



MONITORING
THE IMPLEMENTATION
OF THE SUSTAINABLE
DEVELOPMENT GOAL
(SDG) 16.3.
MAIN FINDINGS

JUSTICE IS NOT
A PRIVILEGE

MONITORING THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOAL (SDG) 16.3. MAIN FINDINGS



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Introduction

The new global framework – UN Sustainable Development Agenda 2030 has 17 goals in the focus of its attention related to sustainable development in the social, economic and environmental protection field that Member-States committed themselves to fulfill until 2030. The last development agenda upgraded the results achieved from the Millennium Development Goals going a step further and striving to include the poorest. Agenda 2030 recognizes the need of providing access to justice for all, including the most marginalized groups as the basis for securing sustainable development. Goal 16 - Promoting peaceful and inclusive societies for sustainable development, securing justice for all and building effective, accountable and inclusive institutions on all levels – has sub-goals (targets) through which Agenda 2030 should be accomplished.

This analysis focuses on the level of implementation of sub-goal 16.3 - “Promote the rule of law at national and international levels and ensure equal access to justice for all” (hereinafter referred to as Goal 16.3) on national level. Goal 16.3 imposes the establishment of a facility that will secure laws and a justice system that are non-discriminatory and accessible for all thereby providing efficient protection of civil rights.

In the period 2017-2020, within the framework of the Network Strategy on Legal Empowerment, the international initiative of

the Open Society Foundations and the Foundation Open Society – Macedonia together with the Coalition on Sexual and Health Rights of Marginalized Communities “MARGINS” and the Association for Emancipation, Solidarity and Equality of Women – ESE, implemented a series of activities as to identify competent institutions and determine activities undertaken on national level for the purpose of achieving Goal 16.3.

1 Accessible:

https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%20refinement_Eng.pdf

To better monitor implementation, a list of indicators was developed within the Global Indicator Framework of the UN Sustainable Development Goals and Targets until 2030¹, as well as UN Resolution 68/261 on the basic principles of official statistics. The following two indicators are part of the Global Indicator Framework for monitoring the implementation of Goal 16.3: percentage of victims of violence who reported violence to competent institution or other officially recognized conflict-resolution facilities in the last 12 months; and detained persons not convicted as a percentage of the overall prison population. Considering the fact that Goal 16.3 encompasses the concepts of “rule of law” and “access to justice” and especially due to the fact that such a sub-goal was introduced for the first time, the need to add indicators for monitoring access to justice throughout the countries of the World became apparent.²

In 2018, the Coalition on Sexual and Health Rights of Marginalized Communities “MARGINS” and the Association for Emancipation, Solidarity and Women Equality – ESE developed an analysis that for the very first time provided basic outlook on the degree of transposition of Goal 16.3 on national level. The general conclusion from

the first review of the state of affairs was that our country was lagging behind with the accomplishment of the accepted obligations. Explicitly, the Government has not undertaken efforts to disseminate general information to relevant stakeholders and to include them in the process of implementation and monitoring of the goals. The lack of sufficient publicly accessible information makes monitoring the implementation of the goals in general difficult, including Goal 16.3. Inadequate financial, human and technical resources for fulfilling the goals create an obstacle to access justice and additionally neglect vulnerable categories of citizens.

The Government of the Republic of North Macedonia became part of the global volunteer initiative Open Government Partnership thereby accepting the obligations to continuously improve its performance through open, transparent, safe and efficient governmental institutions that communicate and cooperate with citizens.³ By means

³ Ministry for Information Society, National Action Plan of Open Government Partnership 2018-2020.

of four action plans, the country is upgrading its draft commitments, while in the period 2018-2020 access to justice was defined as a priority area for action.

² The need was recognized by the Open Society Foundations, NAMATI, Transparency International and other globally known organizations that requested from the competent body responsible for determining indicators within the UN by means of an open letter the addition of indicators with research data of personal experience and perceptions of the population. Open Letter to the Inter-Agency and Expert Group on SDG Indicators (IAEG - SDG). Monitoring Goal 16: The critical importance of survey based indicators and people's opinion, Accessible at <https://namati.org/resources/monitoring-goal-16-the-critical-importance-of-survey-based-indicators-and-peoples-opinion/>.

Therefore, this analysis provides an outlook of the implementation of Goal 16.3 in the last three years (2018-2020) and analyzes compara-

tively the state of affairs researched for the period 2012-2017, in order to acquire a more clear understanding of the degree of implementation of Governmental commitments in terms of access to justice for all.

This activity was implemented within the framework of the project “Access to Justice of the Most Marginalized” of the Foundation Open Society – Macedonia, the Association Health Options Project Skopje – HOPS and the Association Station L.E.T from Prilep, supported by the European Union.

Methodology

The analysis of the monitored implementation of the Sustainable Development Goal (SDG) 16.3 on national level includes *de jure* and *de facto* review of the state of affairs with access to justice in the Republic of North Macedonia, especially of marginalized communities. By analyzing given indicators, the current laws and policies regulating the access to justice system, as well as the implementation of judicial procedures, alternative mechanisms for resolving disputes and the free legal aid are reviewed. In addition, an assessment of practices and effects policies have on the access to justice of the citizens is provided through the collection and review of administrative and statistical data and by using secondary sources, analysis and research projects of associations, organizations, institutions and indicators.

The analysis dated 2018 showed that selected indicators are related to all aspects of access to justice, but lack of information from public institutions restricts the insight of actual state of affairs and weaknesses and prevents the formulation of clear and specific guidelines for overcoming them. As in the analysis from 2018, we are using the list of 13 indicators for monitoring the implementation of this sustainable development sub-goal, those being:

Starting position for developing the list of indicators were the indicators already determined for the development goals contained in the Global Indicator Framework for Sustainable Development Goals

4 Accessible at: https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%20refinement_Eng.pdf.

5 Open Letter to the Inter-Agency and Expert Group on SDG Indicators (IAEG – SDG). Monitoring Goal 16: The critical importance of survey-based indicators and people’s opinion, Available at: <https://namati.org/resources/monitoring-goal-16-the-critical-importance-of-survey-based-indicators-and-peoples-opinion/>.

and Targets of the UN until 2030⁴, including UN Resolution 68/261 on the basic principles of official statistics. Since these two indicators are not enough to depict the actual situation, we took into consideration the indicators recommended by the Open Society Foundations, NAMATI, Transparency International and other globally reputable organizations⁵, as well as additional international reading⁶. The list of indicators was additionally consulted with civic organizations active in the field of securing access to justice for vulnerable groups of citizens.

- 1) Number of persons who experienced judicial disputes in the last 12 months thereby accessing formal, non-formal, alternative or traditional mechanisms for resolving disputes which they deem fair;
- 2) Number of persons in custody still pending judgement;
- 3) Percentage of criminal cases where the defendants had no legal or other kind of representation in court;
- 4) Unfulfilled need for legal aid of the poorest quintile of national expenditure in the last 12 months, categorized per sex and age group;

6 UNDP, „Goal 16 – The indicators we want. Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions, Available at: <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Virtual%20Network%20on%20Goal%2016%20Indicators%20we%20want%20Report.pdf>.

- 5) Number of children in custody per 100,000 children population;
- 6) Part of the budget of the Legal Sector earmarked for free legal aid provision;
- 7) Average time for resolving civil disputes;
- 8) Number of executed requests for legal aid and free of charge court translators (in criminal and civil procedures) per annum, per sex of applicant⁷;
- 9) Percentage of persons who trust the Police/ Courts;
- 10) V-dem indicators for justice (variations of democracy)/Rule of Law Index of World Justice Project;
- 11) Number of deceased in custody;
- 12) Percentage of persons reporting criminal acts;
- 13) Number of judgements per type of criminal act – criminality (for example, rape, murder, physical assault) and features of both victims and perpetrators (for example, sex, adulthood).

⁷ The analysis of data related to this indicator is presented under indicator 1 as to avoid segmented presentation of data.

Prior to the analysis, we defined a plan containing possible sources of data, timetable of intervals for which data will be collected as well as methodological instruments (questionnaires) for collecting some of the information.

Data was collected covering the period 2018-2020 from available and published reports, publications, documents of public institutions in the Republic of North Macedonia and analyses. All sources of regional and international organizations were also consulted.

Apart from the publicly available data, information on the basic courts throughout the territory of the country was also collected by applying the instrument for free access to public information. Data was supplied by all courts, with the exception of those in Strumica, Prilep, Krusevo and Berovo. Limitation of the study was the fact that the data retrieved from the courts was not unified, subsequently certain categories of data from specific courts were lacking and could not be used to provide comprehensive analysis of the state of affairs.

Data was also collected from civic organizations dealing with access to justice issue through a questionnaire on various kinds of legal and paralegal services to vulnerable groups of citizens as well as the annual and thematic reports related to their work.



MAIN FINDINGS

In the past three years there has been no substantial improvement in the rule of law and access to justice in the country despite the declarative efforts. The Government has not yet adopted a plan for implementation of goal 16.3 nor allocated adequate financial, human, and technical resources to achieve that purpose. No action has been undertaken to upgrade the data collection system either, which makes it impossible to properly plan, monitor and evaluate the implementation of this goal at national level. The vulnerable groups of citizens face serious barriers in accessing justice and resolving legal issues and that became especially apparent due the Covid-19 pandemic.

Indicator 1

Number of persons who experienced judicial disputes in the last 12 months thereby accessing formal, non-formal, alternative or traditional mechanisms for resolving disputes which they deem fair

As a result of deepened inequality, increase of poverty and other negative factors, the citizens continue to face limited access to justice and inability to exercise their human rights. A trend of increased legal problems of the citizens despite the reduced use of court and other mechanisms for their resolution prevails in the last three years. In the period 2018-2020, the number of court proceedings for resolving citizens' legal issues decreased despite the growing legal needs, especially among the vulnerable groups of citizens. At the same time, the number of cases exempted from court fees in civil court proceedings also reduced, although they are the usual mechanisms for resolution of everyday problems of the citizens. From the obtained data on the number of initiated criminal proceedings from various authorized applicants, it can be determined that the number of initiated proceedings for more serious criminal offenses by submission of proposed indictments or indictment acts by the Public Prosecutor Office is significantly higher. The numbers indicate a changing trend in criminal prosecution, thereby the criminal justice system is more often involved in prosecution of more serious crimes for which harsh prison sentences are foreseen. As in the 2018 analysis, data on the victims - age, gender, sex, connection with

the perpetrator and other parameters - are missing so we couldn't analyze the legal response of the institutions in more detail in cases of domestic violence. The lack of data on the number of procedures in which translation was rendered leaves room for doubt whether, and in what way, the defendants and other participants in the proceedings exercise their right in criminal proceedings. Alternative dispute resolution mechanisms are still not sufficiently used by the citizens as a result of insufficient promotion and efforts to inform the population. The health and economic crisis caused by COVID-19 further aggravated the access to justice, causing specific problems that citizens, especially the vulnerable groups of citizens, were not able to resolve. Absence of clear, consistent, and unified records of court proceedings and alternative dispute resolution (mediation), further restrict monitoring of trends and planning appropriate measures to improve access to justice for all, especially for the vulnerable groups of citizens.

The State Statistical Office needs to introduce an integrated system for data collection, processing and publishing of the number, type of disputes initiated and other parameters relevant for monitoring access to justice in civil proceedings.

The Parliament, the Ministry of Justice, the Ministry of Labour and Social Policy and the Chamber of Mediators need to take measures to improve the legal framework for mediation, thereby promoting the benefits of mediation as an alternative dispute resolution mechanism and strengthening the capacity of the mediators to resolve various types of disputes affecting the citizens, especially the vulnerable categories of citizens.

Indicator 2

Number of persons in custody still pending judgement

In the last three years, the practice of prolonged detention continued, especially for citizens for whom criminal proceedings have been instituted, which also affects the total number of detainees in relation to the total prison population. Although there is no data on the number of people detained for more than 12 months, almost half of the citizens were detained longer than 3 months. According to the annual statistics from penitentiary institutions of the Council of Europe (SPACE)⁸, the duration of detention in the country is significantly longer than the European average. The State Statistical Office and the Administration for Execution of Sanctions at the Ministry of Justice have published data only on the number of detainees according to the length of detention, however, more detailed and publicly available data on the structure of detained citizens - gender, age, region and social group they belong to - is lacking. On the other hand, detainees continue to encounter restrictions and are not able to exercise their human rights. According to the data from the Ombudsman, most of the complaints of convicted or detained persons are related to healthcare and inadequate treatment such as: untimely protection and absence of continuous healthcare, poor and insufficient equipment of prison clinics with appropriate medical equipment and medication, and irregular or delayed check-ups.

⁸ Council of Europe, Annual Penal Statistic SPACE I - Prison Population Survey 2020.

The Ministry of Justice and the Administration for Execution of Sanctions need to take measures to improve the situation in the penitentiary institutions, including the situation of convicted or detained people.

Indicator 3

Percentage of criminal cases where the defendants had no legal or other kind of representation in court

The general conclusion is that the number of criminal cases where the defendants had mandatory defense is small, while the number of people with an approved lawyer based on right of indigent parties is particularly insignificant⁹. There is no data on the number of

⁹ Only 12 in the period 2018-2020.

submitted requests, while the number of ex officio defense-counsel is insignificant compared to the number of criminal proceedings initiated in the same year. As an illustration, in 2018, from a total of 6,678 criminal cases, only in 15% of the criminal cases ex-officio defense-counsel was appointed, while only in three (3) cases defense-counsel was appointed on the basis of right of indigent parties. This practice is mainly due to the strict criteria for appointing defense-counsel in the line of duty, but also to the large number of cases initiated following a private criminal lawsuit or proposed indictment where the citizens represent themselves or hire a lawyer with their own funds. Lack of access to effective defense in criminal proceedings especially affects the vulnerable groups of citizens who are criminalized by the institutions, such as the sex-workers and

the drug-users who most often (30-40%) face legal problems in the field of criminal law and when criminal proceedings are required to resolve those problems. Insufficient use of the mandatory defense and right of indigent parties indicates that the population lacks the information, but also the court lacks practice of approving requests for defense-counselling of poor defendants.

The courts need to establish a record-keeping system for: the number of criminal proceedings, separated according to authorized prosecutor and damaged party, publicly available for each year separately; the structure of the defendants and the damaged parties by sex, age, region of origin and other parameters relevant to measure access to justice for different groups of citizens, especially the victims of domestic violence; the number of applications submitted and approved for provision of defense to the poor population, publicly available for each year separately.

The State Statistical Office needs to introduce an integrated system for data collection, processing, and publishing the victims in the criminal proceedings - their number, sex, age and other parameters relevant to monitor access to justice in criminal proceedings.

Indicator 4

Unfulfilled need for legal aid of the poorest quintile of national expenditure in the last 12 months, categorized per sex and age group

There is no unified methodology (system) for regular data collection on unfulfilled legal needs of citizens to serve as the basis for

planning, implementing, monitoring, and evaluating the measures and activities aimed to facilitate access to justice and opportunities to address daily legal needs of citizens. The data from the in-depth research of the World Justice project on access to justice indicate that 47% of the citizens encountered legal problems in the last two years with the most common problems being consumer problems, housing, property, public services, etc. The limited access to justice and opportunities to resolve issues discouraged as much as 85% of the citizens not to take actions to resolve legal problems, while only 15% of the citizens acted upon such matters. Subsequently, the number of people with limited ability to resolve their legal problems is constantly increasing whereas the position of the vulnerable groups of citizens who rarely decide to solve their legal problems is less favorable, often due to lack of finances, but also due to distrust in the institutions that need to solve their problems. Poor people and their marginalized position in society are the factors that directly contribute to this predicament. There is an unfulfilled need for legal aid among the poor citizens, especially for poverty related legal issues (low income), such as the provision of social assistance or other forms of welfare, paying tuition and problems with household utility bills. The Roma community is facing unemployment, limited access to education, housing, healthcare and protection. People who use drugs face high levels of stigma in the society and their conduct is often criminalized through prosecution and punishment for possession of substances for personal use or for the use of drugs. Sex-workers are exposed to hate violence and due to the fear of prosecution and punishment, this violence remains unreported and unpunished. All these factors limit access to justice and make marginalized communities distrust institutions, resulting in an unfulfilled need for legal aid.

In addition, the health and economic crisis caused by Covid-19 increased the number of legal problems and reduced the possibility to resolve them promptly and efficiently. Covid-19 significantly widened the access to justice gap, which further deepened inequality. According to the research conducted during 2020, among the marginalized communities 12,6% of the respondents had initiated some legal proceedings or proceedings in another institution and most of them, even before the pandemic – 33,1% were women who had suffered domestic violence. After the introduction of the emergency state and despite the decision of the Judicial Council to handle cases for imposing temporary measures for protection of victims of domestic violence without interruption, the women who survived violence had to deal with postponed hearings for imposing temporal protection measures.

The state of emergency and the limited work of the institutions during the COVID-19 crisis contributed to further deterioration of access to justice and had a negative impact on citizens' health and economic situation. The State did not adopt special measures to overcome these specific problems faced by such communities. The state of emergency caused by the Covid 19 pandemic led to the limitation of more human rights, especially the right to free movement, right to free association, right to education, respect for private and family life, right to healthcare, protection against discrimination, right to work, but also the right to publicly practice a religion or belief, especially in its collective form.

At the same time, the vulnerable groups of citizens were not able to effectively resolve the specific problems that arose as a result of the crisis. For example, women who suffered domestic violence

encountered increased risk and escalation of violence, including communication problems with the SWC and the Police competent to provide assistance and support in overcoming such problems.

The Ministry of Justice needs to analyze in detail the reasons why free legal aid is available to a small number of citizens, as well as to conduct evidence-based planning and involve vulnerable groups of citizens in further development of the current model for securing free legal aid.

The State needs to take serious steps to enable access to justice and improve institutional response to the needs of vulnerable groups of citizens in conditions of crisis, such as: the establishment of a public fund for financial support of women and other vulnerable groups of citizens; adoption of special measures in accordance with the specific needs of the citizens; to adapt the actions of competent institutions in conditions of crisis; to assess and plan economic measures to support citizens etc.

Indicator 5

Number of children in custody per 100,000 children population

According to the available data, the tendency to reduce the number of children sentenced to custody for the period 2012-2017 continues in the given period of analysis, i.e., no child was sentenced to custody in 2018 and 2019. However, conditions need to improve in the institutions where children are being held in custody.

Indicator 6

Part of the budget of the Legal Sector earmarked for free legal aid provision

The general conclusion is that the budget for free legal aid is an insignificant share of the total court budget, i.e., the total budget of the judiciary. The budget for free legal aid makes up only 0,44% of the total judicial budget or 1,2% of the court budget, while the percentage share of the approved budget for legal aid within the total budget of the Ministry of Justice is at an insignificant level - approximately 1% - which is further reduced in the realized budget to 0,25%.

The trend of insufficient funding of the courts in the country continues and the same has negative consequences in terms of ensuring access to justice, considering the role of the courts in resolving the legal needs of the citizens. Allocation of appropriate financial resources for securing free legal aid to resolve the legal problems of the citizens, directly contributes to facilitate access to justice and raise the level of accomplished human freedoms and rights.

Moreover, the legal needs of the citizens are not met, not even with the provision of free legal aid through the Ministry of Justice, because the approved and implemented budget for FLA, in accordance with the Law on Free Legal Aid, is insufficient to ensure effective access to justice. This situation is unfavorable due to inadequate budget planning for FLA in line with the legal needs of the vulnerable groups of citizens, as well as lack of implementation of approved annual funds.

It is necessary to increase the budget for FLA to realize the right to mandatory defense and the right to exemption from court and other

fees in the proceedings, in order to increase the number of citizens whose legal problems cannot be resolved otherwise due to the inability to exercise the legally binding rights.

Indicator 7

Average time for resolving civil disputes

In the period 2018-2020, the increased duration of average time to resolve cases continues as a trend in all courts. The increase in 2017 was somewhere around four times more than in 2016 and it continued until 2020, which indicates a particular slowdown of court proceedings. The increased number of days required to resolve cases refers to all courts, with the exception of the Supreme Court where a slight decrease was noted in this period compared to 2019 and 2018. The state of emergency and the limited operation of the basic courts in 2020 further extended the duration of court proceedings - many hearings were postponed due to absence of judges and professional services, and proceedings and decision-making took a slow pace. As a result, certain vulnerable groups of citizens faced even more limited access to justice and opportunity to resolve their legal issues. As an illustration, although civil lawsuits for urgent protection against domestic violence were placed in the group of priority cases, in practice court hearings were postponed, resulting in ineffective protection of the women who suffered domestic violence and increased risk of recurrence and escalation of violence.

The State Statistical Office needs to introduce an integrated system for data collection, procession and publication of the number, type

of disputes and other parameters relevant to monitor the access to justice in the civil proceedings. The courts need to regularly monitor the average duration of the proceedings by the type of procedure, and not only at the level of individual courts and different types of judges, in order to monitor the efficiency, and above all to provide timely and effective legal protection, especially to victims of domestic violence.

Indicator 8

Number of executed requests for legal aid and free of charge court translators (in criminal and civil procedures) per annum, per sex of applicant

A significant percentage of the population does not have access to free legal aid and is not able to resolve its day-to-day legal problems. Only a small part of citizens exercises the right to free legal aid on annual basis, but there are no reports on the evaluation of the quality of legal aid rendered, including measured satisfaction of beneficiaries on free legal aid. On the other hand, some research indicates that there is a need to provide free legal aid in over 120,000 cases opposed to 150-200 requests submitted annually. More precisely, in the period of 2018-2020, a total of 538 requests for free legal aid were submitted, of which 302 were approved, while 236 were rejected. However, there is no detailed publicly available data on the epilogue of the proceedings provided with free legal aid, i.e., whether they were resolved in favour of the citizens and what was the quality of the free legal aid rendered.

The State needs to implement the legal obligations for approval of the court budget in the amount of at least 0,8% of GDP, as well

as to secure conditions for continuous increase of the budget in accordance with the needs of the judiciary.

The Ministry of Justice needs to conduct a detailed analysis of the reasons why free legal aid is available to a small number of citizens and do evidence-based planning by involving the vulnerable groups of citizens in further development of the current model for free legal aid provision. The courts need to take measures to promote the right to FLA and increase the information available to the population on how it can be utilized.

Indicator 9

Percentage of persons who trust the Police/Courts

Citizens' trust in the institutions is one of the key indicators when measuring access to justice, which assesses the operation of the institutions from the perspective of citizens themselves as end beneficiaries. Global research shows that the citizens who trust the institutions, positively assess the course of the proceedings for protection of their rights, regardless of the favourable or unfavourable outcome. The general conclusion is that there are no systemic mechanisms to measure citizens' trust in the institutions, especially the trust of the vulnerable groups of citizens. According to the data from 2017, as many as 70% of the citizens stated they did not trust the judiciary, while the least trusted were the political parties - 15% - then the Government 24%, and the local government 23%, followed by 30% in the public administration and 34% in the Police.

The Ministry of Justice in cooperation with the Judicial Council, the State Statistical Office and other institutions and organizations need to develop a methodology for collecting data by multiple parameters and implement a survey at certain intervals to measure the perceptions of citizens concerning the level of fairness of the procedures, including citizens satisfaction with the services provided by the justice system.

Indicator 10

V-DEM INDICATORS FOR JUSTICE (variations of democracy)

The V-DEM institute is part of the Department of Political Science at the University of Gothenburg in Sweden. In collaboration with more than 3,000 national experts, on global level, they develop an annual report on the state of democracy for more than 160 countries worldwide, including our country. The general conclusion is that the deteriorating conditions continue as a trend, in terms of EQUALITY BEFORE THE LAW AND INDIVIDUAL FREEDOMS, i.e., there has been no improvement in the situation in this field in the last three years. Problems such as public administration bias, non-transparency of law-making processes and limited access to justice, especially for the women continue to exist. The trend of deteriorating conditions of the freedom of expression from 2007 to 2016 stopped in 2017, and an improvement in the situation in this field can be noted in the period from 2018 (0,78), 2019 (0,75) and 2020 (0,76).

World Justice Project

Data of this indicator are provided through the Rule of Law Index, which has been developed annually since 2011 within the World Justice Project⁴. The general conclusion is, in the past period the

10 More information about the World Justice Project at the following link: <https://worldjusticeproject.org/>

rule of law has not improved in our country.

On the contrary, there is a trend of continuous decrease of the index for the period 2012-2018.

The unfavorable deteriorating trend of the rule of law is most evident in the following factors, i.e. areas of the rule of law: restrictions on government powers, absence of corruption, fundamental rights, open government and law enforcement. The only areas of the rule of law with relative improvement are the order and peace, as well as the civil justice.

The State needs to take the following measures for better implementation of Goal 16.3: application of special measures to reduce employment through political party interventions and to increase impartiality of public servants; to establish a mechanism (system) to measure the performance of civil servants; to adopt and implement a plan for basic and continuous training of practitioners from competent institutions in order to respond to the legal problems of the vulnerable groups of citizens, to adopt a legal obligation for obligatory informing of the population and their involvement in the decision-making processes; and to adopt special measures to improve access to justice for all, with special focus on women.

Indicator 11

Number of deceased people in custody

Data on the number of deceased in custody is still not publicly available. In addition, in the last three years, the situation and the conditions of the penitentiary institutions in the country have not improved, which can be seen from the reports of civil society organizations and international organizations.

The Administration for Execution of Sanctions needs to introduce a system for more detailed records of the length of detention and the structure of detainees in order to acquire clear understanding of the policy of using detention as a security measure opposed to the length of the criminal proceedings while detainees await trial. Courts need to establish records of unjustifiably detained persons who spent time in detention without being convicted.

It is necessary to provide adequate financial, human and technical resources to improve the situation in the penitentiary institutions, including the position of convicted or detained persons.

Indicator 12

Percentage of persons reporting criminal acts

According to the data from the reports of the Public Prosecutor Office, approximately 15% of the citizens report crimes on annual basis, while the Ministry of Internal Affairs does not keep records on the number of crimes reported by citizens.

Competent institutions need to keep statistics on reported crimes regardless of who reported them - citizens or other public bodies. At the same time, in parallel with keeping statistics on perpetrators of crimes, it is necessary to keep statistics on crime victims as well - by type of crime and by years.

Indicator 13

Number of judgements per type of criminal act – criminality (for example, rape, murder, physical assault) and features of both victims and perpetrators (for example, sex, adulthood).

The practice of data collection on perpetrators of crimes continues, opposed to the absence of data on the victims of crime. The data on the perpetrators indicate that the number of convicted adult men is significantly higher compared to women considering that, on annual basis, an average of 91% of the convicts are male, while 9% are female. The large discrepancy between the number of male and female convicts is even more obvious in children who have been convicted for crime compared to adult perpetrators.

It is necessary to keep special data on the victims of crimes, which will be the basis for establishing trends regarding their rights and access to justice, as well as to plan for measures and activities to increase protection and degree of exercising human rights in accordance with their specific needs.

