

Prosecutorial Council Independence: Safeguards and Remaining Gaps

Council of Public Prosecutors of North Macedonia and High Judicial and Prosecutorial Council of Bosnia and Herzegovina

	North Macedonia	Bosnia and Herzegovina
REFORM STATUS	Status Partial progress Key development New Law adopted in May 2026¹ Main direction of reform Clearer selection and merit criteria, greater voting transparency, stronger disciplinary safeguards, and a clearer role in Public Prosecutor appointments and dismissal	Reform unfinished Comprehensive new HJPC legislation required since the 2019 EU Opinion remains pending Reforming the existing framework, without resolving all underlying structural vulnerabilities
WHERE DO SAFEGUARDS REMAIN LIMITED?		
Safeguard	Selection of non-judicial members Lay members elected by an absolute parliamentary majority, allowing a single parliamentary majority to determine their selection. Eligibility requirements Attorneys must have 15 years' experience, compared with 7 years for law professors. Decision-making Limited safeguards against the prosecutorial majority deciding key matters without lay-member support. Voting safeguards Qualified-majority or vote-explanation requirements apply only to some prosecutor appointments. Removal of Council members Broad grounds such as "impacts autonomy" or "fails to perform duties" remain open to interpretation. Institutional independence Prosecutorial dominance remains insufficiently addressed in some key decisions.	Two politically appointed members are selected without a qualified-majority requirement or uniform merit-based procedure. Ethnicity-based allocation of seats can constrain open, merit-based selection. Ordinary Council decisions are taken by simple majority, limiting the ability of non-judicial members to provide a counterweight. No equivalent comprehensive qualified-majority safeguard for key appointments. Broadly defined grounds for terminating a Council member's mandate. HJPC's countrywide authority has faced repeated challenges from Republika Srpska authorities.
WHAT SHOULD BE CHANGED?		
Reform priority	Qualified majorities Introduce a qualified parliamentary majority for election of lay members. Merit-based selection Harmonise experience requirements for attorneys and law professors. Decision-making safeguards Extend qualified-majority or vote-explanation requirements to all key prosecutor appointments. Removal rules Define narrower and more precise grounds for Council-member removal. Institutional protection _____	Introduce qualified-majority safeguards for politically appointed non-judicial members. Use open, merit-based selection procedures; prevent ethnic allocation from predetermining professional selection. Strengthen voting arrangements so non-judicial members can provide an effective counterweight. Narrow and clarify grounds for terminating Council members' mandates. Protect the HJPC's countrywide structure and ensure meaningful consultation with civil society and the judiciary.

¹ The Law on the Council of Public Prosecutors, adopted in May 2026, was among the measures envisaged by the North Macedonia's Reform Agenda 2024–2027. "Reform Agenda of North Macedonia 2024–2027", <https://portal.mdt.gov.mk/post-body-files/reformaska-agenda-na-severna-makedonija-2024-2027-godina-file-3KKC.pdf>.