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PART 2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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

Data collection: 2022

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

Part 2 (A) - Beneficiary profile - North Macedonia

Executive Summary - North Macedonia in 2022

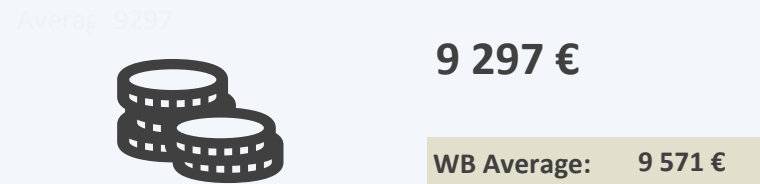
Population in 2022



GDP per capita in 2022



Average annual salary in 2022



Population

North Macedonia carried out a census in 2021. As a result, the number of inhabitants dropped by -11,5% between 2020 and 2021. For this reason, the 2019-2022 variations of all figures standardised by the number of inhabitants have been affected by this change. The population remained almost the same in 2022. Therefore, 2021 – 2022 variations are not affected by the change.

Budget

In 2022, North Macedonia spent 45 262 101€ on the implemented judicial system budget (JSB), i.e. **24,6€ per inhabitant, which is less than the Western Balkans average (thereafter WB average) of 38,5€**. Moreover, the implemented JSB as % of GDP (0,39%) was below the WB average (0,55%).

The implemented JSB increased by 12% from the previous cycle, because of the increase in the courts' budget (+13,3%), prosecutor services' budget (+8%) and legal aid budget (+0,7%). In particular, in 2022 North Macedonia allocated a huge budget to investments in computerisation (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new software -for example: for evaluation of judges). This budget line increased from 517 618€ in 2021 to 2 155 823€ in 2022 (+316%).

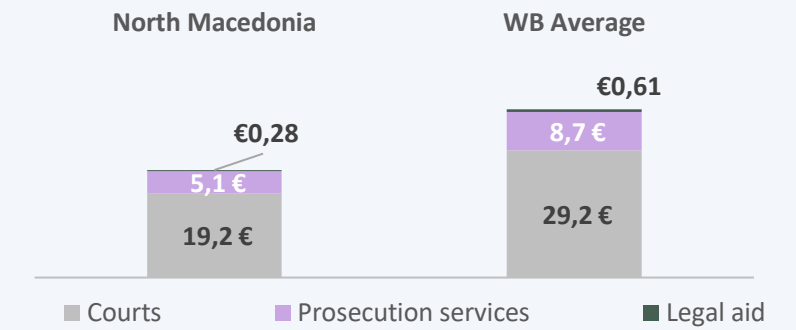
Regarding the **external donors**, North Macedonia established the Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general, and the European Union's IPA programme in particular. The aim is to ensure the full integration and synergy between the national policies and the use of foreign assistance by donors and creditors. North Macedonia was able to estimate the following ratios between external donors funding and their budgets: **external donors funding allocated to courts is around 2% compared to courts' budget, around 11% for public prosecution services, 20% for legal aid, 0,7% for the whole justice system.**

Legal aid

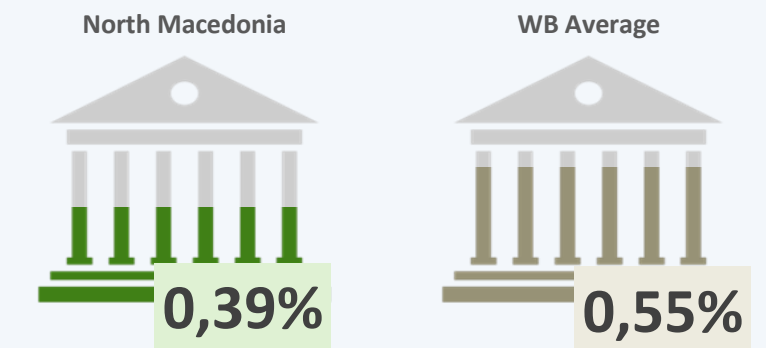
The implementation of the new Law on Free Legal Aid adopted in 2019 gave positive results in 2022. **The implemented in absolute value budget increased by 30% from 2019 to 2022 and reached 0,28€ per inhabitant in 2022, above the WB median of 0,18€**. In 2022, the number of cases for which legal aid was granted was 5 049.

Budget of the Judicial System

Implemented Judicial System Budget per inhabitant in 2022



Implemented Judicial System Budget as % of GDP in 2022



On average, North Macedonia spent 103,3€ per case, which is below the WB average of 199,1€. When the law on legal aid was implemented in 2021, a campaign was launched to promote legal aid, which led to an increased number of submitted and approved requests for legal aid.

Efficiency**

Over the five years, the Disposition time (DT) was below the WB average for first and second-instance cases and all matters. However, from 2021 to 2022, there has been an increase of the DT in all instances and categories, except for the administrative cases in the first instance and for the criminal cases in the second instance.

In 2022, the Clearance Rate was below 100% for all categories, except for administrative cases in the first and second instances.

In particular, between 2021 and 2022, the incoming first instance civil and commercial litigious cases increased by 17,3% while the resolved cases only increased by 1,4%. As a consequence, the number of pending cases increased as well, by 24,8%.

According to the authorities, in 2022, there were still Covid-19 effects on the proceedings before the courts. Furthermore, in the second part of the year, many judges retired. On 1 July 2022, the Judicial Council adopted a Conclusion for the termination of the judicial office of 42 judges due to a new condition for age retirement, 64 years, as a new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labor Relation law.

In North Macedonia, there are quality standards determined for the judicial system at the national level. Judges are evaluated according to quantitative and qualitative criteria.

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

Clearance Rate (CR) is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage. It demonstrates how the court or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics. Its key value is 100%. A value below 100% means that the courts were not able to solve all the cases they received and, as a consequence, the number of pending cases increases. A CR above 100% means that the courts have resolved more cases than they received (they have resolved all the incoming cases and part of the pending cases) and, as a consequence, the number of pending cases decreases.

Disposition Time (DT) is the indicator that estimates 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 within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

ADR (Alternative Dispute Resolution)

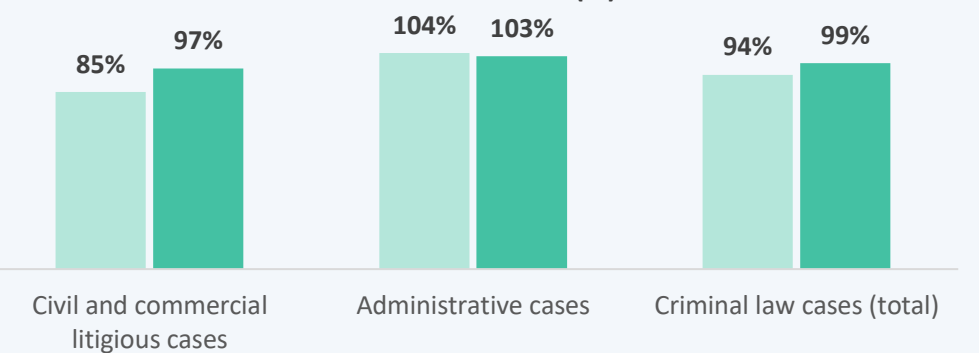
ADR and mediation in particular are not well developed in the Western Balkans region. In North Macedonia, court related mediation procedures are available. The judicial system provides for mandatory mediation with a mediator before or instead going to court. In 2022, the number of mediators was 2,5 per 100 000 inhabitants, which was below the WB average (14 per 100 000 inhabitants). The number of court-related mediation for which parties agreed to start mediation per 100 inhabitants has increased since 2019 and it was above the WB median in 2022. In 2022, mediation was most used for Civil and commercial cases and Labour cases (including employment dismissals) (362 and 405 cases, respectively, in which parties agreed to start mediation).

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

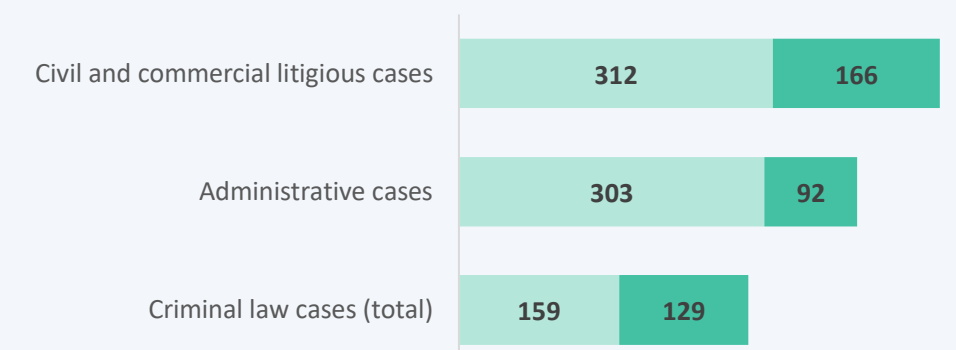
Efficiency

■ 1st instance ■ 2nd instance

Clearance rate in 2022 (%)



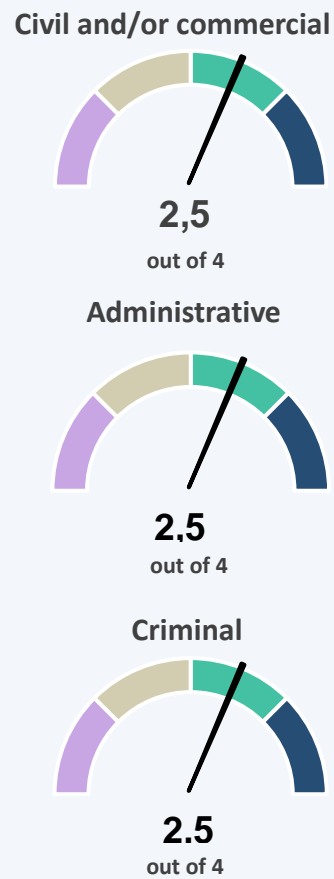
Disposition time in 2022 (in days)



CMS index (scale 0-4)

The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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 an adequate evaluation.



Electronic case management system and court activity statistics

In North Macedonia, the case management system (CMS), e.g. 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 the implementation phase. During 2023, according to the operational plan for digitisation in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time (namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records). An E-delivery platform will be also created to establish full two-way communication between the courts and all parties, i.e. state authorities and institutions. Also, a platform for a mobile application will be developed to enable unhindered access of the parties to the electronic file of the case. Finally, web services for 12 state organs and institutions will be created.

Training

In 2022, the total budget of the training institution and the implemented budget of courts and prosecution services allocated to training of judges and prosecutors was 0,95€ per inhabitant, which is well above the WB average (0,66€ per inhabitant). It increased by 46,2% from 2021.

In North Macedonia, the minimum number of trainings per year depends on the experience of the judge / prosecutor, varying from a minimum of 2 days for judges/prosecutors with over 15 years of experience to a maximum of 10 days at the beginning of the career. In 2022, judges attended an average of 3,4 trainings, while prosecutors 4,1.

As regards training on corruption prevention and conflict of interest, they are not mandatory in North Macedonia.

ECHR

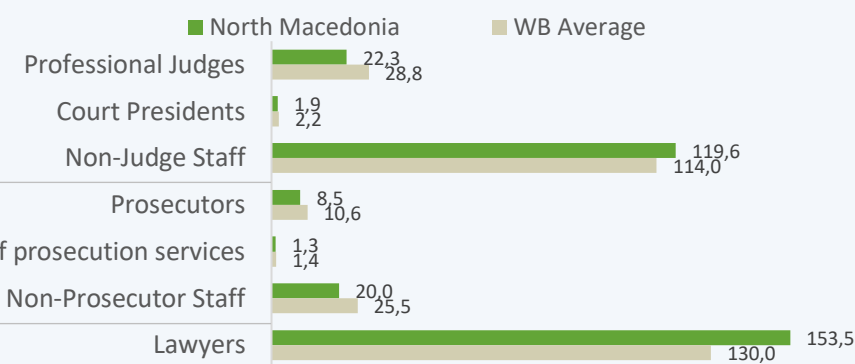
In 2022, the applications allocated to a judicial formation for North Macedonia were 367 (27 less than the previous year). The judgements by the ECHR finding at least one violation for North Macedonia were 4, 2 of which found a violation of the article 6 of the ECHR. In North Macedonia, there is a monitoring 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 and gender balance

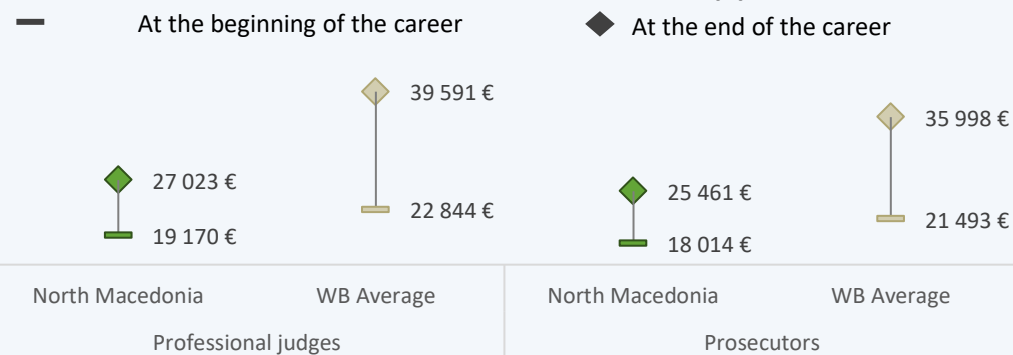
Western Balkans' countries traditionally have very high number of professionals per 100 000 inhabitants. However, in 2022, North Macedonia had the numbers of judges per 100 000 inhabitants (22,3) and prosecutors per 100 000 inhabitants (8,5) lower than the WB averages (28,8 and 10,6 respectively).

Professionals of Justice

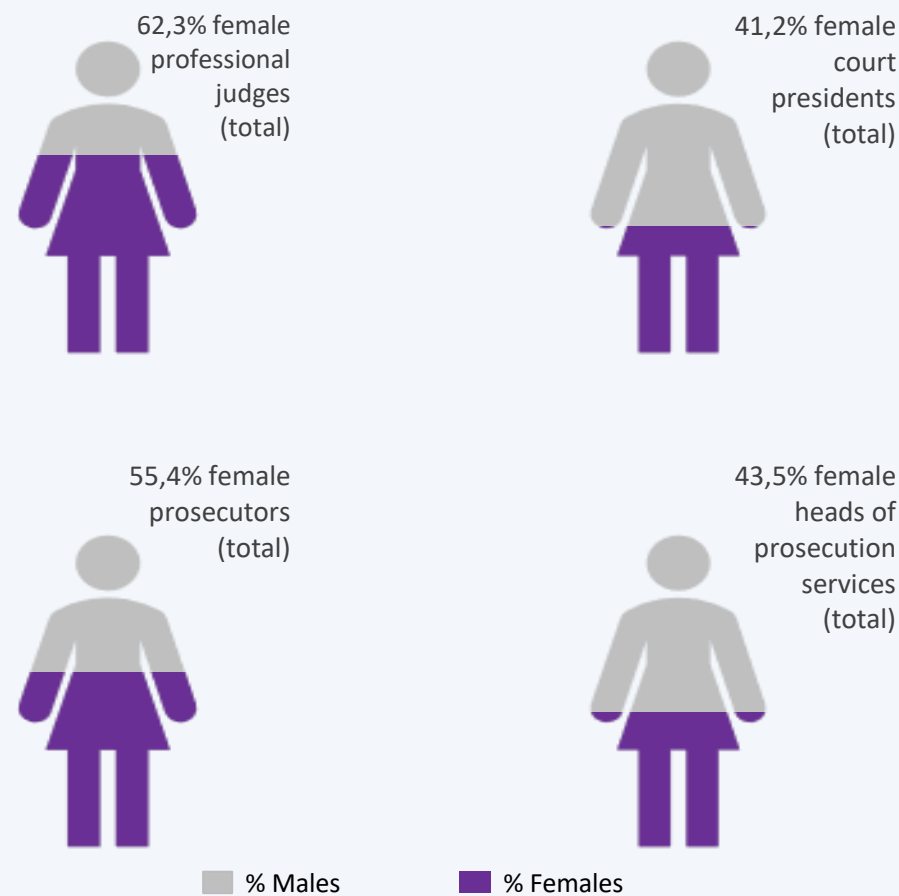
Total number of professionals per 100 000 inhabitants in 2022



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



Gender Balance



Between 2019 and 2022, the total number of professional judges per 100 000 inhabitants was reduced by -6,8%; while the total number of prosecutors per 100 000 inhabitants was reduced by 6,6%. The number of the judges is decreasing, due to the retirements and long process for the training in the Judicial Academy. Furthermore, one of the objectives of the new Strategy for reform of judicial sector 2017-2022 is the optimisation of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The goal is to reduce the number of judges by 5%.

Compared to the national average salary, judges and prosecutors received a much lower salary than the WB average, both at the beginning and at the end of their career.

Regarding the gender balance, in 2022, the percentage of female prosecutors and non-prosecutor staff was higher than the WB average. Moreover, the rate of female lawyers was 42,7%, higher than the WB average (37,2%). However, 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.

Court presidents and heads of prosecution services had less than 50% of professionals were female. Yet, the share of female heads of prosecution services was higher than the WB average, especially for heads of prosecution services (43,5% vs the WB Average of 39,7%).

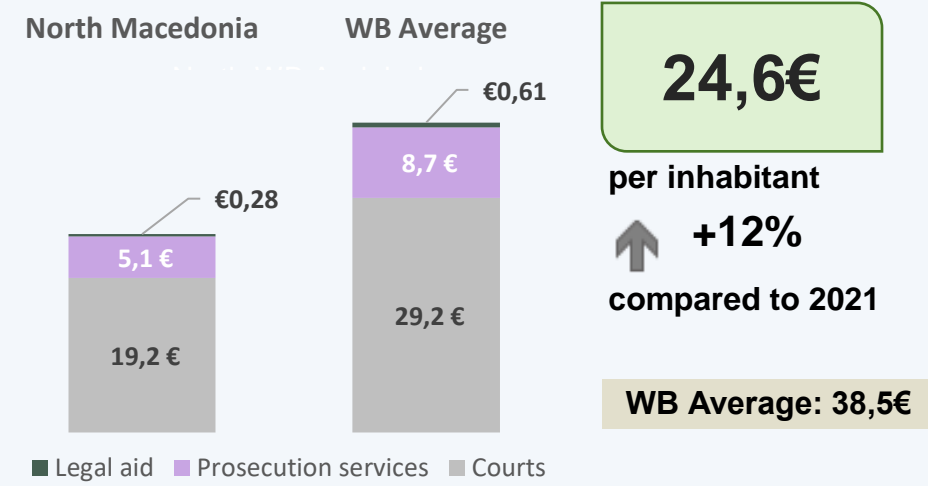
North Macedonia has a national programme or orientation document to promote gender equality. The new "Strategy on Gender Equality 2021-2026" and "Law on Equal Opportunities for women and men promulgated in 2012" were implemented.

The Strategy establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. One of the priority areas is to increase the number of women in the decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established.

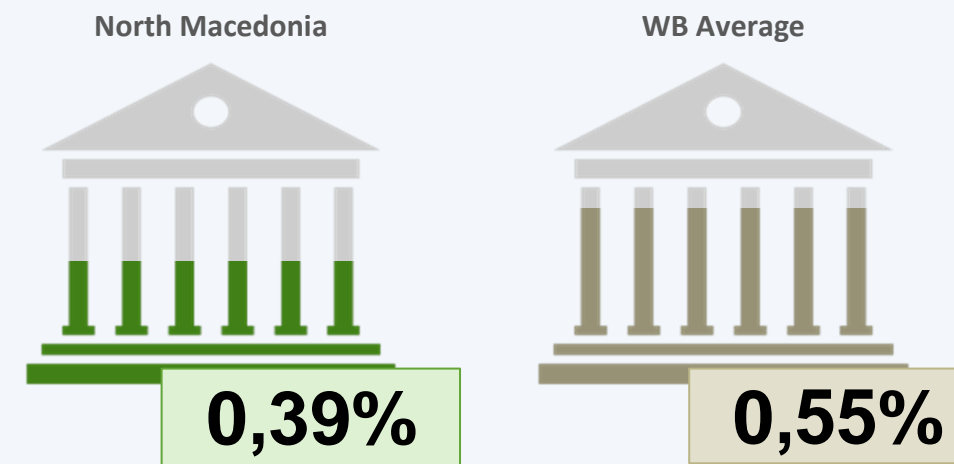
Kosovo* is not included in the calculation of summary statistics
 * This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Budget of the judicial system in North Macedonia in 2022 (Indicator 1)

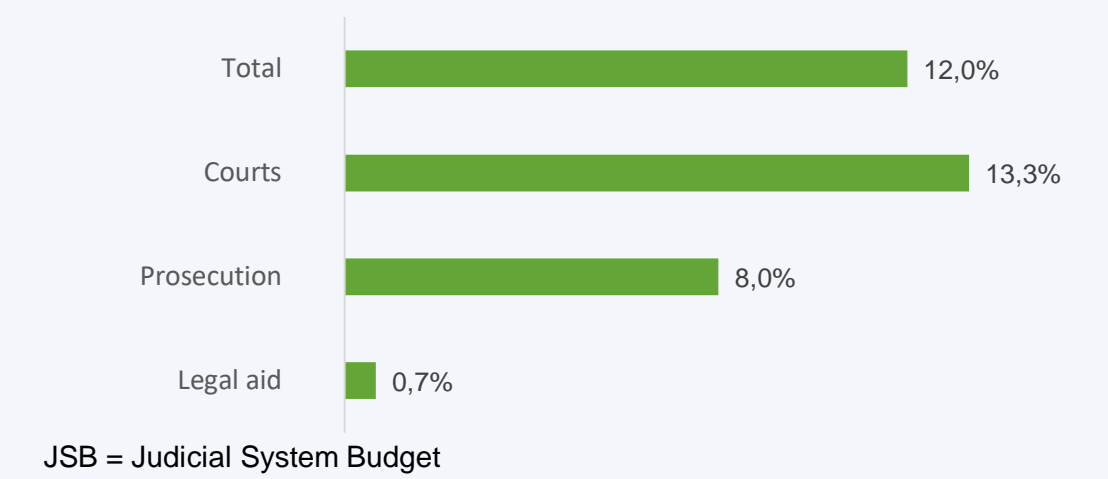
Implemented Judicial System Budget per inhabitant



Implemented Judicial System Budget as % of GDP



Variation of the JSB per inhabitant between 2021 - 2022



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2022, the implemented JBS for North Macedonia was 24,6€ per inhabitant (+12% compared to 2021). It was lower than the WB Average of 38,5€. The expenditure on JSB represented 0,39% of the GDP of North Macedonia (the WB Average was 0,55%).

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

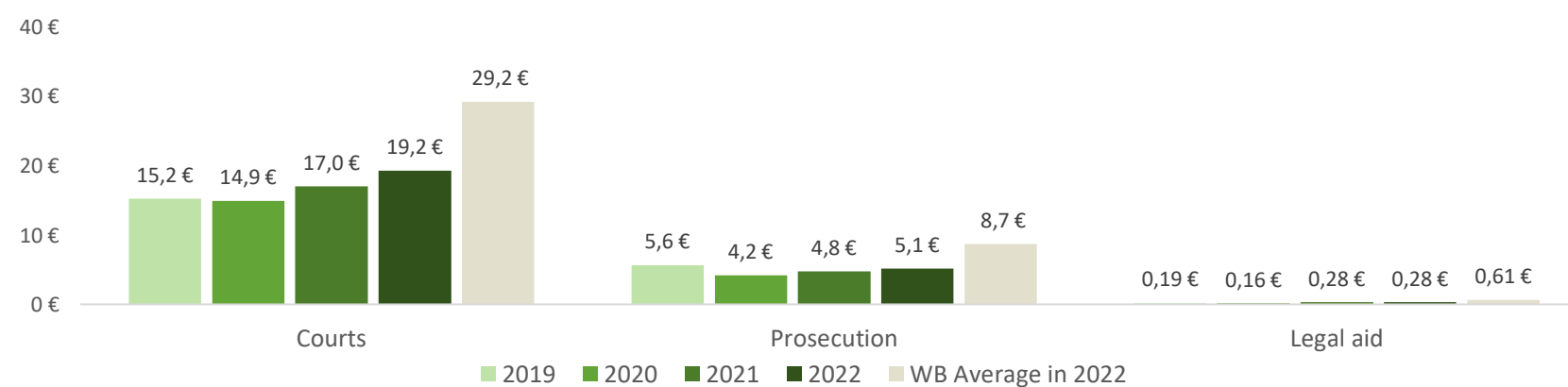
In 2022, North Macedonia spent 45 262 101€ on the implemented judicial system budget. This means that North Macedonia spent 24,6€ per inhabitant, which is less than the WB Average of 38,5€. 78% was spent for courts, 20,8% for prosecution services, 1,2% for legal aid.

Compared to 2021, North Macedonia has spent, per inhabitant, 13,3% more for courts, 8% more for prosecution services, and 0,7% more for legal aid.

Judicial System Budget	Judicial System Budget in 2022		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2022	WB Average in 2022	% Variation between 2019 - 2022	% Variation between 2021 - 2022	As % of GDP	WB Average in 2022	Variation (in ppt) 2019 -2022	Variation (in ppt) 2021 - 2022
Total	45 930 265 €	45 262 101 €	24,6 €	38,5 €	17,2%	12,0%	0,39%	0,55%	0,00	0,00
Courts	35 440 290 €	35 305 926 €	19,2 €	29,2 €	26,4%	13,3%	0,30%	0,41%	0,02	0,00
Prosecution	9 873 671 €	9 434 563 €	5,1 €	8,7 €	-8,6%	8,0%	0,08%	0,13%	-0,02	0,00
Legal aid	616 304 €	521 612 €	0,28 €	0,61 €	47,0%	0,7%	0,004%	0,01%	0,001	0,000

PPT = Percentage points

Evolution of the implemented judicial system budget per inhabitant between 2019 and 2022 (€)



As regards legal aid budget, implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in North Macedonia

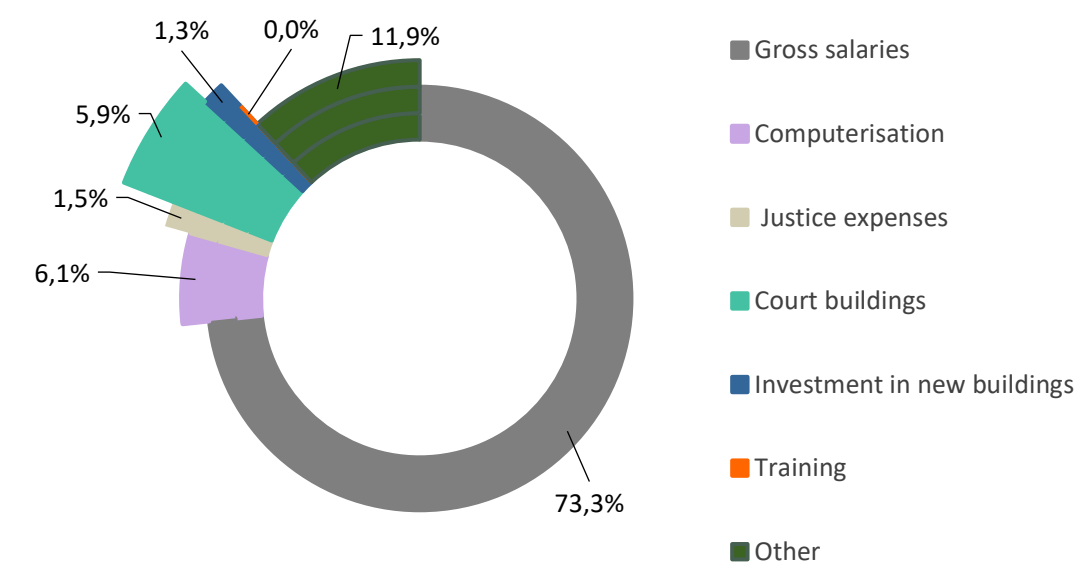
Budget allocated to the functioning of the courts

In 2022, North Macedonia spent 35 305 926€ on the implemented budget for courts. 73,3% was spent for gross salaries, 6,1% for computerisation, 1,5% for justice expenses, 5,9% for court buildings, 1,3% for investment in new buildings, 11,9% for other.

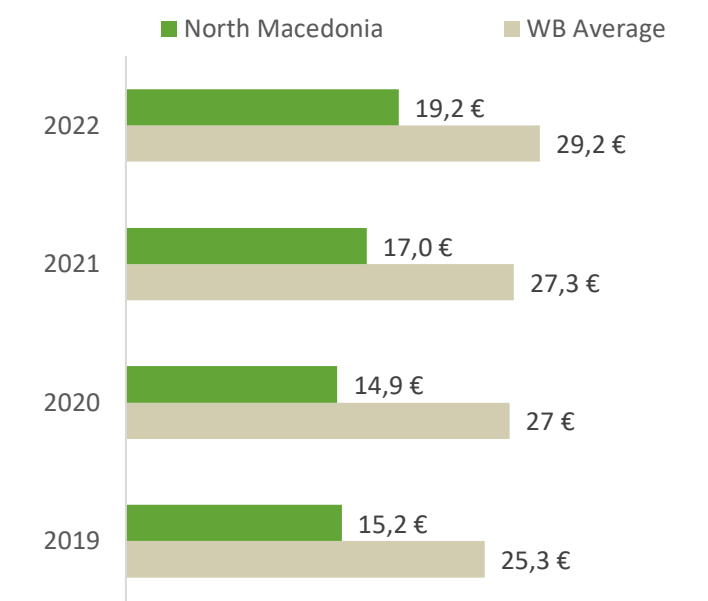
Between 2021 and 2022, the implemented budget for courts has increased by 13,3%.

	2022		% Variation between 2019 and 2022		% Variation between 2021 and 2022	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
Total (1 + 2 + 3 + 4 + 5 + 6 + 7)	35 440 290 €	35 305 926 €	6,3%	11,8%	11,8%	13,3%
1. Gross salaries	25 894 623 €	25 878 156 €	6,8%	7,7%	3,2%	3,2%
2. Computerisation (2.1 + 2.2)	2 245 480 €	2 155 823 €	192,0%	180,3%	309,3%	316,5%
2.1 Investment in computerisation	2 009 093 €	1 921 526 €			533,5%	547,6%
2.2 Maintenance of the IT equipment of courts	236 387 €	234 297 €			2,1%	6,1%
3. Justice expenses	542 612 €	542 612 €	-29,4%	-29,4%	-6,1%	-1,7%
4. Court buildings	2 076 085 €	2 076 085 €	80,7%	80,7%	48,8%	61,6%
5. Investment in new buildings	443 233 €	443 233 €	-60,2%	32,4%	-45,8%	-40,5%
6. Training	NAP	NAP	NAP	NAP	NAP	NAP
7. Other	4 238 257 €	4 210 017 €	-20,2%	-7,2%	30,0%	41,0%

Distribution of the Implemented budget allocated to the courts in 2022 (%)



Implemented budget allocated to the courts per inhabitant between 2019 and 2022 (€)



In "other" are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc.

The court budget includes only the budget of all courts.

2. North Macedonia in 2022 allocated huge budget to investments in computerization (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new softwares (for example: for evaluation of judges).

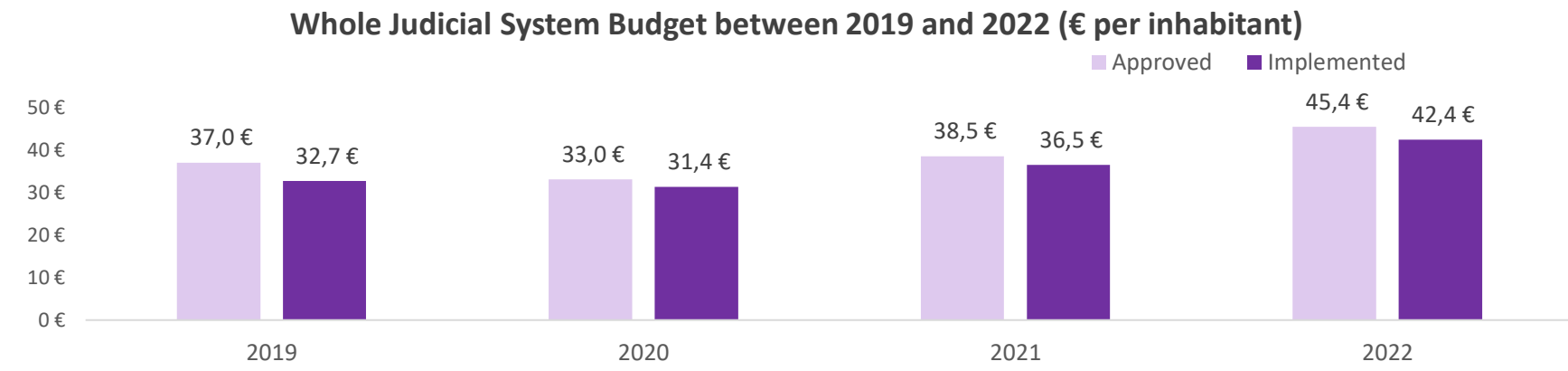
4. Maintenance of the court buildings and operating costs in 2022 are higher due to new prices of gas and electricity in our country and on the world level, as a consequences from COVID-19 and war in Ukraine.

5. In 2022, the renovation of the new building of Administrative court was finished. That was the second phase of the plan with smaller allocated budget for finishing the project, since the budget of first phase of the plan was larger and implemented in 2021.

7. All the prices and costs in 2022 are higher due to inflation. Please, see also explanation for category 4.

• Budget allocated to the whole justice system

Whole Justice System Budget	2022		% Variation of the Whole Justice System Budget per inhabitant	
	Absolute number	Per inhabitant	2019 - 2022	2021 - 2022
Approved	83 489 104 €	45,4 €	37,6%	17,9%
Implemented	77 835 976 €	42,4 €	35,0%	16,0%



The whole justice system budget includes the following elements in 2022:

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

The Budget for the whole justice system includes: whole Court budget, budget of the Judicial Council, budget of Public Prosecution offices, budget of the Council of Public Prosecutors, Academy for judges and public prosecutors, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution offices.

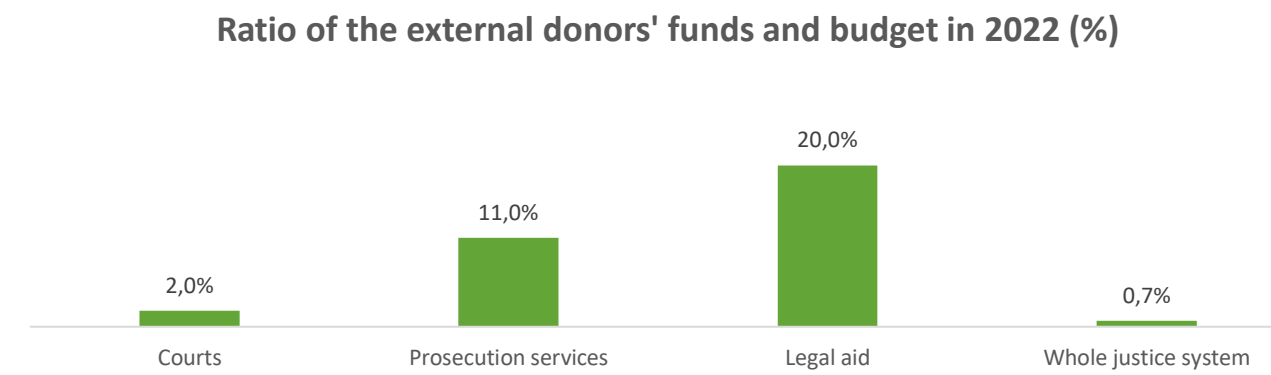
Other services are: Ombudsman, Academy for judges and public prosecutors and Council of Public Prosecutors.

According to the new amendments in article 55 of the Law on the Council of Public Prosecutors of the Republic of North Macedonia(2020), the Council for Public Prosecutors has the separate budget as a user.

• Budget received from external donors

The percentages represent an estimate of the ratio between external donations and respective budget. The percentage is calculated in relation to the total implemented budget of each category. However, this does not mean that the external funds cover a percentage of the budget, since donations are not included in the judicial system budget.

	Absolute value	Calculated as %
Courts	651 969 €	2,0%
Prosecution services	1 040 597 €	11,0%
Legal aid	105 265 €	20,0%
Whole justice system	556 741 €	0,7%



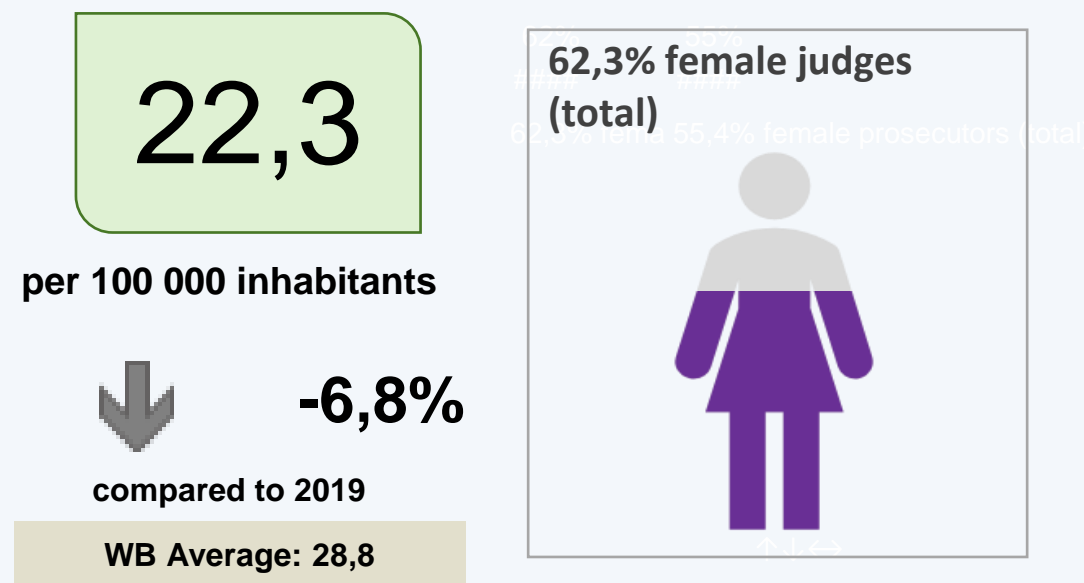
Looking at these figures, the highest ratio between external donations and budget of North Macedonia is for legal aid (20%).

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 the table are given numbers from the projects which were realized in 2022, calculated according to the formula given in the Explanation note. 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 was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular. Regional projects are included in the total amount.

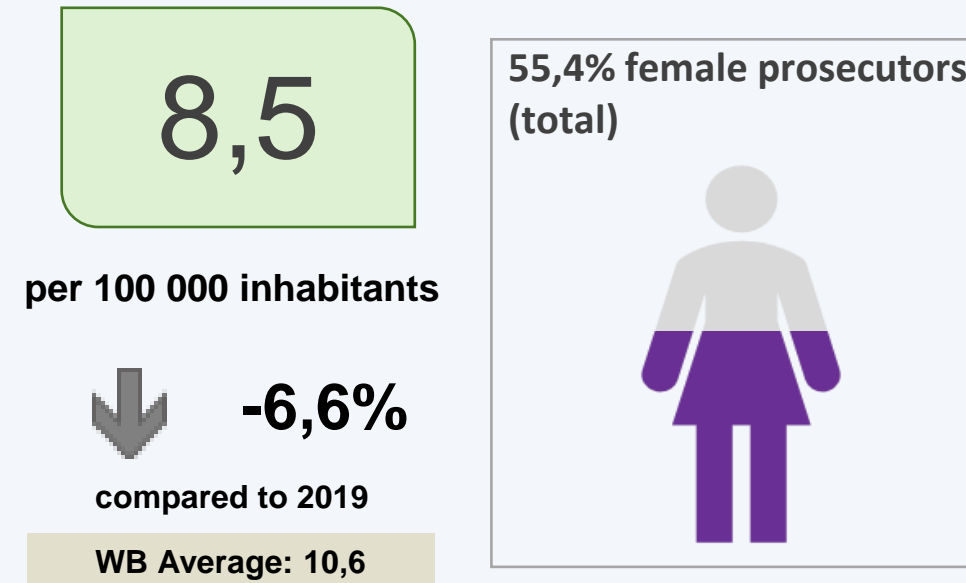
Kosovo is not included in the calculation of summary statistics

Professionals and Gender Balance in judiciary in North Macedonia in 2022 (Indicators 2 and 12)

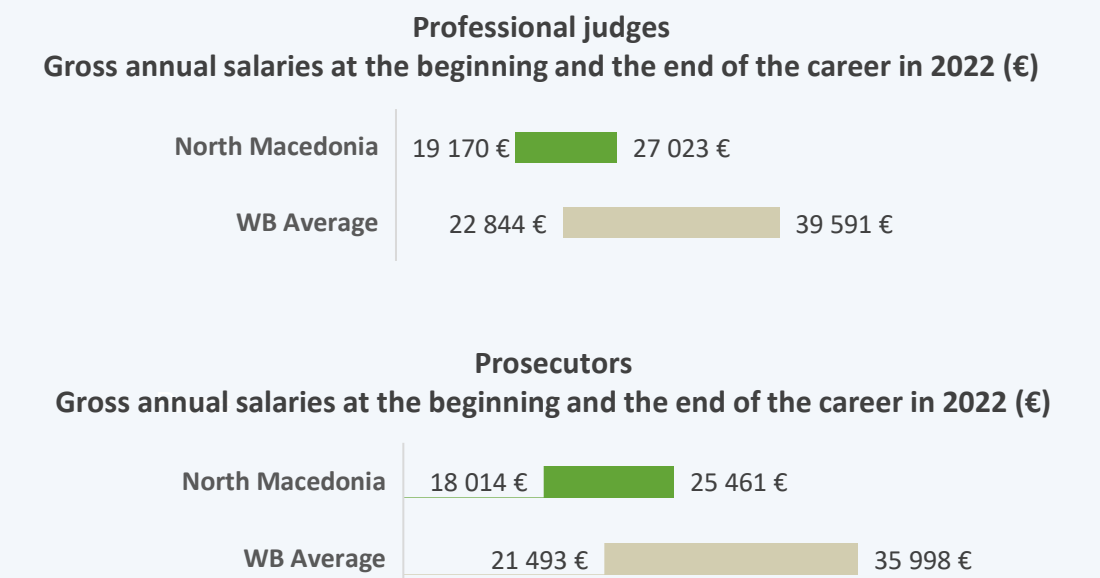
Professional Judges



Prosecutors



Salaries of judges and prosecutors



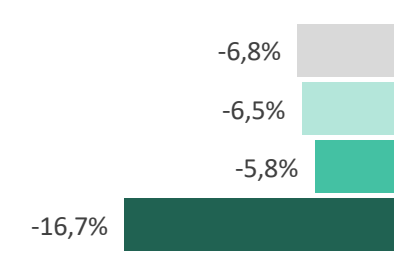
In 2022, North Macedonia had 22,3 professional judges per 100 000 inhabitants and 8,5 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,8 and 10,6, respectively. More than half of professional judges and prosecutors were women (WB Average was 62,4% and 54,9%, respectively).

Professional Judges

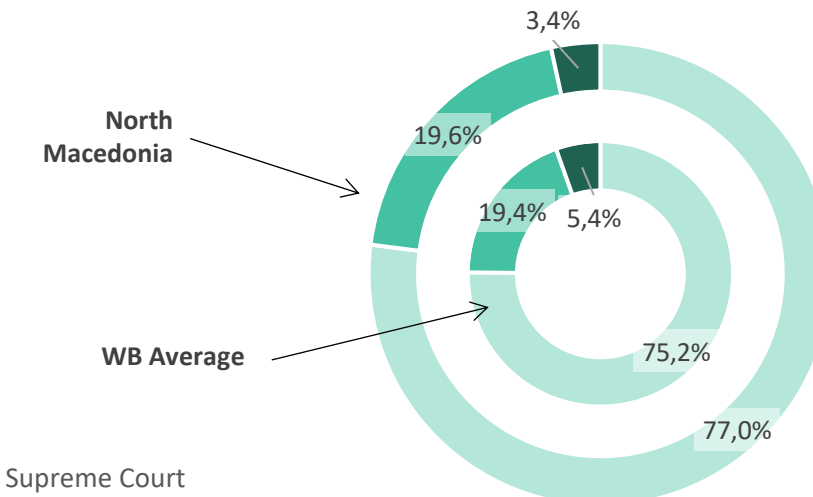
	Professional judges in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	409	100,0%	22,3	28,8
1st instance courts	315	77,0%	17,1	21,7
2nd instance courts	80	19,6%	4,4	5,6
Supreme Court	14	3,4%	0,8	1,6

For reference only: the 2021 EU median is 24,1 judges per 100 000 inhabitants.

% Variation of no. of professional judges per 100 000 inh. 2019 - 2022



Distribution of professional judges by instance in 2022 (%)



In 2022, the absolute number of professional judges in North Macedonia was 409 (i.e. 22,3 per 100 000 inhabitants, which was significantly lower than the WB Average of 28,8).

Compared to 2019, the total number of professional judges per 100 000 inhabitants decreased by -6,8%.

The figures show a difference of -1,8 percentage points between the percentage of judges in the first instance (77,02%) and the WB Average (75,2%)

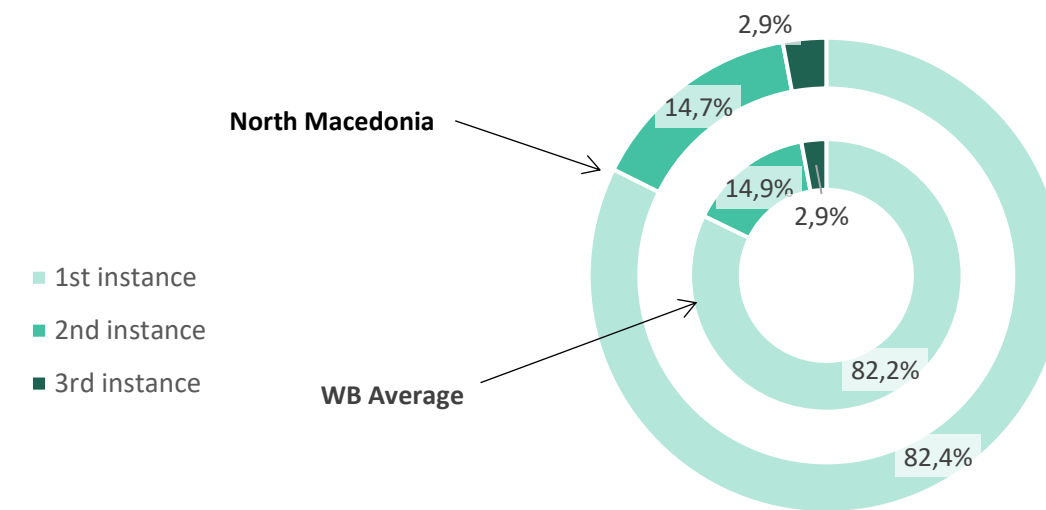
The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

• Court presidents

	Court presidents in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	34	100,0%	1,9	2,2
1st instance courts	28	82,4%	1,5	1,8
2nd instance courts	5	14,7%	0,3	0,3
Supreme Court	1	2,9%	0,1	0,1

The absolute number of court presidents in North Macedonia in 2022 was 34 (i.e. 1,9 per 100 000 inhabitants, which was the WB Average of 2,2).

Distribution of court presidents by instance in 2022 (%)



• Non-judge staff

The absolute total number of non-judge staff in North Macedonia was 2 198, which decreased by -1,9% between 2019 and 2022. The number of non-judge staff per 100 000 inhabitants was 119,6, which was above the WB Average of 114.

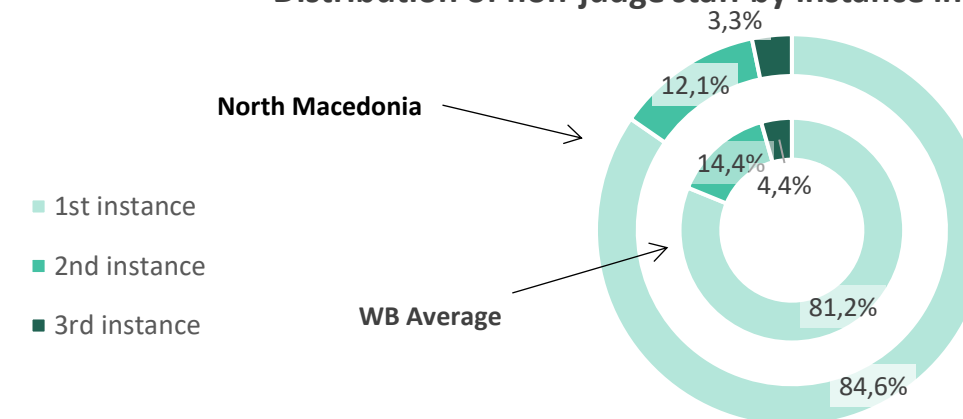
	Number of non-judge staff by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	2 198	100,0%	119,6	114,0
1st instance courts	1 860	85%	101,2	92,5
2nd instance courts	266	12%	14,5	16,4
Supreme Court	72	3%	3,9	5,0

For reference only: the 2021 EU median is 58,5 non-judge staff per 100 000 inhabitants.

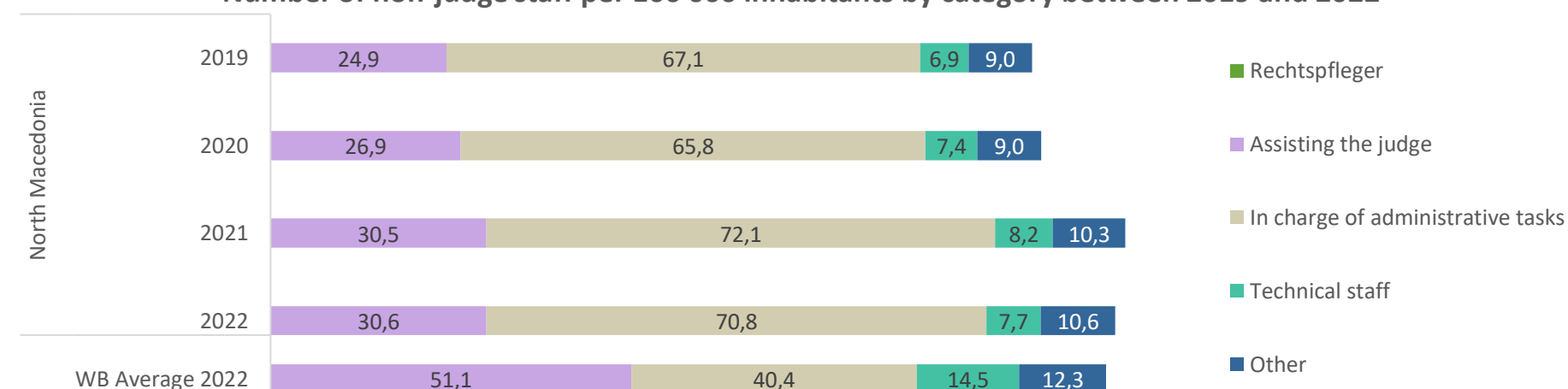
The highest number of non-judge staff were in charge of administrative tasks and represented 59,2% of the total. Since 2019, there was no significant variation in the distribution of non-judge staff by category.

	Number of non-judge staff by category in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	2 198	100,0%	119,6	114,0
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	562	25,6%	30,6	51,1
In charge of administrative tasks	1 301	59,2%	70,8	40,4
Technical staff	141	6,4%	7,7	14,5
Other	194	8,8%	10,6	12,3

Distribution of non-judge staff by instance in 2022



Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2022



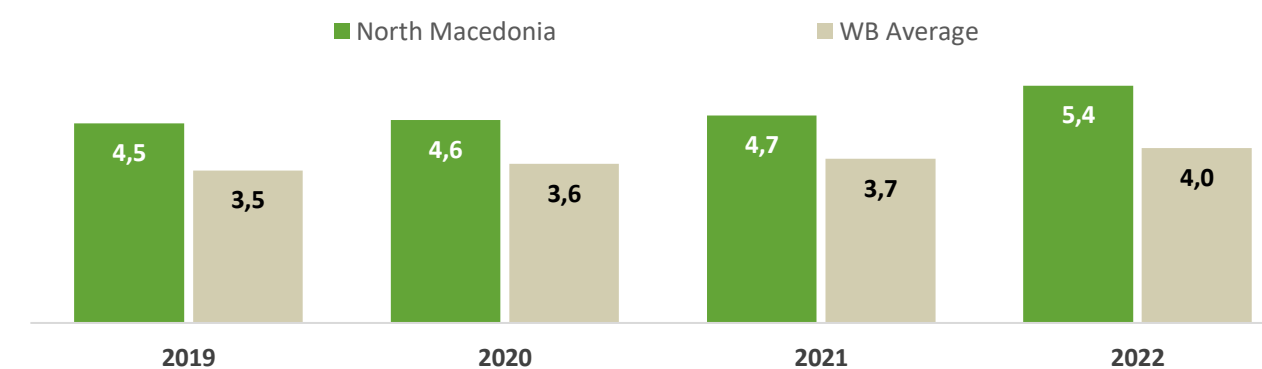
• Ratio between non-judge staff and professional judges

In North Macedonia, the ratio of non-judge staff per professional judge was 5,4 in 2022, whereas the WB Average was 4. This increased since 2019.

	Ratio in 2022		% Variation between 2019 and 2022
	North Macedonia	WB Average	North Macedonia
Total	5,4	4,0	19,0%
1st instance courts	5,9	4,2	17,1%
2nd instance courts	3,3	3,0	26,2%
Supreme Court	5,1	4,3	50,3%

For reference only: the 2021 EU median ratio of non-judge staff per judge is 3,1.

Ratio between non-judge staff and judges between 2019 and 2022



Prosecutors

	Number of prosecutors by instance in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	157	100,0%	8,5	10,6
1st instance level	125	79,6%	6,8	8,2
2nd instance level	22	14,0%	1,2	1,9
Supreme Court level	10	6,4%	0,5	0,9

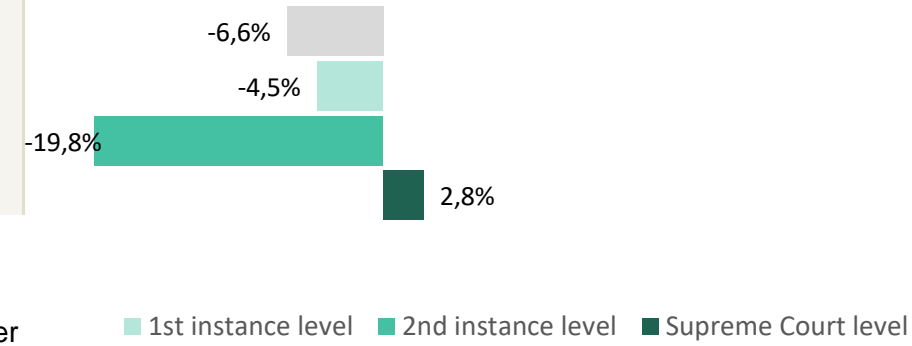
For reference only: the 2021 EU median is 10,8 prosecutors per 100 000 inhabitants.

In 2022, the absolute number of prosecutors in North Macedonia was 157 (i.e. 8,5 per 100 000 inhabitants, which was significantly lower than the WB Average of 10,6).

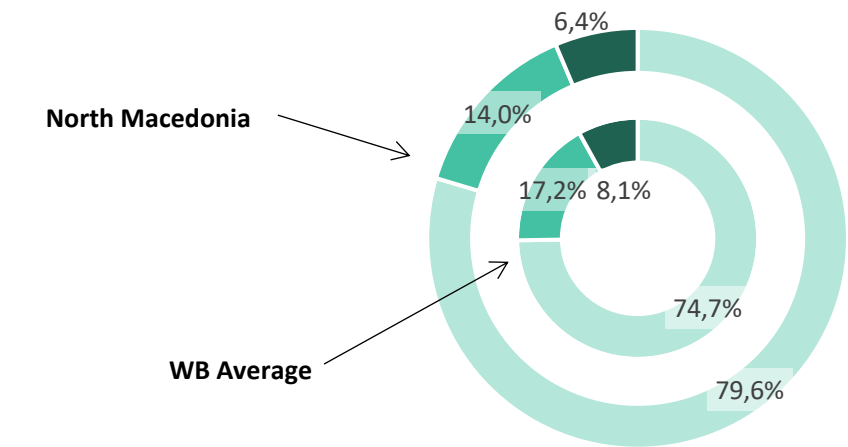
The total number of prosecutors per 100 000 inhabitants decreased by -6,6% between 2019 and 2022.

The figures show a difference of -4,9 percentage points between the percentage of judges in the first instance (79,6%) and the WB Average (74,7%)

% Variation of no. of prosecutors per 100 000 inh. 2019 - 2022



Distribution of prosecutors by instance in 2022 (%)

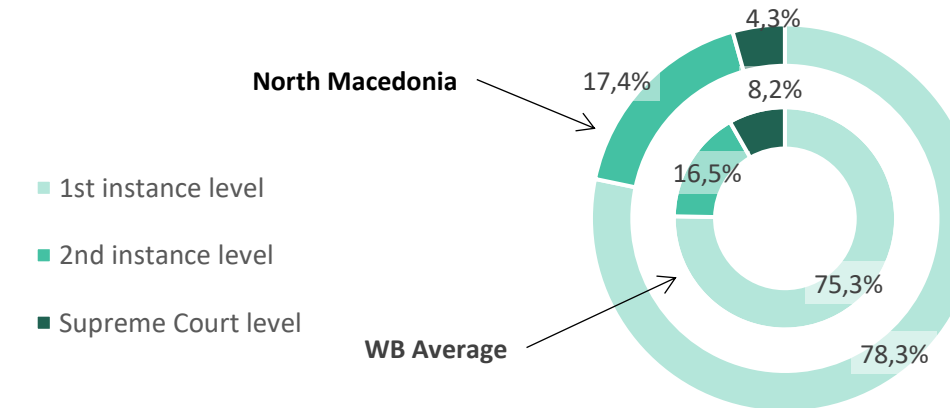


Heads of prosecution services

	Heads of prosecution services in 2022			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total	23	100,0%	1,3	1,4
1st instance level	18	78,3%	1,0	1,1
2nd instance level	4	17,4%	0,2	0,2
Supreme Court level	1	4,3%	0,05	0,12

In 2022, the absolute number of heads of prosecution services in North Macedonia was 23 (i.e. 1,3 per 100 000 inhabitants, which was significantly lower than the WB Average of 1,4).

Distribution of heads of prosecution services by instance in 2022 (%)



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

	Non-prosecutor staff in 2022			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2022		% Variation 2019 - 2022
	North Macedonia	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia
Total	368	20,0	25,5	2,3	2,4	3,1%

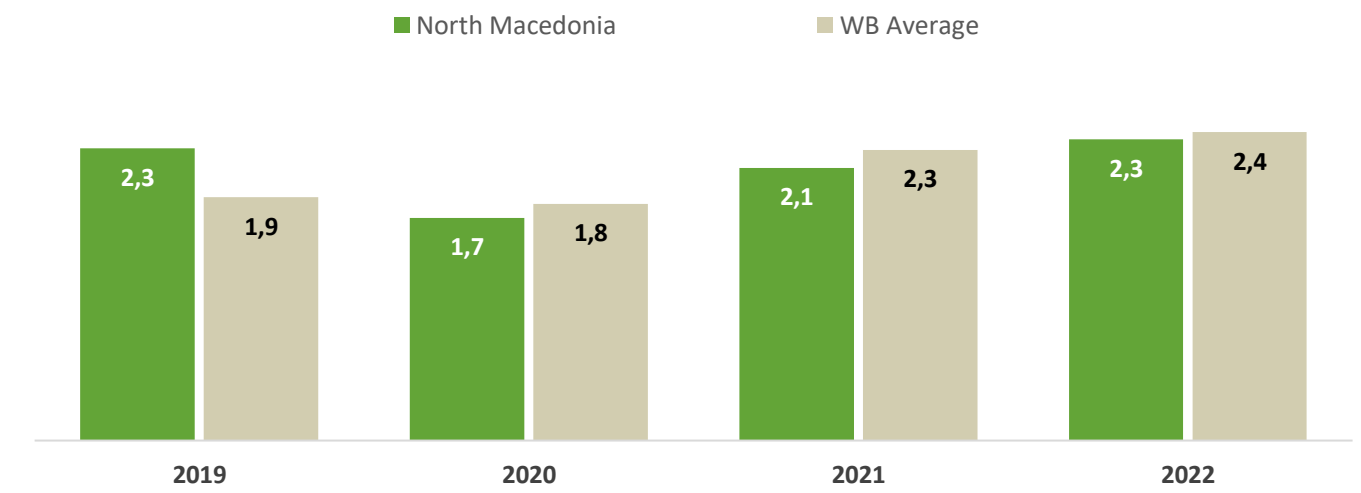
For reference only: the 2021 EU median is 14,7 non-prosecutors staff per 100 000 inhabitants.

In 2022, the total number of non-prosecutor staff in North Macedonia was 368. Their number decreased by -14,8% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 20, which was below the WB Average of 25,5.

The ratio of non-prosecutor staff per prosecutor was 2,3 (slightly lower than the WB Average of 2,4).

Ratio between non-prosecutor staff and prosecutors between 2019 and 2022



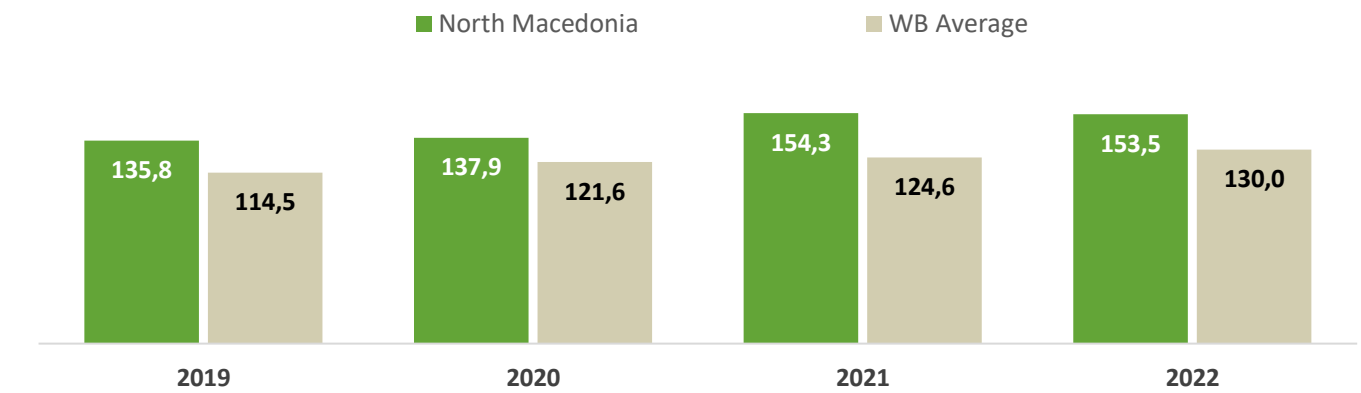
• Lawyers

	Number of lawyers in 2022			% Variation 2019 - 2022
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	North Macedonia
Total	2 820	153,5	130,0	13,0%

For reference only: the 2021 EU median is 122,4 lawyers per 100 000 inhabitants.

In 2022, the number of lawyers was 153,5 per 100 000 inhabitants, which was higher than the WB Average (130). The number of lawyers per 100 000 inhabitants increased by 13% between 2019 and 2022.

Number of lawyers per 100 000 inhabitants between 2019 and 2022



Salaries of professional judges and prosecutors

In 2022, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in North Macedonia was 2,1, which was less than the WB Average (2,5).

At the end of career, judges were paid more than at the beginning of career by 41%, which was less than the variation noted for the WB Average (68%).

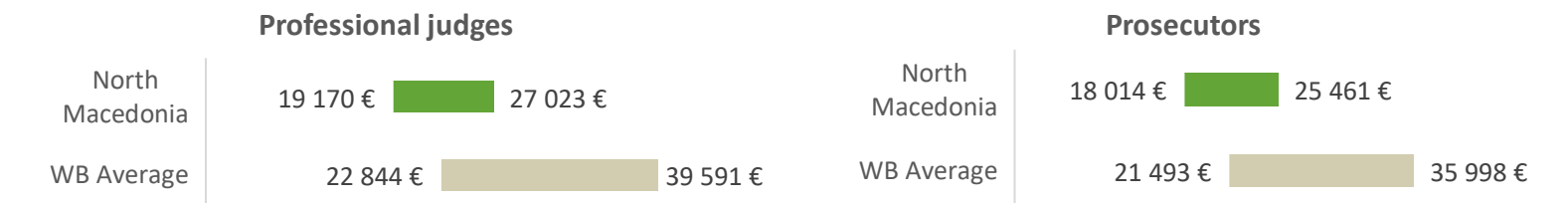
In 2022, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in North Macedonia was 1,9, which was less than the WB Average (2,3).

At the end of career, prosecutors were paid more than at the beginning of career by 41,3%, which was less than the variation noted for the WB Average (63,6%).

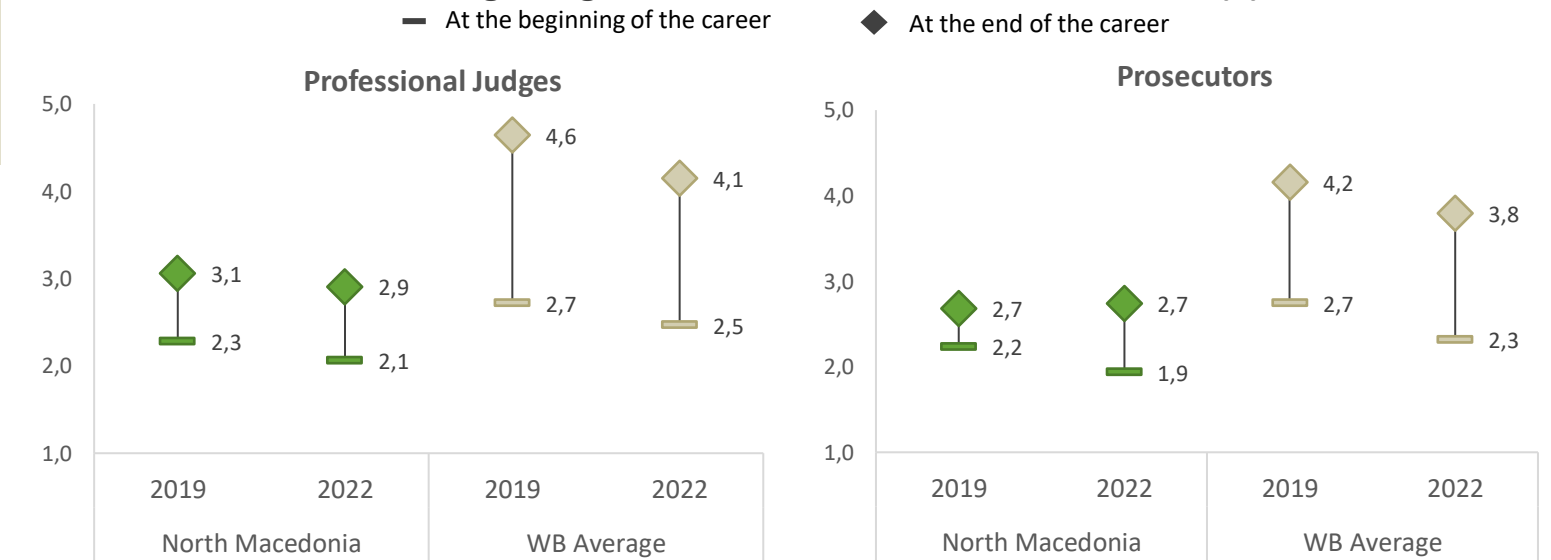
		Salaries in 2022 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2022	Net annual salary in €	North Macedonia	WB Average ratio
Professional judge	At the beginning of his/her career	19 170	▲ 12,5%	12 598	2,1	2,5
	Of the Supreme Court or the Highest Appellate Court	27 023	▬ 0,0%	17 683	2,9	
Public prosecutor	At the beginning of his/her career	18 014	▲ 8,0%	11 845	1,9	2,3
	Of the Supreme Court or the Highest Appellate Court	25 461	▲ 27,2%	16 670	2,7	

For reference only: the 2021 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: 1,9
 - professional judges' salary at the end of career: 4,1
 - prosecutors' salary at the beginning of career: 1,7
 - prosecutors' salary at the end of career: 3,4

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2022 (€)



Ratio of the gross annual salaries of judges and prosecutors with the average gross annual salary at the beginning and the end of career in 2019 and 2022 (€)



Additional benefits and bonuses for professional judges and prosecutors

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

In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutor for organized crime was 26.179 /17.135 euros. Also, in 2022 there were additional financial benefits for judges.

In 2015 and 2018 the Parliament adopted amendments on The Law on judge's salaries and on the Law on public prosecutor's salaries. These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

Gender Balance

	% Female in 2022		Variation of the % females between 2019 - 2022 (in ppt)	
	North Macedonia	WB Average	North Macedonia	
Professional Judges	62,3%	62,4%	▲	2,3
Court Presidents	41,2%	50,6%		
Non-Judge Staff	63,0%	70,9%	▲	1,3
Prosecutors	55,4%	54,9%	▲	2,3
Heads of Prosecution Services	43,5%	39,7%		
Non-Prosecutor Staff	71,7%	68,7%	▲	5,8
Lawyers	42,7%	37,2%	▼	-7,4

PPT= Percentage points

For reference only: 2021 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 74% women non-prosecutor staff; and 47% women lawyers.

In 2022, the percentage of female professional judges was 62,3%, which was lower than WB Average (62,4%). With a presence of 41,2%, the number of female court presidents in North Macedonia was lower than the WB Average of 50,6%. Moreover, the percentage of female non-judge staff was 63%.

Also, the percentage of female prosecutors was 55,4% (higher than the WB Average of 54,9%). The number of female heads of prosecution services (43,5%) was slightly higher than the WB Average (39,7%). Moreover, the percentage of female non-prosecutor staff was 71,7%.

Finally, the percentage of female lawyers was 42,7%, which was higher than WB Average (37,2%).

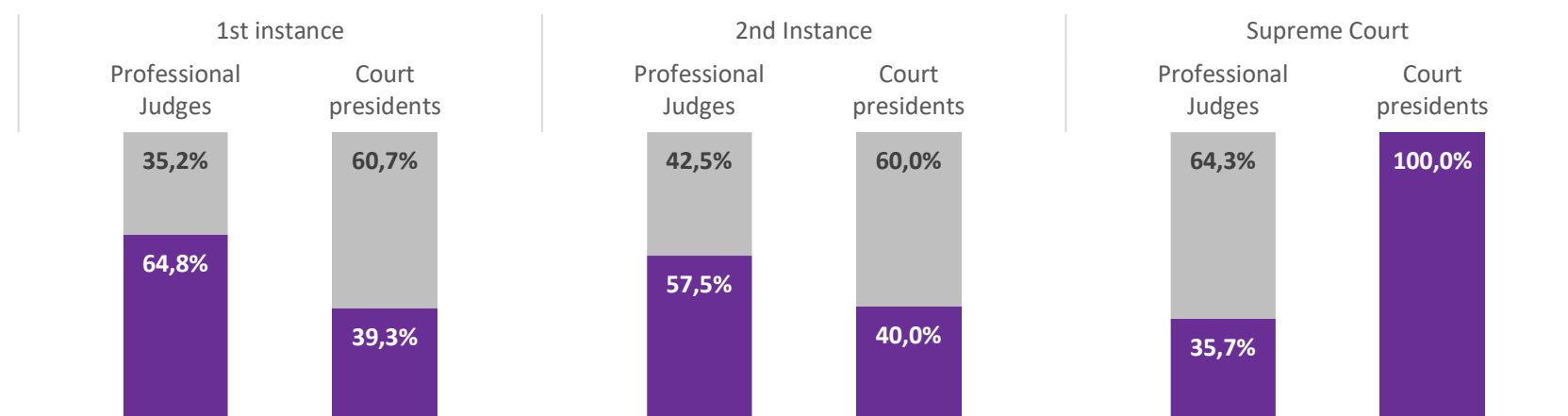
The court presidents, heads of prosecution services and lawyers were the only categories with less than 50% of female presence.

	Professional Judges % Female		Court presidents % Female		Prosecutors % Female		Heads of Prosecution Services % Female	
	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average
1st instance	64,8%	62,2%	39,3%	51,9%	60,8%	57,0%	55,6%	43,3%
2nd instance	57,5%	64,5%	40,0%	39,1%	40,9%	48,4%	0,0%	25,0%
Supreme Court	35,7%	55,6%	100,0%	73,3%	20,0%	43,7%	0,0%	44,4%

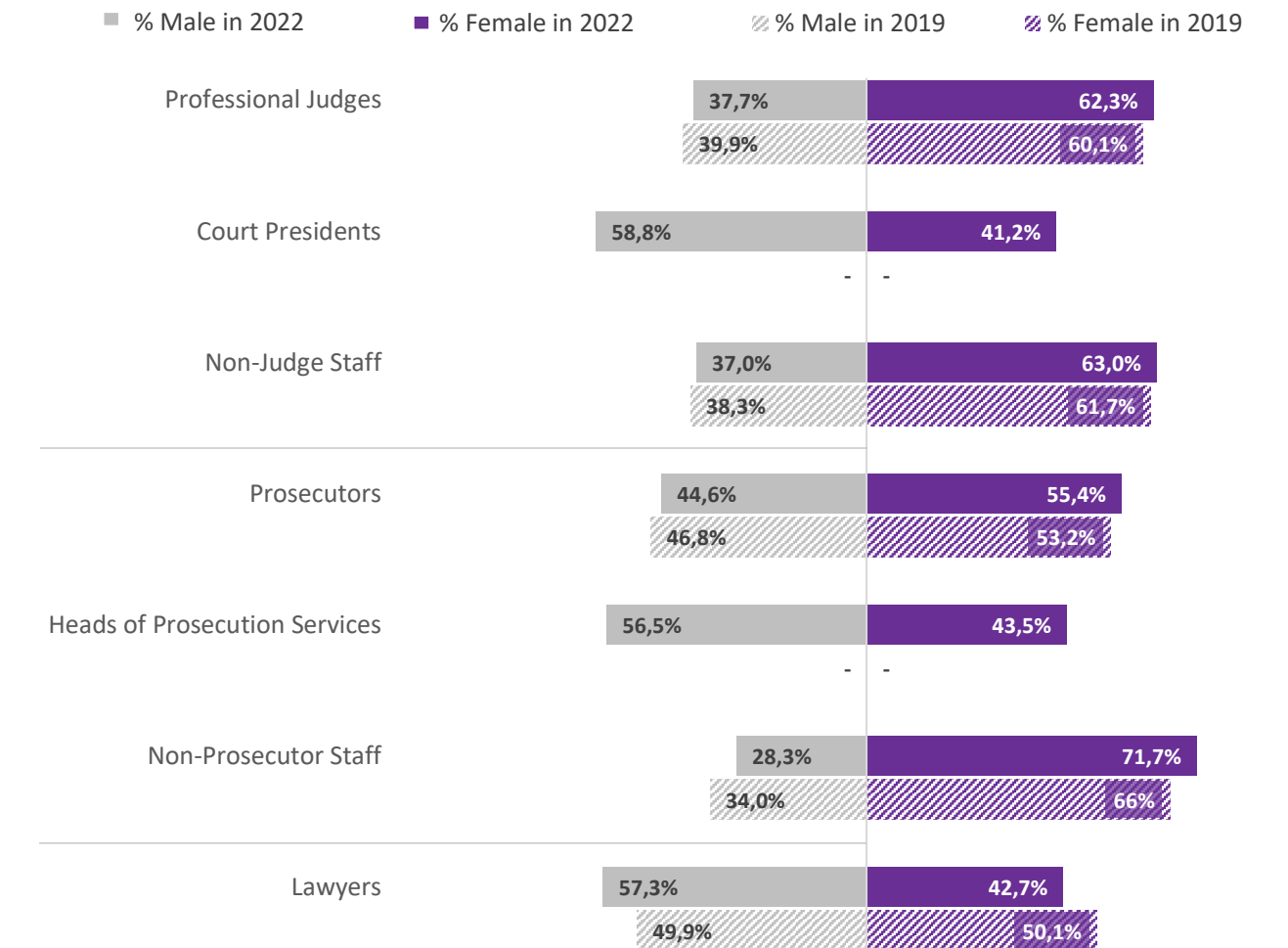
Gender Balance by instance in 2022

■ % Females ■ % Males

Professional Judges and Court Presidents

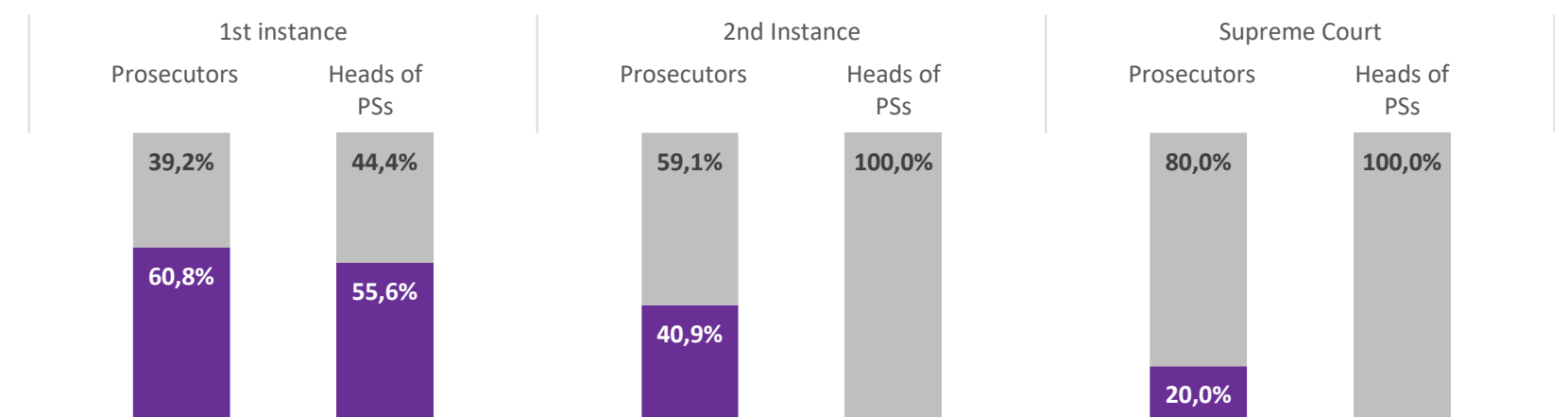


Gender Balance in North Macedonia in 2019 and 2022



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.

Prosecutors and Heads of Prosecution Services



• Gender Equality Policies

	Recruitment		Appointment	Promotion		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	Specific provisions for facilitating gender equality	Person / institution dealing with gender issues on national level	
Court Presidents			×			
Heads of Prosecution Services			×			
Judges	×	×		×	×	×
Prosecutors	×	×		×	×	×
Non-judge staff	×	×		×	×	×
Lawyers	×			×		
Notaries	×			×		
Enforcement agents	×			×		

In North Macedonia there is no overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary.

The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy: https://www.mtsp.gov.mk/content/pdf/2022/strategija_%D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

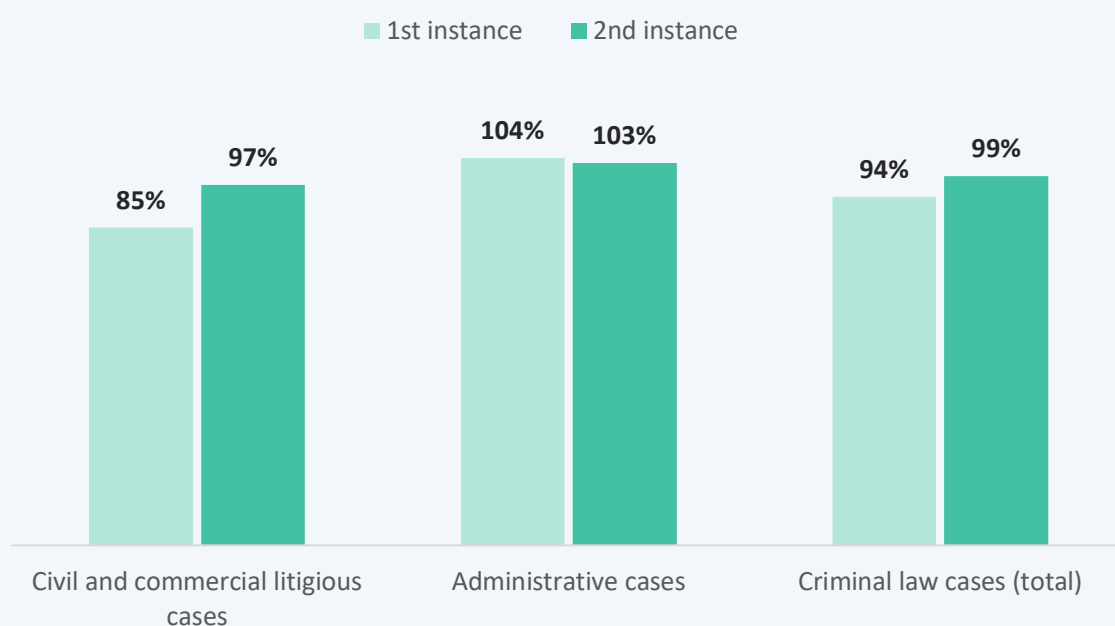
Legal Representative
Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men. Act of the legal representative has a character of opinion and recommendation.

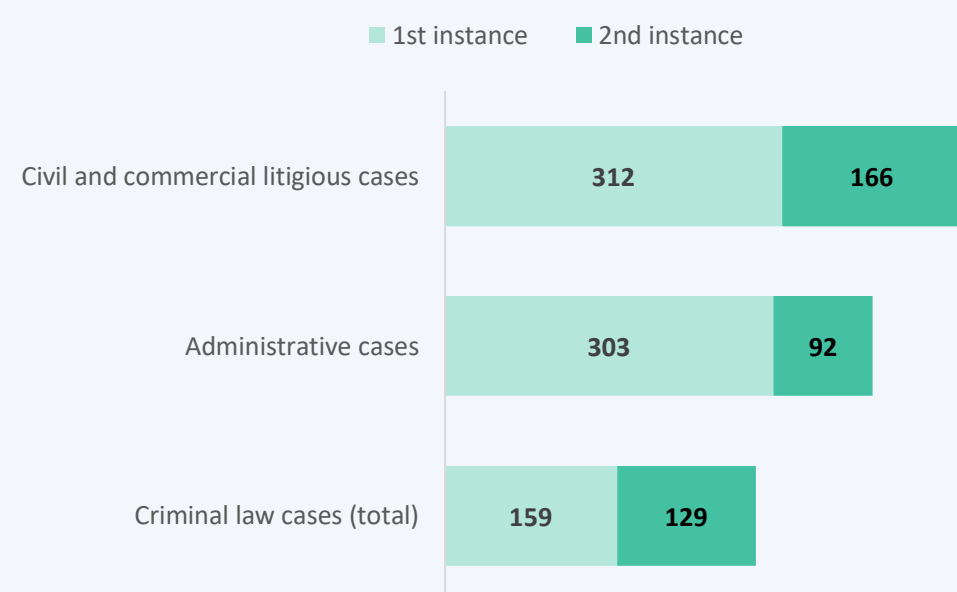
Kosovo is not included in the calculation of summary statistics

Efficiency in North Macedonia in 2022 (Indicators 3.1 and 3.2)

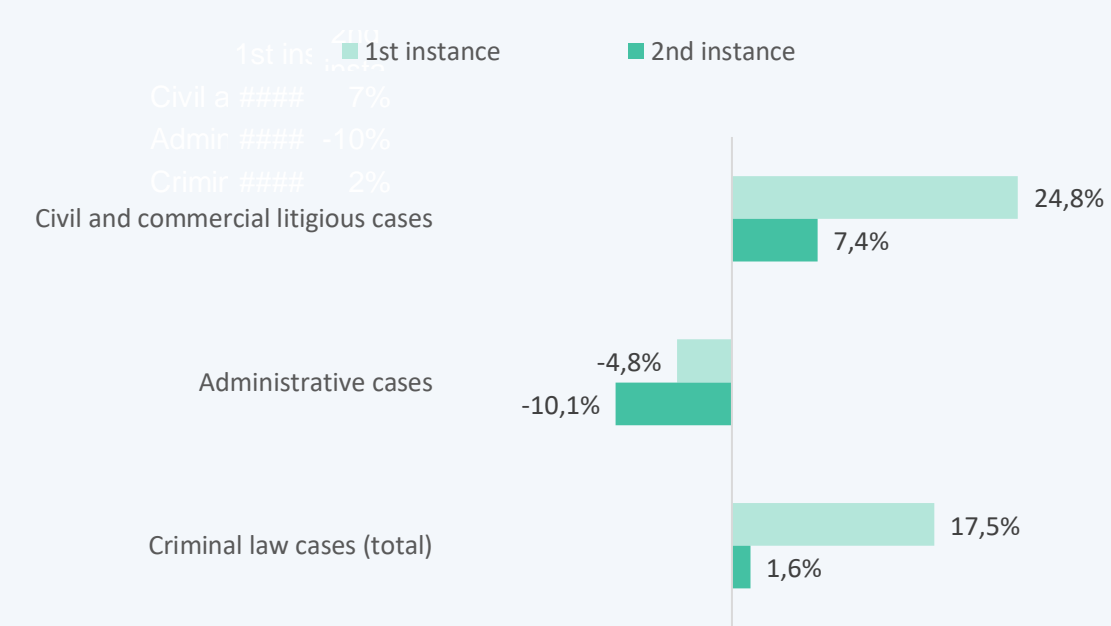
Clearance Rate in 2022 (%)



Disposition Time in 2022 (in days)



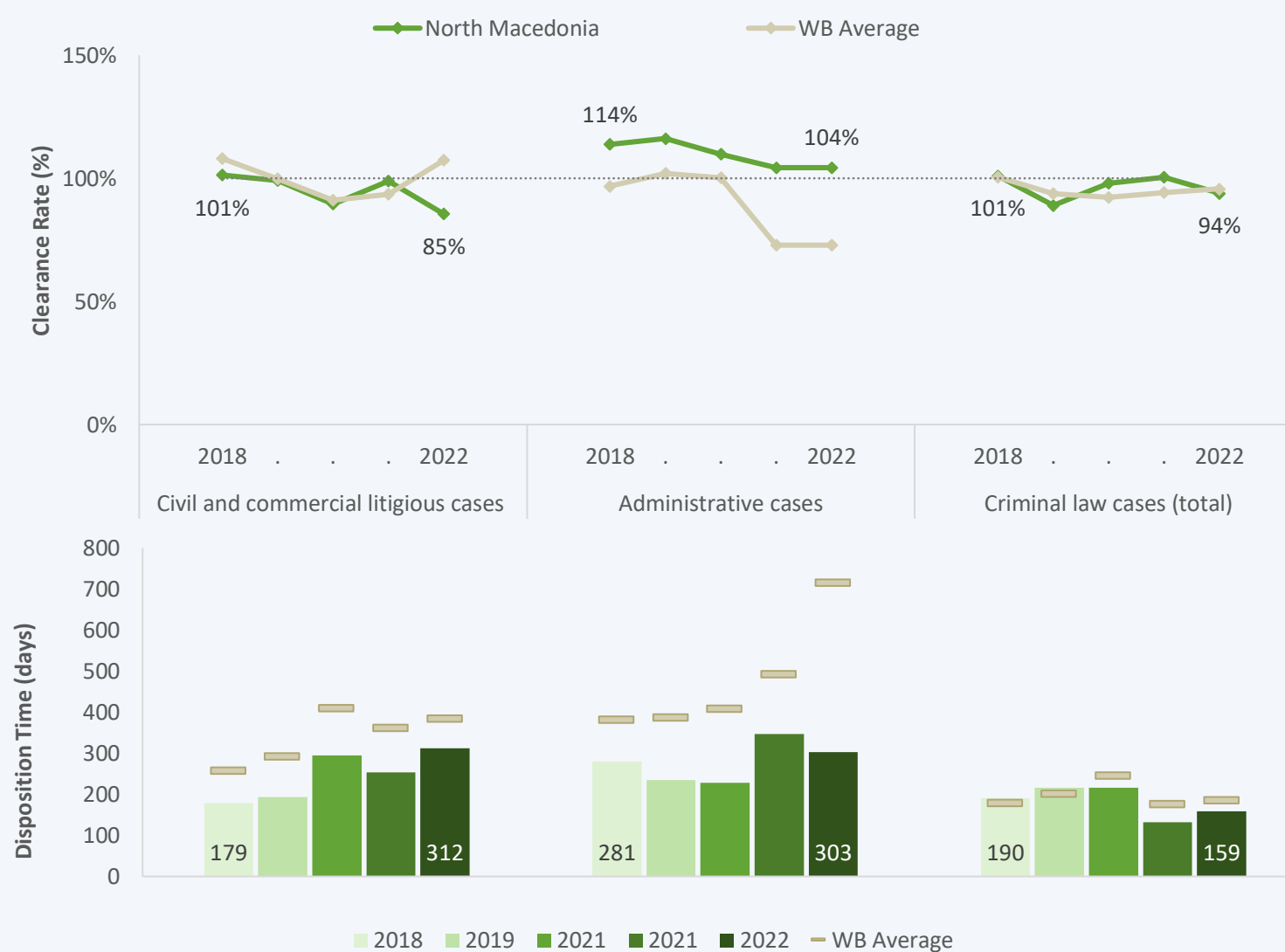
% Variation of pending cases at the end of year between 2021 and 2022



In 2022, the highest Clearance rate (CR) for North Macedonia was calculated for the first instance Administrative cases, with a CR of 104%. However, it seems that North Macedonia was not able to deal as efficiently with the first instance Civil and commercial litigious cases (CR of 85%). With a Disposition Time of approximately 92 days, the second instance Administrative cases were resolved faster than any other type of cases. Compared to 2021, the pending cases at the end of year increased the most for the first instance Civil and commercial litigious cases (24,8%), whereas they decreased for the second instance Administrative cases by -10,1%.

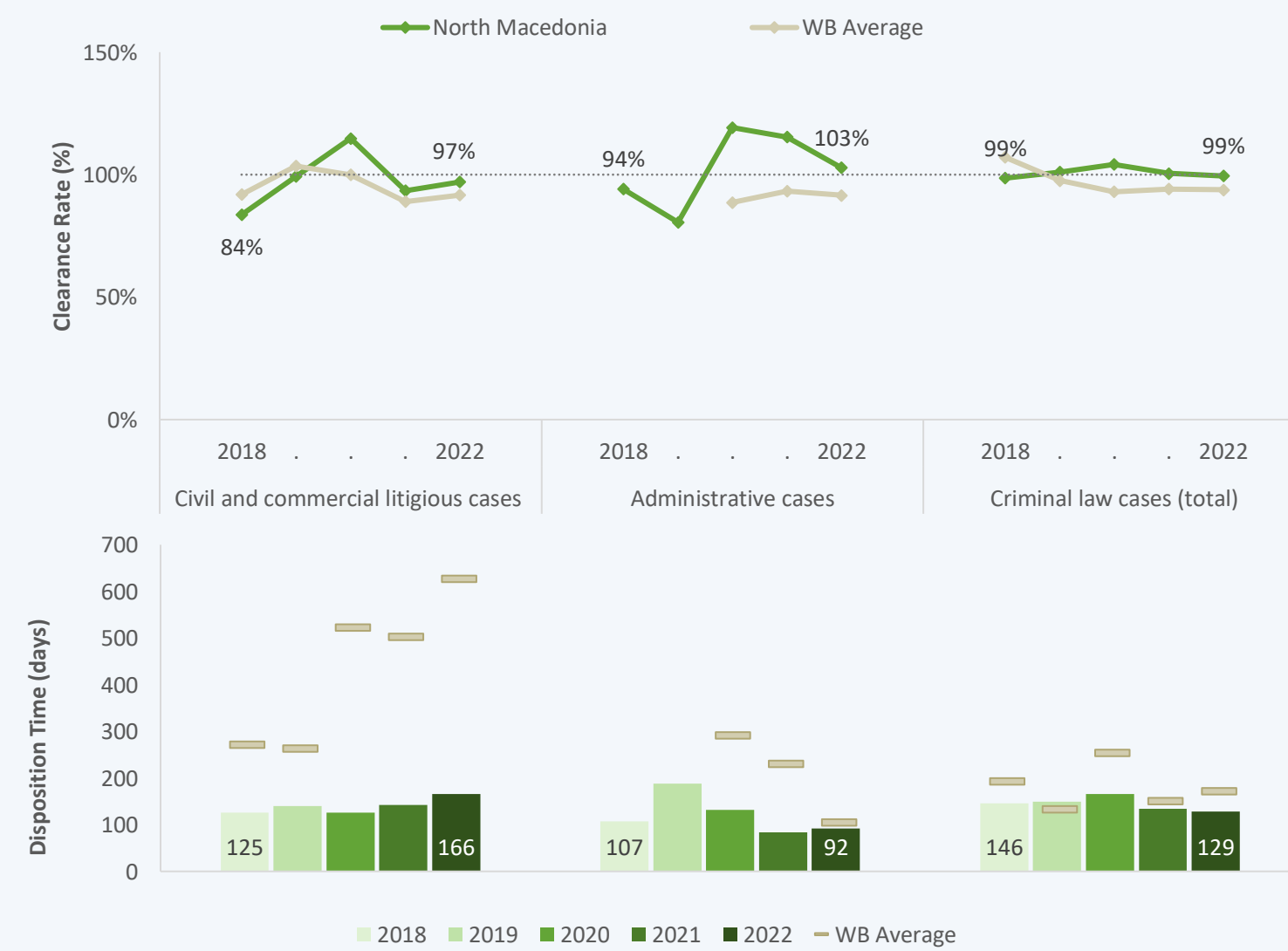
First instance cases

Clearance rate (%) and Disposition Time (days) for first instance cases from 2018 to 2022



Second instance cases

Clearance rate (%) and Disposition Time (days) for second instance cases from 2018 to 2022



Over the five years, the Disposition time (DT) was below the WB average for first and second-instance cases and all matters. However, from 2021 to 2022, there has been an increase in all instances and categories except administrative cases in the first instance and criminal cases in the second instance.

In 2022, the Clearance Rate was below 100% for all categories except administrative cases in the first and second instances. In particular, the clearance rate for civil commercial litigious cases was low (85%)

NB: For the second instance Administrative cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average). Also, as per methodological note, the 2018 and 2019 WB Medians for these type of cases are not available.

• First instance cases - Other than criminal law cases

1st instance cases in 2022 (absolute values)	North Macedonia (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	78 313	72 051	38 962	NA	3,4%	-3,3%	19,1%	NA
1 Civil and commercial litigious cases	43 007	36 763	31 404	NA	17,3%	1,4%	24,8%	NA
2 Non-litigious cases**	28 848	28 565	2 273	NA	-10,3%	-11,0%	14,2%	NA
3 Administrative cases	5 366	5 598	4 652	NA	-8,9%	9,2%	-4,8%	NA
4 Other cases	1 092	1 125	633	NA	9,5%	7,8%	-5,0%	NA

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

According to the authorities, in 2022 there were still Covid-19 effects on the proceedings before the courts. In the second part of the year, at 1-st of July 2022 started high number of retirements of the judges. Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to new condition for age retirement, the age of 64 years as a new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labor Relation law.

As regards administrative cases, the number of the resolved cases is decreasing in 2021 due to the implementation of the new Law on Administrative Disputes (implementation started at 25.05.2020). Articles 37 and 39 from the new Law provide compulsory public hearings for most of the administrative cases and before this, the court didn't have any obligation for hearings. Consequently, new circumstances explained above led to the increase of the pending cases and disposition time.

In 2022, the incoming civil and commercial litigious cases were 43 007 (2,34 per 100 inhabitants vs the WB Average of 2,7). They increased by 17,3% between 2021 and 2022. The resolved cases were 36 763 (2 per 100 inhabitants) and they increased by 1,4%. In 2022, 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 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 85% (below the WB Average of 107%). This decreased by -13,4 percentage points compared to 2021. According to the authorities, this is due to retirement of judges.

The Disposition Time for civil and commercial litigious cases was approximately 312 days in 2022 (below the WB Average of 384 days). This increased by 23,1% over the 2021-2022 period.

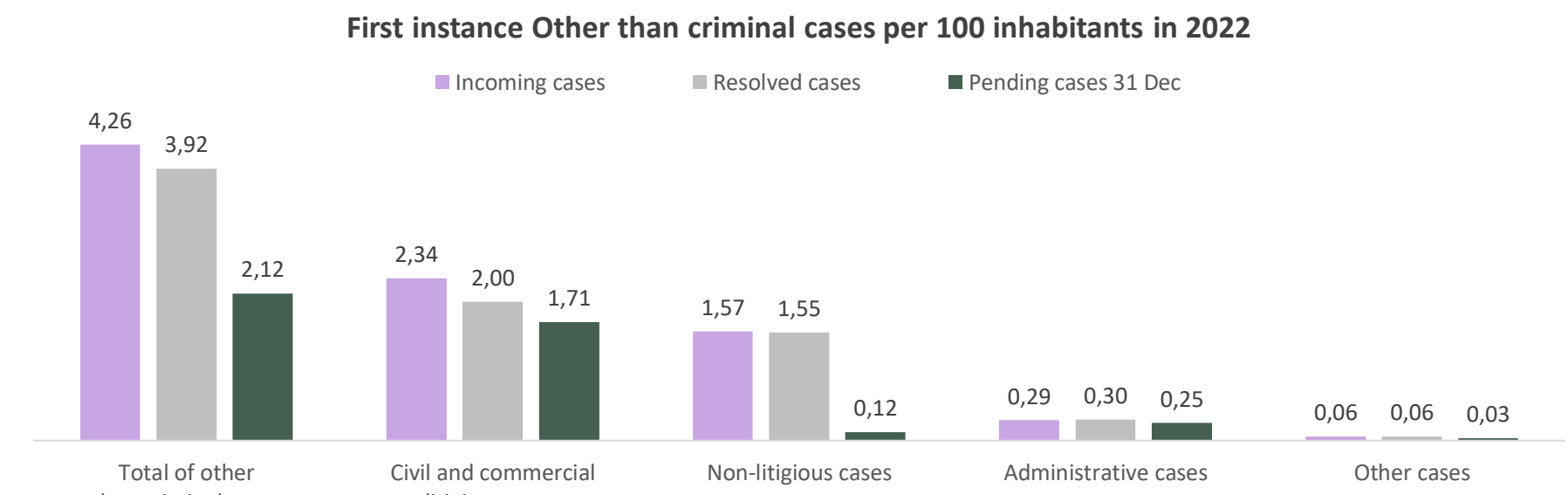
The incoming administrative cases were 5 366 in 2022 (ie 0,29 per 100 inhabitants vs the WB Average of 0,84). They decreased by -8,9% compared to the previous year. In 2022, the resolved cases were 5 598 (0,3 per 100 inhabitants, below of the WB Average of 0,46). Between 2021 and 2022, the number of resolved administrative increased by 9,2%. The number of incoming cases was thus lower than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were less than in 2021 and the Clearance rate for this type of cases was 104% (above the WB Average (73%). The CR increased by 17,3 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 303 days in 2022. This has decreased by -12,7% compared to 2021 and it was below the WB Average (716 days).

1st instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average
Total of other than criminal law cases (1+2+3+4)	4,26	11,82	3,92	12,47	2,12	15,15	NA	11,40
1 Civil and commercial litigious cases	2,34	2,70	2,00	3,03	1,71	3,12	NA	1,01
2 Non-litigious cases**	1,57	7,82	1,55	8,52	0,12	10,99	NA	10,30
3 Administrative cases	0,29	0,84	0,30	0,46	0,25	1,01	NA	0,09
4 Other cases	0,06	0,77	0,06	0,77	0,03	0,03	NA	-

For reference only: the 2021 EU Median was as follows:
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

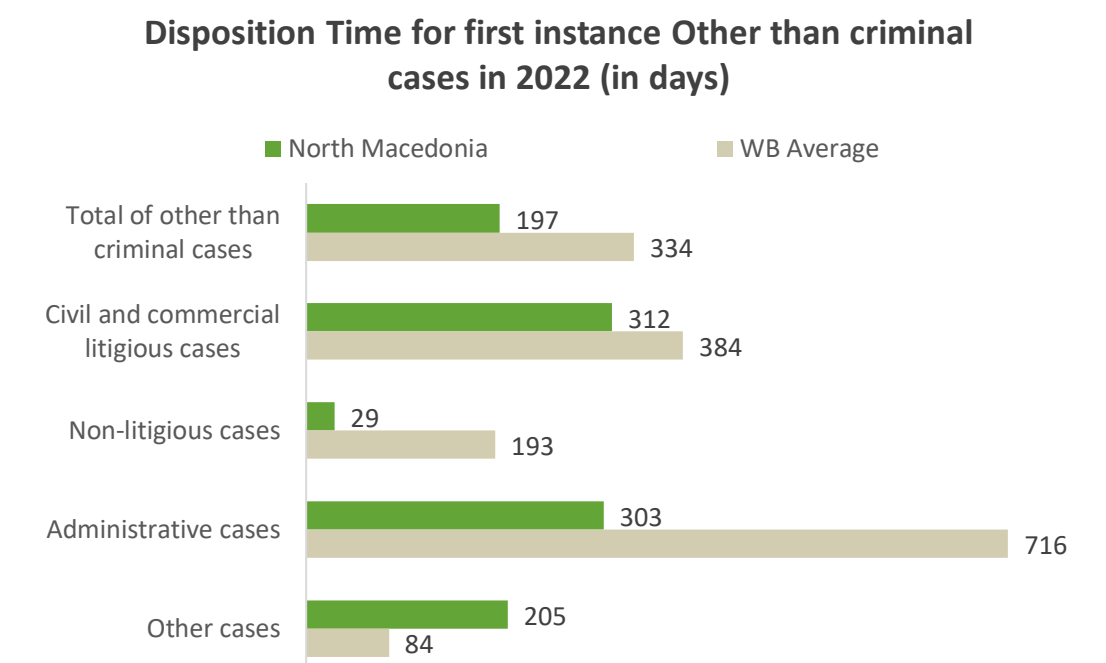
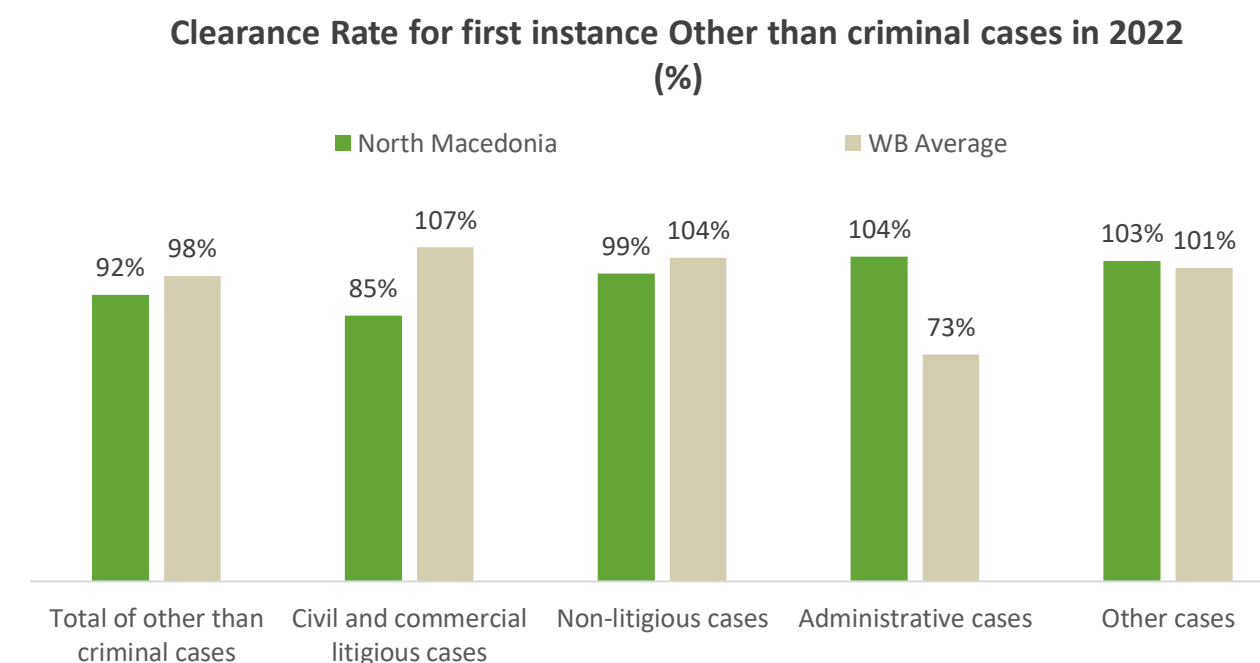
Key: > Higher than the WB Average
 = Equal to the WB Average
 < Lower than the WB Average



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	92%	98%	197	334	-6,4	23,2%
1 Civil and commercial litigious cases	85%	107%	312	384	-13,4	23,1%
2 Non-litigious cases**	99%	104%	29	193	-0,8	28,3%
3 Administrative cases	104%	73%	303	716	17,3	-12,7%
4 Other cases	103%	101%	205	84	-1,7	-11,8%

For reference only: the 2021 EU Median for the first instance Civil and Commercial litigious cases was as follows:
 - Clearance rate: 102,5%; - Disposition time: 234 days.

For reference only: the 2021 EU Median for the first instance Administrative cases was as follows:
 - Clearance rate: 101,7%; - Disposition time: 296 days.



• First instance cases - Criminal law cases

1st instance cases in 2022 (absolute values)	North Macedonia (2022)				% Variation between 2021 and 2022			
	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
Total of criminal law cases (1+2+3)	89 339	83 890	36 525	NA	6,9%	-2,4%	17,5%	NA
1 Severe criminal cases	11 329	11 475	5 438	NA	-10,9%	-13,8%	-2,6%	NA
2 Misdemeanour and / or minor criminal cases	78 010	72 415	31 087	NA	10,1%	-0,4%	21,9%	NA
3 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2022, the incoming total criminal cases were 89 339 (4,86 per 100 inhabitants vs the WB Average of 10,69). They increased by 6,9% between 2021 and 2022. The resolved cases were 83 890 (4,57 per 100 inhabitants). Between 2021 and 2022, they decreased by -2,4%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 94% (below the WB Average of 95,7%). This decreased by -9 percentage points compared to 2021.

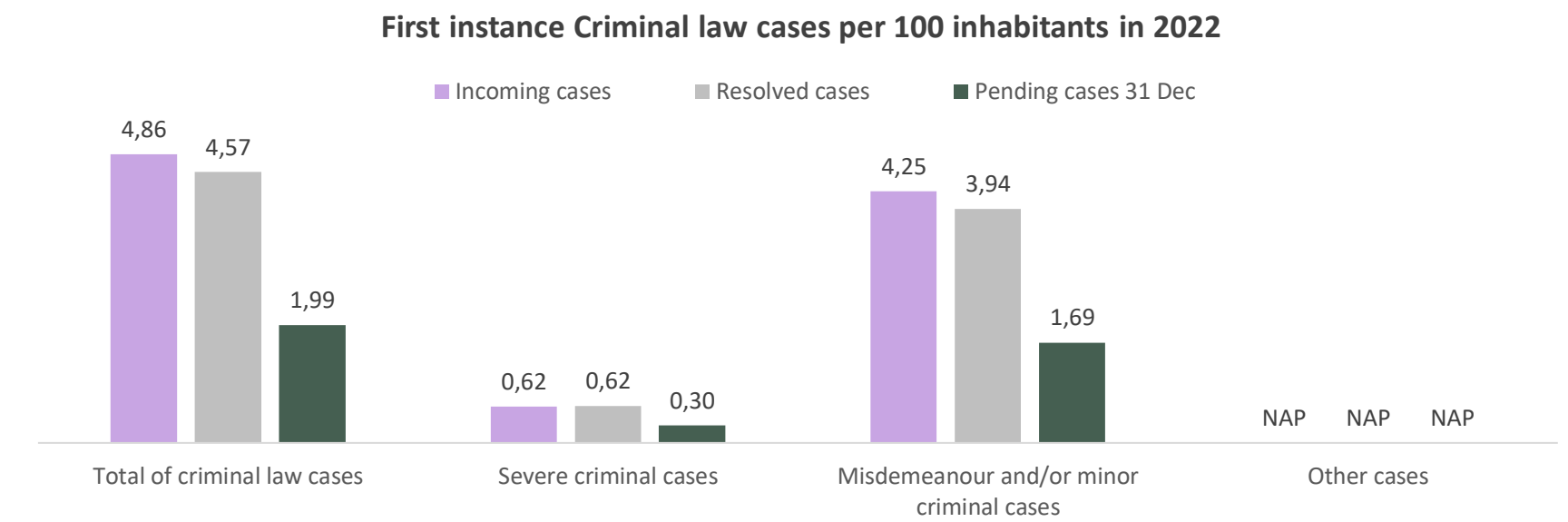
The Disposition Time for total criminal cases was approximately 159 days in 2022 (below the WB Average of 185 days). This increased by 20,5% over the 2021-2022 period.

High number of judge retirements in 2022 caused by new compulsory age of retirement probably is the reason for higher number of unsolved cases. Also, in 2023 the authorities are expecting more retirements of judges due to this reason.

1st instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average
Total of criminal law cases (1+2+3)	4,86	< 10,69	4,57	< 10,62	1,99	< 4,77	NA	1,02
1 Severe criminal cases	0,62	> 0,48	0,62	> 0,48	0,30	> 0,28	NA	0,04
2 Misdemeanour and / or minor criminal cases	4,25	> 3,84	3,94	> 3,47	1,69	< 2,20	NA	0,06
3 Other cases	NAP	7,97	NAP	8,34	NAP	2,85	NAP	0,92

For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Incoming cases per 100 inhabitants: 1,6.

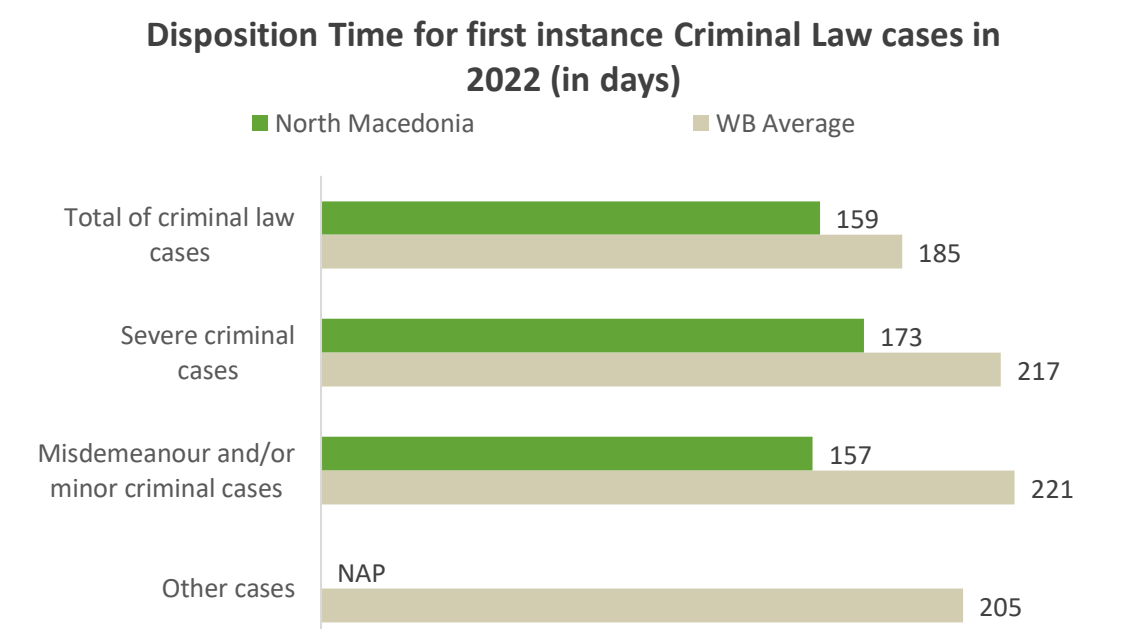
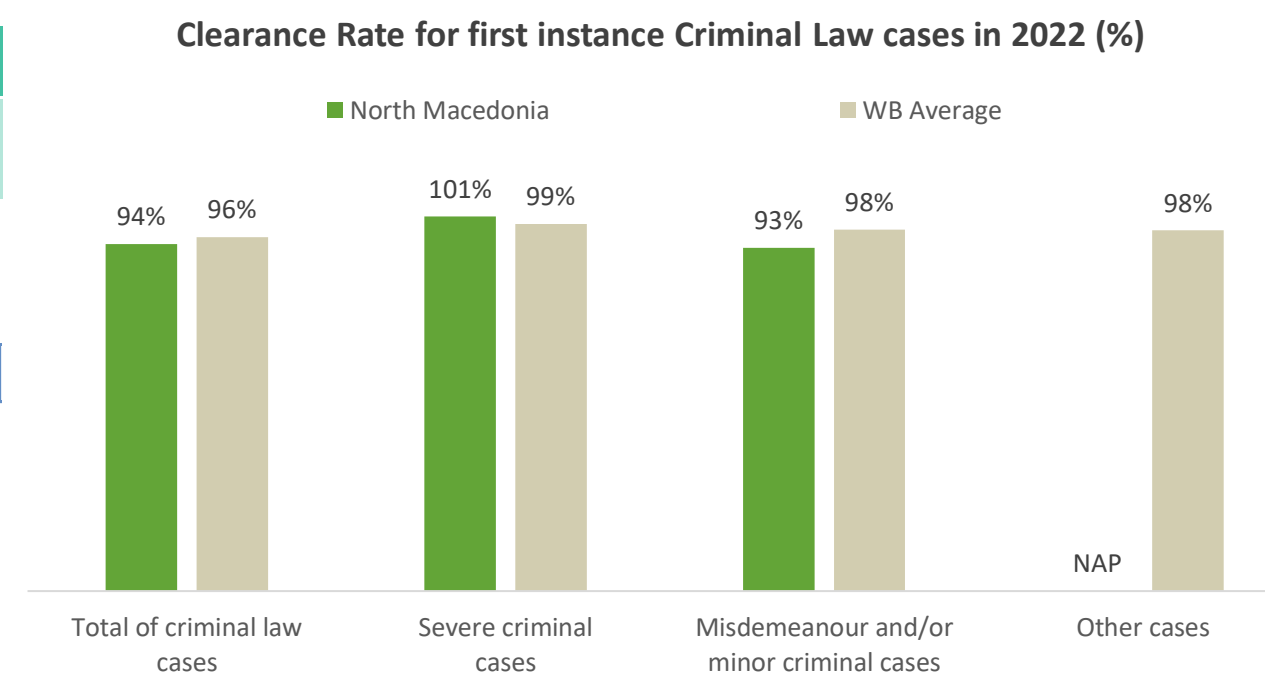
Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	94%	96%	159	185	-9,0	20,5%
1 Severe criminal cases	101%	99%	173	217	-3,4	12,9%
2 Misdemeanour and / or minor criminal cases	93%	98%	157	221	-9,7	22,4%
3 Other cases	NAP	98%	NAP	205	NAP	NAP

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2021 EU Median was as follows:
- Clearance rate: 100%;
- Disposition time: 134 days.



• **Second instance cases - Other than criminal law cases**

2nd instance cases in 2022 (absolute values)	North Macedonia (2022)				% Variation between 2021 and 2022			
	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
Total of other than criminal law cases (1+2+3+4)	17 431	17 040	7 253	NA	-11,0%	-9,5%	5,7%	NA
1 Civil and commercial litigious cases	15 097	14 638	6 647	NA	-11,3%	-7,9%	7,4%	NA
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	2 334	2 402	606	NA	-8,4%	-18,2%	-10,1%	NA
4 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

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

In 2020 when the President of the Republic of North Macedonia had adopted a decision for the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021. In 2022, there was no reason for larger number of income cases as it was in 2021.

In 2022, the incoming civil and commercial litigious cases were 15 097 (0,82 per 100 inhabitants vs the WB Average of 1,2). They decreased by -11,3% between 2021 and 2022. The resolved cases were 14 638 (0,8 per 100 inhabitants). Between 2021 and 2022, they decreased by -7,9%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the civil and commercial litigious pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 97% (above the WB Average of 92%). This increased by 3,6 percentage points compared to 2021.

The Disposition Time for civil and commercial litigious cases was approximately 166 days in 2022 (below the WB Average of 627 days). This increased by 16,7% over the 2021-2022 period.

The incoming administrative cases were 2 334 in 2022 (ie 0,13 per 100 inhabitants vs the WB Average of 0,13). They decreased by -8,4% compared to the previous year. The resolved cases were 2 402 (0,13 per 100 inhabitants, above of the WB Average of 0,12). Between 2021 and 2022, the number of resolved administrative decreased by -18,2%. The number of incoming cases was thus lower than the resolved cases. As a consequence, the administrative pending cases at the end of 2022 were less than in 2021 and the Clearance rate for this type of cases was 103% (above the WB Average (92%). The CR decreased by -12,4 percentage points compared to the previous year.

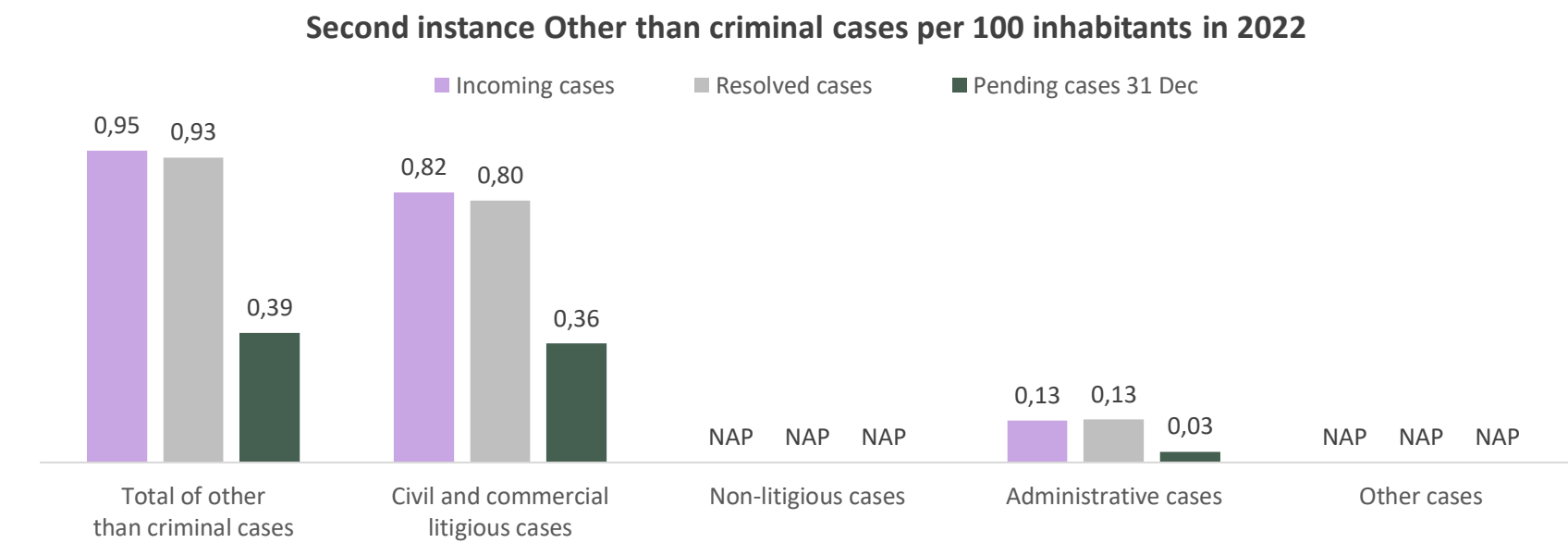
Finally, the Disposition Time for administrative cases was approximately 92 days in 2022. This has increased by 10% compared to 2021 and it was below the WB Average (193 days).

2nd instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average
Total of other than criminal law cases (1+2+3+4)	0,95	< 1,37	0,93	< 1,30	0,39	< 1,11	NA	0,71
1 Civil and commercial litigious cases	0,82	< 1,20	0,80	< 1,14	0,36	< 0,88	NA	0,57
2 Non-litigious cases**	NAP	0,11	NAP	0,10	NAP	0,07	NAP	0,03
3 Administrative cases	0,13	= 0,13	0,13	> 0,12	0,03	< 0,24	NA	0,16
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2021 EU Median was as follows:

- Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 1,8;
- incoming Second instance Administrative cases per 100 inhabitants: 0,3.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	98%	90%	155	760	1,5	16,9%
1 Civil and commercial litigious cases	97%	92%	166	627	3,6	16,7%
2 Non-litigious cases**	NAP	90%	NAP	409	NAP	NAP
3 Administrative cases	103%	92%	92	193	-12,4	10,0%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

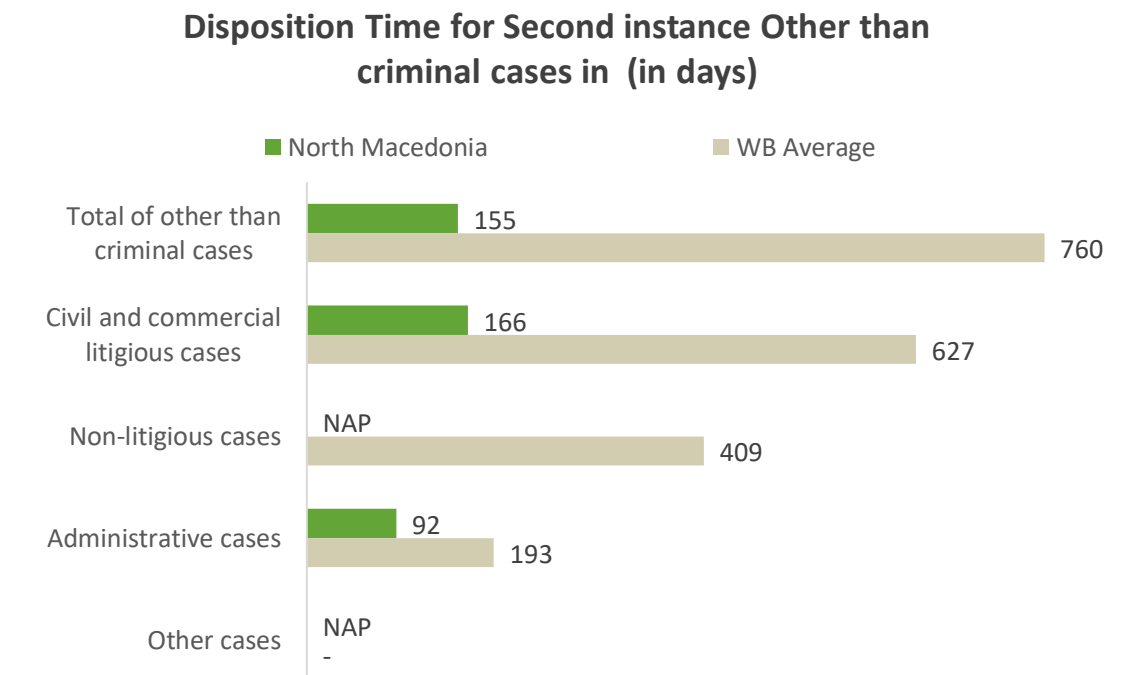
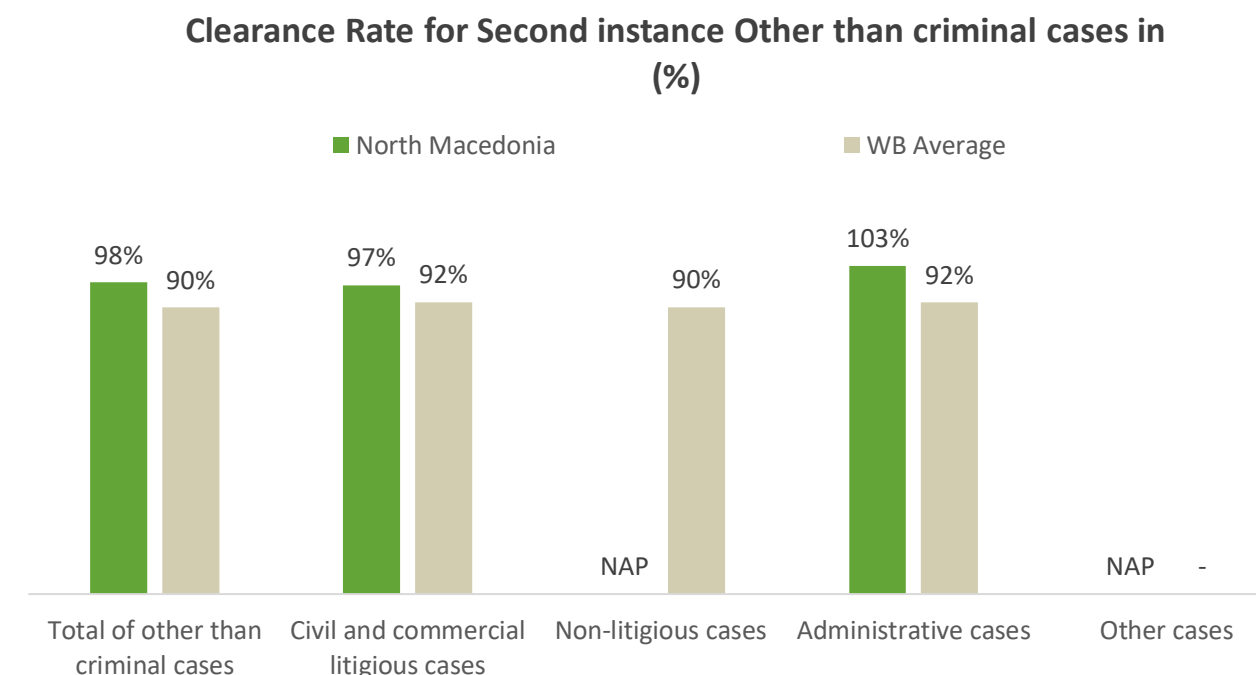
For reference only: the 2021 EU Median for the Second instance Civil and Commercial litigious cases was as follows:

- Clearance rate: 102,5%;
- Disposition time: 234 days.

For reference only: the 2021 EU Median for the Second instance Administrative cases was as follows:

- Clearance rate: 101,7%;
- Disposition time: 296 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Administrative cases, instead of the WB Average.



• Second instance cases - Criminal law cases

2nd instance cases in 2022 (absolute values)	North Macedonia (2022)				% Variation between 2021 and 2022			
	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
Total of criminal law cases (1+2+3)	7 480	7 439	2 621	NA	7,3%	6,2%	1,6%	NA
1 Severe criminal cases	3 043	2 832	990	NA	0,5%	-5,3%	27,1%	NA
2 Misdemeanour and / or minor criminal cases	4 437	4 607	1 631	NA	12,6%	14,3%	-9,4%	NA
3 Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2022, the incoming total criminal cases were 7 480 (0,41 per 100 inhabitants vs the WB Average of 0,5), and they increased by 7,3%, compared to the previous year. The resolved cases were 7 439 (0,4 per 100 inhabitants). Between 2021 and 2022, they increased by 6,2%. In 2022, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2022 were more than in 2021. Indeed, the 2022 Clearance rate for this type of cases was 99% (above the WB Average of 94%). This decreased by -1,1 percentage points compared to 2021.

The Disposition Time for total criminal cases was approximately 129 days in 2022 (below the WB Average of 172 days). This decreased by -4,3% compared to 2021.

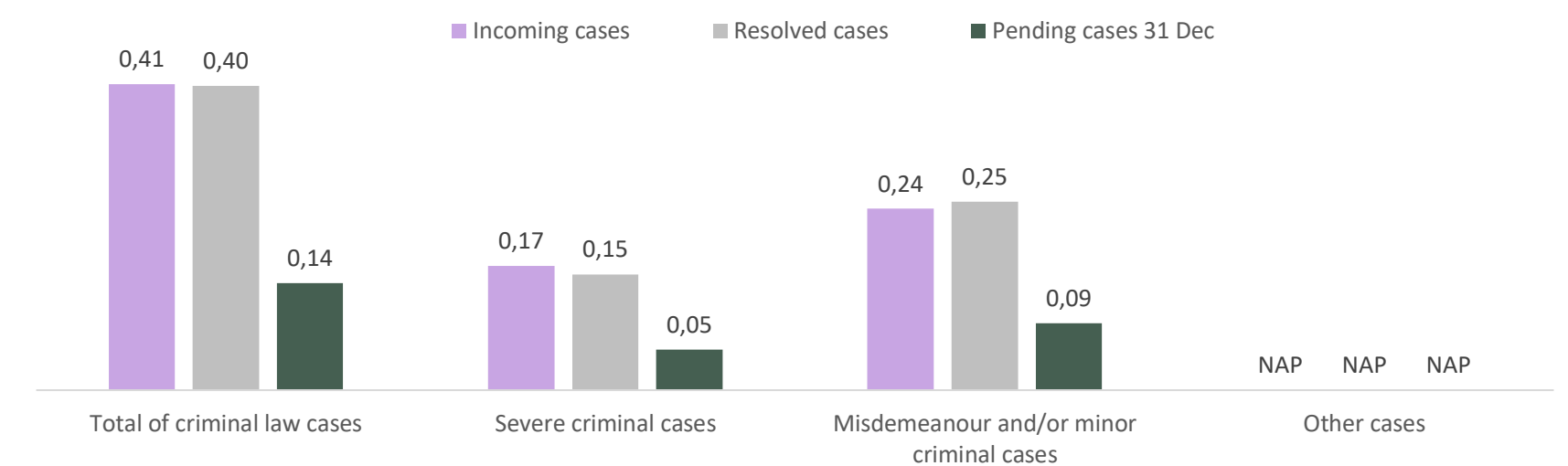
In 2022, there still were some negative effects from Covid -19 virus on the proceedings before courts.

2nd instance cases in 2022 (per 100 inhabitants)	Incoming cases		Resolved cases		Pending cases 31 Dec		Pending cases over 2 years	
	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia	WB Average
Total of criminal law cases (1+2+3)	0,41	< 0,50	0,40	< 0,47	0,14	< 0,16	NA	0,04
1 Severe criminal cases	0,17	< 0,20	0,15	< 0,18	0,05	< 0,09	NA	0,02
2 Misdemeanour and / or minor criminal cases	0,24	> 0,22	0,25	> 0,21	0,09	> 0,05	NA	0,009
3 Other cases	NAP	0,13	NAP	0,14	NAP	0,02	NAP	0,005

For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Incoming cases per 100 inhabitants: 1,6.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

Second instance Criminal law cases per 100 inhabitants in 2022



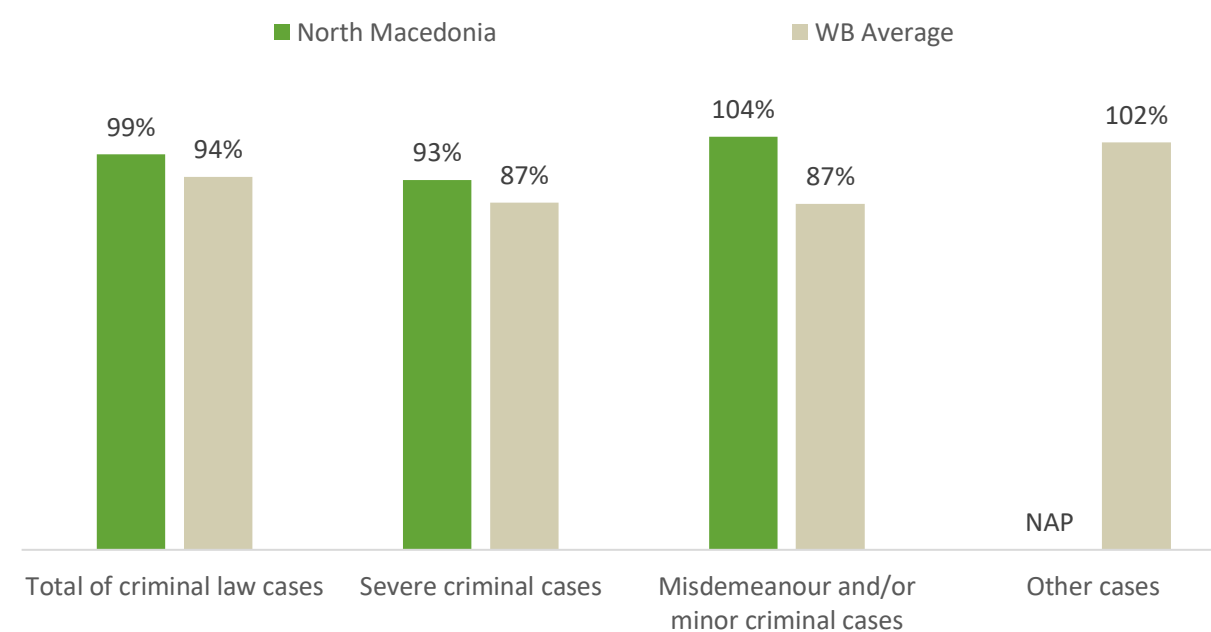
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2022	CR (%)		DT (days)		% Variation 2021 - 2022	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	99%	94%	129	172	-1,1	-4,3%
1 Severe criminal cases	93%	87%	128	352	-5,7	34,2%
2 Misdemeanour and / or minor criminal cases	104%	87%	129	84	2,0	-21,1%
3 Other cases	NAP	102%	NAP	53	NAP	NAP

PPT = Percentage points

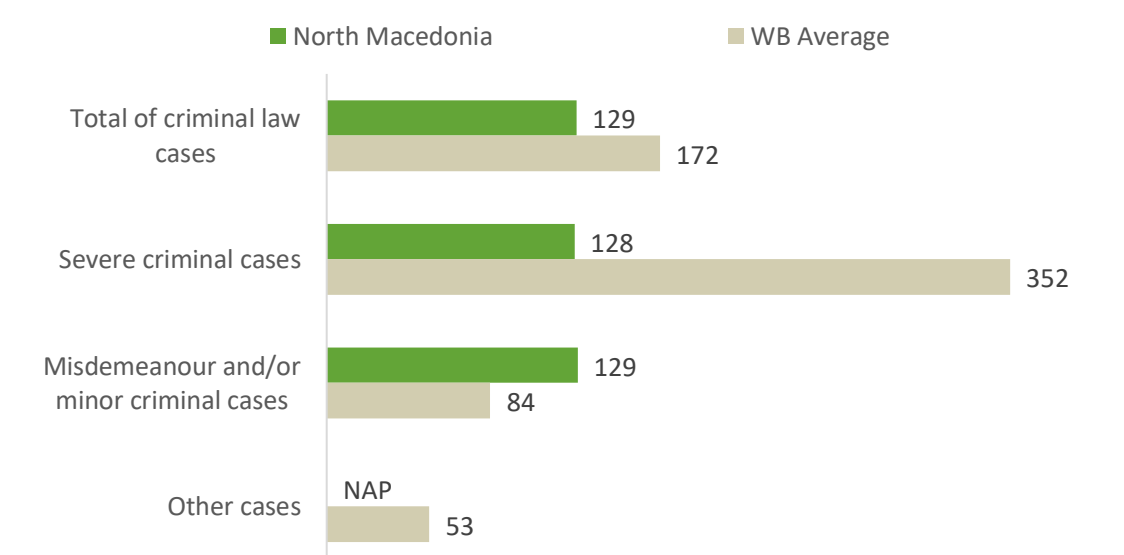
For reference only: for the second instance Total Criminal law cases, the 2021 EU Median was as follows:
 - Clearance rate: 100%; - Disposition time: 134 days.

NB: In the table and the graph above, the WB Median of the Disposition Time is presented for the second instance Other criminal cases, instead of the WB Average.

Clearance Rate for second instance Criminal Law cases in 2022 (%)

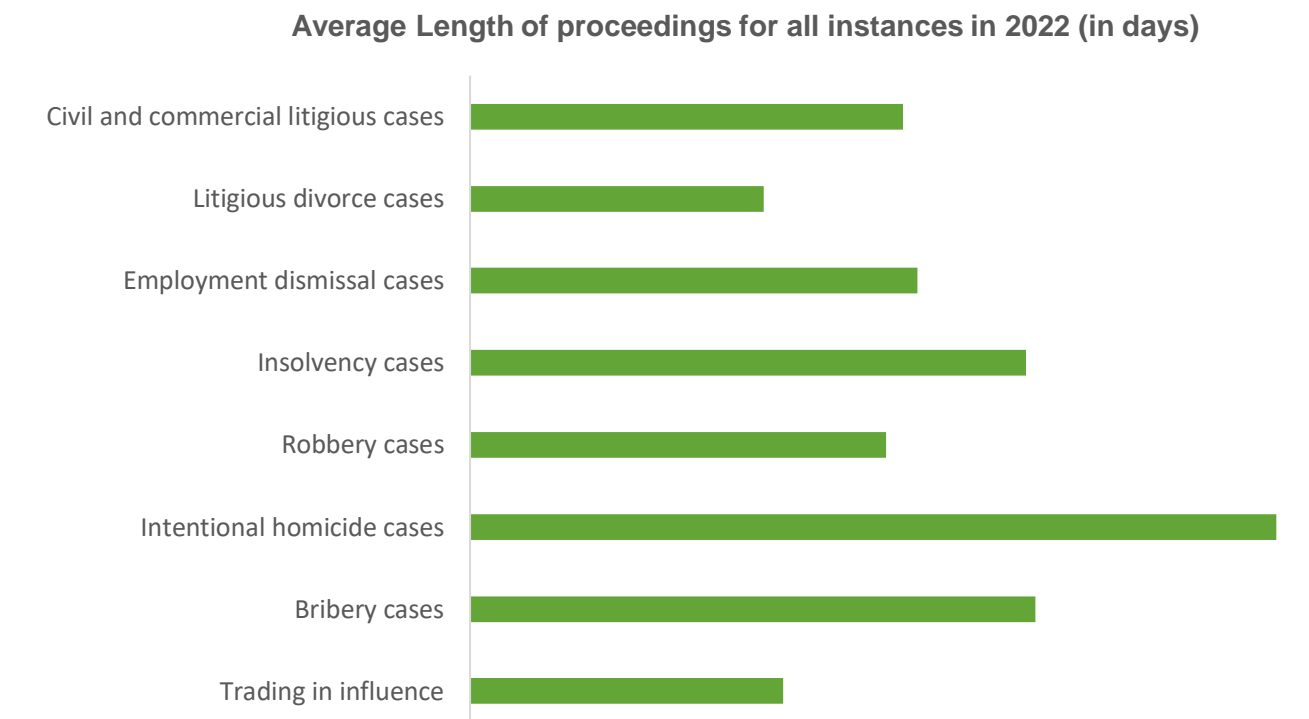


Disposition Time for second instance Criminal Law cases in 2022 (in days)



• Specific category cases

	North Macedonia (2022)						% Variation between 2021 and 2022						
	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	33%	180	132	243	NA	NA	NA	NA	NA	NA	NA	NA	NA
Litigious divorce cases	11%	122	58	283	NA	NA	2,0	-4%	NA	NA	NA	NA	NA
Employment dismissal cases	43%	186	99	234	NA	NA	-12,0	-10%	NA	NA	NA	NA	NA
Insolvency cases	7%	231	47	78	NA	NA	1,0	42%	NA	NA	NA	NA	NA
Robbery cases	50%	173	79	100	NA	NA	11,0	-29%	NA	NA	NA	NA	NA
Intentional homicide cases	86%	335	88	107	NA	NA	27,0	75%	NA	NA	NA	NA	NA
Bribery cases	75%	235	NA	117	NA	NA	-13,0	3%	NA	NA	NA	NA	NA
Trading in influence	NA	130	NA	NA	NA	NA	NA	-43%	NA	NA	NA	NA	NA



The average length of cases corresponds to the average length of resolved cases at a certain instance within the reference year.

The authorities emphasized that the data are collected manually from the ICT system in all courts within North Macedonia. After that, the data are calculated manually in the courts and in the Ministry of justice (Excel calculation). Some of data are only from one court (for example: 130 days at first instance - trading in influence cases). 2/27 from courts didn't answer correctly to the tables, so 2 courts are excluded from calculations. According to this, the collection of data for these questions is without guarantees for total accuracy.

• **Quality standards and performance indicators in the judicial system**

In North Macedonia there are quality standards determined for the judicial system at national level. Also, both courts and public prosecution services have specialised personnel entrusted with implementation of these national level quality standards.

The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance provides quality indicators. Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. Qualitative criteria regarding the judicial work Article 80 (Law on Judicial Council) - The qualitative criteria for assessing the work of the judge are: - the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts. - quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for adopting, publishing and drafting the decisions, the duration of the court procedure; and - quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.

• **Regular monitoring of courts and prosecution offices' activities**

In North Macedonia, there exists a system to annually evaluate court and public prosecution services' performance based on the monitored indicators listed below. This evaluation of the court and public prosecution services' activities is not used for the allocation of resources within the courts.

	Regular assessment	
	Courts	Prosecution offices
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

Judicial Council on regular bases monitor backlog of cases.

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 through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) 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. (2) 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. (3) The supervision of the administrative work of the public prosecutor's office shall be performed by the Chief Public Prosecutor of the Republic of North Macedonia. (4) The manner of supervision shall be determined by the rulebooks adopted by the Council of Public Prosecutors of the Republic of North Macedonia. (5) The regulations on the internal operation of the public prosecutor's offices shall be adopted by the Chief Public Prosecutor of the Republic of North Macedonia.

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

Existence of quantitative targets for:

Judges



Prosecutors



Responsibility for setting up quantitative targets for judges lies on:	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other:	✗

Responsibility for setting up quantitative targets for public prosecutors lies on:	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✗
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Consequences for not meeting the targets	For judges	For public prosecutors
Warning by court's president/ head of prosecution	✗	✗
Disciplinary procedure	✓	✗
Temporary salary reduction	✗	✗
Reflected in the individual assessment	✓	✗
Other	✗	✗
No consequences	✗	✗

The evaluation system of judges according to our system 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.

The quantitative criteria for the performance of the judge are the following:

- the scope of his work, which is valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management.

- the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions.

If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points. The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 point, but the total number of points cannot be more than 60 points, nor less than 20 points. The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law. The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table: Percentage of altered decisions in relation to the total number of resolved cases: Up to 5% - 20 points, from 5% to 10% - 15 points, from 10% to 15% - 10 points, from 15% to 20% - 7 points, from 20%to 30% - 4 points, more than 30% - 0 points."

Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges.

• **Qualitative targets for each judge and prosecutor**

Existence of qualitative targets for:

Judges



Prosecutors



Responsibility for setting up the criteria qualitative targets for judges	
Executive power (for example the Ministry of Justice)	✗
Legislative power	✗
Judicial power (for example the High Judicial Council, Supreme Court)	✓
President of the court	✗
Other	✗

Responsibility for setting up the criteria for the qualitative assessment of the public prosecutors' work	
Executive power (for example the Ministry of Justice)	✗
Prosecutor General /State public prosecutor	✓
Public prosecutorial Council	✗
Head of the organisational unit or hierarchical superior public prosecutor	✗
Other	✗

Frequency of this assessment	For judges	For public prosecutors
Annual	✗	✗
Less frequent	✓	✓
More frequent	✗	✗

Judges:

According to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts, Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

On 18.12.2020, Judicial Council adopted the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Prosecutors:

Criteria for individual assessment of the public prosecutor's work are set in the Law on Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public

The evaluation criteria for the performance of public prosecutors shall be the following:

- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

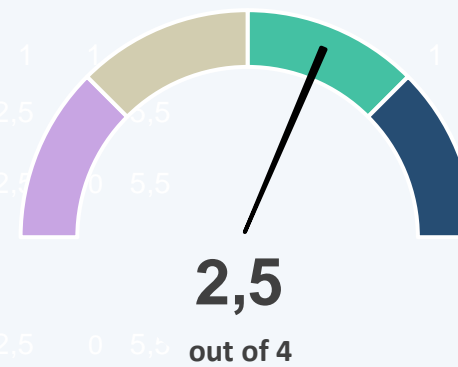
Kosovo is not included in the calculation of summary statistics

Electronic case management system and court activity statistics in North Macedonia in 2022 (Indicator 3.3)

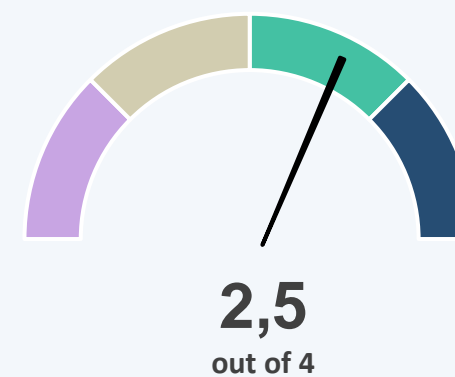
The Case Management System (CMS) Index is an index ranging from 0 to 4 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary.

The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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. This methodology provides an adequate evaluation.

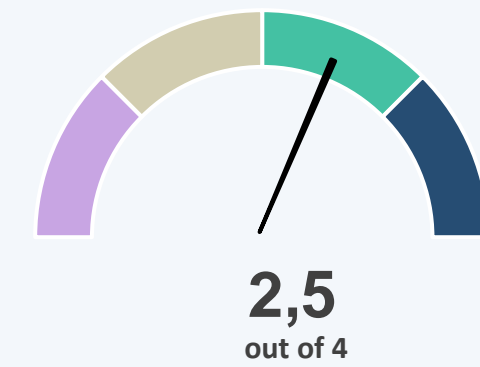
CMS index for Civil and/or commercial



CMS index for Administrative



CMS index for Criminal



• Electronic case management system

In North Macedonia, there is an IT Strategy for the judiciary and there are plans for a significant change in the present IT system in the judiciary in 2022.

The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.

Digitization, digital transformation and the increasing development of information technology inevitably led to it being integrated in all the pores of the justice system, and especially in the last 2 years, through digital transformation in all courts and public prosecutor's offices by developing new web pages for the courts, with hardware and software for audio recording, system for audio visual recording, electronic issuance of documents, creation of web services, software development and case management, as well as platforms for two-way communication between the courts and the parties and access to the electronic file of the case.

Given that the strategy has a time period until 2024, it is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.

During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.

According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:

1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.

- upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;

- a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.

2. Procurement and replacement of hardware equipment for the courts – 410 computers.

3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.

4. Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.

5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.

6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.

Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties.

TECHNICAL CHARACTERISTICS OF THE SYSTEM

1. The authentication of the system will be done through the MIOA authentication system, which is in operation at the state level.

2. Provided the possibility to download the documents from the participants in the case if they are digitally signed with a court signature

3. Availability of the service from a search engine and as a separate application for mobile devices

4. The application will present the data in real time.

5. Required hardware infrastructure:

a) Server for the service that will collect the data for display

b) Server for data display applications

6. Creation of a platform, E-delivery (E-filing) service that ensures two-way communication between the court and all parties in the procedure, namely lawyers, state authorities, institutions and individuals, as well as providing electronic delivery to the parties. The E-delivery service is extremely important for the digitization of the courts and enables two-way communication in the delivery of submissions and evidence between the courts, state authorities and the parties in the procedure.

7. Creation of Web services for electronic collection and processing of data and questionnaires for the State Statistics Office. These are data that are part of the indicators and facts for each case, but also additional indicators for the needs of the State Statistics Office, which each court fills out according to the cases and then physically submits to the State Statistics Office. It is also necessary to digitize the data collection forms in The State Statistics Office, which will be updated according to the new Law on Justice for Children, with special emphasis on child victims.

8. Creation of platforms for issuing certificates and other digital services mapped by the RNM Government. This refers to a certificate of business ability, a certificate of criminal record for natural and legal persons, certificates that parental rights have not been revoked, a certificate of a ban on exercising a profession, activity or duty, a certificate of conclusion of marriage and issuance of birth certificates (birth, married, deceased), certificate of recognition of paternity, as well as other digital services total in 29.
9. Creation of Web services for implementing the Istanbul Convention for Protection of Women from Violence which refers to digitization of the by-laws and the form for collecting data on cases of gender-based violence and domestic violence in the courts in order to implement the Law on prevention and protection against violence against women and family violence. For this, it is necessary for the Republic of North Macedonia to provide additional financial resources in order to consistently implement the Istanbul Convention for the Protection of Women from Violence.
10. Reconstruction and adaptation of courtrooms.
11. Digitization of courtrooms with ICT equipment.
11. In addition to that, 400,000 euros have been provided in the budget for digitization and digital transformation of the state attorney's office.
12. Also, in order to round off the entire digitization process, activities for the digitization of the Public Prosecutor's Office are foreseen, which consist of the following:
 - From 01.01.2023 mandatory recording, movement, and management of cases in the Public Prosecutor's Offices through the Case management system,
 - To be ensured a high-quality Internet connection,
 - As of January 31, 2023, mandatory commissioning of the hardware equipment in all public prosecutor's offices,
 - As of June 1, 2023, software should be developed for the automatic distribution of cases in public prosecutor's offices,
 - Putting into operation and using the Femida system in all cases when it is necessary,
 - Improvement of human resources capacities,
 - Ensuring the sustainability of ICT,
 - Advancement of the interoperability process through the National Platform,
 - Establishing two-way electronic communication with the courts through an e-delivery (E filling) system,
 - Creating an electronic file of the subjects,
 - Connecting the mobile application for access to ACMISS,
 - From 01.01.2023, mandatory use of the web service for issuing criminal records,
 - Developing, improving, and upgrading the hardware, server, and software equipment in all public prosecutor's offices.
 - Continuous education and training of prosecutors on the use of IT.

There is a

The CMS is developed in all courts (100% deployment rate/ for Kosovo 50-99%: "the system is deployed in most of the courts (in all except some specialized courts for example") and the data is stored on a database consolidated at national level. The CMS index for North Macedonia is slightly lower than the WB average (2.5 for each type of cases versus 2.6).

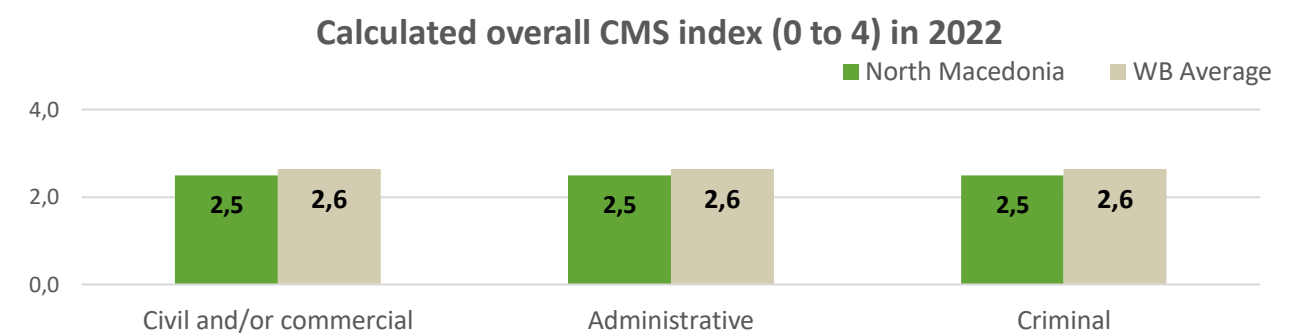
Case management system and its modalities					
	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/ connection of a CMS with a statistical tool
Civil and/or commercial	100%	Publication of decision online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

Legend for "Status of case online":

Both: Accessible to parties
 Publication of decision online

The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

	Overall CMS Index in 2022	
	North Macedonia	WB Average
Civil and/or commercial	2,5	2,6
Administrative	2,5	2,6
Criminal	2,5	2,6



• **Centralised national database of court decisions**

In North Macedonia, there is a centralised national database of court decisions in which the following information is collected.

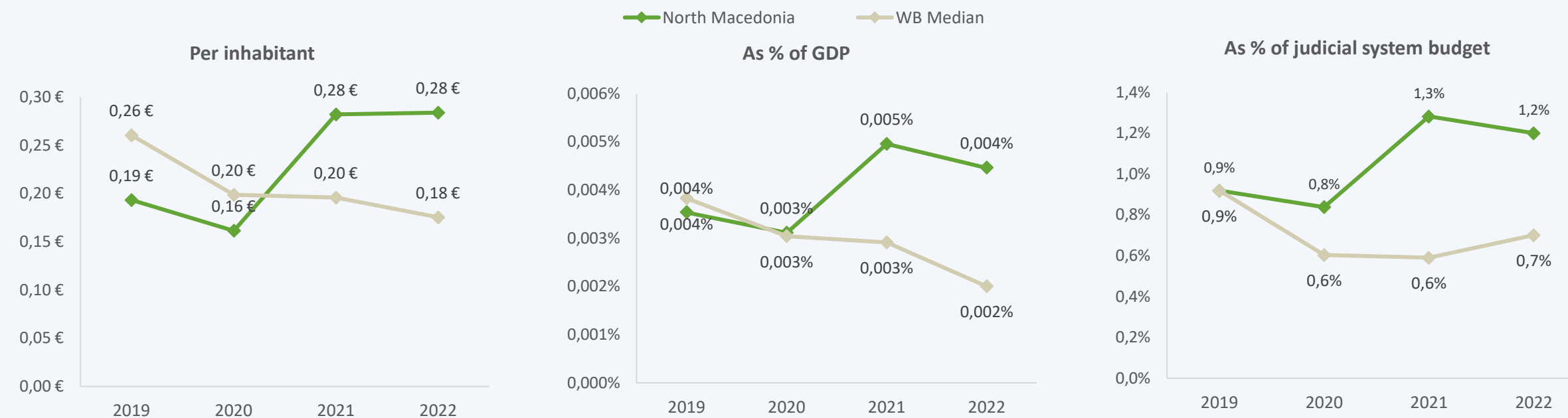
In North Macedonia, there is a centralised national database of court decisions in which all judgments for all instances are collected, with anonymised data. This case-law database is available for free online and in open data. There is no links with ECHR case law (hyperlinks which reference to the ECHR 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	✘	✔	✔	✔
Administrative	Yes all judgements	Yes all judgements	Yes all judgements	✘	✔	✔	✔
Criminal	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 2022 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2022



Number of cases for which LA has been granted in 2022



0,27

per 100 inhabitants

WB Median: 0,27

In 2022, the implemented budget for legal aid spent by North Macedonia was 521 612€ (1,15% of the judicial system budget). This means that an amount of 0,28€ was spent per inhabitant (above the WB Median of 0,18€). The budget for legal aid was equal to 0,004% of the GDP, whereas the WB Median was 0,002%.

• Organisation of the legal aid system

The Law on Free Legal Aid prescribes the providers, the rights and the scopes of preliminary and secondary legal aid.

LAW ON FREE LEGAL AID

Article 4

Providers of free legal aid

(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.

(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.

(3) Preliminary legal aid shall be provided by authorized Ministry staff, an authorized association or a legal clinic (hereinafter: providers).

(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorizations in accordance with the provisions of this law.

(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations and other income in accordance with the laws.

(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.

(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.

(8) The minister of justice shall prescribe the procedure for providing free legal aid.

PRELIMINARY LEGAL AID

CHAPTER I

GENERAL PROVISIONS

Article 5

Right to preliminary legal aid

Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.

Article 6

Scope of preliminary legal aid

The scope of preliminary legal aid is the following:

- initial legal advice on the right to use free legal aid;
- general legal information;
- general legal advice;
- assistance in completing the secondary legal aid application;

- assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children's rights; pension, disability and healthcare insurance; protection of victims of gender based violence and domestic violence; procedure for entry into the birth Register; obtaining personal identification and citizenship documents;
- writing complaints to the Anti-Discrimination Commission and to the Ombudsman, as well as petitions to the Constitutional Court of the Republic of North Macedonia for the protection of rights and freedoms.

Article 7

Providing preliminary legal aid

- (1) Preliminary legal aid is provided to any interested person.
- (2) The purpose of the initial meeting at the Ministry, at the authorised association or at the legal clinic is to explain to the interested person the nature of the issue or to help them find out whether the issue is a legal matter, whether it is in the scope of the legal services that the Ministry, the association or the legal clinic provide, as well as the types of legal aid most suitable for them.
- (3) When providing preliminary legal aid, the Ministry, the association or the legal clinic are not entitled to act on behalf and for the account of the person.
- (4) The preliminary legal aid provided by the Ministry comprises:
 - initial legal advice on the right to use free legal aid;
 - general legal information;
 - general legal advice;
 - assistance in completing the secondary legal aid application.

Section 3

SECONDARY LEGAL AID

Article 13

General provisions

- (1) Secondary legal aid shall be approved to a person in need of professional legal help by a lawyer regarding a specific legal matter and who is not in a position to pay for the costs of the procedure due to their financial standing, and whose application is justified.
- (2) Secondary legal aid shall involve representation in a procedure before a court, state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with Article 14 of this law, as well as exemption from the costs in accordance with the provision of this law and other laws.
- (3) In the secondary legal aid procedure, the Ministry shall cooperate with the Bar Association of the Republic of North Macedonia (hereinafter: the Bar Association), judicial bodies, as well as the social work center, state agencies and other competent institutions legally bound to submit free of charge the requested information for providing secondary legal aid, where that information is delivered in accordance with the regulations on personal data protection.
- (4) For each individual secondary legal aid application, the authorized official shall issue a certificate for approving the application or they shall adopt a public information act notifying the applicant (hereinafter: notification) that their application has been declined.
- (5) The certificate for approving secondary legal aid shall:
 - authorize the designated lawyer to provide secondary legal aid;
 - exempt the beneficiary from court fees and court procedure costs, in accordance with the law;
 - exempt the beneficiary from administrative fees.
- (6) The expertise of paragraph (5), item 3, hereof shall be provided through the Bureau for Court Expertise, in accordance with the Law on Court Expertise.
- (7) The costs of providing secondary legal aid in accordance with the procedures stipulated by this law shall be covered by funds from the Ministry budget.
- (8) If the secondary legal aid beneficiary is successful in their dispute and the court mandates the other party to compensate the costs of the procedure, in full or partially, in accordance with the legal provisions on the judicial procedure, then in the judgment the court shall mandate the other party to remit the amount of the procedure costs to the account of the Budget of the Republic of North Macedonia.
- (9) In accordance with the Law on Enforcement, the creditor for collecting the costs in the enforcement procedure under paragraph (8) hereof shall be the Republic of North Macedonia.
- (10) In accordance with this law. free legal aid does not cover the costs that the free legal aid beneficiary is obliged to compensate if their litigation is unsuccessful.

Legal aid is applied to:

	Criminal cases	Other than criminal cases
Representation in court	✓	✓
Legal advice, ADR and other legal services	✓	✓

Article 75 Criminal procedure law:

Defense of indigent persons

- (1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.
- (2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.
- (3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

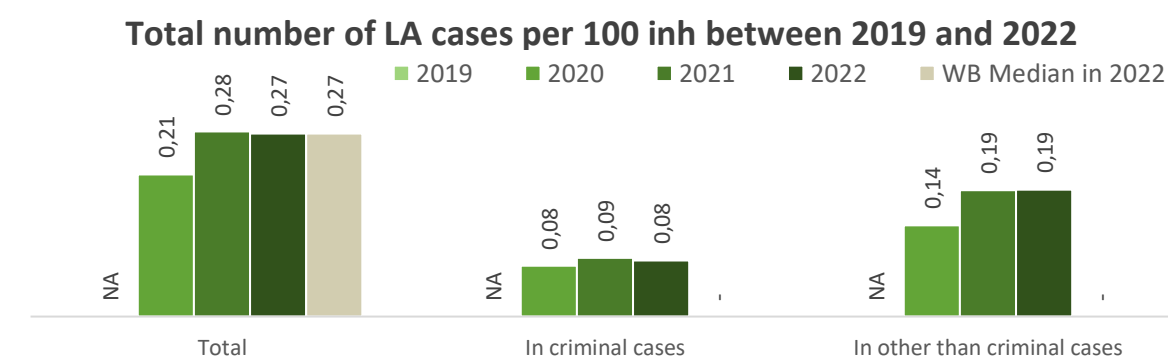
• **Implemented budget for legal aid and number of cases for which legal aid has been granted**

	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2022	Cases brought to court (a)	Cases not brought to court (b)	North Macedonia	WB Median	North Macedonia	WB Median	North Macedonia	WB Median
Total (1+2)	521 612 €	30,0%	521 002 €	610 €	0,28 €	0,18 €	0,004%	0,002%	1,15%	0,7%
In criminal cases (1)	473 275 €	24,5%	473 275 €	NAP						
In other than criminal cases (2)	48 337 €	129,6%	47 727 €	610 €						

In 2022, North Macedonia spent 521 612€ on the total implemented budget for legal aid, which was 30% more compared to 2019. This means that it spent a significantly higher amount per inhabitant compared to the WB median (0,28€ and 0,18€, respectively). For criminal cases, North Macedonia spent 473 275€ while for other than criminal cases, it spent 48 337€.

According to the authorities, implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.

	Number of cases for which legal aid has been granted				Amount of LA granted per case (€)			
	Total (a+b)			Cases brought to court (a)	Cases not brought to court (b)	Total	Cases brought to court	Cases not brought to court
	Absolute number	Per 100 inh.	% Variation 2019 - 2022					
Total (1+2)	5 049	0,27	NA	1 783	3 266	103,3 €	292,2 €	0,2 €
In criminal cases (1)	1 546	0,08	NA	1 546	NAP	306,1 €	306,1 €	NA
In other than criminal cases (2)	3 503	0,19	NA	237	3 266	13,8 €	201,4 €	0,2 €



In 2022, the number of cases for which legal aid was granted was 5 049. The number of criminal cases were 1 546, and the other than criminal cases were 3 503. The total cases brought to court were 1 783, while the total cases not brought to court were 3 266. On average, the amount granted per legal aid case was 103,3€.

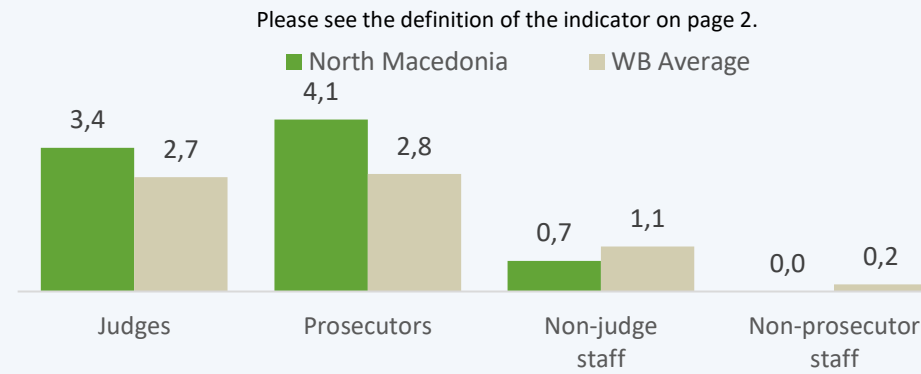
Kosovo is not included in the calculation of summary statistics

Training of judges and prosecutors in North Macedonia in 2022 (Indicator 7)

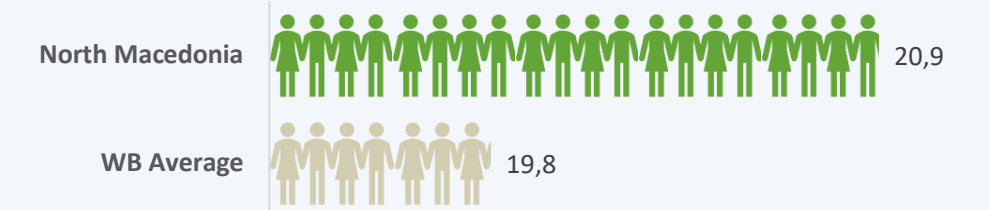
Total budget for training per inhabitant



Average number of live training participations per professional



Average number of participants per delivered training



The total budget for training of judges and prosecutors in North Macedonia was 0,95€ per inhabitant, which is above the WB Average (0,66€ per inhabitant).

In 2022, 4 465 participants (of which 1 389 judges and 638 prosecutors) were trained in 214 live trainings (in-person, hybrid or video conferences).

There were 156 participants in internet-based trainings. This shows that the participation on live trainings is higher than the participation in internet-based trainings.

In North Macedonia, each judge participated, on average, to 3,4 live trainings in 2022, which was higher than the WB Average (2,7) while each prosecutor participated, on average, to 4,1 live trainings, more than the WB Average (2,8).

Regarding the internet-based trainings (not-live), 1 training in total was provided on the e-learning platform of the training institution for judges and prosecutors, whereas a total of 12 trainings was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.). The total number of participants was 1 and 155, respectively.

In North Macedonia, both judges and prosecutors are required to attend a minimum of 2 days of in-service compulsory training.

Budget for training

This part analyses the budget of training institution/s for judges and prosecutors but also the budgets of courts and prosecutions dedicated to training (when applicable)

	Budget of the training institution(s) (1)	Budget of the courts/prosecution allocated to training (2)	Absolute Number	Total (1)+(2)				% Variation 2019 - 2022	% Variation 2021 - 2022	WB Average per inhabitant
				Evolution of training budget per inhabitant						
				2019	2020	2021	2022			
Total	1 744 855 €	NAP	1 744 855 €	0,55 €	0,35 €	0,65 €	0,95 €	73,9%	46,2%	0,66 €
Judges	NAP	NAP	NAP							
Prosecutors	NAP	NAP	NAP							
One single institution for both judges and prosecutors	1 744 855 €		1 744 855 €							
Donor's contribution	52 640 €									

North Macedonia spent in total 1 744 855€ for training for judges and prosecutors in 2022, which is 0,95€ per inhabitant (above the WB average of 0,66€ per inhabitant).

In 2021 the approved budget increased because it started a new (eighth) generation of candidates on the Academy of judges and public prosecutors.

• **Number of in-service live trainings and participants**

Organisation of the trainings (number, duration and average number of participants on trainings)

	Live (in-person, hybrid, video conference) trainings (2022)							
	Number of available trainings	Number of delivered trainings	Delivered trainings in days	Number of participants	Average duration of trainings in days		Average number of participants per delivered training	
					North Macedonia	WB Average	North Macedonia	WB Average
Total	253	214	298	4 465	1,4 =	1,4	20,9 >	19,8
Judges	182	165	213	1 389	1,3 <	1,4	8,4 <	12,5
Prosecutors	102	91	141	638	1,5 =	1,5	7,0 <	11,8
Non-judge staff	27	21	21	NA	1,0 <	1,3	NA	24,7
Non-prosecutor staff	12	8	8	NA	1,0 =	1,0	NA	26,9

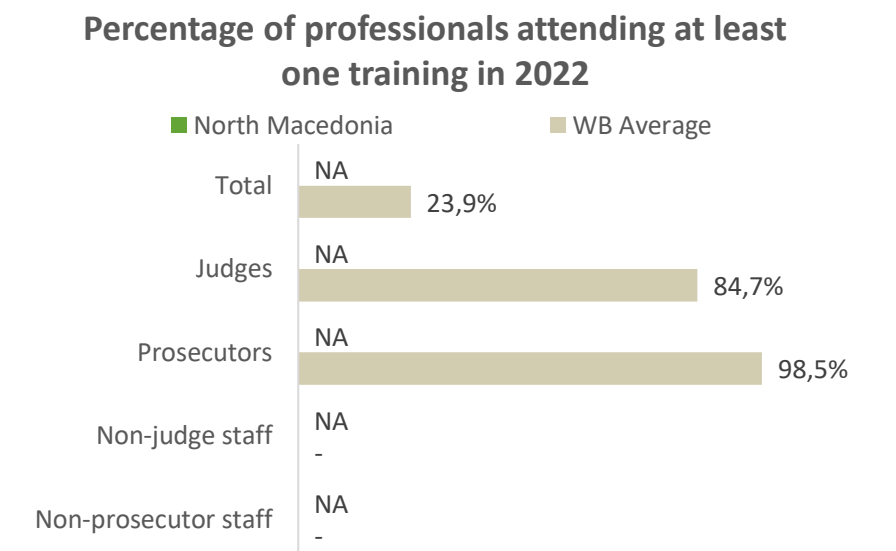
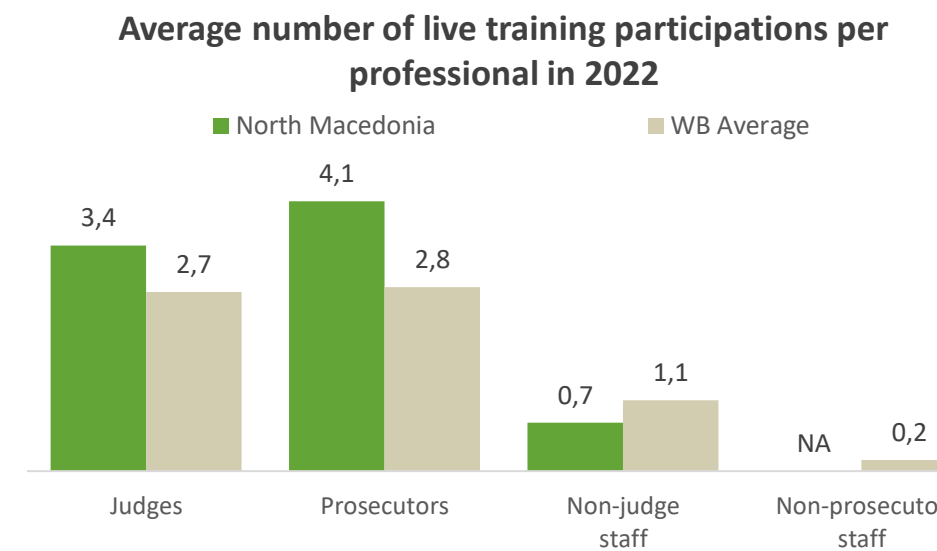
CEPEJ distinguish these types of trainings:
 "A live" training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).
 "Internet-based" trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average

In 2022, the average duration of trainings for judges in North Macedonia was 1,3 days (below the WB Average of 1,4). During the same period, the average duration of training for prosecutors was 1,5 days, which was same as the WB Average of 1,5 days.

Indicators on training participation: Number of training participations per professional and unique participants

	Average number of live training participations per professional		Professionals attending at least one training (unique participants)		
	North Macedonia	WB Average	Number	% of total professionals by category	
				North Macedonia	WB Average
Total	1,4 >	0,9	NA	NA	23,9%
Judges	3,4 >	2,7	NA	NA	84,7%
Prosecutors	4,1 >	2,8	NA	NA	98,5%
Non-judge staff	0,7 <	1,1	NA	NA	-
Non-prosecutor staff	NA	0,2	NA	NA	-



Average number of live training participations per professional

This indicator is calculated as follows: the number of participants in live trainings is divided by the number of professionals for that category. For example, the WB Average for judges is 2,7. This means that, on average, each judge in the region participated to 2,7 live trainings. This indicator should also be analysed together with the indicator on percentage of professionals attending training, shown in the table as well. Indeed, this analysis allows to better understand how long a professional was trained on average and if all were trained.

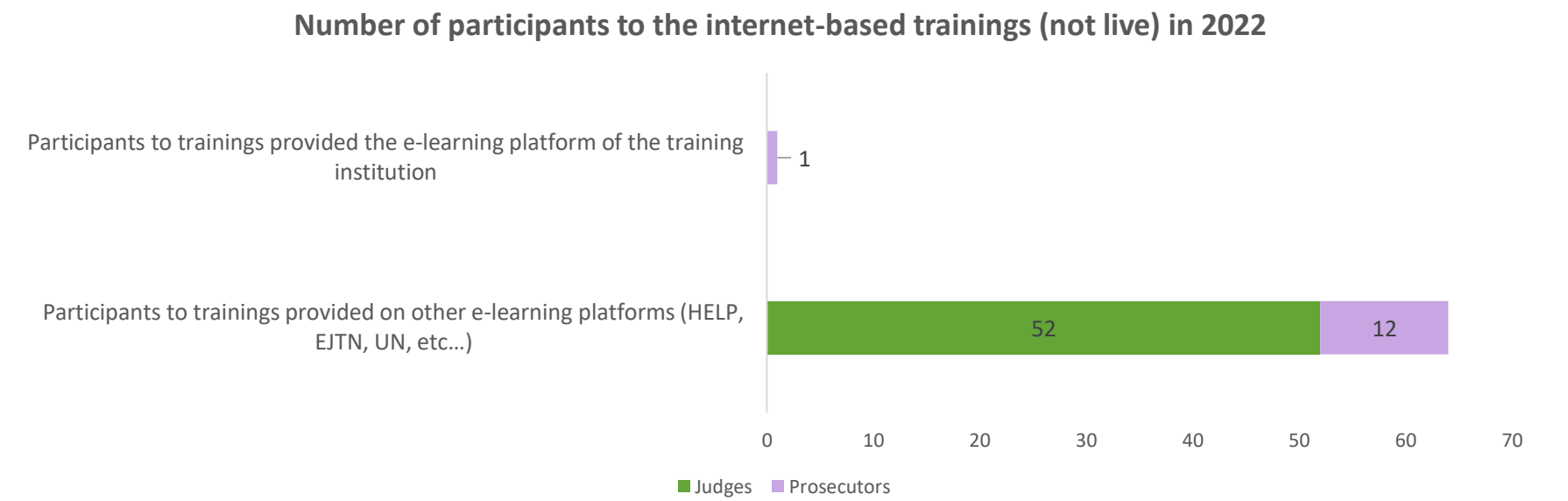
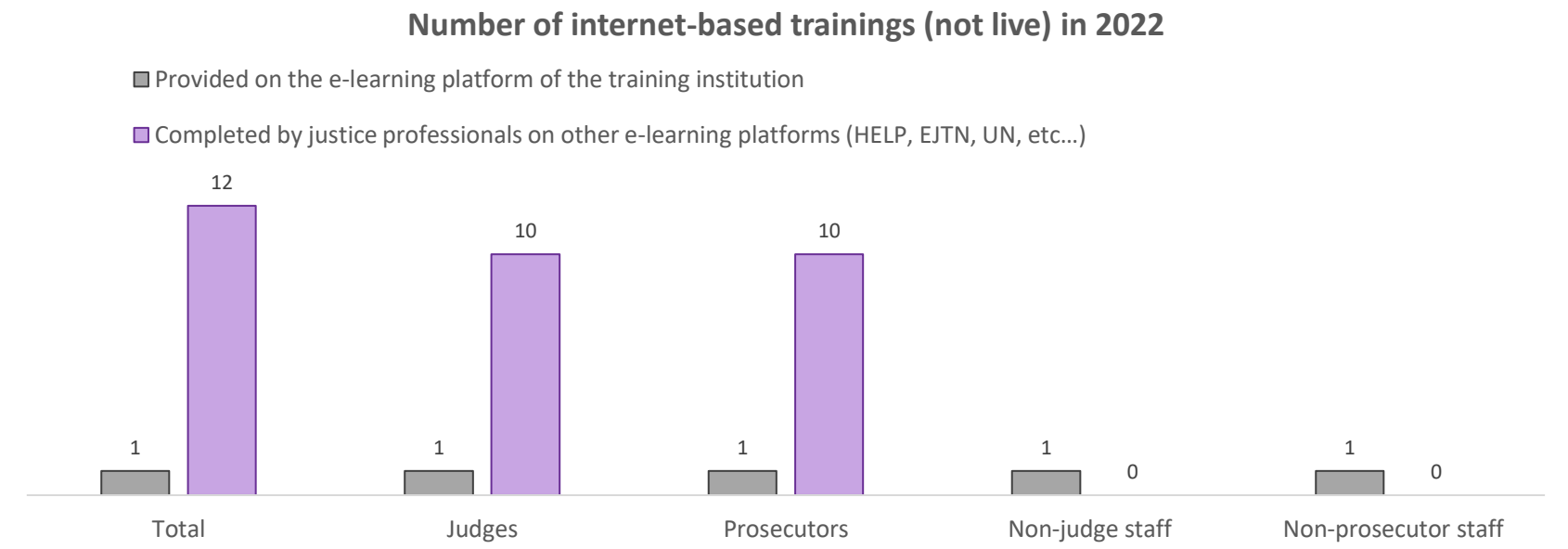
Looking at the average participations on live trainings, the highest average was for prosecutors (4,1 live training participations per prosecutor). Hence, compared to the other professionals, North Macedonia gave priority to the trainings for prosecutors, like the rest of the region (the WB Average number of participations per prosecutor on live trainings was 2,8).

2348 participants is total number for non-judges and non-prosecutors for in live trainings, and 91 is total number for non-judge and non-prosecutor staff for e-learning training. The Academy's system can't provide separate number for this category.

Currently, the Academy's system can process and deliver data on the total number of judges and public prosecutors, that is, the total number of judges and the total number of public prosecutors who participated in the training. It can also provide data on the total number of training sessions by topic, but it is not possible to provide data according to CEPEJ requirements.

• Number of in-service internet-based trainings and participants

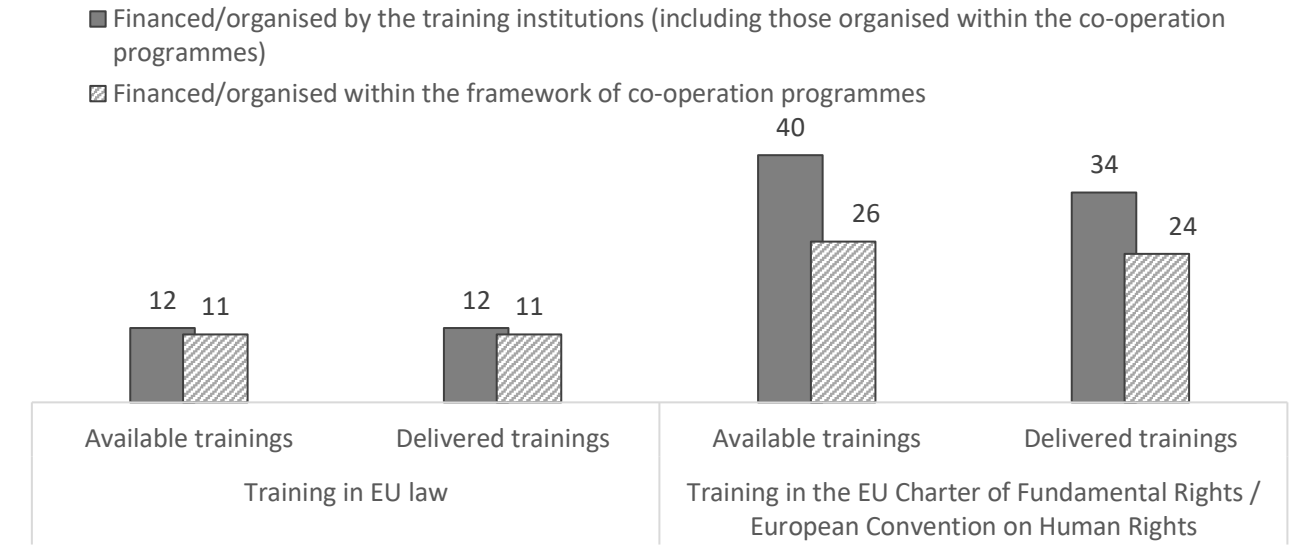
	Number of internet-based trainings (not live) in 2022			
	Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Number of trainings	Number of participants	Number of trainings	Number of participants
Total	1	1	12	155
Judges	1	0	10	52
Prosecutors	1	1	10	12
Non-judge staff	1	0	0	NA
Non-prosecutor staff	1	0	0	NA



• 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
Live trainings (2022)				
Number of available live trainings	12	11	40	26
Number of delivered live trainings	12	11	34	24
Number of delivered live training in days	18	17	47	37
Internet-based trainings(2022)				
Provided on the e-learning platform of the training institution (not live)	0	0	0	0
Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	0	0	10	10

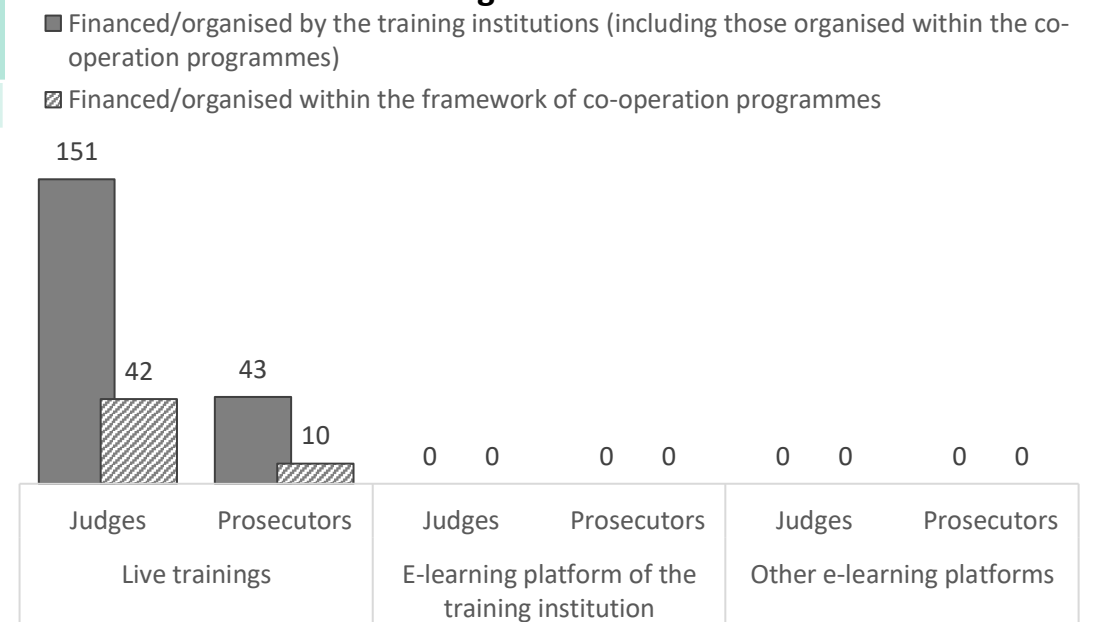
Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



In 2022, almost all trainings on EU Law and many 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.

Training in EU law and EU Charter of Fundamental Rights / European Convention on Human Right organised/financed:	Live (in-person, hybrid, video conference) trainings				Internet-based trainings (not live)			
	Number		Unique participants		Provided on the e-learning platform of the training institution		Completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
By the training institutions for judges and prosecutors	151	43	NA	NA	0	0	0	0
Within the framework of co-operation programmes	42	10	NA	NA	0	0	0	0

Number of participants to live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2022



Participation shall be understood as one attendance of a person to a training.

• **Type and frequency of trainings**

		Judges		Prosecutors	
		Compulsory/ Optional or No training	Frequency	Compulsory/ Optional or No training	Frequency
In-service training	Initial training	Compulsory		Compulsory	
	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
	On child-friendly justice	Compulsory	Regularly	Compulsory	Regularly
	Other	Compulsory	Regularly	Compulsory	Regularly

There are different programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Every two years the Board of the Academy on the proposal of the Program Council of the Academy adopts The Program for continuous training of judges and public prosecutors. Also, there is separate special program for new elected judges and public prosecutors.

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

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

According to the Law and bylaws of the Academy, the Academy only organize trainings that are mandatory and at the end of each calendar year they give certificates to the judges for the number of days spent on training. For the training days that the judges have gone through and whether they have completed the number of trainings according to their length of service, the Academy inform the Judicial Council which is acting further.

According to the current Law on Courts, (Article 77 paragraph 1 item 5) as a disciplinary violation for which a disciplinary procedure is initiated to determine the disciplinary responsibility of a judge for whom a disciplinary measure will be imposed, is considered lack of mandatory training. the duty of continuing training).

Trainings on topics related to corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule.

The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.

The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.

The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

According to the reply to Q153, prosecution offices have prosecutors specially trained in domestic violence. Moreover, they have prosecutors specially trained in sexual violence and, also, specifically trained in dealing with cases when minor victims are involved.

• **Minimum number of compulsory trainings**

	Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings	Minimum number of days
Judges	NAP	NAP	NAP	2
Prosecutors	NAP	NAP	NAP	2

The initial training lasts 24 months and takes place in two phases, namely:

- first phase - theoretical teaching at the Academy lasting nine months and
- second stage - practical teaching in courts and public prosecutor's offices and others institutions, in accordance with the initial training program lasting 15 months.

The initial training is organized in three modules. Each module contains 7 subjects, or total of 21 subjects. The first and second modules are composed of 414 hours, while the third module is composed of 207 hours. Initial training contains 1035 hours in total. One teaching hour equals 40 minutes.

The Academy conducts compulsory training for judges and public prosecutors, in accordance with Article 5 of the Rules for Continuous Training, which they must attend as soon as they are elected. The number of mandatory days of training on an annual level decreasing gradually, as the judge's /the prosecutor seniority increases. Failure to meet the required number of training days on an annual level may even lead to deducting points, i.e. obtaining a lower annual grade, which, further, may make it more difficult for the concerned judge, i.e. public prosecutor, to be promoted in the future.

According to Article 7 paragraph 4, new elected judges and public prosecutors are obliged, of their choice, to attend intensive continuous training lasting five working days, which is carried out on the basis of a specialized program (divided into two modules: criminal and civil) for mandatory continuous training.

Judges/public prosecutors with 1-3 years of experience as a judge/prosecutor are obliged to attend a total of 10 days of training



Judges/public prosecutors with 3-8 years of experience as a judge/prosecutor are obliged to attend a total of 6 days of training

Judges/public prosecutors with 8-15 years of experience as a judge/prosecutor are obliged to attend a total of 4 days of training

Judges/public prosecutors with over 15 years of experience as a judge/prosecutor are obliged to attend a total of 2 days of training

• **Quality of judicial training**

North Macedonia identifies (collects information about) future in-service training needs via:







Target audience itself		Relevant judicial institutions	
Previous participants in trainings		Ministry of Justice	
Trainers		Other	
Courts/prosecutor's offices			

Future in-service training needs are assessed annually.

Trainings on a specific topic may become part of the Academy's training catalog and as a result of a given obligation in accordance with the Conclusions of the Government of the RSM or other institutions, trainings arising as an obligation from adopted national programs, strategies or trainings agreed with international projects and collaborators .
Monitoring and evaluation are of key importance for the quality control of the General Program, as well as of the events held according to the Training Catalog, developed on the basis of the General Program. For that reason, the Academy conducts monitoring and evaluation of the events, through questionnaires that the participants receive at each event, and refer to the evaluation of the success of the program, the lecturers, the materials and the success of the program, with the possibility of giving their own suggestions and comments.

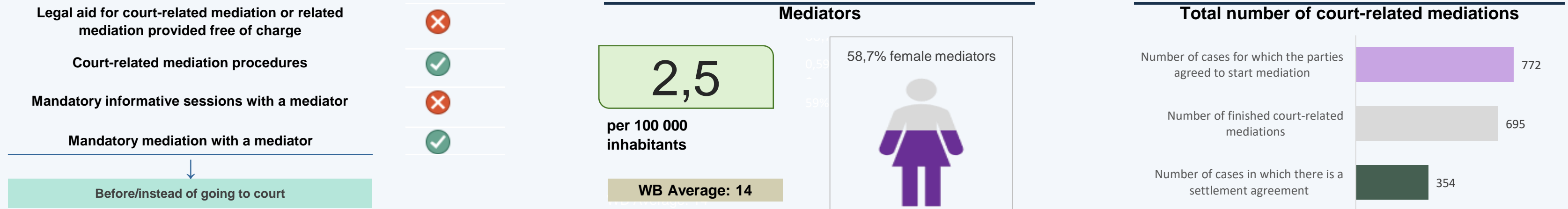
In North Macedonia, in-service trainings (seminars, workshops, round tables) are evaluated immediately after the training is delivered by using the Kirkpatrick training evaluation model

The feedback of the training evaluation process is used:

To prepare a training evaluation report with recommendations		To suppress a training course	
To improve the training course which, according to the report, needed improvements		To introduce a new course	
To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated		Other	

Kosovo is not included in the calculation of summary statistics

Alternative Dispute Resolution in North Macedonia in 2022 (Indicator 9)



In North Macedonia, court related mediation procedures are available. However, legal aid for court-related mediation or related mediation provided free of charge could not be granted. The judicial system provides for mandatory mediation with a mediator before or instead going to court. Also, there are no mandatory informative sessions with a mediator. In 2022, the number of mediators was 2,5 per 100 000 inhabitants, which was below the WB Average (14 per 100 000 inhabitants). The majority of the mediators were women (58,7%). There were in total 772 cases for which the parties agreed to start mediation and 354 mediation procedures which ended with a settlement agreement.

• Court-related mediation procedures

Court related mediation is the mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

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 . In addition, 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.

• Other ADR methods



Arbitration

The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. -

Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

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. This is one type of judicial mediation. 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, if in the settlement is not otherwise agreed.

- 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 the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who will adopt a decision to terminate the procedure.

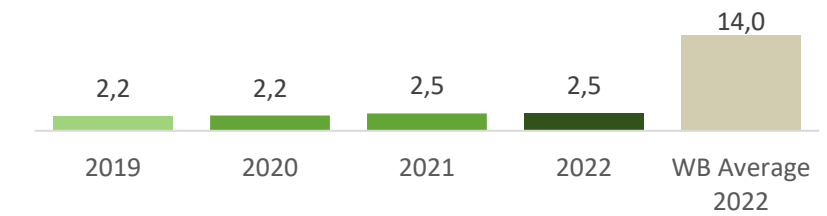
• Mediators and court-related mediations

Requirements and procedure to become an accredited or registered mediator:

- Diploma for completed higher education VIII/I or 300 credits according to the European credit transfer system (ECTS) in the Republic of North Macedonia or a solution for recognition of an appropriate higher education qualification acquired abroad issued from the Ministry of Education and Science;
- a certificate of completed basic training for a mediator according to an accredited program of this type of at least 70 hours in the Republic of North Macedonia;
- certificate of at least three years of work experience after graduating from university education;
- confirmation of having followed four or more mediation procedures before a mediator, which are recorded in the Register, issue from Mediation Council;
- certificate of citizenship of the Republic of North Macedonia and
- conducted a psychological test and an integrity test issued by a licensed professional person.

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2022
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
46	2,5	14,0	2,2%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2022



For reference only: the 2021 EU median is 16,2 mediators per 100 000 inhabitants.

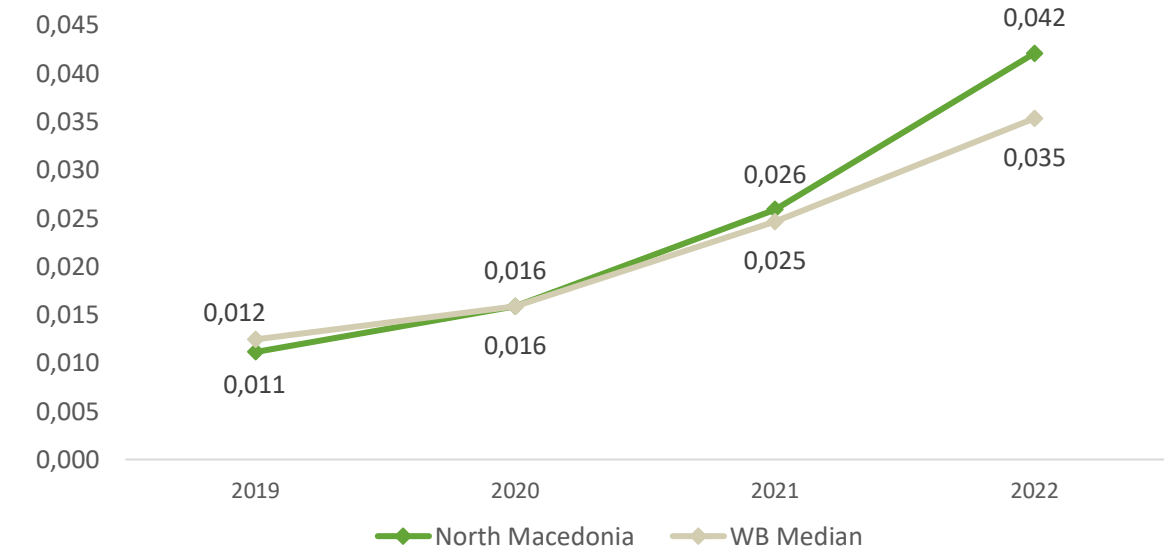
In 2022, the total number of mediators in North Macedonia was 46, which is 2,2% more than in 2019. The number of mediators per 100 000 inhabitants was 2,5, which is less than the WB Average of 14.

A licensed mediator can become a person with faculty education and 3 years of work experience after graduation, with passed psychological test and integrity test, who attended 70 hours of accredited training, passed the exam before the Mediation Board, and obtained a license from the Mediation Board.

Conditions for mediator and mediation: Article 46 (1) A mediator may be a legally capable natural person who has a license to perform mediation activities (hereinafter: license for mediator). (2) A license for mediator shall be issued to the person who will pass the exam for checking the theoretical knowledge and practical skills of mediation (hereinafter: exam for mediators) before the Board for ensuring, monitoring and evaluating the quality of mediation activities (hereinafter: the Board) will present a concluded contract for liability insurance in accordance with Article 24 paragraph (4) of this Law. (3) The issued license is valid for five years and it can be extended or revoked depending on the results of the evaluation of the quality of the mediator. (4) The evaluation of the quality of the work of the mediators shall be performed by the Board at least once in five years in accordance with the methodology and the procedure for performing monitoring and evaluation of the quality of the work of the mediators. (5) The form and the content of the license for mediator shall be prescribed by the Minister of Justice. Exam for mediators Article 47 (1) The exam for mediator can be taken by the persons who have submitted an application for taking the exam to the Board together with a proof for: a) completed Faculty education VII / I or 300 credits according to the European Credit Transfer System (ECTS) in the Republic of North Macedonia or a decision for recognition of an appropriate higher education qualification acquired abroad issued by the Ministry of Education and Science; b) completed training according to an accredited training program for mediators of at least 70 hours in the Republic of North Macedonia, i.e abroad, or a decision for recognition of appropriate training completed abroad adopted by the Board; c) at least three years of work experience after graduation; d) followed by at least four mediation procedures conducted by a mediator for which a certificate was issued by a mediator supported together with an excerpt from the Register of Mediation Procedures for the respective procedures; e) conducted psychological test and integrity test issued by a licensed professional; f) certificate of citizenship of the Republic of North Macedonia and g) at least five recommendations from persons who know the applicant professionally.

	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)	772	695	354				
1. Civil and commercial cases	362	325	14	✓	✗	✗	✗
2. Family cases	1	1	0	✓	✗	✓	✗
3. Administrative cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP
4. Labour cases incl. employment dismissals	405	366	337	✓	✗	✗	✗
5. Criminal cases	3	3	3	✓	✗	✗	✗
6. Consumer cases	1	0	0	✓	✗	✗	✗
7. Other cases	0	0	0				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2022



Court related mediations are provided by private mediators and judges. In 2022, mediation was most used for Labour cases (including employment dismissals) and Civil and commercial cases (parties agreed to start mediation in 405 and 362 cases, respectively).

In North Macedonia, it is not possible to receive legal aid for court-related mediation or receive these services free of charge.

Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.

According to our 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.

From 2020 the Ministry of Justice maintains a Register of mediation proceedings, in which the mediators are obliged to record the mediations. The number of court related mediations (in 2021) is from the Register (on March 3, 2022). Still, there is possibility this data to be changed as the mediators fulfill the Register.

According to the Law on mediation, mediation is allowed in property and legal disputes, family disputes, workplace 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.

The electronic register in which the mediators themselves enter the data is one of the key factors that led to the stimulation of the mediators to record all the procedures that were given to them to act. As of December 31, 2021, they were given the opportunity to import all old cases from 2016 to 2021 in order to gain a realistic picture of the number of mediations they had at work. At the same time, the determination of the Government determined by the Conclusion of 2019 and the Memorandum of Cooperation with the Chamber of Mediators to try to resolve its disputes through mediation gave a great impetus. Procedures for mediation in labor disputes with ministries, public enterprises and other institutions are widespread.

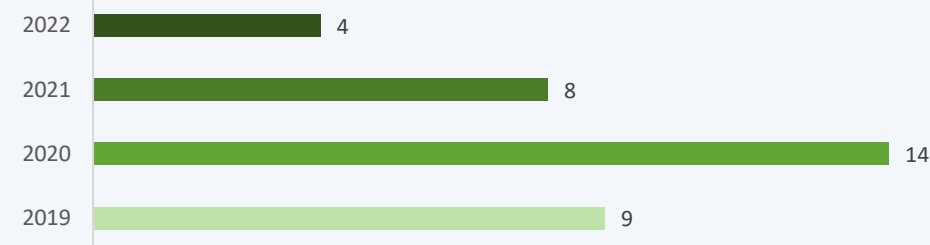
Kosovo is not included in the calculation of summary statistics

European Convention on Human Rights in North Macedonia in 2022 (Indicator 10)

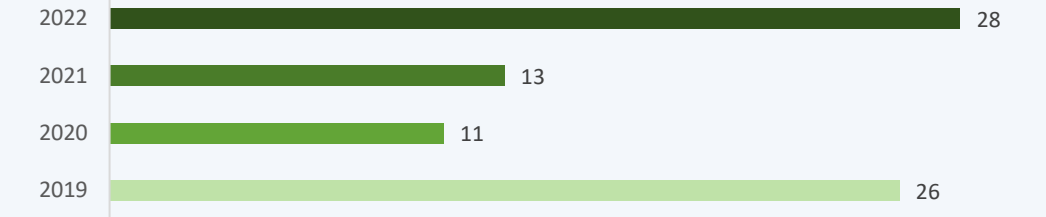
European Convention on Human Rights – Article 6 – Right to a fair trial:

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.

Judgements finding at least one violation**



Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***



• 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 the State.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation.

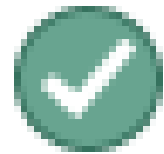
Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.

In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights and it is also tasked with recommending measures for its improvement.

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 (accelerator 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



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

In 2022, the applications allocated to a judicial formation** for North Macedonia were 367 (27 less than the previous year). The judgements by the ECHR finding at least one violation for North Macedonia were 4; whereas they were 8 in 2021.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 28 in 2022; whereas they were 13 in 2021.

	2019	2020	2021	2022
Applications allocated to a judicial formation of the Court**	262	275	394	367
Judgements finding at least one violation**	9	14	8	4
Judgements finding at least one violation of the Article 6 of the ECHR				
Right to a fair trial (1)	3	3	5	2
Length of proceedings	1	1	0	0
Non-enforcement	0	0	0	0

** Source: ECHR

(1) Figures in this line may include conditional violations.

Kosovo is not included in the calculation of summary statistics

	2019	2020	2021	2022
Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***	26	11	13	28

*** Source: Department for the Execution of Judgments of the ECHR

Reforms in North Macedonia in 2022

	Yes (planned)	Yes (adopted)	Yes (implemented during 2023)	Comment
(Comprehensive) reform plans	✔	✘	✔	<p>Strategy for the reform of judiciary sector 2017-2022 with Action Plan - final year of implementation.</p> <p>Working group for preparing of Strategy for the reform of judiciary 2023-2027 was established in 2022. First draft of Development Strategy for Judiciary 2023-2027 is prepared. The new Strategy is planned to be adopt in 2023.</p> <p>Strategy for the reform of criminal law - planned</p> <p>In 2022 implementation of the following Strategies continued: Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024</p> <p>National Strategy for development of the penitentiary system 2021-2025</p> <p>Strategy for development of the probation system 2021-2025</p> <p>ICT Strategy for judiciary 2019-2024</p> <p>Other National Strategies in correlation with Judiciary sector:</p> <p>National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025</p> <p>National Strategy for Combating Money Laundering and Financing of Terrorism (2021-2024)</p> <p>Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023</p>
Budget	✔	✘	✘	Amendments to Law on Court Budget was planned. The draft - Development Strategy for Judiciary 2023-2027 also envisages new structure of court budget, as well as complete independence of court budget
Courts and public prosecution services	✔	✘	✔	Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented during 2022. New Draft Strategy for judiciary envisages different organization of court network and PPO network. Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024 must be implemented faster. New draft Law on court service according to Strategy for judiciary 2017-2022 is still in process of preparing. Process of digitalization in courts, PPO, judiciary institutions continues. Reconstruction of building of Administrative Court was finished in 2022.
Access to justice and legal aid	✔	✘	✔	Implementation of new Law on Free Legal Aid adopted in 2019 gives the positive results in 2022. The strengthening of the system of free legal aid is still needed. Draft new Strategy envisages new amendments on the Law on free legal aid - in criminal cases.
High Judicial Council and High Prosecutorial Council	✔	✔	✔	Judicial Council adopted Program and Action Plan for prevention and monitoring of the corruption in the judiciary 2022- 2025 Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented also during 2022.
Legal professionals	✔	✘	✘	New Law on the Academy for Judges and Public Prosecutors and Amendments of the Law on attorneys are still in parliamentary procedure.
Gender equality	✘	✔	✔	Amendments of the Criminal code related to the implementation of Istanbul convention are adopted by the Parliament. The new Strategy for Gender Equality 2022-2027 as a new key document was adopted in 2022.
Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities	✔	✘	✔	New Law on civil procedure is in parliamentary procedure. According to the Strategy for the reforms in the judiciary sector 2017-2022 and new draft Strategy 2023-2027, new Law on obligations, Law on property and Law on inheritance will be prepared as part of the new Civil Code. New Criminal code and Law on criminal procedure are in the final stage of preparation. New Law on law on payment of monetary compensation to victims of crimes is adopted by the Parliament. New Strategy on strengthening of the capacities for conducting financial investigations and confiscation of property 2021-2023 was adopted by the Government. Law on Asset recovery Agency is in preparation in Ministry of justice. New Law on management of confiscated property was prepared in Ministry of justice and the draft law was sent to intergovernmental procedure.
Mediation and other ADR	✘	✘	✔	Implementation of the new Law on mediation adopted in 2021.
Fight against corruption and accountability mechanisms	✘	✘	✔	National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025 National Strategy for Combating Money Laundering and Financing of Terrorism 2021-2024 Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023

Reforms in North Macedonia in 2022

	Yes (planned)	Yes (adopted)	Yes (implemented during 2023)	Comment
Domestic violence	✓	✓	✓	Action plan for implementation of Istanbul Convention - adopted by the Government and implemented in continuation. Amendments to Criminal Code for implementation of Istanbul Convention - adopted by the Parliament (February 2023) Law on victims compensation - Adopted by the Parliament (2022) Law on Prevention and Protection from Violence against Women and Domestic Violence - adopted new by-laws by the Minister of justice for collecting data for domestic violence within courts and PPO (2022).
New information and communication technologies	✓	✗	✓	Implementation of the Strategy for ICT in judiciary sector is ongoing. ICT Council in the judiciary was established as a competent body for implementation of Strategy and process of digitalization. Government Plan for digitalization of the judiciary was adopted and implemented in continuation.

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII:

Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II

“Dashboard Western Balkans II”

Data collection: 2022

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. In order to ensure transparency during interview evaluation, minutes of the interviews are taken and a standardised point system is used to evaluate the candidates.

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 appointed 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) (due to gender equality, women judges may prolong their mandate until 64, too) 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 appointed 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 the results of the interview, and is carried out by the CPP which makes the final decision on the appointment of a prosecutor. In order to ensure transparency during interview evaluation, a standardised point system is used to evaluate the candidates.

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

Public prosecutors are appointed with no limitation on their term in office, until they reach the retirement age of 64 (male)/62 (female) (due to gender equality, women prosecutors may prolong their mandate until 64, too), 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 appointed 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 (Article 48): 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 appointment 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 appointed 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 Courts 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			2021		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	438	141.328	NA	399	331.856	NA	339	152.520
Excessive length of proceedings	371	429	61.899	371	392	136.987	386	331	55.259
Non-execution of court decisions	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Wrongful arrest	NA	7	74.653	NA	6	184.902	NA	7	74.858
Wrongful conviction	NA	2	4.776	NA	1	9.967	NA	1	22.403
Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

	2022		
	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	171	93.396
Excessive length of proceedings	351	169	91.620
Non-execution of court decisions	NAP	NAP	NAP
Wrongful arrest	NA	1	800
Wrongful conviction	NA	1	976
Other	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). Also courts concerned as well as higher courts deal with the complaints filed. There are time limits within which the competent authorities have to deal with the complaint.

	2019		2020		2021	
	Number of complaints	Compensation amount granted	Number of complaints	Compensation amount granted	Number of complaints	Compensation amount granted
TOTAL	NA	NAP	NA	NAP	NA	NAP
Court concerned	NA	NAP	NA	NAP	NA	NAP
Higher court	NA	NAP	NA	NAP	NA	NAP
Ministry of Justice	269	NAP	271	NAP	268	NAP
High Judicial Council	554	NAP	531	NAP	669	NAP
Other external bodies (e.g. Ombudsman)	639	NAP	406	NAP	436	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. This ratio was 98% in 2021. In 2022, 2.905 procedures were initiated to effectively challenge a judge and 2.531 recusals were pronounced.

Public prosecutor's office has an independent status as a separate entity among state institutions (article 106 of the Constitution of Republic of North Macedonia). 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 not exceptions to these rules. If Article 56 of the LPP allows for compulsory written instructions which may be given by higher prosecutors to prosecutors of a lower rank, such instructions do not concern a specific case but are of a general character. Namely, such 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. Accordingly, it is not possible to address to public prosecutors specific instructions to prosecute or not in an individual case.

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 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				2021			
	Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	15	3,02	4	2,11	0	0,00	1,00	0,53	0	0,00	0	0,00
Number of completed cases	5	1,01	0	0,00	0	0,00	1,00	0,53	0	0,00	0	0,00
Number of sanctions pronounced	0	0,00	0	0,00	0	0,00	1,00	0,53	0	0,00	0	0,00

	2022			
	Judges		Prosecutors	
	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	1,00	0,64
Number of completed cases	0	0,00	0,00	0,00
Number of sanctions pronounced	0	0,00	0,00	0,00

As to initiated criminal cases against judges and prosecutors, in 2022, only one criminal case was initiated against a public prosecutor. No criminal case concerning a judge or public prosecutor was completed in 2022.

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

There is a compulsory in-service training regularly available to both prosecutors and judges. However, trainings on topics related to ethics, corruption prevention and conflict of interest are not mandatory. Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they apply, on voluntary basis, for trainings from the List on trainings in the Annual Catalogue for compulsory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial). The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days. Judges and prosecutors need to participate on this training more than once on an *ad hoc* basis.

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. In September 2019, the new Code of Ethics for judges and lay judges was adopted while the last amendments to the Ethical code of public prosecutors were adopted in 2019. Both codes contain a set of rules on adherence to judicial values (independence, integrity, impartiality), judges'/prosecutors' relationship with institution, citizens and users, judges'/prosecutors' competence and continuing education, extrajudicial and political activities, conflict of interest, information disclosure and relationship with press agencies, association membership and institutional positions and gifts.

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 a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches), the body can issue advisory opinions and advices 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 (a president and six member). The opinions of the body as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification, are publicly available (published on the website of the Association and of the Supreme Court). Its sessions are, however, confidential. In 2022, 3 such opinions were issued (on judge's membership in an association, on cases connected to attorney at law engage by the judge as attorney-in-fact, on the right of a judge to participate in sports associations and to be present in sports matches).

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 (a president and four members of the public prosecution office). The Ethical Council provides opinions on compliance of a particular conduct with the Ethical Code, upon request of a prosecutor as well as on the proposal of the superior public prosecutor. The opinions of the Ethical Council are publicly available. No opinions were issued in 2022. According to the Law "On the governance institutions of the justice system", the Ethics Adviser at the High Prosecutorial Council provides advice, at the request of a prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics issues, develops, updates and publishes an informative manual on ethical dilemmas and, in cooperation with the school of magistrates, takes care of initial and continuous training on ethics issues.

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. It distributes court cases on the basis of the predefined list of judges. 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). More precisely, the cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of

case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure (article 177 of the Court Rules of procedure). After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution). Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted. 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	78%	100%
partially implemented	11%	0%
not implemented	11%	0%

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.dsk.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). As per LPPO (Article 91), non-submission of declaration of assets is considered a serious disciplinary offence for which a salary reduction in the amount of 15% to 30% of the monthly salary for a period of one to six months is prescribed or a dismissal.

Number (absolute and per 100 judges/prosecutors) of proceedings against judges for violations or non declaration of assets in 2019, 2020, 2021 and 2022:

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
2021	25	5,29	0	0,00	0	0,00	3	1,73	0	0,00	0	0,00
2022	10	2,44	10	2,44	6	1,47	10	6,37	2	1,27	2	1,27

In 2020, the SCPC sanctioned 7 judges with a fine which were paid on time while 10 judges refused to pay fines on time, resulting in a misdemeanour procedure 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.

In 2022, 10 proceedings were initiated against judges due to violations/discrepancies in their declaration of assets. The same number of proceedings were completed during the reference year. Sanctions were pronounced only in 6 cases. As to prosecutors, 10 proceedings were initiated in 2022. Two proceedings were completed and two sanctions were pronounced.

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				

To perform accessory activities, judges and prosecutors need to obtain prior authorisation from the Judicial Council or Council of public prosecutors.

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.dsk.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://dsk.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).

Absolute number of procedures for breaches of rules on conflict of interest for judges and prosecutors in 2019, 2020, 2021 and 2022:

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
2019	10	5	2	3	1	1
2020	0	0	0	1	1	0
2021	3	2	0	0	0	0
2022	0	0	0	0	0	0

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 19, 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.ici.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				2021			
		Judges		Prosecutors		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	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	142	30,02	3	1,73
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,53	0	0,00	1	0,53	0	0,30	3	1,73
	2. Professional inadequacy	107	21,57	0	0,00	122	24,75	3	1,60	142	30,02	0	0,00
	3. Corruption	0	0,00	0	0,00	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	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	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	91	19,24	0	0,00
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,53	0	0,00	1	0,53	0	0,00	0	0,00
	2. Professional inadequacy	71	14,31	0	0,00	87	17,65	0	0,00	91	19,24	0	0,00
	3. Corruption	0	0,00	0	0,00	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	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	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	14	2,96	0	0,00
	1. Reprimand	0	0,00	0	0,00	1	0,20	0	0,00	1	0,21	0	0,00
	2. Suspension	0	0,00	0	0,00	0	0,00	0	0,00	7	1,48	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP	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	0	0,00	0	0,00
	6. Position downgrade	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	8. Resignation	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00
	9. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
10. Dismissal	1	0,20	1	0,53	5	1,01	1	0,53	6	1,27	0	0,00	

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 clarified that the number of initiated proceedings was 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.


		2022			
		Judges		Prosecutors	
		Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	147	35,94	8	5,10
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,64
	2. Professional inadequacy	147	35,94	7	4,46
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP
Number of cases completed	Total number (1 to 5)	153	37,41	8	5,10
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,64

	2. Professional inadequacy	153	37,41	7	4,46
	3. Corruption	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP
Number of sanctions pronounced	Total number (total 1 to 10)	16	3,91	4	2,55
	1. Reprimand	2	0,49	0	0,00
	2. Suspension	6	1,47	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	2	0,49	2	1,27
	6. Position downgrade	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP
	8. Resignation	0	0,00	2	1,27
	9. Other	NAP	NAP	NAP	NAP
	10. Dismissal	6	1,47	0	0,00

It was specified by the national authorities that the total number of completed cases in 2022 concerning judges includes cases that were initiated in 2020, 2021 and 2022.

Regarding what is included under the category “Professional inadequacy” in respect of prosecutors, the authorities referred to Articles 90-92, LPPO which stipulates that disciplinary infringements are serious and mild and clarifies each category. .

“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, representing all regional appellate courts (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 which must be reasoned as per the new Law on Council of public prosecutors from 2020 through their publication (however, the reasoning is not made public) and its reports on its work are published on its website. The CPP's sessions are recorded (audio and visual) and minutes of sessions are made and published, too.

In case of a pressure on a prosecutor the authorities refer to article 7 of LPPO which stipulates that the prosecutor performs his/her function in a lawful, impartial and objective manner, respects and protects human and civil rights and freedoms, the rights of other legal entities and within the scope of his/her competency s/he ensures efficiency of the criminal prosecution. s/he should ensure equality of citizens before the law. Nobody may influence the lawful, impartial and objective performance of function of the public prosecutor's office.