

Institute for Human Rights, Skopje submission to the UN Human Rights Committee on the North Macedonia compliance with the ICCPR

I. Reporting Organization – Institute for Human Rights

Institute for Human Rights (IHR) is a non- governmental organisation working on promotion, advancement and protection of human rights and freedoms since 2009. It realizes its commitments through continuous education, research and analysis, advocacy and litigation on human rights issues in North Macedonia. IHR is prominent organization in the country on the issues of access to justice of marginalized groups and judiciary independence.

II. Introduction and issue summary

This submission will offer questions for the North Macedonia Government, findings, and recommendations based on IHR's direct work in each of these areas to be considered for the [144 session of the UN Human Rights Committee.](#)

This section highlights key concerns regarding the independence and functioning of the judiciary and the accessibility of administrative justice in North Macedonia. Drawing on the Institute for Human Rights' ongoing monitoring of the Judicial Council and Administrative Court, the findings point to persistent issues in transparency, accountability, and efficiency. Judicial appointments and promotions often lack justification, contributing to perceptions of undue political influence and eroding public trust in the Judicial Council. At the same time, systemic delays, procedural inefficiencies, and repeated annulments in administrative disputes significantly hinder access to justice, particularly for vulnerable groups. These shortcomings undermine the principles of judicial independence, legal certainty, and the right to a fair trial, as guaranteed under the ICCPR.

The report can be published on the committee website.

III. Access to justice, independence of the judiciary and fair trial (art. 2 and 14) Judicial independence and the judiciary reforms-

Based on the IHR findings from direct monitoring of the work of the Judicial council, based on our bi-annually published reports¹ we are highlighting the following issues:

-Lack of transparency and justification in judicial appointments and promotions

Despite the establishment of formal criteria for the selection and promotion of judges, the Judicial Council often fails to provide detailed justifications for its decisions, especially when deviating from established rankings. This practice undermines the merit-based system and fosters perceptions of favoritism and political influence.

¹ Monitoring report on the work of the Judicial council, IHR, 2024,
<https://www.ihr.org.mk/storage/app/media/%D0%9F%D1%80%D0%BE%D0%B5%D0%BA%D1%82%D0%B8/2024%20-%D0%9F%D0%A0%D0%98%D0%A1%D0%A2%D0%90%D0%9F%20%D0%94%D0%9E%20%D0%9F%D0%A0%D0%90%D0%92%D0%94%D0%90%20%D0%97%D0%90%20%D0%A1%D0%98%D0%A2%D0%95/en-izveshtaj-sudski-sovet-avg-dek-2024.pdf>



- Perceived undue political influence and internal conflicts

The Judicial Council has been subject to controversies suggesting undue political influence.

Although methodologies for evaluating judges' performance have been developed, their consistent and effective implementation remains questionable. The lack of comprehensive application of these evaluation tools hinders the objective assessment of judges and may affect the quality of judicial proceedings.

Public confidence in the Judicial Council is notably low. Surveys² indicate that a significant proportion of judges do not believe in the objectivity and transparency of the Council's selection and promotion processes. This erosion of trust can have detrimental effects on the judiciary's overall credibility.

Access to justice in administrative matters and social rights

The Institute for Human Rights, is conducting independent monitoring of public hearings before the Administrative Court.³ The findings revealed certain systemic barriers impacting vulnerable groups, including delays in proceedings, repeated annulments of administrative decisions, and the absence of defendant authorities at hearings. In over 30% of monitored cases, hearings were postponed due to untimely delivery of documents, and in many cases, state authorities failed to appear or adequately respond, reducing the quality and fairness of the proceedings.

It was further observed that despite the legal obligation to issue judgments within a reasonable time frame (nine months under the Law on Administrative Disputes), a number of cases from 2021 and 2022 remained unresolved as of 2024. The court often annulled administrative acts without resolving the matter on the merits, which prolonged the proceedings and resulted in repeated litigation over the same factual and legal issues.

- Despite legal provisions requiring resolution within nine months for administrative disputes, many cases from as far back as 2021 were still pending decision in 2024.

-. Over 30% of monitored hearings were postponed, mainly due to untimely or failed delivery of court documents and poor communication with parties.

- Public bodies frequently failed to appear at hearings, undermining adversarial proceedings and prolonging case resolution.

- Administrative bodies often repeated the same procedural errors or reissued the same unlawful decisions, despite prior annulments by the court, leading to repetitive litigation and undermining legal certainty.

² https://www.iri.org/wp-content/uploads/2023/07/IRI-N.Macedonia-Apr-May_2023_Poll.pdf

³ Monitoring report on the Administrative court on social rights, IHR 2024, https://www.ihr.org.mk/storage/app/media/%D0%9F%D1%80%D0%BE%D0%B5%D0%BA%D1%82%D0%B8/2024%20-%D0%9F%D0%A0%D0%98%D0%A1%D0%A2%D0%90%D0%9F%20%D0%94%D0%9E%20%D0%9F%D0%A0%D0%90%D0%92%D0%94%D0%90%20%D0%97%D0%90%20%D0%A1%D0%98%D0%A2%D0%95/Izvestaj_Ustaven_SocijalniPrava_EN_2.pdf



-Courts often opted to annul decisions rather than issue merit-based judgments, thereby deferring justice and increasing the burden on claimants.

IV. Recommended questions for the Government of North Macedonia

Judicial independence and the functioning of the Judicial Council

1. What mechanisms are in place to ensure transparency and public reasoning in decisions on judicial appointments and promotions, especially in cases where the Judicial Council deviates from candidate rankings?
2. How does the State ensure that the Judicial Council operates free from political interference and internal conflicts that may compromise judicial independence?
3. What steps have been taken to ensure the consistent application of the evaluation methodologies for judges' performance, and how are these results incorporated into decisions on promotion or disciplinary action?
4. How is the Government addressing the declining public and judicial confidence in the objectivity and independence of the Judicial Council?

Access to justice in administrative matters

5. What measures is the Government taking to address delays in the resolution of administrative disputes, including those exceeding the legally prescribed nine-month deadline?
6. How does the State ensure the presence and accountability of public authorities in administrative court proceedings, given frequent absences and poor cooperation?
7. What steps are being taken to improve the efficiency and quality of administrative court procedures, including reducing the repeated annulment of decisions and promoting merit-based judgments?
8. How does the Government plan to ensure that vulnerable or marginalized groups can effectively access justice in administrative procedures?

V. Suggested recommendations to the state party

Strengthening judicial independence and governance

1. Ensure that all decisions of the Judicial Council regarding judicial appointments and promotions are accompanied by publicly available, detailed written justifications, particularly when deviating from candidate rankings.
2. Establish safeguards to prevent political interference in the functioning of the Judicial Council, including through transparent procedures and accountability mechanisms for Council members.
3. Guarantee the consistent implementation of the judge evaluation methodologies and ensure that evaluation outcomes are directly linked to decisions on promotions, disciplinary actions, and training.



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4. Take immediate steps to rebuild public trust in the Judicial Council through transparent operations, regular public reporting, and inclusive engagement with judicial professionals and civil society.

Enhancing access to justice in administrative proceedings

5. Enforce compliance with legal deadlines for the resolution of administrative cases and adopt targeted measures to address systemic delays
6. Promote the issuance of merit-based judgments by administrative courts, rather than repeated annulments, to enhance legal certainty and prevent prolonged litigation.
7. Introduce targeted reforms to improve the responsiveness and accountability of administrative bodies, including training and sanctions for repeated issuance of unlawful or poorly reasoned decisions.
8. Ensure that the administrative justice system is accessible and responsive to the needs of vulnerable groups by providing legal aid, linguistic accessibility, and simplified procedures.

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