for development and implementation of human rights and social justice.

Key areas of activity include women’s rights, measures against domestic violence.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The ESE’s Centre for Legal Aid provides free legal aid in marital relations/divorce, custody, alimony, property and legal relations, heritage, criminal and legal protection, social aid (advice and referral). For victims of domestic violence, ESE offers free legal advice on the entire territory of Macedonia and free representation in the court. In the past 2 years, it cooperates with the courts regarding temporary measures for domestic violence cases. ESE published a manual for the courts on how to process domestic violence cases.

In 2015, under its programme on monitoring women’s human rights in cooperation with

La Strada and the Coalition “Sexual and Health Rights of Marginalized Communities”, ESE works on enhancement of the judicial protection of the victims of domestic violence and on non-discrimination. It monitors trials, conducts strategic litigation and offers free legal aid. In cooperation with the Coalition “All for Fair Trials” it recruited court monitors for human trafficking and for gender-based violence cases.

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

ESE keeps the dialogue with the judges alive from the start of the project. It involves judges at an early stage of its projects in order to use their expertise and input for its questionnaires, analyses and manuals. On the bases of the previously received baseline data from the courts, ESE decided in which courts to conduct trial monitoring in light of the projects’ objective.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

1. There is a lack of data regarding domestic violence cases. Even if they are domestic violence cases, they are not qualified and noted down as such.
2. Judges are insufficiently sensitized about the gender-based violence cases, and need more guidance regarding international standards.
3. The NGOs are not perceived as partners and there is no strategy to include them in a consultation process.
4. Institutions do not accept “constructive criticism”.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Centre for Legal Research and Analysis

address: Naum Naumovski Borce no. 29/5, Jordan Hadzi Konstantinov Djinot no. 3, 1000 Skopje

tel: +389 2 3201 845

email: contact@cpia.mk; webpage: <http://cpia.mk/web/en/>

contact person: Lidija Zafirovska, President

Key activities encompass support to judiciary, transparency

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The Centre for Legal Research and Analysis was set-up in 2012. Its mission is to bring the law closer to the citizens, by providing legal analyses in a simple and non-technical language. Its aim is to give the best possible of two worlds: legal science and legal practice. It is mostly working to support the independent judiciary and transparency. The Centre for Legal Research and Analysis is engaged with the following projects:

1) Users' satisfaction surveys were conducted in 2013 and 2014 within the jurisdictional reach of the three appeals courts. The aim was to measure satisfaction of the citizens with the court services and access, as well as to measure the importance of that particular question for the interviewed citizen. For example, if the question was the level of satisfaction of the interviewed citizen with the in-take in a court house, the following question was the level of importance of the in-take for him or her. The pool consisted of citizens found in or around the court houses. The levels of satisfaction and importance were expressed on a scale with numbers. The practicing lawyers' perception was also measured via on-line survey to ensure discretion. The results of the surveys should be published, shortly.

2) Ensuring the consistency of the case-law is an on-going project. The main aim is to ensure legal certainty by offering solutions for consistent and unified case-law and by making access to the case-law user-friendly.

3) The Centre for Legal Research and Analysis also works on developing a matrix that will be applicable to measure the performance of the judiciary. The approach is based on the principles of inclusiveness and transparency. The factors to be taken into account for the matrix encompass independence, professionalism, training etc. The matrix is inspired from the ABA Index of judicial reform. The main partner is the Ministry of Justice. The project is funded by the British Embassy.

4) A survey on measuring perceptions of parties and legal professionals about the quality of the Law on Minor Offences was implemented between June and August 2014. The aim was to examine and present to the policy makers the effects of the Law on Minor Offences.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

The Centre for Legal Research and Analysis's projects on unifying court practice and on developing indicators based on factors like independence, training etc., were introduced in a public event with the participation of the key personalities in the judiciary. The commitment is ensured by way of MoU for both projects that was signed between the British Embassy as the project funder and the Ministry of Justice.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The courts do not accept easily the conclusions and recommendations coming from the NGO sector, probably because of a lack of trust. Real partnership with the courts is lacking, as well as sincere cooperation. On one hand, an atmosphere was created in the country, where the NGOs are qualified as supporters of the opposition. On the other hand, some NGOs that lack expertise and experience are funded to implement important reform projects. A lack of transparency and of inclusiveness makes the cooperation with the judiciary difficult.

Furthermore, it is difficult to make a change when the funding is lacking and projects are only for one or two years. The lack of sustainability is a negative factor, as good capacities and infrastructures cannot be preserved. Possible donors' influence on the results of the project affects the credibility of the NGO sector.

Another difficulty is posed by the non-inclusive legal reforms that take place often, as a strong foundation of some aspects of the legal system is still lacking. A baseline for measuring of the judicial reform is also lacking. Even when the NGOs initiate a reform, it might end up in an opposite direction from the one desired. It is difficult to carry out an NGO work in such an environment.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (e.g. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The NGO is led by motivated and enthusiastic individuals with good legal expertise and experience, who are ready to make their contribution for improved judicial and legal systems. They are mostly working as volunteers, as they have other jobs as a source of income. The NGO offers good legal analytical skills.

The NGO has good networking capabilities, and good reputation among donors and stakeholders, as it is perceived as an objective contributor to the justice sector.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Choice (Izbor) – Strumica for the region of South East Macedonia (Strumica, Radovish, Gevgelija, Valandovo)

It is a member of the Coalition “All for fair trials”.

address: Heroj Karposh 10 Strumica

tel: +389 34 349 410

e-mail: izborsr@sonet.com.mk, web page: <http://izborsr.com/>

The association CHOICE (IZBOR) was founded in order to provide an adequate response to the growing needs of drug users and alcoholics, of their families and of those who run a risk to be infected with HIV and other transmissible diseases.

Key areas of activity include protection of marginalized groups, treatments for drug users and alcoholics, HIV protection.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Since 1997, Choice provides accommodation, prevention programmes and treatments to drug users, alcoholics and sex workers. It monitors court proceedings where free legal aid is granted, and provides free legal aid.

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

Strengthened confidence in court proceedings due to trial monitoring.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to

collaboration and communication?

The partization of the judiciary contributes to slow and ineffective justice of low quality. As a result, the citizens have low confidence in the judiciary. There are no public debates, comments, analyses, cooperation or discussions with the judges regarding trial monitoring reports and NGOs' feedback. Judges do not know much about the work of Choice.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (e.g. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Educated and dedicated staff, regional networking.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Coalition "All for Fair Trials", address: Makedonija 11/2-10, 1000 Skopje

tel: +389 2 6139874, fax: +389 2 6139874

e-mail: contact@all4fairtrials.org.mk, webpage: www@all4fairtrials.org.mk

A coalition of 19 NGOs, joined out of their free will, monitor court proceedings throughout Macedonia in order to ensure fair trial rights, to initiate legal reforms and to strengthen public confidence in the judiciary.

Key areas of activity encompass trial monitoring and reporting about criminal and civil cases, protection from police abuse, research and analysis.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of

NGO activities related to courts and judiciary please include them in this section.

1. Examples of trial monitoring projects:
 - 1.1. Trial monitoring of organized crime and corruption cases under the new Criminal Procedure Law. The aim is to assess judicial efficiency through monitoring the implementation of the new law; to assess the criminal justice response against corruption and organized crime; and to increase citizens' trust in the judiciary and the justice system through conducting a trial monitoring in thematic cases. Trial monitoring report was published and presented to the judges and legal professionals in June 2015. The project continues with the trial monitoring, and a roundtable discussion (judges, prosecutors, lawyers and officials from the Ministry of Internal Affairs) about the conclusions and recommendations from the report. The programme on fight against corruption and trial monitoring was initiated in 2007. Ten expert analyses, reports, brochures and leaflets were so far published by the Coalition.
 - 1.2. Trial monitoring of defamation cases involving journalists. Cases were monitored between 2011 and 2012 and a report with recommendations was published.
 - 1.3. Trial monitoring based on the fair trial principles and assessment of the work of the judiciary in the Courts Skopje 1 and 2. The Report with the recommendations based on a trial monitoring of 54 cases was published in April 2015 in cooperation with the Network 23.
 - 1.4. Support to criminal law reform for popularization of the rule of law and fair trial standards. It is an OSCE funded project where criminal cases were monitored for compliance with the Criminal Procedure Law.
2. Court watch: The project was piloted in 2013, with laypersons attending public hearings.
3. Human Rights Support Project: The Coalition provided free legal aid, helped with the collection of evidence (medical certificates), provided psychological counselling and regularly discussed the cases of police brutality with the Ministry of Internal Affairs. Within the framework of the project between 2004 and 2012, 423 complaints of police ill-treatment were registered, and five publications issued. In 2014, the project was funded by the UN Voluntary Fund of Torture Victims.
4. Networking and cooperation with other NGOs (joint projects and advocacy):
 - 4.1. Platform of NGOs to fight corruption founded in 2014 by 15 NGOs, with the aim actively to contribute towards fight against corruption. They organized a press conference in March 2015 regarding wiretapped conversations that cast doubts about political pressures exercised on the judiciary, administration, companies.
 - 4.2. The Network 23 is a network of NGOs working in the EU integration process in the area of judiciary and public liberties.

- 4.3. The Rule of Law Council is a network of four NGOs, which strive to support the judiciary and strengthen the rule of law in the country.
- 4.4. The Good Governance Council raises awareness about decision-making in the public sphere.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

1. Continuous and open communication with several courts, e.g., Basic Court Skopje 1 which goes without any problem in terms of monitoring, attendance of events, or meetings. Excellent cooperation with individual judges.
2. In the past, there was a forum with judges (including the Supreme Court president) and members of the Coalition, where Coalition's reports and recommendations were examined for their usefulness in the upcoming legal reforms.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

1. The most important challenge is to ensure the continuity and sustainability of the programmes, in order to have more comprehensive and detailed reports, and to keep skilled staff and observers.
2. Regarding trial monitoring, one of the biggest difficulty is to monitor the work of the public prosecutor, which is sometime very important for the success of the project, e.g., monitoring of the institutional response in electoral irregularities. Although the Coalition does not have any obstacles regarding access to court, and judges attend the events, there is no feedback or concrete follow-up by the courts.
3. Cooperation from the courts is lacking regarding the follow-up of the trial monitoring reports.
4. In the past, the Academy was more amenable to cooperation. Now its cooperation ceased even with the Rule of Law Council.
5. The NGO members also need continuous education in order to improve their capacities, and to respond to the changes in the society.
6. ACCMIS does not function fully, which results in a loss of data, or impossibility to retrieve information.
7. The Law on Criminal Procedure has not been yet enforced fully, the judicial police is not in place and the equality of arms principles is difficult to be applied

due to a lack of resources.

8. The need for a greater interaction between the courts and the NGOs and the courts and public media is apparent, since more structured dialogue is lacking.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg., training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The Coalition:

- 1) is well known for its proven trial monitoring method, and capabilities for legal research and reporting;
- 2) has well trained, committed and motivated staff;
- 3) is a part of domestic NGOs networks, supporting the rule of law, independent judiciary and fair trials. It also attends annual regional RoL Forums; and
- 4) has a good reputation with the donors.

Possible areas of cooperation: Trial monitoring and court watch, judicial reform, support to victims of police brutality.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Coalitions' publications in English are available on

http://www.all4fairtrials.org.mk/Site_Eng/index.html

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Council for Prevention of Juvenile Delinquency (CPJD)

It is a member of the Coalition "All for Fair Trials".

address: "Braca Hadzitefovi" 28, 1430 Kavadarci

tel: +389 43 410 408; tel/fax: +389 43 412 947

e-mail: contact@sppmd.org.mk, web page:

<http://www.sppmd.org.mk/english/contactus.htm>

fb: sppmd sovet

The CPJD's mission is to help juveniles as participants in criminal proceedings, and to support inter-ethnic and regional youth activities.

Key areas of activities encompass juvenile delinquency, automation of courts, transparency and access to information.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project

about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

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- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The CPJD is a leader in the court automation, court transparency and access to information by using new technologies. In 2014 it implemented the project “The Courtroom for 21 century”. A courtroom with the most modern technical equipment was opened for mock trials, which regularly take place in Macedonia and in the Balkan region. It contributes to improved institutional responses regarding juvenal delinquency, through its analysis and publications e.g. “The procedures on handling the child victim”, which was promoted in 2015 at a high-level conference with the participation of judges. In the frames of the anti-corruption regional initiative the CPJD provides information and advice to Transparency International - Macedonia.

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

The CPJD is represented in the Ministry of Justice working group for court automation and court web sites through its president, as a result of its dedicated and long-term involvement in the courts’ automation and access to information.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The MJA must be more proactive in view of the challenges that lie ahead of the judiciary.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (e.g., training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The CPJD is:

- 1) a sustainable organization founded in 1996. It has a long-standing experience in

the work with youth and has excellent reputation with its donors. It is a leader NGO in the region of the town of Kavadarci;

- 2) resourceful, with specialized knowledge in juvenile delinquency and IT. It also has a good network with judges and law faculties; and
- 3) well-trained and committed staff to the development of the NGO sector.

Areas of cooperation include juvenile delinquency, criminal law trainings, mock trials, court automation, court transparency.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

European Policy Institute – EPI

address: Antonie Grubisic 2/2, 1000 Skopje

e-mail: contact@epi.org.mk; webpage: <http://www.epi.org.mk>

EPI's mission is, through high-quality research and proposals on European policy, to provide a sound base for debate and solutions, targeting decision-makers and the wider public, and to contribute towards advancing the EU agenda in Macedonia.

Key areas of activity encompass approximation of laws with the EU; democratic institutions and law; enlargement and regional cooperation; and foreign policy and security.

ACTIVITIES AND PROJECTS

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NGO activities related to courts and judiciary please include them in this section.

EPI's projects having an impact on judicial and legal reform encompass the following:

1) „Democracy and Rule of Law: Network 23”

Between 2014 and 2015, EPI as a leading partner, in cooperation with the Helsinki Committee and the Center for Change Management implemented the project, which aims to build the capacity of the NGOs to monitor and evaluate implementation of policies in the judiciary and human rights seen from the EU integration angle. The results of the project, like the „Methodology for Monitoring and Evaluation of Public Policies” and the database MERC (<http://merc.org.mk>) were presented and discussed at a high – level conference in July 2015.

2) „Improvement of Implementation of Mediation in the Republic of Macedonia”

Between December 2011 and July 2013 EPI implemented the project, with the aim to contribute towards drafting a solid framework for mediation and to create institutional environment that would result in an increased number of mediation cases. The broader impact on judicial reform was achieved by reducing the burden and backlog of the courts, which has a positive impact on the business sector.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

For the implementation of the “mediation project” EPI supported the work of a steering committee, composed of the representatives of the Ministry of Justice, the mediation chamber, the Academy and judges from different courts. Judicial representatives were involved in drafting legislative proposals, in designing the key project documents, and actively participated in the events and trainings.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Although judges cooperated in the mediation project, they were not interested in mediation.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

EPI has well qualified staff with experience and educational background in the EU integration area. It manages comprehensive and costly projects and has good reputation with the donors' community.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is

important.

Please provide also any other materials that you think might be of interest.

EPI publications are available in English at <http://www.epi.org.mk/publications.php>

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Foundation Open Society – Macedonia (FOSM)

address: Bul. "Jane Sandanski" no. 111, 1000 Skopje

tel: +389 2 2444 488

e-mail: fosm@fosm.mk; webpage: www.fosm.mk

contact person: Nada Naumovska

The Foundation Open Society – Macedonia promotes open society by shaping governmental policies and by supporting education, media, public health and human and women's rights, as well as social, legal and economic reforms.

Key areas of activity encompass access to justice, protection of marginalized groups, access to public data.

ACTIVITIES AND PROJECTS

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- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The FOSM is funding many projects of importance for the judiciary, as follows:

- 1) Free Legal Aid: The projects include funding for free legal aid programmes (2014-2015), funding a web portal access to justice and publications, such as "Report on the implementation of the Free Legal Aid Law" in 2013, "Analysis of the Implementation of the Law on Free Legal Aid" 2010 – 2012, "Access to Justice" (brochure) and "Free Legal Aid" (leaflet).
- 2) Access to public information: The projects include a number of activities such as

interactive portal for the requesters of public information with detailed instructions (<http://spinfo.org.mk/index.php?lang=mk>) and publications, e.g., the 2014 "I must not forget: I have rights!", and the 2013 "Six Years Later: Is the Wall of Silence Cracked?". It also constantly tests the courts' systems that provide information.

- 3) Law watch analyses: Under the project "Laws under the Loop" a number of analyses examining the implementation of various laws from the view point of EU integration were published, e.g., the 2014 "Effective Defence in Criminal Proceedings in the Republic of Macedonia", the 2013 "Judgments (should be) implemented", etc.
- 4) Legislative assessments: Under its activities for approximation of the Macedonian legislation with the EU law the FOSM provided legislative assessments of the draft laws regarding misdemeanours, civil and public servants (2013).

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

For their project activities relating to public access to information, the FOSM prepared joint opinion on the law with the MJA, which helped persuade the courts to grant greater access to judgments, and other documents.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The FOSM's requests for information about the enforcement of the ECtHR judgments in Macedonia were ignored by the courts. Except for judgments, access to other data from the courts is problematic. While judgments are available on web sites of the courts, they are not user friendly. For example, the administrative court has app. 4,000 misdemeanour cases, and it is very difficult and time-consuming to extract what is needed from the court's web site.

The FOSM had problems with receiving answers from the judges for one of its publications "Effective Defence in Criminal Proceedings in the Republic of Macedonia".

Furthermore, a lack of strategy for collaboration with NGOs creates additional difficulties for cooperation. Tax relives for NGOs are still not granted, and governing members of NGOs are also subject to the Lustration Law.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The FOSM is part of a larger network in the Eastern Europe funded by Soros. It is one of the major funders of the civil society activities. Many projects mentioned herein, which are implemented by the NGOs are funded or co-funded by the FOSM.

Areas of cooperation include access to public information, combating discrimination,

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

street law, free legal aid and strategic litigation.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

FOSM publications in English are available at

<http://fosm.mk/en/Home/Publications?catID=9>

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Helsinki Committee of the Republic of Macedonia

address: Naum Naumovski Borce 83, 1000 Skopje

tel: + 389 2 3119 073; + 389 2 3290 469; + 389 78 252 812

e-mail: uranija.pirovska@mhc.org.mk; webpage: <http://www.mhc.org.mk>

fb Helsinki Committee for Human Rights of the Republic of Macedonia

The Helsinki Committee for Human Rights of the Republic of Macedonia (MHC) promotes and protects human rights without any political and religious orientation.

Key areas of activity are human rights' protection, LGBT rights.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

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- Trainings and workshops for judges organized by expert NGOs
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- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The Helsinki Committee has many projects touching upon the judiciary, judicial and legal reforms, as follows:

- 1) The Helsinki Committee has an on-going programme for providing free legal aid and conducting strategic litigations for alleged breaches of human rights before

domestic courts and the ECtHR. Free legal aid is provided to the LGBT community through its Centre for the LGBTs' support. It also conducts strategic litigation for protection of the LGBTs. "Improving access to justice - Free legal aid" (2011) and "Support to the victims of torture" (2011) are examples of its projects in this area. Selected publications include "Situation testing: A method of proving discrimination" (2014) and "Strategic litigation of cases of discrimination on the ground of sexual orientation" (2013).

- 2) The Helsinki Committee also submits initiatives to the Constitutional Court for the review of the constitutionality and legality of several laws, e.g., the Law on Lustration, the Family Law.
- 3) The following projects are highlights of its monitoring activities: "Monitoring the work of the Constitutional Court and assessing its capacity to review constitutional complaints" (2015-2016); "Increasing the transparency and improving the rule of law by monitoring and reporting violations of human rights in the Republic of Macedonia" (2015); "Supporting national stakeholders in tackling hate crimes and hate speech" (2013) and "Monitoring of court proceedings in the area of fundamental civil and political rights and liberties" (2013 – 2014). Selected publications include "Research on the citizens' understanding of human rights" (2015); "Fundamental civil and political rights and liberties: Trial monitoring analysis" (2014); and "Mapping, monitoring, and reporting on hate crime incidents" annual report (2013).
- 4) For the execution of its watchdog activities, the Helsinki Committee publishes annual, monthly and bi-monthly reports about the situation of human rights in Macedonia, which also include reports about the court cases.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

The Helsinki Committee had a meeting with the collegium of judges at the Skopje Basic Court-1, where findings and recommendations from their trial monitoring programme were discussed with the judges, with a possibility to hold such meetings at regular intervals.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

Although in the past the Helsinki Committee's events devoted to judicial sector were well attended by the judges that is no longer the case. The cooperation varies from court to court, depending on the willingness of the judges and courts' presidents for cooperation. The administrative and the higher administrative court are the most difficult ones for any type of cooperation. They rejected the NGO's requests under a justification that they were not parties to the proceedings. The Helsinki Committee never had the judiciary as a partner in its projects.

The Helsinki Committee noted the following problems in the court proceedings: unreasonable length of proceedings and a low rate of cases won from the state in administrative proceedings. Hate crimes rarely reached the courts and they are not characterized as hate crimes, which makes the statistics difficult.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary. The Helsinki Committee is among the first human rights' organizations in Macedonia after the independence from ex-Yugoslavia. It has a long-standing experience and good reputation in the area of human rights' protection, especially for providing free legal aid, and monitoring and reporting on human rights' abuses. It is also dedicated to the protection of the LGBT community.

Its dedicated, knowledgeable and straightforward speaking staff are its biggest asset. They are active in mobilizations of citizens for issues of human rights' concern. They are often invited in public debates touching upon human rights in public media.

Areas of cooperation include human rights' protection, LGBTs, detained persons, criminal law reform.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Its publications in English are available at

<http://www.mhc.org.mk/pages/publications#.VZuzwvmggko>

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Institute for Human Rights

address: Rajko Zinzifov 49A, 1000 Skopje

tel: +389 2 3243 331

e-mail: instituteforhumanrights@gmail.com; webpage: www.ihr.org.mk

The Institute promotes, advances and protects human rights and freedoms by providing a continuous education for legal experts and by organizing expert and public discussions with the aim to strengthen the capacities and mechanisms for promoting, guaranteeing and protecting human freedoms and rights.

Key areas of activities encompass independence of the judiciary, protection of human rights and freedoms.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

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- Trainings and workshops for judges organized by expert NGOs
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- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The Institute for Human Rights is the leader in monitoring of the judiciary, more precisely of the monitoring of the JC. In 2013, it published the “Analysis of the Independence of the Judiciary of Republic of Macedonia – Perceptions, Difficulties and Challenges”, where it assessed the independence of the judiciary from different angles taking into consideration the input from various stakeholders. In 2015, it made analysis of the independence of the JC as a follow up to its previous project under the Network 23.

The Institute made a number of legislative assessments, among others, of the proposed Constitutional amendments and of the laws relating to the work of the JC. It also published “Analysis of the Provisions of the Law on Civil Liability for Insult and Defamation” within the framework of a larger project, which included a round table discussion.

Its other activities include the projects the 2012 "Towards effective protection of the right to freedom of expression and freedom of media in the Republic of Macedonia - the upcoming challenges" and the 2011 "Review of legal remedies in Macedonia through the light of effective protection of the rights and freedoms of the citizens" that focus on the effectiveness of the legal remedies for protection of freedom of expression, international standards and the ECtHR practice.

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

Although the Institute signed a Memorandum for Cooperation with the MJA, which is a positive example, there are no joint activities or projects.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The judges and the MJA remain silent and inactive despite the negative developments (wiretapped conversations) and legislative changes that affect the judiciary. There is no

official feedback regarding analyses and reports of the Institute. The JC does not provide feedback or attend the events of the Institute. The Institute also has problems to receive replies to its questionnaires from the judges and to obtain certain decisions from the Supreme Court.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary. The Institute for Human Rights is headed by a well-known former ECtHR judge and involves in its work retired judges who used to be active MJA members. In addition to its expert capacities, it has dedicated project staff and good networking and communication capabilities.

Possible areas of cooperation include strengthening of the capacities for the ECtHR case law, analysis and research regarding the protection of human rights and freedoms.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Its publications in English are available at <http://www.ihr.org.mk/en/>

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Macedonian Young Lawyers Association (MYLA)

address: Zlatko Shnajder 4a-1/3, 1000 Skopje,

tel: +389 023 220 870

e-mail: contact@myla.org.mk; webpage: <http://www.myla.org.mk>

The MYLA represents the interests and acts to increase the capacities, the quality and professionalism of young lawyers through networking and continuous education. MYLA secures professional services in protection of human rights and the rule of law, by using the knowledge, capacities and creativity of young lawyers.

Key areas of activity include protection from discrimination, asylum seekers, access to public information.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

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- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Continuously for three years the MYLA conducts strategic litigations under the projects “Fight against Discrimination”, “Protection of Human Rights of Marginalized Groups” and the USAID funded project for human rights’ protection. The cases are represented by lawyers - members of the Bar Association, who are members of the MYLA team, trained in anti-discrimination and human rights. The MYLA participates in the preparation of analyses, public debates, etc.

Under the project “Access to Justice in the Republic of Macedonia” MYLA provides free legal aid and submits requests for public information to various institutions, including the courts and thus contributes to better access to information. It also hosts and edits the “access to justice” web portal <http://pristapdopravda.mk> in order to inform the citizens about the possibilities for free legal aid, together with six more NGOs.

Since 2010, MYLA provides free legal aid for asylum seekers, refugees and other persons of interest for the UNHCR under the project funded by the UNHCR. Among other publications in 2012 it published the Analysis of the Implementation of the Law on Free Legal Aid 2010 – 2012.

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

Joint preparation of analysis and reports with the judges. Joint discussions and debates for topical issues in the judiciary.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

A lack of consistent court practice and indifference of the courts and judges regarding the NGOs reports and comments.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The MYLA is well-developed and organized NGO with professional and dedicated young staff. It educated many generations of law graduates. It manages complex and long-term

projects.

Legal protection of marginalized groups, education of young lawyers, human rights protection.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

Publications in English are available at its webpage:

<http://www.myla.org.mk/index.php/en/publications>

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Organization for Protection of Consumers of Macedonia

address: Vodnjanska bb, Postal fah 150, 1000 Skopje

tel: + 389 70 246 294; + 389 2 3179 592

e-mail: sovetuvanja@opm.org.mk; webpage: <http://www.opm.org.mk>

Its mission is to improve consumers' rights and encourage sustainable consumerism that will not affect the rights of the future generations.

The key area of activity is the consumers' protection.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

The Organization for Protection of Consumers of Macedonia provides free legal aid to the consumers. It has five branch offices throughout Macedonia. It does not provide legal representation in the courts, or starts class actions. It educates the consumers and

represents their interests.

BEST PRACTISES

The specific (resulting from the organization's experience) examples of good practices of interaction between NGO and the judiciary.

Best practices refer to the preparation of brochures and manuals with the participation of judges. Lectures delivered in the Academy represent a good example of successful knowledge transfer from an NGO to the judges.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The Organization struggles with the following:

- 1) access to funds, elevated court taxes even for small claims. The Organization for Protection of Consumers has competencies based on law, but insufficient funds to execute them. On-line shopping cybercrimes, for example, also comes within the scope of their activities, but without funds they cannot contribute much;
- 2) there is no definition of consumers' dispute, and there are no proper statistics; and
- 3) unclear situation who can start class actions.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

The Organization for Protection of Consumers has been active in Macedonia for more than 20 years. It has good expertise in its area of work and a network throughout Macedonia.

The NGO focuses on the consumers' legal protection.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

INFORMATION ABOUT THE ORGANIZATION

Name, contact information, mission, key areas of activity.

Zenith, Association for Development Initiatives
 address: Leninova 58/2, 1000 Skopje , tel: + 389 76 496 776
 e-mail: zenith@zenith.org.mk, webpage: <http://www.zenith.org.mk>
 contact person: Zoran Nachev

Its mission is to examine, create and promote practices that foster development and democratic governance through:

- developing and promoting democratic practices;
- advancing civil society;
- developing the legal and judicial system;
- reducing poverty, while fostering sustainable development; and
- promoting corporate social responsibility.

Key areas of activity encompass EU integration, legislative process, good governance.

ACTIVITIES AND PROJECTS

Please indicate (in the bullet points) most important activities and projects of the organization related to the judiciary. Please focus on following issues: what is the project about, what kind of interaction with the judiciary takes place, what are outcomes of the project and deliverables (reports, publications) of the project.

Below we list examples of NGOs interaction and collaboration with judiciary:

- Monitoring of the judiciary by NGOs;
- Trial monitoring, trial observation, court watch;
- Involvement of NGOs in court trials (strategic litigation, amicus curiae, class action, action popularis, engagement in the trial in other role, in the name and in support of the party);
- NGOs monitoring, advocating and engaging in the legislative process regarding judiciary;
- NGOs working in the field of access to information. Transparency;
- Trainings and workshops for judges organized by expert NGOs
- NGOs as organizations educating citizens about the judiciary;
- NGOs defending judiciary and judicial independence.

The above list is of course not exhaustive and therefore if there are any other types of NGO activities related to courts and judiciary please include them in this section.

Zenith is engaged in the legislative process with the aim to help Macedonian integration in the EU. It monitors to a minor detail what and how the EU acquis have been transposed in domestic law. Selected publications include: “Analytical Report on Independence, Impartiality, Professionalism and Efficiency of the Judicial System” (2014), “Increasing the efficiency of Macedonia’s and Montenegro’s justice system - Introducing an innovative EU monitoring and evaluation mechanism in the sphere of administrative law” (2014), “Embedding rule of law in the enlargement process: A case for EU political conditionality in the accession of the western Balkan countries” (2013), “Short analytical report assessing Macedonia’s legal alignment with the EU acquis in the sphere of judicial cooperation in criminal matters: State of play and future steps” (2013), “Rules of Procedure for Macedonia’s Working Group 23 – Judiciary and Fundamental Rights” (2013).

BEST PRACTISES

The specific (resulting from the organization’s experience) examples of good practices of interaction between NGO and the judiciary.

Zenith is included in the working group of the MoJ focusing on the EU acquis. Moreover, it has developed the rules of procedure for the working group for the chapter judiciary and

fundamental rights.

PROBLEMS AND BARRIERS

Challenges and difficult experiences of your organization in its relations with the judiciary. What do you see as specific problems? Whether and what are the barriers to collaboration and communication?

The judiciary is very closed and MJA is inactive, which creates problems for communication and cooperation with the NGO sector. Access to research data is sometimes denied. The judiciary should be more transparent and seek to include NGOs in some of its activities and consultations. Selection of the NGOs, which will cooperate with the judiciary must be made in a transparent and open manner. There is a need to establish greater confidence between the judiciary and the NGO sector.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (e.g., training staff, experts, proven work methods, tools, partnerships), which are important in the context of relationships with the judiciary.

Resources of the organization include expertise in the EU integration, research capabilities and knowledge of modern research methods, the use of justice scoreboard. Zenith has well educated and professional staff and good cooperation with the law professors and the Macedonian Academy for Science and Arts. It has established regional cooperation.

Possible areas of cooperation include an alignment of domestic legislation with the EU acquis, preparation of strategies and action plans for the reform and development of the judiciary.

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

All mentioned publications are available in English at their webpage:

<http://www.zenith.org.mk/>

Part 3

“Projects cards” (in alphabetical order)

Please see methodology section above.

Please use the format of the proposed table for “project card”.

PROJECT TITLE Access to justice: Macedonian web portal for greater approximation of the law to the citizens

TYPE OF THE PROJECT free legal aid, citizens' education

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Foundation Open Society – Macedonia (FOSM)

address: Bul. "Jane Sandanski" no. 111, 1000 Skopje

tel: +389 2 2444 488

e-mail: fosm@fosm.mk; e-mail: aleksandar.stojanovski@fosm.mk

webpage: www.fosm.mk

NGOs and the judiciary - watch dog activities, interactions, collaboration, communication

contact person: Aleksandar Stojanovski

Macedonian Young Lawyers Association (MYLA)

address: Zlatko Shnajder 4a-1/3, 1000 Skopje,

tel: +389 023 220 870

e-mail: contact@myla.org.mk; webpage: www.myla.org.mk

contact person: Jasna Orovcanec Arangelovik

National Roma Centre - Kumanovo

address: Done Bozinov no. 11/5, Kumanovo

tel: +389 31 427 558

e-mail: info@nationalromacentrum.org; webpage: <http://www.nationalromacentrum.org>

Macedonian cultural centre - Bitola

address: Tsar Samuil no. 29, Bitola

tel: +389 47 233 020

e-mail: [mkcibt@t-home.mk](mailto:mkcbt@t-home.mk); webpage: www.mkcibt.org.mk

Educational-humanitarian organization EHO-Shtip

address: Boris Kidric no. 4, Stip

tel: +389 32 384 143

e-mail: ed_hum_eho@yahoo.com

Izbor (Choice), Strumica

address: Heroj Karposh no. 16, Strumica

tel: +389 70 390 549; +389 70 390 549

e-mail: izborsr@gmail.com

Association for Civil Society 8th September – Skopje

address: Rade Koncar no. 2, 1000 Skopje

tel: +389 70 390 548; +389 70 390 548

webpage of the project: <http://pristapdopravda.mk/za-nas/mzmp>

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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- methods/tools used
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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The project aims to improve the national system of free legal aid and to facilitate greater

access to justice. The essence of the project is to inform the citizens about access to justice and to provide them with free legal aid in various areas, such as: property, labour law, tenancy, consumers' rights, retirement. The NGOs provide legal counselling and representation before the courts. There is also a hot line. In March 2015, it was reported that 1,243 individuals requested legal aid within a year.

The portal further provides a comprehensive information not only about the possibilities for free legal aid, but also about all aspects of court proceedings, such as expenses, basics of the property rights, labour law, family law, health and retirement insurance, social protection. Beneficiaries are indigent persons, members of marginalized and vulnerable groups.

A number of publications are made available on the portal e.g.,: "There is a need for urgent and essential change of the Law on Free Legal Aid"(2014); "How to Fulfil and Protect my Rights? How much it will cost me?" (2012); "A Fairy-tale or Reality? Free Legal Aid in the Republic of Macedonia" (2011).

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

In 2014, the Report on the Implementation of the Free Legal Aid Law in 2013 was published. It is based on the monitoring of the application of the law within the 4 years' span of time. The main question was whether or not the Law was adequate for the situations regarding access to justice in Macedonia. Data were collected based on trial monitoring, on strategic litigation cases, on the analysis of the NGOs that applied to become legal aid providers, on the analysis of the decisions on free legal aid of the Ministry of Justice and on the judgments regarding the appeals on decisions rejecting free legal aid requests.

The report describes the free legal aid system, the situation in 2013 with the free legal aid administration, assesses the impact of free legal aid system on the juvenile justice, analyses the categories of free legal aid beneficiaries, of the free legal aid providers, of the role of the Administrative Court and provides recommendations on how to improve the law.

The Report is available in Macedonian at

<http://pristapdopravda.mk/wp-content/uploads/2012/10/Izvestaj-BPP-2013-MK-vnatresni-ZA-PECAT1.pdf>

The Report was prepared by Goce Kocevski gkocevski@myla.org.mk and Dance Danilovska dance.danilovska@fosm.mk.

OTHER INFORMATION

PROJECT TITLE Application of the law under the loop

TYPE OF THE PROJECT monitoring of legislation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible
 Foundation Open Society – Macedonia (FOSM)
 address: Bul. "Jane Sandanski" no. 111, 1000 Skopje
 tel: +389 2 2444 488
 e-mail: fosm@fosm.mk; webpage: www.fosm.mk
 contact person: Nada Naumovska

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

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- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

As a part of the strategic priority for accelerated integration in the EU, the project aims to assess the implementation of several key reform laws. The laws were chosen according to the criteria whether or not they were adopted within the framework of the harmonization of the national laws with the EU. The project started in 2011.

Published analyses include: “Effective defence in criminal procedures in the Republic of Macedonia” (2014); “Judgments (should be) implemented” (2013); “More effort for better court: judicial protection of human rights in administrative dispute” (2012); “Misdemeanour body: positive reform?” (2012) and “Six Years Later: Is The Wall Of Silence Cracking?” (2012).

The project gathered reputable law professors and legal experts who produced the analyses in cooperation with the programmatic staff of the Foundation Open Society.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Asylum: free legal aid and representation of persons of interest

TYPE OF THE PROJECT free legal aid

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible
 Macedonian Young Lawyers Association (MYLA)
 address: Zlatko Shnajder 4a-1/3, 1000 Skopje,
 tel. +389 023 220 870
 e-mail: contact@myla.org.mk; webpage: www.myla.org.mk

contact person: Gabriela Jovanoska

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- other relevant information

The cooperation between MYLA (a member of the European Council of Refugees) and the UNHCR for legal protection of asylum seekers, refugees and other persons has started in 2010. The objective is to provide free legal aid and representation to the asylum seekers, refugees and other persons of interest for the UNHCR, to raise awareness about their situation, to obtain public support and to ensure compliance with the international human rights standards. MYLA supports the beneficiaries before administrative bodies and competent courts.

Information in English with basics about the asylum, contacts and a hot line for the targeted groups is available at <http://www.myla.org.mk/index.php/proekti/azil-i-begalci/proekt-pravna-pomos-i-zastapuvanje>.

In December 2013, MYLA organized a regional round table entitled Asylum and migration issues – regional challenges and NGO good practices in Skopje. It was attended by NGOs working on migration issues from Croatia, Greece, Kosovo, Montenegro, Serbia, Slovenia and Turkey, the UNHCR and IOM representatives. The aim was transfer of knowledge, networking and sharing best practices.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Contribution to achieve functional and effective judicial system

TYPE OF THE PROJECT support to independence of the judiciary

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Foundation Open Society – Macedonia (FOSM)

address: Bul. "Jane Sandanski" no. 111, 1000 Skopje

tel: +389 2 2444 488

e-mail: fosm@fosm.mk; webpage: www.fosm.mk

contact person: Nada Naumovska

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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The 2008 project aimed to support effective judicial system in the Republic of Macedonia. The Foundation Open Society, the OSCE and the Association of Judges collaborated to implement the project aimed to promote and reinforce the effectiveness of the judicial system. The activities encompassed: 1. access to court decisions and files; 2. reform of the disciplinary procedure for judges; 3. judges' performance measurement; and 4. improvement of the mechanism for protection against contempt of court.

The outcome of the project was a comparative study on access to court information that was discussed in three workshops. Amendments to the rules of procedure for disciplinary procedure of the judges were drafted and submitted to the Judicial Council. Legal reform measures on the issue of the contempt of court was drafted and presented to the Ministry of Justice.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Environmental Law – Justice for the environment

TYPE OF THE PROJECT citizens' education and legal aid

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Front 21/42

address: Vladimir Komarov 13/22, Orce Nikolov 83A, 1000 Skopje, PO Box 22

tel: +389 2 3122 546; +389 75 433 231

e-mail: contact@front.org.mk; webpage: http://www.front.org.mk/main_eng.php

contact person: Aleksandra Bojaroska

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

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- the project compared to other activities (was it a continuation or a part of a bigger project?)

- other relevant information

The programme Environmental law - "Justice for the Environment" aims to protect the environment via the law. Specific goals include: capacity building of the NGO sector to use legal remedies, to raise public awareness and to educate the citizens about the environmental legal protection, to conduct legal analyses, to improve the implementation of the Aarhus convention in Macedonia and to promote pro bono legal aid. The projects are the following:

1) Connecting activists and legal approach: the Front 21/42 offers free legal consultations for environmental problems identified by the NGOs and citizens. The project is funded by the EU.

In 2009, the analysis on the applicable laws with clear instructions about legal remedies in order to prevent damage to health caused by the environment were published on the web. They are available in Macedonian at http://front.org.mk/uploads/projects/15_45.pdf.

The same year, general legal strategies about how to protect the environment in Macedonia were published on the web. They are available in Macedonian at http://front.org.mk/uploads/projects/15_44.pdf.

The project was implemented between January 2008 and January 2009 in cooperation with the Montenegrin counterparts.

2) The Watchdog's Diary was implemented between October and November 2009. The essence of the project was monitoring and public reporting on activities that caused harm to the environment.

Front 21/42 is an associate member of "Justice and Environment" – the European network of environmental law associations.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Developing relevant and comprehensive matrix of indicators to follow the progress of judicial reform in Macedonia

TYPE OF THE PROJECT support to independence of the judiciary

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Centre for Legal Research and Analysis

address: Naum Naumovski Borce no. 29/5, Jordan HadziKonstantinov Djinoj no. 3,

1000 Skopje

tel: +389 2 3201 845

e-mail: contact@cpia.mk; Nikola.Jovanovski@cpia.mk; webpage: <http://cpia.mk/web/en/>

project manager: Nikola Jovanovski

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The project is being implemented between May 2015 and March 2017. It aims at developing innovative system of indicators based on the internationally recognized standards for the judiciary and legal profession.

Actions encompass: consultative round tables with stakeholders and web forums. Indicators will be developed based on the factors of independence, impartiality, professionalism, training, integrity.

The outputs will include a comparative study of the systems of selected countries, international expertise, increased understanding of the beneficiaries of the relevant EU mechanisms, matrix of indicators and a pilot project for the use of the matrix. The beneficiaries are the court presidents, the Supreme Court, the Academy for Judges and Public Prosecutors. The main partner is the Ministry of Justice. The project is funded by the British Government.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Fight against discrimination through strategic representation, strengthening the role of civil organizations

TYPE OF THE PROJECT strategic litigation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Macedonian Young Lawyers Association (MYLA)

address: Zlatko Shnajder 4a-1/3, 1000 Skopje,

tel. +389 023 220 870

e-mail: contact@myla.org.mk; webpage: www.myla.org.mk

contact person: Jasna Orovcanec Arangelovik

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The main objective of the project is to contribute towards more effective national system for protection against discrimination and unequal treatment through monitoring, analysis and building good practice based on strategic litigation of potential victims of discrimination in the courts. The aim is to promote positive change and adoption of best anti-discriminatory policies, practices, anti-discrimination standards in the court-practices in Macedonia, and to contribute towards society free of discrimination.

Strategic litigation for protection of discrimination is the key activity. Persons who can be considered victims of discrimination are first identified. Then they are provided with free legal aid: preliminary aid and legal representation. The MYLA has established a team of young lawyers who were trained to represent the victims in the anti-discrimination cases. A hot line is a part of the project.

As part of the bigger picture, the MYLA is active in informal networking with other NGOs for combined efforts against discrimination.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Free access to information

TYPE OF THE PROJECT access to information

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Foundation Open Society – Macedonia (FOSM)

address: Bul. "Jane Sandanski" no. 111, 1000 Skopje

tel: +389 2 2444 488

e-mail: fosm@fosm.mk; webpage: www.fosm.mk

contact person: Nada Naumovska

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- other relevant information

Between 2005 and 2006 the project aimed at developing model legislation on freedom of information and to monitor its implementation. Seven workshops were organized for municipal and NGO representatives where legal provisions for free access to information were presented.

Between 2006 and 2009 the activities encompassed: 1. capacity building for NGOs, 2. free legal aid, and 3. strategic litigation to test the law. The project contributed to considerable case-law and improved implementation of the right to access to information. Citizens' educational campaign was implemented, and a study trip was organized in the UK for the Information Commission. The activities also aimed at enhanced legal framework.

Public surveys were carried out between 2006 and 2009 to detect legislative deficiencies.

In 2010, in addition to regular lobbying activities, citizens' education and strategic litigation, a legal clinic became operational in the Skopje Law Faculty.

There is also a website about how to get access to public information <http://www.foi.org.mk/index.php?lang=en>.

Activities relating to free access to information in terms of testing the law and lobbying are on-going.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Human rights support project

TYPE OF THE PROJECT free legal aid

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Coalition "All for Fair Trials" address: Makedonija 11/2-10, 1000 Skopje

tel: +389 2 6139874, fax: +389 2 6139874

e-mail: contact@all4fairtrials.org.mk, web: www.all4fairtrials.org.mk

contact person: Aleksandra Bogdanovska, Executive Director

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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content of the report, but presentation of results in a nutshell.

- the project compared to other activities (was it a continuation or a part of a bigger project?)
- other relevant information

The Human Rights Support Project was a comprehensive programme of the Coalition in support of the victims of torture and of police ill-treatment. It was funded by the OSCE, the UN Voluntary Fund for Torture Victims and the Budapest Open Society Institute. The main goal is to help the alleged torture and ill-treatment victims by providing free legal aid. It aims at assisting the alleged victims in filing official complaints and/or pursuing judicial remedies. It also supported the official bodies to process effectively and adequately victims' complaints.

Between its inception in 2004 and 2010, free legal aid was provided to 373 citizens who were also helped with their medical documentation. The project also foresaw capacity building of the NGOs that provided free legal aid. Citizens' education activities were carried out via media events, interviews, and public presentations about the project. Cooperation was established with the Police Professional Standards Unit, the Ombudsperson and the standing parliamentary committee competent for protection of the rights of the citizens. The 2008 Report on protection of Human Rights against Police Abuse and Torture was also an output of this project.

Within a framework of the project, legal analyses were published in 2012, focusing on international standards and on domestic law prohibiting torture and ill-treatment.

REPORT

The report, if published: information about the report, a few words about what is in the report, the main elements of the report (or frame contents, but no detailed table of contents, eventually scan of the report cover)

Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The publication "Human Rights in Police Procedure" contains legal analysis of the international standards and applicable laws in Macedonia, which are safeguarding against police abuse. It further contains analysis of the rights of the juveniles. Recommendations include raising awareness of police officers, a sensitized approach towards juveniles, proper enforcement of the prohibition of torture, effective investigations in alleged police abuse cases and external control of the police.

The author is the Coalition "All for Fair Trial's" team.

The publication in Macedonian is available at

http://www.all4fairtrials.org.mk/Main_files/HRCP%202011%20MKD.pdf

Details about the project are also available in the Foundation Open Society annual report for 2009 that can be found in English at <http://fosm.mk/izvestai/FIOOM-godishen-2009-02.pdf>

OTHER INFORMATION

PROJECT TITLE Independence, impartiality, professionalism and efficiency of the judicial system

TYPE OF THE PROJECT support of judicial independence

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Zenith, Association for Development Initiatives

address: Leninova 58/2, 1000 Skopje , tel: + 389 76 496 776

e-mail: zenith@zenith.org.mk, webpage: <http://www.zenith.org.mk>

contact person: Zoran Nachev

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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- objectives of the project
- elements/phases of the project (in chronological order)
- methods/tools used
- outcomes of the project - separately conclusions, recommendations and/or changes/reforms that took place after the project. This section should not contain the detailed content of the report, but presentation of results in a nutshell.
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The Association Zenith focuses on the European integration. Therefore, the project assesses the level of the transposition of the EU acquis relevant for the judiciary in the Macedonian legal framework, in absence of an official screening process. The objective is to assess the level of alignment of the laws relevant for the independence, impartiality, professionalism and efficiency of the judiciary with the EU acquis from the technical viewpoint. The assessment is made on the bases of the standards set forth by the EU on independent and impartial judiciary. The outcome of the project is “Analytical Report on Independence, Impartiality, Professionalism and Efficiency of the Judicial System”, prepared in cooperation with the Ministry of Justice and Konrad Adenauer Stiftung.

This project is a part of Zenith’s work in the programme areas related to the EU integration and democratic governance, under which it cooperates with the Ministry of Justice. Zenith is included in the working group of the MoJ focusing on the EU acquis, and has contributed to drafting of the core rules and procedures for its successful operation for the chapter: Judiciary and Fundamental Rights. The Rules of Procedure are available in English at http://s3-eu-west-1.amazonaws.com/zenith-org-mk-ireland/cms/files/38/files/original/Rules_of_Procedure_Working_Group23_ENG.pdf

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

“Analytical Report on Independence, Impartiality, Professionalism and Efficiency of the Judicial System” was drafted in cooperation with the Ministry of Justice and Konrad Adenauer Stiftung. It was published in 2014. It elaborates on the trends in the EU accession negotiation process, on specific aspects of the judiciary, on the degree of the alignment of

the national law, on policies' review, on strategies and plans and on public inclusion. It contains conclusions and recommendations.

The report is available in Macedonian and in English at [http://s3-eu-west-1.amazonaws.com/zenith-org-mk-ireland/cms/files/68/files/original/Independence_impartiality_professionalism_and_efficiency_of_the_judiciary - MKD.pdf](http://s3-eu-west-1.amazonaws.com/zenith-org-mk-ireland/cms/files/68/files/original/Independence_impartiality_professionalism_and_efficiency_of_the_judiciary_-_MKD.pdf)

contact person: Zoran Nechev

OTHER INFORMATION

PROJECT TITLE Independence of the judiciary in the Republic of Macedonia – perceptions, difficulties, challenges

TYPE OF THE PROJECT support for judicial independence

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Institute for Human Rights

address: Rajko Zinzifov 49A, 1000 Skopje

tel:+ 389 2 3243 331

e-mail: instituteforhumanrights@gmail.com; webpage: www.ihr.org.mk

contact person: Margarita Tsatsa Nikolovska

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The goal of the project is to detect the problems and difficulties of the judiciary, to offer solutions to detected deficiencies, as well as to increase understanding of the judicial independence. Data were collected from a public survey, survey with the judges and with the representatives from the executive and legislative branches of the Government. Comparative analyses of selected states and legal analysis of the international standards and applicable laws were provided. The 2013 publication contains the analysis and recommendations as a way forward for the Macedonian judiciary.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

A publication entitled “Analysis of the Independence of the Judiciary in Macedonia – perceptions, difficulties and challenges” is the output of the project. It contains a review of

the international standards for the independence and impartiality of the judiciary, a comparative overview, analysis, interaction between the media and the judiciary, analysis of the work of the Constitutional Court, and conclusions and recommendations. It was published in 2013.

The publication is available in Macedonian at

http://www.ihr.org.mk/images/pub/nezavisnost_sud.png.

OTHER INFORMATION

PROJECT TITLE Legislation approximation

TYPE OF THE PROJECT support to independence of the judiciary, legislation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Foundation Open Society – Macedonia (FOSM)

address: Bul. "Jane Sandanski" no. 111, 1000 Skopje

tel: +389 2 2444 488

e-mail: fosm@fosm.mk; webpage: www.fosm.mk

contact person: Nada Naumovska

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The aim of the project, which started in 2006, was to support the approximation of national legislation with the EU legislation. Two public debates were organized with the aim to support transparency of the judicial reform process. The first one was on the reform of the judiciary and the second one was on the draft constitutional amendments relevant for the judiciary. Over 100 participants took part in the project. It included representatives from the judiciary, the media, academia, international organizations and NGOs.

As part of the project, following the adoption of the constitutional amendments, booklets were published on the Strategy for Judiciary Reform and on the process of the Constitutional amendments. Task force of legal experts, which became operational in 2006, strengthened the capacities of the Ministry of Justice.

In 2007, the project continued with the legislative drafting support for the laws on NGOs and on the police. In 2008, activities encompassed advocacy, open letters to Members of the Parliament, drafting legislative amendments; participation in public debates and submitting requests for the review of the constitutionality and legality of laws to the Constitutional Court.

In 2009 and 2010, the focus was placed on data protection law and advocacy for the law on civil society.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

OTHER INFORMATION

PROJECT TITLE Monitoring of court proceedings in the area of fundamental civil and political rights and liberties

TYPE OF THE PROJECT trial observation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Helsinki Committee of the Republic of Macedonia

address: Naum Naumovski Borche 83, 1000 Skopje

tel: + 389 2 3119 073; + 389 2 3290 469; + 389 78 252 812

e-mail: uranija.pirovska@mhc.org.mk; webpage: <http://www.mhc.org.mk>

fb Helsinki Committee for Human Rights of the Republic of Macedonia

contact person: Uranija Pirovska

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The project was implemented between September 2013 and July 2014. Its objective was to strengthen the effectiveness, independence, impartiality and legitimacy of the judiciary by way of increased number of monitored court cases, to ensure greater transparency and publicity of the trials and to influence the courts to respect the presumption of innocence. The project encompasses three stages: 1. monitoring of court proceedings relevant for civil and political rights and freedoms based on a pre-developed questionnaire, 2. analysis of the monitored cases and 3. publication of the analysis.

The main activities encompass: monitoring and identification of weaknesses in the court proceedings, consultations and counselling of alleged victims, preparation of monthly reports, raising concerns with the court presidents and submissions to the Judicial Council in cases of sever breaches of the rights monitored. The following rights were monitored: the right to security and liberty, presumption of innocence, public trial, the right to legal defence, independent and impartial court, equality of arms and trial within a reasonable time.

The cases were selected thematically, on the basis of the requests for free legal aid, when there were indications of human rights violations, or by proper initiative of the observers

based for example on media reports. The Helsinki Committee prepared questionnaires, which were separately analysed after each hearing. The findings were discussed with the judges from the Basic Court Skopje 1, where a considerable number of cases were monitored.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

In July 2014, analysis of the monitored cases were published entitled: “Fundamental civil and political rights and liberties”. The content contains information about the project, separate findings for each of the separately monitored rights, mentioned above, and conclusions and recommendations.

The report is available in Macedonian, Albanian and English at [http://www.mhc.org.mk/system/uploads/redactor_assets/documents/731/Analysis - Final.pdf](http://www.mhc.org.mk/system/uploads/redactor_assets/documents/731/Analysis_-_Final.pdf).

OTHER INFORMATION

PROJECT TITLE Monitoring court cases from the area of organized crime and corruption

TYPE OF THE PROJECT trial observation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Coalition “All for Fair Trials” address: Makedonija 11/2-10, 1000 Skopje

tel: +389 2 6139874, fax: +389 2 6139874

e-mail: contact@all4fairtrials.org.mk, web: www.all4fairtrials.org.mk

contact person: Aleksandra Bogdanovska, Executive Director

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The Coalition started with the trial monitoring programme regarding organized crime and corruption since 2008. Since the problems continued to pile up in 2014, the Coalition decided to monitor 45 organized crime and corruption cases. The focus was placed on the enforcement of the relatively new criminal procedure. The objective was to provide a picture about the effectiveness, independence and fairness of the court proceedings relating to the organized crime and corruption. The Coalition developed a questionnaire,

which was filled-in by the experienced trial monitors. Data collected and stored, represented the basis for the analysis of different stages of the court proceedings and of the fair trial principles. Conclusions and recommendations focus, among others, on the need to protect the Constitutional guarantees of the independence of the judiciary, to improve the defence rights, to ensure effective summoning of the accused, to implement fully the equality of arms principle and to increase the defence lawyers' capacities through offering trainings. The report was presented at a public event with the participation of representatives from the courts, from NGOs, from international community and legal experts.

The project was implemented during 5 months. The report covers the trials monitored between November 2014 and February 2015. Trials were monitored in the Basic Court Skopje 1 that is competent to hear these types of cases for the entire territory of Macedonia. The funding was provided by the EU, as a part of the project "Action network for Good Governance". The monitoring of organized crime and corruption cases continues as recommended in the report.

REPORT

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Address URL, if it is published online.

The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The Report entitled "Judicial Efficiency and Fulfilment of Fair and Just Adjudication" was published in February 2015. It reports on and elaborates the findings from the trial monitoring of 45 court cases on organized crime and corruption. It also develops recommendations for improved enforcement of the fair trial rights. The report is divided into the following parts: 1. General information about the monitoring methodology, goals and definitions. 2. Analysis of separate stages of court proceedings. 3. Conclusions and Recommendations.

The project, which is a part of the Coalition's programme on organized crime and corruption monitoring since 2008 continues in 2015 in order to provide a more complete picture about the organized crime and corruption related trials.

Contact person: Aleksandra Bogdanovska, Author: Anica Tomshic Stojkovska

The report is available at

http://www.all4fairtrials.org.mk/Main_files/Korupcija_2015_MKD.pdf

OTHER INFORMATION

The organized crime and corruption trial monitoring is an on-going thematic programme of the Coalition, which represents one of the main interests of the Coalition. However, its continuity had been interrupted few times, due to a lack of funds. The Coalition prepared other thematic reports on organized crime and corruption trial monitoring in 2013, 2011, 2010 available in Macedonian on its webpage.

PROJECT TITLE Monitoring the enforcement of the international standards for fair trial in the Basic Court Skopje 1-Skopje

TYPE OF THE PROJECT trial observation

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Coalition “All for Fair Trials” address: Makedonija st. 11/2-10, 1000 Skopje

tel: +389 2 6139874, fax: +389 2 6139874

e-mail: contact@all4fairtrials.org.mk, web: www.all4fairtrials.org.mk

contact persons: Mirjana Bojadzievska; Aleksandra Bogdanovska

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

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The project was implemented in the framework of “Network 23,” which is administered through EPI, the Centre for Change Management and the Helsinki Committee for Human Rights. The main reason for the project were the problems and issues identified in a number of monitoring reports, e.g., the 2014 EC progress report on Macedonia and the 2014 Ombudsperson’s report. The concerns focus on the length of proceedings and political influences over the course of justice.

The project goal is to assess the level of compliance of the court proceedings with the international fair trial standards in order to increase public confidence in the judiciary. Trials were monitored by experienced trial monitors who collected data on the basis of a standardized questionnaire in 40 court cases, out of which 33 were criminal court cases and 7 were civil court cases. The project analysed the data from the perspective of the standards guaranteed by the European Convention on Human Rights.

Additional data were collected by monitoring 14 more court cases. The report was prepared based on the analysis of the findings and it offers specific recommendations to the stakeholders. The report was prepared for the period between November 2014 and April 2015.

REPORT

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The name and contact of the project coordinator/ the author of the final report, if known (in terms of person who can give you more information about the project).

The report “Implementation of International Standards for Just and Fair Trials” was published in 2015. It presents comprehensive findings of the trial monitoring in the Basic Courts Skopje 1 and Skopje 2 with recommendations. In addition, the report elaborates on the European Convention on Human Rights and on the European Court of Human Rights’

case-law on fair trial rights. It makes a comparison of the practices regarding the fair trial rights' protection of the selected countries e.g., Croatia, Bosnia and Herzegovina, Slovenia. The report is structured in view of various fair trial rights, such as public trial, the rights of the accused, the length of proceedings, impartiality and independence of the court, equality of arms, presumption of innocence and the right to appeal.

The Recommendations, among other, require a swift reaction by the judge in case of a breach of the presumption of innocence, publication of the venue and time of the court hearing, proper summoning, advice about free legal aid, proper implementation of the equality of arms principle and suitable limitation to access to evidence, as well as a possibility to challenge the official translations.

Contact persons/authors: Mirjana Ivanovska Bojadzievska, Aleksandra Bogdanovska

The report is available in Macedonian at

http://www.all4fairtrials.org.mk/Main_files/Standardi_2015_MKD.pdf

OTHER INFORMATION

PROJECT TITLE Network 23

TYPE OF THE PROJECT Support to the independence of the judiciary

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

European Policy Institute - EPI

address: Antonie Grubisic 2/2, 1000 Skopje

e-mail: contact@epi.org.mk; webpage: <http://www.epi.org.mk>

contact person: Malinka Ristevska Jordanova

PROJECT DESCRIPTION (please be concise, but max 3000 characters)

- **the essence of the project – a description in a few sentences (strategic objective)**

- **objectives of the project**

- **elements/phases of the project (in chronological order)**

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The project established a network of 11 NGOs as structured mechanism for monitoring and evaluation of public policies from the Chapter 23 – the Judiciary and Fundamental Rights. In addition to the main partners: EPI, the Helsinki Committee and the Centre for Change Management, its other members are the following NGOs: Equal Access, Association of Financial Workers in Local Self-Government – Veles, Novus-Strumica, Main square - Freedom, Institute for Human Rights, Coalitions “All for Fair Trials” and “Sexual and Health Rights of the Marginalized Groups”, Infocentre and the Centre for Strategy and Development Pactis - Prilep.

The objective is to empower the NGOs in order to become active and relevant participants in creation and in monitoring of the policies, by developing arguments and offering recommendations in the fields of the judiciary and fundamental rights.

The project provided ten small grants to NGOs from its network that prepared analyses on various aspects of the judiciary and of judicial bodies in the country (mentioned in the

Report). The findings of the project were discussed in a high-level regional conference, which took place on 9 July 2015. NGO representatives from Bulgaria, Croatia, Montenegro and Serbia shared their experience regarding monitoring of the Chapter 23 in their countries.

The following analyses and publications were prepared by the sub-grantees of the project: “The Judiciary and the Fundamental Rights in the Republic of Macedonia”, “Chapter 23 The Judiciary and Fundamental Rights, Why are they the Key to the EU Accession?”, “Implementation of International Standards for Just and Fair Trials”, “Analysis on the Independence of the Judicial Council in the Republic of Macedonia”.

The project was implemented between May 2014 and July 2015. It was funded by the EU and the Dutch Embassy in Macedonia.

REPORT

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Three, among other documents, prepared under this project are mentioned herein, as follows:

1. The 2015 “Analysis of Independence of the Judicial Council of the Republic of Macedonia – Goal and Challenges” prepared by the Institute for Human Rights. The analysis were undertaken by the Institute for Human Rights, which employed the following methodology: monitoring of the sessions of the Judicial Council, collated information about disciplinary proceedings against the judges, interviewed candidates for judges, dismissed and retired judges, conducted legal analysis of the applicable laws and a public survey. The Recommendations are focused, *inter alia*, on the need for a consistent legal framework, on effective legal remedy for the dismissed judges, awareness raising for the citizens about the Judicial Council’s role and proper justifications of the Judicial Council’s decisions.

The Analysis is available in Macedonian at www.ihr.org.mk/images/pu/analiza-za-ssrm-konecna.pdf

2. The 2015 “Judiciary and Fundamental Rights in the Republic of Macedonia” is a “shadow report” about the implementation of the commitments from the EU Chapter 23. The comprehensive analysis follows the structure of the Chapter 23 as follows: the content of the EU chapter, the judiciary and the fundamental rights. The judiciary is analysed based on several parameters, such as independence, competence, efficiency. The analysis conclude that the independence of the judiciary was jeopardized in the past years due to political pressures, a lack of transparency of the Judicial Council, the obscure legal solutions for disciplining the judges, a lack of trust in the public prosecutor’s office, a lack of funds and interest in the Academy for Judges and Public Prosecutors.

The Network 23 recommends, among other, to step-up the watch dog activities regarding the judiciary, to appoint a new public prosecutor, to strengthen the independence of the Judicial Council, to ensure transparency in the work of the main judicial bodies, to prescribe effective remedy for the unsuccessful candidates of judges, to conduct

proceedings within a reasonable period of time, to respect equitable representation in the appointment of judges and the court administration, to increase the court budget and improve trainings at the Academy for Judges and Public Prosecutors.

The publication is available in Macedonian and Albanian at

http://www.epi.org.mk/docs/Analiza_Mreza.pdf

3. "Chapter 23 The Judiciary and Fundamental Rights, Why are they the Key to the EU Accession?" brochure provides explanations about the key concepts and importance of the Chapter 23 for the EU Accession.

The publication is available in Macedonian and Albanian at

<http://epi.org.mk/docs/Brosura%20mk.pdf>

OTHER INFORMATION

PROJECT TITLE Support for establishing unified court practice in Macedonian legal system

TYPE OF THE PROJECT support to independence of the judiciary

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Centre for Legal Research and Analysis

address: Naum Naumovski Borce no. 29/5, Jordan HadziKonstantinov Djinot no. 3, 1000 Skopje

tel: +389 2 3201 845

email: contact@cpia.mk; Jelena.Ristik@cpia.mk; webpage: <http://cpia.mk/web/en/>

project manager: Jelena Ristik

PROJECT DESCRIPTION *(please be concise, but max 3000 characters)*

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The project, which is funded by the UK Embassy, is being implemented between 1 May 2015 and 31 March 2016. The goal is to create an environment conducive for a harmonized court practice, unified interpretation of the law and to strengthen the role of court-practice in line with the EU standards. The project aims to increase public confidence in the judiciary.

The project activities encompass: assessment of the situation and of the applicable legal framework; establishing a network of "movers and shakers" in the judiciary who will lobby for a change with the support and transfer of the know-how from the UK; and developing IT solutions necessary for harmonization. The beneficiaries are the Supreme Court, the courts in general, the Bar Association, the Academy for Judges and Public Prosecutors. Expected results encompass: the situation analysis; strengthened capacities of the judges

for a unified court practice; harmonizing the IT solutions relating to unified court practice and concrete proposals for greater harmonization of the court practice. The main partner is the Ministry of Justice. The project is funded by the British Embassy.

REPORT

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OTHER INFORMATION

Part 4

Country bibliography

Please provide the list of publications, reports written by NGOs as a result of projects regarding judiciary (please see *Basic style guide* attached).

Please list also separately any publications that go beyond particular project and are specifically dedicated to the matter of watchdog activities, interactions, collaboration and communication between NGOs and judiciary.

Please provide English translation in brackets.

Bojadzievska, Bogdanovska, *Implementacija na megunarodnite standardi za fer i pravicno sudenje (Implementation of International Standards for Just and Fair Trials)*, Coalition All for Fair Trials, 2015

Centre for Legal Research and Analysis, *Analiza za stratesko vodenje na predmeti vo sudska postapka od oblasta na diskriminacijata (Analysis of the Strategic Litigation in Court Procedure in the Area of Discrimination)*, MYLA, 2014

Chalovska and others, *Pravosudstvoto i temelnite prava vo Republika Makedonija (The Judiciary and Fundamental Rights in the Republic of Macedonia)*, Helsinki Committee for Human Rights, 2015

Coalition All for Fair Trials, *Covekovite prava vo policiska postapka (Human Rights in Police Procedure)*, Coalition All for Fair Trials, 2012

EPI, "Chapter 23 The Judiciary and Fundamental Rights, Why are they the Key to the EU Accession?"

Foundation Open Society - Macedonia, *Six Years Later: Is The Wall Of Silence Cracking*, Foundation Open Society - Macedonia, 2013

Foundation Open Society – Macedonia, *Essential Formality: twenty second quarterly accession watch report*, Foundation Open Society – Macedonia, 2014

Institute for Human Rights, *Analiza na nezavisnosta na sudski sovet na Republika Makedonija*

– *stremez i predizvici- (Analysis of Independent Judicial Council of the Republic of Macedonia – Goal and Challenges)* published on the web, 2015

Kalajdziev, *Efektivna odbrana vo krivicnata postapka vo Republika Makedonija (Effective defense in criminal procedures in the Republic of Macedonia)* Foundation Open Society, 2014

Kocevski and others, *Izvestaj za primenata na zakonot za besplatna pravna pomoc vo 2013 (Report on the Implementation of the Free Legal Aid Law in 2013)*, MYLA, 2014

Korunovska and other, *Правните потреби и патот до правдата во Република Македонија (Legal Needs and Road to Justice in the Republic of Macedonia)* Foundation Open Society, 2013

Kos and others, *Increasing The Efficiency Of Macedonia's And Montenegro's Justice System Introducing An Innovative EU Monitoring And Evaluation Mechanism In The Sphere Of Administrative Law*, Zenith, 2014

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