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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: 2023

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

## Part 2 (A) - Beneficiary profile - North Macedonia

## Executive Summary - North Macedonia in 2023

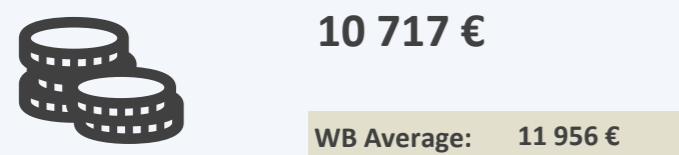
### Population in 2023



### GDP per capita in 2023



### Average annual salary in 2023



### Organisation of judiciary

According to the Law on Courts, the judicial power in North Macedonia is exercised by Basic Courts, Appellate Courts, the Administrative Court, the High Administrative Court, and the Supreme Court.

In North Macedonia, there are 27 basic courts with general jurisdiction and one specialized Administrative Court. The court system also includes four appellate courts with general jurisdiction and one High Administrative Court. Additionally, the Supreme Court of the Republic of North Macedonia serves as the highest court in the country.

### Budget

In 2023, North Macedonia spent € 48 677 506 on the implemented judicial system budget (JSB), i.e. € 26,6 per inhabitant, which is less than the WB average of € 45,2. Moreover, the implemented JSB as % of GDP (0,37%) was below the WB average (0,54%).

The implemented JSB increased by 8% from the previous cycle, because of the increase in the courts' budget (+6,9%), prosecutor services' budget (+12,5%) and in the same time decrease in the legal aid budget (-2,46%).

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.

### Legal aid

The implementation of the new Law on Free Legal Aid adopted in 2019 has yielded positive results, including in 2023. One of the strategic goals in 2022 was the successful implementation of this law. According to the authorities, awareness campaigns conducted across the country in 2022 were highly successful in informing beneficiaries about their rights to free legal aid.

The legal aid budget saw a 26.3% increase from 2019 to 2023, reaching €0.28 per inhabitant in 2023, surpassing the Western Balkans median of €0.18. In 2023, legal aid was granted to 5 307 recipients, amounting to 0,29 recipients per 100 inhabitants, which is above the Western Balkans median. There were 10 427 criminal cases and 3 583 non-criminal cases. Of the total, 1 975 cases were brought to court, and 3 332 were not. On average, €95,5 was granted per recipient of 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 2022 to 2023, there has been an increase of the DT in all instances and categories, except for the administrative cases in the first instance. In 2023, the Clearance Rate was below 100% for all categories, except for administrative cases in the first and second instances.

In particular, between 2022 and 2023, the incoming first instance civil and commercial litigious cases decreased by 7,3% and the resolved cases only increased by 0,5%. As a consequence, the number of pending cases increased as well, by 9,3%.

According to the authorities, the decrease in the number of resolved cases is attributed to the reduction in the number of judges. Specifically, on July 1, 2022, a significant number of judges retired due to the Judicial Council decision to terminate the judicial office of 42 judges due to a new compulsory retirement age of 64 years, as mandated by the recent amendments to Article 104 of the Labor Relations Law.

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.

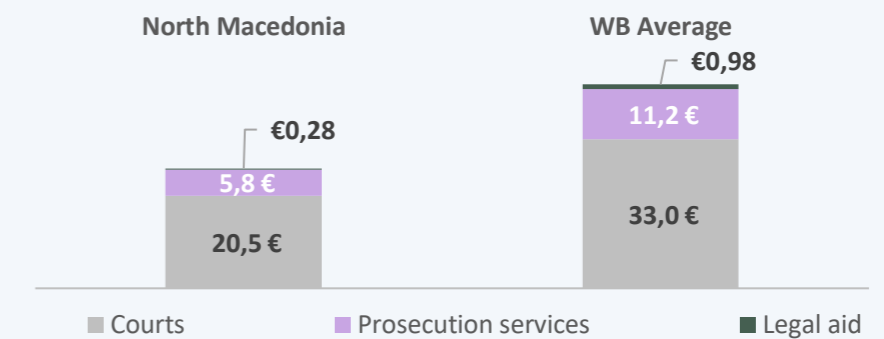
\*\*The CEPEJ has developed two indicators to measure court's performance: clearance rate and disposition time.

**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.

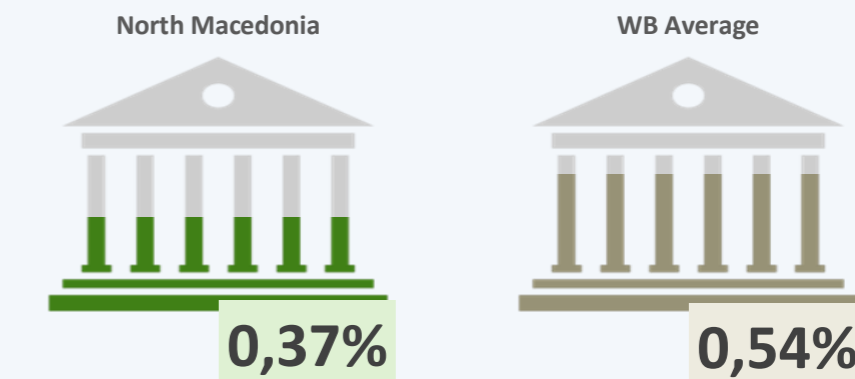
**Disposition Time (DT)** is the indicator that calculates time necessary for a pending case to be resolved and estimates the lengths of proceedings in days. It is a ratio between the pending cases at the end of the period and the resolved cases within the same period, multiplied by 365 days. More pending than resolved cases will lead to a DT higher than 365 days (one year) and vice versa.

### Budget of the Judicial System

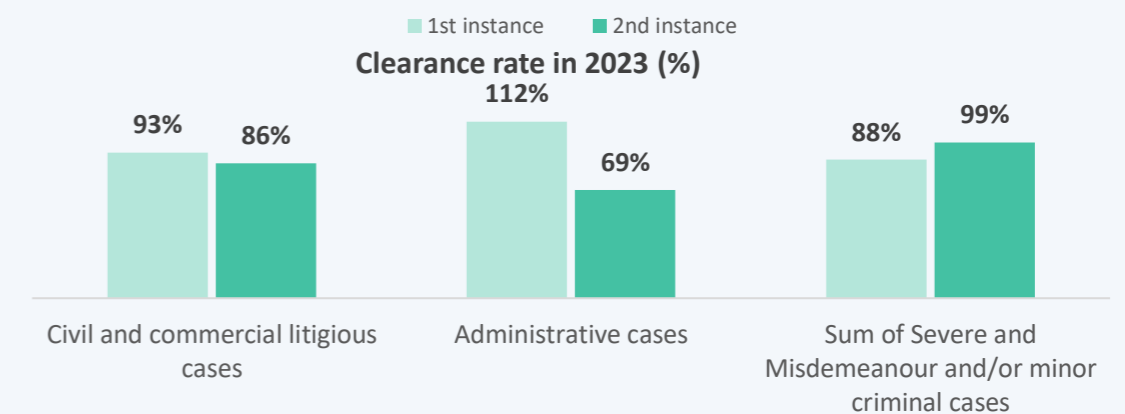
#### Implemented Judicial System Budget per inhabitant in 2023



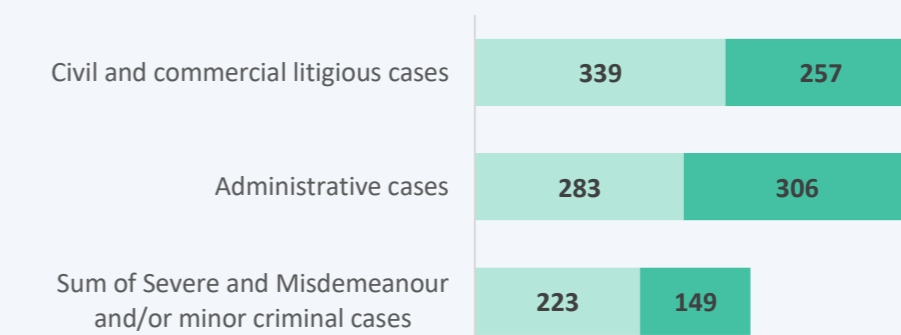
#### Implemented Judicial System Budget as % of GDP in 2023



### Efficiency

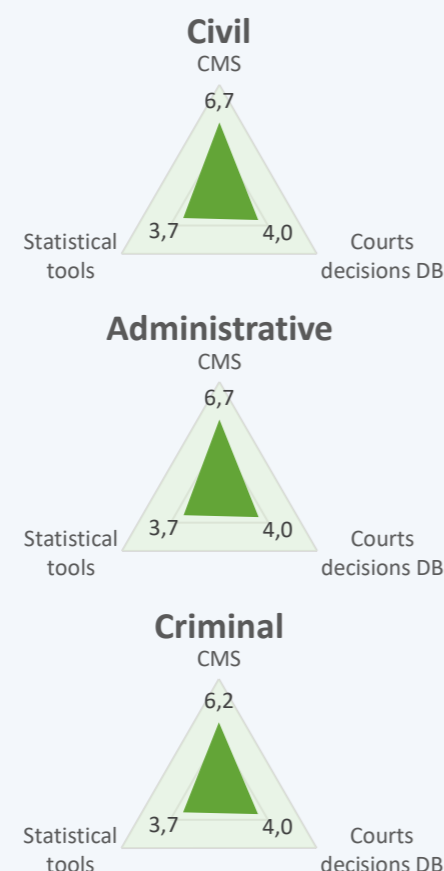


#### Disposition time in 2023 (days)



### ICT Deployment indexes (scale 0-10)

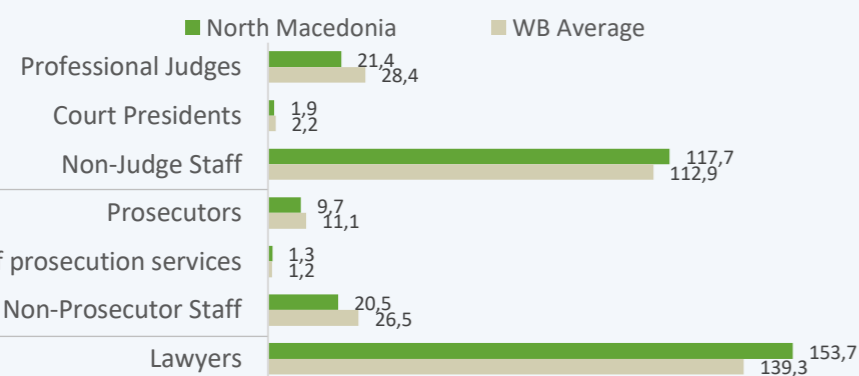
The three ICT deployment indexes (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



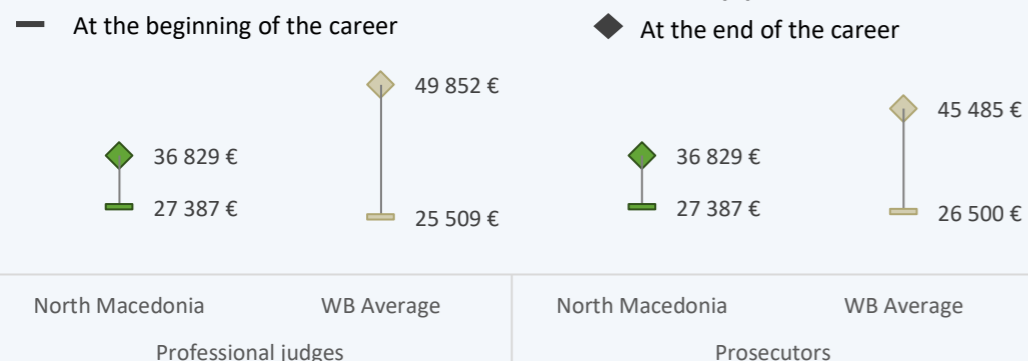
■ North Macedonia's score out of 10

### Professionals of Justice

Total number of professionals per 100 000 inhabitants in 2023



Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



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.

### 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 2023, the number of mediators was 2,5 per 100 000 inhabitants, which was below the WB average (17,8 per 100 000 inhabitants). In 2023, mediation was most used for Civil and commercial cases and Labour cases (including employment dismissals) (349 and 104 cases, respectively, in which parties agreed to start mediation).

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

### ICT Tools

In North Macedonia, the CMS index achieves the highest score (6,7) among the three ICT indexes, while the Statistical tools index scores the lowest (3,7). The ICT strategy for the judiciary, implemented from 2019-2024, has expired, and a new strategy and operational plan are yet to be adopted. In 2023, a significant renovation of the CMS system was planned, including new applications for certificates, E-delivery, and mobile access to electronic case files. Key initiatives focus on upgrading recording systems, procuring new hardware, digitizing courtrooms, and enhancing cybersecurity, interoperability, and ICT sustainability.

### Training

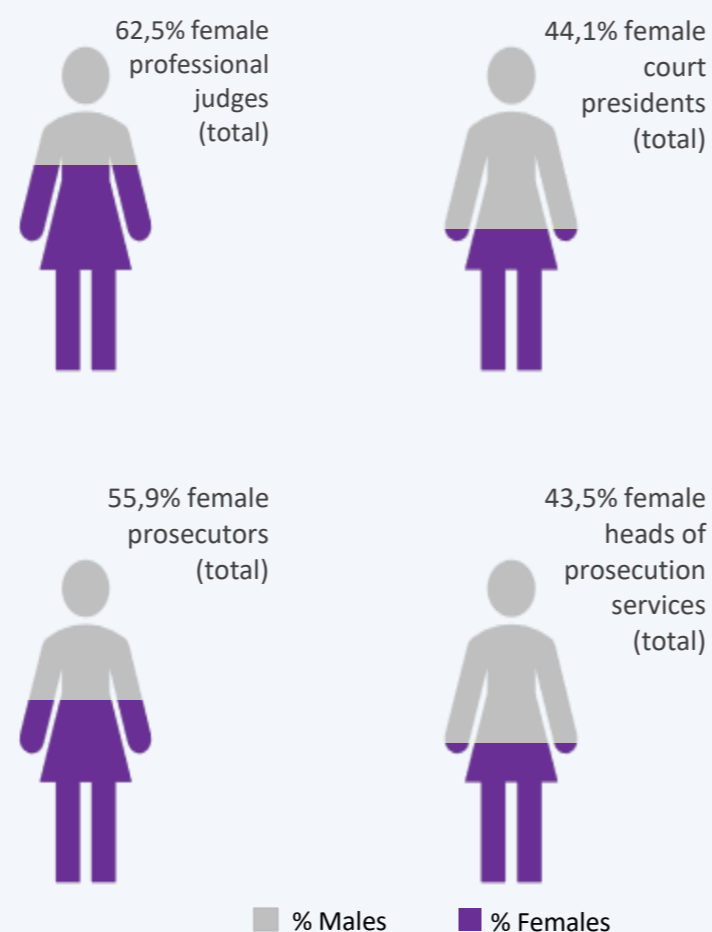
In 2023, the total budget of the training institution and the implemented budget of courts and prosecution services allocated to training of judges and prosecutors was € 1,21 per inhabitant, which is well above the WB average (0,61€ per inhabitant). It increased by 27,4 % from 2022.

In 2023, 3 730 participants (of which 1 209 judges and 667 prosecutors) were trained in 176 live trainings (in-person, hybrid or video conferences). In 2023, judges attended an average of 3,1 trainings, each judge participated, on average, to 3,1 live trainings in 2023, which was higher than the WB Average (2,9) while each prosecutor participated, on average, to 3,8 live trainings, less than the WB Average (4). There were no participants in internet-based trainings.

### ECHR

In 2023, the applications allocated to a judicial formation for North Macedonia were 335 (32 less than the previous year). The judgements by the ECHR finding at least one violation for North Macedonia were 10, out of which 2 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.

### Gender Balance



### Professionals and gender balance

Western Balkans' countries traditionally have very high number of professionals per 100 000 inhabitants. However, in 2023, North Macedonia 21,4 judge per 100 000 inhabitants and 9,7 prosecutors per 100 000 inhabitants which was lower than the WB averages (28,4 and 11,1 respectively). Between 2019 and 2023, the total number of professional judges per 100 000 inhabitants was reduced by -10,3 %; while the total number of prosecutors per 100 000 inhabitants was increased by + 5,7 %.

According to the authorities, 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.

In 2023, salaries increased due to a Constitutional Court decision. Previously, salaries were calculated by multiplying a legally defined coefficient with a fixed amount. The Court overturned this provision, leading to a new methodology where the coefficient is multiplied by the average monthly state salary. This change rapidly increased salaries for judges, prosecutors, and other appointed and elected individuals.

Regarding the gender balance, in 2023, the percentage of female head of prosecutors, prosecutors and non-prosecutor staff was higher than the WB average. Moreover, the rate of female lawyers was 43,6 %, which is higher than the WB average (38,3 %). 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%). 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.

## Judicial organisation in North Macedonia in 2023 (Indicator 2.0)

According to the Law on Courts, the judicial power in North Macedonia is exercised by Basic Courts, Appellate Courts, the Administrative Court, the High Administrative Court, and the Supreme Court.

In North Macedonia, there are 27 basic courts with general jurisdiction and one specialized Administrative Court. The court system also includes four appellate courts with general jurisdiction and one High Administrative Court. Additionally, the Supreme Court of the Republic of North Macedonia serves as the highest court in the country.

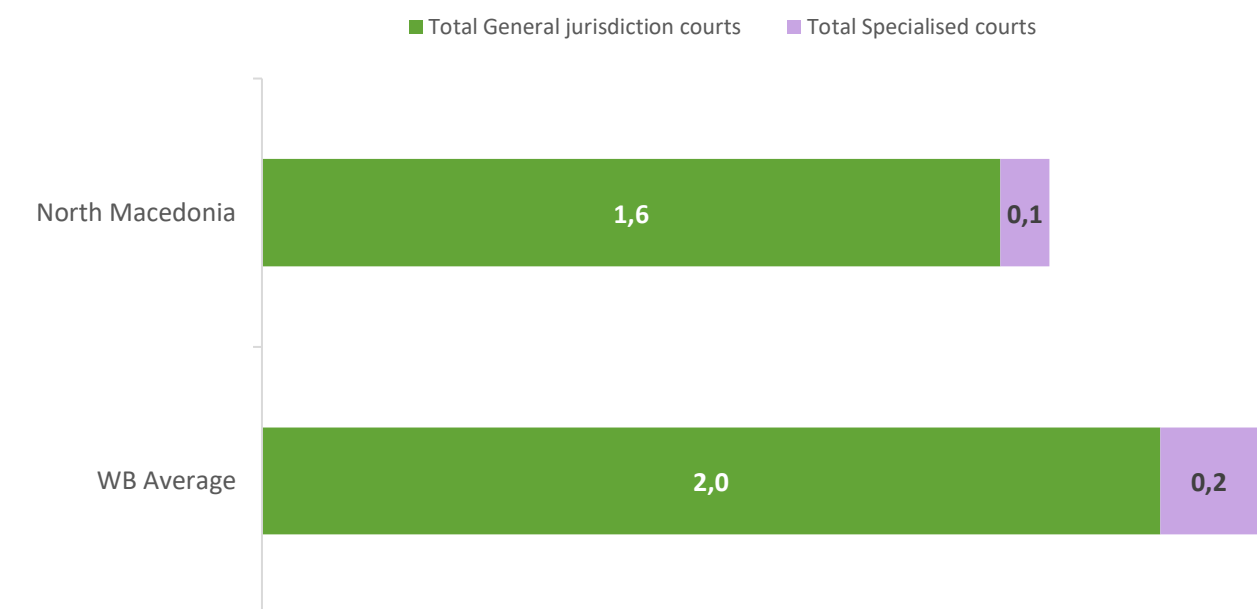
### • Number of courts - legal entities

		Number of courts - legal entities in 2023		
		Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number of all courts - legal entities (1 + 2)		34	1,9	2,3
General jurisdiction	Total General jurisdiction courts (1)	30	1,6	2,0
	1st instance	27	1,5	1,6
	2nd instance	4	0,2	0,4
	Highest instance	1	0,1	0,1
Specialised courts	Total Specialised courts (2)	2	0,1	0,2
	1st instance	1	0,1	0,2
	Higher instance	1	0,1	0,0

Specialised first instance courts: Administrative court

Specialised second instance court: High Administrative Court

Number of all courts - legal entities per 100 000 inhabitants in 2023



## • Specialised courts

Specialised courts in 2023	First instance	Higher instances
Total number of specialised courts - legal entities	1	1
Commercial courts (excluded insolvency courts)	NAP	NAP
Insolvency courts	NAP	NAP
Labour courts	NAP	NAP
Family courts	NAP	NAP
Rent and tenancies courts	NAP	NAP
Enforcement of criminal sanctions courts	NAP	NAP
Fight against terrorism, organised crime and corruption	NAP	NAP
Internet related disputes	NAP	NAP
Administrative courts	1	1
Insurance and / or social welfare courts	NAP	NAP
Military courts	NAP	NAP
Juvenile courts	NAP	NAP
Other specialised courts	NAP	NAP

## • Number of courts - geographic locations

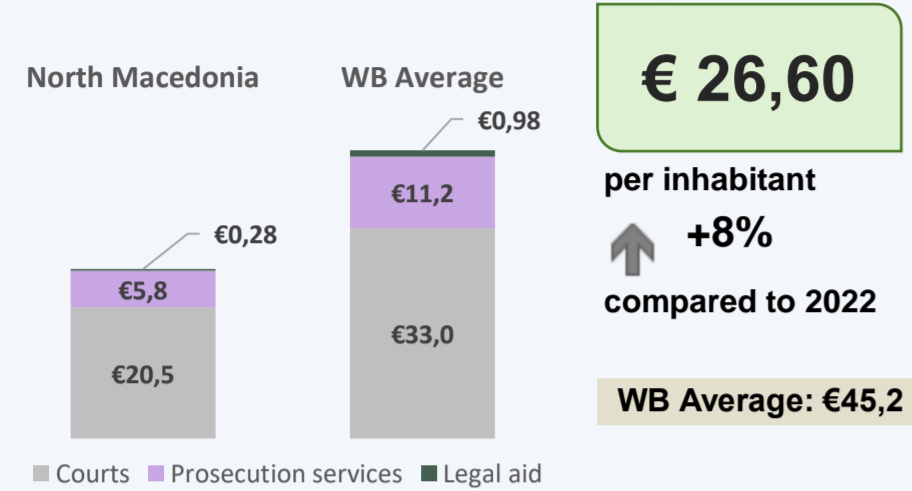
Number of courts - geographic locations in 2023	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
Total number	34	1,9	2,1
1st instance courts	28	1,5	1,8

In the Republic of North Macedonia there are 27 basic courts with general jurisdiction and one specialized Administrative Court. In North Macedonia court system, there are 4 appellate courts with general jurisdiction and one High Administrative Court. Also there is a Supreme Court of the Republic of North Macedonia as highest court in state.

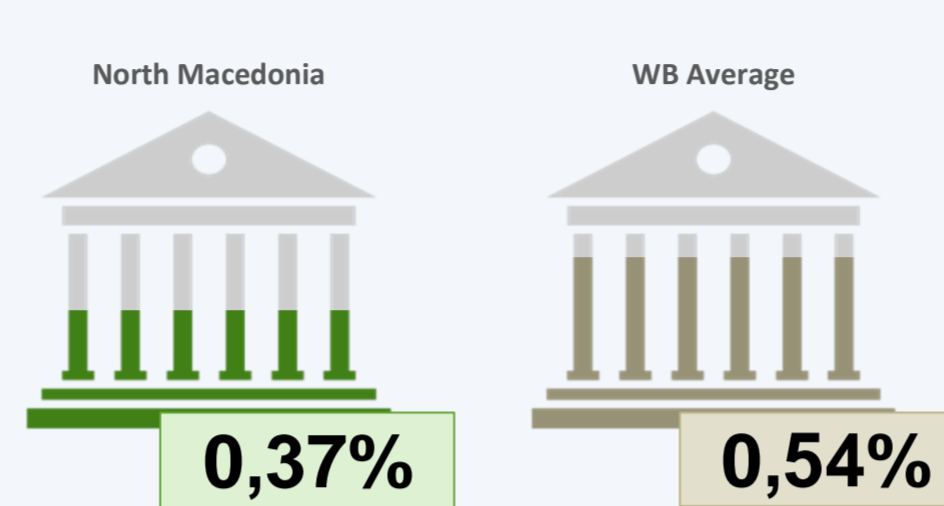
*Kosovo is not included in the calculation of summary statistics*

## Budget of the judicial system in North Macedonia in 2023 (Indicator 1)

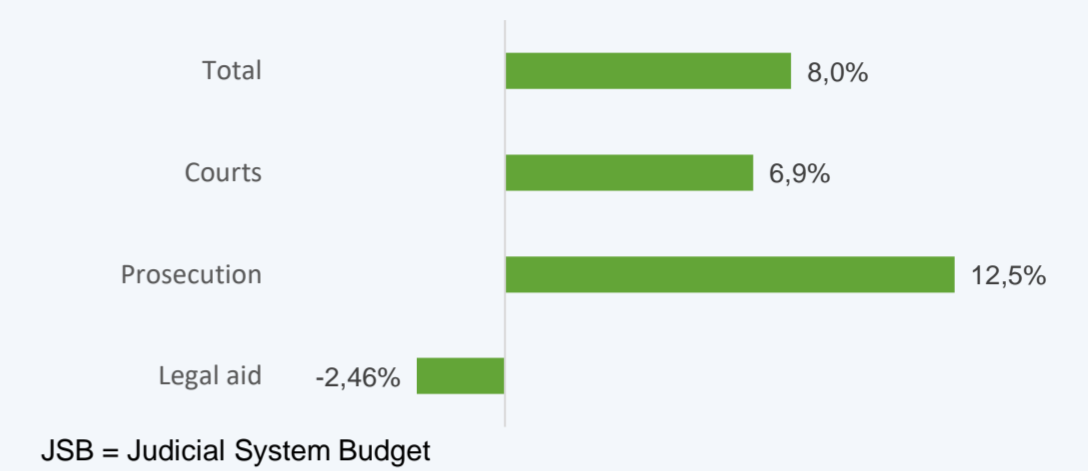
### Implemented Judicial System Budget per inhabitant



### Implemented Judicial System Budget as % of GDP



### Variation of the JSB per inhabitant between 2022 - 2023



The Judicial System Budget (JSB) is composed by the budget for courts, public prosecution services and legal aid. In 2023, the implemented JSB for North Macedonia was €26,6 per inhabitant (+8% compared to 2022). It was lower than the WB Average of €45,2. The expenditure on JSB represented 0,37% of the GDP of North Macedonia (the WB Average was 0,54%).

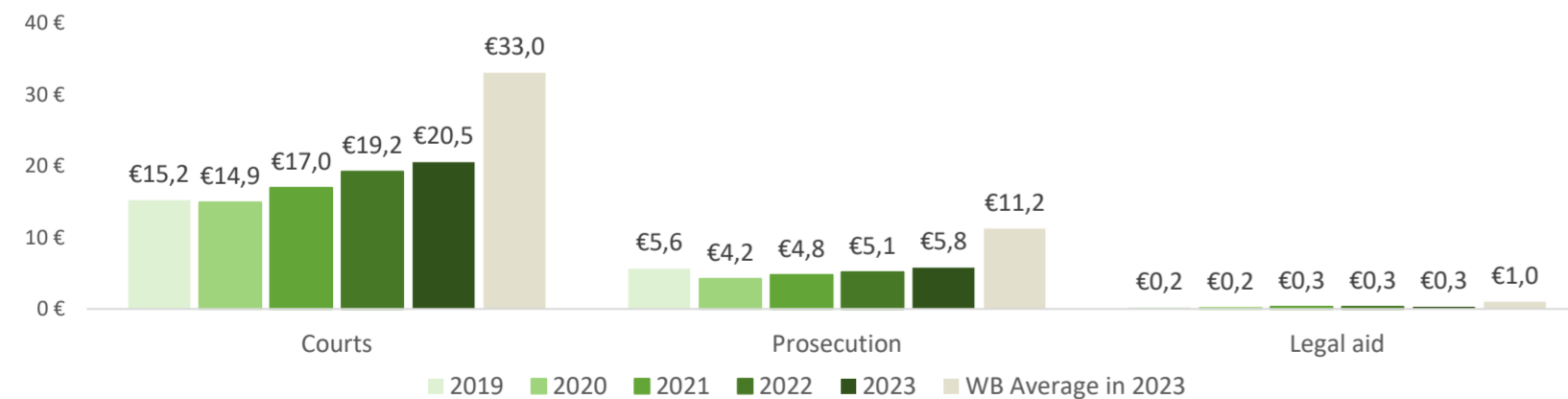
### Budget allocated to the judicial system (courts, prosecution services and legal aid)

In 2023, North Macedonia spent €48 677 506 on the implemented judicial system budget. This means that North Macedonia spent €26,6 per inhabitant, which is less than the WB Average of €45,2. 77,2% was spent for courts, 21,7% for prosecution services, 1% for legal aid. Compared to 2022, North Macedonia has spent, per inhabitant, 6,9% more for courts, 12,5% more for prosecution services, and -2,5% less for legal aid.

Judicial System Budget	Judicial System Budget in 2023		Implemented Judicial System Budget per inhabitant				Implemented Judicial System Budget as % of GDP			
	Approved	Implemented	Per inhabitant in 2023	WB Average in 2023	% Variation between 2019 - 2023	% Variation between 2022 - 2023	As % of GDP	WB Average in 2023	Variation (in ppt) 2019 -2023	Variation (in ppt) 2022 - 2023
<b>Total</b>	€51 686 315	€48 677 506	€26,6	€45,2	26,6%	8,0%	0,37%	0,54%	-0,01	-0,013
<b>Courts</b>	€39 193 520	€37 597 513	€20,5	€33,0	35,1%	6,9%	0,29%	0,39%	0,01	-0,013
<b>Prosecution</b>	€11 956 210	€10 573 179	€5,8	€11,2	2,9%	12,5%	0,08%	0,13%	-0,02	0,001
<b>Legal aid</b>	€536 585	€506 814	€0,28	€0,98	43,4%	-2,46%	0,004%	0,01%	0,0004	-0,001

PPT = Percentage points

### Evolution of the implemented judicial system budget per inhabitant between 2019 and 2023 (€)



According to the authorities, in 2023, more criminal cases brought to court were concluded. The increase in the budget allocated to criminal cases may also be attributed to the complexity and longer durations of these cases, leading to higher expenses for lawyers.

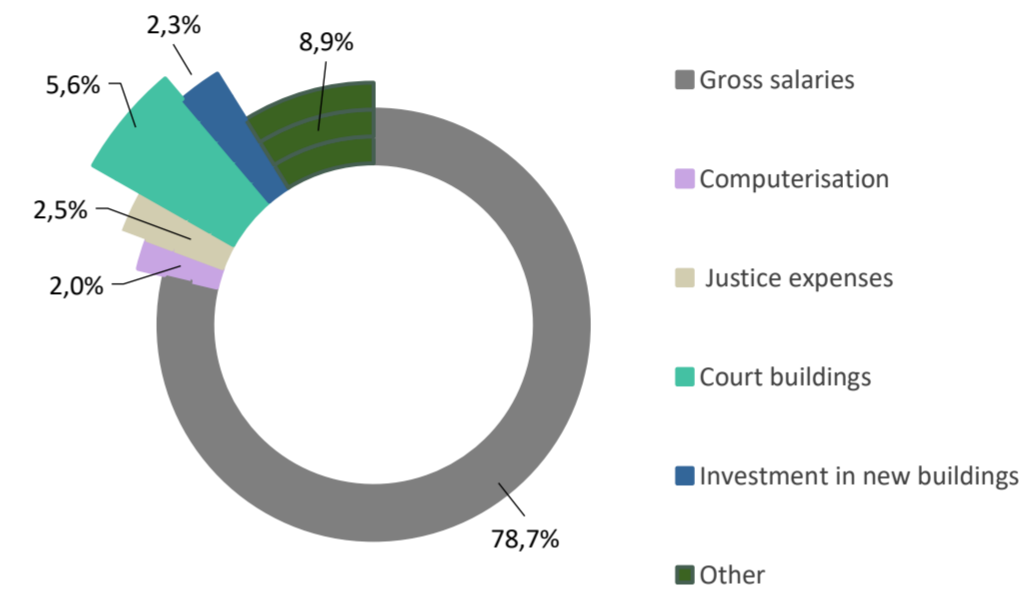
## Budget allocated to the functioning of the courts - Categories

In 2023, North Macedonia spent € 37 597 513 on the implemented budget for courts. 78,7% was spent for gross salaries, 2% for computerisation, 2,5% for justice expenses, 5,6% for court buildings, 2,3% for investment in new buildings, 8,9% for other.

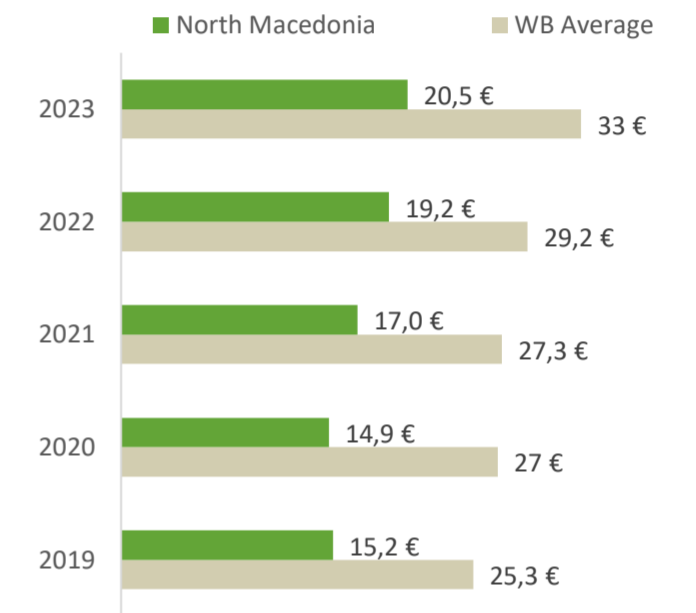
Between 2022 and 2023, the implemented budget for courts has increased by 6,5%.

	2023		% Variation between 2019 and 2023		% Variation between 2022 and 2023	
	Approved budget	Implemented budget	Approved budget	Implemented budget	Approved budget	Implemented budget
<b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	39 193 520 €	37 597 513 €	17,5%	19,1%	10,6%	6,5%
<b>1. Gross salaries</b>	29 629 381 €	29 599 394 €	22,2%	23,2%	14,4%	14,4%
<b>2. Computerisation (2.1 + 2.2)</b>	747 715 €	739 680 €	-2,8%	-3,8%	-66,7%	-65,7%
2.1 Investment in computerisation	457 371 €	451 167 €			-77,2%	-76,5%
2.2 Maintenance of the IT equipment of courts	290 344 €	288 513 €			22,8%	23,1%
<b>3. Justice expenses</b>	986 250 €	948 586 €	28,4%	23,5%	81,8%	74,8%
<b>4. Court buildings</b>	2 149 593 €	2 107 577 €	87,1%	83,5%	3,5%	1,5%
<b>5. Investment in new buildings</b>	956 199 €	871 020 €	-14,2%	160,2%	115,7%	96,5%
<b>6. Training</b>	NAP	NAP	NAP	NAP	NAP	NAP
<b>7. Other</b>	4 724 382 €	3 331 256 €	-11,0%	-26,6%	11,5%	-20,9%

Distribution of the Implemented budget allocated to the courts in 2023 (%)



Implemented budget allocated to the courts per inhabitant between 2019 and 2023 (€)



According to the authorities, after the investments in ICT made in the previous year, additional resources were allocated to maintain the new system. Regarding investments in new court buildings, the increase is attributable to expenses for renovating a few existing courts. The court budget includes only the budget of all courts.

## Budget received from external donors

The external funds does not cover a percentage of the budget, since donations are not included in the judicial system budget.

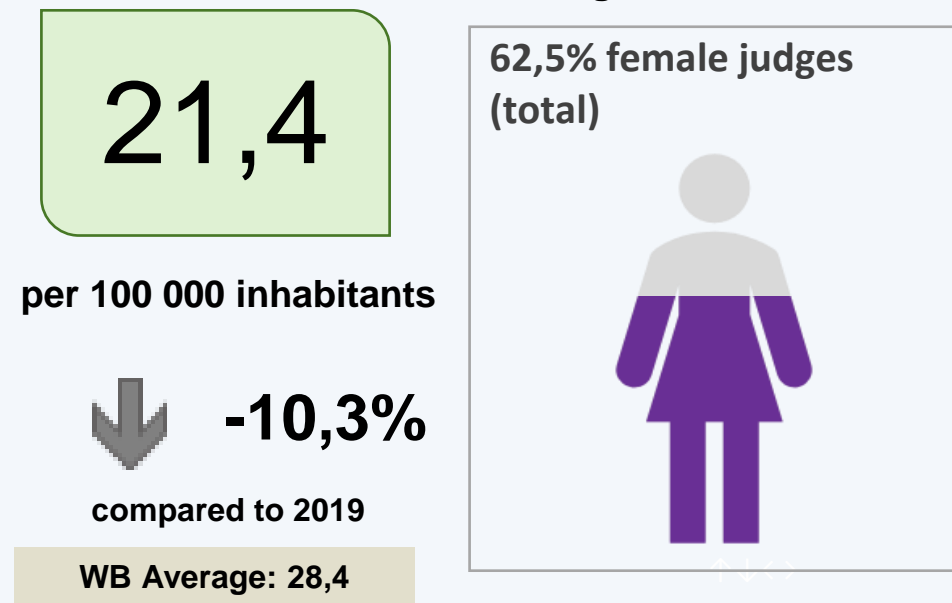
	Absolute value	Calculated as %
Courts	NAP	NAP
Prosecution services	NAP	NAP
Legal aid	NAP	NAP
Whole justice system	23 350 267 €	NA

The authorities reported significant international support for the entire justice system, with a special emphasis on the judiciary. Given that these projects span two or more years and cover various areas, it is challenging to provide information for specific subcategories. Additionally, some projects also encompass institutions outside the judiciary and justice system, and others finance activities across multiple countries. The figures presented include all these categories, calculated by dividing the absolute amount of each project by the number of implementation years. External donor funds are provided to the justice sector through relevant projects and are not part of the national budget. The table presents figures from projects realized in 2022, following the methodology described. To ensure integration and synergy between national policies and foreign assistance, a Sector Working Group for Justice was established to coordinate and monitor donor assistance, particularly the EU's IPA program. Regional projects are included in the total amount.

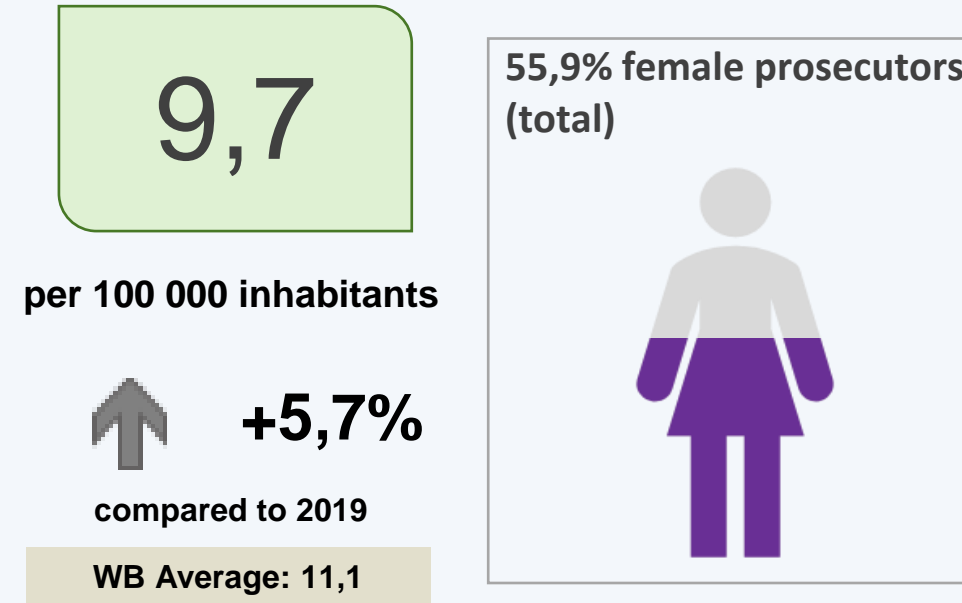
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## Professionals and Gender Balance in judiciary in North Macedonia in 2023 (Indicators 2 and 12)

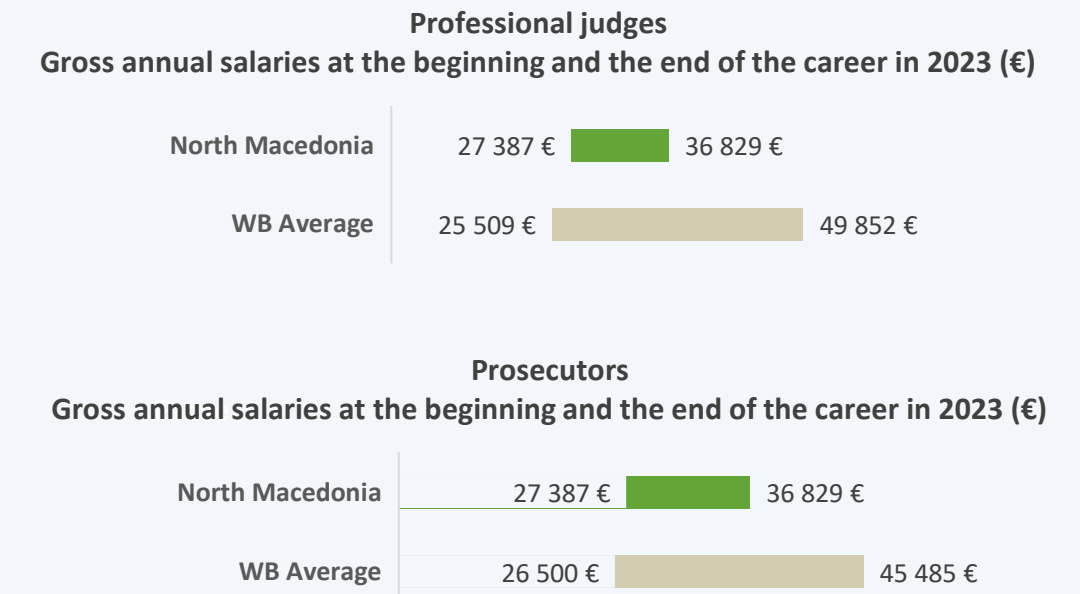
### Professional Judges



### Prosecutors



### Salaries of judges and prosecutors

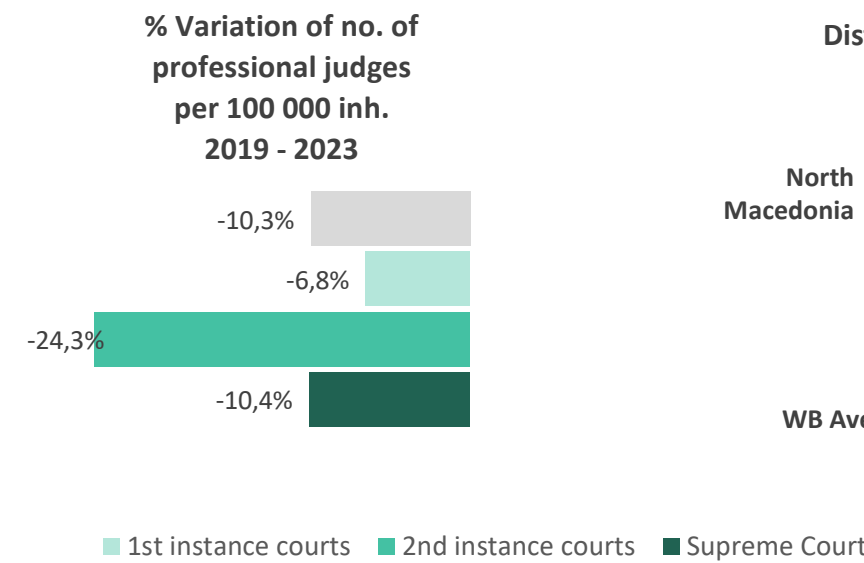


In 2023, North Macedonia had 21,4 professional judges per 100 000 inhabitants and 9,7 prosecutors per 100 000 inhabitants. Both figures were below the WB Average of 28,4 and 11,1, respectively. More than half of professional judges and prosecutors were women (WB Average was 63,3% and 52,4%, respectively).

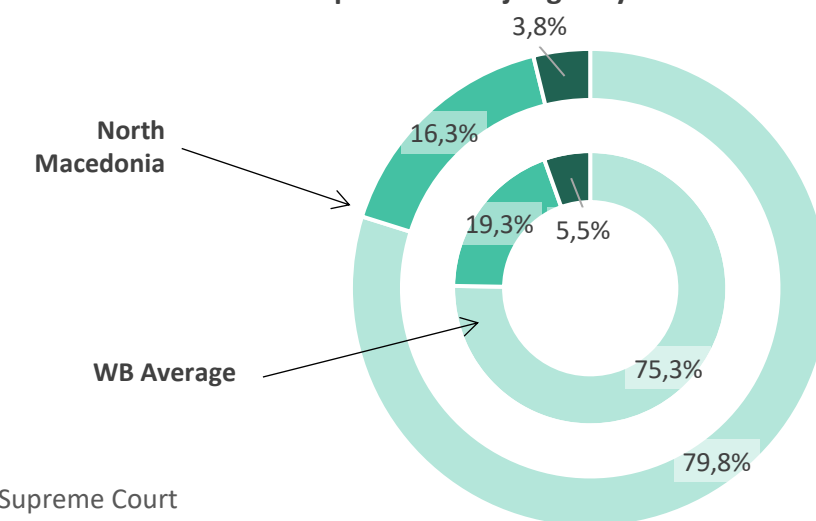
### Professional Judges

	Professional judges in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	392	100,0%	21,4	28,4
<b>1st instance courts</b>	313	79,8%	17,1	21,4
<b>2nd instance courts</b>	64	16,3%	3,5	5,5
<b>Supreme Court</b>	15	3,8%	0,8	1,6

For reference only: the 2022 EU median is 22,9 judges per 100 000 inhabitants.



### Distribution of professional judges by instance in 2023 (%)



In 2023, the absolute number of professional judges in North Macedonia was 392 (i.e. 21,4 per 100 000 inhabitants, which was significantly lower than the WB Average of 28,4).

Compared to 2019, the total number of professional judges per 100 000 inhabitants decreased by -10,3%.

The figures show a difference of -4,6 percentage points between the percentage of judges in the first instance (79,85%) and the WB Average (75,3%)

According to the authorities, the number of judges is decreasing due to retirements and the lengthy training process at the Academy for Judges and Prosecutors. Since 2013, the only pathway to becoming a judge or public prosecutor is through a 24-month training program at the Academy, resulting in a selection and appointment process that takes about three years. The Strategy for Reform of the Judicial Sector 2017-2022 included a guideline to align the number of judges in North Macedonia with the European average per capita. This involves optimizing the number of judges through natural attrition, with a success indicator of reducing the number of judges by 5%.

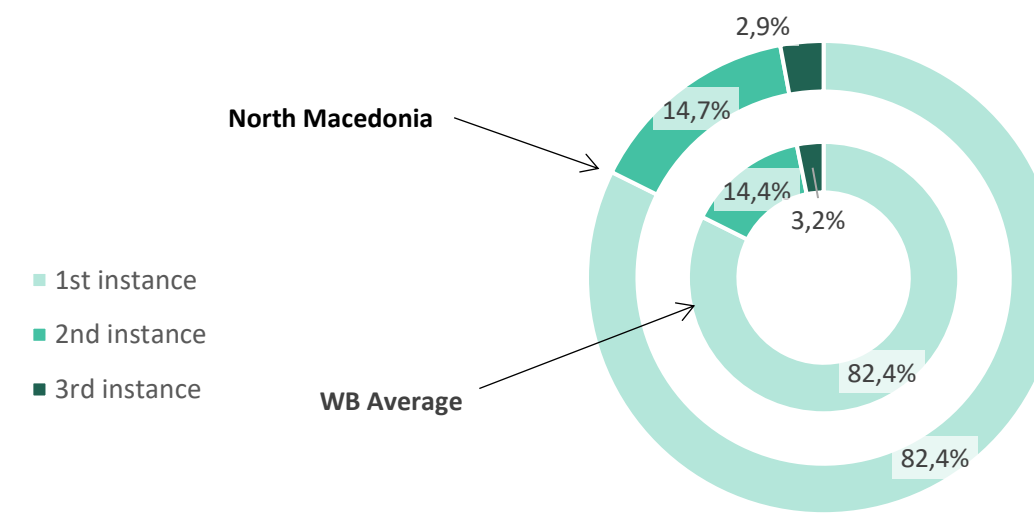


• Court presidents

	Court presidents in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	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 2023 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 2023 (%)



## • Non-judge staff

The absolute total number of non-judge staff in North Macedonia was 2 153, which decreased by -3,9% between 2019 and 2023. The number of non-judge staff per 100 000 inhabitants was 117,7, which was above the WB Average of 112,9.

	Number of non-judge staff by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	2 153	100,0%	117,7	112,9
1st instance courts	1 817	84%	99,3	92,0
2nd instance courts	265	12%	14,5	15,8
Supreme Court	71	3%	3,9	5,1

For reference only: the 2022 EU median is 59,4 non-judge staff per 100 000 inhabitants.

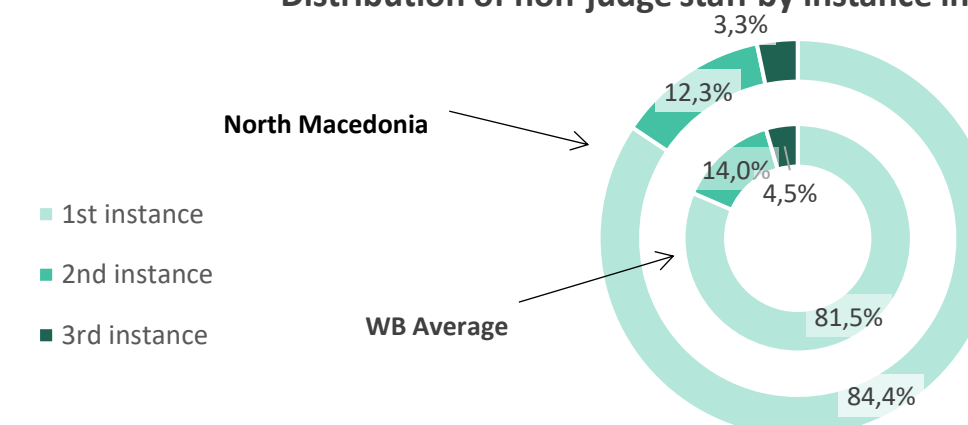
The highest number of non-judge staff were in charge of administrative tasks and represented 59,4% of the total.

Since 2019, there was no significant variation in the distribution of non-judge staff by category.

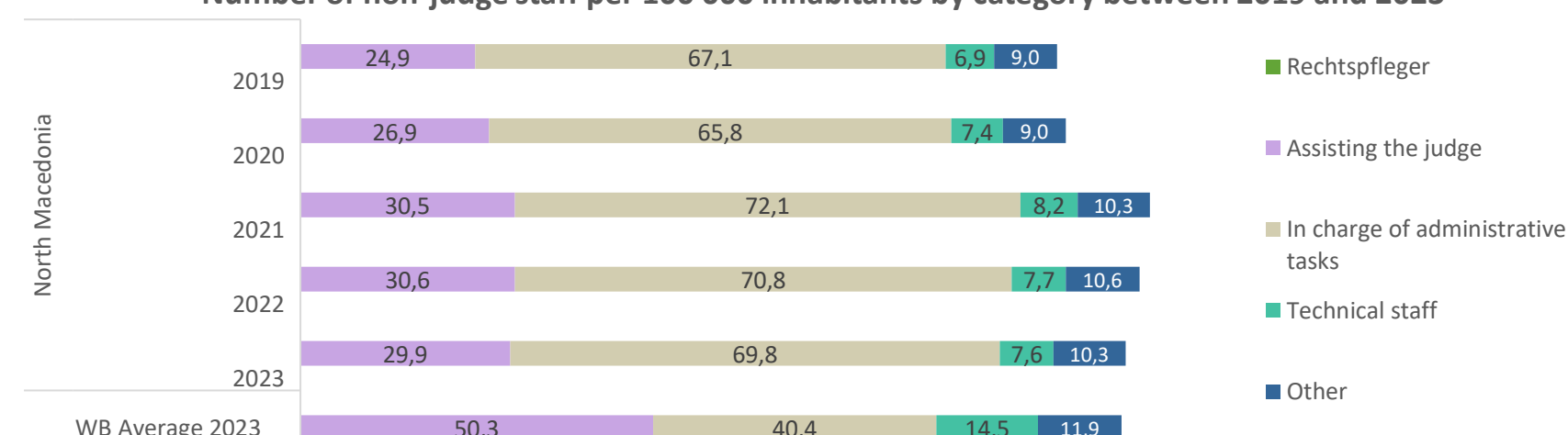
	Number of non-judge staff by category in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	2 153	100,0%	117,7	112,9
Rechtspfleger	NAP	NAP	NAP	-
Assisting the judge	547	25,4%	29,9	50,3
In charge of administrative tasks	1 278	59,4%	69,8	40,4
Technical staff	139	6,5%	7,6	14,5
Other	189	8,8%	10,3	11,9

"Other non-judge staff" - court police

Distribution of non-judge staff by instance in 2023



Number of non-judge staff per 100 000 inhabitants by category between 2019 and 2023



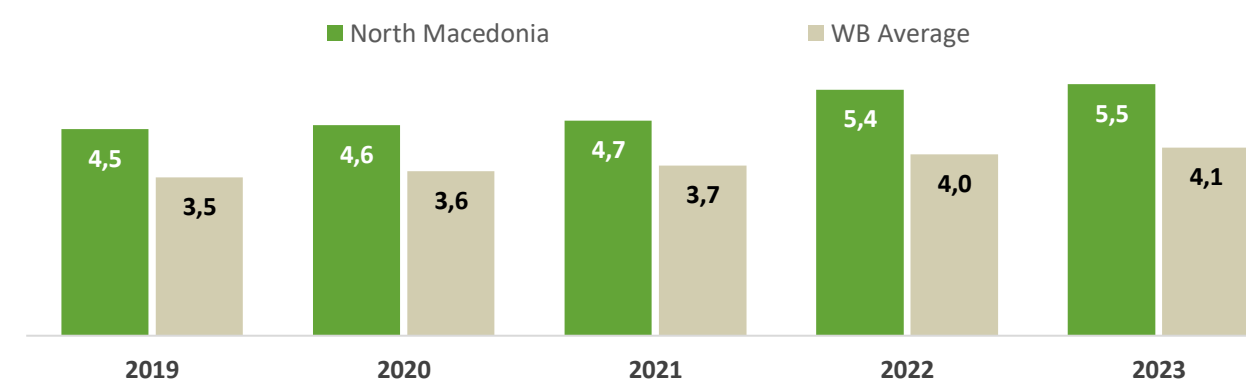
## • Ratio between non-judge staff and professional judges

In North Macedonia, the ratio of non-judge staff per professional judge was 5,5 in 2023, whereas the WB Average was 4,1. This increased since 2019, when the ratio of non-judge staff per professional judge in North Macedonia was 4,5 and WB Average was 3,5.

	Ratio in 2023		% Variation between 2019 and 2023
	North Macedonia	WB Average	
<b>Total</b>	5,5	4,1	21,6%
1st instance courts	5,8	4,4	15,1%
2nd instance courts	4,1	3,2	57,1%
Supreme Court	4,7	4,2	38,4%

For reference only: the 2022 EU median ratio of non-judge staff per judge is 3,3.

Ratio between non-judge staff and judges between 2019 and 2023



## Prosecutors

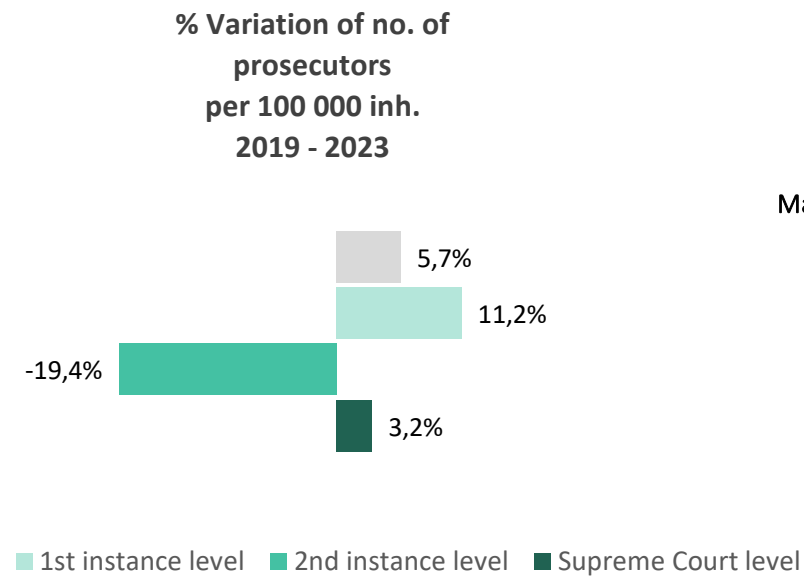
	Number of prosecutors by instance in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	177	100,0%	9,7	11,1
1st instance level	145	81,9%	7,9	8,8
2nd instance level	22	12,4%	1,2	1,8
Supreme Court level	10	5,6%	0,5	0,9

For reference only: the 2022 EU median is 11,1 prosecutors per 100 000 inhabitants.

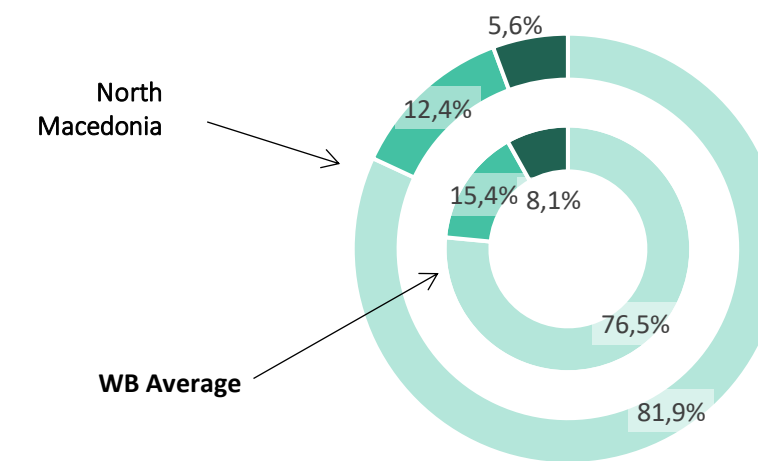
In 2023, the absolute number of prosecutors in North Macedonia was 177 (i.e. 9,7 per 100 000 inhabitants, which was significantly lower than the WB Average of 11,1).

The total number of prosecutors per 100 000 inhabitants increased by 5,7% between 2019 and 2023.

The figures show a difference of -5,4 percentage points between the percentage of prosecutors in the first instance (81,9%) and the WB Average (76,5%)



**Distribution of prosecutors by instance in 2023 (%)**



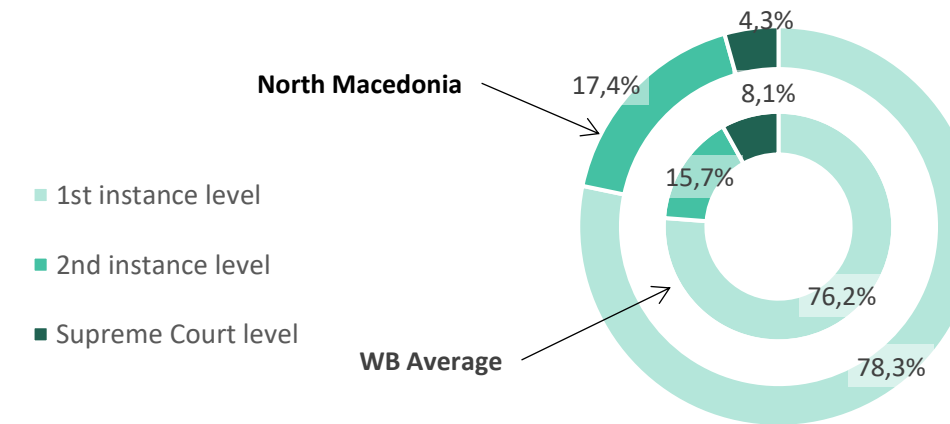
## Heads of prosecution services

	Heads of prosecution services in 2023			
	Absolute number	% of the total	Per 100 000 inhabitants	WB Average per 100 000 inhabitants
<b>Total</b>	23	100,0%	1,3	1,2
1st instance level	18	78,3%	1,0	0,9
2nd instance level	4	17,4%	0,2	0,2
Supreme Court level	1	4,3%	0,05	0,10

In 2023, the absolute number of heads of prosecution services in North Macedonia was 23 (i.e. 1,3 per 100 000 inhabitants, which was slightly higher than the WB Average of 1,2).

In 2021 there was 3 males - heads of PPO and 1 female. In 2022 there were 4 males.

**Distribution of heads of prosecution services by instance in 2023 (%)**



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

	Non-prosecutor staff in 2023			Ratio between non-prosecutor staff and prosecutors		
	Absolute number	Per 100 000 inhabitants		2023		% Variation 2019 - 2023
	North Macedonia	North Macedonia	WB Average	North Macedonia	WB Average	North Macedonia
<b>Total</b>	375	20,5	26,5	2,1	2,4	-6,8%

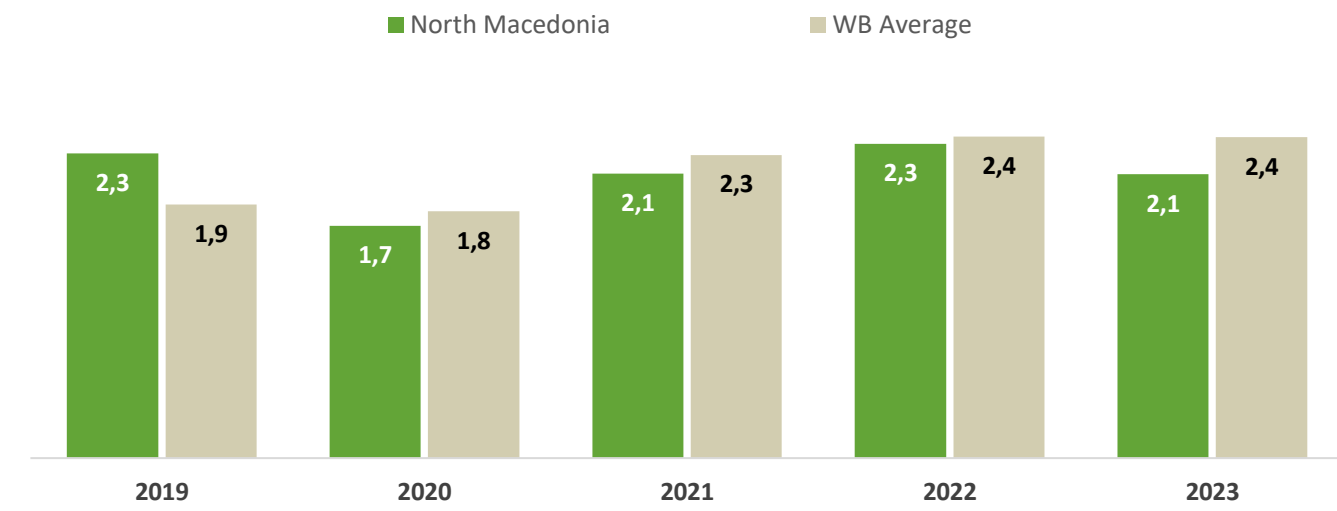
For reference only: the 2022 EU median is 14,4 non-prosecutors staff per 100 000 inhabitants.

In 2023, the total number of non-prosecutor staff in North Macedonia was 375. Their number decreased by -13,2% compared to 2019.

The number of non-prosecutor staff per 100 000 inhabitants was 20,5, which was below the WB Average of 26,5.

The ratio of non-prosecutor staff per prosecutor was 2,1 (significantly lower than the WB Average of 2,4).

Ratio between non-prosecutor staff and prosecutors between 2019 and 2023



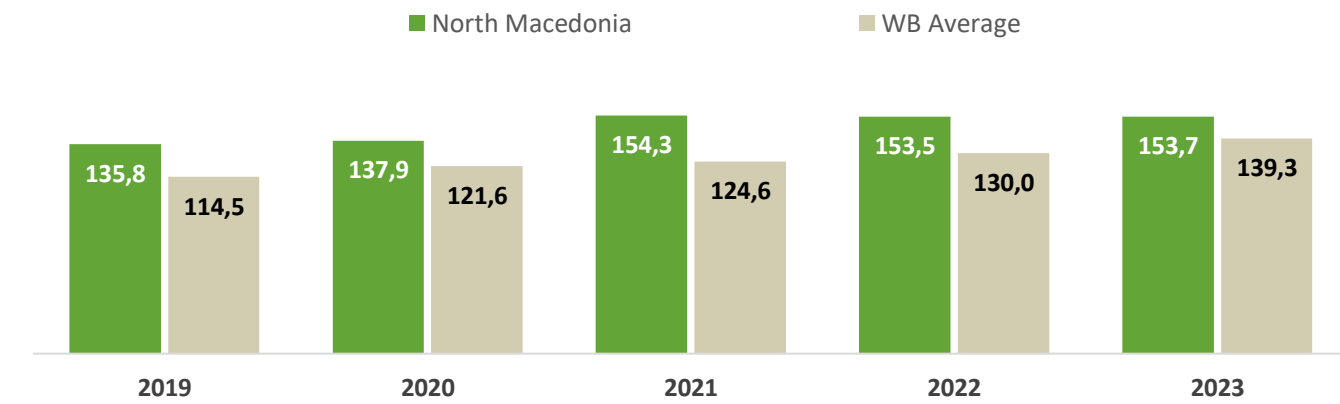
• **Lawyers**

	Number of lawyers in 2023			% Variation 2019 - 2023
	Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	North Macedonia
<b>Total</b>	2 812	153,7	139,3	13,1%

For reference only: the 2022 EU median is 132,1 lawyers per 100 000 inhabitants.

In 2023, the number of lawyers was 153,7 per 100 000 inhabitants, which was higher than the WB Average (139,3). The number of lawyers per 100 000 inhabitants increased by 13,1% between 2019 and 2023.

Number of lawyers per 100 000 inhabitants between 2019 and 2023



The total number of enrolled lawyers during 2023 is 97, of which 44 are females and 53 are males

## Salaries of professional judges and prosecutors

In 2023, the ratio between the salary of professional judges at the beginning of career with the annual gross average salary in North Macedonia was 2,6, which was more than the WB Average (1,9).

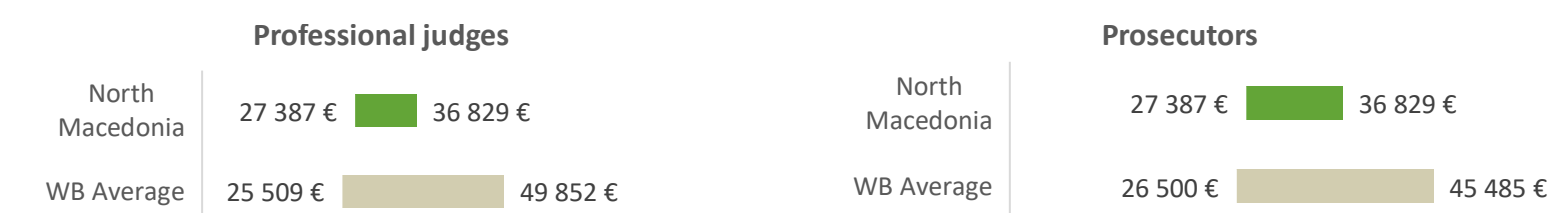
At the end of career, judges were paid more than at the beginning of career by 34,5%, which was less than the variation noted for the WB Average (86,2%).

In 2023, the ratio between the salary of prosecutors at the beginning of career with the annual gross average salary in North Macedonia was 2,6, which was more than the WB Average (2,2).

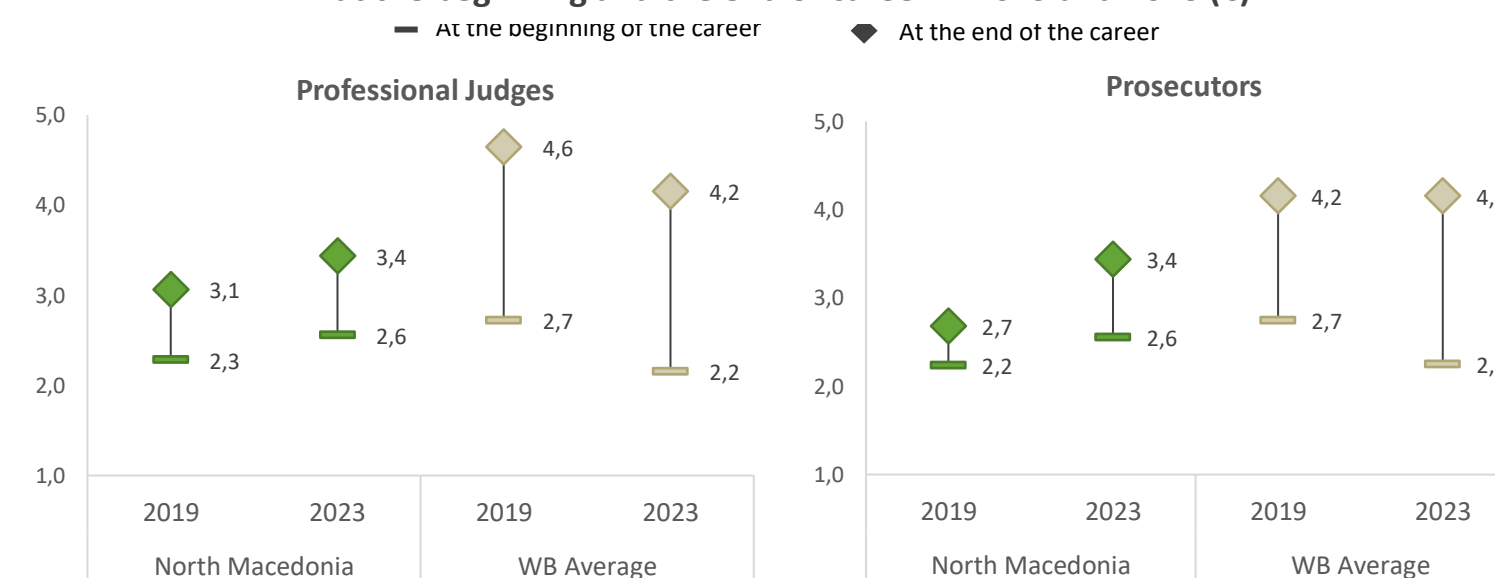
At the end of career, prosecutors were paid more than at the beginning of career by 34,5%, which was less than the variation noted for the WB Average (70,2%).

		Salaries in 2023 (absolute values)			Ratio with the average gross annual salary	
		Gross annual salary in €	% Variation 2019 - 2023	Net annual salary in €	North Macedonia	WB Average ratio
Professional judge	At the beginning of his/her career	27 387	▲ 60,7%	17 923	2,6	1,9
	Of the Supreme Court or the Highest Appellate Court	36 829	▬ 0,0%	24 042	3,4	3,5
Public prosecutor	At the beginning of his/her career	27 387	▲ 64,2%	17 923	2,6	2,2
	Of the Supreme Court or the Highest Appellate Court	36 829	▲ 84,0%	24 042	3,4	3,8

Gross annual salaries of professional judges and prosecutors at the beginning and the end of the career in 2023 (€)



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 2023 (€)



For reference only: the 2022 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

- prosecutors' salary at the beginning of career: 1,7

- professional judges' salary at the end of career: 4,3

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

Salaries increased due to a decision by the Constitutional Court, which affected several laws governing the salaries of appointed and elected officials, judges, and public prosecutors. Previously, salaries were calculated by multiplying a legally defined coefficient with a fixed amount. The Constitutional Court overturned the provision specifying this fixed amount, resulting in the application of a new methodology where the coefficient is multiplied by the average monthly salary in the state. This change has led to a rapid increase in salaries for judges, prosecutors, and other appointed and elected individuals.

### Additional benefits and bonuses for professional judges and prosecutors

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

The Law on Public Prosecutors' Salaries stipulates in Article 6-b that public prosecutors are entitled to salary supplements for special working conditions, high risk, and confidentiality. These supplements are not mutually exclusive and can total up to 35% of the public prosecutor's basic salary. The same provision is included in the Law on Salaries of Judges, allowing judges to receive salary supplements for special working conditions, high risk, and confidentiality, with the total amount also capped at 35% of their basic salary.

• Gender Balance

	% Female in 2023		Variation of the % females between 2019 - 2023 (in ppt)
	North Macedonia	WB Average	North Macedonia
Professional Judges	62,5%	63,3%	▲ 2,4
Court Presidents	44,1%	49,1%	■ -5,0
Non-Judge Staff	63,4%	71,5%	▲ 1,7
Prosecutors	55,9%	52,4%	▲ 2,8
Heads of Prosecution Services	43,5%	39,7%	■ -3,8
Non-Prosecutor Staff	71,5%	69,3%	▲ 2,2
Lawyers	43,6%	38,3%	▼ -5,3

PPT= Percentage points

For reference only: the 2022 EU medians on gender are among professionals are as follows: 62% women judges; 76% women non-judge staff; 60% women prosecutors; 77% women non-prosecutor staff; and 49% women lawyers.

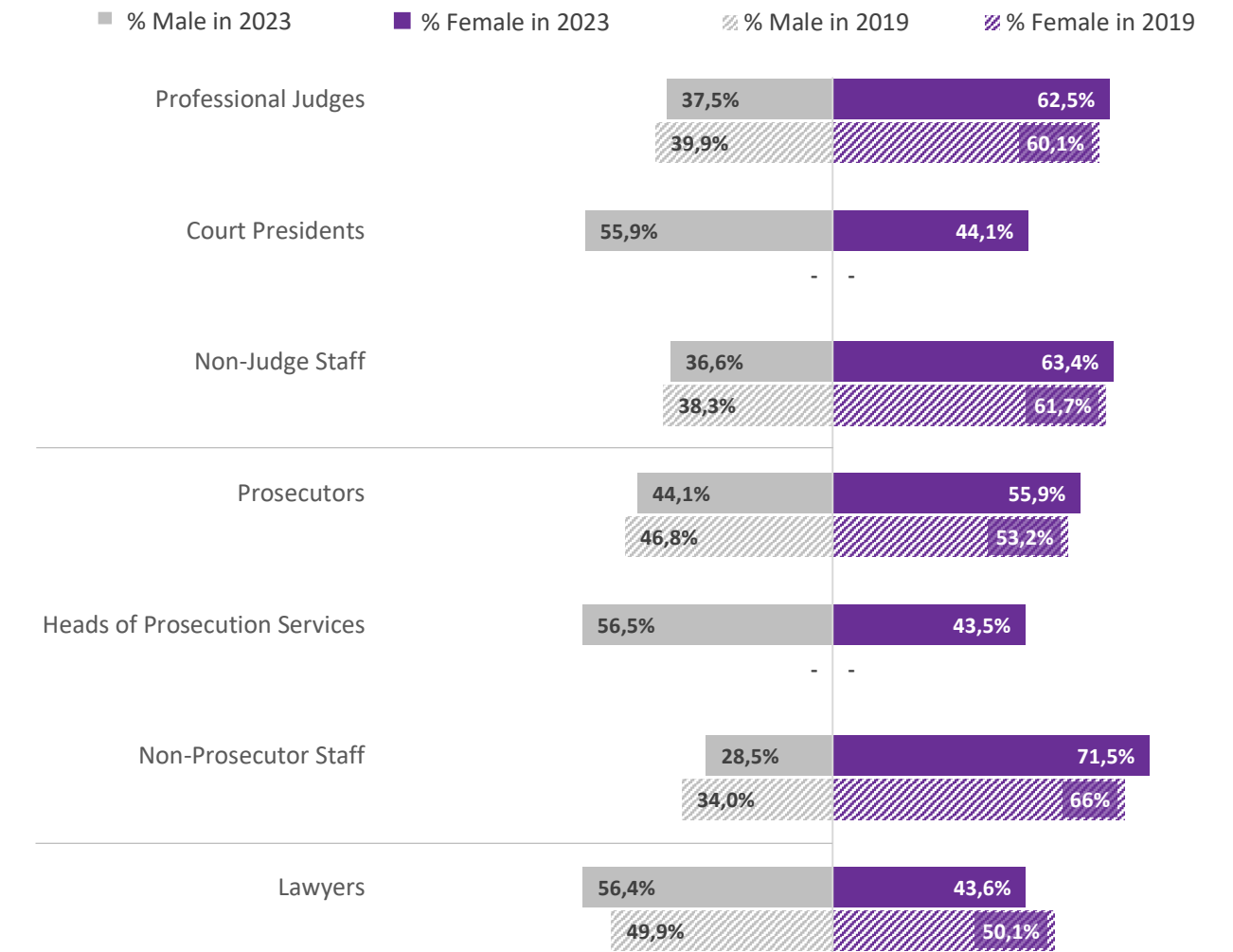
In 2023, the percentage of female professional judges was 62,5%, which was lower than WB Average (63,3%). With a presence of 44,1%, the number of female court presidents in North Macedonia was lower than the WB Average of 49,1%. Moreover, the percentage of female non-judge staff was 63,4%.

Also, the percentage of female prosecutors was 55,9% (higher than the WB Average of 52,4%). 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 71,5%.

Finally, the percentage of female lawyers was 43,6%, which was higher than WB Average (38,3%).

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

Gender Balance in North Macedonia in 2019 and 2023



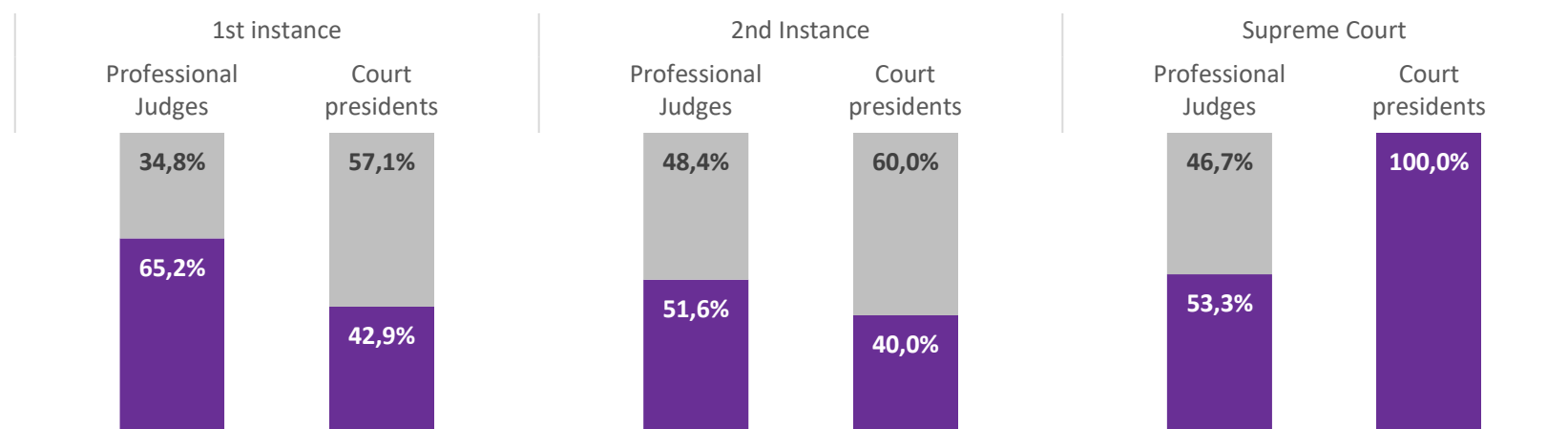
In 2023, the percentage of female head of prosecutors, prosecutors and non-prosecutor staff was higher than the WB average. Moreover, the rate of female lawyers was 43,6%, which is higher than the WB average (38,3%). Court presidents and heads of prosecution services had less than 50% of professionals 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%).

	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	65,2%	63,5%	42,9%	48,4%	60,0%	53,1%	55,6%	43,9%
2nd instance	51,6%	64,2%	40,0%	48,1%	40,9%	47,0%	0,0%	25,0%
Supreme Court	53,3%	61,3%	100,0%	73,3%	30,0%	48,2%	0,0%	30,7%

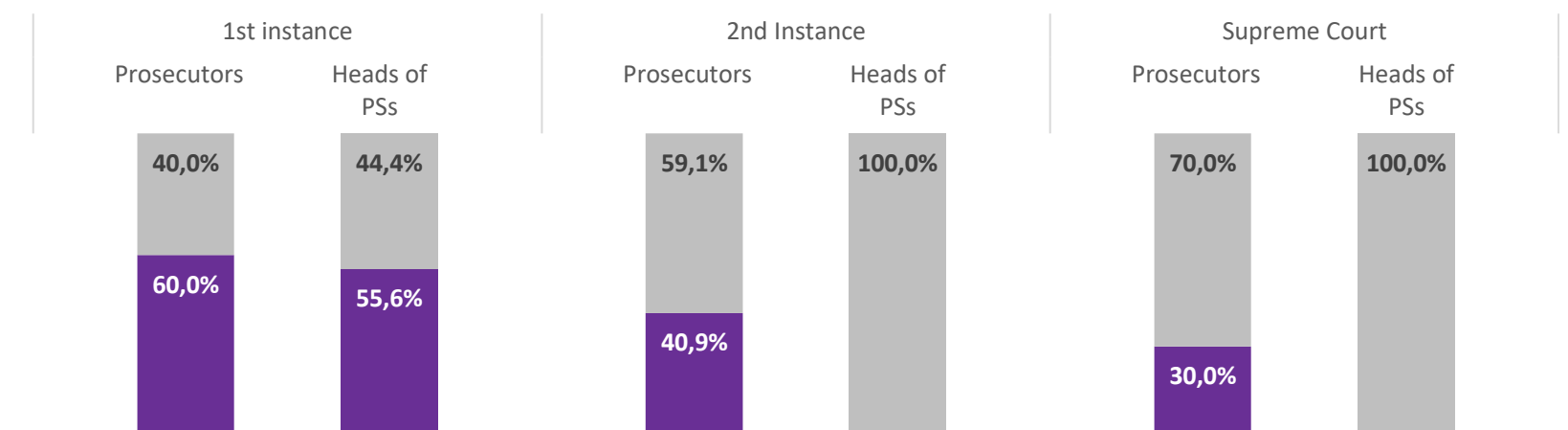
Gender Balance by instance in 2023

■ % Females ■ % Males

Professional Judges and Court Presidents



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.

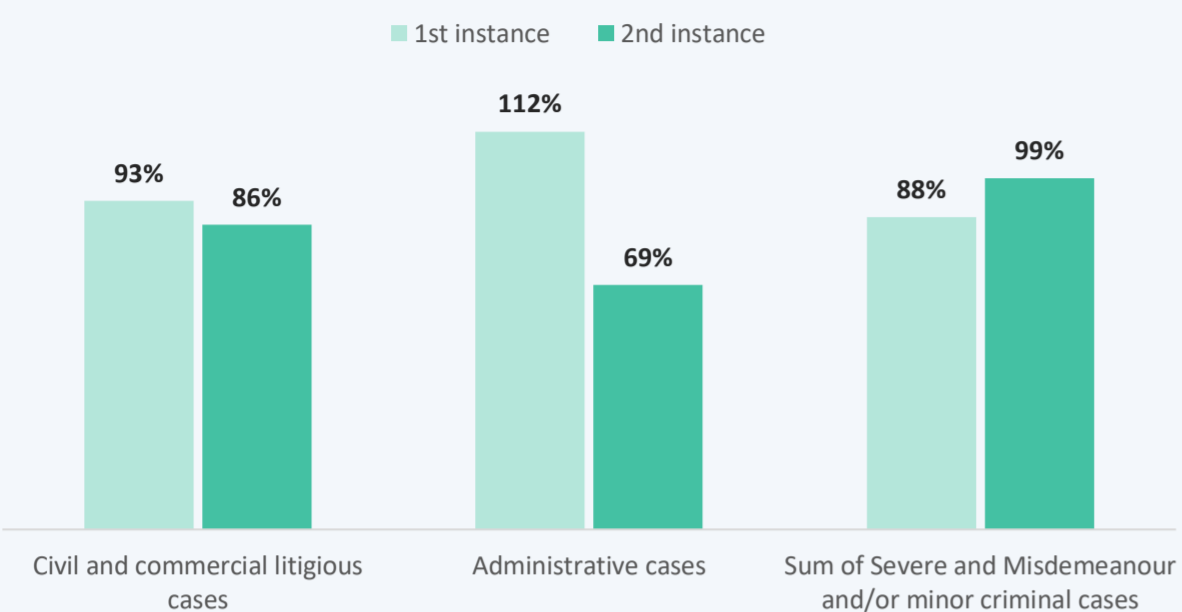
The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 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.

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. According to 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.

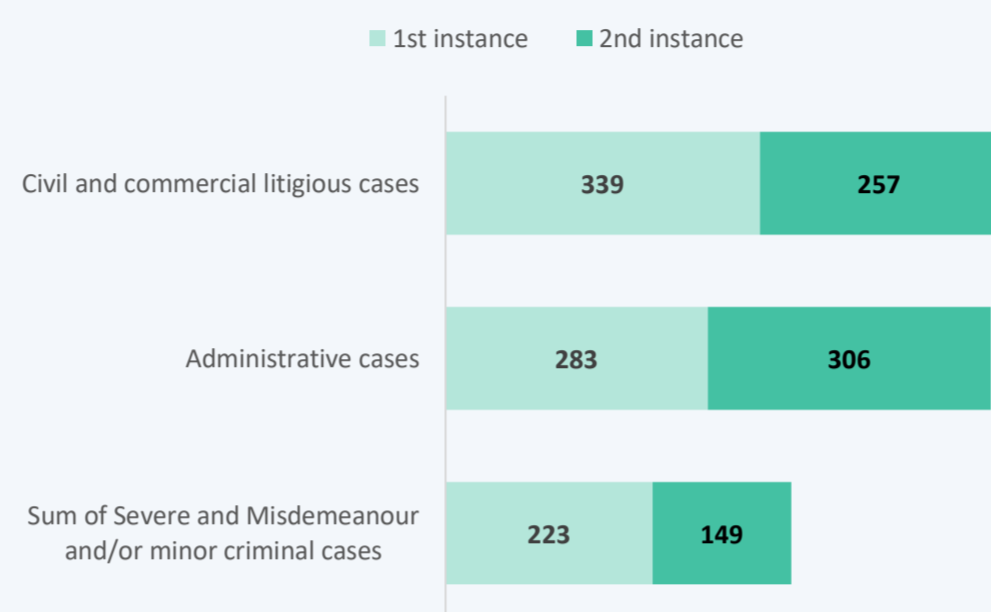
*Kosovo is not included in the calculation of summary statistics*

## Efficiency in North Macedonia in 2023 (Indicators 3.1 and 3.2)

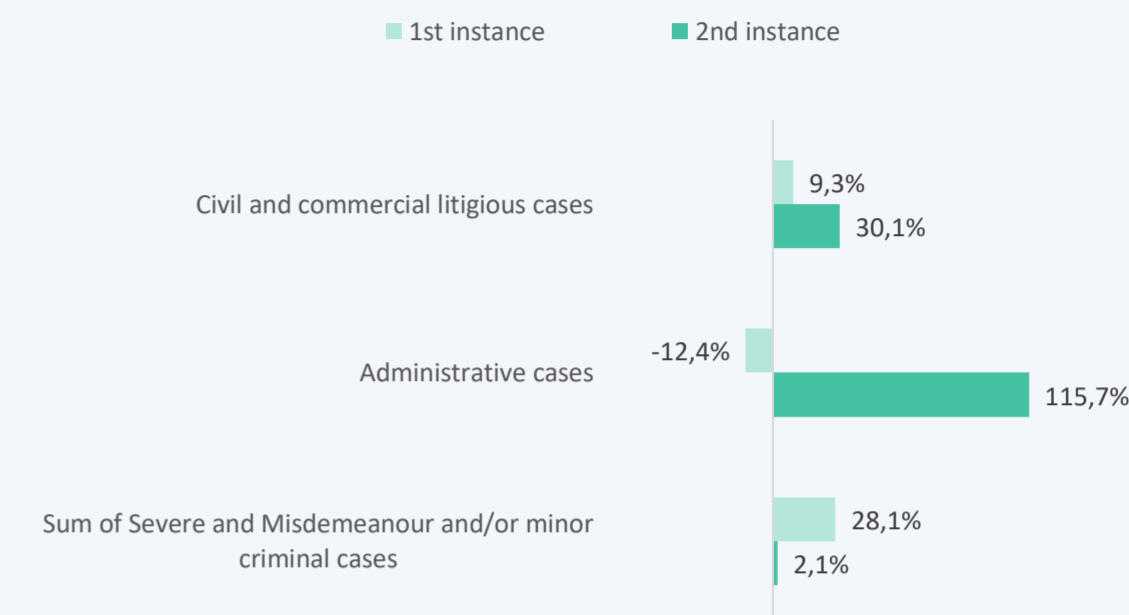
### Clearance Rate in 2023



### Disposition Time in 2023 (in days)



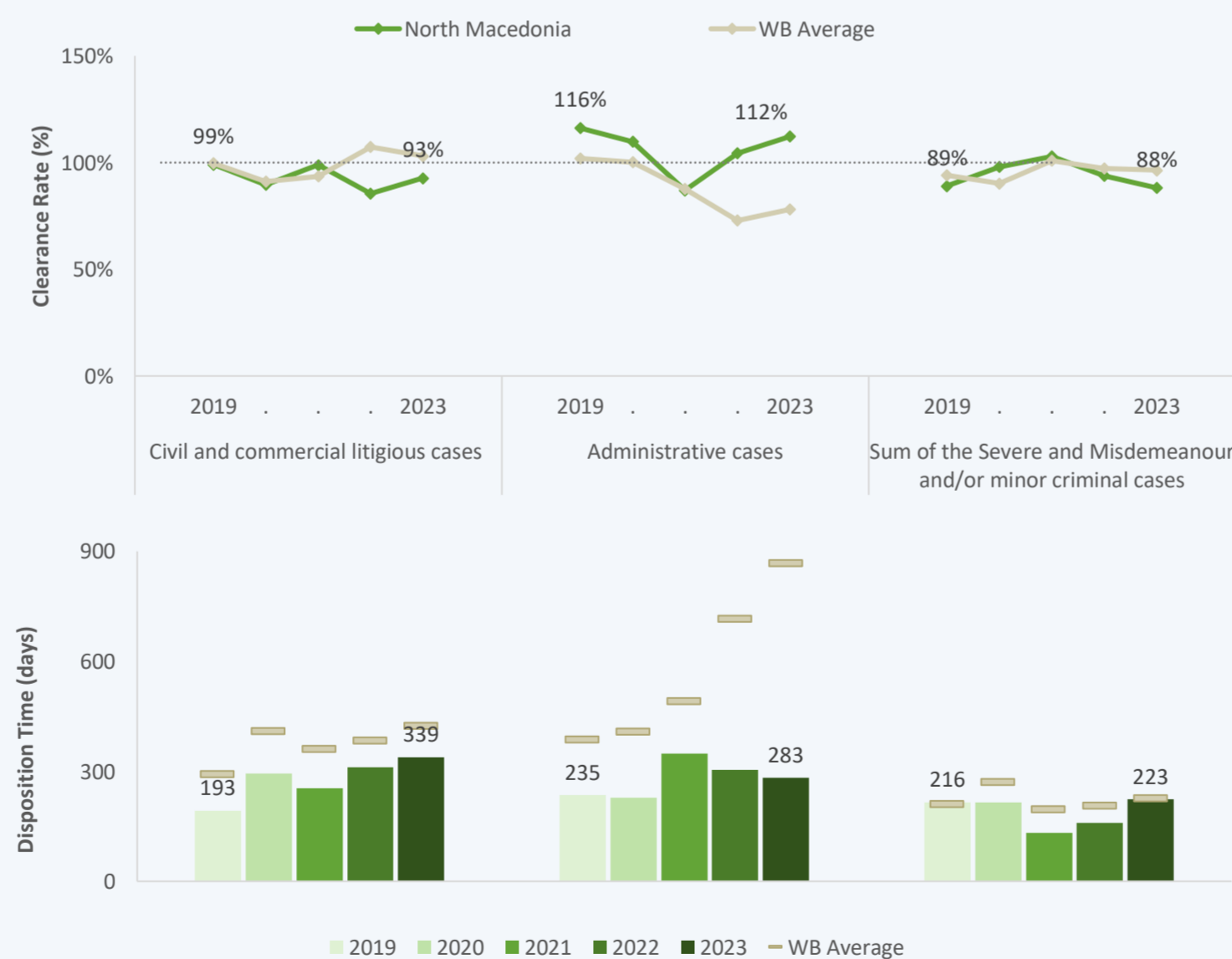
### % Variation of pending cases at the end of year between 2022 and 2023



In 2023, the highest Clearance rate (CR) for North Macedonia was calculated for the first instance Administrative cases, with a CR of 112%. However, it seems that North Macedonia was not able to deal as efficiently with the second instance Administrative cases (CR of 69%). With a Disposition Time of approximately 149 days, the second instance sum of the Severe and Misdemeanour and/or minor criminal cases were resolved faster than any other type of cases. Compared to 2022, the pending cases at the end of year increased for the second instance Administrative cases (115,7%), whereas they decreased for the first instance Administrative cases by -12,4%.

### First instance cases

#### Clearance rate (%) and Disposition Time (days) for first instance cases from 2019 to 2023

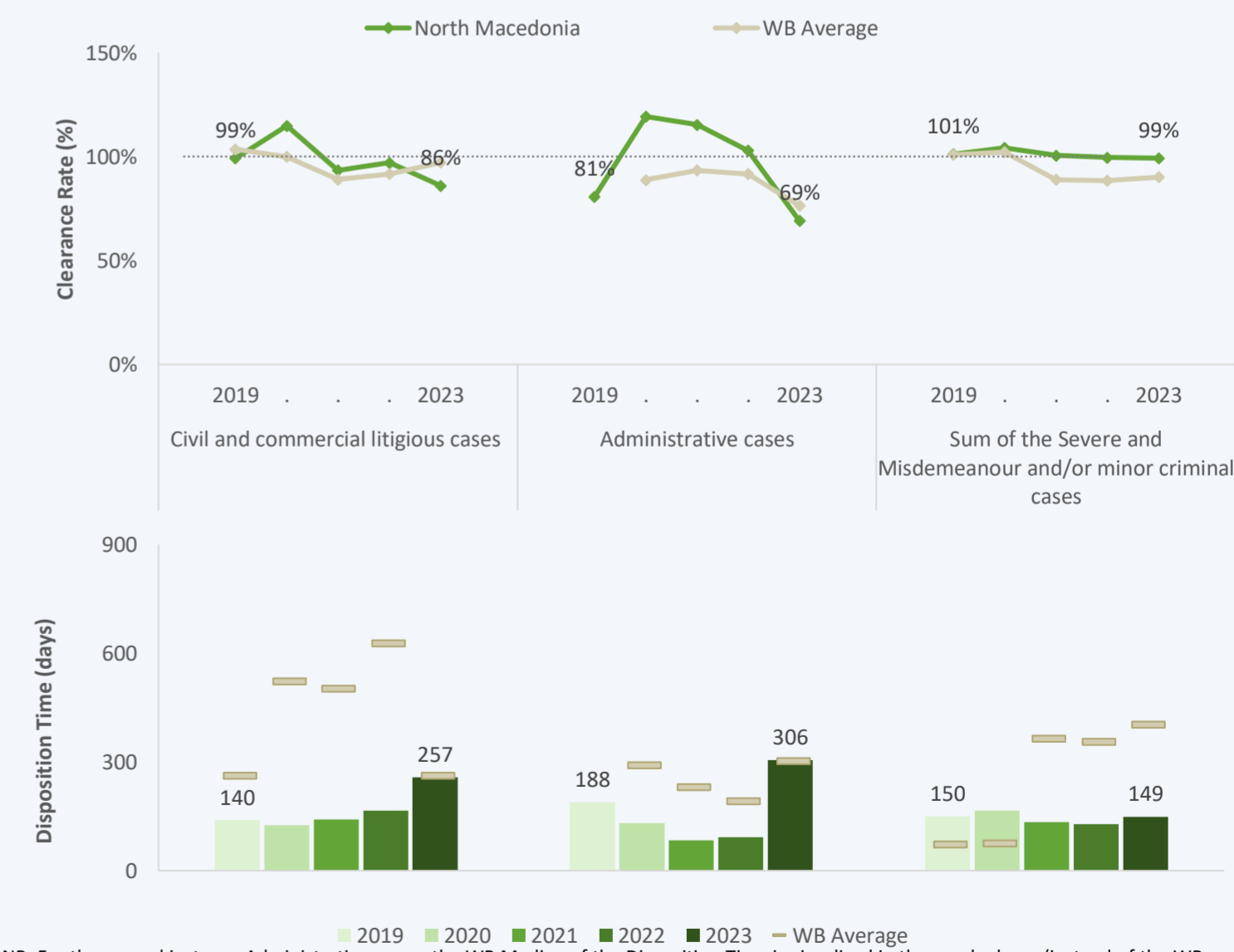


In 2023, the Clearance Rate was below 100% for all categories, except for administrative cases in the first and second instances.

Over the five years, the Disposition time (DT) was below the WB average for first and second-instance cases and all matters. However, from 2022 to 2023, there has been an increase of the DT in all instances and categories, except for the administrative cases in the first instance.

### Second instance cases

#### Clearance rate (%) and Disposition Time (days) for second instance cases from 2019 to 2023



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 2019 WB Medians for these type of cases are not available.



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

1st instance cases in 2023 (absolute values)	North Macedonia (2023)				% Variation between 2022 and 2023			
	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
<b>Total of other than criminal law cases (1+2+3+4)</b>	79 136	75 193	42 910	NA	1,1%	4,4%	10,1%	NA
1 Civil and commercial litigious cases	39 866	36 960	34 315	NA	-7,3%	0,5%	9,3%	NA
2 Non-litigious cases**	33 536	31 853	3 956	NA	16,3%	11,5%	74,0%	NA
3 Administrative cases	4 683	5 261	4 074	NA	-12,7%	-6,0%	-12,4%	NA
4 Other cases	1 051	1 119	565	NA	-3,8%	-0,5%	-10,7%	NA

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

Category "Other Registry cases" consists cases for registration of political parties. Pending cases increased as a result of big number of incoming cases the previous year.

According to the authorities, the decrease in the number of resolved cases is attributed to the reduction in the number of judges. Specifically, on July 1, 2022, a significant number of judges retired. On this date, the Judicial Council adopted a conclusion to terminate the judicial office of 42 judges due to a new compulsory retirement age of 64 years, as mandated by the recent amendments to Article 104 of the Labor Relations Law.

In 2023, the incoming civil and commercial litigious cases were 39 866 (2,18 per 100 inhabitants vs the WB Average of 2,51). They decreased by -7,3% between 2022 and 2023. The resolved cases were 36 960 (2,02 per 100 inhabitants) and they increased by 0,5%. In 2023, 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 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 93% (below the WB Average of 103%). This increased by 7,2 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 339 days in 2023 (below the WB Average of 424 days). This increased by 8,7% over the 2022-2023 period.

The incoming administrative cases were 4 683 in 2023 (ie 0,26 per 100 inhabitants vs the WB Average of 1). They decreased by -12,7% compared to the previous year. In 2023, the resolved cases were 5 261 (0,29 per 100 inhabitants, below the WB Average of 0,52). Between 2022 and 2023, the number of resolved administrative cases was thus lower than the incoming cases. As a consequence, the administrative pending cases at the end of 2023 were less than in 2022 and the Clearance rate for this type of cases was 112% (above the WB Average (78%). The CR increased by 8 percentage points compared to the previous year.

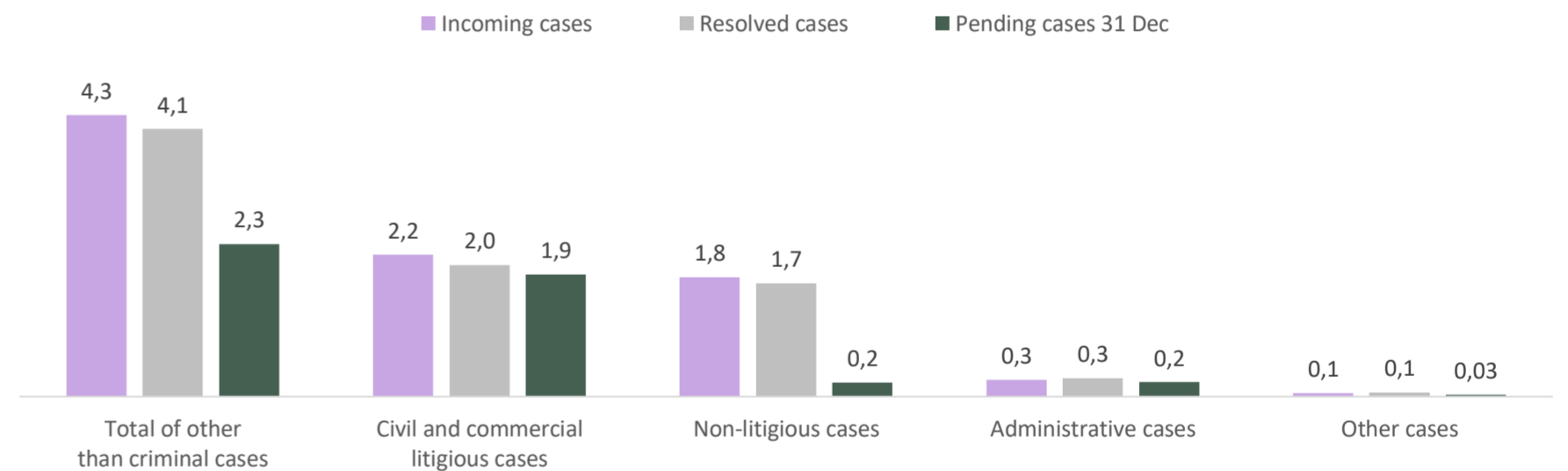
Finally, the Disposition Time for administrative cases was approximately 283 days in 2023. This has decreased by -6,8% compared to 2022 and it was below the WB Average (868 days).

1st instance cases in 2023 (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
<b>Total of other than criminal law cases (1+2+3+4)</b>	4,3	< 12,0	4,1	< 11,8	2,3	< 15,4	NA	11,31
1 Civil and commercial litigious cases	2,2	< 2,5	2,0	< 2,7	1,9	< 3,0	NA	1,07
2 Non-litigious cases**	1,8	< 8,1	1,7	< 8,2	0,2	< 11,0	NA	10,09
3 Administrative cases	0,3	< 1,0	0,3	< 0,5	0,2	< 1,5	NA	0,15
4 Other cases	0,1	< 0,7	0,1	< 0,7	0,03	= 0,03	NA	-

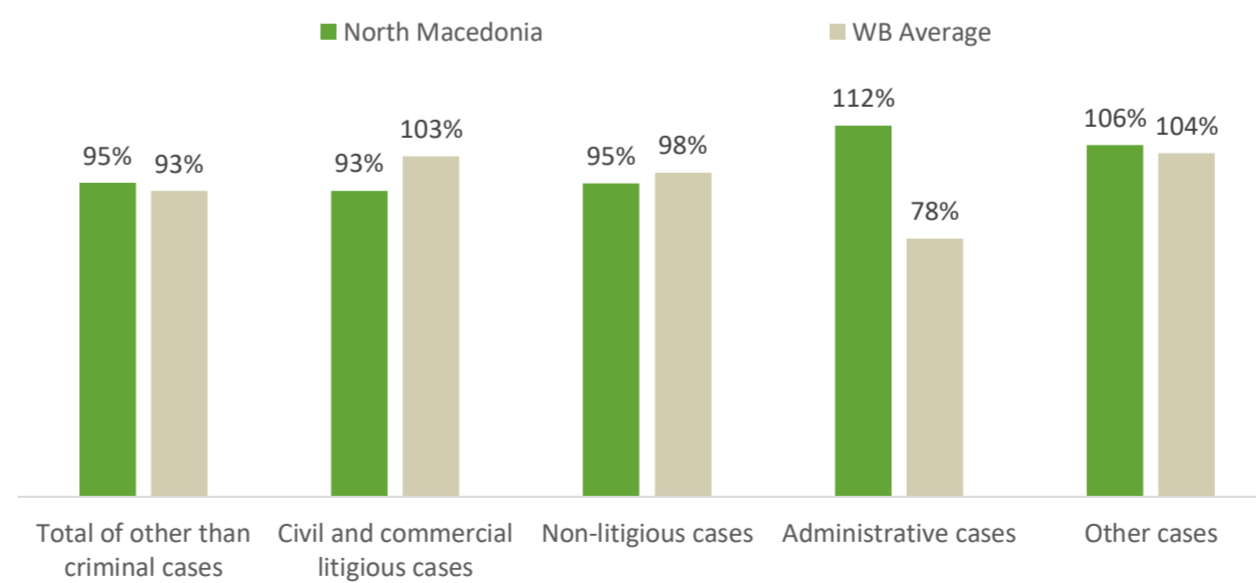
For reference only: the 2022 EU Median was as follows:  
 - Incoming first instance Civil and Commercial litigious cases per 100 inhabitants: 1,9;  
 - incoming first instance Administrative cases per 100 inhabitants: 0,3.

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

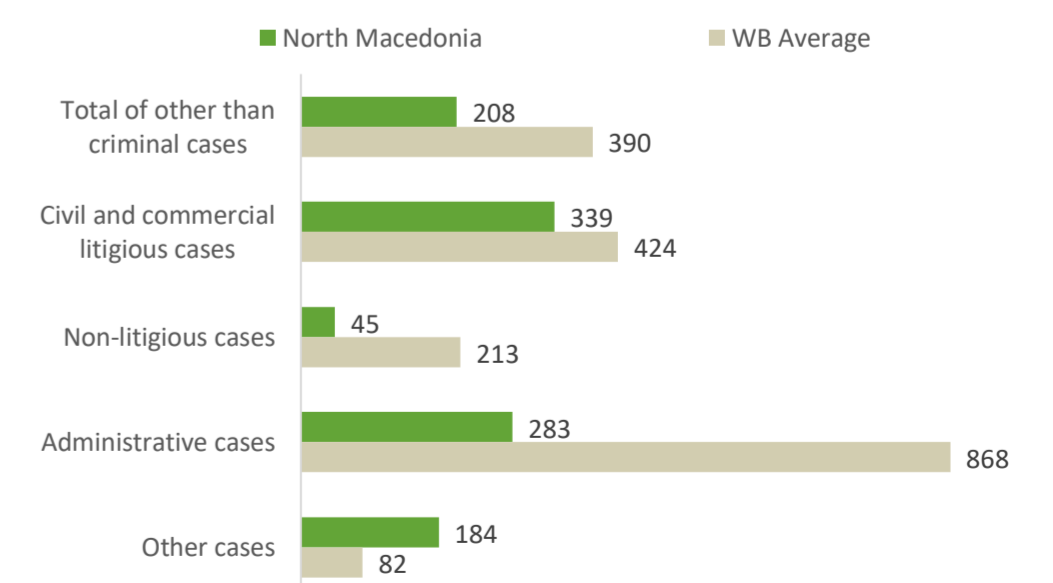
**First instance Other than criminal cases per 100 inhabitants in 2023**



**Clearance Rate for first instance Other than criminal cases in 2023 (%)**



**Disposition Time for first instance Other than criminal cases in 2023 (in days)**



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
<b>Total of other than criminal law cases (1+2+3+4)</b>	95%	93%	208	390	3,0	5,5%
1 Civil and commercial litigious cases	93%	103%	339	424	7,2	8,7%
2 Non-litigious cases**	95%	98%	45	213	-4,0	56,1%
3 Administrative cases	112%	78%	283	868	8,0	-6,8%
4 Other cases	106%	104%	184	82	3,4	-10,3%

PPT = Percentage points

For reference only: the 2022 EU Median for the first instance Civil and Commercial litigious cases was as follows:  
 - Clearance rate: 100,5%; - Disposition time: 239 days.

For reference only: the 2022 EU Median for the first instance Administrative cases was as follows:  
 - Clearance rate: 98,8%; - Disposition time: 288 days.

• First instance cases - Criminal law cases

1st instance cases in 2023 (absolute values)	North Macedonia (2023)				% Variation between 2022 and 2023			
	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)	86 733	76 454	46 804	NA	-2,9%	-8,9%	28,1%	NA
Sum of Severe and Misdemeanour and / or minor criminal cases (1+2)	86 733	76 454	46 804	NA	-2,9%	-8,9%	28,1%	NA
1 Severe criminal cases	10 387	10 582	5 243	NA	-8,3%	-7,8%	-3,6%	NA
2 Misdemeanour and / or minor criminal cases	76 346	65 872	41 561	NA	-2,1%	-9,0%	33,7%	NA
3 Other cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

In 2023, the incoming total criminal cases were 86 733 (4,74 per 100 inhabitants vs the WB Average of 7,05). They decreased by -2,9% between 2022 and 2023. The resolved cases were 76 454 (4,18 per 100 inhabitants). Between 2022 and 2023, they decreased by -8,9%. The number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 88% (below the WB Average of 96,5%). This decreased by -5,8 percentage points compared to 2022.

Pending cases increased due to the low clearance rate last year as a result of insufficient number of judges

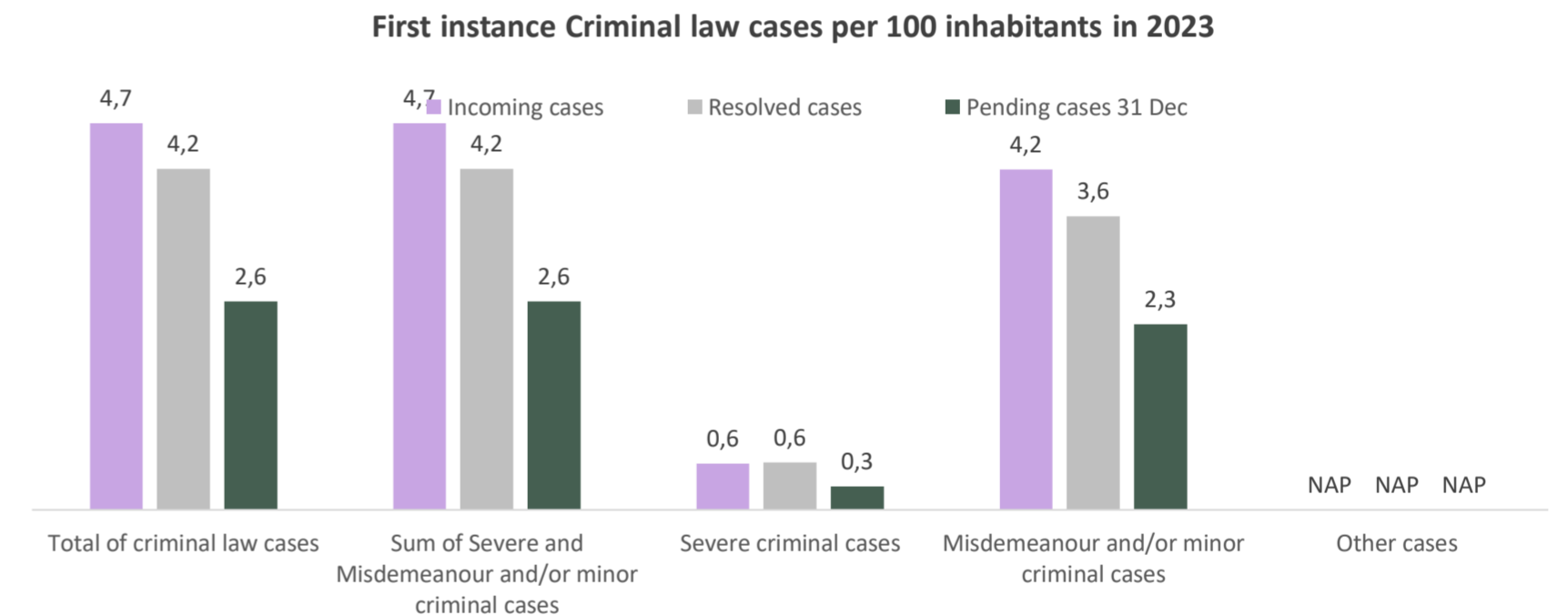
The Disposition Time for total criminal cases was approximately 223 days in 2023 (above the WB Average of 197 days). This increased by 40,6% over the 2022-2023 period.

The high number of judge retirements in 2022 and 2023, driven by the new compulsory retirement age, is likely the reason for the decrease or resolved cases.

1st instance cases in 2023 (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)	4,7	< 7,1	4,2	< 6,9	2,6	< 3,8	NA	0,36
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	4,7	> 3,9	4,2	> 3,8	2,6	< 2,6	NA	0,08
1 Severe criminal cases	0,6	> 0,5	0,6	> 0,5	0,3	< 0,3	NA	0,05
2 Misdemeanour and / or minor criminal cases	4,2	> 3,5	3,6	> 3,4	2,3	< 2,3	NA	0,04
3 Other cases	NAP	3,9	NAP	3,8	NAP	1,5	NAP	0,28

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Incoming cases per 100 inhabitants: 1,7.

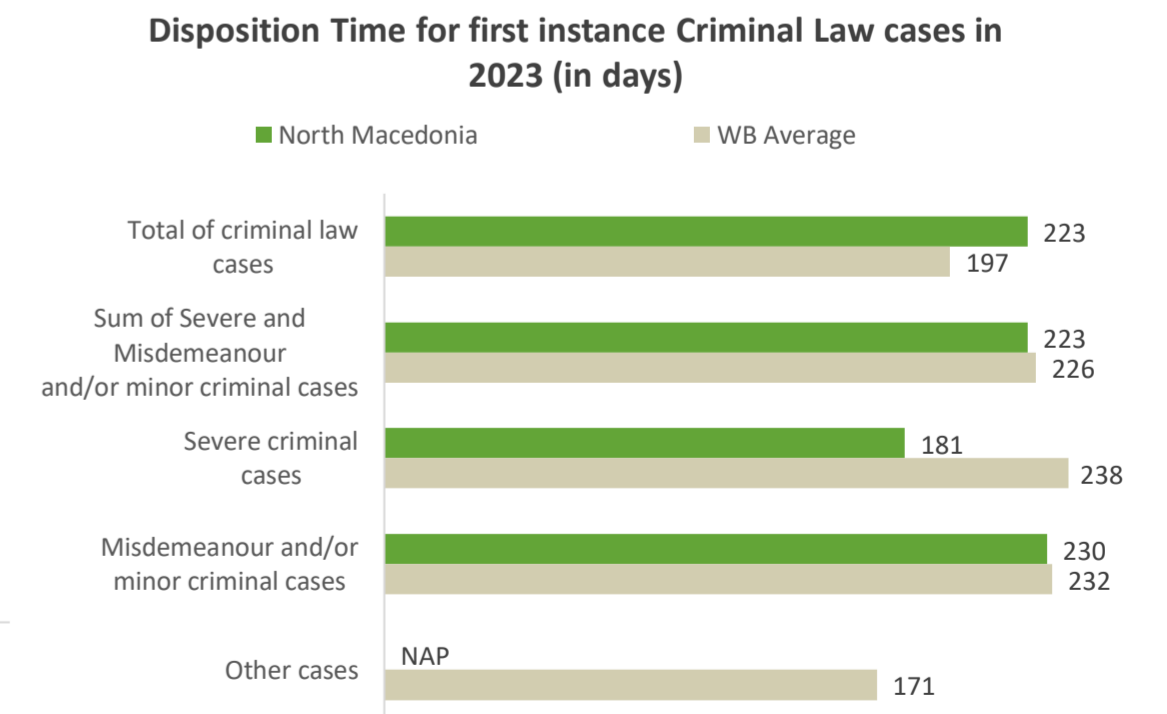
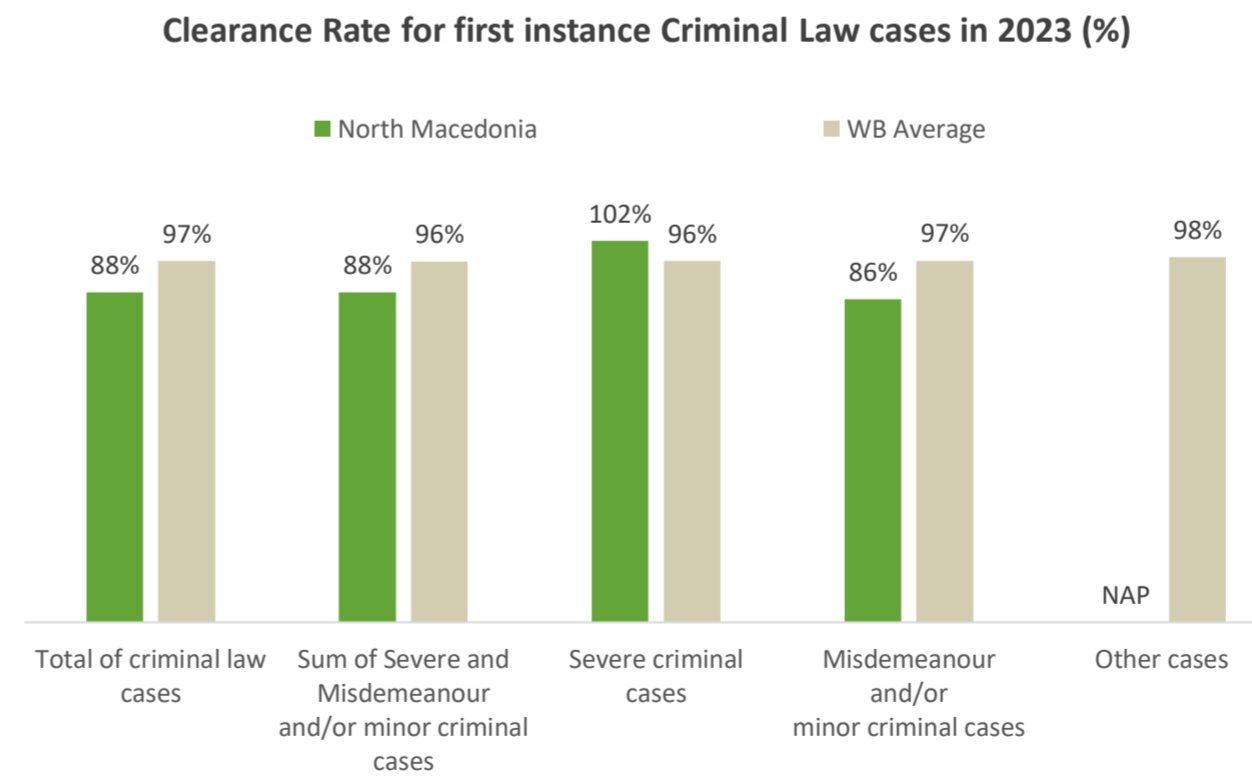
Key:	>	Higher than the WB Average
	=	Equal to the WB Average
	<	Lower than the WB Average



1st instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	88%	97%	223	197	-5,8	40,6%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	88%	96%	223	226	-5,8	40,6%
1 Severe criminal cases	102%	96%	181	238	0,6	4,6%
2 Misdemeanour and / or minor criminal cases	86%	97%	230	232	-6,5	47,0%
3 Other cases	NAP	98%	NAP	171	NAP	NAP

PPT = Percentage points

For reference only: for the first instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Clearance rate: 100%;  
- Disposition time: 136 days.



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

2nd instance cases in 2023 (absolute values)	North Macedonia (2023)				% Variation between 2022 and 2023			
	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)	16 521	13 819	9 954	NA	-5,2%	-18,9%	37,2%	NA
1 Civil and commercial litigious cases	14 258	12 258	8 647	NA	-5,6%	-16,3%	30,1%	NA
2 Non-litigious cases**	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
3 Administrative cases	2 263	1 561	1 307	NA	-3,0%	-35,0%	115,7%	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 2023, the incoming civil and commercial litigious cases were 14 258 (0,78 per 100 inhabitants vs the WB Average of 1,34). They decreased by -5,6% between 2022 and 2023. The resolved cases were 12 258 (0,67 per 100 inhabitants). Between 2022 and 2023, they decreased by -16,3%. 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 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 86% (below the WB Average of 97%). This decreased by -11 percentage points compared to 2022.

The Disposition Time for civil and commercial litigious cases was approximately 257 days in 2023 (below the WB Average of 263 days). This increased by 55,3% over the 2022-2023 period.

The incoming administrative cases were 2 263 in 2023 (ie 0,12 per 100 inhabitants vs the WB Average of 0,14). They decreased by -3% compared to the previous year. The resolved cases were 1 561 (0,09 per 100 inhabitants, below of the WB Average of 0,1). Between 2022 and 2023, the number of resolved administrative decreased by -35%. The number of incoming cases was thus higher than the resolved cases. As a consequence, the administrative pending cases at the end of 2023 were more than in 2022 and the Clearance rate for this type of cases was 69% (below the WB Average (76%). The CR decreased by -33,9 percentage points compared to the previous year.

Finally, the Disposition Time for administrative cases was approximately 306 days in 2023. This has increased by 231,9% compared to 2022 and it was below the WB Average (1548 days).

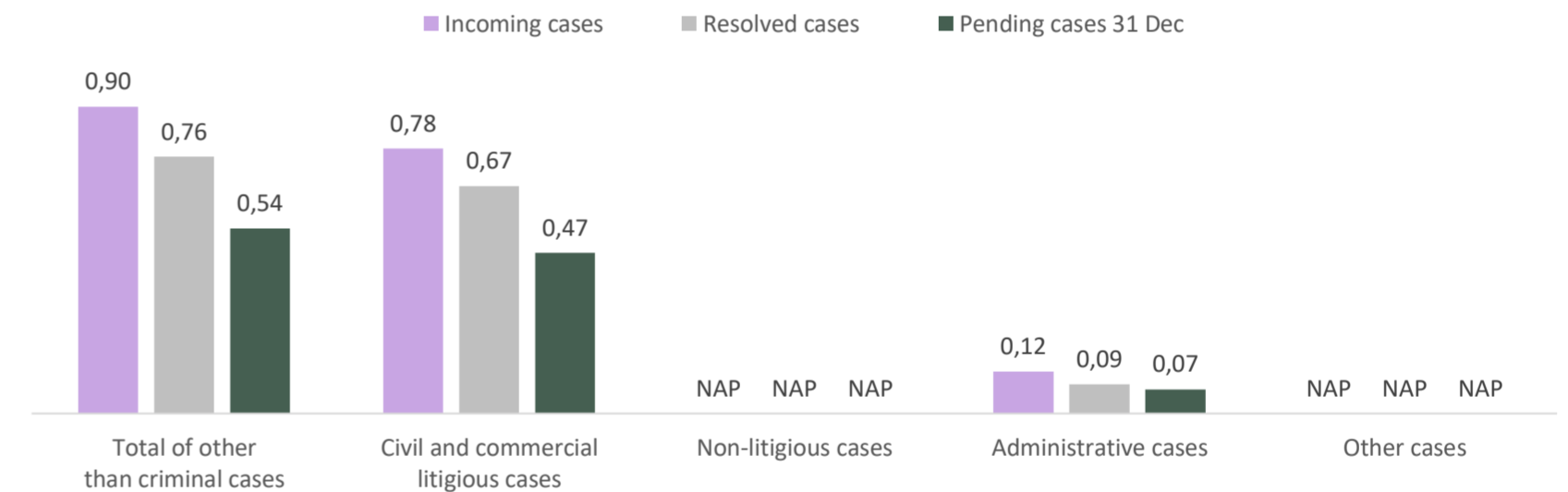
As previously explained, the low clearance rate for civil and administrative cases is a result of insufficient number of judges.

2nd instance cases in 2023 (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)	0,90	< 1,49	0,76	< 1,17	0,54	< 1,09	NA	0,41
1 Civil and commercial litigious cases	0,78	< 1,34	0,67	< 1,05	0,47	< 1,01	NA	0,40
2 Non-litigious cases**	NAP	0,06	NAP	0,06	NAP	0,07	NAP	0,03
3 Administrative cases	0,12	< 0,14	0,09	< 0,10	0,07	< 0,28	NA	0,20
4 Other cases	NAP	-	NAP	-	NAP	-	NAP	-

For reference only: the 2022 EU Median was as follows:  
 - Incoming Second instance Civil and Commercial litigious cases per 100 inhabitants: 0,2;  
 - incoming Second instance Administrative cases per 100 inhabitants: 0,1.

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

Second instance Other than criminal cases per 100 inhabitants in 2023



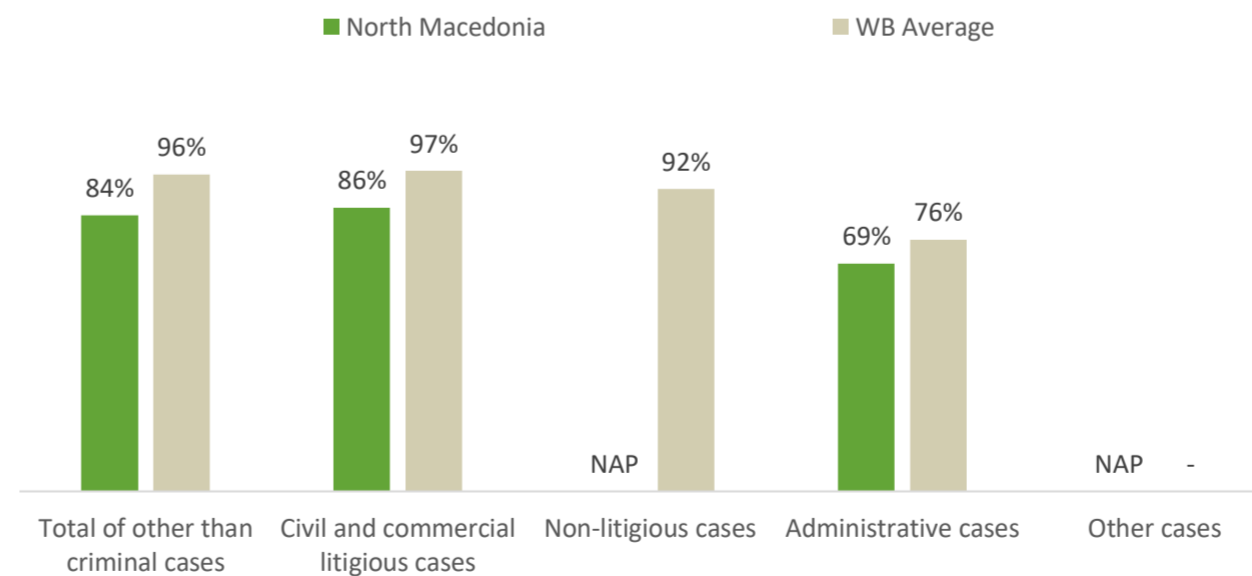
2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of other than criminal law cases (1+2+3+4)	84%	96%	263	263	-14,1	69,2%
1 Civil and commercial litigious cases	86%	97%	257	263	-11,0	55,3%
2 Non-litigious cases**	NAP	92%	NAP	1 294	NAP	NAP
3 Administrative cases	69%	76%	306	1 548	-33,9	231,9%
4 Other cases	NAP	-	NAP	-	NAP	NAP

PPT = Percentage points

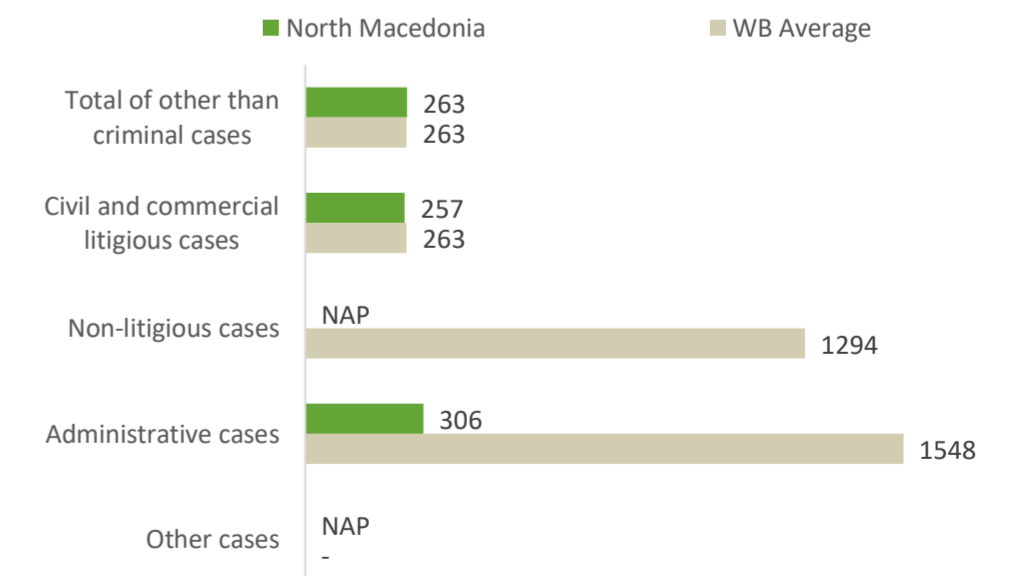
For reference only: the 2022 EU Median for the Second instance Civil and Commercial litigious cases was as follows:  
 - Clearance rate: 97,1%; - Disposition time: 207 days.

For reference only: the 2022 EU Median for the Second instance Administrative cases was as follows:  
 - Clearance rate: 102,6%; - Disposition time: 277 days.

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



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



• Second instance cases - Criminal law cases

2nd instance cases in 2023 (absolute values)	North Macedonia (2023)				% Variation between 2022 and 2023			
	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)	6 591	6 538	2 675	NA	-11,9%	-12,1%	2,1%	NA
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	6 591	6 538	2 675	NA	-11,9%	-12,1%	2,1%	NA
1 Severe criminal cases	2 514	2 729	776	NA	-17,4%	-3,5%	-21,6%	NA
2 Misdemeanour and / or minor criminal cases	4 077	3 809	1 899	NA	-8,1%	-17,3%	16,4%	NA
3 Other cases	NAP	NAP	NAP	NAP	NA	NA	NA	NA

In 2023, the incoming total criminal cases were 6 591 (0,36 per 100 inhabitants vs the WB Average of 0,46), and they decreased by -11,9%, compared to the previous year. The resolved cases were 6 538 (0,36 per 100 inhabitants). Between 2022 and 2023, they decreased by -12,1%. In 2023, the number of resolved cases was thus lower than the incoming cases. As a consequence, the total criminal pending cases at the end of 2023 were more than in 2022. Indeed, the 2023 Clearance rate for this type of cases was 99% (above the WB Average of 93%). This decreased by -0,3 percentage points compared to 2022. Low clearance rate from previous year for severe criminal cases is a result of insufficient number of judges.

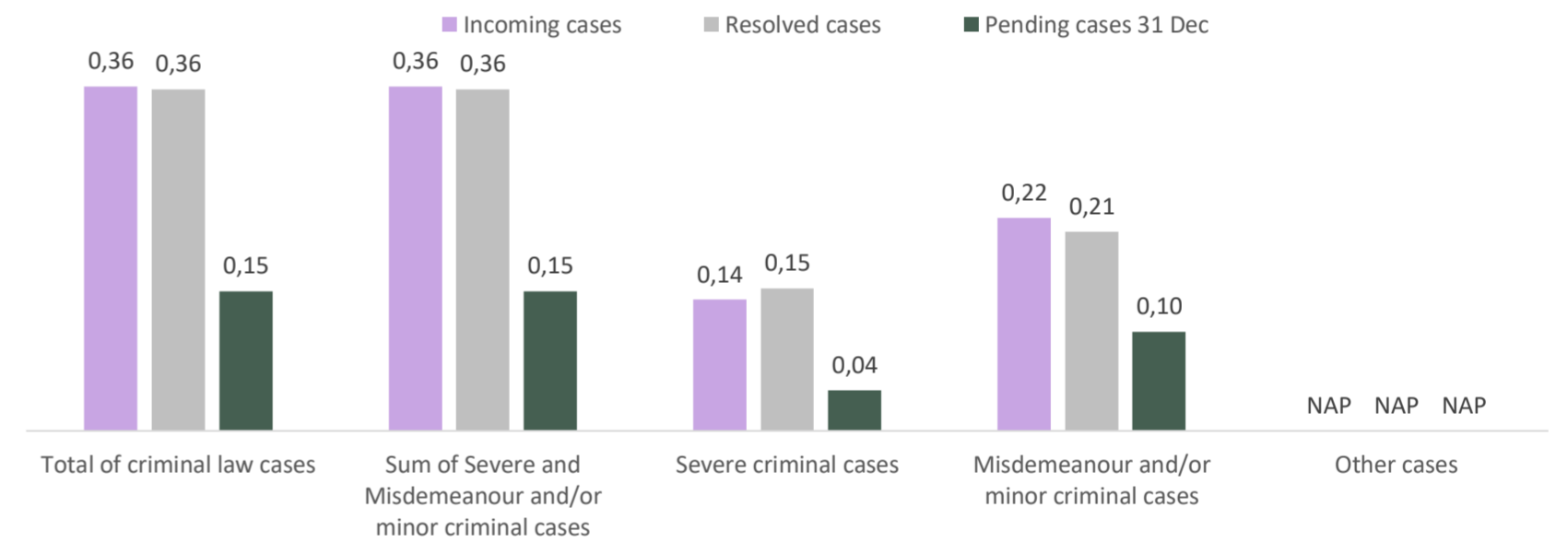
The Disposition Time for total criminal cases was approximately 149 days in 2023 (below the WB Average of 252 days). This increased by 16,1% over the 2022-2023 period.

2nd instance cases in 2023 (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)	0,36	< 0,46	0,36	< 0,44	0,15	< 0,17	NA	0,07
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	0,36	< 0,42	0,36	< 0,40	0,15	< 0,16	NA	0,05
1 Severe criminal cases	0,14	< 0,20	0,15	< 0,19	0,04	< 0,10	NA	0,04
2 Misdemeanour and / or minor criminal cases	0,22	> 0,21	0,21	= 0,21	0,10	> 0,06	NA	0,00
3 Other cases	NAP	0,07	NAP	0,07	NAP	0,03	NAP	0,02

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Incoming cases per 100 inhabitants: 0,1.

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

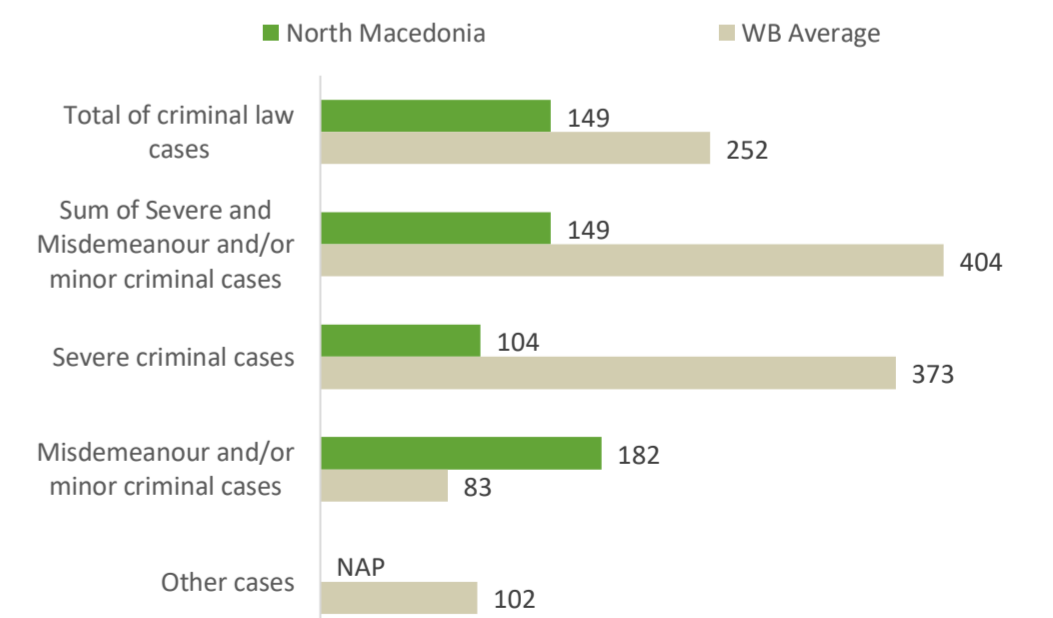
Second instance Criminal law cases per 100 inhabitants in 2023



Clearance Rate for second instance Criminal Law cases in 2023 (%)



Disposition Time for second instance Criminal Law cases in 2023 (in days)



2nd instance cases Clearance Rate (CR) and Disposition Time (DT) in 2023	CR (%)		DT (days)		% Variation 2022 - 2023	
	North Macedonia	WB Average	North Macedonia	WB Average	CR (PPT)	DT (%)
Total of criminal law cases (1+2+3)	99%	93%	149	252	-0,3	16,1%
Sum of Severe and Misdemeanour and/or minor criminal cases (1+2)	99%	90%	149	404	-0,3	16,1%
1 Severe criminal cases	109%	91%	104	373	15,5	-18,7%
2 Misdemeanour and / or minor criminal cases	93%	87%	182	83	-10,4	40,8%
3 Other cases	NAP	95%	NAP	102	NAP	NAP

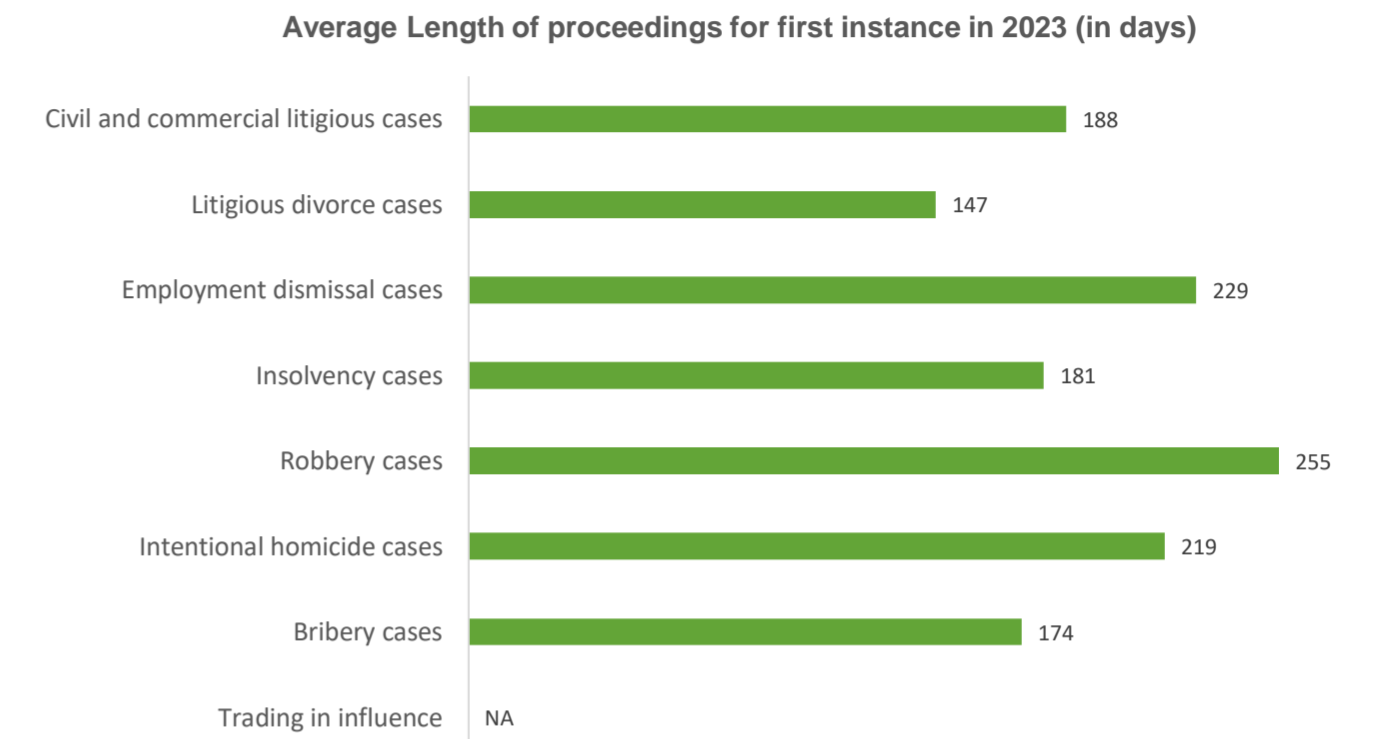
PPT = Percentage points

For reference only: for the second instance Total Criminal law cases, the 2022 EU Median was as follows:  
- Clearance rate: 99%; - Disposition time: 135 days.

NBNB: For the second instance Misdemeanour and / or minor criminal cases: the WB Median of the Disposition Time is visualised in the graph above (instead of the WB average).

• Specific category cases

	North Macedonia (2023)						% Variation between 2022 and 2023					
	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	36%	188	229	319	NA	NA	3,0	4%	73%	31%	NA	NA
Litigious divorce cases	13%	147	57	206	NA	NA	2,0	20%	-2%	-27%	NA	NA
Employment dismissal cases	40%	229	133	336	NA	NA	-3,0	23%	34%	44%	NA	NA
Insolvency cases	4%	181	73	72	NA	NA	-3,0	-22%	55%	-8%	NA	NA
Robbery cases	42%	255	109	77	NA	NA	-8,0	47%	38%	-23%	NA	NA
Intentional homicide cases	81%	219	123	69	NA	NA	-5,0	-35%	40%	-36%	NA	NA
Bribery cases	93%	174	191	NA	NA	NA	18,0	-26%	NA	NA	NA	NA
Trading in influence	NA	NA	NA	NA	NA	NA	NA	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.

## • 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.

Quality standards for the judiciary in North Macedonia are defined by the Law on the Judicial Council, the Law on Courts, and the Methodology for the Evaluation of Judges' Work, adopted by the Judicial Council at the end of 2020. The Supreme Court annually reviews reports from all courts regarding their work, including qualitative criteria, and the Matrix of Monitoring Indicators for justice sector performance provides quality indicators. The Judicial Council defines both qualitative and quantitative criteria for the work of the courts.

According to Article 80 of the Law on the Judicial Council, the qualitative criteria for assessing a judge's work include:

- The quality of conducting court procedures, including argumentation ability, readiness to conduct hearings, compilation of minutes, readiness to make procedural decisions, and conflict resolution skills.
- The quality of prompt handling of court cases, respecting legal deadlines for procedural actions, decision-making, publishing, drafting decisions, and the overall duration of court procedures.
- The quality of the judge's work concerning the number of reversed decisions due to serious procedural violations compared to the total number of resolved cases.

For public prosecutors, Article 37 of the Law on Public Prosecution outlines the evaluation criteria, including:

- Expertise and quality in decisions, legal remedies, and other documents.
- Promptness and efficiency.
- Impartiality and conscientiousness.
- Reputation and ethics befitting the position.
- Cooperation and relationships with parties and others in the prosecution.
- Ability and willingness for professional development and acquiring new knowledge.
- Organizational skills.

Article 47 of the Law on Public Prosecution further specifies that evaluations include immediate insight into the work of public prosecutors, focusing on:

- The number of received criminal charges, cases, and submissions.
- The number of resolved criminal charges and cases within legally provided deadlines.
- The number of pending criminal charges and cases and reasons for their non-resolution.
- The quality of the public prosecutor's actions and decisions, adherence to legal formulations, and ability to clearly and precisely reason decisions in writing.

• Regular monitoring of courts and prosecution offices' activities

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

Moreover, there exists a system to annually evaluate public prosecution services' performance based on the monitored indicators listed below.

	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 in North Macedonia mandates the use of an automated computer system to manage court cases, ensuring adherence to legal deadlines for procedural actions and the adoption, production, and publication of court decisions. It also calls for the establishment of a Taskforce to manage case flow and propose measures to reduce case backlog and regulate the publication of court decisions on the court's website. The President of the Court establishes this Taskforce, which is chaired by the court administrator or an appointed individual if no administrator is available. Members include presidents of the court's departments and senior court officers.






• Quantitative targets for each judge and prosecutor






Existence of quantitative targets for: **Judges**  **Prosecutors** 

The 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:	

The 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
Without disciplinary procedure	Warning by court's president/ head of prosecution		NAP
	Temporary salary reduction		NAP
	Reflected in the individual assessment		NAP
	Other		NAP
With disciplinary procedure	Warning by court's president/ head of prosecution		NAP
	Temporary salary reduction		NAP
	Reflected in the individual assessment		NAP
	Other		NAP
No consequences			NAP

The quantitative criteria for evaluating a judge's performance in North Macedonia are as follows:

1. Scope of Work: This is assessed by the number and type of resolved cases in relation to the target number of cases to be solved monthly, as obtained from the Automatic Judicial and Information System for Case Management. If a judge resolves 100% of the envisioned target number, they earn 40 points. For each 1% deviation (more or less) from the target, the score adjusts by 0.5 points, with a maximum of 60 points and a minimum of 20 points.
2. Quantity of Work in Altered Decisions: The number of decisions altered due to the misapplication of substantive law, in relation to the total number of resolved cases, is assessed. Only decisions against which legal remedies are allowed are considered. The scoring is as follows:
  - Up to 5% altered decisions: 20 points
  - 5% to 10% altered decisions: 15 points
  - 10% to 15% altered decisions: 10 points
  - 15% to 20% altered decisions: 7 points
  - 20% to 30% altered decisions: 4 points
  - More than 30% altered decisions: 0 points

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



• **System of individual evaluation of the judges and public prosecutors' work**

	Judges	Prosecutors
<b>Existence of a system of individual evaluation</b>	✓	✗
<b>Quantitative work</b>	✓	✗
<b>Qualitative work</b>	✓	✓

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	✗	✗

The monitoring of the work of the judge and the president of the court is carried out by the Judicial Council through regular and extraordinary evaluation. The judge is evaluated according to the overall results of the success achieved in his work through the established qualitative and quantitative criteria by the Law on Judicial Council of the Republic of North Macedonia. The purpose of monitoring and evaluating the work of the judge and the president of the court is the affirmation of the judiciary as an independent authority, strengthening the personal motivation of judges, and ensuring the further professional development of judges based on their personal and professional abilities without any influence, as well as strengthening the independence and impartiality of judges when performing their judicial function. Assessment is one of the criteria for the promotion to judge in a higher court. Also, negative grades in the process of assessment is a grounds for disciplinary procedure against a judge.

Judicial Council 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 adopt 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.

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 Prosecution office. EVALUATION CRITERIA from Law on the Public Prosecution office are following: Article 37 The evaluation criteria for the performance of public prosecutors shall be the following:

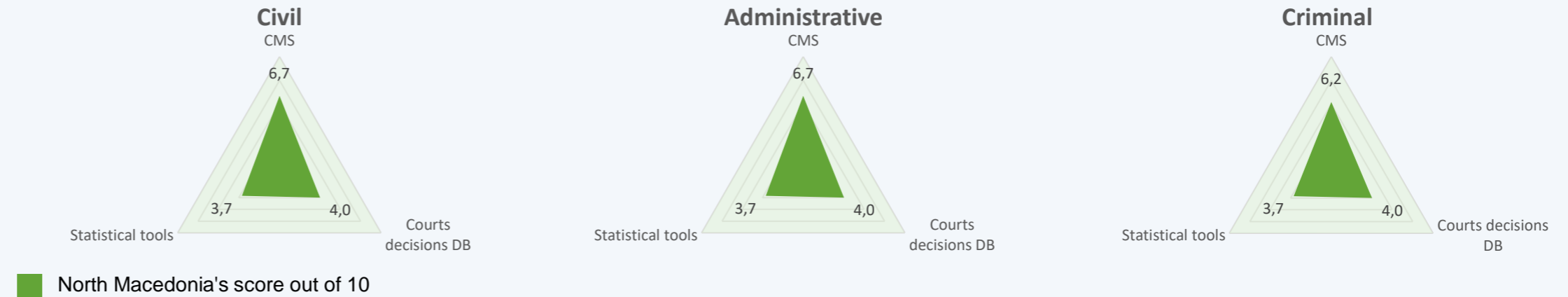
- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development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

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years. If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work. The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia. If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out. The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia. The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public prosecutor of that prosecutor's office. The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office. The evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office. The evaluation of the performance of the public prosecutor may be positive or negative.

*Kosovo is not included in the calculation of summary statistics*

## Information and communication technology tools in North Macedonia in 2023 (Indicator 3.3)

The three ICT deployment indices (CMS, Courts decisions DB and Statistical tools) range from 0 to 10 points. Their calculation is based on the features and deployment rates of each beneficiary. The methodology for calculation provides points for each feature in each case matter. They are summarised and multiplied by the deployment rate as a weight. In this way, if the system is not fully deployed, the value is decreased even if all features are existing.



In North Macedonia, the overall maximum score among the three ICT indexes is achieved by the CMS index (6,7); while overall lowest score was calculated for the Statistical tools index (3,7). The civil and administrative matters have the highest CMS index score (6,7), followed by the criminal matter. Regarding the Court decisions database, all three matters scored 4, whereas they scored 3,7 out of 10 for the Statistical tools index.

The ICT strategy for the judiciary, implemented from 2019-2024, expired this year. Although still in progress, a new strategy and operational plan are yet to be adopted. In 2023, a comprehensive renovation of the CMS system was planned, including a modern integrated case management system and several new applications for certificates, E-delivery, and mobile access to electronic case files. Key initiatives included upgrading recording systems, procuring new hardware, maintaining software and hardware, and enhancing cybersecurity. Additionally, new platforms for certificates and web services were created to improve data collection and communication with state institutions. Efforts also focused on digitizing courtrooms and public prosecutor offices, improving interoperability, and ensuring sustainable ICT development and training.

There is 1 case management systems (CMS), eg software used for registering judicial proceedings and their management. This has been developed more than 10 years ago.

### • Electronic case management system

The CMS is developed and used in all courts (95-100% for all matters). The system is deployed in most of the courts and it include features as random allocation of cases and case weighting.

	Deployment rate	Usage rate	Centralised and/or interoperable CMS databases	Active case management dashboard	Random allocation of cases	Case weighting	Identification of a case between instances	Electronic transfer of a case to another instance/ court	Anonymisation of decisions to be published	Interoperability with prosecution system	Interoperability with other systems	Access to closed/resolved cases	Advanced search engine	Protected log files	Electronic signature	Other
Civil	95-100 %	95-100 %	✗	✗	✓	✓	✗	✓	✓	NAP	✗	✓	✓	✓	✓	✗
Administrative	95-100 %	95-100 %	✗	✗	✓	✓	✗	✓	✓	NAP	✗	✓	✓	✓	✓	✗
Criminal	95-100 %	95-100 %	✗	✗	✓	✓	✗	✓	✓	✗	✗	✓	✓	✓	✓	✗

## • Database of court decisions

The database of court decision is available for all instances and matters and its deployment rate is 95-100%, except for administrative and criminal cases in first and second instance. The court decisions are published online (ie. on a public website) and the functionalities of the database include "automatic anonymisation" of court decision as well as "free public online access" for all matters.

	1st instance		2nd instance		Supreme court		Functionalities										
	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Deployment rate	Modalities of publication	Automatic anonymisation	Manual anonymisation	Free public online access	Link to the case law of the European Court of Human Rights (ECHR)	Open data	Advanced search engine	Machine-readable content	Structured content	Metadata	European Case Law Identifier (ECLI)	Other
Civil	95-100 %	Published online (public website)	95-100 %	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✓	✗	✗
Administrative	75-95 %	Published online (public website)	75-95 %	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✓	✗	✗
Criminal	75-95 %	Published online (public website)	75-95 %	Published online (public website)	95-100 %	Published online (public website)	✓	✓	✓	✗	✗	✓	✗	✓	✓	✗	✗

## • Statistical tools

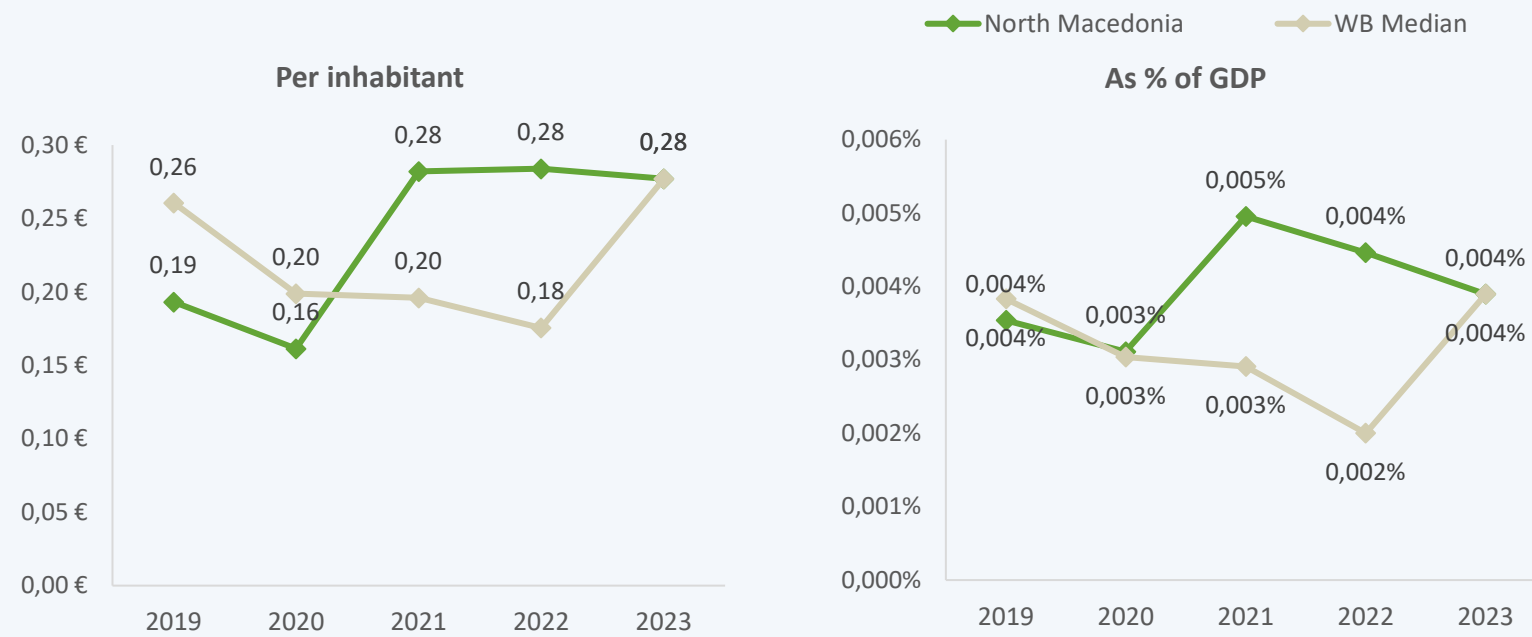
The statistical tools are developed in all courts (deployment rate is 95-100% for all matters). Among their functionalities, they are integration with the CMS. Yet, the statistical tools can generate customised statistical reports and real-time data are available. The statistical tool provide the case-flow data and the number of cases per judge.

	Deployment rate	Functionalities									Data available for statistical analysis								
		Integration/connection with the CMS	Business intelligence software	Generation of predefined statistical reports	Generation of customised statistical reports	Internal page and/or dashboard	External page with statistics (public website)	Real-time data availability	Automatic consolidation of data at the national level	Other special functionality	Case flow data (number of incoming, resolved,	Age of a pending case	Length of proceedings	Number of hearings	Cases per judge	Case weights	Number of parties in a case	Indicator of appeal	Result of the appeal
Civil	95-100 %	✓	✗	✓	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗
Administrative	95-100 %	✓	✗	✓	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗
Criminal	95-100 %	✓	✗	✓	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗

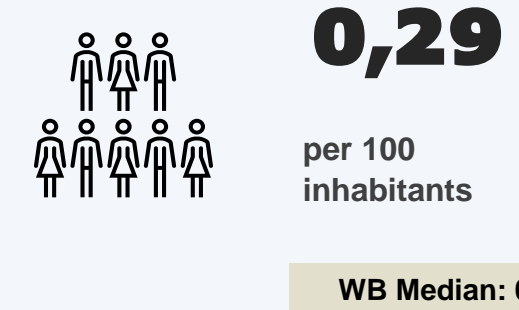
Kosovo is not included in the calculation of summary statistics

## Legal Aid in North Macedonia in 2023 (Indicator 4)

Total implemented budget for Legal Aid between 2019 and 2023



Number of recipients of legal aid in 2023



In 2023, the implemented budget for legal aid spent by North Macedonia was € 506 814 (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 in North Macedonia is designed to provide comprehensive legal support to individuals who need assistance but cannot afford it. The law distinguishes between preliminary and secondary legal aid, detailing the scope and procedures for each.

#### Preliminary Legal Aid

Preliminary legal aid is available to all residents of North Macedonia. It includes initial legal advice on the right to free legal aid, general legal information, and general legal advice. It also provides assistance in completing applications for secondary legal aid and filling out forms required by administrative authorities for social welfare, children's rights, pension, disability, and healthcare insurance. Additionally, it helps with procedures for victims of gender-based and domestic violence, registration of births, and obtaining personal identification and citizenship documents. It also includes drafting complaints to the Anti-Discrimination Commission and the Ombudsman, as well as petitions to the Constitutional Court for the protection of rights and freedoms.

Authorized Ministry staff, associations, and legal clinics provide preliminary legal aid. These providers offer an initial meeting to explain the nature of the issue, determine if it is a legal matter within their services, and identify the most suitable type of legal aid. However, they do not act on behalf of the individual.

#### Secondary Legal Aid

Secondary legal aid is available to individuals who need professional legal help and cannot afford it due to their financial situation. This aid includes legal representation in court proceedings and before state authorities such as the Pension and Disability Insurance Fund and the Health Insurance Fund of North Macedonia. The aid also exempts beneficiaries from court and administrative fees. The Ministry cooperates with the Bar Association, judicial bodies, social work centers, state agencies, and other institutions to provide this aid, ensuring compliance with personal data protection regulations.

An authorized official issues a certificate approving the secondary legal aid application or a notification if declined. This certificate authorizes a designated lawyer to provide the aid and exempts the beneficiary from certain costs. The costs for providing secondary legal aid are covered by the Ministry's budget. If the beneficiary wins their case, the court mandates the opposing party to remit procedure costs to the state's budget. However, if the litigation is unsuccessful, the free legal aid does not cover the costs the beneficiary is obliged to compensate.

#### Funding and Administration

The law states that the funds for free legal aid come from the Ministry's budget, donations, and other income sources. The Minister of Justice prescribes the procedures for providing free legal aid. The law also includes provisions for revoking approved secondary legal aid and requires beneficiaries to reimburse costs in certain cases.

#### Legal aid is applied to:

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

Article 75 of the Criminal Procedure Law states that if a defendant cannot afford defense expenses and mandatory defense conditions are not met, they may request assigned counsel due to the severity and complexity of the crime. The judge or the Presiding Judge of the Trial Chamber will rule on the request, and the President of the Court will appoint the defense counsel. The defense expenses will be covered by the State Budget of the Republic of North Macedonia.

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

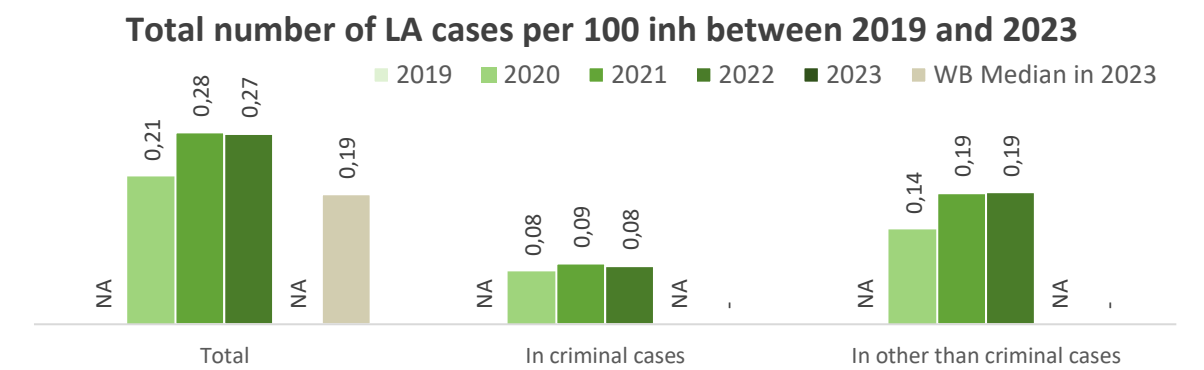
	Implemented budget for legal aid in €				Total implemented budget for legal aid per inhabitant		Total implemented budget for legal aid as % of GDP		Total implemented budget for legal aid as % of the judicial system budget	
	Total (a+b)	% Variation 2019 - 2023	Cases brought to court (a)	Cases not brought to court (b)	North Macedonia	WB Median	North Macedonia	WB Median	North Macedonia	WB Median
<b>Total (1+2)</b>	506 814 €	26,3%	506 814 €	NA	0,28 €	0,28 €	0,004%	0,004%	1,04%	1,0%
<b>In criminal cases (1)</b>	452 875 €	19,1%	452 875 €	NAP						
<b>In other than criminal cases (2)</b>	53 939 €	156,2%	53 939 €	NA						

In 2023, North Macedonia spent € 506 814 on the total implemented budget for legal aid, which was 26,3% more compared to 2019. This means that it spent € 0,28 (same of the WB Median). For criminal cases, North Macedonia spent € 452 875 while for other than criminal cases, it spent € 53 939.

In 2023, more criminal cases brought to court were concluded. The rise in the budget allocated to criminal cases may also be attributed to the complexity of these cases and their longer durations, resulting in higher expenses for lawyers.

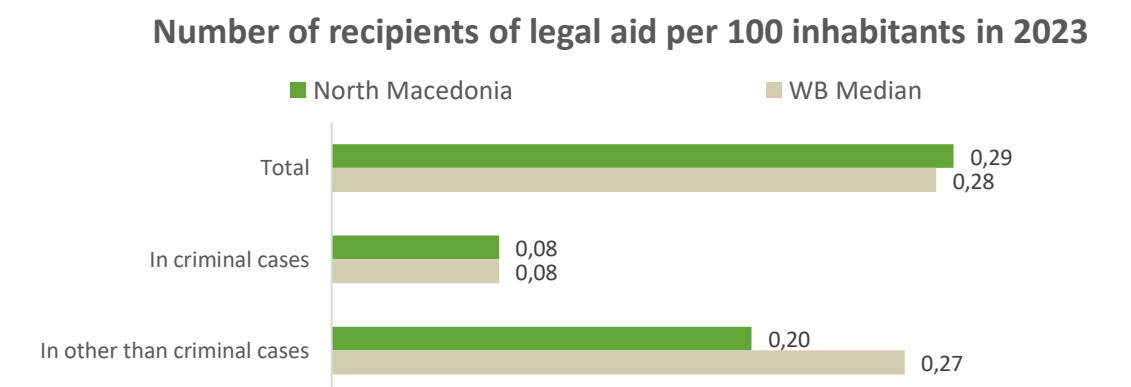
In 2022, the implementation of the new Law on free legal aid was one of the strategic goals. According to the authorities, campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful.

	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 - 2023					
<b>Total (1+2)</b>	NA	NA	NA	NA	NA	NA	NA	NA
<b>In criminal cases (1)</b>	NA	NA	NA	NA	NA	NA	NA	NA
<b>In other than criminal cases (2)</b>	NA	NA	NA	NA	NA	NA	NA	NA



## • Number of recipients of legal aid

	Number of recipients of legal aid					Amount of LA granted per recipient (€)		
	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.	WB Median					
<b>Total (1+2)</b>	5 307	0,29	0,28	1 975	3 332	95,5 €	256,6 €	NA
<b>In criminal cases (1)</b>	1 427	0,08	0,08	1 722	2	317,362 €	263,0 €	NA
<b>In other than criminal cases (2)</b>	3 583	0,20	0,27	253	3 330	15,054 €	213,2 €	NA



In 2023, the number of recipients legal aid was granted was 5 307. This means that there were 0,29 recipients per 100 inhabitants which was above the WB Median. The number of criminal cases were 1 427, and the other than criminal cases were 3 583. The total cases brought to court were 1 975, while the total cases not brought to court were 3 332. On average, the amount granted per recipient of legal aid case 95,5€.

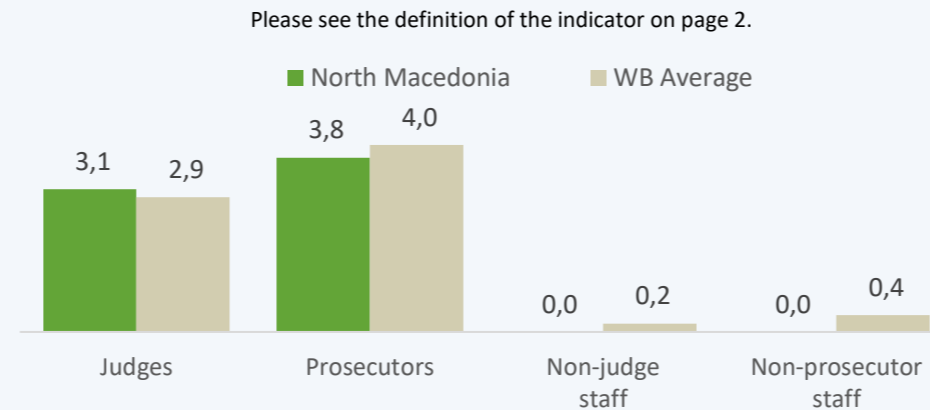
*Kosovo is not included in the calculation of summary statistics*

## Training of judges and prosecutors in North Macedonia in 2023 (Indicator 7)

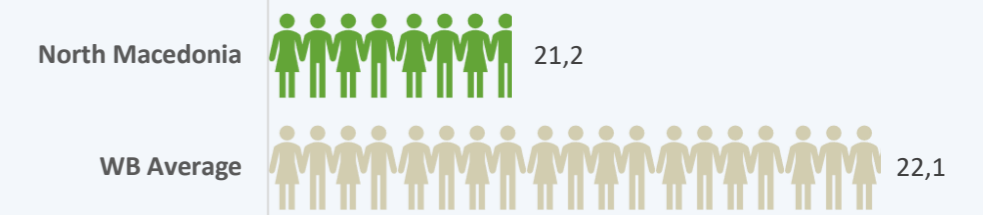
### Total budget for training per inhabitant



### 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 € 1,21 per inhabitant, which is above the WB Average (€ 0,83 per inhabitant).

In 2023, 3 730 participants (of which 1 209 judges and 667 prosecutors) were trained in 176 live trainings (in-person, hybrid or video conferences).

There were no participants in internet-based trainings.

In North Macedonia, each judge participated, on average, to 3,1 live trainings in 2023, which was higher than the WB Average (2,9) while each prosecutor participated, on average, to 3,8 live trainings, less than the WB Average (4).

Regarding the internet-based trainings (not-live), no training was provided on the e-learning platform of the training institution for judges and prosecutors. Total of 1 training was completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc.) where the total number of participants was 4.

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)	% of budget of the training institution(s) covered by external donors	Budget of the courts/prosecution allocated to training (2)	Total (1)+(2)							WB Average per inhabitant	
				Absolute Number	Evolution of training budget per inhabitant					% Variation 2019 - 2023		% Variation 2022 - 2023
					2019	2020	2021	2022	2023			
<b>Total</b>	2 213 877 €	0,5%	NAP	2 213 877 €	0,55 €	0,35 €	0,65 €	0,95 €	1,21 €	121,6%	27,4%	0,83 €
<b>Judges</b>	NAP	NAP	NAP	NAP								
<b>Prosecutors</b>	NAP	NAP	NAP	NAP								
<b>One single institution for both judges and prosecutors</b>	2 213 877 €	0,5%		2 213 877 €								

North Macedonia spent a total of € 2 213 877 on training for judges and prosecutors in 2023, which amounts to € 1,21 per inhabitant (above the WB average of € 0,83 per inhabitant).

The implemented budget from donors was € 11,077 which was a donation for software for the Academy.

## • 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 (2023)							
	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
<b>Total</b>	144	176	243	3 730	1,4 <	1,5	21,2 <	22,1
<b>Judges</b>	103	120	158	1 209	1,3 <	1,5	10,1 <	13,2
<b>Prosecutors</b>	64	78	122	667	1,6 >	1,5	8,6 <	11,3
<b>Non-judge staff</b>	24	25	26	NA	1,0 <	1,6	NA	72,5
<b>Non-prosecutor staff</b>	10	10	11	NA	1,1 <	1,2	NA	149,8

CEPEJ distinguishes 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 participants' own pace and schedule.

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

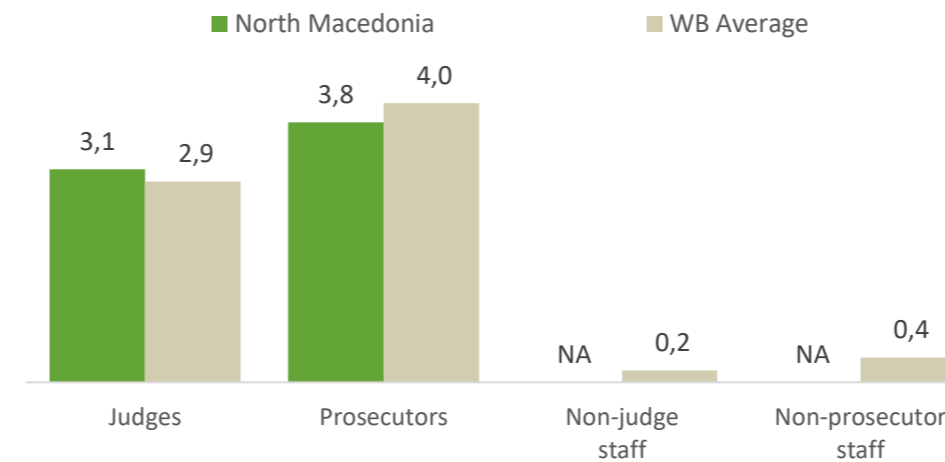
In 2023, the average duration of trainings for judges in North Macedonia was 1,3 days (below the WB Average of 1,5). During the same period, the average duration of training for prosecutors was 1,6 days, which was slightly above the WB Average of 1,5 days.

The decrease is due to the different needs defined in the Program for continuous training.

### 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
<b>Total</b>	1,2 >	1,0	NA	NA	27,9%
<b>Judges</b>	3,1 >	2,9	NA	NA	99,8%
<b>Prosecutors</b>	3,8 <	4,0	NA	NA	87,1%
<b>Non-judge staff</b>	NA <	0,2	NA	NA	-
<b>Non-prosecutor staff</b>	NA	0,4	NA	NA	-

### Average number of live training participations per professional in 2023



### 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 2,9. This means that, on average, each judge in the region participated to 2,9 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.

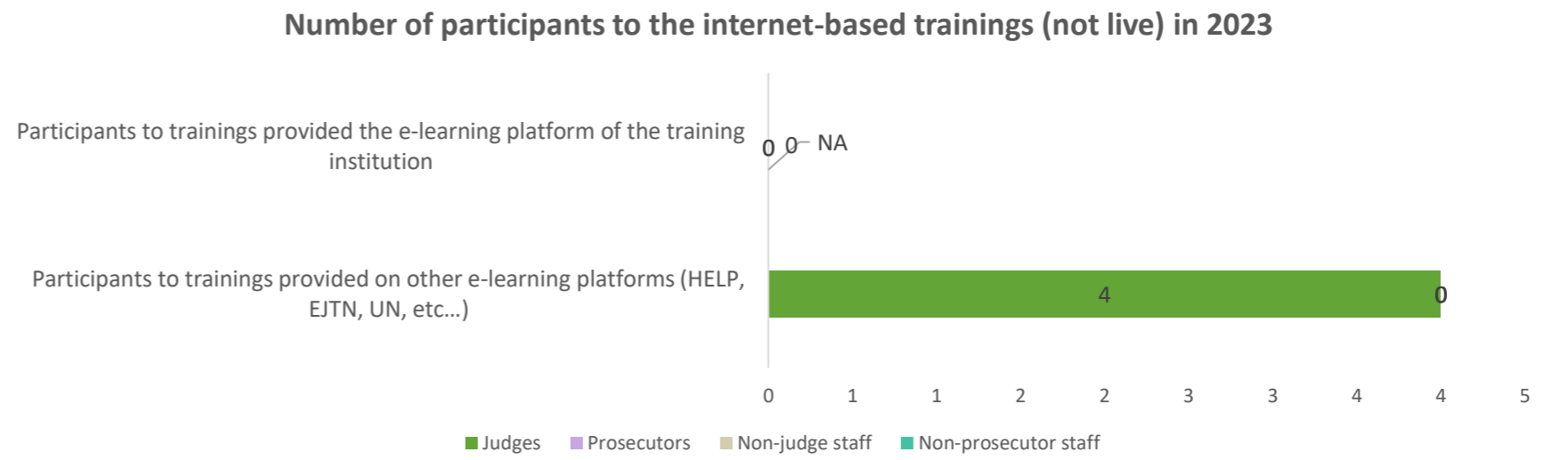
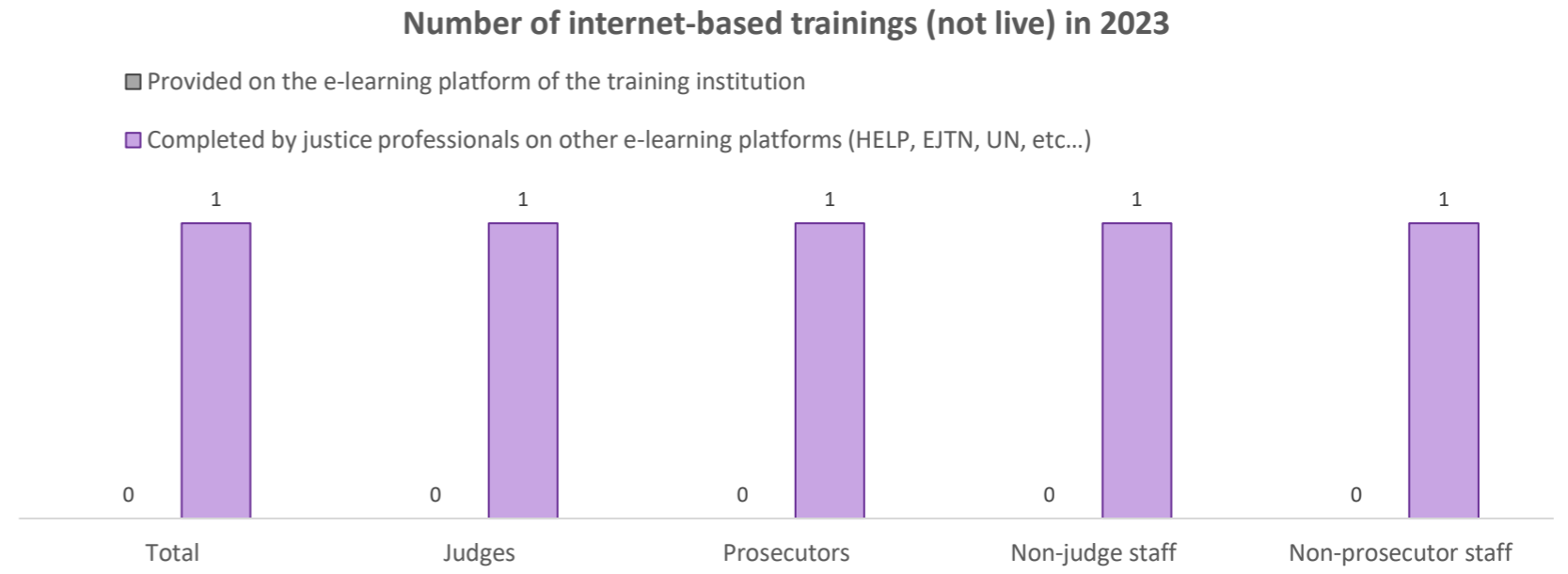
Looking at the average participations on live trainings, the highest average was for prosecutors (3,8 live training participations per prosecutor). Hence, compared to the other professionals, North Macedonia gave priority to the trainings for prosecutors, like the rest of the region (the WB-average number of participations per prosecutor on live trainings was 4).

In 2023 the highest priority for live training was given to the training of Prosecutors (3,8 participations on trainings per prosecutor).

The total number of participants in live training sessions for non-judges and non-prosecutors was 1,261. The Academy's system is unable to provide separate numbers for this category.

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

	Number of internet-based trainings (not live) in 2023			
	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
<b>Total</b>	0	0	1	4
<b>Judges</b>	0	0	1	4
<b>Prosecutors</b>	0	0	1	0
<b>Non-judge staff</b>	0	NA	1	0
<b>Non-prosecutor staff</b>	0	0	1	0

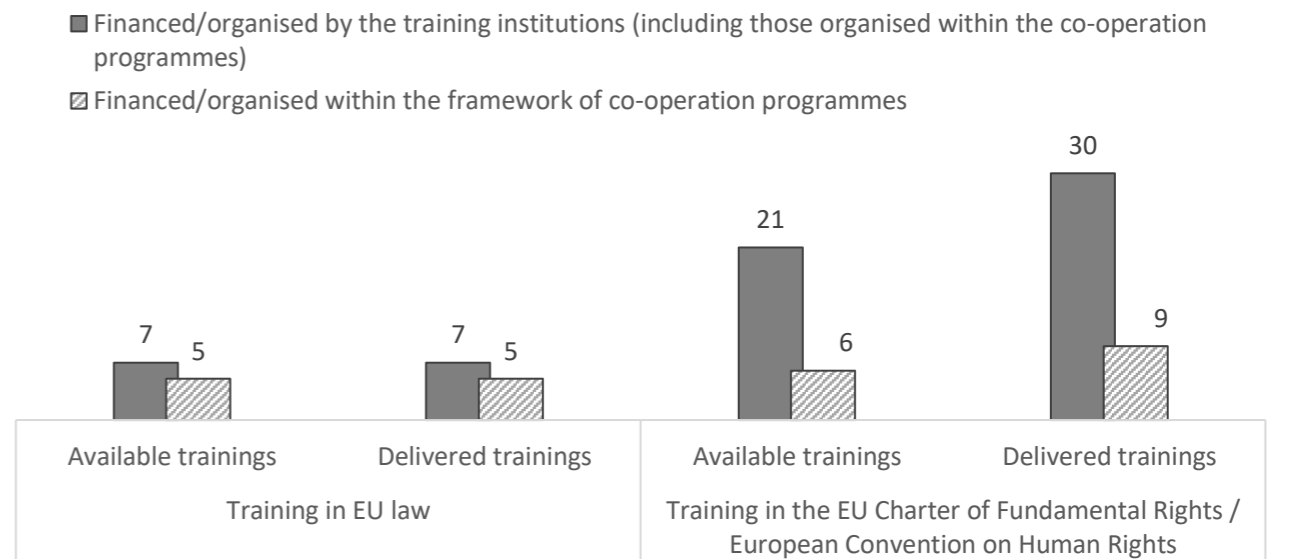




• Number of EU law training courses and participants

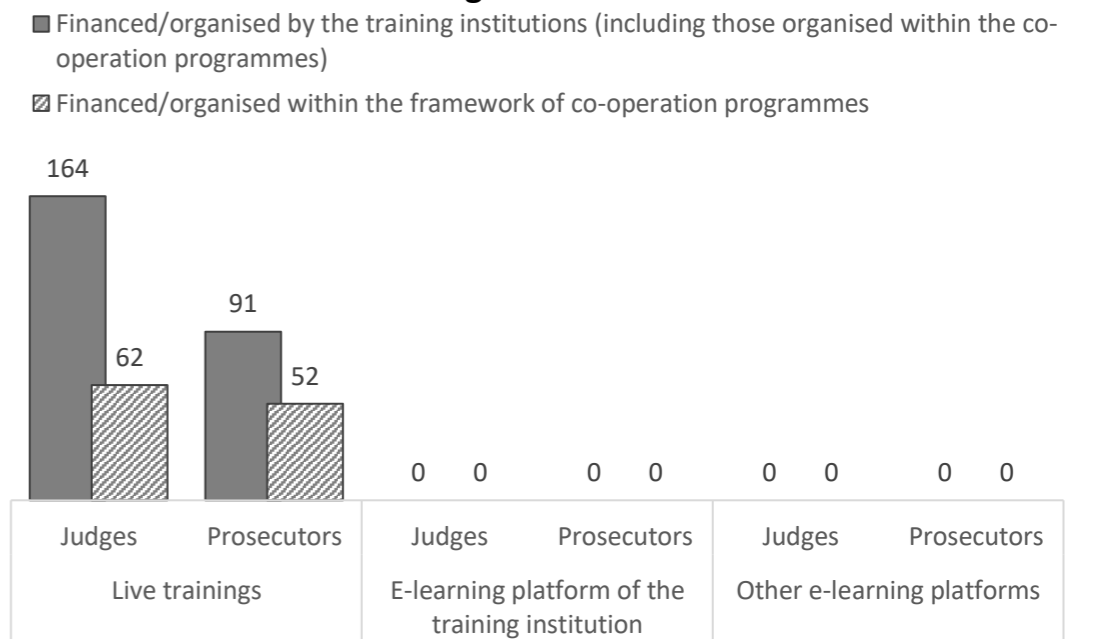
	Training in EU law organised/financed:		Training in the EU Charter of Fundamental Rights / European Convention on Human Rights organised/financed:	
	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes	By the training institutions for judges and prosecutors	Within the framework of co-operation programmes
<b>Live trainings (2023)</b>				
Number of available live trainings	7	5	21	6
Number of delivered live trainings	7	5	30	9
Number of delivered live training in days	2	0	21	0
<b>Internet-based trainings(2023)</b>				
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

Number of live trainings in EU law and the EU Charter of Fundamental Rights / European Convention on Human Rights in 2023



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	164	91	NA	NA	0	0	0	0
Within the framework of co-operation programmes	62	52	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 2023



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	Optional	Regularly	Optional	Regularly
	Specialised judicial functions	Optional	Regularly	Optional	Regularly
	Management functions of the court	Optional	Regularly	Optional	Regularly
	Use of computer facilities in courts	Optional	Regularly	Optional	Regularly
	On ethics	Optional	Regularly	Optional	Regularly
	On child-friendly justice	Optional	Regularly	Optional	Regularly
	On gender equality	Optional	Regularly	Optional	Regularly
	On prevention of corruption	Optional	Regularly	Optional	Regularly
	On conflicts of interest	Optional	Regularly	Optional	Regularly
	Other	Optional	Regularly	Optional	Regularly

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

According to the current Law on Courts, (Article 77 paragraph 1 item 5) a disciplinary violation for which a disciplinary procedure can be initiated to determine the disciplinary responsibility of a judge, and for which a disciplinary measure will be imposed, includes the lack of mandatory training.

According to the Law and bylaws of the Academy, the Academy organises only mandatory trainings. At the end of each calendar year, the Academy issues certificates to judges for the number of days spent on training. The Academy informs the Judicial Council about the completed days of training by judges and whether they have fulfilled the required number of trainings according to their length of service. Based on this information, the Judicial Council takes further action.

Prosecution offices have prosecutors specially trained in domestic violence. Moreover, they have prosecutors specially trained in sexual violence.

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 notification.

**• 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

In North Macedonia, 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 organised 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 decreases 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 specialised program (divided into two modules: criminal and civil) for mandatory continuous training. Judges/public prosecutors with up to 3 years of experience are obliged to attend a total of 10 days of training.

- 1-3 years of experience as a judge/prosecutor=10 days of training
- 3-8 years of experience as a judge/prosecutor=6 days of training
- 8-15 years of experience as a judge/prosecutor=4 days of training
- over 15 years of experience as a judge/prosecutor=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 as a result of a given obligation in accordance with the Conclusions of the Government of North Macedonia or other institutions. Trainings may also arise from obligations under adopte

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 result 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 2023 (Indicator 9)

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



Court-related mediation procedures



Mandatory informative sessions with a mediator



Mandatory mediation with a mediator



Before/instead of going to court

### Mediators

2,5

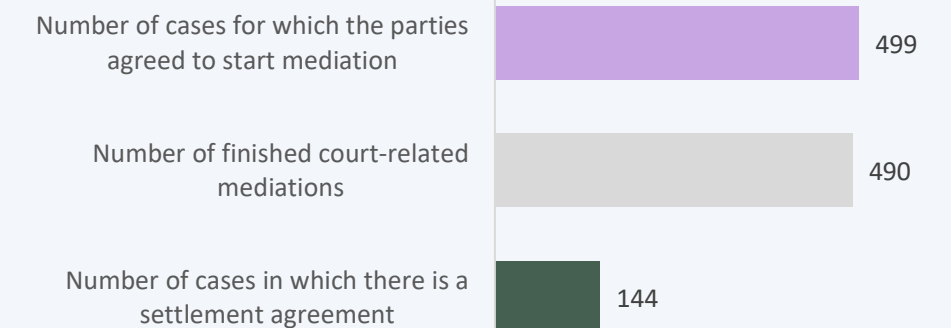
per 100 000 inhabitants

WB Average: 17,8

58,7% female mediators



### Total number of court-related mediations



In North Macedonia, court related mediation procedures are available and 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 2023, the number of mediators was 2,5 per 100 000 inhabitants, which was below the WB Average (17,8 per 100 000 inhabitants). The majority of the mediators were women (58,7%). There were in total 499 cases for which the parties agreed to start mediation and 144 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 facilitate, direct, advise on or conduct 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 of up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court. According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, the parties can be referred to the mediation process.

### • Other ADR methods

Mediation other than court-related mediation



Arbitration



Conciliation (if different from mediation)



Other ADR



#### Arbitration

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 allows business partners to settle mutual business relations disputes, if they have included this option in their contracts. Arbitration in North Macedonia has existed since 1993, and the value of disputes resolved through arbitration varies from a few thousand to several million Euros.

#### Conciliation

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

#### Court settlement

##### 1. Civil Disputes

The Law on Litigation Procedure provides for court settlement, where parties can resolve their dispute at any stage of the procedure. This type of judicial mediation results in a settlement documented in minutes (without a formal court decision), which the parties sign voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata, preventing parties from re-litigating the same matter.

##### 2. Criminal Offences

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 it is deemed he considers it expedient for the prompt termination of proceedings. During the conciliation hearing, the judge may suggest mediation if both parties agree. The settlement reached in front of a mediator shall be then submitted to the court, which will adopt a decision to terminate the procedure.

## • Mediators and court-related mediations

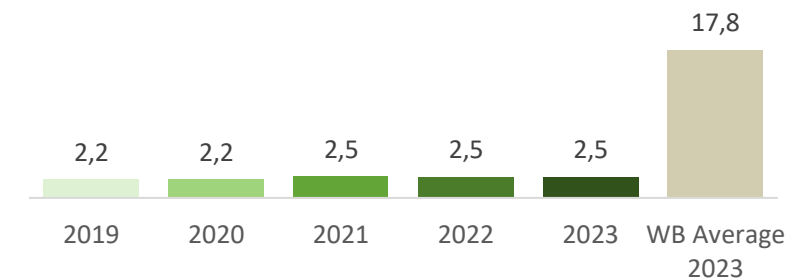
### Requirements and procedure to become an accredited or registered mediator:

Requirements and procedure to become an accredited or registered mediator:

- Diploma for completed higher education VII/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, issued 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

Accredited/registered mediators for court-related mediation			% Variation between 2019 and 2023
Absolute number	Per 100 000 inhabitants	WB Average per 100 000 inhabitants	
46	2,5	17,8	2,2%

Accredited/registered mediators for court-related mediation per 100 000 inhabitants between 2019 and 2023



For reference only: the 2021 EU median is 17,4 mediators per 100 000 inhabitants.

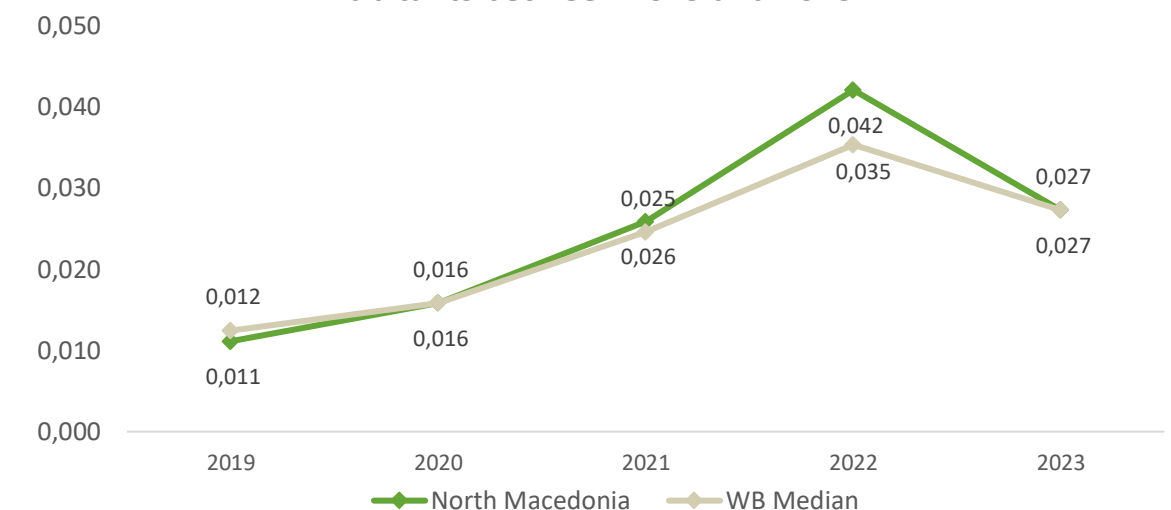
In 2023, the total number of mediators in North Macedonia was 46, which is 2,2% more than in 2019. The number of mediators per 100 000 inhabitants was 2,5, which is less than the WB Average of 17,8.

Conditions for mediator and mediation: 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. (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: The exam for mediator can be taken by individuals who have submitted an application 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
<b>Total (1 + 2 + 3 + 4 + 5+ 6)</b>	499	490	144				
<b>1. Civil and commercial cases</b>	349	344	32	✓	✗	✗	✗
<b>2. Family cases</b>	0	0	0	✓	✗	✓	✗
<b>3. Administrative cases</b>	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>4. Labour cases incl. employment dismissals</b>	104	101	100	✓	✗	✗	✗
<b>5. Criminal cases</b>	2	2	2	✓	✗	✗	✗
<b>6. Consumer cases</b>	1	1	0	✓	✗	✗	✗
<b>7. Other cases</b>	43	42	10				

Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants between 2019 and 2023



Court related mediations are provided by private mediators and in case of family cases - judges. In 2023, mediation was most used for Civil and commercial cases and Labour cases (including employment dismissals) (parties agreed to start mediation in 349 and 104 cases, respectively). According to the law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

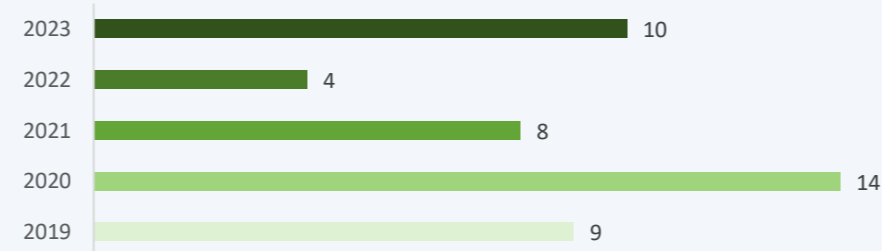
Kosovo is not included in the calculation of summary statistics

## European Convention on Human Rights in North Macedonia in 2023 (Indicator 10)

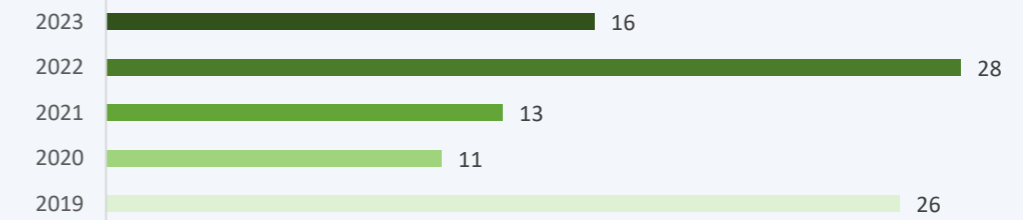
European Convention on Human Rights – Article 6 – Right to a fair trial (extract):

*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 analyze 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 the 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 the implementation of internal systems to prevent other similar violations in the 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 a hearing within a 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 that should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to a hearing within a 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/reopen a case after a decision on violation of human rights by the ECHR

For civil cases	For criminal cases	For administrative cases
✓	✓	✓

According to the Article 449 of the Law on Criminal Procedure, among others, a procedure can be repeated if the European Court of Human Rights establishes with a decision that has entered into effect, any violations of the human rights and fundamental freedoms during the procedure.

According to the Article 400 of the Law on Civil procedure, when the European Court of on Human rights determines the violation of some human rights or fundamental freedoms stipulated in the European Convention for Human Rights and in the additional protocols of the Convention, which the Republic of North Macedonia has ratified, the party may within 30 days from the day the judgment of the Court becomes final, request a court in the Republic of North Macedonia to reconsider a decision made in the first instance procedure that violated a human right or fundamental freedom.

According to Article 82 of the Law on Administrative Disputes, one of the grounds for repeating the administrative procedure is if the European Court of Human Rights found a violation of the Convention or adopted a decision based on a unilateral statement by the state to recognize a violation of the Convention.

In 2023, the applications allocated to a judicial formation\*\* for North Macedonia were 335 (-32 less than the previous year). The judgements by the ECHR finding at least one violation for North Macedonia were 10; whereas they were 4 in 2022.

The number of cases considered as closed after a judgement of the ECHR and the execution of judgements process was 16 in 2023; whereas they were 28 in 2022.

	2019	2020	2021	2022	2023
<b>Applications allocated to a judicial formation of the Court**</b>	262	275	394	367	335
<b>Judgements finding at least one violation**</b>	9	14	8	4	10
<b>Judgements finding at least one violation of the Article 6 of the ECHR</b>					
Right to a fair trial (1)	3	3	5	2	2
Length of proceedings	1	1	0	0	0
Non-enforcement	0	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	2023
<b>Number of cases considered as closed after a judgement of the ECHR and the execution of judgements process***</b>	26	11	13	28	16

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

## Reforms in North Macedonia in 2023

	Yes (planned)	Yes (adopted)	Yes	Comment
<b>(Comprehensive) reform plans</b>	✓	✓	✓	Finished implementation of the Strategy for the reform of judicial sector 2017-2022, Strategy for ICT in Judiciary 2019-2024 Adopted: Strategy for development of Judiciary 2024-2028 Planned: Strategy for ICT in Judiciary 2025-2029
<b>Budget</b>	✓	✗	✓	Increased salaries for judges and public prosecutors upon decision of Constitutional Court. Planned: Amendments on the Law on Court Budget
<b>Courts and public prosecution services</b>	✓	✗	✗	Planned: redefinition of court and public prosecution network, improvement of ICT systems in courts and public prosecution offices and renovation of 12 public prosecution offices
<b>Access to justice and legal aid</b>	✓	✗	✓	Planned: Amendments of the Law on free legal aid Implemented: Implementation of project of Council of Europe
<b>High Judicial Council and High Prosecutorial Council</b>	✓	✗	✗	Planned: Adoption of amendments to the Law on Court Council of the Republic of North Macedonia and set of activities defined in the Strategy.
<b>Legal professionals</b>	✓	✓	✗	Planned: Amendments on the Law on Courts, Law on Public Prosecution Office, improvement of ICT system of notaries and enforcement agents and amendments of the Law on enforcement agents. Adopted: Adopted amendments on the Law on Bar, amendments on the Law on Academy for Judges and Public Prosecutors and amendments on the Law on enforcement regarding the limitation of interest.
<b>Gender equality</b>	✓	✓	✓	New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia. National strategy for equality and non-discrimination 2022-2026 - adopted Action Plan for implementation of Istanbul Convention 2018-2023 - adopted In 2023 adopted Amendments on the Criminal Code for implementation of Istanbul Convention
<b>Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities</b>	✓	✓	✓	Planned: New Civil Code, New Criminal Code and amendments to the Law on Criminal Procedure. Adopted: The Law on expert witnesses Implemented: New Law on expert witnesses international conventions and cooperation activities: Planned: 1.Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes and 2. Initiative for Agreement between North Macedonia and United States of America on extradition; ADOPTED: In 2023 signed Convention of 2 July 1919 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (HCCH 2019 Judgments Convention).
<b>Mediation and other ADR</b>	✓	✗	✗	Planned: Ratification of the Singapore Convention on Mediation and amendments on the Law on mediation
<b>Fight against corruption and accountability mechanisms</b>	✗	✓	✓	National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025 prepared and adopted by the State Commission for Prevention of Corruption (SCPC), December 2020 adopted by the Parliament, April 2021.
<b>Domestic violence</b>	✓	✓	✓	Adopted: Amendments to the Criminal Code related to the implementation of the Istanbul Convention. Implementation of the provisions of the Istanbul Convention.
<b>New information and communication technologies</b>	✓	✗	✓	-

## 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: 2023**

### **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

### Procedure of recruitment of judges

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. They are conducted based on open competition and the entry criteria are announced as part of a public call

#### Judges in basic courts:

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

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 bachelor of law with completed four-year higher education degree of studies of law or a bachelor of law with acquired 300 credits according to the ECTS (European Credit Transfer System), to have passed the bar exam, at least 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 test of knowledge of one of the three most commonly used languages in the EU (English, French or German), a qualification test, a psychological test, an integrity test and a practical exam. The entrance exam is carried out by the Commission for entrance exam (a chair and six members and their deputies, appointed by the Management Board of the Academy from the ranks of judges and public prosecutors and one from the administrative staff of the Ministry of Justice) while the psychological and integrity tests are carried out by an independent psychology institution. Late and incomplete submission are rejected and the applicant may file a complaint within two working days from the receipt of the decision with the Management Board of the Academy which shall reach a decision within two working days. The candidates solely are informed about the fact of being preselected. 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 lasts 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 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 basic 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 the check of criminal records, of disciplinary proceedings and sanctions applied, integrity assessment test and psychological assessment 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).

#### **Mandate of judges**



Judges are appointed without limitation of their term of office, until they reach the retirement age of 64 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”.

### **Procedure of recruitment of prosecutors**

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 as envisaged for judges, namely to have an active command of the Macedonian language and in one of the three most commonly used languages of the EU (English, French or German),, 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. The entry criteria are announced separately from the public call. 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. The candidates solely are informed about the fact of being preselected.

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

### **Mandate of prosecutors**



Public prosecutors are appointed with no limitation on their term in office, until they reach the retirement age of 64, 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 checked through the check of criminal records, of disciplinary proceedings and sanctions applied, an integrity assessment test and psychological assessment.

## Promotion for judges and prosecutors

### Promotion of judges

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 courts (including higher administrative court) 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 reasoned. 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.

### **Promotion of prosecutors**

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 must 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

### Compensation of users of the judicial 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			2023		
	Number of requests for compensation	Number of compensation	Total amount (in €)	Number of requests for compensation	Number of compensation	Total amount (in €)
Total	NA	171	93.396	NA	104	137.183 €
Excessive length of proceedings	351	169	91.620	250	99	82.180 €
Non-execution of court decisions	NAP	NAP	NAP	NAP	NAP	NAP
Wrongful arrest	NA	1	800	NA	4	54.661 €
Wrongful conviction	NA	1	976	NA	1	342 €
Other	NAP	NAP	NAP	NAP	NAP	NAP

Based on the Law on Judicial Council (Article 31), the JC examines complaints filed by citizens about the work of judges, court presidents and courts. As per the Law on Courts (Article 83), the Ministry of Justice is competent to examine complaints filed by citizens on the work of courts related to the delay of court proceedings as well as on work of court services. The Ombudsman undertakes actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of work of the court services (Article 12, Law on the Ombudsman). 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.


### Procedure to challenge a judge

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. In 2023, 2.769 procedures were initiated, and 2.248 recusals pronounced.

### Instructions to prosecute or not addressed to public prosecutors

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

### Independence of judges

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).

There are also other laws ensuring guarantees of independence of judges, namely the Law on Judicial Council, the Law on court budget and other relevant laws regulating judiciary.

### Independence of prosecutors

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. Other relevant laws ensuring guarantees of independence of prosecutors are Law on the Council of Public Prosecutors and other laws regulating judiciary.

### Breaches of integrity for judges, prosecutors and court staff

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 (Articles 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). Articles 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.)

#### **Existence of specific measures to prevent corruption for judges and prosecutors**

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

#### **In-service training on ethics, corruption prevention and conflict of interest for judges and prosecutors**

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, however, they are regularly offered to judges and prosecutors. Namely, within the days for obligatory trainings in which judges and public prosecutors have to take part, 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). As per the usual practice of the Academy, this type of trainings last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be carried out in two days or even more. Judges and prosecutors need to participate on this training more than once on an *ad hoc* basis.

## **Codes of conduct for judges and prosecutors and bodies giving opinions on ethical questions**


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 the Council of public prosecutors) 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 in May 2021 (and amended in November 2023), the Council for public prosecutors adopted the new Code of ethics for all prosecutors which was promptly made public (see [the GRECO Addendum to the Second Compliance Report on North Macedonia](#), para. 43) and it was accompanied by the Guidelines for practical implementation of the Code soon after (see [the GRECO Second Addendum to the Second Compliance Report on North Macedonia](#), para. 45-49). 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). In 2023, no opinions were issued.

Similarly to the Code for judges, the Code of ethics for public prosecutors prescribes that the Ethics Council is tasked with supervising the implementation and interpretation of the content, 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 and 2023.

## **Established mechanisms to report influence/corruption on judges and prosecutors**

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.

### **Transparency in distribution of court cases**

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.

### **Number of criminal cases against judges and prosecutors**

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

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

	2022				2023			
	Judges		Prosecutors		Judges		Prosecutors	
	Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of initiated cases	0	0,00	1,00	0,64	0	0,00	0	0,00
Number of completed cases	0	0,00	0,00	0,00	0	0,00	0	0,00
Number of sanctions pronounced	0	0,00	0,00	0,00	0	0,00	0	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. In 2023, no criminal cases were initiated nor completed against judges or prosecutors.

Level of implementation of GRECO recommendations in December 2023 (adoption of the GRECO Second Addendum to the Second Compliance Report on North Macedonia):

	Judges	Prosecutors
Implemented	89%	75%
partially implemented	0%	25%
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/](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 a judge is dismissed (indent 3, para. 1 of Article 75 of the Law on Courts). In case of a lighter form of violation, a judge may be subject to a one of the following disciplinary measures pronounced by the Judicial Council: a written warning, a public reprimand, a salary reduction in the amount of 15% to 30% of the monthly salary (Article 78, Law on Courts). As per LPP (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 or a dismissal are prescribed.



Number (absolute and per 100 judges/prosecutors) of proceedings against judges for violations or non-declaration of assets in 2019, 2020, 2021, 2022 and 2023:

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
2023	6	1,53	0	0,00	0	0,00	6	3,39	0	0,00	0	0,00

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

### Procedures and mechanisms for managing potential conflict of interest of judges

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.

### Procedures and mechanisms for managing potential conflict of interest of prosecutors

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.

### Possibility for judges and prosecutors to perform additional activities

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. In the GRECO Second Compliance Report on North Macedonia (see para. 50-54), the authorities indicated that Article 7 of the Code of Ethics of Public Prosecutors (adopted in May 2021 and amended in November 2023) defines the term "intangible benefit", which specifically mentions the term "hospitality" - in the sense required by GRECO: "Intangible benefit means any benefit to the public prosecutor or a person close to him/her, which is not provided by payment, in order to act or refrain from acting in accordance with his/her obligations or to perform his/her competencies contrary to his/her official duties and the provisions of this Code. Intangible benefits also include discounts on prices and services due to the position of public prosecutor, as well as free professional advice of the public prosecutor". With respect to

the harmonisation of the different rules relating to gifts, the new “Rulebook for acceptance, disposal and recording of received gifts by the public prosecutors at protocolary events” was adopted on 5 September 2023 which aligns the different rules on gifts for prosecutors.

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. In the GRECO Second Compliance Report on North Macedonia (see para. 36-41), the authorities provided more information on trainings carried out, however, only for PTEFs.

## Breaches of rules on conflict of interest

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, 2022 and 2023:

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
2023	0	0	0	0	0	0

## Discipline against judges and prosecutors

### Description of the disciplinary procedure against judges

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. In the Addendum to the Second Compliance Report adopted in March 2022 (see para. 34-40), the authorities referred, with respect to part (i) of the recommendation, to Article 78 (2) of the Law on Courts. It stipulates that, if a disciplinary measure of a reduction in salary is imposed on a judge, s/he cannot be elected to a higher court, as a member of the Judicial Council, deputy/director of the Academy for Judges and Public Prosecutors or nominated as a judge in an international court. GRECO noted that the only pending element of part (i) of the recommendation – the extension of disciplinary sanctions applicable to judges to ensure better proportionality – has now been addressed, so this part of the recommendation has been fully complied with. However, bearing in mind that the part (ii) of the recommendation has not been implemented (see below), GRECO concluded the 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)12<sup>1</sup>. 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). In the Addendum to the Second Compliance Report adopted in March 2022 (see para. 34-40), as regards part (ii) of the recommendation, the authorities reiterated that the 2019 amendments to the Law on Courts and the Law on the Judicial Council introduced precise and strict criteria for the election/promotion of a judge/court president and ensured greater publicity of the Council's sessions to secure objectivity and public control, and are seen as guarantees of judicial independence and of political neutrality of the procedures in question. Besides, in 2020, the Council adopted inter alia new internal rules on the modalities for ranking candidate judges recruited from the Academy for Judges and Public Prosecutors and candidates for judge positions in higher courts (Appellate, Administrative, Supreme Administrative and Supreme Courts). Moreover, the Council adopted an internal plan for monitoring and evaluating the work of courts, judges and court presidents for 2021. The authorities additionally stated that, pursuant to Article 63(1) of the Law on Judicial Council, the Commission for Rapporteurs of the Judicial Council, which deals with judges' liability, is only composed of the Judicial Council members with voting rights and is to exclude members who file a request to initiate a disciplinary procedure in respect of a particular judge. The Commission is to reject untimely, incomplete or obviously unfounded requests. In 2020, the Commission received 58 requests concerning 140 judges for determining their liability. Of these, 44 were rejected, one was discontinued, one resulted in a written reprimand, one request was withdrawn, and 5 judges were dismissed for unprofessional and negligent performance. In 2021, 43 requests concerning 67 judges were received of which 20 were rejected, 2 procedures were discontinued, one judge received a written warning and 7 judges were dismissed. The authorities indicated that, when making decisions, the Council pays attention to whether a violation was committed with intent or obvious negligence, as result of a judge's fault, without justified reasons and whether it led to severe consequences. Decisions of the Council on election/promotion/dismissal of a judge/court president are available here: [www.sud.mk](http://www.sud.mk). Concerning part (ii) of the recommendation, GRECO had previously commended efforts to reform the disciplinary mechanisms as provided for in the Law on Courts and the Law on the Judicial Council as amended in 2019 and found the system, as conceived by these laws, to be satisfactory overall. As concerns practical implementation, GRECO has still not received any evidence that its concerns about a lack of proportionality with respect to the role of the Judicial Council in disciplinary procedures against judges and political pressures

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<sup>1</sup> 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>.

exercised to dismiss certain judges have been properly tackled. Moreover, the Minister of Justice remains a member of the Council and is still in a position to exert influence on proceedings pertaining to the election/promotion/dismissal of a judge (cf. recommendation v). For these reasons, GRECO cannot as yet conclude that all the elements of this part of the recommendation have been complied with. GRECO concluded this recommendation remains partly implemented. In the [GRECO Second Addendum to the Second Compliance Report on North Macedonia](#) (see para. 38-44), the authorities indicated that GRECO's concern for a lack of proportionality in the role of the Judicial Council in disciplinary procedures against judges, is addressed by Article 60 of the Law on the Judicial Council (Official Gazette of the Republic of North Macedonia, No. 102/2019). It allows the Judicial Council to stop proceedings if it finds no ground for a judge's liability. However, if it finds that a judge (or a court president) has committed a serious disciplinary violation or gross misconduct, it can then decide on the dismissal of the judge (or the court president). Alternatively, should the Judicial Council neither stop proceedings nor decide on dismissal, it will then conduct a vote on applying disciplinary measures, which range from the least to the most severe measures. 41. In 2022, the Judicial Council imposed four disciplinary measures, one in the form of salary reductions applied in two cases and one in the form of written warnings in the two other cases. The Judicial Council also rendered five decisions in 2022, which resulted in the dismissal of five judges. The authorities also indicate that the Judicial Council's decisions are well-reasoned and follow the subjective element of Article 74 of the Law on Courts. According to this Article, a judge is dismissed from judicial office in accordance with the grounds provided by the Law if the violation was committed with intent or obvious negligence, as a result of a fault by the judge, without justifiable reasons and if the violation caused serious consequences. Decisions of the Judicial Council on the selection, promotion and dismissal of a judge/president of a court are available on the judicial website [www.sud.mk](http://www.sud.mk). GRECO took note of the information provided regarding the application of legal provisions on discipline substantiating their proportionality in practice and concluded that recommendation xii has been implemented satisfactorily.

### **Description of the disciplinary procedure against prosecutors**

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.

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. In [the GRECO Addendum to the Second Compliance Report on North Macedonia](#) (see para. 51-55), the authorities reported that the recommendation will be addressed by the future amendments to the Law on Public Prosecution. In [the Second Addendum to the Second Compliance Report on North Macedonia](#) (see para. 55-59), the authorities reported the same and GRECO again concluded recommendation remains partly implemented.

### Statistics on disciplinary proceedings against judges and prosecutors

		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	NAP
5. Temporary reduction of salary	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0,00
6. Position downgrade	NAP	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	NAP
8. Resignation	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0	0,00	0,00
9. Other	NAP	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	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				2023			
		Judges		Prosecutors		Judges		Prosecutors	
		Abs	per 100	Abs	per 100	Abs	per 100	Abs	per 100
Number of disciplinary proceedings initiated	Total number (1 to 5)	147	35,94	8	5,10	67	17,09	5	2,82
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,64	0	0,00	0	0,00
	2. Professional inadequacy	147	35,94	7	4,46	67	17,09	5	2,82
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00

	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Number of cases completed	Total number (1 to 5)	153	37,41	8	5,10	41	10,46	3	1,69
	1. Breach of professional ethics (including breach of integrity)	0	0,00	1	0,64	0	0,00	0	0,00
	2. Professional inadequacy	153	37,41	7	4,46	41	10,46	3	1,69
	3. Corruption	0	0,00	0	0,00	0	0,00	0	0,00
	4. Other criminal offence	0	0,00	0	0,00	0	0,00	0	0,00
	5. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Number of sanctions pronounced	Total number (total 1 to 10)	16	3,91	4	2,55	5	1,28	3	1,69
	1. Reprimand	2	0,49	0	0,00	1	0,26	0	0,00
	2. Suspension	6	1,47	0	0,00	0	0,00	0	0,00
	3. Withdrawal from cases	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	4. Fine	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	5. Temporary reduction of salary	2	0,49	2	1,27	3	0,77	1	0,56
	6. Position downgrade	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	7. Transfer to another geographical (court) location	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
	8. Resignation	0	0,00	2	1,27	1	0,26	1	0,56
	9. Other	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP

10. Dismissal	6	1,47	0	0,00	0	0,00	1	0,56
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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, LPP 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.).

“Professional inadequacy” as a ground for initiating disciplinary proceeding in respect of prosecutors means committing either serious or mild disciplinary infringement such as serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, failure to submit declaration of assets and interests in accordance with the law, or submitting the data contained in the declaration that are mostly untrue, being convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or disclosing classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law, minor violation of the public order and peace and other more serious forms of inappropriate behaviour, thus undermining the repute of the public prosecutors and public prosecution offices, non-fulfilment of mentor-like obligations, violation of rights related to absence from work etc.

## Council for the Judiciary/ Prosecutorial Council

### Council for the Judiciary

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 non-judge 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 – Article 11, Law on the Judicial Council).

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. Other accountability measures such as allowing presence of the public in sessions and audio recording of its sessions.

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. In the GRECO Second Addendum to the second Compliance report on North Macedonia (see

para. 32-37) the authorities of North Macedonia indicated that in the period of 2019 to March 2023, the Minister of Justice did not attend any of the sessions of the JC thus he did not receive any work material for procedures, including any information about cases in which the responsibility of a judge and/or president of a court was examined, or on the election of a judge and/or president of a court (as per the Rules of Procedure of the Judicial Council, Article 11). The authorities of North Macedonia explained that that meant that the minister cannot exercise any influence over these proceedings. Furthermore, this practice of “non-participation” by the Minister of Justice in the sessions of the Judicial Council serves as a protection against any possible political influence the Minister could have on the work of this body. This *modus vivendi* will remain in practice until adoption of an amendment to the Constitution, which would provide provisions for excluding the Minister of Justice of the membership in the Judicial Council. GRECO noted this information. GRECO is aware that this recommendation requires a constitutional amendment and that although a proposal had been made in this respect, it did not succeed in Parliament. The explanations provided by the authorities are the same as in previous reports: the Minister of Justice does not participate in the sessions of the Judicial Council and hence cannot exercise any pressure on the Judicial Council. GRECO reiterated that a risk of political influence always exists without formal voting rights or even formal attendance of the Minister of Justice in person at meetings and therefore regrets the persistent lack of progress for this recommendation. Thus, GRECO concluded this recommendation remained not implemented.


### **Prosecutorial Council**

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. Criteria for non-prosecutor members of CPP are: 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 CPP 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.

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.

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 LPP 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.