



CCJE-BU(2020)1

Strasbourg, 29 January 2020

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 23 (2020):

“The role of the Associations of Judges

in supporting the judicial independence”

ANSWERS : REPUBLIC OF NORTH MACEDONIA

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

General

1. How many Associations of Judges (please note that they can have different names) exist in your country?
 - a) For judges of all jurisdictions and all court levels __1__
 - b) For judges of certain jurisdictions only __/___
 - c) For judges of certain court levels only __/___
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) __/___?

Total number of all types of Associations of Judges __1__

Other objectives __/___

Membership

2. What are the requirements for membership in the Associations of Judges?
 - Membership in the Association of Judges of the Republic of Macedonia can be regular and honored.
 - Regular member of the Association of Judges of the Republic of Macedonia can be a judge or a retired judge, as well as judge and retired judge of the international courts of the Republic of Macedonia.

- An honorary member may be a citizen of the Republic of Macedonia or a foreign national who contributes significantly to the development of the Macedonian Judiciary or Association.
- Membership in the Association of Judges of the Republic of Macedonia is voluntary.
- Membership in the Association of Judges of Republic of Macedonia is acquired by manually signing a letter of acceptance of the Statute and Code of Judicial Ethics.

3. Are prosecutors members of the Associations of Judges?

- No, they aren't

Legal framework / objectives

4. Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?

- Statute of AJRM and Law on associations of citizens and foundations ("Official Gazette of the Republic North of Macedonia "no. 52/2010, 135/2011 and 55/2016)

5. According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by "1", "2" and "3" the three most important objectives)

Defending and fostering the independence of judges and the judiciary	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	"1"
Defending and fostering the rule of law	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Fighting for economic safeguards of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	"3"
Fighting for social and physical security of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Contribution to the development of the law	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Training of judges	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
Ethics and accountability of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	"2"
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
Media work	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Organising conferences	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
International contacts and networking	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

Other objectives (which)	O yes <input checked="" type="checkbox"/> no
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Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?

- Association of Judges of Republic of Macedonia is in communication with separate judges through its subsidiaries and its organs and bodies. Subsidiaries of AJRM is formed in every court. Regular communication is achieved through meetings, conferences, seminars.

b) Can judges get assistance from the Association (which kind)?

- Yes, they can get help.
 - Professional help by:
 - Library which is located in the premises of the Association itself.
 - Participation in national and international conferences and workshops.
 - Financial help:
 - Solidarity fund

c) Do the Associations of judges defend individual judges (against what)?

- Yes, pending before the judicial council - at the request of a judge against whom proceedings are pending AJRM may send its own representative to give its own opinion on a judge against whom proceedings are pending, but the subject matter of this opinion is non-negligent in the deciding of the judicial council.

7. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react?

- Media release
- Announcement on the Association's website

8. Is there any influence of the Associations of judges on appointment or promotion of judges?

- No, there is no influence

9. Is there any influence of the Associations of Judges in disciplinary procedures?

- Consultative

10. Is there any influence of the Associations of Judges on training?

- Training is the responsibility of the Academy of Judges and Public Prosecutors „Pavel Shatev “, but AJRM through its own workshops, conferences considers it has an impact.

Resources

11. Are there membership fees?

- Yes, there are

12. What other resources are available for the Associations of Judges?

- The funds for financing the association are obtained from membership fees, voluntarily contributes, donations, gifts, endorsements, legacies, rents, revenue from publications and other sources.
- The funds for financing the association can be realized and received from the budget of the Republic of North Macedonia and the budgets of municipalities and the City of Skopje.

Administration of the Associations of Judges

13. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?

Assembly:

- The highest body of the Association of judges of the Republic of Macedonia is the Assembly. It is composed of branch representatives.

Assembly of the Association of Judges of the Republic of Macedonia:

- Elects and dismisses the President of the Assembly, the board of directors and the supervisory board in whole or some of their members;
- Selects the body of the Assembly

The management board:

- The board of directors consists 15 members including the president of the Association of Judges of the Republic of Macedonia.
- The term of office of the members of the management board lasts 4 years, with the right of one more election.

President:

- The president of the Association by function is also the president of the management board.
- The term of office of the president lasts 4 years, with the right of one more election.

The president of the Association is elected the electoral assembly (regular or part-time)

Supervisory Board:

- The supervisory board consists of 5 members.

- The term of office of the members of the supervisory board lasts 4 years, with the right of one more election.

Judicial ethics advisory board:

- Judicial ethics advisory board consists of 7 members which are elected and dismissed by the management board.

14. Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges, and if yes, how many terms and for how long?

Assembly:

- Every subsidiary has the right of one representative of each started 10 members. The term of office of the representatives lasts 4 years, with the right of one more election.

President:

- The term of office of the president lasts 4 years, with the right of one more election.

Supervisory board:

Pursuant to article 27 of the Statute of AJRM position

- The term of office of the supervisory board lasts 4 years, with the right of one more election.

15. Are there restrictions to become an officer of an Association of Judges?

- Yes, so he may be elected clerk of AJRM shall meet the following requirements for doing the job:
- At least 300 credits acquired under ECTS or completed VII/1 a law degree with a passed law exam and at least 2 years work experience in the profession.
- Active knowledge of one of the three most frequent used languages in the European Union (english, french and german)
- Active knowledge of office software programs.
- Other special job competencies enshrined in the job placement act.

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?

- Immediately by holding meetings and inviting them to discuss certain right issues-laws.

Are Associations of Judges involved in the process of law-making?

If yes, how (is this formal or informal)?

- Yes - informal, in the phase of drafting laws in working groups and initiative to change the legal text and law.

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?

- Through meetings, by participating in working groups for amending laws.

18. a) How do the Associations of Judges interact with political parties?

- There is no communication.

b) Are certain Associations of Judges connected with certain political parties?

- No

c) Is there an influence of party politics within the Associations of Judges?

- There is no influence

19. a) How do the Associations of Judges interact with the Council for the Judiciary?

- Exchange of opinions and views on issues of functional character, integrity with a view to promoting the justice system.

b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)?

- In the process of electing a member of the Judicial Council, a Commission for the Election of Judges is established. The President, one member and their deputies shall be elected from the AJRM.

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?

- Yes, by regular meetings, announcements, and material status support

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other?

- No, there is only one association of judges of the Republic of Macedonia

b) If there is more than one Association of Judges, how other stakeholders deal with this fact?

22. How do the Associations of Judges interact with NGOs?
- Through participation in joint projects and initiative promotion concerning the strengthening of the independence of the judiciary
23. How do the Associations of Judges interact with foreign or international organisations?
- Through seminars, workshops, cooperating with foreign experts, research related to practical problems related to the judiciary
24. Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?
- It is not existent

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards?
- Yes, propose a Code of Ethics for Judges and Lay Judges and establish an Advisory Body on Ethics for Judges and Lay - Judges
26. Do the Associations of judges contribute to a further improvement of the justice system? How?
- Yes, through legal forms of action, initiatives, legal analysis, research

Perception

27. How does the public at large see the Associations of Judges?
- The work of the Association of judges of the Republic of Macedonia is public and transparent by holding public meetings at which they decide about upcoming activities, without any restrictions, influences, incentives, pressure, threats or interference, directly or indirectly, by whomever the subject is and whatever the reason is.
 - Publicity in the operation is also ensured by the publication of the newsletter, websites and other ways that enable on-time and truthful reporting the public of the associations work.
 - Within the AJRM if formed a Judicial media council responsible for formalizing cooperation between judges and journalists, as an advisory body promoting cooperation and dialogue between judges and journalists on issues of common interest, as well as enhancing and promoting judicial transparency and public access to justice.

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Republic of North Macedonia