

REPORT

2019 REPORT

# ON THE RESULTS OF THE IMPLEMENTATION OF THE 2017-2022 STRATEGY FOR REFORM OF THE JUDICIAL SECTOR

Skopje, July 2020



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## 2019 REPORT ON THE RESULTS OF THE IMPLEMENTATION OF THE 2017-2022 STRATEGY FOR REFORM OF THE JUDICIAL SECTOR

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# ***LIST OF ABBREVIATIONS***

CEPEJ	European Commission for the Efficiency of Justice
ACMIS	Automated Case Management System
AJPP	Academy for Judges and Public Prosecutors
GDP	Gross Domestic Product
ECtHR	European Court of Human Rights
EU	European Union
PPs	Public Prosecutors
CPP	Council of Public Prosecutors
JC	Judicial Council

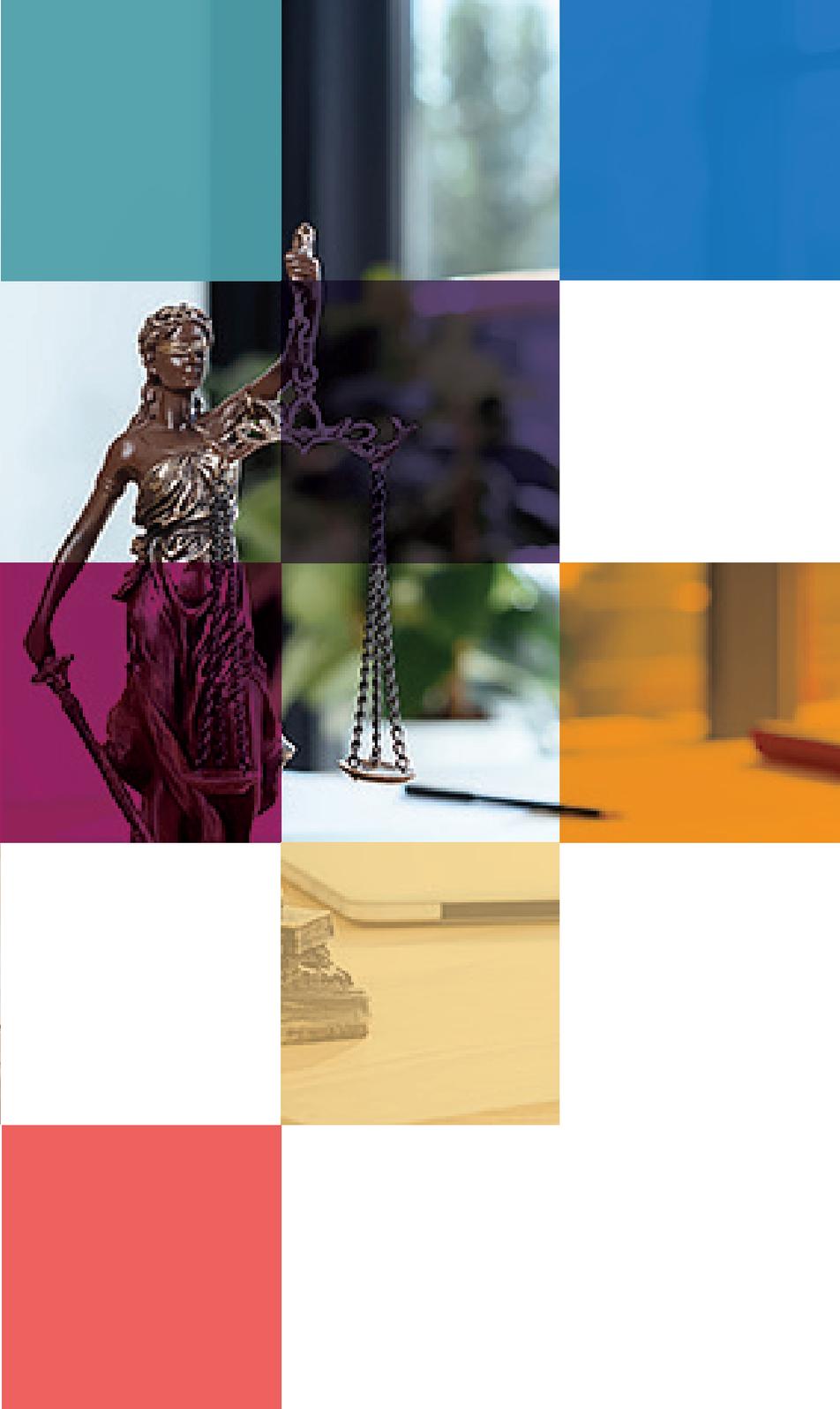
# METHODOLOGY

The Action Plan for the implementation of the 2017-2022 Strategy for Reform of the Judicial Sector (the Strategy) has indicators, using which the success rate of the implementation of the measures set forth under the Strategy is assessed. However, these indicators are primarily focused on monitoring the output of envisaged activities, while dedicating little attention to the outcomes and the impact of the Strategy. In addition, the indicators are concentrated to a great extent on the work of the justice system institutions, without taking due account of the influence the Strategy has on citizens.

This Report is based on the plan for monitoring the implementation and assessment of the results of the 2017-2022 Strategy for Reform of the Judicial Sector, using citizen-oriented indicators, i.e. indicators facilitating the assessment of the interaction of citizens with the justice system institutions, as well as the degree of attainment of strategic goals, guidelines, measures and activities envisaged under the Strategy. The *Project Partnership Justicia: Regaining the Citizens' Trust* introduced citizen-oriented indicators for monitoring and assessing the implementation of the Strategy with a view to promoting the rule of law principle and prompting a greater human rights approach and focus with justice system institutions. The indicators help measure the results from the human rights perspective and from the viewpoint of the Strategy's effects on citizens, against the background of the overall work of the justice system.

This Report covers the following strategic goals set forth under the Strategy: quality, efficiency, transparency, strategic planning and policy-making, judicial institutions, criminal matters, misdemeanour matters and civil matters. The indicators do not cover the following strategic goals under the Strategy: independence and impartiality,<sup>1</sup> liability, access to justice (with the exception of the Notaryship, enforcement and mediation), Judicial Council, Council of Public Prosecutors, and administrative matters.

<sup>1</sup> With the exception of the strategic guideline "Autonomous and sustainable court budget, consistent with the legal allocations from the gross national income."



Some of the indicators used in this Report refer to a strategic goal or a strategic guideline, as set forth under the Strategy, while other indicators refer to measures or activities envisaged under the Strategy. The following reference approaches to measuring the results of the judicial sector have been taken into consideration when developing the indicators:

- The EU Justice Sector Scoreboard 2019; The United Nations Rule of Law Indicators;
- The United Nations Rule of Law Indicators;
- The Council of Europe Commission for the Efficiency of Justice - CEPEJ Evaluation of Judicial Systems; the 2011 Judicial Statistics Methodology;
- Methodology for judicial statistics 2011;
- Matrix for Monitoring the Performances of the Judiciary;
- Methodology of monitoring and evaluation of public policies.

The Report was done based on:

- survey of 415 citizens involved in court cases, 41 judges and 73 court staff from five first instance courts,<sup>2</sup> as well as 94 lawyers and 29 public prosecutors,<sup>3</sup>
- survey of mediators, under which 22 mediators responded,,
- requests for access to information of public character,
- reports published by judicial institutions and reports ,
- published by civil society organizations.

The information gathered for this Report relates to the 2019 situation, while in respect of some of the indicators a comparison is made with the situation in 2018.

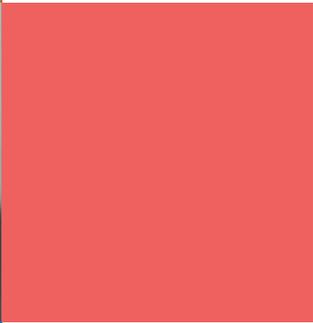
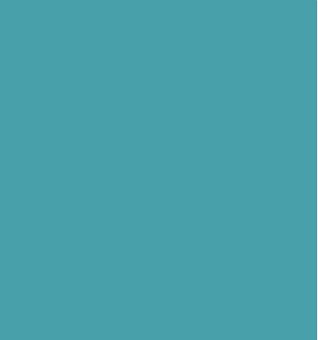
The Draft Report was presented at an open debate, held on 30 July 2020. The remarks and considerations resulting from the debate were incorporated in this Report. In addition, there were consultations about this Report with the Ministry of Justice. The remarks, comments and consideration by the Ministry were also incorporated in this Report.

<sup>2</sup> The Skopje First Instance Criminal Court, the Skopje First Instance Civil Court, the Bitola First Instance Court, the Gostivar First Instance Court, and the Shtip First Instance Court.

<sup>3</sup> The Survey was taken in the period from December 2019 to February 2020.



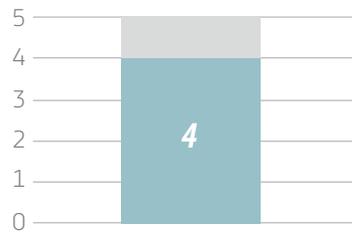
# ***SUMMARIES***



# 1. SUMMARY OF THE STRATEGIC GOAL: QUALITY

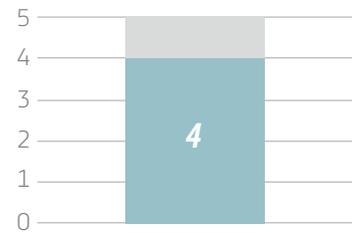
**Strategic guideline -“Harmonize the case-law”:** under three indicators no comparison can be made with the situation in 2018, in light of the fact that the survey provided information only about the situation in 2019:

Perception of the competence of judges – according to the survey of lawyers and public prosecutors: the most frequent mark is 4 (on a scale from 1 to 5, where 5 is the highest mark).



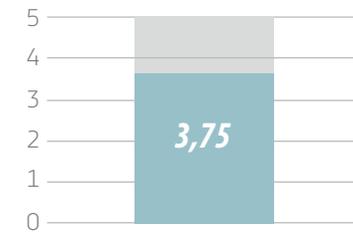
Survey of lawyers and public prosecutors

Perception of the competence of public prosecutors- according to the survey of judges, lawyers and public prosecutors: the most frequent mark is 4 (most frequent answer, i.e. a median; on a scale from 1 to 5, where 5 is the highest mark).



Survey of lawyers and public prosecutors

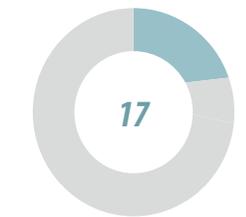
Perception of the application of standards for the improvement of the quality of court judgments - according to the survey of judges, lawyers and public prosecutors: the mark is 3.75 (on a scale from 1 to 5, where 5 is the highest mark).



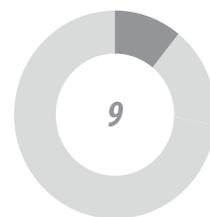
Survey of lawyers and public prosecutors

In the context of this strategic guideline, a comparison can be made with the situation in 2018, with respect to the following indicators:

1.1.4 Number of opinions issued by the Supreme Court regarding the case-law: In 2019, the number of issued and published sentences/rulings decreased – 9, as different from 2018, when there were 17 rulings issued.

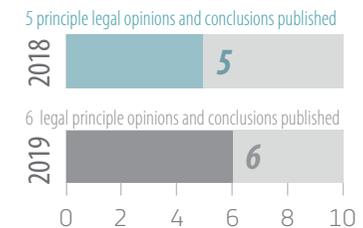


Number of sentences published in 2018



Number of sentences published in 2019

In 2018, the Supreme Court did not adopt and publish any legal principle opinions and general positions. However, in 2019, two legal principle opinions and four legal opinions and conclusions were issued and published on the Court’s website. In 2019, the same as in 2018, the Supreme Court did not issue and publish any general positions.



- 1.1.6 Share of trainings, which include the ECtHR case-law or decisions and recommendations of UN human rights bodies: In 2019, 10%, i.e. 23 out of a total number of 222 developed trainings were trainings, which include the ECtHR case-law. Differently from this situation in 2019, in 2018, 12%, i.e. 22 out of a total number of 189 trainings were trainings, which include analysis of published court judgements, focused on human rights related cases.
- 1.1.7 Percentage of attendants of continual training (judges, public prosecutors), who completed trainings on the ECtHR case-law: In 2019, this percentage was increased to 46%, as different from 2018 when this percentage was 30%.
- 1.1.8 Percentage of the total number of judges who participated in continual training on the EU Acquis: In 2019, the number of judges, who completed continual training on the EU Acquis was increased (45%), as different from 2018, when only 5% of the total number of judges completed such training.
- 1.1.9 Share of trainings which include analysis of published court judgements, focusing on human rights cases: In 2019, the number of trainings, which include analysis of published court judgements focusing on human rights cases was increased, standing at 14% of the total number of trainings, as different from the share of 12% of such trainings in 2018.
- 1.1.10 Number of meetings between judges working in various appellate circuits and judges of the Supreme Court (elaborating upon the case-law): In 2018, judges of the Supreme Court and of appellate courts had three meetings, while in 2019 they had only two meetings.

**Strategic guideline - “Review of the criteria for evaluation of judges and public prosecutors”:** in the context of both indicators, it can be noticed that as different from the Law Amending and Supplementing the Law on Courts of 2018<sup>4</sup> and the Law Amending and Supplementing the Law on the Judicial Council of 2018<sup>5</sup>, a substantive improvement was made following the adoption of the Law Amending and Supplementing the Law on Courts<sup>6</sup> and of the Law on the Judicial Council<sup>7</sup>, which were favourably assessed by the Venice Commission.<sup>8</sup> With a view to selecting quality staff for the judiciary, there were solutions introduced relating to the admission and the final exams, following the initial training under the Draft Law on the Academy for Judges and Public Prosecutors, which the Government endorsed in July 2019.

**Strategic guideline - “Functional system for probation and other alternative measures”:** The Probation Service became functional in 2019, working on 165 cases. The Law on Probation is of exceptional importance in determining the type and duration of the sentence. Hence, the recommendation for intensive training of judges on the application of the Law on Probation, considering the fact that the cooperation with the Probation Service facilitates the pursuance of the correct approach to individualizing the sentence for each defendant.<sup>9</sup>

**Strategic guideline - “Monitor the results and quality of Notaryship”:** Disciplinary proceedings instituted by the Notary Chamber were monitored. The Disciplinary Panel of the Notary Chamber received 15 proposals for disciplinary proceedings against Notaries Public, of which 13 were considered, with the following disciplinary measures having been ordered – five fines and five public reprimands. In one case, statute of limitations was established, in one case, the Notary Public was established not be responsible. In 2019, the Disciplinary Panel of the Notary Chamber processed five proposals for institution of disciplinary proceedings, filed in the previous year, i.e. in 2018, issuing the following disciplinary measures: two public reprimands. In one case, statute of limitations was established and in two cases it was established that the concerned Notary Public was not responsible.

4 Official Gazette No. 83/2018, Law Amending and Supplementing the Law on Courts.

5 Official Gazette No. 83/2018, Law Amending and Supplementing the Law on the Judicial Council.

6 Official Gazette No. 96/2019, Law Amending and Supplementing the Law on Courts.

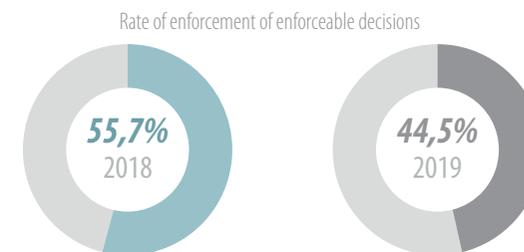
7 Official Gazette No. 102/2019, Law on the Judicial Council.

8 Mr Richard Barrett and others, ‘Opinion on the Draft Amendments to the Law on Courts, Adopted by the Venice Commission at Its 117th Plenary Session’ (Venice Commission 2018) Opinion No. 944 / 2018 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)033-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)033-e)>; Mr Richard Barrett, Mr Philip Dimitrov and Ciril Ribičič, ‘Opinion on the Draft Law on the Judicial Council, Adopted by the Venice Commission at Its 118th Plenary Session’ (Venice Commission 2019) Opinion No. 947 / 2019 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)008-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)008-e)>.

9 Iva Conevska and Ismail Kamberi, ‘Shadow Report on Chapter 23 for the Period June 2019 – March 2020 [Извештај во сенка за Поглавје 23 за периодот јуни 2019 – март 2020 година]’ (European Policy Institute – Skopje 2020) <[https://epi.org.mk/wp-content/uploads/2020/05/lzvestaj\\_vo\\_senka\\_2020.pdf](https://epi.org.mk/wp-content/uploads/2020/05/lzvestaj_vo_senka_2020.pdf)>.

**Strategic guideline - “Continuous monitoring of the enforcement effects and the quality of work of enforcement agents”:** a reduced rate of enforcement of enforceable decisions was marked, i.e. from 55.7% in 2018 to 44.5%.

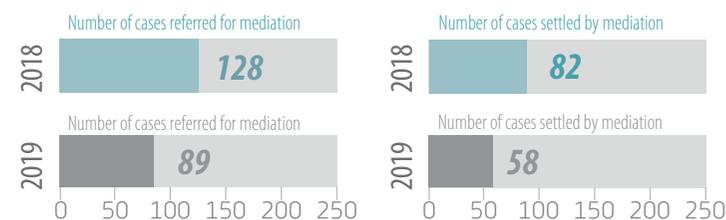
In 2019, the Disciplinary Panel of the Chamber of Enforcement Agents instituted proceedings against three enforcement agents, who were found guilty and were ordered the disciplinary measures of public reprimand, fine and permanent ban on the right to engage in the profession of enforcement agent (in one case). In 2018, there were proceedings against two enforcement agents, who were found guilty and were ordered the disciplinary measure of a fine.



**Strategic guideline - “Frequent use of mediation by public authorities”:** With a view to advancing the concept of mediation, in July 2019, the Government of the Republic of North Macedonia adopted a Conclusion<sup>10</sup> obliging all state bodies, institutions, state owned public enterprises and units of local self-government to make efforts to settle disputes by way of mediation, before bringing the case before courts. Despite the fact that information gathered under the survey shows a decrease in the number of cases referred to for mediation by public bodies and a decrease of the number of cases settled by mediation, in which one of the parties was a public body in 2019, this could be related to the total number of cases in which one of the parties was a public body. The situation with respect to this strategic guideline is the following:

1.6.1 Number of cases referred for mediation by public bodies: According to the answers of mediators, there was a decrease of the number of cases they received from public bodies in 2019 (89 cases), compared with 2018 (128 cases).

1.6.2 Number of cases settled by mediation, in which public bodies were parties: There is a decrease of the number of settled cases, i.e. from 82 in 2018 to 58 in 2019.



**Strategic guideline - “Stimulate the application of mediation in court proceedings”:** It can be noticed that following the adoption of the new Law on Mediation (Official Gazette of the Republic of Macedonia Nos. 188/2013, 148/2015, 192/2015 and 55/2016) the mediation concept was advanced. The analysis of cases and settlements reached in the period from 2016 to 2019 leads to the conclusion that the success rate in mediation cases is 72% (out of the total number of 1,570 cases, settlement was reached in 1,137 cases). Albeit the advancement of the mediation concept in settling labour and commercial disputes, mediation needs to be more extensively applied under the Law on Justice for Children and the Law on Consumer Protection. The situation with respect to this strategic guideline is the following:

1.7.1 Number of cases referred for mediation in pursuance with the Law on Justice for Children: In 2019, the same as in 2018, there were no cases referred for mediation under the Law on Justice for Children.

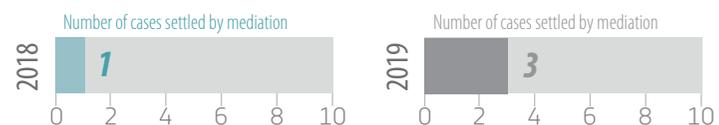
1.7.2 Number of cases settled with mediation in pursuance with the Law on Justice for Children: In 2019, the same as in 2018, there were no cases referred for mediation under the Law on Justice for Children. Hence, no cases were settled.

<sup>10</sup> European Policy Institute, “Public Policy Brief: Implementation of the 2017-2022 Strategy for the Reform of the Justice Sector”, (2019) <<https://epi.org.mk/wp-content/uploads/2020/01/%D0%94%D0%B8%D1%98%D0%B0%D0%B-%D0%BE%D0%B3-%D0%B7%D0%B0-%D1%98%D0%B0%D0%B2%D0%BD%D0%B8%D1%82%D0%B5-%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D0%BA%D0%B8-%D0%B1%D1%80%D0%B8%D1%84.pdf>>.

1.7.3 Number of cases referred for mediation in pursuance with the Law on Consumer Protection: According to answers of mediators there was an increase of the number of cases they received in pursuance with this Law in 2019 (nine cases) compared with 2018 (four cases).



1.7.4 Number of cases settled by mediation in pursuance with the Law on Consumer Protection: According to answers of mediators, there was an increase of the number of cases settled by mediation under this Law in 2019 (three cases), compared with 2018 (one case).

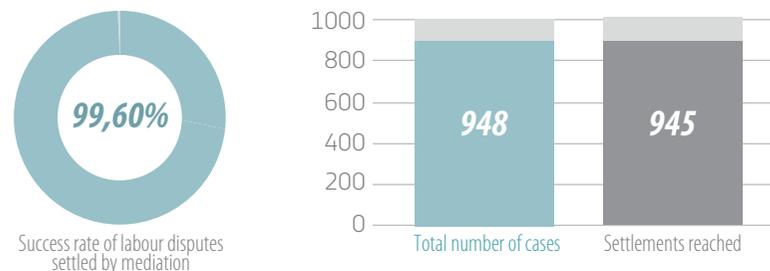


1.7.5 Success rate in commercial and labour disputes settled by mediation:

Success rate in commercial disputes settled by mediation is 28.3% (out of the total number of 567 cases, settlement was reached in 161 cases).



Success rate in labour disputes settled by mediation is 99.60% (out of the total number of 948 cases, 945 cases ended with a settlement).



## 2. SUMMARY OF THE STRATEGIC GOAL: EFFICIENCY

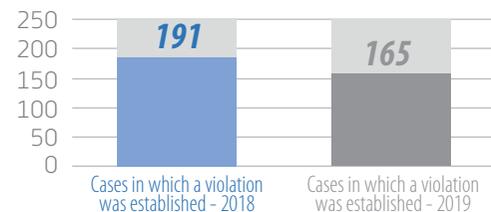
**Strategic goal - “Monitor judicial efficiency using the indicators defined in the EU Justice Scoreboard (result list), CEPEJ and other international standards”:** despite the fact that the Methodology of Judicial Statistics has been partially harmonized with relevant internationally accepted indicators, the Methodology is not applied in the practice, considering that in their regular reports institutions do not monitor the current values of indicators set forth under the Methodology. This deficiency is rectified to a certain extent with the help of civil society organizations, which monitor some of the values of relevant indicators.

**Strategic guideline - “Consistent implementation of the Action Plan for adjudicating the old cases and regular monitoring of the situation”:** there is an improvement under two indicators, compared with the situation in 2018:

2.2.4 Number of backlog cases: 2,852 at the end of 2019, which is a 27% decrease, compared with 2018 (3,921).



2.2.5 Number of cases in which a violation of the principle of trial within reasonable time was established: In 2019, the total number of cases before the Supreme Court regarding this violation was reduced by 200, i.e. by 25% compared with 2018. In 2019, the number of cases in which a violation of this principle was established was decreased to 165 from 191 in 2018.



In 2019, the first instance court success rate in resolving cases (indicator 2.2.2.) was below 100% (96,7%), which shows an increase of pending cases. In 2018, this indicator was 101.2%. i.e. that year there was a reduction of the backlog of cases. The reason for the back slide under this indicator in 2019 could be found in the 11.4% increase of newly admitted cases in 2019, which could not have been dealt with by the 6.2% increase of the number of cases courts resolved in the course of the year. Hence the increase of the number of pending cases (indicator 2.2.1), which ultimately increased to the end of 2019 by 8.6%, compared with the end of 2018. This also contributes to the increase of the time needed to deal with the backlog of cases before first instance courts (indicator 2.2.3): In 2019, 152.8 days were needed to resolve pending cases before first instance courts, compared with 147.7 days in 2018.



**Strategic goal - “Harmonize the number of judges with the European average per capita”:** Under indicator 2.3.1. - cost efficiency of case resolution, it is not possible to make a comparison with the situation in 2018. The values for 2019 show that the least efficient appellate court spends in average 33% more per resolved case compared with the best cost-efficient appellate court. In average, the last ranked first instance court spends 2.6 times more than the best cost-efficient first instance court. In 2019, there was an improvement under indicator 2.3.2. - rate of productivity in resolving cases, compared with 2018, at 16 first instance courts and at 2 appellate courts, having a decrease at 11 first instance courts and at two appellate courts.

**Strategic guideline - “Reinforce the capacities of the judicial and public prosecutorial service”:** In the context of this strategic guideline, no comparison can be made with the situation in the previous year, considering that the value of the indicator was established under the survey. Judges most often assessed the expertise and competence of expert associates with the mark of 4 (46%), on a scale from 1 to 5, where 5 is the highest mark. This mark was also most often given by surveyed lawyers and public prosecutors (35%). However, significant number of lawyers and public prosecutors gave the mark of 3 (34%).



**Strategic guideline - “Full functionality of the web portal [www.sud.mk](http://www.sud.mk)”:** two indicators are in play:

- 2.5.2 Application of standards for online publication of court judgements. The majority of judges (59%) and administrative staff (53%) consider that the standards regarding the deadlines for online publication of judgments are respected., i.e. applied, while about 40% of them consider that they are not applied. As regards the satisfaction rate with respect to the online publication, the respondents most often gave the medium mark (39% judges, 25% administrative staff and 27% lawyers/public prosecutors). As regards the satisfaction rate with the online searchability of court judgements, the most often given mark by judges and administrative staff is 4 out of the possible 5 (39% and 29%, respectively), while lawyers/public prosecutors most often gave the medium mark 3 (23%).
- 2.5.3 Availability to the public of online information about the justice system. The following types of targeted information are available: a) online forms for the public and for companies; b) information intended for persons with visual or hearing impairments; c) information intended for persons who do not speak the Macedonian language. As regards the availability of online information about the date, time, and number of the courtroom for a hearing in a specific case, about 46% of surveyed citizens are satisfied with the information provided by courts, while 28% are dissatisfied, and 18% are neither satisfied nor dissatisfied. The following types of targeted information are not available: a) education about rights of citizens in the justice system using interactive tools; b) computer stations at courts with internet access available to citizens; c) interactive online simulation with a view to assessing the eligibility for legal aid; d) information intended for children.

### 3. SUMMARY OF THE STRATEGIC GOAL: TRANSPARENCY

Strategic guideline - "Collection, processing, and analysis of statistical data on the work of courts and public prosecutor's offices by the JC and the CPP: a status quo situation can be established.

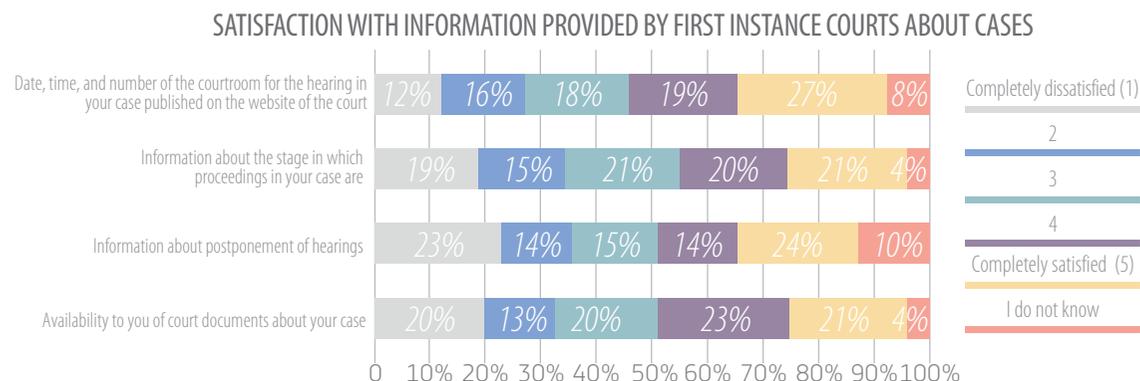
#### 3.1.1 Types of systems for monitoring and evaluation of court activities:

- a) Annual reports on the work of courts; the Supreme Court and appellate courts regularly publish annual reports. Out of 27 first instance courts, only eight published an annual report about their work, one court published an analysis of the work on cases, four published only annual statistics about the cases, five published monthly statistics about cases, which was not summarized for the entire year and nine courts did not publish any reports about their work. This represents a slide back compared with the situation in 2018, when 12 first instance courts published annual reports, seven published only annual statistics about cases, three published monthly statistics about cases, which was not summarized for the entire year, and five courts did not publish any reports about their work.
- b) Indicators of results and quality: defined under the Methodology of Judicial Statistics.
- в) IT system for court case management. The ACMIS software has been installed in all courts and it registers, allocates and monitors the movement of court cases within the court system.
- г) IT system generating statistics about court activities. There is a software for judicial statistics, installed at the Judicial Council. However, its functioning is questionable, considering that except for one indicator, in their reports, institutions do not publish current values of indicators envisaged under the Methodology of Judicial Statistics. Respondents said that the IT court system (ACMIS) has or partially has five types of data: 1) in the context of data necessary for preparation of annual reports by courts, respondents most often confirmed that the system has such data (30%), 27% stated that such data was partially available, while 23% said that there was no such data; 2) as regards periods for statute of limitations in specific cases, 29% respondents answered that the system has such data, i.e. that it offers partial data, while 21% stated that the system does not offer such data; 3) data about the number of postponed hearings: 32% of the respondents said that the IT system does not have any such data, 29% of them said that there is only partial data, while only 21% think that there is such data; 4) as regards the value of indicators under the Methodology of Judicial Statistics, 25% of the respondents answered that the system partially offers such data, 22% of respondents said that there is no such data and 16% said that there was such data; 5) in respect of other data of importance for collecting statistics in the justice system, 15% of the respondents confirmed that the IT system does offer data, while 26% of them said that there was partial data, and 10% said that there was no data.
- д) Court staff specialized for monitoring and evaluation. Some of the court staff at courts and at the Judicial Council prepare periodical reports about the work of respective courts.
- е) Surveys conducted among users of court services and legal professionals. State institutions do not conduct such surveys. However, this is periodically done by civil society organizations.

The following indicators are of interest in the context of the **strategic guideline - “Strengthening the capacities for public relations”**:

### 3.2.1 Candards for providing information about cases to the parties.

About 46% of surveyed citizens are fully or partially satisfied with information provided by the court about the date, time, and number of the courtroom for the hearing in each case, while about 28% are dissatisfied. 41% are partially or completely satisfied with the information about the stage in which the proceedings in their cases are, while about 35% are completely or partially dissatisfied. In the context of information about postponement of hearings, 38% of the respondents are satisfied with the provided information, 37% are dissatisfied. 44% of respondents are satisfied with the availability of court documents about their case while 33% are dissatisfied.



3.2.2 Openness of proceedings to the public and capacities of courtrooms to accommodate the public and media outlet representatives. At the new building of the Skopje Criminal Court, where proceedings for which there is the highest public interest mostly take place, the conditions for the presence of the public have been improved. However, often the media outlets and members of public present at the hearings are not able to follow the hearings because the sound system is turned off.

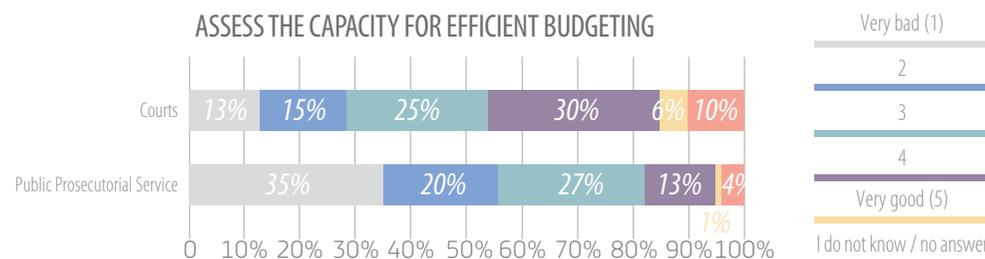
3.2.3 Availability of trainings for court staff on various types of communication. In 2019, 62% of the total number of presidents of courts attended public relations training specialized for presidents of courts. 3% of the remaining number of judges attended public relations training.

**Strategic guideline - “Aligning the form of the annual report of courts, public prosecutor’s offices, JC and CPP”.** No progress was noted in the process of revising the methodology of collecting judicial statistics. The review of published annual reports on the work of courts shows differences in their structure. In addition, such reports do not contain data about the values of indicators set forth under the Methodology (with the exception of the indicator of the total number of backlog cases), nor do they contain data about the duration of proceedings according to type of civil cases, i.e. grounds for criminal cases, period within which cases are resolved, i.e. the duration of certain stages of the proceedings, the outcome and the measures ordered in criminal cases.

## 4. SUMMARY OF THE STRATEGIC AREA: STRATEGIC PLANNING AND POLICY-MAKING

**Strategic guideline - “Coordination of the reform in the judicial sector”:** there is room for further improvement with respect to two indicators:

- 4.1.3 Frequency of consultations about legislative amendments, having a direct impact on the justice system. Most of the judges (54%) and lawyers (64%) replied that the Government sometimes consults them with respect to initiatives for legislative amendments having a direct impact on the justice system. Different from them, public prosecutors mostly replied (48%) that there are rarely consulted.
- 4.1.4 Capacity for efficient budgeting of courts and public prosecutor’s offices. Lawyers and public prosecutors most often (30%) assessed the capacity for efficient budgeting of courts with the mark 4, on a scale from 1 to 5, where 5 is the best mark, while 26% gave the medium mark of 3. The capacity for efficient budgeting by public prosecutor’s offices, was assessed by lawyers and public prosecutors most often (35%) with the lowest mark of 1, while 27% gave the medium mark of 3.



In the context of the other three indicators for this strategic guideline, there were no changes compared with the situation in 2018:

- 4.1.1 Existence of a functional unit or staff at the Judicial Council and at the Ministry of Justice for strategic planning, monitoring and coordination of the reform. The Judicial Council and the Ministry of Justice do not have sufficient number of staff for strategic planning, monitoring and coordination of the reform..
- 4.1.2 Existence of a functional analysis and research unit or staff at the Judicial Council and at the Ministry of Justice. The Judicial Council and the Ministry of Justice do not have sufficient staff for analysis and research.
- 4.1.5 Change in the situation with strategic planning and policy-making in the sector. Lawyers and court staff most often answered that in the period from 2017 to 2020 there were no changes in the situation with strategic planning and policy-making in the justice sector (49% and 37%, respectively).

**Strategic guideline - “Monitoring the implementation of the Strategy”**

- 4.2.1 Number of debates with stakeholders about the results of the implementation of the Strategy. In 2019, there were four sessions of the Council for Implementation of the Strategy for Reform of the Judicial Sector.
- 4.2.2 Number of recommendations resulting from the debates for undertaking corrective measures: Recommendations were defined with respect to six topics.

## 5. SUMMARY OF THE STRATEGIC AREA: JUDICIAL INSTITUTIONS

Strategic guideline - “Optimization of the court network”:

5.1.1 Number of debates on the optimization of the court network: 1.

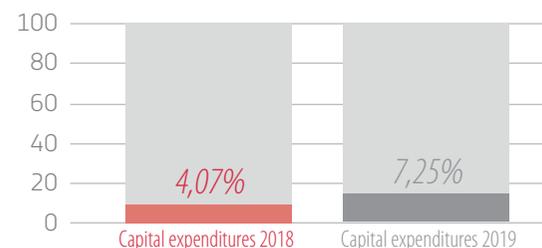
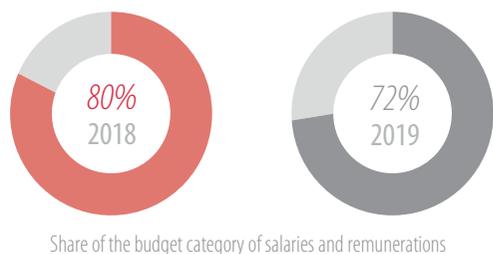
5.1.2 Number of recommendations for optimization of the court network and their implementation.

In December 2018, the Ministry of Justice produced the *Analysis of the Court Network in the Republic of Macedonia*. The Analysis was presented during the 10<sup>th</sup> session of the Council for Monitoring the Implementation of the Strategy for Reform of the Judicial Sector, held on 6 February 2019. The Analysis states that the rationalization of courts requires a more detailed analysis of each individual court, which has not been made thus far. Based on the said analysis, following the 2019 amendments and supplements of the Law on Courts, in 2020, the Gevgelija First Instance Court, the Kavadarci First Instance Court and the Kichevo First Instance Court became courts with expanded competences.

Strategic guideline - “Autonomous and sustainable budget, consistent with the legal allocations from the gross national income”: improvement can be noted with respect to three indicators, compared with the situation in 2018:

5.2.1 Allocations for courts: 0.29% of the GDP in 2019, which is an increase compared with allocations in 2018, when the allocations were 0.28% of the GDP.

5.2.3 Structure of the judicial budget: The category of salaries and remunerations with a 72% share was decreased compared with 2018, when this category took up almost 80% share. The share of capital expenditures (7.25%) increased, compared with 2018, when their percentage share was only 4.07%.



5.2.4 Ratio of coverage of real expenditures for administration of justice under annual judicial budgets. In 2019, the finally approved budget for the judiciary was only 66% of the requested funds, which is an improvement compared with 2018, when the coverage ratio was 64%.

There were no changes with respect to one indicator:

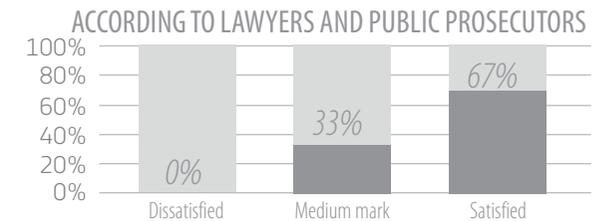
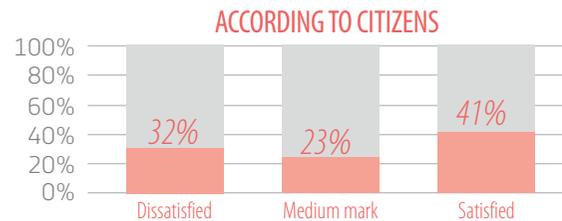
5.2.2 Criteria for setting the judicial budget: Despite the fact that there is an independent Judicial Budget Council, the judiciary does not succeed in acquiring the required level of funding.

Strategic guideline - “Increasing the staff in the public prosecutorial service”: there is data about the calculation of the indicator only for 2018- the productivity rate is 104 resolved criminal charges per public prosecutor.

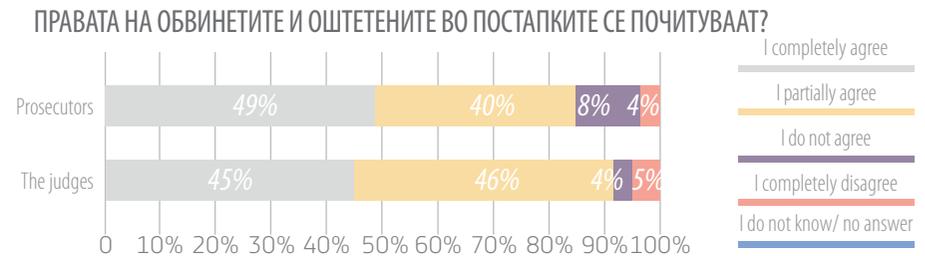
## 6. SUMMARY OF THE STRATEGIC AREA: CRIMINAL MATTERS

In the context of the strategic guideline - “Fair treatment by strengthening the rights of defence and protection of human rights in the criminal proceedings”: there are six indicators, set at the level of a strategic guideline and which cannot be compared with the situation in 2018:

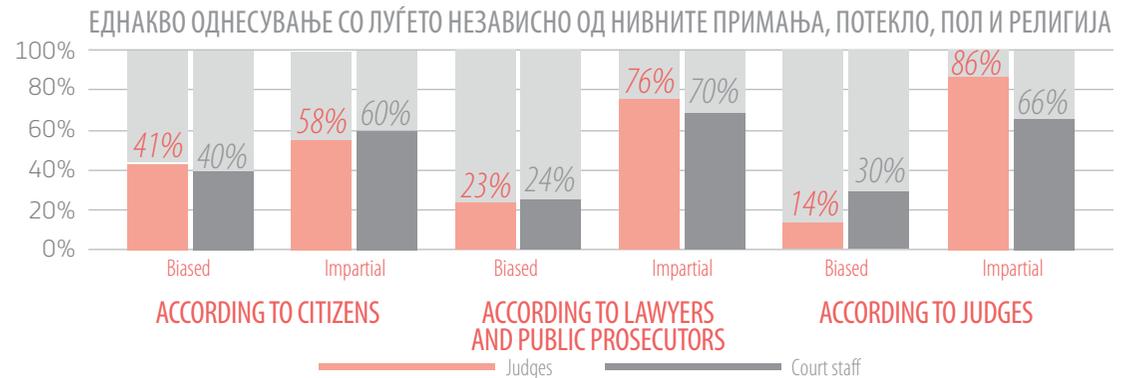
6.1.1 Satisfaction of parties with the possibility provided by the court to each of the parties to present their evidence and challenge the evidence of the other party: The survey of citizens-participants in proceedings shows that 41% of the respondents are relatively satisfied with the provided possibility to present and challenge evidence, while 32% are relatively dissatisfied.



6.1.2 Perception of parties of the degree to which judges and public prosecutors respect the rights of defendants and of victims: The survey of lawyers and public prosecutors shows that 90% of respondents completely or partially agree that public prosecutors and judges respect the rights of defendants and damaged parties to proceedings, as opposed to about 10% of them who disagree.

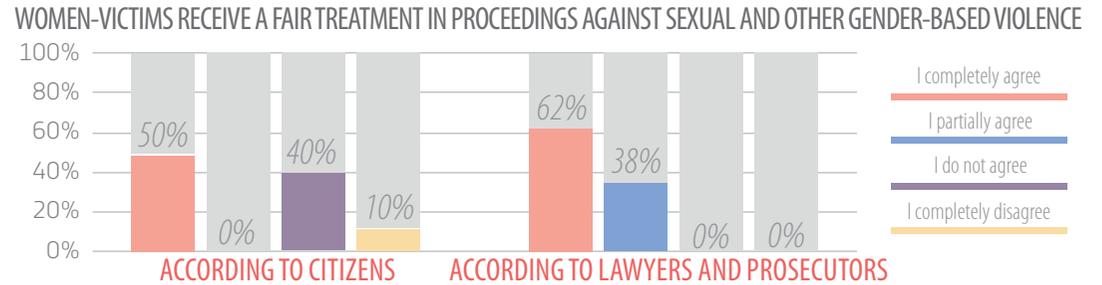


6.1.3 Perception of parties of the degree to which courts treat people in a fair and impartial manner, regardless of the income, ethnic affiliation, social origin, gender and religion: 58% of surveyed citizens completely or partially agree that judges treat people equally, regardless of their income, origin, gender, and religion, while 41% of them disagree with this.



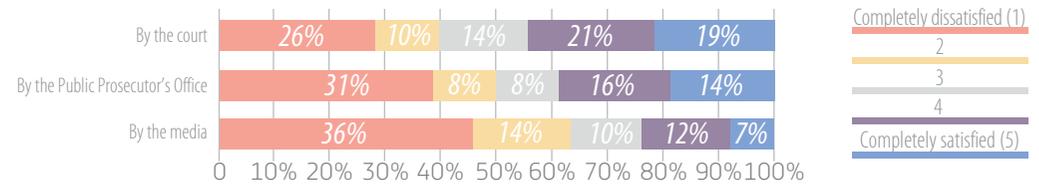
60% of surveyed citizens agree that the court staff treats people equally, regardless of their income, origin, gender, and religion, while 40% disagree.

6.1.4 Perception of parties whether women – victims of sexual or other gender-based violence have received a fair treatment by courts: As many as 53% of lawyers and prosecutors have worked on such cases. Respondents who have worked on such cases were additionally asked whether they agree that women – victims of sexual and other gender-based violence have received a fair treatment during the proceedings. Most of them, i.e. 62% completely agree that women received a fair treatment in the proceedings, while 38% agree partially.



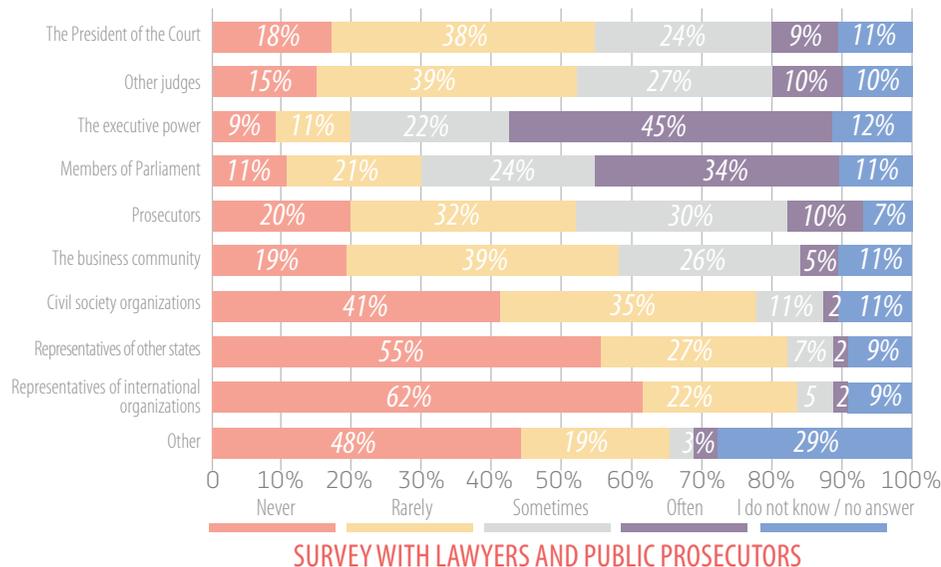
6.1.5 Perception of parties of the respect for the presumption of innocence principle: 40% of citizens are completely or partiall satisfied with the respect for the presumption of innocence by courts, 36% are dissatisfied, 14% are neither satisfied nor dissatisfied. The highest level of dissatisfaction among citizens (50% of them) is related to the respect for the presumption of innocence by the media.

**SATISFACTION WITH THE RESPECT FOR THE PRESUMPTION OF INNOCENCE PRINCIPLE**

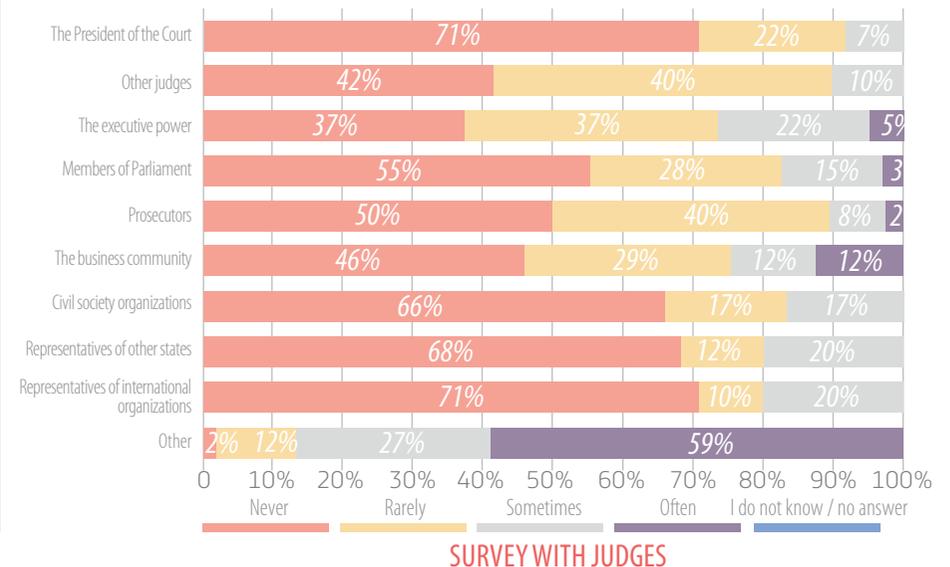


6.1.6 Perception of whether judges are free in adopting their decisions without direct or indirect interference by the Government or by politicians: the largest part of lawyers and public prosecutors (47%) consider that the executive power often interferes with judges in their decisions, while 34% stated that there was often such interference also by Members of Parliament, while the greatest number of judges stated that they do not face interference in adopting their decisions.

**HOW OFTEN DO THEY INTERFERE IN THE ADOPTION OF COURT JUDGEMENTS?**



**HOW OFTEN DO THEY INTERFERE IN THE ADOPTION OF COURT JUDGEMENTS?**



**Strategic guideline - “Fair treatment by strengthening the rights of defence and protection of human rights in the criminal proceedings”:** Two indicators are set at the level of activities and are related to the number of trainings planned and completed in 2019 on strengthening the rights of defence and protection of human rights in criminal proceedings:

6.1.7 Number of planned trainings for judges and public prosecutors focused on strengthening the rights of defence and protection of human rights in criminal proceedings: 9 in 2019.

6.1.8 Number of completed trainings for judges and public prosecutors focused on strengthening the rights of defence and the protection of human rights in criminal proceedings: 8 in 2019.

In the context of the strategic guideline of “**Improving the justice system for children**” the situation is as follows:

6.2.1 Total number of children aged 14 to 18 serving the measure of staying at an educational-correctional facility longer than a year: 3 children (February 2020 inclusive).

6.2.2 Total number of children aged 14 to 18 serving the measure of staying at an educational-correctional facility longer than three years: 0 (February 2020 inclusive).

6.2.3 Total number of young people aged 18 to 23 serving the measure of staying at an educational-correctional facility longer than three years: According to the Law on Justice for Children,<sup>11</sup> “The child shall remain at the educational and correctional facility for at least one year, and no more than five years or until he/she turns 23 years of age.” Three children aged 14 to 23 serve a measure at the Tetovo Educational-Correctional Institution longer than a year.

6.2.4 Total number of children – victims of crimes who received free legal aid in the course of the year: In 2018 and in 2019, no applications for approval of free legal aid to children- victims of crimes were filed with the Ministry of Justice.

6.2.5 Number and profile of attendants of continual training at the AJPP, who completed training for treatment of children-victims: In 2018, there was a higher number of attendants of continual training at the AJPP, who completed training on treatment of children- victims, compared with 2019.

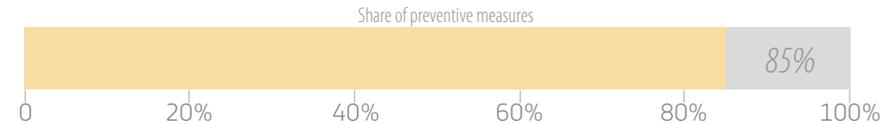
6.2.6 Number of trainings held as part of the continual training at the AJPP, focusing on the treatment of children -victims: In 2018, there was a higher number of trainings focused on the treatment of children-victims, compared with 2019.

<sup>11</sup> Article 46 of the Law on Justice for Children, Official Gazette Nos. 148/2013, 152/2019 and 275/2019.

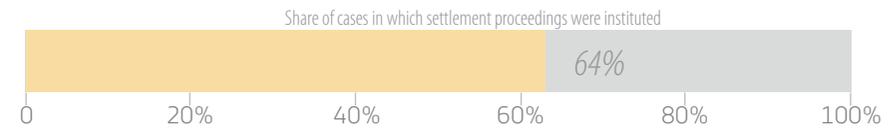
## 7. SUMMARY OF THE STRATEGIC AREA: MISDEMEANOUR MATTERS

Strategic guideline - “Prevention vis-à-vis repression as the main objective of the misdemeanour proceedings”. The values of the two indicators are as follows:

7.1.1 Share of preventive measures (decision, education) compared with repressive measures (fine, settlement, misdemeanour charges) in the total number of measures ordered following inspection supervision: 85%



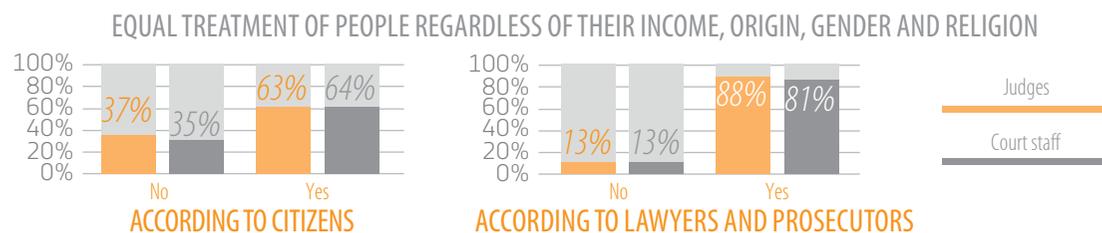
7.1.2 Percentage of cases in which settlement proceedings were instituted, as compared with the percentage of cases in which misdemeanour charges were filed: 64%



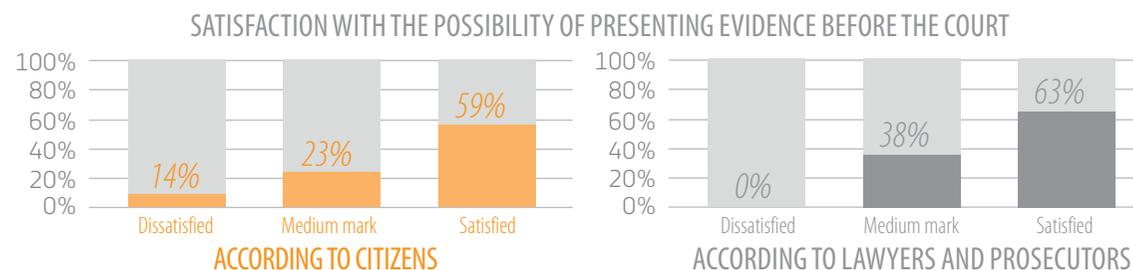
## 8. SUMMARY OF THE STRATEGIC AREA: CIVIL MATTERS

In the context of the strategic guideline = “Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends”: data for the following indicators has been collected for the first time:

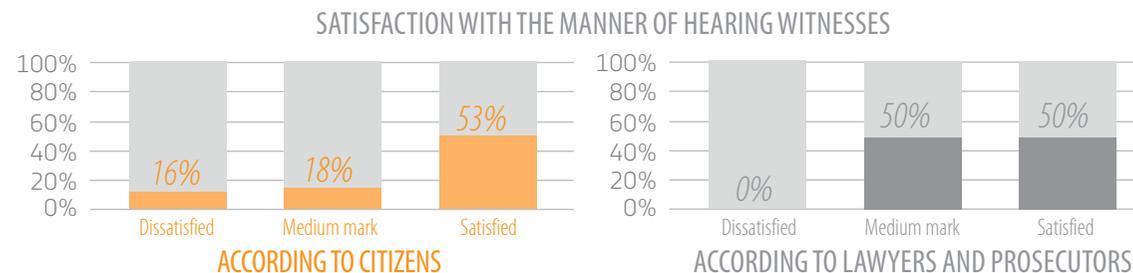
8.1.1 Perception of parties as to whether courts treat people equally regardless of their income, national or social origin, gender, or religion: The majority of surveyed citizens completely or partially agree that judges and court staff treat people equally regardless of their income, national or social origin, gender or religion. About one third of citizens and 13% of the lawyers do not consider that the treatment is equal.



8.1.2 Satisfaction of parties with the possibility to present before the court their evidence and challenge the evidence of the other party: 59% of surveyed citizens and 63% of lawyers were relatively satisfied with the manner they were provided with the possibility of presenting their evidence. 14% of citizens were relatively dissatisfied, while 23% of citizens and 38% of lawyers were neither satisfied nor dissatisfied.



8.1.3 Satisfaction of parties with how the judge heard witnesses: 53% of surveyed citizens and half of the lawyers were relatively satisfied with how the judge heard witnesses. 16% of citizens were relatively dissatisfied, while 18% of citizens and 50% of lawyers were neither satisfied nor dissatisfied.



8.1.4 Satisfaction of parties with the duration of proceedings: 45% of surveyed citizens who have been part of civil court proceedings are not satisfied with their duration. Largest part of surveyed lawyers (44%) gave the mark 3 to their satisfaction with the duration of court proceedings, on a scale from 1 to 5.

8.1.5 Number of courts on the websites of which data about the required costs for court proceedings has been posted: The Supreme Court and appellate courts have not published such data.

Costs for various certificates, confirmations or certification of documents: 13 first instance courts have published the fees and data about accounts to which fees can be paid; one court has published the fees, but has posted information about payment accounts only for certified copies of the penal records; five courts have published the fees and payment accounts for some of the certificates; and three courts have published information only about the payment accounts, having posted no data about the fees. Five first instance courts have not published any information about such costs.

Costs for other proceedings and flat rates for certain fees-costs: two first instance courts have published data about fees and payment forms; one court has published only information about fees, but not about payment accounts; eight courts have published only information about payment accounts, but not information about the fees; one court has published information about costs only for inheritance procedure; 15 first instance courts have published no information in this context.





***OVERVIEW  
OF INDICATORS  
FOR STRATEGIC  
GOALS AND AREAS***

# 1. STRATEGIC GOAL: QUALITY

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.1 STRATEGIC GUIDELINE: HARMONIZATION OF CASE-LAW</b> (GUIDELINE 2.2.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
1.1.1 Perception of the competence of judges	4 (good, on a scale from 1 to 5, where 5 is the highest mark) <sup>12</sup>	Survey of lawyers and public prosecutors
1.1.2 Perception of the competence of prosecutors	4 (good, on a scale from 1 to 5, where 5 is the highest mark) <sup>13</sup>	Survey of judges, lawyers, and public prosecutors
1.1.3 Perception of the application of standards for the improvement of the quality of court judgements	3.75 (on a scale from 1 to 5, where 5 is the highest mark). The assessment is related to the following six standards: following the case-law of the European Court of Human Rights (the most frequent reply, i.e. 37% say that it is partially applied), existence of internal mechanisms in the judiciary for assessment of the overall quality of judgements (the most frequent reply, i.e. 51% say that it is partially applied), training of judges about the structure of judgements, about the style of the reasoning and about drafting judgments (the most frequent reply, i.e. 38% say that there is partial mechanism), concise judgments (the most frequent reply, i.e. 51% say that this is respected), respect for elements, which are to be part of the reasoning and which have been established in advance as necessary or the structure of the decision (the most frequent reply, is that in 76% of the cases this is respected), use of clear and simple wording in the judgements (the most frequent reply is that in 66% of the cases this is partially respected). <sup>14</sup>	Survey of judges, lawyers, and public prosecutors
1.1.4 Number of opinions adopted by the Supreme Court about the case-law	In 2018, five legal opinions and 17 sentences/rulings were adopted and published on the website of this Court. In 2018, the Supreme Court did not adopt or publish any principle legal opinions and general positions. In 2019, two principle legal opinions, four legal opinions and conclusions and nine sentences/rulings were adopted and published on the website of this Court. In 2019, the Supreme Court did not adopt and publish any general positions.	2018 Annual Report of the Supreme Court <sup>15</sup> and 2019 Annual Report of the Supreme Court <sup>16</sup>

12 Surveyed lawyers and public prosecutors most frequently gave the mark of 4 (48%). Contrary to this, 54% of surveyed judges gave the highest mark (5) for the expertise and competence of their colleagues. The mark given by lawyers and public prosecutors has been taken as a more objective indicator.

13 Surveyed judges most frequently gave the mark of 4 (55% with respect to public prosecutors and 34% with respect to lawyers). The mark of 4 is dominant in the replies by surveyed lawyers and public prosecutors for the expertise and competence of their colleagues.

14 In respect of each of the six standards, the respondents had the possibility of replying that the standard is applied, is applied partially, or is not applied. Out of these three possible replies, the most frequently given reply by judges and lawyers/public prosecutors was taken into consideration. An exception was made with respect to replies about the existence of training for judges on the structure of judgments, the style of the reasoning and on drafting judgements, and in this context only replies of judges were taken into consideration, as more relevant- judges know the best what type of trainings they have. With a view to getting a sum mark, for each standard regarding which the most frequent reply was that the standard is respected 1 point was allocated, while if the most frequent reply was that the standard is partially applied half a point was allocated, and if the most frequent reply was that the standard was not applied no points were allocated. Points for standards were added, and then the sum was divided by 6 (the maximum sum mark if all standards were applied), and the quotient was multiplied with 5 in order to get the mark on a scale from 1 to 5

15 The 2018 Annual Report is available at: [shorturl.at/yUY19](http://shorturl.at/yUY19).

16 The 2019 Annual Report is available at: [shorturl.at/guA23](http://shorturl.at/guA23).

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.1 STRATEGIC GUIDELINE: HARMONIZATION OF CASE-LAW</b> (GUIDELINE 2.2.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
1.1.5 Percentage of judges who participated in continual trainings on various types of skills	In 2019, 117 judges, i.e. presidents of courts attended trainings on managing courts and on ethics, which represents 23% of the average number of judges in 2019 (512 judges). <sup>17</sup>	Reply by the AJPP to a request for free access to information of public character and the 2019 Annual Report of the Judicial Council <sup>18</sup>
1.1.6 Share of trainings, which include the ECtHR case-law or decisions and recommendations of UN human rights bodies	In 2019, 10% or 23 out of the total number of 222 developed trainings were trainings, which include the ECtHR case-law. In 2018, 12%, <sup>19</sup> or 22 <sup>20</sup> out of the total number of 189 developed trainings were trainings, which include the ECtHR case-law.	Reply by the AJPP to a request for free access to information of public character and the 2018 Annual Report of the AJPP
1.1.7 Percentage of attendants of continual training (judges, public prosecutors, and expert associates), who completed training on the ECtHR case-law	In 2019, there was an improvement in the number of judges and public prosecutors, who completed trainings on the ECtHR case-law. According to the information, out of the total average number of judges and public prosecutors of 703 in 2019, 46% completed training on the ECtHR case-law. Out of them 286 were judges and 40 were public prosecutors. In 2018, 30% of the total average number of judges and public prosecutors completed such training (or 216 in total out of 720).	Reply by the AJPP to a request for free access to information of public character-Reports <sup>21</sup> of the Judicial Council for 2019 and of the Council of Public Prosecutors for 2018
1.1.8 Percentage of the total number of judges who attended continual training on the EU Acquis	In 2019, 45% of the total average number of judges (or 232 out of the total number of 512) attended trainings on the EU Acquis. In 2018, only 5% (or 29 judges in total out of the average number of 529 judges) attended continual training on the EU Acquis.	Reply by the AJPP to a request for free access to information of public character and the 2019 Annual Report of the Judicial Council <sup>22</sup>

17 In 2019, 62% of the total number of presidents of courts (21 out of 34) attended specialized trainings on public relations, while 3% of the remaining judges attended training on public relations. 44% of the total number of presidents of courts (15 out of 34) attended specialized training on the role of presidents of courts in the management of courts and on managing and organizing the work of judges and staff. 2% (eight judges) attended training on human resource management and organizational matters at administrative courts; 3% (17 out of 512 judges) attended training on case management and on courtroom management; 3% (16 out of 512) attended training on the application of the code of ethics; 5% (26 out of 512) attended training on accountability, efficiency and transparency of the judiciary.

18 The information was taken from the 2019 Annual Report of the Judicial Council and is related to the average number of judges, which in 2019, was 512. According to the Report, at the beginning of 2019 there were 518 judges, while on 31 December 2019 there were 506 judges.

19 According to the 2018 Annual Report of the Academy for Judges and Public Prosecutors, available at: [https://jpacademy.gov.mk/wp-content/uploads/2020/02/godisen-izvestaj-za-2018\\_en-1.pdf](https://jpacademy.gov.mk/wp-content/uploads/2020/02/godisen-izvestaj-za-2018_en-1.pdf) f#page=12&zoom=100,80,741.

20 Out of the organized trainings, 20 were debates on the ECtHR case-law and there were two trainings of trainers.

21 The information from reports is related to the number of judges and public prosecutors.

22 Data on the average number of judges in 2018 and in 2019 was taken from the Reports of the Judicial Council.

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>1.1 STRATEGIC GUIDELINE: HARMONIZATION OF CASE-LAW</b> (GUIDELINE 2.2.1. OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
MEASURE/ACTIVITY INDICATOR	1.1.9 Share of trainings, which include analysis of published court judgements, focused on human rights cases	In 2019, 14%, or 32 out of the total number of 222 developed trainings, were trainings including analysis of published court judgements, focused on human rights related cases.  In 2018, 12%, <sup>23</sup> or 22 <sup>24</sup> out of the total number of 189 trainings were trainings, which included analysis of published court judgments focusing on human rights related cases. However, some of the other trainings organized by the Academy often analyse the case-law and judgements of the ECtHR. <sup>25</sup>	Reply by the AJPP to a request for free access to information of public character
	1.1.10 Number of meetings between judges from various appellate circuits and judges of the Supreme Court (elaborating upon the case-law)	In 2019, judges of appellate courts and of the Supreme Court had three meetings on the topic of harmonization of the case-law. <sup>26</sup>  In 2018, judges of appellate courts and of the Supreme Court had two meetings on the topic of harmonization of the case-law.	Reply by the Supreme Court to a request for access to information of public character; 2018 Annual Report of the Supreme Court <sup>27</sup>
	1.1.11 Number of sessions of the Supreme Court deliberating upon the case-law	In 2019, the Supreme Court had seven sessions elaborating upon the case-law.	Reply by the Supreme Court to a request for access to information of public character

<sup>23</sup> According to the 2018 Annual Report of the Academy for Judges and Public Prosecutors available at: [https://jpacademy.gov.mk/wp-content/uploads/2020/02/godisen-izvestaj-za-2018\\_en-1.pdf#page=12&zoom=100,80,741](https://jpacademy.gov.mk/wp-content/uploads/2020/02/godisen-izvestaj-za-2018_en-1.pdf#page=12&zoom=100,80,741).

<sup>24</sup> Out of the organized trainings, 20 were debates on the ECtHR case-law and there were two trainings of trainers.

<sup>25</sup> According to the reply submitted by the Academy for Judges and Public Prosecutors:

one meeting elaborating upon the topic of Concept of work and harmonization of the four Appellate Courts with the Supreme Court, two meetings focused on harmonizing the positions on specific legal issues for which the case-law offers different decisions coming from different appellate circuits, with a view to harmonizing the application of laws, i.e. harmonizing the case-law.

<sup>27</sup> The 2018 Annual Report is available at: [shorturl.at/yUY19](http://shorturl.at/yUY19).

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.2. STRATEGIC GUIDELINE: REVIEWING THE EVALUATION CRITERIA FOR JUDGES AND PUBLIC PROSECUTORS</b> (GUIDELINE 2.2.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
MEASURE/ACTIVITY INDICATORS	<p>1.2.1 Objective and transparent merit-based criteria for selection of judges, while taking into consideration qualifications integrity, capacity, efficiency and by fully applying the principles of gender equality and equitable representation</p> <p>The basic criteria for election of judges are set forth under Article 45 of the Law on Courts.<sup>28</sup> The Law Amending and Supplementing the Law on Courts, adopted in 2018<sup>29</sup> added the condition of active knowledge of one of the three most used languages in the European Union (English, French or German). Such condition was criticized in an opinion by the Venice Commission<sup>30</sup> for being too difficult to be fulfilled and was therefore replaced under the last amendments to the Law on Courts with the condition of knowledge of one of the three most used languages in the European Union (English, French or German). According to the Law on Courts, one of the conditions for election of a judge is that the person has good reputation, then to have the integrity required for the performance of the duties of a judge and to possess social skills required for the discharge of the duties of a judge, which is checked with integrity and psychological tests. This condition is also required to be fulfilled to be admitted as a candidate for initial training at the Academy for Judges and Public Prosecutors, with the integrity and psychological tests being done as part of the exam for admission to the Academy for Judges and Public Prosecutors.<sup>31</sup></p> <p>The special requirements for election of a judge are stipulated in Article 46 of the Law on Courts. The two Reports of the Priebe led Senior Experts' Group<sup>32</sup> underline that the Academy for Judges and Public Prosecutors is to be maintained as the sole point of entry to the judiciary and public prosecution service.</p>	<p>Analysis of legal provisions in light of the opinions of the Venice Commission and of the Priebe led Senior Experts' Group.</p>

28 The Law stipulates that a person who fulfils the following requirements may be elected to the office of a judge:

- To be a national of the Republic of Macedonia,
- To actively use the Macedonian language,
- To be work-capable and to be in generally good health condition, which is proven with the possession a medical certificate,
- To be a law graduate having 300 ECTS or to have completed VII/1 grade of education in law or who holds a validated diploma for completed graduate studies in law abroad, having acquired 300 credits,
- To have passed the bar exam in the Republic of Macedonia,
- To have knowledge of one of three most often used languages in the European Union (English, French, or German),
- At the time of election not to have been subject of a sentence under a legally valid judgement or subject of a misdemeanour sanction of ban on the performance of a profession or an office for an offence related to the performance of the legal profession or for other crime for which a prison sentence of at least six months has been stipulated
- Practical work with computers, and
- To have good reputation, to possess integrity for the discharge of the duties of a judge and to possess social skills for the performance of the duties of a judge, which is checked by conducting integrity and psychological tests;

Source: Official Gazette No. 96/2019, Law Amending and Supplementing the Law on Courts.

29 Official Gazette of the Republic of Macedonia No. 83/18, Law Amending and Supplementing the Law on Courts

30 Richard Barrett and others, 'Opinion on the Law Amending the Law on the Judicial Council and on the Law Amending the Law on Courts, Adopted by the Venice Commission at Its 116th Plenary Session' (Venice Commission 2018) Opinion No. 927 / 2018 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)022-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)022-e)>.

31 Official Gazette No. 83/2018, Law Amending and Supplementing the Law on Courts. (n 2)

32 Senior Experts' Group, 'The Former Yugoslav Republic of Macedonia: Recommendations of the Senior Experts' Group on Systemic Rule of Law Issues Relating to the Communications Interception Revealed in Spring 2015' (2015) <[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf)>; Senior Experts' Group, 'The Former Yugoslav Republic of Macedonia: Assessment and Recommendations of the Senior Experts' Group on Systemic Rule of Law Issues 2017' (2017) <[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14\\_seg\\_report\\_on\\_systemic\\_rol\\_issues\\_for\\_publication.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/2017.09.14_seg_report_on_systemic_rol_issues_for_publication.pdf)>.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.2. STRATEGIC GUIDELINE: REVIEWING THE EVALUATION CRITERIA FOR JUDGES AND PUBLIC PROSECUTORS</b> (GUIDELINE 2.2.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
MEASURE/ACTIVITY INDICATOR	<p>This recommendation was not implemented with the adoption of the Law Amending and Supplementing the Law on Courts of 2018,<sup>33</sup> considering the fact that it was still allowed that persons who have certain years of services working on legal matters in state administrative bodies and whose work performance has been favourably evaluated be elected as judges at administrative courts. After the last amendments to the Law on Courts<sup>34</sup> adopted in 2019, changes were introduced in the criteria for election of judges, implementing thus the recommendations given by the Priebe led Senior Experts' Group. According to such amendments<sup>35</sup> the point of entry in the judiciary is solely the Academy for Judges and Public Prosecutors, i.e. candidates who have completed the initial training at the Academy for Judges and Public Prosecutors may be elected as judges at first instance courts. The only exception is made for judges at international courts, who fulfil the general conditions for election as a judge. Such candidates may be elected as judges at courts of all instances.</p> <p>The quality of judges elected at first instance courts is of course guaranteed with the initial training candidates completed at the Academy for Judges and Public Prosecutors. Furthermore, upon admission at the Academy, all candidates must pass the admission exam in order to be admitted to the Academy for Judges and Public Prosecutors. "The purpose of the admission exam is to establish the degree of professional knowledge required for the attendance of the program of initial training."<sup>36</sup> The draft Law on the Academy for Judges and Public Prosecutors,<sup>37</sup> which the Government endorsed in July 2019, redefines the manner of sitting for the admission and the final exam, based on measurable indicators and objective criteria for assessment of the knowledge of candidates.</p> <p>In the context of equitable representation of all communities in the country, the Law on the Academy for Judges and Public Prosecutors envisages that equitable representation will be respected in the selection of candidates for admission for initial training at the Academy.<sup>38</sup> Furthermore, this basic principle is set forth under Article 7 of the draft Law on the Academy for Judges and Public Prosecutors.<sup>39</sup> According to the draft Law,<sup>40</sup> the Management Board establishes the total number of attendants of initial training on the basis of decisions of the Judicial Council and of the Council of Public Prosecutors regarding the number of judicial and public prosecutorial vacancies at first instance courts and basic public prosecutor's offices, which obligatory must include a number of attendants from the ranks of citizens belonging to the communities in the country, in line with the capacities of the Academy. The principle of equitable representation of citizens is accomplished by determining the number of attendants from the ranks of citizens who belong to all communities vis-à-vis the total number of attendants from all appellate circuits.<sup>41</sup> With a view to ensuring quality candidates, both the applicable law and the draft Law stipulate that attendants of the initial training may be persons who have passed the admission exam.</p>	

33 Official Gazette No. 83/2018, Law Amending and Supplementing the Law on Courts (n 2).

34 Official Gazette No 96/2019, Law Amending and Supplementing the Law on Courts

35 Official Gazette No. 96/2019, Law Amending and Supplementing the Law on Courts.

36 Official Gazette No 20/2015, Law on the Academy for Judges and Public Prosecutors.

37 Draft Law on the Academy for Judges and Public Prosecutors, available at: <https://www.sobranie.mk/materialdetails.nspx?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

38 Official Gazette of the Republic of Macedonia No. 20/2015, Law on the Academy for Judges and Public prosecutors, Article 9.

39 Draft Law on the Academy for Judges and Public Prosecutors, available at: <https://www.sobranie.mk/materialdetails.nspx?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

40 Draft Law on the Academy for Judges and public Prosecutors, available at: <https://www.sobranie.mk/materialdetails.nspx?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

41 Draft Law on the Academy for Judges and Public Prosecutors, available at: <https://www.sobranie.mk/materialdetails.nspx?materialId=c904f559-5ef8-4328-9120-7205a0621309>.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.2. STRATEGIC GUIDELINE: REVIEWING THE EVALUATION CRITERIA FOR JUDGES AND PUBLIC PROSECUTORS</b> (GUIDELINE 2.2.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
MEASURE/ACTIVITY INDICATORS  1.2.2 Objective and transparent merit-based criteria for promotion of judges (election to a higher instance court, election for president of a court) while taking into consideration the qualifications integrity, capability, and efficiency and by fully applying the principles of gender equality and equitable representation	<p>The special requirements for election of a judge are stipulated in Article 46 of the Law on Courts. Article 47 of the Law on Courts regulates the conditions and procedure for election of a president of a court. Following the amendments to the Law on Courts, adopted in 2018,<sup>42</sup> there were no substantive changes in the special requirements for election of judges to higher instance courts, nor in the conditions for election of a president of a court. Unlike the 2018 amendments, the Law Amending and Supplementing the Law on Courts adopted in 2019 was favourably assessed by the Venice Commission. The 2019 amendments<sup>43</sup> introduce changes in the criteria for election of judges, i.e. Articles 46 and 47 of the Law on Courts were amended with a view to better and more precisely defining the conditions for election (promotion) of judges and for election of presidents of courts.</p> <p>Despite the fact that the Law Amending and Supplementing the Law on Courts stipulates that a person who has completed the initial training at the Academy may be elected as a judge at a first instance court, the Law also envisages the possibility that judges apply for transfer to another court of the same instance (first instance of appellate court) provided that they have four uninterrupted years of service as a judge in the same instance (first instance court of appellate court). These amendments increase the number of years of service as a judge<sup>44</sup> required for election as a judge at an appellate court. Furthermore, unlike the previous solution,<sup>45</sup> which stipulated the possibility of judges of appellate courts, of the Administrative Court and of the Higher Administrative Court to apply for the position, under the last amendments to the Law on Courts<sup>46</sup> a person who has at least six years of service as a judge at an appellate court at the time of applying for election and who has been favourably assessed by the Judicial Council of the Republic of Macedonia, in line with the Law on the Judicial Council of the Republic of Macedonia may be elected as a judge at the Supreme Court.</p> <p>Different from the previous solution, under which a person who has certain years of service working on legal matters at the public administration and whose work performance has been favourably assessed may be elected as a judge at the Administrative Court, according to the last amendments to the Law on Courts, a person who has at least four uninterrupted years of service as a judge at a first instance court may be elected as a judge at the Administrative Court, while a person who has at least six uninterrupted years of service as a judge at an appellate court or at the Administrative Court may be elected as a judge at the Higher Administrative Court. This helps avoid bypassing the Academy for Judges and Public Prosecutors in the election of judges at administrative courts. Furthermore, the Venice Commission<sup>47</sup> welcomed the increase of the required years of service from three to six years for judges at the Administrative Court, as a requirement for election as a judge at the Higher Administrative Court, enabling thus that more experienced judges be elected as judges at the Higher Administrative Court.</p>	Analysis of legal provisions in light of the opinions of the Venice Commission and of the Priebe led Senior Experts' Group

42 Official Gazette of the Republic of Macedonia No. 83/18, Law Amending and Supplementing the Law on Courts.

43 Official Gazette No. 96/2019; Law Amending and Supplementing the Law on Courts (n 8).

44 According to the applicable solution it is required that the candidate has at least six uninterrupted years of service as a judge at a first instance court, at the Administrative Court or at the Higher Administrative Court until the time of applying for the position and whom the Judicial Council of the Republic of Macedonia has favourably assessed in order to be elected as a judge at an Appellate Court. This is different from the previous solution which stipulated that a person who has at least four uninterrupted years of service as a judge at a first instance court until the moment of applying for election and whom in the last year the Judicial Council of the Republic of Macedonia has assessed most favourably and who has won the highest number of points compared with other applying candidates, in accordance with the law, or a judge at the Administrative Court or at the Higher Administrative Court, whom in the last year the Judicial Council of the Republic of Macedonia has most favourably assessed and who has won the highest number of points compared with other applying candidates, in accordance with the law, may be elected as a judge at an appellate court.

45 The previous solution stipulated that a person who has at least four uninterrupted years of service as a judge at a first instance court until the moment of applying for election and whom in the last year the Judicial Council of the Republic of Macedonia has assessed most favourably and who has won the highest number of points compared with other applying candidates, in accordance with the law, or a judge at the Administrative Court or at the Higher Administrative Court, whom in the last year the Judicial Council of the Republic of Macedonia has assessed most favourably and who has won the highest number of points compared with other applying candidates, in accordance with the law may be elected as a judge at an appellate court.

46 Official Gazette No. 96/2019, Law Amending and Supplementing the Law on Courts. (n 8)

47 Mr Richard Barrett and others, 'Opinion on the Draft Amendments to the Law on Courts, Adopted by the Venice Commission at Its 117th Plenary Session' (Venice Commission 2018) Opinion No. 944 / 2018 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)033-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)033-e)>.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.2. STRATEGIC GUIDELINE: REVIEWING THE EVALUATION CRITERIA FOR JUDGES AND PUBLIC PROSECUTORS</b> (GUIDELINE 2.2.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
MEASURE/ACTIVITY INDICATORS	<p>The last amendments stipulate that a judge at an international court, who fulfils the general conditions for election as a judge may be elected as a judge at courts of all instances.</p> <p>Different from the previous solution, under which the president of the court is to be elected from the ranks of judges, under conditions, in a procedure and in a manner governing the election of judges at the relevant court, under the new solution “the president of the court shall be elected from the ranks of judges who have at least six uninterrupted years of service at a court of the same or higher instance, under conditions and in a procedure set forth by law, for a four-year term of office, with the right to one re-election as a judge at a court of the same instance.” According to the opinion of the Venice Commission, this solution could prompt a dilemma only with respect to the election of a president of the Supreme Court,<sup>48</sup> i.e. the question arises as to whether under this criterion there would be a sufficient number of potential candidates for this office.</p> <p>In all cases of promotion of judges, it is necessary that the candidate has been favourably assessed in accordance with the Law on the Judicial Council, by which the right to selection has been left to the Judicial Council. In addition, under the new Law on the Judicial Council,<sup>49</sup> judges and presidents of courts may be assessed regularly and extraordinary. The regular performance assessment is done every four years, while the extraordinary assessment of the performances of a judge or of a president of a court is done in case the concerned judge applies for election as a judge at another higher instance court, or applies for the office of a president of a court or applies for a member of the Judicial Council. Judges are assessed according to the overall results and success in their work, measured under defined qualitative and quantitative criteria. The qualitative criteria take 60% share of the assessment, leaving thus the other 40% for quantitative criteria, as part of the overall assessment. Qualitative criteria are established by a panel composed of five members- judges from all appellate courts, i.e. from the immediately higher ranked court. These panels are established by the Judicial Council by random choice of members of the panel, in a manner regulated under a secondary legislative document, adopted by the Council.<sup>50</sup></p> <p>Despite the fact that even in its draft version the Law on the Judicial Council was favourably assessed by the Venice Commission,<sup>51</sup> the Venice Commission opinion states that “the weight of various parameters accounted for in the performance evaluation should be kept under constant revision. It is more appropriate to attribute the exact numerical values to those parameters in the regulations adopted by the Judicial Council, rather than in the law itself in order to be able to change them if needed.” Supported under a project funded by the Kingdom of the Netherlands and implemented by the Centre for Legal Research and Analysis, as well as with support under the IPA Project of Support to the reforms of the justice sector, the Judicial Council is in the process of drafting a methodology with indicators for the complexity of cases and a separate Rulebook on the evaluation, i.e. assessment of judges. This Rulebook is of particular importance for the evaluation of courts and of judges, who will be assessed using realistic and objective criteria, while taking into account the complexity of cases. Therefore, the drafting of this Rulebook for assessment of judges would best benefit from the participation and contribution of all judges and courts in the country in the drafting process.<sup>52</sup></p>	

48 Ibid.

49 Official Gazette No. 102/2019, Law on the Judicial Council.

50 Ibid.

51 Mr Richard Barrett, Mr Philip Dimitrov and Ciril Ribičič, ‘Opinion on the Draft Law on the Judicial Council, Adopted by the Venice Commission at Its 118th Plenary Session’ (Venice Commission 2019) Opinion No. 947 / 2019 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)008-e-](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)008-e-)>.

52 Shadow Report on Chapter 23 for the period between April 2019 and March 2020.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.2. STRATEGIC GUIDELINE: REVIEWING THE EVALUATION CRITERIA FOR JUDGES AND PUBLIC PROSECUTORS</b> (GUIDELINE 2.2.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
	Article 43 of the Law on Courts <sup>53</sup> stipulates that “Discrimination on grounds of gender, race, colour of the skin, national and social background, political and religious belief, material and social position shall be prohibited in election of judges and lay judges.” Furthermore, “Equitable representation of the citizens from all communities shall be ensured when electing judges and lay judges without disturbing the criteria prescribed by law.” In setting the optimal number of judges and lay-judges in the country, the Judicial Council is to apply the principle of equitable representation of persons belonging to the non-majority communities. <sup>54</sup>	
Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.3. STRATEGIC GUIDELINE: FUNCTIONAL SYSTEM FOR PROBATION AND OTHER ALTERNATIVE MEASURES</b> (GUIDELINE 2.2.9 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
STRATEGIC GUIDELINE INDICATORS 1.3.1 Change in the utilization of probation or of other alternative measures	The Probation Service started functioning in 2019, working during the year on 165 probation cases. The largest number of cases are related to monitoring of inmates conditionally released from serving a sentence (111 cases), 43 cases are related to protective supervision of persons under a suspended sentence, then one case of supervision of a person under community service order, and ten cases were referred by courts requesting the application of the risk assessment tool and submission of a probation report, containing a proposal for the best fitted sentence to be presented during the court procedure.	Reply by the Directorate for the Execution of Sanctions to a request for free access to information of public character

53 Law on Courts, Official Gazette Nos. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018 and 198/2018 and Official Gazette No. 96/2019.

54 In accordance with Article 44 of the law on Courts, Official Gazette Nos. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018 and 198/2018 and Official Gazette No. 96/2019.

	Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.4. STRATEGIC GUIDELINE: MONITOR THE RESULTS AND QUALITY OF THE NOTARYSHIP</b> (GUIDELINE 2.6.4.3 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR) <sup>55</sup>			
STRATEGIC GUIDELINE IMPLEMENTATION INDICATORS	1.4.1 Number of proposals for institution of disciplinary proceedings against Notaries Public submitted to the Notary Chamber and number of adopted disciplinary measures	<p>In 2019, the Disciplinary Panel of the Notary Chamber received 15 proposals for institution of disciplinary proceedings against Notaries Public (12 proposals submitted by the Minister of Justice following supervision inspections and three proposals submitted by the President of the Notary Chamber). The Disciplinary Panel of the Notary Chamber considered 13 proposals in total for institution of disciplinary proceedings submitted in 2019 (ten submitted by the Minister of Justice and three by the President of the Notary Chamber), and adopted the following disciplinary measures- five fines and five public reprimands. In one case, statute of limitations was established, and in one case the concerned Notary Public was established not be responsible.</p> <p>In 2019, the Disciplinary Panel of the Notary Chamber considered five proposals for institution of disciplinary proceedings submitted in 2018 (four proposals submitted by the Minister of Justice and one by the President of the Notary Chamber) and adopted the following disciplinary measures- two public reprimands. In one case, statute of limitations was established, and in two cases the concerned Notary Public was established not be responsible.</p>	2019 Information about the Application of the Law on the Notaryship, Ministry of Justice
	Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.5. STRATEGIC GUIDELINE: CONTINUOUS MONITORING OF THE ENFORCEMENT EFFECTS AND THE QUALITY OF WORK OF THE ENFORCEMENT AGENTS</b> (GUIDELINE 2.6.3.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR) <sup>56</sup>			
STRATEGIC GUIDELINE IMPLEMENTATION INDICATORS	1.5.1 Rate of enforcement of enforceable documents	44.5% in 2019, which represents a decrease compared with the rate of implementation of 55.7% in 2018. A possible reason for the decrease of the rate of enforcement is the waves of strong criticism by citizens of the costs of enforcement, which resulted in the reduction of fees of enforcement agents and in the abolishment of the payment of certain types of costs.	2019 Annual Report on the Work of Enforcement Agents, Ministry of Justice; Information about the application of the Law on Enforcement and on the inspection of the work of enforcement agents in 2018, Ministry of Justice
STRATEGIC GUIDELINE IMPLEMENTATION INDICATORS	1.5.2 Number of proposals for institution of disciplinary proceedings against enforcement agents submitted by the Chamber of Enforcement Agents and number of adopted disciplinary measures	In 2019, the Disciplinary Panel of the Chamber of Enforcement Agents instituted proceedings against three enforcement agents, who were found guilty and were ordered the disciplinary measures of public reprimand, fines and permanent ban on the performance of the office of an enforcement agent (in one case). In 2018, there were two proceedings instituted against two enforcement agents, who were found guilty and were ordered the disciplinary measure of a fine.	Disciplinary decisions published on the website of the Ministry of Justice

55 This strategic guideline is part of the strategic goal of Access to Justice of the 2017-2022 Strategy for Reform of the Judicial Sector and an Action Plan. Considering the close links to the concept of quality, organizations implementing the project decided to monitor this strategic guideline, as well.

56 This strategic guideline is part of the strategic goal of Access to Justice of the 2017-2022 Strategy for Reform of the Judicial Sector and an Action Plan. Considering the close links to the concept of quality, organizations implementing the project decided to monitor this strategic guideline, as well.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.6. STRATEGIC GUIDELINE: FREQUENT USE OF MEDIATION BY PUBLIC AUTHORITIES</b> (GUIDELINE 2.6.5.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR) <sup>57</sup>		
STRATEGIC GUIDELINE INDICATORS	1.6.1 Number of cases referred for mediation by public authorities	According to the answers of mediators there was a decrease of the number of cases they received from public bodies in 2019 (89 cases), compared with 2018 (128 cases). A favourable trend is that the percentage of mediators who stated that they had received cases referred by public authorities increased, from 36% in 2018 to 50% in 2019.
	1.6.2 Number of cases settled by mediation, in which the parties were public authorities	There was a decrease of the number of settled cases from 82 in 2018 to 58 in 2019.

<sup>57</sup> This strategic guideline is part of the strategic goal of Access to Justice of the 2017-2022 Strategy for Reform of the Judicial Sector with an Action Plan. Considering the close links to the concept of quality, organizations implementing the project decided to monitor this strategic guideline, as well.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>1.7. STRATEGIC GUIDELINE: STIMULATE THE APPLICATION OF MEDIATION IN COURT PROCEEDINGS</b> (GUIDELINE 2.6.5.3 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR) <sup>58</sup>		
1.7.1 Number of cases referred for mediation in pursuance with the Law on Justice for Children	In 2019, the same as in 2018, there were no cases referred for mediation under the Law on Justice for Children.	Survey of mediators -The survey was conducted in an electronic format in February 2020. 22 mediators gave answers under the survey. The survey was conducted by the European Policy Institute
1.7.2 Number of cases settled by mediation in pursuance with the Law on Justice for Children	In 2019, the same as in 2018, there were no cases referred for mediation under the Law on Justice for Children. Hence no cases were settled.	Survey of mediators -The survey was conducted in an electronic format in February 2020. 22 mediators gave answers under the survey. The survey was conducted by the European Policy Institute
1.7.3 Number of cases referred for mediation in pursuance with the Law on Consumer Protection	According to answers of mediators there was an increase of the number of cases they received in pursuance with the Law on Consumer Protection in 2019 (nine cases) compared with 2018 (four cases). <sup>59</sup>	Survey of mediators -The survey was conducted in an electronic format in February 2020. 22 mediators gave answers under the survey. The survey was conducted by the European Policy Institute
1.7.4 Number of cases settled by mediation in pursuance with the Law on Consumer Protection	According to answers of mediators there was an increase of the number of cases they settled by mediation in pursuance with the Law on Consumer Protection in 2019 (three cases) compared with 2018 (one case).	Survey of mediators -The survey was conducted in an electronic format in February 2020. 22 mediators gave answers under the survey. The survey was conducted by the European Policy Institute
1.7.5 Success rate in commercial and labour disputes settled by mediation	Following the introduction of the new concept of mediation with the adoption of the new Law on Mediation (Official Gazette of the Republic of Macedonia Nos. 188/2013, 148/2015, 192/2015 and 55/2016) the mediation concept was significantly advanced. The amendments to the Law on Civil Procedure (Official Gazette of the Republic of Macedonia No. 124/2015) introduced obligatory attempt for mediation in commercial disputes regarding pecuniary claims the value of which is not higher than MKD 1,000,000. The analysis of disputes and reached settlements in the period from 2016 to 2019 shows that the success rate in all mediations cases is 72% (out the total number of 1,570 cases, settlement was reached in 1,137 disputes). The success rate in commercial disputes settled by mediation is 28.3% (out of the total number of 567 cases, settlement was reached in 161 cases), while the success rate in labour disputes settled by mediation is 99.6% (out of the total number of 948 cases, settlement was reached in 945 cases).	Review of information received from the Ministry of Justice

58 This strategic guideline is part of the strategic goal of Access to Justice of the 2017-2022 Strategy for Reform of the Judicial Sector with an Action Plan. Considering the close links to the concept of quality, organizations implementing the project decided to monitor this strategic guideline, as well.

59 However, the percentage of mediators, who stated that they had cases in pursuance with the Law on Consumer Protection decreased from 14% in 2018 to 9% in 2019.

## 2. STRATEGIC GOAL: EFFICIENCY

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>2.1. STRATEGIC GUIDELINE: MONITOR JUDICIAL EFFICIENCY USING THE INDICATORS DEFINED IN THE EU JUSTICE SCOREBOARD (RESULT LIST), CEPEJ AND OTHER INTERNATIONAL STANDARDS</b> (GUIDELINE 2.4.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
<b>STRATEGIC GUIDELINE INDICATORS</b> 2.1.1 Application of the Methodology of Judicial Statistics in following with the CEPEJ standards	Despite the fact that the Methodology of Judicial Statistics has been partially harmonized with relevant internationally accepted indicators, the Methodology is not applied in the practice, considering that in their regular reports institutions do not monitor the current values of indicators set forth under the Methodology. This deficiency is rectified to a certain extent with the help of civil society organizations, which monitor some of the values of relevant indicators.	Analysis of regular reports of courts and of the Judicial Council

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>2.2. STRATEGIC GOAL: CONSISTENT IMPLEMENTATION OF THE ACTION PLAN FOR ADJUDICATING THE OLD CASES AND MONITORING OF THE SITUATION WITH THE UNDECIDED CASES</b> (GUIDELINE 2.4.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
2.2.1 Number of pending cases	At the end of 2019, there were 73,550 pending cases, which represents an increase by 5,828 cases or 8.6% increase, compared with the situation at the end of 2018. The reason for the increase under this indicator in 2019 could be linked to the 11.4% increase of newly admitted cases in 2019, which could not have been dealt with the 6.2% increase of the number of cases courts resolved in the course of the year. In terms of levels of instances, there was a 9.4% increase of pending cases at first instance courts and an increase of 7.5% of pending cases in the second instance courts. In 2019, there was a 4.5% decrease of the number of pending cases at the Supreme Court, compared with the situation in 2018.	Ministry of Justice
2.2.2 Success rate of first instance courts	The 96.5% success rate of the first instance courts shows that in 2019 the number of pending cases increased. In 2018, the success rate was 101.2%, i.e. in 2018 there was a decrease of the number of backlog cases. The reason for the backslide trend under this indicator in 2019 could be linked to the increase of the number of newly admitted cases in 2019.	Ministry of Justice
2.2.3 Period required for resolving the backlog of cases at first instance courts	152.8 days are required for resolving pending cases at first instance courts. There is an increase under this indicator, compared with 2018, when it was 147.7 days. The reasons for the backslide under this indicator in 2019 could be linked to the increase of the number of newly admitted cases in 2019.	Ministry of Justice
2.2.4 Number of backlog cases	2,852 at the end of 2019, which is a decrease of 27%, compared with 2018 (3,921). According to categories, the number of backlog of cases was decreased as follows: – Number of cases pending for more than three years – 60% decrease; – Number of cases pending for more than seven years – 46% decrease – The number of cases pending for more than ten years was decreased by a quarter. In all categories, the rate of resolved cases was increased.	2019 Report of the Judicial Council
2.2.5 Number of cases in which a violation of the principle of trial within reasonable time was established	In 2019, the total number of cases before the Supreme Court regarding this violation was reduced by 200, i.e. by 25%, compared with 2018. In 2019, the number of cases in which a violation of this principle was established was decreased by almost 14%, i.e. to 165 from 191 in 2018. However, in 2019, the rate of cases in which such a violation was established was increased by 27%, compared with 24% in 2018.	2019 Report of the Judicial Council

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>2.3. STRATEGIC GUIDELINE: HARMONIZATION OF THE NUMBER OF JUDGES WITH THE EUROPEAN AVERAGE PER CAPITA</b> (GUIDELINE 2.4.3 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
2.3.1 Cost efficiency in resolving cases	Најмалку ефикасниот апелациски суд троши, во просек, 33% повеќе по решен предмет од трошковно најефикасниот апелациски суд.	2019 balance sheets; 2019 Report of the Judicial Council
	Во просек, за еден решен предмет кај последнорангираниот основен суд се троши 2,6 пати повеќе од трошковно најефикасниот основен суд. <sup>60</sup>	
2.3.2 Productivity rate in resolving cases	Compared with the situation in 2018, two appellate courts show increase of productivity, and two appellate courts show decrease of productivity (average number of resolved cases per judge).	2019 balance sheets; 2019 Report of the Judicial Council; 2019 annual reports of courts
	First instance courts increased their productivity rate, while 11 first instance courts decreased their productivity rate.	
	The productivity rate of the first or best ranked court is 4.1 times higher than the productivity rate of the last ranked court. <sup>61</sup>	

60 Ranking of appellate courts according to their cost efficiency (average expenditures per resolved case) in 2019: Skopje Appellate Court (MKD 7,066), Bitola Appellate Court (MKD 8,346), Shtip Appellate Court (MKD 9,389). No data was provided for the Gostivar Appellate Court.

Ranking of first instance courts (FIC) according to their cost efficiency (average expenditures per resolved case) in 2019: Kumanovo FIC (MKD 2,667), Sveti Nikole FIC (MKD 2,738), Kichevo FIC (MKD 2,749), Strumica FIC (MKD 2,905), Radovish FIC (MKD 2,958), Kavadarci FIC (MKD 3,222), Delchevo FIC (MKD 3,461), Negotino FIC (MKD 3,971), Vinica FIC (MKD 4,176), Kochani FIC (MKD 4,191.), Resen FIC (MKD 4,290), Berovo FIC (MKD 4,912), Bitola FIC (MKD 5,010), Kriva Palanka FIC (MKD 5,396), Krushevo FIC (MKD 6,852). No data was provided for the remaining 12 first instance courts.

61 Ranking of appellate courts (AC) according to the productivity rate (average number of resolved cases per judge) in 2019: Skopje AC (449), Shtip AC (409), Gostivar AC (367), Bitola AC (335).

Ranking of first instance courts according to the 2019 productivity rate: Delchevo FIC (2,605), Debar FIC (2,108), Tetovo FIC (2,107), Radovish FIC (1,826), Kichevo FIC (1,745), Sveti Nikole FIC (1,737), Skopje First Instance Criminal Court (1,689), Kumanovo FIC (1,608), Berovo FIC (1,561), Strumica FIC (1,525), Gostivar FIC (1,515), Shtip FIC (1,451), Kochani FIC (1,433), Prilep FIC (1,375), Kavadarci FIC (1,358), Resen FIC (1,266), Struga FIC (1,216), Vinica FIC (1,191), Bitola FIC (1,172), Veles FIC (1,034), Ohrid FIC (938), Negotino FIC (915), Gevgelija FIC (879), Kriva Palanka FIC (797), Krushevo FIC (797), Skopje First Instance Civil Court (753), Kratovo FIC (632). The 2018 productivity rates are as follows: Skopje AC (427), Shtip AC (404), Gostivar AC (385), Bitola AC (341), Delchevo FIC (2,390), Debar FIC (2,276), Radovish FIC (1,789), Gostivar FIC (1,784), Skopje First

Instance Criminal Court (1,739), Kichevo FIC (1,707), Kochani FIC (1,683), Sveti Nikole FIC (1,535), Strumica FIC (1,457), Kumanovo FIC (1,446), Prilep FIC (1,377), Kavadarci FIC (1,304), Bitola FIC (1,252), Struga FIC (1,241), Vinica FIC (1,232), Shtip FIC (1,218), Berovo FIC (1,146), Resen FIC (1,079), Tetovo FIC (1,071), Veles FIC (1,012), Kriva Palanka FIC (998), Ohrid FIC (938), Gevgelija FIC (893), Negotino FIC (795), Skopje First Instance Civil Court (716), Kratovo FIC (663), Krushevo FIC (553).

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>2.4. STRATEGIC GUIDELINE: IMPROVING THE CAPACITY OF THE JUDICIAL AND PUBLIC PROSECUTOR'S OFFICE</b> (GUIDELINE 2.4.4 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
<b>STRATEGIC GUIDELINE INDICATORS</b> 2.4.1 Perception of the treatment, professionalism, and competence of the judicial service	Judges most often assessed the expertise and competency of expert associates with 4 (46%) on a scale from 1 to 5, where 5 is the highest mark. This mark was also most often given by surveyed lawyers and public prosecutors (35%). However, significant number of lawyers and public prosecutors gave the mark of 3 (34%). 71% of surveyed citizens who were parties to court proceedings answered that there was no case or there were rare cases in which court proceedings were delayed because of mistakes made by the court staff. 60% of surveyed citizens agree that the court staff treats people equally, regardless of their income, origin, gender, and religion, while 40% disagree.	Survey of citizens-parties to court proceedings, judges, lawyers, and public prosecutors

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>2.5. STRATEGIC GUIDELINE: FULL FUNCTIONALITY OF THE WEB PORTAL WWW.SUD.MK</b> (GUIDELINE 2.4.5 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
2.5.1 Percentage (share) of court judgements published on the portal	Courts either do not provide data about the number of published judgements or keep records of published judgments for several years collectively, and not per year.	
2.5.2 Application of standards for online publishing of court judgments	The majority of judges (59%) and administrative staff (53%) consider that the standards regarding the deadlines for online publication of judgments are respected., i.e. applied, while about 40% of them consider that they are not applied. As regards the satisfaction rate with respect to the online publication, the respondents most often gave the medium mark (39% judges,, 25% administrative staff and 27% lawyers/public prosecutors), while the second most frequently given mark is the highest mark of 5 by judges (24%), i.e. 4 by administrative staff, lawyers/public prosecutors (21% and 19% respectively). As regards the satisfaction rate with the online searchability of court judgements, the most often given mark by judges and administrative officers is 4 out of the possible 5 (39% and 29%, respectively), while lawyers/public prosecutors most often gave the medium mark 3 (23%). However, 15% of judges, 26% of administrative staff and 24% of lawyers/public prosecutors assessed the satisfaction rate with the searchability of judgements with the lowest marks of 1 and 2.	Survey of judges, administrative staff, lawyers, and public prosecutors
2.5.3 Availability of online information for the public about the justice system	<p>The following targeted information are available: a) online forms for the public and for companies -at the sud.mk portal forms-requests and payment forms for various types of documents issued by the court (certificates, confirmations and similar) are posted b) information intended for persons with hearing or visual impairments – the sud.mk portal does not provide for reasonable accommodation for these persons; however, information is posted about responsible authorized persons tasked with accompanying persons with disabilities and enabling useful access to information at the court: c) information intended for persons who do not speak the official language – the sud.mk portal is also available in a simple rudimentary English language version. The following types of targeted information is not available: a) education about rights of citizens in the justice system provided with interactive tools; b) computer stations at courts with internet access available to citizens: c) inter-active online simulation facilitating the assessment whether a person is eligible for legal aid is not available; there is information posted on the website of the Ministry of Justice about the conditions the applicant for free legal aid is required to fulfil; however, these are based on old parameters; d) information intended for children- websites of some courts only offer contact information about lawyers specialized for the Law on Justice for Children.</p> <p>As regards the availability of online information about the date, time and the number of the courtroom for the hearing in a specific case, about 46% of surveyed citizens are satisfied with the information provided by courts, while 28% are dissatisfied, and 18% are neither satisfied nor dissatisfied.</p>	Review of websites of justice system institutions; Survey of citizens- parties to court proceedings
2.5.4 Number of visitors of the web portal		
2.5.5 Number of court judgements published on the web portal www.sud.mk	In the context of online publication of court judgements, judges most frequently assessed their satisfaction with the medium mark of 3, on a scale from 1 to 5. 10% of judges are dissatisfied, while 46% of them are partially or completely satisfied with the manner of publication of judgements. The satisfaction level with the online publication of court judgements is most often assessed with a medium mark of 3 also by court staff (25%), as well as by lawyers and public prosecutors (27%).	Survey of judges, court staff, lawyers, and public prosecutors

### 3. STRATEGIC GOAL: TRANSPARENCY

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>3.1. STRATEGIC GOAL: COLLECTION, PROCESSING AND ANALYSIS OF STATISTICAL DATA ON THE WORK OF COURTS AND PUBLIC PROSECUTOR'S OFFICES BY THE JC AND THE CPP</b> (GUIDELINE 2.5.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
3.1.1 Types of systems for monitoring and evaluation of court activities  STRATEGIC GUIDELINE INDICATORS	<p>There are the following types of systems:</p> <ul style="list-style-type: none"> <li>a) Annual reports on the work of courts; The Supreme Court and appellate courts regularly publish such reports. Out of 27 first instance courts, only eight published annual reports about their work, one court published an analysis of the court work on cases, four courts published only annual statistics about cases, five courts published monthly statistics about cases, which was not summarized for the entire year and nine courts did not publish any report about their work. This is a slide back compared with the situation in 2018, when 12 first instance courts published annual reports, seven published only annual statistics about cases, three published monthly statistics about cases, which was not summarized for the entire year, and five did not publish any reports about their work.</li> <li>b) Outcome and quality indicators; There is a Methodology of Judicial Statistics, but the reports of courts and of the Judicial Council do not contain data about the value of indicators set forth under the Methodology (with the exception of the indicator about the total number of backlog cases). The following parameters and indicators are contained in the reports: number of admitted cases, resolved cases, pending cases, backlog of cases. Other important indicators, such as success rate, period required for dealing with the backlog of cases, the average "age" i.e. duration of resolved or pending cases and their categorization, according to their duration, number/percentage of appealed judgements, number of delayed hearings. Despite the declarative commitment set forth under the Methodology to facilitating generation of comparable information about the quality as well, the impression remains that the quality is primarily viewed through the prism of the duration of the entire procedure, as well as through the prism of going beyond the legally prescribed deadlines for the duration of proceedings.</li> <li>c) IT system for court case management. The ACMIS system has been installed in all courts and this system registers, allocates and monitors the movement of the court cases within the court system.</li> <li>d) IT system generating statistics about the work of courts. There is a software for judicial statistics, which has been installed at the Judicial Council, and the complete functioning of which requires full and correct feeding of the ACMIS system with data. The functioning of the system generating judicial statistics is questionable, because except for one indicator, in their reports, institutions do not publish current values of indicators set forth under the Methodology of Judicial Statistics. Respondents answered that the IT system (ACMIS) has or partially has five types of data: 1) in the context of data required for preparing annual reports by courts, respondent most often confirmed that the system offers such data (30%), 27% said that there is partial data, while 23% said that there was no such data; 2) in the context of the duration of cases, 29% of respondents answered that the system has such data, i.e. that it has partial data, while 21% answered that the system does not offer such data; 3) in the context of the number of delayed hearings, 32% of respondents answered that the IT system does not have such data, 29% said that there is partial data and only 21% of respondents stated that there is such data within the IT system; 4) as regards the value of indicators in pursuance with the Methodology of Judicial Statistics, 25% respondents said that the system has partial data, 22% said that there is no data, while 16% said that there is such data; 5) other data of importance for collecting statistics about the justice system- 15% confirmed that the IT system offers data, 26% of the respondents said that there was partial data, while 10% of respondents said that there is no such data. The difference in the positions of respondents to this question may be attributed to the different level of knowledge/information of court staff about the data that the system collects, then to the differences in the practice of staff with respect to the parameters they regularly enter in the system, and to the differences in the quality of entries by various court staff members, which could result in the need that collected data is partially or completely re-checked "manually" before it can be used to report about the performances.</li> <li>e) Court staff specialized for monitoring and evaluation; Some of the court staff at courts and at the Judicial Council prepare periodical reports about the work of respective courts.</li> <li>f) Surveys conducted among users of court services and legal professionals; State institutions do not conduct such surveys. However, this is periodically done by civil society organizations.</li> </ul>	Analysis of the web portal sud.mk and of the Methodology of Judicial Statistics, Survey of court staff

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>3.2. STRATEGIC GUIDELINE: STRENGTHENING THE CAPACITIES FOR PUBLIC RELATIONS</b> (GUIDELINE 2.5.3 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
STRATEGIC GUIDELINE INDICATORS	3.2.1 Standards for providing information about cases to the parties	About 46% of surveyed citizens are satisfied with the information provided by courts about the date, time, and number of the courtroom for proceedings in the specific case, while 28% are dissatisfied, and 18% are neither satisfied nor dissatisfied. 41% of respondents are partially or completely satisfied with provided information about the stage in which their case is, while 35% are dissatisfied, and 21% are neither satisfied nor dissatisfied. In the context of information about delayed hearings, 38% of respondents are satisfied with the information they were provided with, 37% are dissatisfied and 15% are neither satisfied nor dissatisfied. 44% of respondents are satisfied with the availability court documents about their case, while 33% are dissatisfied, and 20% are neither satisfied nor dissatisfied.	Survey of citizens – parties to court proceedings
	3.2.2 Openness of procedures to the public and capacities of courtrooms to accommodate members of the public and media outlet representatives	At the new building of the Skopje Criminal Court, where proceedings for which there is the highest public interest mostly take place, the conditions for the presence of the public have been improved. However, often media outlets and members of public present at the hearings are not able to follow the hearings because the sound system is turned off. In its Monitoring Report of November 2019, the Coalition All for Fair Trials states that at the hearing in the case “TORTURA (Torture) KBR1959/17, the public and the experts were excluded when a video recording was shown, without the court offering any reasoning for excluding them.	Interview with a representative of the Coalition All for Fair Trials – Monitoring Brief – Justice System on-going court proceedings, November 2019
MEASURE/ACTIVITY INDICATORS	3.2.3 Availability of trainings for court staff for various types of communication	In 2019, 62% of the total number of presidents of courts (21 out of 34) attended specialized training on public relations (specialized training for presidents of courts), while 3% (14) of the remaining judges attended training on public relations.	Reply by the AJPP to a request for free access to information of public character and the 2019 Annual Report of the Judicial Council <sup>62</sup>
	3.2.4 Number of published periodical reports on categorized expenditures of courts	Two annual reports were published: 1) The Annual Report of the Judicial Council has a Chapter elaborating upon expenditures of the judiciary, categorized according to: salaries and remunerations, goods and services, transfers and capital expenditures; 2) Presentation of expenditures according to the above categories is given in the Report on the execution of the judicial budget, which however also contains a review of expenditures according to budget programs and according to budget items and sub-items. <sup>63</sup>	2019 Annual Report of the Judicial Council; 2019 Report on the Execution of the Judicial Budget

62 The information was taken from the 2019 Annual Report of the Judicial Council and is related to the average number of judges, which in 2019 was 512. According to the Report at the beginning of 2019, there were 518 judges, while on 31 December 2019 there were 506 judges.

63 Except for the category 40- salaries and remuneration, in respect of which only the names of the items are stated, but it is not stated how much were the expenditures under each individual item.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>3.3. STRATEGIC GUIDELINE: ALIGNING THE FORM OF THE ANNUAL REPORTS OF COURTS, PUBLIC PROSECUTOR'S OFFICES, JC AND CPP</b> (GUIDELINE 2.5.4 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
<b>MEASURE/ACTIVITY INDICATORS</b> 3.3.1 Progress in the process of revising the methodology of judicial statistics a	The revised Methodology of Judicial Statistics was not published; the review of published annual reports on the work of courts shows differences in the reports' structure; furthermore, the reports do not contain data about the value of indicators set forth under the Methodology (with the exception of the indicator about the total number of backlog cases), then about the duration of proceedings according to types of civil cases, i.e. grounds for criminal cases and about the period of resolving the court case, i.e. duration of specific stages of the proceedings, outcomes and measures ordered in criminal cases. The same considerations apply to the Annual Report of the Judicial Council, which furthermore lacks data about recusals per court, as well as data about cases settled by mediation in civil proceedings. However, the Report of the Judicial Council does offer a review of the situation with backlog of cases, according to categories of their duration.	Website of the Ministry of Justice; annual reports on the work of courts

## 4. STRATEGIC AREA: STRATEGIC PLANNING AND POLICY-MAKING

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>4.1. STRATEGIC GUIDELINE: COORDINATION OF THE REFORM IN THE JUDICIARY</b> (GUIDELINE 3.1.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
STRATEGIC GUIDELINE INDICATORS	4.1.1 Existence of a functional unit or staff at the Judicial Council and at the Ministry of Justice for strategic planning, monitoring and coordination of the reform	The Judicial Council and the Ministry of Justice do not have sufficient number of staff for strategic planning, monitoring and coordination of the reform.	2019 Annual Report of the Judicial Council; discussion at the Ministry of Justice
	4.1.2 Existence of a functional analysis and research unit or staff at the Judicial Council and at the Ministry of Justice	The Judicial Council and the Ministry of Justice do not have sufficient number of staff to work on analysis and research.	2019 Annual Report of the Judicial Council; Discussion at the Ministry of Justice
	4.1.3 Frequency of consultations about legislative amendments having a direct impact on the justice system	Most of the judges (54%) and lawyers (64%) answered that the Government consults them only occasionally when it comes to initiatives for legislative amendments having a direct impact on the justice system. Different from them, public prosecutors mostly replied (48%) that they are rarely consulted.	Survey of judges, lawyers, and public prosecutors
	4.1.4 Capacity for efficient budgeting of courts and of public prosecutor's offices	As regards the capacity for efficient budgeting of courts, lawyers and public prosecutors most often (30%) assessed it with the mark 4 on a scale from 1 to 5, where 5 is the best mark, while 26% gave a medium mark of 3. 28% of respondents gave the lowest marks (1 and 2).  As regards the capacity for efficient budgeting of public prosecutor's offices, lawyers, and public prosecutors most often (35%) assessed it with the lowest mark 1, while 27% gave the medium mark of 3.	Survey of lawyers and public prosecutors
	4.1.5 Change in the situation with strategic planning and policy-making in the sector	Lawyers and court staff most often answered that in the period from 2017 to 2020 there were no changes in the situation with strategic planning and policy-making in the justice sector (49% and 37%, respectively). Judges most often assessed the situation as improved (48%), yet significant 44% of the judges consider that there were no changes.	Survey of judges, lawyers, and public prosecutors

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>4.2. STRATEGIC GUIDELINE: MONITORING THE IMPLEMENTATION OF THE STRATEGY</b> (GUIDELINE 3.1.4 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
<b>STRATEGIC GUIDELINE INDICATORS</b>	4.2.1 Number of debates with stakeholders about the results of the implementation of the Strategy  In 2019, the Council for Implementation of the Strategy for Reform of the Judicial Sector had four sessions, at which stakeholders debated about the results achieved and gave recommendations for the future implementation of the Strategy.	vlada.mk
	4.2.2 Number of recommendations resulting from the debates for undertaking corrective measure  Recommendations were defined relating to six areas.	Information from sessions of the Council for Implementation of the Strategy for Reform of the Judicial Sector; 2018 Annual Report on the implementation of the 2017-2022 Strategy for Reform of the Judicial Sector

## 5. STRATEGIC AREA: JUDICIAL INSTITUTIONS

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>5.1. STRATEGIC GUIDELINE: OPTIMISATION OF THE COURT NETWORK</b> (GUIDELINE 4.1.1.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
MEASURE/ACTIVITY INDICATORS	5.1.1 Number of debates on the optimization of the court network	The Analysis of the Court Network of the Republic of Macedonia was presented at the tenth session of the Council for Implementation of the Strategy for Reform of the Judicial Sector, held on 6 February 2019.	Website of the Ministry of Justice <sup>64</sup>
	5.1.2 Number and implementation of recommendations for optimization of the court network	In December 2018, the Ministry of Justice produced the Analysis of the Court Network in the Republic of Macedonia. <sup>65</sup> The Analysis states that the rationalization of courts requires a more detailed analysis of each individual court, which has not been made thus far. Based on the said analysis, following the 2019 amendments and supplements of the Law on Courts, <sup>66</sup> in 2020, the Gevgelija First Instance Court, the Kavadarci First Instance Court and the Kichevo First Instance Court became courts with expanded competences.  With a view to determining the realistically required number of judges and courts, in addition to the prepared Analysis of the court network of the Republic of Macedonia (regarding first instance courts), a Functional analysis of appellate courts and a Functional analysis of the Supreme Court of the Republic of North Macedonia were also developed.	Shadow Report on Chapter 23 for the period between April 2019 and March 2020; <sup>67</sup> Analysis of the court network of the Republic of Macedonia <sup>68</sup>

64 <https://www.pravda.gov.mk/vest/2941>.

65 Караманди, Попчевски и Наумов, „Анализа на судската мрежа во Република Македонија“. (Karamandi, Popchevski and Naumov, Analysis of the Court Network of the Republic of Macedonia)

66 Official Gazette No. 96/2019, Law Amending and Supplementing the Law on Courts.

67 The Report is available at: <https://epi.org.mk/post/14897>.

68 Available at: [https://www.pravda.gov.mk/Upload/Editor\\_Upload/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0%20%D0%BD%D0%B0%20%D1%81%D1%83%D0%B4%D1%81%D0%BA%D0%B0%20%D0%BC%D1%80%D0%B5%D0%B6%D0%B0.pdf](https://www.pravda.gov.mk/Upload/Editor_Upload/%D0%90%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7%D0%B0%20%D0%BD%D0%B0%20%D1%81%D1%83%D0%B4%D1%81%D0%BA%D0%B0%20%D0%BC%D1%80%D0%B5%D0%B6%D0%B0.pdf)

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>5.2. STRATEGIC GUIDELINE: AUTONOMOUS AND SUSTAINABLE COURT BUDGET, CONSISTENT WITH THE LEGAL ALLOCATION FROM THE GROSS NATIONAL INCOME<sup>69</sup></b> (GUIDELINE 2.1.6 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
5.2.1 Allocations for courts	0.29% of the GDP in 2019, which is an increase compared with allocations in 2018, when the allocations were 0.28% of the GDP. Calculated per capita, there is an increase of MKD 999 per capita, compared with MKD 885 per capita in 2018.	Ministry of Finance basic macroeconomic indicators; 2019 and 2018 Reports of the Judicial Council
5.2.2 Criteria for setting the judicial budget	Even though there is an independent Judicial Budget Council, the judiciary does not succeed in getting the required level of funding. This can be illustrated by the fact that in 2019 the finally approved budget for the judiciary is only 66% of the requested funds, the request being based on realistic needs of individual entities of the judiciary- budget beneficiaries.	2019 Report on the Execution of the 2019 Judicial Budget
5.2.3 Structure of the judicial budget	There is evident dominant share of 72% of the category 40-salaries and remunerations. Yet, there is a decrease compared with 2018, when this category had almost 80% share. Category 42- goods and services, which had a share of 12.76% is not sufficient to cover for all needs deriving from the regular work of courts. Compared with the structure of the budget in countries of the European Union, the share of capital expenditures (7.25%), which includes investments in computer and software modernization, is not at the required level. However, there is an increase of the share of this category compared with 2018, when it took up only 4.07%. Transfers amount to 7.76%.	2018 and 2019 Reports of the Judicial Council
5.2.4 Ratio of coverage of real expenditures for justice administration under the annual judicial budgets	In 2019, the finally approved budget for the judiciary was only 66% of the requested funds, which were based on realistic needs of individual entities in the judiciary-budget beneficiaries. This is an improvement compared with 2018, when this ratio was 64%.	2019 Report on the Execution of the Judicial Budget
<b>5.3. STRATEGIC GUIDELINE: INCREASING THE STAFF IN THE PUBLIC PROSECUTOR'S OFFICE</b> (GUIDELINE 4.1.3.6 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
5.3.1 Productivity rate	104 resolved criminal charges per public prosecutor in 2018.	2018 Report of the Public Prosecutor's Office

69 In the Strategy this strategic guideline is under the strategic goal of Independence and Impartiality; However, in this Report it is elaborated under the Chapter for judiciary institutions, since it is elaborated from the perspective of resources in the justice system.

## 6. STRATEGIC AREA: CRIMINAL MATTERS

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>6.1. STRATEGIC GUIDELINE: FAIR TREATMENT BY STRENGTHENING THE RIGHTS OF DEFENCE AND PROTECTION OF HUMAN RIGHTS IN THE CRIMINAL PROCEEDINGS</b> (GUIDELINE 5.1.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
STRATEGIC GUIDELINE INDICATORS	6.1.1 Satisfaction of the parties with the possibility provided by the court to each of the parties to present their evidence and challenge the evidence of the other party	As many as 98% of the surveyed citizens (parties to criminal proceedings) consider that it is important that each party is given the opportunity to present their evidence in the case and challenge the evidence of the other party. 41% of the respondents are relatively satisfied with the possibility they have (they gave the mark 5 or 4) to present and challenge the evidence, while 32% are relatively dissatisfied (they gave the mark of 1- completely dissatisfied or 2).	Survey of citizens <sup>70</sup>
	6.1.2 Perception of parties as to the degree to which judges and prosecutors respect the rights of defendants and of victims	About 90% of respondents completely or partially agree that public prosecutors and judges respect the rights of defendants and damaged parties to the proceedings, as opposed to about 10% of them who disagree.	Survey of lawyers and public prosecutors
	6.1.3 Perception of parties as to whether courts treat people equally regardless of their income, ethnic affiliation, social origin, gender, and religion	58% of respondents – citizens fully or partially agree that judges treated people equally regardless of their income, origin, gender, and religion, while 41% disagree. 60% of surveyed citizens agree that the court staff treats people equally, regardless of their income, origin, gender, and religion, while 40% of them disagree.	Survey of citizens
	6.1.4 Perception of parties as to whether women-victims of sexual or other gender-based violence receive a fair treatment by the court	In the context of rights of parties to proceedings, the level of respect for the rights in cases of sexual and other gender-based violence was also examined. As many as 53% of lawyers and prosecutors have worked on such cases. Respondents who have worked on such cases were additionally asked whether they agree that women – victims of sexual and other gender-based violence received a fair treatment during the proceedings. Most of them, i.e. 62% completely agree that women received a fair treatment in the proceedings, while 38% agree partially.	Survey of lawyers and public prosecutors
	6.1.5 Perception of parties of the respect for the presumption of innocence principle	40% of surveyed citizens are completely or partially satisfied with the respect for the presumption of innocence principle by the court, while 36% are dissatisfied, and 14% are neither satisfied nor dissatisfied. 30% of surveyed citizens are satisfied with the respect for the presumption of innocence principle by the public prosecutor's office, while 39% are dissatisfied and 8% are neither satisfied nor dissatisfied. 19% of surveyed citizens are satisfied with the respect for the presumption of innocence principle by the media, while 50% are dissatisfied and 10% are neither satisfied nor dissatisfied.	Survey of citizens

70 In respect of this indicators the focus was on answers of citizens who had been parties to criminal proceedings.

	Indicator	2019 values compared with 2018 values, if data is available	Source
<b>6.1. STRATEGIC GUIDELINE: FAIR TREATMENT BY STRENGTHENING THE RIGHTS OF DEFENCE AND PROTECTION OF HUMAN RIGHTS IN THE CRIMINAL PROCEEDINGS</b> (GUIDELINE 5.1.2 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
STRATEGIC GUIDELINE INDICATORS	6.1.6 Perception of whether judges are free to adopt decision without direct or indirect interference by the Government or politicians	<p>Most of the lawyers and public prosecutors (47%) consider that the executive power often interferes with judges in adopting their decisions, while 34% stated that often there is such interference also by Members of Parliament.</p> <p>Largest number of judges said that they did not face interference by presidents of courts in adopting their decisions: (93% of these respondents said that this never happens or happens rarely), civil society organizations (83% of these respondents answered that this never happens or happens rarely), representatives of other countries (80% of these respondents answered that this never happens or happens rarely) and representatives of international organizations (81% of these respondents answered that this never happens or happens rarely). As regards other factors attempting to influence the decisions, 86% of the respondents answered that there were such factors.</p>	Survey of lawyers, public prosecutors, and judges
	6.1.7 Number of planned trainings for judges and public prosecutors focused on strengthening the rights of defence and protection of human rights in criminal proceedings	Number of planned trainings for judges and public prosecutors focused on strengthening the rights of defence and protection of human rights in criminal proceedings: 9 in 2019.	Reply by the AJPP to a request for free access to information of public character
MEASURE/ACTIVITY INDICATORS	6.1.8 Number of completed trainings for judges and public prosecutors focused on strengthening the rights of defence and protection of human rights in criminal proceedings	Number of completed trainings for judges and public prosecutors focused on strengthening the rights of defence and protection of human rights in criminal proceedings: 8 in 2019.	Reply by the AJPP to a request for free access to information of public character

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>6.2. STRATEGIC GUIDELINE: IMPROVING THE JUSTICE SYSTEM FOR CHILDREN</b> (GUIDELINE 5.1.5 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
6.2.1 Total number of children aged 14 to 18 serving the measure of staying at an educational-correctional facility longer than a year	February 2020 inclusive, three children aged 14 to 18 serve the measure of staying at an educational-correctional facility longer than a year, serving the measure at the Tetovo Educational-Correctional Institution	Reply by the Directorate for Execution of Sanctions to a request for free access to information of public character
6.2.2 Total number of children aged 14 to 18 serving the measure of staying at an educational-correctional facility longer than three years	February 2020 inclusive, there were no children aged 14 to 18 serving the measure of staying at an educational-correctional facility longer than three years, at the Tetovo Educational-Correctional Institution	Reply by the Directorate for the Execution of Sanctions to a request for free access to information of public character
6.2.3 Total number of young people aged 18 to 23 serving the measure of staying at an educational-correctional facility longer than three years	Responding to a request for information about the "Total number of young people aged 18 to 23 serving the measure of staying at an educational - correctional facility longer than three years", <sup>71</sup> the Directorate for the Execution of Sanctions answered that a total number of three children aged 14 to 23 serve the measure longer than a year at the Tetovo Educational-Correctional Institution.	Reply by Directorate for Execution of Sanctions to a request for free access to information of public character
6.2.4 Total number of children-victims of crimes who received free legal aid in the course of the year	In 2018 and in 2019, no applications for approval of free legal aid to children- victims of crimes were filed with the Ministry of Justice.	Reply by the Ministry of Justice to a request for free access to information of public character
6.2.5 Number and profile of attendants of continual training at the AJPP, who completed training for treatment of children-victims	In 2019, 8 judges, 12 public prosecutors, 2 expert associates from the courts and the public prosecutor's offices and 15 representatives of the Ministry of the Interior completed such training at the AJPP.  In 2018, 44 judges, 40 public prosecutors, 26 expert associates from the courts and the public prosecutor's offices, 13 lawyers and 2 attendants of initial training completed such training at the AJPP.	Reply to a request for free access to information of public character provided by the Academy of Judges and Public Prosecutors
6.2.6 Number of trainings organized as part of the continual training at the AJPP relating to treatment of children-victims	In 2019 there were two debates.  In 2018, there were seven events, of which 6 debates and one training of trainers event.	Reply to a request for free access to information of public character provided by the Academy for Judges and Public Prosecutors.

71 According to Article 46 of the Law on Justice for Children "The child shall remain at the educational and correctional facility for at least one year, and no more than five years or until he/she turns 23 years of age. In imposing this measure, the Court shall not determine its duration, but decide thereon additionally." Therefore, the intention was to see how many of the persons serving a measure at an educational-correctional facility belong to the category of young people.

## 7. STRATEGIC AREA: MISDEMEANOUR MATTERS

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>7.1. STRATEGIC GUIDELINE: PREVENTION VIS-À-VIS REPRESSION AS THE MAIN OBJECTIVE OF MISDEMEANOUR PROCEEDINGS</b> (GUIDELINE 5.3.4 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
7.1.1 Share of preventive measures (decision, education) compared with repressive measures (fine, settlement, misdemeanour charges) in the total number of measures ordered following inspection supervision	Preventive measures (decision, education) are evidently predominant compared with repressive measures (fine, settlement, misdemeanour charges) in the total number of measures ordered following inspection supervision, taking up a share of 85%.	Quarterly reports of the Council for Inspection Supervision in 2019 (first three quarters)
7.1.2 Percentage of cases in which settlement proceedings were instituted, as compared with the percentage of cases in which misdemeanour charges were filed	The settlement procedure is more often applied (64%) compared with institution of misdemeanour charges.	Quarterly reports of the Council for Inspection Supervision in 2019 (first three quarters)

STRATEGIC GUIDELINE INDICATORS

## 8. STRATEGIC AREA: CIVIL MATTERS

Indicator	2019 values compared with 2018 values, if data is available	Source	
<b>8.1. STRATEGIC GUIDELINE: ESTABLISHING A STABLE CIVIL LAW SYSTEM BY FILLING IN EXISTING LEGAL GAPS AND ALIGNING IT WITH EUROPEAN STANDARDS AND MODERN SOCIAL TRENDS</b> (GUIDELINE 5.4.1 UNDER THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)			
STRATEGIC GUIDELINE INDICATORS	8.1.1 Perception of parties as to whether courts treat people equally regardless of their income, national or social origin, gender, or religion	The majority of surveyed citizens completely or partially agree that judges and the court staff treat people equally regardless of their income, national or social origin, gender of religion. About third of citizens do not consider that there is equal treatment. Lawyers completely or partially agree that judges and the court staff do not discriminate. However, almost 13% of them consider that there is no equal treatment.	Survey of citizens-parties to proceedings and lawyers
	8.1.2 Satisfaction of parties with the possibility to present before the court their evidence and to challenge the evidence of the other party	59% of surveyed citizens were relatively satisfied with the manner in which they were provided with the possibility to present their evidence, 14% were relatively dissatisfied, while 23% were neither satisfied nor dissatisfied. 63% of surveyed lawyers were relatively satisfied with the manner in which they were provided with the possibility to present their evidence, while 38% were neither satisfied nor dissatisfied.	Survey of citizens-parties to court proceedings and lawyers
	8.1.3 Satisfaction of parties with the manner in which the judge heard witnesses	53% of surveyed citizens were relatively satisfied with the manner in which the judge heard the parties, 16% were relatively dissatisfied, while 18% were neither satisfied nor dissatisfied. Half of the lawyers were relatively satisfied with the manner in which the judge heard the parties, while the other half were neither satisfied nor dissatisfied.	Survey of citizens – parties to court proceedings and lawyers
	8.1.4 Satisfaction of parties with the duration of proceedings	45% of surveyed citizens who have been parties to civil proceedings are not satisfied with the duration of proceedings. The main reason for the dissatisfaction with the duration of the proceedings, underlined by dissatisfied citizens, are the long periods between scheduled hearings. Citizens are also dissatisfied with the frequent delays of hearings. Most of surveyed lawyers (44%) assessed their satisfaction with the duration of court proceedings with the mark of 3, on a scale from 1 to 5. As many as 63% of respondents had three to five delayed, i.e. not held hearings in the last civil law proceedings in which they appeared before first instance courts. 12% of respondents had more than five delays or their hearings were not held. Only 6% of surveyed lawyers and prosecutors did not have any delayed hearings. Lawyers were asked about the most often reasons for the delays in court proceedings. The three top reasons, which often or occasionally lead to delays in civil proceedings are deficiencies of laws (88%), <sup>75</sup> returning cases for retrial at first instance courts (75%) and obstacles raised by the parties to the proceedings themselves (56%). <sup>76</sup>	Survey of citizens- parties to court proceedings and lawyers

<sup>75</sup> For example, contradictory provisions in laws, imprecisely defined provisions, different interpretations of laws.

<sup>76</sup> For example, witnesses and other parties do not come to the hearings intentionally, intentional delays by lawyers.

Indicator	2019 values compared with 2018 values, if data is available	Source
<b>8.1. STRATEGIC GUIDELINE: ESTABLISHING A STABLE CIVIL LAW SYSTEM BY FILLING IN EXISTING LEGAL GAPS AND ALIGNING IT WITH EUROPEAN STANDARDS AND MODERN SOCIAL TRENDS</b> (GUIDELINE 5.4.1 UNDER STRATEGY FOR REFORM OF THE JUDICIAL SECTOR)		
<b>STRATEGIC GUIDELINE INDICATORS</b> 8.1.5 Number of courts the websites of which have clearly posted data about the required costs for proceedings <sup>77</sup>	<p>The Supreme Court and appellate courts have not posted any such data.</p> <p>Costs for various certificates, confirmations or certification of documents: 13 first instance courts have published the fees and data about accounts to which fees can be paid;<sup>78</sup> one court has published the fees, but has posted information for payment accounts only for certified copies of the penal records;<sup>79</sup> five courts have published the fees and payment accounts for some of the certificates;<sup>80</sup> and three courts have published only the payment accounts, having posted no data about the fees.<sup>81</sup> Five first instance courts have not published any information about such costs.<sup>82</sup></p> <p>Costs for other proceedings and flat rates for certain fees-costs: two first instance courts have published data about fees and payment forms;<sup>83</sup> one court has published only information about fees, but not about payment accounts;<sup>84</sup> eight courts have published only information about payment accounts, but not information about the costs;<sup>85</sup> one court has published information about fees only for inheritance procedure;<sup>86</sup> 15 first instance courts have published no information in this context.<sup>87</sup></p>	Analysis of information posted on websites of courts

77 Posting the Law on Court Fees on the website of the court, or excerpts from this Law can be considered as acceptable posting of information.

78 Veles, Vinica, Delchevo, Gostivar, Skopje First Instance Criminal Court, Kavadarci, Kichevo, Kochani, Kratovo, Kumanovo, Negotino, Sveti Nikole, Struga.

79 Ohrid First Instance Court.

80 First Instance Courts in Bitola, Debar, Krushevo, Prilep and Tetovo.

81 First Instance Courts in Kiriva Palanka, Strumica and Shtip.

82 First Instance Courts in Berovo, Gevgelija, Skopje First Instance Civil Court, Resen and Radovish.

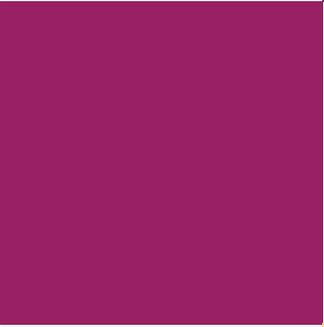
83 First Instance Court in Vinica and the First Instance Criminal Court in Skopje.

84 First Instance court in Ohrid.

85 First instance courts in Veles, Gostivar, Kavadarci, Kratovo, Kriva Palanka, Negotino, Strumica and Shtip.

86 First Instance Court in Sveti Nikole

87 First instance courts in Berovo, Bitola, Delchevo, Gevgelija, Kichevo, Kochani, Krushevo, Kumanovo, Prilep, Radovish, Resen, Struga, Tetovo, first instance courts in Skopje.



# ***CONCLUDING CONSIDERATIONS***



## 1. STRATEGIC GOAL: QUALITY

- The results of the conducted survey show that the perception of the competence of judges and public prosecutors is at a satisfactory level, i.e. the competence of judges and prosecutors was assessed with the mark of 4, on a scale from 1 to 5, where 5 is the highest mark.
- The Academy for Judges and Public Prosecutors organizes regular trainings, as part of its program of continual trainings, in following with the needs. A positive development marking 2019 is the increased number of judges and public prosecutors, who completed training on the ECtHR case-law, as well as training on the EU Acquis.
- Significant progress was made following the amendments and supplements to the Law on Courts and the Law on the Judicial Council, both laws having been favourably assessed by the Venice Commission.
- The Probation Service became functional in 2019. The Law on Probation is of exceptional importance in determining the type and duration of the sentence. Hence, the recommendation for intensive training of judges on the application of the Law on Probation, considering the fact that the cooperation with the Probation Service facilitates pursuing the correct approach to individualizing the sentence for each defendant.<sup>88</sup>
- With respect to the strategic guideline of “Continuous monitoring of the enforcement effects and the quality of work of enforcement agents”, the rate of enforcement of enforceable decisions in 2019 was decreased by 11%, compared with 2018. Additional analyses are needed in order to establish whether such a decrease is owed to the reduction of fees of enforcement agents.
- The new Law on Mediation (Official Gazette of the Republic of Macedonia Nos. 188/2013, 148/2015, 192/2015 and 55/2016) substantively advanced the concept of mediation. The amendments to the Law on Civil Procedure (Official Gazette of the Republic of Macedonia No. 124/2015) introduce obligatory attempt for mediation in commercial disputes, regarding pecuniary claims the value of which is not higher than MKD 1,000,000. In the period from 2016 to 2019, the mediation success rate was 72%, i.e. out of the total number of 1,570 cases, settlement was reached in 1,137 cases. The success rate in commercial disputes settled by mediation was 28.3% (out of the total number of 567 cases, settlement was reached in 161 cases), while the success rate in labour disputes settled by mediation was 99.6% (out of the total number of 948 cases, settlement was reached in 945 cases). It would be most appropriate to introduce mediation as an obligatory attempt to resolve this type of disputes, considering the high success rate of mediation in labour disputes, i.e. the high number of reached settlements. Additional efforts are required in order to apply mediation, as an alternative way of dispute resolution, under the Law on Justice for Children, as well as in consumer protection disputes.

<sup>88</sup> Conevska and Kamberi (n 9).

## 2. STRATEGIC GOAL: EFFICIENCY

- There were sound results in decreasing the backlog of cases by 27%, compared with 2018, as well as in reaching almost a 14% decrease of cases in which violation of the principle of a trial within a reasonable time was established. However, enhanced measures are required for more efficient dealing with pending cases, which mark an increase of almost 9%, due to the increase of influx of new cases in 2019.
- The least efficient appellate court in average spends 33% more per resolved case than the best cost-efficient appellate court. In average, the last ranked first instance court spends 2.6 times more per resolved case compared with the best cost-efficient first instance court. The productivity rate in resolving cases (number of resolved cases per judge) was improved in 2019, compared with 2018 at 16 first instance courts and two appellate courts, while the productivity rate was decreased at 11 first instance courts and at 2 appellate courts. An additional analysis is needed to establish the reasons for such marked differences in the efficiency and in the productivity of courts.
- Despite the fact that the Methodology of Judicial Statistics has been partially harmonized with relevant internationally accepted indicators for the judiciary, the Methodology is not applied in the practice. It is necessary to complete the relevant harmonization of the Methodology and to publish the current values of indicators set forth under the Methodology in regular reports prepared by the justice system bodies, being also necessary to undertake particularly focused efforts to apply the Methodology in the practice.
- The efficiency of courts to a great extent also depends on the work of expert court associates. In 2019, the number of expert court associates per judge increased to 1.22.<sup>89</sup> Surveyed judges most often assessed the expertise and competence of expert court associates with the mark of 4 (46%), on a scale from 1 to 5, where 5 is the highest mark. Surveyed lawyers and public prosecutors also most often gave the same mark (35%). However, there is a significant number of lawyers and public prosecutors who assessed expert associates with the mark of 3 (34%). This points to the fact that there is room for additional investments in the education of expert associates.

## 3. STRATEGIC GOAL: TRANSPARENCY

- The Supreme Court and appellate courts regularly publish annual reports. Out of 27 first instance courts, only eight published an annual report about their work in 2019, one court published an analysis of the work on cases, four published only annual statistics about the cases, five published monthly statistics about cases, which was not summarized for the entire year and nine courts did not publish any reports about their work. There are differences in the format of the annual reports published by courts. It is necessary to ensure regular publication of annual reports by all courts, in a standardized format and containing the current values of indicators set forth under the Methodology of Judicial Statistics.
- In 2019, 21 judges attended specialized training for presidents of courts on public relations, which makes 62% of the number of presidents of courts. Additional 14 judges attended public relations training, which makes 3% of the number of the remaining judges.<sup>90</sup>

<sup>89</sup> From 1.16 in 2018.

<sup>90</sup> The average number of judges in 2019 (512) was taken into consideration, out of which the total number of presidents of courts (34) was deducted.

## **4. STRATEGIC AREA: STRATEGIC PLANNING AND POLICY-MAKING**

- Most of the judges (54%) and of lawyers (64%) answered that the Government sometimes consults them in connection with initiatives for legislative amendments having a direct impact on the justice system. Different from them, the most often given answer by prosecutors (48%) was that they were rarely consulted. More active and more inclusive involvement of representatives of judges, lawyers and of public prosecutors is required in drafting legislative provisions applying to the justice system, including through their respective associations and chambers.
- Lawyers and public prosecutors most often assessed (30%) the capacity for efficient budgeting of courts with the mark of 4, the highest possible mark being 5, and 26% respondents gave the mark of 3. Public prosecutors and lawyers most often assessed (35%) the capacity for efficient budgeting of public prosecutor's offices with the lowest mark 1, while 27% gave the medium mark of 3.
- Surveyed lawyers and court staff most often answered that in the period from 2017 to 2020 there was no change in the situation with strategic planning and policy-making in the sector (49% and 37% respectively). The Judicial Council and the Ministry of Justice do not have sufficient staff for analysis and research, for strategic planning, monitoring and coordination of the reform. It is necessary to strengthen the strategic planning and policy-making capacities, including the budgeting capacities at justice system bodies, as well as at the Ministry of Justice.

## **5. STRATEGIC AREA: JUDICIAL INSTITUTIONS**

- Based on the Analysis of the court network, following the 2019 amendments and supplements to the Law on Courts, in 2020, the Gevgelija First Instance Court, the Kavadarci First Instance Court and the Kichevo First Instance Court became courts of expanded competences. With a view to rationalizing the court network, as emphasized in the Analysis, a more in-depth analysis is needed of each court individually.
- Despite the fact that the judicial budget was increased to 0.29% of the GDP in 2019, from 0.28% in 2018, the finally approved budget for the judiciary amounts only to 66% of the requested funds and is far from the legally guaranteed level of 0.8% of the GDP. Urgent measures are needed in order to put an end to the continual violation of legislative provisions. Even though there is an independent Judicial Budget Council, the judiciary cannot manage to acquire the required level of funding. The category of goods and services, which takes up a share of less than 13% of the total budget, does not suffice to cover for all needs arising from the every-day work of courts. Compared with the budget structure in countries of the European Union, the share of capital expenditures (7%), which also includes investments in computer and software modernization, is not at the required level.

## 6. STRATEGIC AREA: CRIMINAL MATTERS

- Equality of arms is a substantive element of the right to a fair trial. Most of the surveyed citizens- parties to proceedings are satisfied (giving the mark of 5 or 4) with the possibility provided to them by courts to present and challenge evidence. However, there is a significant percentage of respondents (32%) who are dissatisfied (they gave the mark of 1 - completely dissatisfied or 2) with the provided possibility to present and challenge evidence. As regards the respect for the presumption of innocence principle, the survey results show that the level of dissatisfaction of citizens is the highest (50%) when it comes to respect for the presumption of innocence principle by the media.
- Despite the fact that a new Law on Free Legal Aid was adopted in 2019, which expended the scope of persons who are eligible for free legal aid, in 2018 and in 2019, the Ministry of Justice did not receive any applications for approval of free legal aid for children-victims of crimes. This emphasizes the need to immediately make an analysis of the reasons, i.e. the scope and the manner of application of the new Law.

## 7. STRATEGIC AREA: MISDEMEANOUR MATTERS

- Preventive measures (decision, education) evidently predominate vis-à-vis repressive measures (fine, settlement, misdemeanour charges) in the total number of measures ordered following inspection supervision, with preventive measures taking up 85% share. The settlement procedure is more often applied (64%), rather than institution of misdemeanour charges.

## 8. STRATEGIC AREA: CIVIL MATTERS

- About third of citizens and 13% of lawyers do not consider that courts provide equal treatment for citizens regardless of their income, national or social origin, gender, or religion. Although the majority of citizens and lawyers consider that there is equal treatment, the percentage of those who consider that there is no equal treatment underscores the need for further analysis of the reasons for such a perception.
- 59% of surveyed citizens and 63% of surveyed lawyers were relatively satisfied with the manner in which they were provided with the possibility to present their evidence, 14% of surveyed citizens were relatively dissatisfied, while 23% of surveyed citizens and 38% of surveyed lawyers were neither satisfied nor dissatisfied.
- 53% of surveyed citizens and half of the lawyers were relatively satisfied with the manner in which the judge heard witnesses. 16% of citizens were relatively dissatisfied, while 18% of citizens and 50% of lawyers were neither satisfied nor dissatisfied.
- 45% of surveyed citizens who were parties to civil proceedings were not satisfied with the duration of the proceedings. Most of the surveyed lawyers (44%) assessed their satisfaction with the duration of court proceedings with the mark of 3, on a scale from 1 to 5.
- The Supreme Court and appellate courts have not published data on their websites about the required costs for the proceedings. Five first instance courts have not published any information about costs for various certificates, confirmations, or certification of documents. 15 first instance courts have not published any information about the costs for other proceedings. All courts need to publish the fees, i.e. costs for the proceedings.



