

## GOVERNANCE FOR CITIZENS

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## **Judiciary**

- Distrust in the Judiciary and High Dependence on the Executive Branch
- Shortage of Personnel in the Courts and Public Prosecution
- Insufficiently Digitized, Transparent and Accountable Judiciary
- Lack of Inclusivity and Gender Balance in the Judiciary

## **Fight Against Corruption**

- Insufficient Fight Against Corruption (Lack of Capacities and Finances for Public Prosecution to Prosecute Organized Crime and Corruption and a Lack of Focused Policies for Prevention of Corruption)
- Inadequate System of Sanctions for Violations of Rules related to Preventing Corruption and Conflicts of Interest and Failure to Implement Confiscation of Property and Asset Seizure Derived from Criminal Activities or Whose Origin Cannot Be Proven

## **Public Administration**

- Limited Progress in Public Administration Reform
- Weak Models and Weak Approaches to Governance
- Limited Freedom of Expression
- Coordination Problems Between Local/Regional and National Levels
- Insufficient Digitization of Public Services

## **Access To Justice**

- Free Access to Justice for Marginalized Groups

CHALLENGES	CAUSES	EFFECTS	SOCIETAL CHANGES – SYSTEMIC APPROACH
<p><b>Distrust in the Judiciary and High Dependence on the Executive Branch</b></p>	<ul style="list-style-type: none"> <li>- Long-term exposure to influence from the executive branch over the judiciary.</li> <li>- Political influences in the process of appointing personnel in the judiciary.</li> <li>- Inadequate enforcement of laws in the field of judiciary.</li> <li>- Failure to provide the mandatory 0.8% of GDP in any state budget since the adoption of the Law on the Court Budget in 2010.</li> <li>- Political influence through presidents of courts</li> <li>- <b><u>Lack of integrity is the main reason. Insufficiently effective system for strengthening integrity.</u></b></li> </ul>	<ul style="list-style-type: none"> <li>- Inadequate functioning of judicial institutions: the Judicial Council, the Council of Public Prosecutors</li> <li>- Huge distrust of citizens in judicial institutions</li> <li>- Underutilization of capacities and lack of significant progress in judicial institutions.</li> <li>- Rule with law, not rule of law.</li> <li>- The state does not implement 0.8% of GDP (currently 0.3%-0.4%). The budget does not meet the needs of public prosecution.</li> <li>- Financially dependent judiciary on the executive branch.</li> </ul>	<ul style="list-style-type: none"> <li>- Political consensus for a true separation of power and implementation of a system of checks and balances between authorities: a societal agreement to implement the basic postulates of the separation of power and apply them in practice.</li> <li>- Deep and substantial reforms in the judiciary that will enable the rule of law.</li> <li>- Selection of the most prominent and qualified legal professionals who are true guardians of judicial independence for the Judicial Council and Council of Public Prosecutors, which should operate independently and without political influence, be transparent and accountable and provide proper media access to their work.</li> <li>- Respect criteria established through public advertisements when selecting presidents of judicial institutions and respect objective rankings instead of political voting that bypasses the entire merit system. There should be clearly defined and measurable criteria for public competitions for managerial positions in the judiciary and promotions (based on education, professional experience and personal integrity).</li> <li>- Establishment of constant communication and coordination between the judiciary, legislative and executive branches regarding the budget in</li> </ul>

			<p>order to secure at least 1% of GDP for the judiciary.</p> <ul style="list-style-type: none"><li>- Independent budget for courts and public prosecution offices and independent planning and management of the budget, transferring funds to the Supreme Court and the Public Prosecutor's Office of the Republic of North Macedonia and further independent management of these institutions.</li><li>- Mandatory education for management and resource management, with the Academy for Judges and Public Prosecutors having a curriculum for judicial budget management.</li><li>- New ethics curricula for judges in the Academy for Judges and Public Prosecutors.</li><li>- Establishment of a "Just Culture"</li><li>- Establishment of a clear system for sanctioning those who interfere with the judiciary (mechanism for internal reporting and sanctioning); a trustworthy person - in Public Prosecution, one prosecutor dealing with influence peddling</li><li>- The Public Prosecutor's Office of the Republic of North Macedonia should not be subject to subordination (hierarchy principle to be preserved, but subordination to be abandoned) and replaced with individual accountability for prosecutors (this will be a mechanism for protection from the influence of the executive branch).</li></ul>
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			<ul style="list-style-type: none"><li>- Enabling enhanced protection for public prosecutors and judges working in the field of organized crime</li><li>- Redefinition of the system for submitting complaints to judges</li><li>- Alternative dispute resolution (mediation, probation, education for fewer lawsuits, decompression of pressure on the Public Prosecution, regulatory agencies to decide, perhaps)</li><li>- The model for the Judicial Council should be constantly under construction and a system of accountability for its members should be established, as well as for the members of the Council of Public Prosecutors</li><li>- Mechanisms for civic oversight and control, including women, men, and vulnerable groups of citizens equally, to supervise the judiciary's work and prevent political influence should be established</li><li>- The Public Prosecution should have a methodology for prioritizing cases, with cases from the State Commission for Prevention of Corruption (SCPC), financial police and auditors being on the priority list (short-term goal).</li><li>- Redefinition of deadlines for submitting expertise and other legal work to prevent loose interpretations (short-term goal)</li><li>- Redefinition of administrative judiciary and possible reintegration into the regular judicial system.</li></ul>
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**Shortage of Personnel in the Courts and Public Prosecution**

- Political influences in the process of selecting personnel in the judiciary.
- Low number of associates in the courts, especially in public prosecution offices.
- Issues in the functioning of the Academy for Judges and Public Prosecutors
- Frequent changes in the higher education system in the field of law, frequent changes in the duration of legal studies and criteria for selection in legal professions.

- Overburdened judicial authorities, especially in larger cities.
- Ineffective and lengthy court proceedings and insufficiently or inadequately reasoned rulings.
- Lack of law study programs that include theoretical education and have clear clinical programs for practical implementation of theoretical knowledge.

- Formation of a body to create policies for the selection of judges and hiring in the judicial and public prosecution service, in which both men and women will participate equally.
- Functional analysis and territorial reorganization (optimization of the court network) to produce a new judicial map
- Greater specialization of judges in civil and criminal cases
- In 20 years, the courts and public prosecution offices of the Republic of North Macedonia will have an optimal number of judges and public prosecutors. Each judge or public prosecutor will have their own office with an optimal number of associates/investigators working on case documentation and producing high-quality court records. As a result, decisions will be appropriately reasoned and the quality of justice will be high.
- The Academy for Judges and Public Prosecutors offers high-quality education to young professionals and functions without any political influence
- Law faculty curricula establish a good balance between theory and practice and students regularly undergo clinical education and work on real cases with lawyers, public prosecutors, and judges.
- Investment in training personnel working in the field of international legal cooperation.

			<ul style="list-style-type: none"> <li>- Investment in informal education that continuously trains judges, prosecutors and professional services for updates in legal proceedings, including education and information on gender-based violence cases.</li> </ul>
<p><b>Digitized, Transparent and Accountable Judiciary</b></p>	<ul style="list-style-type: none"> <li>- Small number of IT workers in the courts and public prosecution offices</li> <li>- Technical problems in creating a functional digital case distribution system and proper evaluation of judges' work.</li> <li>- Lack of strategic documents encompassing systemic activities to implement the principles of openness, transparency and accountability in the judiciary.</li> <li>- Absence of institutional procedures to ensure the application of transparency rules in the courts and public prosecution.</li> </ul> <p>Serious lack of information and lack of digitization in the Public Prosecutor's Office of the Republic of North Macedonia</p>	<ul style="list-style-type: none"> <li>- Issues in the functioning of the ACCMIS system for electronic case distribution</li> <li>- Inadequate and biased distribution of judicial cases</li> <li>- Inadequate evaluation of judges' work</li> <li>- Lack of uniformity in the content of websites of the primary courts and public prosecution, making information search difficult in all primary courts.</li> <li>- Difficulties in finding rulings posted on the websites of primary courts due to lack of information categorized by case type, field of law, case subtype or legal grounds.</li> </ul>	<ul style="list-style-type: none"> <li>- Establishment of a system to provide IT personnel in the courts and public prosecution offices in the process of digitization of the functioning of the courts and public prosecution.</li> <li>- Creation of a modern digital case distribution system in line with the principles of objectivity, transparency and impartiality in judicial work and decision-making, with clear mechanisms to prevent political influence and conflicts of interest, applied in courts and public prosecution</li> <li>- Regulation of the procedure for filing lawsuits and prohibition of submitting multiple lawsuits for one case, because by doing so, the electronic systems are misused in order to select a judge that will be responsible for a particular case.</li> <li>- Development of internal procedures to enhance communication and openness towards citizens.</li> <li>- Establishment of procedures and responsible parties to increase financial accountability of the courts and public prosecution to the public.</li> </ul>

	<p>Very low level of transparency in the Financial Police</p> <p>-</p>		<ul style="list-style-type: none"><li>- Development of a system for simplifying the content and facilitating access to all contents on the court's and public prosecution's websites for citizens, tailored to the needs and capabilities of women, men and vulnerable groups of citizens</li><li>- Legislative amendments for a special treatment of IT personnel (outsourcing)</li><li>- <u>Introduction of outreach programs</u> (to promote the roles and functions of these institutions)</li><li>- Electronic case search system and digitization in courts and public prosecution</li><li>- Careful definition of the role of artificial intelligence as a tool for verification and harmonization of judicial practices, taking into account the risks.</li></ul>
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<p><b>Inclusive and Gender-Balanced Judiciary</b></p>	<ul style="list-style-type: none"> <li>- There is a larger number of female judges compared to male judges in the courts, but when distributing cases, it is observed that female judges handle more civil cases, while male judges handle more criminal cases.</li> <li>- Certain job positions are feminized (e.g., typists), while others are masculinized (e.g., the police).</li> <li>- Inadequate application of the Law on Free Legal Aid</li> <li>- Inadequate application of laws and mechanisms for ethnic representation in the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>- Insufficient gender-balanced management in the judiciary, especially in higher courts and public prosecution.</li> <li>- Limited access to justice for marginalized and socially vulnerable groups and individuals</li> <li>- Inadequate representation of ethnic communities in certain courts, public prosecution and other judicial authorities (especially the Roma community)</li> </ul>	<ul style="list-style-type: none"> <li>- Balanced gender and ethnic representation among judges working on criminal and civil matters</li> <li>- Access to justice for all marginalized and socially vulnerable groups and individuals</li> <li>- Balanced ethnic representation in all courts, public prosecution and judicial bodies, fostering interethnic trust in the judiciary.</li> <li>- Regular collection of data on gender and ethnic representation in the courts and public prosecution.</li> <li>- Genuine integration of minority communities into the judicial sector.</li> <li>- Education of public prosecutors and judges on gender equality-related topics.</li> <li>- Achieving better dispersion of ethnic communities in all courts, not just those managed by representatives of non-majority ethnic communities</li> <li>- Courts and public prosecution to create better conditions and support, as well as provide access to justice for persons with disabilities.</li> <li>- Access to justice for persons not registered in the civil registry. Short-term goal: to have no unregistered and stateless persons within 3 years.</li> <li>- Persons working with clients should be properly evaluated</li> <li>- NGOs working with marginalized groups to become partners of judicial institutions</li> </ul>
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<p><b>Insufficient Fight Against Corruption and Lack of Capacity and Resources in the Public Prosecution for Prosecuting Organized Crime and Corruption, and a Lack of Focused Policies</b></p>	<ul style="list-style-type: none"> <li>- Long-term failure to address high-level corruption in the country</li> <li>- Slow processes of building and capacitating institutions to prevent corruption</li> <li>- Lack of effective mechanisms for separation of power</li> <li>- Insufficient operational independence of the police in their work.</li> <li>- Lack of systematic functioning of state institutions responsible for</li> </ul>	<ul style="list-style-type: none"> <li>- High corruption index in the country in international measurements based on citizens' perception</li> <li>- Lack of trust in the work of the public prosecution and judiciary in corruption cases</li> <li>- Prolonged court cases where cases often become time-barred</li> <li>- Ineffective police work in preventing corruption and eroded trust in the integrity of the police</li> </ul>	<ul style="list-style-type: none"> <li>- Strong State Commission for the Prevention of Corruption (SCPC) with human and financial resources, competencies, methodologies and tools appropriate for the proper and effective execution of its duties (short to medium-term goal)</li> <li>- After 20 years, the SCPC should not exist - the fight against corruption should be a regular activity of the judiciary (long-term goal)</li> <li>- Systematic implementation of integrity risk assessment in the central government encompassing all officials, personal advisors and external associates.</li> </ul>

<p><b>for the Prevention of Corruption</b></p>	<p>implementing anti-corruption policies</p>	<ul style="list-style-type: none"> <li>- Flourishing corrupt practices for expedited and biased decision-making</li> <li>- Insufficient level of consolidated policies for preventing corruption</li> </ul>	<ul style="list-style-type: none"> <li>- Efficient Public Prosecution for prosecuting organized crime and corruption with investigative centers and financial experts for more effective prosecution of high-level corruption cases.</li> <li>- Operational independence of the police concerning the Ministry of Internal Affairs and alignment of police duties with integrity and impartiality rules</li> <li>- Systematic and comprehensive review of corruption-prone areas accompanied by targeted measures for mitigation and control, subject to regular evaluation and impact assessment.</li> <li>- Independent budget for institutions working in the area of anti-corruption.</li> <li>- A more transparent system for the selection of public officials and public prosecutors working in the field of organized crime and corruption, involving public interviews, increased transparency and protection of the selection process of the best candidates as opposed to selection through political voting.</li> <li>- Incentives for applying for public servant positions (higher salaries and more motivational conditions)</li> <li>- Increased capacity for financial investigations and asset confiscation</li> <li>- Clearance of pending cases (backlog)</li> </ul>
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			<ul style="list-style-type: none"><li>- Increase transparency of the financial police, as it is currently at a very low level (short-term goal)</li><li>- Methodology for prioritizing findings from the State Audit Office and the State Commission for the Prevention of Corruption</li><li>- Greater focus on reports from the State Audit Office and follow-up actions by the Public Prosecutor's Office of the Republic of North Macedonia and strengthening analytical capabilities</li><li>- Strengthen international cooperation for combating and sanctioning transnational crime</li><li>- Enhanced inter-institutional coordination for investigations (poor connectivity)</li><li>- Regular review of the assets of judges and public prosecutors</li><li>- Conflict of interest is not sufficiently addressed (employment after cessation of function)</li><li>- Strong protection for whistleblowers</li><li>- Detailed procedures for the work of public prosecutors to be adopted.</li><li>- Introduction of a clear system for cooperation and joint work between the SCPC and the Public Prosecutor's Office of the Republic of North Macedonia</li></ul>
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<p><b>Inadequate System of Sanctions for Violations of Rules related to Preventing Corruption and Conflicts of Interest, and Failure to Implement Confiscation of Property and Asset Seizure Derived from Criminal Activities</b></p>	<ul style="list-style-type: none"> <li>- Lack of analysis for the practical application of the sanction system for violations of provisions related to preventing corruption and conflicts of interest</li> <li>- Insufficient measures to ensure compliance with rules for preventing corruption and conflicts of interest have been determined</li> <li>- Limited capacity for conducting financial investigations</li> <li>- Insufficient mechanisms and tools for detecting and preventing the concealment of property and proceeds acquired from illegal sources</li> </ul>	<ul style="list-style-type: none"> <li>- Absence of an established system for monitoring sanctions for non-compliance with rules for preventing corruption and conflicts of interest</li> <li>- Ineffective implementation of measures for confiscation of property and proceeds</li> <li>- Lack of strategic goals for the public prosecution and absence of a plan and strategy for the prosecution.</li> <li>- Inadequate development of the issue of conflict of interest.</li> </ul>	<ul style="list-style-type: none"> <li>- Conducting an analysis of the practical application of the sanction system concerning violations of rules/legislation on conflicts of interest, integrity and anti-corruption, ensuring that sanctions are effective, proportional and deterrent</li> <li>- Establishment of functional mechanisms that detect and prevent the concealment of property and proceeds acquired from illegal sources.</li> <li>- Implementation of effective measures for the confiscation of property when it cannot be proven that its acquisition is not from legal sources, in the interest of the public, while adhering to the provisions of the European Convention on Human Rights and fundamental freedoms and the opinions expressed in the final judgments of the European Court of Human Rights</li> <li>- Competent institutions consistently possess sufficient capacity, mechanisms and tools to detect unlawful actions and apply deterrent measures for prevention and effective fight against crime, promoting a society with zero tolerance for corruption and where crime does not pay.</li> <li>- Property vetting of politicians before entering politics and immediate checks to be allowed.</li> <li>- Consequences for those who fail to comply with legal requirements for reporting property and conflicts of interest.</li> </ul>
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<p><b>Limited Progress in Public Administration Reform</b></p>	<ul style="list-style-type: none"> <li>- The program for public financial administration has been adopted; however, the operational organization of administrative bodies and the new legal framework for human resources management have been postponed.</li> </ul>	<ul style="list-style-type: none"> <li>- There is no effective system for evaluating public servants, neither upon entry nor for promotions</li> </ul>	<ul style="list-style-type: none"> <li>- Clearly defined and measurable criteria for public competitions for managerial positions in public services, as well as for promotions (based on education, professional experience and personal integrity)</li> <li>- A merit-based system for recruitment, promotion and resolution should be established, including at higher levels of administration, taking into account gender challenges and stereotypes.</li> <li>- A more responsive and sensitized public administration towards vulnerable categories of citizens</li> <li>- Attracting qualified personnel to the public administration while simultaneously reducing overemployment</li> </ul>

<p><b>Weak Models and Weak Approaches to Governance</b></p>	<ul style="list-style-type: none"> <li>- The administration is based on a hierarchy of state servants focused on public good rather than public values.</li> <li>- Interventions are defined as large or radical changes in society, while territorially focused changes based on cases or evidence are not seen as opportunities.</li> <li>- The ability to adapt and the focus and approach to work are limited and time-consuming.</li> <li>- The administration is focused on business communities rather than on the beneficiaries or communities that co-create change.</li> <li>- The public administration has a culture of monitoring rather than supporting and enabling change.</li> <li>- Public and private governance act within their own fields instead of working towards common values - weak coordination and lack of co-creation.</li> </ul>	<ul style="list-style-type: none"> <li>- Weak inspectorates, administrations, professional services, abolished institutes and a large public administration that is without a profile</li> </ul>	<ul style="list-style-type: none"> <li>- Constitutional and legal changes aimed at ensuring change and improving the electoral model</li> <li>- Establishing ethical, responsible practices among civil servants who act as co-creators of solutions rather than distributors of public good.</li> <li>- Governance that gives voice to all stakeholders regardless of their level of investment in society to build trust through transparency and accountability.</li> <li>- Governance is based on roles, responsibilities and results for common values.</li> <li>- Improved risk management practices.</li> <li>- Governance oriented towards citizen and public results and regulated through the use of collective and public authority.</li> </ul>
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<p><b>Limited Freedom of Expression</b></p>	<ul style="list-style-type: none"> <li>- Media self-regulation should continue and produce practical results in advancing professional journalism standards.</li> <li>- Greater transparency is needed in terms of advertising by state institutions and political parties.</li> <li>- Reform of the public broadcaster is needed while preserving its independence, professional standards and financial sustainability.</li> <li>- The Council of the Agency for Audio and Audiovisual Media Services needs to be appointed. The labor rights of journalists need to be addressed.</li> </ul>	<ul style="list-style-type: none"> <li>- Dysfunctional Law on Media (lack of new members in the Agency for Audio and Audiovisual Media Services and inadequate monitoring of judicial processes)</li> <li>- Unregulated media and a weak influx of journalists</li> </ul>	<ul style="list-style-type: none"> <li>- Pluralism in the selection of members of the Agency for Audio and Audiovisual Media Services</li> <li>- Incentivizing training for new and quality personnel in the media industry.</li> <li>- Media and digital literacy for the youngest boys and girls</li> <li>- Transparency in advertising</li> <li>- The public service should establish media standards</li> <li>- Addressing the labor rights of journalists</li> </ul>
<p><b>Local/Regional Level and Coordination with the National Level</b></p>	<ul style="list-style-type: none"> <li>- Weak local and regional administration and weak relationships with the involved parties (stakeholders)</li> <li>- Poor vertical coordination and almost no synchronized and coordinated implementation of national policies at the regional and local levels</li> <li>- Inadequate capacity-building processes and lack of planned and nationally supported administration reform.</li> </ul>	<ul style="list-style-type: none"> <li>- Financial overreliance of municipalities on the central government</li> </ul>	<ul style="list-style-type: none"> <li>- Good vertical coordination requires a completely different approach from what has been used in the country so far.</li> <li>- In addition to capacity-building at the local and regional levels, extensive vertical coordination and significant time and resources need to be employed to address the specific needs of local communities</li> <li>- The public administration reform at the local and regional levels requires a specific action plan and dedicated management.</li> <li>- Increasing opportunities for local and regional authorities and communities to have</li> </ul>



	<ul style="list-style-type: none"><li>- Unclear financial sustainability of projects and transition of projects from regional and local levels</li></ul>		<p>substantial influence for their citizens/communities, including women, men and vulnerable groups of citizens.</p> <ul style="list-style-type: none"><li>- Planning policies and implementing inter-sectoral approaches together with actors from the local and regional levels</li><li>- Strong coordination at the national level is needed, coordination that can influence the territory and target groups, that is strong enough to build coordination and a strategic approach beyond sectoral approaches and capable of coordinating through representation of the Government in discussions and decision-making on the needs and priorities with social and economic partners at the regional and local levels, resulting in agreements.</li><li>- It should build and support strong institutions capable of planning and implementing policies in their territories and sectors, using their resources and ensuring that the planned policy produces the desired impact on all citizens, including women, men, and vulnerable groups of citizens.</li></ul>
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**Ensures mechanisms for implementing policies into practices, procedures, responsibilities and roles within the framework of the national economic and social infrastructure (public and societal results).**

**Ensures equal, ethical and responsible practices for all social and economic groups by promoting open and accountable processes (state and collective power).**

**Helps prevent, identify and manage risks, and provides dynamic mitigation of events that can significantly disturb society (resilience).**