



Финансирано од
Европска Унија



Европско движење Северна Македонија
European Movement North Macedonia



SFPA
Slovak Foreign Policy Association

NATIONAL CONVENTION ON THE EUROPEAN UNION IN THE REPUBLIC OF NORTH MACEDONIA

(NCEU-MK)

16 TH SESSION OF WORKING GROUP 3, JUDICIARY AND FUNDAMENTAL RIGHTS - CHAPTER 23

“FRENCH CONTRIBUTION TO THE RULE OF LAW IN THE REPUBLIC OF NORTH MACEDONIA”

RECOMMENDATIONS

TOPIC: “PATHS TO INTEGRITY AND INDEPENDENCE OF THE JUDICIARY: A KEY CHALLENGE IN THE REFORMS FOR RULE OF LAW AND FIGHT AGAINST CORRUPTION “

I. RECOMMENDATIONS FOR STRENGTHENING INTEGRITY IN THE JUDICIARY OF THE REPUBLIC OF NORTH MACEDONIA

1. The Judicial Council and the Council of Public Prosecutors should initiate a discussion on the possibility of introducing mandatory annual self-evaluation of courts and public prosecution offices, in accordance with United Nations standards (Article 11 of the UN Convention against Corruption), through the establishment of a body responsible for its implementation, with the participation of judicial and prosecutorial councils, the academic community, and civil society.

2. It is proposed that the Ministry of Justice, through working groups, initiate a more precise regulation of disciplinary procedures within the Law on Courts, the Law on the Judicial Council, the Law on the Public Prosecutor’s Office, and the Law on the Council of Public Prosecutors, with special emphasis on cases of bias and breaches of ethical norms. Additionally, it is recommended that decisions on imposed disciplinary measures against judges and public prosecutors be published regularly and in a timely manner by the Judicial Council and the Council of Public Prosecutors.

3. It is recommended to strengthen the exchange of best practices in the judiciary by enhancing the continuous training of judges and public prosecutors through various forms:

a) Increasing the number of trainings within the annual program of the Academy for Judges and Public Prosecutors (AJPP), with a focus on judicial ethics, anti-corruption efforts, and the application of new technologies;

b) Occasionally involving foreign experts to introduce European and international practices for strengthening judicial integrity and their application in the national context;

c) Organizing additional experience-sharing activities through conferences and workshops with the participation of judges and public prosecutors from EU countries and the Western Balkans, with emphasis on judicial integrity and the transparency of the judicial system.

4. It is necessary to limit the adoption of new laws without prior thorough analysis of their practical implementation, in order to avoid regulatory uncertainty, legal instability, and confusion in judicial practice.

Laws are often adopted without sufficient consultation with relevant stakeholders, without clear impact assessments, and without the necessary conditions for effective implementation. This results in inconsistent judicial practice and reduces legal predictability. It is recommended to introduce a mechanism for ex-ante evaluation of laws, especially in the field of justice, along with mandatory public consultations and pilot implementations before the laws enter into force.

5. It is recommended to strengthen the transparency and proactive role of the Integrity Officer and the Ethics Council, which are established as bodies with clearly defined competences under the Code of Ethics for Public Prosecutors. These bodies should regularly provide public information and express opinions, contributing to greater adherence to ethical standards by prosecutors. Additionally, they should play a more active role in preventing and promoting integrity through education, recommendations, and the initiation of appropriate measures.

II. PROPOSALS FOR AMENDMENTS TO THE LAW ON THE ACADEMY FOR JUDGES AND PUBLIC PROSECUTORS

Since the entry into force of the Law on the Academy for Judges and Public Prosecutors, certain weaknesses and problematic provisions have been identified that hinder its effective functioning. Therefore, amendments and supplements are needed in Chapter IV — Training of Candidates for Judges and Public Prosecutors, with a specific focus on the admission process and initial training.

1. Following the adoption of decisions on the number of available positions and needs by appellate areas, the Governing Board of the Academy should organize the admission process in a timely and systematic manner—by setting the exam date, determining the number of trainees, and ensuring the regular start of training on September 1. Such planning enables continuous staffing reinforcement of the judiciary and prosecution.

2. A revision of the admission criteria for the Academy is needed, including the removal of the requirement for at least two years of work experience after passing the bar exam and the elimination of the obligation to demonstrate knowledge of a foreign language (B1 level) during the entrance exam, as language skills can be acquired during training and assessed in the final exam. Additionally, the introduction of an age limit for applicants could be considered.

3. It is necessary to revise the entrance exam by removing the EU language test, the psychological test, and the integrity test. The latter two should be transferred to the phase of selecting judges and prosecutors, under the authority of the Judicial Council and the Council of Public Prosecutors, to ensure more effective selection in the final stage of the process.

4. For higher quality preparatory instruction, it is proposed—under Article 34 of the Law on the Academy that the training last at least five working days and begin no later than 45 days before the entrance exam. This approach will allow for better candidate preparation, improved access to materials, and increased success rates.

5. It is necessary to improve the structure of the entrance exam by organizing it in two parts — a qualification exam and a practical exam. The practical part should include the drafting of a judgment or indictment based on ad acta case files, as well as a structured interview, to objectively assess the candidates' analytical, legal, and practical skills.

6. The initial training should be personalised and flexible, tailored to each candidate's knowledge and experience. Instead of a single unified programme, an individual training plan should be developed for each trainee, lasting between 15 and 30 months. The training should be conducted in two phases: a preliminary phase (3 months) involving self-evaluation and the creation of a personal learning plan, and a main phase (12–27 months) combining theoretical and practical instruction. This model enables more effective preparation, particularly for legal associates from courts and prosecution offices, whose training should be specifically adapted. In general, it is recommended to reduce the duration of theoretical instruction in favour of increased practical training.

7. Following the completion of the final exam, it is recommended that the preliminary ranking lists be submitted to the Judicial Council and the Council of Public Prosecutors, which will conduct an assessment of the candidates' assets and personal integrity. Only those who pass this screening should be included in the final ranking list, ensuring that the selection of judges and prosecutors is based on integrity, transparency, and high ethical standards.