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# USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

FINAL REPORT: NOVEMBER 2011 – NOVEMBER 2015

November 20, 2015

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# USAID/MACEDONIA

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<b>PROJECT:</b>	<b>JUDICIAL STRENGTHENING PROJECT</b>
<b>USAID OFFICE:</b>	<b>USAID/MACEDONIA</b>
<b>CONTRACT NO.:</b>	<b>AID-165-C-12-00001</b>
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## 1. BACKGROUND

### 1.1 PROJECT BACKGROUND

The USAID Judicial Strengthening Project (hereinafter referred to as “JSP” or the “Project”) was implemented from November 2011 through November 2015 as part of the US Government’s effort to promote the rule of law in Macedonia. The Project supported Macedonia’s judiciary to evolve as an independent, self-governed, effective and accountable branch of government capable of meeting the needs of the citizens, businesses and organizations for prompt and impartial protection of their rights and adjudication of their legal disputes. The Project built on and furthered the successes of the previous USAID Judicial Reform Implementation Project (JRIP). JSP was implemented by the US-based company, Tetra Tech DPK.

The overall goals of the Project were to:

- Develop broad-based support for rule of law and judicial sector reform
- Improve the independence of the judiciary and its systems
- Foster efficiency, effectiveness and accountability of the courts and
- Increase citizen trust and confidence in the integrity of the judicial branch.

JSP supported the development of justice sector professional associations’ and civil society organizations’ (CSO) capacities to play an advocacy role in justice system reform efforts by providing targeted capacity building trainings/workshops and technical assistance to deliver enhanced services and advocate for the interests of their members. This support resulted in creation of the Rule of Law Council, an umbrella organization of four legal professional associations (LPAs) and CSOs, aimed towards establishing issue-based advocacy councils for key matters related to rule of law and human rights protection.

The Project contributed towards empowerment of the judiciary to take the lead in its own reforms, which resulted in a number of courts’ internal regulations and procedures being developed with the participation of judges and court administration personnel. In addition, JSP supported the foundation and institutionalization of the Judicial Branch Forum (JBF) as an internal mechanism within the judiciary, created to review existing laws, processes and procedures, which resulted in consensus on numerous solutions to strengthen the judicial system.

Furthermore, JSP contributed to improving financial and budget planning as well as management within the judiciary by supporting the standardization of court accounting practices and upgrading of the Automated Budget Management System (ABMS) for automatic calculation of cost-per-case, thus enabling the Court Budget Council (CBC) to more appropriately allocate financial resources among the courts. JSP helped the Macedonian judiciary increase openness and transparency with the public by providing training of public information officers in the courts, supporting the publication of informational printed materials on the courts, and organizing judicial public information and education activities.

#### 1.1.1 Project Organization and Administration

The Project was organized into three complementary components:

- **Component 1. Advocacy and Citizen Participation in Judicial Sector Reforms.** The first component supported the development of justice sector professional associations’ and civil society organizations’ capacities to play an advocacy role in justice system reform efforts.

- **Component 2. Independent, Efficient and Consistent Application of Judicial Sector Policies and Practices.** The second component focused on supporting sustainable reforms in court administration and management of the judiciary, improving caseload processing and reducing backlogs, and opening the work of the courts for the public.
- **Component 3. Effective Legal Personnel and Efficient Processes.** The third component focused on supporting specialized trainings to improve performance of judges and to increase quality of justice. The JSP also worked to build capacities of court personnel to provide efficient services to court users. The Project worked with judges and courts on introducing differentiated case management and applying national time standards for case processing.

The Chief of Party (COP) was responsible for the operational, fiscal, and technical oversight of the Project. The first COP, retired Judge Joseph Traficanti, undertook start-up tasks and led the Project from November 22, 2011 to November 14, 2013, and supported the transition of COP responsibilities to DCOP Nevenka Ivanovska. Ms. Ivanovska occupied the COP position from November 15, 2013 through the end of the project on November 22, 2015.

The COP, DCOP and technical staff were supported by an Administration and Finance Manager and IT and Logistics Coordinator to effectively implement the Project. JSP engaged a number of international experts from the US and EU to support project activities and provide needed expertise. Experts were also recruited locally, thus providing a blend of national and international legal experiences and best practices.

## 1.2 COUNTRY AND SECTOR BACKGROUND

### 1.2.1 Country Background

Following the national referendum in 1991, the Republic of Macedonia was established as a sovereign country based on parliamentary democracy. Macedonia adopted its first constitution as independent country in 1991. The constitution provides for the protection of fundamental human rights, such as freedom of speech, freedom of religion, freedom of peaceful assembly and association, as well as for an independent judiciary. As with other European legal systems, the courts in Macedonia operate on the continental civil law jurisprudential model.

On February 13, 2004, the Macedonian Government ratified the “Declaration for Submission,” the request for membership of the Republic of Macedonia in the European Union. Macedonia was granted the status of candidate country by the European Council in December 2005. The Stabilisation and Association Agreement (SAA) between the former Yugoslav Republic of Macedonia and the EU entered into force in April 2004. In October 2009, the Commission made recommendations to the Council to open negotiations with the country and to move to the second phase of SAA implementation. The Council has not yet decided on the Commission’s 2009 proposal on passage to the second stage of association.

By signing the SAA with the European Union, Macedonia assumed obligations related to the harmonization of national legislation with EU law, and for the overall reform of the judicial system, specifically with regard to enhancing the position of the judicial power with respect to the two other powers and its effective functioning. The obligation to reform the judicial system arises from the principles, priorities, and requirements contained both within the European partnership of the Republic of Macedonia with the European Union and within the National Program for Adoption of the EU Acquis.

The recently initiated High Level Accession Dialogue is expected to reinforce the reform process of accession to the EU. On 15 March 2012, in the frame of the first high-level accession dialogue

the key reform challenges were defined in the following areas: Freedom of expression in the media; Rule of law; Reform of the public administration; Electoral reform; and Strengthening of the market economy.

The legislative framework governing the country's judiciary has developed considerably as a result of the comprehensive reforms carried out over the past decade. Many of the overarching issues have been tackled, including the elimination of court backlogs, the establishment of the Academy for Judges and Prosecutors, the formal independence of the Judicial Council, the introduction of a system of administrative justice and improvements to both civil and criminal procedure legislation. As a result, the country has moved to an advanced phase requiring more complex and challenging improvements, which mostly relate to the need to secure not only structural but functional independence of judges, improving the quality of justice, and increasing the cost-effectiveness of the court system.

### **1.2.2 Sector Background**

On November 22, 2004, the Government of Macedonia adopted the 2004-2007 National Strategy for Reform of the Justice System, which had the overall goal of creating a new constitutional and legal framework to establish a functional, independent, and autonomous judiciary and public prosecution. Specifically, the Strategy addressed three areas: strengthening the independence and autonomy of the judiciary and public prosecution; human resources and equitable representation of the communities in courts; and, increasing court efficiency.

To implement the Strategy, amendments to the Constitution were enacted in December 2005 that paved the way for core changes in the overall structure and functioning of judicial institutions as well as depoliticizing the manner in which judges and public prosecutors are appointed and dismissed. These constitutional amendments defined the structure and competence of the Judicial Council and the Public Prosecutor's Council by removing the responsibility for election and dismissal of judges and public prosecutors from the Assembly of the Republic of Macedonia and giving this authority to these two councils. The Constitutional amendments also provided for the creation of a new Administrative Court (AC) with jurisdiction over the entire country and for the establishment of a new, fourth Appellate Court for the Gostivar region, mainly populated with ethnic Albanians. Additionally, the amendments provided for specialization within the courts as a way to improve the overall efficiency of the courts and allowed for some misdemeanors to be handled initially by the administrative bodies, subject to judicial review. Most of the tasks required by the 2004-2007 Strategy have been completed. In July 2014, the Government proposed to the Parliament a package of seven constitutional changes in a broad range of areas.

The changes and amendments to the Law on Court Budget from 2010, were envisioned to strengthen the financial independence of the judiciary by securing the minimum amount of the court budget of at least 0.8 percent of the Gross Domestic Product (GDP). The amended law was envisioned to be implemented through incremental increases of the court budget as of 2012, to finally reach 0.8 percent in 2015. Even though this was a positive step forward in addressing the chronic underfunding of the judiciary, the approved court budget has always been far below the established percentage. The budget for the judiciary for 2015 is still 0.4 percent from the GDP.

The Law on Court Service (LCS), enacted in 2008, granted the judiciary responsibility for court administration and human resources. However, a new LCS was enacted in March 2014, which changed the status of the court administration to a great extent. A vast number of the LCS provisions are perceived by the court administration as being unconstitutional, demotivating and discriminating. The Court Administration Association (CAA) has taken a very proactive role in drafting changes and amendments to the LCS, in an effort to create positive and motivating working environment for the court administration and staff.

The Law on Civil Procedure went through substantial amendments in 2009 and 2010, supported by the previous USAID Judicial Reform Implementation Project. The amended law defines specific court processing timelines, regulates effective use of expert witnesses, encourages mediation, and introduces electronic recording of court hearings. An outstanding result of the amendments is that the duration of civil cases has significantly shortened and the misuse of court processes by attorneys has been prevented.

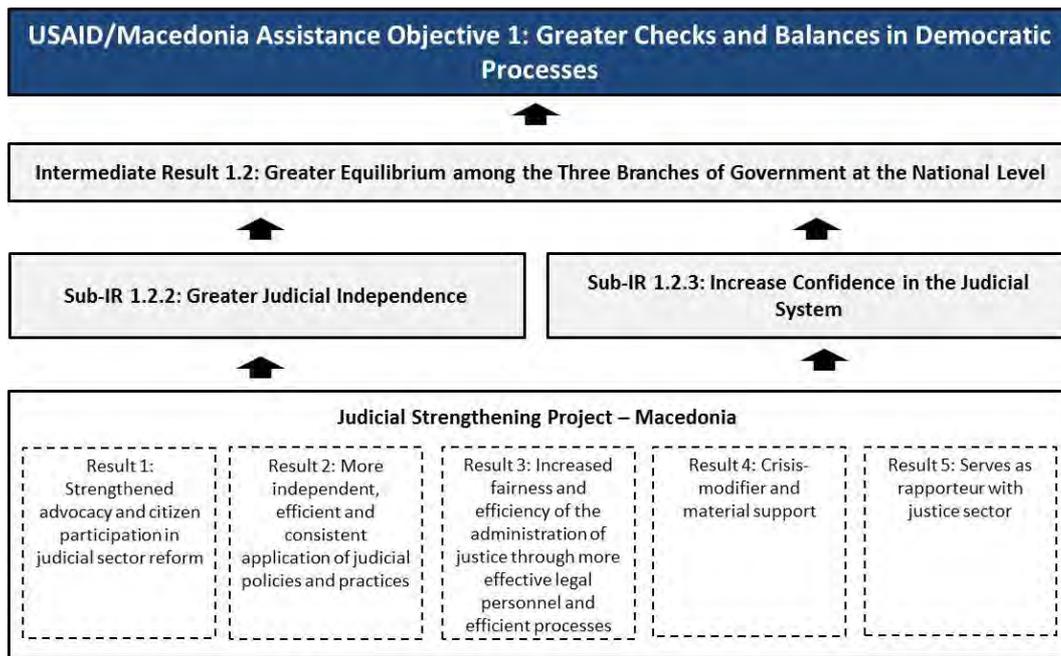
As part of a broader criminal law reform, the Parliament passed new Law on Criminal Procedure (LCP) in 2010, which has been in force since December 2013, and introduced entirely new concept of processing criminal cases. The new LCP is intended to establish modern case-processing of criminal cases, expedite the procedure, and strengthen the role of the public prosecutor.

The Law on Judicial Council went through a number of changes and amendments, from 2006 to 2015. The amendment from 2010 deprived the voting right of the Minister of Justice as a Judicial Council (JC) member, in an effort to secure independence of JC members in decision making process. The amendment from 2015 established a new body, Council for Establishment of Facts and Initiation of a Procedure for Establishment of Liability of a Judge.

As of January 1, 2010, with USAID support, the judiciary deployed an automated court case management system (ACCMIS), streamlining case processing and reducing backlog. The ACCMIS replaced manual case processing and has been upgraded several times, aimed at adding new case processing functionalities. Furthermore, through the implementation of electronic recording of court hearings (ECR), introduced with the amendments to the Law on Civil Procedure from 2010, the judiciary enhanced transparency of civil procedures.

## **2. MISSION STRATEGIC OBJECTIVES**

The JSP supported the USAID/Macedonia Assistance Objective (AO) 1: Greater Checks and Balances in Democratic Processes. Under this AO, the project supports Intermediate Result (I.R.) 1.2: Greater Equilibrium among the three Branches of Government at the National Level. Specifically, JSP worked toward Sub-IR 1.2.2: Greater Judicial Independence; and, Sub-IR 1.2.3: Increased Confidence in the Judicial System. The chart below illustrates the conceptual linkages between the JSP and the USAID/Macedonia Result Framework.



### 3. CONTRACT OBJECTIVES

The JSP built upon USAID’s prior activities to advance the rule of law in Macedonia. Specifically, JSP sought to: (1) develop broad based support for rule of law and judicial sector reform; (2) improve the independence of the judiciary and its systems; (3) foster efficiency, effectiveness and accountability of the courts, and (4) increase citizen trust and confidence in the integrity of the judicial branch. To achieve these objectives Tetra Tech DPK implemented an initial 3-year technical assistance program, and a one-year term extension was granted following an independent evaluation commissioned by USAID in the third year of the project.

To support implementation of contract objectives, the Project worked toward achieving the following results:

1. **Result 1: Strengthened advocacy and citizen participation in judicial sector reform**  
*Requirement 1.1:* A short focused assessment, baseline survey, and resulting action plan on justice sector professional associations and CSOs and the role they can play in strengthening the rule of law area in Macedonia;  
*Requirement 1.2:* Per the findings of Requirement 1.1 the capacity of at least two judicial sector professional associations are improved.
2. **Result 2: More independent, efficient, and consistent application of judicial policies and practices**  
*Requirement 2.1:* Legal framework and judicial branch policies strengthen independence, effectiveness and accountability of the judicial system;  
*Requirement 2.2:* Administration and management rules, policies and procedures, systems and practices support a modern court system; work with judicial sector authorities and actors to establish effective governance and operational systems for managing court resources, --budget human resources, facilities, equipment etc.; strengthen managerial capabilities and introduce performance standards.
3. **Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes**

**Requirement 3.1** *Develop and implement targeted specialized trainings for judges, court administrative executives, and court staff;*

**Requirement 3.2:** *Improve caseload processing and reduce backlog of cases.*

#### **4. Result 4: Crisis-modifier and Material Support**

**Requirement 4.1:** *Contractor has the capacity to respond to unanticipated events in the justice sector, upon written request from the USAID/COTR.*

**Requirement 4.2:** *To address the lack of resources inhibiting the ability of the courts and judicial organizations to effectively perform their functions, the contractor shall support activities within the courts designed to improve court practices and enhance transparency through provision of material support.*

#### **5. Result 5: Serves as rapporteur with justice sector**

**Requirement 5.1:** *Coordinate, track, and report on sector activities and achievements and serve as liaison on select activities with other justice sector donors to optimize use of resources and avoid duplication.*

## **4. DESCRIPTION OF WORK PERFORMED**

### **4.1 RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM**

JSP supported advocacy and citizen participation in judicial sector reforms by:

- Implementing a comprehensive series of trainings and workshops for three targeted CSOs and LPAs, based on the recommendations of a previously conducted focused assessment of 11 judicial-sector organizations;
- Providing *ad hoc* development assistance to other CSOs working in the judicial sector;
- Support establishing the Rule of Law Council (ROLC), a broad-based umbrella association comprised of All for Fair Trials Coalition (AFFT), Macedonian Young Lawyers Association (MYLA), Court Administration Association (CAA), and European Law Students Association (ELSA), to advocate for an independent judiciary and the rule of law.

The following sections summarize the activities, results, and impacts achieved under Result 1.

#### **4.1.1 Focused assessment and strengthening the organizational capacity of LPAs and CSOs to effectively carry out their mandates in support of judicial reform**

As a first step, potential JSP partner organizations were assessed to determine which ones were independent from political parties, able to mobilize their memberships, and had the potential to be a key player in initiating national reform campaigns. Eleven organizations and associations that would be eligible for JSP assistance were identified.<sup>1</sup>

In phase one, the project performed a short focused assessment of LPAs and CSOs to identify the nature, membership, membership services, and activities of these 11 judicial-sector organizations to identify those that are effective or potentially effective in terms of their ability to advocate for judicial sector reform and be a key player in initiating national reform campaigns. From that assessment, completed on April 2, 2012, the JSP identified three organizations that were targets

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<sup>1</sup> Macedonian Judges Association, Macedonian Young Lawyers Association, Macedonian Lawyers Association, Court Administration Association, Association of Public Prosecutors, Chamber of Enforcement Agents, Notary Chamber of the Republic of Macedonia, Chamber of Mediators, All for Fair Trails, Center for Civil Communication, and the European Law Students' Association.

of opportunity for improved advocacy. These are the Macedonian Judges Association (MJA), CAA, and MYLA.

In phase two, an in-depth assessment of the three selected associations was conducted to identify performance gaps and needs in order to tailor capacity-building assistance to the needs of each organization. Following the in-depth assessment, the project developed an action plan outlining the process and setting up benchmarks for equipping these organizations with the skills needed to effectively contribute to the dialogue on judicial-sector reforms and to advocate on behalf of their members.

Both of these phases were conducted by a subcontractor, the Macedonian Center for Institutional Development (CIRa), which was selected through a competitive procurement process.

Phase three included activities specifically designed to enhance the capacity of the three selected organizations, in accordance with the action plan proposed in the organizational performance assessment. The goal was to foster the demand side of judicial reform and build pressure on the Government of Macedonia and judicial leadership to undertake reforms that advance judicial independence and effectiveness.

MJA members attended 4 trainings, from October 31, 2012 to April 30, 2013. In these trainings, MJA participation had been low, with their members displaying a lack of enthusiasm. Judge Nikolco Nikolovski, President of MJA, informed the JSP that judges have busy schedules, making it difficult to ensure their participation and engagement in trainings. As a result, the JSP has reached out to the eight LPAs/CSOs that were not among the originally targeted group and offered them participation at the remaining training sessions.

The following trainings/workshops were conducted from October 2012 through October 2013<sup>2</sup>:

TRAININGS AND WORKSHOPS: OCTOBER 2012 – OCTOBER 2013		
<b>MJA</b>	<b>Date</b>	
Advocacy and Lobbying <b>T</b>	Oct. 31	Nov. 1
Project Planning, Design, and Implementation/Project Cycle Management <b>T</b>	Nov. 6	Nov. 8
Media and Public Relations Strategies <b>T</b>	Mar. 18	Mar. 19
Organizational and Management Skills <b>T</b>	Apr. 29	Apr. 30
<b>CAA</b>	<b>Date</b>	
Developing a New Strategic Plan 2013-2015 <b>W</b>	Nov. 19	Nov. 21
Advocacy and Lobbying <b>T</b>	Nov. 29	Nov. 30
Establishing and Maintaining Effective Partnerships and Cooperation <b>T</b>	Jan. 24	Jan. 25
Provision on Effective and Efficient Services with Focus on Members <b>W</b>	Jan. 31	Feb. 1
Effective Media and Public Relations <b>T</b>	Feb. 11	Feb. 12
Organizational and Management Skills <b>W</b>	Feb. 19	Feb. 20
Project Planning, Design, and Implementation/Project Cycle Management <b>T</b>	Mar. 11	Mar. 13
Training in Management and Leadership Skills <b>T</b>	Mar. 14	Mar. 15
EU Funding Mechanisms (Joint with MYLA) <b>T</b>	Mar. 20	Mar. 21
Developing Membership Base Strengthening Strategies <b>W</b>	Apr. 11	Apr. 12
Developing Training Delivery Skills <b>T</b>	May 14	May 15
Human Resource and Volunteer Management (Joint with MYLA)	Oct. 3	Oct. 4

<sup>2</sup> T = Training; W = Workshop

<b>T</b>		
Developing Financial Management and Sustainability Plans <b>T</b>	Oct. 15	Oct. 16
Financial Management for Non-Financial Personnel (Joint with Other Seven Non-Governmental organizations [NGOs]) <b>T</b>	Oct. 24	Oct. 25
<b>MYLA</b>	<b>Date</b>	
Developing a New Strategic Plan 2013-2015 <b>W</b>	Nov. 2	Nov. 4
Advocacy and Lobbying <b>T</b>	Dec. 15	Dec. 16
Project Planning, Design, and Implementation/Project Cycle Management <b>T</b>	Jan. 17	Jan. 19
Provision of Effective and Efficient Services <b>W</b>	Feb. 5	Feb. 6
EU Funding Mechanisms (Joint with CAA) <b>T</b>	Mar. 20	Mar. 21
Media and Public Relations Strategies <b>T</b>	Mar. 26	Mar. 27
Mobilization of Local Resources <b>T</b>	Apr. 16	Apr. 17
Developing Membership Base Strengthening Strategies <b>W</b>	Apr. 24	Apr. 25
Maintaining Effective Donor Relations <b>T</b>	May 16	May 17
Organizational Design <b>W</b>	Sep. 10	Sep. 11
Training in Management and Leadership Skills <b>T</b>	Sep. 20	Sep. 21
Developing Organizational and Financial Sustainability Plans <b>T</b>	Sep. 24	Sep. 25
Human Resource and Volunteer Management (Joint with CAA) <b>T</b>	Oct. 3	Oct. 4
<b>Other 8 NGOs</b>		
Training in Management and Leadership Skills <b>T</b>	May 28	May 29
EU Funding Mechanisms <b>T</b>	Jun. 24	Jun. 25
Developing Membership Base Strengthening Strategies <b>W</b>	Sep. 4	Sep. 5
Provision for Effective and Efficient Services with Focus on Members <b>W</b>	Sep. 12	Sep. 13
Financial Management for Non-Financial Personnel (Joint with CAA) <b>T</b>	Oct. 24	Oct. 25

#### 4.1.2 Other Assistance to Selected Organizations

In addition to the capacity and sustainability initiatives described above, the JSP provided *ad hoc* development assistance to the three targeted organizations and other NGOs working in the judicial sector in the following events and activities:

##### *Macedonian Judges Association*

JSP provided support to the MJA in the following areas:

- Roundtable discussion on “*Application of Article 10 of the European Convention of Human Rights and the Defamation Laws of the Republic of Macedonia*” - June 7, 2012;
- Roundtable discussion on “*Responsibilities of state administrative bodies for the duration of administrative procedures in relation to the protection of the right of trial within a reasonable time*” - July 12, 2012;
- Roundtable on “*Court Proceedings and Court Efficiency for judges and lawyers to discuss issues arising in court proceedings in civil and administrative law*” – November 7, 2013;
- Assistance in Drafting the Judicial Code of Ethics (Code) and Developing a Judicial Ethics Advisory Committee. The new Code is in line with the recommendations of GRECO<sup>3</sup> on conflict of interest and corruption, addressing

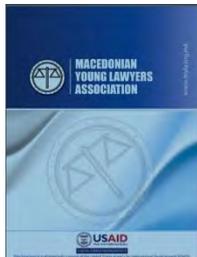
<sup>3</sup> Groupe d’Etats Contre La Corruption (Group of States Against Corruption)



remarks often made in the European Commission’s report for Macedonia on progress towards EU integration. The JSP also supported printing of 700 booklet copies and 700 poster format copies of the new Code and its promotion to MJA membership.

### ***Macedonian Young Lawyers Association***

JSP provided support to MYLA in the following areas:



- Publication of MYLA promotional flyer and brochure. Both publications were prepared by MYLA members to serve as a means of promotion for the association and contribute to developing the membership base;
- Presentation of goals and objectives of the association and the procedure for becoming a member, for the students of the Law School at FON University in Skopje - April 25, 2013. The representatives of MYLA and FON signed a memorandum for collaboration in future projects such as lectures at the university by prominent MYLA attorneys;
- Presentation for the students of the Faculty of Law at the University of South Eastern Europe in Tetovo (“SEE”) - May 8, 2013. A prominent member of MYLA, presented an example of one well-known criminal law case, to illustrate the practical dilemmas of the law and court procedure;
- MYLA National Conference on “*Legal Profession in the Republic of Macedonia – Challenges, Problems and Perspectives,*” - December 6, 2013. The conference marked the 10-year anniversary of MYLA by providing the opportunity for open debate regarding the results of the reforms in the legal education and legal profession, and their effects, especially on the young lawyers. Eighty-one participants attended the conference;
- Publishing of the analysis developed by MYLA entitled “Access to Legal Professions for Young Lawyers”, which encompasses reviews of the legislative framework reforms implemented in the past ten years;
- Two training sessions, on strategic litigation of human rights and project cycle management, delivered by MYLA members for ELSA in an attempt to foster a stronger relationship between the two organizations and to transfer the knowledge and the lessons learned from MYLA’s major projects and activities;
- Advanced strategic litigation training, delivered by Mr. Adam Weiss, Legal Director of the European Roma Rights Center - January 26-28, 2015. During the training the participants completed a draft Litigation Strategy for 2016-2018, which will guide MYLA in identifying and representing cases of human rights abuse;
- Workshop for development of MYLA’s new strategic plan for 2016 -2018 – September 25-27, 2015;
- Re-registration of two of MYLA’s web domains for three additional years.



### ***Court Administration Association***

JSP provided support to the CAA in the following areas:

- Support for office administrative personnel. The initial and follow-up assessment of CAA, which was conducted by CIRa, identified problems in the functioning of this young professional organization caused by a lack of both professional personnel and a functioning administrative office. The project funded the hiring of an office assistant to support the work of the CAA’s president and facilitate clear communications with branch offices and other members, for 2013 and 2014;
- Printing of the CAA publication (“Informator”), in 2013 and 2014. The publication describes the association’s objectives and accomplishments,



and is recognized by the members as a valuable tool in conveying information to the entire membership, as well as judges, media, potential donors and other stakeholders;

- Organization of three meetings of the CAA Annual Assembly, on May 22-23, 2013 in Strumica, May 28-30, 2014 in Tetovo, and 11-12 June, 2015 in Veles. These meetings have been focused primarily on reviewing certain aspects of the Law on Court Service (LCS) as well problems encountered in the implementation of these provisions;



- Participation of the CAA President at three meetings of the International Association for Court Administration Conference (IACCA): June 13-15, 2012 in The Hague, Netherlands, December 9-10, 2013 in Dubai, United Arab Emirates, and September 24-26, in Sydney, Australia. At the Conference in Dubai entitled “*Court Excellence in a Changing World*”, the Macedonian delegation had a presentation about the role and

development of the court administration in the Republic of Macedonia, which was very positively received by the participants. As a recently established organization, CAA sees its participation at this Conference as a unique opportunity for international recognition and networking with similar organizations worldwide;

- Support CAA’s efforts to prepare changes and amendments to the LCS and present them to the Ministry of Justice. The new LCS was passed by the Parliament on March 4, 2014 through a quick and non-transparent procedure, and was not positively received by CAA membership, who considered the LCS to be a reflection of the previously enacted Law on Civil Servants. The CAA membership perceived that the law lacked understanding of the differences and specific characteristics of the court administration system. Two roundtables were held on February 11-12, 2014 and April 28-29, 2014 for CAA members to voice their concerns and draft proposed amendments to the LCS. The proposed amendments mainly focused on the status, qualifications, employment, promotion, performance evaluation, and disciplinary responsibility of court employees. On November 5, 2014, the JSP supported CAA’s roundtable discussion on the new LCS with prominent law professors, to discuss and analyze a vast number of LCS provisions that are perceived by the court administration as unconstitutional, demotivating and discriminating. In December 2014, CAA submitted the proposed changes and amendments to the MOJ for review and consideration;
- Workshop for developing strategy for expanding CAA membership base – September 17-18, 2015. The strategy includes goals for increasing the services package for the membership, and concrete steps for information sharing and regional and sector outreach to all potential members;
- Workshop for development of CAA’s new strategic plan for 2016 -2018 – October 6-8, 2015; Workshop for developing two sub-regulations in compliance to the Law on Court Service, pertaining to the evaluation of court employees – October 15-16, 2015.

### **European Law Students Association (ELSA)**

JSP provided support to ELSA in the following areas:

- Publication of four brochures to enhance public information and education on current legal issues: “*Organization of the Court System in the Republic of Macedonia*,” “*Juvenile Justice System—Prevention Instead of Punishing*,” “*You Have the Right to Know*,” and “*Free Legal Aid*”. The JSP supported a number of presentations of these publications in several basic and appellate courts one in social care institution in Skopje, and one in the juvenile detention center in Veles. The presentations were attended by high school students, protégés from the social care institution, and detainees from the detention center;





- Development of an entirely new ELSA website, training for members on populating and maintaining the website, and user’s manual for future ELSA website administrators. The website consists of two platforms: one designed for public use containing general information about ELSA’s activities and contact

information; and, a second accessible only to ELSA members containing an array of services and tools;

- Support for ELSA’s regional conference, titled “*Fight against Human Trafficking – Stop for the Modern Slavery,*” - November 21-24, 2013 in Skopje. The annual regional conference is organized each year in a different country by the respective ELSA branch offices, aimed at mutual cooperation and capacity building in the context of geographical, cultural, and historic similarities;
- Promotional materials for improving ELSA’s representation among the partners and attracting potential new members, and a promotional event highlighting the organization and its activities at the University Goce Delchev in Shtip;
- Legal Career Path Discussion, to provide the opportunity for prominent legal professionals from different areas of the justice sector to share their experiences and provide students with the motivation to strive towards building a prosperous career in these specific areas – March 2015.



### ***Public Prosecutors Association (PPA)***

JSP provided support to the PPA in the following areas:

- Website upgrade and training of the PPA staff members on how to populate the website;
- Printing of 500 copies of the brochure, which was prepared by PPA members and staff, as a means of information-sharing and promoting the association.

### ***All for Fair Trials (AFFT)***

JSP provided support to the AFFT in the following areas:

- Training delivered by AFFT for 20 ELSA fourth and fifth year law students on the skills and processes used to effectively monitor court cases for fairness, transparency, and expediency – October 18, 2013;.
- Series of events throughout Macedonia, to mark the 10 year anniversary of the AFFT Coalition. The events were open to representatives of the NGOs working on protection of human rights and freedoms and the general public interested in learning more about the AFFT and its mission.

### ***Association for Emancipation, Solidarity and Equality of Women (ESE)***



The JSP assisted ESE to prepare a Bench Book on Domestic Violence for judges working in the criminal and civil sectors. In May 2014, short-term technical expert, US Judge Michael Kavanaugh, was brought onto the project to help define the necessary steps and outline a schedule for preparation of the Bench Book. Subsequently, two workshops were held with JSP’s support, on June 16-17, 2014 and September 25–26, 2014, during which the working group finalized the text of the Bench Book. The printing of 200 copies was completed in February 2015, and distributed to judges that handle domestic violence cases in all Macedonian courts, social centers, shelters and the Ministry of Interior.

### 4.1.3 Broad-Based Rule of Law Coalition of LPAs

#### *Support establishing and building organizational structure of the Rule of Law Council (ROLC)*

The JSP supported the establishment of the ROLC, an umbrella organization of LPAs and CSOs. The idea of forming the ROLC originated during a JSP-sponsored study visit to Sweden and Estonia for members of several CSOs in April 2013. The visit introduced them to and demonstrated the impact that citizen coalitions can have when properly organized and motivated. Upon returning home, the study tour participants sought the support of JSP to help create a coalition where CSOs could communicate and collaborate in the promotion of a more open, independent, and effective justice system. The ROLC was established in July 2013. Beginning in late 2013, JSP began the process of building the ROLC from the ground up. Four CSOs – the MYLA, AFFT, ELSA, and CAA – emerged as founding members of the ROLC. Throughout 2014, JSP facilitated a series of workshops among the founding members to determine the strategic priorities of the ROLC and develop their advocacy plan.



#### *Support Publication of ROLC Promotional Materials*

3,000 copies of the promotional leaflet for the ROLC were developed and printed (2,500 copies in Macedonian and 500 copies in English). The leaflet provides basic information on the formation, aims, and areas of work of the ROLC, as well as information about its membership and organizational structure.

This leaflet serves as a tool for promotion of the ROLC to different stakeholders. It was also distributed at the launching of the ROLC media campaign, informative meetings with journalists and subsequent ROLC roundtables for discussion of current perceptions of rule of law in Macedonia.

#### *Support the ROLC Public Awareness Campaign*

The ROLC public awareness campaign (PAC) on *Faster, More Effective and Fair Criminal Court Procedures* was implemented from February through May 2015. The goal of the campaign was to acquaint the general public with the new LCP<sup>4</sup> that radically alters the roles of judicial actors in the criminal procedure and to improve citizens' knowledge of their rights and responsibilities under the law. The campaign included TV and radio spots, brochures, leaflets, posters, social media outreach and informative meetings with journalists. To support the ROLC's efforts in the implementation of this campaign, the JSP contracted a professional public relations company McCann Skopje, to design and produce promotional materials, and manage the campaign on behalf of the ROLC.

The launching event, on February 26, was covered by 18 media outlets (6 TV stations, 1 radio station, 2 newspapers and 9 web-portals), and was supported by the Deputy Minister of Justice, Ms. Biljana Brishkoska-Boshkovski, USAID Mission Director, Mr. James Stein, and ROLC representative, Ms. Ljupka Noveska. Prior to the launch, McCann held two focus group meetings to test the impact of the message and perception of the campaign by the general public.

Four TV spots (one long and three short versions) were broadcast over three weeks at six TV stations: *Sitel*, *Kanal 5*, *MTV 1*, *Alsat M*, *Alfa* and *Telma*, in total of 169 airings. The TV spot, which was also posted on Facebook, reached 392,472. Of the target audience of 18-35 years, 66.4 percent viewed the TV spot more than one time and 38.1 percent viewed the TV spot more than

<sup>4</sup> The Law on Criminal Procedure was enacted by the Parliament in November 2011, and has been in force since December 1, 2013.

three times. The TV spot was also posted on the Facebook page, which received 3,510 fans and 3,926 likes. A 40-second radio spot had 40 airings on national radio station *Antenna 5* over three weeks.

The website for the campaign [www.zkp.mk](http://www.zkp.mk) was visited 7,625 times. The campaign was also implemented on social media channels (Facebook [www.facebook.com/zkp.mk](http://www.facebook.com/zkp.mk), Twitter, YouTube). Web banners were produced and placed on several web-portals including [www.grid.mk](http://www.grid.mk), [www.kajgana.com](http://www.kajgana.com), [www.time.mk](http://www.time.mk), [www.pravo.org.mk](http://www.pravo.org.mk), [www.plusinfo.mk](http://www.plusinfo.mk), [www.pravdiko.mk](http://www.pravdiko.mk), [www.off.net.mk](http://www.off.net.mk), [www.faktor.mk](http://www.faktor.mk), [www.crnobelo.mk](http://www.crnobelo.mk), [www.mkd.mk](http://www.mkd.mk), [www.tocka.com.mk](http://www.tocka.com.mk) and [www.sitel.com.mk](http://www.sitel.com.mk).



Fifteen thousand copies of two brochures—10,000 for the general public and 5,000 for the legal community—were finalized and distributed, along with 20,000 flyers and 2,000 posters to courts, public prosecution offices and penitentiaries.

Three informative meetings with the journalists were held, on March 24, April 7, and May 8-9, aimed at expanding their knowledge on the major novelties introduced with the new LCP. The third and final event with journalists was organized as more comprehensive two-day training, and was attended by seven media outlets.

### *Open Day at Courts*



On April 2, 2015, the ROLC completed its second public awareness activity entitled “*Open Day at Courts*,” at seven basic courts throughout the country: Ohrid, Prilep, Bitola, Tetovo, Struga, Veles and Strumica. The main objective of the event was to improve courts’ transparency and help reduce citizens’ fear and ignorance about the courts through understanding of basic court processes.

The event included organized tours of the courts’ premises, guided by public relations officers who explained the courts’ competences and judicial processes. The hosts also presented the work of judges and non-judicial staff, as well as the rights and obligations of citizens before the court. The audience primarily consisted of high school and university students.

The Open Day at Courts provided an excellent opportunity for citizens to become familiar with the Law on Free Legal Aid. Two ELSA members, Vasilij Berzecki and Maja Veljanova, completed four presentations at the BC Prilep and BC Bitola of ELSA’s most recent thematic brochure on free legal aid, published with JSP support.

### *Public discussion on ROL perceptions in MK*

On May 20, 2015, the ROLC with JSP support, implemented a public roundtable, “*Implementation of the new Law on Criminal Procedure - Perspectives, Challenges and (dis)Advantages*”. Four prominent legal professional panelists addressed the participants and provided an overview of the 18-month implementation of the law. The roundtable was attended by members of civil society organizations active in the field of criminal justice, and ROLC members. As a result of the engaging discussions during the roundtable, participants requested another roundtable on the same topic, which was organized with JSP support on September 28, 2015, for the appellate regions of Bitola and Gostivar.

### *Study Tour to the USA for ROLC members and other civil activists*

From July 5 to July 16 2015, JSP organized a study tour to the District of Columbia and Boston, Massachusetts for ROLC members and other young civil activists, with the objective to expose the participants to US best practices in the civil society area, including how LPAs and CSOs in the US play a leadership role in justice system reform efforts. The group received extensive briefings from the Judicial Watch, the Council for Court Excellence, the American Bar Association, and the American Civil Liberties Union, among others. The group also visited the District of Columbia Courts and the Supreme Court of Massachusetts, and was briefed on the different spheres of work of the courts and the organization and operation of the US judiciary in general.

### *Support development of new three-year Strategic Plan 2016-2018 for ROLC*

After implementing a significant portion of its first one-year strategic plan, the ROLC conducted the strategic planning process for the next three years 2016-2018. Considering the ROLC successes achieved in the past and the strong need for further organizational development and sustainability, the JSP committed to support this process and contracted the company Trajkovski & Partners Consulting (T&P) to facilitate the development of the new plan.



The Strategic Plan was developed through a two-day strategic planning workshop on June 24-25, and three half-day sessions on July 2, August 21 and August 24, for detailed planning of the activities that will be part of the ROLC strategic programs. The final ROLC Strategic Plan was developed on September 1, 2015.

### *Support development of Methodology for Advocacy for ROLC*

The Project engaged a local expert to support with development of a methodology for advocacy for the ROLC. The expert, Mr. Spasenovski, met separately with each of the four founding members of the council, from October 9-13, and prepared the initial assessment. During the three day workshop from October 14-16, ROLC developed its methodology for advocacy that will prove useful for future submissions of grant requests.

### *Facilitate presentation of ROLC before different stakeholders*

The MYLA President Ms. Martina Smilevska, met with a representative of the Rule of Law Department at the Netherlands Embassy, introduced the ROLC and highlighted the organization's achievements to date, including the media campaign and Open Days at Courts. The Netherlands Embassy has supported many rule-of-law projects in Macedonia and the ROLC considers it as a potential donor for its future activities.

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

This result focuses on supporting and sustaining reforms that strengthen judicial independence and promote more effective and accountable operations of judicial sector institutions and the courts. The project has worked toward strengthening the institutional capacity of various judicial governance bodies to draft new legislation and policies, allowing the judiciary to be more

autonomous, accountable, transparent, and effective. It has also worked on fostering communication and cooperation between justice sector actors and institutions.

JSP supported establishing more effective and accountable operations of judicial sector institutions and courts by:

- Supporting the establishment and institutionalization of the Judicial Branch Forum, a venue for review, by high-level judicial branch leaders, of the progress of reforms, system wide strategy and goals, and means for enhancing communication and collaboration among the various judicial bodies;
- Facilitating the development of new three-year Strategic Plan for the Judiciary, and Strategic plans for the Basic Court Skopje 1, Basic Court Skopje 2, and the Academy for Judges and Public Prosecutors;
- Assisting in the establishment of Court Staffing Guidelines to support balanced distribution of the workforce in the in the Macedonian judiciary;
- Helping courts develop accurate budget proposals based on realistic projections;
- Assisting courts to improve transparency and communication with the public and media.

The following sections summarize the activities, results, and impacts achieved under Result 2.

#### 4.2.1 Judicial Branch Forum (JBF)

The Macedonian judicial system clearly lacks participation of judicial branch institutions, judges, and court staff in formulation of laws and policies governing the work of the judiciary, as well as regular communication and coordination within the judicial sector. To overcome some of these challenges, the project supported the foundation and institutionalization of the JBF, which brings together the key representatives from judicial institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia.



Since its inception, the JSP supported and facilitated ten quarterly meetings of the JBF. Participants included top policy makers and decision makers of the judiciary in RM, as follows: the president of the JC, the chief justice, the president of the Court Service Council (CSC), the director of the Academy for Judges and Public Prosecutors (Academy), the four presidents of the appellate regions, the presidents of the High Administrative and Administrative Courts, the head of the Administrative Office (AO) of the Court Budget

Council (CBC), the president of the MJA, representing the judges of the Republic, and the president of the CAA.

For each JBF meeting, the JSP solicited topics for discussion from the JBF members, which were used to develop the agenda. These topics were usually larger policy issues that require review and possible further action. Many of the conclusions reached at JBF meetings continued with follow-up activities. Some of the most important JBF conclusions and, later-on, activities were the following:

- The CBC should implement centralized public procurement for telephone and internet services. In the interim, the public procurements should be organized on the appellate court level;
- The appellate courts should have a more active role in their regions for reducing the backlog of old cases, and prepare a report on progress in resolving old cases from January-June 2013 in their appellate regions;

- The IT development plan for the judiciary should be prepared with the budget projection for replacement of IT equipment;
- The Judicial Ethics Code should be revised to include the recommendations of GRECO<sup>5</sup> on conflict of interest and corruption, and to be in alignment with international standards;
- Systematic training of all civil judges should be implemented on the key provisions of the Law on Civil Procedure (LCP). A total of nine trainings will be conducted by the Supreme Court Justices, and JSP should provide financial support;
- JSP should provide technical assistance to the Administrative Court by conducting a short and focused analysis on the current state of affairs, including recommendations for improving efficiency;
- A working group should be established to prepare changes and amendments to the Law on Case Management (LCM) regarding the publication of decisions at the courts' websites and the tasks and composition of the Working Body on Case Flow Management;
- Pilot Analytical Offices being established in the JC and Basic Court Skopje 1 are an excellent concept, which should be created in the appellate courts and in the Administrative Court after the pilot implementation;
- The JC should be allowed to use the data from the electronic files of all cases. The next step is developing software for interoperability between Automated Court Case Management System (ACCMIS) and the Automated Case Management System of the Judicial Council (JCMIS), which was supported by the JSP.

The preparation and organization of the last two JBF meetings was transferred to the JC to promote long-term sustainability of the JBF.

#### **4.2.2 Support in development of new strategic plans**

##### ***Strategic Plan for the Judiciary***

From December 2013 to March 2014, the project supported the JC in the preparation of a new Strategic Plan for the judiciary for 2014-2016. The JSP engaged local subcontractor, Center for Institutional Development (CIRa), to facilitate the strategic planning process, which included representatives of the JC, courts, Academy, Ministry of Justice (MOJ), as well as judicial sector LPAs. The initiative was implemented in three phases:

1. Assessment of the implementation of the previous Strategic Plan from 2010-2012;
2. A series of workshops to develop the new 2014-2016 Strategic Plan; and,
3. Presentation and review of the new Strategic Plan with designated judicial system actors.

The Strategic Plan for 2014-2016 includes the following major goals:

- Ensuring and guaranteeing the independence of the judiciary;
- Increasing the efficiency of the courts and strengthening the public trust;
- Ensuring a satisfactory level of the judicial budget for continuous execution of the functions of the judiciary institutions; and
- Continuous improvement of the expertise and skills of judges and court administration.

##### ***Strategic Plans for the Basic Court Skopje 1, Basic Court Skopje 2 and the Academy for Judges and Public Prosecutors***

The project supported the two largest courts in Macedonia—BC Skopje 1 and BC Skopje 2—and the Academy in preparing three-year Strategic Plans for 2015-2017. As part of this initiative, the

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<sup>5</sup> Groupe d'Etats Contre La Corruption (Group of States Against Corruption)

JSP awarded a subcontract to local business Trajkovski & Partners Consulting (T&P) to support development of the strategic plans.

The strategic plans were developed from June through November 2014. The strategic planning process was conducted based on the international best practices as well as national methodologies for strategic planning, including: the criteria for excellence from the *International Framework for Court Excellence- IFCE*; *EU Common Assessment Framework - CAF* adopted by the Ministry of Information Society and Administration (MISA); and, recommendations of the *Balanced Scorecard* technique.

#### **4.2.3 Court Staffing Study and Recommended Staffing Guidelines**

Upon request from the judicial authorities to help establish and apply unified standards for the number of employees in each court, considering the uneven distribution of workforce, in March 2012 the JSP engaged US expert Ronald M. Stout to support the development of staffing guidelines for the Macedonian judiciary. A Methodology for Developing Staffing Guidelines was created, which presented three alternative work units for calculating staffing ratios for the processing positions in the courts: 1) Weighted caseload; 2) number of new filings; and 3) number of documents processed.

During his second consultancy, in 2014, Mr. Stout facilitated the finalization of the Court Staffing Guidelines for the Macedonian judiciary. The selected working group, assisted by the expert, determined the most relevant and easily comprehended work units for establishing the guidelines, as follows:

- Number of Judges served per position – for Judge-based positions (assistants, typists)
- Number of administrators per court – for court administrators
- Number of new filings per employee – for processing positions (Intake office)
- Number of employees per supervisor – for supervisory positions (intermediate supervisors)
- Number of computers per IT staff – for information technology support (IT staff).

Staffing guidelines have been recommended for the Basic Courts and the Administrative Court. In some categories of staff, different guidelines were recommended for different courts, reflecting the jurisdiction of courts and the volume and complexity of cases in courts.

#### **4.2.4 Court Budget Training for Members of the Court Budget Council (CBC)**

At the request of the CBC president, on May 8, 2012, the JSP conducted a training entitled “*Budget Preparation and Execution*” for members of the CBC. This was needed because of the appointment of new members, and also served as a refresher for incumbents in light of the global financial situation and current budget shortfalls. The training was facilitated by Judge Bert Maan, an international expert from the Netherlands with significant working experience in Macedonia. The objective of the training was to assist the CBC members in performing their individual and collective roles as members of the CBC. On May 9, 2012, Judge Maan presented a workshop on court management to president judges and court administrators entitled “*Managing Courts in Need*”.

#### **4.2.5. Support for the Administrative Office (AO) of the CBC**

##### ***Support Development of Needs-Based Budgets***

While Macedonian judiciary has had an independent court budget since 2003, the lack of adequate funding is evident. On the other hand, the Macedonian judiciary needs to pay more attention to the preparation and adequate justification of budget proposals. The proper

implementation of needs-based budgets reflects the process of budget preparation, which includes accurate projections for the number of filings and dispositions and the number of personnel needed. On such a basis, the required financial and human resources for each court could be requested. Creating needs-based budgets will help ensure a balanced distribution of the limited funds among courts. Each court will request from the CBC a budget based on demonstrable need, supported by a credible justification and empirical evidence.

The AO of the CBC, in cooperation with the JSP, has made significant efforts to support the courts in the development of needs-based budgets supported by accurate data from the ACCMIS database. In 2014, the JSP contracted with local consulting firm BASME for the delivery of five trainings on financial management, human resources management, projecting case workloads, and calculating cost-per-case. The trainings built on the budget development model outlined in the *Functional Analysis for Improvement of the Organizational Effectiveness of the Courts (Functional Analysis)*, which was funded by the World Bank and developed by BASME. The CBC has since incorporated the *Functional Analysis* criteria and budget preparation methodologies into the guidelines it sends annually to all courts in Macedonia.

The trainings were designed to help courts develop accurate budget proposals based on realistic projections for the volume of workload in the next three years. The trainings targeted president judges, heads of court departments, court administrators, and court finance staff of the four appellate regions, and were implemented as follows:

- May 6-7, 2014, in Strumica, for Shtip appellate region;
- May 19-20, 2014, in Bitola, for Bitola appellate region;
- May 22-23, 2014, in Skopje, for Gostivar appellate region; and,
- May 26-27, 2014, in Skopje, for Skopje appellate region.

After the workshops, BASME compiled and analyzed the cost-per-case data collected from of all appellate courts and presented their findings at the session for all president judges on June 24, 2014.

### ***Upgrade of Automated Budget Management System (ABMS)***

Upon request of the CBC, the JSP supported an upgrade of the ABMS necessitated by changes in the laws and sub-regulations surrounding judicial budgeting, finance, and human resources. For the implementation of this activity, the project awarded a contract to a local IT company, Ultra, in November 2013, and the upgrade was completed on March 31, 2014.

ABMS allows for the standardization of processes for managing finance and human resources in the courts, and was first introduced with support from the previous USAID/Macedonia Court Modernization Project (MCMP) in 2006. The new features and upgrades allow the AO of CBC to easily generate reports regarding court employees, financial data, annual balances, etc.

In 2015, the JSP supported a second upgrade of ABMS, to enable automatic calculation of cost per case. This activity built on the methodology for calculating cost per case, which was developed by the consulting firm BASME during the needs-base budgets trainings delivered in 2014. The new module extracts data from ABMS and ACCMIS, and is administered by the JC. The activity included development of a user manual.

### ***Court Accounting Procedures***

In order to be able to develop budget proposals based on high-quality and comparable financial data, courts must implement unified accounting practices. In 2012 and 2013, the JSP supported several workshops for



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the development of protocols aimed at standardizing the work of court accountants, including:

- Preparing guidelines for unified accounting practices;
- Entering court assets in the ABMS;
- Preparing final annual account; and
- Preparing unified payment procedures and guidelines upon judges' order and other accounting documents.

During this process, the AO received valuable assistance from the State Audit Office. JC internal auditors and the State Audit Bureau noted several times that this is an area where unification in the courts is strongly recommended. During a session held on April 4, the CBC adopted the accounting standards and procedures developed with JSP support.

#### **4.2.6 Harmonization of Decisions of Appellate Regions**

One of the weaknesses noted of the Macedonian judicial system is an inconsistent application of the laws in different appellate regions and sometimes between courts of the same appellate region. This causes legal uncertainty and decreases public trust and confidence in the judiciary. To address this concern, the JSP in cooperation with the Academy, provided logistical support to a leadership team initiative that meets to discuss court decisions. President judges, heads of civil departments, and civil judges from the four appellate courts have met twice a year to discuss and resolve legal issues that need elaboration and harmonization among the appellate courts. The goal of these working meetings was to discuss and bring to a conclusion a number of questions raised by civil court departments. Judges in the first instance courts will decide future cases by applying current laws and the conclusions reached at these appellate level harmonization meetings. Issues on which the appellate court judges could not reach a common conclusion were referred to the Supreme Court for review and adoption of a principal legal opinion on the subject matter. From 2013 to 2015, the JSP supported five meetings for harmonization of court decisions.

#### **4.2.7 Support for the CSC and court administration**

##### ***CSC and CAA Manual for Hiring Court Employees***

The JSP supported the CSC and CAA in developing the Manual for Hiring Court Employees (Manual) as a guidance document for court administrators and their staff. JSP completed in-house printing of the Manual, and electronic versions were made available on CD. The Manual is exclusively a product of the court administrators, and was developed during a series of workshops supported by the JSP in the first project year.

##### ***Off-Shore Study Tour for Court Administrators and Staff***

From September 23–October 3, 2013, the JSP organized a study tour focused on increasing the capacities and skills of the court administrators and court staff. Areas of focus included court administration and management, budgeting and finance, case flow management, backlog reduction, human resources, court facilities, information communication technology, and archiving. The study tour was implemented in the Netherlands and Slovenia for eight participants, including three court



administrators, three courts' information technology specialists, the head of the AO of CBC, and one judge's assistant. The experiences and impressions gained at the study tour related to IT and budgets were presented by the study tour participants at the fourth JBF on October 17-18.

### ***Workshop for Process-Mapping of Courts House Rules***

In accordance with the action plan to improve the capacities of court administrators and personnel, which emerged from a prior study tour to the Netherlands and Slovenia, on March 20-21, 2014, the JSP supported a workshop for drafting unified Court House Rules. These rules define the terms of use of court facilities, preserve court order and cleanliness, define the terms of internal communication among employees and in contacts with clients, and address security issues. After completion, the rules were sent to all courts for review and adoption. According to the Court Book of Rules, the President Judge of each court is responsible for prescribing and adopting the Court House Rules.

### ***Workshop for the Court Service Council (CSC)***

On January 16-17, 2014, the JSP supported a workshop for current and former members of the CSC on “*Successful Transitioning, Transfer of Institutional Memory and Building Plan for Future Activities*”. The event marked the five-year anniversary of the CSC. During the workshop the new CSC members were trained on how to successfully perform the roles and responsibilities provided for in LCS and relevant sub-regulations.

### ***Development of Merit-Based Job Descriptions***

The project assisted the CSC to replace antiquated job descriptions for IT specialists and public information officers. The need for revision of the job descriptions has been raised several times by the IT administrators for improving their status in light of the crucial role they play for the functionality of ACCMIS, IT equipment, and overall operation of the courts. Revisions to IT job descriptions were developed to standardize them throughout the country, for three levels of IT positions: IT manager, IT advisor, and junior IT associate.

#### **4.2.8 Judicial Council Employee Code of Ethics**

The project assisted the JC in finalizing the Code of Ethics for the employees of the JC. JSP staff, working with the general secretary, completed the final revisions to the code that was originally drafted in the previous USAID / Judicial Reform Implementation Project but never approved. The code was adopted by the JC at a meeting in July 2013.

#### **4.2.9 Courts Transparency and Communication with Media and Public**

The JSP has assisted courts to improve transparency and communication with the public and media by providing trainings for courts' public information officers (PIOs), printing of public education materials, court reports, media briefings, and court tours. These activities are aimed at promoting broader coordination and communication throughout the justice system with other institutions and the public in general.

### ***Public Information Officer (PIO) Training***

On July 12-13, 2013, the JSP and the Academy organized training on “*Free Access to Public Information/Communication with Clients in the Courts.*” The training was designed for court officials designated for sharing public information, consistent with the Law on Free Access to Public Information. Court practices, since the enactment of the Law on Free Access to Public Information in 2006, have shown that the courts received most requests for information in writing, and that courts have not faced particular problems in providing the information within

the deadlines set forth by the Law. During the training, the participants developed a model job description for the court official designated for sharing public information.

### ***Training for professional spokespersons at the courts***

Since 2010, all the courts in Macedonia have established public information offices and have assigned one or more public information officers. Also, during 2014 the biggest courts in RM and the JC have employed professional spokespersons to improve their communication with the public, given the volume of their work and importance of cases they handle. In order to further improve the transparency of the courts and the professional skills and responsiveness of the public relations staff, in September 2015, the JSP engaged consultant Stephanie Gruner Buckley, to share international experiences from judiciaries that have well-established traditions of openness to the public and courts' transparency. The expert delivered a comprehensive three-day training on public relations skills for courts' professional spokespersons and public relations officers of several bigger courts in RM that do not have professional spokespersons.

### ***Judicial Practice Bulletins for the Appellate Courts***

In 2013 and 2014, the Project supported the printing of Judicial Practice Bulletins for the four Appellate Courts at the request of the president judges of each court. These publications, which were prepared entirely by the courts, provide valuable insight and improved transparency as well as communication among judges. The support of these publications assists all courts in harmonizing court practice in RM. Seven hundred copies of each bulletin were printed and distributed to appellate courts for distribution to all judges.

### ***Year-End Report of Appellate Regions***

In 2013 and 2014, the JSP supported the publishing and distribution of the four appellate courts' annual reports, which contain data on the number of judges, number of cases for the current year, and highlight courts' achievements for each appellate region. These publications were prepared entirely by the appellate courts to increase communication between the judiciary, public, and media. Nine hundred copies of the annual reports were printed and distributed to each appellate court based on the number of judges in the region.



### ***Year-End Report for the Supreme Court of the Republic of Macedonia***

Upon request of the Supreme Court (SC), in 2013 the JSP supported the publication of its annual report. The project assisted by having the publication bound and printed in accordance with the Supreme Court's specifications.

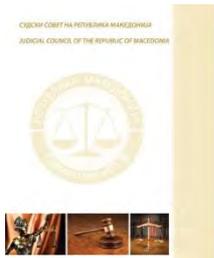
### ***Jurisprudence Bulletin of the Supreme Court***

In late 2014, the JSP supported the development and printing of 850 copies of the Jurisprudence Bulletin (Bulletin) of the SC. On November 7-8, the JSP supported a workshop to finalize the Bulletin where a working group, 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 Bulletin is a compilation of 10-years (2004-2014) of jurisprudence of the SC. It includes the most important decisions made by the Civil Department, Criminal Department, and the Department for Trial within Reasonable Time. The Bulletin is of paramount importance for the work of the courts, since it will assist judges in decision-making by using SC legal opinions and decisions, thus contributing to the harmonization of judicial practice and facilitating consistent

application of laws. The SC will also use the Bulletin for self-promotion and presentation in its relations with similar institutions from the country and abroad.

### ***Judicial Council Brochure***



At the request of the JC, the JSP supported the editing, design, formatting, and printing of a publication—“*Brochure for the Judicial Council of the Republic of Macedonia*”—, which the JC released in April 2013. The brochure serves as a means of promoting awareness of the JC and its activities. Five hundred copies were printed in both English and Macedonian.

#### **4.2.10 Establish Court Operations Support Office (Analytical Office) in the JC and BC Skopje 1**

In October 2014, the JSP hosted US consultant Judge Joseph J. Traficanti to support establishment of an Analytical Office to perform applied research and analysis. It was envisioned that the Analytical Office would have two pilot units: one within the president judge’s office in BC Skopje 1 and one within the office of the president of the JC. Once developed, these pilot units are expected to serve as models to be replicated in other courts throughout Macedonia, primarily in courts with extended jurisdiction. The fundamental function of each court’s analytical office would be to oversee a variety of court operations and report to the president judge, in order to support the president judge’s administrative responsibilities.

Based on the recommendations provided in Judge Traficanti’s Action Plan, for establishing fully-operational analytical offices, during 2015 the JSP facilitated several meetings of the working groups of the BC Skopje 1 and JC. During these meetings, participants defined the tasks of each analytical office, and the job descriptions of its staff.

In order to facilitate the launch and proper functioning of the two analytical offices, in April 2015, the JSP procured three furniture sets and three IT equipment sets for each of the above institutions. The furniture sets include a desk, a drawer cabinet and a chair; the IT equipment set includes a personal computer, a monitor, a Microsoft license, antivirus software, a multifunctional printer, Open Office and a UPS.

On October 13-14, 2015, upon request from the head of cabinet of the president judge of BC Skopje 1, the JSP supported a short study visit to a similar office in the Supreme Court of Slovenia in order to establish cooperation and exchange of information. The Macedonian delegation consisted of seven participants, including five staff members of BC Skopje 1, one from the JC, and one JSP staff member. The group was able to see how the central data warehouse system operates, as well as its ability for research and analysis, and for producing various statistical reports, securing proactive management in the Slovenian judiciary.

#### **4.2.11 Support Amending the Law on Case Management (LCM)**

Following up to the identified inconsistencies in the implementation of the LCM, at the beginning of 2015, the JSP supported the efforts of a working group to draft amendments to the LCM focusing on the publishing of court decisions on court websites and the operations of the working bodies for case flow management. The group consisted of the president of the JC, presidents of the four appellate courts, president of the Administrative Court, and the court administrator of the Supreme Court. After the changes and amendments along with the elaboration were finalized, in May 2015, JSP sent them to the Ministry of Justice (MOJ) for review and further processing. This endeavor followed the discussion of the LCM implementation at the eighth meeting of the

JBF resulting in the conclusion to establish a committee to work on the preparation of the amendments to this law.

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

JSP contributed to increasing fairness and efficiency of the administration of justice through:

- Development and implementation of specialized trainings for Judges, Court Administrative Executives and Court staff;
- Improvement of caseload processing and reduction of the backlog of cases;
- Support to the automation of the judicial sector;
- Introduction of Differentiated Case Management and National Time Standards.

#### **4.3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff**

##### *Commercial Law Trainings*

The JSP in cooperation with the Academy and the USAID’s IDEAS project<sup>6</sup>, in November 2012, organized a roundtable for judges, lawyers and business sector representatives, to identify the needs for continuous education of judges in the area of commercial law. The debate was crucial in defining a number of themes, which were included in the continuous training plan for judges prepared by the Academy for 2013, and assisted the Academy to be more effective in its mission to train judges engaged in commercial litigation. Based on the recommendations, in the following years, a series of trainings and roundtables were developed and organized with JSP support, as follows:

- Training on “Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery / Implementation of the Law on Electronic Signature and Electronic Data,” on February 1, 2013;
- Training on “Evidence and Quality of Evidence in Commercial Cases with a Special Emphasis on the Expert Testimony / Use of Financial Instruments as Evidence in Commercial Cases,” on February 15, 2013;
- Training on “Arbitration and Mediation – Ways for Alternative Dispute Resolution of Commercial Disputes,” on October 28-29, 2013;
- 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,” on November 15, 2013;
- Roundtable on “The Influence of Legal Regulations on the Solvency of Companies” on May 23, 2014, with the participation of the chambers of commerce in the Republic of Macedonia;
- Training on the “Legal status of managers and different management levels according to the Law on Companies”, June 18, 2015;
- Training on the “Legal aspects of bankruptcy of sole proprietors”, on June 19, 2015.

##### *Training on Judicial Writing Skills*

On October 8, 2014 the JSP supported the Academy to implement training on judicial writing skills. US Judge Joseph Traficanti trained 23 newly-elected civil judges on the most important aspects of judicial writing. The participants also had the opportunity to exchange experiences and best practices with Judge Traficanti.

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<sup>6</sup> Investment Development and Export Advancement Project

### ***Support Systematic Trainings on the Law in Civil Procedure (LCP)***

At the fifth JBF, in February 2014, having found that courts have adopted differing interpretations of the spirit and key provisions of the LCP, the JBF members embraced the idea of conducting systematic trainings on the Law on Civil Procedure, aimed at the harmonization of court decisions, for all civil judges in the Republic of Macedonia. During 2014, the JSP has taken numerous planning and coordination activities in preparation for these trainings. The agenda included six topics: service of process, determination of the case value, costs of the procedure, disclosure of evidence, revision as an extraordinary legal remedy before the Supreme Court, and the procedure upon decisions for enforcement of public notaries. The trainers were five Supreme Court Justices. A total of six trainings were organized in the four appellate areas, from March through May 2015. The trainings were highly evaluated by the participants as they resolved many ambiguities of the law that had resulted with different practices among courts.

### ***Support of IT equipment for the Academy***

JSP procured 4 new desktop computers, and monitors and keyboards for an additional 14 existing computers for the Academy. The Academy needed the equipment to enable candidates for judges and public prosecutors to effectively follow the theoretical part of the initial training at the Academy.

### **4.3.2 Judicial Leadership Conference: Modern-day Judicial Leadership and Management**

In September 2013, the JSP supported a program to develop modern-day leadership concepts and to demonstrate to court actors the technical as well as the practical skills necessary for leadership in a modern-day court system. The conference included the concept of working together to achieve common goals and results, including individual, institutional and team results. It consisted of modules that clarified team roles and procedures and the necessary elements of a cohesive team; it highlighted comparative practices in appellate courts in the US and the Netherlands. Beside local presenters, there were presentations by three international experts, Judge Bert Maan from the Netherlands, JSP COP Judge Joseph Traficanti, and Judge Michael Kavanagh, both of the US. The conference was well attended by more than 90 president judges, and judges who are heads of departments and court administrators.



### **4.3.3 Improve Caseload Processing and Reduce Backlog of Cases**

#### ***Development of Standardized Practices for Courts' Case Processing Committees***



The Law on Case Management requires that each court have a working body for case flow management, a key to expeditious resolution of cases and reduction of case backlogs. The committees have a statutory obligation to analyze case processing and backlog reduction and to prepare a monthly report for the president judge. However, it was evident that some court committees do not operate efficiently, nor do all the committees interpret their responsibilities in a consistent manner.

To address this issue, a select working committee of local court experts was established by the JSP and devised a model monthly report required to be submitted to the president judges and a model of internal procedures for the committee for each court. Both are required by law but were inconsistent and ineffective in most courts. After the final drafts were agreed upon by the committee, they were approved by the JC president and distributed to the courts.

During March 2013, in cooperation with the JC, the JSP organized working meetings for the four appellate regions, to present the unified protocols of the case processing committees, to the president judges, heads of departments and court administrators. The committees are now functioning as per the statutory requirements and regularly submit their unified reports to the JC.

#### ***Analyze Performance and Support Solutions for Improved Case Processing and Addressing Other Problems in the Administrative Court (AC)***

In April 2014, the JSP contracted with local consulting firm BASME to conduct a short and focused analysis of the operations and performance of the AC, and prepare recommendations for improving its efficiency. BASME completed the analysis in July, identified a number of challenges and bottlenecks in the AC operations, and provided recommendations for improvements. This endeavor followed the conclusion reached at the fifth JBF meeting held in February 2014, during which the JSP pledged to provide technical assistance to the AC by conducting a short and focused analysis on the current state of affairs, including recommendations for increasing efficiency.

#### **4.3.4 Support for Judicial Sector Automation**

JSP supported a number of activities in support of the full utilization of court information and communications technology.

#### ***ACCMIS Database Warehouse and Statistical Interface Software***

The JSP, together with the JC, developed an ACCMIS database warehouse and statistical interface software that will generate more precise and targeted statistical reports for the courts. These specialized reports are needed by the JC and the European Commission for Efficiency of Justice as part of Macedonia's integration with EU judicial standards. In addition, IT administrators from all four appellate courts and the SC received training on how to create statistical reports using data from ACCMIS. This software was installed and tested in January 2013.

#### ***Review and Evaluation of the Status of Judicial Automation***

In 2013 the JSP engaged a local IT expert to review the progress of court case automation and provide a thorough overview of IT needs and developments that have taken place in Macedonia in recent years. The report highlights the different trends, implementation approaches, and problem-solutions in the courts, along with several recommendations, including scheduled replacement of workstations and servers, provision of additional memory storage and centralization of the backup of data storage.

#### ***Procurement of Computers and Security Cameras for the Appellate Court Gostivar***

Upon request of the president of the Appellate Court Gostivar, Judge Hajdari, JSP supported the court with procurement of technical equipment needed for the efficient functioning of the court. Installation of the court security cameras, two printers, a scanner, and two PCs was completed in January 2013.

### ***Roundtable and Coordination Meeting for Courts' IT Staff***

Following a meeting in 2012, at which IT court personnel of Macedonia expressed a need for periodic learning and discussion, in March 2013, the JSP organized a roundtable discussion for IT staff from all courts in Macedonia. The objective was to promote cooperation, coordination, and communication among IT staff, and promote the use of ACCMIS and other automation technology utilized by the courts. The roundtable was co-sponsored by the Academy, and



covered a number of topics, including *Digital Certificates*, and *Raising Awareness for the Security of IT Systems in the Courts*. A JSP retained IT expert, Rozalija Karcicka-Vasilevska, presented an overview of IT development in the Macedonian judiciary.

### ***Installation of ACCMIS in the High Administrative Court (HAC)***

Initially, the ACCMIS application was not projected to be used in the HAC. Further development of ACCMIS was necessary to upgrade the system and enable processing of cases in the HAC. The JSP committed to underwriting the cost of an upgrade to ACCMIS, including testing, installation, and training for users in the HAC. The application was rolled out in the HAC on April 30, 2013.

### ***Training-of-Trainers (ToT) for IT Administrators Developing the Court System Intranet***

On January 28-29, 2014 the JSP completed a ToT for seven court IT administrators in the Bitola appellate region on the development of intranet, aimed at building the IT administrators' capacities to train personnel in the development and establishment of intranets in all courts as well as the creation of a uniform intranet matrix. The deployment of intranets is envisioned to provide an easy, secure, and efficient mechanism for judges and court personnel to exchange information.

### ***On-site Training for Performing ACCMIS Back-up and System Maintenance***

The JSP supported testing ACCMIS backup procedures, on March 7-8, 2013 at BC Krusevo, and April 3-4, 2014 at BC Debar. The backup procedures were tested by the IT administrators from Gostivar and Bitola appellate region courts, with guidance from JSP's IT/Logistics Coordinator. The backup procedures and data restoring process passed the test without any significant problems, confirming that existing written procedures for backup of ACCMIS data are functional.

### ***Support the Tailoring of ACCMIS to include data on warrants***

At the request of the President of BC Skopje I, JSP supported a needed upgrade of the ACCMIS to include data on warrants issued by all courts in Macedonia. This database will now contain warrants issued by the courts, police, and Interpol.

### ***Workshop for developing sub-regulations for process mapping of the courts' IT operations***

Following up on the Year 2 Study Tour Action Plan Related to IT, on April 15-16, 2014 the JSP supported a workshop for process mapping of the courts' IT operations. This activity was also in alignment with courts' current obligation to prepare and adopt sub-regulations for personal data protection, which covers an array of issues related to court IT operations. Representatives of the

Agency for Personal Data Protection (APDP) facilitated the workshop, at which the following seven sub-regulations were developed:

1. Regulation for technical measures for providing confidentiality and protection of personal data;
2. Plan for implementing sub-regulation 1;
3. Procedure for defining responsibilities of the courts' IT staff and other authorized personnel when processing documents and using court IT equipment;
4. Procedure for disposing of documents and cleaning/disposing of media devices;
5. Regulation for video surveillance of court premises;
6. Procedure for backing-up, archiving, and storing personal data; and,
7. Procedure for reporting and eliminating incidents in the courts.

After the workshop, the JSP sent the draft sub-regulations to all courts for review and adoption, along with several additional documents provided by the APDP. All courts have adopted the sub-regulations.

#### **4.3.5 Study Visits to Slovenia and Serbia**

The JSP organized study visits for representatives of the Supreme Court of RM to the Supreme Court of Slovenia on March 23-25, 2014 and the Supreme Court of Serbia on May 12-14, 2014, focused on international experiences creating functional, user-friendly, and unified court websites, with working search engines. The goal of the visits was to familiarize participants with the host countries' systems for publishing court decisions and creating a database of courts' jurisprudence. The delegation from Macedonia included a SC justice, the head of the SC's IT Center, a SC judge's advisor, one IT administrator, and two JSP staff.

#### **4.3.6 Electronic Court Recording (ECR) of Court Hearings and Trials**

In the closing days of the former USAID Judicial Reform Implementation Project, electronic recording devices were installed in 80 courtrooms in Macedonia. However, little use had been made of these devices for a variety of operational and training reasons. The JSP committed to moving forward with expanding the use of the devices, which contribute to openness and transparency and to protect the judge and staff against unjustified criticism. As of November 2012, testing of the installed court recording system began, and the JSP facilitated the development of procedures clarifying the use of ECR in court hearings. These procedures were included in the Court Book of Rules, which was finalized and enacted by the Ministry of Justice on May 20, 2013.

The full implementation of electronic recording required additional training for judges and some court staff. In February 2013, the selected vendor, ICS Consulting Engineering, began training in two pilot courts --Basic Courts Bitola and Veles, and then expanded the training to all courts with electronic recording devices, which was finalized in April, 2013.

Furthermore, the JSP retained a consultant to support the integration of software so that the recording system functions seamlessly with ACCMIS. This included the installation of templates for ease in issuing decisions and other recording device deliverables, completed in July 2013. In addition, JSP supported an assistant for one year, from October 2013 to October 2014, to support the use of ECR in the Basic Court Skopje 2, the largest civil court in Macedonia. The assistant coordinated and provided continuous "in-house" training and daily support to the users of ECR.

JSP also supported the printing of an ECR user manual to assist in its training and further enhancements. The Manual was developed in November 2013, and the project printed 500 copies and distributed it to all civil court judges and typists.

In 2014, the JSP supported installation of Open Office software to enable exchange of data between the ACCMIS and SRS Femida<sup>7</sup> in 80 courtrooms. Refresher trainings on the use of ECR equipment were delivered for 471 people in 29 courts, including civil judges, court typists, and other court personnel. The trainings began in January, and concluded in May 2014. A table detailing information about the trainings is presented below:

No.	Court	Dates	Participants			
			Judges	Typists	Other Court Staff	Total
1.	Basic Court Tetovo	January 20, 22	4	4	2	10
2.	Appellate Court Gostivar	January 23	-	5	4	9
3.	Basic Court Gostivar	January 24	1	3	1	5
4.	Basic Court Gevgelija	January 27	5	7	6	18
5.	Basic Court Gostivar	January 28	-	1	6	7
6.	Basic Court Ohrid	February 5	2	2	12	16
7.	Basic Court Resen	February 6	1	4	-	5
8.	Appellate Court Bitola	February 7	2	-	8	10
9.	Basic Court Bitola	February 10, 11	4	2	38	44
10.	Basic Court Prilep	February 12, 13	5	20	/	25
11.	Basic Court Shtip	February 14 April 2	3	11	9	23
12.	Appellate Court Shtip	February 17	11	6	10	27
13.	Basic Court Strumica	February 18	3	6	2	11
14.	Basic Court Kochani	February 19	4	5	-	9
15.	Basic Court Radovish	February 20	3	7	-	10
16.	Basic Court Berovo	February 21	2	2	-	4
17.	Basic Court Delchevo	February 24	1	4	-	5
18.	Basic Court Vinica	February 25	3	5	4	12
19.	Basic Court Sveti Nikole	February 26	4	4	3	11
20.	Basic Courts Kavadarci and Negotino	February 27, 28	10	20	1	31
21.	Basic Court Struga	March 3	2	6	1	9
22.	Basic Court Ohrid	March 4	3	10	-	13
23.	Basic Court Kicevo	March 5	1	9	2	12
24.	Basic Court Kriva Palanka	March 7	2	5	1	8
25.	Basic Court Veles	March 10, 20, 21	9	19	7	35
26.	Appellate Court Skopje	March 13, 18	34	20	20	74
27.	Basic Court Kochani	April 1	4	7	/	11
28.	Basic Court Strumica	April 3	2	1	4	7
29.	Basic Court Bitola	May 5, 6	5	5	/	10
<b>TOTAL</b>						<b>471</b>

<sup>7</sup> ECR software

During September and October 2014, the JSP also implemented on-site technical ToT sessions for appellate region court typists and IT staff, designed and delivered by a JSP engaged independent consultant. The sessions enhanced the skills of select typists and court staff to become local ECR resources for their colleagues. In November 2014, in order to facilitate continued use of ECR, the JSP procured 13,000 compact discs – recordable (CDRs) and distributed them according to courts’ specific requests and the frequency of use of the ECR in each court.

In April 2015, the JSP supplied and installed audio equipment along with PCs and extra monitors for the sitting judges in additional 6 courtrooms in select courts –in BC Ohrid, BC Struga, BC Kicevo, BC Bitola, BC Prilep and BC Strumica.

#### **4.3.7 Differentiated Case Management (DCM) and National Time Standards (NTS)**

While there is a positive trend in the reduction of case backlogs and pending cases in the Macedonian judiciary, an advanced case management tool known as Differentiated Case Management (DCM) has the potential to assure expediency and efficiency. Having this in mind, JSP embarked on an initiative to introduce DCM in the courts in the Republic of Macedonia. The activities to roll out DCM and NTS started in February 2013, with an initial consultancy by Dr. Markus Zimmer.

- \* February 8-27, 2013 first consultancy by Dr. Zimmer, during which a report titled “*Case Management Practices in the Macedonian Courts: A Proposal for Designing and Implementing DCM and Time Standards*” was produced. The report assessed the current status, managerial framework, and operational efficiency of the Macedonian court system and determined that it is a viable candidate for successful implementation of DCM, including immediate and mid-term recommendations;

- \* From June 7-14, 2014, JSP organized a study tour to the USA for members of the newly established working group for DCM and NTS (members of the working group included the President of the JC, the presidents of the largest civil and criminal courts in the country, as well as five civil trial judges specialized in different areas of civil law. During the study tour, the delegation was exposed to a series of in-depth briefings on current US practices pertaining to DCM systems and fine examples of NTS from stakeholders with extensive experience in these areas. The group identified several takeaways from the study tour as important and applicable to the introduction of a DCM system and establishment of NTS in the Macedonian judiciary;

- \* Second consultancy by Dr. Zimmer. On July 4-5, 2014, JSP organized a workshop for members of the working group on DCM, which was led by Dr. Zimmer. As a follow up to the June study tour to the US, the workshop concentrated on identifying initial steps necessary to implement a DCM system and the procedures and criteria needed to establish NTS for disposing of cases. The participants shared lessons learned from the US study tour and discussed potential obstacles to DCM and NTS implementation;

- \* Following the July 2014 workshop, the DCM working group held its second two-day workshop on September 12-13, 2014 in Mavrovo. As an outcome of this workshop, all civil cases filed before basic courts with extended jurisdiction were classified into categories and assigned to four case-processing tracks based on specific criteria drafted at the workshop, and a model continuance policy was prepared;

- \* Consultancy of Ms. Suzanne Schneider. In December 2014, JSP organized a consultancy by Ms. Schneider, who was singled out as the most valuable takeaway from the study tour to the US, having introduced DCM in the Circuit Court for Montgomery County, Maryland and having vast experience in its historical and contemporary use within US courts. During the two day

workshop, the group, under guidance from Ms. Schneider, accomplished a huge task, laying out the entire civil procedure case events in four different flowcharts for the separate DCM tracks envisaged to be implemented in the two pilot DCM courts, and subsequently in all courts in Macedonia;

\* Ronald Stout Consultancy, April 20-30, 2015. JSP hosted US expert Dr. Ron Stout for development of a methodology for measurement of case weight and complexity. During the workshop on April 24-25, the judges reexamined and finalized the DCM tracks and primary criteria for assignment of cases as defined during the previous workshops. Modifications to ACCMIS to support the new case management system were identified, and a document was developed outlining the events that extend the due date;

\* As per Dr. Stout's recommendations, on May 14, 2015, the working group for DCM and NTS met with the ACCMIS vendor EduSoft to clarify the scope and extent of the required modifications to ACCMIS;

\* From June – September 2015, the JSP supported implementation of ACCMIS upgrades, to allow the two initial pilot courts (BC Skopje 2 and BC Veles) and subsequently all courts in the Republic of Macedonia to functionally assign cases to tracks, track deadlines and receive warnings on due dates and missed actions/events during civil proceedings;

\* To facilitate implementation of DCM in the two pilot courts, in August 2015, the JSP procured 14 sets of: desktop computers, monitors, UPS and Microsoft Windows software bundle, anti-virus software, Open Office, and delivery and installation. The equipment was divided between the two pilot courts for DCM and NTS, BC Skopje 2 and BC Veles, 7 sets each.

\* During his second consultancy, in September 2015, Dr. Stout prepared the DCM Manual and assisted the introduction of the system to relevant actors in the judiciary that will work on DCM. He also assisted the DCM/NTS working group to develop draft NTS, and reviewed the upgrade of ACCMIS to accommodate the DCM into the system. The DCM Manual was published in October 2015 in 100 copies and distributed to the civil judges in the two pilot courts.

## 5. RESULTS ACHIEVED

To accomplish its goals, JSP developed and implemented annual work plans that were approved by and regularly coordinated with USAID Macedonia. A Performance Management Plan was developed as well to track the Project performance and implement corrective actions were necessary. The Project key achievements were the following:

### JSP Result Areas

- **Result 1: Strengthened advocacy and citizen participation in judicial sector reform**
  - Increased capacity of a number of CSOs and LPAs, including MYLA, CAA, MJA, ELSA and AFFT
  - An informal network of CSOs and LPAs established (Rule of Law Council), and its subsequent organizational strengthening
  - Media campaign on the new Law on Criminal Procedure implemented by the ROLC
  - Three discussion forums organized with judicial sector professionals, LPAs, CSOs and media, to discuss public perception of rule of law issues and key judicial reform topics
  - Number of public information/education activities implemented by LPAs and CSOs, to increase citizens' awareness of the rule of law, court operations, citizens' rights etc.
  - Amendments to the Law on Court Service finalized and presented to the MOJ

- Developed and printed MJA Judicial Code of Ethics.
- **Result 2: More independent, efficient, and consistent application of judicial policies and practices**
  - Judicial Branch Forum institutionalized as an internal mechanism for regular review of legislation and advocacy for or against legislation affecting the judiciary, and number of conclusions implemented
  - Developed strategic plans for the judiciary, Basic Court Skopje 1, Basic Court Skopje 2 and the Academy for Judges and Public Prosecutors
  - Developed and recommended staffing guidelines, for the basic courts and the Administrative Court
  - Two pilot Analytical Offices established at the JC and BC Skopje 1 to perform applied research and analysis, in order to increase judicial effectiveness
  - Periodic meetings of appellate court judges institutionalized to propose harmonizing solutions of court practices
  - Two ABMS upgrades implemented to facilitate smooth generation of reports pertaining to court employees and financial data, and to enable of automatic calculation of cost per case
  - Changes and amendments to the Law on Case Management developed and presented to the MOJ
  - Developed courts' needs-based budgets supported by accurate data from the ACCMIS database
  - Increased court transparency and communication with the media through training of courts' PIOs, and printing of year-end reports and judicial practice bulletins
- **Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes**
  - Developed and implemented number of specialized trainings for judges, court administrative executives and staff, including commercial law topics, judicial writing skills, domestic violence issues, public relations, etc.;
  - Court management and leadership training conducted for president judges and court administrators
  - Differentiated Case Management and National Time Standards introduced in two-pilot courts (Basic Court Skopje 2 and Basic Court Veles)
  - Use of electronic court recording promoted by providing ECR equipment for six courtrooms and a series of trainings for judges, court typists and IT administrators
  - Four study tours implemented on DCM, court administration, and civil activism and citizen participation in rule-of-law efforts
  - Automation of the judicial sector enhanced, through the implementation of four ACCMIS upgrades
  - Working committee practices standardized nationwide through development of protocols and procedures for unifying the work of the committees.
- **Result 4: Crisis-modifier and material support**
  - The courtroom at the Faculty of Law in Shtip refurbished in order to be used for mock trial trainings, and public sessions of the Shtip Appellate Court.
  - Court entrances at the Basic Court Skopje 2 remodeled, and intake office relocated so that it has a separate entrance and can provide better service to the public.
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## 6. PROJECT VISIBILITY

In accordance with the approved Branding and Marking Plan, JSP continuously provided information about its work and contribution to the judiciary, project partners, and the general public. The public information activities included the following:

- **JSP website ([www.judicialsupport.org](http://www.judicialsupport.org)).** This website provided key information related to the Project's mission, objectives, and activities.
- **JSP publications.** A factsheet about the Project was printed in Macedonian and English and distributed at public events.
- **JSP final booklet.** The Project is working on developing a final booklet about its key achievements.

## 7. LESSONS LEARNED AND RECOMMENDATIONS

The Judicial Strengthening Project was provided challenges and opportunities. The challenges provided fertile opportunities to learn the best practices uniquely suited to Macedonia, and to sharpen the focus of the Project's approach to its initiatives. These lessons learned have translated into significant successes for this developing court system. The developments and achievements, during the life of the Project, are both in court administration and management as well as court operations. Here are some examples:

### *MJA Capacity Building Program*

Throughout the capacity building program delivered by MesaCons/EMBRA, MJA participation was low and its members displayed a lack of enthusiasm. Eventually, the MJA president informed JSP that judges have busy schedules, making it difficult to ensure their participation in trainings. The cooperation with the MJA was difficult from the very beginning of the program and was riddled with difficulties. Regardless, JSP considered it crucial to include MJA in the program and did so, on a very limited basis as the MJA cooperation permitted.

#### **Lesson Learned:**

If there is no commitment and vision for the goals of the activity from the local partner initially, an activity should not be commenced and funds should not be allocated until it is absolutely clear that the recipient is totally committed.

#### **Positive Results:**

In an attempt to mitigate this issue, JSP reached out to the eight LPAs/CSOs that were not among the original targeted group and provided capacity building trainings. Members of these organizations became eager participants, enhancing their own skills and capacity to support and advocate for the judicial branch. The participants evaluated the trainings highly.

### *Institution of a Central Procurement Process*

International best practices dictate, where possible and appropriate, that the purchase of equipment and supplies with public funds be made efficiently, transparently and fairly. A public procurement process assures the best products at the least cost.

International experts conducted an assessment to identify gaps in the practices, procedures and processes of court administration and management early in JSP's tenure. The report –Assessment of Administrative and Management Systems, among other recommendations, proposed a central procurement process for the courts. There was pushback for a variety of reasons including the lack of enthusiasm displayed from some quarters.

Eventually the concept of central procurement was placed on the agenda of the Judicial Branch Forum (JBF) –a conference of court leaders and policy makers shaped by JSP early in the Project. After spirited discussion the concept was approved by the JBF and recommended to the CBC and its administrative office. JSP proposed the Administrative Office of the CBC to be part of a comprehensive technical assistance program implemented by the USAID/Organizational Performance Improvement Program (OPIP).

**Lesson Learned:**

The implementation of any initiative or intervention that is not, at first, universally accepted must be identified in a “comprehensive” study or assessment. The improvements should be seen as part of an overall strategy, not a piecemeal remedy. And, policy and decision makers whose status can influence the result should vet the new concepts with colleagues in a discussion group type environment to assure successful adoption and implementation. Consensus building was accomplished in the JBF, which contributed to the positive result.

**Positive Results:**

Having obtained the appropriate agreement, JSP supported the training of two judicial employees, from AO and JC conducted by the Bureau of Procurement, an independent governmental body. During one year of interventions and the piloting program in the Appellate Courts Shtip and Bitola, paper procurement prices decreased between 09.6 percent - 23.5 percent.

OPIP interventions strengthened staff capacity in the area of procurement, certification and the recertification process as following: 42 court administration staff members are certified in public procurement (PP), 42 percent of courts have a staff member who is recertified in PP, 100 percent of courts have at least one staff member certified in PP and 50 percent of courts have a second person certified in PP.

***Electronic Court Recording (ECR) of Hearings and Trials Supports Transparency***

Openness of court hearings and trials is a key tool for assuring transparency of the judicial process for the average citizen. Official and accurate recording of courtroom proceedings provide support for the litigants, attorneys and judges alike. It diminishes the likelihood of mischievous and/or unethical behavior in the courtroom, provides an accurate record for appeals and affords an import tool to judges and lawyers for preparing decisions and legal documents.

**Lessons Learned:**

Experience has shown that new programs such as ECR require a high degree of attentiveness. Simply installing equipment, conducting “basic” training and considering the job completed does not foretell good results. This is clearly seen in the early implementation of ECR. Eighty devices were installed in civil courtrooms in Macedonia in the closing days of the previous JRIP project (June 2011). Only preliminary training was conducted due to time and resource restraints. At the start-up of JSP very few devices were being used. Intense training was needed and supplied by JSP especially in the larger courts. The need for in-depth and intense follow-up training is an important lesson.

Clearly, such systems cannot work without the support of judges, initially suspicious of change that has not been part of their legal culture and tradition. JSP made efforts to educate judges on benefits to them and the appellate courts. Particularly important was the judges’ understanding that the recording devices offer protection for them in the event of unjustified complaints about their courtroom actions and behavior.

**Positive Results:**

As a result of JSP efforts to resurrect this important initiative, there are presently 86 civil courtrooms in Macedonia regularly utilizing ECR, which provide working verbatim recordings, backed-up on CDs to litigants and attorneys.

***Support Systematic Trainings on the Law on Civil Procedure (LCP) for all Civil Judges***

The initial plan for this activity was to encompass all civil judges in all basic and appellate courts in the Republic of Macedonia (309 judges) in a total of nine training sessions. However, the last three LCP trainings were cancelled. The trainers – five Supreme Court Justices—requested that JSP provide honoraria for all LCP trainings, as they did not receive these payments from the Academy for Judges and Public Prosecutors. In accordance with the regulation on salary supplements for host government employees and guidance received from the USAID Regional Legal Advisor, JSP informed the Supreme Court chief justice that the project could not provide honoraria to the trainers.

**Lessons Learned:**

The source and availability of resources for trainers' honoraria should be determined prior to beginning the delivery of the trainings. The Academy usually covers the trainer's honoraria, which should have been planned and explicitly agreed upon prior to implementation in a memorandum of understanding or other suitable document.

**Positive Results:**

Future projects will not rely on past practices without confirming that funds are available and will be utilized for trainings involving host country judicial or non-judicial employees. The action plans and work plans should include this step.

***Macedonian Bar Association (MBA)***

During the project, the MBA recently elected a new president and board members, a welcome change to the lack of cooperation with the previous MBA management. The organization's new administration appeared genuinely interested in JSP support and was one of the organizations that embraced the capacity building trainings when MJA withdrew from participation.

MBA requested JSP support to provide assistance in a number of areas, including enhancement of their outdated website. Several meetings were organized with the MBA president and staff. The JSP selected a vendor, and all options for design, functionalities and layout of the website were agreed upon. Upon completion of the website, for unknown reasons, the president of MBA refused to sign the transfer agreement. The website was never made operational and MBA is still using the old obsolete website.

**Lessons Learned:**

A clear written understanding should be signed with organizations or associations chosen to benefit from USG initiatives and interventions. A well-defined commitment to, and vision for, the needs and goals of the organization, including appropriate planning mechanisms, should be prepared to memorialize the commitment to cooperate in writing.

**Positive Results:**

Future projects will benefit from this experience. Written memoranda of understanding, or other applicable document, should be signed for any significant undertaking outlining the beneficiary's responsibilities and commitment to the intervention. Project leaders should incorporate this step in their plans of action for beneficiary initiatives.

*Goce Delcev University*

USAID and INL jointly supported the conversion of an office at the Goce Delcev University Faculty of Law in Shtip into a trial courtroom to be used for mock trial trainings and sessions of the Shtip Appellate Court. The JSP managed the work through its selected contractor, procured furniture and oversaw the implementation of the entire activity.

There were several challenges relating to the timeliness and the quality of construction work. Notwithstanding professional supervision, the construction work was delayed one month and the quality of the work did not fully meet the contractual specifications. The shortcomings in the construction work could not be corrected due the pre-scheduled event date for the opening of the courtroom. Unfortunately, the project could not enforce the penalty for the delays, because the subcontract did not specify the exact level of penalty that would be imposed.

**Lessons Learned:**

Careful selection of a subcontractor is the key to timely completion of a construction contract and ensures that specifications are met. Unfortunately, there are times when even careful vetting does not result in the best subcontractor, often related to public procurement strictures. Accordingly, construction specifications and penalty clauses should be precise. The penalties and the processes for enforcing them should be precisely stated and discussed in advance with the subcontractor.

**Positive Results:**

Project field and home office personnel responsible for contracts and procurement practices and processes will use this experience to address future issues related to nonperformance of subcontractors, ensuring that specifications and performance expectations are clearly stated in subcontracts.

*Rule of Law Council (ROLC)*

LPAs and CSOs in Macedonia have the opportunity to provide judicial oversight, thus strengthening the judiciary's independence, efficiency and transparency. However, most lacked the skills and experience required for such advocacy. To fill the gap, JSP arranged a study-tour for seven members of active CSOs and LPAs to travel to Estonia and Sweden; countries with a more developed CSO community. The experience provided an opportunity to observe how CSOs in other developed countries strengthen judicial independence and increase public confidence in the judiciary.

**Lessons Learned:**

In Estonia the Macedonia delegation learned how to conduct targeted advocacy campaigns and monitor the implementation of reforms in their meetings with human rights organizations. In Sweden they learned how to influence policymaking through lobbying and how to promote transparency by leveraging the media to highlight issues of corruption or political interference in the judiciary. JSP sponsored a follow-up event where the delegation of CSOs and LPAs shared the experiences and knowledge gained during the study tour. Together they developed future plans with colleagues from other organizations.

Experiencing the practices and processes used by CSOs and LPAs in stable and advanced democracies is important to counties transitioning to democracy. This experience re-enforces the importance of study tours with targeted and focused agenda chosen for a proven record of respect for civil society, the media and, of course, the rule of law.

**Positive Results:**

These lessons were effectively leveraged in Macedonia. After presentation by members of the study tour delegation to other CSOs and NGOs, the Rule of Law Council (ROLC) was founded. The development and implementation of ROLC is a significant step towards an independent, efficient and transparent judiciary in the Republic of Macedonia. It is the culmination of more than 3 years of strengthening the individual organizations comprising ROLC. As ROLC increases in strength and numbers it will become a forceful body, not only as a watchdog, but also as an advocate for the judiciary in Macedonia rivaling those in other countries in the region and beyond. That the outreach of the ROLC media campaign has been seen, to date, by over 67 percent of the target youth population of 18 to 35 year olds, is an example of ROLC's impact.

***Court Administration Demonstrates Leadership and Sustainability***

The Court Administration Association (CAA), composed of Macedonian court employees seeking to foster a professional and efficient court administration and contribute to legal reforms, was selected as a promising partner in the initiative to strengthen CSOs and LPAs. It developed into a vibrant association with external visibility and advocacy potential after a series of activities to address performance gaps and needs of the CAA.

The intensive training consisted of a series of 14 sessions over the course of 12 months. The sessions were specifically tailored to enhance CAA's capability as an organization to advocate for change, and to build towards its long-term sustainability. Additional guidance came from a study tour designed to learn first-hand from well-established organizations working to strengthen judicial independence and increase public confidence in the judiciary in Sweden and Estonia. JSP supported the presence of CAA in the International Association for Court Administration providing opportunity for members to exchange knowledge and form linkages with similar organizations around the world.

**Lessons Learned:**

Clearly, targeted training, focusing on an individual organization's specific gaps and needs, pays huge dividends. Generic training, for some issues, is appropriate, of course. However, the in-depth assessment conducted by JSP provided laser-like focus on missing abilities necessary to fulfill the association's mission and goals. Furthermore, exposure to the workings of advanced democracies such as Sweden and Estonia provides unparalleled insight into the "art of the possible". To further this end, JSP also supported the presence of CAA in the International Association for Court Administration.

**Positive Results:**

With JSP's support, CAA now organizes and conducts annual assemblies, workshops and events and produces periodic newsletters demonstrating that an efficient administrative office is the backbone of a successful organization. The genuine strength of the association, however, can be seen in its participation as a founding member of the ROLC. CAA is embarking on its future as a leading partner in judicial reform efforts in Macedonia through ROLC and individually. As the current presiding organization of the ROLC, CAA actively participates in the strategic planning sessions, contributing to the overall work of the Council.

CAA has undoubtedly, through JSP support, emerged as a more capable, organized, and interconnected organization, with a vision for long-term sustainability.

**8. LIST OF APPENDICES**

**List of JSP Events****Result 1: Strengthened advocacy and citizen participation in judicial sector reform**• **Year One**

1. Performance Assessment Phase One of Eleven LPAs and CSOs - April 24, 2012
2. Performance Assessment Phase Two of Three LPAs- May 28 2012
3. Roundtable Discussion on "Application of Article 10 of the European Convention of Human Rights and the Defamation Laws of the Republic of Macedonia" - June 7, 2012
4. Training on "Identifying and Applying for EU Funds and Programs" - June 26, 2012
5. Training on "Identifying and Applying for EU Funds and Programs" - June 27, 2012
6. Roundtable Discussion on "Responsibilities of State Administrative Bodies for the Duration of Administrative Procedures in Relation to the Protection- July 12, 2012
7. Preparation of Training-Workshop - September 18
8. Advocacy and Lobbying for MJA October 31-November 1,2015
9. Developing a New Strategic Plan for the Period 2013–2015 for MYLA - November 2 - 4, 2012
10. Project Planning, Design and Implementation - Project Cycle Management for MJA - November 6-8, 2012
11. Developing a New Strategic Plan for CAA - November 19 - 21, 2012
12. Advocacy and Lobbying for the Court Administration Association - November 29 - 30, 2012
13. Project Circle Management for CAA, December 25-27,2015

• **Year Two**

1. Training on "Project Cycle Management" for MYLA - January 17 - 19, 2013
2. Training on "Establishing and Maintaining Partnership and Cooperation" for CAA - January 24 - 25, 2013
3. Workshop on "Provision of Effective and Efficient Services" for CAA - January 31 - February 1, 2013
4. Workshop on "Provision of Effective and Efficient Services" for MYLA - February 5 - 6, 2013
5. Workshop on "Organizational & Management Skills" for CAA - February 19 - 20, 2013
6. Promotion of ELSA brochure "Organization of the Court System in RM" to high school students at Basic Court Skopje 2 - March 7, 2013
7. Training on "Project Cycle Management" for CAA - March 11 - 13, 2013
8. Training on "Management and Leadership Skills" for CAA - March 14 - 15, 2013
9. Training on "Media and Public Relations Strategies" for the Macedonian Judges Association (MJA) - March 18 - 19, 2013
10. Training on "EU Funding Mechanisms" for CAA, MYLA, and All for Fair Trials (AFFT) - March 20 - 21, 2013
11. Roundtable discussion for 4 NGOs on "Court Proceedings and Court Efficiency" - March 22, 2013
12. Training on "Media and Public Relations Strategies" for MYLA - March 26 - 27, 2013
13. Workshop on "Developing Membership Base Strengthening Strategies" for CAA - April 11 - 12, 2013
14. Training on "Mobilization of Local Resource" for MYLA - April 16 - 17, 2013
15. Workshop on "Developing Membership Base Strengthening Strategies" for MYLA - April 24 - 25, 2013
16. Workshop on "Organizational and Management Skills" for MJA - April 29 - 30, 2013
17. CAA Annual Assembly - May 22 - 23, 2013
18. Promotion of ELSA brochure "Organization of the Court System in RM" to high school students at the Basic Court Veles - June 4, 2013
19. Training for "EU Funding Mechanisms" for other NGOs - June 24 - 25, 2013
20. ROLC founding meeting- July 4 - 5, 2013
21. Workshop on "Developing Membership Base Strengthening Strategies" for the other 8 NGOs - September 4- 5, 2013
22. Workshop on "Organizational Design" for MYLA - September 10 - 11, 2013
23. Workshop on "Provision for Effective and Efficient Services with Focus on Members" for the other 8 NGOs - September 12 - 13, 2013
24. Training on "Management and Leadership Skills" for MYLA - September 20 - 21, 2013
25. Training on "Developing Organizational and Financial Sustainability Plans" for MYLA - September 24 - 25, 2013
26. Training on "Human Resource and Volunteer Management" for MYLA & CAA - October 3 - 4, 2013
27. Training on "Developing Financial Management and Sustainability Plans" for CAA - October 15 - 16, 2013
28. Training on "Financial Management for Non-Financial Personnel" for CAA and other NGOs - October 22 - 23, 2013
29. Training for journalists and the Chamber of Enforcement Agents - October 26 - 27, 2013

30. Advocacy and Lobbying for the Macedonian Judges' Association - Oct 31 - Nov I, 2012
31. Roundtable on "Court Proceedings and Court Efficiency" - November 7, 2013
32. Regional conference on "Fight Against Human Trafficking – Stop For the Modern Slavery" - November 21 - 24, 2013
33. Series of events "Week of Fair Trials" – 10 year anniversary of AFFT - December 2 - 10, 2013
34. National Conference on "Legal Profession in the Republic of Macedonia – Challenges, Problems and Perspectives" - December 6, 2013
35. Advocacy and Lobbying for MYLA - December 15 - 16, 2012
36. .Kaizen workshop for the launching of a Judicial Independence Advocacy Coalition - December 17, 2013

- **Year Three**

1. MYLA Training for ELSA members on Strategic Litigation - February 14, 2014
2. ROL Coalition – Kaizen workshop - March 7 - 12 -13, 2014
3. ELSA/MYLA training on Project Management Cycle - April 11, 2014
4. Promotion of ELSA and its brochures at Goce Delchev University Shtip - April 17, 2014
5. Workshop for drafting amendments to Law on Court Service, Dojran - April 28 - 29, 2014
6. Presentation of ELSA brochure on Juvenile Justice in BC Skopje - May 7, 2014
7. Domestic Violence Roundtable - May 15 - 16, 2014
8. CAA Annual Assembly - May 28 - 30, 2014
9. Rule of Law Council Workshop – Urmo Kubar consultancy - June 11 - 12, 2014
10. Domestic Violence Second Roundtable - June 16 - 17, 2014
11. Third Workshop for Preparation of Domestic Violence Bench Book - September 25 - 26, 2014
12. CAA Public Discussion on Law on Court Service - November 5, 2014

- **Year Four**

1. Strategic Litigation Training with Adam Weiss - January 27 - 28, 2015
2. Presentation of ELSA brochure on free legal aid at the South East European University - Tetovo - February 27, 2015
3. Presentation of ELSA brochure on free legal aid at the South East European University - Skopje - March 2, 2015
4. Legal Career Path Discussion - March 4, 2015
5. Second informative meeting with journalists - April 7, 2015
6. Two day training with journalists - May 8 - 9, 2015
7. ROLC's Roundtable Discussion on the new Law on Criminal Procedure - May 20, 2015
8. Sixth Annual Assembly of CAA - June 11 - 12, 2015
9. Study Tour impressions presentation September 14,2015
10. Workshop for Increasing CAA's Membership Base - September 17 - 18, 2015
11. MYLA Strategic Planning Workshop – October 6-8, 2015
12. ROLC's Roundtable Discussion on the new Law on Criminal Procedure - September 28, 2015
13. CAA Strategic Planning Workshop – October 6 - 8, 2015
14. ROLC Public Discussion for Civil Society Organizations, October 14,2015
15. Developing Methodology for Advocacy of the ROLC, October 14-16,2015

**Result 2: More independent, efficient, and consistent application of judicial policies and practices**

- **Year One**

1. Presentation of Court Administration Expert Report at Day of the Judiciary - April 6 2012
2. Harmonization of Civil Court Decisions in the Appellate Court Region - May 11, 2012
3. Employment, Evaluation and Disciplinary Procedures of Court Employees - May 21 - 22, 2012
4. Use of ACCMIS (and other automation technology utilized by the courts) - May 31, 2012
5. Developing Guidelines for Court Budget Users in Unified Accounting Practices - June 13 - 14, 2012
6. Projection and Budget Planning - July 9 - 10, 2012
7. Employment, Evaluation and Disciplinary Procedures of Court Employees (CSC & CAA) July 12 - 13, 2012
8. Working Meeting of the Courts of the Appellate Region Bitola on "Using ACCMIS and Other Data to Support Needs-based Budgets, Improve Caseload Processing and Reduce Backlog of Cases" - Sept 14

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9. Working meeting of the courts of the Appellate region Shtip on “Using ACCMIS and other data to support needs-based budgets, improve caseload processing and reduce backlog of cases” - Sept 24
  10. Roundtable Discussion on “Hiring and Evaluating, Conducting Disciplinary Procedures, and Conducting Apprenticeship exams for Non-judicial Staff” - Oct 4-5, 2012
  11. Entering Basic Assets in ABMS – Oct 18, 2012
  12. Harmonization of Practices of Courts’ Civil Departments - November 5, 2012
  13. Judicial Branch Forum - November 6, 2012
  14. Working meeting of the Courts of the Appellate Regions Skopje and Gostivar on “Using ACCMIS and Other Data to Support Needs-based Budgets, Improve Caseload Processing and Reduce Backlog of Cases”
- **Year Two**
    1. Training on “Preparation of Final Annual Account” - January 18, 2013
    2. Workshop on “Preparation of Unified Payment Procedures and Guidelines upon Judges’ Order and other Accounting Documents” - February 4 - 5, 2013
    3. Judicial Branch Forum (second meeting) - March 15, 2013
    4. Working meeting for the courts of the appellate regions of Bitola & Gostivar on “Case Processing and Backlog Reduction” - March 18, 2013
    5. Working meeting for the courts of the appellate regions of Skopje & Shtip on “Case Processing and Backlog Reduction” - March 21, 2013
    6. Roundtable discussion for the IT staff from all courts in MK - March 26, 2013
    7. Harmonization of Civil Court Decisions - April 12 - 13, 2013
    8. Judicial Branch Forum (Third meeting) June 19 - 20, 2013
    9. Working meeting with court administrators of basic courts with extended jurisdiction - July 10, 2013
    10. Training for judges and court staff responsible for sharing public information - July 12 - 13, 2013
    11. Judicial Branch Forum (fourth meeting) - October 17 - 18, 2013
    12. Harmonization of Civil Court Decisions - December 6, 2013
    13. Working meeting on Developing Protocols for the Operation of Courts Working Committees - December 17, 2013
    14. Strategic Planning Workshop (CIRa) - December 23 - 25, 2013
  - **Year Three**
    1. CSC workshop on “Successful Transitioning, Transfer of Institutional Memory and Building Plan for Future Activities” - January 16 - 17, 2014
    2. Second Strategic Planning Workshop - February 6, 2014
    3. CAA Workshop for drafting changes and amendments to LCS – Feb 11-12, 2014
    4. Judicial Branch Forum (Fifth meeting) - February 20 - 21, 2014
    5. Third Strategic Planning Workshop at JC - March 3, 2014
    6. Workshop on Developing Courts' House Rules - March 20 - 21, 2014
    7. Workshop for Drafting Regulations for Personal Data Protection, Veles - April 15 - 16, 2014
    8. BASME Workshop for Shtip Appellate Region on Court Management - May 6 - 7, 2014
    9. BASME Workshop for Bitola appellate region on court management - May 19 - 20, 2014
    10. BASME Workshop for Gostivar appellate region on court management - May 22 - 23, 2014
    11. BASME Workshop for Skopje Appellate Region on Court Management - May 27 - 28, 2014
    12. Finalization of Staffing Guidelines Workshop - June 4 - 5, 2014
    13. BASME Presentation to All President Judges - June 24, 2014
    14. Judicial Branch Forum (Sixth meeting) - June 26 - 27, 2014
    15. General Strategic Planning Workshop – Academy for Judges and Public Prosecutors (JTA) - July 8 - 9, 2014
    16. General Strategic Planning Workshop – Basic Court Skopje 2 - August 24 - 26, 2014
    17. General Strategic Planning Workshop – Basic Court Skopje 1 - October 2 - 3, 2014
    18. Judicial Branch Meeting (Seventh meeting) - October 21 - 22, 2014
    19. Workshop for Finalization of SC’s Jurisprudence Bulletin - November 7 - 9, 2014
    20. Roundtable Discussion for President Judges on Personal Data Protection in the Courts - November 14, 2014
    21. Roundtable for Civil Judges of the SC and the Four Appellate Courts on the Provisions of Law on Civil Procedure - November 17 - 18, 2014
    22. Harmonization meeting – May 16, 2014

- **Year Four**

1. Judicial Branch Forum (eighth meeting) - February 11 - 12, 2014
2. Workshop for establishment of Analytical Office at BC Skopje 1 - April 28, 2015
3. First workshop for establishment of Analytical Office at the Judicial Council - May 21, 2015
4. Second workshop for establishment of Analytical Office at the Judicial Council - June 3, 2015
5. Public Relations Training - September 10 - 14, 2015
6. Training on the New ABMS Module - September 21 - 22, 2015
7. Study Tour to Slovenia – October 2015

**Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes**

- **Year One**

1. Budget Preparation and Execution - May 8, 2012
2. Managing Court in Need - May 9, 2012
3. Training Needs Assessment for Commercial Judges and Commercial Lawyers - May 18, 2012
4. Training on Public Procurement and Obtaining Licenses by the Bureau for Public Procurement – September, 2012
5. Identification of Training Needs for Judges in the Area of Commercial Law - November 22, 2012

- **Year Two**

1. Training on “Practical Implementation of the Law on Civil Procedure with a Special Emphasis on the Provisions for Electronic Delivery Implementation - February 1, 2013
2. Training on “Disclosing Evidence, Quality of Evidence with Special Focus on the Expert Testimony Financial Instruments as Evidence in Commercial Disputes” - February 15, 2013
3. Study Tour for NGOs - April 8 - 18, 2013
4. Leadership Conference - September 17 - 18, 2013
5. Study Tour for Court Administration in the Netherlands & Slovenia - September 23 - October 3, 2013
6. Court Couriers Training - October 16, 2013
7. Training on “Mediation and Arbitration – Ways for Alternative Resolution of Commercial Disputes” - October 28 - 29, 2013
8. 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 Manag. – November, 15

- **Year Three**

1. Study Tour to Slovenia - March 23 - 25, 2014
2. Study Tour in Serbia - May 11 - 13, 2014
3. IT Roundtable - May 19 - 20, 2014
4. Commercial law roundtable with judges, lawyers and business chamber - May 23, 2014
5. DCM and NTS Study Tour to the USA - June 7 - 15, 2014
6. Workshop for Introduction of DCM - July 4 - 5, 2014
7. Second Workshop for DCM - September 12 - 13, 2014
8. ToT for Court Typists on Use of Electronic Court Recording System – Appellate Regions Skopje and Shtip - September 18 - 19, 2014
9. ToT for Court Typists on Use of Electronic Court Recording System – Appellate Regions Gostivar and Bitola - September 25 - 26, 2014
10. ToT for Court IT Administrators - October 2 - 3, 2014
11. Training on Judicial Writing Skills - October 8, 2014
12. DCM Workshop with Suzanne Schneider - December 3 - 4, 2014

- **Year Four**

1. Training on the Law on Civil Procedure - March 19 - 20, 2015
2. Training on the Law on Civil Procedure - March 26 - 27, 2015
3. Training on the Law on Civil Procedure - April 2 - 3, 2015
4. Training on the Law on Civil Procedure - April 16 - 17, 2015

5. Training on the Law on Civil Procedure - April 23 - 24, 2015
6. DCM-NTS Workshop with Ronald Stout - April 24 - 25, 2015
7. Training on the Law on Civil Procedure - May 7 - 8, 2015
8. Commercial law training on the legal status of managers and different management levels according to the Law on Companies - June 18, 2015
9. Commercial law training on legal aspects of bankruptcy of sole proprietors - June 19, 2015
10. Study Tour to the US - July 5 - 16, 2015
11. Workshop on DCM-NTS with Ronald Stout - September 18 - 19, 2015

#### **Result 4: Crises Modifier**

- **Year 3**

1. 165. Moot court room at the Law School Shtip –February 2014
2. Procurement of additional monitors for ECR –February 2014
3. Back-up server for the SC-March 2014
4. Procurement of splitters for ECR- March 2014
5. Computers for administrative court-April 2014
6. Computers for BC Kicevo –April 2014
7. Renovation of entrance at the BC Skopje 2-July 2014
8. Procure spare parts for ECR- August 2014
9. ACCMIS upgrade for bankruptcy cases –October 2014

- **Year 4**

1. Computers for DCM pilot courts- July 2015
2. Procure additional computers for DCM-October 2015

### **9. CRISIS-MODIFIER AND MATERIAL SUPPORT**

Judicial Strengthening Project contract provisions envision that project can provide material support to local partners in order to address some ad hoc request and immediate needs. Over the project circle, this gave us an opportunity to support many good initiatives that can be tided towards overall programmatic goal. In that respect over the life of the project we have been able to complete some remodeling activities and engage short term experts to assist our partners in their program activities. Under this result the most important are the following:

#### *Conversion of a Shtip Faculty of Law Classroom into a Trial Courtroom*



USAID and INL jointly supported the conversion of a classroom at the Goce Delcev University Faculty of Law in Shtip into a trial courtroom to be used for mock trial trainings and sessions of the Shtip Appellate Court. The JSP executed a contract with the selected vendor Arbor on September 19, and the conversion work began on September 22.

Most of the conversion work was completed in October. During November, the 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 took place on December 3 and was attended by the US Ambassador. As a result of this activity, law school students will be able to conduct moot court hearings under the new LCP to enhance their legal education. In addition, this courtroom will be used for actual hearings of more serious criminal cases in the jurisdiction of Shtip Appellate Court.

### *Court Entrance Remodeling at the BC Skopje II*



During the reporting period, the JSP continued planning activities to support the remodeling of the BC Skopje II entrance to provide easier court access to the public. The remodeling work will improve the court's main entrances and relocate the intake office so that it has a separate entrance and provides better service to the public. A draft Initial Environmental Examination was submitted to USAID's Environmental Officer on October 31, and was approved and signed on November 26. During December, the JSP worked with its engaged architect on finalizing the RFP for this work.

### *Procurement of computers for the Administrative Court in Skopje*

Ten computers and monitors were procured to support the needs of the Administrative Court in Skopje. The equipment was delivered and installed at the court on April 25 and is fully operational.

## **10. SERVE AS RAPPORTEUR WITH THE JUSTICE SECTOR**

The Project served as rapporteur with the justice sector according to its contract. Its efforts included coordinating, tracking and reporting on sector activities and achievements and to serve as liaison on select activities with other donors and projects to optimize use of resources and avoid duplication.

- In the second year JSP coordinated activities with the Judicial Council and Ministry of Justice related to the statistical data that is required from the courts in light of advancing towards EU alignment. The inter-government group that worked on creating methodology for collecting court data was established. To further advance this program, JSP supported development of the statistical software that was hosted at the Judicial Council.
- During the fourth year, the COP had a meeting at the Ministry of Justice and received a request to further support the audio recording program in Macedonia Courts. JSP was able to procure and furnish six additional courtrooms in the basic courts Prilep, Bitola, Strumica, Ohrid, Struga and Kicevo with electronic court recorders. In addition, the project procured six sets of spare parts and approximately 13,000 CD ROMs.
- The project's COP, DCOP and, as needed, staff members met with the COR, Antoaneta Skartova, on a weekly basis with few exceptions. On occasion the D&G director, Michael Stievater was present as well. JSP coordinated program activities at these meetings. The meetings offered an opportunity to coordinate program activities with USAID COR on a regular basis. This also served as a forum to discuss justice sector needs and gaps and to recommend interventions.
- The JSP staff attended periodic update meetings at the USAID premises with the invitation of US Ambassadors. On November 8, 2012 and February 22, 2013 JSP met with Ambassador Wohlers. On February 23, 2015 Ambassador Baily hosted the briefing session. JSP embraced these opportunities to update the Ambassadors and their staff on project activities and, where applicable, project challenges.
- A JSP staff member was appointed to attend regular meetings with the Office of Development Outreach and Communication (DOC). JSP also communicated with and worked closely with the USAID project IDEAS in helping to enhance legal procedures and

practices to benefit of the business community.

- The COP and selected CSO and LPA personnel were invited to meet with Ms. Roberta Mahoney and Mr. Jonathan Hale, Deputy Assistant Administrator from USAID’s Bureau for Europe and Eurasia, Washington DC on June 13, 2015. The USG representatives solicited input from certain D&G projects on rule of law issues in Macedonia and encouraged a regional cooperation among legal professional organizations that work on rule of law and human rights.
- JSP attended important sessions with Embassy/USAID personnel concerning issues of persons with disabilities. As a result of those instructional meetings JSP worked to include young persons with disabilities in a number of events. In addition the topic was included in the Judicial Leadership Conference, September 2013, hosted by the JSP, which included a presentation by an individual with a disability.
- JSP staff prepared ad-hoc briefers on a number of topics as requested by the COR and/or Embassy personnel.
- JSP personnel regularly met with other justice sector donors on an as needed basis to coordinate project activities. In particular JSP’s COP and/or staff coordinated with INL and OSCE, partners in the Moot Courtroom Project. JSP also met with OSCE on occasion for donor cooperation review.
- Ms. Alina Romanowski, Coordinator of U.S. Assistance to Europe and Eurasia, U.S. Department of State, and Ms. Susan Fritz, USAID Acting Assistant Administrator requested a meeting with representatives of organizations working on human rights and rule of law to discuss the general state of democracy in Macedonia and major issues facing civil society. The meeting, with appropriate attendees, was held on October 3, 2015.
- A meeting was scheduled with Ms. Elizabeth Norman, Coordinator of U.S. Assistance to Europe and Eurasia, U.S. Department of State with additional CSOs on June 16, 2015. The purpose of the meeting was to acquaint Ms. Norman regarding the current rule of law (justice sector) situation in the country with particular focus of the work of the CSOs in this sector. At a separate meeting, COPs Nena Ivanovska and Zarko Aleksov briefed Ms. Norman regarding the challenges and achievements of two particular projects (Judicial Strengthening Project and Defending Human Rights Project).

## **11. CROSS-CUTTING PRINCIPLES**

### ***Ownership and sustainability***

The JSP designs and conducts its activities in close cooperation and partnership with local counterparts to ensure their full ownership and development, and to foster future sustainability and growth of targeted sectors. The project’s overarching strategy is to: (1) equip local partners with skills and capacities to implement reform initiatives on their own; (2) identify leaders in the judicial sector; and, (3) improve management and leadership techniques through training, study tours, and other means, such as pilot programs.

### *EU Alignment*

A key cross-cutting element for all program activities is the support and due consideration for EU standards and requirements. Macedonia has been a candidate for EU accession since 2005. The JSP drew upon experiences from the accession processes of other countries in the region and utilized the expertise of consultants from EU member states in its program activities. In Years 1 and 2, the JSP conducted a training and overview of EU funding instruments with an emphasis on Instruments for Pre-Accession Assistance. In Years 3 and 4, the JSP continued to assist the judiciary with EU alignment, collaborating with EU representatives and organizations to coordinate activities, and arranging study visits to EU member countries.

With respect to efficiency of justice, as noted in the 2013 EU Progress Report<sup>8</sup>, Macedonia made significant strides in recent years towards reducing case backlogs in courts. The JSP worked together with the JC in 2013 to develop an ACCMIS database warehouse and interface software in order to generate improved statistical reports on court performance, used by the JC and European Commission for Efficiency of Justice for integration with EU judicial standards. Building upon the positive developments in this area, the JSP initiated the application of DCM and NTS in two pilot courts and introduced the new system to relevant actors within the judiciary, setting the stage for a national rollout of this advanced tool to assure expediency in case management.

The Directorate for Personal Data Protection, committed to proper oversight of intelligence services is identified in the Priebe Report<sup>9</sup> as another example of Macedonia's positive advancement towards alignment with the EU *acquis*. The JSP, in collaboration with the APDP, supported a workshop to develop sub-regulations for process mapping of courts' IT operations, including for personal data protection. The sub-regulations have since been adopted by all courts, and in 2015, the EU Progress Report<sup>10</sup> notes increased and more frequent consultation on draft legislation and public policy matters with the Directorate than in previous years. While Macedonia completed several judicial sector reforms for EU alignment in recent years, JSP support focused on implementation of the reforms to facilitate access to justice and restore public confidence in the judicial system.

### *Gender, minority and disabled communities*

The JSP during the project life has paid close attention to the gender and minority representation and inclusion in overall project activities, like workshops, public discussions and working meetings. Consequently, the Project has reliable data of women participation on the events. Having in mind that minority groups have had an adequate representation among the judges and court administration staff, we had minority representation of all project events. Number of justice sector personnel who received training with USG assistance (USG F Indicator 2.1.2-7)

Year	Total trained	Male	Female
I - 2012	795	44%	56%
II - 2013	1649	47%	53%
III - 2014	1067	42%	58%
IV - 2015	771	39%	61%
<b>TOTAL</b>	<b>4282</b>	<b>43%</b>	<b>57%</b>

<sup>8</sup> The Former Yugoslav Republic of Macedonia 2013 Progress Report, European Commission.

<sup>9</sup> The Former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on systemic Rule of Law issues relating to the communications interception revealed in spring 2015.

<sup>10</sup> The Former Yugoslav Republic of Macedonia 2015 Progress Report, European Commission.

The JSP is fully committed to the needs of the disabled and to making the necessary adjustments to assure full participation by all in the project programs and events. This includes the targeted participants of JSP events as well as facilitators and trainers who may have a disability.

In the second year project conducted an internet survey of the most prominent hotels in Macedonia that the project may use for trainings, roundtables, forums, etc. Unfortunately, according to the websites, not one single hotel in Macedonia can satisfy all the criteria necessary to be considered fully accessible to the disabled. The information will be used by the JSP to select venues which are most accessible. The JSP will also be pro-active in ascertaining from partners, counterparts and stakeholders, when a disabled person is expected to be included in the targeted audience for a project event. The project provided assistance to all disabled participants in the JSP programs and events.

During the third year of the project JSP, in cooperation with the USAID Persons with Disabilities Internship and Employment Project implemented by My Career, assisted in providing an internship opportunity to Ms. Marija Stojanovska, a graduate lawyer and person with disability, at Basic Court Skopje 2.

A question of accessibility of courts for people of disability was raised at the sixth Judicial Branch Forum (June 26-27, 2014). The Project shared a questionnaire on the fulfillment of the conditions in each organization regarding their adaptation for persons with disabilities developed by the USAID grantee Youth Employability Skill Network and HandiMak /Disability Service Association. At the same time, members of the JBF were requested to fill out the USAID Physical Accessibility Checklist that was distributed at the sessions and to submit it to JSP. This Checklist is used to assess the court buildings accessibility for persons with disabilities, and contains specific requirements needed in order for the areas to be confirmed as accessible. Although prevailing number of courts have a special pathway to the entrance for disabled to access the courts, the access to courtrooms on the upper levels of the courts is not provided. Unfortunately the elevators in some courts are not wide enough to accept party with wheelchairs.