

There was limited progress in the reform of the **judiciary**.

The Judicial Council and the Council of Public Prosecutors had a mixed record in securing the ***independence*** of the judiciary. Among 54 graduates from the first and second generation from the Academy for Training of Judges and Prosecutors (ATJP), 39 were recruited into the judiciary. Since September a total of 68 judges were recruited, as well as 12 new presidents of courts. Out of 26 judges recruited for higher courts 22 came from the judiciary. The principle of equitable representation is respected by both councils.

The Judicial Council made some further efforts to combat corruption and ensure ***impartiality***, dismissing 6 judges for abuse of office. Legal amendments were adopted to provide for a unified salary system for judges, prosecutors and members of the judicial council and the council of public prosecutors.

However, the role of the Minister of Justice within the Judicial Council and the Council of Public Prosecutors raises serious concerns about the interference of the executive power and political control in the work of the judiciary. Controversial dismissals and undue interference by the Minister of Justice indicate that the current system is not in compliance with European standards. The Constitutional Court abolished the rulebooks on assessment of judges' performance; on disciplinary liability of judges; and on the manner for determining unprofessional performance of office, as they were defined through implementing legislation instead of the law. Further efforts are needed to ensure that the assessment of judges' professional ability is not made primarily on the basis of quantitative criteria, such as reversal rates of judgements, but also on qualitative criteria in line with Council of Europe recommendations.

As regards ***professionalism and competence***, a new law on ATJP was enacted in July aiming inter alia to further define the criteria on selection of judges. The third intake of 17 students at the Academy for Training of Judges and Prosecutors (ATJP) completed the theoretical part of the training and started the practical part. It was determined that the fourth intake would be reduced to 9 students only, which reduces the role of the ATJP in providing the initial training of magistrates. The ATJP provided continuous training to almost 7000 participants in over 240 events.

Efforts continued to improve the ***efficiency*** of the judiciary. The 2009 budgets for the courts and for the Public Prosecutor's Office were slightly increased (by 1%). The court budgetary council enabled a higher rate of absorption of the funds allocated to the courts. Most of the basic courts maintained the trend of reducing their backlog. The council of judicial administration established a register of employees in court administration. The number of employees in the judicial administration increased slightly. The Automated Court Case Management Information System (ACCMIS) is fully implemented in all courts. The courts published nearly 34,000 decisions. The facilities of two more basic courts, and of the court of appeal in Gostivar were improved. However, the law on enforcement was amended in July, extending the deadline for transfer of over 600,000 enforcement cases from the courts to bailiffs to 2011; this has delayed reduction of the backlog in courts.

The judicial inspections by the Ministry of Justice have revealed improved results regarding general courts' performance. Regular supervisions were performed on the work of notaries and bailiffs. As a result 7 notaries were fined, and 15 disciplinary procedures were initiated against bailiffs. Inclusion of the graduates from ATJP in judiciary was delayed due to the continued absence of a comprehensive human resource management system and lack of interest from graduates to apply for positions outside Skopje and other major cities. There is no mandatory ATJP programme for magistrates recruited directly from the legal professions.

The number of enforcement agents is insufficient, leading to delays in enforcement of decisions. The law on mediation is applied infrequently, with only 12 new cases. Delayed amendments to the law on criminal procedure are hampering the full implementation of the 2007 law on the public prosecutor's office. The system of appeals to the decisions of the Administrative Court remains to be introduced. The budgetary constraints do not allow for sufficient staff in the courts and prosecutors' offices. The budget of the ATJP decreased by 2.3% compared to 2009. The Council of Public Prosecutors lacks staffing and equipment and its budget is still a part of the budget for Public Prosecutor's Office.

Overall, the backlog of cases in courts in 2009 was approximately 15% lower than in 2008. However, the four courts of appeal, the administrative court and certain major basic courts including Skopje 2, were not able to reduce their backlogs. With more than 900.000 cases pending before the courts, substantial further efforts are needed to reduce the backlogs. The Council for Judicial Reform, chaired by the Minister of Justice, has not met since May 2009. The Ministry of Justice remained understaffed including in priority departments. Further efforts are needed to establish reliable and comprehensive statistics on the implementation of judicial reform. The Public Prosecutor's Office needs access to internet and intranet.

Overall, limited progress was made in judicial reform, a key priority of the Accession partnership. Budget management was improved. The backlog of cases in courts was somewhat reduced. However, the absence of a comprehensive human resources management plan has led to the weakening of the Academy for Training of Judges and Prosecutors, as the principal source of recruitment in the judiciary. Continued efforts are needed to ensure the independence and impartiality of the judiciary through the proper functioning of the Judicial Council and the Council of Public Prosecutors. Lack of reliable and consistent data on court cases hampers a thorough assessment on the real effects of judicial reform and the definition of remedial strategies. In this area, the country is moderately advanced.