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**USAID/MACEDONIA
JUDICIAL STRENGTHENING PROJECT
(JSP)
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I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) fulfilled Requirement 1.1 during its first two years of implementation.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Per the findings of Requirement 1.1, JSP designed, delivered, and completed a training program to build the capacities of the Macedonian Judges Association (MJA), Court Administrators Association (CAA), and other legal professional associations (LPAs), as well as civil society organizations (CSOs). The sections below outline the follow-up activities and events carried out during November 2014 that built on the implementation of the training program.

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association (MYLA)

Strategic Litigation Training

This activity, scheduled for November/early December, has been postponed until the end of January. Newly mandated USAID timeline (30 working days) for Contracting Officer approval and unavailability of experts during December required the postponement.

On January 27-28, Mr. Adam Weiss, Legal Director of the European Roma Rights Center (ERRC), and his colleague Ms. Andrea Colak, ERRC Legal Consultant, will deliver a two-day training for approximately 20 members of MYLA on strategic litigation and human rights protection and 6 law school graduates members of European Law Students Association (ELSA).

MYLA Analysis

During this month, the printing of the MYLA's *Analysis on the Challenges, Problems, and Perspectives of the Legal Profession in Macedonia* was finalized as planned. A total of 800 bilingual copies of the Analysis were printed and distributed to MYLA.

Re-registration of MYLA's Web Domains

Upon MYLA's request, the JSP provided financial support to renew MYLA's three-year registration of two web domains: <http://www.myla.org.mk> and www.pristapdopravda.mk. These websites, which MYLA owns and administers, provide information about MYLA activities and projects and information about and links to Rule of Law Council (ROLC) activities, including the ROLC Public Awareness Campaign on the new Law on Criminal Procedure.

Court Administration Association (CAA)

CAA Roundtable Discussion on the New Law on Court Service

With the logistical assistance of JSP, a CAA roundtable discussion on the new Law on Court Service (LCS) was held on November 5 in Skopje. Forty-three CAA members analyzed and discussed a vast number of LCS provisions that are perceived by the court administration as unconstitutional, demotivating, discriminating and incompatible with their specific professional tasks and responsibilities.

Roundtable participants included members of eminent law faculties in the field of administrative and labor law—Prof. Borce Davitkovski, PhD, Prof. Todor Kalamatiev, PhD, and Lazar Jovevski, PhD—as well as the President of the representative labor union, Mr. Pece Grujovski. Through their detailed analyses and discussions, numerous weaknesses and inconsistencies in LCS provisions were clearly identified.

The CAA concluded the roundtable discussion with a declaration that it will continue its lobbying efforts for adoption of draft amendments that were previously developed with JSP's support or for adoption of a new Law on Court Service, which would be prepared with inclusive participation of court administration representatives.

On November 26, Mr. Mircevski, president of the Court Administration Association(CAA) asked for assistance approaching the Minister of Justice and lobbying for postponement of the implementation of the LCS. On November 27, JSP's COP met with Mss. Maljanovska, advisor of the Minister of Justice, who agreed to receive draft amendments of the LCS and arrange a meeting for the representatives of the CAA with the Minister.

Macedonian Judges Association (MJA) **Judicial Code of Ethics (the “Code”)**

During November, the following preparatory steps were taken towards printing the new Code:

- Several design proposals were created by a professional designer hired by JSP and shared with MJA for review;
- Text was translated into Albanian;
- Albanian translation was sent to several MJA members for review and approval.

As soon as the project receives the MJA's approval of the proposed design and Albanian translation, the text of the Code will be printed in booklet and poster formats. As previously reported, JSP will support the printing of 800 booklet format copies (600 in Macedonian, 150 in Albanian, 50 in English) and 700 poster format copies (all in Macedonian). Each judge in the country will receive a copy of the Code and poster for his office.

European Law Students Association (ELSA) **Brochure on Free Legal Aid**

During November, the text for the fourth thematic brochure on free legal aid was finalized. A working group, consisting of four ELSA members, modified and improved the text after considering JSP's observations and suggestions.

After JSP's final review, the text was sent for translation into Albanian and, afterwards, for design preparation. With the project's support, a total of 500 bilingual copies of the brochure will be printed. The printing of the brochure is expected to be finalized in December. The copies will be distributed to the few courts where presentation of the brochures will be organized and organizations that are licensed to provide free legal aid to the citizens.

Association for Emancipation, Solidarity and Equality of Women (ESE) Domestic Violence Bench Book for Judges

On November 13, JSP sent the text for the *Domestic Violence Bench Book for Judges* (Bench Book) to all appellate courts for their review and feedback. As of the November 25th deadline for comments, the JSP had not received any feedback from the appellate court judges. ESE and JSP will proceed with final edits and improvements of the text of the Bench Book. Once finalized, JSP will begin the procurement process for printing. The printed Bench Book will be distributed to judges that process domestic violence cases and ESE members.

1.2.2 Broad-Based Coalition of LPAs

Rule of Law Council (ROLC) Public Awareness Campaign

The Request for Proposals for the ROLC public awareness campaign on the provisions of the new Law on Criminal Procedure was published on October 20. By the deadline for submission of proposals, November 28, the JSP had received proposals from three bidders. The evaluation of proposals and award is expected to be completed by mid-December 2014 and the campaign to begin in early February 2015. The goal of this activity is to educate the general public about the new Law on Criminal Procedure and inform citizens about their rights and obligations under this new Law.

RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Strategic Plans for Basic Court (BC) Skopje I, BC Skopje II, and the Academy for Judges and Public Prosecutors (Academy)

During November, consultants from Trajkovski & Partners Consulting (T&P) continued the activities in the development of strategic plans for BC Skopje I and II. As previously reported, the final version of the Strategic Plan for the Academy was sent to the Academy in September.

Basic Court Skopje 1

On November 4 and 11, T&P facilitated in-house sessions with BC Skopje I working group. The Strategic Plan for BC Skopje I was finalized and submitted to JSP for review and feedback on November 20. JSP reviewed the Strategic Plan and sent it to BC Skopje I on November 24 for enactment.

Basic Court Skopje 2

On November 12, T&P submitted the Strategic Plan for BC Skopje 2 to JSP for review and feedback. The JSP reviewed the Strategic Plan and sent it to BC Skopje 2 on November 19 and sent it to the court for enactment.

2.2.2 Workshop for Finalization of the Supreme Court's Jurisprudence Bulletin

On November 7-8, JSP supported a workshop to finalize the Jurisprudence Bulletin (Bulletin) of the Supreme Court (SC). During the workshop, the working group for development of the Bulletin, consisting of 17 civil and criminal justices and law clerks, agreed on the most important SC decisions and legal opinions for inclusion in the Bulletin. The working group will

need an additional few days of in-house work to finalize the registry, which will serve as a tool to facilitate searches of the Bulletin's content.

During the past few months, the working group has applied significant effort in the creation of the Bulletin, which will be the first SC Bulletin published since 2004. A total of 850 copies of the Bulletin will be printed and disseminated with JSP support to all judges in the Republic of Macedonia. The Bulletin with SC jurisprudence will assist judge in rendering their decisions by using SC legal opinions and decisions.

2.2.3 Roundtable on Personal Data Protection in the Courts

On November 14, JSP, in cooperation with the Directorate for Personal Data Protection (Directorate) and the Judicial Council of the Republic of Macedonia (JC), organized a the Roundtable on Personal Data Protection in the Courts (Roundtable). The Roundtable was aimed at presenting a Directorate report containing findings of its regular inspections pertaining to personal data protection in the Macedonian judiciary. Twenty-eight president judges participated and reviewed the results of the Directorate's report on court compliance with the personal data protection regulations. The report indicated progress has been made, but more work clearly needs to be done to ensure courts' full compliance with the regulations.

2.2.4 Roundtable for Civil Judges of the Supreme Court and the Four Appellate Courts

On November 17-18, JSP supported a roundtable for the harmonization of jurisprudence regarding legal issues for which the procedure has ended on appellate court level. Twenty-four judges, including five SC justices, eighteen appellate court judges and one representative of the Judicial Council discussed the main reasons for documented inconsistencies in judicial practice. During the second part of the roundtable, each appellate court presented the legal issues and dilemmas pertaining to the implementation of the Law on Civil Procedure (LCP) that are being identified during day-to-day operations of the courts.

This roundtable served as preparation for a series of systematic trainings on the LCP provisions, which will commence in late January 2015. At the end of the roundtable, the participants concluded that twelve major issues from the LCP pose a challenge to the judges when presiding over civil cases. To address these issues, the SC will adopt uniform principal legal opinions, which will be presented during the upcoming LCP trainings.

2.2.5 Assist Courts to Improve Transparency and Communication with Public and Media

On November 18, JSP sent the Judicial Practice Bulletin, prepared by the Appellate Court Gostivar, for printing. Seven hundred (700) copies are expected to be finalized by December 5 and will be distributed to all judges in the Republic of Macedonia. In absence of the published SC Jurisprudence Bulletin, jurisprudence of the Appellate courts is used as a tool for harmonizing court decisions on National level.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Develop Strategies for Differentiated Case Management (DCM) and Determine National Time Standards (NTS) for Different Case Types

In November, JSP continued preparing for the upcoming visit of the US consultant Ms. Suzanne Schneider, who will support the implementation of DCM and NTS in Macedonian courts. Ms. Schneider's consultancy will include a two-day workshop, scheduled for December 3-4, with the Macedonian Judiciary's DCM working group. Further steps towards the implementation of DCM will be taken and recommendations from consultant Markus Zimmer's report will be further elaborated and implemented.

In November, the working group reviewed and edited documents that judges prepared at the September workshop. These documents are currently being translated and will be shared with Ms. Schneider.

Also, this month JSP contacted Mr. Ken Stuart, a retired US judge, regarding a proposed consultancy to further contribute to the implementation of DCM and establishment of NTS in the Macedonian judiciary through the creation of a methodology for measuring case weight and case complexity. The proposed consultancy is planned for late February 2015.

3.2.2 Electronic Digital Recording of Court Hearings and Trials

Procurement of CD-Rs for Use in Electronic Court Recording (ECR)

This month, JSP finalized the solicitation process for procurement of 10,000 CD-Rs, to ensure continued use of electronic recording in all courts in the Republic of Macedonia. The project will distribute the CD-Rs based on specific courts' requests and the frequency of use of the ECR in each courts.

An insufficient supply of CD-Rs was reported as one of the major issues facing the courts using the ECR system (SRS Femida) at the recent training-of-trainers for court IT staff, held on October 2 and 3.

Also, during this month, ECR consultant, Mr. Saso Aleksoski, visited the Basic Courts Kochani, Kumanovo, Debar and Gevgelija, and resolved several issues that emerged during the use of the ECR system in these courts.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

Refurbishment of a Courtroom at the Faculty of Law in Shtip

During this month, JSP staff and the hired architect visited the courtroom several times and worked to address minor construction flaws. The courtroom was finalized on November 25 with all outstanding issues resolved. The official opening event is scheduled for December 3.

Thereafter, the Law school students will be ready to practice moot court hearing under the new Law on Criminal Procedure. In addition this model courtroom of 21 st century will be used for hearings of more serious crime cases in the region of the Appellate court Shtip .

Court Entrance Remodeling at the BC Skopje 2

A draft RFP for the remodeling of the entrances to BC Skopje II was prepared during the month. The remodeling work will improve the court's main entrances and relocate the intake office so that it has a separate entrance and can provide better service to the public. The Initial Environmental Examination was approved and signed on November 26. The project expects to issue the solicitation for this work in early December 2014.

Procurement of Spare Parts for ECR Hardware for Courts

During November, spare parts for the ECR hardware were delivered and installed in Basic Courts Kumanovo, Debar, Gevgelija, Strumica, and Kochani, replacing broken and dysfunctional parts of the SRS Femida. These spare parts, the procurement for which JSP completed in October, were necessary to ensure the uninterrupted use of the SRS Femida system and will support the sustainability and enhanced use of ECR in the Macedonian courts.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. SUMMARY OF ACTIVITIES PLANNED FOR DECEMBER 2014

The summary of activities planned for December 2014 is as follows:

- Two-day workshop on DCM facilitated by the consultant Suzanne Schneider on December 3-4
- Official opening of the courtroom at the Goce Delchev University in Shtip on December 3
- Finalize procurement process and start implementation of the ROLC public awareness campaign
- Print Judicial Code of Ethics in poster and brochure formats
- Print Judicial Practice Bulletin of the Supreme Court
- Print Judicial Practice Bulletin for the Appellate Court Gostivar
- Print domestic violence Bench Book for judges
- Print ELSA brochure on Free Legal Aid
- Issue request for proposals for adaptation of entrances of the Basic Court Skopje II
- Prepare for upcoming strategic litigation training for MYLA and ELSA
- Prepare for upcoming consultancy of case weight expert, Ken Stuart.