Dear Colleagues,

The production of the Asylum Report 2024 is currently underway. The annual Asylum Report series presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2023 by topic as presented in the online survey (‘Part A’ of the form).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (‘Part B’ of the form).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 Asylum Report by civil society organisations can be accessed here, under ‘Acknowledgements’. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA’s work in multiple ways and inform reports and analyses beyond the Asylum Report.
Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by Thursday, 30 November 2023.*

Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

Part A:

- New developments and improvements in 2023 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:

- New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

PART A: Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

In 2015, in response to a significant influx of refugees and migrants, the country declared a "state of crisis," which is still in effect for border areas adjacent to Greece and Serbia. This status grants the government enhanced authorities to regulate the entry and passage of migrants and allows for the deployment of additional resources, including military forces, as deemed necessary.

As part of the Western-Balkan route, in 2015, the two transit centres were opened in North Macedonia, the one in the south – Transit center Vinojug and the one in the north – Transit center Tabanovce and they are still operational for registration and accommodation of migrants, even though the legal status of both centers is not regulated. In these transit centers the migrants are provided with food, basic medical treatments and shelter. However, there is no proper psychological support in both centers, and there aren't any educational and recreative activities in the TC Tabanovce.

A total of 5795 persons were temporarily accommodated in transit centers in the first eight months of the year.

Up to October, according to the Macedonian Young Lawyers Association (MYLA) data in 2023, the number of persons who were caught and returned back outside of a formal procedure to a neighboring country is 10.518. This practice has been ongoing through the years and is still present, and the number of persons
returned without conduction and obeying the formal legal procedure and the readmission treaties remains. However, the numbers decreased in 2023, comparing to 2022 when this number was 24.134, and in 2021 was 29.706 cases. Furthermore, the police had occasionally transporting persons to the Greek border, where they were left on some unofficial points. Most of these persons showed intention to return to Greece, but some of them, without proper assessment of their condition were transported together with the others as a group. The persons were initially registered with their official information in the transit centers, but a small part of them were taken without any registration. However, starting from April, 2023 when FRONTEX became operational on the south border in North Macedonia, the registration and the assessment procedures are improved, but the informal returns remain. From the group of persons caught on the Macedonian territory, in 2023 there was an increase in the number of migrants transferred to the RC for foreigners and after giving their statements as witnesses they were released by submitting asylum requests. That is how the number of asylum seekers has dramatically increase in 2023 (up to October - 471) comparing to the other years (2022-174, 2021-95).

In 2023, MYLA had intervened in 6 different cases on ground of disobedience of the non-refoulement principle by the state bodies. The need to obey to this principle was also stated before the Sector for Asylum during the RSD interviews with asylum seekers. Although most of the migrants were caught on RNM territory, the state registers these cases as prevention from illegal entry to its territory. North Macedonia doesn’t have any visa exemptions for persons running from war or persecution.

ACCESS TO PROCEDURE
The Law on International and Temporary Protection (LITP) prescribes in details the procedure for a foreigner entitled to request asylum in Macedonia. These persons may do so at the border, in the nearest police station or in the Reception center for foreigners or to the Sector for Asylum, as the competent authority for conducting asylum procedures. Even though in 2023 there was no officially registered intention for applying for asylum, during this period there were cases where the persons orally expressed their intention for applying for asylum; however some of these request were not processed on time due technical difficulties or with the justification that the highest-ranking police officer must be present in order for the applications to be processed. MYLA accordingly responded to the competent authorities in order to enable unhindered access to the asylum procedure. In certain cases, it was noted that there was an unnecessary delay in the processing of the application for recognition of the right of asylum as well as a delay of the processes of transport to the Reception Center for asylum seekers. Filing a request for asylum for the persons detained as witnesses in RC for foreigners is allowed only after the testimonies by the persons in front of public prosecutors for the procedures against smugglers were finished. MYLA noted a lack of safeguards for seeking protection. The country did not send back any migrants to countries with inadequate protections, only to neighboring countries but the migrants don’t have an access to an effective remedy against the informal deportation.

2. Access to information and legal assistance (including counselling and representation)
MYLA has offices in each of the transit centers for provision of free legal aid for the asylum procedure and legal counselling. Except the legal counselling conducted by NGOs, the police and the authorities usually don’t inform migrant for the possibility to apply for asylum and the asylum procedure in the country. MYLA also has an office at the Reception center for asylum seekers in Skopje, in which it also provides free legal aid, legal counselling and representation of asylum seekers in their asylum procedures. However, in cases of returns outside of a formal procedure, migrants are sometimes limited from access to information and legal assistance and the opportunity to appeal such conduct. There is a limitation as well as
in the Reception center for foreigners where they are detained as witnesses in the criminal procedures against the smugglers and they cannot effectively challenge the detention. In 2023, the access to the migrants by MYLA was limited in this center until the procedure upon their detention was finished and they weren't properly informed for their rights and legal opportunities. Some of them didn’t understand why they are detained because the reasons were not thoroughly explained or because of interpretation limitations etc.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

In North Macedonia, the interpretation services are provided by international organizations in every stage of the asylum procedures and even before, in the registration processes. There is no state-funded interpretation system that could support these procedures. Even though in the Law on International and Temporary Protection the interpreter for the RSD should be arranged by the Sector for Asylum within the Ministry of Interior, this is not the case in reality.

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

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5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

In North Macedonia, there aren’t any special procedures conducted by the authorities. There is a possibility according to the Law on International and Temporary Protection (LITP) for some asylum seekers to be in an accelerated procedure if their request is inadmissible or manifestly unfounded, but it rarely happens. There isn’t any case as such in 2023. There was an initiative from UNHCR supported by MYLA for prioritizing manifestly founded cases by the Sector for Asylum, but there isn’t any significant development in this field because mainly the Sector is first waiting the answer from the Agency for national security whether one asylum seeker is a threat to national security or not, which procedure may last for a longer period of time, and then decides on the merits of the claim. During this time, most of the asylum seekers leave the country without waiting the final income of their asylum request.

On 25th of July, the Government brought an official decision granting temporary protection of the Ukrainians in Macedonia for one year. More precisely, the temporary protection is granted to citizens of Ukraine and their family members, stateless persons and to foreign nationals who have been granted asylum or equivalent national protection in Ukraine and on members of their families to whom it is approved stay in Ukraine and of foreign citizens whose a valid permanent or temporary residence permit has been approved residence in Ukraine and who cannot return to the country of origin under permanent and long-term circumstances, who arrived in the Republic of North Macedonia after February 24, 2022, and cannot return to Ukraine due to war and occupation of part of its territory.
However, this decision is not effectively implemented in practice since there are requirements for changes in the laws for their full enjoyment of rights in the country according to the temporary protection status. Until now, the Ukrainians were given temporary residence permits under humanitarian grounds with which they don’t have access to the labor market, don’t have health or social insurances, nor access to other rights.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

The only public institution for accommodating asylum seekers Reception center for asylum seekers – Vizbegovo started operating in 2008 and has a capacity of 150 beds and a possibility for extending the capacity to 250 beds. The institution has offices for the employees of the center, offices of the Sector for asylum and offices for the international and domestic organizations. The public institution for accommodating asylum seekers Reception center for asylum seekers – Vizbegovo Skopje is determined as an institution whose aim and task is to accommodate and shelter asylum seekers. The nominal activity of the institution is reception, accommodating, feeding, and organizing cultural, leisure and recreational activities, social work services and other services in accordance with the minimum standards for reception of asylum seekers, as determined with international acts ratified by the Constitution of RNM. It is under the authority of the Ministry of Labor and Social Policy (MLSP). As an exception, the unaccompanied children up to 12 years are accommodated in a foster families. Other asylum seekers may be accommodated in an individual private accommodation at their own cost with prior written approval by MLSP.

The asylum seekers have three meals a day. All of the asylum seekers have access to a doctor, which is present on a daily basis. The venue was regularly disinfected and cleaned.

MYLA was continuously present in this center, and through providing free legal aid, conducted legal counseling, protection of the rights of the asylum seekers and representation during their asylum procedures. Through everyday communication with the asylum seekers and referring their needs to the center, their requests and appeals were fulfilled and realized.

All of the children, whose parents gave consent, were enrolled in primary school and attended the classes. However, the numbers decrease throughout the years. However, the access to education for older children remains a challenge. There isn’t any effective access to secondary schools, as well as there is no appropriate knowledge assessment for these children.

The right to work is anticipated for the asylum seekers in the LITP, in this manner: “The asylum seekers until the taking of a final decision in the procedure for recognition of the right to asylum have the right to: - work only within the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy, and right to free access to the labour market for an applicant whose asylum application has not been decided upon by the Sector for Asylum within a period not exceeding nine months since the submission of the application”. However, even after these nine months the asylum seekers are prevented from this right. The LITP and the Law on Personal Identification Number, should be amended in order to provide and facilitate the access of the asylum seekers to the labor market. The problem that remains is the lack of possibilities for receiving a PIN (personal identification number) for an asylum seeker which would facilitate the process for their registration in the Employment Agency of RNM, opening a bank account and all of the other employment-related processes in order to be legally employed.

The asylum seekers accommodated in the center have a right to freely leave the center, but must come back at 10 p.m. in order to be noted as present. If they are not present for more than 72 hours in the center, the center notifies the authorities which afterwards may terminate their asylum procedure.
7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Detention of asylum seekers:

Under the provisions of the LITP, the Ministry of Interior is authorized to enforce restrictions on the freedom of movement for asylum seekers in exceptional occasions for a period of three months with the possibility to extend it for three more months. However, it is worth noting that this measure has been employed infrequently. According to information obtained from MYLA, there have been no instances of restricting the freedom of movement for asylum seekers in 2023. The detention of asylum seekers is usually conducted in the Reception center for foreigners which is a closed type center and there aren’t any alternatives to detention available for them.

Generally speaking, all asylum seekers, once their asylum applications are officially registered, are provided accommodations at the Reception Center for asylum seekers, which is an open-type facility, allowing them freedom of movement in accordance to the house order.

Detention of migrants prior to submitting asylum request:

In 2023, the administrative detention of migrants as witnesses in a criminal procedure is conducted in the Reception center for foreigners and in some cases the transit centers. The detention as a witness in a criminal procedure is not a legal ground for detention. When detention is happening in the transit centers, the detainees are not issued any decision by the authorities.

In 2023, the migrants continued to transit through RNM, by using irregular and smugglers’ routes. As a response to this, the detention of foreigners due to immigration was increasing, which consequently increased the concerns regarding the possible violations of human rights to the foreign citizens that were kept detained.

In the RC for foreigners all of the persons received decisions for the detention, but MYLA does not have information whether any of these decisions was subjected to an appeal. In 2023, the detention due to immigration was still treated as a part of an administrative procedure and it had not been revised by a judge. Children are also detained whether accompanied or unaccompanied and there aren’t any alternatives to detention in place. On another note, alternative mechanisms for fostering (such as guardian families, small group homes etc.) that are prescribed by the Law on Social Protection do not apply to children foreigners, which can be treated as discrimination in the treatment of children on grounds of their status.

The detained unaccompanied children were granted with guardians within the legal timeframe. Worth to note is that in 2023, the detention lasts for a shorter period of time comparing to the previous years.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

The asylum procedure in RNM starts with submitting an asylum application. The Sector for asylum in the MoI is authorized body for conducting the asylum procedure. The procedure is administrative and one-instance, which means that against the decision reached by the Sector, an appeal is not allowed and the asylum seeker is entitled to file a lawsuit before the Administrative court of RNM. Up to October 2023, 471 persons filed request for asylum in North Macedonia.

The Sector schedules and conducts the RSD interviews within the deadlines as prescribed by law, i.e. it is aware of the deadline within which it shall reach a Decision, so it conducts them within the timeframe from
15 days (deadline for conducting an accelerated procedure) to 6 months (deadline for conducting a regular procedure which can be extended for 3 more months for exceptional reasons).

The average time after conducting the interview and until there is a final decision is 46 days.

During the interview with the asylum seekers, besides the authorized officials, also present may be the representatives of the asylum seekers, a parent or guardian, if such is appointed to the asylum seeker, interpreter from the language understood by the asylum seekers and an UNHCR representative. Until now, at all of the hearings held before the Sector, a representative from MYLA has been present at all of the interviews where asylum-seekers were represented by MYLA and after the interviews, final words were delivered to the Sector. Despite the regular submission of closing speech after the conducted interview, these documents are rarely considered and the evidence are usually not examined, which can be concluded from the number of negative decisions reached in the asylum procedures. Also, from the attending at the interviews, MYLA lawyers have noticed and pointed out the use of leading questions and selective inscription of the statements of the asylum seekers in the Minutes from the conversation. In some cases, a greater number of questions regarding the travelling of the asylum seeker is noticed in comparison to the merits of the claim and the credibility assessment. This may lead to a serious breach of substantial law.

The quality of asylum decisions remains of concern. Most of those granted subsidiary protection are vulnerable persons and unaccompanied minors. Decisions are based on humanitarian needs but without proper consideration of the merits. If a lawsuit is submitted before the courts, the overall length of the entire asylum procedure is unreasonable; it may last for several years from initial registration of an asylum claim.

In 2023, a subsidiary protection was granted in two cases. On the other hand, no asylum seeker was granted refugee status, as the most comprehensive form of international protection (the last status as a recognized refugee was awarded in 2016). With that, it can be said that the recognition rate is very low. The small percent of asylum-seekers which were present during the asylum procedure and the fact that a lot of them left the country even before an interview was scheduled, which resulted in the procedure being terminated by the Sector, is a factor which plays an important role in determining the percent of approved asylum requests.

The decisions with which the applications for asylum were rejected remained a challenge. In the process of deciding upon the asylum application, it can be noted that the Sector often pays attention to the technical aspects of the applications and to facts that are sometimes irrelevant for the examination of the asylum application, and in some cases it does not conduct essential and detailed examination of the need for international protection in the country. In the lawsuits filed against the decisions, better elaboration in decisions is often sought, as well as the need for the Sector to take into consideration the relevant statements and facts for the fear from expulsion and to punctually determine the facts for each individual case. In addition to this, in some cases, the summaries of the decisions do not contain sufficiently determined facts for the condition of the asylum seekers, or sufficient reasons for rejection of some of the statements and vice versa. Due to this, MYLA in some cases identified breaches, because neither the relevant facts, the relevant laws and provisions from the country of origin, nor the relevant statements or documents for individual conditions of the asylum seekers were taken into consideration and examined in detail.

There is no backlog of cases. The Sector for asylum usually decides within the legal timeframe. Exceptionally, there can be a delay if they await the response from the Agency for national security whether the asylum seeker is a threat to national security.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management -including backlog management)

Upon reaching a Decision by the Sector, the asylum seeker is entitled to file a lawsuit to the Administrative court of RNM and in case of challenging the judgement of the Administrative court, an appeal can be submitted to the High Administrative court. Despite the procedure before the court being urgent under the LITP, the procedure before the courts may last up to two years. However, we shall note increased efficiency
in the deciding upon cases in the last years. A positive verdict means that the Administrative court had annulled the decision reached by the Sector and the case had been returned to repeat the deciding before the Sector. The positive verdicts are mostly reached due to technical reasons.

The Administrative Court and the High Administrative Court take decisions on procedural grounds rather than on the merits of individual asylum claims, even though they should decide on the merits according to the Law on Administrative Disputes. The practice continued of holding in-person hearings with attorneys and the asylum seekers can be present as well. However, the interpretation services should be provided by the applicant.

Furthermore, decisions on expulsion are made with no quality assessment, and without the necessary steps being taken to ensure that returning people will not be subjected to persecution in their country of destination. As of October 2023, MYLA has 9 cases pending before the Administrative court, and 11 before the High Administrative court including the cases from the Kosovo caseload (cases from the Kosovo crisis from 1999 still present in the country).

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

Country of origin information is rarely used in the asylum procedures from the asylum authorities and the administrative courts. The reasons are unknown since the Sector for asylum has its own national experts for providing COI who are fully prepared, but the counsellors de facto don’t use the information when deciding upon the asylum request. In 2023, MYLA has established its own COI center for research and documentation which was presented to all relevant stakeholders in November in order to support the institutions, the courts and the lawyers with relevant COI in the asylum procedures.

11. Issues of statelessness in the context of asylum (including identification and registration)

In North Macedonia there is not SDP in place. However, UNHCR is making great effort to include this procedure into the Law on Foreigners and it is actively working on this issue. According to MYLA data, there haven’t been many stateless asylum seekers in North Macedonia through the years. Even if stateless, their asylum claim was rarely based on the nationality grounds.

12. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Within the LITP it is prescribed that when applying this Law, the special needs of vulnerable persons that are applicants, persons with refugee status, persons under subsidiary protection and persons under temporary protection shall be taken into consideration. Vulnerable persons, shall be persons without procedural capacity, minors, unaccompanied minors, persons in a serious health condition, persons with mental disabilities, persons with physical disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking in human beings and persons who have been exposed to torture, rape and other severe forms of psychological, physical or sexual violence. The special needs of the vulnerable persons referred above shall be established by way of individual assessment of their condition by the competent public institution for social protection. The children-migrants and children-asylum seekers are one of the vulnerable categories which require special attention. The LITP prescribes protection to children accompanied by their parent or guardian, as well as to these without such company. Until October, according to MYLA, there were 55 UASC asylum
seekers. However, MYLA cannot confirm whether these figures are objective since there is no formal procedure to assess the age of the child. All children are registered as children as per their statement. As per the Standard Operative Procedures for treatment of unaccompanied children - foreigners, the police shall immediately notify the Center for Social Work, which shall then undertake the next steps. Each unaccompanied child asylum seeker was granted with a guardian appointed by the Center for Social Work, who submits the application for asylum on the child’s behalf. However, most of them are left out of the protection system and leave as soon as they are accommodated in the Reception center for asylum seekers.

The unaccompanied children are used as witnesses in criminal procedures against their smuggler. As per the SOP for treating children-foreigners, the unaccompanied child may not be used as a witness in the criminal procedure, with an exception if the child is the only witness in that procedure. In this country there are still no methods for monitoring the development and needs of the children to the amount to which they would stay here, since they often leave the country immediately, without having their needs and interests processed. Hence, a child control and protection mechanism are needed, as well as continuous work with the children which could establish a cooperation and support system in order to protect what represent their best interest.

The UASC asylum seekers above the age of 12 are accommodated in the Reception center, and the smaller once in a foster family.

The child protection system, especially when it comes to the accommodation, remained non-functional for the child migrants and asylum seekers without parents or without parental care. There is a trend starting from two years ago of significant decline in the number of requests for asylum by guardians of unaccompanied children on the grounds that it was not in their best interest, thus leaving them outside the care system. Urgent introduction of alternatives is necessary, as well as well-functioning of the child protection system and mechanisms. This would help to avoid the practice of detention of children in inappropriate conditions and the internationally recognized principle that no child should be kept/detained due to immigration reasons could be respected.

The system is not productive for the disabled people as well, as they struggle to fully exercise their rights. There is no additional support in the reception centers for these people and provision of advanced care. Mainly, only the basic services are offered to them and sometimes they struggle to manage their situation. Many of the migrants actually become disabled in RNM through the irregular routes.

13. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

What is necessary for providing full protection is one comprehensive data base/system for the asylum seekers shared among all stakeholders in order to promptly decide/react in cases of protection issues. Many of the services depend on international organizations such as UNHCR, IOM and others. UNHCR together with the Law on Philology developed a language learning platform available for all asylum seekers and persons under international protection. Vocational trainings are only available to persons under international protection and there aren't any specific programs for asylum seekers. Overall, there is a need for adoption of Strategy for integration for these categories of people including the early integration and later on the full integration, because currently there are no strategic documents for integration in place. All persons granted international protection have access to the same social protection services as nationals.
but integration is a challenge in absence of a coherent approach. For elimination of all difficulties in the access of primary education, especially for asylum seekers, it is preferable for the state to implement the existing laws and bylaws properly toward these children and to facilitate the conditions for their enrolment, providing inclusion through special programs accordingly. The state should apply the same for the secondary education.

14. Return of former applicants for international protection

To former applicants for international protection the authorities give a deadline to voluntary leave the country after the final decision is reached. However, in 2023 they didn't have the obligation to return someone because the people have already left voluntarily, so there aren't any formal returns conducted. There are situations when an applicant submits a subsequent asylum request after the rejection of the first one or submits a request for temporary residence permit under humanitarian grounds according to the Law on foreigners.

15. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

16. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

18. Other important developments in 2023
PART B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023

2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu or upload your file using the functionality below (max. file size 1MB).

Please upload your file

The maximum file size is 1 MB
3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

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Useful links


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