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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans “DASHBOARD Western Balkans”

Data collection: 2020

Report prepared by the CEPEJ for the attention of the European Commission

Part 2 (A) - Beneficiary profile - North Macedonia

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Executive Summary - North Macedonia in 2020

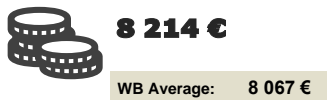
Population in 2020



GDP per capita in 2020



Average annual salary in 2020



Budget

In 2020, North Macedonia spent 40 002 093€ as implemented judicial system budget, i.e. **19,3€ per inhabitant, which is less than the Western Balkans median (thereafter WB median) of 37,8€.**

77,4% was spent for all courts, 21,8% for prosecution services, 0,8% for legal aid. Compared to 2019, North Macedonia has spent -2% less for courts, -25,2% less for prosecution services, and -16,4% less for legal aid. The decrease in the budget of prosecution is because the Special Prosecutor's Office does not exist anymore, whereas its budget was included in the budget for prosecution in 2019.

The **budgets spent for courts, public prosecution services and legal aid per inhabitant are below WB Medians** (14,9€ per inhabitant spent for courts with WB median at 21,1€; 4,2€ spent on public prosecution services per inhabitant with WB Median at 7,2€; 0,16€ spent for legal aid with WB median at 0,20€).

The amount of budget coming from **external donors** is difficult to calculate, because funds are often allocated on projects that usually last longer than one year and involve not only the justice system but also other areas. Furthermore, it is difficult to identify how much is directly or indirectly allocated to courts, prosecutor offices and legal aid. However, North Macedonia was able to estimate the following ratios between external donors funding and their budgets: **external donors funding allocated to courts is around 5,4% compared to courts' budget, around 9,7% for public prosecution services, 75,4% for legal aid, 7,2% for the whole justice system.** Those percentages represent an estimate of the ratio between external donations and respective budget. They are not the percentage of the budget covered by external funding, since donations are not included in the judicial system budget. From these figures, the ratio between external donations and budget of North Macedonia is the highest for legal aid (75%). This is to be put in relation with the fact that legal aid was the smallest percentage of North Macedonia judicial system budget (0,8%).

Legal aid

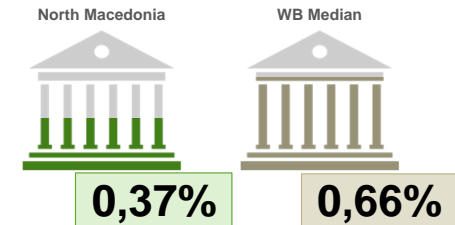
In 2020, the implemented budget for legal aid spent by North Macedonia was **0,16€ per inhabitant** (slightly below the WB median of 0,2€). In 2020, legal aid was granted for 4 434 cases, 1 588 were criminal cases and 2 846 were other than criminal cases. The total of cases brought to court which benefited from legal aid was 1 745, while 2 689 cases not brought to court benefited from legal aid. On average, North Macedonia spent **75,6€ per case**, which is the same as the WB Median.

Budget of the Judiciary

Implemented Judicial System Budget per inhabitant in 2020



Implemented Judicial System Budget as % of GDP in 2020



Efficiency**

In the region, North Macedonia showed a **good capacity to deal with incoming cases. Indeed, the CR are all higher or equal to the WB median and the disposition time is always lower than the WB median** for all type of cases (aside for the Disposition time for criminal cases in second instance). Furthermore, since 2018, there has been an increase of the Clearance rate in second instance for all type of cases, with clearance rates above 100% (no backlog created).

Civil and commercial cases on first instance are the most complicated cases for North Macedonia to deal with. They have the lowest Clearance rate (90%) and the highest Disposition time (294days) of all categories of cases.

In North Macedonia there are quality standards determined for the judicial system at national level. Monitoring of the pending cases and backlog is done for civil and commercial, administrative, and criminal cases. Monitoring of the waiting time in judicial proceedings is done both within the Courts and within the Public prosecution services. In February 2020, the **First national report for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia** was published. This report was prepared according to the Methodology for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia. Matrix is composed by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators), independence (17 indicators), accountability (7 indicators) and transparency (14 indicators).

** The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

Clearance Rate, obtained by dividing the number of resolved cases by the number of incoming cases, is used to assess the ability of a judicial system to handle the inflow of judicial cases. Its key value is 100%. A value below 100% means that the courts weren't able to solve all the cases they received and, as a consequence, the number of pending cases will increase, while CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of pending cases) and, as a consequence, the number of pending cases will decrease.

Disposition Time is a proxy to estimate the lengths of proceedings in days. It is calculated as the ratio between the pending cases at the end of the period and the resolved cases (multiplied by 365). It estimates the time to resolve all pending cases based on the actual pace of work. This indicator is highly influenced by the number of pending cases: categories of cases with high backlog will have higher DT than categories of cases that do not have backlog. At the same time, it is affected by the number of resolved cases, and this is especially evident in 2020, when this number dropped.

Training

The total budget for training in 2020 for justice professionals in North Macedonia was **35,4€ per 100 inhabitants which is lower than the Western Balkans median (44,7€)**. However, in 2020 there was no new generation of candidates' judges and prosecutors at the training institution which reduced the budget needed.

The number of training courses available or delivered is an indicator that has been influenced by the Covid-19 pandemic restrictions, which have sometimes excluded the possibility to deliver in-person training courses. In 2020, North Macedonia was **able to transfer courses from in-person to online platform**: the number of delivered in-person training courses days decreased from 222 to 42, while the online available courses increased from 3 to 9 (with 79 trainings days online).

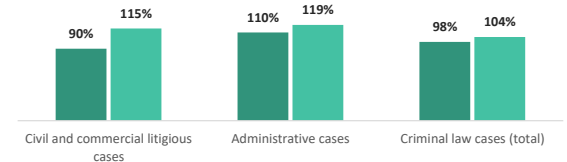
In 2020, all trainings on EU Law and almost all trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in North Macedonia were co-organised or co-financed with International partners.

Efficiency

■ 1st instance ■ 2nd instance

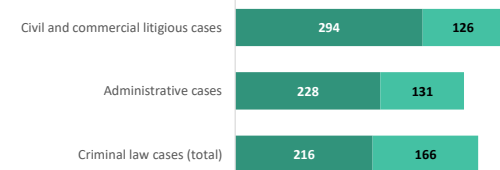
Clearance rate in 2020 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases. A CR of 100% or higher does not generate backlog.



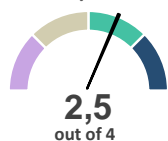
Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



CMS index (scale 0-4)

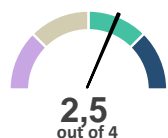
Civil and/or commercial



Criminal



Administrative



Case management system (CMS) Index is an index 0 to 4 points calculated based on several questions on the features and deployment rate of the of the case management system of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

Electronic case management system and court activity statistics

In North Macedonia, the **case management system (CMS)**, eg software used for registering judicial proceedings and their management, has been **developed more than 10 years ago**. It is developed in all courts (100% deployment rate) and the data is stored on a database consolidated at national level. The **process of upgrading of the existing system or introducing a new case management system** in the judiciary is in its beginning. The first step will be the preparation of an assessment on the functionality of the existing system, after what it will be decided about upgrading the existing system or introducing a completely new one.

In North Macedonia, there is a **centralised national database of court decisions** in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online and in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

ADR (Alternative Dispute Resolution)

Generally speaking, ADR and mediation in particular are not well developed in the Western Balkans region.

In North Macedonia, court related mediation procedures are available but legal aid cannot be granted for those procedures. In 2020, there were **only 329 cases for which parties agreed to start mediation and 131 mediation procedures which ended with a settlement agreement**, which are the lowest numbers in the region. The categories of cases for which mediation was the most used were civil and commercial (199 cases in which parties agreed to start a mediation) and labour cases (127 cases for which parties agreed to start mediation). In other categories where court-related mediation is possible, it was barely used (2 family cases, 0 criminal cases, 1 consumer case).

In 2020, the total **number of mediators in North Macedonia was 45, which is the same number as in 2019** and is the lowest in the region. The number of mediators per 100 000 inhabitants was 2,2 which is less than half of the WB median of 5,4. The majority of those mediators are women (62%).

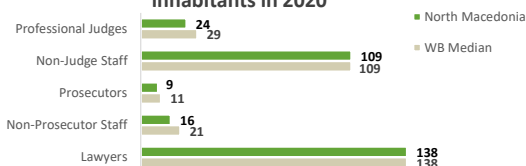
Conciliation, mediation (other than court related mediation) and arbitration are also available in North Macedonia

ECHR

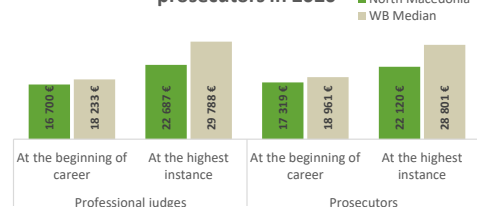
In 2020, there were **320 applications pending before an ECHR decision body for North Macedonia** (-7,2% less than the previous year). 14 judgments found at least one violation (against 9 in 2019) and 11 cases were considered closed after a judgment of the ECHR (against 26 in 2019).

In North Macedonia there is a monitoring system for violations related to Article 6 of the European Convention on Human Rights for civil procedures (non-enforcement and timeframe) and for criminal procedures (timeframe). There is also a possibility to review a case after a decision on violation of human rights by the ECHR.

Professionals of Justice Total number of professionals per 100 000 inhabitants in 2020



Salaries of professional judges and prosecutors in 2020



Kosovo* is not included in the calculation of summary statistics

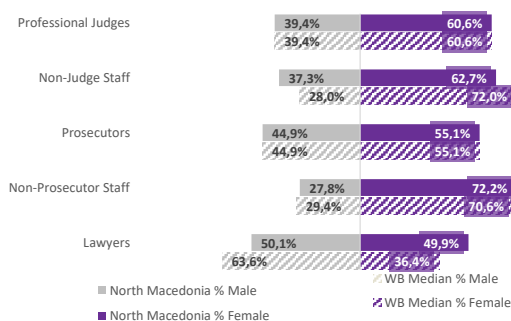
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Gender Balance

61% female judges (total) 55% female prosecutors (total)



Gender Balance in 2020



Professionals and gender

In Eastern Europe's judicial systems there is traditionally a very high number of professionals per 100 000 inhabitants. However, in North Macedonia in 2020 the **numbers of judges per 100 000 inhabitants (23,7) and prosecutors per 100 000 inhabitants (9) were lower than the Western Balkans medians (respectively 30,4 and 10,5)**.

There was **no significant change of the number of judges and prosecutors** in North Macedonia from the numbers in 2019 (decrease of 0,6% for judges, increase of 1,5% for prosecutors).

In North Macedonia in 2020 there were **4,6 non-judge staff per professional judge**. The numbers of non-judge staff per professional judge corresponded to the WB medians for second and third instance, but North Macedonia has more non-judge staff per judge in first instance. Regarding **non-prosecutor staff there were 1,73 per prosecutor**, which is lower than the Western Balkans median of 1,82.

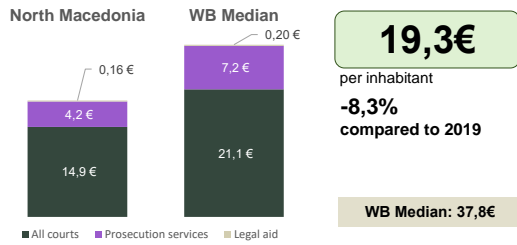
Compared to the national average salary, judges and prosecutors received a similar salary than the WB median at the beginning of their career, but a lower one once at the highest instance.

Regarding the **gender balance**, in 2020 60,6% of judges; 62,7% of non-judge staff; 55,1% of prosecutors; 72,2% of non-prosecutor staff and 49,9% of lawyers were female. All those percentages are higher or equal to the WB medians except for non-judge staff (WB median at 72%). Lawyers is the only category where less than 50% of professionals were female.

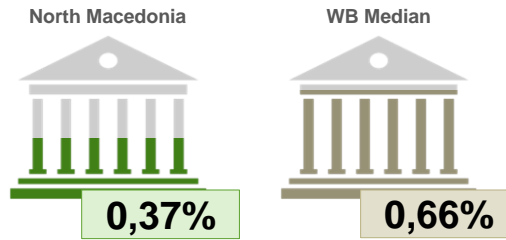
North Macedonia has a **national programme or orientation document to promote gender equality** (last Strategy on Gender Equality was for 2013-2020, the new Strategy is in the final stage of preparation).

Budget of the judiciary in North Macedonia in 2020 (Indicator 1)

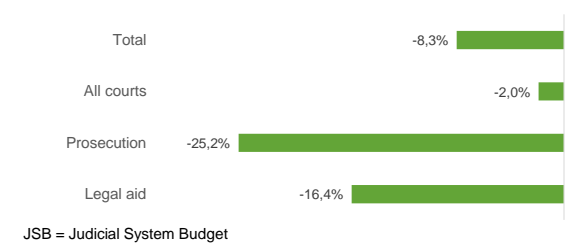
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



% Variation of Implemented JSB between 2019 and 2020



The Judicial System Budget is composed of the budget for courts, public prosecution services, and legal aid. In 2020, the implemented Judicial System budget for North Macedonia was 19,3€ per inhabitant. This is significantly lower than the Western Balkans median of 37,8€. It represents 0,37% of the GDP of North Macedonia. This Judicial system budget has decreased of -8,3% since 2019.

Budget allocated to the judicial system (courts, prosecution services and legal aid)

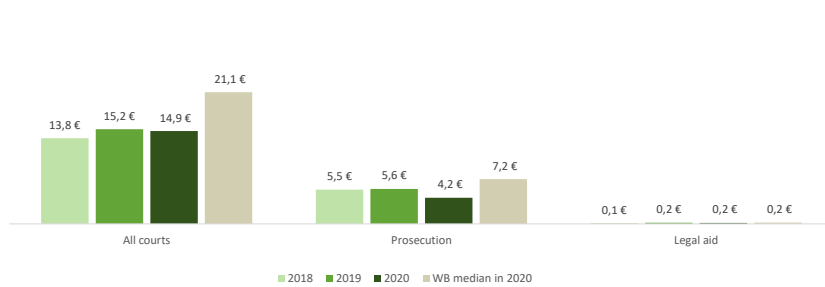
In 2020, North Macedonia spent 40 002 093€ as implemented judicial system budget. This means that North Macedonia spent 19,3€ per inhabitant, which is less than the Western Balkans median of 37,8€. 77,4% was spent for all courts, 21,8% for prosecution services, 0,8% for legal aid.

Compared to 2019, North Macedonia has spent -2% less for courts, -25,2% less for prosecution services, and -16,4% less for legal aid. The decrease in the budget of prosecution is due to the fact that the Special Prosecutor's Office does not exist anymore, whereas the budget of this institution was included in the budget for prosecution in 2019. The data regarding the budget for legal aid is provided by Courts and by the Ministry of Justice.

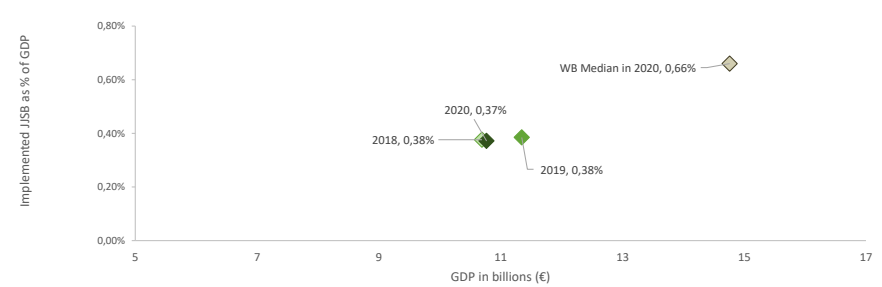
Judicial System Budget	Judicial System Budget in 2020		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant	WB Median	% Variation 2018 - 2020	% Variation 2019 - 2020	As % of GDP	WB Median	Variation (in ppt) 2018 - 2020	Variation (in ppt) 2019 - 2020
Total	40 861 536 €	40 002 093 €	19,3 €	37,8 €	-0,6%	-8,3%	0,37%	0,66%	0,00	-0,01
All courts	31 152 812 €	30 944 886 €	14,9 €	21,1 €	8,3%	-2,0%	0,29%	0,41%	0,02	0,01
Prosecution	9 266 256 €	8 722 093 €	4,2 €	7,2 €	-23,4%	-25,2%	0,08%	0,15%	-0,03	-0,02
Legal aid	442 468 €	335 114 €	0,16 €	0,20 €	19,4%	-16,4%	0,003%	0,003%	0,0005	-0,0004

PPT = Percentage points

Implemented judicial system budget per inhabitant between 2018 and 2020 (€)



Implemented Judicial System Budget as % of GDP between 2018 and 2020



Budget allocated to the functioning of all courts

In 2020, North Macedonia spent 30 944 886€ as implemented budget for courts, this represents 14,9€ per inhabitant which is below the Western Balkans median (21,1€). 78,2% was spent for gross salaries, 2,2% for computerisation, 1,3% for justice expenses, 3,5% for court buildings, 1,1% for investments in new buildings, 13,6% for other. In the category other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars, etc.

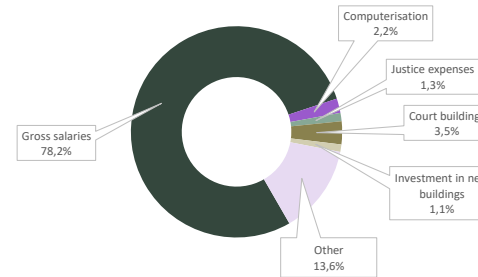
Compared to 2019, the implemented budget for courts has decreased by -2%. The decreasing of the court budget in 2020 in total is due to the fact that with the rebalance of the budget in 2019, about 2 million euros were provided for non-paid allowances on the judges from the previous years. These allowances were paid in 2019.

The decrease in budget for judicial expenses is due to the fact that according to the Law on Criminal Procedure, costs for court expertise are no longer paid by the court budget but are now paid by the PPO Budget. Only cases which have been in the system before the start of implementation of this new law are still paid by the court budget.

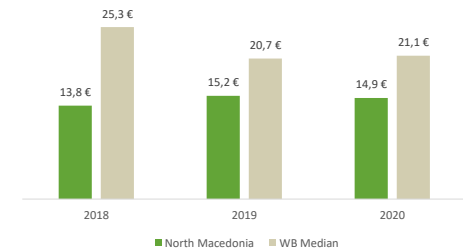
Regarding the budget for new court buildings, in 2019 money was provided for the renovation of the building of the Administrative Court. However, the renovation of the building was not realized, due to administrative-technical problems and in the 2020 budget, money for this purpose was not provided.

	2020		% Variation between 2018 and 2020		% Variation between 2019 and 2020	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total	31 152 812 €	30 944 886 €	7,1%	8,3%	-6,6%	-2,0%
Gross salaries	24 212 471 €	24 212 170 €	2,0%	3,8%	-0,1%	0,8%
Computerisation	729 389 €	683 685 €	191,1%	172,8%	-5,2%	-11,1%
Justice expenses	395 372 €	395 372 €	-6,0%	-6,0%	-48,5%	-48,5%
Court buildings	1 088 183 €	1 088 183 €	-41,3%	-38,1%	-5,3%	-5,3%
Investment in new buildings	379 316 €	351 758 €	-	-	-66,0%	5,1%
Training	NAP	NAP	NAP	NAP	NAP	NAP
Other	4 348 081 €	4 213 718 €	54,3%	49,5%	-18,1%	-7,2%

Distribution of the Implemented budget allocated to all courts in 2020 (%)



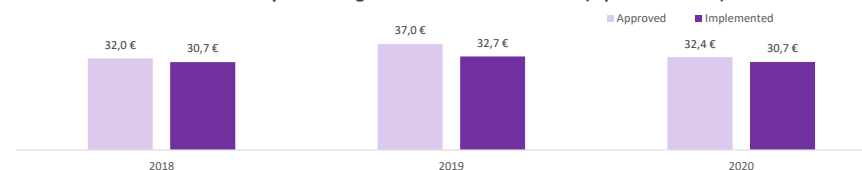
Implemented budget allocated to all courts per inhabitant between 2018 and 2020



Budget allocated to the whole justice system

Whole Justice System	2020		% Variation of the Whole Justice System per inhabitant	
	Absolute number	Per inhabitant	2018 - 2020	2019 - 2020
Approved	67 179 354 €	32,4 €	1,1%	-12,5%
Implemented	63 781 607 €	30,7 €	0,2%	-5,9%

Whole Judicial System Budget between 2018 and 2020 (€ per inhabitant)



The whole justice system budget includes the following elements in 2020:

Court budget	✓	Constitutional court	✓	Judicial protection of juveniles	✗
Legal aid budget	✓	Judicial management body	✓	Functioning of the Ministry of Justice	✓
Public prosecution services budget	✓	State advocacy	✓	Refugees and asylum seekers service	✗
Prison system	✓	Enforcement services	✗	Immigration services	✗
Probation services	✓	Notariat	✗	Some police services	✗
Council of the judiciary	✓	Forensic services	✗	Other services	✓

"Other services" refers to the Ombudsman office.

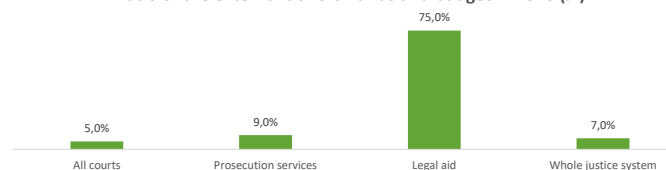
It was indicated that the biggest portion of the whole justice system budget is allocated to the courts, prisons and public prosecution office.

The decrease in the budget is due to the fact that the Special Public Prosecutor Office does not exist anymore and to the decrease in the Courts budget (see section on Courts budget above).

Budget received from external donors

	Absolute value	Calculated as %	In percentage (%)
All courts	1 661 935 €	5,4%	5,0%
Prosecution services	845 068 €	9,7%	9,0%
Legal aid	252 636 €	75,4%	75,0%
Whole justice system	4 570 547 €	7,2%	7,0%

Ratio of the external donors' funds and budget in 2020 (%)



The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia the Sector Working Group for Justice was established with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular.

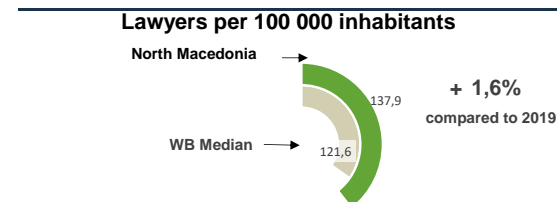
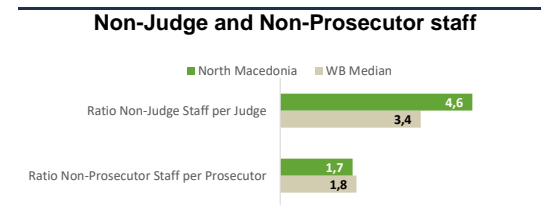
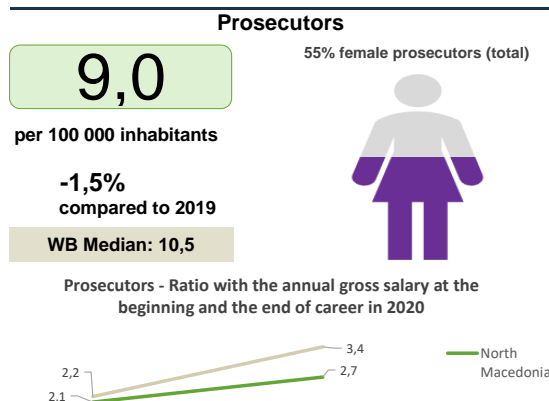
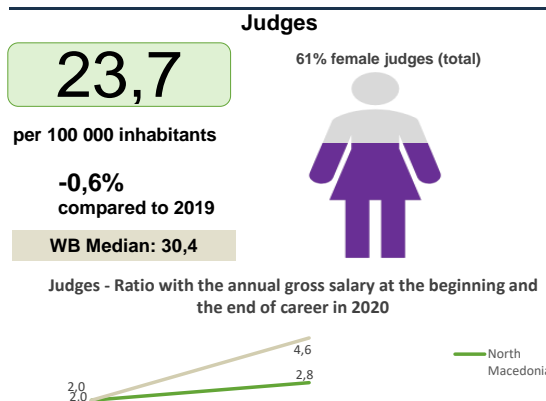
Most of the projects started with implementation in 2019 but new projects started with implementation in 2020. The data provided only concerns the reference year (2020) and was obtained with calculating an average spending with the following formula: Amount spent in the reference year = (total project budget/total number of months envisaged for the project implementation) X number of months of project implementation during the reference year.

All relevant projects are counted but regional projects are not included. Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans, Open Regional Fund for SEE-Legal reform, Building capacities of South Eastern Europe to conduct financial investigations to effectively detect, deter and prosecute money laundering and the financing of terrorism as well as enhance regional and inter-agency cooperation, Promoting rule of law and good governance through targeted border control measures at ports and airports.

The percentages are obtained dividing absolute numbers with the implemented budget from courts, prosecution, legal aid, and whole justice system multiplied by 100. The percentages represent an estimate of the ratio between external donations and respective budget. They are not the percentage of the budget covered by external funding, since donations are not included in the judicial system budget. From these figures, the ratio between external donations and budget of North Macedonia is the highest for legal aid (75%). This is to be put in relation with the fact that legal aid was the smallest percentage of North Macedonia judicial system budget (0,8%).

Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in North Macedonia in 2020 (Indicators 2 and 12)



The numbers of judges per 100 000 inhabitants (23,7) and prosecutors per 100 000 inhabitants (9) are lower than the Western Balkans medians (respectively 30,4 and 10,5). More than half of judges and prosecutors are women (61% female judges and 55% female prosecutors).

Professional Judges

	Professional judges			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	493	100,0%	23,7	30,4
1st instance courts	376	76,3%	18,1	22,7
2nd instance courts	95	19,3%	4,6	6,0
Supreme Court	22	4,5%	1,1	1,6

For reference only: the 2019 EU median is 24,5 judges per 100 000 inhabitants.

The total number of professional judges in North Macedonia in 2020 was 493, which was 23,7 per 100 000 inhabitants.

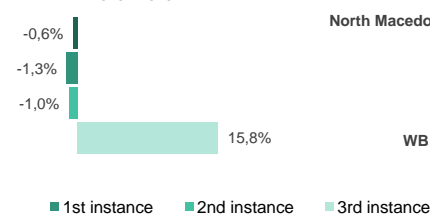
This number is lower than WB median of 30,4 judges per 100 000 inhabitants.

There is no significant change in the number of professional judges between 2019 and 2020 with only a slight decrease of -0,6%.

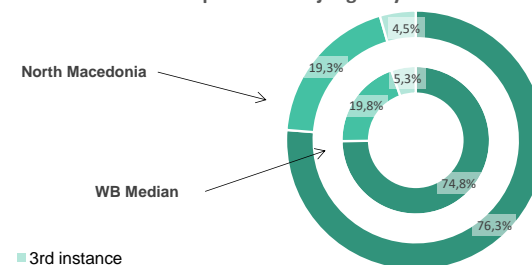
The figures show a difference of -1,4 percentage points between the percentage of judges in the first instance (76,3%) and the WB median (74,8%).

The number of professional judges in first instance includes judges in all 27 basic courts and judges in Administrative Court. The number of professional judges in second instance includes judges in all 4 appellate courts and judges in High Administrative court.

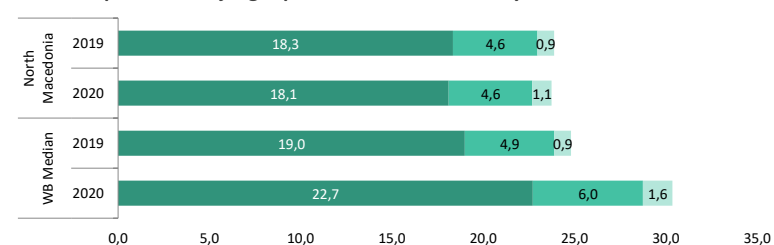
% Variation of no. of professional judges per 100 000 inh. 2019 - 2020



Distribution of professional judges by instance in 2020 (%)



Distribution of professional judges per 100 000 inhabitants by instance in 2019 and 2020



• Non-judge staff

The total number of non-judge staff in North Macedonia in 2020 was 2 266, which is 109,1 per 100 000 inhabitants (the same as the WB median). There was a slight increase of 1,2% since 2019.

In 2020, there was no significant variation in the distribution of non-judge staff among instances compared to 2019.

The biggest category were non judge-staff in charge of administrative cases (60,3% of the total number).

	Number of non-judge staff by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	2 266	100,0%	109,1	109,1
1st instance courts	1 935	85,4%	93,2	93,2
2nd instance courts	257	11,3%	12,4	12,4
Supreme Court	74	3,3%	3,56	3,56

For reference only: the 2019 EU median is 57,5 non-judge staff per 100 000 inhabitants.

	Number of non-judge staff by category			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	2 266	100,0%	109,1	109,1
Rechtspfleger	NAP	-	NAP	2,6
Assisting the judge	559	24,7%	26,9	37,2
In charge of administrative tasks	1 367	60,3%	65,8	47,1
Technical staff	153	6,8%	7,4	10,1
Other	187	8,3%	9,0	16,0

In the category « other » are included the number of the employees in the judicial police.

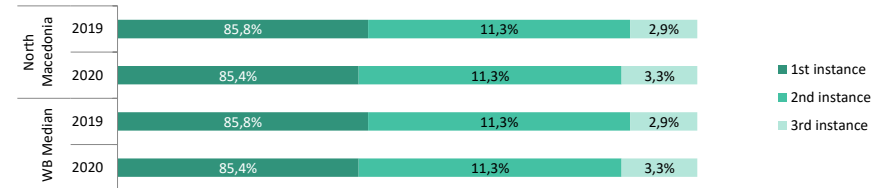
• Ratio between non-judge staff and professional judges

In North Macedonia in 2020 there was 4,6 non-judge staff per professional judge. The ratio between non-judge staff and judges has been increasing since 2018 and is higher than the Western Balkans median.

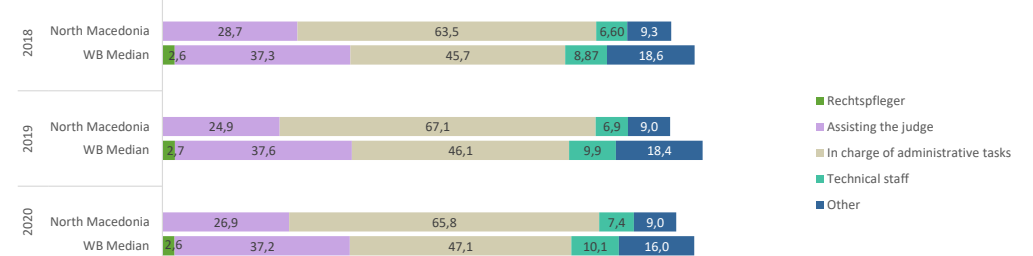
	Ratio in 2020		% Variation between 2019 and 2020	
	North Macedonia	WB Median	North Macedonia	WB Median
Total	4,6	3,4	1,8%	1,0%
1st instance courts	5,1	3,8	2,0%	-0,9%
2nd instance courts	2,7	2,7	2,7%	14,9%
Supreme Court	3,4	3,4	-1,7%	-1,7%

For reference only: the 2019 EU median ratio of non-judge staff per judge is 3,3.

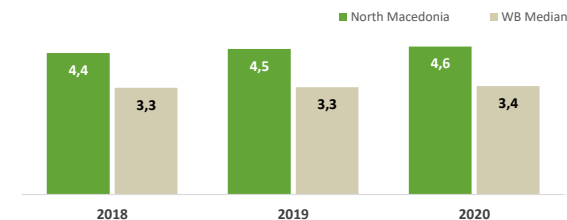
Distribution of non-judge staff by instance in 2019 and 2020



Number of non-judge staff per 100 000 inhabitants by category between 2018 and 2020



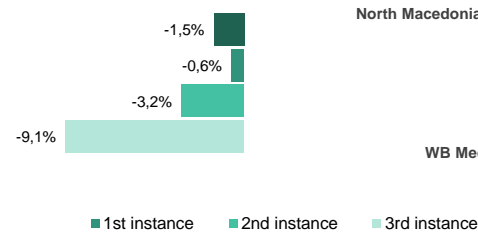
Ratio between non-judge staff and judges between 2018 and 2020



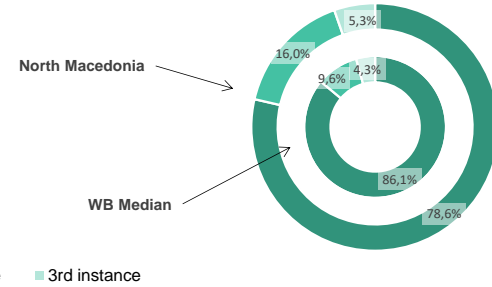
Prosecutors

	Number of prosecutors by instance			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Median per 100 000 inhabitants
Total	187	100,0%	9,0	10,5
1st instance courts	147	78,6%	7,1	9,6
2nd instance courts	30	16,0%	1,4	1,1
Supreme Court	10	5,3%	0,5	0,5

% Variation of no. of prosecutors per 100 000 inh. 2019 - 2020



Distribution of prosecutors by instance in 2020 (%)

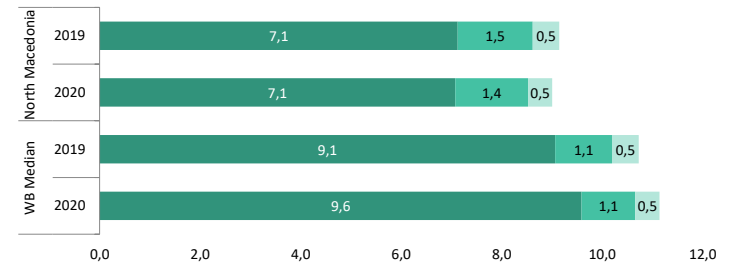


In 2020, the total number of prosecutors in North Macedonia was 187, which was 9 per 100 000 inhabitants.

This number was lower than the WB median of 10,5 and it slightly decreased since 2019 (-1,5% for total number of prosecutors).

The figures show a difference of -7,5 percentage points between the percentage of prosecutors in the first instance (78,6%) and the WB average (86,1%).

Distribution of prosecutors per 100 000 inhabitants by instance in 2019 and 2020



Non-prosecutor staff and Ratio between non-prosecutor staff and prosecutors

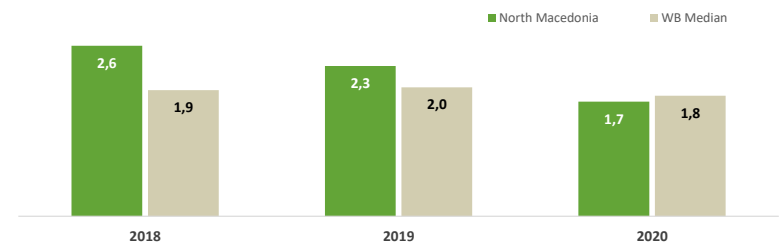
	Non-prosecutor staff in 2020			Ratio between non-prosecutor staff and prosecutors in 2020		% Variation of the ratio between 2019 and 2020	
	Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhab.	North Macedonia	WB Median	North Macedonia	WB Median
Total	324	15,6	20,5	1,7	1,8	-23,8%	-6,5%

In 2020, the total number of non-prosecutor staff in North Macedonia was 324, which decreased by -23,8% compared to 2019. This decrease is due to the closing of the Special Public Prosecution office.

This represents 15,6 non-prosecutor staff per 100 000 inhabitants, which is below the Western Balkans median of 20,5.

The number of non-prosecutor staff per prosecutor is 1,73, which is lower than the Western Balkans median of 1,82. This ratio has been decreasing since 2018.

Ratio between non-prosecutor staff and prosecutors between 2018 and 2020



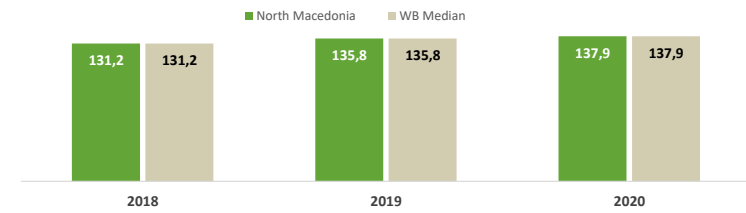
• Lawyers

	Number of lawyers			% Variation between 2019 and 2020	
	Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhabitants	North Macedonia	WB Median
Total	2 864	137,9	137,9	1,6%	1,6%

For reference only: the 2019 EU median is 121,3 lawyers per 100 000 inhabitants.

In 2020, the number of lawyers was 137,9 per 100 000 inhabitants, which corresponds to the Western Balkans median. The number of lawyers increased by 1,6% between 2019 and 2020.

Number of lawyers per 100 000 inhabitants between 2018 and 2020



Salaries of professional judges and prosecutors

In 2020, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in North Macedonia was 2, which corresponded to the WB median.

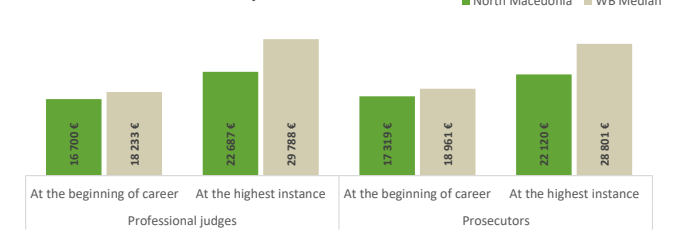
At the end of career, judges were paid more than at the beginning of career by +35,9%, which was less than the variation of the WB median (127%).

In 2020, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in North Macedonia was 2,1, which was slightly less than the WB median (2,2).

At the end of career, prosecutors were paid more than at the beginning of career by 27,7%, which was less than the variation of the WB median (51,9%).

		Salaries in 2020 (Q15)				% Variation of Gross Salary between 2019 and 2020	
		Gross annual salary in €	Net annual salary in €	Ratio with the annual gross salary	WB Median Ratio with the annual gross salary	North Macedonia	WB Median
Professional judge	At the beginning of his/her career	16 700	10 981	2,0	2,0	-2,0%	-5,0%
	Of the Supreme Court or the Highest Appellate Court	22 687	14 861	2,8	4,6	-0,8%	-27,1%
Public prosecutor	At the beginning of his/her career	17 319	11 383	2,1	2,2	3,8%	-0,1%
	Of the Supreme Court or the Highest Appellate Court	22 120	14 494	2,7	3,4	10,5%	-11,5%

Gross annual salaries of professional judges and prosecutors in 2020



For reference only: the 2019 EU median for the ratio of judges and prosecutors' salaries with average gross annual national salary is:

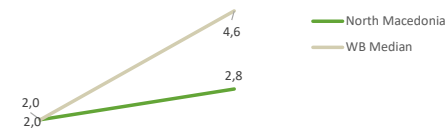
- professional judges' salary at the beginning of career: 2,02

- prosecutors' salary at the beginning of career: 1,77

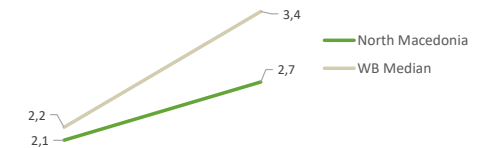
- professional judges' salary at the end of career: 4,1

- prosecutors' salary at the end of career: 3,57

Judges - Ratio with the annual gross salary at the beginning and the end of career in 2020



Prosecutors - Ratio with the annual gross salary at the beginning and the end of career in 2020



Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

The annual salaries of judges in 2020 was lower due to some allowances which were paid in 2019 and not in 2020.

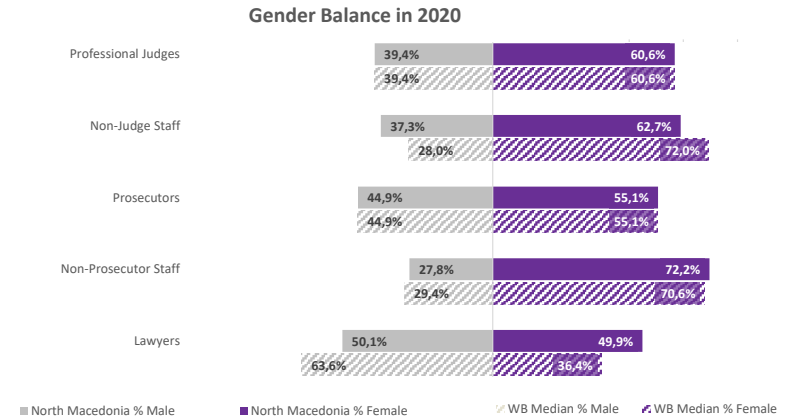
Additional benefits and bonuses for professional judges and prosecutors

	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses for judges
Judges	✗	✗	✓	✓	✗
Prosecutors	✗	✗	✓	✓	

In 2015 and 2018 the Parliament adopted amendments on the Law on judge's salaries and on the Law on public prosecutor's salaries, introducing additional financial benefits for judges and public prosecutors for work under special conditions, work on confidential cases and for security risks.

Gender Balance

	Total number per 100 000 inh.	% Female	WB Median	Variation of % females between 2019 and 2020 (percentage points)	
				North Macedonia	WB Median
Professional Judges	23,7	60,6%	60,6%	0,6	0,3
Non-Judge Staff	109,1	62,7%	72,0%	0,9	0,2
Prosecutors	9,0	55,1%	55,1%	1,9	1,9
Non-Prosecutor Staff	15,6	72,2%	70,6%	6,3	-1,4
Lawyers	137,9	49,9%	36,4%	-0,2	1,3

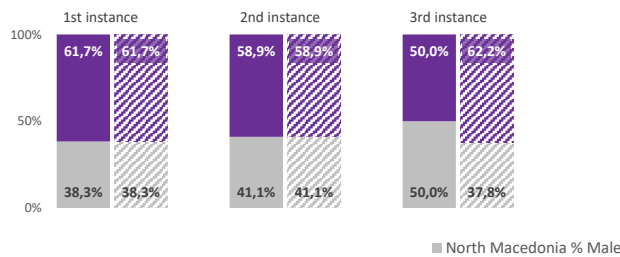


In 2020 in North Macedonia, 60,6% of judges and 55,1% of prosecutors were women, which correspond in both cases to the Western Balkans medians. The percentage of women was lower than the Western Balkans median only for non-judge staff (62,7% with a WB median at 72%). For non-prosecutor staff (72,2%) and lawyers (49,9%), it was above the WB median (respectively 70,6% and 36,4%).

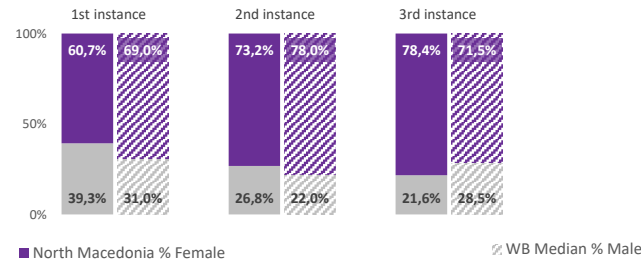
Lawyers is the only category where less than 50% of professionals are female.

	% Female Professional Judges		% Female Non-Judge Staff		% Female Prosecutors	
	North Macedonia	WB Median	North Macedonia	WB Median	North Macedonia	WB Median
1st instance courts	61,7%	61,7%	60,7%	69,0%	58,5%	58,1%
2nd instance courts	58,9%	58,9%	73,2%	78,0%	53,3%	49,6%
Supreme Court	50,0%	62,2%	78,4%	71,5%	10,0%	49,4%

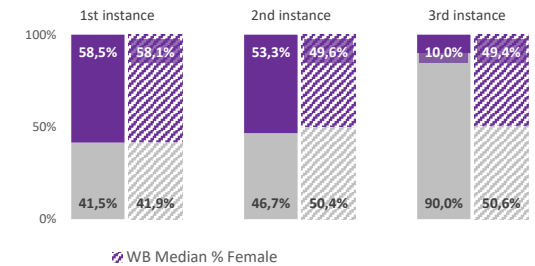
Professional Judges - Gender Balance by instance in 2020



Non-Judge Staff - Gender Balance by instance in 2020



Prosecutors - Gender Balance by instance in 2020



For judges and prosecutors, a diminution of the percentage of female can be observed from first to third instance, whereas it is an increase for non-judge staff.

There has been a decrease since 2019 on the number of female prosecutors at the 3rd instance as one female prosecutor has retired and has not been yet replaced (total of 10 prosecutors at the 3rd instance). On the other hand there is a higher number of female judges and female non-judge staff at the Supreme Court due to new female judges elected and to new employees.

• Gender Equality Policies

	Recruitment		Promotion		Surveys or reports on national level, related to the male / female distribution	Person / institution specifically dedicated to ensure the respect of gender equality on institution level
	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level		
Judges	✗	✗	✗	✗	✓	✗
Prosecutors	✗	✗	✗	✗	✓	✗
Non-judge staff	✗	✗	✗	✗	✓	✗
Lawyers	✗		✗		✓	
Notaries	✗		✗		✓	
Enforcement agents	✗		✗		✓	

In North Macedonia there is a national programme or orientation document to promote gender equality. The Law on Equal Opportunities for women and men promulgated in 2012 contains special measures for improvement of equality between women and men in the judiciary. In addition to that, it prescribes that every 8 years the Strategy for gender equality will be adopted. The last Strategy on Gender Equality was for 2013-2020, the new Strategy is in the final stage of preparation.

A person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry of labor and social policy. The legal representative for the protection of equal rights between the woman and the man is in charge of conducting a procedure to identify potential unequal treatment of women and men. An act of the legal representative has a character of opinion and recommendation. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

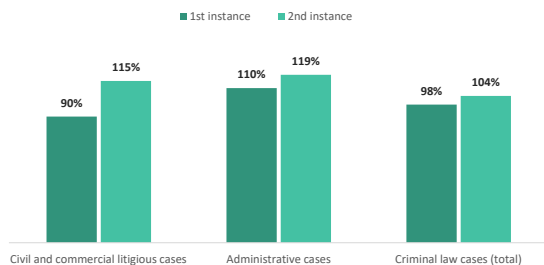
Regarding surveys or reports at national level related to the male/female distribution in the judicial system, a survey is elaborated within the framework of the regular reporting for the implementation of the conventions.

Kosovo is not included in the calculation of summary statistics

Efficiency in North Macedonia in 2020 (Indicators 3.1 and 3.2)

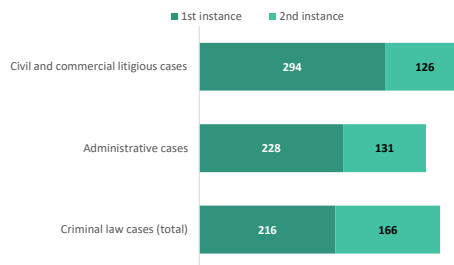
Clearance rate in 2020 (%)

The Clearance Rate (CR) shows the capacity of a judicial system to deal with the incoming cases. A CR of 100% or higher does not generate backlog.

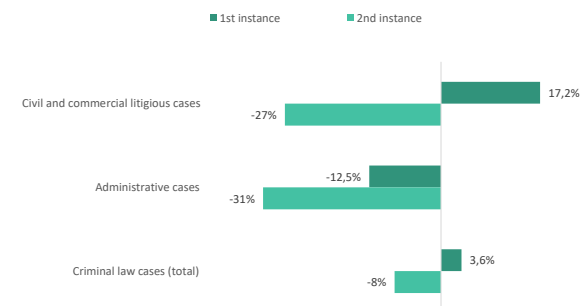


Disposition time in 2020 (in days)

The Disposition Time determines the maximum estimated number of days necessary for a pending case to be solved in a court.



Pending cases at the end of year - Variation between 2019 and 2020 (%)



In 2020, the highest Clearance rate (CR) for North Macedonia was for the second instance Administrative cases, with a CR of 119,2%. However, it seems that North Macedonia was not able to deal as efficiently with the first instance civil and commercial litigious cases (CR of 90%). With a Disposition Time of approximately 126 days, the second instance Civil and commercial litigious cases were resolved faster than the other type of cases although civil and commercial litigious cases were the longest type of cases to be resolved on first instance (DT of 294).

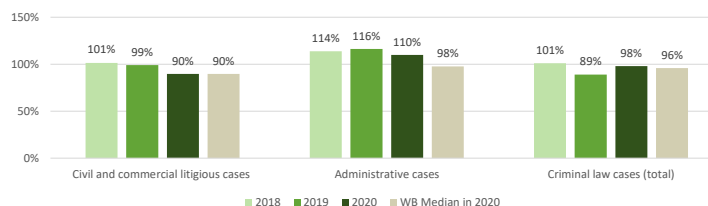
Compared to 2019, the pending cases at the end of year increased for the first instance civil and commercial litigious cases (17,2%), whereas they decreased for the second instance (-27%). The number of pending cases at the end of the year decreased for both instances for Administrative cases (-12,5% for first instance and -31% for second instance).

In the region, North Macedonia has a good capacity to deal with incoming cases. Indeed, the clearance rates are all higher or equal to the WB median and the disposition time is always lower than the WB median for all type of cases (aside for the Disposition time for criminal cases in second instance). Furthermore, since 2018, there has been an increase of the Clearance rate in second instance for all type of cases, with clearance rates above 100% (no backlog created).

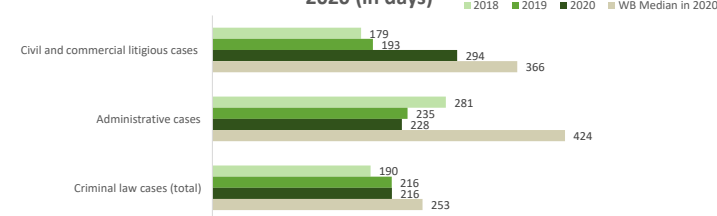
Civil and commercial cases on first instance are the most complicated cases for North Macedonia to deal with. They have the lowest Clearance rate (90%) and the highest Disposition time (294days).

First instance cases

Clearance rate for first instance cases between 2018 and 2020 (%)

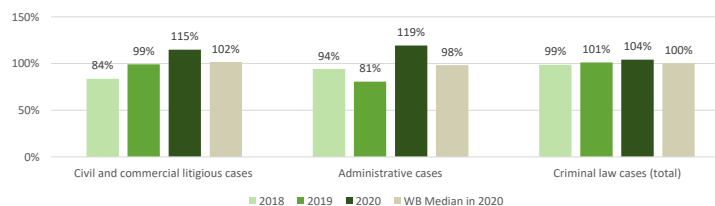


Disposition time for first instance cases between 2018 and 2020 (in days)

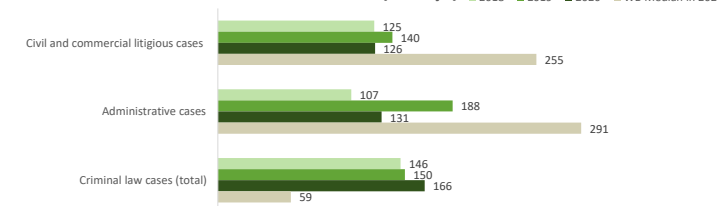


Second instance cases

Clearance rate for second instance cases between 2018 and 2020 (%)



Disposition time for second instance cases between 2018 and 2020 (in days)



• First instance cases - Other than criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020						PPT = Percentage points
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)	
Total of other than criminal law cases (1+2+3+4)	78 630	75 840	31 508	NA	96,5%	104,4%	152	269	3,8	3,7	1,5	NA	12,8%	17,2%	10,0%	NA	-5,2	32,8%	
1 Civil and commercial litigious cases	34 272	30 702	24 758	NA	89,6%	89,6%	294	366	1,7	1,5	1,2	NA	14,9%	23,1%	17,2%	NA	-9,5	52,5%	
2 Non-litigious cases**	37 525	37 774	1 918	NA	100,7%	100,3%	19	161	1,8	1,8	0,1	NA	11,6%	12,7%	11,5%	NA	-1,2	1,4%	
3 Administrative cases	6 009	6 597	4 119	NA	109,8%	97,6%	228	424	0,3	0,3	0,2	NA	-4,7%	-9,9%	12,5%	NA	-6,4	-2,9%	
4 Other cases	824	767	713	NA	93,1%	97,3%	339	195	0,04	0,04	0,03	NA	23,6%	27,1%	8,7%	NA	-4,5	49,1%	

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2019 EU Median was as follows:

- Incoming cases per 100 inhabitants: 1,9;
- Clearance rate: 100,2% ;
- Disposition time: 213 days.

For reference only: for the first instance Administrative cases, the 2019 EU Median as follows:

- incoming cases per 100 inhabitants was 0,2;
- Clearance rate: 102,1%;
- Disposition time: 284 days.

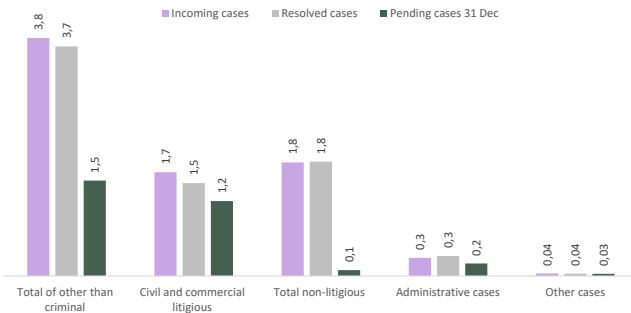
In 2020, the incoming civil and commercial litigious cases on first instance were 34 272, which was 1,7 per 100 inhabitants and -14,9% less than in 2019. The resolved cases were 30 702, which was 1,5 per 100 inhabitants and -23,1% less than in 2019. Hence, the number of resolved cases was lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2020 were more numerous than in 2019 and the Clearance rate for this type of cases was only 89,6%. This decreased by -9,5 percentage points compared to 2019 but corresponds to the WB median.

In 2020, the Disposition Time (DT) for civil and commercial litigious cases in first instance was 294 days. This is an increase of 52,5% compared to 2019 but it still below the WB median of 366 days.

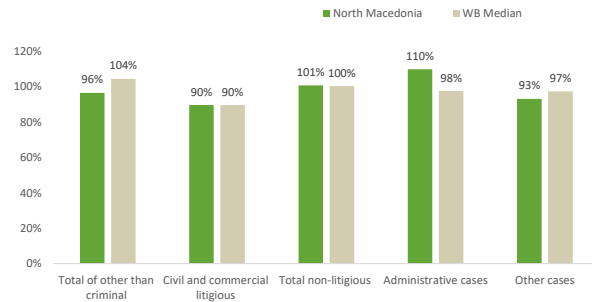
In 2020, the incoming administrative cases on first instance were 6 009, which was 0,3 per 100 inhabitants and -4,7% less than in 2019. There was 6 597 resolved cases, which corresponds to 0,3 per 100 inhabitants and is -9,9% less than in 2019. The number of resolved cases was higher than the incoming cases. As a consequence, there was less administrative cases pending at the end of 2020 than at the end of 2019. There was no backlog created with a clearance rate of 109,8%. This clearance rate was less performant than in 2019 (-6,4 percentage point) but was above the median (97,6%)

In 2020, the DT for administrative cases in first instance was 228 days. This was a decrease of -2,9% compared to 2019 but it was significantly below the WB median (424 days).

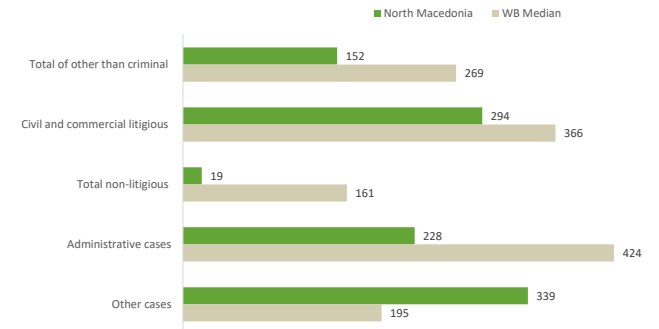
First instance Other than criminal cases per 100 inhabitants in 2020



Clearance Rate for first instance Other than criminal cases in 2020 (%)



Disposition Time for first instance Other than criminal cases in 2020 (in days)



• First instance cases - Criminal law cases

1st instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	57 763	56 642	33 493	NA	98,1%	95,8%	216	253	2,8	2,7	1,6	NA	-6,1%	3,5%	3,6%	NA	9,1	0,1%
1 Severe criminal cases	14 225	12 424	6 175	NA	87,3%	87,3%	181	244	0,7	0,6	0,3	NA	-39,0%	-8,1%	-41,2%	NA	-15,5	19,6%
2 Misdemeanour and / or minor criminal cases	43 538	44 218	27 318	NA	101,6%	98,9%	225	275	2,1	2,1	1,3	NA	15,1%	0,0%	-2,4%	NA	15,3	-2,4%
3 Other cases	NAP	NAP	NAP	NAP	NAP	95,6%	NAP	313	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NAP	NAP

PPT = Percentage points

In 2020, the incoming total criminal cases were 57 763, which was 2,8 per 100 inhabitants and -6,1% less than in 2019. The resolved cases were 56 642, which was 2,7 per 100 inhabitants and 3,5% more than in 2019. The number of resolved cases was nonetheless lower than the incoming cases. As a consequence, the total criminal pending cases in first instance at the end of 2020 was more numerous than in 2019. The Clearance rate for this type of cases was 98,1%. This increased by 9,1 percentage points compared to 2019 and was above the WB median (95,8%).

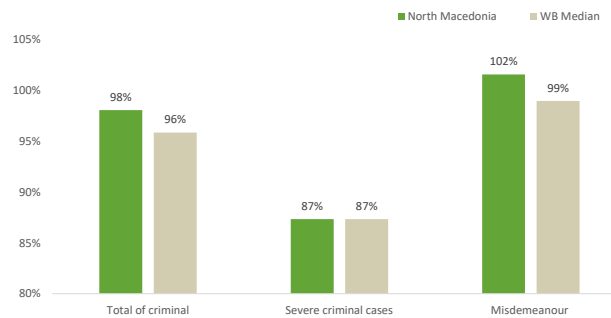
Finally, the Disposition Time for total criminal cases on first instance was 216 days in 2020. This increased by 0,1% compared to 2019 and it was below the WB median (253 days).

These figures do not include cases connected with enforcement of criminal (and misdemeanor) cases.

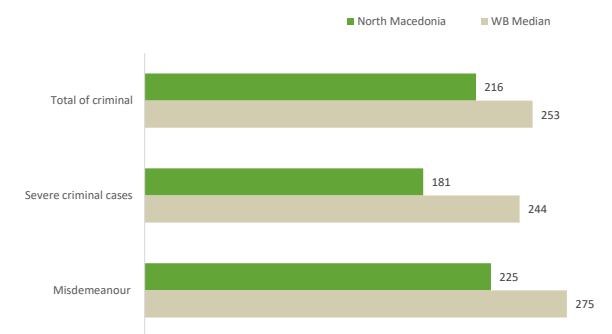
First instance Criminal law cases per 100 inhabitants in 2020



Clearance Rate for first instance Criminal Law cases in 2020 (%)



Disposition Time for first instance Criminal Law cases in 2020 (in days)



• Second instance cases - Other than criminal law cases

2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	15 245	17 610	6 124	NA	115,5%	108,7%	127	184	0,73	0,85	0,29	NA	30,7%	16,6%	27,9%	NA	19,5	-13,5%
1 Civil and commercial litigious cases	12 764	14 652	5 060	NA	114,8%	101,7%	126	255	0,61	0,71	0,24	NA	30,2%	19,2%	27,2%	NA	15,6	-9,9%
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	103,9%	NAP	55	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NAP	NAP
3 Administrative cases	2 481	2 958	1 064	NA	119,2%	98,2%	131	291	0,12	0,14	0,05	NA	33,1%	-1,0%	31,0%	NA	38,7	-30,3%
4 Other cases	NAP	NAP	NAP	NAP	NAP	100,0%	NAP	5	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NAP	NAP

** Non-litigious cases include: General civil (and commercial) non-litigious cases, Registry cases and Other non-litigious cases.

For reference only: for the first instance Civil and Commercial litigious cases, the 2019 EU Median was as follows:

- Clearance rate: 101,8% ;
- Disposition time: 175 days.

For reference only: for the first instance Administrative cases, the 2019 EU Median as follows:

- Clearance rate: 96,9%;
- Disposition time: 329 days.

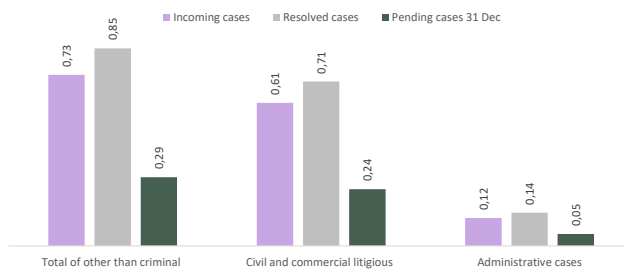
In 2020, the incoming civil and commercial litigious cases in second instance were 12 764, which was 0,6 per 100 inhabitants and 30,2% less in 2019. The resolved cases were 14 652, which was 0,7 per 100 inhabitants and 19,2% less than in 2019. The number of resolved cases was higher than the incoming cases. As a consequence, there were less pending civil and commercial litigious cases at second instance at the end of 2020 than at the end of 2019 and the Clearance rate for this type of cases was 114,8%. This increased by 15,6 percentage points compared to 2019 and is above the WB median (101,7%).

Finally, the DT for civil and commercial litigious cases in second instance was 126 days. This has decreased by -9,9% compared to 2019 but it is below the WB median (255 days).

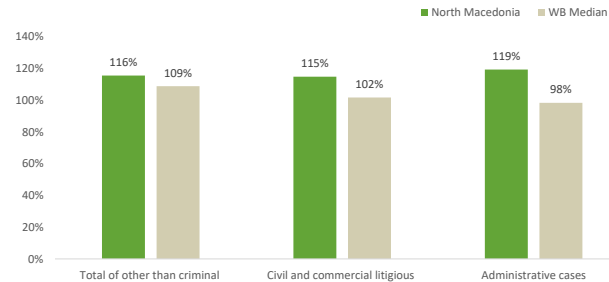
In 2020, there was 2 481 incoming administrative cases in second instance, which was 0,1 per 100 inhabitants and -33,1% less than in 2019. There was 2 958 resolved cases, which was 0,1 per 100 inhabitants and 1% less than in 2019. The number of resolved cases was higher than the incoming cases. As a consequence, there was less administrative cases pending at second instance at the end of 2020 than in 2019 and the Clearance rate for this type of cases was 119,2%. This increased by 38,7 percentage points compared to 2019 and is above the WB median (98,2%).

In 2020, the DT for administrative cases in second instance was 131 days. This has decreased by -30,3% compared to 2019 and it was below the WB median (291 days).

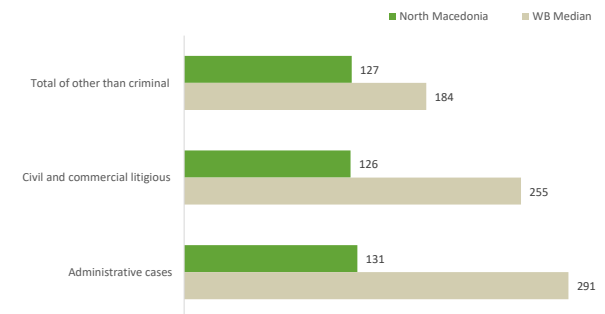
Second instance Other than criminal cases per 100 inhabitants in 2020



Clearance Rate for second instance Other than criminal cases in 2020 (%)



Disposition Time for second instance Other than criminal cases in 2020 (in days)



• Second instance cases - Criminal law cases

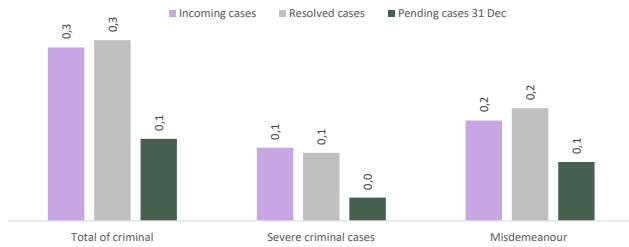
2nd instance	2020								Per 100 inhabitants in 2020				% Variation between 2019 and 2020					
	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (%)	WB Median CR (%)	DT (days)	WB Median DT (days)	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	Incoming cases	Resolved cases	Pending cases 31 Dec	Pending cases over 2 years	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	5 531	5 761	2 616	NA	104,2%	100,3%	166	59	0,3	0,3	0,1	NA	-19,3%	-16,8%	-8,1%	NA	3,0	0,5%
1 Severe criminal cases	2 333	2 170	741	NA	93,0%	99,9%	125	75	0,1	0,1	0,0	NA	13,0%	-17,1%	-28,2%	NA	-4,6	54,6%
2 Misdemeanour and / or minor criminal cases	3 198	3 591	1 875	NA	112,3%	99,2%	191	45	0,2	0,2	0,1	NA	-23,3%	-16,7%	-17,3%	NA	8,9	-0,8%
3 Other cases	NAP	NAP	NAP	NAP	NAP	100,2%	NAP	16	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NAP	NAP

PPT = Percentage points

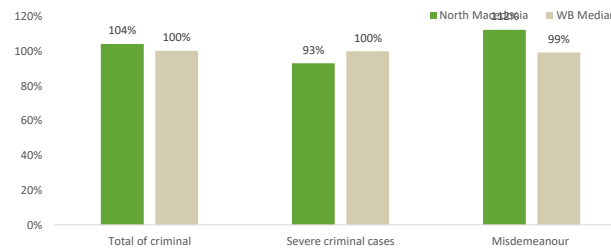
In 2020, there were 5 531 incoming total criminal cases in the second instance, which represents 0,3 per 100 inhabitants and -19,3% less than in 2019. There was 5 761 resolved cases, which represents 0,3 per 100 inhabitants and -16,8% less than in 2019. The number of resolved cases was higher than the incoming cases. As a consequence, there was less total criminal cases pending at second instance at the end of 2020 than at the end of 2019 and the Clearance rate for this type of cases was 104,2%. This increased by 3 percentage points compared to 2019 and is above the WB median (100,3%).

Finally, the Disposition Time for total criminal cases was approximately 166 days in 2020. This has increased by 10,5% compared to 2019 and it was above the WB median (59 days).

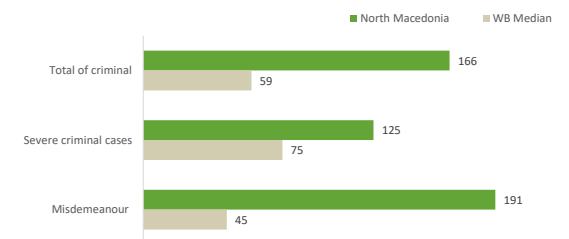
Second instance Criminal law cases per 100 inhabitants in 2020



Clearance Rate for second instance Criminal Law cases in 2020 (%)



Disposition Time for second instance Criminal Law cases in 2020 (in days)



• Average length of proceedings for specific category cases (in days - from the date the application for judicial review is lodged)

	2020						% Variation between 2019 and 2020					
	Decisions subject to appeal (%)	Average length of proceedings (in days)				% of cases pending for more than 3 years for all instances	Decisions subject to appeal (PPT)	Average length of proceedings (in days)				Cases pending for more than 3 years for all instances (PPT)
		First instance	Second instance	Third instance	Total			First instance	Second instance	Third instance	Total	
Civil and commercial litigious cases	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	15%	143	NA	NA	NA	NA	5,0	18%	NA	NA	NA	NA
Employment dismissal cases	44%	188	NA	NA	NA	NA	-8,0	13%	NA	NA	NA	NA
Insolvency cases	5%	192	NA	NA	NA	NA	4,0	-20%	NA	NA	NA	NA
Robbery cases	49%	370	NA	NA	NA	NA	23,0	98%	NA	NA	NA	NA
Intentional homicide cases	70%	177	NA	NA	NA	NA	2,0	11%	NA	NA	NA	NA
Bribery cases	100%	176	NA	NA	NA	NA						
Trading in influence	0%	0	NA	NA	NA	NA						

Macedonian courts did not process any trading in influence cases in 2020.

There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

• Quality standards and performance indicators in the judicial system

In North Macedonia there are quality standards determined for the judicial system at national level.

The Judicial Council defines qualitative and quantitative criteria for the work of the courts and the Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria.

• Performance and quality indicators and regular assessment in courts and prosecution offices

In North Macedonia performance and quality indicators are defined for both courts and prosecution offices as follows:

	Courts		Prosecution offices	
	Performance and quality indicators	Regular assessment	Performance and quality indicators	Regular assessment
Number of incoming cases	✗	✓	✗	✓
Length of proceedings (timeframes)	✓	✓	✓	✓
Number of resolved cases	✓	✓	✓	✓
Number of pending cases	✓	✓	✓	✓
Backlogs	✓	✓	✗	✓
Productivity of judges and court staff / prosecutors and prosecution staff	✗	✗	✓	✓
Satisfaction of court / prosecution staff	✗	✗	✓	✗
Satisfaction of users (regarding the services delivered by the courts / the public prosecutors)	✗	✗	✓	✗
Costs of the judicial procedures	✗	✗	✗	✗
Number of appeals	✗	✓		
Appeal ratio	✗	✗		
Clearance rate	✓	✓	✗	✗
Disposition time	✓	✓	✗	✗
Percentage of convictions and acquittals			✓	✗
Other	✗	✗	✗	✗

Monitoring of the number of pending cases and backlogs	
Civil law cases	Yes
Criminal law cases	Yes
Administrative law cases	Yes

The Judicial Council monitors the backlog of cases on a regular basis.

Monitoring of the waiting time during judicial proceedings	
Within the courts	Yes
Within the public prosecution services	Yes

According to the Law on courts and Court Rules of procedure the court president monitors the waiting time and the respect of the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure) as well as the respect of the basic principle of a trial within a reasonable time. About the Public Prosecutor's, according to article 28 of the Law on Public Prosecutor's office, the supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office and the supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia.

In February 2020, the First national report for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia was published. This report was prepared according to the Methodology for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia. Matrix is composed by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators), independence (17 indicators), accountability (7 indicators) and transparency (14 indicators).

The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

• Quantitative targets for each judge and prosecutor

In North Macedonia there are quantitative targets only for judges but not for prosecutors

Responsible for setting up quantitative targets for judges		Responsible for setting up quantitative targets for public prosecutors		Consequences for not meeting the targets		
				Judges	Public prosecutors	
Executive power (for example the Ministry of Justice)	✗	Executive power (for example the Ministry of Justice)	✗	✗	✗	Warning by court's president/ head of prosecution
Legislative power	✗	Prosecutor General /State public prosecutor	✗	✓	✗	Disciplinary procedure
Judicial power (for example the High Judicial Council, Supreme Court)	✓	Public prosecutorial Council	✗	✗	✗	Temporary salary reduction
President of the court	✗	Head of the organisational unit or hierarchical superior public prosecutor	✗	✗	✗	Other
Other:	✗	Other	✗	✗	✗	No consequences

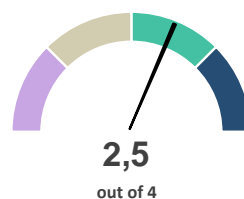
The evaluation system of judges is composed by two components qualitative and quantitative criteria. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade. If a judge is evaluated negatively in two consecutive evaluations, he/she may be dismissed on the basis of unprofessional and negligent performance of the function.

Kosovo is not included in the calculation of summary statistics

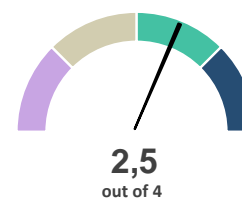
Electronic case management system and court activity statistics in North Macedonia in 2020 (Indicator 3.3)

Case management system (CMS) Index is an index 0 to 4 points calculated based on several questions on the features and deployment rate of the of the case management system of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

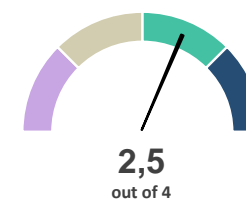
CMS index in Civil and/or commercial



CMS index for Criminal



CMS index for Administrative



Electronic case management system

In North Macedonia there is an IT Strategy for the judiciary.

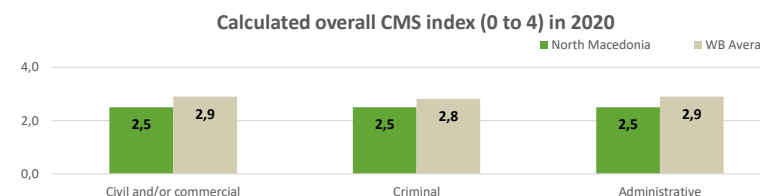
There is a case management system (CMS), eg software used for registering judicial proceedings and their management. This CMS has been developed more than 10 years.

The CMS is developed in all courts (100% deployment rate) and the data is stored on a database consolidated at national level. The CMS index for North Macedonia is slightly lower than the WB Median (2.5 for each type of cases versus 2.9 for civil and/or commercial cases and administrative cases, and 2.8 for criminal cases).

The process of upgrading of the existing system or introducing a new case management system in the judiciary is in its beginning. The first step will be the preparation of an assessment on the functionality of the existing system, after what it will be decided about upgrading the existing system or introducing a completely new one.

	Case management system and its modalities					
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool	
Civil and/or commercial	100%	Publication of decision online	✓	✓	Not connected at all	Both: Accessible to parties Publication of decision online
Criminal	100%	Publication of decision online	✓	✓	Not connected at all	
Administrative	100%	Publication of decision online	✓	✓	Not connected at all	

	Overall CMS Index in 2020	
	North Macedonia	WB Average
Civil and/or commercial	2,5	2,9
Criminal	2,5	2,8
Administrative	2,5	2,9



• Centralised national database of court decision

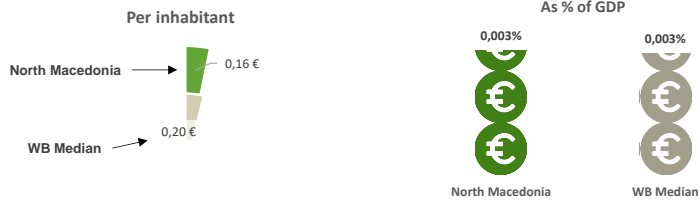
In North Macedonia, there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online and in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR judgments in HUDOC database) in this database.

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	Yes all judgements	Yes all judgements	Yes all judgements	✘	✔	✔	✔
Criminal	Yes all judgements	Yes all judgements	Yes all judgements	✘	✔	✔	✔
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	✘	✔	✔	✔

Kosovo is not included in the calculation of summary statistics

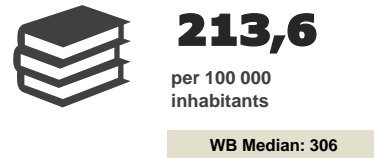
Legal Aid in North Macedonia in 2020 (Indicator 4)

Total implemented budget for Legal Aid in 2020

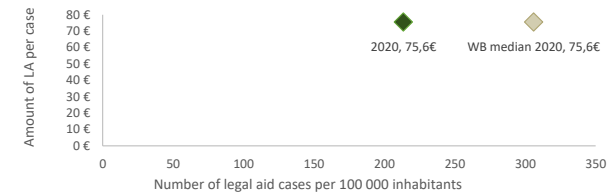


In 2020, the implemented budget for legal aid spent by North Macedonia was 0,16€ per inhabitant (below the WB median of 0,2€). This was equal to 0,003% of the GDP, the same as the WB median.

Number of LA cases



Amount of implemented legal aid per case (in €) and total no. of legal aid cases per 100 000 inh. in 2020



This scatterplot shows the relation between the number of legal aid (LA) cases per 100 000 inh. and the amount of LA per case. A figure on the right (left) of the WB median means that the Beneficiary has more (less) number of LA cases per 100 000 inh. than the WB median. A figure above (below) the WB median shows that the Beneficiary has spent per LA case more (less) than the WB median.

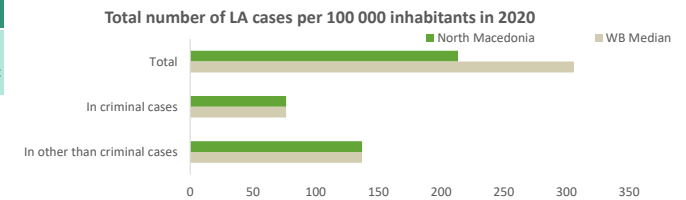
Implemented budget for legal aid and number of cases for which legal aid has been granted

	Implemented budget for legal aid in €				Total implemented budget for legal aid Per inhabitant		Total implemented budget for legal aid as % of GDP	
	Total	% Variation (2019 - 2020)	Cases brought to court	Cases not brought to court	North Macedonia	WB Median	North Macedonia	WB Median
Total	335 114 €	-16,5%	334 379 €	735 €	0,16 €	0,20 €	0,003%	0,003%
In criminal cases	305 173 €	-19,7%	305 173 €	NAP				
In other than criminal cases	29 941 €	42,2%	29 206 €	735 €				

In 2020, the total implemented budget for legal aid was 335 114€, which was -16,5% less compared to 2019. For criminal cases, North Macedonia spent 305 173€ while for other than criminal cases, it spent 29 941€. In total, North Macedonia spent 0,16€ for legal aid per inhabitant, which is below the WB median of 0,2€.

The budget for legal aid in criminal cases is composed by the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There has been an increase (+42,2%) in the implemented public budget in other than criminal cases due to the fact that the new law on free legal aid, which has been implemented since 1st October 2019, introduced conditions facilitating access to legal aid.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Absolute number	Per 100 000 inh.	% Variation (2019 - 2020)	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
Total	4 434	214	NA	1 745	2 689	75,6 €	192	0
In criminal cases	1 588	76	NA	1 588	NA	192,2 €	192	NA
In other than criminal cases	2 846	137	NA	157	2 689	10,5 €	186	0



In 2020, legal aid was granted for 4 434 cases, 1 588 were criminal cases and 2 846 were other than criminal cases. The total of cases brought to court which benefited from legal aid was 1 745, while 2 689 cases not brought to court benefited from legal aid. On average, North Macedonia spent 75,6€ per case, which is the same as the WB Median.

Out of the 1588 criminal cases in which legal aid was granted in 2020, in 1586 cases legal aid was granted by the court for compulsory defence and in 2 cases it was granted by the court for defense of indigent persons. In 2020, Courts granted legal aid in 20 civil cases, while the Ministry of Justice granted legal aid in 137 cases according to the Law on free legal aid. Primary legal aid according to the new law on free legal aid can be granted by the Ministry of justice, Associations registered in the Ministry of justice for giving on primary legal aid and legal clinics. Since the beginning of the implementation of the law (October 2019) there has been an increase of cases in which primary legal aid was granted.

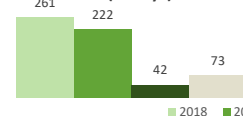
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in North Macedonia in 2020 (Indicator 7)

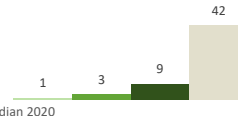
Total budget for Training per 100 inhabitants



Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available between 2018 and 2020



Training in EU law (participants in 2020)



The total budget for training for justice professionals in 2020 in North Macedonia was 35,4€ per 100 inhabitants which is lower than the Western Balkans median (44,7€). However, in 2020 there was no new generation of candidates judges and prosecutors at the training institution which reduced the budget needed. The number of delivered in person training courses has significantly decreased in 2020 (from 222 in 2019 to 42 in 2020) due to the Covid-19 pandemic. On the other hand, there has been a constant increase since 2018 of available online training courses, with an increase from 3 to 9 in 2020.

Budget for Trainings

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)			
			Absolute Number	Per 100 inhabitants	% Variation 2019 - 2020	WB Median per 100 inhabitants
Total	735 500 €	NAP	735 500 €	35,4 €	-35,1%	44,7 €
Judges	NAP	NAP				
Prosecutors	NAP	NAP				
One single institution for both judges and prosecutors	735 500 €					

North Macedonia spent in total 735 500€ for training in 2020, which was 35,4€ per 100 inhabitants, and was below the WB median of 44,7€ per 100 inhabitants.

In 2020, the budget for training for judges and prosecutors decreased of -35,1% compared to 2019. This is because the budget of the Academy of judges and public prosecutors for 2020 was based on the implemented budget at the end of 2019, considering that the new generation of candidates initially planned in 2019 was not realized and that there was no new generation either in 2020.

Budget - One single training institution budget for both judges and prosecutors					
Per 100 inhabitants		As % of Judicial System Budget		% Variation between 2019 and 2020	
North Macedonia	WB Median	North Macedonia	WB Median	North Macedonia	WB Median
25,8 €	23,7 €	1,84%	1,69%	-35,2%	-40,4%

Type and frequency of trainings

	Judges		Prosecutors	
	Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
Initial training	Compulsory		Compulsory	
In-service training				
General	Compulsory	Regularly	Compulsory	Regularly
Specialised judicial functions	Compulsory	Regularly	Compulsory	Regularly
Management functions of the court	Compulsory	Regularly	Compulsory	Regularly
Use of computer facilities in courts	Compulsory	Regularly	Compulsory	Regularly
On ethics	Compulsory	Regularly	Compulsory	Regularly

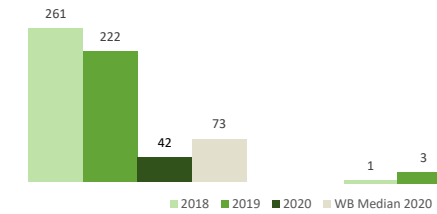
There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy of judges and public prosecutors on the proposal of the Program Council of the Academy. There is a special program for newly elected judges and public prosecutors (initial training).

All trainings for judges and prosecutors in North Macedonia, both initial or continuous, are compulsory and organised regularly. Regarding the initial training, this mean that completing it is a mandatory condition for appointment.

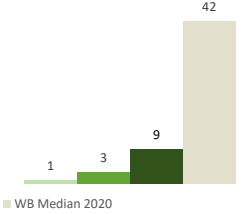
• Number of in-service trainings and participants

	In-person training courses			Online training courses (e-learning)			
	Available (number)	Delivered (in days)		Number of participants	Available (number)		Number of participants
		In 2020	% Variation 2019 - 2020		In 2020	% Variation 2019 - 2020	
Total	211	42	-81%	953	9	200,0%	1888
Judges	168	36	-61%	384	8	NA	1008
Prosecutors	94	20	18%	150	7	NA	497
Non-judge staff	12	2	-85%	NA	9	NA	NA
Non-prosecutor staff	12	2	-33%	NA	9	NA	NA
Other professionals	16	1	-	211	NA	NA	235

Delivered in-person training courses between 2018 and 2020 (in days)



Number of online training courses (e-learning) available between 2018 and 2020



The total number of trainings in 2020 in comparison with 2019 decreased because of the COVID 19 pandemic.

In 2020, because of the pandemic, most of the trainings which were planned to be delivered in person were delivered online. From a total of 121 delivered trainings days, 42 were delivered in person while 79 were delivered online. Out of the 79 trainings delivered online, in 74 participated some judges, in 49 some prosecutors, in 6 other professionals.

The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Out of the 211 available trainings in 2020, 79 which were planned to be common trainings for judges and public prosecutors. The trainings are also common for non-judge and non-prosecutor staff. In 2020, only 2 separate trainings were organised for non-judge and non-prosecutor staff with physical presence and they are reflected under both categories in the table. In those two trainings a total of 56 non-judge and non-prosecutor staff participated, out of which 27 were non-judge and 29 were non-prosecutor staff. Including those participants, 370 non-differentiated non-judge and non-prosecutor staffs participated in trainings in 2020 (208 with physical presence and 162 participated online).

Regarding online training courses available in 2020, a total of 9 common online trainings were organised for judges, prosecutors, non-judge staff and non-prosecutor staff. From this 9 trainings, on 8 trainings participate some judges, on 7 trainings participate public prosecutors, on all 9 trainings participate non-judge and non-prosecutor staff.

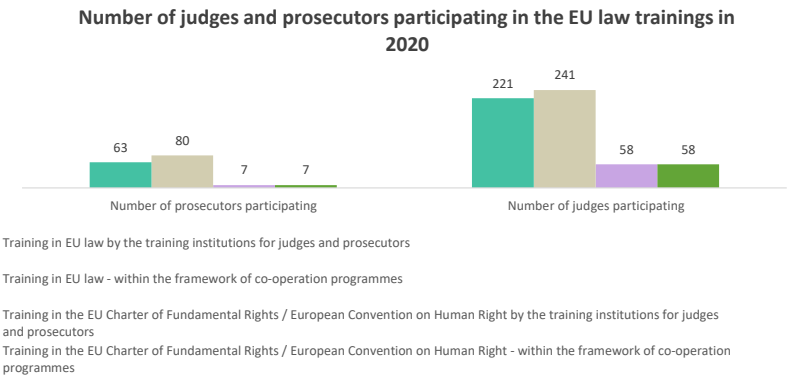
In North Macedonia, sanctions are foreseen if judges and prosecutors do not attend the compulsory training sessions.

In North Macedonia, judges and prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest. This training lasts up to 1 day and they need to participate to it more than once on an ad hoc basis.

Prosecution offices have specially trained prosecutors in domestic violence and sexual violence.

• Number of EU law training courses and participants

	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
Number of in-person training courses available	1	1	2	2
Number of delivered in-person training courses in days	1	1	2	2
Number of online training courses (e-learning) available	5	5	19	18
Number of judges participating	58	58	241	221
Number of prosecutors participating	7	7	80	63



The trainings on EU law organised within the framework of co-operation programs are delivered in cooperation between the Academy for judges and prosecutors and the following foreign partners: TAIEX – 1 training, EIPA/Luxembourg – 1 training, EJTN – 4 trainings. In those trainings, 42 judges participated online while 16 participated with physical presence, and all 7 prosecutors who participated were online.

The trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights organised within the framework of co-operation programs are delivered in cooperation between the Academy for judges and prosecutors and the following foreign partners: OPDAT/USA-1 training, TAIEX/EU - 1 training, Council of Europe - 1 training, Council of Europe/JUFREX programme - 1 training, EIPA/Luxembourg - 1 training, OSCE Mission in Skopje - 3 trainings, BAR Chamber/Council of Europe - 1 training, Council of Europe/HELP programme - 11 trainings. In those trainings, 21 judges and 7 public prosecutors participated with physical presence while 200 judges and 56 public prosecutors participated online.

In 2020, all trainings on EU Law and almost all trainings on the EU Charter of Fundamental Rights and the European Convention on Human Rights available or delivered in North Macedonia were co-organised or co-financed with International partners.

Alternative Dispute Resolution in North Macedonia in 2020 (Indicator 9)

Legal aid for court-related mediation or court-related mediation provided free of charge

No

Court-related mediation procedures

Yes

Mandatory informative sessions with a mediator

No

Mandatory mediation with a mediator

Yes

Before/instead of going to court

Mediators

2,2

per 100 000 inhabitants

WB Median: 5,4

62,2% female mediators



Total number of court-related mediations

Number of cases for which the parties agreed to start mediation

329

Number of finished court-related mediations

329

Number of cases in which there is a settlement agreement

131

In North Macedonia, court related mediation procedures are available but legal aid cannot be granted for those procedures. In 2020, There was only 329 cases for which parties agreed to start mediation in 2020 and 131 mediation procedures which ended with a settlement agreement.

There can be mandatory mediations with a mediator before or instead of going to court but no mandatory informative sessions with a mediator. The number of mediators per 100 000 inhabitants (2.2) is less than half of the Western Balkans median (5.4). The majority of those mediators are women (62%).

• ADR procedures and mandatory mediation

In North Macedonia, there can be mandatory mediation with a mediator before or instead of going to court.

According to the Law on Civil Procedure regarding commercial disputes up to 1 000 000,00 MKD (15 000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court . According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

• ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



Regarding arbitration, it is available since 1993 as an alternative measure of judicial procedures in the field of commercial law. The Permanent Court of Arbitration is part of the Economic Chamber and can arbitrate business relations disputes, where contracts have foreseen that possibility. The value of disputes resolved through arbitration varies from a few thousand to several million Euros.

Regarding conciliation, there are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings. According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose to the private prosecutor and the defendant to be sent to mediation. The settlement reached in front of a mediator shall be submitted to the court, who will adopt a decision to terminate the procedure.

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, unless it is agreed otherwise in the settlement.

Mediators and court-related mediations

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2020	
Absolute number	Per 100 000 inhabitants	WB Median per 100 000 inhabitants	North Macedonia	WB Median
45	2,2	5,4	0,0%	-40,0%

For reference only: the 2019 EU median is 14,3 mediators per 100 000 inhabitants.

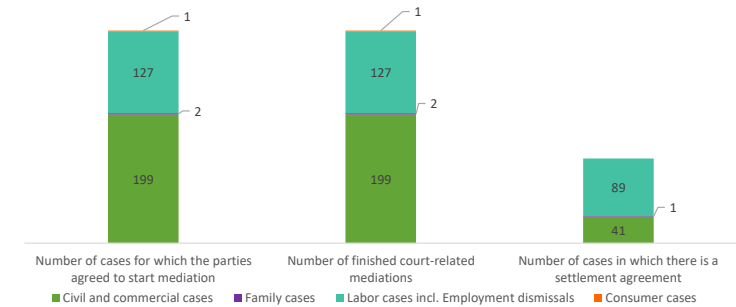
In 2020, the total number of mediators in North Macedonia was 45, which is the same number as in 2019. The number of mediators per 100 000 inhabitants was 2,2 which is less than half of the WB median of 5,4.

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2018 and 2020



	Number of court-related mediations			Providers of court-related mediation services			
	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Total (1 + 2 + 3 + 4 + 5 + 6)	329	329	131				
1. Civil and commercial cases	199	199	41	✓	✗	✗	✗
2. Family cases	2	2	1	✓	✗	✓	✗
3. Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Labour cases incl. employment dismissals	127	127	89	✓	✗	✗	✗
5. Criminal cases	0	0	0	✓	✗	✗	✗
6. Consumer cases	1	1	0	✓	✗	✗	✗

Number of court-related mediations in 2020



According to the Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law. Court related mediations are provided by private mediators or by judges for family cases.

In 2020 the categories of cases for which mediation was the most used were civil and commercial (199 cases in which parties agreed to start a mediation) and labour cases (127 cases for which parties agreed to start mediation). In other categories where court-related mediation is possible, it was barely used (2 family cases, 0 criminal cases, 1 consumer case). Between 2019 and 2020, there was an increase of court related mediations for labour cases. Most of these procedures are mediations between administrative servants and the state institutions related to the employment rights.

The source of data is the Register for recording mediation procedures that is under authority of the Ministry of justice.

Kosovo is not included in the calculation of summary statistics

European Convention on Human Rights in North Macedonia in 2020 (Indicator 10)

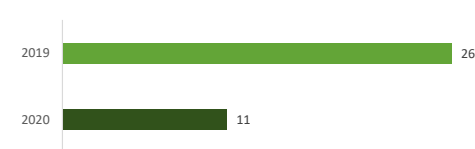
European Convention on Human Rights – Article 6 – Right to a fair trial:

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Number of judgements finding at least one violation of ECHR in 2019 and 2020



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process in 2019 and 2020



ECHR

The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission), which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights.

Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of North Macedonia. It constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.

With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (acceleratory remedy).

Monitoring system for violations related to Article 6 of ECHR		
Civil procedures (non-enforcement)	Civil procedures (timeframe)	Criminal procedures (timeframe)
✓	✓	✓

Possibility to review a case after a decision on violation of human rights by the ECHR

Yes

There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

In 2020, there were 320 applications pending before an ECHR decision body for North Macedonia (-7,2% less than the previous year). 14 judgments found at least one violation (against 9 in 2019) and 11 cases were considered closed after a judgement of the ECHR (against 26 in 2019).

	2019	2020	% Variation between 2019 and 2020
Number of applications pending before a ECHR decision body**	345	320	-7,2%
Judgements finding at least one violation**	9	14	55,6%

** Source: ECHR

	2019	2020	% Variation between 2019 and 2020
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	26	11	-58%

*** Source: Department of Execution of sanctions of the Council of Europe

Kosovo is not included in the calculation of summary statistics



CEPEJ(2021)2

Part 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans - “Dashboard Western Balkans”

Data collection 2020

Part 2 (B) - Beneficiary Profile – North Macedonia

This analysis has been prepared on the basis of the replies from the beneficiary (Dashboard correspondent) to the CEPEJ Questionnaire for the Dashboard Western Balkans, and relevant GRECO reports.

Selection and recruitment of judges and prosecutors

Recruitment and career of judges is regulated by the Law on Courts. Judges, presidents of courts and lay judges are appointed and dismissed by the Judicial Council (JC) according to the Law on the Judicial Council. The JC has a right to appoint some and reject some among the selected candidates.

The selection process of judges differs depending on whether they are to become judges in a basic court or in an administrative court.

Judges in basic courts:

Judges of first instance courts may only be selected from the list of candidates that finished two years initial training on the Academy for Judges and Public Prosecutors. Except finishing of the Academy, JC in the procedure of selection is taking into account the year of completion of the training, achieved success on the Academy and the results of the interview conducted by the Council.

Law on Academy for judges and public prosecutors regulates the admittance to the initial training as well as the entrance exam. In order to be admitted to the initial training as per Article 57 the candidates have to fulfil general conditions, which include citizenship, ability to work, general health capability, active command of the Macedonian and in one of the three most commonly used languages of the EU (English, French or German), computer literacy, a four-year university degree, to have passed the bar exam, two years of work experience in legal affairs after passing the bar exam, and should not be prohibited from practicing profession, performing an activity or duty as per the Criminal Code (Article 38-b) or Law on misdemeanours (Article 30).

Candidates have to pass an entrance exam to the Academy, composed of a qualification test, a psychological test, an integrity test and an exam. The entrance exam is carried out by the Commission (a chair and nine members and their deputies, appointed by the Managing Board of the Academy from the ranks of judges and public prosecutors, one from the administrative staff of the Ministry of Justice and one psychologist) while the psychological and integrity tests are carried out by an independent psychology institution. The non pre-selected candidates for the Academy for judges and public prosecutors have the right to appeal to the Commission for the entrance exam within three days from the announcement of the results on the Academy's official website and notice board which has to then decide within two days. A dissatisfied candidate can then appeal to the Management Board within eight days of the receipt of the Commission's decision which then has to decide in three days. An administrative dispute may be then initiated by the dissatisfied applicant before the Administrative Court within three days of the receipt of the Board's decision (Article 88). The actual selection of candidates is thus in effect delegated in theory to the Academy. Initial training of the Academy last two years.

The Academy for Judges and Public Prosecutors is an independent institution established in 2006 by the Law on the Academy for Training of Judges and Public Prosecutors. It is responsible for selecting future judges and prosecutors in the first instance courts and prosecution offices, through entrance exams followed by an initial training programme composed of 9 months of theoretical and 15 months of practical training.

The selection procedure for judges is based on the results from the Academy's initial training and the interview evaluation and is carried out by the JC which appoints the judge.

Lay judges:

Lay judges are appointed and dismissed by the Judicial Council. Candidate for lay judge can be every adult citizen of the Republic of North Macedonia who has completed at least secondary education, who is fluent in Macedonian language, has a reputation for exercising this function and is not older than 60 years, may be elected as a Lay judge. After completion on the procedure of their election they shall mandatorily attend specialized training, organized by the Academy for Judges and Public Prosecutors.

Judges of the first instance administrative court:

Judges of the Administrative Court (which has a first instance competence over the entire territory of North Macedonia) need not be graduates from the Academy. They have to fulfil a series of specific conditions and criteria set out in the Law on Courts, designed to ensure the greatest possible objectivity in the process. Vacant positions are advertised by the JC in the same manner as for judges of first instance courts. Candidates with the relevant degree of professional experience and whose work performance has been evaluated with the highest grade by the JC can apply.

A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court. This person shall be evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council of the Republic of North Macedonia.

A non-selected candidate has a right to appeal against a decision of appointment of the JC within eight days from the day of the receipt of notification. The competent body for deciding on the appeal is the Appeal Council at the Supreme Court (Article 49, Law on Judicial Council).

The integrity of a candidate judge is checked through integrity and psychological tests conducted by the JC which candidates for election of a judge have to undergo. Criteria such as having reputation, integrity in the exercise of the judicial office and social skills for exercising judicial office are checked (Article 45-a, Law on Courts).

Judges are appointed without limitation of their term of office, until they reach the retirement age of 64 (male)/62 (female) (retirement age may be prolonged until 67) or another cause of termination of their office occurs, such as termination upon request, election/appointment to another office, disability or if they have been sentenced by a final court judgment for a criminal offence to an unconditional prison term of at least six months (Article 73, Law on Courts). Termination of office may also occur as a result of a disciplinary procedure (see below under enforcement).

The office of lay judges may be terminated upon their request, when they reach the retirement age of 60, if they permanently lose their ability to perform their duty, if they have been sentenced for a criminal offence to a prison term of at least six months or as a disciplinary measure, in case they perform their duty improperly or unethically (Article 80, Law on Courts).

No probation period is envisaged in the law for judges before being appointed “for life”.


Public prosecutors as well as the heads of the public prosecution offices (PPOs) are elected by the Council of public prosecutors (CPP). The CPP has a right to appoint some and reject some among the selected candidates.

The Chief Public Prosecutor is appointed by the Parliament upon the proposal of the government, on the basis of a previously obtained opinion of the CPP. If the CPP gives a negative opinion on a candidate, the government has to propose another one.

The conditions and criteria for the recruitment of public prosecutors are determined by the Law on Public Prosecution (Articles 43-46, LPP). Candidates for all positions in the Basic Public Prosecution offices have to fulfil the same general criteria, namely to have an active command of the Macedonian language, physical ability, a university degree in law in “the North Macedonia” or an equivalent foreign degree, to have passed the bar exam and to have completed training at the Academy for Judges and Prosecutors. As for judges, the selection process then differs for prosecutors at the beginning of their career and for promotion.

As a post becomes vacant or is created, the CPP publishes a call for candidates in the Official Gazette and in at least two daily newspapers.

The selection process for beginning of career posts mirrors that of judges (see above). As from 2013, prosecutors in basic PPOs may only be selected from the ranks of graduates from the Academy of Judges and Public Prosecutors (more on the initial training and the selection procedure see above). The selection procedure for prosecutors is however based only on the results from the Academy’s initial training and is carried out by the CPP which makes the final decision on the appointment of a prosecutor.



A non-selected candidate does not have a right to appeal against a decision of appointment of the CPP.

Public prosecutors are elected with no limitation on their term in office, until they reach the retirement age of 64 (male)/62 (female) (retirement age may be prolonged until 67), or if another cause of termination of their office occurs, such as termination upon request, disability or if they have been sentenced for a criminal offence to an unconditional prison term of at least six months (Article 58, LPP). Termination of office may also occur as a result of a disciplinary procedure (for serious disciplinary violations – Article 59, LPP, or for unprofessional and unsatisfactory performance of the function of public prosecutor – Article 60, LPP). The heads of the PPOs are elected for a term of office of four years, renewable. The Chief Public Prosecutor is appointed for a term of office of six years, with right to re-election.

No probation period is envisaged in the law for prosecutors before being appointed “for life”.

The integrity of candidate prosecutors is not checked before the election – it is only checked through an integrity test at the entrance exam to the Academy.

Promotion for judges and prosecutors

The JC is competent for deciding on the promotion of judges according to Article 46 of the Law on the Courts. Selection criteria are determined in Article 48 of the Law on Judicial Council.


Judges of higher (including higher administrative court) courts need not be graduates from the Academy. They have to fulfil a series of specific conditions and criteria set out in the Law on Courts, designed to ensure the greatest possible objectivity in the process. Vacant positions are advertised by the JC in the same manner as for judges of first instance courts. Candidates with the relevant degree of professional experience and whose work performance has been evaluated with the highest grade by the JC can apply.

The Council selects a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria prescribed by the Law on Courts in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position. The Council selects as a judge the person of highest expertise and professional qualities, with good reputation in exercising his judicial office, on the basis of the following criteria prescribed in the Law on Judicial Council: expert knowledge and specialization in the field and participation in continuous training; positive evaluation of his work, capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions, undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases, undertaking additional work when performing judicial office by means of mentorship, education, and alike and length of judicial service. The JC decides on the appointment/promotion of a judge at its session, attended by at least eight members of the total number of members of the JC having voting rights – a candidate that wins at least eight votes by the JC members having voting rights shall be selected a judge. Each member has to orally elaborate his/her decision regarding selection of a judge. Each candidate is notified in writing about the JC's decision on promotion which is motivated. If no candidate is elected, the procedure starts again with a new vacancy announcement.

The non-selected candidate may appeal to the Appeal Council of the Supreme Court within a period of eight days as of the day of receipt of the information. The Appeal Council in the Supreme Court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme Court. The members on this council are elected by the President of the Supreme Court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial Council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

The appraisal system of judges is also among the competences of the JC. Amendments to the Law on the Judicial Council (adopted in May 2018) completely revised the appraisal system for judges and put more emphasis on qualitative criteria (i.e. completion of the work programme, quality of decisions performed in the court administration, public relations and transparency in the work). In the final overall assessment, the weight of the notations for qualitative criteria represents 60% (quantitative criteria: 40%) (Articles 107 and 108, Law on the Judicial Council). The working hours are also taken into account. The amended law also provides for a specific list of criteria for court presidents, largely based on the above.

Election of a public prosecutor to a position at a higher PPO is regulated in Article 40 of the Law on Council of Public prosecutors. A body competent for the election of public prosecutors to higher positions is the Council of Public prosecutors (CPP). Vacant positions are advertised by the CPP in the same manner as for prosecutors of basic PPOs. Like judges, candidates to promotion within the prosecution service need not be graduates from the Academy. Besides the general criteria for entry into the prosecution service, they have to fulfil specific requirements regarding in particular their working experience. The candidate with the highest professional qualities and reputation is then selected by the CPP on the basis of an interview, of his/her past work appraisals, and if s/he does not yet work for the prosecution service, of an opinion from the body in which s/he works. Criteria to be taken into account by the CPP include *inter alia* the candidate's education, attitude and diligence at work, ability to resolve legal issues, maintenance of his/her own reputation and that of the PPO, etc. (Article 45, LPP). The CPP then elects one of the candidates by an absolute majority, during a session attended by at least two-thirds of its members. With amendments to the LPP from 2020, the chief basic prosecutor of the basic PPO for prosecuting organised crime and corruption is elected by all prosecutors in



the Republic of North Macedonia who vote on elections. The candidate who won the majority of votes and who meets the requirement for a position of a basic prosecutor of the basic PPO for prosecuting organised crime and corruption set in the law is appointed by the CPP.

Candidates to the function of Chief Public Prosecutor have to have ten years of continuous work experience as a prosecutor or a judge in the field of criminal law and four to eight years of experience are required for other public prosecutors, depending on the office to which they apply.

There is no right to appeal against a decision on promotion for a public prosecutor.

The appraisal system for prosecutors is in hands of the CPP. Appraisal of a prosecutor's performance is carried out every two years by a prosecutor of the higher PPO, according to a Rulebook adopted by the CPP in 2008. Work appraisal of prosecutors of basic PPOs is thus performed by higher public prosecutors. Their work, as well as the work of prosecutors of the basic PPO for prosecuting organised crime and corruption is in turn evaluated by the Chief Public Prosecutor. The Chief Public Prosecutor also assesses the work of the prosecutors in his office. S/he, in turn, is responsible before Parliament.

The appraisal is carried out on the basis of a direct examination of the prosecutors' case work and an interview. The prosecutor's ethics, reputation and dignity, communication and organisational skills and efforts towards continuous education and professional improvement are also taken into account.

The evaluation results in a grade, which can be positive or negative. The results of the evaluation are communicated to the CPP and the prosecutor concerned. If the prosecutor is not satisfied with the grade, s/he can submit a written request to the CPP to repeat the grading procedure. If the CPP agrees with this request, it orders the evaluating prosecutor to repeat the assessment and gives him/her concrete directions. In case of a second objection, the CPP will proceed itself to the appraisal of the prosecutor, the result of which will be final.

Confidence and satisfaction of the public with their justice system

The legislation for protecting the right of citizens to seek compensation in case they have suffered pecuniary or non-pecuniary damage due to the violation of the right to a trial within reasonable time or for non-execution of court decisions is in place. On the basis of the Law on Court from 2006 and its amendments, a sole jurisdiction to decide on claims for protection of the right to trial within reasonable time belongs to the Supreme Court which established the Department for Processing Cases within Reasonable Time in April 2009, based on the Working Schedule of the Supreme Court. In addition, the Law on Enforcement of European Court of Human Rights decisions and the Law for legal representation of the Republic of North Macedonia before the European Court of Human Rights were adopted in order to establish an efficient system for enforcement of the ECHR decisions.

The Law on Criminal Procedure defines the procedure for compensation of damages, rehabilitation and exercise of other rights of persons for wrongful arrest and wrongful conviction. Amounts of the compensation are calculated for each case individually, taking into account circumstances of each case (days of wrongful arrest/conviction) as well as some other circumstances (profit lost, costs, interest rate etc.).

	2019			2020		
	Number of requests for compensation	Number of compensations	Total amount (in €)	Number of requests for compensation	Number of compensations	Total amount (in €)
Total	NA	438	141.328 €	NA	399	331.856 €
Excessive length of proceedings	371	429	61.899 €	371	392	136.987 €
Non-execution of court decisions	NAP	NAP	NAP	NAP	NAP	NAP
Wrongful arrest	NA	7	74.653 €	NA	6	184.902 €
Wrongful conviction	NA	2	4.776 €	NA	1	9.967 €
Other	NAP	NAP	NAP	NAP	NAP	NAP

Based on the Law on Judicial Council (Article 31), the JC examines complaints filed by citizens about the work of judges, court presidents and courts. As per the Law on Courts (Article 83), the Ministry of Justice is competent to examine complaints filed by citizens on the work of courts related to the delay of court proceedings as well as on work of court services. The Ombudsman undertakes actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of work of the court services (Article 12, Law on the Ombudsman). A court concerned as well as a higher court are also responsible for dealing with complaints about the functioning of the judicial system. There are time limits within which the competent authorities have to deal with the complaint.

	2019		2020	
	Number of complaints	Compensation amount granted	Number of complaints	Compensation amount granted
TOTAL			NA	NAP
Court concerned	NA	NAP	NA	NAP
Higher court	NA	NAP	NA	NAP
Ministry of Justice	269	NAP	271	NAP
High Judicial Council	554	NAP	531	NAP
Other external bodies (e.g. Ombudsman)	639	NAP	406	NAP

There is a procedure in place to effectively challenge a judge in case a party considers the judge is not impartial. The authorities have reported that 96% of initiated procedures of challenges have been finalised in 2020.

The Law on Criminal Procedure and the LPP prevent specific instructions to be given to a prosecutor to prosecute or not (prohibition to issue instructions and directions concerning the work on specific cases to lower ranking prosecutors – Article 56, para. 4 of the LPP). There are, however, exceptions to the rules specified in Article 56 of the LPP which allow for compulsory general written instructions which may be given by higher prosecutors to prosecutors of a lower rank. These instructions refer to taking certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

Promotion of integrity and prevention of corruption

Article 99 of the Constitution stipulates that a judge is elected without limitation of duration of the term of office and cannot be reassigned against his/her will.

Judges enjoy immunity in the exercise of their judicial office (Article 100 of the Constitution and Article 65 of the Law on Courts). A judge may not be held criminally accountable for an opinion held in court or a ruling. A judge may not be detained without approval of the Judicial Council, unless found perpetrating a crime that is sanctioned by a penalty of imprisonment of at least five years. The revocation of the immunity of judges is decided by the Judicial Council with a two-third majority of the total number of its members, following an urgent procedure. The Judicial Council also decides upon requests for custody of a judge. If it decides against custody, the judge has to be released immediately. The Judicial Council may also decide to apply the immunity of a judge even if the judge has not invoked it, if the Council considers that it is necessary for the execution of the judicial function.

Under the Law on Courts, the courts are autonomous and independent state bodies (Article 1). Judges decide impartially on the basis of the law and of the free appraisal of the evidence. Any form of influence on any grounds or by any entity on the independence, impartiality and autonomy of a judge in exercising his/her judicial office is prohibited (Article 11). A court decision may be altered or revoked only by a competent court in a procedure prescribed by law (Article 13). The enforcement of a final and enforceable court decision is to be carried out in the fastest and most efficient manner possible, and it may not be obstructed by the decision of any other state authority (Article 16).

As per Article 106 of the Constitution the prosecution service is a single and autonomous state body. It forms part of the judicial system. Its institutional independence and functional autonomy are guaranteed by the Constitution and by law. The public prosecutors are elected by the Council of Public Prosecutors without limitation of the duration of the term of office. Article 5 of the Law on Public Prosecution (LPP) stipulates that the public prosecutor exercises the office in a lawful, impartial and objective manner. While performing his/her duties, nobody shall influence the independence and impartiality of the public prosecutor. According to Article 6, paragraph 1 of the LPP, the prosecution service is based on the principles of hierarchy and subordination, but respecting these principles must not threaten the independence of the public prosecutors in the execution of their functions.

Different breaches of integrity of judges and prosecutors are criminalized in the Criminal Code. Under chapter Crimes against official duty the Criminal Code criminalizes Abuse of official position and authorisation (Article 353), Unscrupulous operation within the service (Article 353-c), Embezzlement in the service (Article 354), Defraud in the service (Article 355), Use of resources for personal benefit while in service (Article 356), Taking bribe (Article 357), Giving bribe (Article 358), Giving a reward for unlawful influence (Article 358-a), Accepting a reward for unlawful influence (Article 359), Unlawful obtaining and covering property (Article 359-a), Falsifying an official document (Article 361), Giving false statement (Article 367), Prevention of substantiating (Article 368), Obstruction of justice (Article 368-a), Violation of the secrecy of the procedure (Article 369). Crimes against Legal Traffic include Counterfeiting a document (Article 378).

As per the Law on the Judicial Council, there are two sets of reasons for establishing the liability of a judge: 1. for a disciplinary violation (Article 74), or 2. for unprofessional and unethical performance of the judicial office (Article 75). More severe misconduct may entail dismissal of a judge (for serious disciplinary violations, i.e. serious violation of the public law and order damaging the reputation of the judge and the court;) or for unprofessional and unethical performance of the judicial office, (i.e. unprofessional, untimely or inattentive exercise of the judicial office in the conduct of the court proceedings on specific cases; delays of the court proceedings without legal grounds).

Provisions of the Law on Courts (Article 74 and 75) regulate dismissal of a judge for serious disciplinary offence (for i.e. gross influence and interference in the performance of the judicial function of another judge, for manifestly violation of the rules on exemption).

Apart from the provisions of the Criminal Code, the LPP stipulates reasons for dismissal of a public prosecutor which are 1. a serious disciplinary infringement that makes them unworthy of the public prosecutorial office prescribed by the law, and 2. unconscious and unprofessional performance of the public prosecutorial function under conditions stipulated by the law (Article 68). Article 69, 70 and 71 define serious disciplinary infringements, disciplinary infringements, a non-professional exertion of the public prosecutorial

office as well as unconscious exertion of the public prosecutorial office. Article 6 of the Ethical Code of Public Prosecutors stipulates prohibitions and limitations applicable to prosecutors (limitations regarding receiving gifts, use of their functions or information for personal benefit etc.)

The table below shows number (absolute and per 100 judges/prosecutors) of criminal cases initiated and completed against judges and prosecutors as well as number of sanctions pronounced:

	2019				2020			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	15,00	3,02	4	2,11	0	0,00	1,00	0,53
Number of completed cases	5,00	1,01	0	0,00	0	0,00	1,00	0,53
Number of sanctions pronounced	0,00	0,00	0	0,00	0	0,00	1,00	0,53

In 2019, criminal cases were initiated against 15 judges and 4 prosecutors. One indictment was filed against one judge while for five judges a prosecutor dismissed criminal charges. One indictment was filed against one prosecutor and three procedures are ongoing with regard to three cases involving prosecutors.

For both judges and prosecutors specific measures to prevent corruption exist, namely rules on gifts, specific training, internal controls and safe complaints mechanism.

Both judges and prosecutors have their respective codes of ethics adopted (for judges adopted by the Association of judges, but applicable to all judges, and for the prosecutors adopted by Chief Public Prosecutor) which are regularly updated and published on the website.

The Code of judicial ethics also provides for the establishment of an advisory body by the Association of judges, called Consultative Body for judicial ethics. Acting upon requests from judges or the Association of judges, the body can issue opinions on one or more questions related to the ethical conduct or (in)appropriate performance of judicial functions, and on the prevention of conflicts of interest concerning judges. The advisory body responds to a request in writing no later than 15 days from the day of receiving the request. The preventive nature of the work of this body and the transparency of procedures concerning the implementation of the Code aim to strengthening public trust in the judiciary and the autonomy of the judiciary. The body is comprised of seven judges. The opinions of the body are publicly available (published on the website of the Association and of the Supreme Court). Its sessions are, however, confidential.

Similarly to the code for judges, the Code of ethics for public prosecutors prescribes that for purposes of supervising the implementation and interpretation of the content, an Ethical Council is established, all its five members being prosecutors. The Ethical Council provides opinions on compliance of a particular conduct with the Ethical Code, upon request of a prosecutor. The opinions of the Ethical Council are publicly available.

In North Macedonia the Law on Prevention of Corruption and Conflict of Interest (LPCCOI) and the Law on Protection of Whistle-blowers establish a mechanism for reporting attempts on influence/corruption on judges and prosecutors. As per LPCCOI, persons working in bodies for detection and suppression of corruption are given full protection and

independence to effectively exercise their powers and shall not be subjected to any pressure at work or when undertaking specific actions. The same applies to those who receive information from whistle-blowers (Article 43). In case of such pressure, persons working in bodies for detection and suppression of corruption, as well as authorised persons for receipt of whistleblower reports, report to the SCPC; if SCPC members of are subjected to such pressure, they inform the Parliament of it. As per the Law on protection of whistle-blowers, bodies designated to receive protected external disclosures from whistle-blowers are defined (i.e. Ministry of Interior, SCPC, the Ombudsman) as well as other reporting channels available to whistle-blowers.

As per the Law on case flow management in the courts, court cases are allocated by the Automatic Court Case Management Information System (ACCMIS), which is in use in all the courts of the country. In case a judge has to withdraw from a case allocated to him/her, the case is re-allocated automatically to another judge through the ACCMIS system. Reasons for reassigning the case are: 1. conflict of interest declared by the judge or the parties; 2. recusal of the judges or requested by the parties; and 3. physical unavailability of the judge (longer absence, illness). All reassignments of cases have to be reasoned.

Level of implementation of GRECO recommendations in September 2020 (adoption of the GRECO Interim Compliance Report on North Macedonia):

	JUDGES	PROSECUTORS
Implemented	77,78%	100,00%
partially implemented	11,11%	0,00%
not implemented	11,11%	0,00%

Declaration of assets for judges and for prosecutors

In accordance with Article 82 of the Law on Prevention of Corruption and Conflict of Interest (LPCCOI) judges and prosecutors are to declare their and their family's assets and interests. Family members are considered to be all the persons who live in the same household with the person obliged to declare assets and interests.

The declaration shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

Declarations are to be filed within 30 days after: 1) appointment; 2) an increase in property (in a value that exceeds the amount of twenty average net salaries in North Macedonia in the previous three months' period) or change of interests, and 3) leaving office (Articles 82 and 85 of the LPCCOI).


Declarations (which contain both information of the person obliged to declare assets and interests as well as his/her family members) are submitted to the State Commission for Prevention of Corruption (SCPC), electronically and in hard copy and published on the SCPC's website, except for data protected by law (http://www.dksk.org.mk/imoti_2/). The SCPC keeps a register of declarations.

The SCPC is competent for verification of timeliness and completeness of declarations, accuracy of the content as well as unexplained financial discrepancies.

Failure to submit a declaration as well as incomplete or incorrect disclosure give rise to a fine ranging from 300€ to 500€ (Article 109 LPCCOI) which can be imposed both on a judge or a prosecutor. In addition to this, in case of a judge a refusal to file a declaration or filing a declaration which contains gross inaccuracies is considered to be a serious disciplinary offence for which one of the sanctions prescribed is a dismissal (indent 3, para. 1 of Article 75 of the Law on Courts).

Number (absolute and per 100 judges/prosecutors) of proceedings against judges for violations or non-declaration of assets in 2019 and 2020:

North Macedonia	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2019	12	2,42	1	0,20	1	0,20	1	0,53	0	0,00	0	0,00
2020	17	3,45	7	1,42	7	1,42	10	5,35	0	0,00	0	0,00



The SCPC sanctioned 7 judges with a fine which were paid on time while 10 judges refused to pay fines on time and a misdemeanour procedure will be initiated before the SCPC's Misdemeanour Commission. Regarding prosecutors, the SCPC sanctioned 10 prosecutors with a fine in 2020 which are still ongoing due to their refusal to pay fines.

Conflict of interest for judges and for prosecutors

The legal framework for the prevention and the resolution of conflicts of interest applicable to judges and prosecutors is provided by the relevant provisions of 1) the procedural laws, which contain rules on recusal and self-withdrawal in individual cases; 2) the Law on Courts, as regards incompatibilities and accessory activities of judges, and the Law on Public prosecution office, as regards incompatibilities and accessory activities of public prosecutors; 3) the Law on Prevention of Corruption and Conflict of Interest (LPCCOI – adopted in January 2019), as regards *ad hoc* conflicts of interest and gifts, as both judges and prosecutors are deemed as public officials for the purpose of this law; and 4) the Code of Ethics for Judges and Lay judges, and the Code of Ethics for Public Prosecutors, which both contain provisions on conflicts of interests (obligation to recognise and prevent conflict of interest, possibility to request for an advisory opinion/advice).

The reasons for exemption of judges and lay judges are listed in the relevant procedural laws (Law on Criminal Procedure: Article 34, 36; Law on Civil Procedure: Article 65, 67, 68) and include *inter alia* family relationship at any degree with an accused, plaintiff, lawyer or plenipotentiary, prior participation in the case at a lower level or in any other quality (such as investigative judge, prosecutor, expert etc.) and being affected personally or in his/her rights by the criminal act. Aside from these reasons, a judge or a lay judge may be excluded from a case if any circumstances put his/her impartiality in doubt. Judges and lay judges can be exempted from certain cases, at their own request or that of the parties. The President of the court is the one who decides on the exemption request. If the request concerns him/her, the decision is taken by the President of the court at the next level of jurisdiction, and if there is an exemption request for the President of the Supreme Court, the decision is taken during a general session of that court. A decision refusing the exemption is subject to appeal within three days, while a decision granting the exemption may not be challenged.

Prosecutors may request to withdraw from a case, according to Article 38 of the Law on Criminal Procedure. The latter article stipulates that the provisions of that law regarding the exemption of judges and lay judges apply *mutatis mutandis* to prosecutors. Exemption can thus occur, on the request of the prosecutor him/herself or the parties. The decision on exemption of a prosecutor is taken by the head of his/her office and, if the request concerns a head of office, by his/her immediate superior.

The functions of judge (Articles 100 and 106 of the Constitution) and of prosecutor (Article 107 of the Constitution) are incompatible with membership in a political party and with the performance of other public functions and professions determined by law. Incompatibilities and accessory activities are further regulated by the Law on Courts (Article 52) for judges and by the LPP (Articles 49 and 52) for prosecutors. Both the judicial and prosecutorial functions are incompatible with the function of Member of Parliament, member of a municipal council, member of the Council of the City of Skopje and the functions in state authorities. A judge or a prosecutor cannot perform any other public function or profession, except functions as defined by law, and which are not in conflict with the independence and autonomy in the exercise of the judicial/prosecutorial function. A judge or a prosecutor cannot be a member of the management or supervisory board of a company or any other legal entity that is established in order to gain profit. The only accessory activities allowed are teaching activities at the Academy for Training of Judges and Prosecutors and in higher education institutions, as well as participation in certain research projects, subject to approval by the Judicial Council (for judges) or the Chief Public Prosecutor (for prosecutors) or the Council of public prosecutors (for the Chief Public Prosecutor).

Judges and prosecutors may combine their work with the following other functions/activities:

		With remuneration		Without remuneration	
		Judges	Prosecutors	Judges	Prosecutors
Combine work with other functions/activities	Teaching	√	√	√	√
	Research and publication	√	√	√	√
	Arbitrator				
	Consultant				
	Cultural function	√	√	√	√
	Political function				
	Mediator				
	Other function				

The LPCCOI (Article 58) contains a prohibition for the officials it applies to, including judges and public prosecutors, to accept gifts, except in cases stipulated, up to the amount and in a manner stipulated by the Law on Use and Disposal with Objects of State Bodies. The state bodies (i.e. courts and PPOs) are obliged to submit to the SCPC a copy of the list of records of the received gifts by March 31 for the previous year. If the SCPC, when reviewing the list, determines deviation from the legally prescribed criteria, it notifies the body that submitted the list. If the SCPC assesses that an official person has received a gift that affects or may affect the objective and impartial performance of his/her functions, public authorisations or official duties, it informs the competent authorities thereof, and the gifts become the property of the Republic of Macedonia or of the unit of local self-government.

The LPCCOI defines conflicts of interest as a conflict between “public authorisations and duties” and an official’s private interest which has or could have an impact on the impartial performance of his/her “public authorisations and official duties”. In 2016, the SCPC published a “Conflicts of Interest Management Guide” (<http://www.dksk.org.mk/images/Priracnici/3%20priracnik.pdf>), which distinguishes between real, probable and potential conflicts of interest.

Article 73 LPCCOI which regulates reporting and resolving of an *ad hoc* conflict of interest provides that, when an authority/body is to examine/decide on a matter in which an official has a private interest, the interest is to be reported before the discussion/decision-making and acknowledged in the minutes of the meeting. GRECO in its [Fifth Evaluation Report adopted in 2019](#) (see para. 82 and 83) welcomed the rule in Article 73 but at the same time noted that the rest of the LPCCOI provisions on *ad hoc* disclosure – though amended in the new law - were inconsistent and ill-suited for officials. When an official suspects there might be a conflict of interests, s/he is to ask the SCPC for an opinion. If a conflict seems likely, s/he must take all necessary measures to prevent its influence. When a conflict is identified, s/he is to ask to be exempted and cease being involved in the matter concerned; the recusal has to be accepted by a decision of a body to which s/he is elected/appointed to or at the request of an interested party. Officials participating (on the decision-making side) in election, appointment or employment procedures and have a private interest in the procedure concerned, are obliged to inform the head of his/her institution who shall take all measures to prevent the conflict. The official and the head of institution involved might request an opinion of the SCPC.

While the [GRECO Fifth Evaluation Report from 2019](#) (see para. 83) deals with the persons entrusted with top executive functions, the same provisions on conflicts of interest apply as to judges and prosecutors. GRECO observed during the visit that only very few examples were given of officials from the executive branch declaring conflicts of interest *ad hoc*. SCPC representatives met on-site agreed that the then existing provisions taken together could give rise to uncertainty and that they appeared unclear even to practitioners. GRECO therefore noted that the provisions in the LPCCOI remained the same and concluded that clarification and additional guidance would be beneficial in this

respect. Consequently, GRECO recommended that the rules on *ad hoc* disclosure and the management of situations of conflicts of interest be complemented with practical guidance and practical measures for their implementation, such as dedicated training, counselling and awareness-raising for persons entrusted with top executive functions. In the [GRECO Compliance Report on North Macedonia](#) from 2021 (see para. 38 – 41), the authorities informed GRECO of the Practical guide to the rules for ad hoc detection and handling of cases of conflicts of interest for members of Government of North Macedonia (available in English <https://dksk.mk/wp-content/uploads/2020/12/Managing-conflict-of-interest.pdf>) which was adopted by the SCPC in November 2020. The Practical guide was presented by the SCPC to the Prime Minister and ministers at an online workshop in December 2020. Furthermore, six consultations on conflicts of interest were organised by the SCPC for the Prime Minister, the Deputy Prime Minister responsible for the fight against corruption, the Minister of Justice, the Minister of Transportation and Communication (and all their advisers) and for the directors of companies formed by the government. GRECO welcomed the activities, but noted that it expected that awareness-raising initiative, such as training and counselling, be organised for all PTEFs, including all members of the government and concluded that the recommendation was partly implemented.

The LPCCOI regulates proceedings for breaches of rules on conflicts of interest as well as procedure to sanction breaches of the rules on conflicts of interest in respect of judges and prosecutors. According to Article 76 the SCPC shall initiate a procedure for determining of conflict of interest in case of a reasonable doubt. The procedure shall be initiated ex officio, upon report of another person or anonymous report or at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties. After the SCPC collects documents, data and information from natural and legal persons, including official persons, the SCPC takes a decision of existence/non-existence of a conflict of interest within 30 days after receiving the responses from the persons requested to provide documents, data or information. The persons have a duty to respond to the SCPC within 15 days after receiving a request. If the SCPC establishes the existence of a conflict of interest, it informs the official person and requests that the conflict of interest be removed within 15 days after the conflict of interest has been determined. If the conflict of interest is not resolved, the SCPC may either issue a demand to initiate a disciplinary procedure (if the official person is not appointed/elected), instigate an initiative to the competent authority for dismissal/termination of public duties (if the official person is appointed/elected) or impose a public warning measure in accordance with Article 79 LPCCOI (if the official person is elected in direct elections).

Number (absolute and per 100 judges/prosecutors) of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019 and 2020:

North Macedonia	Judges						Prosecutors					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced		Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
2019	10	10,00	5	5,00	2	2,00	3	3,00	1	1,00	1	1,00
2020	0	0,00	0	0,00	0	0,00	1	1,00	1	1,00	0	0,00

Discipline against judges and prosecutors

Judges may have disciplinary procedures brought against them for committing a disciplinary offence.

Under the Law on Courts (which was amended in 2018 and 2019), there are two sets of reasons for establishing the liability of a judge: 1. for a serious disciplinary violation (Article 75), or 2. for unprofessional and unethical performance of the judicial office (Article 76). More severe misconduct may entail dismissal of a judge (for serious disciplinary violations, i.e. severe violation of public order and peace; gross influence and interference in the performance of the judicial function of another judge; refusing on filing a statement of assets and interests according to law or if his statement contains gross inaccuracies or manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law, or for unprofessional and unethical performance of the judicial office (i.e. in two consecutive assessments the judge does not fulfil the criteria for successful work; judge was convicted by a final court verdict, with punishment lower than six months imprisonment sentence which is a direct result of acting in the performance of the judicial office; publishing unauthorized classified information; without justified reasons, does not schedule the hearings in the cases; does not take the case into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur; takes a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility).

Procedure for determination of liability of a judge or a president of a court can be initiated with submission on the reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court to the Judicial Council by anyone and must contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.

The procedure for determination of liability of a judge or a president of a court shall be initiated within a period of six months as of the day of discovering the committed violation, but not later than three years as of the day of commission of the violation. When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings.

During the procedure in front of the Council, the judge or the president of the court against whom a procedure is conducted shall have the right to a fair trial in accordance with the guarantees determined in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The procedure is urgent and confidential, and is conducted without the presence of the public and by respecting the reputation and dignity of the judge or the president of the court, at the same time taking care to protect the personal data of the judge or the president of the court in accordance with the regulations on personal data protection.

Upon a request of the judge or the president of the court, the Council shall decide the procedure to be public. Upon a request of the judge or the president of the court, a representative from the Association of Judges may also attend the session.

The JC which has a disciplinary power over judges shall set up a Commission of Rapporteurs from the members with a right to vote by lot (composed of three members, two of which are from among the JC's members elected by judges and one from among the JC's members elected by the Parliament). The judge against whom the disciplinary procedure is initiated may answer in writing or orally and is entitled to a defence attorney. The request to initiate the procedure is rejected if not submitted timely, not complete or clearly unmeritorious; in such a case the procedure suspends with a decision of the commission. If the request is not rejected, the commission notifies the JC of the facts established which then has to decide within seven days from the notification date whether or not to continue the procedure. If the procedure continues, the commission is obliged to collect

all necessary information and prepare a report within three months from the day of the receipt of the request. The accused judge is summoned to a hearing before the commission. After the hearing, the commission prepares another report for the attention of the JC, with a proposal to discontinue the procedure if no violation is established, pronounce a disciplinary measure or dismiss the judge. Decisions on disciplinary measures are taken with at least seven votes from the total number of members of the JC with a right to vote, while decisions on a judge's dismissal are taken with at least eight votes out of the total number of voting members of the JC.

Disciplinary measures consist of a suspension, a reprimand, a temporary salary reduction, a resignation and a dismissal (for severe misconduct).

The judge subject to a disciplinary sanction or dismissal may appeal the decision of the JC to an Appeal Council at the Supreme Court. It is composed of nine members, of whom three are judges of the Supreme Court, four are appeal court judges and two are judges from the dismissed judge's own court. The president of the Supreme Court may not be a member of this Council. The final decision is posted on the JC's website. No appeal or a lawsuit is possible against the decision of the Appeal Council.

A judge may not be transferred to another court without his/her consent due to disciplinary reasons – this is only possible due to organisational reasons (for a maximum period of one year and not more than once in five years). The decision is taken by the JC. The judge has a right to appeal before the JC (Article 39, Law on Courts).

GRECO addressed in its [Evaluation Report from 2013](#) (see para. 168) several misgivings it found about the system for establishing the accountability of a judge, i.e. numerous grounds for dismissal of a judge, several of them being formulated in a very vague manner, lack of proportionality in the judges' disciplinary regime, both on paper and in practice, expressed concerns by interlocutors about political pressures exercised to dismiss certain judges which led to a GRECO recommendation (i) that disciplinary infringements applicable to judges be clearly defined and that the range of sanctions be extended to ensure better proportionality and (ii) that dismissal of a judge only be possible for the most serious cases of misconduct, ensuring, in particular, that the possibility to dismiss a judge solely in case one of his/her decisions is found to be in violation of the right to a trial within a reasonable time be abolished. In the follow-up (see [GRECO Second Compliance Report](#) from 2018, para. 59 - 65) the authorities of North Macedonia reported on adoption of a law amending the Law on Courts (in May 2018) which provided for a series of serious and less serious violations which should be established following a disciplinary procedure. The range of disciplinary measures was extended by adding the mandatory attendance of professional training. However, it still provided for a series of offences concerning: a) unprofessional and neglectful exercise of duties (Article 75); b) serious disciplinary offences (Article 76), to be established in the context of by a disciplinary proceeding), c) disciplinary violations (Article 77) such as violations of the rules of ethics, disturbance of the Court's work, failure to attend training, unjustified absences, failure to wear the judge's robe etc. The sanctions for offences under Articles 75 and 76 were the dismissal from office (according to Article 74), whereas for other violations, the penalties were: written reprimand, public reprimand, decrease in salary and the newly introduced mandatory training. Since GRECO in its Evaluation Report expressed its concerns also with regard to excessively vague offences such as the "unprofessional, untimely or inattentive exercise of the judicial office" (an offence used frequently in practice) which could still be found in Article 75 (at the time of adoption of the Second Compliance Report comprising even more, 11 elements, while at the time of the on-site visit there were 10 such elements) GRECO pointed out that some important underlying concerns of the first part of the recommendation were not addressed. The same applied to the second part of the recommendation since the amended legislation contemplated the dismissal of judges only for the most severe disciplinary offences, following a disciplinary procedure. The grounds were listed under Article 76 of the amended Law on Courts, namely: 1) involvement in party and political activities; 2) interfering with the supervision of judicial work by the higher court; 3) taking advantage of one's office to pursue personal interests; 4) severe violation of the public order and peace in a way which affects the reputation of the judiciary (to be determined by a final court decision, e.g. participating in a fight or quarrel); 5) two consecutive unsatisfactory appraisals; 6) holding another public office or performing other work, profession or activity incompatible with judicial functions; 7) accepting gifts and other benefits in relation with the exercise of judicial functions; 8) failing to take into account the content of final judgements of the European Court of Human Rights; 9) disclosing confidential information. Nevertheless, GRECO pointed out that also with regard to this part of the recommendation some important underlying concerns were still present as Article 75 still provides for the type of situations that the recommendation called to abolish (decision found in violation of Articles 5 and 6 of the European Convention on Human Rights). In the [GRECO Interim Compliance Report on North Macedonia](#) from September 2020 (see para. 45 – 51), GRECO noted amendments to the Law on Court from 2019 which reformed the disciplinary mechanisms. Commendable efforts have been made to clarify disciplinary infringements applicable to judges within the two types of disciplinary procedures (to discipline and to dismiss a judge) and to avoid parallelism and overlaps, which is confirmed by Opinion No. 944/2018 of the Venice Commission. In particular, provisions allowing for the dismissal of a judge on the ground that s/he failed to apply the case-law of the European Court of Human Rights or that his/her decisions led to a finding of a violation by the European Court of Human Rights have been repealed.

Nonetheless, GRECO noted that important requirements of the two parts of the recommendation had not been complied with. The range of sanctions had not been extended to ensure better proportionality and was the same as described in the Evaluation Report (cf. paragraph 158). Moreover, no evidence had been furnished to dispel GRECO's concerns about the practical implementation of the relevant law, notably a lack of proportionality of the Judicial Council in disciplinary procedures against judges and political pressures exercised to dismiss certain judges (cf. paragraph 168 of the Evaluation Report). GRECO therefore concluded that recommendation remained partly implemented.

Another of the GRECO's concerns related to the fact that a member of the JC could initiate a disciplinary procedure against a judge, sit in the commission established by the JC that investigated the case and then decided on a disciplinary sanction, along with the other members of the JC. This lack of separation between the authority to initiate proceedings and to investigate on the one hand and the authority to decide on sanctions on the other hand could be conducive to a lack of impartiality and did not fulfil all guarantees of a fair trial, which disciplinary proceedings against judges should offer, according to paragraph 69 of Recommendation Rec(2010)12¹. Moreover, the fact that there were two parallel, but widely similar, procedures leading to a judge's dismissal was, in GRECO's view, unnecessary and clearly conducive to legal uncertainty. In its [Evaluation Report](#) (para. 169) GRECO therefore recommended that the disciplinary proceedings applicable to judges be reviewed so that (i) infringements would be subject to one single disciplinary procedure and, (ii) with due regard to the principle of judicial independence, the authority to initiate proceedings and to investigate would be separated from the authority to decide on sanctions. In order to implement the recommendation the authorities of North Macedonia amended the Law on the Judicial Council (May 2018) which introduced a single disciplinary procedure (part one of the recommendation) and the Law amending the Law on the Judicial Council (adopted in December 2017) amended the procedure to dissociate the respective functions of those involved in proceedings, i.e. JC members who initiate the procedure, as well as those participating in the investigation, are not allowed anymore to vote in the subsequent decision on a judge's disciplinary liability (see [GRECO Compliance Report from 2016](#), para. 66 – 71, and [GRECO Second Compliance Report from 2018](#), para. 66 – 70).

Prosecutors may have disciplinary procedures brought against them for committing a disciplinary offence as listed in different laws (i.e. Law on Public Prosecution (LPP) – for failure to declare assets or interests and concealment of property; unbecoming behaviour in public places, acceptance of gifts in connection with the prosecutorial functions or non-fulfilment of the professional education duties). Violations of the Code of Ethics of public prosecutors' rules may also serve as a basis for possible disciplinary proceedings. The disciplinary measures that may be pronounced in such a case are a written warning, a public reprimand, a salary reduction in the amount of 15% to 30% of the prosecutor's monthly salary for a period of one to six months or suspension.

More severe misconduct may entail dismissal of a prosecutor. As is the case for judges, the LPP and the Law on the Council of public prosecutors foresee two sets of reasons, one for "serious disciplinary violations" (Article 59, LPP – i.e. serious violation of the public law and order damaging the reputation of the public prosecution service; violation of the non-discrimination principle on any grounds; serious violation of the rights of the parties and of other participants in the procedure, damaging the reputation of the prosecutor's function; improper conduct towards individuals, state organs or other legal entities in relation to the performance of the functions or otherwise; precluding the Higher Public Prosecution Office from exercising oversight of the work of public prosecutors) and another for "unprofessional and unsatisfactory performance of the function of public prosecutor" (Article 60, LPP – i.e. unprofessional, unethical or incompetent performance of official duties; unjustified refusal to perform official duties, i.e. not following instructions issued in accordance with the provisions of the law; violation of the regulations on the protection of state secret and classified information).

The disciplinary proceeding against prosecutors may be initiated by the Chief Public Prosecutor or a head of the organisational unit for public prosecutors working within that organisational unit.

Authorities entrusted with disciplinary power over prosecutors are the CPP and a disciplinary body.

¹ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, available at <https://www.icj.org/wp-content/uploads/2014/06/CMRec201012E.pdf>.

The procedure for the establishment of a serious disciplinary violation and an unprofessional and unconscious performance of functions by a public prosecutor is conducted by a Commission, composed of five members, established by the Chief Public Prosecutor (Article 72, LPP). This Commission decides in first instance on dismissal. Decisions on disciplinary measures are taken with a simple majority of the members of the CPP, while decisions on a prosecutor's dismissal are taken with a two-thirds majority.

The public prosecutor who is subject to a disciplinary procedure may be suspended from his/her functions during the proceeding. S/he has the right to appeal to the CPP against the decision of suspension within eight days after the receipt of the decision on disciplinary liability. The Chief Public Prosecutor has a right to initiate an administrative dispute against the decision of the CPP before the competent court.


Disciplinary measures consist of a suspension, a reprimand, a temporary salary reduction, a resignation and a dismissal (for severe misconduct).

The prosecutor has a right to appeal against the decision of the Commission – the CPP decides upon the appeal. If the dismissed public prosecutor disagrees with the outcome of this appeal, s/he has a right to initiate an administrative dispute against the decision of the CPP before the competent court.

In both procedures (first instance and appeal), the prosecutor against whom the procedure is initiated has a possibility to present his/her argumentation both in writing or orally at a hearing.

In its [Evaluation Report](#) (see para. 242) GRECO expressed a more positive view of the system for the disciplinary accountability of prosecutors than that of judges, both on paper and in practice, due to fewer grounds for dismissal and no indication that the CPP would make use of dismissal procedures in a disproportionate manner, or be subject to political pressure in order to do so. Nevertheless, GRECO pointed out that some of the grounds for the dismissal of prosecutors, such as the “improper conduct towards individuals, state organs or other legal entities in relation to the performance of the functions or otherwise” or the “violation of the non-discrimination principle on any grounds” were formulated in a very vague manner and the same lack of gradation in sanctions could be observed as for judges, with misconduct of a relatively minor nature leading to a procedure for dismissal. GRECO therefore recommended that the disciplinary regime applicable to prosecutors be reviewed so that (i) infringements would be clearly defined and that (ii) the range of available sanctions be extended to ensure better proportionality ensuring, in particular, that dismissal of a prosecutor would only be possible for the most serious cases of misconduct. At the time of adoption of the [GRECO Compliance Report](#) (in 2016) (see para. 80 – 83) and the [GRECO Second Compliance Report](#) (in 2018) (see para. 84 – 88) no relevant progress was reported by the North Macedonia's authorities with regard to implementation of this recommendation. However, in the [GRECO Interim Compliance Report on North Macedonia](#) from September 2020 (see para. 62 – 66), GRECO noted that the disciplinary regime applicable to prosecutors became regulated by the new Law on Public Prosecution adopted in February 2020. The law defines clear and predictable grounds for the disciplinary liability of prosecutors, based on the principle of proportionality and it foresees disciplinary measures accordingly. Disciplinary violations are divided into two categories: light and severe. Dismissal is only possible for serious disciplinary violations and membership of a political party. For light disciplinary violations the following measures are foreseen: a written warning and a reduction of up to 15% of a prosecutor's monthly salary for a period of one to six months. For serious disciplinary violations a reduction of 15 to 30% of a prosecutor's monthly salary for a period of one to six months and dismissal. GRECO welcomed the progress and was especially satisfied with the fact that dismissal is only possible for the most serious cases of intentional misconduct or due to gross negligence. However, due to the fact that a reduction, instead of an extension of the range of sanctions available for disciplinary violations by prosecutors was foreseen, GRECO concluded the recommendation was partly implemented.

		2019				2020			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated during the reference year	Total number (1 to 5)	107	21,57	1	0,53	122	24,75	4	2,14
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,53	0	0,00	1	0,53
	2. Professional inadequacy	107	21,57	0	0,00	122	24,75	3	1,60
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Number of cases completed in the reference year against	Total number (1 to 5)	71	14,31	1	0,53	87	17,65	1	0,53
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,53	0	0,00	1	0,53
	2. Professional inadequacy	71	14,31	0	0,00	87	17,65	0	0,00
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Number of sanctions pronounced during the reference year	Total number (total 1 to 10)	1	0,20	1	0,53	6	1,22	1	0,53
	1. Reprimand	0	0,00	0	0,00	1	0,20	0	0,00
	2. Suspension	0	0,00	0	0,00	0	0,00	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	0	0,00	0	0,00	0	0,00	0	0,00
	6. Position downgrade	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	8. Resignation	0	0,00	0	0,00	0	0,00	0	0,00
	9. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
10. Dismissal	1	0,20	1	0,53	5	1,01	1	0,53	



From a total of 107 disciplinary proceedings initiated against judges in 2019, the Commission rejected 58 requests. 9 requests for disciplinary proceedings initiated in 2019 were rejected by the JC in 2019 and 4 proceedings were stopped. In 2019 the JC dismissed 2 judges in procedures initiated in 2019, whereas one judge has been dismissed with a final decision. In total, the JC dismissed six judges (4 judges from proceedings initiated in 2017 and above mentioned 2 judges from proceedings initiated in 2019) in 2019, but these decisions were not final as they went on appeal in front of the Appeal Council of the Supreme Court. At the end of 2019, there were 34 procedures ongoing. In 2020, the Commission of the JC rejected 71 requests. The JC stopped 9 disciplinary proceedings. On request with regard to one judge was withdrawn. Five judges were dismissed with a final decision and one judge was reprimanded.

The authorities also clarify that the number of initiated proceedings is higher in 2019, due to amendments to the Law on Judicial Council from 2018 and 2019 which enable court users to request a disciplinary proceeding to be initiated.

The authorities did not indicate what is included under the category “Professional inadequacy” (Q249) although the info has been provided that no such cases existed in 2019.

“Professional inadequacy” as a ground for initiating disciplinary proceeding in respect of judges means unprofessional and unethical performance of the judicial function according to the Law on Courts which implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work (i.e. the judge’s work was not assessed as successful in two consecutive assessments and the judge could not provide justification for that; if the judge was convicted with a final verdict to an unconditional imprisonment of less than six months for acting deliberately or with conscious negligence while performing judicial office; the judge published unauthorised classified information; the judge did not schedule hearings or otherwise delayed the procedure, without justified reasons; the judge took on a case not allocated to him/her via automatic computer system etc.).

Council for the Judiciary/ Prosecutorial Council

Established by the Law on the Judicial Council, the Judicial Council (JC) has competence solely over judges. It is an independent and autonomous judicial body entrusted with ensuring and guaranteeing of autonomy and independence of the judicial authority.

It is composed of 15 members, among whom the President of the Supreme Court and the Minister of Justice are *ex officio* members, eight are elected by judges from their ranks (three of them must be members of communities that do not constitute a majority in the state), three are elected by the Parliament and two are nominated by the President of the Republic and elected by the Parliament, one of whom must be a member of communities that do not constitute a majority in the state.

Following a public announcement of election of the JC's members from among judges which is published by the JC's President, the election is carried out by secret vote, under the supervision of a special election commission of three members, set up by the JC. A separate commission prepares the lists of candidates, who must have five years of experience as judges and must have received positive evaluation of their work performance for three consecutive years. The President of the JC also notifies the President of the Parliament to publish an announcement for election of JC's members who are elected by the Parliament and notifies the President of the Republic to propose to the Parliament his/her candidates for a JC's member. Basic rules for the selection of the JC members also ought to be respected by the Parliament when electing members either directly or upon the proposal the President of the Republic (Macedonian citizenship, a law degree with a minimum of 15 years of experience in the legal field, a passed bar exam, having distinguished himself/herself by scientific or professional work or by public activities, showing worthiness to perform a function of a JC member which means that the candidate should not be convicted with an effective court decision for a criminal offense of misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months and having a reputation and integrity in the exercise of the office of a member of the JC).

Members of the JC elect a president from among the members with a voting right, elected by the Assembly.

The term of office of the elected members of the JC is six years, renewable once. All members work on a full-time basis.

The JC has competence over the appointment and career of judges: it is competent for the appointment and dismissal of professional judges, lay judges and presidents of courts, monitoring and evaluation of the work of judges, disciplinary measures and procedures, and revocation of judges' immunity. It also examines annual reports of the Supreme Court regarding the determined fundamental principles and fundamental legal opinions upon issues of importance for the purpose of securing unity in the application of the laws, reviews and assesses quarterly and annual reports on the work of the courts and publishes them on its website, acts upon complaints by citizen and legal entities regarding the work of the judges, the presidents of the courts and the courts, safeguards the reputation of the judges and the trust of the citizens in the judiciary.

Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the JC include full-time position of its members, *ex officio* members (the President of the Supreme Court and the Minister of Justice) not having the right to vote and do not participate in the work of the JC's sessions which are discussing and deciding on issues in proceedings initiated by them. The JC's President and his/her deputy are elected from among the members with a voting right, elected by the Assembly, with at least eight votes from members with a voting right. In the selection procedure a member of the JC's commission preparing the list of candidates cannot be a member of the selection commission and vice versa. A JC member may not be elected as a judge, higher court judge or a president of a court or a constitutional court judge while holding a position in the JC.

Accountability measures in place regarding the JC's activities are primarily ensured through ensuring transparency of the JC's work. The public is informed of the JC's decisions which are reasoned and its reports on its work are published on its website.

In case of any breach of the independence or the impartiality of a judge (i.e. incompatibility, abuse of office/reputation for personal advantage, membership in a political party or carrying out political or party activities) the JC shall within ten days from the day of being aware of such circumstances determine the termination of judicial office. Furthermore,

the JC decides on a judge's dismissal for serious disciplinary offence (for i.e. gross influence and interference in the performance of the judicial function of another judge, for manifestly violation of the rules on exemption) (Article 75 and 76 of the Law on Courts). The JC also decides on the revocation of the immunity of a judge and may suspend a judge from exercising the judicial office.

In its [Evaluation Report from 2013](#) (see para. 99 and 100) GRECO addressed the issue of a wide perception of the JS's actions as being subject to undue influence, in particular from the executive power, based on an anonymous survey performed in 2009 among judges, as well as the progress report issued by the European Commission in 2013. In the report GRECO drew attention of the authorities to Opinion No. 10 (2007) of the European Council for European Judges on the Council for Judiciary at the service of society which explicitly stressed that members of the Judicial Council should not be active politicians, in particular members of the government and recommended to North Macedonia that, in order to strengthen the independence of the judiciary from undue political influence, the *ex officio* membership of the Minister of Justice in the JC be abolished. Despite the adoption of the [Compliance Report in 2016](#) (see para. 25 - 30) and the [Second Compliance Report in 2018](#) (see para. 31 – 35) GRECO established no progress had been made with regard to implementation of this recommendation. Although the authorities of North Macedonia had reported that in December 2017 the Law Amending the Law on the Judicial Council had been adopted according to which the Minister of Justice had been deprived of voting rights, in GRECO's view this did not fundamentally change the situation described in the Evaluation Report where a risk of political influence existed even without formal voting rights or formal attendance of the Minister in person at meetings. In the [GRECO Interim Compliance Report on North Macedonia](#) from September 2020 (see para. 30 – 34), GRECO noted that the Ministers of Justice of the last two governments had not participated in the work of the JC and that the new Law on the Judicial Council entered into force, according to which the Minister of Justice and the Supreme Court President are members of the JC without voting rights and cannot participate in session of the JC dealing with the liability, election and dismissal of a judge/court president. Nonetheless, GRECO reiterated its concerns that the law still allowed the potential for political influence by a Minister of Justice without voting rights and regretted the fact the plan to remove the Minister of Justice from the composition of the JC via constitutional reform had been abandoned. As a consequence, it concluded this recommendation remained not implemented.

Established in 2007 by the Law on the Council of public prosecutors, the Council of public prosecutors (CPP) is an independent body, which guarantees the independence of public prosecutors in the execution of their functions. It has competences over public prosecutors only.

It is composed of 11 members, out of which the Chief Public Prosecutor is an *ex officio* member, one member is elected by the public prosecutors in the basic public prosecution offices from within their ranks, four members are elected by the public prosecutors from the districts of the higher public prosecution offices in Bitola, Gostivar, Skopje and Shtip from within their ranks, one member is a member of a community that does not constitute a majority in the state and four members are elected by the Parliament, from the ranks of university law professors, attorneys and other renowned lawyers, of which two shall be members of the communities that do not constitute a majority in the state.


The CPP has a President, elected by the members of the CPP, by secret ballots and majority votes. His/her term of office is two years, with no right of re-election. The CPP also elects a Deputy President, who replaces the President in his/her absence.

The term of office of the elected members of the CPP is four years, renewable. All members work on a full-time basis.

The CPP is competent for the appointment and dismissal of prosecutors, monitoring and evaluation of their work, disciplinary measures and procedures, and revocation of prosecutors' immunity, and for providing an opinion to the Government of the North Macedonia in relation to the proposal for appointment and dismissal of the Chief Public Prosecutor. It also reviews and evaluates the annual reports from the public prosecutors offices and decides on approval of accessory activities of public prosecutors.

The appointment procedure of the CPP members starts with a public announcement of election of the CPP's members from among prosecutors which is published by the CPP's President, and the CPP President's notification of the President of the Parliament to publish an announcement for election of CPP's members who are elected by the Parliament. A special election commission of three members and their deputies is set up by the CPP to conduct elections for CPP's members from the ranks of prosecutors.

The same selection criteria apply to the members of the CPP as for the members of the JC.



Operational arrangements that prevent over-concentration of powers in the same hands concerning different functions to be performed by members of the CPP include full-time position of its members and prohibition of any political organisation and activities in the CPP. The function of an elected member of the CPP is incompatible with membership in a political party or another public function and profession.

Accountability measures in place regarding the CPP's activities are primarily ensured through ensuring transparency of the CPP's work. The public is informed of the CPP's decisions (not reasoned as the JC's decisions) and its reports on its work are published on its website.

In case of a pressure on a prosecutor no information has been provided.