

Center for Environmental Democracy FLOROZON

## NEEDS ASSESSMENT

for equal access to justice in environmental cases



**Project:** Equal Access for Effective Justice

The project is funded under the grant scheme “STRENGTHENING THE IMPACT OF THE CIVIL SOCIETY IN EFFECTIVE JUSTICE SECTOR REFORMS” Reference: EuropeAid/159467/ID/ACT/MK

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## Introduction

The needs assessment for further capacity building for Access to Justice in Environmental cases, conducted in the period May - June 2019 in the framework of the project "**Equal access to effective justice**". The project is implemented by *the Civic Association Center for Environmental Democracy FLOROZON Skopje*, in partnership with the *Environmental Law and Management Association EMLA from Hungary*. The project is funded by the European Union through the CFCD grant scheme of the Ministry of Finance - "STRENGTHENING THE IMPACT OF THE CIVIL SOCIETY IN EFFECTIVE JUSTICE SECTOR REFORMS" Reference: EuropeAid/159467/ID/ACT/MK.

The project is in line with Priority 2 of the above mentioned call, and the action builds on the conclusions of the New Judicial Sector Reform Strategy ("Strategy") with the 2017-2022 Action Plan, adopted on 28 November 2017 by the Government at Republic of North Macedonia, which in turn correspond to the European Commission reports on the progress of the country in recent years. In particular, the project seeks to strengthen the capacities of local and national organizations, as well as relevant state bodies in the field of justice and the protection of fundamental human rights in a participatory and democratic manner, by promoting the free legal aid mechanism. Implementation of the action, in addition to strengthening the advocacy capacities of the targeted CSOs, will also contribute to the implementation of reforms in the country's judicial system. Overall, this action is designed to respond to the overall progress of judicial reform in the country and to provide conditions for their achievement in a national context. Achieving the goals envisaged will be based on a more comprehensive approach, primarily through the establishment of strong stakeholder cooperation.

The purpose of the Needs Assessment Survey is to obtain information on the level of problem recognition by citizens / CSOs and professionals representing their interests, degree of familiarity with citizens' rights and their perception of access to justice according to Aarhus Convention that the state ratified in 1998. At the same time, research should detect the extent to which available mechanisms for access to environmental justice are available, as well as free legal aid, ie how much citizens and stakeholders, as well as the professional public, have the capacity to use the mechanisms and access to justice regarding the environmental issues.

The completed report will contribute for further capacity building of all actors in society in providing effective access to justice on the environmental issues. In addition, the report should serve as a tool for further monitoring and advocacy by non-governmental organizations working on issues regarding the basic rights and access to justice related to the environment to contribute to improving the actual state of the environment at national and global level.

## Methodological approach

The methodological approach on which the report is based is qualitative and quantitative. The qualitative approach analyses key documents (strategies and action plans) and laws in the area of human rights, access to justice, free legal aid, environmental protection. Collection and analysis of secondary data is performed based on the above analysis of key documents. In addition to the initial analysis of existing legislation, existing secondary data and the elaboration of the results of existing reports and conducted research, the picture will be complemented by a designed methodology that should identify the gap / bottlenecks in access to environmental justice.

The collection of primary data consisted of data obtained through the organization of two focus groups with 28 participants. The first focus group was attended by participants from the judiciary, advocacy and civil society organizations, ie providers of free legal aid and organizations providing legal assistance and organizations working in the field of environment issues. The second

focus group was attended by CSOs as providers of free legal aid and legal aid organizations, organizations working in the field of environment, as well as representatives from the law school.

The discussion in the focus groups was conducted based on the phrase which was divided into three parts. First section refers to the awareness of the respondents related to issues related to environment, familiarity with the Aarhus Convention, which our country has ratified, national legislation in the field of environmental awareness on the activities of institutions for questions / problems related to the environment. Second section about the information related to matters relating to free legal aid, way of using free legal aid, applicability of the mechanism for cases related to the environment that citizens should contact the competent institutions and / or the competent courts. Third section of the questions that are related to the facilities and activities of institutions related to the environment and free legal aid.

The primary data provided with the focus groups are included and analysed in the report.

Within the quantitative approach, 30 questionnaires with 38 questions divided into an introductory section and three thematic areas were used as a tool. The first set of questions (13 questions in total) relates to general information about the profile, gender, age, status, and occupation, as well as the institution from which respondents completed the questionnaires. The second part of the questionnaire (8 questions) deals with the recognition of problems and information related to Macedonian environmental legislation, international mechanisms and standards in the field, as well as the Aarhus Convention. The third part of the questionnaire (9 questions) refers to the usage of the existing mechanisms for access to justice for cases related to environment. The fourth part of the questionnaire (8 questions) contains respondents' answers on the capacity of institutions / organizations and other actors working with free legal aid. The structure of the questionnaire is given in Annex 2.

The questionnaire is designed in a way that it can respond more stakeholders most affected in this case - one by the relevant ministries and inspection services of other citizens, lawyers, academics and civil society organizations as representatives of the citizens. In this regard, the questionnaire was sent to over a hundred e-mail addresses of representatives of the Coordinating body established under the project, previously identified non-governmental organizations working in the field of human rights and in the field of protection of the environment and ecology, independent experts and professors we work with, lawyers who attended the focus groups, and representatives of both the Ministry of Justice and the Ministry of Environment and Physical Planning, as well as the relevant inspectorates.

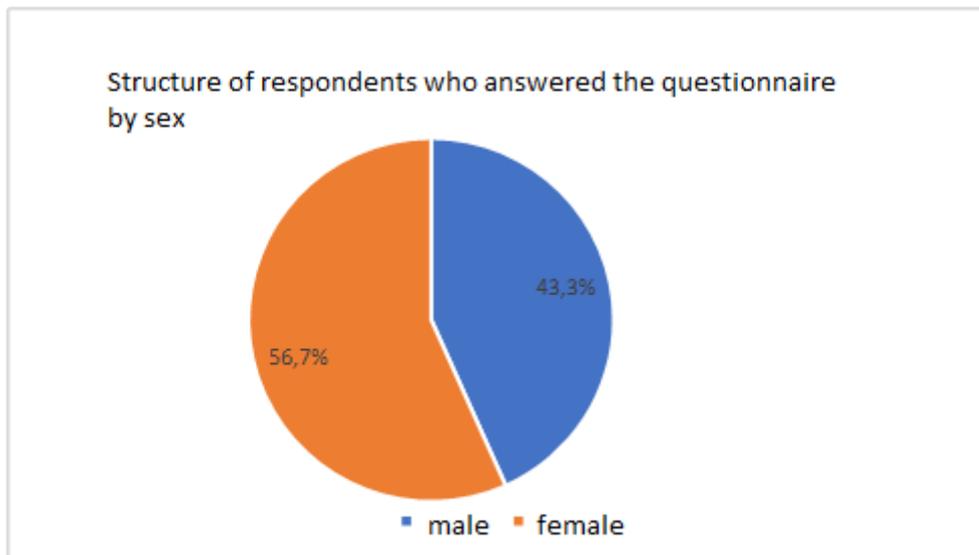
Participation in the survey was anonymous and voluntary, ie research ensures that the personal identity of the respondent / he will not be disclosed in order to obtain reliable data.

## Results from the research

Before we begin to analyse indicators and variables that should lead to identifying the needs for capacity building for Access to Justice to Environmental Justice, will make a summarized overview of the structure of the sample which was the basis for the research.

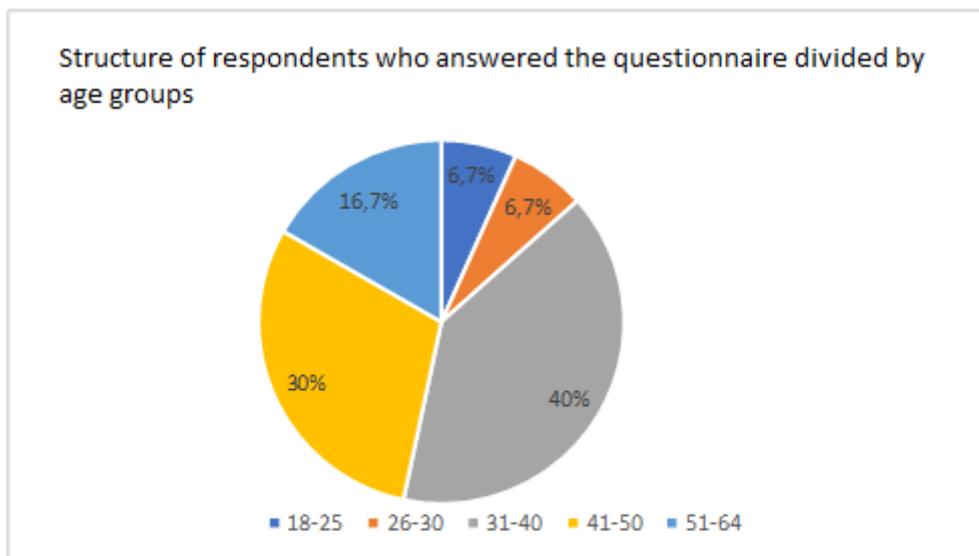
Of a total of 30 participants who responded to the survey, more than half, or 17 people or 56.7 % are female and 13 people or 43.3 % are men (see Chart 1).

Chart 1: Structure of respondents who answered the questionnaire by sex



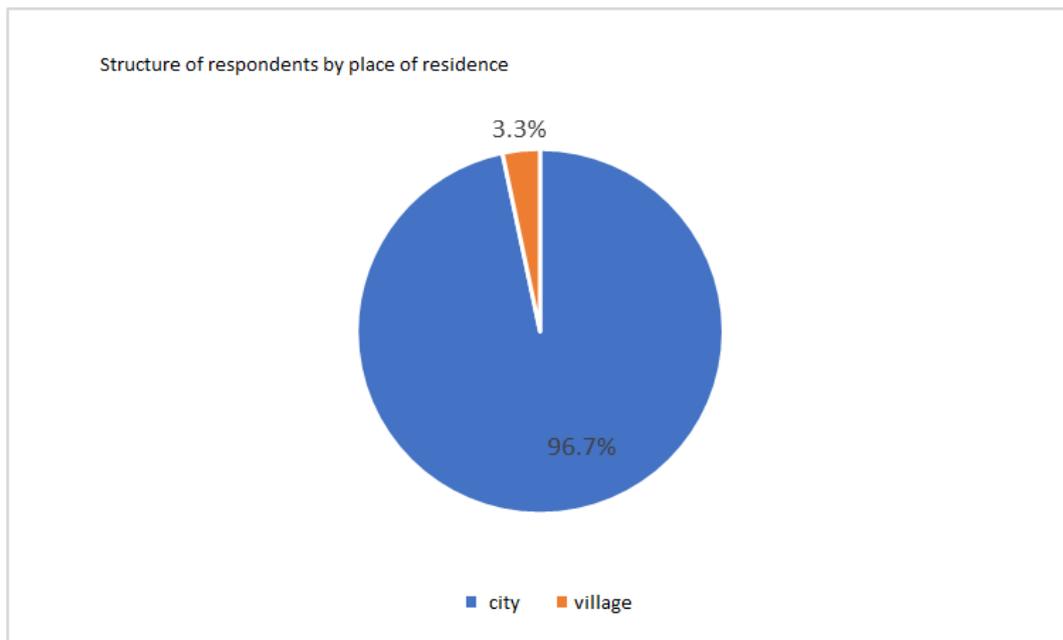
Although adults of all ages (18-64 years) are included, the majority of respondents are aged 31-40 (12 persons), nine are aged 41-50, five are aged 51-64. years, and the remaining 4 are at the age of 18-30 (see Chart 2).

Chart 2: Structure of respondents who answered the questionnaire divided by age groups

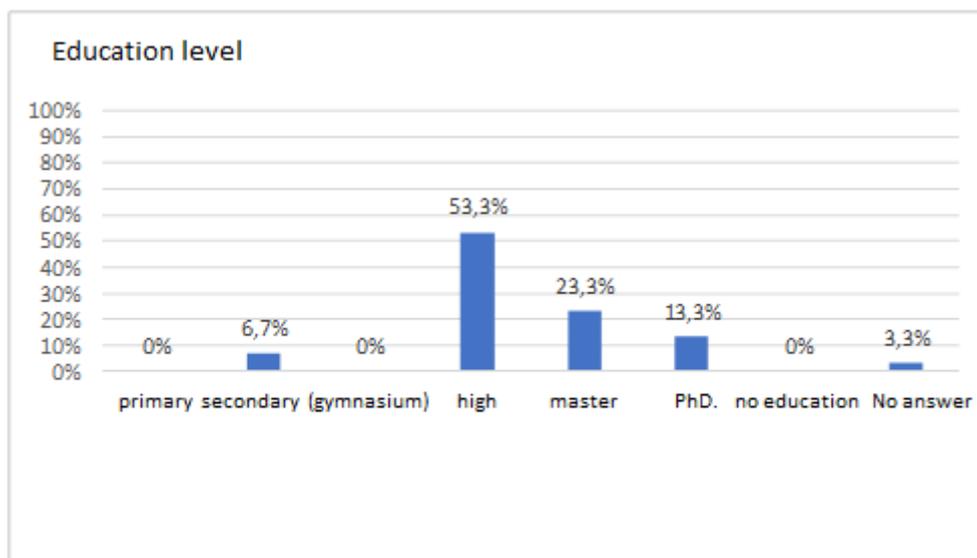


According to the place of residence, most of the respondents (29 out of 30 respondents live in a city (urban area), and only 1 (one) respondent has a place to live in a village (rural area), shown in Chart 3.

Chart 3: Structure of respondents by place of residence



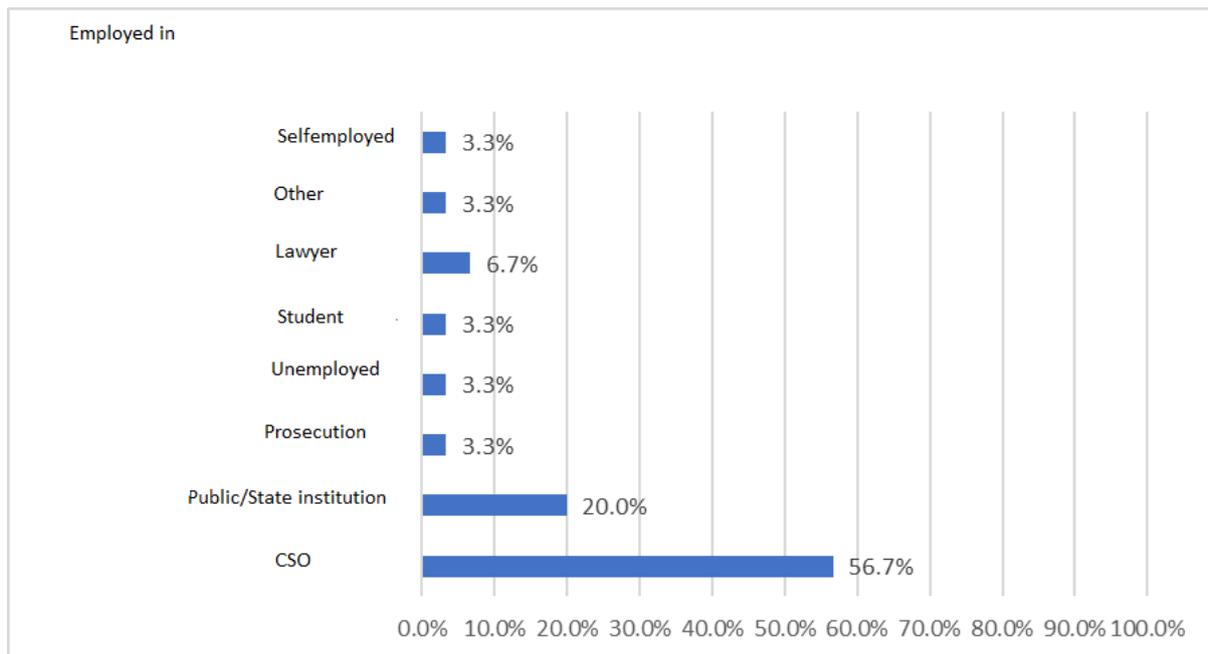
The education level of the respondents is presented in the Chart below:



From the data obtained from the interviewees regarding their completed education, the following data were obtained: Among the interviewees there are no ones with only primary education, secondary education (gymnasium) or no education. Most of them have completed higher education as many as 16 respondents, there are 7 masters and even 4 have PhD degrees.

Of the total number of respondents, **in the civil society organization work 17 of the respondents or 56.7 %**, and in the public / state institution or body work 6 respondents (20 %), in the judiciary / prosecution work 1 (one) respondent (3.3 %). In law office work 2 (two) participants ( 6.7%), while one respondent works at Ss. Cyril and Methodius Skopje ( other) (3.3 %), self-employed (3.3 %), unemployed (3.3 %) and student (3.3 %), shown in Chart 5 below.

Chart 5: Structure of employers by employment sector



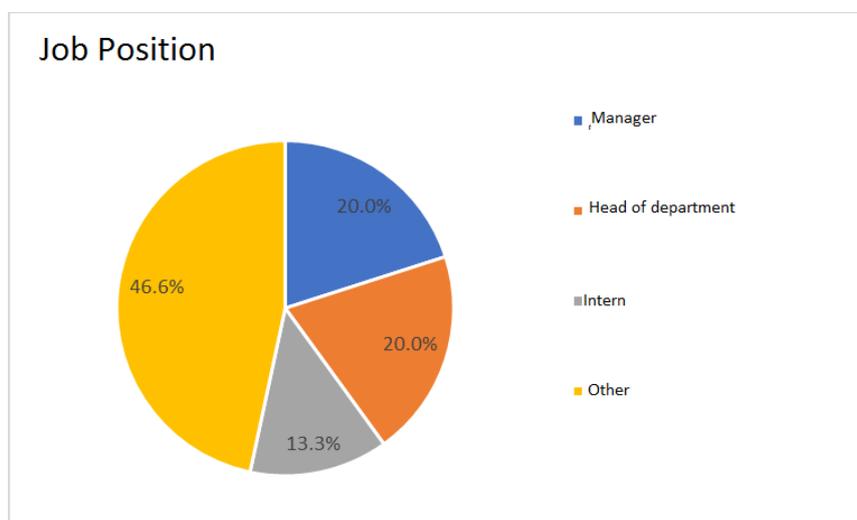
According to the obtained data, as many as 56.7 % of the respondents are employed in a civil society organization, followed by 20 % of the respondents working in a public / state institution or body.

The structure of the respondents according to the level of management (position in the organization / institution) is as follows:

- A) civil servant / director / manager - 6 respondents
- B) Head of Department / Department / Program - 6 respondents
- C) intern / volunteer - 4

F) Other: owner (1 respondent), lawyer (2 cases), controller in Eco Patrol (1ispitanik), Project Coordinator (2 cases), Manager (1 respondent), Law (1 respondent), president of the association (2 respondent ), project assistant (1 respondent), professor (2 cases), student (1 respondent).

Chart 6: Structure of respondents by level of management



The institution / organization from which the respondents acting empowered in the following areas (with an opportunity to encircle more than one answer) :

A) Free legal aid - 6 respondents

B) environment - 13 respondents

C) human rights (promotion, training, etc.) - 12 respondents

D) work with vulnerable categories / groups (women, children, persons with disabilities, marginalized communities, etc.) - 7 respondents

E) working with groups at social risk (eg: people living in poverty, Roma, ethnic minorities) - 10 respondents

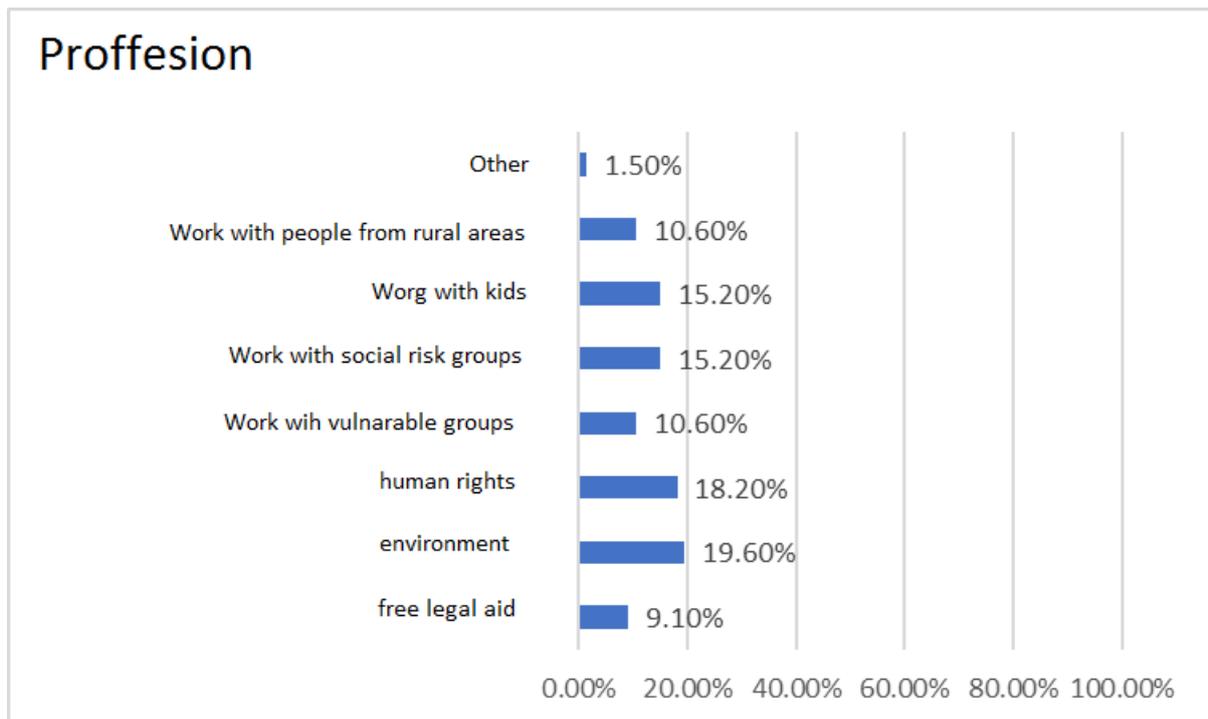
J) working with children and youth - 10 respondents

E) working with rural population - 7 respondents

J) other: representation of companies - 1 respondent.

One respondent did not answer the question.

Chart 7: Institution / organization where respondents come from



To the question: Are there employees in your organization / institution providing (free) legal aid? - 21 respondents answered negatively, 7 respondents answered that there are 1-5 staff members providing free legal aid, 5 of whom are from the non-governmental sector, and two respondents from public / state institutions, one (1) respondent that in the organization / institution there are more than 5 persons providing free legal aid, and one respondent did not answer the question (see table 1).

Table 1: Number of persons in the organization / institution working on free legal aid

Is there staff in your organization / institution providing (free) legal assistance?	No	1-5	over 5	responded	total
Total	21	7	1	1	30
%	<b>72.4 %</b>	24.1 %	3.4 %	3.4 %	100%

Of the respondents who positively responded that they employed person / s that provide free legal aid, with TP 3 of the respondents said they have 1-5 employees working in the area of providing free environmental legal aid.

To the question: What kind of services does your institution / organization provide? - the following answers have been received:

- A) research and analysis - 6 (six) respondents
- B) legal advice and legal aid - 5 (five) respondents
- C) policy making at local / national level - 2 (two) respondents
- D) services (court representation, mediation, etc.) - 1 (one) respondent
- E) education and awareness raising - 13 (thirteen) respondents
- J) other: public pressure on institutions, raising awareness of public problems - 1 (one respondent), exchange of sterile injecting equipment between ICDs, education and awareness raising etc. - 1 (one) respondent.

The answers show that most of the respondents work on education and raising awareness (43.3%), research and analysis (20%) and legal advice and legal assistance (16.7%) of the respondents (see Chart 8) .

Chart 8: Type of services provided by the organization / institution

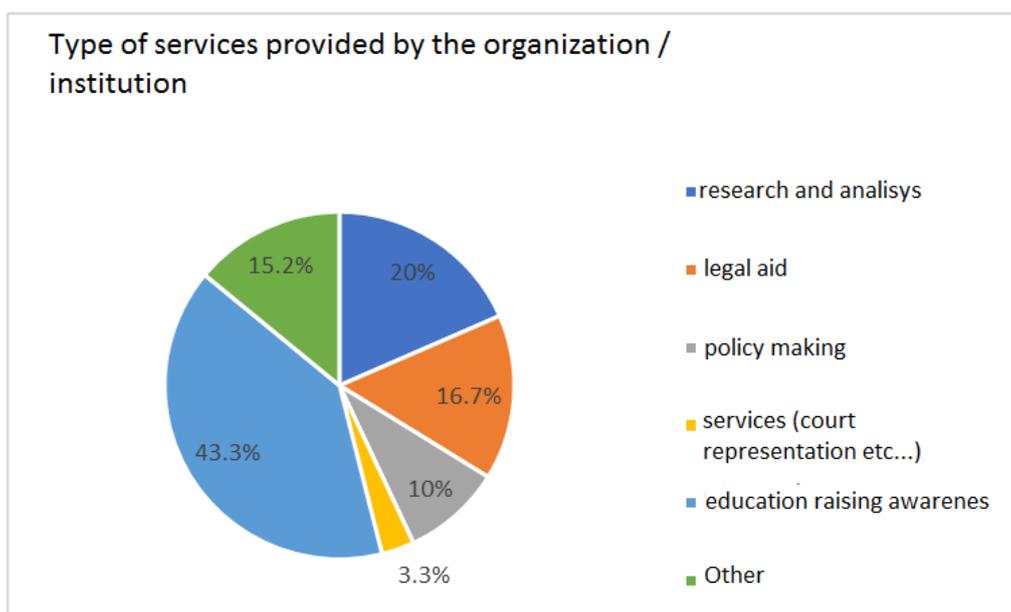


Table 2 : Level of work of institutions / organizations : local, national and international:

Level of work	Locally	nationally	internationally	total
Total	9	17	4	30
%	30 %	56.7 %	13.3 %	100%

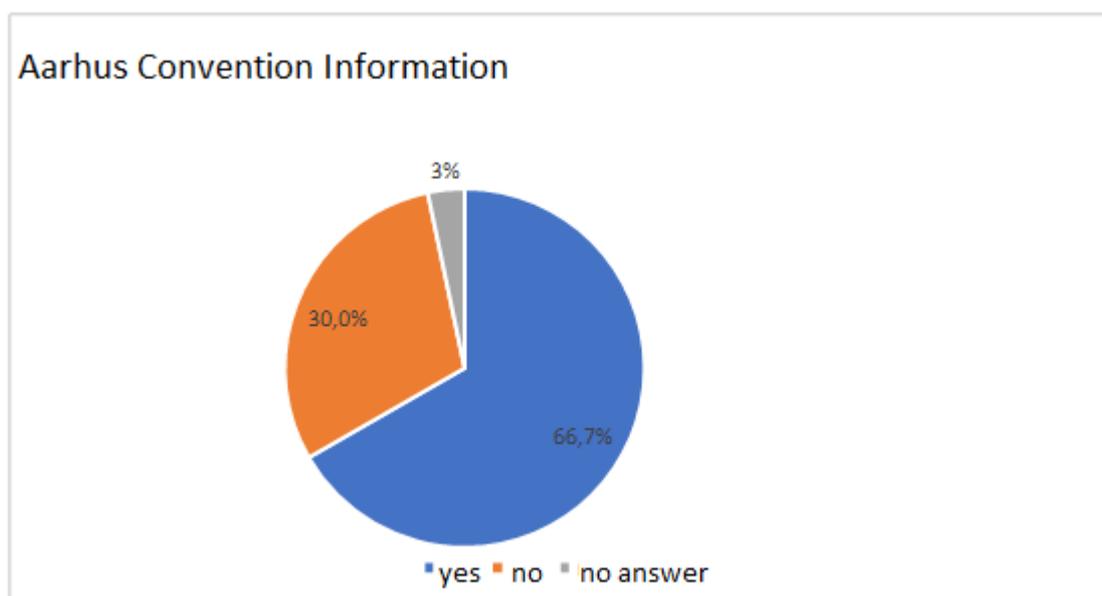
Most of the respondents answered the question at national level (56.7%), then at local level (30%) and the smallest at international level (13.3%) or only 4 of the respondents.

## Problem recognition and environmental awareness

Given that the project deals with strengthening the capacities of local and national organizations, as well as relevant state authorities working in the field of access to justice in the field of the environment, this part of the questionnaire addresses the issues of access to justice and information related to Macedonian environmental legislation, international mechanisms and standards in the field, and familiarity with the Aarhus Convention.

The question: Are you aware of the issues regulated by the Aarhus Convention, ratified in our country in 1999? - two thirds or 20 respondents answered yes, which is 66.7 %, nine ( 9 ) respondents or 30 % answered "no " and one (1) respondent (3.3 %) did not answer the question at all ( shown in Chart 9) .

Chart 9: Aarhus Convention Information

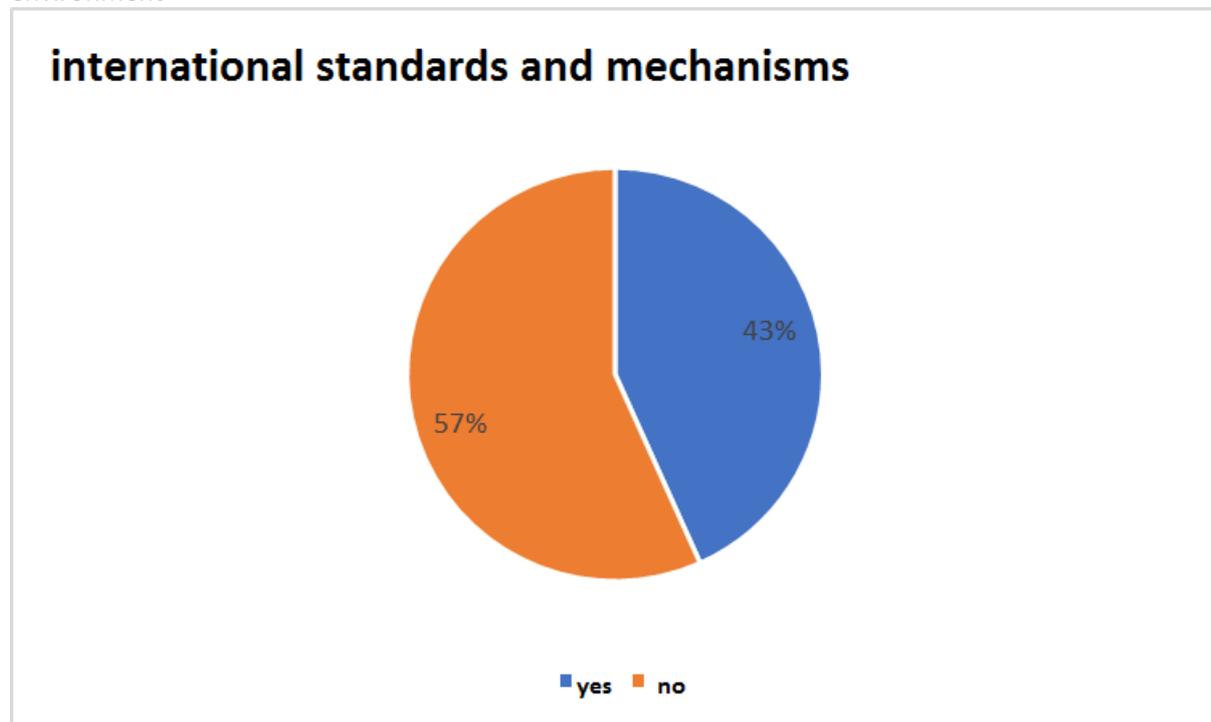


Responses to this question correspond to responses from focus groups where a small number of respondents heard about Aarhus Convention, mostly representatives of these NGOs and representatives of institutions that work directly with issues related to the environment.

The question: Are you familiar with international standards and mechanisms Republic of North Macedonia has ratified in the area of environment? - 13 gave positive answer (43.3 %), and negative 17 (56.7 %). This shows that more than half of the respondents are not familiar with the international standards and mechanisms in the field of environment that our country has ratified.

Of those who answered yes, at least<sup>1</sup> Nine (9) responses came from representatives of the NGO sector, reaffirming that NGO representatives are more informed about the country's international obligations.

Chart 10 : Familiarity with the ratified international standards and mechanisms in the field of environment



The large percentage of negative responses (56.7%) overlaps with the focus group responses where those present, except the Aarhus Convention, could not identify specific international environmental standards and mechanisms ratified by our country.

Those who gave the affirmative answer to the previous question, as international standards and mechanisms that our country has ratified in the field of environment, as they are known:

- Citizens 'right to access to information, citizens' right to participate in environmental decision-making, right to legal protection in cases where the previous two rules have been violated.
- Aarhus Convention, Convention on Environmental Impact Assessment in a Trans boundary Context
- Aarhus Convention Parisian climate agreement, the Kyoto Protocol, the UN Framework Convention
- The process of organizing the Aarhus Center

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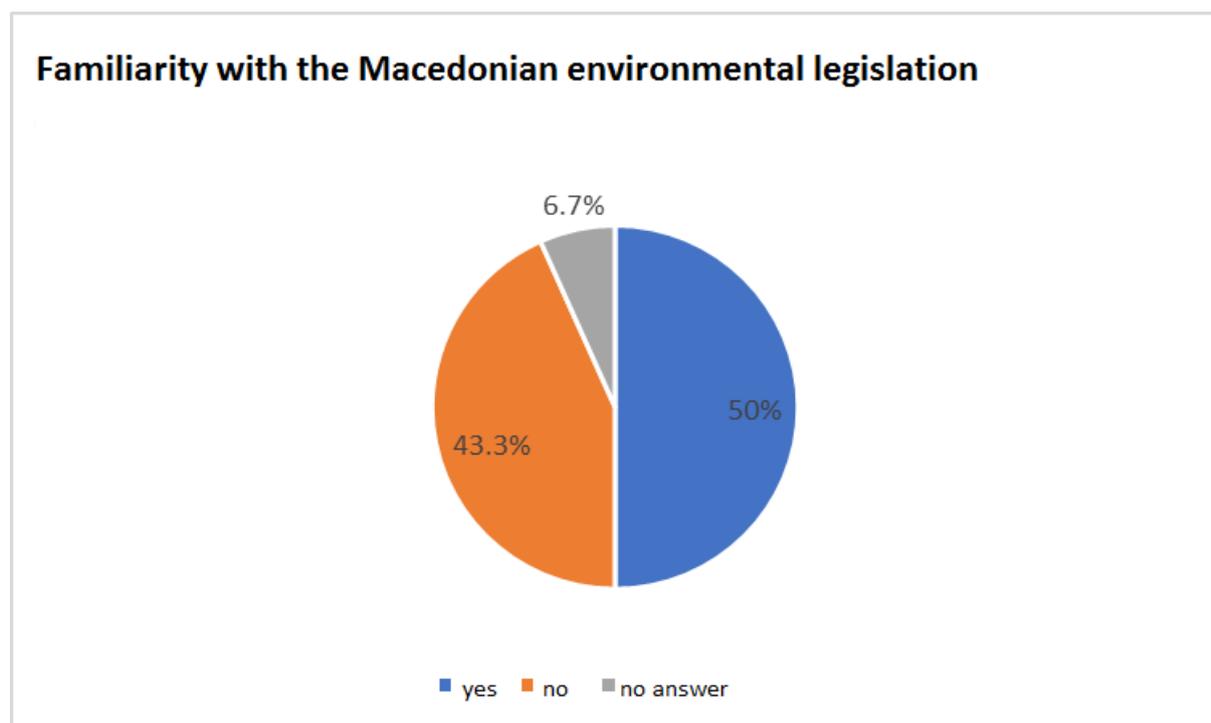
<sup>1</sup> The exact number cannot be determined because all respondents did not provide an answer where they work

- Emissions of gases
- Conventions on water and air
- Access to environmental information, public participation in decision making, access to justice
- Kyoto Protocol
- All human rights instruments
- Law on the Protection and Promotion of the environment and nature, the Directive on the assessment of the effects of certain public and private projects on the environment and amending Directive on the assessment of the effects of certain plans and programs on the environment, Directive on Integrated Pollution Prevention and pollution control; Directive on Public Access to Environmental Information and Repeal of Directive 90/313; Public Participation Directive concerning the adoption of draft specific plans and programs relating to the environment and amendments to public participation and access to justice; Hazards Control Directive in disasters with the Presence of Hazardous Substances;
- Aarhus - access to info, public participation in decision making, access to justice (although we do not know exactly how this part with Aarhus, access to justice), related to the living environment. International ratified conventions - Bern, Bonn, Ramsar, Rio, Stockholm, Rotterdam, Minamata, Basel, Anti-Desertification, Kyoto Protocol, Climate Change Framework, Trans boundary Pollution, European Landscape, UNESCO World Cultural and Natural Heritage...

*The answer to this question once again confirms that only a minority of respondents have concrete knowledge of international standards and mechanisms in the field of the environment, while others know that the state has some obligation, but do not know the specific documents.*

On the question: Are you familiar with the Macedonian legislation in the field of environment? - 15 respondents (53.6 %) answered affirmatively, 13 respondents (41 %) answered negatively, 2 did not answer the question at all (7%) , shown in Chart 11 .

Figure 11 : Familiarity with the Macedonian environmental legislation



Half of the participants considered that are familiar with the Macedonian legislation in the field of environment, while the other half deemed not to be familiar with the Macedonian legislation in the field of the environment. Of those familiar, ten (10) are representatives of the non-governmental sector.

Those who responded affirmatively to the above question, as having been made aware of domestic environmental legislation, stated the following:

- Aarhus Convention
- Law on Environment, Ambient Air Quality, Nature Protection, Noise Protection, Waste Management, Packaging and Packaging Waste Management, Water
- For ambient air
- Law on air, environment, waste, etc.
- Law on Environment
- Law on Environment, Law on Waste Management and Law on Nature
- Law on Environment, Nature Protection, Ambient Air Quality, Waste Management, Water, Spatial and Urban Planning, GMOs, Noise Protection
- Law on Environment, Law on Nature Protection
- Law on Environment, Law on Waste Management Act, the Fisheries Act, the Hunting Act, the Water Act, Nature Protection Act, noise, soil Act, Law on quality and safety of fertilizers etc.
- Law of Conservation, Water Law, Law on Waste Management and the Law on Ambient Air Quality
- Most environmental laws

Most of them refer to the Law on Environmental Protection, the Law on Nature Protection, the Law on Smoking Protection, the Law on Noise Protection, the Law on Greenery, the Law on Waste Management, the Law on Spatial and Urban Landscaping, etc.

These responses overlap with the focus group responses, with the focus group respondents reporting that: "the laws are fine, the problem is that they are not implemented at all locally or nationally, starting with dumping everywhere and then, the perpetrators are not punished and there is no responsibility for environmental pollution. No one calls environmental experts, nor does anyone consult them on important issues. No one is consulted by professors dealing with this issue, the awareness of the population is very low, and on the other hand it is questionable how effective the PE for cleanliness and greenery is. "

To the question: Do you think you have enough information on the activities of the institutions on environmental issues / problems? - Only 20 % or 6 respondents responded with "yes, I regularly follow information on the topic" and as many as 76.7 % or 23 respondents answered with "no, I do not have information, but I would like to". One respondent (3.3 %) answered "no, I don't care". The answers to this question are shown in Table 3.

Table 3 : Information on the activities of the institutions on environmental issues / issues

Do you think you have enough information on the activities of the institutions on environmental issues / problems?	yes, I regularly follow information on the subject	no, i don't have any information but would like	no, i don't care	total

Total	6	23	1	30
%	20 %	76.7 %	3.3 %	100%

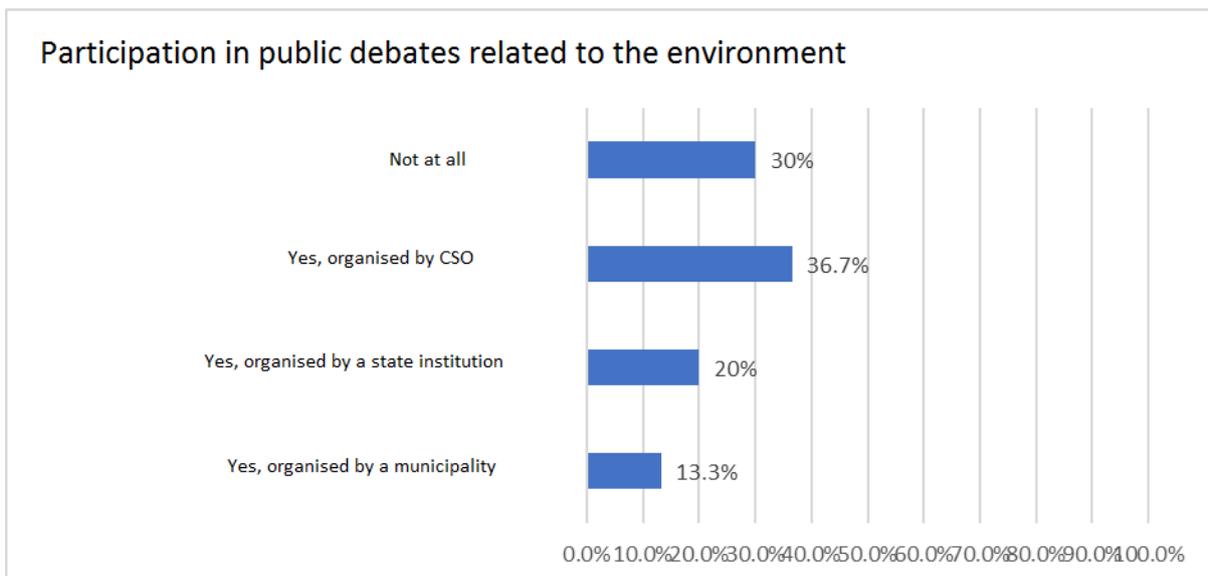
The answer to this question overlaps with the responses from the focus groups , since the majority ( 23 respondents ), ie 76.7% of respondents do not have enough information on issues / problems related to the environment. Of those six ( 6 ) subjects who gave a positive response, four ( 4 ) of the non-governmental sector , and two (2) from the state / public sector. The focus groups stated that "if one is persistent enough and interested, then would reach information. Others believe that information is not accessible to citizens and is not visible. Requires information about the level of pollution that measures taken by the competent authorities, the pace of implementation and findings of the audit of the implemented measures, information on the state of the local environment, information about the quality of water, air and food and environmental information at all . "As a positive example, focus group participants emphasized the publication of the DUPs on the web sites of the municipalities which shall be presented to the public three months, but even than the citizens pass the deadline, react or do it late, though given the opportunity to make timely remarks.

To the question: Have you ever participated as a citizen or as a representative of your institution / organization in a public debate on environmental issues organized by an institution / organization? (Respondents had the opportunity to round up multiple answers. The following answers are given:

- a) YES, at the debate organized by the municipality - 4 respondents
- b) YES, at a debate organized by an institution at national level (Government, Ministry of Environment, Inspectorate of Environment etc.) - 6 respondents,
- c) YES, at a debate organized by CSOs / citizens - 11 respondents,
- d) NO at all - 9 respondents.

The answers to the question are presented in Chart 12.

Chart 12: Participation in public debates related to the environment

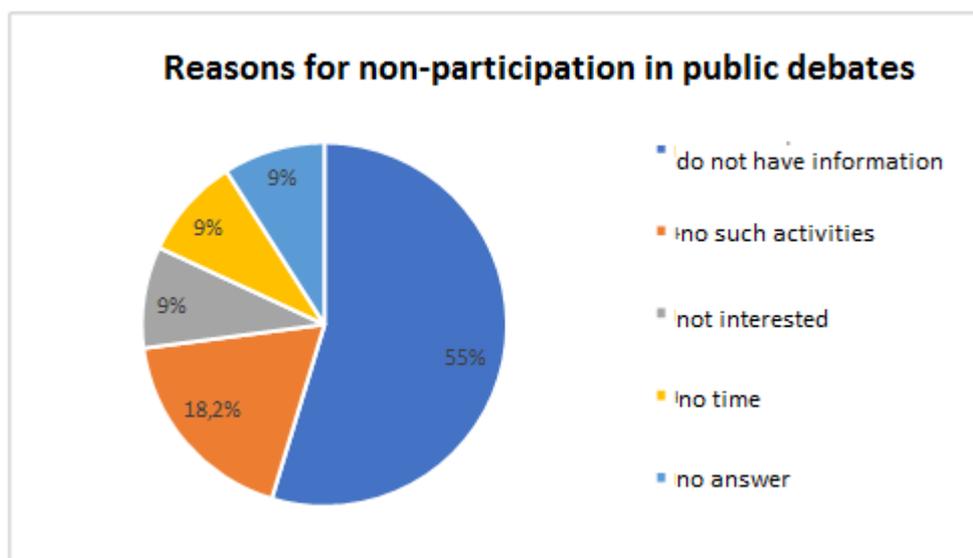


Two-thirds of respondents participated in a debate on topics related to the environment, and most debates organized by civil society. Focus groups participants noted that

" public debates should be opened for regional landfills to be built (the one in Sveti Nikole), public-private partnerships for landfills, industrial zones and their allocation (Breweries, Cementarnica Usje, which were formerly settlements outside the city, but today around them are densely populated inhabitants), as well as issues related to the DUP, spatial planning and human life, pollution of air and soil, and all matters of environmental concern citizens in general. The question of how big a cause of air pollution is wood-burning and how much pellets should be raised should also be raised. The quality of drinking water is also an important issue, what does chlorine and desalination mean and how it affects human health. " In the other group noted: "thematic debates should be on deforestation, the problem of landslides, with highways whose construction destroyed highlands, inappropriate mining in Kozjak putting in jeopardy the Treska spring. Regular debates are needed on the following topics: spatial planning, mines, air, human health and pollution, waste recycling. "

The reason for non-participation of thematic discussions, on those who negatively answered the previous question, as reasons cited the following: (6) of respondents said they had no information when organizing such events, two ( 2 ) respondent and answer is that there are no such activities in his environment, one (1) said he was not interested to attend such events, one (1) respondent replied that had no time, though would like to / and one (1) respondent did not answer the question.

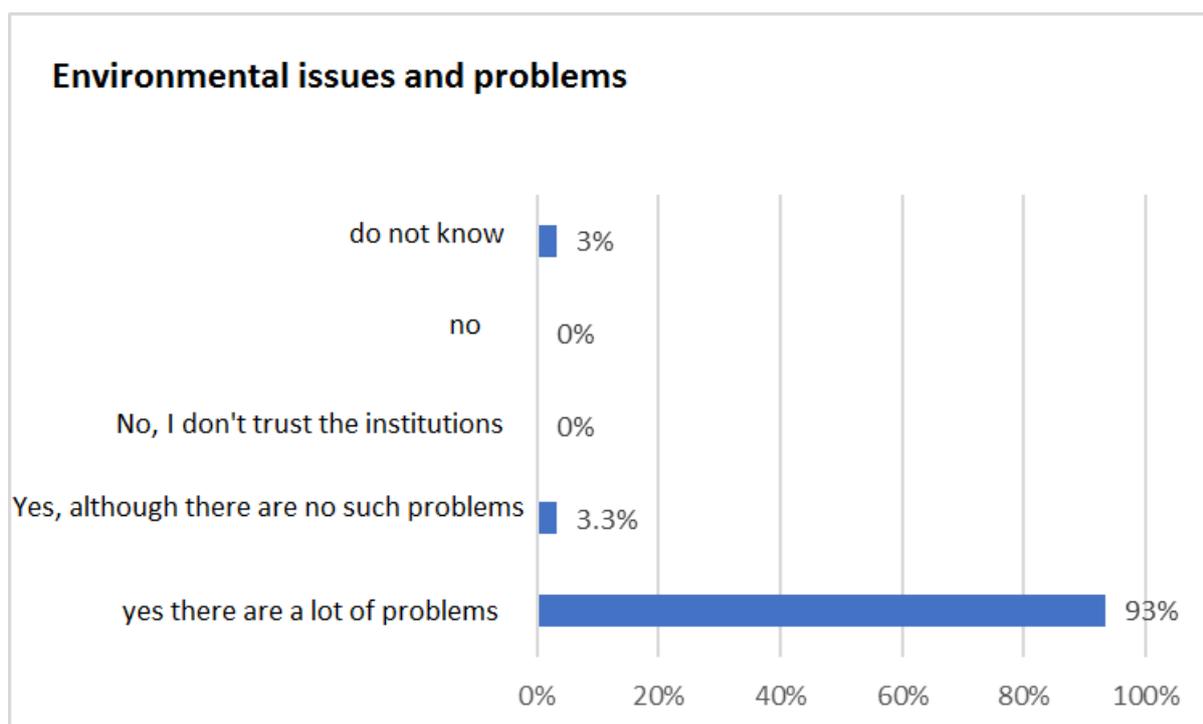
Chart 13: Reasons for non-participation in public debates



**It follows that citizens (regardless of where they are employed) need to receive timely information on all environmental issues that affect their lives and health.**

To the question: Do you think there are environmental issues / problems that citizens should address to the competent institutions and / or courts? - The majority of respondents for a total of 28 of them (93.3 %) answered „ yes, there are many such problems ,, 3.3 % of them (1 respondent) responded with „ yes, although there is not much such problems ,, and 3.3 % and 1 respondent answered that he did not know whether such problems and issues exist (see Chart 14) .

Chart 14: Environmental issues and problems



This once again confirms that citizens need knowledge of mechanisms for protection of any of the rights associated with a healthy environment. The focus groups noted: "Until now, none of the lawyers present had ever heard of an environmental case, nor had they heard of a state-run case. Until now, questions related only to urbanism, but not to other segments of the environment, have opened up, and unfortunately always end up with protest, debate and that's it. Experience with compensation shows that (example: citizens bitten by dogs) begin with a mass lawsuit, but the state changes its existing laws in order to protect its interest ... Our judiciary, court fees and forensics are very expensive, no matter what the case, and in most cases this deters the citizen from seeking legal protection of their rights and interests. Judges must be aware of the matter they are dealing with, civil damages are reduced to compensation, and procedures are expensive, judges are not trained to act in health cases caused by environmental damage. "

The focus group also emphasized that the citizens as individuals should not react, but the institutions themselves are obliged to react in such a situation, since the individual has neither the time nor the means to do so. On the other hand, there is also mistrust in the system, because whenever a procedure or procedure has to be initiated, it is an endless maze.

The issue (No. 8): Are you familiar with the terms of free legal assistance pursuant with the Law for free legal aid? - 20 respondents (66.7 %) said yes, 10 respondents ie 33.3 % answered negatively (see Table 4) .

Table 4 : Conditions for using free legal aid under the Free Legal Aid Law

Are you familiar with the conditions for using free legal aid under the Free Legal Aid Law?	yes	no	Total
Total	18	12	30
%	66.7 %	33.3 %	100%

It should be noted that the questionnaire was realized in time when adopting new law on free legal aid, so the answers regard the old law on free legal aid. The majority of respondents, 18 people (66.7%) believe that they know the conditions for free legal aid. From them fifteen responses were from NGOs.

Regarding this issue, by the focus groups was stated that: " the regulations are not followed, especially if a dispute with the ministry, public institution ... LFLA used as an obstacle in 1% of cases allowing free legal aid and the law itself is complicated, and its concept is flawed. State that in the administrative procedure in case of a dispute in the field of social rights, the party is exempt from court fees. "

## Using existing mechanisms for access to justice

The section on using **existing mechanisms for access to justice** begins with the question: Do you know where to go in case of violation of your right to a healthy environment? . To this question, 18 respondents answered yes and 12 answered no. The table of answers is given in Table 5 below.

TABLE 5: Where to turn for violations of the right to a healthy environment?

Do you know where to go in the event of a violation of your right to a healthy environment?	yes	no	total
Total	18	12	30
%	60 %	40 %	100%

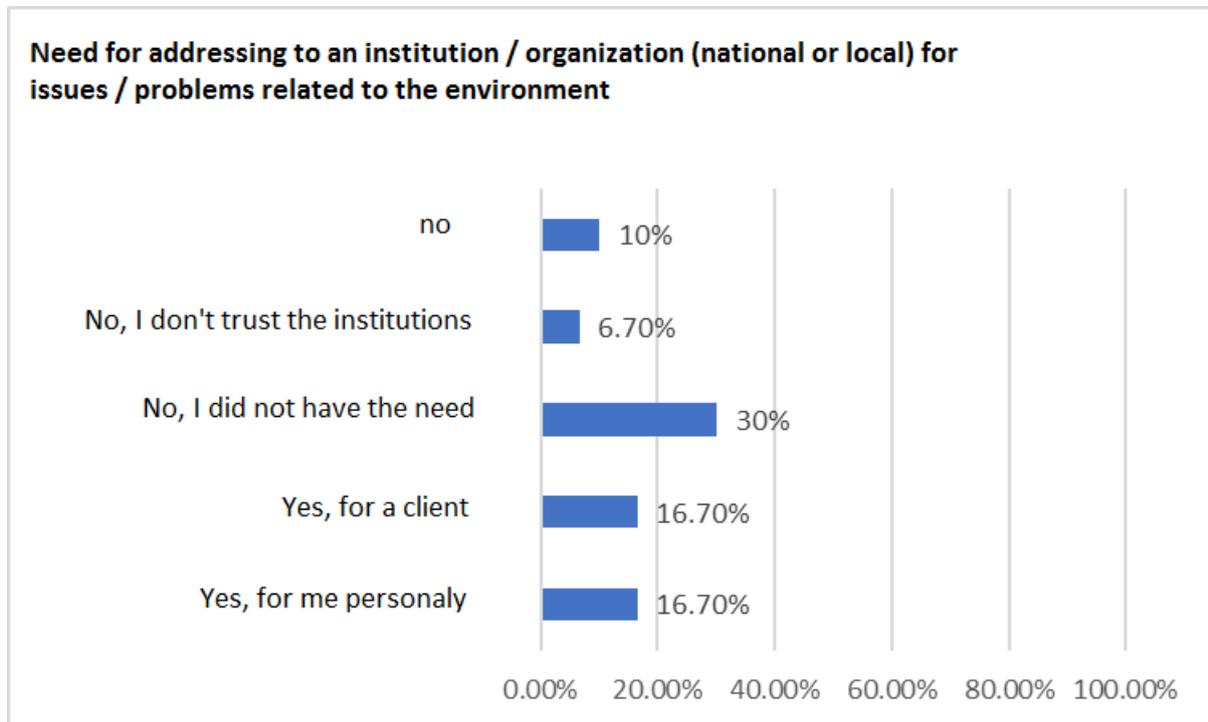
Sixty (60) percent of respondents (or 18 respondents) answered that they know where to turn in the event of a violation of environmental law. Of these, 15 are representatives of the NGO sector. The focus groups emphasized that institutions (eg municipalities) do not know where to refer clients if they have a problem. An example was the case of noise, when a problem was reported prior to inspection, the inspector noted the noise, but did not take any measures to punish the source of the noise, nor could he refer the party to further proceedings.

The question: Have you **had the need** to go to an institution / organization (national or local) for issues / problems related to the environment to you personally or for your clients? - The answers are as follows:

- a) YES, for me personally - 5 respondents (16.7 %)
- b) YES, for a client - 5 respondents (16.7 %)
- c) NO, I did not need - 15 respondents ( 50 %)
- d) NO, I do not trust institutions - 2 respondents ( 6.7 %)
- e) NO - 3 respondents (10%)

The answers to this question are presented in Chart 15.

Chart 15: Need for addressing to an institution / organization (national or local) for issues / problems related to the environment for private respondent or client



More than 45% of respondents said they did not have the need to turn to an institution / organization (national or local) issues / problems related to the environment for them personally or for clients. Those who responded positively 32,4%, either for them or for the customer, the question to which institution / organization are addressed, gave the following answer when it was able to encircle more than one answer :

- a) Ministry of Environment and Physical Planning - 4 respondents
- b) Institution in the municipality where I live - 5 respondents
- c) Environmental Inspectorate / Inspector / Helpline - 7 respondents
- d) CSO working in the field of environment - 3 respondents
- e) Competent court - 1 respondent

Although this question has two answers that **are not addressed** to the institutions because they do not believe, however, only three of those who turned to an institution / organization, addressed the NGO, and 15 persons to the state / public institution.

To the question: "Do you think that citizens have access to environmental justice through existing mechanisms for access to justice?" - responded positively 5 respondents reported negative total 22 and a total of 3 subjects did not answer (see Table 6).

TABLE 6: Access to justice in the field of the environment, through existing mechanisms for access to justice

Do you think that citizens have access to environmental justice through existing mechanisms for access to justice?	yes	no	They didn't answer	total
Total	5	22	3	30
%	16.7%	73.3%	10%	100%

Of those who gave a positive response, three representatives of NGOs, a public institution, and a response data that is no respondent.

**What concerns is the fact that a majority of 73.3 % of the respondents believe that citizens are not given access to environmental justice through the existing mechanisms for access to justice. This points to the need to find appropriate and adequate mechanisms adapted to access to environmental justice.**

The focus group was noted that a general problem is non-unification of laws and procedures, or in the courts for similar items carry different decisions. Due to the low standard of the state and the increasing poverty, the position is that court fees in our country should be symbolic. In practice they are extremely high, the maximum is MKD 96,000.00, and if the case reaches the Court of Appeal and the Supreme Court, the same amount is reimbursed for each instance and for any regular and extraordinary remedy. For these reasons, people do not seek judicial protection of their rights. It was also stated by the attendees that the amount of court fees was deliberately increased in order to reduce litigation... Filter should primarily be lawyers and court fees. According to the above, the lawyers, using their expertise, should tell the parties what is the legal problem that can be pursued at the request of the client, and which is a life problem. Legal problems are brought in litigation, which is not the case with life problems. Everyone thinks that with the current judiciary it is really difficult to seek justice. It also raised the question of whether there are forensic experts who can provide findings and opinions in environmental disputes. "

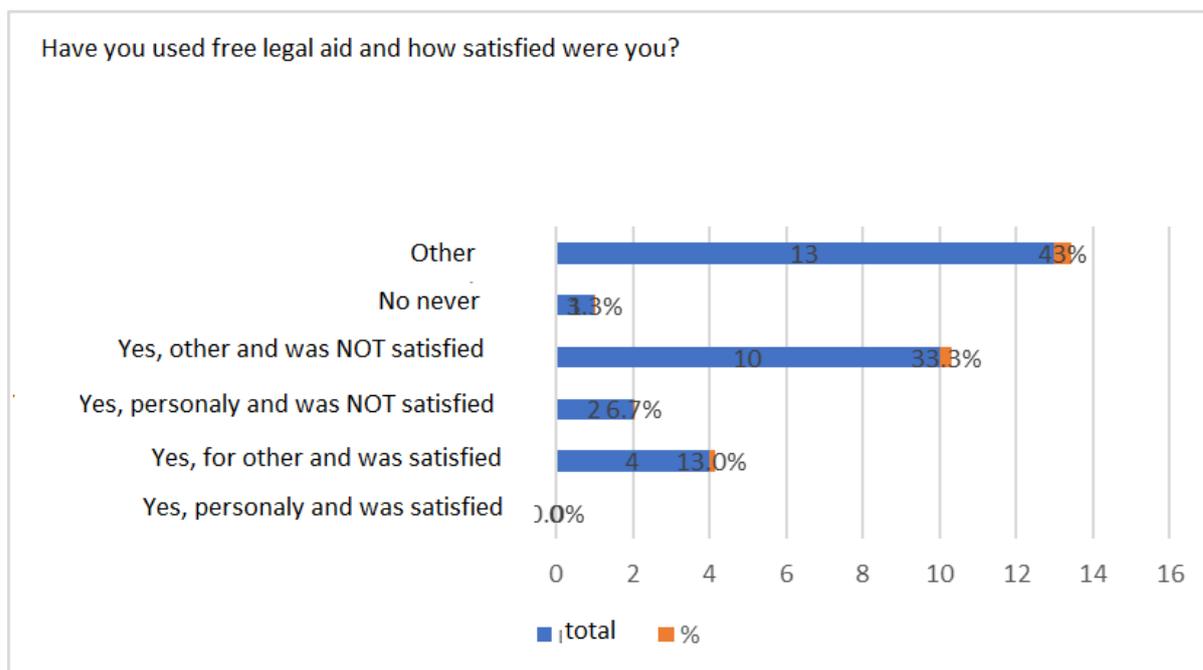
Those who responded positively to the previous question, namely those who believe that citizens have access to environmental justice through the existing mechanisms for access to justice, have listed the following mechanisms for access to justice:

- Aarhus Convention
- ☐☐ Bodies of the administration, inspectorate, Ministry, and judicial protection
- Conducting an initiative to assess constitutionality and legality before a constitutional court, court or administrative proceeding

Two (2) of the respondents who answered YES to the previous question did not answer this question.

Regarding the mechanisms of access to justice, the question was also raised: "Have you or anyone you know used free legal aid so far and are you satisfied with the institutions involved in the process?" - With „ yes, for other and he / she was satisfied answered 4 subjects, „ yes, for me personally and I am not satisfied answered 2 subjects, „ YES, for other and he/she was not satisfied, 10 respondents answered in total , with“ NO, never ”answered 1 ( one ) respondent, and 13 respondents did not answer at all (see Chart 16) .

Chart 16: Using the mechanism of free legal aid



To the question " Do you think that the free legal aid mechanism should provide access to environmental justice? " - 28 respondents (93.3%) responded positively, negatively 11 responded to the question (shown in Table 7) .

TABLE 7: Providing access to environmental justice through the free legal aid mechanism

Do you think that the free legal aid mechanism should provide access to environmental justice (if the applicant meets the criteria for using free legal aid)?	yes	no	No answer	total
Total	28	1	1	30
%	93.3 %	3.3 %	3.3 %	100

This response coincides with the answers where the focus groups indicate that the poor citizens who do not have information do not know they are suffering from, bad air, soil ... for these citizens last is the subject of the environment, because they have no existential problems. According to the interviewees, the quality of health care is also questionable, the doctor makes a diagnosis and provides therapy, but cannot give a causal link between the disease and an environmental problem. Macedonia currently has no way to prove such a case that requires expertise, complex procedure, and the case would be in the public interest for all citizens.

Evaluations on institutions for existing active mechanisms for protection of the environment and act upon citizens' requests are **(1 lowest - 5 highest) are shown in Table 8 :**

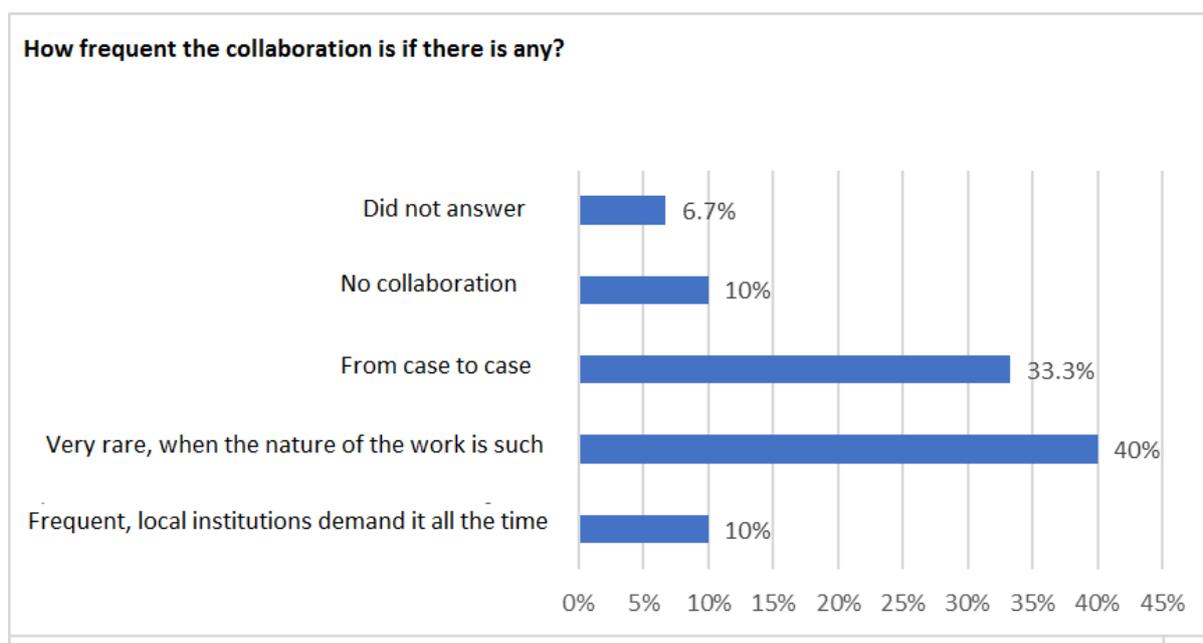
TABLE 8 : Evaluation of the mechanisms for protection of the environment and acting upon the requests of the citizens

	Protection mechanisms	1	2	3	4	5	No answer.	Average rating
a)	Ministry of Environment and Physical Planning	10 (33.3%)	14 (46.6%)	3 (10%)	1 (3%)	1 (3%)	1 (3%)	1.9
b)	Municipality / municipal inspectorates	7 (23.3%)	16 (53.3%)	3 (10%)	1 (3%)	2 (6.7%)	1 (3%)	2.13
c)	Inspectorate of Environment	10 (33.3%)	10 (33.3%)	5 (16.7%)	2 (6.7%)	2 (6.7%)	1 (3%)	2.17
d)	A civil society organization providing legal assistance	0	3 (10%)	11 (36.6%)	11 (36.6%)	3 (10%)	2 (6.7%)	3.5

From state / public institutions, the weakest average grade has the Ministry of Environment and Physical Planning, then the municipality / municipal inspectorates (2.13) and the Environmental Inspectorate of medium grade (2.17). CSOs are rated better than any previous one with an average score of 3.5, which is an overall score higher than the previous ones.

Asked about the perceptions of cooperation between different institutions, ie " How frequent is the cooperation, if any, between CSOs / citizens and institutions at local level? ", The answers of the respondents are as follows (see chart 17) :

Figure 17: Frequency of cooperation between different stakeholders



The responses showed that **no mechanism for cooperation has been established** between civil society organizations / citizens and local institutions specifically related to cases of environmental protection. Communication is usually on a case-by-case basis or when creating local policies. This was also confirmed in the focus groups.

#### Capacity of institutions / organizations and other actors working with free legal aid

This part of the research concerns the capacity of institutions / organizations and other actors (civil activists, lawyers, civil associations) working with free legal aid.

The question: Have you ever been a participant in dispute or are informed of the dispute (civil, administrative, criminal) the competent authorities or courts for cases related to environment? (as a direct participant or as a representative of the organization / institution you come from) - the answers are as follows:

- a) yes, personally, as a party - 1 respondent (3, 3 %)
- b) yes, personally, as a representative of the institution / organization I come from - 3 respondents (10%)
- c) no, but I have heard of such cases - 16 respondents (53.3 %)
- d) no, I have not even heard of such cases - 9 respondents (30 %)
- no answer - one respondent (3, 3 %)

The answers to this question are shown in Table 9.

TABLE 9 : Participant or dispute information

Have you ever been involved in a dispute or have you been informed of a dispute (civil, administrative, criminal) before the competent authorities or courts of cases	a) yes, personally, as a party	b) yes, personally, as an agent / representative of the institution / organization I come from	c) No, but I have heard / and for such cases	d) no, I have not even heard of such cases	They didn't answer	total
total	1	3	16	9	1	30
%	3.3%	10%	53.3%	30%	3.3%	100%

The answers show that only a small number of respondents (4) have experience with environmental cases. This number is confirmed by other court case studies that show a relatively small number of cases processed in state courts.

As for the outcome, if they participated or were informed of such cases, the answers are as follows:

- a) positive for the party - 5 respondents
- b) yes, positive for the institution - 4 cases
- c) no, I don't know - 20 respondents
- No answer - 1 respondent

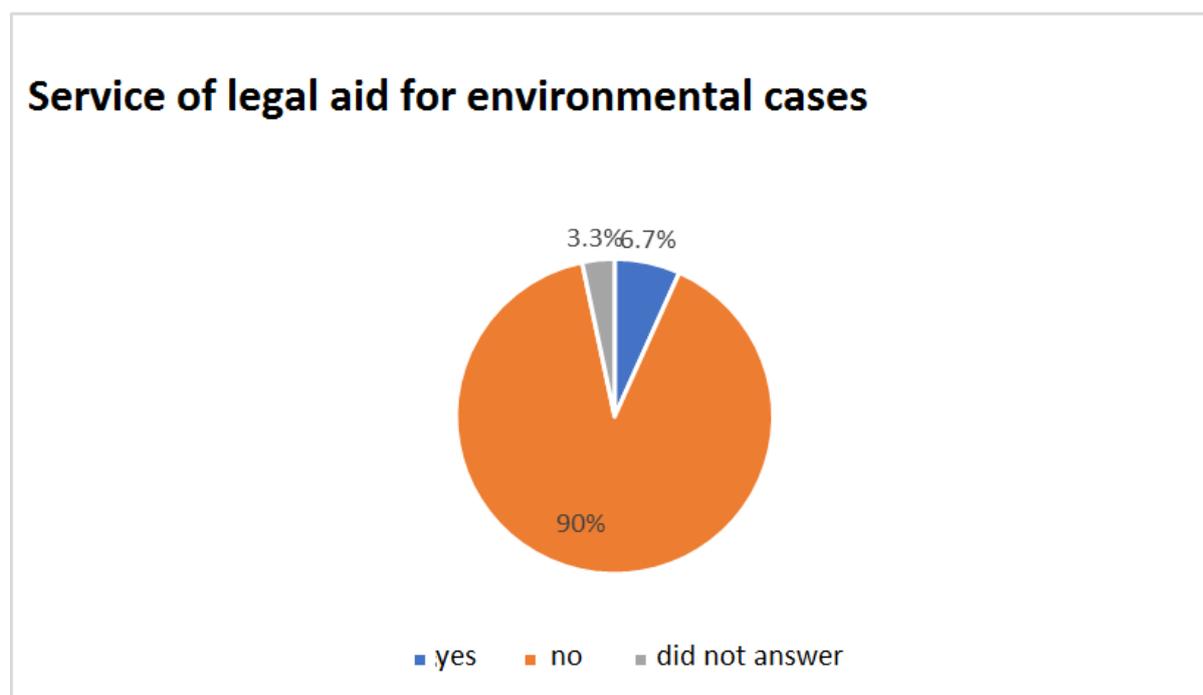
The answers to this question are shown in Table 10.

TABLE 10: outcome of the litigation

If you participated or were informed of such cases, do you know the outcome?	a) yes, positive for the party	b) yes, positive for the institution	c) no, I don't know	they didn't answer	total
Total	5	4	20	1	30
%	16.7%	13%	66.7%	3%	100%

To the question: "Have you used or know someone who has used free legal aid in environmental cases?" 2 answered positively, with no 27, 1 did not answer the question (see chart 18).

Chart 18: Service of legal aid for environmental cases



This data shows once again that in environmental cases, the law on free legal aid is not used.

In both cases where free legal aid was used, in one case the beneficiary was exempt from legal costs and in one case was not (see table 11) .

TABLE 11 Exemption from court costs in environmental cases

If you answered that you used free legal aid, was the beneficiary exempt from legal fees?	a) Yes, they were exempt from court costs and costs in proceedings	b) yes, but not from expert costs	they didn't answer	total
Total	1	1	28	30
%	3.3%	3%	93.3%	100%

Regarding the visit of training related to professional activities in the field of environment, the answers are as follows (Note: You can choose more than one answer)

- a) yes, organized by the Academy for Judges and Public Prosecutors - 1 respondent
  - b) yes, organized by civil society - 9 respondents
  - c) organized by international organizations - 8 respondents
  - d) no, but would like - 13 respondents
  - e) no, I am not interested - 2 respondents
- Counselling and training - 1 respondent

The results are given in Table 12.

TABLE 12 Training visit

Have you ever been to any training related to your environmental professional activities?	a) yes, organized by the Academy for Judges and Public Prosecutors	b) yes, organized by civil society	c) yes, organized by international organizations	d) no, but would like	e) no, I'm not even interested
Total	1	9	8	13	2

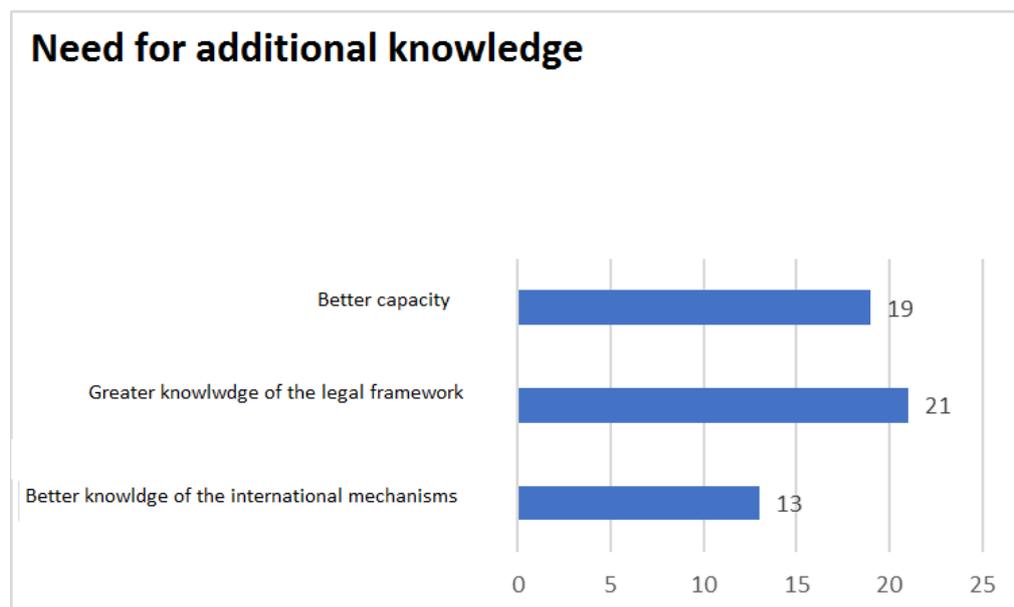
And this answer confirms the findings that most environmental training is provided by NGOs or international organizations and institutions.

What additional knowledge missing from your team and institution / organization related to the right to a healthy environment? You can round up more than one answer:

- a) Greater knowledge of international mechanisms for protection of the right to healthy environment - 3 respondents
  - b) Greater knowledge of the legal framework of the state related to the right to a healthy environment - 6 respondents
  - c) Increasing the capacity to provide services (training the team to provide free legal aid in cases of violation of the right to a healthy environment, etc.) - 6 respondents
- No answer - 3 respondents

The answers to the question are presented in Chart 19.

Chart 19 Need for additional knowledge



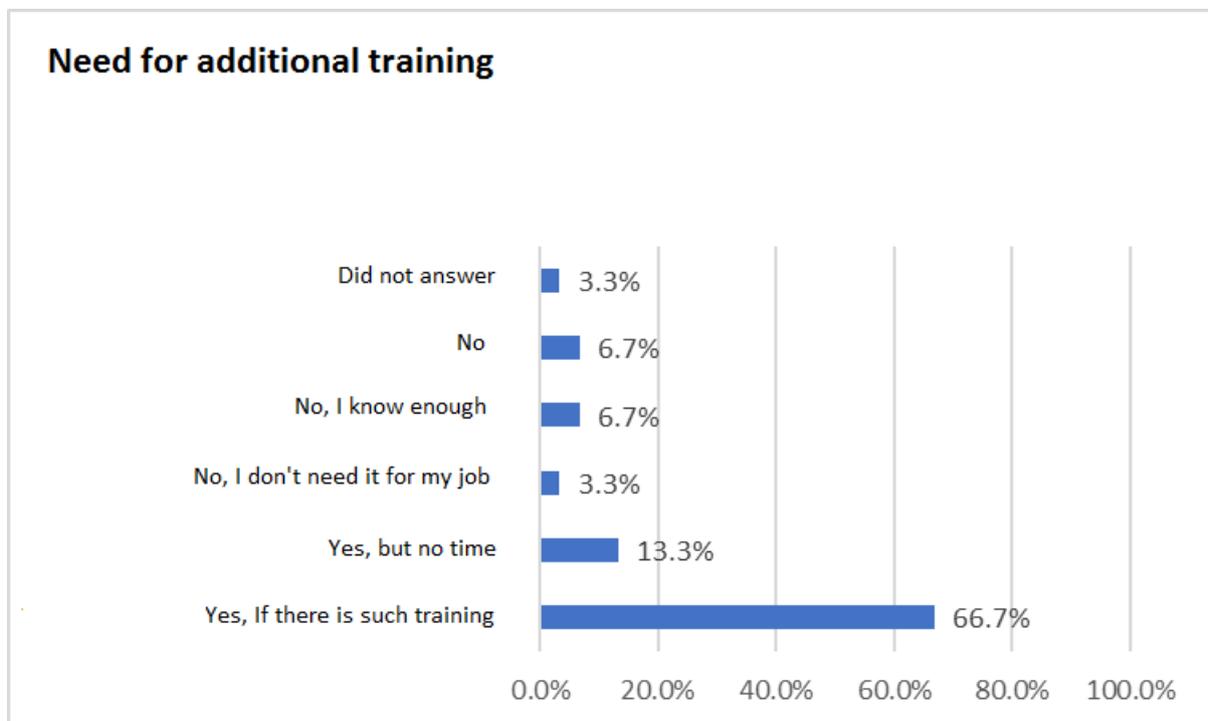
According to the responses, better knowledge of the legal framework of the country related to the right to a healthy environment, as well as training for increasing the capacity for providing services (training team to provide free legal aid in cases of violation of the right to healthy environment).

The answer to this question overlaps with the next question for the purposes of enlargement of knowledge for advocacy in the field of environment?

- a) yes, if there are such trainings I would like to attend - 20 respondents
- b) yes, but I have no time - 4 cases
- c) No, I do not work on this topic - 1 respondent
- d) no, I know enough - 2 respondents
- e) no - 2 respondents
- No answer - 1 respondent

The answers to the question are shown in Figure 20.

Chart 20 Need for additional training



How would you rate your (individual) skills on a scale of 1 to 5 (1 at least - 5 at most)

**[a) Legal Aid Generally]**

- 1 - 4 respondents
- 2-3 respondents
- 3-8 respondents
- 4 - 6 respondents
- 5 - 5 respondents
- No answer - 4 respondents

. [b] Legal aid in violation of the right to a healthy environment]

1 - 7 respondents

2 - 7 respondents

3 - 9 respondents

4 - 4 respondents

5 - 1 respondents

No answer - 2 respondents

The answers to the question are given in Table 13.

TABLE 13 Evaluation of individual skills

How would you rate your (individual) skills on a scale of 1 to 5?	1	2	3	4	5	No answer.	Average rating
Legal aid general	4	3	8	6	5	4	2.77
Legal aid in violation of the right to a healthy environment	7	7	9	4	1	2	2.3

Respondents relatively better assess their own skills and general legal assistance and legal aid in violation of the right to a healthy environment , with little skills have improved in terms of general legal aid . However, there is still a need for capacity building as outlined in the previous response.

## Conclusions

From the answers to the questionnaire, and the focus groups, one can draw the following conclusions :

- Informing the public about both personal rights and state obligations related to environmental protection is relatively low.
- collective awareness of the importance of personal, but well organized, systemic contribution towards the protection and preservation of a healthy environment is at a very low level and is hardly recognized by citizens. This leads to a situation where each individual is waiting for "someone else" to take the initiative in protecting and preserving a healthy environment.
- Most of the respondents do not know where to turn if they consider that they have a case of violation of the rights to a healthy environment.
- In the case of violation of the right to a healthy environment, especially when citizens turn to municipalities, the municipal administration lack specific knowledge where to refer clients if they have any problems associated with the environment.
- There is a lack of knowledge of the legal framework by the state authorities related to the right to a healthy environment, especially those actors and stakeholders (state, public, judicial authorities, etc.) who are obliged to ascertain and act upon complaints, but also to protect the public interest.
- Administration's failure to recognize competences to act in cases of violation of the right to a healthy environment contributes to the decreased trust in institutions by citizens.

- The majority of the respondents consider that the existing domestic laws related to environmental protection are relatively good, but there is a lack of full and non-selective implementation of the laws.
- Consequently, 73.3% of the respondents believe that citizens are not given access to environmental justice through the existing mechanisms for access to justice.
- Respondents believe that there is non-uniformity of laws and procedures, with different decisions being taken on similar cases, there is no harmonized judicial practice, thus increasing citizens' mistrust in the judiciary and other state bodies and institutions, and in the meantime court fees and costs preparation of forensics is too high.
- Respondents locate the lack of court case law on environmental matters in insufficiently trained judges who do not know how to act in the event of an environmental dispute.
- Citizens generally find it difficult to obtain specific information or information from institutions related to environmental issues, and to obtain certain information citizens need both time and considerable resources to obtain the information they need and want.
- Very few respondents have heard or are familiar with the Aarhus Convention, as well as other international standards and mechanisms that the state has ratified in the field of the environment.
- The cooperation between NGOs and public institutions is low and it is necessary to establish regular channels of communication and exchange of information.
- The need to increase the number of thematic public debates on the state of the environment has been identified, especially for issues that have a direct impact on human life and health (deforestation, landslide problem, highways that destroy mountain areas and are not taking into account the wildlife, inadequate blasting at Kozjak, thus jeopardizing the spring of Treska, etc.).
- It takes regular public debates to raise environmental awareness and starting from an early age about the importance of the environment and its protection especially the importance of the environment, spatial planning, mines, air, health and pollution, waste recycling.
- A small number of respondents participated in trainings in the field of environment, which were mainly organized by NGOs, and there is great interest in it.
- There is a need for upgrading environmental advocacy knowledge and using all available mechanisms arising from both international documents and domestic legislation that is in the process of being brought into line with international standards.

## Recommendations

Based on the research, and the work with the focus groups and the analysis of the answers to the questionnaire, the following recommendations can be summarized:

- Requires raising general awareness on a local and national level about the importance of environmental protection and its impact on health and life of humans.
- Sustainable policies and raising awareness of the population about the environment in the long run can be realized through introduction of the overall education about the environment at all levels of education.
- Introduction to the general public with the Aarhus Convention, but also with international standards and mechanisms to protect the environment that our country took by ratifying the convention to implement, enforce and respect the direction of environmental

protection, and the protection of the health and life of humans and of the animal and plant life.

- Regular publication of information concerning citizens and related environmental, urban and spatial planning, in an appropriate manner, quickly and easily accessible to interested citizens using modern technologies and tools.
- Respect the legislation and regulations by the institutions should be subject to liability without justification they are declared incompetent in a particular issue that they were still obliged to answer / information.
- Increasing the capacity of state institutions in terms of strengthening the human resources working with clients, and which are responsible for providing information to stakeholders in the field of environment, which would increase their professionalism and knowledge and therefore confidence of citizens in institutions.
- Finding mechanisms for taking concrete measures by state authorities in order to protect the environment and informing the public about it.
- Compulsory training and education of judges, lawyers, inspectors, forensic experts and other bodies and institutions competent to deal with environmental issues and issues, thus contributing to the unification of laws and case law.
- Training for all interested parties to familiarize with the commitments we have state and arising from international ratified documents, and respect for human rights and access to justice and protection of the environment.
- Specialized training for NGO representatives in environmental advocacy.
- Specialized trainings for the administration of the Ministry officials on opportunities arising from the Aarhus Convention on access to information and justice on issues related to the environment.
- Training for monitoring, analysis and evaluation of the environmental situation and reporting on the state and private individuals and representatives of NGOs.
- Reduce the amount of court fees, but also reduce the cost of procedures, especially for group complaints of public interest (eg. air pollution) in order to facilitate access to justice for all citizens in the country.
- Clearly establish and delineation of responsibilities of all state and local agencies that have jurisdiction to rule on matters of the environment and necessary to strengthen the capacity of the same.
- Strengthening cooperation between the governmental and non-governmental sector on environmental issues. One of the common activities can be organising regular and thematic public debates regarding the environment, raising discussions on all important issues related to the environment and human health.

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Although the questionnaire was answered by a relatively small number of subjects (30 subjects) , the research team believes that the answers received and the recommendations arising from the processing of the questionnaire provide direction and for effective reform Access to Justice in Environmental in accordance with the Aarhus Convention and EU standards , as well as capacity building of the holders of the reform process for the obligations arising from international and domestic legislation for effective access e Legal cases of the environment .

## Consulted literature on environmental and environmental obligations of both the state and the citizens

1. Aarhus Convention
2. Rules of the Constitutional Court of PCM
3. United Nations Economic Commission for Europe: *A Guide to Implementing the Aarhus Convention*, 2000.
4. Law on Free Legal Aid, Article 13, paraChart 1, "Official Gazette of the Republic of Macedonia" no. 101 of 22.05.2019
5. Law on Civil Procedure (Official Gazette of the Republic of Macedonia, No. 7 of 20.01.2011)
6. Law on Prevention and Protection against Discrimination Official Gazette of RM no. 50 of 13.04.2010
7. Law on Prevention and Protection against Discrimination Official Gazette of the Republic of Macedonia, no. 101 of 22.05.2019 Godin
8. International Covenant on Economic, Social and Cultural Rights
9. International Covenant on Economic, Social and Cultural Rights
10. Ottavio Quirico and Mouloud Boumghar (eds.): *Climate Change and Human Rights: An International and Comparative Law Perspective*
11. UN Human Rights and Environment Reporter <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SREnvironmentIndex.aspx>
12. Region Administered by the United Nations, Security Council Resolution 1244 (1999)
13. United Nations Universal Declaration of Human Rights
14. Decree on strategies, plans and programs, including changes to those strategies, plans and programs, for which a mandatory procedure for assessing their impact on the environment and on human life and health is mandatory (Official Journal 153/2007 and 45/2011).
15. Constitution of the Republic of Macedonia (SIA 52/1991, SIA 1/1992, SIA 31/1998, SIA 91/2001, SIA 84/2003, SIA 107/2005, SIA 3/2009 and SIA 49/2011)