



CCJE-BU(2021)1

Strasbourg, 21 January 2021

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):**

**“Evolution of the Councils for the Judiciary  
and their role for independent and impartial judicial systems”**

**ANSWERS –NORTH MACEDONIA**

*Please in your answers do not send extracts of your legislation  
but describe the situation in brief and concise manner.*

### General

1. Is there a Council for the Judiciary in your judicial system?	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> <b>no</b>
2. What is the exact title/denomination of this body?	<b>Judicial council of the Republic of North Macedonia</b>
3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.	
Defending and fostering the independence of judges and the judiciary/the rule of law	<input checked="" type="checkbox"/> <b>HJC</b> <input type="checkbox"/> MoJ <input checked="" type="checkbox"/> <b>Court Presidents</b> <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> <b>Association of Judges</b> <input type="checkbox"/> other, please specify
Defending judges/the judiciary against public attacks	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input checked="" type="checkbox"/> <b>Court Presidents</b> <input type="checkbox"/> bodies within individual courts

	<input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> <b>Association of Judges</b> <input type="radio"/> other, please specify
Administration of the judiciary	<input type="radio"/> HJC <input checked="" type="radio"/> <b>MoJ</b> <input checked="" type="radio"/> <b>Court Presidents</b> <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Selection of new judges	<input checked="" type="radio"/> <b>HJC</b> <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input type="radio"/> other, please specify
Selection of judges for promotion	<input checked="" type="radio"/> <b>HJC</b> <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input type="radio"/> other, please specify
Evaluation of judges	<input checked="" type="radio"/> <b>HJC</b> <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Evaluation of court performance	<input checked="" type="radio"/> <b>HJC</b> <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Conducting disciplinary procedures	<input checked="" type="radio"/> <b>HJC</b> <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges

	<input type="radio"/> other, please specify
Drafting and enforcing a code of ethics	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> <b>Association of Judges</b> <input type="radio"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> <b>Court Presidents</b> <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> <b>Association of Judges</b> <input type="radio"/> other, please specify
Providing input on legislative projects	<input checked="" type="radio"/> <b>HJC</b> <input checked="" type="radio"/> <b>MoJ</b> <input checked="" type="radio"/> <b>Court Presidents</b> <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> <b>Association of Judges</b> <input type="radio"/> other, please specify
Training of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify  <b>Academy for Judges and Public Prosecutors „Pavel Shatev”</b>
IT, including digitalisation of the judiciary and online hearings	<input type="radio"/> HJC <input checked="" type="radio"/> <b>MoJ</b> <input type="radio"/> Parliament <input checked="" type="radio"/> <b>Court Presidents</b> <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input checked="" type="radio"/> <b>HJC</b> <input checked="" type="radio"/> <b>MoJ</b> <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify

	<b>Judicial Budget Council of the Republic of North Macedonia</b>
Salaries of judges	<input checked="" type="checkbox"/> HJC <input checked="" type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input checked="" type="checkbox"/> Court Presidents <input type="checkbox"/> Bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> other, please specify

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?

**Yes, the Judicial system in RSM exists and and it elects and dismisses the presidents of the courts.**

- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country?

**Nothing in particular.**

### Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Composition	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Selection of members including tenure and removal during tenure	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Tasks	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Resources, funding, administration	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify
Independence	<input checked="" type="checkbox"/> Constitution <input checked="" type="checkbox"/> Law <input type="checkbox"/> other, please specify

- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country?

## Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? **15 members**
- Are there ex-officio members? **Yes, 2 members, the President of the Supreme Court of RSM and Minister of Justice of the RSM**
- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?

**Out of 15 members, 8 members must be judges and ex officio the President of the Supreme Court of RSM, one member is elected by the Supreme Court of the Republic of Northern Macedonia, 4 from appellate areas, two members are elected from among the judges members of the community which is more of 20% of the population in the Republic of Northern Macedonia by all judges registered in the Judicial Election Directory and one member is elected from among the judges belonging to the communities that are less than 20% of the population in the Republic of Northern Macedonia by all judges registered in Judicial Election Directory.**

- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)

**Yes, 6 members are non- judges by function, the Minister of Justice of the RSM is a ex-officio member, two members are from the MoJ as the state advisers, one member from the Appeal court Skopje as the adviser , one member from the Basis Criminal Court Skopje as the associate and one member as the Attorney General from the Attorney General office Skopje.**

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)

**Every group nominates their candidates by choice**

- Please describe the appointment system

**Three members of the Council are elected by the Assembly of RSM, Two members of the Council are nominated by the President of RSM, and the election is done by the Assembly of RSM, the election of judges is done by elections held on the same day in all courts in RSM, The candidate who received the highest number of votes per constituency is nominated as an elected member.**

- If members are elected by Parliament, are these members elected with a simple or qualified majority?

**By a majority vote of the total number of MPs, whereby there must be a majority vote of the total number of MPs belonging to the communities that are not a majority in the Republic of Northern Macedonia**

7. How is integrity and independence of members ensured in the selection process and during their time on the Council?

**They have the same immunity as the judges , they may not be held accountable for voting or opinion given their duty to the Judicial Council**

8. How is the President and/or Vice-President of the Council selected and appointed?

**The President of the Council and his Deputy are elected from among the members of the Council with the right to vote, who are elected by the Assembly of the Republic of Northern Macedonia. They are elected by at least eight votes of the eligible members. The mandate of the President of the Council and the Deputy is two years without the right to be re-elected.**

9. What is the term of office for a member of the Council?

**The mandate of the members of the Council is six years with the right to another election. The President of the Supreme Court of the Republic of Northern Macedonia and the Minister for justice with the termination of their function and their mandate in the Council.**

10. May a member be removed from office against his/her will and, if so, under what circumstances?

**Yes, by initiating a procedure for disciplinary responsibility for a member of the Council by each member with the right to vote or by at least 20 judges**

#### **Resources and management**

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> other, if so specify <b>The budget of RSM from the part marked with Judicial power</b>
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<b>X</b> yes <input type="radio"/> no

#### **Relations within the Council for the Judiciary and within the judiciary**

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved?

**No conflicts**

14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved?

**No conflicts**

## **Relations with other branches of government, governmental bodies, civil society and media**

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved?

**No conflicts**

16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?

**Initiatives to the Constitutional Court and a proposal to amend legal solutions**

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?

**They are independent bodies with a clear division of competencies**

18. How does the Council for the Judiciary in your judicial system interact with NGOs?

**It cooperates with the non-governmental sector**

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?

**Good cooperation. Concluding a Memorandum of Cooperation. The association is always here when there is a need to defend the role and importance of the Judicial Council as a guarantor of the independence of judges.**

20. How does the Council for the Judiciary in your judicial system interact with media?

**There is cooperation. The President of the Judicial Council has good communication with the media, makes public statements, there is a public relations office, a website of the Judicial Council.**

21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

**Yes, a Startup Methodology for evaluating the work of a judge based on the fulfillment of the qualitative criteria for the judicial work, that takes time to determine its success**

## **Challenges, developments**

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal

changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.

**Lack of resources and strategy for online trials. lack of resources and needed staff.**

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how? **NO**
24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?

**Law on Judicial Council adopted on May 16, 2019**

**The Methodology for evaluating the work of a judge based on the fulfillment of the qualitative criteria for the judicial work was adopted, as well as the form for evaluation and scoring of the fulfillment of the qualitative criteria for the work of the judge. methodology at the start, it takes time to show.**

**The Judicial Council also adopted the Methodology for Qualitative Evaluation of Court Presidents and the Form for Qualitative Evaluation of Court Presidents.**

25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?

**Not applicable**

Shpend Devaja  
Judge of Supreme Court of  
Republic of North Macedonia