

**First session of Working Group 3 - Judiciary and Fundamental Rights
“Independent and unbiased judiciary - systematic and moral dilemmas”**

RECOMMENDATIONS

1. An urgent reform of the Judicial Council is needed to enable the strengthening of personal and functional capacities through transparent, accountable, and responsible work. For this purpose, a procedure should be envisaged for the election of members of the Judicial Council with a qualified majority of the total number of judges, as well as an opportunity to appeal the procedure. Also, individually and collectively, the members of the Judicial Council should be liable before the body that elects them. Due to the insufficient clarity of the basic criterion for electing members, it is recommended to define more precisely, what really a “prominent lawyer” is.
2. In order to achieve greater transparency in the appointment and promotion of judges, it is necessary to consistently and fully respect objective, professional, and qualitative criteria, without any concessions from a political or other nature.
3. In dismissing judges or in determining disciplinary measures against judges, the standards established in the case law of the European Court of Human Rights (ECHR) should be respected. In addition, in the application of substantive and procedural law, judicial practices and judgments of the European Court of Human Rights should be respected.
5. In the selection of candidates for judges and public prosecutors to be trained at the Academy for Training of Judges and Public Prosecutors, it is proposed to also introduce shortened and intensive initial training for candidates from the files and ranks of: a) legal officers in the courts and public prosecutor’s offices who have at least five years of working experience, and b) from prominent attorneys-at-law with experience of over ten years.
6. Considering that the independence and impartiality of the judiciary is closely related to the use of adequate material resources and technologies, it is necessary to take urgent measures to improve the material conditions for the work of the courts, as well as increase the salaries of judges and court administration.
7. In order to effectively implement its role as a bridge linking justice institutions, civil society and the executive branch of government, the Judicial Reform Council should be formally relocated outside the Government, thus ensuring transparency of the dialogue and recommendations.
8. The Assembly and its bodies should increase their participation in the EU accession process through continuous parliamentary monitoring of the implementation of the recommendations relating to Chapter 23 and by intensifying the practice of public debates with key stakeholders, including the non-governmental sector.



9. Civil society should be regularly informed and consulted in the implementation of the judicial reform. For that purpose, an Ad Hoc working body has been formed with members proposed at the first session of the NCEU-MK of the WG 3 – Judiciary and Fundamental Rights, which would follow and would be involved through amendment proposals in the public debate on the draft laws, as well as on Academy for Training of Judges and Prosecutors.

