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LAW ON JUVENILE JUSTICE

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GENERAL PROVISIONS

Chapter One Contents, goals and basic principles

1. Contents of the Law

Article 1

This Law shall regulate treatment of children at risk and juveniles subjects of actions which are treated by law as criminal acts and offences, determine legal conditions for implementation of aid measures, care and protection, educational and alternative measures and punishment decisions for juveniles and regulate the state, role and the authority of the institutions which are involved in treatment of juveniles at risk and juvenile subjects of taking actions prescribed by law as criminal acts and offences and execution of educational and alternative measures and acts of punishment.

This law shall regulate measures of protection of juvenile victims of criminal acts and measures of prevention from juvenile delinquency.

2. Goals of the Law

Article 2

The goals of the Law and its implementation are to realize the priority interest of juveniles for protection of juveniles from crime, violence and any other from of jeopardizing their freedom and rights and their proper development; protection of the juvenile subjects of actions which are prescribed by law as criminal acts and recidivate offences; their socialization, education and rehabilitation, aid and care for the juveniles and protection in the court procedures and other institutions for their rights guaranteed by the Constitution of the Republic of Macedonia, the Convention of the Children Rights and other international documents and standards for the state of the juveniles in the justice system ratified by the Republic of Macedonia.

3. Basic Principles

Article 3

No sanction may be imposed against a juvenile for an act which took place before it had been defined by this or by any other law as a criminal act or a misdemeanor and for which no sanction had been prescribed by law.

Article 4

In the course of informal treatment of the juvenile by the competent institutions, as well as during the court procedure, the juvenile shall be guaranteed all the rights given to adults accused in a criminal or misdemeanor procedure, as well as the special rights recognized by the Convention for Rights of the Child and other international acts and agreements in all the phases of the procedure and in sentencing and execution of any sanction or measure determined by this law.

Article 5

The enforcement of measures and sanctions determined by this Law and the treatment of the juvenile is subordinated to the interest of the juvenile in terms of his protection, education, rehabilitation and adequate development.

Article 6

The enforcement of measures, sanctions and procedures determined by this Law may include cancellation or limitation of certain rights only to the extent corresponding to the achieved degree of development of his personality and his need of elimination of the circumstances influencing the perpetration of criminal acts and misdemeanors.

Article 7

The measures and sanctions set out by this Law shall always give priority to the preventive, protective and educational measures.

The sanctions which include imprisonment of the juvenile shall be applied in exceptional cases only, as a measure of last resort, provided that the aim of the sanction can not be satisfied otherwise.

Article 8

The measure and sanction imposed to the juvenile should be adequate to his personality, severity of the act, which by the law is defined as a criminal act or misdemeanour and the consequences of the act, call for the need of his education, rehabilitation, training and development, for the purpose of protection, of the juvenile's best interest.

Article 9

For any act of a juvenile determined as a criminal act or misdemeanor, the authorities shall not regularly initiate a court procedure in order to avoid the harmful influence on the juvenile, unless the personal character of the juvenile and the circumstances under which the act had taken place do not indicate the need of initiating a court procedure.

The court procedure shall be regularly enforced only in the cases set by this Law, where the juvenile has committed a criminal act for which imprisonment of three years or more can be imposed, or when the goal of the measures and sanctions provided by this Law can not be achieved without such procedure.

Article 10

The juvenile shall have the right of protection before the competent court against decisions delivered in an administrative procedure.

Article 11

A basic right of the juvenile is that a court competent for juvenile criminal acts shall handle the procedure and impose sanctions set in this law.

Other measures set by this Law may be imposed by other specialized bodies.

4. Meaning of the legal terms and expressions

Article 12

The terms and expressions used in this law have the following meaning:

- a **juvenile** is a person under age of 18, which according to the Convention for protection of the rights of children is considered a child;
- a **child at risk** is a juvenile who at the time of perpetration of the act determined by the Law as a criminal act or misdemeanor, is at the age of seven but has less than fourteen years; a child at risk is also considered: a drug addict, psychotropic substances and alcohol addict, a child with more serious difficulties in physical and psychological development, a child-victim of violence and a child that had been neglected in terms of education and social behavior and is in a condition in which the educational function of the family is impeded and hindered or the child is not included in the educational system or it started to beg, roam or prostitute, who, because of these conditions, is or may come in conflict with the law;
- a **younger juvenile** is a juvenile who at the time of commitment of the act which according to the law is determined as a criminal act or offence, is of the age of fourteen years, and is under the age of sixteen;
- a **younger juvenile at risk** is a person who at the time of commitment of the act which according to the law is determined as a criminal act or offence, is of the age of fourteen years, and is under the age of sixteen and is drug addict, psychotropic substances and alcohol addict, a child with more serious difficulties in physical and psychological development, a child-victim of violence and a child that had been neglected in terms of education and social behaviour and is in a condition in which the educational function of the family is impeded and hindered, who, because of these conditions, is or may come in conflict with the law;
- a **an older juvenile at risk** is a person who at the time of commitment of the act which according to the law is determined as a criminal act or offence, is of the age of sixteen years, and is under the age of eighteen;
- a **younger adult** is a person who at the time of verdict for a criminal act is at the age of eighteen years, and is under twenty one;
- **measures** are defined as **measures of aid and protection** determined by another law, which do not include cancellation or limitation of freedom and rights of the juvenile because of committed criminal act or offence, which the court and other authorities determined by this Law may be applied to the juvenile, his family and the guardian;
- **sanction** in terms of this Law is defined as a legal consequence of the criminal act and offence which includes cancellation or limitation of certain freedom and rights of the juvenile because of committed criminal act or offence, which is sentenced by a court in procedures determined by this Law;
- **competent court** is determined as a juvenile judge and council for juveniles;
- **other specialized institutions** are defined as centre for social works, public prosecution, ministry of internal affairs and institutions for execution of sanctions for juveniles;
- **family** is defined as parents or guardians of the juvenile, adult relatives of first line, brother or sister, spouse as well as other adults the juvenile live with in a household;

Part two

TRETAMENT OF JUVENILES

Chapter two Measures of aid and protection

1. Exclusion of sanctions determined by this Law

Article 13

No sanction determined by this Law may be applied to a juvenile who at the time of commitment of the act which according to the law is determined as a criminal act or offence is younger than fourteen years – child at risk.

Article 14

A child at risk shall be subject to exercising the measures of aid and protection.

Article 15

A child at risk shall be subject to exercising the measures of aid and protection only when the Centre for Social Affairs finds that the conditions of risk reflects on the development of personality of the child and its proper raising and it may be followed by commitment of criminal acts or offences in future.

Measures of paragraph 1 of this Article may be also applied to the members of the family if the had neglected or abused the conduct of their rights and responsibilities in terms of protection of personality, rights and interest of the child.

Article 16

Measures of aid and protection are measures determined by law in the field of education, health, social, family and other forms of protection.

Article 17

Measures of aid and protection determined in Article 16 may also be applied to a younger and older juvenile at risk.

2. Treatment of a child and minor juvenile at risk

Article 18

The Centre for Social Affairs (hereinafter: the Centre) that has jurisdiction over the place of residence of the juvenile shall be informed: of any act of a child which according to the law is determined as a criminal act or misdemeanor, as well as an act of a younger or older juvenile which is determined as a criminal act for which an

imprisonment sentence of more than three years prescribed, or a misdemeanor, as well as of other conditions of risk for the child or the minor juvenile.

The Centre shall act upon reporting by the police, school or other institution in which the juvenile is educated, as well as by the family, the juvenile and the damaged party or another person.

The Centre, the Ministry of Interior and the school or another institution where the juvenile is hosted are obliged to inform each other for the juvenile's behaviour as well as all other circumstances which according to the law, are considered as condition of risk.

The Centre may conclude commitment of such an act or the circumstances of the state of risk based on its findings.

The received reports shall be recorded in a separate Registry Book kept by the Centre.

The data contained in the Registry Book received by the police, school or other institution where the juvenile is hosted and is educated, or the family, juvenile, damaged or some other person shall be kept as secret in accordance to the legal provisions for protection of personal data.

The Minister of Labor and Social Policy enacts bylaws on the form and the content of the Registry Book, as well as for the manner of its update.

Article 19

Within 7 days from the receipt of the report, notification or other information, and in cases of emergency within twenty four hours, the Centre shall summon the child or the younger or older juvenile and his family and shall initiate a procedure of confidential nature for the purpose of defining the factual circumstances of the specific event or the state of risk.

The hearing is moderated by a representative of a professional team or professional team composed of a pedagogue, social worker, psychologist and a lawyer.

It is mandatory that an attorney is present at the hearing. He protects the rights and interests of the child, younger or older juvenile at risk.

The attorney is appointed by the family. If the family does not appoint an attorney, he/she is appointed ex-officio selected from a list made by the MBA. The Legal aid for the child, younger or older juvenile at risk is free.

All the participants in the procedure for treatment of a child or a younger or older juvenile at risk are obliged to keep the obtained data in accordance with the law on classified information and the legal provisions for protection of personal data.

Article 20

The attorney is obliged to provide a legal opinion for the case in written form within 7 days from the hearing with the professional team.

If the professional team does not accept the opinion of the attorney or the attorney does not give the opinion within the term prescribed in paragraph 1, the Centre is obliged within 7 days from the submission thereof to request from the competent juvenile judge to decide on further actions by the Centre.

If the attorney does not give his opinion within the term prescribed in paragraph 1, the court shall inform the Bar Association thereof.

The decision of the juvenile judge that there is no possibility for further actions by the Centre is not an obstacle that when new circumstances are determined in connection with other act which, according to the law, is determined as a criminal act or

misdemeanor or a state of risk, for continuation of implementing the measures of aid and protection of the juvenile in accordance with the provisions of article 16.

Article 21

Based on the received notifications and other data kept by the Centre, as well as the hearing with the family and the child or younger or older juvenile, the professional team mentioned in Article 19 paragraph 2 of this law, in a time frame of 30 days prepares and implements a program of measures and activities (hereinafter: the program). Other specialized authorities shall also be involved in producing and implementing the program.

Article 22

Within ten 10 days after adoption of the program, the professional treatment team, mentioned in article 19 par. 2 shall have hearing with the family the child or the juvenile lives with, in order to assure that the parents or the guardian can take care of him/her and if it is possible to eliminate the reasons for his behavior and the state of risk.

The professional team shall introduce the program to the parents or guardians, for their active participation in implementation of the measures for aid and protection and at the same time shall warn them of further consequences if they do not cooperate with the Centre. The professional team shall have meetings with the parents or guardians at least once a month.

Amendments to the program shall be made in accordance with the result of the undertaken measures or the new circumstances. The measures for aid and protection may last until the juvenile becomes eighteen years old.

The Institute for Social Activities shall supervise the implementation of the program.

Article 23

If the family of the guardian does not implement the program of the Centre, within seven days from defining such a circumstance, the Centre shall report to the competent juvenile judge who shall in three days deliver a decision on implementing the measures contained in the program giving respective instructions to the Centre.

Such a decision may be made by the judge for juveniles at proposal of the attorney of the child or the younger or older juvenile or at proposal of his family or guardian as well.

If the family does not act in accordance with the decision of the Court, measures prescribed by law shall be applied therefore.

Article 24

If the child or juvenile gained possession or caused harm to somebody by acts determined as criminal acts and offences, the Centre shall intermediate between the family or the guardian, or the minor juvenile and his family or guardian and the damaged party for the purpose of returning the possession or indemnifying the loss.

The procedure of intermediation may take at last thirty days after making the decision on introducing the mediation procedure. The consent is subject to agreement which shall have the meaning of extra-judicial settlement that may not be subject to charge.

If the intermediation is without result, the damaged party may, within thirty days from concluded failure of the mediation, submit a proposal to the juvenile judge for confiscation of property and gained possession from the person to whom the property or the gained possession had been assigned to or to submit a request for indemnity of loss. The juvenile judge shall decide upon the proposal and request applying respective provisions from the Criminal Procedure Code.

Article 25

The Centre shall keep internal records on implementing the measures of aid and protection undertaken by the Centre or the judge for juveniles, and the data from all the centres shall be submitted to a register run by the Ministry of Labor and Social Policy.

The Minister of Labor and Social Policy enacts a bylaw on the form and the content of the Registry for the implementation of the measures of protection and assistance as well as the manner for its update.

When the juvenile reaches the age of eighteen, the data from the register of the centres and the Ministry of Labor and Social Policy shall be destroyed.

The level of classification of the data for implementation of the measures of aid and protection are defined in accordance with the Law of Classified Information.

Article 26

For the purpose of implementation of the measures to a child, younger or older juvenile at risk and exercising other competencies determined by this law, the centres for social affairs form specialized departments or professional teams for juveniles.

Members of specialized departments or the expert teams for the juveniles from the paragraph 1 of this article are attending specialized training for the juvenile delinquency at least four to ten days during the year in the country and abroad.

Part three

Sanctions for criminal acts and misdemeanors

Chapter three

General rules for sanctions imposed to juveniles

1. Applicability of the general provisions for criminal acts and offences

Article 27

The provisions from the general part of the Criminal Code and the Law on Misdemeanors and other laws shall be applied for the acts which, according to the law, contain features of criminal acts or misdemeanors committed by juveniles.

The special provisions applicable for the juveniles –perpetrators of criminal acts - shall be applied under the conditions defined in the provisions of this chapter and for the adults who are on trial for criminal acts that they had committed as juveniles and as an exception for persons who had committed crime as younger adults.

2. Sanctions to juveniles and goals of sanctions

Article 28

To a younger juvenile only educational measure may be imposed for a committed criminal act.

To an older juvenile educational measure for committed criminal act may be imposed, and as an exception a sentence or an alternative measure may be imposed.

An older juvenile may be released from punishment under the general conditions defined in the Criminal Code.

A juvenile that committed a misdemeanor may be imposed misdemeanor sanctions defined by this Law.

A juvenile may be imposed safety measures under the conditions defined by the Criminal Code and this Law.

Confiscation of property and possession and things gained by criminal acts and offences committed by juveniles is exercised in accordance with the general conditions defined by the Criminal Code.

Article 29

The goal of the educational measures, punishments, alternative measures and misdemeanor sanctions is to provide protection and aid to juveniles, in order to provide their education and re-education.

The purpose of the punishment is exercising increased influence on the juveniles to prevent them and other juveniles committing crime in the future.

Article 30

The sanction sentenced to the juvenile should correspond to his personality, seriousness of the act that by law is defined as a criminal act or offence and its consequences, the need of his education, re-education, training and development, for the purpose of providing protection of the best interest of the juvenile.

When the legal conditions are fulfilled, the competent court shall impose punishment only if imposing a education or alternative measure is not justified.

A sentence including deprivation of liberty, can be impose by the competent court only when the goal of the educational measures, punishment or alternative measures can not be achieved by measures of aid and protection.

If the competent court imposes a harder sanction or a sanction including deprivation of liberty, it shall particularly explain the reasons for the sentences.

Chapter four Educational measures

1. Types of educational measures

Article 31

A juvenile who had committed a crime may be imposed the following educational measures:

- disciplinary measures: reprimand or order to visit a disciplinary centre for juveniles;

- measures of increased supervision: by the parents or the guardian; the family that takes care for the juvenile or by the centre for social work; and

- institutional measures: order to visit a educational institution or to a correctional-educational centre.

The disciplinary measures are imposed to a juvenile when there is no need of long-term measures of education, re-education and medical treatment with appropriate supervision; especially if there is no need of separation from the immediate environment.

Measures of increased supervision are imposed to a juvenile when there is a need of long-term educational measures, re-education or medical treatment, and it is not necessary to separate him/her in full from the immediate environment.

The institutional measures are sentenced to a juvenile when there is need of long-term educational measures, re-education or medical treatment and it is necessary to separate him/her in full from the immediate environment. Duration of these measures may not be longer than five years, but at least up to the age of 23.

Article 32

When deciding to impose an educational measure the court shall take into consideration the age of the juvenile, the level of his mental development, his psychological features, predispositions, motives for the act committed, his previous education, environment and living conditions, seriousness of the act, if he had previously been sentenced any educational measure or juvenile prison punishment and all other circumstances which influence on determining the type of the measure for the purpose of reaching its goal as defined by law.

Disciplinary measures

Reprimand

Article 33

Reprimand shall be sentenced when it is enough to scold the juvenile for the committed criminal act.

When sentencing a juvenile to reprimand his attention shall be drawn on the harm of his action and he shall be warned that if he repeats the criminal act once again, he may be sentenced with another sanction.

Addressing to the disciplinary centre for juveniles

Article 34

The court shall determine the measure "referral a disciplinary centre" when it is necessary with adequate short-term measures to affect on the personality and behavior of the juvenile.

The juvenile who is sentenced to this measure may be sent to a disciplinary centre:

- for certain number of hours during the day on holidays; maximum four consecutive holidays;

- for certain number of hours during the day, but at least one month; or

- uninterrupted stay of certain number of days, but not longer than twenty days.

When imposing this measure, the court shall assure by its implementation not to cause absences of the juvenile from his regular lectures or work.

The juvenile shall perform activities in the disciplinary centre that correspond to his psycho-physical condition.

When a juvenile is referred to a disciplinary centre, the court may decide that the juvenile is placed under increased supervision during the execution of this measure of the Centre, for a period not longer than six months.

Measures of increased supervision

Increased supervision by the parents or the guardian

Article 35

The court shall impose a measure of increased supervision by the parents or the guardian if the parents or the guardian omitted, but are capable to exercise supervision of the juvenile.

When the court imposes this measure it shall order the parents or the guardian certain duties in terms of the measures that should be undertaken for education of the juvenile, for his treatment and for elimination of the harm influences on him/her, and it also may give them the necessary instructions.

When imposing this measure, the court may order the Centre to check its implementation and to help the parents or the guardian. The court shall additionally decide on termination of the check so that it may not be less than one year or longer than three years.

Increased supervision by a foster family

Article 36

If the parents or the guardian of the juvenile are not able to supervise him/her or if it can not be expected from them for justified reasons, the juvenile shall be given to a foster family, which would like to accept him/her, and which would be able to make increased supervision of him/her.

Execution of this measure shall be terminated when the parents or the guardian get the possibility to make increased supervision of him/her or when according to the results of education and re-education the need of increased supervision stops to exist.

When imposing this measure, the court shall order the Centre to check the implementation thereof and to help the family the juvenile had been given to.

Article 37

If the parents or the guardian are not able to exercise increased supervision of the juvenile, and there are not conditions to give the juvenile to another family to exercise such supervision, the juvenile shall be put under supervision of the Centre.

The court shall additionally decide on termination of the measure, and its duration may not be less than one year and longer than three years. During the period of exercising the measure the juvenile shall keep on living with his parents or other persons who support him/her, and the increased supervision is made by the Centre.

If the juvenile can not stay in the family he had lived with, the centre shall put him/her in an educational institution and shall take care for his education or employment, for separation from the environment that had had harmful influence on him/her, for the necessary treatment and for improvement of the living conditions.

Special obligations towards the measure of increased supervision

Article 38

When imposing the educational measures of increased supervision, the court may set one or more special obligations to the juvenile if it is necessary for more successful execution of the sentenced measure.

The court may determine the following obligations to the juvenile:

- to apologize to the harmed individual in person;
- to mend or compensate the loss caused by the criminal act;
- to go to school regularly;
- to visit work regularly;
- to receive vocational training for a job that corresponds to his abilities, predispositions and physical strength;
- to accept work;
- prohibition for use of alcohol beverages, drug and other psychotropic substances;
- to go to adequate health institution or counseling service;
- to spend the spare time qualitatively;
- not to contact the persons having harm influence on his personality;
- to attend training, become professionally qualified or re-qualified for the purpose of keeping the post held or to create conditions for employment; and
- to allow inspection and accept advice in terms of allocation and spending of salary and other income realized;
- to get involved in the work of a humanitarian organization, communal, environment or non-government organization;
- to get involved in a sport, cultural organization or association with an obligation to attend the rehearsals and trainings.

The court may, at request of the centre for social work, to change or cancel the special obligations it had set.

When setting the obligations of paragraph 2, the court shall particularly point out to the juvenile and his parents, foster parent, guardian, that if the juvenile does not fulfill the obligations, the measures may be replaced by sending the juvenile to a disciplinary centre or institutional measure.

The Centre shall exercise permanent supervision and help the juvenile in fulfilling certain obligations, cooperate with the parents or the guardian and shall report to the court at least once in six months for the results from the accomplishment of the special obligations.

Institutional measures

Referring to an educational institution

Article 39

The court may send the juvenile to an educational institution who should be under permanent supervision of professionals (educated pedagogues) for the purpose of education, re-education and proper development.

The juvenile shall stay in the educational institution at least six months and at most three years. When sentencing this measure, the court does not determine its duration, but it is subject to additional decision-making (article 41, par. 2).

Referral to and educational-correctional home

Article 40

The court may send the juvenile to whom long-term and enforced educational and re-educational measures should be applied and who should be completely separated from his previous environment, to a disciplinary centre.

When deciding whether to impose this measure or not, the court shall particularly take into account the seriousness and nature of the committed act and the circumstances if the juvenile had previously been imposed educational measures or juvenile imprisonment.

The juvenile shall stay at the disciplinary centre at least one year and at most five years up to the age of 23. When imposing this measure, the court does not determine its duration, but it is subject to additional decision-making.

The court reconsiders the need of stay in a disciplinary centre each year.

2. Stopping the enforcement, amendment and re-deciding on educational measures

Article 41

The enforcement of an imposed measure of increased supervision or an institutional measure may be stopped or changed with another measure of increased supervision or institutional measure when after the initial decision circumstances that have not existed at the time or were not known have appeared; and those are of influence to the decision.

Out of cases of paragraph 1, unless otherwise provided for certain measures, execution of the measure of increased supervision or institutional measure, taking into consideration the results achieved from education and re-education, may be stopped, and may be replaced by another measure, with the following limitations;

- the measure for referral to an educational institution may not be stopped before expiry of the term of six months, and by the expiry of this term it may be replaced by sending the juvenile to a educational-correctional home; and

- the measure of referring the juvenile to a disciplinary centre may not be stopped before expiry of the term of one year.

Re – deciding on educational measures

Article 42

If the final decision imposing the measure of increased supervision or institutional measure is delivered more than a year, and the enforcement is not commenced, the court shall again decide on the need of its enforcement. The court may decide for the previously sentenced measure to be enforced, not to be enforced or to be replaced by another measure.

The measure for sending the juvenile to a disciplinary centre for juveniles shall not be executed if the enforcement of the decision sentencing this measure is older than six months, and the enforcement is not commenced.

Chapter five
Punishing juveniles

1. Types of penalties for older juveniles

Article 43

Only a criminally accountable older juvenile may be punished if due to the serious consequences from the criminal act and the high level of criminal accountability it would not be justified to impose an educational measure.

Pursuant to the conditions set out by this Law, a juvenile may be sentenced the following penalties:

- juvenile imprisonment;
- fine;
- disqualification from driving a motor vehicle from a specific category;
- deportation of a foreigner out of the country.

The juvenile prison may be sentenced only as a main sentence.

Fine may be sentenced as a main sentence. By exception, for criminal acts committed for cupidity, the fine may be sentenced as an additional sentence along with the juvenile imprisonment or as probationary sentence with increased supervision in case of sentence of juvenile imprisonment.

The disqualification from driving and deportation of a foreigner out of the country may be sentenced as main penalties or as additional penalties with a fine.

1.1. Juvenile imprisonment

Article 44

Juvenile imprisonment may be sentenced a criminally accountable older juvenile who had committed a criminal act which is subject to the sentence of four year imprisonment or higher, if the act had been committed under particularly aggravating circumstances and at high level of criminal accountability of the perpetrator.

The juvenile imprisonment may not be shorter than one or longer than ten years, and it is sentenced for full years or for a half year.

When determining the sentence for an older juvenile for a criminal act, the court may not sentence a juvenile imprisonment longer than a half of the prescribed

imprisonment for that act, however, the least prescribed measure for that act is not binding for the court.

Determining the sentence juvenile prison

Article 45

When determining the sentence juvenile prison, the court shall take into account all the circumstances that have influence on whether the punishment should be lighter or heavier, set out in the Criminal Code, especially taking care of the level of the mental development of the juvenile and the time needed for his education, re-education and professional training.

Article 46

The juvenile that is serving the sentence of juvenile imprisonment may be released on probation if he had served at least one third of the sentence, but not before six months of the sentence, if the re-education is successful.

During the probation period the court shall impose to the juvenile the measure of increased supervision by the Centre, for certain period of time which may be shorter or longer than the remaining sentence. The court may extend the duration of the increased supervision up to one year after the duration of the sentence, but at most up to the age of twenty one of the convicted.

The court shall revoke the probation leave if the convicted juvenile does not fulfill the obligations provided by the increased supervision or if during the probation leave, the juvenile commits one or more criminal acts for which the court sentenced over two years of juvenile imprisonment. If the juvenile committed a criminal act for which he had been sentenced to juvenile prison up to two years or a fine, the court may revoke the probation, taking into consideration the similarity of the committed criminal acts, their meaning, motives for committing them and other circumstances indicating the justifiability for revoking the probation leave.

When the court revokes the probation, it shall impose a sentence applying the provisions of article 53 of this law, taking the previous sentence as already declared.

When the court does not revoke the probation leave, it shall be extended for the time spent by the juvenile in prison.

3. Fines

Article 47

A fine may be imposed for a criminal act to a criminally accountable older juvenile who, for cupidity motive, had committed a criminal act subject to imprisonment of at least three years.

The fine is sentenced in daily fines. The number of the daily fines may not be lower than one or higher than 120 fines.

In terms of determining and enforcing the fines, the provisions from the Criminal Code shall be applied accordingly.

Article 48

Any unpaid fine may be replaced by the measure of community work. One daily fine shall be replaced by three working hours of community work, whereas the total number of the community work may not be higher than 100 hours.

The unpaid fine and non-accomplished or partly accomplished community work as its replacement may be replaced by the court by the discipline measure of referring the juvenile to a disciplinary centre or the measure of increased supervision.

1.3. Prohibition to drive a motor vehicle and deportation of a foreigner out of the country

Article 49

The prohibition for driving a motor vehicle and deportation of a foreigner out of the country is imposed according to the conditions set out in the Criminal Code.

2. Release from sentencing

Article 50

When, according to the general provisions of the Criminal Code, the court pronounces the juvenile guilty and releases him/her from sentence, it may impose an educational measure.

3. Imposing penalties and educational measures for criminal acts in stack

Article 51

For criminal acts in stack the court shall impose a juvenile only one educational measure or only juvenile imprisonment sentence or fine when there are legal conditions for imposing such a sentence and when the court finds it necessary to be imposed.

The court shall also act in accordance with paragraph 1 when after the imposed educational measure or juvenile imprisonment or fine, it finds that the juvenile before or after the sentencing had committed a criminal act.

If an older juvenile commits several criminal acts in stack, and the court finds that it is necessary to impose a juvenile imprisonment sentence or fine, the highest sentence shall be determined within the legal framework.

The court shall act in accordance with paragraph 3 and if, after the imposed sentence it finds that the juvenile before or after the sentencing had committed a criminal act.

4. Effect of the juvenile imprisonment on the educational measures.

Article 52

If, during the educational measure is implemented, the court imposes a juvenile imprisonment sentence, the educational measure shall be stopped with the commencement of this sentence.

If in the time of duration of the educational measure the court sentences a younger adult a juvenile imprisonment sentence or imprisonment of at least one year, the educational measure shall stop with the commencement of the imprisonment sentence. If the imprisonment is of a shorter period of time than the educational measure, the court shall decide whether, after the served sentence period, educational measure will continue or it shall be terminated.

Chapter six

Alternative measures

1. Types of alternative measures and their goal

Article 53

A criminally accountable older juvenile may be sentenced the following alternative measures for a committed criminal act:

- probation with protective supervision;
- probationary termination of procedure a procedure against the juvenile; and
- community work

The provisions of the Criminal Code for alternative measures shall also refer to an older juvenile, unless otherwise provided by this Law.

Article 54

The goal of the alternative measures is to avoid to apply sentence to a criminally accountable juvenile if it is not necessary to prevent committing criminal acts and when it may be expected that warning with threaten for sentence and exercising the measures of aid, protection and supervision at freedom shall influence on his education, re-education and adequate development.

2. Special conditions for sentencing the alternative measures

Article 55

The probation judgment with protective supervision may be sentenced when a juvenile is imposed a juvenile imprisonment sentence for the period of three years or a fine.

If the juvenile is determined both juvenile imprisonment sentence and a fine, the court may sentence probation for both penalties or only for the juvenile imprisonment sentence.

The time for check is determined by the court in duration which may not be under one year or longer more than three years.

The protective supervision is consisted of one ore more obligations set out in article 38 of this Law the juvenile is obliged to adhere to in the course of the check.

Aid and care, supervision and protection in fulfilling the obligations by the juvenile is provided by the Centre, which is obliged to encourage the juvenile with practical advice and to help him/her in their realization, to cooperate with parents, foster parent or

guardian and from time to time, and at least once in three months, to report to the court for the states regarding fulfillment of the given obligations.

The court shall revoke the probation judgment with protective supervision if the juvenile during the check does not abide by the provisions set in Article 38 of this law or commits one or more criminal acts, which are subject to prescribed juvenile imprisonment sentence for more three years, or if, after the sentencing of the probation judgment with protective supervision it finds that the juvenile had committed criminal act before the probation judgment is delivered and that a punishment is necessary for the previously committed criminal acts.

Article 56

The court may conditionally terminate the procedure against a juvenile for criminal act which is subject to prescribed fine or imprisonment up to five years, if the juvenile expressed remorse for the committed act, eliminated the consequences from the act, indemnified the loss and conciliate with the damaged party, who agrees with termination of the procedure, provided that within two years the juvenile shall not commit another criminal act.

Article 57

The court may impose the measure of community work in duration from five to one hundred hours when to a criminally accountable older juvenile who had committed a criminal act which is subject to prescribed fine or imprisonment up to three years, when it is necessary by this measure to make educational effect on the personality and behavior of the juvenile.

The Centre supervises the fulfillment of the working obligations of the juvenile, and it is obliged at least once a month to report on the implementation of the measure to the court.

If the juvenile does not fulfill or improperly fulfills the imposed working obligations, the court shall replace this measure with the measure of sending to a disciplinary centre or by the measure of increased supervision, under the conditions provided, taking into consideration the part of the obligations which had already been fulfilled.

Chapter seven Implementation of safety measures

Article 58

According to the conditions provided by the Criminal Code against a juvenile the educational measures or sentence may be followed by the safety measure of mandatory psychiatric treatment and custody in a health institution or mandatory psychiatric treatment out of custody or mandatory treatment of alcohol and drug addicts.

According to the conditions provided by the Criminal Code an incalculable juvenile may be sentenced the safety measure of mandatory psychiatric treatment and custody in a health institution or mandatory psychiatric treatment out of custody.

The measure of mandatory treatment of alcohol and drug addicts may be sentenced without sentencing an educational measure or sentence.

When the measure of paragraph three is imposed along with an educational measure or sentence it shall be enforced in a specialized department of that institution.

Chapter eight

Sanction for misdemeanors

Article 59

For committed misdemeanor a juvenile may be imposed the following:

- discipline measure - reprimand; or
- measure of increased supervision by the parents or legal guardian
- measure of increased supervision by the Centre.

The educational measures imposed for a misdemeanor are subject to the provisions for educational measures of this Law. The measure of increased supervision may not be sentenced for a period shorter than thirty days or longer than one year, and the court may determine mandatory treatment of alcohol and drug addicts with the increased supervision and other obligations provided in Article 38 of this law.

An older juvenile may be imposed an educational measure of paragraph 1 for a misdemeanor, and as exception – a fine and deportation of a foreigner out of the country to a criminally accountable older juvenile.

Fines (daily fines)

Article 60

To an older juvenile, in exception it can be determined fine for misdemeanor under the conditions determined by the Law on Misdemeanors.

The fine for a misdemeanour shall be determined in the amount that may not be under 15 EUR in MKD counter value, or higher than 800 EUR, in MKD counter value.

The misdemeanor committed for cupidity may be fined by the court up to the double amount or proportionally to the possession taken, but at most up to ten times of the amount of the fine set out in paragraph 2 of this Article.

If the juvenile does not pay the fine within the set timeframe, the court may replace it by community service, so that the amount of 15 EUR in MKD counter value shall be replaced by three hours community service, so that the total number of hours of community service will not exceed the amount of forty hours; or to sentence the educational measure of increased supervision.

Along with the fine, as an additional sanction, the court may sentence the juvenile being a foreigner deportation out of the country, under the conditions defined by the Law on Misdemeanor.

Article 61

A juvenile who is imposed an educational measure or a fine for a committed misdemeanor, may also be imposed the sanction of mandatory treatment of alcohol and drug addicts, under the conditions provided in the Law on Misdemeanor.

Chapter nine

Imposing sanctions for criminal acts to adults for acts they committed as juveniles

1. Sanctions for adults who had committed criminal acts as juveniles

Article 62

An adult who is at the age of twenty one may not be subject to trial for a criminal act that he had committed as a minor juvenile.

If an adult has less than twenty one years he/she may be subject to trial only for criminal acts committed as a younger juvenile, which are subject to prescribed sentence of more than five years imprisonment. The court may sentence only adequate measure of increased supervision or institutional educational measure to this person. When deciding on whether to impose this measure or not, the court shall take into consideration all the circumstances of the case, especially the seriousness of the committed act, the time passed from commitment, behavior of the perpetrator and the goal of this educational measure.

An adult who had committed a criminal act as an older minor juvenile may be sentenced adequate institutional educational measure, sentence or alternative measure. When deciding on whether to sentence this measure or not, the court shall take into consideration all the circumstances of the case, especially the seriousness of the committed act, the time passed from commitment, behavior of the perpetrator and the goal to be achieved by these sanctions.

As an exception from the provision of paragraph 3, the court may sentence imprisonment or probation instead of juvenile imprisonment to an adult who will make twenty one during the trial. The imprisonment sentence imposed in such cases, in terms of rehabilitation, deleting the verdict and its legal consequences has the same effect as the juvenile imprisonment sentence.

2. Imposing educational measures to younger adults

Article 63

The court may sentence adequate measure of increased supervision or institutional measure to a perpetrator who had committed a criminal act as an adult, and at the time of trial is under the age of twenty one, if taking into consideration his personality and circumstances of the committed crime, it can be expected that the educational measure shall achieve the goal that is expected by imposing the sentence.

A younger adult who is imposed educational measure by the court, may also be also imposed a safety measure, in accordance with the conditions provided by this Law.

The educational measure sentenced may last up to the age of twenty three years of the perpetrator.

Chapter ten

Effect from sanctions for juveniles, rehabilitation and statute of limitations

1. Effect from sanctions for juveniles

Article 64

Sanctions from criminal acts and offence sanctions sentenced to a juvenile or to a younger adult (article 62 and 63) do not involve legal consequences in prohibition of gaining certain rights.

2. Records of sentenced sanctions for criminal acts and offence sanctions

Article 65

Records of sanctions for criminal acts and offence sanctions sentenced to a juvenile or younger adult as of article 62 and 63 are kept by the court competent in accordance with the place of birth.

The competent court of paragraph 1 is obliged, by the fifth day of the month, to submit information on the imposed sanctions for the previous month on a juvenile and a younger adult for criminal acts and misdemeanors to the Basic Court Skopje 1 which keeps the Unique Register for the Republic of Macedonia.

In the Unique Register is entered data received by the competent court from par. 1 of this article for the imposed sanctions for the criminal acts and offence sanctions for juvenile and younger adult born abroad or with unknown place of birth.

Data on the sentenced sanctions may be disclosed only to the court, the public prosecutor and the institutions working with protection of juveniles, regarding a new procedure against the juvenile or the younger adult for the committed criminal act or offence.

Article 66

The data on the given discipline measures, measures of increased supervision and offence sanctions shall be deleted from the records one year after they were executed, if the juvenile or the younger adult during this time does not commit a new criminal act or offence.

The data on the probation judgment with protective supervision shall be deleted from records after expiry of the time to confirm, if the juvenile or the younger adult does not commit a new criminal act or offence during that period.

The data on the sentenced institutional measures, fine and alternative measures shall be deleted from records after two years from their execution, if the juvenile or the younger adult does not commit a new criminal act or offence during that period.

The data on the given juvenile imprisonment sentence shall be deleted from records five years after the date when the prison sentence was served, made obsolete, or forgiven, if the juvenile or the younger adult does not commit a new criminal act during that period.

When the conditions set out in paragraph 1 to 4 are fulfilled, the data on the sentenced sanctions shall be deleted from the records, and all the documents are cancelled ex officio.

3. Obsolescence of execution of sanctions

Article 67

The sentence of juvenile imprisonment may not be executed after:

- ten years from the judgment for juvenile imprisonment for over five years;
- five years from the judgment for juvenile imprisonment for over three years; and
- three years from the judgment for juvenile imprisonment of up to three years;

A fine may not be executed before two years have passed after the judgment for fine.

The penalties disqualification from driving and banishment of a foreigner of the country becomes obsolete when the time they are given for has elapsed, and if the banishment is given for ever, – after five years have passed from sentencing thereof.

Exercising the measure of generally useful work, safety measures and offence sanctions shall become obsolete if from the day when the decision on sentencing has become valid, one year has passed.

Part four PROCEDURE AGAINST JUVENILES

Chapter eleven Procedure for intermediation and reconciliation

1. Conditions for initiating a procedure for intermediation and reconciliation

Article 68

Following charges against a juvenile who committed a criminal act for which foreseen is a fine or imprisonment up to five years, the competent public prosecutor may:

- not initiate a procedure before the court although there are evidences that criminal act was perpetrated if he/she finds that running a procedure is not appropriate having in regards to the nature of the criminal act and circumstances under which it was perpetrated, previous life of the juvenile and its personal features, as well as when the execution of the sentence or correctional measure is ongoing;

- probationary postpone the initiation of the procedure before the court for the period of 6 months provided that he/she does not commit another criminal act in that term and indemnify the loss or otherwise recover the harm consequences caused by the commitment of the crime;

- not initiate a procedure if based on the report from the centre for social work the prosecutor finds that there is an agreement reached between the juvenile and his family and the damaged party for returning the possession, indemnity of the loss or recovery of the harmful consequences from the crime; or

- propose the court to determine for the juvenile the measure of generally useful work up to 30 hours.

Decisions from paragraph 1 may be made by the public prosecutor when he/she finds that the case is clear and there is an agreement reached with the juvenile and his legal proxy, the defender and damaged party, upon previously received report from the centre for social work.

The public prosecutor shall invite the persons from paragraph 2 with a notice to appear for verification of the agreement. Upon properly delivered notice to appear, their non-appearance shall be considered as a disagreement.

The centre for social work is obliged at request from the public prosecutor within one month to send him/her a report in which, apart from the other circumstances referring to the personality of the juvenile and his behaviour, it should contain opinion and proposal in terms of making a decision from paragraph 1 of this article.

Prior to making the decision the public prosecutor may request a special report from the police for the circumstances under which the criminal act was committed.

The procedure of intermediation and reconciliation is excluded if the criminal act resulted in death of some person.

Article 69

The decision in the procedure of intermediation and reconciliation of article 68 may also be made by the court during the court procedure.

If the public prosecutor has proposed the measure of generally useful work up to 30 hours and the court does not accept it, it should particularly explain the reasons for non-acceptance.

Article 70

The decision as of article 68 of this Law shall have a form of decision. The participants who had given their consent for the decision shall be considered that have relinquished to appeal the decision.

The decision on probationary postpone of the procedure made by the public prosecutor or the court shall be recorded in their records and shall be deleted from the records upon expiry of the time of postponement.

2. Procedure of intermediation with juvenile offenders

Article 71

In a misdemeanour procedure against a juvenile, the provisions for the procedure of intermediation with juvenile perpetrators shall be applied appropriately.

Chapter twelve

Procedure of mediation

Conditions for mediation

Article 72

After a criminal charge for an act which is, according to the law, considered as a misdemeanour or a criminal act or which is subject to imprisonment up to five years, the competent public prosecutor may, after a prior written consent given by the juvenile and his legal proxy, the defender and damaged party, to direct the parties to a mediation procedure.

In case when court procedure is initiated, the competent court for juveniles for the purpose of appropriate execution, and upon prior written consent of the juvenile and his legal proxy, the defender and damaged party, may, before completion of the main trial, terminate the procedure with a decision and to recommend a mediation procedure.

The parties are obliged to send written consent to the public prosecutor or to the court for juveniles within 3 days from the date of the consent declared. If, within then term set, the parties do not present written consent, it shall be considered that the proposal for mediation is not accepted.

Choosing a mediator

Article 73

Within 3 days from the presented written consent, the parties shall mutually choose a mediator from the list of mediators in the competent court for juveniles and shall inform the public prosecutor or the court for juveniles.

If the parties can not reach an agreement, the public prosecutor or the court shall be obliged to select a mediator from the list of mediators in the competent court for juveniles within 3 days and notify the parties thereof.

Duration of the mediation procedure

Article 74

The term for completion of the mediation procedure is 45 days from the date of delivery of the written consent to the competent authority. If within this term the mediation procedure is not completed, the case shall be returned to the public prosecutor, i.e. the court procedure shall be continued.

Mediator

Article 75

A mediator is an individual providing help for the parties to reach agreement, without right to impose settlement of the dispute, in accordance with the principles of mediation laid down in the Mediation Law.

A mediator may be: a graduated lawyer (lawyer - specialist), social worker, pedagogue, psychologist or a person from another profession that works and is experienced in solving the problems of juveniles: who had completed training for mediators and fulfils the following conditions:

- 1) has a diploma for completed adequate university education;
- 2) has at least five years working experience with juveniles;
- 3) has no ban sentenced for exercising a profession, job or duty;
- 4) has a certificate issued by the Chamber of Mediators for completed training for mediators according to the Program for training of mediators passed by the Minister of Justice; and
- 5) is registered in the directory of mediators.

Conduct of the mediation procedure

Article 76

Subject to agreement with the parties, the mediator shall set the timetable of mediation.

Presence of the parties in the mediation procedure is mandatory.

Before commencement of the mediation procedure, the mediator is obliged to introduce the principles and rules of the procedure to the parties.

During the conduct of the mediation procedure, the mediator shall adhere to the principles of mediation, taking into consideration all the circumstances of the case, interests of the parties and the need of quick and permanent settlement of the case.

The mediator shall communicate with both parties at the same time or separately.

The information that is received by the mediator from any of the parties in the procedure may be disclosed to the other party, unless the information is determined as confidential by the party.

The parties and the mediator may at any time during the procedure give their proposals for successful settlement of the case. Each party shall be given a possibility to express opinion under the proposals.

Completion of the mediation procedure

Article 77

The mediation procedure is completed:

- when written agreement is signed by the mediator and the parties on the agreement reached for indemnity of the material loss and moral satisfaction;
- with written statement of the mediator, after consultations are made with the parties, that further attempts for mediation are not justified, on the day when the statement is submitted;
- when the term set for completion of the mediation procedure has expired.

The parties may at any time withdraw from the mediation procedure without giving reasons therefore. The withdrawal shall be considered from the day when the statement for withdrawal has been submitted.

The mediator may stop the mediation procedure if he/she finds that an agreement is reached that is illegal or inadequate for execution.

The signed written agreement shall be confirmed by the public prosecutor or the court with a decision by which is simultaneously concluded that the procedure is terminated.

If the public prosecutor or the court does not accept the agreement when it finds that the legal requirements had not been satisfied for mediation or its goals, the procedure shall continue.

Article 78

The provisions from the Law on Mediation shall be used accordingly in the procedure for mediation which is conducted in accordance to this Law.

Chapter thirteen

Judicial procedure for juveniles

1. General provisions

Article 79

Unless otherwise prescribed by this Law, the procedures against a juvenile for actions defined by the law as criminal acts or offences shall be carried out in conformity with the provisions of the Criminal Procedure Code on: basic principles, language, local competence, consequences from incompetence and conflict of competences, challenge, plaintiff, defender, deliveries, records, terms, restitutions, costs, property-legal request, decision-making and notification of the decisions, submission of documents, summoning, apprehension, detention of persons, bail and depriving passport of non-residents, hearing of witnesses, inspection, expertise, searching premises and persons, regular and extraordinary legal remedies.

The provisions of this Law shall also be applied towards persons who have committed criminal act as juveniles, and during the initiation of procedure or the trial have not reached the age of 21, as well as in the procedure against younger adult person who has not reach the age of 21 if until the beginning of the main trial it is determined that the person may be declared sanctions for juveniles.

Article 80

When in the course of procedure it is defined that at the time of committing the criminal act the juvenile has not reached 14 years of age, the procedure shall be ceased and the centre for social work shall be notified thereof accordingly, which shall further act in accordance with the articles 18-26 of this Law.

Article 81

The juvenile who is charged for a criminal act or a misdemeanour shall have the right of fair trial within reasonable time before independent and impartial court constituted according to the law, with all the guarantees on the rights the defendant has in the criminal or misdemeanour procedure, according to the Low on Criminal Procedure, the Law on Misdemeanours and this Law.

The procedure against the juveniles is urgent and it may not last longer than one year, except for criminal acts for which sentence imprisonment of 4 years is prescribed, when the procedure may not last longer than 2 years, or for a misdemeanour – not longer than six months.

When the juvenile is not available, the terms of paragraph 2 shall keep on running for the time when the juvenile was not accessible.

Upon expiry of the term of paragraph 2, the procedure shall be stopped ex officio, except when the legal conditions for termination of the procedure have been fulfilled.

Article 82

In the procedure for criminal acts, the authorised prosecutor shall be the public prosecutor only.

Article 83

The juvenile who is charged for a criminal act shall have the right to defender at all stages of the procedures. The defender shall be appointed by the court ex officio from amongst the lawyers, if the juvenile or his/her legal representative have not engaged an attorney, and in the cases when the juvenile and its family prove that they are unable to pay the costs for the attorney, the defence costs shall be on the account of the court budget.

The juvenile may, in a criminal procedures, be defended by an attorney from the rank of lawyers and also if the juvenile judge finds it necessary.

Article 84

The Court and the other bodies participating in the procedures are obliged to provide protection of the privacy rights of the juvenile and his/her family.

The public shall always be excluded when a juvenile is being tried.

Article 85

The defender must be present in the course of the whole procedures. The juvenile may be examined only in the presence of his/her defender.

The juvenile's parents may be present at all actions in the course of the whole procedures, except if the court finds that such examination may have harmful consequences on his/her development.

The damaged party and its attorney may be present during all actions in the course of the procedures, except when the court finds that their presence may have harmful impact on the juvenile.

The court may, at the main trial, allow presence of persons engaged in protection and education of juveniles or in suppression of juvenile crime, persons engaged in protection of the children rights with the public prosecutor, kin to the juvenile, representatives from organizations engaged in protection of the children rights, as well as scientific workers.

Article 86

The juvenile may not be judged in absentia. While presenting certain evidences or involved parties' statements, the court may order removal of the juvenile from the hearing.

When undertaking activities where the juvenile is present, and especially during juvenile's hearing, the authorities that participate in the procedures are obliged to act in a prudent manner, taking care of juvenile's mental development, sensibility and personal characteristics of the juvenile, in order to avoid any harmful consequences in the juvenile development by the course of the procedures.

At the same time, these authorities shall, by any appropriate measures, prevent any undisciplined behaviour of the juvenile.

The court may, after having received opinion from the expert team from the Centre for Social Work, decide not to examine the juvenile if it is assessed that it may have harmful consequences on his/her development.

Article 87

No one may be released from the obligation to testify for the circumstances required for assessment of the juvenile mental development, for understanding of his/her personality and of the conditions he/she lives in.

Article 88

If, when committing the criminal act or offence the juvenile participated together with an adult person, the procedures against the juvenile shall be carried out separately and in accordance with the provisions of this Chapter.

The procedures against the juvenile may be joined with the procedures against the adult person and to be carried out in accordance with the general provisions of the Criminal Procedure Code only if the joining of the procedures is essential for comprehensive clarification of the issues. The decision therefore shall be made by the juvenile court, upon explained proposal by the public prosecutor. No appeal shall be allowed against this decision.

When single procedures is carried out for a juvenile and adult perpetrators, the provisions of this Law shall be applied with regard to the juvenile, when clarification of the issues related to the juvenile are subject of the main trial, unless their implementation is to the contrary of conducting the joined procedures.

Article 89

When a person has committed some criminal act as a juvenile and other as an adult, a single procedure shall be conducted in accordance with the Criminal Procedure Code before the council which is trying adults.

Article 90

In the course of the procedures against juveniles, the centre for social work has the right to be acquainted with the course of the procedures, in the course of the procedures to submit proposals and indicate the facts that refer to the personality and the conditions in which the juvenile lives and develops, which are essential for making fair decision.

The authority authorised for instituting criminal procedures shall notify the competent centre for social work about each procedure initiated against a juvenile.

Article 91

The juvenile shall be summoned through the parents, or the legal representative, unless it is not possible due to the need for urgent acting or other circumstances.

The parent, legal representative, or the guardianship authority shall be, obligatorily and immediately but not latter than two hours, notified of the juvenile detainment.

The delivery of the decisions and other documents to the juvenile shall be carried out in accordance with the provisions of the Criminal Procedure Code and the Law on Offences, but writs shall not be delivered to the juvenile by displaying them on the information board at the court.

Article 92

Neither the course of the procedures nor the decision made in that procedures may be announced without prior approval of the court.

May be announced only that part of the procedures or that part of the decision for which there is an approval obtained, but in that case, the name or any other data that may lead to a conclusion which juvenile is in question, must not be stated.

Article 93

The authorities participating in the procedures against the juvenile, as well as other authorities and institutions who are requested to provide notifications, reports or opinions, are obliged to provide them in shortest time possible, but not later than twenty days.

2. Competent court

Article 94

Specialized court departments for juvenile crime established in the basic courts with wider competence are comprised of judges for juveniles, councils for juveniles and council for juveniles.

The judge for juveniles shall carry out preliminary procedure, make decisions in accordance with article 71 of this Law, preside with the council for juveniles and carry out other activities defined by this Law.

The judge for juveniles, public prosecutor, attorney, and authorised officials of the Ministry of Interior are obliged to attend specialised training on juvenile delinquency in the country or abroad for at least four to ten days during the year.

Article 95

The council for juveniles, within the basic court, is comprised of a judge for juveniles and two lay judges. The judge for juveniles shall be president of the council.

The lay judges shall be elected from the rank of the persons having certain experience in education and training young people.

The council for juveniles within the basic court shall make decisions of first instance in the criminal acts procedures and shall decide upon the decisions of the public prosecutor in the cases prescribed by this Law.

The council for juveniles within the appellate court, comprised of a judge for juveniles and two judges, shall decide upon the appeals against the decisions of the council for juveniles of the basic court, as well as in other cases prescribed by this Law.

Article 96

Council for juveniles shall be established in the Supreme Court of the Republic of Macedonia comprised of five judges.

The council for juveniles shall decide upon regular and extraordinary legal remedies prescribed by this Law and shall monitor and work on the courts' practice in this sphere, and prepare analyses.

Article 97

In specialised court departments for juvenile crime, created within the basic courts of wider competence, the president of the court shall appoint at least one social worker, pedagogue and psychologist from the list determined by the centre.

The decision on the number and working tasks of the officers for carrying out professional operations of paragraph 1 shall be made by the President of the court.

The legal assistants from paragraph 1 of this article shall provide assistance to the juvenile judge and the council for juveniles in carrying out the preliminary procedure and trial, give professional opinion in regards to the court's decision and the sanction that is to be sentenced in the actual case, provide assistance to the court in the supervision on the implementation of the sanctions pronounced and propose termination of the implementation or replacement of one sanction with another.

Article 98

The procedures against the juvenile shall, as a rule, be under the competence of the court competent for the area of his/her residence, and if the juvenile does not have permanent residence or it is unknown – the court competent for the area of juvenile's current residence.

The procedures may be carried out before the court at the current juvenile's residence or before the court at the place where the criminal act or offence had been committed, in cases when it is obvious that the procedures before that court shall be carried out without any delay.

Chapter fourteen **Procedures against juveniles for criminal acts committed**

1. Initiating procedure

Article 99

The procedure for criminal act against a juvenile shall be initiated only upon request of the public prosecutor.

For the criminal acts that are prosecuted upon proposal or private charge, the procedures may, if the damaged party is employed, be initiated within three months from the commitment of the crime, or the perpetrator has submitted proposal for initiation of procedure to the competent public prosecutor or the Ministry of Internal Affairs.

If the public prosecutor does submit request for initiation of procedure against the juvenile, the damaged party shall be notified thereof. The damaged party may not take over the procedures or submit private charge to the court but may, within eight days from the date of receipt of the notification from the public prosecutor, require from the council for juveniles of the competent court to make decision on initiation of procedure.

Article 100

Apart from relinquishing from initiating procedure, in accordance with article 68 of this Law, for criminal acts for which imprisonment sentence up to five years has been prescribed, the public prosecutor may, within 15 days, decide not to require initiation of procedure although there is an evidence that the juvenile has committed the criminal act, if it is found inappropriate to conduct a procedure having in mind the nature of the criminal act and the circumstances in which the criminal act has been committed, juvenile's life experience and personality.

In order to determine the circumstances of paragraph 1, the public prosecutor may require information from the parents or the juvenile's guardian, from other persons and institutions, and, when necessary, it may summon these persons and the juvenile at the public prosecutor office for the purpose of obtaining direct information thereof. The public prosecutor may require an opinion from the centre for social work on the appropriateness for initiating procedure against the juvenile.

If the personal characteristics of the juvenile have to be examined for the purpose of making the decision of paragraph 1 of this article, the public prosecutor may, in agreement with the centre for social work, send the juvenile to a shelter facility or an institution for examination and education, for a period not longer than one month.

While executing the sentence or other sanction, the public prosecutor may decide not to require initiation of procedure for other juvenile's criminal act, if, due to the severity of the criminal act, as well as the sentence or the sanction being executed, the conducting of the procedures and sentencing sanction for that criminal act would be aimless.

When, in the cases of paragraphs 1 and 4 of this article, the public prosecutor finds it inappropriate to initiate procedure against the juvenile, it shall notify the damaged party thereof by stating the respective reasons. The damaged party may, within eight days, require from the council for juveniles to decide upon initiating procedure.

Article 101

When the conditions for punishing older juvenile of article 43 to 49 have been fulfilled, the public prosecutor may, before submitting the request to initiate preliminary procedure, propose to the juvenile, his/her attorney and the family initiation of special procedures for admitting the responsibility and agreement on the level of sentence. The public prosecutor may submit such proposals in cases when it has evidences, which explicitly indicate that the juvenile is the perpetrator of the criminal act, that he/she is responsible for the crime committed and that the conditions for sentencing punishment have been fulfilled.

In the procedure for mediation, the public prosecutor shall obtain all necessary reports and other documents on the personality of the juvenile from the centre for social work and shall provide consent from the damaged party.

If the proposal is accepted by the damaged party, the public prosecutor shall call the juvenile, his/her attorney, the centre for social work and the damaged party for reaching open agreement. If an agreement is reached, the agreement shall be made and signed by all present participants.

The public prosecutor shall submit the agreement to the council for juveniles, which may approve it and make judgment by which it shall sentence the proposed sentence, which shall not be subject to an appeal. In case the court does not accept the agreement, it shall return the case to the public prosecutor, who has an obligation to institute preliminary procedure.

In the course of the procedures, court's documents and the statements of the juvenile and his/her attorney given in the procedure for mediation, may not be used as evidence and shall be excluded from the court procedures.

The public prosecutor must not refer to the data and statements given during the procedure for mediation.

2. Preliminary procedure

Article 102

The public prosecutor submits a request to initiate preliminary procedure to the judge for juveniles of the competent court.

If the judge for juveniles does not agree with the request of the public prosecutor, the judge may require the decision to be made by the council for juveniles of the basic court.

The judge for juveniles may assign to the internal affairs authorities assign the execution of the order for searching the home or for temporal confiscation of an object or other actions in accordance with the provisions of the Criminal Procedure Code.

Article 103

If the judge for juveniles assesses that there is no need for instituting preliminary procedure, he/she shall require a report on the juvenile and the circumstances of the act, prepared by the centre for social work, which is obliged to provide it within one month. Upon providing the required report, the juvenile judge shall, within 8 days, present the case before the council for juveniles for final decision.

If the council for juveniles assess that there is no need for carrying out the preliminary procedure, it shall make a decision to oblige the juvenile judge to carry out such procedure.

Article 104

With exception from cases defined in article 71, for criminal act for which imprisonment up to three years is foreseen, the public prosecutor may submit a proposal to the juvenile department judge for pronouncing sanction without carrying out preliminary procedure, if the case is sufficiently clarified and the data collected on the personality of the juvenile provide satisfactory basis to convey the decision.

The juvenile judge may not pronounce sanction when no report from the centre for social work has been provided on the circumstances of the crime committed and the juvenile personality together with an opinion on the sanction that is to be pronounced to the juvenile. This report has to be provided to the court within 15 days.

Before stating his/her opinion regarding the proposal and making decision, the juvenile judge shall hear the juvenile and his/her defender. If the juvenile or his/her defender disapproves the proposal, the juvenile judge shall decide on carrying out preliminary procedure or shall act in accordance with article 102 of this Law.

The decision made in agreement with the juvenile and his/her defender shall not be subject to appeal. The decision must regulate the property-legal request of the damaged party, who has the right on appeal.

Juvenile imprisonment and institutional measures may not be pronounced by the juvenile judge in the procedure prescribed by this article.

Article 105

In the cases as mentioned in article 103 and 104 of this law the council for juveniles decides on a meeting after previously will collect all the files from the public prosecutor. At the meeting is summoned and the public prosecutor.

The council for juveniles may decide not to initiate a procedure or to initiate procedure against the juvenile before a juvenile judge. Against the decision of the council for juveniles no appeal is allowed.

When the council will decide to initiate procedure against the juvenile before juvenile judge, the public prosecutor may participate in this procedure and shall have all authorisations that prosecutor is entitled to in the procedure.

Article 106

In the preliminary procedure against the juvenile, apart from the facts referring to the criminal act, also considered shall be the age of the juvenile, the circumstances required for evaluation of his/her mental development, the environment and living conditions and other elements regarding juvenile's personality.

In order to define the circumstances of paragraph 1, the court shall hear the parents of the juvenile, his/her guardian and other persons that may provide the required information. The centre for social work shall also be required to report on these circumstances, and, in case sanction for previous criminal act has been applied against the juvenile, report on the implementation of the referred sanction.

The juvenile department judge through the centre for social work shall provide the data on the personal characteristics of the juvenile.

When for the purpose of defining the health condition of the juvenile, his/her mental development, mental characteristics, abilities or inclination, the juvenile has to be examined by a team of experts, this team shall be comprised of doctors, psychologists and pedagogues, who may carry out the check in specialized health institutions, as well.

This examination by the team of experts shall be made within 30 days.

Article 107

The juvenile department judge shall define the manner of carrying out certain activities in accordance with the Criminal Procedure Code, taking into account the juvenile's rights in the course of the procedures, and especially on his/her right on defence, the damaged party rights and the collection of evidences necessary for fair decision-making.

The public prosecutor and the defender may be present at the activities during the preliminary procedure, so that the defender has to be present at all activities in the procedures at which the public prosecutor is present, except when the juvenile's judge approves absence of the defender due to any justified reason.

The examination of the juvenile, where required, shall be carried out by a pedagogue, psychologist or any other expert.

The juvenile department judge may allow presence of a representative from the centre for social work and the parent, adoptive parent or the guardian of the juvenile, at the preliminary procedure. When these persons are present at these actions, they may give proposals and raise questions to the person who carries out the examination or the hearing.

Article 108

The judge for juveniles may, in the course of the preliminary procedure, order the juvenile to be temporary placed into an educational or similar institution, to be under the supervision of the centre for social work or to be put in a host or other family, if it is found necessary for the purpose of separating the juvenile from his/her residential neighbouring or for the purpose of providing help, protection or accommodation of the juvenile.

The decision on temporary accommodation or supervision may be subject to appeal to the council for juveniles of the basic court.

The expenses for accommodation of the juvenile with the respective institution shall be paid in advance from the budget funds and shall be included in the costs of the procedure.

Article 109

The juvenile may be detained by the authorised officers of the Ministry of Internal Affairs only if caught in the act of committing serious criminal act or when wanted circular is issued against him/her or when caught when committing other criminal act, as well, if there is a threat of repeating or finishing the crime, or when caught while committing other crime in conditions which require measures for his/her protection or when juvenile's identity cannot be defined.

The authorised officers of the Ministry of Internal Affairs shall be obliged to notify the competent public prosecutor, juvenile judge, or the investigating judge in charge, the parents and the defender assigned by the juvenile or his/her parents immediately of any arresting of juvenile under the conditions prescribed by the Criminal Procedure Code. If the juvenile or his/her parents are not able to appoint a defender, the authorised officers of the Ministry of Internal Affairs shall appoint an attorney from the list of attorneys provided by the Bar Association.

While undertaking the activities of paragraph 1, the authorised officers of the Ministry of Internal Affairs shall keep the juvenile in a separate detention premises, in accordance with the provisions of the Criminal Procedure Code. The detention is recorded in Minutes, which includes all data on the juvenile and the circumstances of his/her detention. The Minutes shall be signed by the juvenile and his/her parent, as well as his/her defender.

While being detained, the juvenile must not be taken any statements or be inquired, unless his/her defender has allowed the juvenile to give statement. The statement given in the presence of the defender shall be registered into Minutes, which is further signed by the juvenile and his/her defender.

While being detained, no conversation may be conducted with the juvenile without the presence of an attorney.

The detained juvenile has, without any delay, and not later than 12 hours after detention, to be brought before the juvenile department judge who shall decide on ordering preventing imprisonment or release of the juvenile.

If the juvenile department judge finds that the detention of the juvenile is groundless, the judge shall make decision to release the juvenile in which shall assess the legitimacy of the juvenile's detention. The juvenile and his/her defender have the right to appeal against this decision to the council for juveniles of the basic court.

The juvenile judge may convey a decision for detention following a proposal from the public prosecutor. In case that, within the term of paragraph 4, the public prosecutor does not propose detention measure, the juvenile department judge shall convey a decision to release the juvenile.

The juvenile and his/her defender have the right to appeal against the decision on short detention to the criminal council of the basic court, which decides upon within 24 hours.

When a juvenile-foreigner is caught in the act and his/her identity cannot be defined, the juvenile-foreigner shall be subject to the measure of sending him/her to a sheltering centre for foreigners

Article 110

At proposal of the public prosecutor, the juvenile department judge may determine for the juvenile to be put in detention, when the provisions of article 199 of the Criminal Procedure Code have been fulfilled. The detention may be imposed only as final measure for ensuring presence of the juvenile in the course of the procedures, in case it is not possible to be ensured by the other measures prescribed by the Criminal Procedure Code.

The detention is determined upon a decision made by the juvenile department judge and may be determined for a period of 30 days, at most.

At an explained proposal from the juvenile department judge, and upon prior opinion provided from the public prosecutor, the council for juveniles may, for justified reasons, prolong the detention for 60 days more.

In case the detention is imposed for determining the juvenile's identity only, the juvenile judge or the council for juveniles shall be obliged to make a decision on its termination immediately after determining the juvenile's identity.

Immediately after imposing detention, the juvenile department judge shall be obliged to notify the juvenile's parents, adoptive parents or the guardian, his/her defender and the centre for social work thereof.

The appeal against the decision of the juvenile department judge shall, within three days from its delivery, be subject to decision of the council for juveniles of the basic court, and the appeal against the decision made by the council for juveniles of the basic court shall be subject to decision of the council for juveniles of the appellate court.

Article 111

In case of disability or absence of the juvenile department judge, the decisions related to the detention and imprisonment shall be made by the investigation judge.

Article 112

The juvenile shall be in detention separately from the adult detainees.

While in detention, the juvenile should be assigned any work or other activity that is useful for his/her education and elimination of the negative consequences on his/her personality from the detention.

The juvenile department judge shall have the same authorizations in regards to the detained juveniles, which, according to the Criminal Procedure Code, the investigation judge has in regards to the detainees, and he/she shall be obliged to visit the juvenile detainee at least once, during short detention, or to visit the juvenile detainee at least once in ten days, during longer detention.

Article 113

If, in the course of the preliminary procedure, the juvenile department judge finds that there are reasons for termination of the procedures since the act the juvenile is being charged of is not a criminal act, the settlement time for the case elapsed or the case has been regulated by an act of amnesty or abolition, or there are other circumstances that exclude the prosecution, or there are insufficient evidences that the juvenile has convicted the criminal act, he/she shall notify the public prosecutor thereof. If, within eight days, the public prosecutor does not notify the juvenile department judge

that the procedures is cancelled, the juvenile judge shall require the decision on cancellation of the procedures to be made by the council for juveniles of the basic court.

The decision of the council for juveniles on termination of the procedures shall be submitted to the public prosecutor, the damaged party and the juvenile, who shall immediately be released if detained. The public prosecutor and the damaged party have the right to appeal against this decision to the council for juveniles of the appellate court.

The council for juveniles of the basic court may, in the course of the preliminary procedure, make decision on termination of the procedures ex officio.

Article 114

Upon investigating all the circumstances that refer to the commitment of the criminal act and the juvenile's personality, the juvenile department judge shall, upon completion of the preliminary procedure, submit the documents to the competent public prosecutor, who, within eight days therefore, may require the preliminary procedure to be supplemented, to cancel further prosecution or submit sufficiently explained proposal to the council for juveniles for imposing a sanction.

If the public prosecutor waives from persecution, the damaged party may require the council for juveniles to decide upon continuation of the procedures.

Article 115

The proposal of the public prosecutor for imposing a sanction has to contain the name and surname of the juvenile, his/her age, description of the crime, evidence that the juvenile has committed the crime, explanation containing estimation of the juvenile's mental development and proposal for imposing sanction against the juvenile.

Article 116

The juvenile department judge shall provide monthly reports to the president of the court on the pending cases for juveniles and the reasons because of which the procedures under certain cases are still pending. The president of the court shall undertake appropriate measures for acceleration of the procedure.

3. Procedure before the council for juveniles

Article 117

After receiving the proposal of the public prosecutor, as well as when the procedure against a juvenile is exercised without a proposal by the public prosecutor, the judge for juveniles who chairs the council for juveniles shall convene meeting of the council or trial, if an undisputable actual state is determined.

Penalties and institutional measures may be sentenced only after trial was held. Other sanctions may be sentenced at the meeting of the council.

The council may, at its meeting, decide on conducting the trial.

The meeting of the council is announced to and may be attended by the public prosecutor, defender and the representative of the centre for social work and the juvenile, and their parents or guardian.

The judge for juveniles shall inform the juvenile of the sanction sentenced against him/her at the meeting of the council.

Article 118

When the council for juveniles makes decision at the main trial, the provisions from the Criminal Procedure Code shall be applied for preparation for the main trial, for the conduct of the main trial, for postponing and termination of the main trial, for the records made and for the course of the main trial, however, the council may not adhere to these rules if it finds that their implementation in certain cases would not be appropriate.

The public prosecutor, the damaged party, juvenile and his defender, his parents, foster parent or guardian and a representative of the centre for social work shall be invited at the main trial.

Non-appearance of the parents, foster parent or guardian or of the representative of the centre for social work shall not impede the court to conduct the main trial. In case of non-appearance of the parent or of the legal proxy, the court shall charge the defender to represent their interests.

The provisions in the Criminal Procedure Code for amendment and extension of the charge shall be applied in the procedure against a juvenile, whereas the council for juveniles is authorised without proposal of the public prosecutor to make a decision based on then actual statement which is changed at the main trial.

Article 119

In the course of the procedure the council for juveniles may convey a decision to temporary accommodate the juvenile in accordance with article 108 of this law, to cancel such previously conveyed decision, or to determine custody in accordance with article 110 of this Law.

Article 120

The judge for juveniles who chairs the council for juveniles is obliged to convene a main trial or meeting of the council within eight days from the date of receipt of the proposal from the public prosecutor or from the date of completion of the preparing procedure, or from the date when at the meeting of the council it was decided to conduct a main trial. The judge for juveniles must have approval of the president of the court for any prolongation of this term.

Postponement or termination of the main trial is exercised only by exception. The judge for juveniles shall notify the president of the court of any postponement or termination of the main trial and shall express the reasons for the postponement or termination.

Article 121

The proposal of the public prosecutor is not binding for the court for juveniles when making decision whether to sentence a sentence or to exercise another sanction.

The council shall stop the procedure by virtue of a decision in cases when according to the Criminal Procedure Code the court makes judgment according to which the accusation is denied or according to which the defendant is released from accusation, as well as in cases when the council finds that it is not appropriate to sentence a sanction against the juvenile.

Educational measures and safety measures shall be sentenced by the council by a decision, in which sentencing it is stated only the measure sentenced, but the juvenile shall not be pronounced guilty for a criminal act he/she had been charged for. The explanation of the decision shall include the description of the act and the circumstances which justify the implementation of the sentenced measure.

The judgment subject to which the juvenile is sentenced sentence or alternative measure shall be made in the form of conviction judgment provided by the Criminal Procedure Code.

Article 122

The court may sentence the juvenile to pay the charges for the procedure and to fulfil the property-legal requirements of the damaged party in accordance with the provisions in the Criminal Procedure Code, only if the juvenile was sentenced to a punishment or was given an alternative measure. If educational measure was given to the juvenile, expenses for the procedure shall fall on the Budget of Republic of Macedonia, except in cases when the juvenile was given special obligation to reimburse damages (article 38 paragraph 2 line 2).

Article 123

The judge for juveniles is obliged within three days from the date of announcement to prepare the decision in written form.

4. Legal remedies

Article 124

All persons who have the right to appeal against the judgment may appeal against the decision or the judgment by virtue of which the juvenile has been sentenced a sanction, as well as against the decision for stoppage of the procedure as of article 121 paragraph 2, in accordance with the provisions of the Criminal Procedure Code, within eight days from the date of receipt of decision or judgment. The damaged party may state an appeal only in terms of the possession legal claim.

The defender, public prosecutor, spouse or non-married partner, relative of first line, guardian, brother and sister may state an appeal in favour of the juvenile against his will.

The appeal against the decision sentencing an educational measure which is exercised in an institution shall hold the execution of the decision, unless the court upon agreement reached with the parents of the juvenile and after the hearing conducted with the juvenile decides otherwise.

The juvenile and his defender shall be informed of the meeting of the council for juveniles of the appeal court if they request so.

Article 125

The council for juveniles of the appeal court may amend the decision of first instance sentencing harder sanction against the juvenile, only based on appeal submitted by the public prosecutor.

If, according to the decision of first instance, no sentence or institutional measure is sentenced, the council may sentence such sentence or measure only if it conducts a trial. The juvenile imprisonment for a longer term or harsher institutional measure than the one sentenced by the decision of first instance may also be sentenced at the meeting of the council.

Article 126

The decision of the appeal court for amendment of the decision of first instance according to which it is sentenced an institutional instead of educational measure is subject to appeal to the Supreme Court within eight days from the date of receipt of the decision.

Article 127

A request for protection of the legality may be brought in accordance with the Criminal Procedure Code.

Article 128

The provisions of the Criminal Procedure Code for repetition of the criminal procedure which is finalised with legal judgment shall also be accordingly applied for the repetition of the procedure completed with legal decision for exercising an educational measure or for stoppage of the procedure against the juvenile.

Chapter fifteen **Misdemeanour procedure**

Article 129

A misdemeanour procedure may be initiated against a juvenile before the judge for juveniles only if the case has not been settled in the previous procedure for intermediation and reconciliation, determined by the Law on Misdemeanours.

The misdemeanour procedure shall be conducted and the decisions shall be made by the judge for juveniles of the court competent for the living or resident place of the juvenile.

When the juvenile had participated in commitment of a misdemeanour with an adult, the procedure against the juvenile is separated and it shall be run according to the provisions of this Law.

Article 130

In the misdemeanour procedure the parents or guardian, as well as the centre for social work shall have the right to be familiar with the course of the procedure, to take part in all the actions undertaken by the judge for juveniles, to give proposals and to point out to the facts referring to the personality and the conditions in which the juvenile lives and grows, being of importance for making a proper decision.

Article 131

The judge for juveniles shall stop the procedure with a decision if he finds that ,at the time of commitment of the offence the juvenile had not had fourteen year and shall notify the parents, guardian of the juvenile and the centre for social work.

The judge for juveniles shall make a decision on stoppage of the procedure as well, if he finds that the act the juvenile has been charged for is not a misdemeanour, that there are circumstances that exclude persecution for a misdemeanour determined by the Law on Misdemeanours, or that there are not enough evidences that the juvenile had committed a misdemeanour, as well as in case when the claimant initiating the misdemeanour procedure had relinquished.

The claimant shall have the right to appeal against the decision of paragraph 2 to the council for juveniles of the appeal court.

Article 132

The judge for juveniles shall require opinion from the centre for social work for each request regarding conduct of a misdemeanour procedure. Apart from the circumstances of the case and the data on the personality of the juvenile and his family, the opinion of the centre should also include an explained proposal for further actions and sentencing a sanction.

Based on the opinion of the centre the judge for juveniles may decide not to initiate a misdemeanour procedure and subject to decision to reject the request for initiation of such procedure, if hi finds that it is not appropriate to conduct a procedure taking into account the nature of the offence and circumstances it had been committed, the previous life of the juvenile and his personal conditions. The judge for juveniles shall notify the juvenile, his parents, guardian, public prosecutor and the centre for social work of the decision.

The claimant shall have the right to submit an appeal against the decision of paragraph 2 to the council for juveniles of the appeal court.

Article 133

If the conditions for conduct of a misdemeanour procedure are met, the judge for juveniles shall invite the juvenile in person or through the parent or guardian.

After the hearing of the juvenile, the judge for juveniles may determine other actions to clarify the case as determined by the Law on Misdemeanours.

Article 134

After undertaking the necessary actions and securing and assessing the evidences proposed by the claimant for misdemeanour procedure, the judge for juveniles shall stop the procedure with a decision, if it is assessed that the conditions of article 131 of this Law had been fulfilled.

The misdemeanour procedure against the juvenile shall be completed with a decision by virtue of which the juvenile shall be sentenced an educational measure or fine.

The decision on sentencing an educational measure may not impose an obligation for the juvenile to pay the charges for the misdemeanour procedure or to satisfy the property-legal requirement of the damaged party, who is recommended to initiate a lawsuit.

Article 135

The claimant for misdemeanour procedure may file an appeal against the decision to cease the procedure to the council for juveniles of the appeal court.

The claimant, the juvenile and his defender, as well as parents, guardian, brother, sister or the supporter of the juvenile may file an appeal against the decision for sentencing sanction in favour of the juvenile and against his will.

The council for juveniles of the appeal court shall decide on the appeal at a session, without inviting the parties and may convey a decision by virtue of which it shall confirm or cancel the decision of first instance, or by virtue of which the decision of first instance is amended in the part of sanction by sentencing a lighter sanction.

Article 136

In the misdemeanour procedure, the juvenile may use the extraordinary legal instruments: request for repetition of the misdemeanour procedure and request for protection of the legality.

Part five

PROTECTION OF JUVENILES-VICTIMS OF CRIMINAL ACTS

Chapter sixteen

Protection of a juvenile as a damaged party or a witness in a criminal procedure

Article 137

In the procedure for criminal acts in which the juvenile appears as a victim, the courts, public prosecutors and the officials of the Ministry of Internal Affairs may proceed only if they have proper knowledge, special knowledge, and experience in the sphere of the rights of children and criminal-legal protection of juveniles.

Article 138

For all criminal acts under the Criminal Code where according to the legal definitions of the act the juvenile appears as a victim of the act, the court and other parties participating in the procedure shall be obliged to undertake measures for assistance and protection and to act in such a manner as to avoid any possible harmful consequences for his/her personality and development.

The procedure for criminal act under paragraph 1, where the juvenile is a victim, is urgent.

The juvenile-victim may be examined as a witness only if it does not cause harmful effects on his psychophysical development. The juvenile's examination as a witness may be conducted at most twice, and in exceptional cases the third time if indicated by the special circumstances of the case.

During the examination of the juvenile as a witness or an damaged party, the court shall be obliged to take into account the sensitivity and the personal characteristics of the juvenile, protection of his/her interests and his proper development.

During the examination of the juvenile, depending of his/her age the examination shall be conducted in the presence of a psychologist, pedagogue or another expert.

If assessed as necessary, taking into consideration the peculiarities of the criminal act and the juvenile's personality, the judge will order examination by way of using the technical devices for transferring picture and sound. The examination shall be conducted without presence of the public and other participants in the procedure, in a separate room and the questions shall be asked with assistance of a pedagogue, psychologist or another expert.

When the juvenile is examined in accordance with paragraph 6 of this article, the record of his statement or the recording of the examination will be entered in the record of the main trial.

Article 139

If the juvenile-victim is being examined as a witness who, due to the nature of the criminal act, the consequences or other circumstances, is especially sensitive or he/she is in particularly difficult mental condition, the judge in the juveniles department assesses whether there is a need to bring the juvenile and the prosecutor face to face.

Article 140

The juvenile-victim must have a legal representative from the time of the first examination of the accused.

If the juvenile does not have a legal representative, the president of the court, with a decisions from amongst the lawyers, shall appoint one from amongst the lawyers who have acquired special knowledge from the sphere of children' rights and criminal-legal protection of juveniles.

The expenses for the legal representation shall be on the account of the budget resources of the court.

The attorney appointed by the president of the court is obliged to attend specialised training on representing juvenile in duration of at least four to ten days in the course of the year, either in the country or abroad.

Article 141

Compensation Fund shall be established for compensation of a juvenile-victim and harmed with criminal acts of violence and other acts of individual or group violence.

The Fund shall be established in amount of 2% from the resources in the Budget of Republic of Macedonia collected from fines levied by the courts for criminal acts or misdemeanours collected in the course of the previous year.

The fund resources shall be managed by the State Council to Prevent Juvenile Delinquency.

Article 142

The juvenile for whom with a valid court decision has been established to be a victim, i.e. an damaged party under a criminal act or other act of violence, and who has been approved the property-legal request, may submit a request to the competent court for compensation from the Fund when the property-legal claim, even after the second attempt, can not be executed due to factual or legal obstacles from the property of the

perpetrator of the criminal act or another act of violence and when six months of coming into effect of the property-legal claim have elapsed.

Apart from a juvenile, the request under paragraph 1 may be submitted by juvenile's parents, guardian or legal representative.

The judge in the juvenile department will enact a decision for compensation in the amount of the approved property-legal claim, without being increased for the interest or other additional expenses in regard to the realization of the claim. If the judge for juveniles refuses the request, the juvenile-victim shall have the right of complaint to the appellate court within eight days after the receipt of the decision for refusal. The decision of the appellate court shall be final.

If the compensation has been paid, the judge for juveniles shall submit the decision for compensation to the public attorney for the purpose of institution of procedure for enforced realization of the compensation paid from the perpetrator's property. A complaint against this decision shall not be allowed and will be implemented in accordance with the provisions of the Law on Execution.

Article 143

Protection of the juveniles as witnesses of criminal act shall be provided in accordance with the provisions of the Criminal Procedure Code and the Law on Protection of Witnesses.

If necessary the court shall order special measures to be applied for protection of the psychophysical integrity of the juvenile.

Part six PREVENTION OF JUVENILE DELINQUENCY

Chapter seventeen National Council and Municipal Councils to prevent

Article 144

The National Council to prevent juvenile delinquency (hereinafter-the National Council) shall be established.

The National Council shall be independent in performing the duties determined by this Law.

The National Council is comprised of 15 members appointed by the Assembly of the Republic of Macedonia with a term of office in duration of four years, with a right to be re-elected, of whom:

- seven members of the National Council are representatives from the Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Education, Ministry of Internal Affairs, Supreme Court of the Republic of Macedonia and the Public Prosecutor of the Republic of Macedonia, Macedonian Bar Association and

- 8 members of the National Council shall be elected by means of public advertisement from the ranks of prominent scientific and experts who work on protection of interests of juveniles out of which one representative is from the ranks of the non-governmental organizations for protection of children.

During the election of the members of the National Council observed shall be the proper and equitable representation of the citizens from all of the communities.

A representative from the Ombudsman's office shall also participate in the work of the National Council.

The National Council shall elect a president from the rank of the appointed members with a term of office in duration of two years, with a possibility of re-election.

Article 145

The National Council shall have the following competences:

- to adopt the National Strategy to prevent juvenile delinquency;
- to adopt the annual programs and plans to realise the program;
- to adopt Rules of Procedures for its work;
- to propose funds in the draft-budget calculation of the Ministry of Justice necessary for its work;
- to propose initiatives for improvement of the legal decisions and opinions on proposals for laws important for protection of the juveniles' right and prevention of juvenile delinquency;
- to take initiatives for extensive introduction of the citizens with the juveniles rights and discussions for healthy family, for protection of juveniles from drug addiction, alcoholism and other addiction illnesses, for the problems of education and discipline, for the attitude of the media and for other factors that have an influence on prevention of juvenile delinquency;
- to initiate investigations and studies for the problems of juveniles delinquency;
- to cooperate with the international organizations and parties engaged in the protection of children's rights and prevention of juvenile delinquency;
- to prepare annual reports for its work and the conditions in the field of children's rights and juvenile delinquency and submit the same to the Assembly and the Government of the Republic of Macedonia, to the Court Council and the Supreme Court of Macedonia, which are obliged to review the submission and undertake appropriate measures and activities in accordance with their competences.
- to manage the resources of the compensation fund.

Article 146

The Ministry of Justice shall carry out the administrative works of the National Council.

Funds to realise the program of the National Council shall be provided within the framework of the Budget of the Ministry of Justice.

Article 147

Councils of the municipalities and the city of Skopje shall appoint Municipality Councils to prevent juvenile delinquency (hereinafter-municipality council).

Members of the municipality council are representatives of the local units of the Ministry of Interior, Ministry of Labour and social policy, Centre for social works, representatives of the parent council in the basic and secondary schools, Union of secondary schools students, Bar association, association of citizens and foundations, public prosecutor that is working on the field of juvenile delinquency and the judge that is working with juveniles in the courts of general competence or a judge that will be appointed from the president of the court.

Councils of municipalities and the city of Skopje shall confirm the number of members in municipality councils depending of the size, development and the needs of the municipality, as well as the volume of the juvenile delinquency.

The members of the municipality council shall be appointed for a period of five years, with a right to be re-elected.

President shall be elected from the rank of members of the municipality council with a term of office in duration of two years, with a right to be re-elected.

Article 148

The municipality councils shall prepare annual programmes for their work which shall be adopted by the councils of municipalities and the Council of the city of Skopje, shall perform duties to monitor the situation, shall raise initiatives to improve the situation, and shall develop programmes to involve the local community in prevention of juvenile delinquency and the treatment of juveniles perpetrators of criminal acts and misdemeanours.

The municipality councils shall, at least once a year, report on its work to the council of municipality, or Council of the city of Skopje and the National Council to Prevent Juvenile Delinquency.

The programme of the municipal councils as of paragraph 1 of this article shall be financed in accordance on the grounds of the financial plan from the budget of the municipality or city of Skopje and from other resources.

TRANSITIONAL AND FINAL PROVISIONS

Article 149

Bylaws from the article 18 and 25 of this law are enacted within six months from the day of the enactment of this law.

Article 150

The enactment of this shall supersede the validity of the provisions of article 70 to article 96 from the Criminal Code, ("Official gazette of Republic of Macedonia" number 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006 and 73/2006).

Article 151

This law enters into force on the eight day from the day of its promulgation in the "Official gazette of Republic of Macedonia", and shall be implemented from 1 September 2008.

LAW ON AMENDMENTS AND ADDENDA TO THE LAW ON JUVENILE JUSTICE

The Law on Juvenile Justice (Official Gazette of the Republic of Macedonia No. 87/2007, 103/2008 and 161/2008) in Article 12, in the items 4 and 6 after the word "development" the words "victim of violence" have been added.

Article 2

In Article 18, paragraph 1 is amended as follows:

"The action of the child at risk as defined by law as a criminal offense, and the manner of the execution of the act which involves other persons that can be taken to a court trial and for an act committed by a minor younger or older at risk which by law is defined as a criminal offense for which a sentence is determined up to three years of imprisonment, the Ministry of Interior through the Public Prosecutor shall submit a notification to the Center of Social Affairs (hereinafter referred to as the Center). For the act which has been defined by the law as a misdemeanor, and other situations of risk, the Ministry of Interior, the school or other institution in which the minor is being treated as a juvenile and the family, directly report to the Center.

After paragraph 1, a new paragraph 2 has been added which states:

"The Ministry of Interior report to the Center, through the Public Prosecutor or directly in the cases of paragraph 1 of this Article, by written notice containing personal data regarding the minor and his/her parents or the guardian, the committed act and the circumstances under which the act has been committed. In emergency cases, the notification can be provided through a telephone.

In paragraph 2, which becomes paragraph 3, after the words "Ministry of Interior," the words "Public Prosecutor" have been added.

Paragraphs 3 and 4 shall become paragraphs 4 and 5.

In paragraph 5, which becomes paragraph 6, in the second sentence after the words "received notification" the words "paragraph 2 of this article" have been added, and after the words "Ministry of Interior," the words "Public Prosecutor" have been added.

Paragraph 6 becomes paragraph 7.

Article 3

In Article 19, in paragraph 1, the word "seven" is replaced with the number "15", the number "24" is replaced with the number "36", and after the word "center" the words "the conversation" have been inserted.

In paragraph 2, the full-stop at the end of the sentence is deleted and the words "in separate rooms" are added. The standards for the design of the special facilities are determined by the Minister of Labour and Social Affairs.

Paragraph 3 is amended to read:

"In cases where the action of a child at risk is defined by law as a criminal offense for which a sentence of at least five years is envisaged and when there is a high degree of risk assessment conducted by the Center, the conversation must be attended by a lawyer representing the rights and the interests of the minor."

After paragraph 3, two new paragraphs 4 and 5 have been added which state:

"The provision of paragraph 3 of this Article shall apply in cases of an act, conducted by a younger or older minor at risk and when there is a high degree of risk assessment issued by the Center.

The condition of high risk is prescribed by the Minister of Labour and Social Policy.

Paragraph 4, which becomes paragraph 6, shall be amended as follows:

"In the cases of paragraphs 3 and 4 of this Article, the family selects a lawyer, and if the family does not choose a lawyer, the lawyer is determined by the center ex officio from the list composed by the Bar Association."

11, 12 and 13 which read:

"If the family is unable to provide for the costs of the lawyer, in accordance with the Law on social protection, legal aid for the child, older or younger or minor at risk, the service is free.

The costs in the cases of paragraph 8 of this Article shall be covered by funds from the budget of the Ministry of Labour and Social Affairs, and shall be calculated according to the amounts determined by the lawyer's tariff reduced by 30 percent.

The lawyer expense report is submitted in a prescribed form.

By a Decision of the Ministry of Labour and Social Policy, the Ministry will not compensate for a specific case of the lawyer if under a regular supervision determines negligent, incompetent and unprofessional execution of the entrusted work.

Against the decision referred to in paragraph 9 of this Article, the lawyer may initiate an administrative dispute before the competent court.

The content and the form of paragraph 10 of this Article are signed by the Minister of Labour and Social Policy. "

Article 4

In Article 20 after paragraph 1, a new paragraph 2 has been added which states:

"The legal opinion referred to in paragraph 1 of this Article shall contain a description of the committed act, factual and legal elements, a proposal for further action and opinion on the need for implementation of measures of assistance and protection ".

In paragraph 2, which becomes paragraph 3, after the word "decision" the words "within seven days" have been added.

Paragraphs 3 and 4 shall become paragraphs 4 and 5.

Article 5

In Article 21 after paragraph 1, a paragraph 2 has been added which reads:

"In case of emergency, the Center may provide measures of assistance and protection under the Law on Social Protection and before preparation of the Programme referred to in paragraph 1 of this Article."

Article 6

In Article 22 paragraph 1 after the word "parents" a comma has been added, and the conjunction "or" is replaced with the word "or ".

Article 7

In Article 23 after paragraph 3, five new paragraphs have been added 4, 5, 6, 7 and 8 which state as follows:

"In case of non-implementation of measures contained in the programme of the Center, the judge for juveniles will alert the parent or the guardian, and if the judge finds that it avoids the application of the measures, the parent or the guardian will be fined with 300 to 500 euro equivalent to the value of the Denar.

The punishment of paragraph 4 of this Article shall be pronounced by a Decision. Against the decision, the parent or the guardian have the right to appeal to the Criminal Council for juveniles within eight days.

If the parent or the guardian fails to continue fulfilling its responsibilities for implementation of the measures contained in the programme of the Center, the Center may file criminal charges of negligence regarding the care of the minor.

If it is not possible to implement the measures contained in the programme due to

unavailability of the Center to the minor and his/her parents or guardian, the Center terminates the proceedings by a Decision and notifies the Public Prosecution and the Ministry of Interior.

The procedure will continue when the circumstances of paragraph 7 of this Article have changed. "

Article 8

In Article 24, in paragraph 1 the words "family or the guardian, or" shall be deleted, and after the word "family", a comma has been inserted and the conjunction "or" is replaced with the word "or the"

Article 9

In Article 26, in paragraph 2 the words "four to ten" are replaced with the word "five".

Article 10

In Article 29, paragraph 2 is amended as follows:

"The purpose of the imposed educational measures, the penalties, the alternative measures and the misdemeanor sanctions is to provide a protection and an assistance to the juveniles by providing a supervision over them, and through vocational training to assist in the development of their personal responsibility and to ensure their education, re-education and proper development."

Article 11

In Article 31, paragraph 1, line 1, after the words "reference to", the word "discipline" has been deleted.

In line 2 after the word "parents", a comma is inserted and the conjunction "or" is replaced with the word "or the".

Article 12

In the title before Article 34, the word "discipline" has been deleted.

Article 13

In Article 34 in paragraph 1, the word "discipline" has been deleted.

In paragraphs 2, 4 and 5 the word "discipline" has been deleted, and after the word "Center" the word "juvenile" has been added.

Article 14

In the title before Article 35, after the word "parents", a comma is inserted and the conjunction "or" is replaced with the word "concerning".

Article 15

In Article 35, paragraphs 1, 2 and 3 after the word "parents" a comma is inserted and the conjunction "or" is replaced with the word "concerning."

Article 16

In the Article 36, in paragraphs 1 and 2 after the word "parents" a comma is inserted and the conjunction "or" is replaced with the word "concerning".

Article 17

In the Article 37, in paragraph 1 after the word "parents" a comma is inserted and the conjunction "or" is replaced with the word "concerning".

Article 18

In Article 38, in paragraph 2 line13 the conjunction "and" is replaced with a comma.

In line 14 the full-stop at the end of the sentence is replaced with the conjunction "and".

After the line 14, a new line 15 has been added which reads:

- to forbid the movement of unaccompanied minor by his/her parent, or the guardian after 22 o'clock.

In paragraph 4 the word "discipline" is deleted, and after the word "center" the words "for juveniles" have been added.

After paragraph 4, two new paragraphs 5 and 6 have been added as follows:

"If the parent or the guardian fails to cooperate in the fulfillment of the obligations specified in paragraph 2 of this Article, the judge for juveniles will alert the parent or the guardian, and if it determines that it still does not cooperate he/she will be punished with a fine of 500 to 1000 euro counter the value of the Denar.

The punishment of paragraph 5 of this Article shall be pronounced by a Decision. Against the decision, the parent or the guardian have the right to appeal to the Criminal Council for juveniles within eight days. "

Article 19

In Article 42, in paragraph 1 the word "passed" is replaced with the word "have passed" and the words "more than a year," are replaced with the words "three months".

In paragraph 2 the word "a disciplinary" and the words "more than" are being deleted.

Article 20

In Article 43, the paragraphs 3, 4 and 5 are being deleted.

Article 21

In Article 44, a new paragraph 1 has been added which states:

"Juvenile imprisonment may be imposed only as a major punishment."

Paragraphs 1, 2 and 3 shall become paragraphs 2, 3 and 4.

Article 22

In Article 46, in paragraph 4 the number "53" is replaced with the number "51".

Article 23

In Article 47 paragraph 1 is amended as follows:

"A fine may be imposed as the main sentence."

After paragraph 1, a new paragraph 2 has been added which reads:

"For the acts committed of self-interest, the fine may be imposed as a minor penalty with the juvenile receiving a prison sentence or suspended sentence with a protective supervision."

Paragraphs 2 and 3 shall become paragraphs 3 and 4.

Article 24

In Article 48 paragraph 2 is amended as follows:

"Unpaid fines or uncompleted public work or partially completed work as a replacement, the court can substitute it with a disciplinary measure for referral to the Center for juveniles, or a measure of intensified supervision."

Article 25

The title before Article 49, after the word "vehicle" the words "of a certain type or category" have been added.

Article 26

In Article 49, a new paragraph 1 has been added which reads:

"The prohibition for driving a motor vehicle of a certain type or category and deportation of an alien from the country may be imposed as a major or minor sentence along with a penalty fine.

In paragraph 1, which become paragraph 2, after the words "motor vehicle", the comma and the word "vehicle" are being deleted.

Article 27

In Article 55, in paragraph 5 the words "or the adoptive parent or" is replaced with the word "concerning."

In paragraph 6 the words "conditionally convicted" shall be replaced with the words "imposed suspended sentence with a protective supervision".

Article 28

In Article 56, after the word "harm" the conjunction "and" is replaced by the conjunction "or."

Article 29

In Article 57 in the paragraph 3, the word "discipline" is being deleted.

Article 30

In Article 59, in paragraph 1, line 2 after the word "parents", a comma has been inserted and the conjunction "or" is replaced with the word "or the."

Article 31

"Sanctions of adults for crimes they committed as minors "

Article 32

In Article 72, in paragraph 1 the words "misdemeanor or" are deleted.

Article 33

In Article 73 in paragraphs 1 and 2 the word "list" is replaced with the word "directory", and the words "in the court for juveniles" are being deleted.

Article 34

In Article 74 after the word "amounting", the words "up to" are being added.

Article 35

In Article 75, paragraph 1 is amended to read:

"The mediator is a capable person who assists the parties to reach an agreement, without the right to impose a solution in the dispute in accordance with the principles of free will, neutrality and impartiality, confidentiality, publicity in the mediation, equality of the parties, availability of information for the mediation, efficiency and fairness. "

In paragraph 2, the points 1, 2, 3 and 4 shall be amended to read:

"1), have a university degree VII / 1 or 300 credits acquired under the European

Credit Transfer System (ECTS),

- 2) have at least five years of work experience after graduation in the area related to juveniles;
- 3) not to be legally prohibited from conducting the activity or duty during the duration of the service;
- 4) a certificate issued or recognized by the Ministry of Justice for completed training under the Programme for training of mediators.

Article 36

In Article 76 in paragraph 3 the word "principles" is replaced with the word "guidelines".

In paragraph 4 the word "principles" is replaced with the word "guidelines" and the words "resolution of the case" shall be replaced with the words "dispute resolution".

In paragraph 5 after the word "mediator" the words "can be" have been added.

Paragraph 7 is amended as follows:

"The parties and the mediator, unless otherwise agreed, may at any time during the procedure to propose a settlement that would resolve the dispute.

After paragraph 7, a new paragraph 8 is added which reads:

"In cases under paragraph 7 of this Article, each party is given the opportunity to present its opinion on the proposals."

Article 37

In Article 77, paragraph 1, line 1, the word "signature" is replaced with the word "conclusion".

In line 2 the word "statement" is replaced with the words "written statement".

In paragraph 2 the word "withdraw" is replaced with the word "quit", the word "withdrawal" is replaced with the word "cancellation", and the word "withdrawal" is replaced with the word "failure".

Article 38

The title of Chapter 13 is amended as follows:

"General provisions on procedure and jurisdiction of the juvenile court"

Article 39

In Article 81, in paragraph 3 the word "continue" is replaced with the word "are terminated."

Article 40

After Article 82 a new Article 82 - a is added which reads:

"Article 82 -a

The defense of the juvenile in all stages of the court procedure is mandatory."

Article 41

In Article 83, in paragraph 1 the first sentence shall be deleted.

Article 42

In Article 85, in paragraph 1, the first sentence shall be deleted.

In paragraph 2 the word "interrogation" is replaced with the word "presence".

Article 43

In Article 94, in paragraph 2 in the number "71" is replaced with the number "79".

In paragraph 3 the words "four to ten" are replaced with the word "five".

Article 44

In Article 95 the paragraph 3 shall be amended as follows;

"The Council for juveniles in the Court decides in first instance in criminal proceedings."

After paragraph 3, two new paragraphs 4 and 5 have been added:

"In the Basic court a Criminal Council for juveniles is established who decides on the appeals against the decisions of the judge for minors and in cases provided for by this law, composed of three judges who attended training on juvenile delinquency.

The Criminal council of paragraph 4 of this article cannot be attended by the judge who made the decision against which an appeal is filed "

Paragraph 4 becomes paragraph 6

Article 45

In Article 97 the paragraphs 1 and 2 are amended and state:

"In the specialized court units on juvenile crime, established in the Basic courts with extended jurisdiction, for the conduct of the professional activities the President of the court determines one social worker, pedagogue or psychologist at the proposal of the Centre.

Decision on the number, the tasks and the manner of the involvement of the experts referred to in paragraph 1 of this article is made by the President of the court. "

Article 46

In Article 100 in paragraph 1 the words "giving up" are deleted and before the word "initiation" the word "no" is being added.

In paragraph 2 in the second sentence the word "may" is replaced with the words "is obliged".

Article 47

After Article 100, a new Article 100 – a is being added which reads:

“Article 100-a

Before it is decided whether to submit a request for initiation of preparatory proceeding, the Public Prosecutor may question the minor in the presence of his/her parent or the guardian and the defending attorney.

If the minor or his/her parent or the guardian do not have an attorney, the Public Prosecutor ex officio from the list of lawyers sent by the Bar Association, shall determine an attorney.

The costs for the defense are covered by the minor or the parent or the guardian.

In the cases where the minor and his/her family submit evidence that they cannot provide for the defense costs, under the Law on social protection, these expenses are covered by the budget line of the Public Prosecutor's Office if the procedure does not proceed to trial.“

Article 48

In Article 101 in paragraph 3 before the word "representative," the word "lawful" is added, and after the word "representative" the word "attorney" is added. In paragraph 4, in the first sentence the word "punishment" is replaced with the word "sanction".

Article 49

In Article 102, in paragraph 2 the word "Council" shall be replaced with the words "Criminal council."

Article 50

In Article 104 in paragraph 1 the word "judge" is replaced with the word "Council".

In paragraph 2, the word "judge" is replaced with the word "Council".

Paragraph 3 is amended as follows:

"The Council for juveniles before making a decision, shall oblige the judge for minors to hear the juvenile and his/her attorney. If the juvenile or his/her attorney object the proposal of the judge, the juvenile judge shall make a decision to commence a preparatory procedure or shall act in accordance with Article 102, paragraph 2 of this law. An

appeal is not allowed against the decision made in consent with the juvenile and his/her attorney. The decision must resolve and the property-claim manners of the injured party, who only in this part has the right to appeal to a higher court. "

In paragraph 4 the word "Judge" is replaced with the word "Council"

Article 51

In Article 105 in paragraph 1 after the word "members" the number "102" is being added.

In paragraphs 2 and 3 after the word "initiate", the word "preparatory" is being added.

Article 52

In Article 106 in paragraph 2 the words "his guardian" are being replaced with the words "or the guardian".

Article 53

In Article 107 in paragraph 4 the words "or adoptive parent" is being replaced with the word "or".

Article 54

In Article 108, in paragraph 2 the word "council" is being replaced with the words "the Criminal council".

Article 55

Article 109 is amended as follows:

"Calling the minor to provide information to the Ministry of Interior is done by submitting a written request to his /her parents or the guardian. The conversation with the minor may last no longer than four hours.

Authorized officials of the Ministry of Internal Affairs may retain a juvenile if there are grounds to suspect that he/she has committed an act that is determined as criminal offense by the Law which is prosecuted ex officio if caught committing the act against him or when there is a warrant for the committed act. The detention can last up to 12 hours.

Authorized officials of the Ministry of Internal Affairs may retain the juvenile caught in the execution of an act against the public order and the peace, if the restoration of the public order or removing of the threat cannot be achieved otherwise, or when under the influence of alcohol, psychotropic drugs or other substances. The detention can last up to eight hours.

For detention of a minor under paragraph 2 of this article, or a minor whose identity cannot be determined under the conditions stipulated in the Law on Criminal Procedure, the authorized officials of the Ministry of Interior shall immediately inform the competent public prosecutor, the judge for minors, or the investigative judge, the parents or the guardian and the Centre.

For detention of a minor under paragraph 3 of this Article under the conditions stipulated in the Law on Criminal Procedure, the authorized officials of the Ministry of Interior shall immediately notify the judge for minors, the parents or the guardian, the attorney designated by the juvenile or his/her parents or the guardian and the Center.

During the detention under paragraph 2 of this article, a conversation cannot be conducted without the presence of the attorney.

If the minor or his/her parents or the guardian does not take an attorney, the officials of the Ministry of Interior will ask the center responsible according to the place of residence of the minor, to immediately appoint a lawyer from the list of lawyers sent by the Bar Association.

The defense costs are covered by the minor or the parent or the guardian.

In case when the minor or the parent or the guardian submit evidence to the center that they are unable provide for the defense costs, under the Law on social protection, these expenses are covered by the budget of the Ministry of Labour and Social Policy, i.e the Center under paragraph 7 of this article, in the amount and the manner specified in Article 19 of this Law.

The authorized officials of the Ministry of the Interior shall retain the juvenile in a place designated for detention of minors.

Minutes are drafted for the retention of the minor, and the minutes shall include all the details referred to the minor, statement by the officials on the presence of visible body injuries, subjective findings on the health condition of the minor and the circumstances of his/her detention. The official minutes shall be signed by the minor and his parent or the guardian and the defense attorney.

The detained minor must without delay and within 12 hours be brought before the judge for juveniles who will decide on the determination of a custody or a decision to release the minor to freedom.

If the judge for minors determines no basis for a detention of the minor, the judge shall make a decision about his/her release, and then will assess the legality of the detention.

The minor and his lawyer have the right to appeal to the Criminal Council for the minors in the basic court regarding the decision to assess the legality of the detention. "

Article 56

After the article 109, a new article 109-1 is added and reads:

„Article 109 – a

A judge for minors can determine a detention measure against a minor only after a proposal by the Public Prosecutor and upon prior opinion obtained from the Center.

The minor can be detained on the grounds provided for in the Law on Criminal Procedure. Detention may be imposed only as a final measure to ensure the presence of the minor during the procedure, and if it cannot be achieved by other measures stipulated in the Law on Criminal Procedure. The judge for minors will especially appreciate the justification of the use of detention, starting from the personality of the minor, the possible consequences of the detention on his/her personality and his/her normal development.

If the Public Prosecutor within the period provided for in Article 109, paragraph 12 does not file any proposal, the judge for minors may decide to determine short-term custody, only if the legal requirements are met for determining the custody.

Brief detention may last no longer than 24 hours. If within that period the Public Prosecutor had not filed a request for custody, the juvenile judge shall adopt a decision to release the minor to freedom.

Against the decision for short-term detention, the juvenile, his attorney and the Public Prosecutor have the right to appeal to the Criminal council for minors in the Basic court, which decides upon the appeal within 24 hours.

When caught while committing a criminal act, the juvenile-foreigner, whose identity cannot be determined, is sent to the department for juveniles of the Reception Centre for Foreigners. "

Article 57

In Article 110, paragraph 1 is deleted.

Paragraphs 2, 3 and 4 shall become paragraphs 1, 2 and 3.

In paragraph 5 which becomes paragraph 4 the words "or adoptive parent" are replaced with the word "or."

In paragraph 6, which becomes paragraph 5 the word "council" shall be replaced with the word "Criminal council".

Article 58

In Article 114, in paragraph 1 the words "give up" are replaced with the words " a statement of denunciation "

Paragraph 2 is amended as follows:

"If the Public Prosecutor waives the prosecution act, the judge for minors shall adopt a decision to terminate the procedure. A copy of the decision shall be submitted to the aggrieved party who may, within eight days of the notice to submit a proposal to the Criminal council for minors to continue the procedure.

After paragraph 2, a new paragraph 3 has been added which reads:

"If the Criminal council for minors decides to continue the proceedings, the public prosecutor has the right to appeal to the Council for minors in the Appellate court within eight days.

Article 59

In Article 118, in paragraph 3 in the second sentence after the word "parent" a comma is inserted and the words "or legal representative" shall be replaced with the words "or the guardian."

Article 60

In Article 119 in paragraph 1 the words "Article 110" shall be replaced with the words " Article 109-a."

Article 61

In Article 124, in paragraph 3 after the word "parents" a comma is added as well as the words "or the guardian".

Article 62

In Article 129 in paragraph 1 the words "determined with" is being replaced with the word "in accordance".

Article 63

In Article 130, paragraph 1, after the word "parents" a comma is being added and the conjunction "or" is replaced with the word "concerning "

Article 64

In Article 131 in paragraph 1 after the word "parents" and the comma, the word "or" is being added.

Article 65

In Article 132 paragraph 2 second sentence shall be amended as follows:

"For the decision the judge for juveniles shall notify the juvenile, his/her parents or the guardian, the applicant and the Centre."

Article 66

In Article 133 in paragraph 1 the words "in person or" are being deleted, and after the word "parents" the conjunction "or" is replaced by a comma and the word "that is".

Article 67

In Article 135 in paragraph 2 after the word "parents" and the comma, the word "or" is being added.

Article 68

In Article 138 after paragraph 2 a new paragraph 3 is being added which reads:

"The court shall exclude the public from the part of the procedure in which the minor is being questioned or in the procedural actions that could harm his/her personality and his/her development."

Paragraphs 3, 4, 5, 6 and 7 become paragraphs 4, 5, 6, 7 and 8.

In paragraph 7 the words "paragraph 6" are being replaced with the words "paragraph 7".

Article 69

In Article 140 in paragraph 1 the words "the accused" shall be replaced with the words "and throughout the whole procedure."

Paragraph 2 is amended as follows:

"The costs and the award of the attorney for the actions taken in the representation of minors before the center, the Ministry of Interior, the Public Prosecutor and the court, shall be paid in accordance with the provisions of this law."

In paragraph 3, the words "four to ten" are being replaced with the word "five".

Article 70

In Article 141 in paragraph 1 the words "a compensation fund is being established" shall be replaced with the words "resources are allocated within the budget line of the Ministry of Justice."

Paragraph 2 is being deleted.

Paragraph 3, which becomes paragraph 2 is amended as follows:

"The Minister of Justice, after obtaining an opinion of the State Council for the prevention of juvenile delinquency, adopts a Programme that sets the funds referred to in paragraph 1 of this Article."

After paragraph 2, a new paragraph 3 is being added which reads:

"Administrative and technical matters for the payment of the funds under paragraph 1 of this article are done by the Ministry of Justice."

Article 71

In Article 142 paragraph 1 the words "other act" are replaced with the words "misdemeanor with elements", the word "fund" shall be replaced with the words "means of Article 141 paragraph 1 of this law," and the words "and after a retry" are being deleted.

In paragraph 2 the words "parents, the guardian and the legal representative of the minor" shall be replaced with the words "parent, or the guardian."

After paragraph 3, two new paragraphs 4 and 5 are being added which read:

"The final decision on the payment of damages the court submits to the Ministry of Justice, which conducts the payment.

On the final payment, the Ministry of Justice shall inform the court that made the decision within one month following the payment.

In paragraph 4, which becomes paragraph 6, in the first sentence after the word "paid" the words "by means of Article 141 paragraph 1 of this Law" are being added and the word "public" is replaced with the word "State"

Article 72

In Article 144 after paragraph 3 is added a new paragraph 4 as follows:

"The State Council has its headquarters in Skopje and in relations with other bodies and persons performs with his own logo which is determined by the State Council."

Paragraphs 4 and 5 become paragraphs 5 and 6.

After paragraph 6, which becomes paragraph 7, three new paragraphs 8.9 and 10 are being added which read:

"The mandate of a member of the State Council shall cease before the expiration of the time for which elected:

- After a personal request
- due to death,
- if the Commission on Selection and Appointment of Assembly of the Republic of Macedonia makes a proposal for dismissal of a member of the State Council for

unexcused absence on three consecutive meetings or more than five meetings during the calendar year, based on the motion brought by the State Council by a majority of votes and

-if he/she permanently loses the ability to perform the function.

Fulfilling the requirements of paragraph 8 of this article are determined by the State Council by a majority vote of all members and submits an initiative for the termination of the mandate to the Assembly of the Republic of Macedonia.

If a member of the State Council ceases before the expiration of the mandate, pursuant to paragraph 8 of this Article within three months to elect a member of the State Council, in accordance with the provisions of this Article. "

Article 73

After Article 144 shall be added to new Article 144 - and that is:

"Article 144 - a

The state administration bodies, the courts, the Public Prosecution offices, and the legal persons performing public affairs in the field of education, teaching, protection of minors are required to cooperate with the State Council in the exercise of these functions.

Article 74

In Article 145 paragraph 1, to line 10 the words "manage the assets of the fund for compensation" shall be replaced with the words "an opinion of the Programme of Article 141 paragraph 2 of this law."

Article 75

In Article 146 in paragraph 2 after the word "Programme", a comma is inserted, and the words "and for the work" are being added.

After paragraph 2, two new paragraphs 3 and 4 are being added and state:

"The members of the State Council that reside inside the Republic of Macedonia or outside the City of Skopje are entitled to adequate compensation for travel expenses. The members the State Council are entitled to a monthly compensation for the work in the council amounting to 20 percent of the average gross salary per employee at the level of the Republic of Macedonia ".

Article 76

In Article 149 the words "18 and 25"are replaced with the words "18, 19 and 25, and the words" six months "are replaced with the words "one month ".

Article 77

Article 150 is amended as follows:

"The provisions of Articles 141, 142 and 146, paragraph 4 of this Law shall be applicable from January 1, 2012.

Article 78

This Law shall enter into force eight days after its publication in the Official Gazette of the Republic of Macedonia.