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**USAID/MACEDONIA
JUDICIAL STRENGTHENING PROJECT
(JSP)
MONTHLY REPORT: November 2013**

December 6, 2013

This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech DPK.

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

1. 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) previously completed the short, focused initial assessment of the needs of 11 legal professional associations (LPAs) and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for Phase II of the assessment: The Macedonian Judges Association (MJA), The Macedonian Young Lawyers Association (MYLA), and The Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and recommend training and technical assistance packages customized to each organization. Phase III commenced in October 2012. The activities and events for this reporting period are described below.

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

The JSP proceeded with the implementation of Phase III, which commenced in October 2012. Phase III activities included a series of training workshops -- to be implemented by JSP subcontractor MESACONS/Embrea -- to enhance the capacity of the selected organizations. The project supported a total of 31 trainings/workshops between October 31, 2012 and October 25, 2013¹. A number of these trainings were jointly conducted to reach several organizations simultaneously.

On July 22, JSP signed a modification agreement with MESACONS/Embrea memorializing the agreement to include several additional LPAs in the trainings/workshops due to MJA's previous withdrawal from the scheduled programs.

The training plan was completed on October 25, 2013. The EMBRA team on November 12, 2013 presented a draft report with a baseline for two of three original target organizations, the CAA and MYLA. The draft report has recommendations for further strengthening and support of the legal professional organizations.

EMBRA plans to organize an event during December and deliver certificates to all participants of the Capacity Building Training.

1.2.1 Other Support for LPAs

Macedonian Judges Association

The project in cooperation with the Macedonian Judges Association and the High Administrative court organized on November 7, 2013 the event entitled "Roundtable on Court Proceedings and Court Efficiency." There were 26 participants (11 men and 15 women), including the President of

¹ The final training took place during October 24 and 25, 2013

the Judicial Council, the President of the Judges Association, judges from the Administrative , High Administrative and Basic Court Skopje 2, the State Administrative Inspectorate, the State Commission for Deciding Administrative Cases in the Second Instance , BAR Association and University EURO Balkan. The participants had a chance to discuss issues arising in court proceedings in the civil and administrative law areas. Although Administrative court has improved its backlog in the last quarter, there is a long way to go to reach efficiency. The issue of obtaining documents from the State Administrative bodies along with the delay in delivery was mentioned as the main obstacle for improving efficiency in the administrative proceedings.

As agreed at the last Judicial Branch Forum, held on October 17-18, 2013, GRECO's 4th round evaluation for Great Britain – the part on corruption prevention with respect to judges in Macedonian was sent to Judge Nikolovski, to assist the MJA in the preparation of the Judicial Code of Ethics.

Macedonian Young Lawyers Association

The JSP's Chief of Party (COP) continued discussions with the Macedonian Young Lawyers Association (MYLA) officers in preparation for the National Conference on "Legal Profession in the Republic of Macedonia - Challenges, Problems and Perspectives" on December 5, 2013. This Conference is being held in celebration of the 10th anniversary of the organization.

Major issues that will be discussed at the conference include: introducing the Bologna system of legal education and its effects thus far; increasing the number of law faculties and law students and its influence on the quality of education; the Bar Exam and possibility for introducing changes; issues faced by the legal professionals; and the future of the legal profession in the Republic of Macedonia.

The project is going to support this event both financially and logistically. The Analysis prepared for this conference along with the conclusions from it will be published with the support of the project.

European Law Students Association

The project's ICT coordinator and the project attorney worked with the European Law Students' Association (ELSA) officers in planning a revision to the ELSA website. The final configuration of the webpage will have two sections. The first will be designed for public use and will contain general information, activities and contact information. The second section will be designed for access only by members in good standing. As previously reported, it will provide an array of information for members and non-members and will include links and helpful tools for members. The final technical specifications were concluded and the Request for Proposals (RFP) will be issued in early December 2013.

From November 21 to 24, an ELSA Regional conference of countries of former Yugoslavia took place in Skopje. The regional conference is organized each year in a different country by the respective ELSA branch offices. It seeks to build capacity and coordination between the different regional associations, having in mind the geographical, cultural and historic similarities. This year's was the fifth regional conference focused on the topic of human trafficking ("Fight against Human Trafficking – Stop For the Modern Slavery"). There were 90 participants/law students and young lawyers from ages 20 to 32 from 6 former Yugoslav countries and the Netherlands.

Country	# of participants
Bosnia and Herzegovina	6
Croatia	18
Serbia	9
Slovenia	11

Male	Female
25	65

Macedonia	45
The Netherlands	1

Public Prosecutors Association

The Public Prosecutors Association (PPA) brochure, which JSP is supporting, is in its final phase of realization. The text has been checked, translated into English, and the team at JSP is procuring design and printing proposals.

The PPA website is finished and fully functional. It was presented to the JSP on September 24th, and is officially in use as of that date. The trainings for the staff at PPA were concluded on November 13th, and a CD tutorial has been prepared and is at the staff's disposal.

Chamber of Enforcement Agents

The Chamber has informed the project about the organization of its third continuous legal training during December 13-15, 2013. The project COP was asked and agreed to prepare a presentation on "European Practice in Amicable Debt Recovery."

1.2.2 Building a Broad-Based Coalition of LPAs

The project is supporting the creation of the coalition by coordinating with the major actors and supplying them with materials, documents and advice.

The idea of forming a broad-based coalition of LPAs in Macedonia was conceived after the first study tour to Sweden and Estonia (April 8-18, 2013) for seven members of All For Fair Trials (AFFT), Macedonian Young Lawyers Association (MYLA), Macedonian Lawyers Association (MLA), Court Administration Association and European Association for Law Students (ELSA). The Coalition is modeled after NENO, an Estonian broad-based organization of justice sector NGOs.

On November 13, 2013, the project signed a fixed priced contract with the Kaizen consulting company from Washington, DC to support the development of the broad-based coalition with other NGOs and a CSO to act as a watchdog in the area of judiciary/rule of law.

The consultancy will encompass two separate trips -- one in December, 2013 and one in March 2014. The first trip will focus on conducting a survey, assessing the local conditions of LPAs, and conducting workshops to gather additional feedback for key stakeholders. **Result 2: More Independent, Efficient, and Consistent Application of Judicial Policies and Practices**

1.3 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum Follow-up

The Judicial Branch Forum provides an opportunity for the leaders of judicial branch institutions and associations to discuss the progress, current status and next steps in the implementation of the judicial reforms in Macedonia. These topics are important to the ultimate achievement of the reform goals: establishment of the judiciary as a fully independent, effective and self-governed branch of the Government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia.

During this month, the project worked on obtaining the Code of Ethics for Judges in Great Britain. The Code was translated into Macedonian and sent to the Judges Association for future reference. This activity was part of the conclusion of the forth Judicial Branch Forum.

Harmonization of Decisions of Appellate Regions

Part of the project's ongoing cooperation and assistance to the Judicial Training Academy is the support of a leadership team for the harmonization of court decisions. The group, which comprises the four appellate region president judges and heads of departments, meets quarterly to discuss and harmonize important decisions. There was a meeting scheduled for October 3 but, at the request of the Academy, it has been reprogramed for December 6 due to schedule conflicts of a number of participants.

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

2.2.1 Development of Job Descriptions

As previously reported, the JSP has supported working groups to enhance and create job descriptions for certain employment areas. As a result of these endeavors, there are now three new draft job descriptions covering IT staff and public information officers in the courts. These documents were sent to the president of the Court Service Council on November 4 for feedback and further development at the meeting of the Court Service Council scheduled on December 20-21, 2013.

2.2.2 Strategic Plan for the Judiciary

In consultation with the Judicial Council President, it was agreed that JSP would support an updated version of the Strategic Plan (SP) for the Judiciary of Macedonia. The previous judicial plan ran from 2010 to 2012 and is therefore obsolete. The project signed a Contract with the Center for Institutional Development (CiRa) on November 19, 2013 for development of the new Strategic Plan for the judiciary for 2014-2016. CiRa will first assess the implementation of the SP of 2010-2012 and then on three to four workshops with key players in the Judiciary will develop a Draft Strategic Plan. This process will start in the first week of December 2013.

Result 3: INCREASED FAIRNESS and Efficiency of the Administration of Justice through More Effective Legal Personnel and Efficient Processes

1.5 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Training for commercial judges

On November 15, JSP supported the Academy for Judges and Public Prosecutors in organizing the training on "Managerial Contracts - Accurate Legal Classification and Distinguishing the Labor Disputes According to the Law on Labor Relations, from the Disputes that Arise from Managerial Contracts." Presentations were made by Judge Zoran Mihajloski, Judge of the Appellate Court Skopje, and Mr. Marko Andonov, Law Professor at the University American College, Skopje. The event was attended by twenty-eight judges and lawyers.

JSP nominated the Administrative Office of the Court Budget Council (CBC) as an organization to improve its capacity in public procurement mandated in the Law on Court Budget in early September. The Administrative Office of the Court Budget Council was selected as one of the five organizations to undergo an Organizational Performance Improvement Training, implemented by local company DETRA Center. This training will last one year and will start as of February 1, 2014.

On November 18, 2013, the President of the Judicial Council signed the Memorandum for Cooperation with DETRA Center and an agreement which for participating at the one year of Organizational Performance Improvement Training Program.

Training on Mediation and Arbitration

The JSP reaffirmed its commitment with the Academy to support a training entitled “Mediation and Arbitration” for commercial judges. Judges Arem and Punt from the Netherlands conducted training on October 28 and 29, 2013.

As a follow up to the above mentioned training, on November 18, at the request of Mr. Ilija Manasiev, President of the Macedonian Center for Mediation (MCM), a meeting was held at the JSP Offices. At the meeting, the possibilities for JSP support for the activities of the MCM were explored, as well as the possibilities for JSP to support mediation efforts in Macedonia in general. Having in mind JSP’s mandate in this area, Mr. Manasiev was advised to strengthen the capacity and membership base of the organization, in order to be eligible for support by the donor community.

3.1.2 Study Tour II for Court Administrators and Court Staff

The second JSP study tour took place from September 23 to October 3 and focused on increasing the capacities and skills of the court administrators and court staff. The program stressed coordination and communication among various justice sector actors and institutions in order to strengthen judicial independence and foster more effective and accountable court operations.

This month the Project’s Court Administrative Coordinator continued to work with participants of the study tour on implementation of the Study Tour Action Plans and incorporated them into the Project’s third year work plan.

Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Court Proceedings and Court Efficiency

On November 5, JSP met with the President of the Basic Court Ohrid, Judge Milco Klisheski. This meeting was part of the Project’s ongoing efforts to improve caseload processing by insuring proper functioning of the courts’ committees for backlog reduction. BC Ohrid is the court with the biggest number of old cases in the Bitola appellate region. Prior to this meeting, on May 20 and 28, JSP participated in working meetings with a “train-the-trainers” element, with the President, judges and Heads of Departments of the Basic Courts Kumanovo and Skopje I. These courts were identified by the President Judge of the Appellate Court Skopje as courts in need of remedial assistance. During the visits, common reasons for delay were identified in both criminal and civil cases and possible solutions discussed. Some of the major issues identified were the following: service of process for the main hearing, failure to produce detainees in court, delays in submitting reports and appearances of expert witnesses, etc.

3.2.2 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The JSP has provided support for an “in-house” Electronic Court Recording (ECR) consultant at BC Skopje II due to the court’s workload, which includes certain high-profile cases from the entire country. The recruitment and approval process to hire the ECR consultant took place during September. After a screening and interview process, the consultant was selected to fill this position. After an initial one month pro-bono service, a one year contract was signed with this expert and commenced on October 14. The court and its judges will benefit from the presence and assistance of this consultant who will support full utilization of the ECR Femida software and hardware. He will coordinate and provide continuous “in-house” training and daily support to the users of ECR.

During October and November 2013, the project procured and obtained rate approval for Mr. Aleksoski, consultant for SRS Femida. This scope of this consultancy encompasses: development of simplified manual for end users of Audio Recording System Femida, installation of new software Open Office to enable exchange of data between ACCMIS and Femida in 80 courtrooms and refresh training for civil judges and court typists in 29 courts.

Upgrade of Automated Budget Management System

The Court Budget Council (CBC) requested an upgrade of the Automated Budget Management System (ABMS) due to a number of changes in the laws and sub-regulations norming judicial budgeting, finance and human resources. The project addressed the issue through a sole source contract with the original vendor. The upgrade of the ABMS modules was completed on November 15. Courts and Administrative Office of the Court Budget Council will work in the next three months to test these new upgraded modules. As stipulated in the contract, the vendor will assist the courts in preparation and submission of the Final Financial Report for 2013 in March 2014.

Upgrade of IT equipment at Academy for Judges and Public Prosecutors

In early November, the project received a request from the director of the Academy to assist in the upgrade of the IT equipment and enable uninterrupted initial training for the fifth generation of candidate judges. The project COP and IT coordinator met with the director on November 12, 2013 and did an on-site assessment of the current IT equipment. Based on this assessment, the project decided to procure 4 new PCs, and replace 14 monitors, 14 keyboards and mice, and 4 HDDs on old computers.

The new IT equipment is expected to be delivered at the Academy in early December 2013.

3.2.3 Coordination Meetings

President of the Judicial Council

The JSP Chief of Party (COP) continued regular communications with the President of the Judicial Council (JC) to coordinate project efforts with JC and the CBC in various areas. JC President Judge Zafiroska, at the meeting on November 27, approved the list of participants for an interview regarding the evaluation of the implementation of the Strategy of the Judiciary 2010-2012. Also it was agreed to hold a three-day workshop for developing a new Strategic Plan for 2014-2016 on December 23-25, 2013.

Meeting with President of the CAA

On November 5th, a coordinative meeting was organized with the President of the CAA, Mr. Borce Mirceski, to discuss the preparations for his visit to the Sixth International Conference of the International Court Administration Association (IACA), in Dubai, United Arab Emirates on December 9 – 10. The theme of the conference is "Court Excellence in a Changing World" and places a strong emphasis on court excellence, efficiency and customer engagement. This is the second time that the project is supporting the presence of the President of the CAA to the Annual meeting of the International Association Court Administration.

II. PROBLEMS AND REMEDIAL ACTIONS

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

III. ADMINISTRATIVE MATTERS

Nena Ivanovska assumed the COP position on November 15 after Judge Joseph Traficanti left the position the day before. The project will hire a local staff to assist the new COP. A job description will be prepared and a posting made to fill the position

IV. SUMMARY OF ACTIVITIES PLANNED FOR DECEMBER 2013

The summary of activities planned for December 2013 is as follows:

- Support EMBRA in deliberation of certificates to the participants of the Capacity building trainings
- Support Amy Watve, Strategic Initiative Director of Kaizen company in the initial assessment and workshop with Rule of Law Council (December 12-19)
- New IT equipment installed at the Academy for judges and public prosecutors as a support for the fifth generation of candidate judges
- Continue coordination and planning with the Academy for future events and activities for JSP's third year beginning on November 23
- Planning for Harmonization of Court Decisions meeting on December 6
- Support CIRa and Judicial Council in developing Strategic Plan for the Judiciary 2014-2016
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type to support Staffing Guidelines and case management initiatives
- At the request of the CBC, re-establish the working group for the next phase of the implementation of staffing guidelines and conduct a first meeting
- Follow-up with participants of the second study tour, finalizing Action Plan and assisting in implementation, where appropriate and agreed upon
- Plan with ELSA to promote its *Juvenile Justice* publication in more venues
- Assist in the development phase of a newly designed ELSA website with both public and private membership access
- Support ELSA students in monitoring of court hearings at the Criminal Court Skopje I and Civil Court Skopje 2
- Support MBA by assisting in the preparation of technical specifications for a revised website and issue RFP for a vendor for MBA and ELSA websites
- Continue support of student visits to courts and distribution of ELSA publications integrating people with disabilities and orphans
- Continue the oversight of the implementation of electronic recording of court hearings including supporting the work of support coordinator retained for Skopje II
- Support future as-needed training in court venues by providing trainer
- Follow progress in implementation of the Action Plans of CAA, ELSA, MLA, AFFT and MYLA as part of the recent study tour objectives including formation of a broad-based coalition and training by US based expert – Kaizen Group
- Continue support of the publication of the brochure for the Association of Public Prosecutors (APP)
- Oversee and manage contract for the upgrade of ABMS for the CBC
- Support the preparation of a Three Year Strategic Plan for the Judiciary by selecting a vendor through the public procurement process, entering into contract and monitoring activities
- Publishing ECR manual and further trainings