

NATIONAL CONVENTION ON THE EUROPEAN UNION IN THE REPUBLIC OF NORTH MACEDONIA (NCEU-MK)

EUROPEAN STANDARDS FOR DISCIPLINARY AND APPOINTMENT MECHANISMS IN THE JUDICIARY AS A KEY ELEMENT OF THE RULE OF LAW

13 NEWSLETTER



**18TH SESSION OF WORKING GROUP 3
JUDICIARY AND FUNDAMENTAL RIGHTS
(CHAPTER 23)**

On February 12, 2026, in Skopje, the 18th session of Working Group 3 (Judiciary and Fundamental Rights) was held within the framework of the National Convention on the EU (NCEU-MK). Under the title "European Standards for Disciplinary and Selection Mechanisms in the Judiciary," key stakeholders in the country debated the necessary steps toward restoring public trust in the legal system, with a focus on the balance between judicial independence and accountability.



- **Stricter criteria:** Minister of Justice Igor Filkov announced amendments to around thirty laws aimed at ensuring a professional and transparent judiciary, with special emphasis on reforms within the Judicial Council. The new solutions introduce clear criteria for selection and dismissal, public hearings, and precise deadlines for proceedings, with the goal of eliminating lengthy procedures and corruption risks.
- **Merit system and integrity:** The Director of the Academy for Judges and Public Prosecutors, Irina Trajkovska-Strezoski, emphasized that the new legislative solutions will incorporate all international recommendations for rigorous staff selection. She stressed that continuous education and ethical standards are key to building a professional and resilient judicial cadre.
- **Accountability over politics:** Professor Aleksandra Deanoska-Trendafilova called for greater transparency in the voting of the Judicial Council and for the application of existing mechanisms to "purify" the judiciary. She underscored that even the best laws are worthless without integrity in their implementation, appealing for a substantive assessment of reforms that takes the national context into account.
- **International support:** Representatives of the OSCE and the Embassy of Slovakia confirmed that progress in Chapter 23 remains a central condition for European integration, offering expertise for the consistent implementation of laws. The Ambassador of Slovakia stressed that reforms must result in real and sustainable changes, not just formal alignment with legislation.
- **The session concluded with draft recommendations** that will be submitted to the institutions as a direct contribution from the civil sector to the reform process. Participants agreed that the key to success lies in the consistent implementation of laws, strengthening institutional integrity, and developing a legal culture based on accountability and professionalism.



Mileva GJUROVSKA

Professor, Faculty of Philosophy
– UKIM, National coordinator of
NCEU-MK, President of the
European Movement in North
Macedonia

Professor Mileva Gjurovska opened the 18th session of Working Group 3, emphasising the inclusiveness and broad scope of the participants. She noted that the presence of representatives from state institutions, the judiciary, diplomacy, and the civil sector confirms the relevance of the platform as a space for substantive dialogue on judicial reforms.

In her opening remarks, Gjurovska positioned the session's topic Chapter 23: Judiciary and Fundamental Rights as a crucial pillar of Cluster 1, "Fundamentals." She emphasised that progress in this specific chapter serves as an indicator of the country's maturity in practising the rule of law, moving beyond formal compliance with the *acquis* and entering the realm of actual institutional functionality.

Reflecting on the Convention's work so far, Gjurovska pointed out that after 17 sessions, progress in Chapter 23 is evaluated through a system of opening, interim, and closing benchmarks. While some progress is evident in the first two phases, she warned that the final phase, which is linked to the formal negotiation process, will require significantly deeper and more sustainable results. In this context, she stressed that Chapter 23 cannot be treated as a technical issue; on the contrary, it represents a "stress test" for the entire system. This test measures the state's capacity to resist political influences, ensure the prosecution of high-level corruption, and build institutions with genuine independence and integrity. According to her, legislative changes are necessary but insufficient without visible results in practice.

The National Coordinator further indicated that the Convention's approach so far based on monitoring current challenges and incorporating them into debates allows for a more authentic understanding of the reform processes. She underlined that, despite numerous strategies and analyses, the key indicator remains the perception of citizens, namely whether they feel that justice is accessible and that institutions are functioning to their benefit.

At the end of her speech, she warned of growing public pessimism regarding the judicial system, which could undermine trust and lead to people giving up on seeking justice. In response, she called for a more affirmative and constructive approach to reforms, highlighting that the National Convention remains a space dominated by expert arguments rather than political positions, and where an integrated approach to Cluster 1 is being built by linking Chapters 23 and 24.

Igor FILKOV

Minister of Justice of the
Republic of North Macedonia



The Minister of Justice of the Republic of North Macedonia, Igor Filkov, emphasised in his address the central role of transparent and high-quality mechanisms for selection, promotion, and disciplinary accountability as prerequisites for an efficient and credible judicial system. The Minister noted that the independence and impartiality of judges are not merely formal principles, but essential guarantees for legal certainty, the protection of human rights, and citizens' trust in the institutions.

The Minister underlined that strengthening the independence and efficiency of the judiciary represents a clear priority for the Government, with reform interventions aimed precisely at selection and disciplinary mechanisms. In this context, he informed that reforms within the Judicial Council are already underway, with new legal solutions establishing clearer criteria and higher standards of accountability.

Regarding the legislative changes, Filkov pointed out that precise criteria for selection and dismissal have been introduced, alongside stricter requirements for professional experience, particularly through the redefinition of the term "distinguished jurist." Additionally, the Minister announced the introduction of public hearings for the selection of non-judicial members, thereby increasing transparency and public oversight of the process.

According to him, special attention has been paid to disciplinary proceedings, which are now clearly regulated with defined grounds for liability and an established composition of disciplinary committees. The minister emphasised that an urgent procedure is being introduced to determine the accountability of judges and court presidents, with a six-month time limit, to avoid delays and inefficiency.

In the area of public prosecution, Filkov announced that the new Law on Public Prosecution is in its final phase of adoption and will integrate European standards and recommendations. The law provides for the establishment of a merit-based system for the selection, promotion, and evaluation of prosecutors, as well as the strengthening of their autonomy through clearly defined limitations on issuing mandatory instructions.

Additionally, precise deadlines are being introduced for disciplinary proceedings, six to nine months, depending on the complexity of the cases, along with a gradation of disciplinary offences, in line with GRECO recommendations. According to the minister, these measures aim to strike a balance between a fair procedure and effective

According to the minister, these measures aim to strike a balance between a fair procedure and effective accountability. Filkov further emphasized that the Government has already adopted the new Law on the Council of Public Prosecutors, which introduces higher criteria and transparent procedures for the selection of its members. A key innovation is the obligation for all decisions regarding selection, promotion, or dismissal to be publicly explained, making transparency a legal requirement rather than a voluntary practice.

In conclusion, the minister indicated that these legislative changes are a response to detected weaknesses in the system and bring an end to protracted proceedings, corruption risks, and insufficient accountability. With a package of around thirty laws, the reform process aims to establish a judiciary that is professional, impartial, and functional, with the ultimate goal of restoring citizens' trust.

"Transparency will no longer depend on good will; it will be a legal obligation – every decision will be publicly explained."



Iveta HRICOVA

Ambassador of the Slovak Republic to the Republic of North Macedonia

Iveta Hricová, the Ambassador of the Slovak Republic, emphasised that the topic of Chapter 23 goes beyond a technical dimension and is essentially a political issue. She underlined that the rule of law is the "backbone" of the European Union and a crucial prerequisite for a functional democracy, the protection of human rights, and legal certainty.

The Ambassador stressed that for candidate countries, judicial reforms must not be reduced to formal alignment with legislation, but must result in real and sustainable changes. Hricová pointed out that Slovakia's experience shows that legal changes are only a starting point, while the real challenge lies in their consistent and impartial implementation.

In this context, she emphasised that European standards and recommendations provide a clear direction, but their value is confirmed solely through practical application. According to her, progress in Chapter 23 is closely monitored precisely because it serves as an indicator of the credibility of the entire accession process.

The Ambassador also highlighted Slovakia's continuous support, which, as she pointed out, is not just a political declaration, but a concrete and long-term cooperation. In doing so, she expressed readiness to share experiences, including lessons learned from their own reforms, regarding both the positive results and the challenges they faced.

Irina

TRAJKOSKA STREZOSKI

Director of the Academy of Judges and Public Prosecutors



Irina Trajkoska-Strezoski emphasized the importance of human capital as a key element in the reforms of the judicial system. She pointed out that an independent and efficient judiciary and public prosecution are essential to the Republic of North Macedonia's progress toward European Union membership, with the integrity and impartiality of judicial office holders being central prerequisites for the rule of law.

In her presentation, Trajkoska-Strezoski stressed that training, ethical standards, and professional integrity must not be treated as formal requirements, but as the foundation for a functional system. Continuous education, according to her, plays a dual role – it strengthens the expertise of judges and prosecutors while simultaneously acting as a preventive measure against disciplinary violations and external influences.

She positioned the Academy as a crucial institution in providing objective criteria for selection and promotion, as well as in promoting ethical standards. In the context of ongoing reforms, her address placed a special emphasis on the new draft law for the Academy, which is currently being prepared and incorporates recommendations from relevant domestic and international analyses and assessment missions.

According to the proposed solutions, a clearer institutional framework is envisioned by delineating responsibilities among the director, the Executive Board, and the Program Council, aiming for increased accountability and efficiency. Additionally, the role of the Program Council in the design and quality of training is being strengthened, which should ensure a more consistent and standardised approach to professional development.

The reforms also include significant changes to the admission process, introducing objective evaluation criteria, including tests for legal knowledge and proficiency in foreign languages. It provides for an annual intake of candidates based on realistic staffing projections, as well as a merit-based ranking system that will influence their future placement, following a model inspired by comparative European practices.

In conclusion, Trajkoska-Strezoski emphasised that the ultimate goal of these reforms is to create a professional and resilient judicial staff capable of responding to modern challenges. The adoption of the new law, according to her, will enable the systemic strengthening of capacities and contribute to greater legal certainty and trust in institutions.



Suzana Joshevska Atanasovska

State Secretary at the Ministry of
Interior of the Republic of North
Macedonia;

Suzana Joshevska Atanasovska began her presentation by assessing that the adopted legal amendments represent a significant step forward in regulating disciplinary procedures and the processes for the selection and promotion of judges. According to her, the new Law on the Judicial Council establishes a solid legal framework, incorporating most of the recommendations from relevant assessment missions, as well as the standards of the European Court of Human Rights and the Council of Europe. Thus, this normative setup creates a foundation for a merit system that should result in high-quality and well-founded decisions.

However, the central focus of her presentation was directed toward the challenge of implementation. She emphasised that, despite a high-quality legal framework, the crucial question remains how these norms will be applied in practice, and in this context, she pointed out that the very gap between the normative and the factual is the chronic weakness of the system.

Joshevska Atanasovska additionally indicated that European standards should not be understood as a formal process of harmonisation, but rather as a substantive transformation of the judicial system. She stressed that judicial independence is not a privilege of judges, but a right of citizens, which establishes the need for careful balancing between independence and accountability as a key principle.

In that direction, she insists on understanding the "spirit of the law" just its formal application. According to her, transparency, accountability, and the merit system cannot be fully exhausted through legal provisions alone; instead, they require an institutional culture and consistent practice. That is precisely why she expects the Judicial Council to utilise the new framework to build trust among both judges and the public.

From a practical standpoint, she pointed out that there is still not enough experience with the application of the new law, given that no disciplinary procedures have been finalised, nor have any selections or promotions been realised under the new rules. According to her, this creates a certain uncertainty and justified concerns, particularly in the area of judicial evaluation.

Nevertheless, Joshevska Atanasovska highlighted the relationship between quantitative and qualitative evaluation as a key issue, along with the need to ensure fair treatment for judges working under different conditions and with varying workloads.

Her suggestion is that these aspects should be further developed precisely through practice, especially where the law leaves room for interpretation.

Concluding her speech, Joshevska Atanasovska expressed moderate optimism that with the right approach and professional commitment, it is possible to build a more efficient and credible system. She also emphasised the importance of constructive debate and the exchange of ideas as a prerequisite for improving implementation and achieving the standards to which the judicial system aspires.

Dajanko EFTIMOV

State Secretary at the Ministry of
Justice



Dajanko Eftimov, State Secretary in the Ministry of Justice and co-chair of the session, emphasised at the outset that the disciplinary and selection mechanisms within the judiciary are a crucial element of the rule of law. He highlighted the role of the National Convention on the European Union as an important partner in advancing reform processes and aligning with European standards. In doing so, he expressed gratitude for the Convention's continuous contribution to raising standards in the judicial system, particularly in the context of implementing the recommendations from the European Commission, GRECO, and other relevant international and domestic sources. According to him, this type of inclusive approach helps create higher-quality legal solutions and ensures their more effective application in practice.

Reflecting on the reform agenda, he emphasised the central role of the Ministry of Justice as the driver of the process, informing that several working groups have been established over the past period to prepare new and amended laws in key areas of the judiciary. These activities, as he pointed out, have a dual purpose: improving the actual functioning of the system, while also advancing public perception regarding the rule of law.

Special emphasis was placed on the new Law on the Judicial Council, which is already in force and addresses previously identified weaknesses, such as legal loopholes and insufficient precision within the provisions. He shared that the new solutions introduce clear deadlines and limit the possibility of arbitrary interpretation, while also taking into account the recommendations of the Venice Commission and the Assessment Mission.

Eftimov confirmed that the Draft Law on the Public Prosecutor's Office is already in parliamentary procedure, focusing on specifying the criteria, deadlines, and mechanisms for selection and accountability.

The goal, according to him, is to establish a system that will be resilient against arbitrariness and ensure a clear separation of competencies, particularly regarding the interpretation and application of laws.

At the end of his address, the State Secretary also shared that the new Law on the Council of Public Prosecutors is currently in preparation, which will further regulate the procedures related to selection and disciplinary liability. "The goal is to build a system without legal loopholes and without room for arbitrary interpretation, where the rule of law will be a reality, not a formality."



**Aleksandra
DEANOSKA
TREDAFILOVA**

Coordinator of WG-3, Professor,
Faculty of Law "Justinianus I",
UKIM, Skopje

Aleksandra Deanoska-Trendafilova emphasised the expert character of this platform. She pointed out that it is precisely through such forums that a substantive exchange of arguments is enabled between academia, the judiciary, institutions, and international partners, making the Convention a relevant actor in the reform process.

Reflecting on the reform agenda, Deanoska-Trendafilova assessed that although there was initially a perception of lagging behind, intensive work on several legislative solutions in parallel is already yielding concrete results. She emphasised that this process often remains "invisible" in formal reports, but its essential value becomes obvious with the finalisation of the legal texts.

Nevertheless, Deanoska-Trendafilova underlined that the quality of laws is not sufficient on its own; rather, the key factor remains the practical application and the integrity of the entities implementing them. According to her, even the best legal solutions can be compromised if a bona fide approach is lacking, whereas even weaker solutions can yield results if there is genuine commitment.

Regarding specific reforms, she welcomed the adoption of the Law on the Judicial Council, emphasising that a large portion of the Assessment Mission's recommendations has been incorporated into it, within constitutional limitations. At the same time, she pointed out that part of the reforms remains conditioned by broader institutional issues, including the need for constitutional amendments, which represent a more complex political process.

Deanoska-Trendafilova noted that significant steps have been made in the new legal solutions, particularly in the area of disciplinary liability, through the categorisation of violations and sanctions in accordance with GRECO recommendations.

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Additionally, she highlighted the introduction of precise processing deadlines as a key novelty, representing a fundamental prerequisite for efficiency and legal certainty.

Speaking from a citizen's perspective, she emphasised that transparency must be visible and understandable to the public. As an example, she stated that the decisions of the Judicial Council should include specific explanations – including the number of votes and the arguments "for" and "against" – so that citizens have realistic insight into the decision-making process.

Commenting on the selection of the public prosecutor, she expressed expectations for greater openness in the process, including a public presentation of the candidates' programs, as this approach is necessary for an institution that plays a crucial role in criminal prosecution and the protection of citizens' rights. Furthermore, she pointed to the need for systematic and regular evaluation of public prosecutors as a mechanism for strengthening accountability and professionalism. Instead of politically sensitive models like vetting, she proposed the consistent application of existing mechanisms, which can contribute to "purging" the system and reducing generalised mistrust.

In a broader context, Deanoska-Trendafilova warned of growing Euroskepticism and called for a more inclusive and substantive approach in the evaluation of reforms by international institutions. She emphasised that a formal "check-box" approach does not reflect the complexity of the legal system, and that dialogue, adaptation, and an understanding of the national context are needed.

In conclusion, she appealed for an interactive approach to aligning with European standards, in which recommendations will not be treated as mechanical adoption but rather as guidelines to be adapted to the domestic legal and institutional system. According to her, only through such an approach can a sustainable and credible reform process be ensured.

"Even the best law is worthless if there is no integrity in its application – and the transparency felt by citizens is the true test of reforms."



Kilian WAHL

Ambassador of the OSCE
Mission in Skopje

Kilian Wahl, Ambassador of the OSCE Mission to Skopje, issued a call for a conceptual rethinking of the term "European standards," which is frequently used in reform discourse. He pointed out that there is no unified or formalised "manual" for these standards; rather, they are the result of accumulated experience and a shared understanding of how an independent and efficient judiciary should function.

Instead of a formal set of rules, Wahl suggested focusing on international best practices, which have developed over decades within European and international organisations. In this context, he reminded that the OSCE participating States, including the Republic of North Macedonia, actively contribute to shaping these standards through a series of documents and commitments related to judicial independence and the rule of law.

He emphasised that judicial independence is a fundamental principle, closely linked to the right to a fair trial, democracy, and the protection of human rights. According to him, judge selection procedures should be based on merit, competence, and integrity, conducted through transparent processes and institutions protected from political influence.

Regarding institutional design, Wahl pointed to the importance of a balanced composition of judicial governance bodies, with a majority of members drawn from among judges elected by their peers. This approach, as he noted, contributes to greater legitimacy and enhanced accountability in decision-making processes.

Disciplinary mechanisms, in his view, must be designed with equal care. He emphasised that they should function independently, with a clear separation between the investigative and decision-making phases, and with full procedural guarantees—including the right to a defence, access to evidence, and the right to appeal. Transparent and reasoned decisions are key to maintaining the balance between accountability and independence.

Reflecting on the situation in the country, Wahl pointed out that the legislative framework is largely in place, but the main challenge remains its consistent implementation. Particularly important, according to him, is the functioning and transparency of the judicial governance bodies, which directly impacts public trust.

He further indicated that adequate financial and human resources are an essential prerequisite for an independent and efficient judiciary. Understaffing, as he emphasised, can compromise the ability of institutions to conduct fair and merit-based procedures.

Presenting specific findings, Wahl referred to the 2023 judicial corruption risk assessment supported by the OSCE, which shows significant perceptions of distrust among judicial office holders themselves. A substantial portion of judges and prosecutors do not perceive the processes of appointment, promotion, and disciplinary liability as fair and objective.

In this regard, he stressed that anti-corruption measures and transparency in these processes are key to strengthening judicial independence. The OSCE Mission, as he pointed out, actively supports analyses and policies aimed at reducing corruption risks and promoting institutional integrity.

Additionally, Wahl shared information about the ongoing cooperation with the State Commission for Prevention of Corruption and the support provided in developing integrity policies within key judicial institutions, including the Public Prosecutor's Office. These activities, according to him, are part of a broader approach toward systematically strengthening the resilience of institutions.

In conclusion, he underlined that judicial reforms are first and foremost a national responsibility, but international partners, including the OSCE, remain ready to provide support. The key to success, according to him, lies in consistent implementation, institutional integrity, and a clear political and societal commitment to the rule of law.

"There is no manual for European standards—there are shared values and best practices, and their true strength is demonstrated through consistent application."

**Katerina
GEORGIEVSKA**

Judge at the Supreme Court of
the Republic of North
Macedonia



Katerina Georgievska, a judge at the Supreme Court of the Republic of North Macedonia, addressed one of the most sensitive yet essential issues for the judicial system in her presentation – the accountability of judges. She emphasised that without a clearly established system of accountability, there can be neither trust in the judiciary nor a functioning democracy.

Georgievska opened the key dilemma often raised in the public eye – whether the judiciary should be independent or accountable – and clearly pointed out that these two principles are not opposing, but complementary. According to her, independence without accountability loses its essence, whereas true independence entails effective accountability mechanisms.

She defined accountability as a multi-layered concept that encompasses legal, disciplinary, ethical, and social dimensions. Judges, as holders of significant public office, must be held accountable for unlawful, negligent, and unprofessional conduct, while simultaneously preserving the integrity and dignity of the judicial office.

Particular emphasis was placed on the need for judges to act in accordance with laws, procedures, and deadlines, as well as to respect professional and ethical standards. In this context, Georgievska stressed that accountability does not threaten independence but rather serves as a mechanism that protects it, preventing the perception that judges are "untouchable."

She drew a clear distinction between the independence of a judicial decision and accountability for the procedure that leads to it. While independence protects the decision's content from external influences, accountability ensures that the process is lawful, transparent, and fair.

Georgievska also pointed out specific weaknesses in practice, such as lengthy, inefficient proceedings and insufficiently clear disciplinary mechanisms. However, she warned that generalising criticism toward the entire judiciary is problematic, as it fails to differentiate between professional judges and those who may not meet the standards.

In this regard, she emphasised that the accountability system should be designed to isolate and sanction those who act unlawfully, while recognising, supporting, and encouraging professional and honest judges. A key instrument for this is clear, measurable criteria for evaluating work, as well as timely, high-quality, and well reasoned decisions.

Georgievska specifically highlighted transparency as a prerequisite for trust, emphasising that citizens must have insight into the functioning of the system. Trust, according to her, is not built declaratively, but through consistent respect for the law, equal treatment, and visible results.

She further stressed the role of a judge's personal integrity, pointing out that reforms cannot be exclusively normative; rather, they require an internal professional culture. The courage to make lawful decisions without succumbing to pressure is an essential part of that culture.

In conclusion, Georgievska noted that judicial accountability is not an expression of distrust, but rather an indicator of a society's maturity. Only a system that establishes a fair balance between independence and accountability can ensure equitable and predictable justice.

Lile STEFANOVA

Public Prosecutor at the Public
Prosecutor's Office of the
Republic of North Macedonia



Public Prosecutor Lile Stefanova focused her presentation on the practical challenges of disciplinary liability within the prosecution service. She pointed out that, despite numerous legal reforms over the years, the key problem remains the gap between normative solutions and their real-world application.

Stefanova emphasised that the judicial system has experience with multiple legal solutions that were assessed as aligned with European standards at the time of their adoption, but over time, their practical implementation proved to be limited. According to her, practice is precisely the test that shows whether a certain law "lives," which is why amendments and supplements are a natural and necessary process.

In her analysis, she highlighted the public prosecutor's position as a holder of significant power in criminal proceedings, with a direct impact on citizens' rights and freedoms. Hence, as she stressed, this power must be accompanied by a high level of accountability, including through disciplinary mechanisms for cases of unlawful, unprofessional, or unethical conduct.

Stefanova pointed out that the public rightfully expects professionalism, preparedness, and respect for the rights of the parties involved from prosecutors. In cases where these standards are not met, petitions and complaints are submitted, but their processing depends on existing institutional mechanisms.

Regarding the legal amendments, she compared the old and new solutions for disciplinary proceedings. While the initiative to initiate proceedings was previously strictly centralised, the new solution provides the possibility for the Council of Public Prosecutors to submit initiatives. However, she raised an important question about a potential conflict of roles, given that the same body can also appear as the second-instance decision-maker.

The introduction of gradations for disciplinary violations, as well as the specification of sanctions and deadlines, was positively assessed. Stefanova emphasised that such normative precision contributes to legal certainty, unlike previous vague formulations such as "immediately," which left room for varying interpretations.

A particularly significant novelty, according to her, is the solution whereby the resignation of a public prosecutor no longer terminates the disciplinary proceeding. This, as she pointed out, prevents abuses and allows for the determination of liability, albeit without imposing a sanction. However, she warned that the question regarding the recording and use of this data in other professional contexts remains open.

In this regard, Stefanova suggested considering making disciplinary history a relevant factor in the selection of public prosecutors or in transitions to other legal professions, to ensure the system's effective functioning.

She also pointed out that the number of disciplinary proceedings so far has been relatively small, which could indicate underutilization of the mechanisms or procedural limitations, as the Disciplinary Commission cannot act *ex officio* (by virtue of its office), nor can citizens directly initiate a proceeding.

In conclusion, Stefanova called for a more proactive approach to the use of disciplinary mechanisms and the strengthening of internal oversight within the prosecution service. According to her, it is only through the consistent enforcement of accountability that one can help strengthen integrity and trust in the institution.

"Paper is one thing, reality is another – the true test for any law is its application in practice."



Debate Following the First Panel

Following the conclusion of the first panel, a broad and substantive debate took place in which participants further explored issues related to disciplinary responsibility, appointment, and promotion within the judiciary. The discussion focused on identifying key challenges and potential improvements within the framework of the new legal solutions.



The general assessment was that the new legal framework, particularly regarding disciplinary proceedings, is solidly established and largely aligned with European standards. However, a dominant message from several participants was that the real challenge lies not in adopting laws, but in their practical implementation. In this regard, the need for increased transparency, accountability, and consistency in the actions of institutions was emphasized.

Significant attention was devoted to the new solutions regarding disciplinary proceedings. A key novelty highlighted was the continuation of proceedings even after the resignation of a judge or public prosecutor, aiming to prevent the evasion of responsibility. Although sanctions cannot be imposed in such cases, it still enables the formal determination of liability. Additionally, mechanisms for expunging disciplinary measures after a certain period were discussed, aiming to strike a balance between sanctioning and legal certainty.

During the debate, questions were also raised regarding institutional weaknesses, particularly in the areas of coordination and information exchange between relevant bodies. Some participants pointed out issues with access to data on ongoing disciplinary proceedings, which could impact decision-making regarding appointments and promotions. Although it was noted that certain records exist, there remains a need for their more efficient use and institutionalization.

Furthermore, the role of the Council of Public Prosecutors in disciplinary proceedings was discussed. Some participants believe the Council should play a more central role, while others pointed to constitutional and systemic constraints that condition the current setup. As a compromise, maintaining the existing model is being considered, with the possibility of refining it through secondary legislation and established practice. The debate also stressed the need to avoid potential conflicts of interest, especially in situations where Council members initiate proceedings and subsequently participate in the decision-making process. Recusal from further proceedings was proposed as a solution to strengthen impartiality.

Comparative experiences and European practices were also part of the discussion. It was emphasized that there is no single model, but rather various "hybrid" solutions across European legal systems. Thus, the conclusion was that the national system should adapt international standards in accordance with its own institutional and legal context.

Finally, several participants highlighted the broader systemic issue of frequent legislative amendments—often driven by political factors—which impacts legal stability and predictability. The need for a more consistent, long-term approach to lawmaking was emphasized, alongside greater responsibility in law enforcement.

The debate concluded that, beyond normative improvements, the key to a functional and credible judicial system lies in the consistent application of laws, the strengthening of institutional integrity, and the development of a legal culture grounded in accountability and professionalism.



Muhamed HALILI

ambassador, Council of
Ambassadors

Muhamed Halili, ambassador and member of the Council of Ambassadors, assessed that the discussion so far addresses fundamental issues that have been continuously present in the Macedonian judicial system for two decades. According to him, the topic of disciplinary and electoral/selection mechanisms is not only timely, but serves as a key indicator of whether the system is functioning or failing to function.

He also proposed conceptual precision in framing the topic itself, emphasizing that the sequence "selection and disciplinary mechanisms" is more appropriate, as quality selection precedes effective discipline. In that sense, shortcomings in the selection processes directly reflect on the capacity for disciplinary responsibility, which, in his view, is one of the structural causes of weaknesses in the judiciary.

Halili stressed that referencing European standards is not accidental, but stems from the state's strategic orientation toward membership in the European Union. However, he highlighted that these standards should not merely be accepted formally, but substantively implemented in practice, in line with relevant European legal frameworks and institutional practices.

At the same time, he cautioned that the European Union does not represent an idealized and flawless system, pointing out that deviant phenomena and tensions between politics and the judiciary exist in member states as well. Through concrete examples, he indicated that these challenges are part of a broader European context, which further underscores the need for a critical and realistic approach to reforms in the domestic system.



Olja RISTOVA

Judge at the Court of Appeal,
Skopje

Olja Ristova, a judge at the Appellate Court in Skopje, focused her presentation on the practical implementation of the new Law on the Judicial Council, emphasizing that although the law brings significant improvements, its effectiveness will depend on consistent application in practice.

She assessed that the new solutions represent a step forward compared to the previous legal framework, but that room for improvement remains open.

As key novelties, Ristova highlighted the changes in the procedures for the election and dismissal of members of the Judicial Council, disciplinary liability, as well as the regulation of the election and dismissal of the President of the Council. Additionally, she pointed to the introduction of judicial protection in these proceedings and the two-instance principle as a significant instrument for legal certainty.

She paid special attention to the short deadlines for decision-making and the precise criteria for evaluating judges, as well as the regulation of the execution of decisions of the European Court of Human Rights. According to her, these elements have the potential to strengthen the transparency, independence, and accountability of the Judicial Council.

However, Ristova emphasized that the enactment of the law is only the first step, while the real challenge lies in its implementation and the application of best international practices. As an example of early application, she pointed to the election of new members of the Judicial Council immediately after the law entered into force, which raised questions regarding the manner of implementing the new procedures.

She also pointed out certain practical challenges, particularly regarding the formation of selection commissions, where, in her view, legal provisions are not always consistently respected. In this context, she underlined that the initial stages of implementation are critical for establishing proper institutional practices.

Regarding the selection criteria, Ristova addressed the requirement for a "positive evaluation" of judges, assessing that the set threshold is relatively low for a position such as a member of the Judicial Council. She had proposed higher standards during the public hearing, but emphasized that this shortcoming could be partially overcome through secondary legislation and additional ranking mechanisms.

Furthermore, she identified challenges in the judicial evaluation process, especially during promotion to higher courts, where a risk of subjectivity exists. As a solution, she proposed enhanced training for judges who participate in the evaluation process, in order to ensure objectivity and professionalism.

In terms of transparency, Ristova welcomed the public nature of the Judicial Council's sessions and their recording, but indicated that greater consistency in decision-making is needed. She suggested that Council members engage in self-reflection by reviewing the recordings, aimed at improving the quality of decisions.

According to her, the law significantly improves legal certainty by introducing clear deadlines and two-instance judicial protection, restricting the duration of proceedings for determining responsibility. However, she warned that practical aspects, such as the method of serving documents, could affect the efficiency of the proceedings.



Elvin VELI

Public Prosecutor at the Public
Prosecutor's Office of the
Republic of North Macedonia

Elvin Veli began his presentation with a review of the issue of deadlines in selection procedures, emphasizing that prolonged processes represent a serious systemic problem. He recalled that during the drafting of the 2024–2028 judicial strategy, mechanisms to prevent the lingering of elections were discussed, including the possibility of terminating the mandate of council members if they fail to act within a reasonable timeframe.

According to him, it is unacceptable for judicial selection procedures to take several years while conditions change and new candidates emerge in the interim. In this regard, he pointed out that deadlines for prosecutors are shorter, but greater efficiency and predictability of the processes are needed there as well.

Continuing his presentation, Veli focused on the topic of the selection, appointment, and evaluation of public prosecutors, assessing it as crucial to the credibility of the judicial system. He stressed that European standards should not be treated as a mere formal obligation, but as an essential framework to be integrated into the domestic system and institutional culture.

Regarding the election of members to the Council of Public Prosecutors, Veli noted that the new solutions envisage a transparent procedure involving relevant professional and social stakeholders, as well as a public hearing. In his view, this approach allows for greater public scrutiny and legitimacy of the process.

He also addressed the role of the Academy for Judges and Public Prosecutors as a key entry filter into the prosecutorial profession, emphasizing that retaining this model aligns with the recommendations of the European Union.

At the same time, he pointed out that the new legal solutions remove certain previous restrictions that reduced prosecutorial mobility.

In terms of promotion, Veli emphasized that a clearer system of vertical career advancement has been established, complete with precise criteria and deadlines. According to him, this contributes to greater predictability and fair treatment of candidates in their career development.

He paid special attention to the evaluation process, highlighting that the previous model, although methodologically set up, runs the risk of becoming formalistic and statistically driven. He explained that evaluation is based on the analysis of specific cases, but that further refinement is needed to ensure a genuine assessment of the quality, expertise, and complexity of the work.

Veli warned against inequalities in evaluation between prosecutor's offices handling different volumes and complexities of cases. In his view, the system should aim not only to penalize, but also to support the professional growth and advancement of prosecutors.

Regarding accountability mechanisms, he clarified that a negative evaluation can lead to an extraordinary review and, in repeated cases, to a disciplinary proceeding. Shortening the deadlines for regular evaluations, according to him, represents a positive step toward greater dynamism and oversight.

Additionally, Veli stressed that selection and evaluation cannot be viewed in isolation; rather, they must form part of a broader institutional ecosystem that encompasses legislation, budgetary support, ethical standards, and continuous training.

In conclusion, he addressed disciplinary mechanisms, noting that after considering various models, the existing hierarchical approach for deciding on appeals has been retained. Introducing new institutional solutions, in his view, would require complex constitutional amendments, which is currently not a realistic option.

His intervention concluded that the key to a functional system lies in a balanced regulation of selection, evaluation, and accountability, with a focus on practical applicability and institutional consistency.



Darko AVRAMOVSKI

Executive Director, Association
"All for a Fair Trial"

Darko Avramovski began with the observation that being the final speaker carries the challenge of avoiding repetition of previously stated views, but also provides an opportunity to offer deeper reflection. He built upon the preceding discussions, particularly the thesis that the quality of selection is a key prerequisite for the functioning of the entire system. According to him, if the initial selection is compromised, then all subsequent processes—promotion, evaluation, and disciplinary accountability—will inevitably be burdened by the same weaknesses.

In this regard, he went a step further, pointing out that the problem is not exclusively legal or institutional, but rather of a deeper structural nature. Law, as he noted, cannot be reduced to either pure science or art; instead, it represents a complex hybrid. However, in the domestic context, a technocratic approach dominates, treating the law as a mere set of rules while neglecting its value-based and human dimensions.

This reductionism, according to Avramovski, results in a tendency to solve every problem through new normative interventions—a new law, a new rulebook, or a new strategy. Instead of genuine transformation, the system produces "paper reforms" that fail to touch actual practice. In this way, an illusion of progress is created while the core issues remain unchanged.

He located the primary source of these weaknesses in the educational system. He criticized legal education—from its earliest levels to professional training—for being rooted in memorization and rote reproduction rather than critical thinking and comprehension. This model produces legal professionals who are oriented toward form rather than the substance of the law.

Consequently, a culture of reliance on authority develops, where answers are always expected "from the outside"—from the legislature, the international community, or higher institutions. This undermines individual professional responsibility and initiative among judicial office holders.

Furthermore, Avramovski highlighted a systemic tendency to shift responsibility. Instead of institutions and individuals taking ownership of their role in improving the system, they wait for external impulses to drive reform. This approach fosters passivity and delays genuine transformation.

Particularly significant is his critique of the lack of understanding regarding the substance of the law. He pointed out that the system is filled with legal professionals who possess technical knowledge of regulations, but fail to understand their purpose and implications. This leads to formalisms, template-driven decisions, and insufficiently reasoned arguments.

In practice, this manifests as over-regulation, which creates additional barriers rather than solutions. New laws frequently generate new implementation problems, further complicating the work of judges and prosecutors and reducing the system's efficiency.

Avramovski illustrated this problem through the handling of petitions, which are often reduced to a formal procedure devoid of substantive analysis. He cited examples where decisions on petitions are practically identical to the initial decisions, indicating an absence of independent review and critical evaluation.

Additionally, he raised concerns about the limited application of international legal instruments, such as the European Convention on Human Rights, which could be applied directly. Instead, institutions wait for formal statutory amendments, demonstrating a lack of legal autonomy and proactivity.

In conclusion, Avramovski asserted that genuine reform lies not in drafting new laws, but in shifting the overall approach—from mere formalism toward a substantive understanding and application of the law. He called for an educational reform and the development of a professional culture built on accountability, integrity, and critical thinking, viewing these as prerequisites for a functional and just judicial system.



Within the discussion following the second panel, the focus was placed on the new Law on the Judicial Council, with particular emphasis on its implementation, legal protection, and compliance with European standards. Participants agreed that, although the law has already been enacted, its effects cannot yet be evaluated due to a lack of practical application, underscoring the need for careful monitoring of its implementation in the coming period.

One of the key issues raised was the insufficient inclusiveness and transparency in the drafting process of the law. It was noted that the remarks of relevant organizations, including the civil sector, were not adequately considered or justified. Additionally, the absence of Judicial Council members at the discussion itself was noted, raising questions about their involvement and accountability in the reform process.

In a theoretical and practical sense, a significant debate developed around the limited scope for "creative interpretation" of laws by judges. Some participants pointed out that excessive normative detail cannot replace judicial practice and legal interpretation, which are essential for the functioning of the legal system. In this context, the issue of inconsistent and sometimes incorrect application of the case law of the European Convention on Human Rights was highlighted, particularly in sensitive areas such as freedom of expression.

A central topic in the discussion was the system of legal remedies against decisions of the Judicial Council. A comparison was made between the previous arrangement, where the Supreme Court had a limited role, and the new legal solution, which shifts competence to the administrative courts. However, participants agreed that in both models, the courts have limited jurisdiction—namely, they can only assess procedural violations, but not substantive (meritorious) aspects of decisions regarding appointment or dismissal.

The new solution, under which the Higher Administrative Court can render a final decision, was evaluated as potentially problematic, particularly due to ambiguities surrounding its real capacity to intervene in the substance of decisions. Furthermore, it was pointed out that the tight deadlines provided in the law are difficult to apply in practice and could compromise the effectiveness of the proceedings.

Special attention was devoted to the recommendations of the European Union's assessment mission, which proposed the establishment of an independent appellate body with tribunal-like characteristics. According to some participants, this solution would provide more effective and consistent legal protection. However, this recommendation was not fully integrated into the final law, leaving room for future amendments.



During the discussion, the issue of an effective legal remedy was also highlighted in the context of the obligations arising from the judgments of the European Court of Human Rights. Participants expressed doubt as to whether the current legal solution will meet these standards, particularly regarding the right of access to a court and the right to an appeal.

In conclusion, it was emphasized that despite the enactment of the law, numerous open questions remain, especially regarding legal protection and institutional setup. The discussion ended with a consensus that the reform process is ongoing and that the proposals and observations from this session will be further elaborated and submitted to the relevant institutions, aiming to improve the legal framework and its practical implementation.