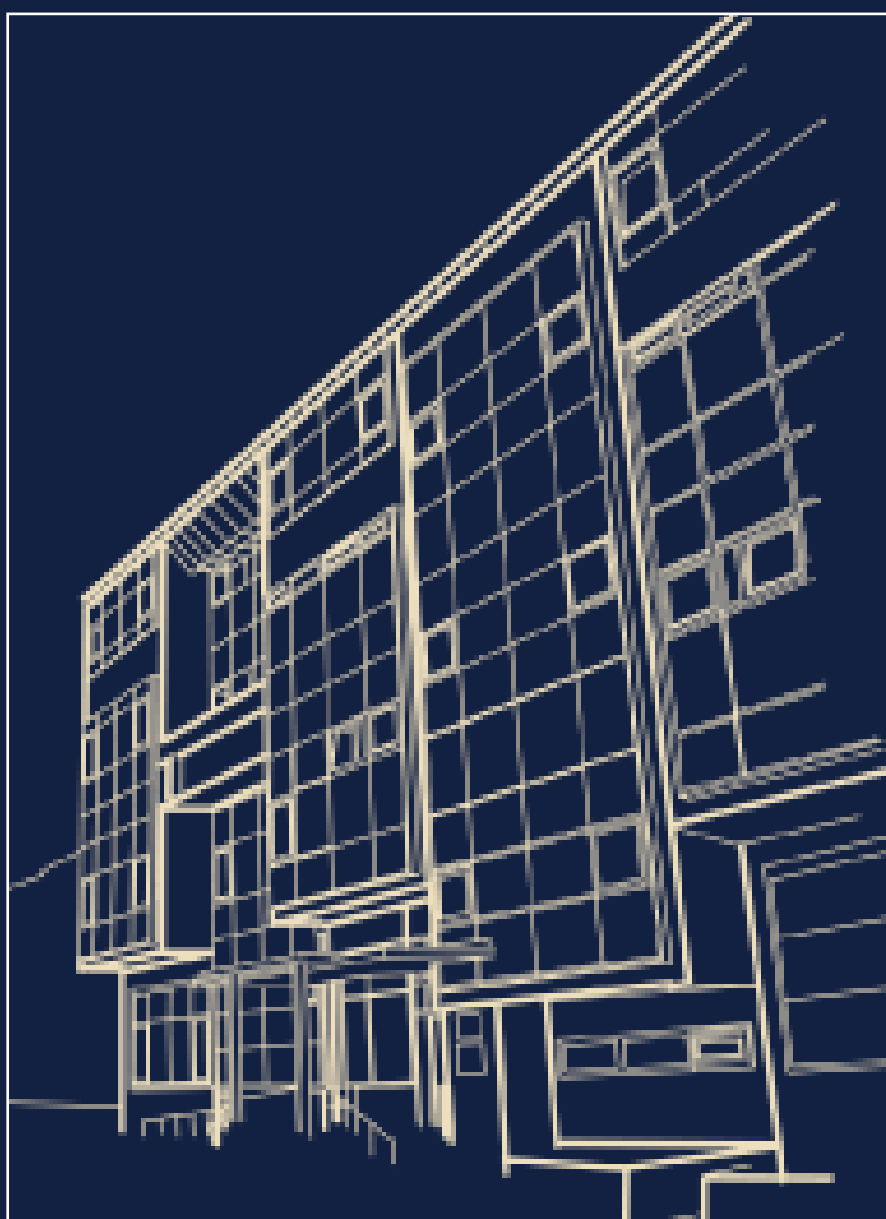


MONITORING REPORT ON

THE WORK OF THE JUDICIAL COUNCIL

August – December 2023



Funded by
the European Union



Institute for Human Rights

Title:

**MONITORING REPORT ON THE WORK OF THE JUDICIAL COUNCIL
August – December 2023**

Publisher:

Citizen Association Institute for Human Rights, Skopje

Skopje, December 2023

This publication is created with the financial support of the European Union. The content of the publication does not necessarily reflect the official views of the European Union.

CONTENTS

INTRODUCTION	4
TRANSPARENCY OF THE JUDICIAL COUNCIL	4
Voting and sound recording system	5
Public sessions of the JCRNM	5
Annual Reports on the work of the JCRNM	6
Analysis of the content of the Judicial Council announcements and media statements.....	7
Openness to the public and the media	7
EFFECTIVENESS AND EFFICIENCY OF THE JUDICIAL COUNCIL	8
Election of members of the Judicial Council from the ranks of the judges	8
Election of judges and court presidents	8
Dismissal of judges and court presidents	11
Monitoring the work of the courts	12
Decision-making on petitions from citizens and legal entities.....	12
CONCLUSIONS	14
RECOMMENDATIONS	16

INTRODUCTION

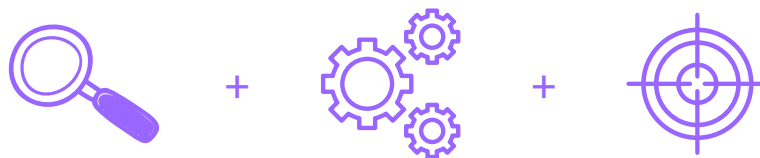


August -
December 2023

The Institute for Human Rights, by attending all open sessions, regularly monitors the work of the Judicial Council. The aim of this activity for the Institute for Human Rights is, through objective monitoring of the work of the Judicial Council, to notice the challenges and progress in the Council's work, as well as to contribute, with conclusions and recommendations based on evidence, to the improvement of the situation in the judiciary. This activity is carried out within the framework of the program "Access to justice for all" and financed by the European Union within the framework of the IPA III program for civil society and media, for the year 2021.

The monitoring report on the work of the Judicial Council of the Republic of North Macedonia (in the text: Judicial Council or JCRNM) refers to the period from August to December 2023.

This report is divided into three main parts that relate to the **transparency, effectiveness and efficiency of the Judicial Council**.



For the purposes of this report, the following sources of information were used: attendance at all open sessions of the Judicial Council, records and reports from the Judicial Council, announcements and documents presented on the website of the Judicial Council, media reports, etc.

TRANSPARENCY OF THE JUDICIAL COUNCIL



19 sessions
held

In the mentioned time period, the JCRNM has held **19 sessions**, **3 of which in two extensions**.

The publication of information about the scheduling of sessions was generally on time, but there were several times where announcements about urgent sessions could not be classified as urgent due to their content. Immediately after the end of each session, announcements about the adopted decisions and conclusions were published, but they retained the previous practice of making the announcements scarce, without specific explanations, so only those present at the public sessions could learn about them. In the next period, this practice should be overcome in order to improve the active transparency of the JCRNM.

The legal obligation to publish the records of the meetings of the JCRNM was respected and the records, which are detailed, were published after their adoption, with a slight delay. What can be ascertained about the preparation of the records is that, several times, the members reacted to the method of their preparation by the professional service and that they demanded that they be uniformed during the preparation, meaning, that the same information should not be noted in each record and not be different in its content. Despite the indications, there is still a lack of will on the part of the professional service to make the preparation of the records official. Accepted by all, the request from some members of the JCRNM, was that the listing of the voting should be part of the record. This was requested for the sake of greater transparency of the members' voting method, but, as of December, this decision of the JCRNM had not yet been implemented. Just like in the previous period, (January-July 2023) at each of the sessions where the records were adopted, the members gave remarks on certain parts, specifying their statements that they gave during the discussions on the items on the agenda, and in the direction of a more detailed interpretation of the discussions.

After April 26, 2023, when the former president of the JCRNM - Vesna Dameva was dismissed in an illegal procedure, the practice was introduced for the sessions of the JCRNM to be broadcast live by MIA. Other media are often present, as well as journalists and representatives of non-governmental organizations who report on the sessions. And in this period there is an increased interest, both for the sessions and for the actions of the JCRNM.



VOTING AND SOUND RECORDING SYSTEM

During this reporting period, the electronic sound recording and voting systems were in operation, so the members voted through the voting system, which is the regular way of voting, unless one of the members doubted the result and could request a vote by raising a hand.



PUBLIC SESSIONS OF THE JCRNM

As for the dynamics of holding sessions, on a monthly basis, there are no notable changes compared to the previous report (January-July 2023). A monthly session was always reserved for the purpose of deciding the petitions of citizens and legal entities, which is also a legal obligation.

The practice of holding collegiums before the start of the sessions continues, but there is a delay in the start of the public sessions.

During the sessions, the work of the members of the JCRNM can be characterized as quite dynamic, with the participation of all members in the discussions and debates on the items on the agenda, using the right to replying, argumentation and reasoning, with different interpretations of certain situations that were previously debated and after which conclusions were already reached or by specifying some procedures that were not sufficiently explained with law or by-law acts. But there are more intense discussions sometimes, which

gives the impression that the members convince each other whose argumentation is more legal, especially when the members had different views on previously discussed situations that were not defined with law. Separate opinions from the members are also noticed, which are published on the website of the JCRNM, and the individual responsibility of the members is declared more often at the sessions, regardless of whether it is a collective body that decides with a majority of votes. The discussions lasted for a long time and the Rules of Procedure of the JCRNM, which states how and how much each member will discuss on a certain issue, were not respected.



ANNUAL REPORTS ON THE WORK OF THE JCRNM

The annual report on the work of the JCRNM, for the year 2022, has been submitted to the Parliament within the legally stipulated period¹ and at the plenary session, held on 11.12.2023, the third reading was completed, so this document was submitted to the members of parliament for further action.

Attendance of the members, by function, at the sessions of the JCRNM

The Minister of Justice and the President of the Supreme Court of the RNM (SCRNM) are ex-officio members of the Judicial Council, but do not attend the sessions at all.

The Minister of Justice, due to the controversial and illegal dismissal of the former president Vesna Dameva, indicated that he will not attend the sessions of the JCRNM because he considers that this composition is illegitimate, but he presented his views towards the work of the JCRNM in the media through criticism of certain situations and decisions which were adopted by the Council. In response to these criticisms, the president, as well as the members, at a meeting, or through announcements, called on the minister to come and talk to them, and not to use the media to influence the JCRNM.

For years now, the Minister of Justice has not attended the sessions, but the legal obligation is still active, regardless of the fact that certain international reports recommend that these officials should not be members of the JCRNM, due to possible influences on the work of the Council.

The president of SCRNM justified her absence by being too busy. The end of 2023 will also be noted for another situation related to the tightening of relations between the president of the SCRNM and the members of the JCRNM. This resulted in a claim for her liability. This procedure was initiated by a member of the JCRNM in November 2023, after the president did not appear at the sessions for 6 months. The second basis in the request to initiate a procedure for the president's responsibility is that, in an interview, she gave a statement about the political influences of the judges in the SCRNM, and after the interview she refused a meeting with the president of the JCRNM to discuss the influences and the resolution of the situation. After the initiation of the liability procedure, at the request of the president, this procedure was opened to the public, where the grounds for liability and the defense of the president were presented. In accordance with the legal regulations, the Commission that conducted the interrogation of the parties and the evidentiary procedure, prepared and submitted a report to the JCRNM for further action. Because this procedure prohibits

¹ <https://www.sobranie.mk/detali-na-materijal.nsp?param=39a30df8-b2ac-4133-a706-915071aa5a7c>

the public, there were reactions not only from the professional public and non-governmental organizations, but also from the international community, indicating careful handling in conducting the procedure, which is characterized as illegal.

In accordance with the legal regulation, the president of the SCRNM does not have the right to vote at the sessions, but her presence means an opportunity to discuss important issues and exchange experiences that affect the work of the Judicial Council and the Supreme Court, as well as the judiciary in general.



ANALYSIS OF THE CONTENT OF THE JUDICIAL COUNCIL ANNOUNCEMENTS AND MEDIA STATEMENTS

The communication between the JCRNM and the general public can be noted as being better, as well as the communication with journalists and the media in general. In this period, several reactions of the JCRNM were observed in relation to the daily discussions surrounding the controversial dismissal of president Vesna Dameva. Through the media, a lot of attacks can be noticed by the Minister of Justice, non-governmental organizations and legal experts, but all the situations were sent by the JCRNM through reactions published on their website.

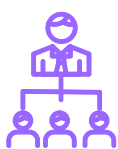
The practice of publishing notices about meetings and events attended by the president or members of the Judicial Council has also been continued.



OPENNESS TO THE PUBLIC AND THE MEDIA

During the period in which the work of the JCRNM has been monitored, a continuous interest in the work can be observed not only from the media, but also from non-governmental organizations and general clarity. Due to the events that happened during April and May, with the illegal dismissal of the former president Vesna Dameva, the EU ambassador in the RNM announced the arrival of an Evaluation Mission. This mission was present in July and September 2023. After the meetings that were held with all stakeholders, the Evaluation Mission submitted a report on the ascertained situation, which contained proposed measures and activities, divided into short-term and long-term, in a total number of 40. In some of them it is foreseen that the JCRNM will implement them by itself, emphasizing that there is a need to change the behavior in certain situations, while in some, the law must be changed in order to improve some procedures, and in some of the recommendations a change of the Constitution is required.

EFFECTIVENESS AND EFFICIENCY OF THE JUDICIAL COUNCIL



ELECTION OF MEMBERS OF THE JUDICIAL COUNCIL FROM THE RANKS OF THE JUDGES

After ascertaining the resignations of the two members from the ranks of the judges of the Judicial Council, namely the judge Mirjana Radevska Stefkova from the SCRNM, and the judge from the Skopje Court of Appeal - Zoran Gerasimovski, in July 2023 only one member of the ranks of judges was elected - the judge of the Basic Civil Court, Antoaneta Dimovska, as a representative from the appeal area of Skopje with the administrative courts.

During this reporting period, three announcements were published for the election of a member of the JCRNM from among the ranks of judges from the SCRNM, but not a single candidate was registered. The problem of the possible reasons for this lack of interest of the judges to come forward as candidates was considered at a session of the JCRNM. The first possible reason for this is the current situation in the JCRNM, meaning that the judges do not want to be part of this body, which is an expression of the mistrust that both the judges and the citizens have towards this institution. The second reason is the legal provision, according to which, in article 6 paragraph 1 indent 2 of the Law for the JCRNM says "- eight members of the Council are elected by judges from among themselves, with three of the elected members being members of communities that are not the majority in the Republic of North Macedonia, which will ensure the appropriate and fair representation of citizens belonging to all communities". The issue of voting according to the "Badenter" principle and the fair representation of smaller ethnic communities is undoubtedly a constitutional benefit, but we still believe that during the selection and promotion of judges, the only condition that should be decisive should be the quality, expertise and integrity of the candidates for judges.



ELECTION OF JUDGES AND COURT PRESIDENTS

In this reporting period, the selection of judges in the basic courts was also carried out from the remaining candidates from the Academy for Judges and Public Prosecutors (AJPP), but the long-awaited selection of judges in the Skopje Court of Appeal was also carried out. The sessions at which judges were elected, i.e. promoted, were of great interest to the public and the media, because after a long period of time, the promotion of judges in the largest court of appeals in the country was carried out based on the new way of evaluating judges, provided for by the Law for the JCRNM, from 2019. As a reminder, in July 2023, 24 judges were elected from among the candidates from the Academy for Judges and Public Prosecutors in the basic courts in the country. On September 1, 2023, they gave solemn statements, thus officially starting to perform their duties as judges in the courts in which

they were elected. However, on September 6, 2023, the JCRNM made decisions for their temporary referral to perform the judicial function in another court, for a period of one (1) year from the date of referral. This decision of the JCRNM comes from the need to cover the lack of judges in the courts throughout the country, where, despite the published announcements, the AJPP candidates did not appear. As it was stated by the members of the JCRNM, during their election they indicated to the judges that there is a possibility of being delegated, i.e. referred to another court to perform the judicial function, for which they received oral consent from the members. However, after this decision of the JCRNM, some of the temporarily referred judges filed appeals to the SCRNM, so the second-level authority made a decision to return them to the JCRNM for a re-decision, because the reasons for their temporary referral to another court were not sufficiently explained in the referral decisions. The JCRNM decided again as it did the previous time, which meant that the process of selecting judges in the basic courts from the 7th generation of AJPP candidates was completed.

At the session held on September 26, 2023, three new judges of the Basic civil court Skopje and three new judges of the Basic criminal court Skopje were elected from the remaining candidates from the seventh generation of the AJPP. After the full completion of the procedure provided for in the law and in the by-laws, the Judicial Council established a ranking of the candidates for judges for each court individually. The candidates were ranked according to the points received from the AJPP and the points based on the interview conducted by the members of the Commission from the JCRNM. At the session, the members of the Judicial Council emphasized that the points from the candidate ranking from the AJPP and the final ranking list of the JCRNM do not differ too much, which means that the candidates have proven their success before the commission that conducted the interview.

At the session held on November 15, 2023, four new judges of the Skopje Court of Appeal, from the civil area, and four judges from the criminal area were elected.

A total of 63 candidates were registered for the selection of judges in the Skopje Court of Appeal, of which 34 for the criminal and 29 for the civil area. At the session, the points that each of the candidates received individually, were referenced, both from the qualitative and quantitative assessment according to each criteria specified in the law. Based on the points obtained from the entire evaluation procedure, a ranking, which was voted on, was made. The candidate that was first in the rankings was the one with the highest number of points. According to the law, the judge who receives 8 votes from the members of the JCRNM, that have the right to vote, is considered elected. When a sufficient number of candidates required, according to the announcement, are voted for, further voting is stopped and no opportunity is given to vote for the remaining candidates and exhaust the entire ranking.

This practice was present in the JCRNM even before the adoption of the new law, being a subject to criticism due to the fact that the other candidates from the ranking were not given the opportunity to be voted. In such an action, the question arises as to whether any other candidate from the ranking can get the same, or even more, number of votes from the members of the JCRNM.

The selection of judges in the Skopje Court of Appeal, both from the criminal and civil areas, was followed by a lot of public criticism and comments. The reason for this is the selection process. Namely, the candidates were not chosen according to the order of the ranking, which was prepared in accordance with the entire procedure provided for the promotion of judges. At the session, before the voting began, some of the members of the

JCRNM gave a brief explanation as to why they would not vote for some of the judge candidates in the Court of Appeal who are ranked first, that is, the ones that are ranked higher on the list made by the commission. In this way, they justified their right not to choose the first-ranked candidates for judges, but to vote according to their conviction. It was this non-selection of the first-ranked candidates, that is, the selection of the subsequent candidates on the ranking, that led to great criticism and suspicions among the public that there are political pressures and influences involved in the case for the selection of judges in the Skopje Court of Appeal.

In previous reports of the Institute for Human Rights (IHR), there is a remark that the members of the JCRNM have the right to vote for the candidate whom they think will be the best suited for the judicial function in a higher court. But on the other hand, it bypasses and calls into question the essence of the entire assessment procedure. Namely, it is a comprehensive evaluation, during which the candidates for judges are evaluated according to strictly defined indicators and receive specific evaluations. The purpose of such evaluation is to avoid the subjective element of the evaluation made by the members of the JCRNM, in order to ensure the full application of the merit system, as well as the evaluation of the quality of the judges' work, which should be performed by their colleagues from a higher court, and thus to guarantee an independent and impartial selection of judges in a higher court.

In accordance with the law, the members of the JCRNM have the obligation to provide an explanation only for the candidates they chose as judges, that is, who they promoted. Their justifications consist of repeating the statements given by the president of the commission that is in charge of summarizing the grades and preparing the ranking. In the event that one of the members knows the specific judge, because he comes from that court or from that appellate area, then other qualities are indicated, such as integrity, moral and ethical values, conscientiousness and professionalism, but only as general platitudes.

During the selection of the first-ranked candidate, special emphasis is placed on the high scores obtained during the assessment. For the members of the JCRNM, this is an indicator of a quality candidate, proven in the performance of his duties. But when a candidate, who is not among the first-ranked, is chosen, then other attributes are pointed out that were already mentioned before in the text, and it is even mentioned that no petitions have been filed against that candidate by citizens or legal entities.

If a candidate is not elected unanimously, the judges who did not vote for him, usually refrain from commenting or just state that they think he should not be elected, without going into details and without presenting specific reasons.

The dissatisfied candidates, that is, the ones who were not selected as judges in the Skopje Court of Appeal, submitted appeals to the SCRNM, which were rejected for being unfounded. The Supreme Court of the Republic of North Macedonia determines that the Judicial Council carried out the legal procedure for the selection of judges in a higher court, that it acted in accordance with the powers arising from the provisions of the Law on the Courts and the Law on the Judicial Council, and it also acted according to the applicable by-laws and explained its decision on the selection of judges.²

In the midst of this reporting period, the Judicial Council elected 10 new court presidents, namely the Basic Court of Kumanovo, the Basic Court of Negotino, the Basic Court of Kicevo, the Basic Court of Kriva Palanka, the Basic Civil Court of Skopje, the Court of Appeal

2 Решение на Врховниот суд на Република Северна Македонија бр. УССЖИ-1/23

Skopje, the Court of Appeal Shtip, the Basic Court of Prilep, the Basic Court of Bitola and the Basic Court of Shtip. The acting presidents of the Basic Court of Krushevo, the Higher Administrative Court, the Basic Court of Veles, the Basic Court Delchevo, the Basic Court of Struga and the Basic Court of Kavadarci were also elected. Due to the lack of registered candidates in the announcements for the election of court presidents, no election was carried out in Krushevo and in the Higher Administrative Court. The procedure for the Basic Court of Veles however, was still ongoing.

In order to determine, in detail, the necessary number of judicial positions in the courts, and based on a larger number of parameters, the JCRNM has prepared an analysis of necessary judicial positions in the Supreme Court of the RNM, the Higher Administrative Court, the Court of Appeal Skopje, the Court of Appeal Bitola, the Court of Appeal Gostivar and The Court of Appeal Shtip. Based on that, decisions were made to publish announcements for the selection of judges in **The Supreme Court of the RNM** – 6 judges, 3 of which for civil matters and 3 for criminal matters; in **The Court of Appeal Skopje** – 10 judges, 6 of which for civil matters and 4 for criminal matters; in **The Court of Appeal Bitola** – 4 judges, 3 of which for civil matters and 1 for criminal matters; in **The Court of Appeal Gostivar** – two judges for civil matters; and in **The Court of Appeal Shtip** – 1 judge for civil matters.



DISMISSAL OF JUDGES AND COURT PRESIDENTS

In the period until December 2023, the Judicial Council established the termination of the judicial function due to the retirement of 15 judges, which continues the trend of a lack of judges in the basic courts and the courts of appeal. This huge problem that appeared in the judiciary, was discussed several times in sessions by the JCRNM, with the aim of finding a solution to bridge the lack of judges in all the courts in the country. Because of that there is no other way to solve this problem now, apart from filling the vacant positions through the selection of candidates from the AJPP and through the delegation from one court to another. This not only affects the promptness of the courts, but also the provision of access to justice for citizens.

During the course of 2023, the JCRNM made several decisions with which it imposed disciplinary measures based on requests to initiate a procedure to determine the responsibility of judges or the president of a court. Thus, in 2023, one (1) judge from the Basic Court of V. was effectively dismissed, to whom five (5) disciplinary measures were imposed in order to reduce the salary of judges, namely in the Basic Court of G., the Basic Court of O., the Court of Appeal Sh. and the Court of Appeal S. There were also two (2) written reprimand disciplinary measures that were issued, namely to a judge from the SCRNM and from the Basic Court of G. However, for one (1) judge from the SCRNM, the procedure for determining responsibility is being stopped.



MONITORING THE WORK OF THE COURTS

The monitoring of the work of the courts, which is carried out by the JCRNM through the review and evaluation of the quarterly and annual reports and also through court visits by commissions made up of members of the Judicial Council, is provided for in the Internal Plan for monitoring and evaluating the work of the courts, the judges and the presidents of the courts for 2023.

From the quarterly reports on the work of the courts, it can be concluded that the trend of out-of-date courts continues, and the reasons for this state are the reduced number of judges, the insufficient number of court administration, as well as the increased number of cases.

It is a common practice that, after the visits to the courts, the members of the commission that carried out the visit present the visit report at a session, highlighting the most significant findings they have reached, as well as proposing conclusions for further action, if deficiencies were identified in the operation of the courts, of some judges or court presidents. If there is a need for an extraordinary visit to a court, and the reasons for this are court cases of interest to the public or petitions from citizens or legal entities about certain inappropriate situations in the court, then a special conclusion is made stating the reasons for a certain extraordinary visit to a specific court. Thus, during this reporting period, several court visits were made, and the reports from the working visits to the Court of Appeal Shtip were presented and adopted at the session; Administrative Court of Skopje, Court of Appeal Skopje, Basic Court Kumanovo, Basic Court Strumica; The Court of Appeal Gostivar, the Basic Court Kočani, the Basic Court Kratovo, as well as the reports from the working visits of the Basic Civil Court Skopje, the Basic Criminal Court Skopje, the Court of Appeal Skopje and the Supreme Court of the RNM.

As stipulated in the law, and in accordance with the previous practice of the JCRNM, before the end of 2023, the Internal Plan for monitoring and evaluating the work of the courts, judges and presidents of the courts for 2024, as well as the Work Program of the Judicial Council of the RNM for 2024, were reviewed and adopted.



DECISION-MAKING ON PETITIONS FROM CITIZENS AND LEGAL ENTITIES

Petitions from citizens and legal entities, which are submitted to the JCRNM, and refer to the work of judges and court presidents, are regularly reviewed and resolved in compliance with the legal deadlines.

In the second half of 2023, about 180 petitions submitted by citizens and legal entities were reviewed.

The Judicial Council rejects most of the petitions as unfounded, taking into account that with these petitions, citizens, or legal entities, are requesting a change to a court decision, because they are not satisfied with it. In the majority of cases, the Judicial Council finds that the procedure in the matter can be appealed before the second-instance court, so the second-instance court will value the allegations in the petition as appeal allegations when

deciding. Since the Judicial Council does not have the authority to intervene in court decisions, nor to change them, it cannot find acting grounds for the submitted petitions.

It is also possible to notice the rejection of the petitions, and the main reason for the rejection is the lack of new facts in relation to the submitted petition, and the fact that the petition has already been considered at one of the previous sessions or because it does not contain all the data that is necessary to be reviewed.

During this period, an increased number of founded complaints has also been observed, which is commendable. This means that the petitions contain more evidence from which, during the examination, the members of the JCRNM can determine indications of a judge's negligent or unprofessional work. It is important for these petitions that, when it comes to a petition in which the judge exceeded the deadlines for action, or for announcing or making the decision, is stated by the members of the JCRNM. One of the reasons for this behavior is that this relationship is part of the criteria for evaluating judges, in accordance with the Methodology for their evaluation. In cases where the grounds that are presented in the petitions are not sufficient to initiate a procedure for the responsibility of the judge in question, the petitions based on them will be part of the judge's evaluation.

CONCLUSIONS



In the period from August to December 2023, the Judicial Council went through a lot of pressure from the public, domestic experts and non-governmental organizations, the media and international institutions due to the illegal procedure for the dismissal of the former president of the Judicial Council, Vesna Dameva. Also, certain inconsistencies were observed in the rest of the work from the jurisdiction of the Judicial Council, and all of this affected the parameters for the monitoring of its work.



Working through collegiums, where decisions are made and are scheduled immediately before a session, and the scheduling of emergency sessions that do not contain anything urgent in their content, are all part of the practices that negatively affected the transparency of the work of the Judicial Council and its reputation in the public.



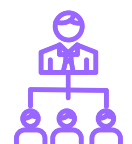
The Judicial Council regularly carried out its work in relation to the handling of petitions, the selection of judges in basic courts, working visits to courts, regular evaluation of judges, as well as control of court operations through visits and quarterly reports.



Several topics remain open in terms of effectiveness and efficiency, but also remain open about the reputation and trust between judges and the public, as well as about the inconsistent behavior of the members of the JCRNM in the consistent application and in all the condition cases in relation to the tacitly enumerated documents needed for the selection of judges and presidents of courts.



The determination of a greater number of petitions from citizens as founded is positive, because the Judicial Council can take them into account when determining indications of the negligent and unprofessional work of a judge.



During the selection of judges in a higher court, from the ranking prepared in accordance with the procedure provided for the promotion of judges, the first-ranked judges are not chosen, but the lower-ranked judges are the ones that are chosen, they are the judges for which no specific explanation was given as to why those judges do not deserve to be promoted. Although this possibility is provided by the Law on the JCRNM, precisely because of the criticisms, it is necessary to carry out a full assessment procedure, in order to respect the merit system. This undermines judges' confidence in the independence of the JCRNM, discourages judges from achieving excellent grades and applying for job postings, and forces courts to judge with a reduced number of judges. All this affects the efficiency and effectiveness of the operation of the courts and leads to inadequate access to justice for citizens.



During the selection of judges, an open question remains about the termination of further voting after a sufficient number of candidates have been selected according to the announcement, while the remaining candidates from the ranking are not given the opportunity to be voted for and achieve the same or greater number of votes. The lack of candidates in the announcements for the lower courts, which has been going on for a long period of time, affects the work of these courts and is an issue that should be taken into account when adopting strategic and legal amendments.



The trust in the Judicial Council, which is obviously at a relatively low level, should also increase among the judges themselves, as evidenced by the low interest of judges who run for a membership in the Judicial Council.



The stated situations call into question not only the transparency, effectiveness and efficiency of the work of the Judicial Council, but also the reputation of the Judicial Council as an institution, as well as the performance of regular competences, the concern for the reputation of judges and the trust of citizens towards the judiciary.

RECOMMENDATIONS

Based on the monitoring of the open sessions of the Judicial Council, reports on the Judicial Council, announcements and documents published on the website of the Judicial Council of the RNM and the media reports, the following recommendations can be made:



Legal amendments are needed in the direction that applies the recommendations of the Evaluation Mission of the EU Delegation to the RNM.



In the coming period, the Judicial Council should direct its capacities towards increasing citizens' trust in the judiciary through a proactive role and taking measures to reduce the perception of corruption in the judiciary, with increased co-operation with all institutions working in this field and with more frequent addressing to the general public.



The Judicial Council should consistently apply the results of the evaluation and the ranking when selecting judges in higher courts and should give more specific reasons as to why a judge should not be elected to a higher court.



The Judicial Council should work to increase the confidence of judges through the consistent application of legal provisions.

