

**Development of Monitoring Instruments
for Judicial and Law Enforcement institutions
in the Western Balkans
2009-2011**

Technical Assessment Report
The former Yugoslav Republic of Macedonia



CARDS Regional Action Programme

With funding by the
European Commission



April 2010

Technical Assessment Report

The former Yugoslav Republic of Macedonia

1

1. Introduction and Background

This report has been written within the context of the project 'Development of monitoring instruments for judicial and law enforcement institutions in the Western Balkans' funded by the European Union CARDS Regional Action Programme. It describes the data collection systems on crime and criminal justice as well as on migration, asylum and visa of The former Yugoslav Republic of Macedonia¹ on the basis of the information gathered during the on-site research mission to Skopje from 25 to 29 January 2010. The research mission was carried out by the United Nations Office on Drugs and Crime (UNODC), in partnership with the Joint Research Centre on Transnational Crime (TRANSCRIME) and was supported by the local UNODC focal point in Skopje. The whole mission was made possible through the close cooperation and assistance of the Macedonian authorities and benefited from the time and inputs of the many institutions and individuals visited during the mission.

The goal of the technical assessment presented here is to describe and assess the collection, analysis and use of justice and home affairs statistics in The former Yugoslav Republic of Macedonia against international and EU standards. It is thus part of a series of project activities with the ultimate goal of bringing existing national statistics mechanisms in justice and home affairs institutions of the countries and territories of the Western Balkans towards compliance with relevant international and EU *acquis*, standards and best practices. Project activities to date include a first desktop research study entitled 'Background Research on Systems and Context. Justice and Home Affairs Statistics in the Western Balkans' and a second study entitled 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. Further project activities will comprise the development of programme guidelines, the development of regional indicators and targeted capacity building in the area of data collection and statistics for justice and home affairs institutions.

The standards used for assessment in this report are expanded in further detail in the study 'Developing standards in crime and criminal justice statistics – International and EU *Acquis*'. As set out in the study, standards related to justice and home affairs statistics remain in their infancy at EU level. Many 'standards' are to be found in the (non-binding) work of EU-mandated expert groups and relevant actions of EU organisations such as the Statistical Office of the European Communities (Eurostat), rather than in EU *Acquis* having the force of law. As such, in the set of standards used in this assessment report, EU level norms are supplemented by relevant work at the international level, including that developed by the United Nations in the Manual for the Development of a System of Criminal Justice Statistics. The assessment standards should therefore be taken as representative of core themes that are common both to developing norms and standards at the EU *and* international level. Where an individual standard has seen particular development at EU level or is clearly contained in binding *acquis*, then this is indicated in the standard by means of a clear note.

¹ The former Yugoslav Republic of Macedonia is the name of the country under which it was admitted to the United Nations in 1993. The country is referred to as The former Yugoslav Republic of Macedonia or FYROM throughout this report

2. Crime and Criminal justice statistics

2

2.1 Police statistics

2.1.1. Introduction

2.1.1.1. Institutions responsible for data collection and management

The Police is part of the Ministry of Internal Affairs. Police affairs are performed in particular by the Bureau for Public Security, which is responsible, amongst other things, for the gathering, processing, analysis, use, evaluation and storage of data on police activities.

For the purpose of performing police affairs, Central Police Services are established throughout FYROM. They perform activities in the field of organised crime, forensics and other areas. They also support the performance of certain specific tasks in the area of Home Affairs and the Regional Centres for Border Affairs by special police units. At regional level, eight Sectors for Internal Affairs (CBP) are established, covering a certain number of municipalities². At municipal level there are 38 police stations in total. Each police station is managed by a Commander.

A Department for Organised Crime has been established within the Central Police Services in January 2005.³ The data collection system on organised crime is exactly the same as that described below for crimes in general.

2.1.2. Data input (recording of crimes)

2.1.2.1. Data entry

Standard

Any reported or suspected crime incident coming to the attention of the police should be recorded as a crime incident by the responsible authority (either before or after some initial investigation). The threshold for recording a suspected crime incident should be clearly defined. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. When recording crimes, the police should make use of a unit record-based system that contains details of each individual incident and person accused ('formal contact' with the police as a suspect).

Assessment

The police first records all relevant incidents – including all reported or suspected crime incidents coming to their attention – manually in the book of daily events on paper. The police makes records of events that are reported either by citizens (by phone or in person) or discovered by police officers during their field activities. In the latter case, the police officer writes down an official note, from which the book of daily events is then filled in. For each event, the book of daily events records:

- progressive number assigned to the event;

² These are as follows: Sector for Internal Affairs in Skopje; Bitola; Veles; Kumanovo; Ohrid; Strumica; Tetovo; Shtip.

³ With reference to organised crime, According to article 18 of the Law on Police of 2006, the Department for OC is "competent for prevention and detection of criminal acts for which the prosecution is undertaken ex officio, perpetrated by an organised group of at least three persons, being active for a certain period, in order to achieve direct or indirect financial benefit or other kind of material benefit and which will perpetrate one or several criminal acts, as well as other criminal acts for which the Law prescribes at least four year imprisonment".

- when the event was discovered (date and hour);
- who reported the event;
- short description of the event;
- measures taken;
- notes.

If the event is considered a possible crime, this is noted down in the short description of the event. At this point, no specific reference to the exact article of the criminal code that was possibly violated is recorded. To investigate a possible crime, the police is sent to the crime scene to secure evidence. There are two possible scenarios: a) if there is any need for forensics support, the Department of Crime Scene Investigation of the Ministry of Interior is called; b) if there is no need for forensics support, the police records evidence and statements of damaged persons.

Upon return from the crime scene to the office, the police inserts the details of the incident into the book of daily events (any victim's statement is summed up in the 'description of the event' column, while the report on the crime scene is summed up in the 'notes' column).

If it appears from all the evidence collected that there are sufficient grounds to believe that a crime has happened (either by a known or unknown perpetrator), the criminal incident is recorded in the crime registry. Every police station of general jurisdiction in the country has a crime register, except police stations in Skopje where the crime register is on the central level.

There are two crime registries: one for crimes to be prosecuted *ex officio*, the other one for crimes requiring the handling of a victim's report. Both crime registries record information on the case and contain the following information:

- number of the case;
- date of commission of the offence;
- date of reporting of the offence;
- who reported the offence;
- legal qualification of the offence (article of the Criminal Code) and material damage cause by it
- police officer working on the case;
- date of discovery of the perpetrator;
- type of criminal organisation;
- notes.

When a given case involves more than one offence and/or more than one perpetrator, all of them are recorded in the crime registry.

The police inspector working on the case prepares the criminal report (criminal charges) to be submitted to the prosecutor. At the same time and using the information collected for the criminal report the inspector manually enters the data in the crime registry (on paper). One copy of the criminal report is sent to the Department of Documentation of the police station. In this department, the data from are inputted into an online electronic database, the so-called HOST system. The host system has three different relevant statistical forms (KRIM 1, KRIM 2 and KRIM 3). These statistical forms are based on a unit record-based system that contain details of each individual incident, by crime type, as well as on reported suspects and victims, by crime type, age, sex and citizenship. For a full list of data entered in KRIM 1, 2 and 3 see Annex I.

After the crime registry has been filled in, two copies of the report are sent to the responsible regional Sector for Internal Affairs (CBP) of the MoI from where they are delivered to the public prosecutor.

A case with organized crime (OC) elements is registered either in the crime registry of the local police station or in the crime registry of the OC Department depending on which office first discovers the case. If it is discovered at local level first, joint investigations with the OC Department are conducted. In all cases, the report is submitted by the OC Department directly to the Special Prosecution Office for OC.

2.1.2.2. Person records

Standard

Person records on the suspected offender (and, where applicable, the victim) should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence. The person record clearly states the charge with reference to relevant legal provisions. The relationship between the charge and the incident classification is clear.

Assessment

Data on suspected offenders are recorded in the (online) KRIM-2 statistical form as a unit record. They include the following: name and surname; nickname/s; parents' names; gender; citizenship; date and place of birth; address; residence status (Macedonian, Macedonian living abroad, etc.); profession; employment status (full time, part time employed, unemployed, etc.); education; marital status; reasons for his/her presence in the place where the crime was committed; role/level of participation in the crime; whether the person had any previous conviction; date of discovery of the crime; way of discovery of the crime and how it happened; operational and tactical measures deployed; behaviour of the perpetrator after the crime; motive for the crime (open question); if the crime was committed under the influence of drugs, alcohol, poison, etc.; if the crime was committed because of psychological illness; if the offence was committed by a person who escaped from prison or was wanted by the police; if the person was placed into custody.

Data on victims of crime are recorded in the (online) KRIM-3 and KRIM-3A statistical forms as unit records. These include data on the damaged person (such as name, surname, personal identification number, gender, date and place of birth, status, place of residence, and citizenship), or data on the legal entities (if applicable) and data on the consequences/damages of the crime.

Police recording of suspected offenders and crime victims is quite comprehensive but does not include details of ethnicity and the offender-victim relationship.

2.1.2.3. Case file numbering and integrated file numbers

Standard

It is good practice for a system to assign an 'incident number' to reported events, and an 'integrated file number' (IFN) to persons suspected of having committed a crime. The person is linked to the incident through the IFN and incident number. The IFN should be retained once the file moves from the level of the police to prosecution and later to court and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

When a crime is recorded in the crime registry, a unique identifier made up by a progressive number plus the number assigned to the event in the book of daily events is assigned to the case in the first column of the crime registry. This unique identifier is not shared by other criminal justice institutions (prosecution, courts).

2.1.2.4. Offence classification system

Standard

Reported incidents should be classified using a standard offence classification system and should have a clearly defined relationship with the 'charge' assigned to a suspected offender. The crime classification scheme should be applied uniformly by all police stations.

Assessment

Data are collected on all crimes foreseen by the criminal code and by special laws, with a detailed breakdown by article and paragraph. As in the Criminal Code, crimes are grouped under five categories: economic crimes; illicit trading (of everything, including drugs and weapons); crimes against the state; general crimes; organised crime.

2.1.3. Data flow

2.1.3.1. From local to central level

Standard

Data from *local* police stations should be reported in a uniform format, using the standard crime classification scheme to a *central* institution.

Assessment

After the case has been inserted in the crime registry, more detailed information on the case is inputted on the basis of the full criminal report prepared by the police inspector into an online database, the SAUB (or HOST) system, which is a system for automatic processing of information.

The system has been in place for some 20 years now and operates on a DOS platform. It is installed and used in all police stations, with the exceptions of two stations that have not been connected yet and that therefore record the data still on paper. Data entry at the local level is normally performed by staff on an ad-hoc basis. The staff fills in the following computerized forms on the basis of the information contained in the charges submitted to the public prosecutor (for more details, see Annex 1):

Form KRIM 1 collects information on the criminal event (case), including data on the type of offence by article of the criminal code; the time and place of the crime; whether one or more crimes are involved (and if so, which articles of the Criminal Code); who was the victim of the offence; material damages; modus operandi; measures taken; consequences of the crime; additional information on drugs.

Form KRIM 2 collects information on the suspect, including name; date and place of birth; sex; citizenship; profession; education; previous conviction; motive for the crime.⁴

⁴ Until recently a second section of KRIM 2 collected specific information about minors as authors of crimes. Since mid-2009 police are no longer competent to deal with minors, as this task has been handed over to the Centre for Social Work.

Form KRIM 3 collects information on the damages caused by the crime to physical persons, including personal details of the damaged person (such as name, surname, personal I.D. number, sex, date of birth and citizenship); physical and material consequences of the crime and this information is included in to the HOST too

Form KRIM 3A collects information on the damages caused by the crime to legal entities, including details on the legal entities (name, ID number); seat; sector of activity and material damage.

These computerized forms are used for all offences. For certain crime types on which more detailed information is needed, such as domestic violence, additional data are recorded on paper and forwarded by post to the Statistical Unit of the Mol. This has to be done in parallel to the electronic inputting and online transmission of data, as the current computerized information system (the HOST system) is too old fashioned to accommodate the inclusion of additional data items.

As the current computerized data recording system (the HOST database) is already somewhat outdated, it is also not very user friendly regarding data input, search routines, printing⁵, transmission of data, analysis and presentation.

In addition to the automatic transmission of unit records from the local to the central level, statistical reports are also produced every three months by the eight departments of analytics of the Sectors for Internal Affairs (CBP) at the regional level. These regional reports are based on a manual check of the crime registries at the local level and are contain aggregate data for internal supervision and planning purposes. The reports are sent to the central level Mol every three months either by post or email.

2.1.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

According to the Statistical Unit of the Mol there are written instructions on how to fill in the statistical forms contained in a law of 21 June 2007. In particular, this law establishes that all offences in any given case are to be counted and that a principal offence rule should not be applied. If more than one offender is involved in a given case, all offenders are to be counted separately.

| Counting Rules | Application |
|--|---|
| When are data collected for inclusion in statistics? | When there are sufficient grounds to believe that a crime has happened; before submitting criminal report to prosecutor |
| Principal offence rule applied? | No |
| How are multiple offences counted? | Each offence is counted separately |
| How is an offence committed by more than one person counted? | One case and one offence |

⁵ For example, to print out tables the staff of the Statistical Unit of the Mol needs the assistance of a technician.

How many persons are counted in joint offence?

All offenders are counted separately

Despite the existence of detailed rules for recording and counting crime incidents, suspects and victims, it appears that in daily police practice these rules are less well known and established in all police stations.

2.1.3.3. Coverage: Geographic and institutional

Standard

Data on reported crime incidents in *all geographical regions* and by *all responsible law-enforcement authorities* should be recorded and included in national aggregate statistics.

Assessment

The crime data collection of the police covers the entire territory of FRYOM. All responsible law enforcement authorities record and report data on reported incidents, victims and perpetrators.

2.1.3.4. Timeliness and periodicity

Standard

Data on reported crime incidents, victims and suspected offenders should be *regularly reported* to a central authority.

Assessment

Data on crime incidents, offenders and victims are to be inserted into the HOST system continuously (but no later than the 10th day of the following month) and are automatically submitted electronically to the Sector for Documentation, Analytics and Research of the MoI.

On the basis of the electronically submitted data, the Sector for Documentation, Analytics and Research of the MoI prepares aggregate statistical reports every three months (months 3/6/9/12). The tables are automatically generated by the system on all the variables for which data are collected. They include a breakdown by offence type and are disaggregated down to the municipal level.

2.1.4. Output (Production of Statistics)

2.1.4.1. Data validation

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed.

Assessment

Once data are submitted to the Sector for Documentation, Analytics and Research which is a unit within the MOI that has three persons working on statistics research and documentation of the MoI, data are validated by comparing them with the qualitative

and quantitative information contained in reports produced every three months by the eight departments of analytics of the Sectors for Internal Affairs (CBP) at the regional level. These aggregate regional reports are based on a manual examination of the criminal registers at the local level, are subject to internal evaluation and are used for planning and strategy setting. The reports are delivered to the central level of the Mol every three months via mail and post.

2.1.4.2. Statistical analysis of data

Standard

Analysis of crime and criminal justice statistics helps to demonstrate to intended users the value of such statistics. Whilst policy analysis and data interpretation should be performed by subject-matter specialists, much analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

The Sector for Documentation, Analytics and Research⁶ of the Mol performs only a very basic statistical analysis of the data received and produces tables with absolute numbers and percentages. For internal purposes the Unit produces an annual report entitled "Overview", which reports on the numbers of reported offences and offenders and their annual percentage variation in the form of tables and graphs. The tables contain a breakdown of offences by the five basic crime categories used and by articles of the Criminal Code. The report includes also some performance indicators that are considered useful for policy and resource planning, such as the ratio of cases reported to cases solved.

On request of the Minister of Interior the Sector for Documentation, Analytics and Research occasionally integrates crime data with resource data provided by the Human Resource Sector of the Mol to produce special analyses.

2.1.4.3. Reporting

Standard

Data on reported crime incidents, victims and suspected offenders should be regularly reported (at least once a year on the previous year) in aggregate form by a central authority.

The number of recorded incidents during one year should be reported disaggregated by crime type, while the number of persons brought into formal contact with the police during one year should be reported by crime type; age; sex and citizenship. Crime type disaggregation of recorded incidents and persons brought into formal contact should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Cybercrime and Crime involving racism and xenophobia.⁷

Assessment

Available crime data would allow the easy production of statistics disaggregated by offence type. However, at present the data analysis and reporting is very basic and

⁶ At present, three persons are working in this Statistical Unit of the Mol. They have not received any specialized training on crime statistics and analysis. There is also no training at the local level on data entry and local usage of crime data.

⁷ At the EU level, core crime types for reporting used by Eurostat are intentional homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, motor vehicle theft, and drug trafficking. In addition, EU *acquis* indicates that data should be collected on money laundering, trafficking in persons and crime involving racism and xenophobia.

mostly limited to absolute numbers (totals) and percentages. Most available crime data are not circulated or published, but instead are used only internally.

The above mentioned report “Overview” is produced every three months for internal purposes. The yearly “Overview” report is submitted as an Annual Report to the Parliament.

2.1.4.4. Dissemination of police statistics

Standard

Dissemination of data should ensure that statistics on crime and criminal justice are actually used and useful to their users. Dissemination can be in the form of internal or externally published reports, responses to information requests, in special tabulations or in academic and scientific forums. The use of the Internet is a cost-effective and timely method of reaching a wide range of users. In addition to statistics, the methods used in the collection, processing and analysis of data as well as the definitions, counting rules and other metadata should be disseminated to provide meaning and context and to enable a correct interpretation of the data.

Assessment

Most available crime data are not circulated or published, but instead are used only internally. There are no crime data systematically disseminated on the internet or through other means of mass communication. Some information is disseminated through the media in press releases and press conferences.

In addition, a selection of the data is sent to the State Statistical Office, and police recorded crime statistics on seven basic crime types are compiled annually for the Eurostat data collection system, where they are published in the Eurostat Series ‘Statistics in Focus: Crime and Criminal Justice’.

At present selected crime statistics are published under thematic reports on ‘hot topics’ on the website of the Ministry of Interior. Upon the request of the Department of Public Relations, it is planned that after March 2010 more comprehensive studies, including crime statistics, will be published on the website of the Mol.

2.2. Prosecution statistics

2.2.1. Introduction

2.2.1.1. Institutions responsible for data collection and management

The Public Prosecution Office of FRYOM is hierarchically organized on three levels:

- the Public Prosecution Office is attached to the Supreme Court in proceedings of extraordinary legal remedies⁸;
- High Public Prosecution Offices in Skopje, Bitola and Stip attached to the Courts of Appeal in Skopje, Bitola and Stip in appeal proceedings;
- Primary Public Prosecution Offices (22), that are attached to the Primary Courts in first instance proceedings.

⁸ There are three departments in this office: Criminal, Civil and Department for International Co-operation

In addition, there is 1 special prosecution office for organised crime (OC) and corruption, located in Skopje, that has jurisdiction for OC and corruption cases in the entire territory. Since 2008, it is a basic public prosecution office whereas from 2004-2008 it was a department. The crimes it deals with are the serious crimes listed in article 31 of the new Law on Public Prosecution.⁹

Appeals in these serious cases go to the Court of Appeal in Skopje. The special prosecutor's office usually cooperates in investigations with the OC department of the Mol. In the first instance the public prosecution office for OC goes to the special department within the court for organized crime and corruption.

There are two main forms of prosecution data collection and management:

- a. the first one is internal and is managed by the Public Prosecution Office; the second one is carried out by the State Statistical Office (SSO).¹⁰ The SSO gathers unit records from all public prosecution offices and courts of first instance in the country.

2.2.2. Data input (recording of crimes)

2.2.2.1. Data entry

Standard

Data on all charges initiated and persons prosecuted should be recorded by the responsible authorities. The threshold for initiating a prosecution record ('persons prosecuted') should be clearly defined and a unit record should be opened for each person. Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. The person record (unit record) should clearly state the charge (one or more charges) and details of case disposition (e.g. court appearance, conviction or other disposition by the prosecutor). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

All prosecution offices have their own crime registries. Criminal charges can come to the attention of a prosecution office from many different sources: police, citizens, businesses, other state organs. Within each prosecution office these charges are first received in a section where the charge and the source of the information are recorded in a special book. Once the charge is received and recorded, the case is assigned to a specific prosecutor and is registered in the crime registry. There are four different crime registries, all of them on paper:

1. for known perpetrators;

⁹ Article 31 describes for which criminal acts the public prosecution for organized crime and corruption has jurisdiction. The criminal acts listed in this article are:

- Criminal acts conducted by structured group of three or more persons, that exists for a certain period of time, and acts with the purpose of realizing one or more criminal acts for which a sanction of at least 4 years prison is envisaged by the Criminal Code, with an intention to directly or indirectly achieve personal financial or other type of gain.
- criminal acts carried out by structured groups or criminal associations on the territory of the Republic of Macedonia or other states or when the act is planned on the territory of the Republic of Macedonia or in other states.
- criminal acts of misusing official duty (art 335 section 5: accepting bribes of a certain value; art. 357: illegal negotiating (go-between); art. 359: all done by a public official
- criminal acts of unauthorized production and proliferation of drugs, psychotropic substances and precursors (art. 215 section 5); money laundering (art. 273); terrorism and endangering state security (art. 313); giving bribes of bigger value (art. 358); unlawful influencing of witnesses (art. 368-a section 3); criminal association (art. 394-a); terrorism (art. 394-b); trafficking in human beings (art. 418-a); smuggling of migrants (art. 418-b); and trafficking of minors (art. 418-g); and for other acts against humanity and international law described in the Criminal Code regardless of the number of perpetrators.

¹⁰ The State Statistical Office is an independent organisation within the state administration. Its functions comprise the collection, processing and dissemination of statistical data, including those on crime. It has a Central Office, located in Skopje, and eight Regional Offices located throughout the territory of the country.

2. for unknown perpetrators;
3. for minors;
4. for other events (this is used for events that could potentially be a crime, but are not yet classified as such (e.g. a fire that might be classified as arson; any dead body that is found is an event that could potentially be a crime, etc.).

In addition there is one registry for court proceedings, where each case that goes to trial is recorded, and which is continuously updated as the trial progresses.

The crime registry for known perpetrators records the most detailed information on a case, including a case file number and data on the person bringing the charge; the number of perpetrators; personal data on the perpetrator (name, residence address, profession, date of birth, citizenship, personal I.D. number); the damaged person; the criminal offence or offences; whether special investigations were ordered; whether the report was rejected and charge was dropped; whether investigations were stopped; duration of the proceedings in the prosecution office; indictment; first instance decision of the court by type (prison, fine, probation, warning, not guilty); security measures ordered; plea of the public prosecutor by reason and decision/outcome; second instance decision; and data on recidivism. For a full list see Annex II.

The crime registry is exactly the same for minor perpetrators, with some adaptations to reflect the peculiarities of the juvenile justice procedures.

If a case is first recorded in the registry for unknown perpetrators and later the perpetrator becomes known, it is transferred to the known perpetrators registry and the two records are merged so that the case is not double counted.

The special prosecution office for OC and corruption uses special registers (KOIM and KOIM-OSK) in which more detailed information is recorded than in those of other prosecution offices, referring mainly to specific investigation measures taken. Apart from that they fill in the same data as the other prosecution offices.

2.2.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual prosecuted persons to be assigned an 'integrated file number' (IFN). The person should be linked to police-recorded records through the IFN. Differences between the charge and the police incident classification scheme should be clearly identified. The same IFN should be kept in court records and can be used to track persons across the system in order to calculate specific attrition rates, average processing times and other performance indicators.

Assessment

A unique identification number is assigned to each case registered in the crime registry. This case file number is not shared by other criminal justice actors (police and courts).

2.2.2.3. Offence classification system

Standard

Unit records on persons prosecuted contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all prosecutors.

Assessment

The standard offence classification system used by the prosecutor's offices and in the statistical forms of the State Statistical Office is based on the articles and paragraphs of the Criminal Code. With reference to the latter, in particular, statistics are gathered according to certain groups of crimes, based on the Classification of Crimes, which is derived and based on the Criminal Code of The former Yugoslav Republic of Macedonia by articles and paragraphs of a certain crime. The grouping of crimes is done on the basis of the classification of crimes in the CC (five groups): general crimes, economic crimes, crimes against the state, organized crime and illicit trade.

2.2.3. Data flow

2.2.3.1. From local to central level

| |
|-----------------|
| Standard |
|-----------------|

| |
|---|
| Data from all prosecutor's offices should be reported in a uniform format to a central institution. |
|---|

Assessment

Moving from the individual record to the aggregate level, standardized forms are used for data collection. As mentioned above, there are two separate data flows:

- a. from each prosecution office to the immediately higher level of the prosecution, up to the Public Prosecution Office;
- b. from each prosecution office (all prosecutions offices) to the State Statistical Office.

With reference to the first data flow, all statistics are entered manually from the criminal registries in standard statistical forms on paper. There are five forms for this purpose:

- KCO 1 (known perpetrators)
- KCO 2 (unknown perpetrators)
- KCO m (minor perpetrators)
- KCO 6 (legal remedies: after the judgment some remedies may be requested in front of the Supreme Court; in these cases the prosecution office has to express opinions, which are accounted for in this form)

The counting units in forms KCO 1 and KCO m is the person while for the other forms the counting unit is the criminal charge (report).

Form KCO 1 on known perpetrators records aggregate information on the number of persons involved in solved and unsolved criminal reports; the participation of persons in the main court sessions; the number of persons with a first instance judgement by type (convicted by type of sanction), acquitted, security measure, number of pleas by type and decision and the number of persons accused for whom there was no judgment.

Form KCO 2 on unknown perpetrators records aggregate information on the *number of charges* which were received, rejected, on which certain actions were asked for by the Mol or courts, in which the perpetrators were discovered and in which the perpetrators remained unknown. For a list of data recorded in forms KCO 1 and KCO 2 see Annex III.

Once the forms are filled out, they are then sent to the next higher level of the prosecution by post or delivered by hand once a year. So, each basic prosecution office delivers the aggregate tables to the competent High Public Prosecution Office, where all data are aggregated at regional level and then sent to the Public Prosecution Office. In this office, all regional data are aggregated to the national level.

The Special Prosecution Office for Organized Crime and corruption uses the same forms with an additional breakdown by offences (with several categories of criminal offences, some specific offences by article of the CC plus some residual categories grouping together a number of offences). Annual reports of the Special Prosecutor are sent directly to the State Prosecution Office. In addition the Special Prosecutor for OC also sends regular information to the basic public prosecution offices on every measure of custody ordered for accused persons.

All statistical tables are filled in manually by prosecutors or special administrative staff¹¹ by counting the number of persons and cases from the crime registries. Only in Skopje an electronic case management system has been in use since 2005, in parallel to the manual data collection. This system, which was tested in Skopje as a pilot in the framework of a EU funded Project, produces less detailed statistics than the manual data collection (e.g. it does not collect any data on unknown perpetrators). The electronic case management system should have been extended to the entire country some time ago but is still not installed in all prosecution offices.

With respect to the second data flow, managed by the State Statistical Office, data are collected by means of individual statistical questionnaires. In particular, the Department for Social Services (judiciary and public statistics, social protection, health statistics, education and science) within the Social Statistics Sector of the SSO receives person-based unit records from all public prosecution offices and courts of first instance in the country.¹²

In particular, the prosecutor's offices fill in the statistical forms 'SK-1 and 'SK-3' upon receipt of the criminal charges by the police and when the first action upon the charges has been initiated (not necessarily a hearing). The counting unit in these statistical forms is the person. Data are collected separately for "adult perpetrators of crime", i.e. persons over 18 years of age when committing the crime, and for "juvenile perpetrators of crime", i.e. persons of less than 18 years of age when committing the crime.¹³

The statistical form SK 1 records prosecution statistics on *reported adults, both known and unknown*.¹⁴ Data recorded include:

- data on the accused person: name, surname, sex, date and place of birth, place of residence, whether the person is known or unknown, etc.;
- data on the crime (in case of more offences, only the main offence): legal qualification (article and paragraph of the criminal code), date of crime commission, whether the offence caused any property damage, etc.;

¹¹ The Special Prosecution Office on OC does not have any special administrative staff to fill in the data.

¹² Within the SSO, a staff of two is dealing exclusively with crime data in the office, supervised by the Head of the Section. They get support for data coding and inputting from staff of the Department for support of surveys and data entry of the Sector for IT support. See also: http://www.stat.gov.mk/english/glavna_eng.asp.

¹³ A juvenile who committed crime with completed 14 years but less than 16 years of age is referred to as a "younger juvenile" who cannot be punished, but educational measures can be pronounced. A juvenile who committed a crime with completed 16 years but less than 18 years of age is referred to as "older juvenile" who can get a penalty of juvenile imprisonment.

¹⁴ A person reported as unknown perpetrator is an unknown person who was charged for a criminal offence in the Public Prosecutor's Office, and who remains unknown even after one year from the day of filling the charge.

- data on the procedure: who submitted the criminal charges, how the charges have been brought to prosecution (directly or through the Mol), type of decision (charges dismissed, investigation stopped, indictment issued) and reasons for it;
- data on the duration of the proceedings (date of receipt of charges, starting date of investigations, date of decision).

The statistical form SK 3 records prosecution statistics on *reported juveniles*. Data recorded include:

- data on the accused person: name, surname, sex, date and place of birth, place of residence, profession, marital status, education, school attended, whether the crime was committed alone or with other persons, how many persons were involved, whether there was any previous sentence, whether the minor was under custody before and if so for how long, etc.;
- data on the crime (in case of more offences, only the main offence): legal qualification (article and paragraph of the criminal code), date and place of crime commission, whether the offence caused any property damage, whether the crime was attempted or completed, how many crimes were committed (if more than one crime);
- data on the procedure: who submitted the criminal charges, how the charges have been brought to prosecution (directly or through Mol), type of decision and reasons for it;
- data on the minor's family: whether the minor was born within or outside a marriage, whether the parents live together or not, with whom the minor lives, father's and mother's profession;
- data on the duration of the proceedings (date of receipt of charges, starting date of investigations, date of decision).

Once a year codes are assigned by the State Statistical Office according to a code list and all data are inputted in a Access database for further processing.

2.2.3.2. Counting rules

Standard

Guidelines at the international level suggest that it may be appropriate to apply a 'Principal Offence' rule when counting and reporting persons. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how multiple offences are counted and how offences committed by more than one person are counted.

Assessment

Regarding the internal data collection system of the Public Prosecutor's Office, there are no written instructions ensuring that statistics are produced and aggregated consistently across all prosecution offices. In practice, all prosecution offices are expected to count all offences and all the offenders (which means that no principal offence rule would be applied). It is not clear whether these and other counting rules are uniformly applied in all prosecution offices.

Regarding the data collection of the State Statistical Office, there are common written instructions to fill in the forms. These were first issued in 1999, are currently in the process of being updated and will also be made available electronically. According to these instructions, when several persons have participated in committing a crime, every participant is counted as a separate unit of observation, using a separate form. In each person-based unit record, the involvement of accomplices is then recorded in a particular field.

2.2.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* prosecutors in the territorial jurisdiction by a central institution.

Assessment

Regarding the internal data collection, all the prosecutor's offices submit their data to the next higher level, which are then centralized by the Public Prosecutor's Office.

Regarding the data collection by SSO, data are received from all prosecutor's offices (including the Special Prosecutor for OC and Corruption) in the territorial jurisdiction of the country. In some cases reminders have to be sent to individual prosecution offices to forward the data. Data received by the SSO could be disaggregated down to the municipal level, though data are only published at the national level.

2.2.3.4. Timeliness and periodicity

Standard

Data from all prosecutor's offices should be *regularly* collected and reported.

Assessment

Regarding the internal data collection, the Public Prosecution Office receives the statistical tables from the High Public Prosecution Offices (the regional level) once a year. Data on the previous year are to be reported by the end of January of each year.

Regarding the data collection system managed by the State Statistical Office, data transmission takes place monthly. At the end of each month prosecution offices bring together all the forms of the month and send them by post to the State Statistical Office. Some concerns about the timeliness and completeness of this statistical data collection have been raised.

2.2.4. Output (Production of Statistics)

2.2.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

Regarding the internal data collection of the Public Prosecutor's Office, no validation of the data received from the previous level is performed due to the nature of the data received (in aggregate tables). When the completed tables are signed by the Chief Prosecutor of each prosecution office, they are regarded as valid and final. The tables are sent together with some comments based on some basic analysis carried out at

local level (absolute numbers and some percentages). The same basic analysis is also performed at the higher levels. Apparently, available staff resources do not allow a more sophisticated analysis. The data are sometimes related to resource data to plan the workload within each prosecution office.

Regarding the data collection by the State Statistical Office, once the office receives the statistical forms basic statistical checks are performed: First, a coverage control to see if all offices sent the data; second, an automated 'logical control' is performed when the individual case records are inputted into the electronic database. When inconsistent data are detected, the staff of the State Statistical Office may make adjustments on their own where possible, or they may contact the sending office for clarifications.

No specific analysis of the data received is performed by the SSO and typically only absolute numbers are included in their criminal justice publications (see below). In addition some rates and percentage changes are calculated for the statistical yearbook (Macedonia in Figures) or on special request.

2.2.4.2. Reporting and Dissemination

Standard

The number of persons prosecuted during one year should be reported disaggregated by criminal charge, with reference to the relevant legal provisions. Crime type disaggregations of persons prosecuted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants;; Cybercrime and Crime involving racism and xenophobia.

Assessment

Regarding the internal data collection of the Public Prosecutor's Office, these are kept for internal purposes and have not yet been published.

Regarding the data collection by the State Statistical Office, an Annual Report is produced by the SSO in March or April of each year and submitted to the Parliament. It is available in Macedonian only. Data relating to the Special Prosecution Office for Organized Crime and Corruption remain as a separate chapter in this report. On special request, statistics may also be provided to other institutions.

The State Statistical Office produces the annual publication *Perpetrators of Criminal Offences*, which includes a selection of the data collected. Most statistics provide a breakdown by crime type. The publication is freely available on the website of the SSO in both Macedonian and English and is published between June and August of each year for the previous year (Selected data may be made available in a newsletter of the SSO earlier in the year). See Annex VI for a list of tables contained in the publication.

2.3. Court statistics

2.3.1. Introduction

2.3.1.1. Institutions responsible for data collection and management

FYROM has a three-tiered judicial system, which consists of the Highest Court, 27 Community Courts and 5 Appellation Courts.

There are two main forms of courts data collection:

- a. the first one is managed by the Statistical Unit of the Ministry of Justice.¹⁵ It collects data from all courts at all levels;
- b. the second one is carried out the State Statistical Office. The SSO gathers unit records from all courts of first instance in the country.

2.3.2. Data input (recording of crimes)

2.3.2.1. Data entry

Standard

Data on all charges and persons brought before the courts should be recorded by the responsible authorities. The threshold for initiating a trial ('person brought before the criminal court') should be clearly defined. International and EU level standards suggest that court authorities should make use of a unit record-based system that contains details of the charge or charges assigned to each person (by relevant section/articles of the Criminal Code) and the final court disposition (acquittal or conviction and sentencing details). Person records should contain details of age; sex; ethnicity; offender-victim relationship; citizenship and geographical area of residence.

Assessment

At the local level, once the report of the prosecutor with the indictment arrives at the court, it is manually registered as a case in the court registry on paper. There are two types of registries, one for cases involving adults and one for cases involving minors. Data recorded in the registry for adults include a progressive number assigned to the case; data on who brought the charges; the identity of the accused person; legal qualification of the act by article of the Criminal Code; measures taken (custody, pre-trial arrest); decisions on stopping or rejecting the case; judgement (acquittal, conviction by type and punishment, etc.); appeal proceedings; duration of proceedings and further process information. For a full list of data recorded see Annex V.

Very similar data are registered in the court registry for minors.

In the court registry one case is recorded per row. Information on appeals is registered in the first instance court. To do so, the information is communicated back to the first instance court by the appeal court once the final decision has been taken.

A new recording system is now in place in courts. It is called ACCMIS (automatic court case management information system) and is funded by USAID. The whole judiciary (prosecution, courts, prison and MoJ) is connected to the system in a virtual private network (VPN). Since January 2009 all courts have the same software. Use of the system is mandatory since 1 January 2010. The 'old' case management system 'on paper' is therefore about to be replaced by a completely electronic procedure. All files are now electronic (including minutes of the sessions, etc.). All data are inputted in a standard online template, and some data can be extracted online as well. A search is possible for all defined fields, depending on the level of authorization. The 'old' cases originating from before 2010 are not in the system yet. Some courts are entering older cases into the system, but this is not mandatory and is done only in Skopje 1-Court.

¹⁵ The formal name of this unit is 'Unit for courts, public prosecution and other judiciary bodies' at the Department for the Judiciary at the Ministry of Justice.

2.3.2.2. Case file numbering and integrated file numbers

Standard

It is good practice for individual accused persons to be assigned an 'integrated file number' (IFN) in the court file. This IFN should be the same as that assigned to the person record at the police and prosecution levels. The person record can then be linked to police and prosecution records through the IFN in order to calculate specific attrition rates, average processing times and other performance indicators.. Differences between the charge and the police incident classification scheme should be clearly identified.

Assessment

Upon receipt of the prosecutor's indictment by the court's registry office, a case file is opened by the first instance court and the case is assigned a unique identifying number. This case file number is not shared by other criminal justice institutions. Consequently, the automatic tracking of the same case in police, prosecution and courts is not possible with the use of the same case file number (i.e. tracking a case can only be done manually).

2.3.2.3. Offence classification system

Standard

Unit records on persons brought before the courts contain one or more clear criminal charges with reference to relevant legal provisions. Differences between the charge and the police incident classification scheme are clearly identified. The charge scheme is applied uniformly by all courts.

Assessment

Data are registered in the court registry by articles and paragraphs of the Criminal Code. When there are several criminal charges in one case, all criminal charges are recorded.

2.3.3. Data flow

2.3.3.1. From local to central level

Standard

Data from all courts should be reported in a uniform format using the crime classification scheme to a central institution.

Assessment

Moving from the individual record to the aggregate level (statistics), standardized forms are used for data transmission and data aggregation. As mentioned above, there are two data flows:

- a. from the courts to the Statistical Unit of the Ministry of Justice¹⁶;
- b. from the first instance courts to the State Statistical Office.

Regarding the internal data flow (from courts to the Ministry of Justice), standard Excel tables (the same at all levels) are filled in manually (by counting cases and persons from the crime registry) into an electronic file, are then printed, signed and sent to the

¹⁶ The Statistical Unit of the Ministry of Justice currently has a staff two persons.

Ministry of Justice. Transmission is on paper and by email on a monthly and quarterly basis.

The tables collect mainly information on the functioning of the judiciary. Data are disaggregated by type of case and by single judge. The main table reports the following data on the movement of cases in each court:

- number of cases unsolved from previous period; number of new cases; number of finished cases; total number of cases, by type of case (first instance, dismissed, total).

These tables are to be filled in on a monthly basis. The tables contain some basic analysis by comparing the monthly totals and subtotals with the same data recorded in the same month of the previous two years.

Another table provides a monthly overview of the number of unsolved cases for each judge. There are different tables for reporting on cases involving adults and minors.

These tables for internal reporting do not contain any breakdown by offence type, as their purpose is to monitor the quality and quantity of the work of the courts and of each single judge. The only exception is provided by organized crime (OC) and corruption cases: These are dealt with by a special department (the Department for Organized Crime and Corruption) of the Basic Court Skopje 1. For all OC and corruption cases dealt with by this court, the court clerks fill out a table with a breakdown by offence type (article and paragraph of the Criminal Code) with the following information:

- number of indictments
- number of indictments under 3 years of imprisonment
- number of judgements in 1st instance
- number of enforceable judgements
- number of convicted persons
- profile of convicted persons (by sex, age, citizenship, ethnicity, place and date of birth, address)
- punishment given
- number of measures adopted (asset seizure and confiscation)

For OC and corruption cases, the information collected on the workload of each judge is also slightly more detailed as in normal criminal cases, as in addition to the number of solved and unsolved cases by judge, information is also collected on the number of cases prepared by each judge, by different levels of complexity (number of cases prepared in less than 15 days; number of cases prepared in 15-30 days; number of cases prepared in more than 30 days).

Since the end of February 2010 statistical tables for internal reporting are extracted automatically and submitted electronically to the Statistical Unit of the MoJ using the ACCMIS system. For the time being the same information as listed above is extracted for statistical purposes, but the list of data to be extracted and transmitted is likely to be enlarged in the near future.

Regarding the second data flow, the State Statistical Office, receives person-based individual statistical forms from all courts of first instance in the country.¹⁷ The forms are sent to the Social Statistics Sector, Department for social services (judiciary and public statistics, social protection, health statistics, education and science) at the SSO at the moment when the criminal procedure is officially completed in first instance and is not appealed, or – when a decision has been appealed – at the moment when a

¹⁷ The questionnaires are provided to first instance courts by the SSO at the end of each year to enable the collection of statistics in the following year. Each form relates to a individual person tried.

decision from the appellate court upon a particular case is received by the first instance court. The statistical forms have to be filled by the first instance courts even if the final verdict is issued by a second instance court or by the Highest Court (in this case the first instance court is informed by the appeal court on the outcome and decision at appeal level).

The counting unit in each statistical form is the person. Different forms are filled in for adults ('SK-2') and juveniles ('SK-4'). Adults are persons over 18 years of age when committing the crime, and juveniles are persons of less than 18 years of age when committing the crime.¹⁸

The statistical form SK 2 records court statistics on *accused or convicted adults*.¹⁹ The data recorded include:

- data on the accused person: name, surname, sex, date and place of birth, place of residence, profession, civil status, education, role in the crime (committed it alone, in cooperation with others, as accomplice, helper), number of persons involved in the crime, whether the person had already been convicted before, whether the person had already been put in custody before and if so for how long, etc.;
- data on the crime (in case of more offences, only the main offence is recorded): legal qualification (article and paragraph of the criminal code), date and place of crime commission, whether the crime caused any property damage, whether the offence was attempted or completed, whether the person was charged with more than one crime (if so, how many), etc.;
- data on the court's decision: type of decision and reasons for it;
- data on sanctions: main sanction, whether the sanction was mitigated, whether probation was granted, whether any additional sanction has been imposed, alternative measures, security measures, confiscation of property, etc.;
- data on the duration of the proceedings: date of charges, date of indictment, date of judgment).

The statistical form SK 4 records court statistics on *accused or convicted juveniles*.²⁰ Data recorded include the same information as in form SK 2 for adults plus some additional data specific to juveniles (such as data on the juvenile's family).

The statistical forms are to be sent once a month from each court to the State Statistical Office. Once a year codes are assigned by the SSO according to a code list and all data are inputted in a Access database.

2.3.3.2. Counting rules

Standard

Clear rules on the recording of data should be issued to all responsible data recording units and applied uniformly throughout the system. Written counting rules should address at a minimum the questions whether a Principal Offence rule is applied or not; how a person who is convicted of more than one offence

¹⁸ A juvenile who committed crime with completed 14 years but less than 16 years of age is referred to as a "younger juvenile" who cannot be punished, but educational measures can be pronounced. A juvenile who committed a crime with completed 16 years but less than 18 years of age is referred to as "older juvenile" who can get a penalty of juvenile imprisonment.

¹⁹ "Accused person" is an adult person against whom a proposed indictment or private suit is filed. It also refers to a person against whom legal proceedings have been concluded with a valid court decision. "Convicted person" is an adult person recognized as responsible, against whom penal measures have been imposed.

²⁰ "Accused juvenile person" is a juvenile against whom the proceeding in front of the Council has been stopped or no legal sanctions have been pronounced, as well as an insane juvenile against whom a decision for precautionary measures have been announced. "Convicted juvenile person" is a juvenile perpetrator of crime against whom by Court decision a legal sanction has been announced – either juvenile imprisonment or educational measures.

of the same type is counted (as one person or as two or more people), and how a person dealt with more than once during the same year is counted.

Assessment

Regarding the internal data collection managed by the Ministry of Justice, there are no written instructions on how to fill in the statistical forms. In practice, when there is a case with several offenders who are dealt with in court, all of them are counted. If there is a case where one person is convicted for multiple offences, only one is counted (the total sanction for the person).

Regarding the data collection of the State Statistical Office, there are common written instructions to fill in the forms. These were first issued in 1999, are currently in the process of being updated and will also be made available electronically. According to these instructions, when several persons are accused for committing a crime, every participant is counted as a separate unit of observation, using a separate form. In each person-based unit record, the involvement of accomplices is then recorded questioning a particular field.

2.3.3.3. Coverage: Geographic and institutional

Standard

Data from unit records should be collated from *all* courts in the territorial jurisdiction by a central institution.

Assessment

Regarding the internal data collection, all courts submit the required tables to the Ministry of Justice, so statistics received by the Ministry of Justice cover the entire territory and all courts. Regarding the data collection of the State Statistical Office, data are received from all first instance courts and cover all final decisions, including decisions at the appeal levels.

2.3.3.4. Timeliness and periodicity

Standard

Data from all courts should be *regularly* collected and reported.

Assessment

Regarding the internal data collection, courts are required to manually count the cases from their registries and fill in the aggregates into the tables at the end of each month. All courts are required to send data these tables to the Ministry of Justice every three months by post and email.

Regarding the data collection by the State Statistical Office, courts are requested to send data on a monthly basis. At the end of each month courts bring together all the forms of the month and send them by post to the State Statistical Office. The data are compiled and reported by the SSO on an annual basis.

2.3.4. Output (Production of Statistics)

2.3.4.1. Data validation and statistical analysis of data

Standard

Statistical data should be checked for their consistency, accuracy and reliability. If inconsistencies or doubts about the reliability of data emerge, inquiries about possible sources of errors in data compilation, transmission or aggregation should be performed. After the validity and reliability of data has been established, much of the analysis can be provided in the form of simple descriptive statistics, such as frequencies, percentages, rates and rates of change.

Assessment

Regarding the internal data flow from courts to the Ministry of Justice, the aggregate tables received by the Statistical Unit of the MoJ are checked for consistency and technical mistakes. If needed the sending office is contacted for clarification. The Statistical Unit carries out the aggregation and tabulation of the data at the national level. More analysis of the data is carried out by the Sector for Judiciary, as well as by other departments of the MoJ, depending on their needs and ad hoc ministerial requests. Data are mainly analysed to assess the efficiency of courts and also of single judges. The analysis is mostly very basic, and consists in the calculation of percentages and rates of change to monitor variations from one year to another.

Regarding the data collection by the State Statistical Office, once the office receives the statistical forms basic statistical checks are performed: First, a coverage control to see if all offices sent the data; second, an automated 'logical control' is performed when the individual case records are inputted into the electronic database. When inconsistent data are detected, the staff of the State Statistical Office may make adjustments on their own where possible, or they may contact the sending office for clarifications.

No specific analysis of the data received is performed by the SSO and typically only absolute numbers are included in their criminal justice publications (see below). In addition some rates and percentage changes are calculated on special request.

2.3.4.2. Reporting and Dissemination

Standard

The number of persons convicted during one year should be reported disaggregated by crime type; age; sex and citizenship. Crime type disaggregations of persons convicted should include at least the following categories: Intentional homicide; Assault; Rape; Sexual Assault/sexual violence; Sexual offences against children; Robbery; Theft; Burglary; Domestic burglary; Motor vehicle theft; Fraud; Drug-related crime; Drug-trafficking; Kidnapping; Involvement of organized crime; Money laundering; Corruption; Trafficking in human beings; Smuggling of migrants; Drug-trafficking; Cybercrime and Crime involving racism and xenophobia.

Assessment

Statistics on the work of the courts are not included in the Annual Report of the Ministry of Justice but some statistical tables are available in Macedonian on the website of single courts.²¹

The State Statistical Office produces the annual publication *Perpetrators of Criminal Offences*, which includes a selection of the data collected. Most statistics provide a

²¹ From the website of the Ministry of Justice (www.pravda.gov.mk), there are links to the websites of the courts from where these statistics can be accessed. The courts are currently in the process of putting standard statistical tables online and not all courts are covered at present.

breakdown by crime type. Statistics are reported separately for adults and minors. The publication is freely available on the website of the SSO in both Macedonian and English and is published between June and August of each year for the previous year (Selected data may be made available in a newsletter of the SSO earlier in the year). See Annex VI for a list of tables with court data contained in the publication.

2.4. Statistics on Money laundering

Standard

Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering contains a number of minimum items on which statistics should be available. A Eurostat working group is currently carrying out a pilot-collection on a very specific list of money-laundering data based on Directive 2005/60/EC.²² The list includes data on the number of Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs), postponement orders, money laundering investigations, detected cash smuggling operations, suspicious cash activities at the borders, STRs investigated by law enforcement and STRs not investigated as well as the number of staff dedicated full time (or full time equivalent) to money laundering in the FIU and in law enforcement agencies. In addition, data on the number of charges initiated, disaggregated by the above named grounds, as well as data on the number of convictions and acquittals for such charges should be collected. Data on persons sentenced and acquitted should be broken down by "third party" and "self-laundering", by charge, type of sentence, age, sex and nationality. Statistics on the number of freezing and confiscation procedures and the number of requests received for freezing and confiscation orders should indicate the value of frozen and confiscated assets and the amounts recovered. The primary source of the data is envisaged to be a Financial Intelligence Unit (FIU) within law enforcement authorities.

Assessment

2.4.1. Institutions involved in data collection and production of statistics

The Office for Prevention of Money Laundering and Financing of Terrorism is a legal entity within the Ministry of Finance and is the Financial Intelligence Unit (FIU) of FYROM.²³ Its mission is the detection and prevention of money laundering and the financing of terrorism through financial monitoring.²⁴ In particular, the office is dealing with:

- money laundering, as defined by article 273 of the Criminal Code;
- financing terrorism, as defined by various articles of the Criminal Code.

2.4.2. Data input

The starting point for data collection are the reports received by the FIU from the obligated reporting entities (banks, credit institutions, financial institutions, auditors, casinos, etc.). These entities should make three types of transaction reports according to article 29 of the Law on ML and TF:

²² The set of indicators piloted by Eurostat do not (yet) represent binding EU standards but they nonetheless provide importance guidance as to evolving priorities for money laundering data within the European Union.

²³ The office was initially named Directorate for Money-Laundering Prevention and started its activities in March 2002, shortly after the entry into force of the Law for money-laundering prevention of August 2001. In January 2008, the institution assumed its current status and name. The most recent version of the Law on Money-Laundering is of January 2008 and brought the existing regulations in line with the 3rd EU anti money-laundering directive. Further amendments are currently discussed by the Parliament.

²⁴ The office is made up by two Sectors and several departments (sector for regulation and system development with 4 departments: department for legal and administrative activities, department for international cooperation and system development, IT department and department for the preventing of terrorism financing); sector for the prevention of money laundering and inspection surveillance with 3 departments: department for inspection surveillance, department for analytics and department for prevention of money laundering).

- (a) a suspicious transaction report (STR) when there is suspicion that the client, transaction or the beneficial owner are related to money laundering or financing terrorism;
- (b) a cash transaction report (CTR) in case of cash transactions in the amount of EUR 15,000 or more, and
- (c) a connected cash transaction report (CCTR) in case of several connected cash transactions in the amount of EUR 15,000 or more.

When reporting these transactions the obliged entities use standard forms. The forms used between 2004 to 2008 have been succeeded by new and more detailed forms. For example, the form for STRs collects the following information:

- Data on the reporting entity and date of report submission
- Data on the person to whom the report refers to (name, surname, title, personal ID number, address, place of residence, etc.)
- Data on the person who is doing the transaction
- Data on the account used for the transaction (number, date when it was opened, type, people having access to the account, etc.)
- Data on the transaction (description, type, amount, currency, date and time of execution, etc.)
- Crime suspected (money laundering or terrorism financing)

Similar data, though less detailed, are collected for cash transactions and connected cash transactions.

2.4.3. Data flow

The forms for transactions (b) and (c) above are submitted electronically by encrypted mail from the reporting entities to the FIU. For STRs the transmission system is at present still partly manual and partly electronic; however, it is expected that in the near future all data transmission will be completely electronic.

The transition to full electronic transmission of STRs has been implemented starting with banks and is now gradually being extended to all the reporting entities. Cooperation from the reporting entities has improved over the past few years.

The forms for CTRs and CCTR are received by the Department for Analytics, where a first check of the information received is carried out with the use of both internal databases (linked transactions, CTR, loans, cross border transactions, related transactions) as well as with information available at the Ministry of Interior (e.g. criminal records, family connections, car ownership, working visa, etc). Information exchange with the MoI is carried out by encrypted email.

After this first check the material is examined daily by a commission headed by the Head of the Sector. The commission decides on the priority of the case and whether it is necessary to make any additional checks. When the collected evidence for money-laundering or terrorism financing is sufficient, the case is forwarded, depending on its characteristics, either to the financial police, to the MoI (where it is forwarded to the OC department), or directly to prosecution.

The FIU also receives criminal justice data on criminal proceedings in anti-money laundering cases from the Office of the Public Prosecutor for Organized Crime and Corruption and the general Public Prosecution Office. This cooperation is not prescribed by law and is done on a voluntary bases only.

2.4.4. Data output

The Department of Analytics has a duty to submit statistics on the activities of the office to the Director on a weekly basis (every Monday). This information is automatically extracted by the electronic system, in SPSS format. Two main tables are used for data aggregation. The following statistics are extracted:

- initiated cases based on suspicious transactions: number of suspicious transaction cases, number of proceedings started to prove suspicions; number of confirmed suspicions; number of unconfirmed suspicions;
- connected cash cases above EUR 100,000: number of cash transaction cases; number of connected cash transaction cases; number of reports from customs about cash entering/passing the state borders; biggest amount entering/passing the state borders, and related border crossing point.

Statistics are used to monitor the reporting system, to understand weak points and to take corrective actions (e.g. when there is any need to reinforce cooperation with the reporting entities). Statistics are also used to measure the workload and efficiency of the staff, as well as the final outcome of their work in terms of prosecutions and convictions for money-laundering and terrorism financing.

A limited number of statistics collected by the FIU is included in the annual report of the office. To produce the report, limited analysis is done by each department separately and all the pieces of information are then brought together in the report. The report includes data on:

- number of reports by reporting entity: banks, saving houses, brokerage firms, stock exchange, insurance companies, exchange offices, notaries, lawyers, customs administration, competent state authorities;
- number of cash transaction reports submitted by banks (number of CTRs per bank, on a monthly basis). The same information is collected for connected transactions;
- number of prosecutions and convictions for money laundering. This information is received from the Office of the Public Prosecutor for Organized Crime and Corruption and the general Public Prosecution Office through their cooperation on a voluntary basis. These data contain only few details on the profile of the offenders.

The report is first submitted to the Ministry of Finance and then to the Government. It is then published every year in March and is made available on the FIU's website in Macedonian.²⁵

2.5. Statistics on Trafficking in Persons (TIP)

Standard

Based on the relevant EU Council Framework Decisions and Council Directives on trafficking in persons, as well as the United Nations Protocol to prevent, suppress and punish trafficking in person the European Commission DG-JLS has commissioned an expert report that contains recommendations for standardized,

²⁵ <http://www.usppft.gov.mk>

comparable data on victims, traffickers, the trafficking process and the criminal justice response to trafficking.²⁶ The data to be collected²⁷ comprise: The total number of identified victims per country per year (disaggregated by gender, age, nationality, country of birth, and type of exploitation); The total number of victims per country per year cooperating with law enforcement; the total number of traffickers per country per year (by persons arrested, persons charged (under which charges), number of investigations started, and number of investigations successfully completed (disaggregated by gender, age, nationality, country of birth and type of exploitation). In addition, statistics on the number of prosecuted and sentenced traffickers per year (by charge, disaggregated by gender, age, nationality, country of birth and type of exploitation) as well as data on sentences and on victims testifying in court and filing claims for compensation, by charge, should be collected.

Assessment

2.5.1. Institutions involved in data collection and production of statistics

Statistics on trafficking in persons are collected by the Office for Trafficking in Human Beings (THB) and the Smuggling of Migrants of the Organized Crime Department of the Ministry of Interior.

2.5.2. Data input

FYROM prohibits trafficking in persons through articles 418 a (THB); 418 g (trafficking of minors); 418 b (migrant smuggling) and 418 v (organized crime groups dealing with the above acts). Based on these definitions the office for THB conducts investigations and reports directly to the special prosecutor for organized crime and corruption in Skopje. Data entry on offences, suspects and victims is part of the regular police data collection already discussed in Section 2.1. of this report.

2.5.3. Data flow

In addition to the regular data entry and data flow of police-recorded crime statistics outlined in Section 2.1. of this report, the THB office keeps two separate databases, set up as a result of a project by the International Centre for Migration Policy Development (ICMPD):

- *one database on human traffickers* (managed by the THB office): the database was set up in 2008 but has been filled also with information on older cases (since about 2003 onwards). Data are inserted in the database by two persons in the office for THB when charges are made: information are taken from the criminal charge and then updated as the criminal proceedings progress, up to conviction. The database compiles data on many indicators and is kept only for internal purposes. The database has been upgraded in 2009 to overcome some technical problems;
- *one database on victims of human trafficking* (managed by the Ministry for Labour and Social Policy): This database compiles data on victims of trafficking and is situated in the Ministry of Labour and Social Policy. Data recorded include personal data of victims of trafficking (such as sex and citizenship), the treatment they receive and the services offered to them.

²⁶ Republic of Austria, Federal Ministry of the Interior and IOM International Organization for Migration. Guidelines for the collection of data on trafficking in human beings, including comparable indicators. February 2009. Available at: http://www.emn.at/modules/typetool/princludes/uploads/IOM_Vienna_AT_Mol_Guidelines%20for%20the%20Collection%20of%20Data%20on%20THB.pdf

²⁷ It should be noted that the recommendations are non-binding but represent a good starting point for the eventual development of EU standards on specific crime and criminal justice statistics on trafficking in persons.

2.5.4. Data output

Some analysis of the data recorded in the database on human traffickers is presented in a annual report for the National Commission for Combating THB and Illegal Migration. This report is available only in Macedonian and is not published. It includes statistics on the number of THB cases reported on an annual basis, the number of accused persons, and the number of perpetrators prosecuted and convicted by sex, age and profession. In addition, data on the time and place of the criminal act, the modus operandi as well as some personal data on the victims (sex and citizenship) are presented.

2.6. Statistics on Crimes involving racism and xenophobia

Standard

While national criminal law in the EU on crimes involving racism and xenophobia is still diverse²⁸, EU Member States must take the necessary measures to comply with European Council Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law by 28 November 2010.²⁹ In the European Union, data on police-recorded racist crime, anti-Semitic crime and crimes with extremist right wing motive are collected and reported by the European Union Agency for Fundamental Rights (FRA).³⁰ Data reported include both specific acts of incitement, and criminal incidents with a suspected racist, anti-Semitic and extremist right wing motive.³¹ While non-binding, the reporting on these three broad crime types suggests a developing standard at EU-level that should include the following data: Annual number of police-reported 'racist crimes', 'anti-Semitic crimes' and crimes with an 'extremist right-wing motive'; annual number of person prosecuted and number of charges initiated for each of these 3 crime types; annual number of persons sentenced and acquitted from charges for each of these 3 crime types (by charge, age, sex and citizenship).

Assessment

2.6.1. Data collection on crimes involving racism and xenophobia

Crimes involving racism and xenophobia and other hate crimes are specifically covered in two provisions of the Criminal Code (Article 319: Causing national, racial or religious hate, discord and intolerance and Article 417 (Racial or other discrimination) and are counted as offences under these Articles.³²

²⁸ Whilst exact wordings differ, national criminal law typically makes 'incitement to [discrimination], [hate], or [violence] on the grounds of [race], [colour], [national or ethnic origin]' an offence. In addition, some national laws identify racist, xenophobic, or anti-Semitic motivations as an aggravating factor in other offences.

²⁹ See Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328/55. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF>

³⁰ Data are collected by the FRA pursuant to Article 4(1)(a) of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights. See http://fra.europa.eu/fraWebsite/material/pub/FRA/reg_168-2007_en.pdf

³¹ See, for example, FRA, A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004, Summary Report, at p.27. Available at: <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/CS-RV-05-SUM.pdf>

³² Article 319 (Causing national, racial or religious hate, discord and intolerance): (1) A person who by force, mistreatment, endangering the security, ridicule of the national, ethnic or religious symbols, by damaging other people's objects, by desecration of monuments, graves, or in some other manner causes or excites national, racial or religious hate, discord or intolerance, shall be punished with imprisonment of one to five years. (2) A person, who commits the crime from item 1 by misusing his position or authorization, or if because of these crimes, riots and violence were caused among people, or a property damage with a large extent was caused, shall be punished with imprisonment of one to ten years.

Furthermore, acts of discrimination are also incriminated under a number of other crimes such as: torture and other cruel, inhuman or degrading treatment and punishment (Art. 142), threatening the security (Art. 144) and insult (Art. 173).

Regarding hate crime legislation, the Criminal Code of The former Yugoslav Republic of Macedonia incriminates the violation of equality of citizens on grounds of differences in gender, race, color of skin, national and social origin, political and religious conviction, property and social status, language and other personal features or circumstances (Art. 137).³³ The violation of the right to use one's language and alphabet is also sanctioned (Art. 138).³⁴

In recent amendments of the Criminal Code that were adopted in September 2009 article 39 regarding the "General rule to meet out punishment" was amended to provide for aggravated sentences if a crime was committed due to 'national and social background, political and religious belief, wealth and social position, gender, race or colour of skin' of the victim(s).³⁵ In the same amendment, article 173 was broadened to include specifically insults on the basis of 'race, skin colour, nationality or ethnic origin' and article 394 was complemented by article 394-d (dissemination of racist and xenophobic material through computer systems).

Besides the regular reporting of statistics by articles of the criminal code, there are no regular statistics collected on crimes involving racist, xenophobic or other hate motives.

3. International Reporting of crime and criminal justice data

3

3.1.1.1. Reporting of data at European level

Standard

At the EU level, basic crime types on which data should be reported to Eurostat include total crime, homicide, violent crime (comprising physical assault, robbery and sexual offences), robbery, domestic burglary, theft of a motor vehicle, and drug trafficking. Within the confines of national criminal law, the crime classification scheme used should be aligned so far as possible with definitions applied by Eurostat. In addition, specific indicators on crime involving racism and

Article 417 (Racial or other discrimination): (1) A person who based on the difference in race, color of skin, nationality or ethnic belonging, violates the basic human rights and freedoms, acknowledged by the international community, shall be punished with imprisonment of six months to five years. (2) The punishment from item 1 shall apply also to a person who persecutes organizations or individuals because of their efforts for equality of the people. (3) A person who spreads ideas about the superiority of one race above some other, or who advocates racial hate, or instigates to racial discrimination, shall be punished with imprisonment of six months to three years.

³³ Official Gazette of the republic of Macedonia No. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006 and 73/2006.

ART. 137,

³⁴ Art 138

³⁵ Article 39, para. 5: "While meting out the sentence, the court shall particularly take into consideration if the crime was committed against a person or group of persons or property, directly or indirectly, due to his or their national and social background, political and religious belief, wealth and social position, gender, race or color of skin." (Official Gazette of the Republic of Macedonia no.114 of 14 September 2009).

xenophobia, money laundering and trafficking in persons are under development at the European level.³⁶

Assessment

As an EU candidate country, FYROM has been covered by Eurostat's data collection efforts in the field of crime and criminal justice since 2007. Based on current data collection systems, police data on total crime, homicide, violent crime, robbery, domestic burglary, theft of a motor vehicle, drug trafficking and police officers are regularly reported to Eurostat. According to the metadata supplied to Eurostat, data on homicide include murder, murder with noble motives, momentary murder, murder from negligence and murder of a child at birth. Data on violent crime include body injury, grave body injury, robbery, armed robbery and rape (including attempts). Data on robbery include robbery and armed robbery (including attempts). Data on domestic burglary include attempts. Data on thefts of a motor vehicle include attempts. Data on drug trafficking include unauthorized production and release for trade of drugs and enabling the taking of narcotics; precursors.

While the reporting of data and metadata to Eurostat has been comprehensive, the categories of crimes reported to Eurostat do not always correspond well with the suggested crime categories.

3.1.1.2. Reporting of data at UN level (CTS)

Standard

The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) is now in its twelfth edition, covering the year 2009. The UN-CTS is implemented by UNODC and requests all UN Member States to supply standardized data on crime and criminal justice collected by police, prosecution, courts and penitentiary institutions. Differences between the crime classification scheme used and definitions applied by the UN-CTS should be clearly identified.

Assessment

FYROM provided crime and criminal justice data for the 9th and 10th United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS), covering the years 2003 to 2006. Data reported in the 10th UN-CTS related to all parts of the questionnaire (police, prosecution, courts and prisons).

FYROM has not yet submitted data for the 11th UN-CTS covering the years 2007-2008.

3.2.1. Coordination

3.2.1.1. Focal point for crime and criminal justice statistics

Standard

International standards for data collection on crime and criminal justice recommend the designation of offices or bodies responsible for the coordination of data collection at the country level with a view to improving cooperation with the UN.³⁷ This could be achieved through the establishment of a network of national contact points for crime and criminal justice statistics. The network should include contact points in national statistical offices, law enforcement, prosecution, courts and national penal administrations.

³⁶ It should be noted that the proposed indicators for these three crime types are non-binding but nonetheless provide importance guidance as to evolving priorities for crime data within the European Union.

³⁷ Ecosoc Resolution 27/2007, para. 1

Internal coordination of data collection at the national level, including through the possible use of a single contact point is explicitly encouraged.³⁸

Assessment

FYROM has a Statistical Unit in the Ministry of Interior that is responsible for collecting and compiling police-recorded crime statistics on the national level. Regarding criminal justice data from prosecutors, the Public Prosecutor's Office compiles data from all prosecution offices in FYROM. Regarding courts data, the Statistical Unit of the Ministry of Justice receives and compiles statistics on the work of the courts.

In addition, the State Statistical Office is charged with collecting and compiling data from each individual prosecution office and each first instance court. Given that the State Statistical Office is also the institutional focal point for the Eurostat data collection on police-recorded crime statistics, it would be the natural choice for an overall focal point for national and international data collections on crime and criminal justice.

³⁸ Commission on Crime Prevention and Criminal Justice, Eighteenth session, Vienna, 16-24 April 2009, Conclusions and Recommendations, para. 9

4. Migration statistics

4.1.1.1. Institutions responsible for data collection and management

Data on migration are collected by the State Statistical Office, Social Statistics Sector, Department for demography and statistical population register.³⁹ In addition, the Ministry of Interior collects data on illegal migration.

4.1.1.2. Data on stocks and flows of immigrants and emigrants

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States must report annually on migration stocks and flows. Thus, a system for recording and monitoring such stocks and flows should be in place, including through general population registers, through the generation of unit records for registration of immigrants and emigrants or through registers of residence permits. In particular, Member States should report the stock of foreigners and foreign-born in the country as well as the flow of immigrants and emigrants to and from the country (with a usual residence in the country of more than 12 months) broken down by a number of characteristics (sex; age group; citizenship; country of birth; and where possible, country of previous residence or country of next residence).

Assessment

Statistics on migration comprise both citizens and foreigners migrating within the country and across borders, i.e. the departure from FYROM to other countries or arriving from other countries into FYROM. Data are thus collected both on:

- internal migration, i.e. changes of the place of permanent residence or stay within the territory of a municipality or between municipalities of FYROM;
- international migration, including immigration of citizens having the official place of residence in FYROM from another state and emigration of citizens of FYROM to another state as well as the international migration of foreigners.

The counting unit for migration statistics is the person, i.e. a citizen who has changed the place of his/her permanent residence (stay) or the address of his /her dwelling; or foreigners who register or de-register in FYROM due to their arriving from or going to another country.

The term “place of permanent residence or stay of a citizen of The former Yugoslav Republic of Macedonia” relates to the place where a person has settled with the intention of permanently staying (i.e. residing).

The term “place of temporary residence of a foreigner” covers the place where a foreigner has settled in with the purpose of temporarily residing. The duration of a foreigner’s stay can be limited by the kind of residence permit issued.

Records on moving in or moving out of a temporary or permanent place of residence are first obtained through the registration of the person at the local police station. At the local police stations, all changes in places of residence (both of citizens and foreigners) are recorded by means of submitting relevant forms for settling in or moving out. Three

³⁹ The survey of migration flows in the Republic of Macedonia is mandated by the Program of Statistical Surveys (“The Official Gazette of Republic of Macedonia” No.11/08) and is carried out on the basis of the Law on State Statistics, as well as the Law on Reporting the Place of Citizen’s Residence and Stay and the Law on Foreigners.

standard forms are used for the purpose of registering international migration. These forms should be filled out by people leaving/entering the country for a period of more than three months (one form is for foreigners; two are for nationals).

The forms record personal details on the migrant, including: name, surname, date and place of birth, marital status, citizenship, education, reasons for migrating (employment, marriage, family reasons, etc.), profession, previous place of residence, new place of residence and whether the person is moving alone or with the family.

The forms are filled in by the migrants themselves, with the assistance of staff at the local police stations. There are some written instructions on how to fill in the forms. On a monthly basis all the paper forms are sent by post to one of the eight regional statistical offices, where the data are entered into an online database and forwarded to the State Statistical Office in Skopje. The central SSO then validates the data (mainly automated logical checks etc.) and processes them.

Since 1 January 2008 a new system for the registration of foreigners is gradually being implemented. In the new system, the registration data will be transmitted directly from the local to the central level as person-based unit records and the regional statistical offices do no longer have to enter the data manually. Thus, all registration records are inputted into the central database at local level, and can directly be extracted for data analysis by the State Statistical Office. The extension of this electronic registration system to nationals is currently under development and is planned to be operational in 2011.

At the central level, the individual unit records are aggregated and tabulated by the Department for demography and statistical population register of the SSO. The detailed unit records allow the production of detailed statistics on legal migration. Extensive migration statistics are published in the annual publication *Migrations*, which is freely available on the website of the SSO both in Macedonian and in English. Published data, available down to the municipality level, include the immigration and emigration of nationals and foreigners, with disaggregations by previous and new place of residence; by sex; marital status; age; reason for moving; education; occupation; ethnic affiliation; former country of residence or next country of residence and citizenship. For a full list of tables on internal and international migration published by the SSO see Annex VII.

Additional information is provided on request by the SSO, or is available in other publications (e.g. the Statistical Yearbook).

While the amount of data on legal migration produced by the SSO is impressive, the reliability of the data is fully dependent on the compliance of migrants with registration requirements. It is widely argued that the registration compliance is fairly good in the case of internal migration but that there are hardly any incentives, and some disincentives, to deregister one's place of residence when leaving the country. Therefore, published statistics clearly underreport external emigration.⁴⁰

4.1.1.3. Residence permit data

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report the stock of valid residence permits at the end of each year (by citizenship; type; and duration), the stock of valid long-term residence permits at the end of each year (by citizenship), the

⁴⁰ For example, according to the data only 740 persons emigrated from the FYR of Macedonia in 2008.

number of new first-time residence permits (by type; duration; and citizenship) and the number of changes in residence permits (by type; duration; and citizenship).

Assessment

According to the Law on Foreigners, which entered into effect on 1 January 2008, foreigners wishing to reside in FYROM for more than 3 months have to apply for a first temporary residence permit at one of the Diplomatic Missions and Consular Posts (DMCPs) abroad or, in exceptional cases, within the country at the departments for the inspection of foreigners in one of the four regional centres for border affairs of the Ministry of Interior. In order to do so they have to fill in an application form on paper that provides detailed personal information, including: name and surname of the applicant, sex, date and place of birth, names of parents, citizenship, profession, marital status, address in FYROM, address abroad, reasons for requesting the permit and requested time period, data about the person hosting the applicant, travel document of the applicant, information on the means of subsistence and the accommodation of the applicant in FYROM, information regarding health insurance, etc. With the same form it is also possible to apply for an extension of a temporary residence permit. After a minimum of five years of staying in the country on the basis of valid temporary residence permits, the foreigner can apply for a permanent residence permit.

All application forms are forwarded to the Ministry of Interior in Skopje where the decision on the application is made.

Person-based unit records (based on the application forms) are first aggregated at the regional level at one of the four regional centres for border affairs. Aggregate tables with data from the regional level are sent to the Sector for Analytics and Documentation in the Mol at the central level once a month.

In addition, statistical reports are produced on a weekly basis by the Department of Foreigners and Readmission of the Mol based on the work of the department's police officials upon cases. Statistical tables produced include data on the number of applications received and granted by citizenship, employment status, education, reasons of the stay, etc. Separate data are collected on permanent residence permits and on the extension of first-time permits. The department sends weekly reports directly to the Sector for Analytics and Documentation in the MOI, where they are entered into the HOST data base.

The statistics on residence permits are used only for internal reporting (6 months and 12 months reports) and are not published.

4.1.1.4. Updating of records and registers

Standard

In order to be able to produce update and accurate data fulfilling Regulation (EC) No 862/2008 on Community Statistics on Migration, data on change of residence and other important status changes (e.g. extension or cancellation of residence permits) should be passed from the local to the central level at regular intervals and be used to update the migration statistics supplied to Eurostat.

Assessment

With the new system of foreigner I.D. cards, temporary residence permits are automatically excluded for statistical purposes from the residence permits database once they expire (they are marked from 'active' to 'passive'). For persons holding

permanent residence permits, the record is updated when new information becomes available. Thus when a person with a permanent residence permit leaves the country, this is not recorded in the residence permits data base automatically. However, the inspectors on the ground have an obligation to make frequent controls and if they find out that such a person has left the country for a longer period of time, they report this to the Department of Foreigners. Then the Department of Foreigners investigates whether and when the foreigner has left the country through records on border crossings. If it is found that the foreigner has not returned within 12 months, the permanent residence permit is removed with an official decision and this information is recorded in the data base whereupon the record is excluded for statistical purposes.⁴¹

4.1.1.5. Data on the prevention of illegal migration

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should report statistics on the prevention of illegal entry and stay. These statistics should include the number of persons refused entry at the border (by age; sex; grounds for refusal; citizenship of persons refused; and type of border: land, sea or air), the number of persons found to be illegally present in the territory under national law (by age; sex; citizenship; grounds for apprehension; and place of apprehension), the number of persons issued with an order to leave the territory (by age; sex; citizenship; and reason for the order), and the number of persons who actually left the territory following an order to leave (by age; sex; citizenship; and reason for the order).

Assessment

Statistics on illegal migration are recorded and aggregated by the Border Police (Sector for Border Affairs and Migrations) of the Ministry of Interior.⁴² At the local level there are 20 border police stations on border crossings points and 30 police stations for securing the state border. In all four regional centres for border affairs of the Ministry of Interior there are departments for illegal migration and cross-border crime.

At the border crossing points, data of all persons entering and exiting the country are automatically recorded and stored from the information contained in the passport (the so-called Operational Evidence system). From this system aggregate statistics are extracted at local level using standard forms provided by the regional level. In particular, statistics are collected on a monthly and quarterly basis on the number of persons entering and exiting the country (i.e. border-crossing), both Macedonian and foreigners, by citizenship.

When the local border police detects a case of illegal border crossing they apprehend the perpetrator and write the case in the book of daily events.⁴³ They then notify the inspectors in charge at one of the four centres at the regional level by phone. Inspectors then start investigations, collect evidence and prepare criminal charges that are sent to the public prosecutor. Parallel to the preparation of criminal charges they record the data into the criminal registers that are located in the regional centres. They also fill in a specific statistical form (g-6) and send it, both electronically and by post, to

⁴¹ In cases when a foreigner submits a written request for leaving the country for more than 12 months to the Department of Foreigners, the Department may allow this and make a decision not to remove permit. The foreigner I.D. cards have to be renewed every 10 years.

⁴² At the moment a new data base is in preparation with the assistance of the Norwegian government. It is planned that this integrated data base for foreigners, asylum, migration and visas will be operational by 2011 and will allow connecting the border police data (regional and central levels) with the Department for Foreigners and Readmissions.

⁴³ Illegal border crossing and illegal residence is generally not a crime but a misdemeanour in FYROM. However, unlawful border crossing can be a crime if done by an armed person or by using force or if transferring other people unlawfully across the border and is considered an aggravated crime if done as part of an organized crime group (Art. 402 a to c of the Criminal Code).

the Sector for Analytics and Documentation in the MOI where the data are inputted into the SAID-HOST database.

The form G-6 records aggregate data on detected and stopped illegal crossings of the state border. The data include the total number of persons stopped in the attempt of illegal *entering* the country by citizenship, information on which country they came from, the total number of persons stopped in the attempt of illegally *exiting* the country by citizenship, information towards which country they exited, measures taken against the perpetrators, under which article of the criminal code, the number of criminal reports submitted to the public prosecutor, the number of misdemeanour charges and the number of perpetrators, the number of persons returned, and the number of perpetrators handed over to foreign state organs.

The border police keeps additional records on the number of persons attempting to cross the border with falsified travel documents, by type of document, citizenship, country of issuance of the falsified documents, the way of document falsification, the sex and age of persons using falsified documents.

Records are also made on the number of detected expired passports with which a person tried to cross the border and on the number of detected foreigners that overstayed their residence permit or visa-free residence period.

Data are also recorded on the number of natural and juridical persons who conducted illicit economic activities (smuggling of products without taxes, smuggling of illicit products, life stock, plants etc.) on border crossings and on the number of submitted requests for misdemeanour or criminal charges against them.

Statistics on the prevention of illegal migration are used mainly for operational purposes. They are included in a monthly risk analysis report that is disseminated to the local border police. Data on legal and illegal migration are also reported in the annual report '*Migration profile of Macedonia published by the Government of the Republic of Macedonia*'.

Data on the prevention of illegal migration are also shared between the respective Ministries of Interior of Albania, BiH (Ministry of Security), Croatia, Montenegro, The former Yugoslav Republic of Macedonia and Serbia. In a Memorandum of Understanding of 20 November 2008, the Ministries of Interior (MoS for BiH) agreed to share statistical data on a monthly basis, through a designated National Contact Point, on the number of persons

- detected crossing the border illegally outside a border crossing point;
- detected crossing the border illegally at a border crossing point;
- detected as facilitators;
- detected staying illegally in the country;
- who have been refused entry into the country;
- as well as the number of submitted asylum requests (inland and at the border) and the number of detected false or falsified travel documents according to their type and country of issuance at border crossing points;

All of these statistics are to be disaggregated by citizenship. Data are exchanged electronically, in the form of templates and in English language.

4.1.1.6. Data on facilitated illegal migration

| |
|-----------------|
| Standard |
|-----------------|

The Eurostat data collection on the prevention of illegal migration (CIREFI database) further collects data on the number of apprehended facilitators by citizenship and the number of apprehended facilitated aliens (by citizenship; and type of border entered: land, sea or air). These data should be supplied by border guard services or the responsible Ministries of Interior to CIREFI on a monthly basis.

Assessment

The smuggling of migrants is a criminal offence in FYROM according to the Article 418 b and – when the crime is committed as part of an organized criminal group – Article 418 v. Data on migrant smugglers (facilitators) are first recorded by the border police (regional centres). Data on facilitated illegal migration are also kept in the traffickers database of the Office for Trafficking in Human Beings (THB) and the Smuggling of Migrants of the Organized Crime Department of the Ministry of Interior (see also above).

When the Border Police are the first to discover evidence of migrant smuggling, they will take the necessary measures to secure the evidence and apprehend the perpetrator. They then notify the department of illegal migration and cross-border crime at one of the regional centres. The inspectors of this department will then carry out investigative measures and prepare the charges to be submitted to the prosecutor. At the same time the inspector will also record the offence, based on the information collected for the charge, in the crime register at the regional centre. All crimes are also reported to the Analytical Unit of the Mol on a monthly basis.

If during the investigations the inspector concludes that the case is a form of organized crime, he immediately informs the Office for Trafficking in Human Beings (THB) and the Smuggling of Migrants of the Organized Crime Department at the central level of the Mol. The Organized Crime Department may then take over the case and carry out additional investigations before it submits criminal charges to the Special Prosecutor for OC and Corruption.

Records on smuggled migrants are specifically collected from the local border police stations and also the four regional centres with a unit record 'Form for smuggled persons'. This form contains detailed information on smuggled persons: number of smuggled persons, type of border crossing used, name, surname, citizenship, ethnicity, sex, age, country from which the person came from, transit country, destination, reasons for leaving the country of origin (economic, political etc.), money paid to the facilitator etc.

Regarding public dissemination, statistics on migrant smuggling are included in the chapter on border controls within the Annual Report of the Analytical Unit of the Ministry of Interior. Data on migrant smugglers and smuggled migrants are also included in the annual report of the National Commission for fight against illegal migration and trafficking.

In addition, data on illegal migration are also shared on the regional level according to the MoU with ministries of interior and are also provided to international organizations, such as ICMPD for inclusion in the annual Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe.

5. Asylum statistics

5.1.1.1. Institutions responsible for data collection and management

The Section for Asylum at the Department for Civil Affairs under the Central Police Services within the Ministry of Interior is responsible for asylum issues and collects data on asylum applications and decisions in the first and second instance.

5.1.1.2. Data input

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States must report annually on stocks and flows of asylum-seekers in their countries. Thus, a system for recording and monitoring such stocks and flows should be in place. As a good practice, the recording of individual asylum claims in unit records (person records), containing clear details of case disposition and type of final decision on the application, are preferable. Such recording practices allow the linking of decisions in first and subsequent instances and the calculation of average processing times and other performance indicators.

Assessment

A foreigner can apply for asylum at any border control post (BCP), any police station within the country or at the dedicated asylum office within the Mol. To apply, the applicant has to fill in either one of two application forms on paper. The first form is short and is for oral requests; the second one is longer and is for written requests.

The form relates to each person applying for asylum, but on the form all members of a family are included if they all request asylum (there is a separate paragraph for each member of the family). Each form constitutes one asylum request (so the number of requests and decisions made may not be the same as the number of persons or cases recorded).

The short form records the following basic personal information on each applicant: name, surname, date of birth, country and city of birth, sex, citizenship, country from where the applicant came, date of entry to FYROM, data on any documents and objects found on the person during the search.

The longer form records the following information: name, surname, maiden name, father's and mother's name, date and place of birth, sex, citizenship, ethnic origin, marital status, name and surname of the spouse, identity documents, mother tongue, completed education, employment, address in the country of origin and outside of it in the last ten years, current address and place of residence in FYROM, relatives in FYROM, military service, political activities, family members accompanying the asylum seeker, members of nuclear family who live in the country of origin or abroad, whether the person has ever applied before for asylum, how the applicant arrived in FYROM, and reasons for asking for asylum.

The completed application forms are sent daily by post to the asylum office within the Mol, where they are assigned a case number that is kept throughout the entire procedure). Then the case (each case is for one person) is recorded in a paper

registry, which records fewer personal details than the forms (it has one row per person, collecting key information on the person such as the I.D. number assigned to the applicant (which is different from the case number), when it was received and from whom). The information from the registry is then inserted into an Excel sheet, with one line per person, on a continuous basis (i.e. when the asylum applications come in).

Each unit record in the registry and in the Excel sheet is then continuously updated, depending on the progress of the case (decision taken in first instance (refugee status granted, subsidiary protection granted, rejected, other) and in second instance (rejected, referred back to first instance).

5.1.1.3. Stock and flow data

Standard

According to Regulation (EC) No 862/2008 on Community Statistics on Migration, all Member States should annually report the stock of persons with open asylum applications at the end of the year (by sex; age; and citizenship), the number of persons submitting first time applications (by sex; age and citizenship) and the number of decisions on asylum applications (by sex; age; citizenship; and type of decision). In addition, the United Nations High Commissioner for Refugees collects data on the number of recognised refugees with positive asylum decisions living in the country (by type; and year of decision).

Assessment

On the basis of the data stored in the above mentioned Excel database, aggregate statistics are produced. Tables are made, for example, on the number of foreigners requesting asylum, by citizenship, age (adults/minors), sex, family status (number of families/singles/ unaccompanied minors). The same statistics are also extracted in relation to foreigners with a recognised status as a refugee, as well as on the number of rejected applications (it should be noted that more than one application can be rejected per person in the course of a year). There are no written instructions regulating the recording and aggregation of data on asylum.

It is not clear whether aggregate statistics on asylum applications refer to first time applications only or to first time and repeat applications of the same asylum seekers.

Some internal analysis of the data is carried out by the asylum office in the Mol on a monthly basis, plus every six months and once a year to see annual variations. The statistics are sent by email and post to the Statistical Unit of the Mol every month.

Statistics on asylum are not widely disseminated. Most statistics on asylum applications and decisions are shared only internally within the Mol. Some statistics are included in the annual report produced by the Mol (which is not publicly available).

Some data are made available on request to the European Commission and to other interested parties (e.g. Ministry for Labour and Social Policy, Centre of Acceptance of Request for Asylum).

6. Visa statistics

6.1.1.1. Institutions responsible for data collection and management

The Visa Centre at the Ministry of Foreign Affairs (MFA) is responsible for issuing visas and to collect data on visas requested, issued and refused by one of the Diplomatic Missions and Consular Posts (DMCPs). In some cases (mainly for requests for visa from countries with a 'high migration risk') the issue of a visa depends on a decision of the MoI, Sector for Border Affairs, Section for Foreigners and Readmission.

Foreigners requiring a visa to enter FYROM have to apply for a visa at one of the DMCPs abroad. In exceptional cases, transit visa and short-stay visa entitling to a stay of up to 15 days may be issued at border crossing points. In this case, the issuing of the visa by the border police is subject to the permission of the Ministry of Foreign Affairs and the MoFA keeps records of such visas issued at the border.

6.1.1.2. Visa-related indicators

Standard

Article 17 of Regulation (EC) No 767/2008 on the Visa Information System (VIS) is entitled 'Use of data for reporting and statistics' and provides a list of data items to which competent visa authorities shall have access for the purposes of reporting and statistics. While not strictly binding EU *acquis* yet, a possible list of visa-related indicators that countries must regularly report on, includes the following data items: stock of persons with valid visa (by citizenship and type and duration of visa), number of visa applications (by citizenship and country of application) per year, number of visas granted (by citizenship, country of application, type and duration of visa) per year, and number of visas refused (by citizenship, country of application, type and duration of visa and reasons for refusal). The recording of individual visa applications in unit records (person-based visa application records) is preferable as this enables decisions on visa applications by the same person to be linked.

Assessment

The Visa Centre at the Ministry of Foreign Affairs (MFA) manages the database on visa applications – the so-called N-VIS system, which is an electronic database operational since February 2008.

Foreigners requiring a visa to enter FYROM have to apply for a visa at one of the DMCPs abroad. There are different types of visa (a, b, c, d, from short-term to long-term stays). The competent decision-making authority for the issuance of visas is the Ministry of Foreign Affairs. The visas are issued by DMCPs abroad.

In some cases (mainly for requests for visa from countries with a 'high migration risk') the issue of a visa depends on a decision of the MoI, Sector for Border Affairs, Section for Foreigners and Readmission. In these cases, the decision on the visa application is then communicated to the DMCP abroad.

The application form is filled in manually. It collects the following personal data on the applicant: name, surname, date and place of birth, current and original citizenship, sex, marital status, father's and mother's name, passport (type, number, date of issue), current occupation, employer's address and phone number, main destination, type of visa requested, whether it is an individual or collective request, number of entries requested, duration of stay, purpose of travel, date of arrival, date of departure, name

of host or company in FYROM and contact in the host company, who is paying for travel and accommodation, means of subsistence during the stay, spouse's and children data, applicant's home address and phone number.

All personal data are inserted by the consular mission abroad into the N-VIS system, together with the scanned files related to the application.

Should the application be rejected, the data remain stored in the N-VIS system (also for the purpose of extracting statistics on rejected applications). If a person applies more than once, all applications are registered in the same person record. Data are stored for five years (two in the N-VIS plus three in the archive) and are then deleted.

When a person whose request for a visa has been accepted enters the country, the person should go to one of the four Regional Centres for Border Affairs, where a file is opened in the so-called New Personal I.D. System, an online application that should eventually develop into a database of all data on entries, visas, and stay permits granted.

While the N-VIS could automatically generate aggregate statistics on all the variables inputted into the system (including, for example, the average time to issue a visa), only basic statistics are extracted from the database. There are no standard tables for reporting on visas issued or rejected. Visa statistics extracted from the N-VIS and reported internally include the total number of visas issued, by type of visa, as well as number of visas which were shortened in their duration, or whose validity has been prolonged, and the number of visa annulled.

Aggregate statistics extracted are manually copied into Excel forms, which are provided by the Statistical Unit of the Mol. These statistics are then returned to the Mol by post. They are kept for internal use only and are not published.

7. Victimization Surveys

7.1. The role of crime victimization surveys

Standard

Both international and EU standards strongly recommend the regular or periodic conduct of standardized and comparable crime victimization surveys as a complement to police-recorded statistics. These surveys should be government-led and should ideally be implemented by an independent National Statistical Office. International standards suggest that crime victimisation surveys should aim to produce both *prevalence* and *incidence* estimates of a number of key survey-based indicators. These include 12-month victimization by crime type for: household burglary; theft of vehicles; other theft; robbery; physical assault; and sexual offences.

Assessment

The last round of the International Crime Victimization Survey was carried out in FYROM in 1996. The survey involved face-to-face interviews with 700 persons in the capital city Skopje and found an overall one-year crime victimization rate of 21%, which was relatively low compared to the capital cities of other countries in transition.⁴⁴

The State Statistical Office has not yet conducted a crime victimization survey to date.

⁴⁴ See: Alvazzi del Frate, Anna and van Kesteren, John (2004), Criminal Victimization in Urban Europe, Key Findings of the 2000 International Crime Victim Surveys, UNICRI, Turin, pp. 4-5

Annex 1

Statistical forms for police recorded crime

KRIM 1 collects the following information on the event:

- Legal qualification of the offence (Article of the Criminal Code);
- If one or more crimes are involved;
- If the crime is completed or attempted;
- If the perpetrator is known/unknown/caught on the spot;
- Time of commission of the crime (day, hour);
- Place of commission of the crime (municipality, city, address, police station, etc.);
- Object or victim of the offence;
- Object of the attack;
- Cost of the material damage;
- Modus operandi employed by the criminal;
- Means used;
- Preparatory activities carried out by the perpetrator;
- Reported traces;
- Objects and means found;
- Special circumstances used by the perpetrators;
- Data about actions undertaken (e.g. how and when the offence was discovered; if any forensic analysis was done; number of searched persons/premises; number of witnesses; operational, tactical and technical measures and means employed);
- Data about 'on the spot' investigation (e.g. date and time of the investigation; conditions under which the investigation was carried out, such as time and light conditions; who performed the investigation; information on securing the crime scene; methods used for fixing traces);
- Consequences of the crimes (number of dead persons, number of severely injured persons, number of slightly injured persons);
- Additional information on the offence (e.g. if done in cooperation with a foreign firm, and if so, details of the firm, such as State, sector of activity; value of seized assets);
- Information on drugs (e.g. state of production, transit, destination; office that seized the drug).

KRIM 2 collects the following information on the suspect:

- Name and surname;
- Nickname/s;
- Parents' names;
- Sex;
- Citizenship;
- Date and place of birth;
- Address;
- Status (Macedonian citizen, Macedonian citizen living abroad, etc.);
- Profession;
- Employment status (full time, part time employed, unemployed, etc.);
- Education;
- Marital status;
- Reasons for his/her presence in the place where the crime was committed;
- Role/level of participation in the crime;
- If any previous conviction;
- Date of discovery of the crime;
- Way of discovery of the crime and how it happened;
- Operational and tactical measures deployed;
- Behaviour of the perpetrator after the crime;
- Motive for the crime;
- If the crime was committed under the influence of drugs, alcohol, poison, etc.;
- If the crime was committed because of psychological illness;
- If the offence was committed by a person who escaped from prison or most wanted;

- If the person was placed under custody.

KRIM 3 collects the following detailed information on the damages caused by the crime to physical persons:

- Personal details on the damaged person (including name, surname, personal identification number, gender, date of birth and citizenship);
- Status of the person (e.g. foreign temporarily in FYROM, refugee, etc.);
- Place of residence;
- Citizenship;
- Physical and material consequences of the crime.

KRIM 3A collects the following information on the damages caused by the crime to legal entities:

- Detail of the legal entities (name, ID number);
- Seat;
- Sector of activity;
- Material damage.

Annex II

Crime registry of public prosecutor's offices for known perpetrators

1. A progressive number, made up of a Roman numeral (which is the prosecutor's identifier) plus a cardinal number;
2. Date of acceptance of the report;
3. Who has brought the report (name, address, date of birth);
4. Number of perpetrators (*all perpetrators are counted here*);
5. First and family name of the perpetrator, residence address, profession, date of birth, citizenship, personal ID number;
6. Whether prosecution was undertaken by suggestion of someone (i.e. not *ex officio*);
7. Whether the perpetrator was placed into custody and duration;
8. Person damaged;
9. Criminal offence/s and date of commission (*all criminal offences are registered*);
10. Urgent investigative measures and whether the public prosecutor was present;
11. Special investigations and who has carried these out;
12. Suggested special investigations;
13. Rejected report (if the report was dropped);
14. Offence insignificant;
15. Indictment under 3 years (and related article of the Criminal Code);
16. Direct indictment (and related article of the Criminal Code);
17. Request for investigation with indication of the deadline to complete it;
18. If court does not accept the request for investigation;
19. New investigations;
20. Participation of the public prosecutor in testimonies of the accused and witnesses;
21. Participation of the public prosecution at the crime scene;
22. Temporary interruption of the investigation (e.g. because the person cannot be found);
23. Statement of non-prosecution;
24. Stopping of investigation by the judicial council;
25. Transmission of the case to another prosecutor;
26. Duration of the proceedings in the prosecution office;
27. Indictment after investigation (and related article of the Criminal Code);
28. Withdrawal of the indictment;
29. Termination of proceedings after the submission of the indictment (e.g. the accused died);
30. Date of main court decision when indictment was over 3 years of imprisonment;
31. Date of main court decision when indictment under 3 years of imprisonment;

32. First instance decision: guilty: prison;
33. First instance decision: guilty: fine;
34. First instance decision: guilty: probation;
35. First instance decision: guilty: warning by court;
36. Not guilty;
37. Withdrawal of charges;
38. Security measures ordered;
39. Plea of the public prosecutor: submitted: because of sanction;
40. Plea of the public prosecutor: submitted: for other reasons;
41. Plea of the public prosecutor: decision: plea accepted;
42. Plea of the public prosecutor: decision: plea accepted for the sanction;
43. Plea of the public prosecutor: decision: plea rejected;
44. Plea of the public prosecutor: decision: plea rejected for the sanction;
45. Answer of the public prosecutor to the plea of the accused;
46. Second instance decision based on the public prosecutor's plea;
47. Second instance decision based on the plea by the accused;
48. Duration of proceedings in courts;
49. Recidivism;
50. Other notes.

Annex III

Form KCO 1 – “overview of the work of the prosecution offices”, on known perpetrators – collects the following information on:

number of persons involved in:

- unsolved reports from previous year
- reports received in the reporting period
- solved criminal reports (rejected, resulting in indictment until 3 years of imprisonment, resulting in indictment above 3 years, solved by other means, resulting in a request for investigation, request for investigation not accepted, etc.)
- unsolved criminal reports
- prosecution office attendance to the crime scene investigation
- prosecution office attendance to testimonies of the accused and witnesses
- unsolved investigations from previous period / with investigations stopped / with investigations interrupted / with criminal reports solved by other means
- unsolved investigations at the end of the reporting period
- stopped proceedings after withdrawal of the indictment

participation in main court session

number of persons with a first instance judgement:

- convicted, by type of sanction (prison, fine, probation, total)
- acquitted
- given a security measure
- number of pleas of the public prosecution, by type, of which accepted / refused

number of accused persons for whom there is no judgement

reply of the public prosecution to a plea (the public prosecutor gives an answer to a plea from the accused and/or issues a plea on the decision)

KCO 2 - “overview of the work of the basic prosecution offices”, on unknown perpetrators - collects the following information on the *number of charges*:

- from previous year
- received in the reporting period
- on which a report was asked (by Mol or other organs)

- on which certain investigative acts were asked for (by Mol or courts)
- that were rejected (of which: because of prescription)
- in which the perpetrators were discovered
- in which the perpetrators remained unknown
- that were passed to another prosecution office because of jurisdiction

Annex IV

List of tables published in the SSO annual publication *Perpetrators of Criminal Offences*.

Published data on adults perpetrators include the following:

- Reported adult perpetrators by type of criminal offence
- Reported adult perpetrators by type of decision and sex
- Reported adults perpetrators by type of criminal offence, decision and sex
- Reported adult perpetrators by type of criminal offence, decision and submitter of the complaint
- Reported adult perpetrators by type of criminal offence, decision and duration of detention
- Reported adult perpetrators identified, by type of criminal offence, decision and duration of the proceedings
- Reported adult perpetrators by type of criminal offence and ethnic affiliation

Published data on juveniles perpetrators include the following:

- Reported juveniles by type of criminal offence
- Reported juveniles by type of criminal offence, decision and gender
- Reported juveniles by type of criminal offence, decision and duration of the procedure
- Reported juveniles by type of criminal offence and ethnic affiliation
- Reported juveniles by place of committing crimes and type of criminal offence

Annex V

List of items recorded in the court registry per case

- Progressive number assigned to the case
- Date of acceptance of the case
- Whether the indictment involves a punishment under or over three years
- Who brought the charges
- Identity of the accused person
- Qualification of the act according to the indictment (article of the criminal code)
- Custody/house arrest (custody from/to; decision of the criminal council about custody; etc.)
- Pre-trial arrest
- Complaints against the indictment (date; decision of the council on the complaint)
- Date of the main court session
- Decision to stop the proceedings
- Indictment refused
- Judgement (acquittal; conviction (date of judgement, main punishment, accessory punishment, etc.); educational measures; security measures; asset confiscation)
- Appeal proceedings (who brought the plea, plea rejected, decision of the higher court)
- Date when the judgement entered into force
- Date when the execution of the judgement started
- Date when statistical forms were submitted to the State Statistical Office
- Extraordinary legal remedies (e.g. request for a mitigated punishment)
- Duration (of proceedings from indictment, of entire proceedings, from the commission of the offence to the enforceability of the sentence)
- Criminal offence (against state property, against private property, misdemeanour, against freedom, dignity and morality, other)
- Notes

Annex VI

List of tables with court data published in the SSO annual publication *Perpetrators of Criminal Offences*.

- Accused adult perpetrators by type of criminal offence
- Accused adult perpetrators by type of criminal offence, decision and sex
- Accused adult perpetrators by type of decision and by courts of first instance
- Accused adult perpetrators by type of criminal offence, decision and detention
- Convicted adult perpetrators by type of criminal offence
- Convicted adult perpetrators by type of criminal offence and type of sentence
- Convicted adult perpetrators by type of criminal offence and applied main sentence
- Convicted adult perpetrators by type of criminal offence and by type of applied alternative measures
- Convicted adult perpetrators by total applied security measures, applied confiscation of property and confiscation of objects
- Convicted adult perpetrators by type of criminal offence, joint perpetration, sex and number of perpetrators
- Convicted adult perpetrators by type of criminal offence, previous convictions, age and sex
- Convicted adult perpetrators by type of criminal offence and ethnic affiliation
- Convicted adult perpetrators by type of criminal offence, sex and educational level
- Convicted adult perpetrators by courts of the first instance, type of applied sentence and alternative measures
- Convicted adult perpetrators by type of criminal offence and occupation
- Convicted adult perpetrators by place of committing crimes and ethnic affiliation

Published data on juveniles perpetrators include the following:

- Accused juveniles by type of criminal offence
- Convicted juveniles by type of criminal offence
- Accused juveniles by type of criminal offence and decision
- Accused juveniles by type of criminal offence, decision and detention
- Convicted juveniles by type of criminal offence, attempt, sex and penalties
- Convicted juveniles by type of criminal offence, attempt and penalties
- Convicted juveniles by type of criminal offence and place of committing crimes
- Convicted juveniles by type of criminal offence and ethnic affiliation
- Convicted juveniles by type of criminal offence and family circumstances
- Convicted juveniles by parental occupation and family situation
- Convicted juveniles by marital status of parents during birth, family circumstances and type of criminal offence
- Convicted juveniles by type of criminal offence and educational level

Annex VII

List of tables in the annual publication 'Migrations' of the SSO

- Migration flows of the population in the Republic of Macedonia
- Total Immigrated and Emigrated citizens in the Republic of Macedonia
- Immigrated citizens in the Republic of Macedonia in new place of residence from previous place of residence, by municipalities
- Emigrated citizens from the Republic of Macedonia from previous place of residence to new place of residence, by municipalities

On internal migration

- Immigrated citizens by sex, marital status, age and reason for moving away, by municipalities
- Emigrated citizens by sex, marital status, age and reason for moving away, by municipalities

- Immigrated citizens according to educational attainment, by municipalities
- Emigrated citizens according to educational attainment, by municipalities
- Immigrated citizens according to activity and occupation, by municipalities
- Emigrated citizens according to activity and occupation, by municipalities
- Immigrated citizens according to ethnic affiliation, by municipalities
- Emigrated citizens according to ethnic affiliation, by municipalities
- Immigrated and emigrated citizens and net migration by sex, by municipalities

On international migration

- Immigrated citizens of the Republic of Macedonia, foreigners with temporal and with extended stay, by countries
- Immigrated and emigrated citizens of the Republic of Macedonia, foreigners and net migration; by countries
- Immigrated citizens of the Republic of Macedonia from abroad, by municipalities
- Emigrated citizens of the Republic of Macedonia abroad, by municipalities
- Immigrated citizens of the Republic of Macedonia from abroad by sex, marital status, age and reason for moving away, by municipalities
- Emigrated citizens of the Republic of Macedonia abroad by sex, marital status, age and reason for moving away, by municipalities
- Immigrated citizens of the Republic of Macedonia from abroad, by activity and occupation, by municipalities
- Emigrated citizens of the Republic of Macedonia abroad, by activity and occupation, by municipalities
- Immigrated citizens of the Republic of Macedonia from abroad by educational attainment, by municipalities
- Emigrated citizens of the Republic of Macedonia to abroad by educational attainment, by municipalities
- Immigrated citizens of the Republic of Macedonia from abroad, by ethnic affiliation, by municipalities
- Emigrated citizens of the Republic of Macedonia from abroad, by ethnic affiliation, by municipalities
- Immigrated foreigners in the Republic of Macedonia from abroad, by municipalities
- Emigrated foreigners from the Republic of Macedonia abroad, by municipalities
- Immigrated foreigners of the Republic of Macedonia from abroad, by ethnic affiliation, by municipalities
- Immigrants from abroad by age groups and sex, by statistical regions
- Emigrants to abroad by age groups and sex, by statistical regions