



**UNODC**

United Nations Office on Drugs and Crime

**Country: Republic of North Macedonia**

**What are the primary challenges your country faces in ensuring equal access to justice within your criminal justice system? How do these challenges impact groups in vulnerable situation in your society? Please provide a thorough and detailed response.**

a) One of the challenges is to increase the number of reports of corruption cases. Perception of corruption in the country is disproportionately high compared with the number of reported cases

b) Regarding the legislation on justice for children, the challenges relate to increasing the implementation of:

- free legal aid for children in risk in proceedings before the Ministry of Interior and the Centers for Social Work. According to the Annual Report of the State Council for the Prevention of Child Delinquency (SC), in 2022, 47% of the summoned children exercised the right to free legal aid.

- models of restorative justice in accordance with the Law on Justice for Children; According to the Annual Report for 2022 of the SC there is a trend of decreasing application of these models;

- implementation of the provisions on the rights of child victims/witnesses in accordance with Directive 2012/29/eu of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/

As well, one of the challenges is providing relevant and reliable data for the 32 indicators for monitoring the implementation of the Law on Justice for Children and the situation with child delinquency in North Macedonia, which are collected and processed by 87 institutions on an annual level, segregated by gender.

c) The Law on the payment of monetary compensation to victims of violent crimes, which was adopted in November 2022, began to be applied from 05.25.2023. The purpose of this law is to provide monetary compensation to victims of crimes committed with violence as assistance from the state, in accordance with the principle of social solidarity, and to prevent secondary victimization as additional suffering that victims may suffer from the activities of the authorities.

According to Article 15 of the Law, the victim has the right to monetary compensation for: costs of treatment and medical devices, lost earnings, funeral expenses, lost support and solidarity assistance

for suffering from the crime According to the law, the Commission that decides on the compensation of the victims was established at the beginning of 2024.

d) Within the framework of the Ministry of Justice, harmonization of the Law on Criminal Procedure with the directives on procedural rights of the EU is in progress. In that direction, one of the key directives is the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. With the adoption of this law in 2025, the Law on Criminal Procedure will be fully harmonized with the EU Acquits.

**Can you provide examples of initiatives or policies that have been successful in addressing access to justice issues in your country? What key lessons have been learned from these initiatives or policies? Please provide a thorough and detailed response.**

Legislative changes regarding the manner of selecting candidates for president and members of the State Commission for Prevention of Corruption improved public trust in the institution and caused increased number of reported corruption cases through the external protected reporting channel established at the State Commission. Previously, the low number of whistleblower reports was associated with the societal culture and unsupportive cultural attitudes towards whistleblowing. Key lesson learned: Policy needs to be changed and institutional capacities should be increased to improve public awareness and trust in institutions and to promote reporting channels and whistleblower protection.

**What are the best practices currently being implemented in your criminal justice system to enhance access to legal aid and fair trials? How do these best practices improve outcomes for individuals involved in the criminal justice system? Please provide a thorough and detailed response.**

New draft Law on Protected Reporting and Whistleblower Protection:

- Addressing identified deficiencies in the current Law on Whistleblower Protection;
- Aligned with the EU Directive 2019/1937;
- Establishing obligation for the managing persons in the institutions to ensure secure access to the reporting channels, equal without discrimination and gender sensitive (having in mind the different needs of women and men);

- Upgraded provisions on whistleblower protection - institutional protection, judicial protection, right to primary and secondary free legal aid in accordance with the Law on Free Legal Aid, right to compensation in accordance with the Law on Payment of Monetary Compensation to Victims of Violent Crimes and right to free counsel and information about the system of protected reporting and whistleblower protection.
- Law on Justice for Children from March 2024 improves the rights of the child within the criminal justice system. Namely, the new law is harmonized with EU Directive 2016/800 of the European Parliament on procedural safeguards for children suspected or accused in criminal proceedings and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/ The new Law also provides a simplified system of rights of the child to free legal aid.

**What factors have been crucial in enabling successful reforms or improvements in your criminal justice system? How can these enabling factors be replicated or adapted in other contexts or regions to ensure equal access to justice for all? Please provide a thorough and detailed response.**

- Process of alignment with the EU acquis;
- Inclusive process of preparation of draft laws, including broad public consultations;
- Preparedness of civil society organizations to participate in the processes of preparation of regulation, including public consultations, and their dedication to improving standards for equal access to Justice.
- Prepared gap analysis of the Law on Justice for Children within the international expertise.